



MONITORING 2017 MUNICIPAL ELECTIONS IN GEORGIA



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Non-governmental organization the Human Rights Center, formerly Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia. The HRIDC aims to increase respect for human rights, fundamental freedoms and facilitate peace building process in Georgia. To achieve this goal it is essential to ensure that authorities respect the rule of law and principles of transparency and separation of powers, to eliminate discrimination at all levels, increase awareness and respect for human rights among the people in Georgia. Human Rights Center is member of following international networks:

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INTRODUCTION

The present report represents the results of the monitoring of October 21, 2017 Municipal Elections in Georgia. The project was implemented by Human Rights Center with the financial support of Open Society Georgia Foundation.

25 monitors of Human Rights Center observed the Election Day (hereinafter: E-Day) in the villages inhabited by ethnic minorities in Kakheti region, as well as conflict affected villages of Gori municipality. The monitors observed the E-Day through mobile group as well as the stationary monitors who stayed in the concrete precinct during the E-Day.

The monitoring aimed to promote compliance of electoral process with the democratic standards, electoral legislation and international standards. Monitoring of the elections by the independent monitors represents important pre-condition for ensuring free and fair elections. Analyzing the gaps and violations revealed by the monitors is paramount for objective and comprehensive assessment of electoral process.

In the beginning, the report represents general information regarding 2017 Municipal Elections, including the legislative changes related to the local government and the review of the main provisions of the existing legislation. Afterwards, the report reviews main tendencies of the pre-election period.

The review of the results of E-Day monitoring is presented in following subchapters: 1) Introduction 2) Results of E-Day Monitoring (subchapters: conflict affected villages of Gori Municipality, Akhmeta Municipality, Telavi Municipality and Sagarejo Municipality) 3) Summary of E-Day monitoring – main observations 4) Recommendations.

2017 MUNICIPAL ELECTIONS

The 2012 Parliamentary, 2013 Presidential and 2016 Parliamentary elections played significant role in the democratic development of Georgia. As a result of 2012 Parliamentary elections, first time in the history of Georgia, the governing political force was changed through the means of elections. According to the assessment of international and local observer organizations, October 8, 2016 parliamentary elections was held mostly in peaceful and competitive environment where the

Precincts were created by 73 District Election Commission. There were 47 242 members in the Election Precincts⁵.

October 21, 2017 elections were preceded by the range of changes in the electoral and local government legislation. According to the assessment of various NGOs, the changes regarding the fundamental issues were made hasty and without the consideration of range of critical remarks⁶.

On June 30, 2017, the Parliament of Georgia adopted changes to the Local Self-Government Code according to which 7 out of 12 self-governing cities were deprived of the self-governing status. Only five cities maintained self-governing status, including Tbilisi, Kutaisi, Rustavi, Poti and Batumi. Following cities were deprived of the self-governing status – Telavi, Mtskheta, Gori, Akhaltsikhe, Ambrolauri, Ozurgeti and Zugdidi⁷.

On June 30, according to the changes made in the Election Code, the number of majoritarian deputies to be elected from the administrative centers of municipalities was determined. According to these changes, from 4 to 10 thousand citizens will elect two majoritarian deputies, twenty thousand citizens will elect three majoritarian deputies and 35 thousand voters will elect four majoritarian deputies.⁸

The abolition of the self-governing status was followed by the harsh criticism by the opposition and civil society. The President vetoed these legislative changes and returned it to the Parliament with his objections. However, the governing party Georgian Dream overcame the veto⁹.

According to the request of the civil society organizations and the local population, the issue of abolition of self-governing status should have been decided in accordance with the Article 10.2 of Local Self-Government Code, through the public discussions. The government did not hold the discussions in accordance with the requirements of the legislation that violated this provision of Local Self-Government Code¹⁰.

The abolition of the self-governing cities posed a threat for the process of decentralization in Georgia. According to the NGOs, it decreases the standard of local

⁵ Central Election Commission, Interim Report – 21 October, 2017 Elections of representative body of municipality – *Sakrebulo* and mayor of self-governing city/community, 2017, page 11.

⁶ International Society for Fair Elections and Democracy (ISFED), Transparency International Georgia, Georgian Young Lawyers Association: Evaluation of the Pre-Election Environment.
<http://www.isfed.ge/main/1297/eng/>

⁷ See detailed information: <http://www.civil.ge/eng/article.php?id=30234>

⁸ See detailed information: <http://www.civil.ge/eng/article.php?id=30234>

⁹ See detailed information: <http://www.civil.ge/eng/article.php?id=30288&search=self-government>

¹⁰ See detailed information: http://www.osgf.ge/index.php?lang_id=ENG&sec_id=15&info_id=3511

democracy and represents a step backwards in terms of alignment with European model of governance¹¹.

PRE-ELECTION ENVIRONMENT

Within the framework of this project, the pre-election period was not monitored by the long-term observers. However, in order to get a comprehensive picture regarding the electoral process, Human Rights Center presents a short review regarding the pre-election environment based on the reports by the international and local observer organizations.

