



**ISFED**

INTERNATIONAL SOCIETY FOR  
FAIR ELECTIONS AND DEMOCRACY

# FINAL REPORT OF MONITORING OF THE 2018 PRESIDENTIAL ELECTIONS



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# FINAL REPORT OF MONITORING OF THE 2018 PRESIDENTIAL ELECTIONS

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# Content

I	Executive Summary	4
II	About the Mission	7
III	Political Context	8
IV	The Electoral System and Legislative Changes	11
V	The Election Administration	12
VI	The State Audit Office	15
VII	Inter-Agency Commission for Free and Fair Elections	16
VIII	The Pre-Election Period	16
	Acts of Violence	17
	Intimidation/Harassment	17
	Pressure on Observer Organizations	19
	Misuse of Administrative Resources	20
	Vote Buying	21
	Discrediting Campaigns in Social Media	22
	Interference with Pre-election Campaigning	22
	Illegal Campaigning	22
IX	Media Environment	23
	The Georgian National Communications Commission	24
X	Election Day	25
	First Round of the Election	25
	The Runoff Election	27
XI	Post-Election Period and Complaints Process	31
	Shortcomings of the complaints process	32
XII	Recommendations	37
XIII	Methodology	43

## LIST OF ABBREVIATIONS

ISFED - International Society for Fair Elections and Democracy  
CEC - Central Election Commission  
USAID - United States Agency for International Development  
NED - National Endowment for Democracy  
EED - European Endowment for Democracy  
GYLA - Georgian Young Lawyers Association  
PVT - Parallel Vote Tabulation  
IACFF - Inter-Agency Commission for Free and Fair Elections

DEC - District Election Commission  
PEC - Precinct Election Commission  
NGO - Non-Government Organization  
GEL - Georgian Lari  
LTO - Long-term Observer  
STO - Short-term Observer  
SMS - Short Message Service  
SAO - State Audit Office

MP - Member of Parliament  
MIA - Ministry of Internal Affairs  
OSCE - Organization for Security and Co-operation in Europe  
ODIHR - OSCE Office for Democratic Institutions and Human Rights  
GD - Georgian Dream  
UNM - United National Movement  
GNCC - the Georgian National Communications Commission

# I. Executive Summary



The International Society for Fair Elections and Democracy (ISFED) conducted pre-election, Election Day, runoff and post-election observation of the 2018 elections of the President of Georgia nationwide, through a large-scale mission comprising of 1,030 accredited observers. This report summarizes findings of the observation mission.

The 2018 election was the last time the president was elected directly through universal election. Based on amendments made to the Constitution of Georgia in 2017, the next president will be elected without universal election, through indirect vote. In addition, as an exception, the term of office of the last directly elected president will be 6 years instead of 5.

The official election campaign began on August 28. 25 candidates registered for the presidential election, including 19 nominated by political parties and 6 nominated by initiative groups. Part of opposition parties consolidated around the *United National Movement* in the *Power is in Unity* movement nominated Grigol Vashadze as a joint presidential candidate. From the *European Georgia*, Davit Bakradze was running for presidency. Instead of nominating their own candidate, the ruling party *Georgian Dream – Democratic Georgia* endorsed an independent candidate Salome Zourabichvili. Incumbent Giorgi Margvelashvili opted not to run for reelection. In the first round of the election, none of the candidates cleared the 50% threshold, which was also confirmed by ISFED’s Parallel Vote Tabulation (PVT) results. Therefore, second round of the election was held to identify the president. The runoff took place between Salome Zourabichvili and Grigol Vashadze, who had both garnered nearly equal votes in the first round. Ahead of the second round, the *Georgian Dream* entirely took over Salome Zourabichvili’s campaign and the line between the independent candidate and the ruling party was essentially blurred.

The pre-election campaign ahead of the first round mostly proceeded against the background of mutual accusations while candidates were targeting one

another in their campaigns. During the pre-election period there was a clear trend of unprecedented and coordinated attacks on domestic observer organizations by the authorities and the ruling party officials, accompanied by smear campaign on social media. Organized discrediting campaigns against main presidential candidates and political parties through sponsored content posted by anonymous pages was a challenge in terms of the influence of social media on the electoral environment.

The pre-election period before the presidential runoff saw even higher polarization and clear negative campaigning. Aggressive rhetoric grew. The pre-election period of the runoff was marked with stark increase of allegedly politically motivated cases of intimidation and harassment. Several facts of violence and physical confrontation were identified, unlike the pre-election period of the first round.

Decision made ahead of the presidential runoff by the Government of Georgia to write off bank loans for 600,000 citizens of Georgia amounting a total of 1,5bln Georgian Lari was perceived as an unprecedented scale of vote buying. During the pre-election period before the runoff, the Government of Georgia and local authorities began to initiate a range of social and infrastructural projects on a large scale.

During the pre-election period, media environment was pluralistic but sharply polarized. Part of media was covering the presidential elections in negative light, without shying away from violation of ethics norms. Polarization was especially high during the period before the runoff. Following the first round, Imedi TV announced a transition to “the state of emergency” against the UNM and Grigol Vashadze. Rustavi 2 TV was mostly engaged in negative coverage of Salome Zourabichvili.

On the Election Day, the process of voting at electoral precincts was mostly peaceful and organized during the first and the second round of the presi-



dential election, and it was free from any significant violations. However, during both rounds, there was a trend of mobilization of party activists outside polling stations, who were tracking voters. Such actions amount to control of voters' will, which negatively affects free expression of voters' will and it may be perceived by voters as indirect pressure. This method was mostly used by the Georgian Dream (GD) activists. ISFED observers witnessed cases of campaigning by the ruling party activists and their orders to voters that had arrived at polling stations to bring supporters. At some polling stations, such methods were also used by individuals wearing badges indicating that they were accredited as observers.

During the second round, as closing of polling stations approached, ISFED found individual serious incidents, such as loss of the table list of voters, break in to a polling station by intruders attempting to steal the ballot box. During tabulation of votes, in several instances ISFED found violations related to drawing up of summary protocols and other procedural violations. After the polling stations were closed, violent incidents took place in Marneuli and Lagodekhi districts.

ISFED filed 371 complaints with PECs and DEC's in connection to violations identified during the first and the second rounds of the presidential election.

As a result of changes made in the rule of composition of the election administration in 2017, the number of election commission members at all levels of commissions was reduced by 1 compared to previous elections, while the number of the ruling party representatives in election commissions grew. A significant challenge for the election administration was the process of composition of district and precinct election commissions, which raised legitimate questions about political influences and nepotism in the process of selection of professional members. Scheduling of the election runoff for a weekday – on Wednesday created doubts about possible political influences and was heavily criticized. Handling of electoral disputes by election commissions

during the pre-election period was unsatisfactory. In most cases, administrative proceedings conducted by DEC's were superficial and pro forma. The election administration could not adequately respond to use of personal social media accounts by civil servants as a platform for illegal campaigning during work hours.

Analysis of the process of handling complaints filed on and after the Election Day of the first and the second rounds of the presidential election makes it clear that the complaints process at the election administration failed to ensure effective response to violations identified in the election and imposition of sanctions prescribed by law on responsible individuals. DEC's avoided revision of voting results



irrespective of seriousness of violation. The election administration did not satisfy any of ISFED complaints requesting invalidation of voting results, revision of results or imposition of administrative sanction for violation of law. Explanatory notes and protocols of correction drawn up by PEC members were viewed by DEC's as grounds for freeing PEC members from responsibility and elimination of violence. Complaints regarding restriction of observer rights were handled inadequately and in a biased manner. Attempt of the election administration not to grant complaints and not to impose liability on commission members that had violated the law makes filing of complaints and post-election complaints process futile.



Work of the Inter-Agency Commission for Free and Fair Elections (IACFF) went beyond the frame of constructive cooperation and instead of promoting electoral processes, it became the arena for attacking NGOs. Amidst attempts of the commission chair to discredit experienced and highly reputable observer organizations operating in Georgia, participation of observer organizations in the format of the commission became impossible.

The State Audit Office (SAO) responded to instances of illegal donations and violations of party financing rules according to its mandate. Unlike other administrative

bodies involved in the electoral process, the SAO examined ISFED complaints in a comprehensive manner and in most cases, it applied to court requesting imposition of a fine on subjects that had violated the law. The SAO activities did not contain any elements of political bias. However, the office was not sufficiently effective because of protracted decisions on violations. As a result, in most cases, sanctions that were imposed were ineffective for timely elimination or prevention of violations.

Certain decisions made by the Georgian National Communications Commission (GNCC) called objectivity and impartiality of the commission into question. During the pre-election campaign, the GNCC was not open to criticism and its chair was aggressive toward observer organizations.

As a result of comprehensive monitoring of the 2018 presidential election of Georgia and analysis of long-term challenges of the electoral environment, ISFED prepared 42 recommendations for different election stakeholders, with the aim of improving electoral processes. The recommendations are provided in this report.





## II. About the Mission



The present report summarizes results of monitoring the 2018 presidential election of Georgia by the International Society for Free Elections and Democracy. ISFED conducted pre-election, Election Day and post-election monitoring for the 2018 presidential election nationwide. It observed the first round of the presidential election on October 28 and the runoff on November 28.

The **monitoring of the pre-election period** of the first round of the presidential election lasted three months, from August 1 to October 27, and was carried out in all electoral districts of Georgia (apart from the occupied territories) through ISFED's **68 long-term observers**. ISFED published three interim reports of the pre-election monitoring. The organization also monitored the pre-election period of the second round and published subsequent evaluation.

ISFED monitored the Election Day for the first and the second round of the presidential election in all 73 electoral districts of Georgia, and it used the parallel vote tabulation (PVT) methodology<sup>1</sup> to observe the process of counting of votes.

**On October 28, at the first round of the election**, ISFED observation mission comprised of **800** PEC and **73** DEC observers and **78** mobile groups. ISFED observers were also present at 8 electoral precincts opened abroad. Data analysis and incidents centers comprising of **15** operators and **10** lawyers operated at the central office on the Election Day.

On November 28, ISFED observed **the second round** of the election through **651** PEC and **73** DEC observers and **78** mobile groups. On the Election Day, ISFED observers were also present at 12 polling stations opened abroad. Data analysis and incidents centers comprising of **15** operators and **10** lawyers operated at the central office on the Election Day.

ISFED monitored the post-election period, for the first and the second round of the election, through 68 observers and lawyers. The organization observed activities of the election administration, complaints process at DEC and the process of tabulation of results.

Based on the analysis of shortcomings identified by the monitoring, ISFED prepared recommendations for improving the electoral legislation and environment. Results of election monitoring as well as subsequent recommendations are outlined in this report.

Carrying out the monitoring mission of the International Society for Fair Elections and Democracy for the 2018 presidential election was made possible through funding of the United States Agency for International Development (USAID) and the National Endowment for Democracy (NED). The mission was also supported by the Federal Foreign Office of Germany. Monitoring of the second round was made possible with financial support of the Royal Norwegian Embassy, the European Endowment for Democracy (EED) and the United Kingdom of Great Britain and Ireland. Views expressed in this report belong solely to ISFED and do not necessarily reflect position of the donor organizations and governments.



<sup>1</sup>The Parallel Vote Tabulation (PVT) methodology enables ISFED to timely detect violations, evaluate the entire Election Day process and verify the accuracy of the official election results. PVT uses statistical methodology and Information and Communication Technology (ICT). It provides accurate and timely information about voting process and counting of votes. PVT is the only methodology that independently verifies accuracy of official data announced by the CEC.



### III. Political Context



The 2018 presidential election ended the three-year electoral cycle in Georgia. The 2016 parliamentary elections and the 2017 local self-government elections were marked by the trend of consolidation of power by the ruling party. After gaining constitutional majority in the parliamentary elections, the self-government elections granted the Georgian Dream majority in nearly all Sakrebulo and its candidates won all but two mayoral races nationwide. In 2017, through the efforts of the constitutional majority of the Georgian Dream, the Constitution of Georgia was amended and approved by the ruling party unilaterally, without a broad consensus.

Despite concentration of power, there were certain noticeable rearrangements within the ruling party and important government reshuffle during the year of the presidential election. On May 11, former PM Bidzina Ivanishvili was elected as the chair of the Georgian Dream – Democratic Georgia.<sup>1</sup> Before Bidzina Ivanishvili's formal comeback to politics, media was actively reporting about severe difference of opinion on a number of issues among certain groups within the ruling party.

A month after Ivanishvili was elected as the GD chair, due to a disagreement with him, on June 13, PM Giorgi Kvirikashvili resigned<sup>2</sup>. Then Minister of Finance Mamuka Bakhtadze was named as his replacement.<sup>3</sup> The new PM presented the new cabinet for Parliament's approval in mid-July. Number of ministries in the renewed composition of the government was reduced from 14 to 12.

Growing public discontent with the government was evident throughout 2018. The changes in the ruling party and the government were coincided with large-scale protest rallies in Tbilisi. The first wave of protest was launched following a large-scale special

operation carried out by the Ministry of Internal Affairs at night on May 12, in a nightclub in Tbilisi, for alleged identification of drug dealers. Two-day protest rallies ensued after the dispersal of the rally outside Basiani Club which itself followed the special operation and storming of the nightclubs by Special Forces. Participants of the rally protested police overreach and restriction of free expression.

