

FINAL REPORT OF MONITORING THE 2017 LOCAL SELF-GOVERNMENT ELECTIONS

INTERNATIONAL SOCIETY FOR FAIR ELECTIONS
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FINAL REPORT OF MONITORING THE 2017 LOCAL SELF-GOVERNMENT ELECTIONS

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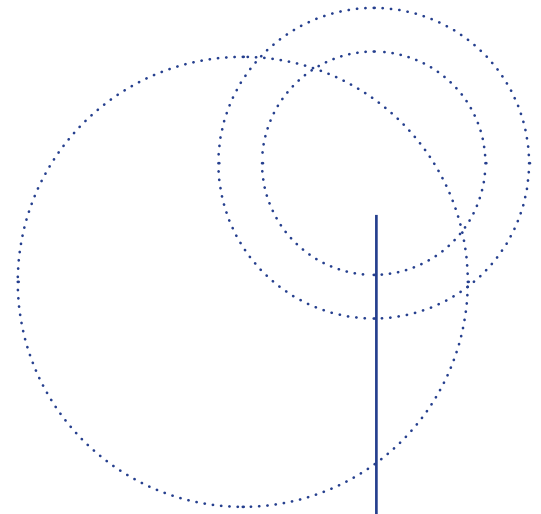
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LIST OF ABBREVIATIONS

A/R	Autonomous Republic
CEC	Central Election Commission
CSO	Civil Society Organization
DEC	District Election Commission
ECHR	European Court of Human Rights
GEL	Georgian Lari
GFF	Georgian Football Federation
GPB	Georgian Public Broadcaster
GYLA	Georgian Young Lawyers Association

ICT	Information and Communication Technologies
ISFED	International Society for Fair Elections and Democracy
LTO	Long-term Observer
MP	Member of Parliament
MRDI	Ministry of Regional Development and Infrastructure
NED	National Endowment for Democracy
NGO	Non-Government Organization
OSCE	Organization for Security and Co-operation in Europe
PEC	Precinct Election Commission
PVT	Parallel Vote Tabulation

SAO	State Audit Office
SCC	State Constitutional Commission
SMS	Short Message Service
STO	Short-term Observer
TI	Transparency International Georgia
UNM	United National Movement
USAID	United States Agency for International Development

I EXECUTIVE SUMMARY

The International Society for Fair Elections and Democracy (ISFED) monitored the pre-election period, the Election Day, the runoffs and the post-election period of the local self-government elections nationwide with a large-scale monitoring mission and 1,299 accredited observers. The present report summarizes results of the monitoring.

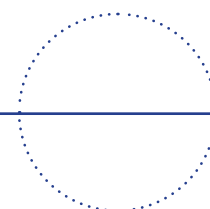
The local self-government elections were preceded by discussions on the constitutional reform, which was a major issue of political agenda. One of the main topics of division between the ruling party and the opposition was difference of opinion about the change of electoral system for parliamentary elections. Despite urgent requests made by political parties and the civil society, the ruling party postponed abandoning the majoritarian part of the current electoral system and moving to the proportional elections to 2024. The constitutional majority of the ruling power passed the constitutional changes with three readings, through single-party support and without a wide consensus.

Similar to the Constitution, several months prior to the elections the authorities amended the election legislation and the Local Self-Government Code in a hasty manner. As a result of these changes, 7 cities were stripped of their self-governing status and merged with nearby community municipalities, which reduced the number of municipalities in Georgia by 7. Set of amendments in the Election Code could jeopardize transparency, accountability and confidence in the election administration. Civil society found changes in the rules for composition of election commissions to be most problematic. These changes allowed increased the number of ruling party representatives in all tiers of commissions following the 2017 elections.

Despite its openness to cooperate with stakeholders, a number of irregularities were found in the work of the election administration. Cases of conflicts of interest of commissioners particularly stood out among challenges, but were not adequately addressed by the Central Election Commission (CEC). Family members of some district-level commissioners were running in the elections as political party candidates in the same districts. During the complaints process, the CEC and district-level commissions failed to adequately respond to acts of illegal campaigning by civil servants on social media, in violation of requirements of the Election Code. Instances of narrow interpretation of the electoral legislation were problematic, which lead to ignoring of requirements

of the law and encourages future violations. Composition of precinct election commissions (PECs) continued to have shortcomings and was insufficiently transparent, which raised suspicions about possible political influences in the process. The pre-election period was largely peaceful. The campaign was especially active in the capital where mayoral candidates were known to public before the official election period began as they ran relatively lengthier campaigns. The ruling party's dominance was evident nationwide, as demonstrated by a significant imbalance in party donations and campaign expenditures. Violent incidents were not widespread, however, as the Election Day approached instances of intimidation/harassment mostly against opposition candidates or activists significantly increased. In a few districts individuals registered as candidates from certain opposition parties or as independents withdrew from the races likely as a result of harassment and intimidation. The acts of harassment and intimidation ahead of the first as well as the second round of the elections were concentrated in municipalities where the ruling party was challenged by opposition candidates that enjoyed high level of support. Their supporters reported verbal threats, threats to cancel social assistance and various forms of intimidation to ISFED observers. During the second round of the elections, the pre-election period was especially tense in Ozurgeti District, where the period between the first and the second rounds was characterized by acts of political harassment/intimidation and misuse of administrative resources. Some individual public servants were found to be involved in such actions in favor of the ruling party's candidate. Handling of alleged cases of intimidation of candidates by state authorities was insufficient and ineffective. Investigation of several cases started but results of the investigation are still unknown even after the elections.

Unlike previous elections, the local self-government elections were characterized by intensive social media campaign, including an organized campaign of disinformation against opposition candidates for the office of Tbilisi Mayor, with the use of various Facebook pages that spread mainly false and discrediting information through sponsored posts. Studying sources of funding of these campaigns and the origin of such funding in order to determine possible illegal donations is especially challenging. ISFED addressed the State Audit Office (SAO) with a recommendation about developing appropriate methodology for responding to such facts effectively. No widespread use of administrative resources was found during the pre-election period. However, before the official



pre-election campaign was launched and applicable legal restrictions became effective, large number of municipalities made changes in their budgets to allow scaling up of social, healthcare and infrastructural projects envisaged by the local self-government budgets. In addition, projects were planned in a way that allowed implementation of main project activities during the campaign period, which raised suspicions about mobilization of resources to increase voter satisfaction in the election period.

Media environment was mostly diverse during the pre-election period but politicization of broadcasters remained a problem. Ahead of the local self-government elections, appointment of a new General Director of Georgian Public Broadcaster (GPB) from former PM Bidzina Ivanishvili's inner circle and the new management's insisting attempts to shut down the broadcaster's important social and political programs caused broad public discussions and suspicions about influences exerted on the broadcaster's editorial policy. The ownership dispute about Rustavi 2 was still in progress as the election year began. The Supreme Court found the plaintiff to be the owner of 100% shares of the company but the European Court of Human Rights (ECHR) granted an interim measure and suspended enforcement of the Supreme Court's ruling.

ISFED found that the Election Days of the first and the second rounds of the elections were held in mostly peaceful and organized environment, without any major incidents.

The exception in the first round was Marneuli District where ISFED observers found relatively widespread significant irregularities.

One noticeable trend identified in the first round was collection of voters' personal information from table voter lists by representatives of political subjects. Such practice was identified at **16.8%** of polling stations throughout the country. However, this trend was most visible in Tbilisi and was identified by ISFED observers at **74.8%** of the polling stations in the capital. The fact that the practice was widespread in Tbilisi raised suspicions that will of voters was subjected to control and their personal information was likely used for harassment of voters. The election administration failed to prevent possible cases of control of will of voters and illegal use of their personal information.

During the second round of the elections Daba Nasakrali Polling Station no.59 in Ozurgeti was at the center of attention, where, apparently there was a deliberate attempt to create a disturbance during vote count in order to have the results invalidated, which would have affected the outcome of mayoral elections in Ozurgeti District. Despite the incident, election documentation remained intact and eventually the will of voters was adequately reflected in the summary protocol.

ISFED observers filed **325** complaints in district and precinct level commissions over irregularities identified during the first and the second round of the elections. Most of the irregularities were the result of lack of professionalism and qualification of election commission members, especially with regard to drawing up of summary protocols. ISFED representatives were able to attend consideration of complaints and voice position of the organization regarding the filed complaints. However, during the consideration of complaints election commissions avoided adequate examination of election documentation, revision of results and made decisions solely based on explanatory notes of commission members irrespective of gravity of violations concerned, which is a serious problem. In addition, district election commissions (DECs) misused and misinterpreted the timeframe for lodging complaints and they did not understand the substance and purpose of applicable procedures prescribed by the legislation. They avoided the use of administrative or disciplinary penalties, failed to adequately react on violation of observer's rights and made ill-founded decisions.

II ABOUT THE MONITORING MISSION



The present report summarizes results of monitoring of 2017 local self-government elections of Georgia carried out by the International Society for Fair Elections and Democracy (ISFED) observation mission. ISFED carried out nationwide pre-election, Election Day and post-election monitoring of the 2017 local self-government elections. The organization observed the first round of the local self-government elections on October 21 and the election runoffs on November 12.

The pre-election monitoring of the local self-government elections was carried out over the period of three months, from July 24 to October 20, by means of **70 long-term observers** (LTOs) of the organization, in all electoral districts² of Georgia. During the pre-election period ISFED published three interim reports of the pre-election mon-

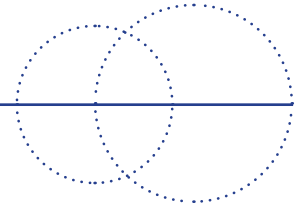
itoring. ISFED also monitored the pre-election period of the runoffs¹. The monitoring was conducted by **6 LTOs** of the organization in six electoral districts² where mayoral candidates could not clear the electoral threshold (50%+1). ISFED also published a report on evaluation of pre-election monitoring of the runoffs.

On the **Election Day** ISFED monitored the polling and counting of votes using the Parallel Vote Tabulation (PVT) methodology³. For the October 21, 2017 local self-government elections, the monitoring mission of ISFED comprised of nearly **1050** short-term observers (STOs), **73** district election commission (DEC) observers and **80** mobile groups. Data analysis and incidents centers staffed by **18** operators and **13** lawyers were operating at the central office of ISFED on the Election Day.

¹ The monitoring of the runoffs cover the period from October 24 to November 10

² Borjomi, Martvili, Ozurgeti, Kutaisi, Kazbegi, Khashuri

³ The Parallel Vote Tabulation (PVT) methodology enables us 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.



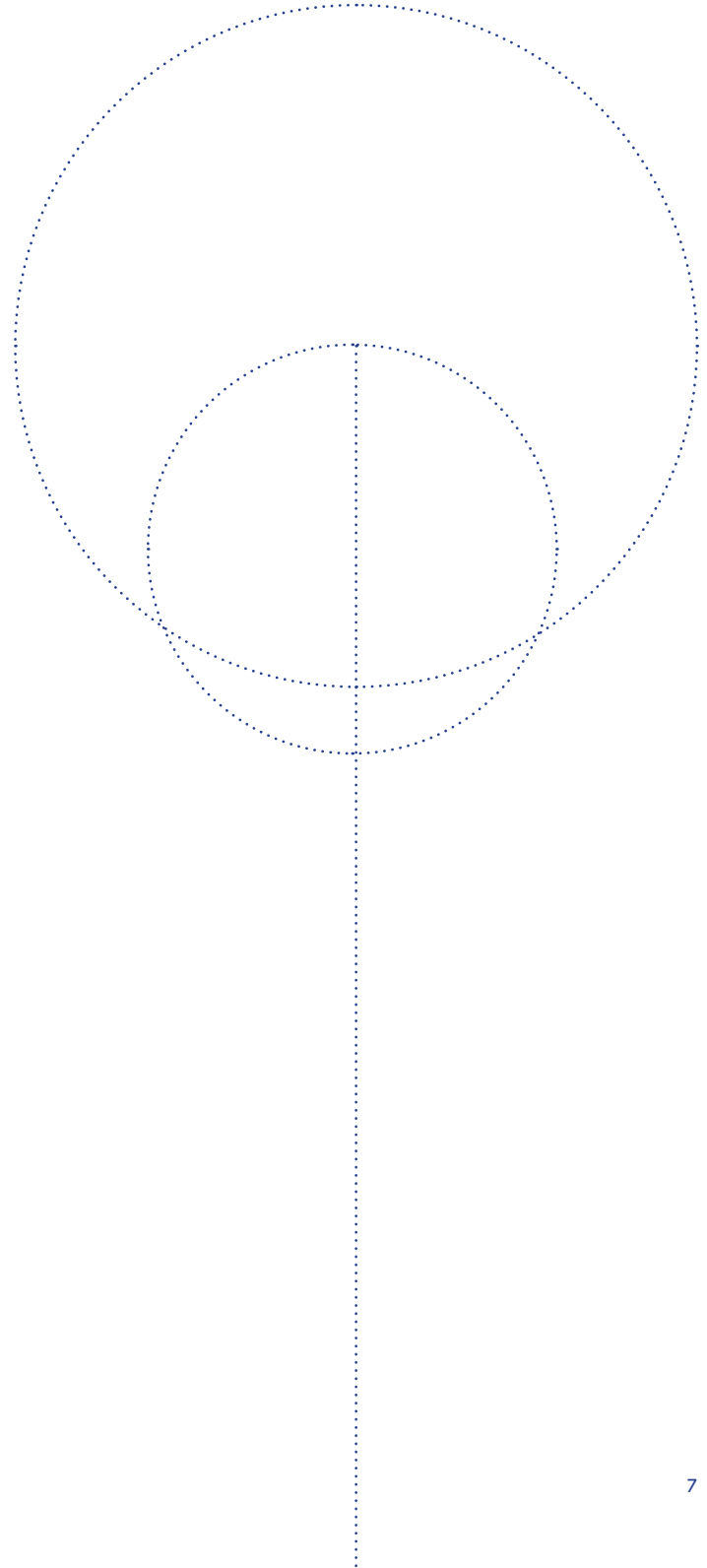
During the first round of the elections, ISFED deployed the short-term observers at:

- **300** polling stations randomly selected across Georgia;
- **350** polling stations randomly selected in **Tbilisi**;
- All polling stations self-governing cities of **Kutaisi, Rustavi, Batumi** and **Poti**, as well as **Akhaltsikhe** and **Marneuli** municipalities;
- 7 polling stations adapted for persons with disabilities in Tbilisi.

During the second round of the elections, 317 short term observers of ISFED were distributed among all electoral precincts of Borjomi, Martvili, Ozurgeti, Kutaisi, Kazbegi and Khashuri electoral districts. The monitoring mission also included **6** mobile groups and **6** DEC observers. Similar to the first round, ISFED used PVT methodology to monitor the second round. The incidents and SMS centers set up at the central office for the runoffs composed of **6** lawyers and **8** operators.

ISFED monitored **the post-election period** following the first round of the local self-government elections by means of **70** observers and lawyers. The organization monitored activities of the election administration, complaints process and tabulation of results at DECs. The processes at district election commissions following the Election Day of the runoffs were monitored by **6** observers of the organization. Based on the analysis of irregularities detected by the monitoring, ISFED prepared recommendations for improving the electoral legislation and environment. The present report summarizes results of the monitoring as well as corresponding recommendations.