The pre-election period officially started on August 22 and continued for 60 calendar days. According to the assessment of the NGOs, the pre-election period was mostly held in peaceful environment. However, several problematic tendencies were observed during this period, including the obvious dominance of governing party during the election campaign. This was clearly demonstrated by the clear imbalance in party donations and campaign expenditures¹². According to the observer organizations, the instances of the violence were not mass-scale. However, as the E-Day approached, the instances of the intimidation and harassment increased. The organizations also indicate about the tendency of misuse of administrative resources in favor of the ruling party, as well as the instances of hindrance to the pre-election campaign and illegal participation in campaigning by the civil servants and members of electoral commissions¹³.

According to the third interim report of International Society for Fair Elections and Democracy (ISFED), as the E-Day approached, frequency of violations which undermined free and fair environment for electoral subjects increased¹⁴. According to the observation of the organization, during this period, following infringements were observed: 23 cases of intimidation/ harassment, 1 case of dismissal from work on alleged political grounds, 2 cases of violence, 3 cases of interference with pre-election campaign, 6 cases of misuse of administrative resources, 1 case of improper use of a

¹¹ See detailed information: http://www.osgf.ge/index.php?lang_id=ENG&sec_id=15&info_id=4840

¹² International Society for Fair Elections and Democracy (ISFED), Transparency International Georgia, Georgian Young Lawyers Association: Evaluation of the Pre-Election Environment. <http://www.isfed.ge/main/1297/eng/>

¹³ International Society for Fair Elections and Democracy (ISFED), Transparency International Georgia, Georgian Young Lawyers Association: Evaluation of the Pre-Election Environment. <http://www.isfed.ge/main/1297/eng/>

¹⁴ International Society for Fair Elections and Democracy, Third Pre-Election Interim Report – 2017 Local Elections in Georgia, page 2. <http://www.isfed.ge/main/1297/eng/>

building (facility), 6 cases of illegal participation in campaigning and 11 cases of destruction of campaign materials¹⁵.

The latest changes made in the electoral legislation envisage certain recommendations of the local and international observer organizations which represents a positive development. According to the 2016 Decision by the Constitutional Court of Georgia, the citizen groups are given opportunity to propose the candidates for the seat of Mayor¹⁶ that brings the legislation in line with the OSCE Copenhagen Document. According to one more amendment, candidates are allowed to run simultaneously for both *Sakrebulo* and mayoral posts (except for Tbilisi). This change also represent a step forward in terms of increasing political participation as it gives opportunity to the party leaders to compete for a local council seat if they fail to win mayoral race¹⁷.

However, there are significant gaps in the electoral legislation which are criticized by various international organizations, including OSCE/ODIHR and the Congress of Local and Regional Authorities of the Council of Europe (Congress)¹⁸.

One of the main problems during the pre-election period was significant difference between the donations received by the ruling party and other electoral subjects. This imbalance put the ruling party in a dominant state. According to the data published by the State Audit Service, during the period of July 1 – September 13, Georgian Dream received 7.34 million GEL as a donation (which amounted to 95% of the declared donations in total). The donations received by the European Georgia during the same period amounted to 323,675 GEL. The rest nine parties received only one percent of the total donations¹⁹.

The issue of financing of political parties is regulated by the Election Code of Georgia and Law of Georgia on Political Unions of Citizens. The political parties have right to receive both private as well as state financing. The parties which received minimum 3% in the last Parliamentary or Local Government Elections are financed from the state

¹⁵ International Society for Fair Elections and Democracy, Third Pre-Election Interim Report – 2017 Local Elections in Georgia, page 2.

<http://www.isfed.ge/main/1297/eng/>

¹⁶ Interim Report of National Democratic Institute, Election Observation Mission to Georgia, August 29 – September 25, 2017.

<http://civil.ge/files/files/2017/NDI-GE%20EOM%202017-%20Interim%20-ENG.pdf>

¹⁷ Interim Report of National Democratic Institute, Election Observation Mission to Georgia, August 29 – September 25, 2017.

<http://civil.ge/files/files/2017/NDI-GE%20EOM%202017-%20Interim%20-ENG.pdf>

¹⁸ International Election Observation Mission, Georgia, Local Elections, 21 October 2017.

http://civil.ge/files/files/2017/Local%20Elections/GE-2017_PrelimStatement_en_2017.10.22.pdf

¹⁹ See detailed information at following link:

<https://sao.ge/en/news/922>

budget. The base amount of state funding amounts to 300 000 GEL. Except for the state financing, the political parties which receive minimum 5% of votes in the Parliamentary Elections through the proportional representation system have right to request coverage of pre-election costs by the state – maximum 1 000 000 GEL. In case of local self-government bodies, the political parties which received minimum 3% of votes, are eligible for the coverage of the pre-election campaign expenses which should amount to no more than 500 000 GEL. It should be noted that the independent candidates do not receive state financing no matter how much percent they received during previous elections²⁰.

According to the Election Observation Mission of NDI, according to the information received from several opposition parties, they had difficulty with getting bank loans and said they were unable to raise private funds due to donors' fear of repercussions. According to the assessment of the organization, such unlevel playing field in regard with political finance remains a long-term challenge to democratic competition in the country²¹.

