



ISFED

INTERNATIONAL SOCIETY FOR
FAIR ELECTIONS AND DEMOCRACY

FINAL REPORT OF MONITORING OF THE 2018 PRESIDENTIAL ELECTIONS



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Pre-Election Observation Mission



I Round

- 🌀 **Monitoring Period:** August 1 - October, 27
- 🌀 **Scope :** 73 election districts
- 🌀 **Number of Observers:** 68 Long-term Observers (LTOs)

Runoffs

- 🌀 **Monitoring Period:** October 29 – November, 27
- 🌀 **Scope:** 73 election districts
- 🌀 **Number of Observers:** 68 Long-term Observers (LTOs)

Election Day Observation Mission



I Round

- ☉ **800** Short-term Observers (STOs)
- ☉ **73** DEC Observers
- ☉ **78** Mobile Teams
- ☉ **10** Incident Center Lawyers
- ☉ **15** PVT/SMS Center Data Entry Operators

Runoff Elections

- ☉ **651** Short-term Observers (STOs)
- ☉ **73** DEC Observers
- ☉ **78** Mobile Teams
- ☉ **10** Incident Center Lawyers
- ☉ **15** PVT/SMS Center Data Entry Operators

Election Administration – the CEC

- ⊖ Worsened rule of the composition of the election administration
- ⊖ Conflicts of interest and alleged political influences in the selection process of the members of the DEC and the PEC
- ⊖ Lack of transparency in the selection process of the members of the DEC and the PEC and the lack of will of the election administration to improve practice
- ⊖ Pro-forma and superficial handling of the electoral disputes
- ⊖ Inadequate response to the use of personal social media accounts by civil servants for illegal campaigning
- ⊖ Problems associated with efficiency and proportionality of the decisions made on electoral violations
- ⊖ Controversial decision of the CEC about the date of the presidential runoff and extending voting time at the polling stations abroad

Apparent nepotism, political influences and conflicts of interest in PEC and DEC composition:

- ☞ In 14 **DECs** the relatives of the officials of the election administration and other public officials were chosen as temporary members,
- ☞ In 7 **DECs** – activists of the *Georgian Dream* were selected

Challenges related to composition of the PECs:

- ☞ DEC template refusals to interview the PECs membership candidates
- ☞ Attempts of some local authorities and ruling party representatives to interfere with the interviewing process
- ☞ Preliminary Lists of the members of the PECs in **25 DECS**

Information reported by the media concerning possible election fraud at a number of polling stations

- ⊖ Open and available for business and professional cooperation
- ⊖ Reacted to illegal donations and violations of party financing rules; did not show signs of political bias
- ⊖ Sanctions imposed failed to fulfill the functions of timely elimination and prevention of violations as decisions were delayed and not efficient enough
- ⊖ Sponsored discrediting campaigns on social media remains beyond the SAO regulations

Campaign Finance

- 81.6% of total donations were received by Salome Zourabichvili
- Based on ISFED complaints 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”
- Using the so called “technical candidates” to provide benefits afforded by the election legislation for qualified parties to major presidential candidates also showed signs of illegal donations but were not considered to be violation of law by the SAO.
- Questions arose about suspicious donations from medical personnel and management of certain medical institutions made in favor of Salome Zourabichvili

- ☞ Commission work went beyond the frame of constructive cooperation which resulted in a withdrawal of main election observer organizations
- ☞ Instead of promoting electoral processes, the Commission sessions became the arena for attacking the NGOs
- ☞ Mandate, goal and objectives as well as submission of applications and the format and procedures of consideration of issues were ambiguous
- ☞ There is no mechanism to implement and monitor the Commission recommendations that calls effectiveness of its work into question

- ☞ Some decisions made by the GNCC called its objectivity and impartiality into question
- ☞ Aggressive attitude towards observer organizations and attacks on ISFED by the GNCC Chair was alarming;
- ☞ Disproportionate demands imposed by the CNCC on broadcasters to verify credibility of the public opinion polls created risks of **selective application of sanctions** on broadcasters and **self-censorship** in media
- ☞ Fine imposed on “Rustavi 2” for airing a political advertisement before the election period was not properly substantiated

Media Environment

- ☞ Media environment was pluralistic but sharply polarized
- ☞ Polarization was especially high during the pre-election period of the runoff
- ☞ Individual broadcasters portrayed the presidential candidates in a negative light violating professional ethic norms
- ☞ Closing of the Iberia TV had a negative effect on coverage of the pre-election campaign