Implementation of the monitoring mission of the International Society for Fair Elections and Democracy for the 2017 local self-government elections was made possible by financial support of the United States Agency for International Development (USAID), the Federal Foreign Office of the Federal Republic of Germany and the National Endowment for Democracy (NED). The British Embassy in Tbilisi also made a contribution to support monitoring of the second round of the elections. The views and opinions expressed in this report belong to ISFED and do not necessarily reflect the position of the donor organizations.



III POLITICAL CONTEXT AND CONSTITUTIONAL AMENDMENTS



The self-government election year began against the backdrop of important changes in the political landscape. As a result of divisions within the United National Movement (UNM) following the 2016 parliamentary elections, the party was split into two in January 2017 and leaders that left the party created Movement for Freedom-European Georgia. The European Georgia secured the status of a parliamentary majority because most MPs that had run for Parliament on the UNM ticket joined the new party. Changes also occurred in opposition political parties that failed to make it into Parliament. More specifically, several leaders of the Free Democrats, Republicans and the National Forum resigned, and while the opposition was weakening, the Georgian Dream was gaining more traction. After securing 48.68% of support in the parliamentary elections, the Georgian Dream received 115 out of 150 parliamentary

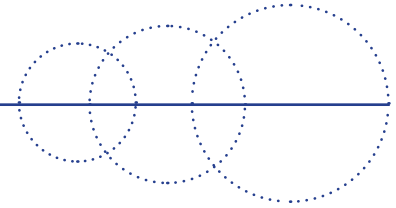
seats and therefore, the constitutional majority⁴. Having gained the constitutional majority, the ruling party unveiled its plans for a constitutional reform and on 15 December 2015, State Constitutional Commission (SCC) was set up in Parliament to conduct fundamental revision and prepare draft revised Constitution by April 30, 2017⁵.

Political discussions ahead of the 2017 local self-government elections were focused on constitutional amendments. Mostly inclusive discussions on the constitutional reform initiated within the SCC format gradually entered into deadlock. Before April 22 final meeting of the Commission political party representatives resigned from their SCC membership. The reason for discord was mostly the ruling party's position on the change of electoral system⁶.

4 Summary protocol of final results of the October 8, 2016 parliamentary elections, CEC, 16 November 2016, Tbilisi <http://cesko.ge/res/docs/20161116144542ოქმნ.pdf>

5 See the Order of the Chair of the Parliament of Georgia: http://www.parliament.ge/ge/ajax/downloadFile/54381/საკონსტიტუციო_კომისიის_შემაჯგუფლობა

6 Changing the parliamentary election system was the key issue of the constitutional reform for the civil society. For several years NGOs and opposition parties had been demanding replacement of the existing majoritarian-proportional system with a proportional one because the experience has shown that in the majoritarian component votes gained in the parliamentary election are disproportionately translated into parliamentary seats, which works at the ruling party's advantage.



In January 2017, ISFED and other members of the SCC (NGOs and opposition parties) put forward an initiative to abolish the majoritarian system and move to a regional proportional system. During discussions of the proposed changes it became known that the ruling party would support the move to a proportional system but the Georgian Dream also proposed abolition of election blocs and introduction of a new rule for allocation of the so-called undistributed mandates to allow allocation of votes received by all parties that were unable to clear the 5% threshold to a single party that garnered the most votes. Such model essentially undermined benefits of the move to the proportional system since the “bonus” mechanism for allocation of undistributed mandates would give substantial advantage to the party that garnered most votes, and it would still allow a disproportion between votes and seats. In response, NGOs demanded proportional allocation of undistributed mandates; they submitted alternative proposals within the SCC to mediate the risk of the model offered by the ruling party but none of them were supported. Similar to the civil society, the model offered by the ruling party was also criticized by the Venice Commission⁷. Recommendations of the Commission were essentially identical to those of NGOs⁸.

On June 19, immediately after the Venice Commission published its opinion, the ruling party made an unexpected unilateral decision and announced postponement of the move to a proportional system until 2024⁹. The ruling party cited resistance of some majoritarian MPs to scrapping of the majoritarian system as the reason for postponement. The decision further acerbated the disagreement between the ruling party and the opposition. A few days after making the announcement, the parliament approved the draft revised Constitution with two readings and without a consensus between political parties. The constitutional amendments were supported by a single party—the Georgian Dream that holds the constitutional majority. Postponement

of the move to the new electoral system without wide consensus was strictly criticized by the President of the Venice Commission¹⁰ and Georgian NGOs. The NGOs believed that the postponement was an attempt of the ruling party to hold on to its power¹¹.

Apart from changing of the electoral system, other initiatives of the Georgian Dream in the constitutional reform process also proved to be quite controversial, including the move from direct to indirect election of the president, defining marriage as “a union between a woman and a man”, and others.

Despite numerous attempts of mediation and dialogue between the authorities and the opposition, positions could not be reconciled. The Georgian Dream that holds the constitutional majority did not show willingness to concede on principal issues, while the opposition could not narrow down its demands. On September 26, the Parliament of Georgia adopted the draft revised constitution with the third reading, with 117 lawmakers voting for and two voting against it¹². On October 9, the President of Georgia vetoed the constitutional amendments and returned them to Parliament with motivated objections. The president’s action was preceded by consultations with political forces, both the ruling and the opposition parties, and NGOs¹³. Parliament disregarded the President’s objections and overcame the veto with 117 votes, one week before the local self-government elections¹⁴.

In addition, immediately after adoption of the draft revised Constitution, the Parliament of Georgia started working on new amendments of the Constitution about proportional allocation of undistributed mandates from 2024, reducing the threshold to 3% and maintaining electoral blocs only for the 2020 elections. The parliamentary majority undertook these commitments in the letter that they sent to the Venice Commission on September 20¹⁵.

7 Joint evaluation of the work of the SCC, appeal to the Venice Commission, 8 May 2017, <http://www.isfed.ge/main/1222/eng/>

8 Opinion of the European Commission for Democracy through Law/the Venice Commission on the draft revised Constitution of Georgia, 19 June 2017, Strasbourg [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)013-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)013-e)

9 Statement of NGOs: the Ruling Party’s Decision on the Electoral System is Unacceptable, 21 June 2017 <http://www.isfed.ge/main/1244/geo/>

10 Gianni Buquicchio: “I’m disappointed and become more and more disappointed for every hour”, 29 June 2017, <http://go.on.ge/e2y>

11 Letter of the organizations to the European Parliament, Mogherini and the U.S. Department of State, 27 June 2017, <http://www.isfed.ge/main/1247/geo/>

12 Extraordinary session of Parliament, 26 September 2017, http://www.parliament.ge/ge/saparlamento-saqmianoba/plenaruli-sxdomebi/plenaruli-sxdomebi_news/parlamentis-riggareshe-sxdoma.page

13. The president is getting ready to veto the constitutional amendments, 6 October 2017, Civil.ge, <http://www.civil.ge/geo/article.php?id=31645>

14. Parliament overcame the presidential veto on constitutional amendments, 13 October 2017, http://www.parliament.ge/ge/saparlamento-saqmianoba/plenaruli-sxdomebi/plenaruli-sxdomebi_news/parlament-ma-sakonstitucio-cvilebebzeprezidentis-veto-dadzlia.page

15. Opinion of the European Commission for Democracy through Law/the Venice Commission on the draft revised Constitution of Georgia, 9 October 2017, Strasbourg, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)023-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)023-e)

IV THE ELECTORAL SYSTEM AND LEGISLATIVE CHANGES

Elections of the representative body of self-government – Sakrebulo are held under the parallel majoritarian-proportional electoral system, in which some Sakrebulo seats are distributed under a proportional rule and others under a majoritarian rule. There is a 4% threshold for political parties and electoral blocs in proportional elections, while majoritarian seats are received by candidates that garner most votes. 50%+1 votes are required for winning mayoral elections. If none of the mayoral candidates receive votes required for winning, runoffs will be held.

As the elections drew near, changes were made in the Election Code and the Local Self-Government Code. In this regard, of a particular note are abolition of the self-governing status of some cities and their subsequent amalgamation with self-governing communities. In this context, the electoral system was affected by the changes. After the cities were stripped of their self-governing status, in order to increase representation of cities within self-governing communities in municipality Sakrebulo, number of majoritarian members of Sakrebulo to be elected from an administrative center of a self-governing unit was increased¹⁶.

REDUCING THE NUMBER OF SELF-GOVERNING CITIES

A few months before the 2017 local self-government elections, the Parliament of Georgia suspended self-governing status of 7 cities (Ambrolauri, Akhaltsikhe, Gori, Mtskheta, Ozurgeti, Telavi, Zugdidi) and merged them with nearby community municipalities¹⁷. As a result, number of self-governing cities was reduced from 12 to 5, going back to the status quo that existed before the 2014 local self-government reform¹⁸. Stripping 7 cities of their self-governing status was criticized by the civil society due to its negative implications for decentralization and local democracy¹⁹.

The Ministry of Regional Development and Infrastructure (MRDI) drafted the legislative amendments with lack of trans-

parency, without engaging interested parties in an adequate manner or seeking consultations²⁰. Requirements of the legislation were also violated in the process on the account of the fact that population of local self-government units affected by the changes were not involved in discussions²¹. The draft law was vetoed by the President but despite calls of NGOs, Parliament overcame the presidential veto on July 26.

CHANGES IN THE ELECTION CODE

A few months before the elections, amendments were also made to the Election Code²². Some of the amendments were technical in nature and had been initiated by the CEC. Despite number of positive new changes that were introduced, some new regulations are problematic with regard to transparency and accountability of the election administration. More specifically, public access to election commission meetings in non-election period was restricted and in some cases the term for provision of public information by the election administration was extended. An unforeseeable term of “insignificant disciplinary violation” was introduced in the Code, allowing higher election commissions to relieve election commission members from disciplinary liability. Fines for interference with functions of an election commission lack foreseeability. Changes in the rule for selection of commission members that would accompany a portable ballot box are insufficiently substantiated²³.

Among changes introduced in the Election Code, ones made to the rule for composition of election commissions are the most problematic. These changes did not affect the 2017 local self-government elections but they came into force after the elections. According to the new regulations, number of election commission members to be appointed by parties was reduced from 7 to 6. In addition, the rule of appointment was amended and tied to the number of votes

16 “The Sakrebulo of a self-governing community shall be composed of 15 members elected through the proportional electoral system and single member elected through the majoritarian electoral system from each community and city comprised by that self-governing community. In the administrative center of a self-governing community where the number of voters is more than 4 000 but less than 10 000, 2 members of Sakrebulo will be elected through the majoritarian system. In the administrative center of a self-governing community where the number of voters is more than 10 000 but less than 20 000, 3 members of Sakrebulo will be elected through the majoritarian system. In the administrative center of a self-governing community where the number of voters is more than 20 000 but less than 35 000, 4 members of Sakrebulo will be elected through the majoritarian system. In the administrative center of a self-governing community where the number of voters exceeds 35 000, 5 members of Sakrebulo will be elected through the majoritarian system.” The Election Code of Georgia, art.140, 2011, <https://matsne.gov.ge/ka/document/view/1557168>

17 Parliament eventually stripped the seven cities of the self-governing status, Civil Georgia, 3 July 2017 <http://civil.ge/geo/article.php?id=31403>

18 Following the local self-government reform in 2014 number of municipalities was increased – 7 more cities were given the self-governing status on top of the existing 5 self-governing cities. See the Code of Local Self-Government, Article 4

19 Letter of CSOs to Members of the Georgian Parliament, 25 July 2017 <http://www.isfed.ge/main/1257/geo/>

20 Letter of the NGOs, 18 May 2017, <http://www.isfed.ge/main/1225/geo/>

21 Hasty Self-Government Reform and Existing Challenges, Lela Khatriдзе, ISFED, 20 December 2017, <http://www.isfed.ge/main/1329/geo/>

22 Parliament adopted amendments to the Election Code, Civil Georgia, 3 July 2017, <http://civil.ge/geo/article.php?id=31402>

23 Opinions of NGOs on amendments to the organic law of Georgia “The Election Code of Georgia”, 26 June 2017, <http://www.isfed.ge/main/1245/geo/>

received in parliamentary elections²⁴. As a result, number of political parties that can appoint a member of the election administration was reduced, while the number of commission members appointed by the ruling party was significantly increased at the expense of opposition parties.

Considering that throughout the years important questions have been repeatedly raised about the process of selection of professional members of the election administration and party influences over the process, changes introduced about party-appointed commission members in favor of the ruling party is a step backwards undermining level playing field for political parties as well as trust towards the election administration. The new regulations clearly increase the ruling party's influence over the election administration, which will likely reinforce suspicions about political bias of election commissions.

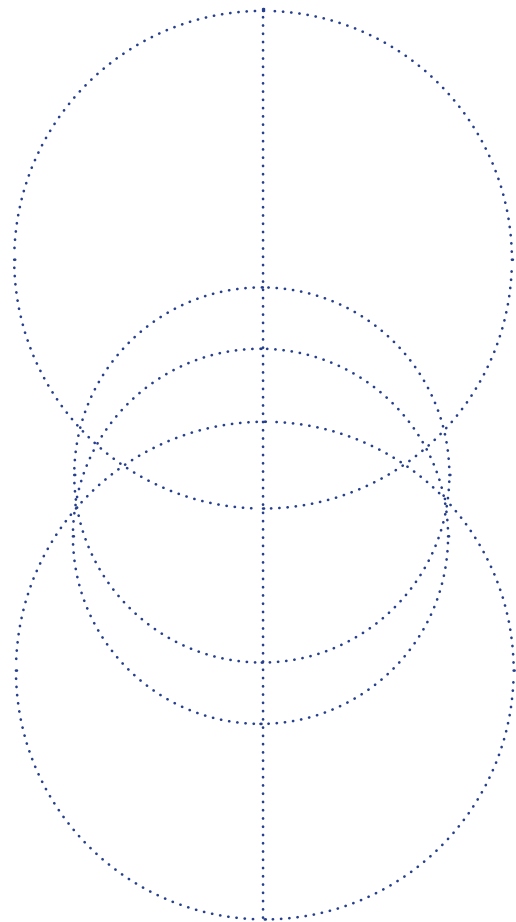
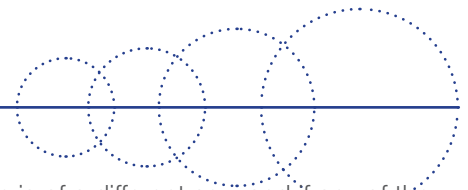
In order for the election administration to be able to fulfill its functions effectively, if the political component is maintained in the rule of composition it will be important to ensure that the rule of filling the quota allowed for political parties is fair and based on the parity principle, in order to prevent domination of the election administration by the ruling political forces.

In addition to the rule of composition of the election administration, the rule of election of the CEC chairperson was also affected by the changes. Previously the CEC chairperson was nominated by the President and elected by members of the CEC appointed by parties (not including the ruling party) or by the Parliament of Georgia. Under the new regulations, the CEC chair will be elected by two-thirds of the CEC members or by Parliament. This rule is especially problematic in combination with the new mode of composition of the election commissions that allows the ruling party to appoint more members of the election administration. This increases the ruling party's influence over the process of election of the CEC chairperson and undermines trust towards the election administration.