Ineffectiveness of investigation into the brutal murder of two minors at Khorava Street on December 1, 2017 was followed by a wave of protest rallies. Decision<sup>5</sup> made by court on May 31 on this case further reinforced suspicion that the investigation was flawed and not all participants of the bloody fight had been prosecuted. This also included suspicions that a high-level official of the prosecution service illegally influenced the course of the case, in an attempt to protect key suspects. Chief Prosecutor Irakli Shotadze resigned amid protest, the Public Defender of Georgia was allowed to access the case materials and the Parliament of Georgia created an investigative commission that completed its work in early September.<sup>6</sup>

Despite a number of shortcomings identified by the investigative commission, no significant steps have been taken to investigate the Khorava murders. Protest rallies outside of Parliament building in Tbilisi were renewed by the father of the minor murdered on Khorava Street, Zaza Saralidze, together with the father of a young man that died as a result of a special operation held in Pankisi Gorge in late 2017, Malkhaz Machalishvili. The permanent rallies continued during and after the election period.

<sup>1</sup>Bidzina Ivanishvili elected as the GD Chair, Radio Tavisupleba, 11 May 2018: <https://www.radiotavisupleba.ge/a/29221479.html>

<sup>2</sup>PM Kvirikashvili resigned, Batumelebi, 13 June 2018: <http://batumelebi.netgazeti.ge/news/141478/>

<sup>3</sup>Mamuka Bakhtadze nominated as PM, Ajara TV, 14 June 2018: <http://ajaratv.ge/news/ge/30500/premier-ministris-kandidatad.html>

<sup>4</sup>Court found the defendant in willful murder of Davit Saralidze at Khorava Street not guilty, Liberali, 31 May 2018: <https://bit.ly/2E1QyGi>

<sup>5</sup>Findings and recommendations of the ad-hoc parliamentary commission for examining the murder of two young men as a result of crime that occurred at Khorava Street in Tbilisi on 1 December 2017, 5 September 2018: <https://bit.ly/2V5Pubt>

<sup>6</sup>Salome Zourabichvili is a presidential candidate, Netgazeti, 6 August 2018: <http://netgazeti.ge/news/296983/>

<sup>7</sup>Exclusive interview with Bidzina Ivanishvili, TV program Aktualuri Tema, Channel 1, 24 July 2018: <http://bit.ly/2IR9vRZ>



Incumbent Giorgi Margvelashvili opted not to run for reelection. From other political parties, the following politicians nominated themselves for the presidential post – Chair of the Labor Party Shalva Natelashvili, Leader of the Development Movement Davit Usupashvili, Founder of Girchi Movement Zurab Japaridze. The Alliance of Patriots of Georgia did not have a presidential candidate. A total of 25 candidates registered for the presidential election, including 19 nominated by political parties and 6 by initiative groups.

Statements made by Salome Zourabichvili in early August, on the tenth anniversary of the Russian-Georgian War, blaming the Georgian side for starting the hostilities were severely criticized.<sup>10</sup> Salome Zourabichvili expressed controversial positions about the August 2008 many times during the period of the presidential election, followed by severe political criticism. The statement about Georgia

The date of the presidential election became known on August 1, while the official electoral campaign began on August 28, however major parties had already nominated their candidates. The United National Movement together with some other opposition parties created the movement Power is in Unity, which nominated former Foreign Minister Grigol Vashadze as a presidential candidate. On July 22, Davit Bakradze was nominated as a presidential candidate of the European Georgia.

On August 6, majoritarian MP of Mtatsminda District Salome Zourabichvili expressed her desire to run in the election as a presidential candidate.<sup>7</sup> It was reported from the very beginning that the GD was going to endorse her. Before that, on July 24, Bidzina Ivanishvili announced on the Public Broadcaster that the party would probably endorse any of the independent candidates or it would completely detach itself from the presidential election.<sup>8</sup> In early September, the GD officially confirmed rumors about endorsement of Salome Zourabichvili by the ruling party.<sup>9</sup>



<sup>7</sup>Salome Zourabichvili is a presidential candidate, Netgazeti, 6 August 2018: <http://netgazeti.ge/news/296983/>

<sup>8</sup>Exclusive interview with Bidzina Ivanishvili, TV program Aktualuri Tema, Channel 1, 24 July 2018: <http://bit.ly/2IR9vRZ>

<sup>9</sup>Georgian Dream to endorse Salome Zourabichvili in presidential election, Netgazeti, 9 September 2018: <http://netgazeti.ge/news/302996/>

<sup>10</sup>Salome Zourabichvili on the August War: Georgia started this part of hostilities, 6 August 2018: <http://netgazeti.ge/news/297043/>



starting the hostilities triggered protest in certain groups of the society.<sup>11</sup> Difference of opinion about the issue greatly contributed to polarization at the presidential election.

In the first round of the election, none of the candidates cleared the 50% threshold, which was also confirmed by ISFED's parallel vote tabulation (PVT) results. Second round of the election needed to be held to identify the president. The runoff took place between Salome Zourabichvili and Grigol Vashadze, who had garnered nearly equal votes in the first round. For the second round, Grigol Vashadze's candidacy was endorsed by the European Georgia and the Republican Party of Georgia. Salome Zourabichvili was endorsed by the Alliance of Patriots of Georgia.

The second round turned out to be unexpected for the Georgian Dream. The Chair of the party assessed possible victory of the UNM candidate as a "calamity".<sup>12</sup> For the second round, Chair of Parliament Irakli Kobakhidze assumed leadership of Salome Zourabichvili's campaign nationwide, while in Tbilisi her campaign was led by Tbilisi Mayor Kakha Kaladze<sup>13</sup>. As a result, before the second round, line between independent candidate Salome Zourabichvili and the ruling party completely disappeared.

Following the first round, polarization grew significantly. Individual representatives of the ruling party made alarming statements and predictions about possible civil war and destabilization if the opposition candidate won, while representatives of the UNM claimed that Grigol Vashadze's victory in the second round would be the end of the GD government.



<sup>11</sup>Civil protest – citizens are transferring 30 tetris to Salome Zourabichvili's account, Radio Tavisupleba, 14 September 2018: <https://www.radiotavisupleba.ge/a/29490134.html>

<sup>12</sup>Bidzina Ivanishvili addresses supporters and the heart-broken, Radio Tavisupleba, 5 November 2018: <https://www.radiotavisupleba.ge/a/29583068.html>

<sup>13</sup>Irakli Kobakhidze to lead Salome Zourabichvili's campaign office for the runoff, Netgazeti, 1 November 2018: <http://netgazeti.ge/news/316411/>

## IV. The Electoral System and Legislative Changes

2018 presidential election was the last time the president was elected through direct and universal elections. As a result of amendments made in the Constitution of Georgia in 2017, next president will be elected without universal elections, through indirect vote.<sup>14</sup> In addition, as an exception, the term of office of the last directly elected president was defined as 6 years instead of 5.

Before the pre-election campaign of the presidential election began, a number of changes were made in the Election Code.<sup>15</sup> Some changes were initiated by the election administration, others by the legal committee of the Georgian Parliament. The latter entailed changes initiated as a result of adoption of the new Constitution of Georgia. Further, under the initiative of the Government of Georgia, changes were made concerning voter addresses, registration of voters residing abroad and for revising names of ministries.

The package of legislative changes initiated by the election administration concerned three organic laws – the Election Code of Georgia, the law on Political Association of Citizens and the Local Self- Government Code. According to the CEC, adoption of new regulations had to do with improving norms of the Election Code, eliminating flaws and simplifying certain electoral procedures. However, initial version of the legislative package introduced by the CEC contained certain controversial issues that ISFED and its partner organizations found unacceptable, and so the observer organizations prepared a joint opinion about the proposed legislation and submitted it to the election administration and Parliament. To participate in discussions about the proposed legislation and express their opinions, the three organizations attended the meetings at the parliamentary legal committee. The committee took into account some opinions submitted by NGOs.

Based on the final package of amendments approved by Parliament on July 21, the following changes were made in the Election Code:

- The term of effect of disciplinary liability was established and it was determined that it is allowed to lift disciplinary liability prematurely. Observer organizations did not agree with this new regulation.
- It was determined that people who were dismissed from office by an election commission or court or were found guilty of an administrative offence for violating electoral legislation are prohibited from holding the office of a commission member for 4 years instead of 8.
- It was determined that it is mandatory to report any violation committed during tabulation of votes or summarization of voting results on Election Day to the PEC first and/or the PEC chair and if no further actions are taken or the violation is not eliminated, a complaint can be filed with the DEC. According to ISFED, it is inadvisable to have the mandatory rule of reporting violations committed during the said procedures to a precinct commission first, because in most cases PECs do not have the mandate to discuss these complaints and such complaints are filed only for the sake of form.
- In response to the trend of extracting data from voter lists, as identified during the 2017 local self-government elections, photo and video recording or any other processing of information that does not fall under the category of public information became prohibited, unless when processing or recording is provided for in the Election Code.
- The term “votes cast in election/referendum” was included under the definition of terms in the Election Code. More specifically, number of votes cast in election/referendum is determined by the sum of valid ballots in ballot box(es) and it does not include votes cast through ballots recognized as invalid.

<sup>14</sup>Constitution of Georgia, art. 50: <https://matsne.gov.ge/ka/document/view/30346>

<sup>15</sup>See draft laws: <http://bit.ly/2TgPokM>; <http://bit.ly/2EMtE7I>; <http://bit.ly/2XCOQo3>; <http://bit.ly/2TdHrg5>.

<sup>16</sup>Georgian Young Lawyers' Association and Transparency International - Georgia

<sup>17</sup>Opinion on pending amendments to the organic law of Georgia – the Election Code of Georgia, ISFED, 28 May 2018: <http://isfed.ge/main/1384/eng/>





- The timeframe for starting electoral measures and procedures for election/referendum was revised.
- It was determined that withdrawal of candidacy in the second round of presidential elections is prohibited. Observer organizations had a different opinion about this. Even though the admissibility of withdrawal of candidacy from a second round was also among the recommendations of OSCE/ODIHR, Parliament did not accept any arguments in this regard.



## V. The Election Administration

The 2018 presidential election was the first general election following changes made in the rule of composition of election commissions, which came into force immediately after the self-government elections in 2017. As a result of amendments to the Election Code, number of commission members at all levels was reduced from 13 to 12, at the expense of reducing the number of party-appointed commission members from 7 to 6. Under the new regulation, only parties that cleared the threshold in the parliamentary elections were allowed to appoint members, in proportion to votes that they garnered. As a result, number of parties represented in the election administration was reduced from 7 to 4 and at the expense of reducing the number of commission members appointed by opposition parties, the number of commission members appointed by the ruling party increased.<sup>18</sup> The amendments worsened the rule of composition of the election administration, which does not strengthen public trust toward the election administration.

Composition of district and precinct commissions continued to be a challenge for the election administration, which created legitimate suspicions that the process was subject to political influences and nepotism. The CEC held a

competition for selection of temporary members of DEC in a tight timeframe. It selected 72 candidates from 173 within 24 hours after the competition ended, and without interviews, which does not ensure adequate evaluation of qualification and competencies of candidates and calls objectivity, transparency and legitimacy of decisions into question. Based on the analysis, ISFED found that in 14 districts the CEC chose relatives of officials of the election administration or other public officials, and in 7 districts it selected GD activists.<sup>19</sup> Selection of party activists as professional members of election commissions violated the principle of political neutrality of the election administration and created questions about impartiality of the election commission.

Similar to previous years, the process of selection of professional members of PECs by DEC was problematic. The election administration still did not demonstrate the will to promote transparency and high level of credibility of the process of composition of PECs with its own practice. Although demanded by members appointed by opposition parties, DEC did not support the proposals of interviewing PEC membership candidates, stating template responses that they were not obligated to hold interviews under the Election Code or any other act. Nevertheless, DEC

<sup>18</sup>See: final report of local self-government elections by ISFED: <http://www.isfed.ge/main/1355/eng/>

<sup>19</sup>See the first interim report of monitoring the pre-election campaign by ISFED: <http://www.isfed.ge/main/1409/eng/>



members appointed by the UNM and by the European Georgia were allowed to hold interviews with candidates independently, but majority of PEC membership candidates did not appear for the interview. ISFED found out that in some districts PEC membership candidates received calls from local authorities and the GD representatives, urging them not to participate in interviews.<sup>20</sup> DEC members appointed by the UNM and by the European Georgia did not participate in DEC meetings for selection of professional members of PECs. At 25 districts, commission members that attended these meetings made decisions based on pre-made lists,<sup>21</sup> stating that it was a draft list of candidates that they prepared after short-listing applications.