Key Findings of the Pre-election Period

- Pre-election campaigns ahead of the both rounds went against the background of mutual accusations and candidates targeting one another in their campaigns
- Polarization, aggressive rhetoric and negative campaigning grew ahead of the runoff
- Unprecedented coordinated attacks on observer organizations from high-level officials of the government and the ruling party during the pre-election period accompanied by the sponsored smear campaign on Facebook
- Pre-election period before the runoff was marked with increase of intimidation and harassment against civil servants as well as supporters and activists of the opposition candidate
- Government initiatives during the pre-election period before the runoff were characterized as misuse of administrative resources
- Decision to write off bank loans of 600,000 citizens took the form of as unprecedented scale of vote-buying

Pre-Election Period Violations

- ☞ Intimidation/Harassment - **54** (including 40 cases between 1st and 2nd rounds)
- ☞ Acts of Violence and Physical Confrontation- **12**
- ☞ Misuse of Administrative Resources - **35**
- ☞ Vote Buying - **21**
- ☞ Illegal Campaigning- **104**
- ☞ Interference with Pre-election Campaigning - **23**

- ☞ Pressure on observer organizations
- ☞ Writing down debts
- ☞ Changes made in local self-government budgets - **31**

The Pre-Election Period - Violence

- ☞ The pre-election campaign for the first round proceeded in a relatively peaceful environment and free from major incidents of violence and physical confrontation
- ☞ Exception to this were the protest rallies in several municipalities held against Salome Zourabichvili which escalated into a physical confrontation in 3 cases
- ☞ Several violent incidents took place during the pre-election period for the runoff
- ☞ Incidents of violence occurred mainly against the supporters and activists of the opposition parties, however in once case, a person was attacked for not voting for Grigol Vashadze
- ☞ Incident occurred on October 30 in Akhalkalaki was alarming

The Pre-Election Period – Intimidation/Harassment



- ☞ For the runoff, instances of intimidation and harassment of civil and public sector employees sharply increased
 - ☞ The pre-election period for the first round (3 months) – 14 cases
 - ☞ The pre-election period for the runoff (3 weeks) – 40 cases
- ☞ Employees of non-profit (non-commercial) entities and public sector were instructed to collect the so called “supporters list”
- ☞ Inspection carried out at Zugdidi Public School #6 was likely used as political retribution
- ☞ Threats were made against a presidential candidate Salome Zourabichvili and her family members

The Pre-Election campaign - Pressures on Observer Organizations



☞ Attacks from the side of administrative bodies involved in the election

- ☞ August 21 – CEC Chairperson attacks GYLA
- ☞ August 24 – Chair of the Inter-Agency Commission attacks a representative of GYLA
- ☞ September 14 - Chair of the Georgian National Communications Commission attacks ISFED

☞ Attacks from politicians

- ☞ October 2 - Chair of Parliament attacks 13 NGOs
- ☞ October 3 – Minister of Justice offers 13 NGOs to register as political parties;
- ☞ October 5 – Salome Zourabichvili criticizes NGOs
- ☞ October 6 – Mayor of Tbilisi criticizes NGOs
- ☞ October 8 – Chair of Parliament refers to ISFED Executive Director as ‘an accomplice to fascism’
- ☞ October 23 – Minister of Justice attacks executive Director of “Transparency International – Georgia” at an international conference
- ☞ October 23 and 26 – Bidzina Ivanishvili criticizes Eka Gigauri and Mikheil Benidze

The Pre-Election Period - Misuse of Administrative Resources

- ⊖ Before launch of the official campaign, **budgets of social and infrastructural projects** were **increased** in 31 municipalities which gave an impression of mobilizing resources in order to win over voters
- ⊖ In between the two rounds of elections, more than 10 initiatives concerning **increase of salaries, social benefits, provision of housing, launch of infrastructural projects** were announced. None of the initiatives had been known prior to the first round
- ⊖ **Mobilization of civil servants** for campaign events of Salome Zourabichvili was a trend
- ⊖ In some cases, communication means of administrative bodies were used in favor of Salome Zourabichvili

The Pre-Election Campaign - Vote Buying

- ☞ Decision to write off GEL 1.5 billion unpaid loans for over 600,000 citizens was an **unprecedented case of vote buying**
- ☞ 21 cases of vote buying were found, including:
 - ☞ 8 – prior to the first round
 - ☞ 13 – during the pre-election period of the runoff
- ☞ In some cases the voters were incentivized through distribution of different types of products and provision of financial assistance
- ☞ In various municipalities, voters were offered money in exchange for voting in favor of Salome Zourabichvili, while in certain cases possible supporter of opposition party were offered money in exchange of their ID cards to prevent them from voting