GENDER QUOTAS

In June 2017, backed by the task force for women's political participation and by 37,455 voter signatures, a legislative initiative on gender quotas was introduced in Parliament. The initiative envisaged changes in the Election Code to obligate parties to submit gender balanced lists for elections where

every other candidate is of a different sex, and if any of the elected members abandons his/her mandate, next successful candidate on the party list who is of the same sex must replace him/her. The draft was going through committee level discussions at the time of the 2017 local self-government elections.



²⁴ See Art.13 of the organic law of Georgia "The Election Code of Georgia

V THE ELECTION ADMINISTRATION

The election administration enjoys a growing trust of stakeholders and voters over the recent years. However, during the pre-election period serious questions were raised by cases of conflicts of interest in some DECs. During the complaints process the CEC and district election commissions failed to adequately respond to use of social media by civil servants for illegal campaigning in violation of the requirements of the Election Code. Instances of narrow interpretation of the electoral legislation were also a problem, which leads to ignoring of requirements of the law and encourages future violations. Composition of PECs continued to have shortcomings and insufficient transparency, which raised suspicions about possible political influences in the process.

CONFLICT OF INTEREST IN ELECTION COMMISSIONS

During the 2017 local self-government elections, one of the most serious challenges faced by the election administration was conflict of interest in district and precinct level commissions, which the CEC failed to adequately assess and respond. More specifically, family members of some district-level commissioners participated in elections as candidates. Although the Election Code does not directly prescribe termination of official powers of a commission member with a conflict of interest, in view of the local self-government elections and the spirit of the Code of Ethics for Election Officers, such incompatibility of interests involving commission members is against integrity of election officers, the principles of neutrality and ethics.

Instances of conflict of interest that were identified involved professional commissioners as well as those appointed by parties. For example, an individual elected as a member of Aspidza DEC by the CEC had a spouse who had declared electoral goals while the competition for filling the vacant position of a commissioner was in progress and was actively campaigning. The said member was later elected as the DEC secretary. Similarly, spouse of the deputy chairperson of Khobi DEC no.56 was a candidate of the ruling party. Overall ISFED detected 13 instances of conflict of interest in election commissions of Aspidza no.39, Khobi no.66, Mtatsminda no.1, Chohatauri no.62, Khoni no.55, Tkibuli no.57, Khulo no.84, Tskaltubo no.52 and Keda no.80. In

three cases conflict of interest involved the so-called professional members of election commissions, in remaining 10 cases commission members concerned had been appointed by parties²⁵.

To ensure independence and impartiality of members of the election commission²⁶, as early as in 2012 the CEC adopted the Code of Ethics for election officers under its resolution, which established guidelines for employees of the election commissions. These regulations directly obligate election officers to submit a written application to a higher election commission or to the CEC if a member of their family registers as an electoral subject. The purpose of the norm is to distance election commission members from political processes and form election administration into a neutral body, which imperatively prohibits any family ties between any electoral subject and election officers

OVERLOOKING THE ILLEGAL CAMPAIGN ON SOCIAL MEDIA

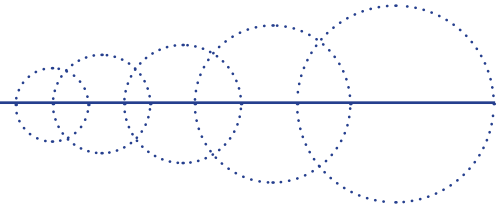
Superficial consideration of complaints filed over illegal campaigning by unauthorized individuals and ignoring the problem by the election administration became a visible trend during the pre-election period. More specifically, the election administration did not find that campaigning by civil servants using social media during work hours amounted to a violation²⁷. Such position of the election administration indirectly encourages violation of legislation and allows such incidents to become more widespread.

Under the existing legislation, political expression is limited for civil servants because of their status, which should also apply to political activity using online platforms. Social media is an important platform for election campaigning, promoting candidates or making an impression on voters. The CEC failed to adequately evaluate the increasing trend of use of social media in election campaigning, with respect of illegal campaigning on Facebook by civil servants during work hours. The election administration should provide a progressive interpretation of applicable legislation and with its decisions establish a practice that promotes fulfillment of requirements of the electoral legislation.

²⁵ Second Interim Report of Pre-Election Monitoring by ISFED, 29 September 2017, <http://www.isfed.ge/main/1285/geo/>

²⁶ The Code of Ethics of Election Officials: <http://cesko.ge/res/docs/img09904.pdf>

²⁷ See the Second Interim Report of ISFED, p.16, <http://www.isfed.ge/main/1285/geo/>



UNSUBSTANTIATED RESTRICTION OF MONITORING

Under the June 30 amendments, new Article 91¹ was introduced in the Election Code prescribing administrative penalties for interfering with functions and activities of an election commission. Immediately after the new regulation was initiated, ISFED and partner organizations drew attention to the lack of foreseeability of the provision and the risks of abusing it²⁸. Indeed, during the election period ISFED found instances of unsubstantiated use of the standard of interference with functions and activities of election commissions.

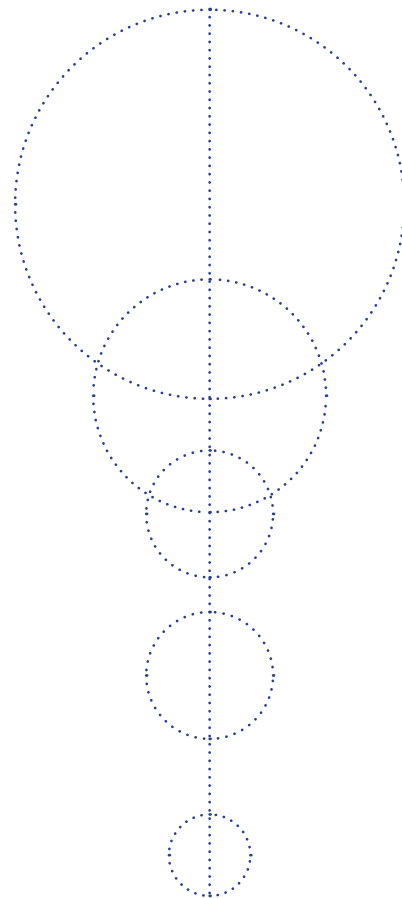
Samtredia DEC prepared a protocol of an administrative violation under Article 91¹ of the Election Code against a reporter of the organization Free Zone, fining the reporter with GEL 500. The reporter made a video recording²⁹ and exposed the fact that not a single member of Bashi PEC no.27 of Samtredia District no.54 was present at the polling station during normal business hours and election documentation including a logbook was left unattended³⁰. The DEC Chair's decision found that the reporter violated the law by entering the working room of the commission without agreeing with the Chair of the PEC first, inspecting and recording the logbook and the entire premises of the polling station on camera and publishing the video online. According to the DEC, she made the video recording without notifying the election officials first, which amounted to interference with the work of the PEC no.27. With her actions the reporter did not violate the Election Code but instead she exposed irregularities in the work of a PEC of Samtredia

Of note is the fact that during meetings of the commission, Telavi DEC Chair threatened observers from ISFED and other organizations to prepare protocols of violation and strictly warned them that they were prohibited from expressing their positions, asking questions or speaking about anything³¹.

COMPOSITION OF PECS

Certain irregularities were detected in the process of composition of precinct election commissions by DEC's. In some cases the decision-making process lacked transparency and

raised questions. Similar to the parliamentary elections, suspicions that DEC members selected PEC members based on pre-made lists persisted. DEC's did not take into account the fact that disciplinary sanctions had been imposed on some candidates during the 2016 parliamentary elections, and these candidates were still chosen as members of PECs. According to the information provided by the CEC, among individuals selected as PEC members by DEC's, disciplinary sanctions was imposed on **382** commission members during the 2016 parliamentary elections. More specifically, **306** commission members were issued reproofs, **67** members were issued warnings and **9** had their salaries



28 Opinion of NGOs on Pending Amendments to the Election Code, p.10, 26 June 2017, <http://www.isfed.ge/main/1245/geo/>

29 <https://youtu.be/MJKHsY7YPVA>

30 For detailed information, please see the third interim report of ISFED, p.6, 19 October 2017, <http://www.isfed.ge/main/1294/geo/>

31 For detailed information please refer to the second interim report of ISFED, p. 12, 29 September 2017, <http://www.isfed.ge/main/1285/geo/>

VI STATE AUDIT OFFICE



Financial monitoring of parties by the State Audit Office (SAO) during the 2017 local self-government elections did not contain any signs of bias or selective approach against any electoral subjects, which is commendable.

In July the former General Auditor's term of office expired. His replacement was approved by Parliament in late September. Questions about political bias were raised by dismissal of two deputy General Auditors by the new General Auditor in October, three weeks before the elections³². One of the dismissed deputies was in charge of financial monitoring of parties and served as Acting General Auditor before Parliament's approval of the new head of the SAO. In addition to the reasons for dismissing the two deputies, questions were also raised by the fact that the third Deputy General Auditor, who is a close friend of former Prime Minister Ivanishvili kept his office.

To exchange and analyze information about SAO's work during the election period in the area of political financing, about irregularities and problems that were identified, an ad-hoc advisory commission on legitimacy and transparency of political financing was set up under 8 August 2017 Order of the Acting General Auditor. The commission composed of 15 local NGOs held a total of four meetings. During these meetings the SAO introduced information about possible irregularities identified during monitoring of political financing and actions taken in response to the irregularities. During the

meetings participants also discussed a range of problematic issues identified in the legislation or practice. Setting up the commission is a positive step for informing public effectively during the election period about monitoring of political financing and improving transparency of the SAO's work in this area.

Radical imbalance between donations received by different electoral subjects negatively affects equal and competitive election environment with regard to party financing. Majority of donations are made in favor of the ruling party, which is a practice that has already been established in Georgia, and the 2017 local self-government elections were no exception. More specifically, the ruling power received 90% of donations³³. During the election period no reports were made about forcing private sector representatives to donate or not to donate in favor of any particular electoral subject. However, the imbalance between donations creates suspicions about self-censorship exercised by business with regard to financing of opposition parties. The fact that legal entities that donated in favor of the ruling party won state procurement tenders and received other benefits is an important aspect³⁴. Such facts contain elements of corrupt deals and create suspicions about unhealthy cooperation and reciprocity between the authorities and private sector representatives.

During the election campaigning ISFED drew the SAO's attention to the importance of studying sponsored content that contained disinformation about candidates on social media, as a potential election donation. Despite challenges that exist in terms of studying sources of financing of such content, effective control on spending of finances for online and social media campaigns for political purposes and developing corresponding methodology is extremely important. In this regard, new regulations unveiled over the recent months by Facebook, Twitter and other major social media to improve transparency of political spending could be revolutionary. The SAO should proactively cooperate with social networks to maximize fulfillment of its supervisory functions on the Internet with regard to monitoring of political finances.

32 Statement of NGOs, 2 October 2017, <http://www.isfed.ge/main/1287/eng/>

33 The report of monitoring of the 2017 local self-government elections (June 1 – November 19), State Audit Office, 25 January 2017, <http://bit.ly/2oy4D6N>

34 The second interim report of pre-election monitoring of the 2017 local self-government elections, 2017 p. 25, International Society for Fair Elections and Democracy, <http://www.isfed.ge/main/1285/eng/> "Political Party Financing for the 2017 Local Self-Government Elections", 20 October 2017, Transparency International - Georgia, <http://www.transparency.ge/en/post/political-party-finances-georgia-2017-local-elections>

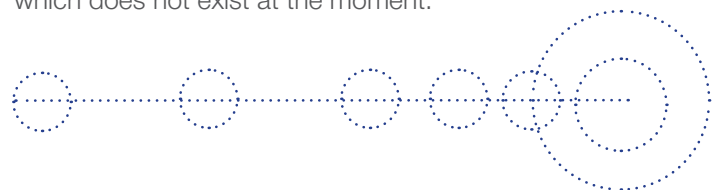
VII THE INTER-AGENCY COMMISSION FOR FREE AND FAIR ELECTIONS



During the pre-election period, the Inter-Agency Commission started operating according to the timeframe prescribed by the law and met on a regular basis. Discussions about issues raised before the Commission often took place amid political confrontations and exchange of accusations, and issues considered during meetings of the Commission were often outside the scope of its mandate.

During the period of its operation the Commission issued 6 recommendations³⁵. It must be noted that unlike the election administration the Inter-Agency Commission adequately evaluated use of personal accounts on social media by civil servants for campaigning and prepared corresponding recommendation to prevent and reduce risks of such violation.

To ensure effective operation of the Commission it is important to define its mandate in an explicit manner, as well as the procedure for filing applications, the format and procedure of discussions. A mechanism of the Inter-Agency Commission for responding and preventing facts of political violence and harassment/intimidation should be regulated by law. It is also important to create a system of implementation and monitoring of recommendations issued by the Commission, which does not exist at the moment.



³⁵ <http://justice.gov.ge/Ministry/Index/1502>

VIII PRE-ELECTION PERIOD

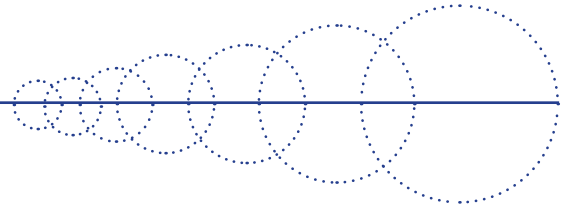


The pre-election period of the local self-government elections officially began on August 22 and ran for two months, until October 21. The pre-election period was largely peaceful. The campaign was especially active in the capital where mayoral candidates were known to public before the official election period began. The ruling party's dominance was evident nationwide, as demonstrated by a significant imbalance in party donations and campaign expenditures. Incidents of violence were not widespread, but as the Election Day approached instances of intimidation/harassment significantly increased. The acts of harassment and intimidation ahead of the first and the second round of the elections were concentrated in municipalities where the ruling party was challenged by opposition candidates that enjoyed high level of support. The campaign of disinformation using social media was a new trend. False reports were spread mostly against opposition candidates for the office of Tbilisi Mayor. ISFED identified instances of interference with election campaigning and participation in campaigning in violation of

the law, including by civil servants and election commission members. The trend of using administrative resources in the ruling party's favor remains a problem. No important incidents of vote buying were reported.

INTIMIDATION AND HARASSMENT

During the pre-election period reports of alleged harassment, intimidation and threats against politically active individuals or individuals associated with opposition electoral subjects was a particular problem. Such reports increased as the polling day drew near. Even though a number of serious instances of harassment and intimidation were found, the response to such incidents by law enforcement authorities was ineffective. The Office of the Prosecutor and the Ministry of Interior launched investigation into a number of facts but it remains unknown whether any of these investigations have been concluded.



In its pre-election monitoring reports for the first and second round of the elections, ISFED reported **46 cases** of harassment/intimidation and termination of employment on alleged political grounds. According to observers, such actions were directed against opposition and independent candidates, their activists, with the aim of pressuring them into withdrawing their candidacies or terminating political activities³⁶. In some districts individuals registered as electoral subjects withdrew their candidacies possibly as a result of pressure³⁷. Acts of harassment and intimidation were especially severe in Aspindza and Dmanisi municipalities where incumbent Gamgebelis, who were no longer supported by the ruling party, were competing against the Georgian Dream candidates. According to public reports, several majoritarian candidates in Dmanisi withdrew their candidacies as a result of pressure, while population of Irganchai village was forced to swear on Quran and bread to vote for the Georgian Dream. In Aspindza civil servants were summoned to the local headquarters of the ruling party. According to them, at the meeting they were ordered to support the ruling party. In addition, before the meeting they were checked for cell-phones and other means of communication.