The election administration still did not adequately respond to the use of personal social media accounts by civil servants as a platform for illegal campaigning during work hours. In recent years, despite growing impact of social networking sites on electoral campaign, according to the practice of the election administration, election commissions did not respond to campaigning through social media, which violates the spirit of the Election Code that offers broad definition of the notion of campaigning. Ahead of the 2018 presidential election, as a result of persistent demands made by ISFED, GYLA and Transparency International – Georgia, the CEC party reflected campaigning using personal social media accounts in the memorandum<sup>22</sup> on use of administrative resources. The CEC defined that campaigning by civil servants during work hours using social media was illegal only when administrative resources and in particular, means of communication funded from the budget were used (para.1”b” of art.48 of the Election Code) and it did not include social networks in the definition of prohibition of campaigning during work hours by civil servants (para.4”h” of art.45 and para.1”c” of art.49 of the Election Code). Consequently, while examining complaints filed in

connection to campaigning by civil servants during work hours using social media, election commissions not only narrowly interpreted the notion of campaigning provided in the Election Code but they also relied on statements of civil servants only in the decision-making process and failed to examine factual circumstances provided in a complaint in a comprehensive manner. Clearly, the election administration fails to comprehensively understand and respond to the increasing impact of illegal campaigning using social media on the electoral process.

Handling of electoral disputes during the pre-election period by election commissions was generally unsatisfactory. In most cases, the commission as an administrative body failed to examine factual circumstances, as a result of which administrative proceedings conducted by district commissions were superficial and formal. Verification of reports of possible violation was limited to consideration of positions of potential perpetrators and during decision-making commissions relied solely on their statements. Often persons responsible for drawing up protocols of violation refused to draw up protocols of administrative offence and these decisions were ill-founded from legal perspective.

Decision of the CEC to hold the presidential runoff on a weekday (on Wednesday) created suspicions about possible political influences and was heavily criticized. The decision contradicted the spirit of the Election Code, according to which the first round of the presidential election should be held on a non-work day. In addition, the CEC decision restricted the constitutional right to vote for Georgian citizens residing abroad. Holding the election on a weekday created an obstacle for participation of voters residing abroad since November 28 would have been a workday for them. To partially reduce the damage, in violation of the Election Code, the CEC acted beyond the scope of its powers and extended

<sup>20</sup>See the first interim report of monitoring the pre-election campaign by ISFED: <http://www.isfed.ge/main/1409/eng/>

ibid

<sup>21</sup>Kaspi, Lagodekhi, Lanchkhuti, Nadzaladevi, Ozurgeti, Sagarejo, Samtredia, Signaghi, Tkibuli, Kutaisi, Kvareli, Khashuri, Khelvachauri, Khulo, Akhmeta, Batumi, Gori, Gurjaani, Dedoplistskaro, Dmanisi, Zestaponi, Zugdidi, Tetritskaro, Telavi, Isani.

<sup>22</sup>According to the recent tradition, the memorandum on use of administrative resources is signed between the CEC, the IACFF and observer organizations. The purpose of the memorandum is to agree on uniform guiding definitions of norms that regulate campaigning and use of administrative resources, provided in articles 45, 48 and 49 of the Election Code of Georgia.



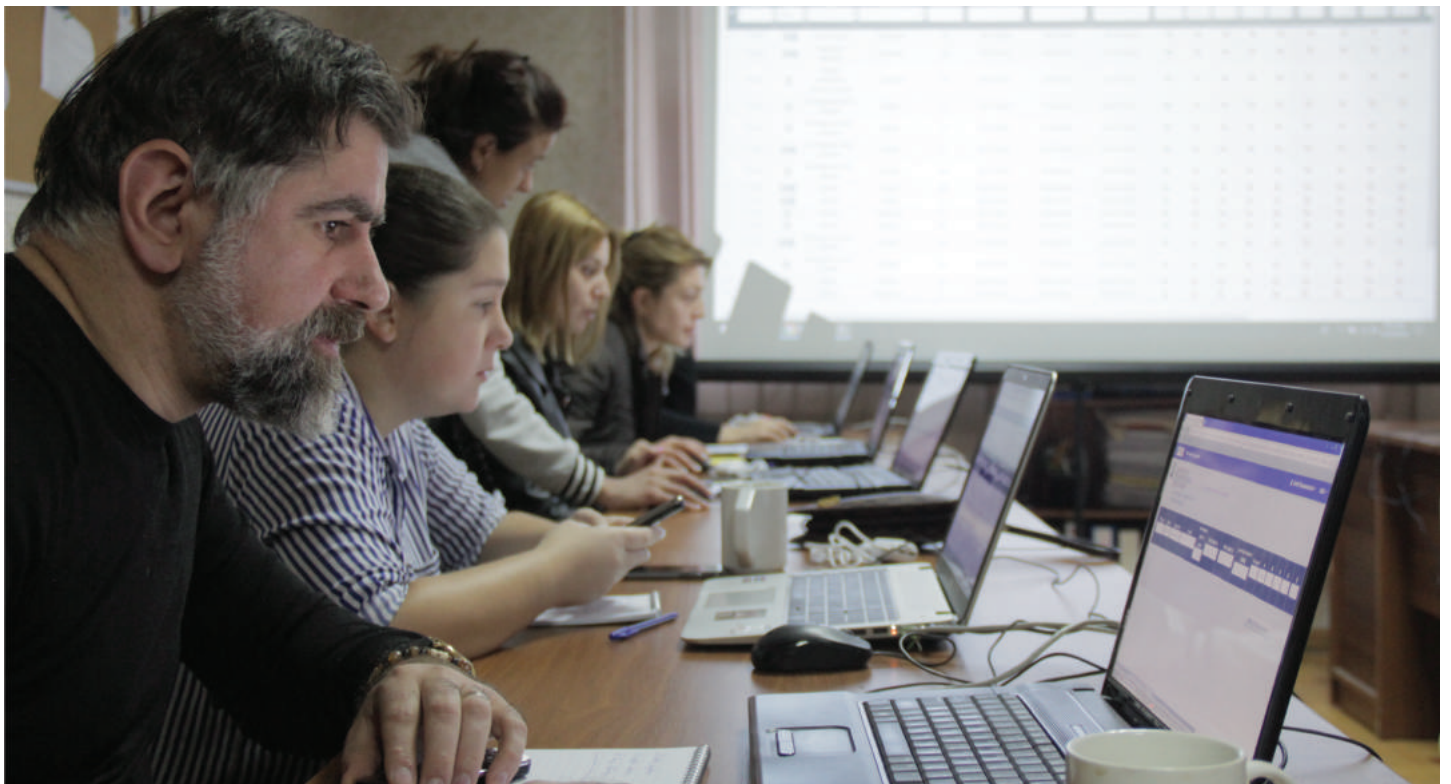


voting time until 24:00 at polling stations created abroad. The Election Code imperatively stipulates that polling stations should close at 20:00 and the legislation does not recognize any exclusion, except when the voting process is extended for a small period of time, in order to allow voters already standing in the line by 20:00 to cast their ballots.<sup>23</sup> In addition to voters residing abroad, holding of the election on a weekday also created problems for voters who live away from their place of registration as a result of internal migration.

Before the runoff date was announced by the CEC, November 28 was mentioned as the date of the elections by Tbilisi Mayor Kakha Kaladze. Before that, two speakers at the meeting held in Telavi by a public movement in support of Salome Zourabichvili announced that the runoff would be held on

November 28. These facts could possibly indicate that the ruling party and its supporters knew about the runoff date before the CEC officially made the decision.

Information reported by Rustavi 2 TV following the second round, concerning possible election fraud at a number of polling stations was alarming. According to video footage released by Rustavi 2 TV on December 15, PEC members at several electoral precincts in Dmanisi, Senaki, Marneuli and Bolnisi were possibly making fraudulent signatures on voter lists and stuffing ballot boxes, which is punishable under the Criminal Code of Georgia.<sup>24</sup> Possible participation of PEC members in such crimes significantly damages trust toward the election administration and election processes.



<sup>23</sup>The presidential runoff should be scheduled on a non-work day, 14 November 2018: <http://www.isfed.ge/main/1444/eng/>

<sup>24</sup>Investigation into the possible facts of election fraud should be immediately launched, 14 November 2018: <http://www.isfed.ge/main/1463/eng/>



## VI. The State Audit Office

The State Audit Office reacted to illegal donations and violations of party financing rules according to its mandate. Unlike other administrative bodies involved in the electoral process, the SAO comprehensively examined complaints of ISFED and in most cases, it applied to court for imposition of fine on subjects that violated the law. SAO activities did not show signs of political bias. However, the office was not sufficiently effective because of protracted decisions on violations. As a result, sanctions that were imposed failed to fulfill the function of timely elimination or prevention of violations.

The SAO was open and available for business and professional cooperation with observer organizations, which distinguished this institution from other administrative bodies involved in the election process.

At the presidential election, significant imbalance among donations received by electoral subjects was still evident, which undermined equal and competitive electoral environment in terms of financing of parties and candidates. From August 1 through December 14, 81.6% of total donations received by electoral subjects was received by the presidential candidate endorsed by the ruling party, Salome Zourabichvili.<sup>25</sup>

Sponsored discrediting campaigns on social media remains beyond the SAO regulation. Sponsored discrediting content targeting individual candidates amounts to campaigning for election purposes and is illegal donation. This allows interested persons to influence public attitudes and election process using financial resources of unidentified origin, which undermines development of democratic processes.

Based on ISFED complaint the SAO determined as illegal donations the expenses made in favor of Salome Zourabichvili by movements that became active right before the runoff – ‘No to Nazism’ and ‘I Defend Freedom’ – and prepared three protocols of

To this end, they used relevant financial resources and provided services.

During the election period it became known that suspicious donations were made in favor of Salome Zourabichvili. From September 12 through October 2, the candidate endorsed by the Georgian Dream received tens of thousands of Georgian Lari (GEL) of donations from medical personnel and management of Chachava and Ghudushauri clinics.<sup>26</sup> One of the doctors that made a donation in favor of Salome Zourabichvili published a post on Facebook saying that he was not going to vote for Salome Zourabichvili, which created suspicions about origin of 20,000 GEL that he donated. According to Rustavi 2 TV, bank accounts of some doctors of Chachava Clinic were used for making transfers and they did not make donations based on their own will.<sup>27</sup>

Using the so-called “technical candidates” to provide benefits afforded by the electoral legislation for qualified parties to major presidential candidates also showed signs of illegal donations. Qualified parties in the united opposition movement Power is in Unity had registered 5 presidential candidates, four of which did not have a declared interest of winning the election. Instead, they aimed to support the UNM candidate Grigol Vashadze, including by using airtime allocated for qualified subjects. Presidential candidate of the European Georgia, Davit Bakradze was enjoyed support of a “technical candidate”. Airtime meant for the candidate registered by Industry Will Save Georgia was used for campaigning in favor of Salome Zourabichvili.<sup>28</sup> Even though Georgian legislation prohibits parties from making a donation in favor of another party, the SAO did not determine these cases to be violation of law.

<sup>25</sup>Second interim report of monitoring financial activities of the 2018 presidential election, the State Audit Office, 18 January 2019: <https://bit.ly/2E3Zg7h>

<sup>26</sup>SAO 2018 election declarations: <https://bit.ly/2GRn9lt>

<sup>27</sup>Rustavi 2 report on donations made by doctors of Chachava Clinic, 8 October 2018: <https://bit.ly/2DRDbZo>

<sup>28</sup>2018 presidential election – second interim report of the pre-election monitoring, ISFED, p.15, 8 October 2018: <http://www.isfed.ge/main/1421/eng/>

## VII. Inter-Agency Commission for Free and Fair Elections

The Inter-Agency Commission for Free and Fair Elections went beyond the frame of constructive cooperation and instead of promoting electoral processes, it became the arena for attacking NGOs. During a meeting on August 24, Chair of the Commission Thea Tsulukiani attacked the Georgian Young Lawyers' Association and accused it of not having a methodology. She leveled unfounded accusations against representative of the organization.<sup>29</sup> This was preceded by publishing of a report on the process of selection of DEC members by GYLA.

Amidst attempts of the IACFF chair to discredit experienced and highly reputable observer organizations operating in Georgia, participation of observer

organizations in the work of the commission became futile. Its mandate, goal and objectives, as well as submission of applications and the format and procedures of consideration of issues became ambiguous. In addition, the law still does not regulate mechanisms for the commission to respond to and prevent electoral violations. Irrespective of ISFED recommendation, system for implementing and monitoring recommendations issued by the commission does not exist, which calls effectiveness of its work into question.

## VIII. The Pre-Election Period

The President of Georgia called the presidential election on August 1, however electoral campaign officially began 60 days prior to the election, on August 28.

The pre-election campaign for the first round mostly proceeded against the background of mutual accusations and negative campaigning. During the pre-election period there was a clear trend of unprecedented and coordinated attacks on domestic observer organizations by the authorities and the ruling party officials, accompanied by smear campaign on social media. Organized discrediting campaigns against main presidential candidates and political parties through sponsored content posted by anonymous pages was a challenge in terms of the influence of social media on the electoral environment.