The Pre-Election Period - Illegal Campaigning

- ☞ Illegal Campaigning was systematic;
- ☞ **104** cases of illegal campaigning through social media was found by ISFED
- ☞ Representative of religious organization made statements against Salome Zourabichvili in violation of the campaigning rule
- ☞ Salome Zourabichvili's family members who are not citizens of Georgia participated in campaigning in violation of the law

Social Media

- Official Facebook pages of political parties and candidates were mainly used to disseminate information about their own programs and ideas
- In parallel to official campaign, **an extensive discrediting campaign** was waged on Facebook
- Anonymous sponsored discrediting campaigns against candidates, political parties, observer organizations, media outlets and politically active individuals were **organized** and **intentional**;

Discrediting Pages on Facebook



OUT OF **160** DISCREDITING PAGES STUDIED



43 PAGES AGAINST SALOME ZURABISHVILI
AND GEORGIAN DREAM



72 PAGES AGAINST GRIGOL VASHADZE, UNM
AND UNITED OPPOSITION



8 FAKE SUPPORTING PAGES



19 FAKE MEDIA



23 ULTRANATIONALISTIC PAGES

Election Day Observation Methodology

Process of PVT Observation



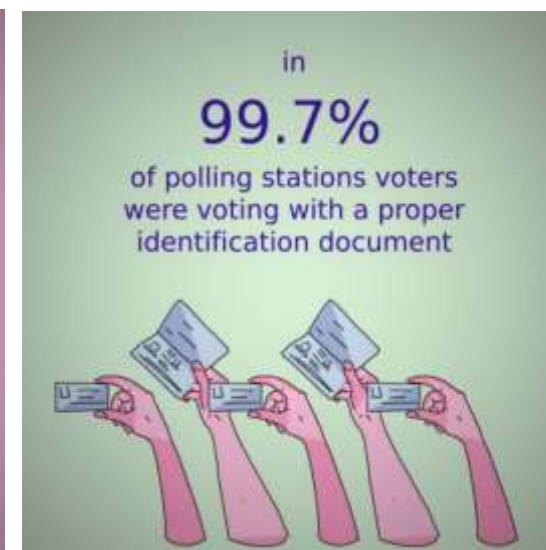
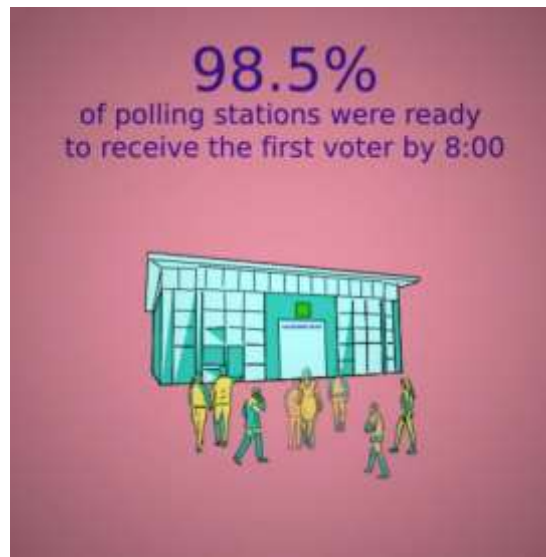
Election Day – October 28

Key Findings



- ☞ Opening of polling stations, process of voting and counting of votes was mostly peaceful and organized
- ☞ There was a trend of mobilization of party activists outside polling stations tracking voters
- ☞ Ruling party activists were campaigning and ordering voters to bring supporters. At some polling stations such methods were also used by individuals wearing badges of accredited observers

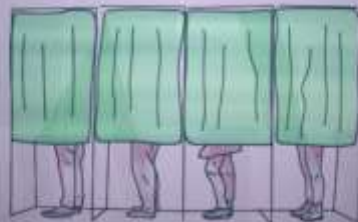
PVT Results of the First Round Election Day



in
97.1%
of polling stations
inking was properly checked



in 98.6%
of polling stations the secrecy
of the vote was ensured



in
98.6%
of polling stations
inking was properly applied



in 99.1%
of polling stations ballot papers
were properly validated with
a signature and a stamp