In a number of instances, civil servants and teachers were demanded to perform certain actions in favor of the ruling party³⁸. ISFED detected only a few cases of termination from work on alleged political motive; however, supporters of opposition parties and independent candidates reported threats of dismissal against them or against members of their families.

Facts of harassment and intimidation in the run-up of the second round of elections were mostly found in Ozurgeti. Almost all of these cases involved civil servants of Ozurgeti Municipality who were acting in favor of the Georgian Dream-Democratic Georgia mayoral candidate-Beglar Sioridze. In some cases, in interviews with ISFED locals confirmed facts of harassment and intimidation but chose to remain anonymous. A case was also detected in Khashuri District where an individual was threatened with dismissal³⁹.

MISUSE OF ADMINISTRATIVE RESOURCES

Unlike the 2016 parliamentary elections, misuse of administrative resources was less widespread. However, mobilization of public servants to attend campaign events of the ruling party was a trend. ISFED also found use of communication means available to administrative resources in favor of the ruling party⁴⁰.

One visible trend before the election period began was changes in budgets of nearly 40 municipalities. Massive changes in local budgets gave the impression of misuse of administrative resources, which worked against the equal electoral environment ahead of the elections. The Election Code prohibited initiation of social and infrastructural projects and corresponding changes in budgets of the state, Adjara and local self-governments 60 days prior to polling, i.e. starting from August 22. It is likely due to this fact that a number of municipalities were actively making changes in their budgets since June, while social and infrastructural projects envisaged by the state and local self-government budgets were planned in a way that allowed implementation of main project activities during the campaign period. These facts make it seem that scaling up of infrastructural and social projects during the election period and increase of their funding aimed to increase voter satisfaction ahead of elections in favor of the ruling party.

Findings of journalistic investigation suggest systemic nature of abuse of administrative resources. According to these findings, kindergarten heads were instructed by Tbilisi Kindergarten Management Agency to collect signatures of 100-200 supporters in favor of the Georgian Dream candidate for the office of Tbilisi Mayor, Kakha Kaladze⁴¹. Even though the said fact contained elements of a crime, it has not been investigated.

A charity football match held on September 29 gave an impression of misuse of administrative resources, violation of campaigning rules and use of illegal donations. Tbilisi mayoral candidate-Kakkha Kaladze participated in the football

36 NGOs react to the developments at Tetrtskaro Electoral District, 14 Oct 2017, <http://www.isfed.ge/main/1292/eng/>

37 According to official information, 196 candidates for Sakrebulo membership and 21 mayoral candidates removed themselves from registration within the timeframe prescribed by the law for withdrawal of candidacy

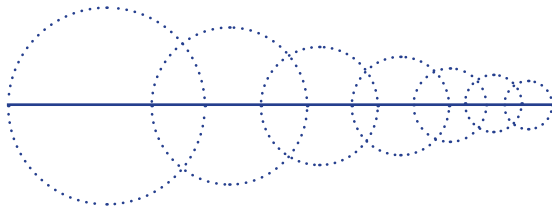
<http://cesko.ge/res/docs/Majoritarebimoxsnili10.10.2017GEO.pdf>; <http://cesko.ge/res/docs/Merebimoxsnili10.10.2017GEO.pdf>

38 Party meeting or pressure – Aspindza divided into two banks, Samkhretis Karibche, 7 Oct 2017, <http://sknews.ge/index.php?newsid=15166>

39 2017 Local Self-Government Elections: Evaluation of the Pre-Election Period of the Runoffs, ISFED, 10 Nov 2017, <http://www.isfed.ge/main/1308/eng/>

40 ISFED files a complaint over the facts of election campaigning, 15 Sept 2017, <http://www.isfed.ge/main/1282/eng/>

41 Are kindergarten principals collecting lists of the Georgian Dream supporters? Studio Monitor, 4 Oct 2017, <https://www.facebook.com/monitorstudio/videos/1582146188514746/>



match together with world football stars⁴². The match was organized by non-profit (non-commercial) entity Georgian Football Federation (GFF). Even though some of the football stars (Andriy Shevchenko, Paolo Maldini and others) openly expressed their support for Kaladze's mayoral candidacy, the election administration did not see any violation of law in these actions.

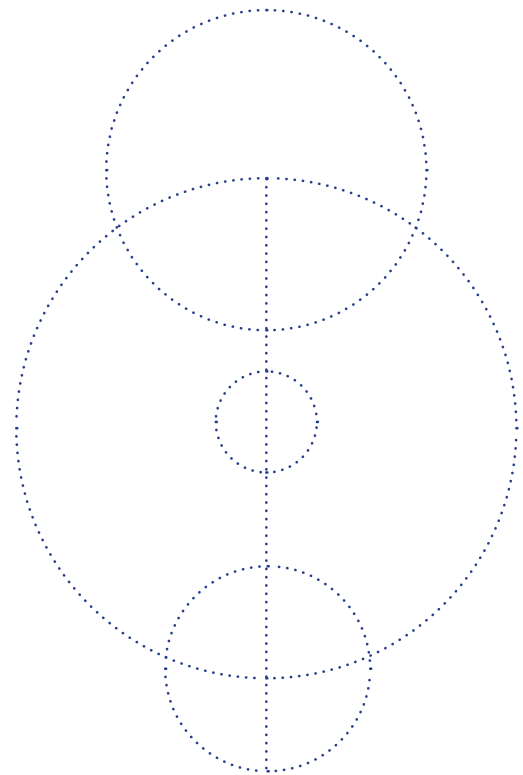
ILLEGAL CAMPAIGNING

Illegal campaigning had a systematic nature during the pre-election period. Observers of the organization detected **15 cases** of participation of unauthorized individuals in election campaigning. It was mostly civil servants of local self-governments who participated in campaigning illegally. In 7 cases ISFED filed a complaint before the election administration, seeking imposition of administrative penalty on individuals who violated the law. The election administration found that campaign using official website and a Facebook account of an administrative agency amounted to a violation of the law, while campaigning by civil servants during work hours using social media was left without any further actions.

DISINFORMATION IN SOCIAL MEDIA

The pre-election period was accompanied by intensive campaign in social media, including organized disinformation campaign using different Facebook pages against opposition candidates for the office of Tbilisi Mayor. These accounts spread discrediting information mostly using sponsored posts. Such activities became noticeably active as the Election Day approached and false information was spread by content sponsored by unidentified financial sources on a range of pages. Such campaign targeted nearly all candidates for the office of Tbilisi Mayor but the disinformation directed against an independent candidate Aleko Elisashvili was especially identifiable⁴³. Such uncontrolled spread of disinformation, without effective remedy from the state, endangers the electoral process and the equal electoral campaign, undermining the democratic process.

During the local self-government elections the state was found to be lacking a mechanism of minimum control to respond to the challenges of spending for the purposes of campaigning on social media. Therefore, it is important for the state institutions involved in electoral processes to design, based on international experience, a single strategy for combating the disinformation campaign funded by unidentified financial sources.



⁴² 2017 Local Self-Government Elections, Second Interim Report of the Pre-Election Monitoring, p.21, 29 Sept 2017, <http://www.isfed.ge/main/1285/eng/>
⁴³ 2017 Local Self-Government Elections, 1st interim report, p. 7, 8 Sept 2017, <http://www.isfed.ge/main/1276/eng/>

IX MEDIA ENVIRONMENT



Media environment during the pre-election period was mostly pluralistic but politicization of broadcasters remained a problem. Most TV broadcasters actively covered the local self-government elections, including by means of debates and special formats. Population had an opportunity to learn about issues related to the elections from a range of broadcasters but TV broadcasters themselves failed to ensure unbiased coverage of all candidates in their programs⁴⁴.

At the beginning of the election year, developments around the Georgian Public Broadcaster (GPB) became a subject of broad discussions. In late 2016, after the early resignation of Director General, the Board of Trustees appointed a close affiliate of former Prime Minister Bidzina Ivanishvili to the said office. This created suspicions about the GPB's bias, especially after the new management unveiled the plan to reform the broadcaster⁴⁵. According to the plan, all but news programs would be shut down on GPB. After civil society's active involvement and criticism, the plan presented by the new Director General was modified to a certain extent; however, critical social and political programs were still shut down later (including joint programmes with the Radio Free Europe/Radio Liberty - Interview and Red Zone)⁴⁶.

In parallel with the developments unfolding at the Public Broadcaster, discussions about Rustavi 2 case continued. On

March 2, the Grand Chamber of the Supreme Court of Georgia recognized Kibar Khalvashi and Ltd. Panorama as owners of Rustavi 2 shares, 60% and 40% respectively. According to NGOs, the court proceedings in all three instances and the final decision that was made fell short of the requirements of a fair trial and created suspicions about the government's interference in the decision-making process⁴⁷. Under its March 3, 2017 decision the European Court of Human Rights (ECHR) suspended enforcement of the said decision of the Supreme Court by granting the interim measure. The interim measure was extended on March 8. ECHR also urged the authorities to refrain from interfering with editorial policy of the TV company⁴⁸. Developments around media and especially the major national broadcaster critical to the authorities posed a serious threat to coverage of pluralistic opinions and activities of opposition parties during the election period, which would have ultimately undermined equal electoral environment. However, the ECHR's decision prevented such risks.

In early 2017, three media outlets-Maestro TV, Imedi TV, and GDS were merged under a single media holding. Negotiations started as early as 2016, with active participation of Imedi Media Holding. The decision to merge the TV companies became effective as of January 2017⁴⁹. Before that GDS used to be owned by the family of former Prime Minister Bidzina Ivanishvili.

44 2017 Local Self-Government Elections: Evaluation of Pre-Election Environment, ISFED, TI-Georgia, GYLA, 20 Oct 2017, <http://www.isfed.ge/main/1297/geo/>

45 Strategic Silence, ISFED blog, 8 Feb 2017, <http://www.isfed.ge/main/1192/eng/>

46 Organizations respond to shutting down of Red Zone and InterVIEW on GPB, 15 June 2017, <http://www.isfed.ge/main/1242/geo/>

47 The decision substantiates the suspicions about gross interference in court proceedings, statement of NGOs, 3 March 2017, <http://www.isfed.ge/main/1199/eng/>

48 Strasbourg Court extended the interim measure granted in Rustavi 2 case, Civil Georgia, 8 March 2017, <http://civil.ge/geo/article.php?id=31092>

49 Imedi announces that it will buy control shares of Maestro, Civil Georgia, 27 Dec 2016, <http://civil.ge/geo/article.php?id=30897>

X THE ELECTION DAY

FIRST ROUND OF THE ELECTIONS

According to ISFED, the process of opening, voting and closing of polling stations during the 21 October 2017 local self-government elections were conducted in mostly a peaceful and organized environment without any substantial violations.

One noticeable trend identified on the Election Day was collection of voters' personal information from the table voter lists by representatives of political subjects. Such practice was identified at **16.8%** of polling stations throughout the country. However, this trend was most visible in Tbilisi and was identified by ISFED observers at **74.8%** of the polling stations in the capital. The fact that the practice was widespread in Tbilisi raised suspicions on subjecting will of voters to control and possibly using their personal information for harassment of voters. The election administration failed to prevent possible cases of control of will of voters and illegal use of their personal information.

ISFED observers identified following violations throughout the opening and voting process: **restriction of observer rights at 7 polling stations**; violation of **inking procedure at 15** polling stations; **violation of the secrecy of the voting at 3** polling stations; **voting with improper documentation at 3** polling stations, **participation in voting process by unauthorized individuals at 3** polling stations, **casting of vote instead of other individual at 1** polling station; **different cases of other procedural violations** during opening and voting process were detected at more than **50** polling stations. ISFED observers detected widespread cases of significant violations in ten polling stations of Marneuli district. Violations tended to be repetitive at the polling stations #31, #18 and #50. ISFED observation detected irregularities at ten polling stations in Rustavi as well.

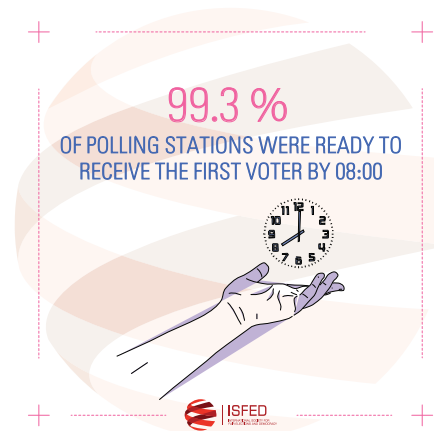
The process of counting of votes was mostly compliant with the electoral procedures. Marneuli DEC was again relatively problematic.

DETAILED INFORMATION FROM THE PVT

Opening and Setting Up of Polling Stations

ISFED received reports on the opening of polling stations from **99.7%** of the PVT observers. **99.7%** of ISFED observers were free to access polling stations and observe the opening process. **99.3%** of the polling stations were ready to receive

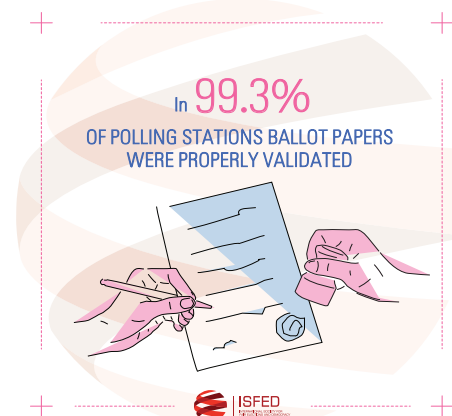
the voters by 8:00am. At **99.7%** of polling stations the functions between election commission members were assigned by casting of lots, and violations in the process of opening of polling stations were found at **2.7%** of polling stations.

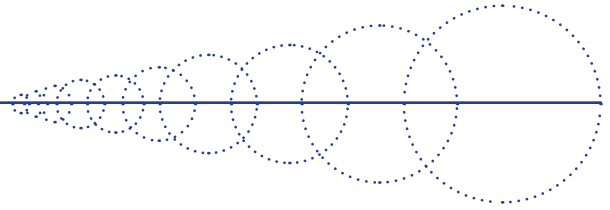


Voting Process

At **97.4%** of polling stations in Georgia, voters cast their ballots using proper voter identification. This figure is almost identical to the figure from the 2014 local self-government elections (**97.7%**) and the 2016 parliamentary elections (**98%**). In contrast to the nationwide data, highest figure of voters casting votes without proper identification document was identified in Marneuli election district.

Inking was always properly checked at **97.3%** of polling stations, which does not differ from the 2016 parliamentary elections, when inking was checked at **97%** of polling stations, and is identical to the figure from 2014 local self-government elections (**97.3%**). In this case as well, the highest rate of the violation was found in Marneuli district.





At **99.3%** of polling stations, the ballot papers were properly validated with a signature and seal. This figure is not statistically different from 2016 parliamentary elections (**98%**) and 2014 self-government elections (**99.7%**).