Polarized media represented another significant problem during the pre-election period. According to the results of OSCE/ODIHR EOM media monitoring, most of the media focused on the major election contestants. According to the report, Georgian Public Broadcaster (GPB) gave more coverage to the ruling party than to the others and the regional public *Adjara TV* covered the campaign in a balanced manner²². According to the assessment of international organizations, the approach to the campaign coverage by *Imedi* and *Rustavi 2* significantly varied²³:

“While the latter often voiced criticism against the GD and the government, it showed preferential treatment of the UNM and its Tbilisi mayoral candidate. On the other hand, *Imedi* presented visible bias towards the GD in terms of the amount of coverage. In addition, numerous news reports on *Imedi* promoted activities and projects of former Prime Minister and influential businessman Bidzina Ivanishvili. *Obieqtivi TV* openly promoted the APG” – notes the report²⁴.

²⁰ Organic Law of Georgia on Political Union of Citizens

²¹ Interim Report of National Democratic Institute, Election Observation Mission to Georgia, August 29 – September 25, 2017. Page 11.

<http://civil.ge/files/files/2017/NDI-GE%20EOM%202017-%20Interim%20-ENG.pdf>

²² International Election Observation Mission, Georgia, Local Elections, 21 October 2017. Page 2.

http://civil.ge/files/files/2017/Local%20Elections/GE-2017_PrelimStatement_en_2017.10.22.pdf

²³ *ibid*

²⁴ Interim Report of National Democratic Institute, Election Observation Mission to Georgia, August 29 – September 25, 2017. Page 11.

<http://civil.ge/files/files/2017/NDI-GE%20EOM%202017-%20Interim%20-ENG.pdf>

Inter-Agency Task Force for Free and Fair Elections issued 5 recommendations during the pre-election period, including the recommendation to the public officials of the central and local authorities to refrain from using their personal pages in social networks for the purposes of making political appeals and agitation/counter-agitation during working hours or in the course of fulfilling their official functions, and maximally distinguish their own professional activities from the electoral political processes²⁵. Another important recommendation of Inter-Agency Task Force for Free and Fair Elections was issued to the heads of Educational Resource Centers and employees of kindergartens under the management of the local municipalities. The recommendation called upon these officials to refrain from making political agitation or counter-agitation during the breaks or while performing official duties in order to prevent the politicization of the education process, as well as refrain from including the students in the pre-election processes and distinguish their professional work from the electoral political processes²⁶.

RESULTS OF E-DAY MONITORING

● INTRODUCTION

The ethnic minorities represent 14% of Georgian population. The largest groups are ethnic Azerbaijanis and Armenians (6.3 and 4.5% accordingly). Throughout whole Georgia, there are 12 electoral districts inhabited by ethnic minorities²⁷.

According to 2017 interim report by Central Election Commission (CEC), for 2017 municipal elections, 345 precincts are created in above-mentioned 12 districts, including 208 Georgian-Azerbaijani, Georgian-Armenian – 133 and Georgian-Armenian-Azerbaijani– 4²⁸.

²⁵ Recommendation of Inter-Agency Task Force for Free and Fair Elections, Session of October 2, 2017.

<http://www.justice.gov.ge/Multimedia%2FFiles%2F%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%94%E1%83%91%E1%83%98%202017%2F4.%2002.10.2017%20%E1%83%A0%E1%83%94%E1%83%99%E1%83%9D%E1%83%9B%E1%83%94%E1%83%9C%E1%83%93%E1%83%90%E1%83%AA%E1%83%98%E1%83%90%20E%nglish.pdf>

²⁶ Recommendation of Inter-Agency Task Force for Free and Fair Elections, Session of October 9, 2017.

<http://cesko.ge/geo/static/1638/saarchevno-kodeqsi>

²⁷ See detailed information at following link:

<http://cesko.ge/res/docs/EtnikuriUbnebi2017.pdf>

²⁸ Central Election Commission, Interim Report – 21 October, 2017 Municipal Elections of Representative Body of Municipality – *Sakrebulo* and Mayor of Self-Governing City/Self-Governing Community, 2017, page 64.

The observers of Human Rights Center conducted monitoring in following villages inhabited by ethnic minorities: 1) Karajala and Napareuli (Telavi Municipality) 2) Duzagrama, Lambalo, Iormughanlo, Keshalo and Mughanlo (Sagarejo Municipality) 3) Omalo, Khalatsani, Duisi, Jokolo (the population of the villages, Birkiani and Dumasturi were also registered in the electoral lists of Jokolo and Duisi) (Akhmeta Municipality) 4) Tirdznisi, Nikozi, Pkhvenisi, Tkviavi (Gori Municipality).

One of the significant barriers for the participation of ethnic minorities in the electoral processes is the language barrier. The big majority of the ethnic minorities do not speak Georgian language well. It should be noted that Central Election Commission conducted important activities for raising awareness of ethnic minorities regarding the electoral process, including, informational meetings with the representatives of ethnic minorities, preparing informational video rolls in Azerbaijani and Armenian languages, translating the electoral documentation and instructions for the members of Precinct Election Commission (PEC) and publishing this material at the website of Central Election Commission²⁹. Following documentation was translated and printed for Azerbaijani and Armenian voters: bulletins, instructions about how to fill in the bulletin, card with voter data, informational poster with the voting procedures and the voter list³⁰. This report demonstrates that despite the progress, there are still significant problems in terms of ensuring comprehensive participation of ethnic minorities in the electoral processes. This demonstrates the need of more effective, active and mass-scale information campaigns in the regions inhabited by the ethnic minorities.