PVT RESULTS

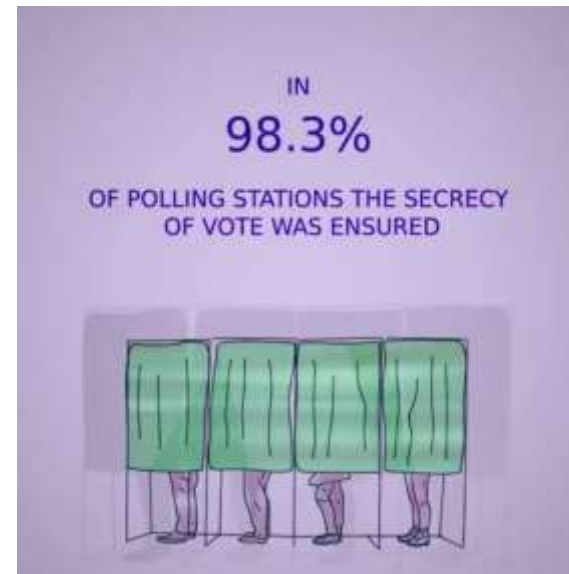
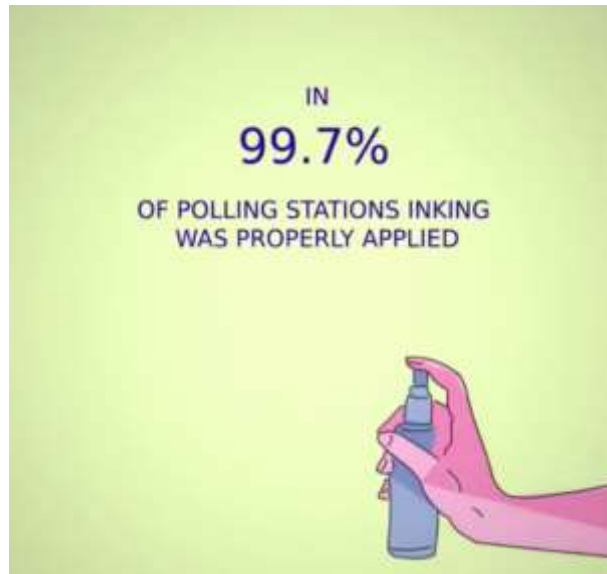
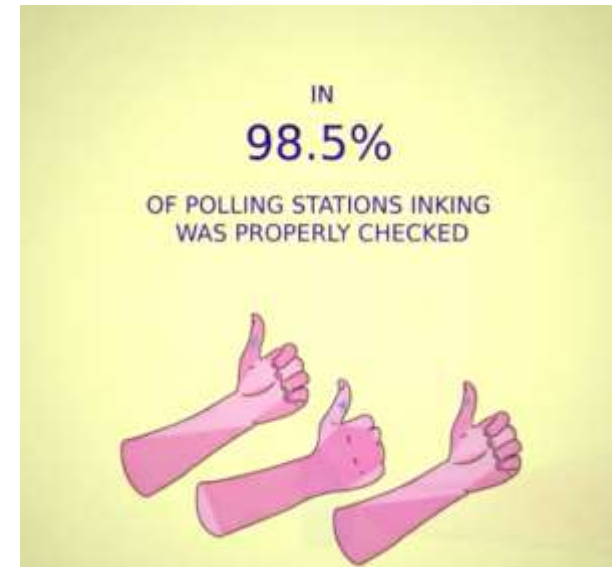
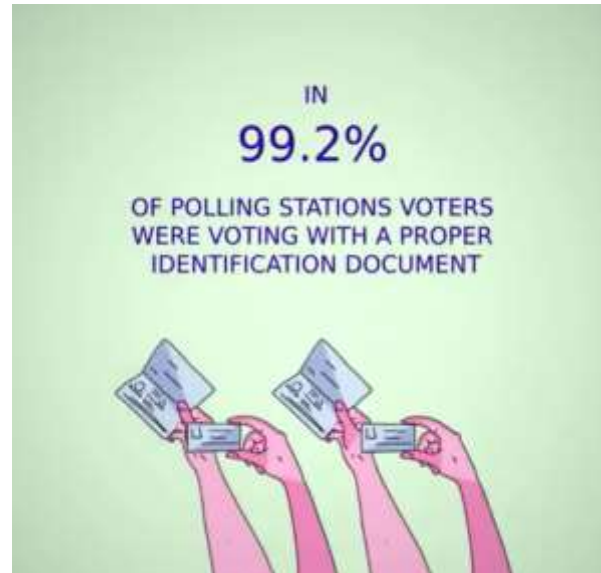
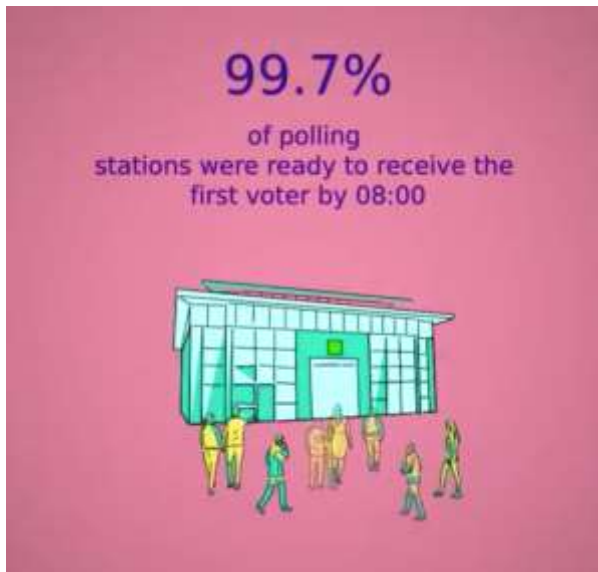
5 GRIGOL VASHADZE NATIONAL MOVEMENT	38.5%	+/- 1.0% MARGIN OF ERROR
48 SALOME ZURABISHVILI INDEPENDENT CANDIDATE	37.6%	+/- 0.9% MARGIN OF ERROR
2 DAVID BAKRADZE EUROPEAN GEORGIA	11.0%	+/- 0.5% MARGIN OF ERROR
10 SHALVA NATELASHVILI LABOUR PARTY	3.8%	+/- 0.2% MARGIN OF ERROR
25 DAVID USUPASHVILI FREE DEMOCRATS	2.3%	+/- 0.2% MARGIN OF ERROR
36 ZURAB JAPARIDZE GIRCHI	2.2%	+/- 0.2% MARGIN OF ERROR
21 KAKHA KUKAVA FREE GEORGIA	1.3%	+/- 0.1% MARGIN OF ERROR

