
Monitoring
2014 Local Self-Government
Elections



Human Rights Center(HRIDC)

Tbilisi, 2014

MONITORING

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Non-governmental organization the Human Rights Centre (HRIDC), formerly Human Rights Information and Documentation Center (HRIDC) was founded on December 10, 1996 in Tbilisi, Georgia.

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Introduction

The report below presents findings from the monitoring of the 2014 Local Self-Government Elections in Georgia. The monitoring project was implemented by Human Rights Center with financial support of the Open Society – Georgia Foundation.

On June 15, 2014, in the frame of the project, 28 observers of Human Rights Center monitored polling process in the villages of ethnic minorities in Kakheti region as well as in the villages of conflict zone in Sachkhere district, Imereti region. Human Rights Center observed the ongoing election process with the so-called mobile groups of observers and stationed observers, who stayed in the precincts throughout the day.

The report initially analyzes main trends observed during pre-election period. Then it reviews main findings on the Election Day, which are divided in the following chapters: *pre-election period; main tendencies observed during local self-governmental elections; polling process: election agitation, violations related with control sheets, problems related with ballot papers, uninformed voters, other violations observed during polling process; vote counting process; recommendations.*

Pre-election Period

Various monitoring organizations evaluated the pre-election period of the 2014 local elections as significantly worse than the same period before 2013 Presidential Elections. However, fewer violations were observed than during pre-election period of 2012 Parliamentary Elections.¹

Rules for appointment of election administration were not amended for 2014 Local Elections. In accordance to the acting rules, election commission members are selected according to their professions; in addition to that 6 members are appointed by the Coalition Georgian Dream and 1 member by the United National Movement (UNM) that has become subject of NGOs criticism lately.² Civil society positively evaluated legislative changes establishing 50%+1 barrier for the election of mayors and district governors that was a step forward and ensures high legitimacy of the elected mayor/governor. It is negative that initiative groups were not allowed to nominate candidates for the positions of mayors/district governors that jeopardize free choice of voters to elect candidates.

¹ Assessment of pre-election environment by NGOs: 2014 Local Self-Governmental Elections.
<http://transparency.ge/en/post/press-release/assessment-pre-election-environment-nongovernmental-organization-local-self-gover>

² Assessment of the pre-election environment by NGOs: 2014 Local Self-Governmental Elections
<http://transparency.ge/en/post/press-release/assessment-pre-election-environment-nongovernmental-organization-local-self-gover>

In the report period we observed significant tendency of the alleged facts of oppression over the candidates of opposition parties participating in the local elections who finally revoked their candidatures. According to the June 1, 2014 data of the Central Election Commission (CEC), 385 candidates withdrew their candidatures in 62 election districts (DEC). According to the International Society for Fair Elections and Democracy (ISFED), about 50 candidates from 6 opposition political parties withdrew their candidatures as a result of assumed oppression.³ Despite several statements made by NGOs, investigative bodies did not adequately respond to the alleged facts of oppression.⁴

According to the findings of the NGOs, 4 facts of the alleged politically motivated oppression were observed in the pre-election period; among them 3 facts were against members of the UNM and 1 against the candidate for the position of Rustavi city mayor from the non-parliamentary opposition.⁵ As for the facts hindering pre-election agitation, about 15 similar facts were observed in the pre-election period and UNM representatives were targeted in most of them. According to the NGOs' assessment, in most cases law enforcement officers failed to ensure peaceful and safe environment for pre-election meetings and could not combat violence. The sanctions imposed on the detainees were not adequate that could not guarantee prevention of future violations.⁶

When it comes to the misuse of administrative resources, some social-infrastructure projects were funded from the state budget several days before the launch of the pre-election period.⁷ Besides that, one or two days before the official election period, budget funding for some projects were increased in several dozen districts,⁸ that is not official law violation but considering the fact that similar initiatives could influence the voters' decision, we have doubt about political motives of the decision.

We positively assess the work of the financial monitoring service at the State Audit Office (SAO) throughout 2014. Unlike 2012, the SAO did not demonstrate selective approach to different political parties.

In the pre-election period of 2014 local elections, unlike 2012 parliamentary elections, representatives of state institutions did not oppress or intimidate journalists. Some incidents were observed in the region, when journalists were not allowed to attend the events organized by candidates and could not ask questions to them.⁹

³ First interim report of the pre-election period of the Local Self-Governmental Elections

<http://www.isfed.ge/main/684/eng>

⁴ <http://www.isfed.ge/main/684/eng/>

⁵ <http://transparency.ge/en/post/press-release/assessment-pre-election-environment-nongovernmental-organization-local-self-gover>

⁶ ibid

⁷ Second interim report on the pre-election period of the 2014 June 15 local self-governmental elections