● CONFLICT AFFECTED VILLAGES OF GORI MUNICIPALITY

The observers of Human Rights Center conducted monitoring in the following precincts in the conflict affected villages of Gori Municipality – №92 and №64 precincts of the village Tkviavi, №99 and №58 precincts of the village Zemo Nikozi, №74 precinct of the village Pkhvenisi and №91 precinct of the village Tirdznisi.

In several precincts of Gori municipality, the voting started 10-15 minutes late. According to the observers, the reason of the delayed start of the voting was the prolonged registration of the representatives of the political parties and the observers. Often, the reason of the delayed registration was the lack of experience of the secretaries of the precinct election commissions.

²⁹ Central Election Commission, Interim Report – 21 October, 2017 Municipal Elections of Representative Body of Municipality – *Sakrebulo* and Mayor of Self-Governing City/Self-Governing Community, 2017, page 64-65.

³⁰ Central Election Commission, Interim Report – 21 October, 2017 Municipal Elections of Representative Body of Municipality – *Sakrebulo* and Mayor of Self-Governing City/Self-Governing Community, 2017, page 66.

The voting was conducted in peaceful manner, without the substantive violations in above mentioned precincts. Human Rights Center has not observed significant violations in these precincts which could influence the results of the voting or violation which would not be eradicated by the head of the PEC. Therefore, no complaint or remark was made in the record book. The minor violations observed by the monitors of Human Rights Center were procedural in nature and they were caused by the lack of qualification of the members of PEC. It should be noted that the heads of the PEC positively reacted and considered the verbal remarks of Human Rights Center monitors regarding the procedural violations. It should be also noted that the heads of the PECs understood the role of the independent monitors and allowed them to comprehensively fulfill their duty.

Human Rights Center monitor observed an instance in Tkviavi №92 precinct when the voter entered the precinct from one door and left from another. Human Rights Center observer made a remark regarding this fact to the head of PEC. It should be noted that this fact was also protested by a representative of Central Election Commission who was present at the precinct as well.

It should be noted that the election legislation of Georgia does not regulate such instances. It is important to introduce a prohibition in the legislation in order to prevent such instances and conduct the electoral process in a transparent manner. In above mentioned case, the head of PEC commissioned one of the members of PEC to supervise another door inside the precinct in order to obstruct the entrance of unauthorized individual.

There was different picture in the territory surrounding the precincts. Particularly, during the electoral process, there were the so-called campaigners and “chiefs of the precinct” mobilized in the territory surrounding the precincts. According to the campaigners, they counted their supporters and in certain cases, told the voters who to vote for. The “chiefs of precinct” stated that they were appointed by the Georgian Dream and their obligation was to control the precinct. Mostly, the supporters of Georgian Dream acted as campaigners or chiefs of precinct.

According to the Election Code, it is prohibited to campaign during the voting inside the building of precinct³¹. The election legislation does not prohibit the campaigning in the territory surrounding the building of precinct. However, the organized activity of the political party representatives in the surrounding territory of the precinct poses threat for expression of free will of voters. According to the Election Code, one of the main principles of the elections is the prohibition of any conduct which restricts the

³¹ Article 45, Part 11, Election Code of Georgia.

<http://cesko.ge/geo/static/1638/saarchevno-kodeqsi>

expression of free will of voters and represents control over the free will of voter³². The electoral legislation must prohibit campaigning in the territory surrounding the precincts as well as controlling over the free will of voters in order to promote free and fair environment for the elections.

Nine candidates participated in Gori municipal elections. The mayoral candidate of the ruling party Konstantine Tavzarashvili won the elections in the first round. 54.9% of voters – 22 947 persons, who arrived at the polling stations, voted for him. UNM mayoral candidate Revaz Kakhniashvili ranked the second place with 15.19% - 6 679 votes. Acting governor and the candidate of the Movement for Construction Davit Oniashvili received 4 908 votes, that made up 11.71% of the voters³³.

According to the preliminary data of the CEC, Georgian Dream will have 8 members in the Gori municipal council; the opposition political parties will have 7 members: UNM will have 3 deputies, European Georgia will have 2 deputies, Movement for Construction and Alliance of Patriots will have one candidate each. As for the majoritarian candidates, the candidates of the ruling party won majoritarian elections in 24 out of 25 districts; independent candidate won the majoritarian polls in one district. All in all, the Gori municipal council will have 40 deputies, 32 of them will be representatives of the GD³⁴.

● VILLAGES OF AKHMETA MUNICIPALITY

HRC monitors observed the elections in following precincts of Akhmeta municipality – №5 and №23 precinct of village Duisi, №26 precinct of village Jokolo, N8 precinct of village Khalatsani and №24 precinct of village Omalo.

In №8 precinct of Khalatsani, Human Rights Center monitor observed an instance when there was only one person in the special list (the head of commission) who did not have right to vote in majoritarian system. Therefore, he was given two bulletins – bulletin for voting by proportional representation system and bulletin for voting for the mayor of the self-governing community. There was only one such voter in the precinct – the head of the PEC. Therefore, when the counter took two bulletins from the envelope and announced the results, it was made known to everybody who he voted for. This fact violates the principle of secret voting. It should be noted that the existing legislation does not regulate such instances.