The pre-election period before the presidential runoff saw even higher polarization and clear negative campaigning. Aggressive rhetoric grew. The pre-election period of the runoff was marked with stark

increase of cases of intimidation/harassment against public sector employees as well as opposition supporters and activists. Several facts of violence and physical confrontation were identified, which was not a trend identified ahead of the first round.

During the pre-election campaign for the runoff, the Government of Georgia and local authorities began to initiate a range of social and infrastructural projects on a large scale. Initiatives possibly motivated by elections concerned increase of salaries, social benefits, provision of housing, launch of infrastructural projects and other programs mostly aiming to improve social well-being of socially vulnerable citizens and none of which had been known prior to the first round of the election.

Decision made ahead of the presidential runoff by the Government of Georgia to write off bank loans for 600,000 citizens of Georgia amounting a total of GEL 1,5bln was left little doubt that it was an unprecedented scale of vote buying. In addition, in some municipi-

<sup>29</sup>GYLA's response to the Minister of Justice, 29 August 2018: <http://bit.ly/2VtHL7k>



palties money was offered and products were distributed in exchange for voting for Salome Zourabichvili.

The election period was accompanied by release of secret tapes, including the much-publicized recordings related to Iberia TV and Omega Group cases, accusing acting and former high-level officials of the government of business harassment, possible corrupt deals and other crimes. The recordings also contained conversations about possible illegal scheme of funding of the ruling party for elections. These accusations triggered serious concerns about elite corruption and informal rule in the country.

## Acts of Violence

During the pre-election period, ISFED found 12 instances of physical confrontation and violence.

In the beginning, the pre-election campaign for the first round proceeded in a relatively peaceful environment and it was free from major incidents of violence and physical confrontation. Exception to this were the protest rallies in several municipalities held by the UNM activists in parallel to Salome Zourabichvili's meetings with voters. Protesters were holding banners and shouting insults. Three of these rallies escalated into a physical confrontation and despite mobilization of the law enforcement authorities acts of physical confrontation could not be prevented.

Unlike the pre-election campaign for the first round, several instances of violent incidents were found during the pre-election period for the runoff. Following the first round, an alarming incident occurred in Akhalkalaki, where on October 30, at the office of the united opposition, opposition activists were attacked

by members of the family of Akhalkalaki Majoritarian MP. Mostly opposition party activists and supporters were attacked during the violent incidents, however in one case a person was attacked for not voting for Grigol Vashadze. On November 21, head of Grigol Vashadze's campaign office was stabbed late at night in Oni. According to the MIA, the incident did not have a political motive but the united opposition categorically disagreed with this assessment.<sup>30</sup>

According to the MIA, on October 30, 2018, an investigation was launched in Akhalkalaki in connection to the fact of hooliganism (para.2 "a" and para.3 of art.239 of the Criminal Code of Georgia). According to their information, on November 3, GD supporters Martun Mkoyan, Eduard Mkoyan, Karapet Mkoyan, Ararat Ambaryan and Andranik Karslyan were charged for the crime provided in art.126 of the Criminal Code of Georgia (violence).

## Intimidation/Harassment

During the electoral period and especially before the second round, instances of intimidation and harassment of opposition supporters, as well as civil and public sector employees, became a problematic trend.<sup>31</sup> During the pre-election periods of both rounds, ISFED found a total of 54 instances of intimidation/harassment, including 14 cases identified ahead of the first round and 40 cases identified before the runoff.<sup>32</sup>

Threats were also made against a presidential candidate. Before the second round, the presidential candidate endorsed by the ruling party Salome Zourabichvili and her family members announced that they received threatening messages from former military servicemen.<sup>33</sup>

<sup>30</sup>2018 presidential election – first interim report of the pre-election monitoring, ISFED, p.17: <http://www.isfed.ge/main/1409/eng/>

2018 presidential election – second interim report of the pre-election monitoring, ISFED, p.17: <http://www.isfed.ge/main/1421/eng/>

2018 presidential election – third interim report of the pre-election monitoring, ISFED, p.6: <http://www.isfed.ge/main/1426/eng/>

Interim report of the pre-election monitoring of the runoff, ISFED, p.5: <http://www.isfed.ge/main/1450/eng/>

<sup>31</sup>Widespread intimidation ahead of the presidential election in Georgia, ISFED: <http://www.isfed.ge/main/1446/eng/>

<sup>32</sup>2018 presidential election – third interim report of the pre-election monitoring, ISFED, p.2, 3 and 6: <http://www.isfed.ge/main/1426/eng/>

2018 presidential election – first interim report of the pre-election monitoring, ISFED, p.2, 3 and 17: <http://www.isfed.ge/main/1409/eng/>

Interim report of the pre-election monitoring of the runoff, ISFED, p. 2-3; 7-8: <http://www.isfed.ge/main/1450/eng/>

<sup>33</sup>Statement of ISFED on threats against Salome Zourabichvili: <http://www.isfed.ge/main/1442/eng/>





As the Election Day of the first round drew near, ISFED found out that in several regions municipal officials were instructing directors and employees of non-profit (non-commercial) legal entities that receive funding from the Budget to collect the so-called “supporter lists”.<sup>34</sup> According to evidence obtained by observers, these lists included information of family members or relatives of employees of local budgetary organizations, in particular, their names, surnames, personal numbers, registration address and election precinct numbers. The person that prepared the list had to ensure that the people on the list voted for the GD-endorsed candidate Salome Zourabichvili. These facts, in addition to pressure and coercion, also contained elements of abuse of administrative resources. Other instances of intimidation and coercion were also found, including threats to cancel social benefits for the socially vulnerable unless they confirmed with the GD coordinators that they supported Salome Zourabichvili.

Instances of intimidation and harassment became widespread in the pre-election period of the second round. Observers of the organization reported that in several municipalities civil servants and employees of municipal bodies, as well as private sector employees and other vulnerable voters were pressured. Some municipality officials were holding systematic meetings with local civil servants and employees of non-profit (non-commercial) legal entities, demanding that they vote for Salome Zourabichvili. In several instances, threats about dismissal from work were made. Notably, often individuals that reported instances of intimidation/harassment to ISFED observers, requested to remain anonymous because they feared of losing their jobs or other retaliation.

Several days before the second round, the Ministry of Internal Affairs started examining instances of intimidation/harassment reported by ISFED. According to the Ministry, in 48 hours 38 cases were examined, but they failed to confirm 33 of them. According

to the Ministry, 231 people were questioned, including employees of municipality city halls, public school principals and teachers, teachers of pre-school institutions (kindergartens), DEC members, local population and other people. ISFED welcomes measures taken by the MIA in response to the facts provided in ISFED report, however it also believes that the MIA’s hasty efforts to study these facts and identify perpetrators were insufficient. The fact that victims of intimidation did not confirm these facts with the law enforcement authorities indicates that they were under additional pressure.

Death of Zugdidi Public School #6 principal Ia Kerzaia illustrates the pressure against public school teachers.<sup>35</sup> The school principal was openly talking



about the pressure that she was under during the pre-election period of the second round. According to her family, Ia Kerzaia was not politically active and she refused to fulfill the assignment of preparing the so-called “list of supporters” for the GD-endorsed candidate Salome Zourabichvili or to engage in campaigning.

Consequently, based on a complaint filed by an individual citizen, the Ministry of Education inspection group conducted an inspection of the school on November 9-15 and based on the findings of the inspection, it recommended that the school’s board of trustees remove the school principle from office.

<sup>34</sup>Employees of non-profit (non-commercial) legal entities of municipalities are possibly instructed to mobilize supporters of Salome Zurabishvili: <http://www.isfed.ge/main/1423/eng/>

<sup>35</sup>Principal of Zugdidi School no.6, Ia Kerzaia died, Radio Tavisupleba, 9 December 2018: <https://www.radiotavisupleba.ge/a/29646112.html>



Even though the board of trustees did not fulfill this recommendation and it did not fire the principal, several days later Ia Kerzaia was admitted to a hospital due to a stroke. She died shortly thereafter.

Notably, grounds for the inspection carried out at the public school no.6 of Zugdidi, as well as the short period of time in which the decision to carry out the inspection was made creates serious suspicions about expediency and objectivity of the inspection.

### Pressure on Observer Organizations

Unlike other recent elections in Georgia, during the 2018 presidential election attacks on civil society organizations from public officials was identified as a challenge. Major observer organizations that enjoy high credibility had to operate amid unprecedented coordinated attacks of high-level officials of the government and the ruling party during the pre-election period. Verbal attacks by the ruling party representatives became took the form of a campaign ahead of the first round, accompanied by insulting sponsored posts in social media against leaders of non-governmental organizations. It seems that the purpose of the attacks was to discredit observer organizations ahead of important election and preventive neutralization of possible criticism. These actions left the impression of persistent attempts of agenda setting and interference in activities of observer organizations.

ISFED was a target of attacks in particular. On October 8, 2018, on the same day as ISFED was presenting its second interim report of the pre-election monitoring, Chair of Parliament Irakli Kobakhidze held a briefing during which he referred to ISFED Executive Director Mikheil Benidze as an



We welcome the high level of engagement by the independent civil society organizations especially those observing the electoral process. We note with great concern that some of them have been targeted by intense verbal attacks despite or maybe because of the quality of their work. Georgia, a country which aspires to join the European Union cannot have its highest office holders calling citizen observers' organizations 'accomplices of fascism'. Words have meaning and Georgian citizens deserve more than such language. A thriving democracy needs a vibrant and independent civil society which must be heard, trusted, protected and supported in its important work. This is what the European Union is committed to and this is what we will keep doing in the years ahead.

**Laima Liucija Andrikiene**

Head of the delegation of the European Parliament

“accomplice of fascism”. The same day, sponsored smear campaign began on discrediting Facebook pages against Mikheil Benidze, Transparency International – Georgia Executive Director Eka Gigauri, Georgian Young Lawyers' Association Chair Sul Khan Saladze and others.

As the pre-election campaign for the 2018 presidential election became active, with the aim of discrediting observer organizations, heads of administrative agencies involved in the election (CEC, IACFF, GNCC) began attacking observer organizations,<sup>36</sup> which later continued with intensive verbal attacks by high level officials of the government and the ruling party.<sup>37</sup> The main rhetoric of these attacks aimed to accuse NGOs of being politically motivated, partisan and biased.

<sup>36</sup>ISFED responds to the GNCC Chair: 15 September 2018: <http://www.isfed.ge/main/1411/eng/>

2018 presidential election – first interim report of the pre-election monitoring, ISFED, 13 September 2018: <http://www.isfed.ge/main/1409/eng/>;

GYLA responds to the CEC Chair, GYLA, 21 August 2018: <https://bit.ly/2ScuT3l>

GYLA responds to Thea Tsulukiani, GYLA, 28 August 2018: <https://bit.ly/2Sa0ouY>

<sup>37</sup>**Irakli Kobakhidze** on the civil society sector, Rustavi 2, 2 October 2018: <http://rustavi2.ge/ka/news/115128>

Tsulukiani: in reality, these 13 NGOs are political parties and we are ready to register them, Tabula, 3 October 2018: <http://tbl.ge/35wj>;

**Kakha Kaladze** – statements of NGOs are biased and they do not reflect the problems that exist in the electoral period, Channel 1, 6 October 2018: <https://bit.ly/2OK3SXi>;

**Salome Zourabichvili** on NGOs, Channel 1, 5 October 2018: <https://bit.ly/2QBcehs>

**Irakli Kobakhidze** thinks that some NGO representatives are “co-conspirators of fascism”, Radio Tavisupleba, 8 October 2018: <https://bit.ly/2yFb0ez>

Video excerpt from the international anti-corruption conference in Copenhagen, where **Thea Tsulukiani** is discrediting civil society organizations: <https://bit.ly/2XdAFph>





Coordinated attacks by the Chair of Parliament and other leaders of the ruling party during the presidential election is an attempt to delegitimize observer organizations before the election and discredit their assessments. This goes beyond the standards of healthy criticism, which is unacceptable and poses a threat to democratic development of the country. Attacks on observer organizations and their leaders were strongly criticized by representatives of international election observation missions.<sup>38</sup>

### Misuse of Administrative Resources

Misuse of administrative resources was significant during the pre-election period, especially during the pre-election period of the runoff. During the pre-election period of the first and the second rounds, ISFED found 35 instances of abuse of administrative resources.<sup>39</sup>

Before launch of the official campaign, changes in budgets of 31 municipalities was an important trend. These changes were actively made since the beginning of May, while social and infrastructural projects envisaged by the state and local self-government budgets were planned in a way that their primary activities often coincided with the campaign period. Most of these budget changes were made prior to the launch of the official election campaign, which formally does not amount to abuse of administrative resources. Nevertheless, substantial changes in municipality budgets gave an impression that new social and infrastructural projects were activated and planned in order to win over voters prior to the election while bypassing formal regulations on administrative resources.

Following the first round of the election, the Government of Georgia and local authorities announced

about launch of more than 10 different social and infrastructural projects. Initiatives possibly motivated by elections concerned increase of salaries, social benefits, provision of housing, launch of infrastructure projects and other programs mostly aiming to improve social well-being of socially vulnerable citizens and none of the initiatives had been known prior to the first round of the election.<sup>40</sup> Formally most of these decisions were announced before the runoff was called and therefore, before the official election campaign began for the second round, however because of their nature such actions entailed abuse of administrative resources during the pre-election period.