At **99.7%** of polling stations, voters were always properly inked. This figure does not significantly differ from 2016 parliamentary elections when voters were properly inked at **98.7%** of polling stations and is an improvement from the 2014 local self-government elections, when voters were properly inked at **96%** of polling stations. The highest rate of the violation was found again in Marneuli district.

The secrecy of vote was always ensured at **98%** of the polling stations. This figure is slightly improved compared to 2016 parliamentary elections (**95%**) and 2014 local self-Government elections (**96.3%**). When comparing to the national figure, the secrecy of the vote breached most often in Marneuli and Batumi districts.

Acts of harassment and intimidation were reported only in **1%** of polling stations, which is not statistically different from the 2014 local self-Government elections (**1.3%**) and 2016 parliamentary elections (**1%**).

Other cases of violations during voting process were identified at **5.4%** of the polling stations.

Counting of Votes

Based on PVT reports from **99.3%** of ISFED observers, in **99.3%** of polling stations the counting process was conducted without major incidents, which is not statistically significantly different from the 2016 parliamentary elections (**98%**) and is a slight improvement from the 2014 local self-government elections (**96.6%**). Throughout the country, noticeably higher number of incidents was observed in Marneuli election district.

At **99.3%** of the polling stations ISFED did not find presence of unauthorized individuals. The highest figure of cases of presence of unauthorized individuals at the polling stations was observed in Kutaisi; however, these incidents were resolved in almost all cases.

Voter Turnout

According to PVT findings, final turnout nationwide was **45.65%** (with +/-0.3% margin of error), which is slightly more than the figure of the 2014 local self-government elections when the turnout was **43%** (+/- 0.2% margin of error).

By 12:00, voter turnout was **16.3%** (+/- 0.3% margin of error), which is not statistically different from the figure of the 2014 local self-government elections (16.6%). ISFED found the following voter turnout in municipalities as of 12:00:

- Tbilisi - **14.7%** (+/- 0.2% margin of error), which is a slight improvement from the 2014 voter turnout in the capital (12.7%)
- Kutaisi - **13.6%**
- Batumi - **12.5%**
- Rustavi - **14.8%**
- Poti - **16.9%**
- Marneuli - **15.4%**
- Akhaltsikhe - **18.2%**

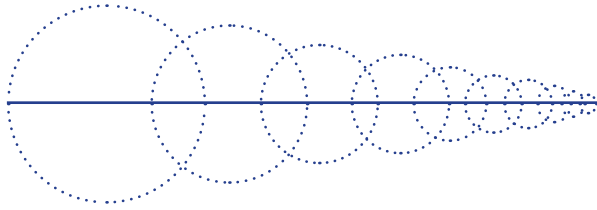
By 17:00, voter turnout was **36.5%** (+/-0.5% margin of error), which is slightly more than the figure of the 2014 local self-government elections (**34.4%**). ISFED found the following voter turnout in municipalities as of 17:00:

- Tbilisi - **34.5%** (+/-0.3% margin of error), which is an improvement from the 2014 voter turnout in the capital by 17:00 (**29.1%**)
- Kutaisi - **28.3%**
- Batumi - **29.1%**
- Rustavi - **30.9%**
- Poti - **37.2%**
- Marneuli - **30.8%**
- Akhaltsikhe - **41.8%**

Analysis of PVT data also allows determining speed of voter processing at each polling station monitored by ISFED, on the basis of information about voter turnout. From 8:00 to 12:00, in **92.3%** of polling stations speed of voter processing was one voter per minute, while in **7.7%** of polling stations speed of voter processing was 1-2 voters per minute. By 17:00, in **92.6%** of polling stations speed of voter processing was 1-2 voters per minute.

Final Results of Voting According to PVT Data

Based on the information received about the Election Day process, ISFED is confident in its PVT results. ISFED received reports from **100%** of its observers.



Final Results of Voting According to PVT Data

Based on the information received about the Election Day process, ISFED is confident in its PVT results. ISFED received reports from **100%** of its observers.

Election Day Results for the Mayoral Elections

Tbilisi (Based on information received from 100% of PVT polling stations identified using the random sampling of precincts)

Candidate	PVT Result	Margin of Error ⁵⁰	Final results of the CEC should confine to the following limits:	
41. Kakha Kaladze Georgian Dream	50.64%	0.61%	50.03 %	51.25 %
42. Aleksandre Elisashvili Independent	17.52%	0.48%	17.04 %	18 %
5. . Zaal Udumashvili United National Movement	16.8 %	0.41%	16.39 %	17.21 %
2. Elene Khoshtaria European Georgia	7.12%	0.26%	6.86 %	7.38 %
8. Irma Inashvili Alliance of Patriots	3.04%	0.13 %	2.91 %	3.17 %
27. Giorgi Vashadze Unity-New Georgia	1.98 %	0.11 %	1.87 %	2.09 %
3. Kakha Kukava Democrat- ic Movement, Free Georgia	1.32 %	0.07 %	1.25 %	1.39 %
10. Giorgi Gugava Labor Party	0.97 %	0.06 %	0.91 %	1.03 %
20. Tengiz Shergelashvili Development Movement	0.26 %	0.03 %	0.23 %	0.29 %
39. Lasha Sturua Progres- sive-Democratic Movement	0.17 %	0.11 %	0.06 %	0.28 %
17. Giorgi Lituashvili Sakartvelo	0.09 %	0.02 %	0.07 %	0.11 %
11. Davit Shukakidze National Democratic Movement	0.06 %	0.01 %	0.05 %	0.07 %
18. Nikoloz Sanebelidze Traditionalists	0.05 %	0.01 %	0.04 %	0.06 %

According to ISFED PVT results, the percentage of votes received by the Georgian Dream candidate-Kakha Kaladze

was between **50.03%** and **51.25%**. It should be noted that the percentage of votes received by independent candidate Aleksandre Elisashvili was between **17.04%** and **18%**, while the percentage of votes received by the UNM candidate, Zaal Udumashvili was within the interval of **16.39%** and 17.21%. Because statistically it is equally likely for a candidate's result to be at any point within these intervals, ISFED could not have definitely said which candidate gained the second place.

Kutaisi (Based on the information received from 100% of PVT observers)

N41. **Giorgi Tchighvaria** - Georgian Dream - **48.32%**
 N5. **Grigol Vashadze** - United National Movement - **26.89%**
 N2. **Davit Gogisvanidze** - European Georgia - **9.13%**
 N3. **Giorgi Tsulaia** - Democratic Movement Free Georgia - **7.75%**
 N8. **Grigol Bakhtadze**-Alliance of Patriots of Georgia - **3.32%**
 N10. **Samsoni Gugava** - Labour Party - **2.01%**
 N27. **Zviadi Bagdavadze** - Giorgi Vashadze - Unity New Georgia - **1.41%**
 N20. **Aluda Goglichidze** - Development Movement - **1.17%**

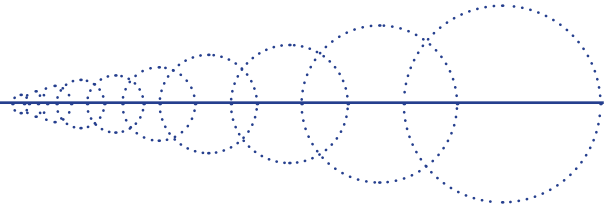
Batumi (Based on the information received from 100% of PVT observers)

N41. **Lasha Komakhidze** - Georgian Dream - **55.35%**
 N5. **Levan Antadze** - United National Movement - **23.78%**
 N2. **Petre Zambakhidze** - European Georgia - **6.55%**
 N8. **Tengiz Tavdgiridze** - Alliance of Patriots of Georgia - **6.42%**
 N10. **Jelal Kikava** - Labor Party - **3.27%**
 N3. **Omar Partenadze** - Democratic Movement, Free Georgia - **2.16%**
 N14. **Kakhaber Tsiskaridze** - Party of Georgian Unity and Development - **1.2%**
 N27. **Robert Putkaradze** - Giorgi Vashadze-Unity-New Georgia - **0.74%**
 N38. **Natia Buadze** – Bloc - Peoples' Unanimity - **0.54%**

Rustavi (Based on the information received from 100% of PVT observers)

N41. **Irakli Tabaghua** - Georgian Dream - **53.06%**
 N5. **Zurab Maisuradze** - United National Movement - **19.61%**

⁵⁰ The margin of level was calculated at 95% confidence interval



- N2. **Nino Imedashvili** - European Georgia - **13.1%**
- N8. **Gela Nakashidze** - Alliance of Patriots of Georgia - **5.96%**
- 10. **Keto Devsurashvili** - Labor Party - **3.24%**
- N3. **Jaba Dugladze** - Democratic Movement, Free Georgia - **2.03%**
- 27. **Gocha Omaidze** - Bloc - Giorgi Vashadze - Unity-New Georgia - **1.04%**
- 38. **Anna Kekenadze** - Bloc - Peoples' Unanimity - **0.95%**
- 28. **Elguja Kochiashvili** - Zviadi's Way in the Name of God - **0.64%**
- 18. **Mzia Mamulashvili** - Traditionalists - **0.22%**
- 23. **Nani Tskrialashvili** - New Christian-Democrats - **0.15%**

Poti (Based on the information received from 100% of PVT observers)

- N41. **Gocha Kurdgelia** - Georgian Dream - **55.46%**
- N2. **Vakhtangi Dartsmelidze** - European Georgia - **13.44%**
- N5. **Maka Jinjolia** - United National Movement - **12.87%**
- N8. **Maia Chkhartishvili** - Alliance of Patriots of Georgia - **8.8%**
- N3. **Otar Kharchilava** - Democratic Movement, Free Georgia - **8.29%**
- N39. **Tengiz Khoperia** - Progressive-Democratic Movement - **0.59%**
- N27. **Inga Chanturia** – Bloc - Giorgi Vashadze-Unity New Georgia - **0.54%**

Akhalsikhe (Based on the information received from 100% of PVT observers)

- N41. **Zaza Melikidze** - Georgian Dream - **69.28%**
- N2. **Vazha Chitashvili** - European Georgia - **20.24%**
- N5. **Irakli Bardzimadze** - United National Movement - **7.95%**
- N8. **Jumber Inasaridze** - Alliance of Patriots of Georgia - **1.92%**
- N31. **Jimsher Gogolauri** - Freedom-Zviad Gamsakhurdia's Way - **0.61%**

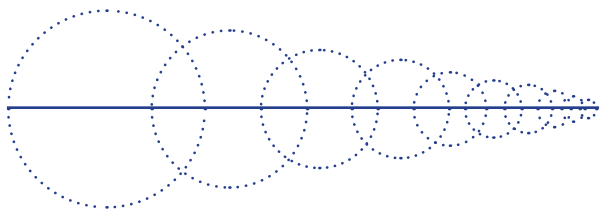
Results of Proportional Elections

Tbilisi (Based on information received from **100%** of PVT polling stations identified using the random sampling of precincts)

Candidate	PVT Result	Margin of Error ⁵¹	Final results of the CEC should confine to the following limits:	
41. Georgian Dream-Democratic Georgia	52.15 %	0.86 %	51.29 %	53.01 %
5. United National Movement	17.62 %	0.46 %	17.16 %	18.08 %
2. Bloc - Bakradze, Ugulava - European Georgia	9.2 %	0.3 %	8.9 %	9.5 %
8. Davit Tarkhan -Mouravi, Irma Inashvili -Alliance of Patriots of Georgia	5.69 %	0.19 %	5.5 %	5.88 %
10. Shalva Natelashvili - Georgian Labor Party	4.03 %	0.15 %	3.88 %	4.18 %
27. Bloc - Giorgi Vashadze - Unity New Georgia	3.47 %	0.17 %	3.3 %	3.64 %
3. Lortkipanidze, Kukava - Democratic Movement, Free Georgia	3.3 %	0.14 %	3.16 %	3.44 %
6. Republic Party	1.62 %	0.11 %	1.51 %	1.73 %
39. Progressive -Democratic Movement	0.86 %	0.58 %	0.28 %	1.44 %
31. Freedom - Zviad Gamsakhurdia's Way	0.64 %	0.05 %	0.59 %	0.69 %
17. Georgia	0.42 %	0.04 %	0.38 %	0.46 %
28. Zviadi's Way in the Name of God	0.25 %	0.03%	0.22 %	0.28 %
15. Socialist Workers Party	0.22 %	0.02 %	0.2 %	0.24 %
38. Bloc - Peoples' Unanimity	0.22%	0.03 %	0.19 %	0.25 %
14. Party of Georgian Unity and Development	0.16 %	0.03 %	0.13 %	0.19 %
9. Left - Wing Alliance	0.15 %	0.02 %	0.13 %	0.17 %

The proportional indicator of votes received by Shalva Natelashvili-Labor Party of Georgia in Tbilisi Sakrebulo proportional elections was within the interval of 3.88% and 4.18%. Therefore, the organization could not have definitely said whether the electoral subject was able to clear the 4% threshold or not.

⁵¹ The margin of level was calculated at 95% confidence interval



Kutaisi (Based on the information received from 100% of PVT observers)

- N41. Georgian Dream - Democratic Georgia - **48.72%**
- N5. United National Movement - **23.59%**
- N2. Bloc - Bakradze, Ugulava - European Georgia - **12.04%**
- N8. Alliance of Patriots of Georgia - **3.91%**
- N10. Shalva Natelashvili - Labor Party of Georgia - **3.74%**
- N3. Democratic Movement, Free Georgia - **2.89%**
- N27. Bloc G- iorgi Vashadze – Unity New Georgia - **2.65%**
- N20. Development Movement - **0.94%**
- N34. Order of Patriots - Homeland - **0.65%**
- N31. Freedom - Zviad Gamsakhurdia's Way - **0.37%**
- N37. Socialist Georgia - Communists - **0.25%**
- N9. Left-Wing Alliance - **0.13%**
- N38. Bloc - Peoples' Unanimity - **0.07%**
- N4. United Democratic Movement - **0.04%**

Batumi (Based on the information received from 100% of PVT observers)

- N41. Georgian Dream-Democratic Georgia - **53.44%**
- N5. United National Movement - **25.14%**
- N8. Alliance of Patriots of Georgia - **6.87%**
- N2. Bloc - Bakradze, Ugulava - European Georgia - **6.81%**
- N10. Shalva Natelashvili - Labor Party of Georgia - **3.19%**
- N3. Democratic Movement, Free Georgia - **1.97%**
- N27. Bloc - Giorgi Vashadze – Unity New Georgia - **0.91%**
- N6. Republican Party - **0.71%**
- N31. Freedom - Zviad Gamsakhurdia's Way - **0.28%**
- N37. Socialist Georgia - Communists - **0.19%**
- N38. Bloc - Peoples' Unanimity - **0.18%**
- N39. Progressive Democratic Movement - **0.14%**
- N9. Left-Wing Alliance - **0.1%**
- N4. United Democratic Movement - **0.06%**

Rustavi (Based on the information received from 100% of PVT observers)

- N41. Georgian Dream- Democratic Georgia - **47.68%**
- N5. United National Movement - **21.14%**
- N2. Bloc - Bakradze, Ugulava - European Georgia - **12.56%**
- N8. Alliance of Patriots of Georgia - **7.38%**
- N10. Shalva Natelashvili - Labor Party of Georgia - **4.93%**
- N3. Democratic Movement, Free Georgia - **1.97%**
- N27. Bloc - Giorgi Vashadze - Unity New Georgia - **1.53%**
- N38. Bloc - Peoples' Unanimity - **0.76%**
- N6. Republican Party - **0.73%**