³² Subparagraph B of Paragraph D of Article 3, Election Code of Georgia.

<http://cesko.ge/geo/static/1638/saarchevno-kodeqsi>

³³ <http://humanrights.ge/index.php?a=main&pid=19377&lang=eng>

³⁴ <http://humanrights.ge/index.php?a=main&pid=19377&lang=eng>



In the vicinities of the Khalatsani village precinct №8 Human Rights Center's observer detected a campaign booklet of the Georgian Dream on the stand where the voters' list was put up. The HRC observer notified the PEC chairperson about the fact but he replied; "I am entitled to control the situation inside the precinct and not outside the facility." After this remark, a representative of one of the political parties removed the campaign booklet from the stand.

Like in previous years, so-called coordinators were mobilized nearby the precincts in Akhmeta municipality, who counted the voters. Similar action influences the will of voters. Human Rights Center believes a special provision shall be added to the law for the prevention of similar facts, which will prohibit control of the voters' will in the vicinities of polling stations.

A limited number of local observer organizations monitored the election process in the polling stations of Akhmeta municipality. Also, in some precincts, the observers were affiliated with concrete political parties for what it was evident that they were not fully aware of their primary role in the election process.

It is noteworthy that the PEC chairpersons mostly accepted the remarks of the HRC observers. The HRC monitors mostly observed minor procedural violations which were caused by the lack of competence of the PEC members.

According to the assessment of the HRC monitors, often the persons regulating the flow of voters did not properly check the ink-marking of the voters. The observer said the inking of the voters was formally checked without proper illumination of the marked finger. The persons regulating the flow of the voters shall properly check the ink-marking of the voters.

In the election of the mayor of the Akhmeta self-governing community the candidate of the ruling party Georgian Dream Ioseb Karumashvili won the ballot; he gained 59.41% of votes (8 523 votes). The candidate of the United National Movement Shakro Terterashvili ranked the second place with 18.84% of votes. Gela Tchvritidze, candidate of Bakradze, Ugulava- European Georgia gained 1515 votes that made up 10.56% of the votes.³⁵

The political parties will have the following mandates in the 31-mandate Akhmeta municipality assembly as a result of proportional elections: Georgian Dream – eight members, European Georgia – two members, UNM – three, Alliance of Patriots – one and Labor Party – one. As for the majoritarian candidates, the ruling party will have 14 members, there will be one independent deputy in the assembly and UNM will have one member.³⁶

● TELAVI MUNICIPALITY

Observers of Human Rights Center monitored the polling process in the following precincts of Telavi municipality: Karajala village precincts №37, №38, №39 and №54 and Napareuli village precincts №50 and №26.

The Karajala village precinct №39 is very small and creates risk to violate the privacy of voting that contradicts the election code which states that the polling booths shall be set up so as to ensure that voters could fill out ballot papers in secret. There were cases in the polling stations when voters needed support to fill out ballot papers. Due to high density, other people standing nearby the booth could hear the communication between the two persons that contradicts the principle of voting in secret. Also, in accordance to the election code, in the moment of votes counting there should be at least two meters between the counters and other authorized persons (except supervisors) in the polling station. Polling station N 39 did not create conditions to respect the abovementioned principles.

Karajala village is inhabited with ethnic Azerbaijani people. It should be evaluated positively that information notice was put up in Azerbaijani and Georgian languages in the entrance room, which contained information about the voters' rights and election procedures. However, the information about voting process was not comprehensive. Namely, the paper did not inform the voters that they mark only one electoral subject

³⁵ See detailed information here (information available only in Georgian):

https://results20171021.cec.gov.ge/meri_temi_18.html

³⁶ See information here <http://www.speqtri.ge/sazogadoeba/article/27531-akhmeta> (available only in Georgian)

in one ballot paper and also that it is necessary to fold the paper so that nobody else noticed his/her choice. This information was put up only in Georgian language. It is particularly important to put up similar information in Azerbaijani language too. The major problem observed in the precinct N39 was related with the poor knowledge of election procedures by voters. Namely, after leaving the polling booth some voters did not know what to do. Often, they needed help inside the booth. Sometimes, neither next voters knew the procedures to help the predecessors. Consequently, it caused disorder in the polling stations. These problems once again demonstrate the need of awareness raising of the voters about voting process and other polling procedures.

In the center of Karajala village precincts №37, №38, №39 and №54 of the Telavi Election District №17 were located next to each other. For that reason, particularly large number of voters was concentrated in the area. The political party Georgian Dream had election headquarter next to the polling stations,³⁷ in front of which the supporters and campaigners of the ruling party were mobilized since early morning. They actively communicated the voters before entering the precincts. It should be noted that throughout the Election Day the majoritarian candidate of the GD Zurab Musaev was particularly active, a lot of people were gathering around him and he actively communicated with police officers.



³⁷ See detailed information here <http://humanrights.ge/index.php?a=main&pid=19364&lang=eng>

According to the assessment of the HRC observer, the activities of the majoritarian candidate contained signs of voters' mobilization. Although these actions are not prohibited by the law, it is important that campaigning from the side of the political parties' representatives was regulated by the law so that influence on the free will of the voters was eradicated.

HRC observers encountered with the campaigners in the vicinities of the most precincts in Karajala and Napareuli villages, who were holding lists and wrote down the names of those voters, who had come to the polling stations.