Superficiality, aggressivity exhibited by some stakeholders during the campaign coverage in this case had a negative effect on the dialogue between the civil society and the authorities. This is particularly regrettable since Georgia's vibrant civil society once more largely contributed to the transparency of the electoral processes.

**Margareta Cederfelt**

Head of delegation of the OSCE Parliamentary Assembly

<sup>38</sup>Joint conference of OSCE/ODIHR, OSCE PA, CoE Parliamentary Assembly, European Parliament and NATO PA, 29 October 2018, Tbilisi: <https://www.facebook.com/osce.odihr/videos/vi.285096485549446/636790443389641>

<sup>39</sup>2018 presidential election – first interim report of pre-election monitoring, ISFED, p.18; <http://www.isfed.ge/main/1409/eng/>  
2018 presidential election – second interim report of the pre-election monitoring, ISFED, p.23; <http://www.isfed.ge/main/1421/eng/>  
2018 presidential election – third interim report of the pre-election monitoring, ISFED, p.12: <http://www.isfed.ge/main/1426/eng/>  
Interim report of the pre-election monitoring of the runoff, ISFED, p.22; <http://www.isfed.ge/main/1450/eng/>

<sup>40</sup>Programs announced by the authorities ahead of the runoff election amount to abuse of administrative resources: <http://www.isfed.ge/main/1441/eng/>



There was a trend of mobilization of civil servants for campaign events of the independent candidate endorsed by the Georgian Dream, Salome Zourabichvili. Also, in individual cases, communication

means of administrative bodies were used in favor of the independent candidate endorsed by the Georgian Dream, Salome Zourabichvili.

## Vote Buying

21 cases of vote buying were found during the 2018 presidential election, including 8 prior to the first round and 13 during the pre-election period of the second round.

Decision announced by PM Mamuka Bakhtadze to write off GEL 1.6 billion in unpaid loans for over 600,000 citizens was an unprecedented case of buying votes. According to the program announced on November 19, on December 15-31, Cartu Four

dation with the State's involvement was going to forgive certain groups of people loans of GEL 2,000 or less, which had not been paid for more than a year.<sup>41</sup>

In addition to the program for writing off loans, during the pre-election period ISFED observers also found that in some cases voters were incentivized through distribution of different types of products and provision of financial assistance. In various municipalities, there were cases of offering money in exchange for voting in favor of Salome Zourabichvili, while in certain cases possible supporters of Grigol Vashadze were offered money in exchange for their ID cards to prevent them from voting.



Our report mentions several serious examples including misuse of administrative resources, campaigning by state officials and unbalanced funding, the use of fake observers, and so called technical candidates is also a distortion of democracy. In addition, we have seen new negative developments we have not seen before, particularly unacceptable verbal attacks against NGOs.

**Rasa Juknevičienė**

Head of the delegation of the NATO Parliamentary Assembly

<sup>41</sup>The initiative to write off debts represents unprecedented case of alleged vote buying: <http://www.isfed.ge/main/1447/eng/>



## Discrediting Campaigns in Social Media

Negative campaign in social media and more specifically on Facebook was an important part of the pre-election campaign, characterized by discrediting of candidates and their active supporters. Often sponsored posts were used for political confrontation on Facebook between pages that employed range of different tactics.

During the entire pre-election period ISFED was carrying out social media monitoring using a special methodology and it published two subsequent interim reports.

Monitoring of the first round of the presidential election found that official Facebook pages of political parties and candidates were used to disseminate information about their own programs and ideas, while in parallel with the official campaign, an extensive discrediting campaign was waged on Facebook, and none of the parties, candidates or groups openly claimed responsibility for it.<sup>42</sup>

During the pre-election period of the runoff, number of anonymous pages with the aim of discrediting candidates, political parties that supported and nominated these candidates, leaders, politically active individuals or current political processes in general nearly tripled.<sup>43</sup> Overall, ISFED found 160 Facebook pages that operated during the pre-election period with the aim of influencing voter attitudes.

## Interference with Pre-election Campaigning

During meetings of presidential candidates, interferences with pre-election campaigning were frequent. Such incidents mostly took place at events held in support of the GD-endorsed independent candidate

Salome Zourabichvili and the UNM candidate Grigol Vashadze. UNM supporters or activists met Salome Zourabichvili outside buildings where she had meetings and staged rallies while holding banners and shouting insults. On the other hand, certain individuals made attempts to disrupt meetings of Grigol Vashadze. As the pre-election campaign became active, facts of damaging campaign materials of opposition candidates were found.

During the pre-election period of the first and the second round, ISFED found 23 facts of interference with campaigning and 60 cases of damaging campaign materials.<sup>44</sup>

## Illegal Campaigning

During the pre-election period, illegal campaigning was systematic. In violation of requirements of the electoral legislation, civil servants were participating in the pre-election campaigning, both with active actions and by using social networks. ISFED found 104 facts of illegal campaigning with the use of social media.<sup>45</sup> Even though the memorandum on use of administrative resources defines campaigning using social media within the context of abuse of administrative resources during work hours, unfortunately, the election administration did not take any effective measures in response.

After the Georgian Dream officially announced that it would be endorsing Salome Zourabichvili and after her sequence number was determined, many civil servants started campaigning in favor of Zourabichvili during work hours, using their personal Facebook accounts. Some civil servants directly expressed their support for Salome Zourabichvili, while others shared posts that discredited opposition parties and candidates while supporting Zourabichvili.

<sup>42</sup>Social Media Monitoring - First Interim Report, ISFED, 26 October 2018: <http://isfed.ge/main/1429/eng/>

<sup>43</sup>Social Media Monitoring – Second Interim Report, ISFED, 20 December 2018: <http://isfed.ge/main/1465/eng/>

<sup>44</sup>2018 presidential election – first interim report of pre-election monitoring, ISFED, p. 21: <http://www.isfed.ge/main/1409/eng/>

2018 presidential election – second interim report of pre-election monitoring, ISFED, p. 25-28: <http://www.isfed.ge/main/1421/eng/>

2018 presidential election – third interim report of pre-election monitoring, ISFED, p. 14-16: <http://www.isfed.ge/main/1426/eng/>

Interim report of the pre-election monitoring of the runoff, ISFED, p.25: <http://www.isfed.ge/main/1450/eng/>

<sup>45</sup>Social Media Monitoring - First Interim Report, ISFED, 26 October 2018: <http://isfed.ge/main/1429/eng/>

Social Media Monitoring – Second Interim Report, ISFED, 20 December 2018: <http://isfed.ge/main/1465/eng/>



A representative of religious organization made statements against Salome Zourabichvili, in violation of the campaigning rule. Salome Zourabichvili's children who are citizens of a different state partici

pated in campaigning. Despite complaints filed by ISFED, none of these violations were adequately responded by the election administration.

## IX. Media Environment

During the pre-election period, media was pluralistic but sharply polarized. Media was portraying the presidential candidates in a negative light, often in violation of professional ethics norms. Polarization was especially high during the pre-election period of the second round. Following the first round, Imedi TV announced a transition to “the state of emergency” against the UNM and Grigol Vashadze. Rustavi 2 was mostly covering Salome Zourabichvili negatively, while coverage of the UNM and their candidate Grigol Vashadze by the Public Broadcaster and Obiektivi was negative, similar to Imedi TV.<sup>46</sup>

TV broadcasters remained to be the primary source of information for population about the presidential election. Different broadcasters were actively covering the election campaign. Before the first round, the Public Broadcaster organized debates between the presidential candidates but there were no debates for the second round and voters did not have an opportunity to hear about platforms of the candidates that competed in the runoff.

Closing of Iberia TV Company had a negative effect on coverage of the pre-election campaign. Due to financial problems that owners of the company had concerning another business, the channel suspended

its news and political programs two weeks prior to the election. Iberia TV started having financial problems as early as on February 20, 2018, but the issue became especially active in September, after Rustavi 2 released secret recordings. Based on these recordings the founder of the company alleged that the authorities were pressuring his business and the television.<sup>47</sup> The Ministry of Finance accused the founder of the TV company of not paying taxes, as a result of which enforcement measures were used against the TV company.<sup>48</sup>



<sup>46</sup>Final report of media monitoring for election, Charter of Journalistic Ethics of Georgia: <https://bit.ly/2ROXcow>

<sup>47</sup>Iberia TV is accusing the government of intimidation, Rustavi 2, 20 February 2018 <http://www.rustavi2.ge/ka/news/97235>

<sup>48</sup>Statement of the Ministry of Finance, 7 September 2018: <https://www.mof.ge/News/8619>



## The Georgian National Communications Commission

Individual decisions made by the Georgian National Communications Commission (GNCC) called objectivity and impartiality of the Commission into question. During the campaign period, the GNCC was not open to criticism and its chair displayed aggressive attitudes toward observer organizations. A press conference held by the GNCC Chair Kakha Bekauri on September 14 was especially concerning. During the press conference he purposefully attacked ISFED for critical evaluations published in its report. At the press-conference held to discredit ISFED, Bekauri voiced inconsistent, unfounded and senseless allegations, accused the organization of political bias and demanded that donors reconsider funding of the organization. ISFED considers that the inadequate actions of Bekauri amount to pressure and an attempt to hamper the work of the organization.<sup>49</sup>

Demands imposed by the GNCC on broadcasters in the beginning of the campaign period, with regard to coverage of public opinion polls, fell short of the standards established by the legislation. According to these demands, all broadcasters and media outlets that were going to commission and/or cover a public opinion poll had to take responsibility for credibility of the research, otherwise the GNCC would use coercive measures. Even though according to the electoral legislation a survey should fulfill certain criteria for credibility, it does not impose an obligation on broadcasters to verify credibility of survey themselves, even if it has been commissioned by the broadcaster. Based on the spirit of the law, organization carrying out polling should be responsible for credibility of the poll and objectivity of results, because this is outside a broadcaster's expertise and competencies.

Imposition of responsibility on broadcasters for survey credibility creates risks that media outlets will refrain from publishing public opinion polls in the future. Additionally, imposition of disproportionate responsibility on broadcasters as a result of inaccurate interpretation of the law and setting goals that cannot be achieved in practice provides the GNCC with leverage for selective application of sanctions on broadcasters.<sup>50</sup>

Of note is also the decision made by the GNCC about airing of a campaign advertisement of the European Georgia by Rustavi 2, before the election period began, on August 15-16, which created suspicions not only about legitimacy of the decision but also about impartiality of the GNCC. Art.50 of the Election Code that the GNCC relied on for finding that Rustavi 2 had violated the law, imperatively imposes an obligation on broadcasters to submit information to the GNCC about placement of political advertisement after the election period begins and no later than 50 days prior to the election and it does not extend to the period before the official electoral period. Consequently, examining the issue of airing of a political advertisement on Rustavi 2 on August 15-16 based on art.50 of the Election Code was not compliant with the legislation.<sup>51</sup>



<sup>49</sup>ISFED responds to the GNCC Chair, 15 September 2018: <http://www.isfed.ge/main/1411/eng/>

<sup>50</sup>2018 presidential election – first interim report of pre-election monitoring, ISFED: <http://www.isfed.ge/main/1409/eng/>

<sup>51</sup>ISFED responds to the GNCC Chair, 15 September 2018: <http://www.isfed.ge/main/1411/eng/>



## X. Election Day

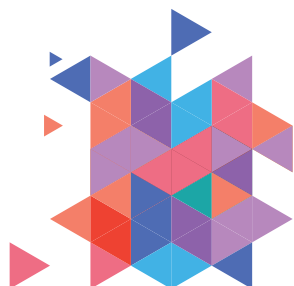
### First Round of the Election

According to ISFED, opening of polling stations and the process of voting and counting of votes was mostly peaceful and organized, and free from any major violations.

During opening and setting up for polling stations, instances of pressure on and restricting rights of observers, violating casting of lot procedure and mishandling of electoral documentation were found at some electoral precincts.



During the voting process, there was a trend of mobilization of party activists outside polling stations, who were tracking voters, which could have negatively affected free expression of voters' will and it could have been perceived as indirect pressure by voters. This method was mostly used by the GD activists, however in some districts UNM and the European Georgia representatives also engaged in similar



actions. Furthermore, ISFED observers found that party activists were campaigning and ordering voters that had arrived at polling stations to bring supporters. At some polling stations, such methods were also used by individuals wearing badges indicating that they were accredited as observers.

During the voting process, following types of violations were found: restriction of observer rights, violation of inking procedures, procedural violations related to ballots, presence of unauthorized individuals at polling stations, voting with inappropriate documents, shortcomings related to voter lists, voting in place of someone else, campaigning at polling stations, etc. As an exception, there was one case of verbal and physical confrontation.

Tabulation of votes was mostly conducted in compliance with election procedures. Similarly to the voting process, number of violations were reported during counting of votes, such as: improper filling of summary protocols, restriction of the rights of observers, number of issued ballot papers not matching number of signatures in the voters list, violation of sealing procedure of election materials. In some precincts ballots that indicated voter's choices have been improperly invalid.