- N31. Freedom - Zviad Gamsakhurdia's Way - **0.52%**
- N28 Road of Zviadi - In the Name of God - **0.47%**
- N9 Right - Wing Alliance - **0.21%**
- N4 United Democratic Movement - **0.12%**

Poti (Based on the information received from 100% of PVT observers)

- N41. Georgian Dream - Democratic Georgia - **51.41%**
- N5. United National Movement - **15.25%**
- N2. Bloc - Bakradze, Ugulava - European Georgia - **11.55%**
- N20. Development Movement - **6.41%**
- N8. Alliance of Patriots of Georgia - **5.49%**
- N3. Democratic Movement, Free Georgia - **4.43%**
- N10. Labor Party of Georgia - **4.38%**
- N31. Freedom - Zviad Gamsakhurdia's Way - **0.77%**
- N4. United Democratic Movement - **0.3%**

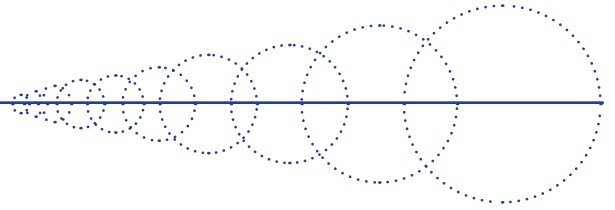
Akhaltikhe (Based on the information received from 100% of PVT observers)

- N41. Georgian Dream - Democratic Georgia - **65.01%**
- N2. Bloc - Bakradze, Ugulava - European Georgia - **19.86%**
- N5. United National Movement - **10.13%**
- N8. Alliance of Patriots of Georgia - **2.23%**
- N10. Labor Party of Georgia - **1.77%**
- N31. Freedom - Zviad Gamsakhurdia's Way - **0.47%**
- N3. Democratic Movement, Free Georgia - **0.45%**
- N4. United Democratic Movement - **0.07%**

Election Runoffs

ISFED found that the process of opening of polling stations, voting and counting of votes during the runoffs on November 12 took place in a mostly peaceful and organized manner in all six electoral districts. As a trend ISFED found a multitude of party coordinators and law enforcement officers outside polling stations, especially in Ozurgeti Electoral District.

During the runoffs of the elections Daba Nasakirali Polling Station #59⁵² in Ozurgeti was at the center of special attention. There were detected a possible deliberate attempt to create a disturbance in order to have the results invalidated, which would have affected the outcome of mayoral elections in Ozurgeti District. Nevertheless, the integrity of electoral documentation was not threatened and, at the end, the summary protocol properly reflected the will of the voters. Similar to the first round, ISFED did not find any widespread

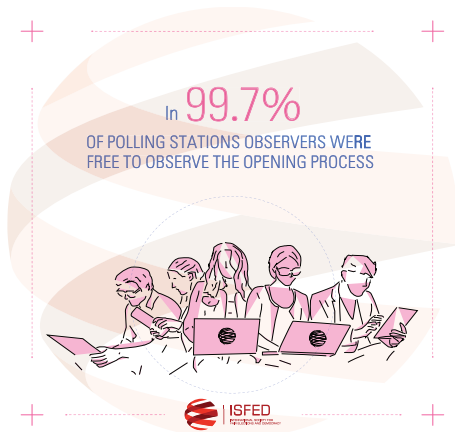


violations during the runoffs of the elections and therefore, final results were not affected by violations.

DETAILED INFORMATION FROM THE PVT

Opening and Setting Up of Polling Stations

ISFED received reports on the opening of polling stations from **99.7%** of the PVT observers. All (**100%**) ISFED observers were free to access polling stations and observe the opening process, which was statistically similar to the figure of the first round (**99.7%**)⁵³. **99.7%** of the polling stations in Georgia were ready to receive voters by 8:00am, which is not statistically different from the figure of the first round (**99.3%**). At all (**100%**) polling stations, the functions between election commission members were assigned by casting of lots, which is statistically similar to the figure of the first round of the elections (**99.7%**). Violations in the process of opening of polling stations were found at **0.9%** of polling stations, which is statistically a slight improvement from the first round (2.7%).



Voting Process

ISFED received reports on the voting process from **99.7%** of the PVT observers from all six electoral districts.

At **99.1%** of polling stations, voters cast their ballots using proper voter identification. This was a slightly improvement in comparison with the figure from the first round of elections

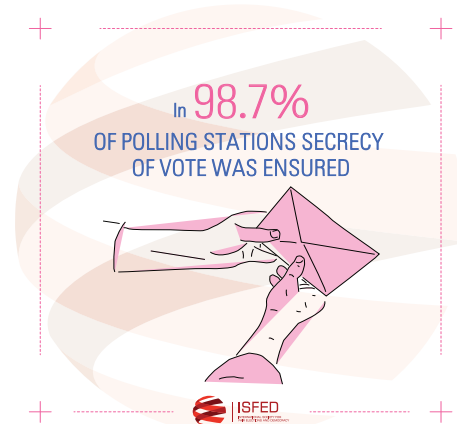
(**97.4%**).

Inking was always properly checked at **99.1%** of polling stations, which is an insignificant improvement from first round (**97.3%**).

At **99.7%** of polling stations, the ballot papers were properly validated with a signature and a seal. This figure is not statistically different from the figure of the first round of elections (**99.3%**).

At **99.7%** of polling stations, voters were properly inked, which is identical to the result of the first round of the 2017 local self-government elections (**99.7%**).

The secrecy of vote was always ensured at **98.7%** of the polling stations, which is statistically similar to the figure of the first round of elections (**98%**).



Other cases of violations related with the voting process were identified at **2.8%** of the polling stations. This figure was **5.4%** during the first round of the elections.

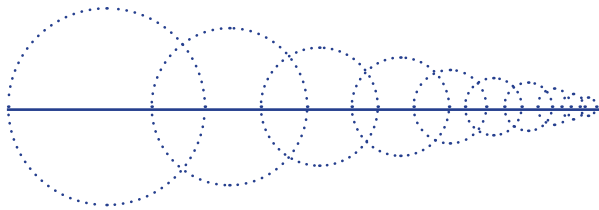
Counting of Votes

Based on PVT findings, in **99.7%** of polling stations the counting process was conducted without major incidents, which is not statistically significantly different from first round (**99.3%**).

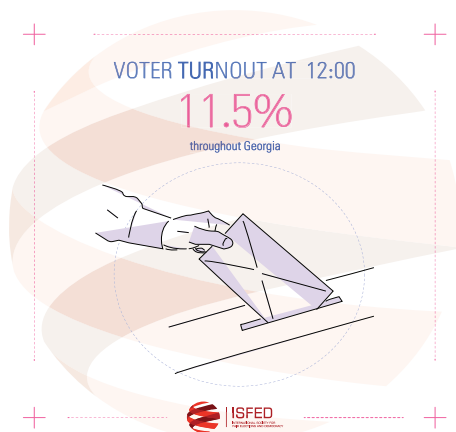
Voter Turnout

According to PVT findings, final turnout in all six districts

⁵³ When comparing the data of the first round and the runoffs, one must consider that the runoffs were held in 6 electoral districts only, while the data of the first round of the elections paint the nationwide picture



was **33.24%**, which is less than the figure of the first round (**45.65%**). The highest turnout **56.7%** was found in Ozurgeti Electoral District. Turnout was also relatively high in Borjomi (52.89%) and Kazbegi (52.95%) electoral districts. Turnout in Martvili district was **38.49%**, and in Khashuri district - **34.66%**. The lowest turnout (**17.98%**) was observed in the self-governig city of Kutaisi.



By 12:00, voter turnout was **11.5%** in all six districts, which is lower figure than the turnout of the first round (**16.3%**)⁵⁴. ISFED found the following voter turnout in electoral districts as of 12:00:

- o Ozurgeti - **21.6%**
- o Borjomi - **18.1%**
- o Kazbegi - **17.3 %**
- o Khashuri - **11.6 %**
- o Martvili - **11.5%**
- o Kutaisi - **6.1%**

By 17:00, voter turnout was **27%** in all six districts, which is a significant decrease from the first round (36.5%)⁵⁵. ISFED found the following voter turnout in electoral districts as of 17:00:

- o Ozurgeti - **47%**
- o Borjomi - **45%**
- o Kazbegi - **44%**
- o Martvili - **31%**
- o Khashuri - **27%**
- o Kutaisi - **14%**

Analysis of PVT data also allows determining speed of voter processing at each polling station monitored by ISFED, on the basis of information about voter turnout. From 8:00 to 12:00, in **92.1%** of polling stations speed of voter pro-

cessing was one voter per minute, while in **7.9%** of polling stations speed of voter processing was 1-2 voters per minute. In this regard, it have to be noted Ozurgeti Municipality where in **32.3%** of polling stations the speed of voter processing was 1-2 voters per minute. By 17:00, in **90.8%** of polling stations speed of voter processing was 1 voter per minute, and in 9.2% of polling stations, speed of voter processing was 1-2 voters per minute. In **35.5%** of polling stations in Ozurgeti, speed of voter processing was 1-2 voters per minute.

Final Results of the Runoffs

Based on the information received about the Election Day process, ISFED is confident in its PVT results. ISFED received the information from **99.7%** of observers.

Ozurgeti

- **Nº41** Beglar Sioridze - Georgian Dream - Democratic Georgia - **49.89%**
- **Nº42** Konstantine Sharashenidze - Independent candidate - **50.11%**

Borjomi

- **Nº8** Zaza Chachanidze - Alliance of Patriots of Georgia - **45.05%**
- **Nº41** Levan Lipartia - Georgian Dream - Democratic Georgia - **54.95%**

Khashuri

- **Nº41** Giorgi Guraspashvili - Georgian Dream - Democratic Georgia - **61.05%**
- **Nº42** Ramaz Nozadze - Independent candidate - **38.95%**

Kazbegi

- **Nº3** Sandro Kamarauli - Democratic Movement - Free Georgia - **31.05%**
- **Nº41** Aleksandre Zagashvili - Georgian Dream - Democratic Georgia - **68.65%**

Kutaisi

- **Nº5** Grigol Vashadze - United National Movement - **12.93%**
- **Nº41** Giorgi Chigvaria - Georgian Dream - Democratic Georgia - **87.07%**

Martvili

- **Nº5** Mamuka Danelia - United National Movement - **6.96%**
- **Nº41** Aleksandre Grigalava - Georgian Dream - Democratic Georgia - **93.04%**

⁵⁴ When comparing the data of the first round and the runoffs, one most consider that the runoffs were held in 6 electoral districts only, while the data of the first round of the elections paint the nationwide picture
⁵⁵ When comparing the data of the first round and the runoffs, one most consider that the runoffs were held in 6 electoral districts only, while the data of the first round of the elections paint the nationwide picture



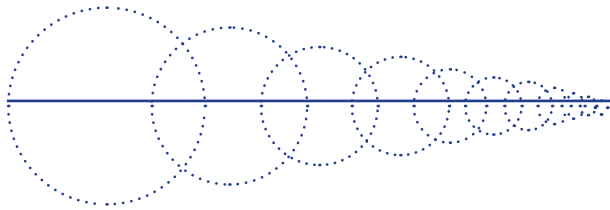
ISFED representatives were able to attend the process of consideration of complaints by DEC and express their positions about complaints submitted by the organization. However, a number of problems and trends were identified in this process that need to be addressed both at the legislative level and in terms of increasing awareness of election commission members.

- DEC making decisions solely on the basis of explanatory notes of PEC members was a special problem, which became a visibly negative trend in the 2017 local self-government elections. Statements prepared by PEC members were accepted by district commissions as credible and sufficient evidence for establishing circumstances of any violation, irrespective of gravity of the violation concerned. Clearly, for detection of a violation it is important for members of relevant commission to submit their explanatory notes providing their opinion about circumstances of the violation. This can be viewed as one of the pieces of evidence in the process of examination of the case by a district commission. However, unfortunately district commissions established a completely unacceptable and unfair practice of use of such notes. Notably in a number of cases explanatory notes were prepared after the Polling Day at district commissions, which is why the practice of considering such notes as sufficient evidence for establishing factual circumstances is even more unacceptable. A statement written two or three days after the incident cannot be viewed as credible information.

One thing that was different from previous years was the use of such explanatory notes by district commissions as grounds for relieving commission members that violated the law from liability. In a number of instances, despite admission of the violation, district commissions found that writing an explanatory note equaled to elimination of the violation, which is completely illogical.

Such approach of the election administration towards violations of electoral legislation is unacceptable. Justifying any violation with an explanatory note and deeming the violation to be eliminated on the basis of such note undermines importance of the electoral legislation and sanctions prescribed by the law. Such practice promotes disregard of requirements of the law by PEC members in future.

- District commissions were reluctant to revise polling results irrespective of violations concerned (e.g. overwriting data entered into summary protocols, numbers not reconciling in election protocols, etc.). It must be noted that in such cases district commissions relied on explanatory notes of PEC members or protocols of correction, most of which were prepared after the Polling Day.
- DEC often refused to satisfy a complaint stating that no gross violation of the legislation had occurred, which would have affected results of the elections and free expression of voters' will. This argument is completely unjustified because a concrete fact may not be affecting election results but it may still amount a violation of procedures prescribed by the legislation. Therefore, ignoring procedures and requirements established by the legislation, to ensure that PEC members escaped liability is unacceptable.
- DEC were reluctant to use administrative penalties in several cases. Even though the violation had been established by the commission, it ordered a disciplinary sanction instead of administrative one against the PEC members concerned. Such approach undermines the administrative liability prescribed by the law for a concrete violation.
- Response of DEC to complaints filed over restriction of observer rights was inadequate. DEC made every effort to avoid imposition of a disciplinary liability on PEC members. In a number of instances, PEC members themselves tried to accuse observers of violating the Election Code and despite ab-



surdity of their statements DEC still viewed them as credible and based their decisions on such statements. Such incidents occurred in Lanchkhuti and Ambrolauri district commissions.

- In some cases decisions made by DEC were inadequately founded-e.g. decisions of Saburtalo, Rustavi, Poti, Marneuli, Akhalkalaki district commissions.
- DEC provided inaccurate interpretation of the timeframe prescribed by the Election Code for filing electoral complaints. For instance, a district commission refused to consider complaints on grounds that the complaint was prepared before opening of the ballot box but a few hours after the violation occurred and not immediately. Such incidents were observed, for instance, in Batumi, Rustavi, Borjomi, Kaspi, Saburtalo district commissions.
- Different timeframe established for filing complaints over procedural violations in counting of votes and in tabulation of polling results led to confusion. More specifically, according to the applicable regulations complaints over such violations should be filed with a PEC after the ballot box is opened and before the summary protocol is prepared. The PEC will refer the complaint to relevant DEC within two days. Within the same timeframe a complaint can be filed directly before a district commission. If a polling station refers a complaint to the DEC within two days and the complaint can also be filed directly before the DEC within the same timeframe by the applicant, it is ambiguous what the purpose of limiting the timeframe from opening of a ballot box to drawing up a summary protocol is. This is illogical and confusing for district commissions.
- Selective approach was applied (e.g. district commissions of Batumi and Marneuli), since members of one PEC were not penalized for a violation that members of another PEC were penalized for.
- Members of the election administration did not have sufficient knowledge and sensitivity to handle a case of sexual harassment.