Election Day – November 28

Key Findings

- Opening of polling stations, the process of voting and counting of votes was mostly peaceful and organized and free from any major violations
- Similar to the first round, there was a trend of mobilization of party activists of *Georgian Dream* and Salome Zourabichvili outside polling stations tracking voters
- As closing of polling stations approached certain serious incidents took place such as loss table voters' list, presence of unauthorized persons at the polling stations, attempts to steal the ballot box
- After closing of polling stations, violent incidents took place in Marneuli and Lagodekhi districts

PVT Results of the Runoff

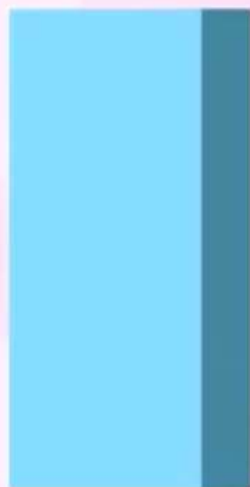


THE PRESIDENTIAL RUNOFF PVT RESULTS

48 SALOME ZURABISHVILI
Independent Candidate

59.1%

+/- 0.8%
Margin of Error



5 GRIGOL VASHADZE
National Movement

40.9%

+/- 0.8%
Margin of Error



Complaints filed in DEC's and PEC's

134 complaints were filed in **PEC's** for the first round and the runoff

From **237** complaints filed in the **DEC's** for the first round and the runoff:

- ☞ satisfied - **38**
- ☞ partially satisfied- **30**
- ☞ rejected- **141**
- ☞ not examined- **28**

Shortcomings/Findings of the Complaints Process

- ☞ PEC members wrote explanatory notes about any type of violations regardless of their seriousness that were used to justify those violations;
- ☞ DEC's made decisions based on explanatory notes of the members of the PEC's viewing such statements as credible and sufficient evidence to determine circumstances of any violation;
- ☞ Explanatory notes were used by the DEC's to justify their decisions not to impose liability on PEC members;
- ☞ DEC's used the standard arguments to avoid imposition of liability on PEC members;
- ☞ DEC's avoided revision of tabulation results irrespective of the seriousness of violations;

Shortcomings/Findings of the Complaints Process

- ☞ The election administration did not properly react to cases of restriction of observers rights;
- ☞ DEC avoided imposition of administrative liability;
- ☞ Complaints were left unexamined incorrectly stating different reasons. Some DEC's interpreted and used norms of the Election Code wrongfully. It seemed that the wrongful use of law was intentional in order to leave the complaints unexamined;
- ☞ For inaccurately and incompletely filed out summary protocols DEC's imposed liability only on PEC secretaries.