In the polling stations, where HRC representatives monitored the election process, the PEC chairpersons and members mostly accepted their remarks. The violations observed by the HRC monitors were mostly of procedural character and caused by lack of competence of the PEC members.

There were cases in the Karajala precinct №39 when representatives of ethnic Azerbaijani community did not know Georgian language. Consequently, the PEC members spoke with them in Azerbaijani language. Although observers may not understand their speech because of the language, similar action of the PEC members is not violation of the law. The election code does not oblige the PEC members to speak specifically only in Georgian language in the polling station. To ensure effective monitoring of the polling process, the observation organizations can deploy there the monitors, who know Azerbaijani language.

In the precinct №37 of Telavi Election District №17 (Karajala village) a voter arrived, who was not marked. Somebody had already signed in his designated place in the general list of voters. The PEC chairperson told HRC observer the registrar was tired and he had already written explanation letter about similar mistake and did not want to write second one³⁸. After the HRC observer insisted, the PEC chairperson contacted the DEC and received instruction to allow the voter to vote. As a result, the voter managed to vote and the commission member wrote one more explanation note. HRC observer wrote a note in the log-book. About 20 minutes later, the similar incident repeated with the same registrar– a voter without marking arrived but his designated place in the general list of voters was already signed. The PEC members did not allow him to vote and the HRC observer lodged a complaint to the PEC and Telavi DEC # 17. The latter did not satisfy the complaint of Human Rights Center.³⁹

The candidate of the ruling party Georgian Dream Shota Nareklshvili won the election of the mayor of the Telavi self-governing community with 54.78 % of votes (14 245 votes). Candidate of the United National Movement Giorgi Botkveli ranked the

³⁸ See detailed information here <http://humanrights.ge/index.php?a=main&pid=19364&lang=eng>

³⁹ See information here (available only in Georgian) <https://sachivrebi.cec.gov.ge/info.php?id=6232>

second place with 27.71%; candidate of Bakradze, Ugulava-European Georgia Lela Menteshashvili gained 1 999 votes that made up 7.69% of votes.⁴⁰

The political parties received the following mandates in the 35-member Telavi municipality assembly: Georgian Dream – 9, UNM – 4, European Georgia – 1, Alliance of Patriots – 1. As for the majoritarian candidates, 18 candidates will represent GD in the assembly, UNM and European Georgia will have one member each in the assembly.⁴¹

● SAGAREJO MUNICIPALITY

Observers of Human Rights Center monitored the election process in the following precincts of Sagarejo municipality: Iormughalno, Mughanlo, Lambalo, Duzagrama and Keshalo. Villages of Mughanlo, Iormughalo, Lambalo, Keshalo and Duzagrama are united in Iormughalo community. The HRC observers monitored the election process in the precincts №38, №40, №41, №42, № 43, №44 and №45.

There was a problem of regulating the flow of voters in the Sagarejo municipality precinct № 41. Namely, the person regulating the flow could not keep order and more than allowed voters used to gather in front of the registrar. In accordance to the election law, no more than two voters shall stand at the registration desk.⁴² The person regulating the flow of voters is responsible to control the entry of voters and shall not allow more than two voters to stand at the registration desk. In the precinct №41 the person regulating the flow allowed 10 voters to approach the registration desk together; finally 5 voters were waiting for each registrar that created a chaotic situation.

In the precinct №41 the PEC secretary had left the log-book without attention. HRC observer gave a remark to her and she got irritated with it. She verbally assaulted the mobile group members of the Center. HRC observer made a note in the log-book about inadequate performance of the PEC secretary. The latter did not allow the HRC observer to make a note and the observer called the hotline of the Central Election Commission. As a result, the observer managed to make a note in the log-book.

It should be noted that with regard to other violations observed in the precinct №41 (presence of unauthorized people in the precinct without badges, attempt to take the ballot papers outside the polling station, unverified voters by the person

⁴⁰ See detailed information here <https://results20171021.cec.gov.ge/eng/>

⁴¹ See information in details here (available only in Georgian) <http://www.speqtri.ge/sazogadoeba/article/27530-thelavi>

⁴² See Article 65 Part II a of the Election Code of Georgia at <https://matsne.gov.ge/en/document/download/1557168/22/en/pdf>

regulating the flow of voters) the PEC chairperson accepted the remarks of the HRC observer and eradicated the problems.

Procedural and technical violations were observed in the precinct №40, and the PEC chairperson reacted to them in accordance to the law: 1) Registrar forgot to ask the voter to sign the voters' list. The PEC chairperson notified the DEC about it. The registrar wrote the explanation letter. 2. One of the two PEC members responsible for the mobile polling box gave two equal ballot papers to a voter. The PEC chairperson notified the DEC about it and the PEC members wrote explanation letters. 3) A representative of a political party was standing near the polling booth and contacted the voters. HRC observer informed the PEC chairperson about this fact and the latter took adequate measures. Similar facts did not repeat again in the precinct.

In the precinct №44 the HRC monitor observed the following violations: 1) the person regulating the flow of the voters illuminated the ID cards of voters instead their fingers to verify the inking of the voters. HRC observer requested the PEC chairperson to react to this violation and the latter immediately accepted the remark and clarified the duties to the person once again. As a result the person regulating the flow never made mistake. 2) A voter tried to enter the precinct with the hat of the Georgian Dream. The PEC chairperson demanded him to leave the facility. 3) One of the registrars issued the ballot paper by mistake and wrote explanation letter about it. During counting those ballot papers were annulled.