With regard to court, the rule for filing a complaint was a problem. In view of the fact that the law prescribes tight deadlines for filing a complaint in court over electoral issues, the rules that regulate filing of a complaint and serve as a standard for all administrative complaints are too complicated from technical point of view and hinder monitoring organizations from filing complaints in court in a timely manner.

In addition, due to the tight deadlines for filing a complaint in court, in most cases complaints are prepared without a DEC order. DEC hands their orders to the parties the day after making their decision, but it is not always possible to adhere to this timeframe. Therefore, often in the process of preparing a complaint, DEC's arguments as to why it refused to grant the complaint or left it without consideration is unknown, which makes working on a complaint difficult.

Round I

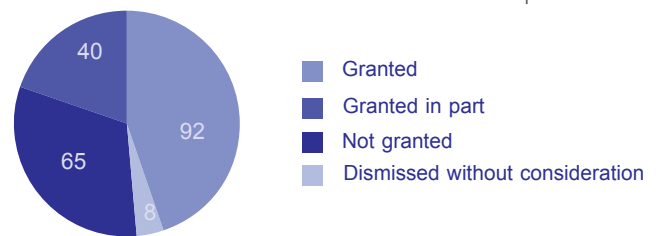
At the 21 October 2017 local self-government elections, ISFED filed **85** complaints with PECs and **206** complaints with DEC. In **36** cases PECs took timely actions in response to violations, so complaints were not filed in connection to these violations, which is commendable.

Complaints filed with PECs

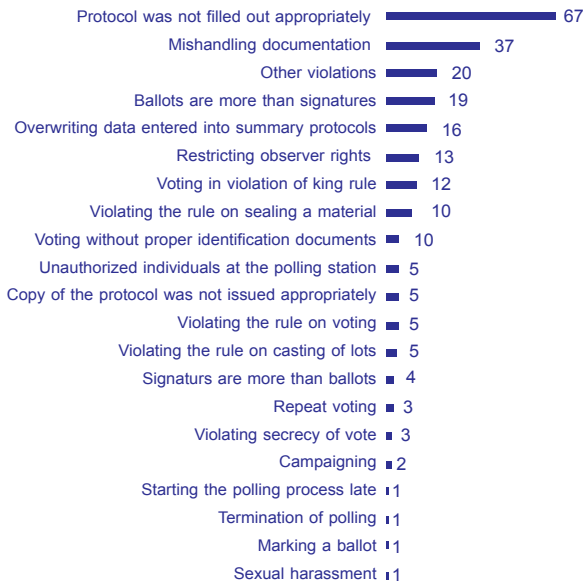
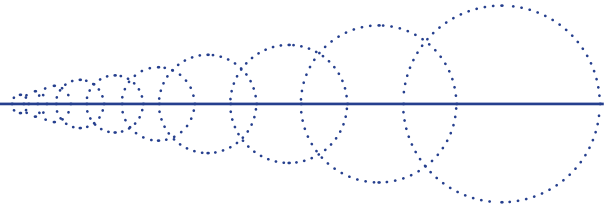
Out of 85 complaints filed with PECs, one was adequately responded, so an additional complaint with the DEC was not filed. In 1 case the PEC found the ballot box results to be null and void. Complaints filed with PECs mostly sought adequate actions in response to violations and elimination of violations. 24 complaints filed with PEC concerned mishandling of election documentation, 11 - inaccurate filling in of control sheets, 11 - voting without inking or checking for ink, 4-restriction of observer rights, 4-voting with inappropriate documents, etc. In three cases relevant PECs refused to register complaint, which was subsequently challenged in higher commission.

Complaints filed with DEC

ISFED filed **206** complaints in DEC during the first round of the self-government elections; 65 complaints were granted, 40 were granted in part, 92 complaints were not granted and 8 complaints were dismissed without consideration. Zugdidi DEC refused to make a decision about one complaint.



Complaints in DEC were filed over the following violations:



Most complaints filed with DEC sought imposition of disciplinary sanctions on PEC members concerned. In addition, in 21 cases ISFED sought imposition of administrative sanctions for restricting observer rights or overwriting/altering data entered into summary protocols. In 1 case ISFED changed its demand after the PEC later took further actions, allowing the observer to enter her reproof in the logbook. In four cases instead of ordering administrative sanctions the DEC imposed disciplinary sanctions against PEC members, while in the other cases complaints seeking imposition of administrative sanctions were not granted or were dismissed without consideration.

41 complaints sought **revision of voting results**, none of which were granted. Revision of voting results was demanded in cases where data had been overwritten in summary protocols or numbers did not reconcile in particular, when the sum of votes received by electoral subjects and invalidated ballots exceeded the number of voters who participated in the elections.

Invalidation of polling results was demanded in 1 case, due to illegal suspension of voting at Marneuli polling station #31 and a number of serious other incidents that occurred there⁵⁶, which would have collectively affected results of voting. The complaint was rejected by both the DEC and Bolnisi District Court. The latter ruled that the nature of alleged violations lacked the scale or substance for impacting results of the polling station.

Ineffective and insensitive response of a member of Poti PEC #21, appointed by a political party, to sexual harassment of ISFED observer is especially alarming. ISFED applied to Poti City Court and demanded imposition of a disciplinary sanction on the individual concerned. The organization believed that the said action constituted a disciplinary misconduct, envisaged by para. 1”h” of Article 28 the organic law of Georgia the Election Code - disregard or violation of norms of ethic, general rules of conduct, aimed at discrediting an electoral officer or the election administration of Georgia, irrespective of whether such action has been committed at work or outside of work. The DEC refused to consider the complaint, stating that establishing such fact does not fall within the scope of regulation of Article 28 of the Election Code (measures of disciplinary sanction against district and precinct election commissions).

The decision was appealed in Poti City Court. The court declared the decision invalidated on grounds that it fell short of requirements of the law and more specifically the requirements that apply to preparing and issuing such decision. As to the request of ordering a district commission to issue a new act, the court examined circumstances of the case itself and found that a member of PEC #21 had not committed a disciplinary misconduct. Therefore, this part of the appeal was rejected. The court also stated that by the time the complaint was considered, the PEC had already terminated authority of the election officer in question. The individual no longer had the status of a PEC member and therefore the Election Code could no longer be applied.

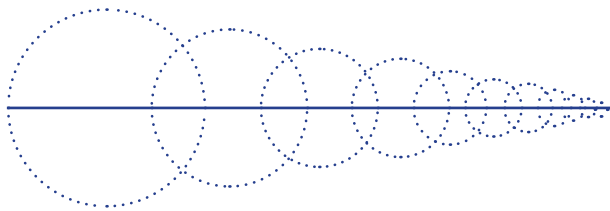
The incident clearly shows that the election process lacks adequate mechanisms for reporting and acting on facts of sexual harassment. ISFED believes that it is important to introduce in the election administration adequate response mechanisms for sexual harassment and other gender-sensitive issues, and conduct relevant trainings for PEC members.

Complaints Filed in Court

ISFED filed **9** complaints in court related to the October 21 elections, including 7 complaints filed in first instance courts and two filed in appellate courts. Out of the complaints filed in the first instance courts, 1 was granted in full, 1 was granted in part and 5 were not granted. 2 complaints filed with the appellate courts were granted in part.

A complaint seeking invalidation of decisions of Nadzaladevi DEC involving polling stations #16 and #55 were filed in Tbilisi

⁵⁶ Including: the observer was subjected to psychological pressure and was not allowed to conduct monitoring; also, they refused to register the observer’s complaint and did not allow him/her to record a reproof in the logbook; voters were let inside the polling station without verification of ink; an identified person was helping voters to place their ballots in envelopes.



City Court. At the polling station #16, the registrar issued an extra ballot paper to a voter, and at the polling station #55 the registrar missed three voter signatures on the list. In both cases complaints filed by ISFED with DEC demanded imposition of disciplinary sanctions on the registrars but the DEC refused to grant the requests stating that the registrars had written explanatory notes, so the violations had been eliminated. Such approach of the DEC is completely unacceptable because issuing an extra ballot and missing a voter signature on the list is a finished violation and it is impossible to correct the violation by writing the note. Writing an explanation and admitting the “mistake” does not cancel out the fact of the violation, especially considering that this may result in invalidation of the vote that has been cast if more than two ballots of the same type is found in the envelope during counting of votes. In light of this, ISFED filed a complaint with Tbilisi City Court. The court upheld decisions of Nadzaladevi DEC. Tbilisi City Court’s decision was then appealed in Tbilisi Appellate Court, which granted ISFED’s demand in part and repealed decisions of Nadzaladevi DEC. As a result, the DEC issued new decisions and imposed a disciplinary liability on both registrars. Akhaltsikhe DEC refused to grant complaints seeking imposition of disciplinary liability on PEC members. These complaints concerned:

- polling stations #30 and #35, where summary protocols had not been validated with the commission stamps. The DEC did not find this to be an important violation, which is an invalid reasoning because a protocol is a document of strict registration; rules of filling in the protocol are prescribed in detail by the legislation. If signatures of PEC members were sufficient, there would not be a requirement of validating it with a stamp;
- the polling station #10 where the registrar issued an extra ballot that was later found in the envelope during counting of votes resulting in invalidation of the vote. However, the DEC rejected the demand of a disciplinary sanction stating that it happened by accident;
- the polling station #29 where data entered into the summary protocol was overwritten in the process of drawing up the document. The Commission relied on the statement of the PEC chair, according to which there is no box for correcting time in the protocol of correction, so the protocol of correction was not drawn up.

The above DEC decisions were appealed in Akhaltsikhe District Court. The court granted the complaint in part and

repealed decisions of the DEC. As a result, the DEC made new decision and imposed a disciplinary sanction on the PEC members concerned.

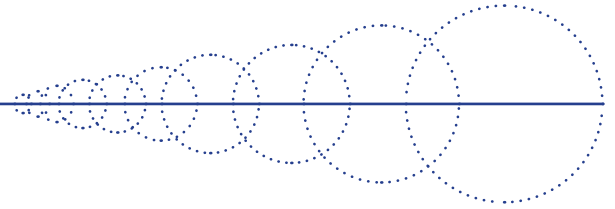
ISFED filed three complaints with Batumi City Court seeking invalidation of decisions made by Batumi DEC and making of new decisions concerning the following PECs:

a) All three types of summary protocols of polling stations #46 and #6 were not time-stamped. The complaint filed with Batumi DEC sought imposition of sanctions on PEC chairs and secretaries. The demand was granted only with regard to the PEC #46. The DEC employed inconsistent approach towards similar violations by penalizing members of one PEC for a violation that members of another PEC were not penalized for. The court fully granted ISFED’s complaint. As a result, Batumi DEC made a new decision ordering sanctions against the chairperson and the secretary of the PEC #6 for inadequate fulfillment of their duties;

b) At the polling station #29 the registrar was numbering ballots, which posed the risk of identifying voters and violating secrecy of vote. The organization demanded revision of polling results, invalidation of ballots and imposition of liability on the registrars, but the DEC refused to grant the demand.

c) At the polling station #29, the officer that regulated flow of voters allowed two voters who had not been inked to enter the polling station. At the polling station #60, a voter that did not place one of the ballots in the envelope and was going to take it with him was told by the PEC chair to destroy it. ISFED demanded imposition of a disciplinary liability on the chair. At the polling station #2 the registrar mishandled ballots, ISFED demanded that the registrar be held liable. These complaints were left without consideration by the DEC on grounds that they were filed a few hours after the violation, which is an absurd argument.

In cases described under paragraphs b) and c), the organization filed two complaints with Batumi City Court but the court refused to grant them. With regard to numbering of ballots the court narrowly interpreted the Election Code. In particular, on the one hand the court stated that even if such violation does occur, it would not cause invalidation of a ballot. On the other hand, with regard to identification of an individual the court said that it does not amount to grounds for invalidation and can be viewed as a violation of personal data, in connection to which the individual concerned can demand protection of his/her personal data. Such approach is unacceptable



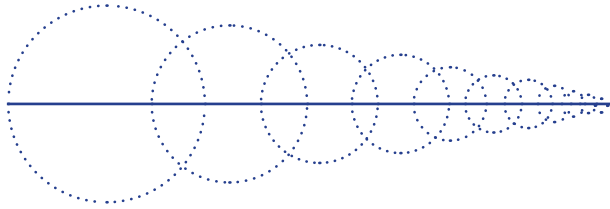
because the interpretation offered by the court means that PEC members marking ballots to determine who the voter concerned voted for is outside the scope of regulation of the Election Code.

As to dismissing complaints without consideration, the court upheld decisions of the DEC and stated that violation had indeed occurred and because the PEC chair did not react on the complaints that were filed, representative of the organization should have immediately and not several hours later applied to a higher election commission. In addition, according to the court's interpretation the right to immediately file a complaint in a district commission was an obligation. This is a misinterpretation of the Election Code, because the Code prescribes exact timeframe for filing complaints-in particular, complaints concerning polling procedures should be filed before opening of a ballot box, and this requirement was observed in all of the said cases. In addition, in all cases in question violation had already occurred and neither the district nor the precinct commissions would have been able to eliminate

it. Therefore, logically there was no point in filing complaints in the DEC immediately. Such interpretation is wrong especially when the issue at hand is imposition of a disciplinary sanction. The decision of Batumi City Court was challenged in Kutaisi Appellate Court, which granted the appeal in part and invalidated the decisions of Batumi DEC. The court did not grant the claim regarding the polling station #29, concerning revision of results and invalidation of the numbered ballots. In this regard, the appellate court upheld Batumi City Court's decision. Based on the appellate court's decision, Batumi DEC ordered a disciplinary sanction on PEC members that violated the law.

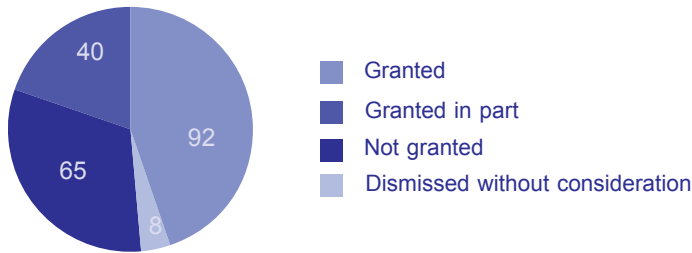
The Runoffs

During the November **12**, 2017 local self-government elections ISFED filed **15** complaints in PECs, **19** in DEC's and recorded 3 reproofs in logbooks.

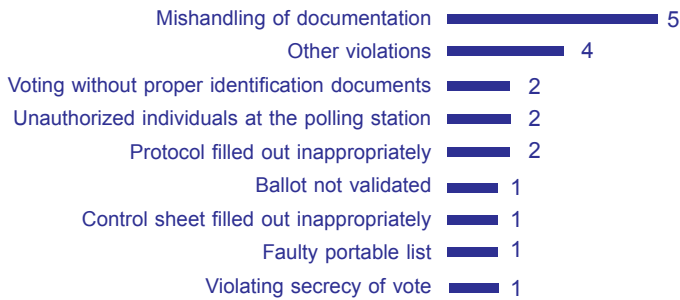


Complaints filed with precinct and district commissions

Out of 15 complaints filed with PECs, further actions were taken in response to one and therefore ISFED did not have to file an additional complaint with DEC. Four of the complaints concerned inadequately filled out electoral documents, 2 concerned voting with improper documentation, remaining complaints one concerned irregularities on the list, one -violation of secrecy of vote, one-inadequately filled out control sheets, etc.