Legislative Recommendations

- **Working group** should be created in Parliament which will work on legislative changes;
- **Rule of composition of election commissions** at all levels should be revised. In the long-term perspective, priority should be given to fully professional composition of election administration. In a short-term perspective, representation of political parties should be based on parity principle;
- Number of election commission members should be reduced;
- It is desirable to consider **extension of the deadlines for selection of PEC members** by DEC and therefore, reduction of the term of power of the PEC members
- It is desirable for election commission members at any levels to be **certified**;

Legislative Recommendations

- ☞ **Norms** that regulate electoral disputes in the Election Code **should be revised** and ambiguous provisions should be specified;
- ☞ Revision of election results should be mandatory in certain cases;
- ☞ **Definition of campaigning** should be specified indicating that campaigning by civil servants during work hours using personal social media accounts amounts to violation;
- ☞ The **format** of the Inter-Agency Commission for Free and Fair Elections should be changed;
- ☞ The list of individuals that enjoy unlimited right to participate in campaigning should be reduced; **Prohibition of campaigning** should be extended to employees of non-profit (non-commercial) legal entities and other budgetary organizations;
- ☞ Opportunity of airing a political advertisement during non-electoral period and applicable regulations should be determined;
- ☞ Appealing refusal of an authorized representative of an election commission to prepare a protocol of violation should be allowed.

Recommendations – Election Administration



- ☞ The rules for holding a competition to select professional members of DEC and PEC, **applicable objective criteria** and **procedures** should be prescribed in detail;
- ☞ The election administration should avoid the practice of narrow and word-by-word interpretation of the law and should rely on **the spirit of the law** as well as examine all circumstances relevant to the case;
- ☞ Violations should not be justified by explanatory notes of commission members;
- ☞ EMBs should adequately respond to the increasing contemporary challenges related to the influence of social media on electoral process and should promote a practice that will reduce illegal campaigning in social media;

Recommendations – Election Administration



- ☞ Should take a **clear position** in response to cases of conflict of interest of election commission members;
- ☞ **Training of PEC members** in drawing up summary protocols should be improved. 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;
- ☞ DECs should examine complaints filed in connection to restriction of observer rights **objectively and without bias** and make substantial decisions;
- ☞ To improve transparency and accountability of the election administration live streaming of CEC and DEC sessions through social media and/or websites should be introduced.

Recommendations

The High Council of Justice and the High School of Justice:

- ☞ A simplified form should be prepared for filing a complaint in court. Electronic filing of complaints should be allowed;
- ☞ Judges should be better prepared for handling electoral disputes;

The State Audit Office:

- ☞ Should design effective methodology for monitoring election campaign spending on social media and for taking effective sanctions in response to possible illegal donations;
- ☞ For effectiveness of actions in response to violations, the timeframe on taking decisions on complaints should be expedited to ensure that the outcome is established before Election day.

Law Enforcement Authorities:

- ☞ Acts of violations should be investigated in a timely, objective and impartial manner in order to determine legal responsibility of perpetrators;

Recommendations

The Georgian National Communications Commission:

- ☞ Should refrain from attempts to discredit, pressure and limit activities of NGOs;
- ☞ Should change its approach according to which the burden of responsibility for credibility of public opinion poll results falls on broadcasters;
- ☞ Should make legally reasoned decisions when handling cases of administrative violations against broadcasters in order not to create risks of selective approach, bias or possible censorship against broadcasters.

Central and Local Authorities:

- ☞ Should refrain from attacking and intimidating observer organization and their leaders with the aim of discrediting them;
- ☞ Should refrain from initiating electorally motivated social and infrastructural projects;
- ☞ 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.

Recommendations

Political Parties:

- ☞ Should refrain from aggressive rhetoric, attacking each other, discrediting opponents, engaging in negative campaigning, using hate speech;
- ☞ Should distance themselves from discrediting messages and negative campaign run on social media pages created for supporting them and/or discrediting their opponents;
- ☞ Should abandon the practice of mobilizing and tracking voters on Election day, controlling their will and using other methods to pressure voters;
- ☞ Should refrain from mobilizing their supporters to attend public meetings of opposing parties/candidates.

Media:

- ☞ Should realize their impact on the electoral environment and demonstrate high level of responsibility during coverage of electoral processes in order to avoid political polarization and not to allow clear politicization of their platforms.



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