# PVT Results



## Opening and setting up of polling stations

ISFED received reports on the opening of polling stations from 99.5% of PVT observers.

- Nearly all ISFED observers were free to observe the opening process of the polling stations which is statistically similar to the figure from the first round of Presidential Elections (99.8%).
- 98.5%** of the polling stations were ready to receive voters by 8:00am, which was a slight improvement from the 2013 presidential election (95.7%).

## Voting Process

- At **99.7%** of polling stations in Georgia, voters cast their ballots using proper voter identification. This figure is not statistically different from the 2013 Presidential Elections (98%).

## Election Day PVT Results

Based on the information received about the Election Day process, ISFED is confident in its PVT results. ISFED received information from **99%** of its observers deployed at random representative sample of polling stations.

The table below illustrates results of the top seven candidates. For each result the margin of error is calculated at 95% confidence interval.

Candidate	PVT result	Margin of error	Lowest possible result	Highest possible result
#5 Grigol Vashadze	38.5%	1.0%	37.5%	39.5%
#48 Salome Zourabichvili	37.6%	0.9%	36.7%	38.5%
#2 Davit Bakradze	11.0%	0.5%	10.5%	11.5%
#10 Shalva Natelashvili	3.8%	0.2%	3.6%	4.0%
#25 Davit Usupashvili	2.3%	0.2%	2.1%	2.5%
#36 Zurab Japaridze	2.2%	0.2%	2.0%	2.4%
#21 Kakha Kukava	1.3%	0.1%	1.2%	1.4%

- Inking was always properly checked at **97.1%** of polling stations, which is an improvement compared to the 2013 Presidential Elections, when inking was checked at 94.4% of polling stations.
- At **99.1%** of polling stations, the ballot papers were properly validated with a signature and seal. This figure is not different from 2013 Presidential Elections (99.1%).
- At **98.6%** of polling stations, voters were always properly inked. This figure is not statistically different from 2013 Presidential Elections when voters were properly inked at 97.4% of polling stations.
- The secrecy of vote was always ensured at **98.6%** of the polling stations. This figure is slightly improved compared to 2013 Presidential Elections (96.4%).
- Cases of violation or intimidation during voting process were identified at **0.8%** of the polling stations.



Results for all other candidates are less than 1%.

Based on PVT results, none of the candidates cleared the 50%+1 threshold in the October 28 Presidential Election. To identify the winner, second round of the election needed to be held between the top two candidates - Salome Zourabichvili and Grigol Vashadze.

It is noteworthy that percentage of votes received by Grigol Vashadze varied between 37.5% and 39.5%, while percentage of votes received by Salome Zourabichvili was between 36.7% and 38.5%. Statistically, it was equally likely for a candidate's result to have been at any point within these intervals. As the two intervals overlap, ISFED could not have definitively said which of the two candidates was ahead.

According to information provided by ISFED observers, the percentage of invalid ballots nationwide was **3.2%** with a margin of error of 0.2%, which is higher than the percentage of invalid ballots in the 2013 Presidential Elections (1.8%).

### Voter turnout

Based on information provided by ISFED observers, final voter turnout was **46.6%** (+/-0.8% margin of error), which is similar to the voter turnout at the 2013 presidential election.

According to PVT results, voter turnout by 12:00 was **16.0%**, (with a margin of error of +/-0.5 %), which is slightly lower compared to 2013 Presidential Elections when voter turnout by 12:00 was 17.2%.

In Tbilisi, the voter turnout was **13.2%**, (with a margin of error +/-0.4%) which is slightly lower compared to 2013 Presidential election (15.8%). In regions (except of Tbilisi) voter turnout was **17.1%** (with a margin of error +/-0.5 %) whereas 2013 Presidential Elections when voter turnout by 12:00 in regions was 17.7%.

According to PVT data, voter turnout by 17:00 was **38.1%**, (with a margin of error of +/- 0.8%), which is statistically similar to the 2013 Presidential Elections when voter turnout by 17:00 was 38.9%.

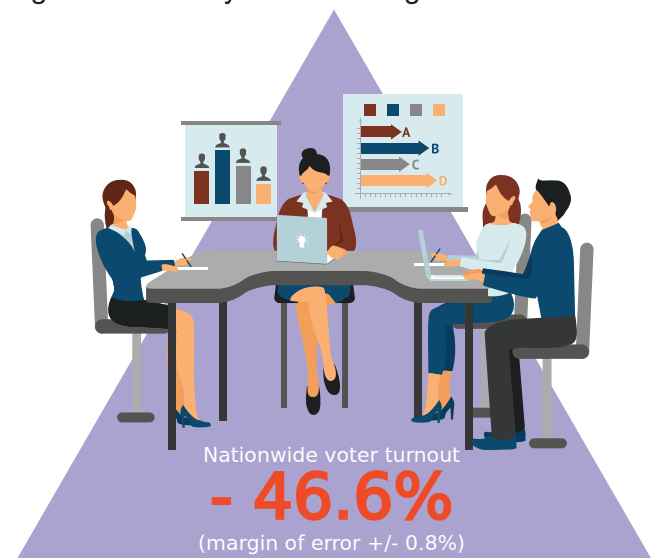
Voter turnout in Tbilisi by 17:00 was **35.8%**, while in 2013 Presidential elections voter turnout by 17:00 was 39.8%. In the regions (not including Tbilisi) voter turnout was **38.9%**, while in 2013 Presidential Elections voter turnout by 17:00 in the regions was 38.4%.

### The Runoff Election

ISFED found that on November 28, 2018, Election Day of the runoff was mostly held in compliance with the procedures prescribed by law.

During opening and setting up of polling stations, the following types of violations were observed at some polling stations: restriction of observer rights, late opening of a polling station, presence of unauthorized individuals, violation of casting of lots and improperly filling out documentation.

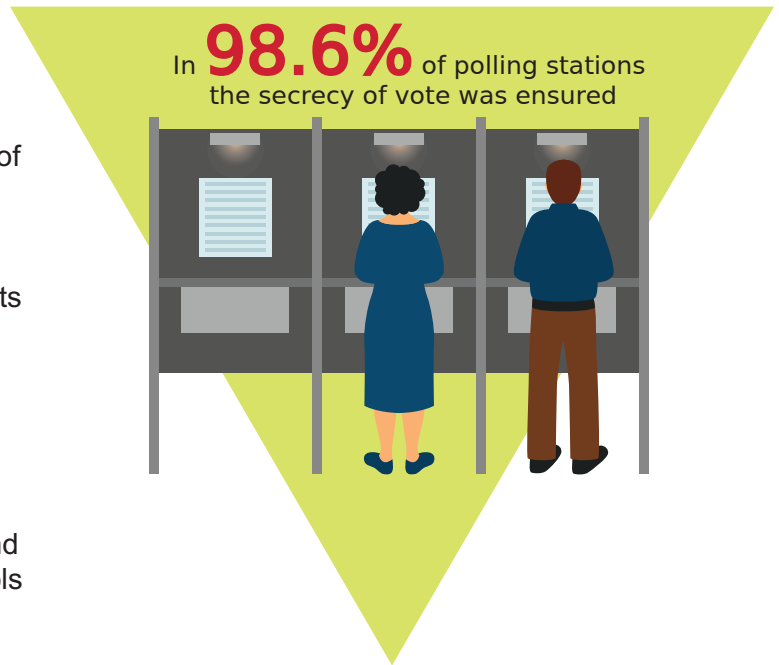
During the voting process, similar to the first round, supporters and coordinators of the Georgian Dream and Salome Zourabichvili were mobilized outside polling stations. They were tracking voters that





arrived at polling stations, which is a continuation of the harmful tradition of influencing voters. Violation of ballot secrecy was also a problem, which alongside the practice of tracking voters demonstrates the problematic nature of the environment of intimidation/harassment during the pre-election period and its negative effect on the electoral process.

As closing of polling stations approached, ISFED found several serious incidents, such as loss of the table list of voters, break in to a polling station by intruders attempting to steal the ballot box. During tabulation of votes, in several instances ISFED found violations related to drawing up of summary protocols and other procedural violations. After the polling stations were closed, violent incidents took place in Marneuli and Lagodekhi districts.



## PVT Results

### Opening and setting up of polling stations

ISFED received reports on the opening of polling stations from **100%** of PVT observers.

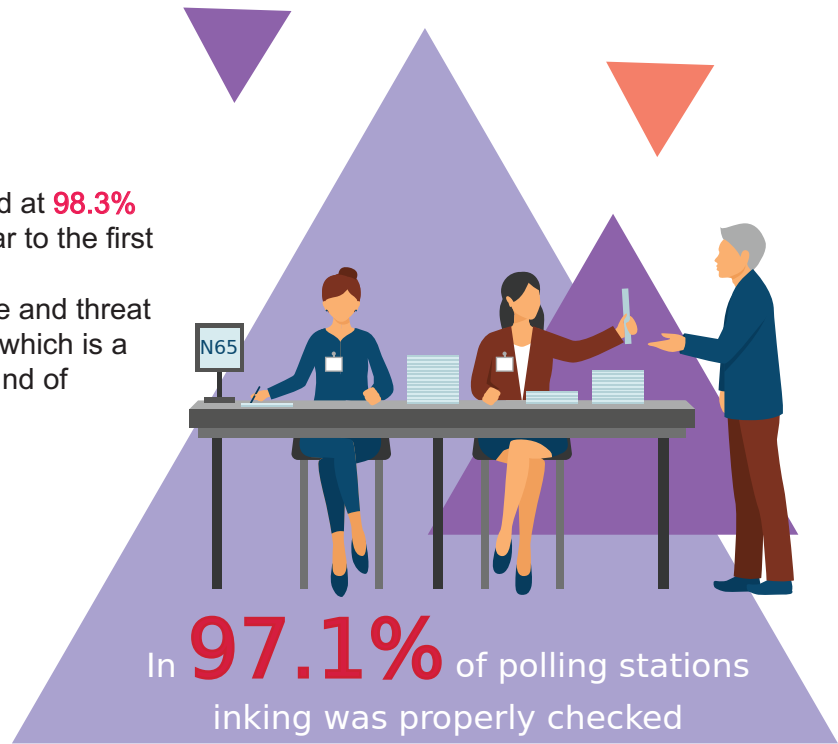
- All ISFED observers (**100%**) were free to observe the opening process of the polling stations which is statistically similar to the figure from the first round of Presidential Elections (99.8%).
- **99.7%** of the polling stations were ready to receive voters by 8:00am, which is not significantly different from the first round of elections (98.5%).
- Violations related to the opening and setting up of polling stations were identified in the **0.9%** of polling stations which is a slight improvement compared to the first round of elections (2.2%).

### Voting process

- At **99.2%** of polling stations across Georgia, voters cast their ballots using proper voter identification. This figure is statistically identical to that of the first round of elections (99.7%).
- Inking was always properly checked at **98.5%** of polling stations, which is statistically almost no different from the first round of elections, when inking was checked at 97.1% of polling stations.
- At **99.7%** of polling stations, the ballot papers were properly validated with a signature and seal. This figure is not statistically different from the first round elections (99.1%).
- At **99.7%** of polling stations, voters were always properly inked. This figure is statistically not significantly different from the first round of elections when voters were properly inked at 98.6% of the polling stations.



- The secrecy of vote was always ensured at **98.3%** of the polling stations. This figure is similar to the first round of elections (98.6%).
- The cases of physical violence, pressure and threat were identified at **1.6%** of polling station, which is a slight worsening compared to the first round of elections (0.8%).



### Election Day PVT results

ISFED received information from **99.9%** of its observers deployed at random representative sample of polling stations. Based on the information received about the Election Day process, ISFED is confident in its PVT results.

Below are the results of the presidential candidates. For each result the margin of error is +/-0.8% and is calculated at 95% confidence interval.

Candidate	PVT result	Margin of error	Lowest possible result	Highest possible result
#48 Salome Zourabichvili	59.1%	0.8%	58.3%	59.9%
#5 Grigol Vashadze	40.9%	0.8%	40.1%	41.7%

According to ISFED, the percentage of invalid ballots nationwide was 3.0% with a margin of error of +/-0.1%. This result is similar to the first round of the Presidential Elections when invalid ballot rate was 3.2%. The percentage of invalid ballots in Tbilisi for the runoff election was **4.5%** which represents an increase compared to the first round of Elections (4.1%).



**98.5%** of polling stations were ready to receive the first voter by **08:00**

### Voter turnout

Based on information provided by ISFED observers, final voter turnout was **56.2%** (+/-0.7% margin of error), which is slightly more than the voter turnout for the first round (46.6%).

According to ISFED PVT data, voter turnout by 12:00 was **19.5%**, (with a margin of error of +/-0.3%), which is higher than the first round of presidential elections when voter turnout by 12:00 was 16.0%.

In Tbilisi, by noon, the voter turnout was **18.2%**, which is higher compared to the voter turnout at 12:00 during the first round of elections (13.2%). In regions (outside of Tbilisi) voter turnout was **19.9%**, whereas for the first round of elections the voter turnout by 12:00 in regions was 15.8%.