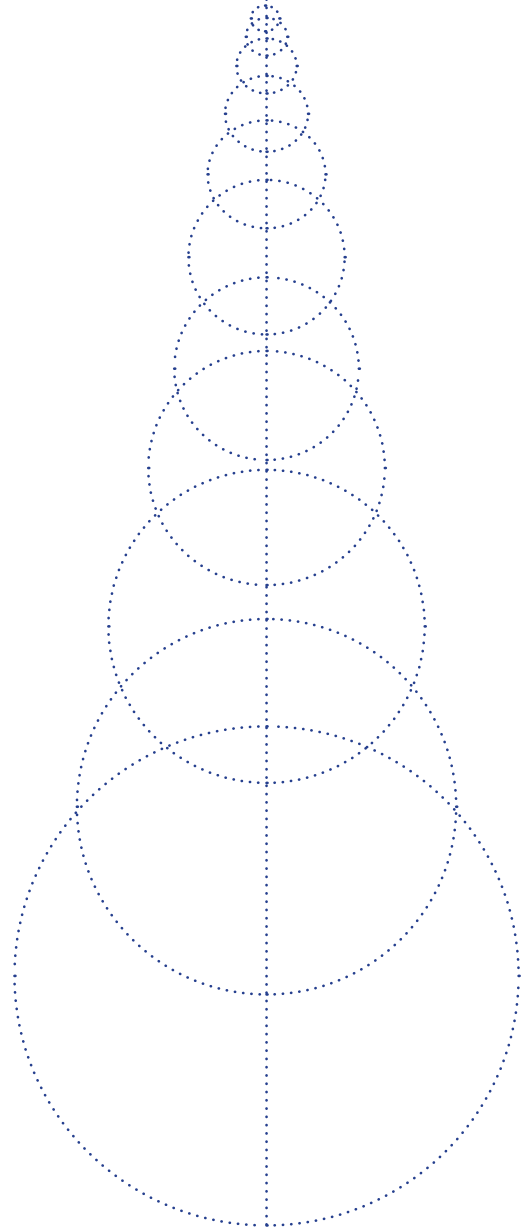


Out of **19** complaints filed with DECs, 5 were granted, 1 was granted in part, and 13 were rejected.



Complaints filed with DECs concerned the following violations:

Complaints mostly sought imposition of disciplinary or administrative sanctions on PEC members concerned. One complaint sought recount of invalid ballots at Ozurgeti polling station #59 but it was not granted.



XII RECOMMENDATIONS

LEGISLATIVE RECOMMENDATIONS

1. Along with discussions on the decentralization strategy, Parliament should also start consideration of reforming the local self-government electoral system. To this end, an inclusive working group should be set up and composed of MPs as well as representatives of civil society and other stakeholders. In the process of discussing the electoral system it is important that objectives of decentralization, self-government challenges that Georgia is facing and problems in the existing electoral system including those concerning equality of vote and proportional reflection of voters' will in the elected body are adequately understood.

2. The rule of composition of the election administration at all levels should be revised. In the long-term perspective, for transforming the election administration into a qualified and unbiased body, it is important that preference is given to the composition of administration by professional members. This will ensure that professionalism of election commissions is improved and they are freed from any political influences. In the short-term perspective, if the party representation is maintained, preference should be given to the rule of composition of the election administration that ensures balanced political representation.

3. It is recommended to reduce the number of commission members at all levels to allow employing of a more qualified staff with higher compensation in the election administration. This will in turn help reduce violation rates.

4. To improve the level of professionalism in PECs, members of precinct-level commissions should be required to have a certificate. To this end, the process of certification should be improved and different levels of tests should be created for candidates seeking membership of precinct and district level commissions.

5. It is important to revise norms that regulate election disputes in the Election Code and clear any ambiguities in order to rule out inaccurate and inconsistent application of

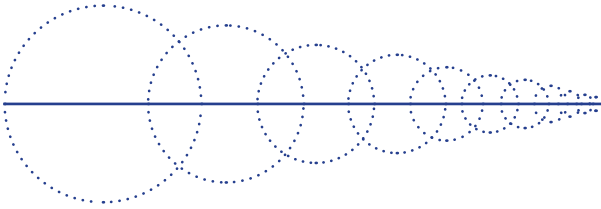
these norms in the future by election commissions. In this regard, the timeframe for filing complaints regarding violations in the process of counting or tabulating votes, seeking revision or invalidation of voting results, regulated by paragraphs 2 and 3 of Article 73 of the Election Code, should be expressly and clearly written out. The timeframe should not be limited by the period from opening of a ballot box to drawing up a summary protocol. Instead, the Code should directly prescribe a two-day period for filing a complaint in a DEC. The timeframe for filing a complaint before a PEC should be set not before the protocol is prepared but before the registration book is closed and it should be stated that such restriction would only apply to filing of complaints before PECs, which is not mandatory. In addition, the word "immediately" should be removed from para.3 of Article 72 in reference to filing of complaints with DECs when a PEC is not taking further actions in response to a complaint filed at the precinct level.

6. The Election Code should establish that revision of polling results is mandatory if votes received by electoral subjects, number of voters, or invalid ballots are overwritten in a summary protocol or when the sum of votes received by electoral subjects and invalid ballots exceeds the number of voters who participated in the election.

7. Voting procedures should be simplified. For instance, the requirement of an election envelope can be abolished. This will save time during counting of votes and prevent violations related to an envelope, including wrong placement of a ballot in the envelope, placement of a ballot in the ballot box without an envelope, which leads to invalidation of ballots.

8. The term of appeal should start running after the protocol is prepared and not from the polling day. Such rule will not only be more logical and appropriate but it will also give more time to stakeholders for verifying protocols.

9. To reduce the risk of using administrative resources in favor of a party to a minimum, the circle of officials that enjoy the unlimited right to participate in campaigning and canvassing should be narrowed down.



10. Parliament should support the legislative initiative about gender quotas.

THE ELECTION ADMINISTRATION

11. The election administration should react on unfounded application of Art.911 of the Election Code and issue corresponding recommendations to DEC.

12. In the process of consideration of complaints, when applying relevant legislation the election administration should avoid the practice of narrow and verbatim interpretation of the law and act in compliance with the spirit of the law and the provision concerned.

13. All levels of the election administration should take adequate legal actions against illegal campaigning by civil servants.

14. The election administration should take clear actions in response to instances of conflict of interest involving election commission members. Higher election commissions should ensure that conflicts of interest are proactively identified and immediately eliminated.

15. Filing a complaint before a PEC should not be viewed as an obligation and the only evidence proving that the violation occurred, as the election administration interprets it. Notably such practice is inconsistent because even when a complaint has been filed in the polling station, the DEC finds that it is insufficient and refuses to grant complaints. Therefore, filing a complaint with a PEC, especially in cases that concern a violation that has already been completed and the PEC can no longer react on it, is pointless and unreasonable. In addition, often this results in tension at the precinct and aggressions against observers.

16. The training for PEC members on preparing of summary protocols should be improved in consideration of the problems detected. ISFED also recommends allocating more time to the rules and the timeframe of consideration of

electoral disputes, procedures prescribed by the electoral legislation, importance of sanctions and the necessity to observe them.

17. Trainings for precinct and district commissions should focus on the importance of observers and the etiquette of relationship with observers. The election administration should not perceive observers as opponents. District commissions should consider complaints over restriction of observer rights in an objective and impartial manner and make substantiated decisions.

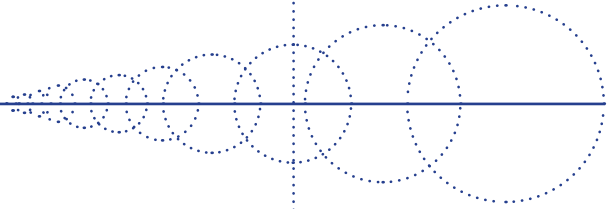
18. In view of interests of tens of thousands of commission members, observers, party representatives or media involved in the electoral process, it is important for the election administration to be sensitive towards incidents of possible sexual harassment against individuals involved in the electoral process. The election administration should create mechanisms for effective communication and response to incidents of sexual harassment.

19. Trainings for members of the election administration should contain a separate module on sexual harassment and more specifically, how commission members should react on such incidents, how they should consider complaints concerning sexual harassment, etc. The Code of Ethics should expressly stipulate that such actions of a commission member amount to violation of the norms of ethic and is subject to liability.

THE HIGH COUNCIL OF JUSTICE

20. In view of the tight timeframe prescribed for electoral disputes, a simplified form should be developed for filing a complaint before court. Submitting complaints electronically should also be enabled.

21. Training judges about considering complaints is important, both with regard to disputes related to the Election Day violations and summary protocols, as well as consideration of complaints filed during the pre-election period over different violations. Judges should have a better understand-



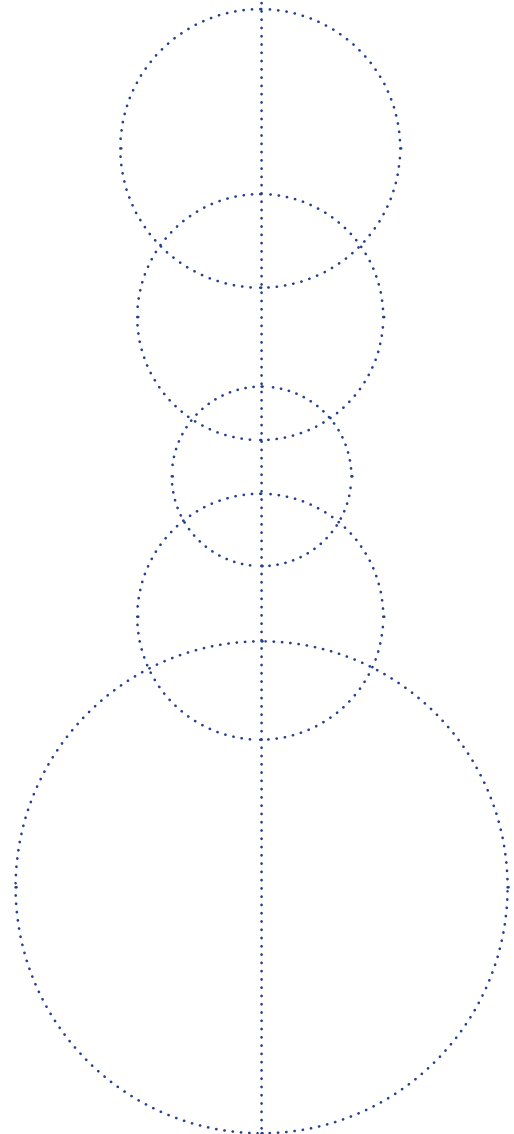
ing of specific nature of election as well as purpose and substance of regulations prescribed by the electoral legislation.

THE STATE AUDIT OFFICE

22. The State Audit Office should ensure development of effective methodology for monitoring social media campaign expenses and for taking adequate actions in response to possible illegal donations.

POLITICAL PARTIES

23. Political parties should stop mobilizing supporters for attending public meetings of competing parties/electoral subjects; during campaign meetings, TV appearances and public speeches political parties should refrain from forms of expression that are directed against an individual or a group of individuals, on the grounds of social and ethnic affiliation, race, sex, age, ethnic background, nationality, religion, sexual orientation, gender identity, disability, language, ideology, social class, occupation or any other grounds.



XIII METHODOLOGY

The International Society for Fair Elections and Democracy conducted a comprehensive monitoring of the pre-election period, the Election Day, the runoffs and the post-election period of the October 21 local self-government elections nationwide.

The pre-election monitoring began on July 24, 2017 but to ensure a comprehensive evaluation of the process reports of the organization also included events that were detected before the monitoring officially began as they may have affected the electoral environment. The organization conducted pre-election monitoring in all electoral districts through **70 long-term observers (LTOs)**. During the second round of the elections, **6 long-term observers** were monitoring pre-election processes in all electoral districts where the runoffs were held.

The work of the long-term observers was guided by international standards for monitoring organizations⁵⁷, which primarily entail comprehensive, objective, transparent and unbiased monitoring of the process. Main areas of the pre-election monitoring focused the following issues:

- Monitoring of public meetings and political activities of political parties/electoral subjects, as well as promises that they made to voters;
- Monitoring on the process of composition and activities of the election administration;
- Identification of cases of harassment/pressure on political grounds, interference with political activities and vote buying;
- Identification of instances of misuse of administrative resources.

To identify possible harassment/pressure on political grounds, the monitoring efforts of ISFED focused on identifying any instances of:

- Possible harassment/pressure on political grounds against employees of state institutions, voters, political party representatives, electoral subject candidates;
- Use of different forms of violence for limiting activities of civil servants, political parties, electoral subjects and other individuals.

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, the organization was also reported violations during meetings of the Inter-Agency Task Force for Free and Fair Elections to ensure that further actions were taken in a timely manner. ISFED also filed complaints with relevant election commissions for further legal actions.

ISFED's Election Day observation was based on the Parallel Vote Tabulation (PVT) methodology⁵⁸. Several days before the elections ISFED conducted simulation of the whole PVT process, aimed at testing whether the program runs well and whether observers are able to communicate information via text messages completely and effectively. The simulation was a success as **98%** of observers were able to report to ISFED.

During the first stage of preparations for the Election Day, ISFED developed monitoring methodology, the system of reporting and communication, databases, forms of monitoring, instructions, guidelines and other electoral materials. During the second stage of preparations for the Election Day monitoring, the organization carried out:

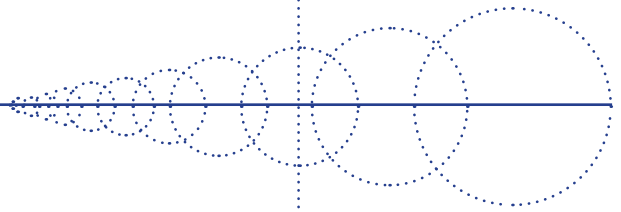
- **50** trainings for nearly **1100** short-term observers;
- **4** trainings for **73** DEC observers;
- **4** trainings for **80** mobile groups;
- **2** trainings for **13** lawyers;
- A training for **18** operators

On the Election Day and during runoffs, SMS center and incidents center 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 the 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 at

57 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.

58 By using PVT methodology on the Election Day the organization is able to collect quantitative and qualitative data from a randomly selected precincts and analyze the information; assess the whole process of the 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



their respective election precinct or district. 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.

On the Election Day and during runoffs ISFED updated public on trends identified, violations detected and polling results by releasing statements and holding press conferences. Joint election portal of NGOs (www.electionsportal.ge) was actively operating on the Election Day and information about incidents detected by the organization was posted there. Based on the strategy designed by ISFED, upon detection of a violation observer pointed it out first and requested that commission members take adequate further actions. If the PEC corrected the violation, observer recorded a warning in the PEC logbook. If the PEC failed to take adequate further actions in response to the violation concerned, observer filed a complaint.

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