Significant election violations were detected in the Duzagrama village precinct №38. HRC monitors observed several facts when the voters were not aware of election procedures and did not know how to mark the desired candidate on the ballot paper. HRC monitor witnessed a fact when a commission member showed a voter how to mark electoral subject № 41 on the ballot paper before the voter entered the booth; the PEC member explained that he did it in order to teach the voter how to fill out the ballot paper.⁴³ The HRC observer gave a remark to the PEC member and he got irritated claiming that he just wanted to teach the voter how to mark the desired candidate; he could do the same with the electoral subject №5. The observer clarified that indication at any electoral subject was violation of the law. The HRC observer warned the PEC chairperson about this fact and it should be noted that the situation improved in the polling station after this incident: the PEC members refrained from approaching the voters and the polling booth. However, other voters continued similar practice both outside and inside the booth. Namely, one voter was indicating to another to mark election subject №41 and stated that he just wanted to teach how to mark the desired candidate. As a result the HRC observer lodged a complaint. The PEC chairperson suggested the secretary to write an explanation letter about this fact and

⁴³ See detailed information here <http://humanrights.ge/index.php?a=main&pid=19362&lang=eng>

indicate that similar incidents never occurred again and they all aimed to teach the election procedures to voters.

In the Duzagrama village precinct №38 a voter arrived without ID card and passport. It is noteworthy to mention that the person regulating the flow of voters allowed her to approach the registration desk as the voter knew her number on the voters' list (voters had papers with them indicating their number on the general list of voters). The registrar started looking for her number in the list and carried out other procedures too. However, the registrar did not ask for the identity card or passport. When HRC observer noted about the violation, the PEC members asked the voter to leave the precinct. Several hours later the woman returned to the precinct with ID card and participated in the elections.

In the Duzagrama village precinct № 38 there were cases when PEC members were leaving their particular duty positions without attention that often created problems. For example, in one occasion, the person regulating the flow of voters left his position and left the inking verification device to an observer. In another occasion, the regulator of the flow was not situated at the entrance and the voter approached the registrar without being checked on marking.

In the Duzagrama village precinct №38, there were cases when voters could not independently vote and needed support from other voters. In some cases the voters, who had already voted, tried to assist similar people. In one occasion a voter, who was already checked on inking, accompanied another voter into the precinct. After being warned, the unauthorized persons used to leave the facilities and other voters waiting for their turn assisted the voters who needed help.

In accordance to the Article 65 Part 3 of the Election Code of Georgia a voter who is unable to fill out a ballot paper independently may ask any person for help in the secret polling booth except for PEC member, candidate, representative of any electoral subject and observer. According to Article 8 of Election Code, persons authorized to be present in the polling station are only other voters.⁴⁴ Consequently, in accordance to the election law, only other voters standing in the row can assist the voter.

Poor knowledge of voting and other election procedures by voters, low competence of the PEC members was the main problem in the Duzagrama precinct № 38.

Person responsible to regulate the flow of voters in the precinct №41 in Keshalo village could not properly regulate the flow; allowed several voters into the polling station together that caused presence of more than allowed number of voters inside the precinct and overcrowded the room. It was also problematic that registration

⁴⁴ See the election code here <https://matsne.gov.ge/en/document/download/1557168/22/en/pdf>

desks did not provide alphabetical distribution of voters' list that confused voters not knowing which particular desk was relevant for him/her. HRC observer gave a remark to the PEC chairperson about it; he accepted the suggestion and put up papers indicating concrete alphabetical signs on each desk.

In the Keshalo village precinct №41 the HRC observer lodged a complaint against the person regulating the flow of voters, who allowed a citizen to enter the precinct without being checked and the person had already participated in the election. The person accompanied a woman into the polling booth (who was registered voter in the precinct) and filled out the ballot paper instead the woman.⁴⁵ Another ground of the complaint was negligence of the person regulating the flow of voters who performed his duties without care and allowed people to enter the precinct without checking. HRC observer demanded the person to implement his duties in accordance to the law and asked the PEC chairperson to improve the situation. It is worth to mention that the chairperson did not take any measures to respond to the violations. The person regulating the flow was not replaced by another PEC member. The complaint of the HRC observer was partly satisfied by the Sagarejo DEC №11. Namely, disciplinary punishment – a warning - was imposed on Aidin Guliev, the person regulating the flow of voters in the precinct №41.⁴⁶

In the Keshalo village precinct №41 the HRC observer also made a note in the log-book about the following fact – the person regulating the flow of voters did not register temporary assignment of his duty to another PEC member with his signature to the PEC secretary.

In the Duzagrama village precinct №11 the PEC members did not have comprehensive knowledge of the election procedures and needed instructions from the HRC observers. The monitors observed facts when voters were not aware of voting and election procedures. Similar facts were observed in the Mughanlo village precinct №42.