According to ISFED, voter turnout by 17:00 was **47.2%**, (with a margin of error of +/-0.6%), which is higher than the first round of Presidential Elections when voter turnout by 17:00 was 38.6%.

Voter turnout in Tbilisi by 17:00 was **45.8%**, which is an increase in comparison to the turnout by 17:00 during the first round of elections - 35.8%. In regions (outside of Tbilisi) voter turnout was **47.5%**, while the voter turnout by 17:00 in regions for the first round of elections was 38.9%.



In **1.6%** of polling stations cases of violence/influence were detected





## XI. Post-Election Period and Complaints Process

Analysis of the process of handling of complaints filed by ISFED on and following the Election Day makes it clear that the complaints process at the election administration fails to ensure effective response to violations identified and imposition of sanctions prescribed by the law on those responsible. This is mainly not due to any gaps in the legislation but rather, due to lack of the election administration's will to ensure integrity of the complaints process. Over the recent years, at the election administration there has been a bad practice of not examining complaints, justifying violations for different reasons and being loyal toward those responsible for violations, in order to prevent imposition of legal liability on them or to impose minimum sanction. Persistent attempts of the election administration not to satisfy complaints and not to impose liability on commission members that violated the law

renders filing of complaints and their examination following the election pointless.

Similar trends identified nationwide at DEC's gives an impression that the election administration is purposefully trying to justify any violation using any and all methods. DEC's view explanatory notes and correction protocols prepared by PEC members as grounds for not holding them responsible and for elimination of violation. DEC's always viewed explanatory notes of PEC members as credible and based their decisions on them. DEC's traditionally avoided revision of voting results irrespective of seriousness of violations. None of the ISFED complaints requesting invalidation of voting results, revision of results or imposition of administrative sanction for violation of law were granted. Complaints filed over restriction of observer rights were handled inadequately and in a







biased manner. In some cases, the law was used or interpreted incorrectly, which seemed like a deliberate action to leave complaints unexamined. In individual cases, political bias was evident in complaints process.

It is especially alarming that for any type of violation, irrespective of its seriousness, PEC members prepared explanatory notes and protocols of correction, which DEC members viewed as sufficient grounds not only for establishing factual circumstances but also

for not holding respective member of the PEC responsible. Such approach greatly undermines regulations prescribed by the electoral legislation and renders them pointless, because it makes it possible to justify any violation based on an explanatory note or a protocol of correction prepared by a commission member. Information provided in explanatory notes or protocols of correction, including about votes received by a candidate or about invalid ballots was viewed as credible by DEC members without any verification, which is problematic.

### Shortcomings of the complaints process

ISFED representatives were mostly able to attend the complaint deliberation process and express their position about complaints filed. The only exception was Poti DEC where ISFED representative was not summoned to attend consideration of complaints. Khobi DEC also adjudicated a complaint in absence of ISFED representative. They announced that the organization did not appear. After this fact became known, Khobi DEC scheduled another meeting but they also stated that “nothing would change”. At Tkibuli DEC where ISFED had filed a single complaint, representative of the organization was told that they were not going to satisfy the complaint because as members of the DEC alleged the observer had filed the complaint for the sake of filing at least one complaint.

- PEC members wrote explanatory notes about any and all types of violations irrespective of their seriousness, which were used to justify these violations. DEC members viewed such statements as credible evidence despite the fact that most of these explanatory notes had been drawn up after the Election Day. In most cases, based on these explanatory notes DEC members refused to grant complaints, without even examining other evidence and they found that PEC members’ explanatory notes about violations were sufficient.

- DEC members avoided revision of tabulation results. In such cases DEC members relied on explanatory notes of PEC members or correction protocols often prepared after the voting day;
- For releasing PEC members from liability, DEC members uniformly used the standard arguments that:
  - ▶ a violation did not amount to a gross violation of the law and it did not affect expression of voters’ will or election results;
  - ▶ no substantial violation had taken place, which would have affected the election process;
  - ▶ a mechanical error had occurred, which did not amount to the basis for imposing a disciplinary liability.

DEC members used these arguments to justify their decisions not to impose liability on PEC members in cases when summary protocols had not been adequately filled out; when data in a summary protocol was overwritten, an observer’s right to video recording was restricted, etc.

- The election administration did not properly react to cases of restriction of observer rights. DEC members mostly viewed explanatory notes made by PEC members as an established fact, and tried to accuse observers



themselves of violating the electoral legislation to justify restriction of their rights. For instance, regarding restriction of photo and video recording, PECs stated that an observer was recording table lists, which is why he was prohibited from recording, which was not the truth based on factual circumstances.

- DECAs were avoiding imposition of administrative liability on PEC members. Even if they found violation, they imposed disciplinary liability on commission members, which rendered administrative liability prescribed by the law for certain types of violations pointless.

- Complaints were left unexamined for wrong reasons. Some DECAs wrongfully interpreted and used norms of the Election Code. Further, it seemed that wrongful use of law was intentional, in order to leave the complaints unexamined.

- For inaccurately and incompletely filled out summary protocols DECAs imposed liability on PEC secretaries only and explained that the PEC chair was not responsible for filling out a summary protocol, which contradicts the Election Code of Georgia.

- ISFED also found biased approach - for instance, Batumi DEC imposed minimum sanction on PEC members appointed by the ruling party Georgian Dream, while it used harsh sanctions against UNM-appointed members – docking 50% of salary, for failure to participate in casting of lots for distribution of functions between PEC members.

## First Round

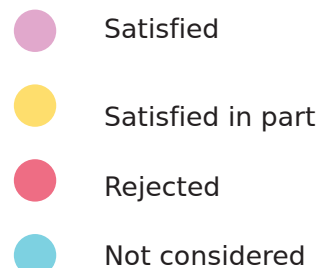
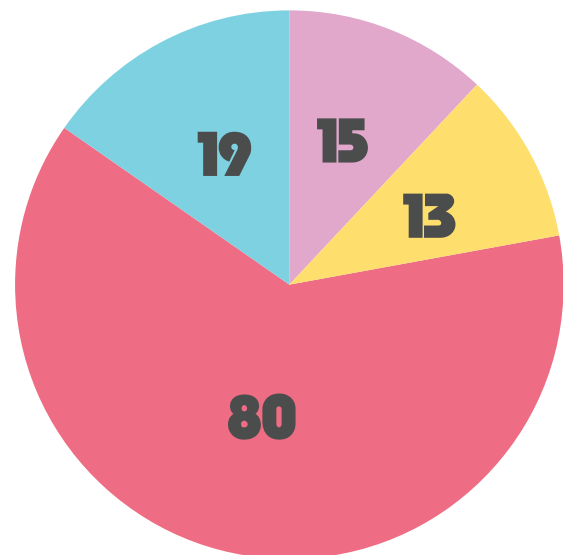
For the first round of the 2018 presidential election, ISFED filed **77** complaints with PECs and **127** complaints with DECAs. Further, it entered **17** notes in the precinct log-books, without filing complaints with DECAs because PECs took actions in response to the violations in a timely manner.

From 77 complaints filed with DECAs, 3 were responded in a timely manner, so ISFED did not file an additional complaint with the DECAs. Notably, in two cases, at PEC no.85 of Marneuli Electoral District and PEC no.21 of Nadzaladevi Electoral District,

relevant PEC members of the commission refused to register a complaint. Complaints filed with the PECs sought elimination of and timely response to violation.

The complaints mostly concerned the following types of violations: restriction of observer rights in 7 cases; inappropriately filled out electoral documentation in 17 cases, violation of casting of lots in 6 cases; voting without inking/checking ink in 5 cases; inappropriately filled out control sheet in 2 cases, voting with inappropriate documents in 2 cases, etc.

From **127** complaints filed in DECAs, **15** were satisfied, **13** were partially satisfied, **80** were rejected and **19** were not examined.





Complaints filed with DEC's concerned the following violations:



Complaints mostly sought imposition of disciplinary liability on commission members. Further, in 17 cases complaint concerned imposition of administrative liability for violations like restricting observer rights and overwriting data in a summary protocol. 5 complaints sought invalidation of voting results, because the number of ballots was more than the number of voter signatures and the difference was 2 or more ballots. 3 complaints sought revision of voting results. Election commissions did not satisfy any of the complaints that sought revision or invalidation of voting results. Further, they did not satisfy complaints that sought imposition of administrative liability.





## Runoff

For the runoff of the presidential election on November 28, 2018, ISFED filed 57 complaints with PECs, one of which was not registered by Marneuli PEC no.10. **110** complaints were filed with DEC and 18 notes were entered into the precinct log-books. PECs took timely actions in response to these comments, so no additional complaints were filed with DEC.

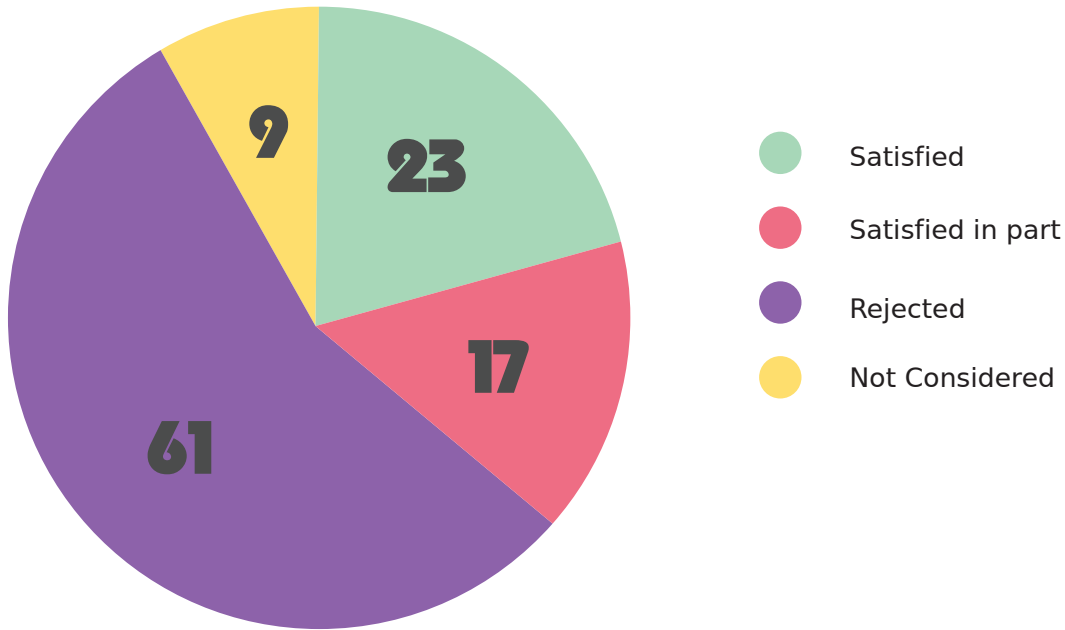
From 57 complaints filed in PECs, the commission took action in response to 2 complaints, so no additional complaints were filed with DEC. 6 complaints concerned restriction of observer rights; 18 concerned improperly filled out electoral documentation; 5 – violation of ballot secrecy; 2 – voting with inappropriate document, 2 – presence of unauthorized persons at the polling station, etc.

Complaints filed with DEC concerned the following violations:





From 110 complaints filed, **23** were fully satisfied, **17** were partially satisfied, **61** were rejected and **9** were not examined.



Most complaints sought imposition of disciplinary liability on commission members for violation, while in 12 cases ISFED sought imposition of administrative liability. Further, in 13 cases ISFED sought revision of voting results and in 1 case it sought invalidation of voting results. This particular complaint concerned PEC no.20 of Zugdidi Electoral District, where the table version of the voters' list was lost. The demand was not satisfied, similar to complaints for revision of voting results and imposition of administrative liability.





## XII. Recommendations



### *Legislative Recommendations*

**1** A working group should be created in Parliament, which will work on legislative changes according to priorities. The working group should be composed of all interested stakeholders, both political parties and independent and impartial non-governmental organizations. The group should have a mandate and trust to make decisions and prepare legislative proposals.

**2** To strengthen credibility and impartiality of the election administration, it is essential to implement a reform of composition of election administration and the rule of composition of election commissions at all levels should be revised. To ensure political neutrality of the election administration, at the very least, the rule of composition of the election administration should be changed in a way that ensures balanced political representation of political parties in election commissions, based on parity principle. Each authorized party should be able to appoint one member only without any of the political parties having a dominant position.

In the long-term perspective, to transform the election administration into a qualified and impartial body, it is important selection of the members of election administration to be based on their professional qualities. This will ensure professionalism of election administration, improve quality of administration of elections and help free election commissions from political influences. Such reform should entail strong guarantees and mechanisms for ensuring independence of professional members and protecting them against political influences.

As part of the process, steps of gradual reform should be identified, which will promote gradual transition to the model of staffing election commissions with professional members, in order to increase trust toward the election administration and quality of independence of its members at all levels.

**3** Number of election commission members should be reduced at all levels of the commissions. This will help employ more qualified personnel in election administration with higher compensation. This should in turn help reduce number of irregularities.