Candidate of the ruling political party Georgian Dream Giorgi Erbotsonashvili won the mayoral elections in Sagarejo self-governing community; he gained 69.37% (12 642) of votes. The candidate of the UNM Garsevan Bukhnikashvili ranked the second place with 12, 87%. Candidate of the Bakradze, Ugulava – European Georgia Amiran Sonishvili ranked the third place with 1 788 votes that made up 9.81 %.⁴⁷

In the 37-member municipal assembly the proportional mandates of political parties were distributed as follows: GD will have 10 deputies; UNM – 3, European Georgia – 2,

⁴⁵ See detailed information here <http://humanrights.ge/index.php?a=main&pid=19362&lang=eng>

⁴⁶ See information here (available only in Georgian) <https://sachivrebi.cec.gov.ge/info.php?id=6038>

⁴⁷ See detailed information here <https://results20171021.cec.gov.ge/eng/>

Alliance of Patriots – 1. As for the majoritarian deputies, there will be one independent deputy; the rest 21 will be representatives of the GD.⁴⁸

SUMMARY OF E-DAY MONITORING – MAIN OBSERVATIONS

According to the evaluation of Human Rights Center, in the conflict-affected villages of Gori municipality and the villages inhabited with ethnic minorities in Akhmeta municipality, the elections were conducted mainly in peaceful and fair environment. In the polling stations of the abovementioned municipalities, where the organization monitored the polling process, the elections were carried out in peaceful environment and without substantial violations. The PEC chairpersons accepted and envisaged oral remarks of the HRC observers with regard to procedural violations

More problems were observed in the village of Karajala of Telavi municipality and in the villages of ethnic minorities in Sagarejo municipality. There, on the one hand incompetence of the commission members and on the other hand low public awareness and lack of knowledge of the election legislation by the voters caused conflicts, tensions and in some precincts we observed violations.⁴⁹ Poor knowledge of voting process among voters has become alarming tendency in Karajala village in Telavi Municipality and in different villages of Sagarejo municipality, where similar



⁴⁸ See detailed information here (available in Georgian)

<http://www.speqtri.ge/sazogadoeba/article/27525-vin-iqnebian-sagarejos-tsarmomadgenlobithi-organos-deputatebi>

⁴⁹ See detailed information here <http://humanrights.ge/index.php?a=main&pid=19365&lang=eng>

facts occurred frequently. These facts demonstrate the need to carry out more intensive awareness raising and educational activities in the mentioned regions.

Excessive activity and attempt to control the voters by the coordinators and campaigners of political parties have become an alarming tendency. This problem was observed in all municipalities where Human Rights Center conducted monitoring, including Telavi, Sagarejo, Gori and Akhmeta.

Although the election code does not prohibit presence of the coordinators nearby the polling stations, similar facts (particular activity of the representatives of a political party in the vicinities of the polling stations throughout the day, active communication with voters, recording their names and instructing whom to mark on the ballot paper) hinder the demonstration of free will of voters in the election process. It is necessary to prohibit campaigning and control of the voters' will in the vicinities of the polling stations by the law so that to ensure free and fair environment for the election process.

Another significant tendency which was observed during the 2017 municipal elections was insufficient number of observers of NGOs in the polling stations of Gori municipality and Kakheti region, where HRC monitored the elections. Namely, there were numerous facts when only Human Rights Center had stationed observer in some precincts.

Like during 2013 Presidential, 2014 municipal and 2016 parliamentary elections, HRC monitors observed fewer ballot papers in many polling stations than the number of voters registered in the respective polling stations. Although, all voters never go to the elections, it is important to implement the law requirement and avoid all risks which the voters may face in the voting process.⁵⁰

Low turnout of voters is still a problem. The turnout was low in the regions where Human Rights Center monitored the municipal elections. Namely, only 40.19% of voters participated in the elections in Gori municipality; 50% in Akhmeta municipality, 48.72% in Telavi municipality and 41.84% in Sagarejo municipality.⁵¹

RECOMMENDATIONS

Human Rights Center recommends the Central Election Commission:

- To take additional measures to raise awareness of voters about polling and election procedures, to build their civic capacity and public awareness;

⁵⁰ See detailed information here <http://humanrights.ge/index.php?a=main&pid=19365&lang=eng>

⁵¹ See detailed information here <http://cesko.ge/res/docs/Aqtivoba20.002017ENGGENDER.pdf>

- To pay more attention to the improvement of qualification of PEC and DEC members; to improve election legislation and procedures; for the purpose of capacity building of PEC and DEC members it is necessary to organize permanent trainings and capacity building courses for them. Participation in similar training programs shall be mandatory to combat violation of the law from the side of commission members due to their low qualification;
- To control unlawful influence on the will of voters in the vicinities of the polling stations;
- To pay adequate attention to the arrangement of the polling station. The environment, where the polling process is going on, shall meet the requirements of the law and the CEC shall take concrete efforts in this direction and to select relevant facilities for elections process.

The Parliament of Georgia:

- To prohibit campaigning in the vicinities of the polling stations and control of the voters' will under the law, so that to ensure free and fair environment during the elections;
- As the acting law allows presence of another person in the moment of filling out the ballot paper and it is determined that a voter, who cannot independently fill out the ballot paper can invite any person to the booth for help, it is necessary to provide additional clarification about the situation when a person "cannot" independently fill out the ballot paper under the same article of the Election Code. Current regulation is vague and creates possibility of multiple interpretation of this notion in practice.



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