**4** It is desirable for authorities to consider extension of the deadlines for selection of PEC members by district commissions and subsequently, reduction of the term of power of PEC members should be discussed, so that they start working in the period closer to Election Day. This will help select more qualified personnel for the election administration.



- 5** To improve the level of professionalism in PECs, it should be mandatory for PEC members to be certified. To this end, the process of certification should be improved and different examinations should be created for candidates of PEC and DEC membership.
- 6** Norms that regulate electoral disputes in the Election Code should be revised and ambiguous provisions should be specified to rule out incorrect and inconsistent interpretation of these norms by election commissions.
- 7** Under the Election Code DEC's should be obligated to revise voting results in cases when: number of votes received by subjects, number of voters, or number of invalid ballots has been overwritten in a summary protocol; the sum of number of votes received by subjects and the number of invalid ballots exceeds the number of votes cast in the election.
- 8** Due to narrow interpretation of the notion of campaigning by the election administration and disregarding of case of campaigning using personal social media accounts, the definition of campaigning provided in the Election Code should be reviewed to specify that campaigning by civil servants during work hours, using personal social media accounts amounts to violation.
- 9** The format of the Inter-Agency Commission for Free and Fair Elections should be changed in a way that, on one hand, creates a prerequisite for the commission to facilitate inclusive participation of all election stakeholders and their cooperation; and, on the other hand, allows to prevent violations of the electoral legislation by civil servants effectively and efficiently respond to these violations. To improve coordination and accountability between state agencies, the IACFF should be structurally subordinated to the Prime Minister. It is desirable for mechanisms for monitoring of fulfillment of recommendations of the commission and their follow-up to be prescribed by Law.
- 10** To reduce problems related to violation of ballot secrecy, as identified by the observation, the law should prescribe responsibility for violating ballot secrecy. Voters that violate ballot secrecy should also be held liable.
- 11** In order to prevent as much as possible abuse of administrative resources in favor of a party, the list of individuals that enjoy unlimited right to participate in pre-election campaigning and canvassing should be narrowed down.
- 12** Prohibition of campaigning by civil servants during work hours should also be extended to employees of non-profit (non-commercial) legal entities and other budgetary organizations (including teachers and employees of educational institutions)



- 13** The Parliament of Georgia should discuss amendments to the Law on Broadcasting, in order to determine the opportunity of airing a political advertisement during non-electoral period and applicable regulations.
- 14** For effective response to violations, the legislation should allow appealing of refusal of an authorized representative of an election commission to prepare a protocol of violation.
- 15** For responding to disciplinary infringements, if there is a complaint filed against members of an election commission, their term of office should be extended until the final decision is made about their disciplinary liability, so that termination of authority is no longer the basis for releasing them from responsibility, like it happened in practice. This should not affect their compensation.
- 16** The Election Code does not provide a sanction for violating the prohibition of gambling on elections, which makes it impossible to enforce the norm. The legislation should define such sanction and the body responsible for imposing it.

### *Election Administration*

- 17** The rule for holding a competition to select professional members of DEC and PECs, applicable objective criteria and procedures should be prescribed in detail, in order to establish the standard of fairness and transparency for the competition. Open interviews should be one of the mandatory stages of the competition. This will reduce the risk of political influences, nepotism and unilateral decisions in the process for selection of commission members.
- 18** The CEC should adequately respond to the increasing contemporary challenges related to the influence of social media on electoral process. In this regard, it should promote a practice that will reduce illegal campaigning in social media. In view of the increasing practice of campaigning by civil servants during work hours, using social media accounts, the CEC should facilitate such interpretation of the electoral legislation that will impose responsibility on civil servants for violating the principle of impartiality and political neutrality in the process of performing their official duties.
- 19** In the process of handling of electoral disputes, the election administration should examine circumstances that are relevant to the case in a comprehensive manner. During decision-making, commissions should not rely solely on explanatory notes of individuals that possibly violated the law.



- 20** The election administration should stop the practice of narrow and word-by-word interpretation of the law and during handling of complaints it should rely on the spirit of the law.
- 21** The election administration should refrain from creating the practice that aims to deny complaints and leave them unexamined based on artificial grounds.
- 22** The election administration should change the negative practice identified during the recent elections, according to which any violation is justified by explanatory notes of commission members, which renders not only filing and consideration of complaints but also regulations prescribed by the Election Code pointless.
- 23** The election administration should take a clear position in response to cases of conflict of interest of election commission members. Higher election commissions should ensure proactive identification and immediate elimination of cases of conflict of interest.
- 24** Based on problems identified during the election, training of PEC members in drawing up summary protocols should be improved. Besides, during training of DEC members more time should be allocated to the rules, the timeframe and the procedures for consideration of electoral disputes, importance of sanctions prescribed and the necessity to follow them.
- 25** DEC members should examine complaints filed in connection to restriction of observer rights in an objective and impartial manner and make substantiated decisions.
- 26** To improve transparency and accountability of the election administration, live streaming of CEC and DEC meetings through social media and/or on websites should be introduced.

### *Law Enforcement Authorities*

- 27** Acts of physical violence, possibly politically motivated intimidation/harassment, vote buying, election fraud and other cases that contain elements of crime should be examined in a timely, objective and impartial manner, in order to determine legal responsibility of perpetrators.



### *The High Council of Justice and the High School of Justice*

- 28** In consideration of the tight deadlines for electoral disputes, a simplified form should be prepared for filing a complaint in court. Furthermore, electronic filing of complaints should be allowed for the same reason.
- 29** Judges should be better prepared on handling of electoral disputes. This concerns disputes related to Election Day violations and filling out of summary protocols, as well as disputes regarding complaints filed over different violations during the pre-election campaign period. Judges should have a better understanding of specificities of elections and the purpose and the nature of regulations prescribed by the electoral legislation.

### *The State Audit Office*

- 30** The State Audit Office should design effective methodology for monitoring election campaign on social media and for taking effective actions in response to illegal donations.
- 31** For taking effective actions in response to vote buying, illegal donations and other violations of party financing legislation, the SAO should make additional efforts to expedite the response to complaints that are filed in order to ensure that the outcome is established before Election Day and decisions made prevent or eliminate violations.

### *The Georgian National Communications Commission*

- 32** The GNCC should have a better understanding of its role in the electoral process and it should refrain from attempts to discredit, pressure and limit activities of NGOs.
- 33** The GNCC should change its approach according to which the burden of responsibility for credibility of public opinion poll results falls on broadcasters. When regulating broadcasters the GNCC should act within the standards prescribed by the legislation, in order not to impose on broadcasters disproportionate obligations that cannot be fulfilled in practice.
- 34** When handling cases of administrative violations against broadcasters, the Commission should make legally reasoned decisions, in order not to create risks of selective approach, bias or possible censorship against broadcasters.





### *Central and Local Authorities*

- 35** High-level officials of the government should refrain from attacking and intimidating observer organizations and their leaders with the aim of discrediting them or undermining their reputation, both directly and indirectly, through campaigns waged by other individuals.
- 36** During the campaigning period, they should refrain from initiating electorally motivated social and infrastructural projects, which aim to win voters over instead of implementing public policy priorities.
- 37** The practice of ordering civil servants and employees of non-profit (non-commercial) legal entities to collect the so-called “lists of supporters” should be eliminated. Central and local government officials should demonstrate their will not to allow forceful involvement of their career subordinates in election campaigning.

### *Political Parties and Electoral Subjects*

- 38** During the election campaign they should refrain from aggressive rhetoric, attacking one another, discrediting opponents, engaging in negative campaigning, using hate speech and engaging in any other actions and making appeals that may polarize society.
- 39** Political party leaders and candidates should distance themselves from discrediting messages and negative campaign run on social media pages created for supporting them and/or discrediting their opponents. Instead, they should demand public disclosure of sources of financing for such campaigns.
- 40** Political parties should abandon the practice of mobilizing and tracking voters on Election Day, controlling their will and using other methods to pressure voters. They should also refrain from the negative practice of mobilizing so-called party coordinators outside polling stations.
- 41** Political parties and candidates should refrain from mobilizing their supporters to attend public meetings of opposing parties/candidates. They should not let their supporters disrupt meetings of other electoral subjects and their campaign activities.



## Media

**42** To avoid political polarization during the electoral period, media outlets and broadcasters should realize their impact on the electoral environment and demonstrate high level of responsibility during coverage of electoral processes, not to allow clear politicization and polarization of their media platforms.

## XIII. Methodology

The International Society for Fair Elections and Democracy (ISFED) conducted a comprehensive monitoring of the pre-election period, Election Day, the runoff and the post-election period of the 2018 presidential election nationwide.

Pre-election monitoring began on August 1, 2018. The organization was monitoring the pre-election period for the first and the second round of the election in all electoral districts, through **68 long-term observers** (LTOs).

In their work LTOs relied on established international standards for observer organizations,<sup>52</sup> which first and foremost implies comprehensive, objective, transparent and unbiased monitoring of the process. Pre-election monitoring focused on the following issues:

- Monitoring of public meetings of political parties/electoral subjects and their political activities;
- Monitoring the process of composition of the election administration and its performance;
- Identification of instances of intimidation/harassment on political grounds, interference with political activities and vote buying;
- Identification of facts of misuse of administrative resources.

To identify instances of possibly politically motivated intimidation/harassment, ISFED observed whether:

- employees of public institutions, voters, political party representatives of electoral subject candidates were subjected to possibly politically motivated intimidation or harassment;
- activities of voters, civil servants, political parties, electoral subjects and other persons were restricted using different forms of violence.

During the monitoring ISFED relied on public information requested from administrative agencies, as well as information provided by electoral subjects, media, NGOs and individual citizens. ISFED verified each report by interviewing witnesses and all sides of the incident. In addition to monitoring, ISFED also filed complaints with relevant election commissions with the aim of taking legal action against violations found.

ISFED observed Election Day using Parallel Vote Tabulation (PVT) methodology. Several days before the elections ISFED conducted Election Day simulation of the entire PVT process twice,<sup>53</sup> aimed at testing whether the software runs well and whether observers are able to communicate information via text messages completely and effectively. The simulation was a success as 96% of observers were able to report to ISFED.

<sup>52</sup>In the process of monitoring ISFED follows the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, the declaration is available at: <http://www.gndem.org/declaration-of-global-principles>; For evaluations ISFED relies on and shares the principles and the spirit of the OSCE Document of the Copenhagen Meeting.

<sup>53</sup>By using the PVT methodology on Election Day, the organization is able to collect quantitative and qualitative data from randomly selected precincts and analyze the information; assess the entire process of Election Day in a systematic and unbiased manner, including opening of polling stations, voting, closing of polling stations, counting of votes and tabulation of results; receive fact-based information and take further actions with the aim of improving the process; detect errors/violations during opening of polling stations and tabulation of votes; generalize information received from randomly selected election precincts to election precincts nationwide; verify official results of the Election Day.



During the first stage of preparations for the Election Day, ISFED updated monitoring methodology, the system of reporting and communication, databases, forms of monitoring, instructions, guidelines and other electoral materials.

For the 2018 presidential election, ISFED revamped the process of preparing and training short-term observers (STOs) of Election Day. An online training module was prepared for experienced observers, while STOs with less experience that have not monitored two or more elections within ISFED mission, received two-day interactive trainings that entailed video simulations of the Election Day process at a PEC and possible violations using virtual reality, in order to improve understanding of observers about the polling station environment on Election Day.

In preparation for the Election Day observation mission, the organization delivered:

- **38** trainings for up to **800** short-term observers;
- Online training course for nearly **150** observers;
- **4** trainings for **73** DEC observers;
- **4** trainings for **78** mobile groups;
- Trainings for **10** lawyers;
- Trainings for **15** operators.

On Election Day and during the runoff, **SMS and incidents centers** were operating at the central office. Information received by observers via text messages throughout the day was accumulated in a special database and further verified by operators, if needed. Processing and analysis of verified information was performed by a group of experts.

Any violation detected at electoral precincts or districts on Election Day were reported to the incidents center composed of lawyers. After consulting with lawyers, observers took further actions in response to each violation detected, including by filing complaints at PEC or DEC. Verified and processed information was entered into the incidents' database by lawyers. The database contained information not only about violations but also about complaints filed with electoral precincts and districts.

Based on the strategy designed by ISFED, upon detection of a violation observer pointed it out first and requested that commission members take adequate actions to respond to it. If the PEC failed to take adequate further actions in response to the violation, observer filed a complaint.

Complaints and any other types of actions taken in response to violations had the following important objectives: a) to record a violation and ensure that it is corrected in a timely manner; b) to identify incompetent members of the election commissions, in order to replace them by qualified individuals in the future and ensure that training for PEC members covers all issues that proved to be most problematic; c) to develop recommendations for improving the legal framework.

On Election Day and during the runoff ISFED updated public on trends identified, violations detected and polling results by releasing statements and holding press conferences.

Georgian Elections Portal ([www.electionsportal.ge](http://www.electionsportal.ge)) was actively operating on Election Day and information about incidents detected by the organization was posted there in real time.