<http://www.isfed.ge/main/607/eng/>

⁸ ibid

⁹ ibid

In the pre-election period, The CEC was inconsistent in its handling of the process of electoral subject registration. On June 9, 2014 The CEC upheld the decision of the Marneuli DEC on revoking the candidature of the UNM candidate Akmamed Imamkuliev. According to the DEC decision, Akmamed Imamkuliev's registration was revoked because he could not meet residence requirements set by the Election Code, according to which a candidate shall have permanently lived in Georgia for the past two years. Although the election law is very ambiguous in defining the obligation of permanent living in the country, several weeks earlier, CEC had not revoked the registration of two Georgian Dream candidates in Rustavi and Poti – Irakli Kakulia and Davit Jikia for the same reason relying on the Tax Code, which states that a person is believed to be a resident of Georgia if he/she is present in the Georgian territory for at least 183 days during 12 calendar months (Travelling abroad for medical treatment, business leave or education is also considered as factual presence in the Georgian territory). Although Akmamed Imamkuliev satisfied the aforementioned requirement, the CEC revoked his registration which opposed its own practice and was perceived as partial decision in favor of the ruling party.

Akmamed Imamkuliev appealed against decision of CEC to Tbilisi City Court. The court made decision to restore his registration.¹⁰

As for the positive changes, we appreciate pro-active discussion of the pre-election violations by the CEC and their interest in the information spread by media about alleged violations.¹¹

The work of Interagency Commission for Free and Fair Elections which aims to prevent violation of the Georgian electoral law by public servants and to react to violations is particularly important during pre-election period. In the pre-election period of 2014 local elections, the Interagency Commission issued different recommendations and called on the relevant bodies to respond to violations. However, the Interagency Commission did not report how their recommendations were responded and how observed violations were addressed that gave impression that they were not interested in the implementation of their recommendations.¹²

Main tendencies observed during local self-governmental elections

Violations observed by the monitors of Human Rights Center in the villages of ethnic minorities in Kakheti region and in the villages of the conflict affected district of Imereti region were mostly procedural and were caused by improper preparation and qualification of commission members. Majority of violations were observed in the precincts of Akhmeta and Sagarejo

¹⁰ <http://www.tabula.ge/ge/story/84251-sasamartlom-akmamed-imamkulievi-gamgeblobis-kandidatad-aghadgina>

¹¹ <http://transparency.ge/en/post/press-release/assessment-pre-election-environment-nongovernmental-organization-local-self-gover>

¹² Ibid

districts. Complaints were filed in the villages of ethnic minorities in Sagarejo, Telavi and Akhmeta districts.

Commission members mostly followed the recommendations and notes of observers. Except rare cases, commission chairpersons allowed observers to fully implement their duties. Observers of Human Rights Center did not detect purposeful attempt of election fabrication in any precincts. Representatives of the DEC timely and adequately responded to the appeals of the Human Rights Center's observers with regard to detected problems except for rare cases.

Observers of Human Rights Center filed 9 complaints and made about 30 notes in logbooks in polling stations. Observed violations were timely eradicated. Two complaints were filed to the DEC where Human Rights Center requested annulment of election results in concrete polling stations.

According to the Human Rights Center's observers, activities of unidentified persons inside and outside the polling premises was main problem in Akhmeta and Sagarejo districts; these people permanently controlled ongoing situation in the vicinities of the polling stations and actively communicated with voters. In private talks with Human Rights Center's observers they said they were members of the Georgian Dream and acted according to the instructions from the GD. This problem was more acute than during 2013 Presidential Elections.

In the precinct # 26 of Duisi village, Akhmeta district UNM candidate and his companions oppressed and interfered in the activities of the commission members all day long.

According to the information provided by the Human Rights Center's observer, the main problem in the precincts of Sagarejo and Telavi districts¹³ was unawareness of the voters how to fill out the ballot papers. Majority of voters were from ethnic minority communities; they could not understand Georgian instructions put up on the walls in the polling stations. In those precincts voters arrived together with companions and voted inside the booth with their support.

It is noteworthy that Election Code of Georgia gives opportunity to print election documentation in the comprehensible language to the local population for election districts which are inhabited with ethnic minorities.¹⁴ Observation of the aforementioned polling stations revealed necessity of executing this particular provision of the Election Code.

¹³ Polling station # 40 and 41 in Keshalo village, Muganlo pollinc station # 42, Lambalo polling stations # 44, 45 and 46 and Tulari polling stations # 47 and 48 in Sagarejo district; Karajala village polling stations # 37, 38, 39 and 54 in Telavi district

¹⁴ Election code of Georgia Article 70, Part 10

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

Illiteracy of Georgian language by commission members was large-scaled problem in the polling stations of Sagarejo DEC where Human Rights Center observed elections.¹⁵ Because of the problem, commission members could not properly implement their duties and responsibilities. Human Rights Center's observers could not communicate with them and address problems. Observers could not understand conversation between commission members and voters in the polling stations.

Election commission members shall know the state language well enough to properly implement their duties and responsibilities.

Observers of Human Rights Center detected significant violations related with the control sheets in Sagarejo district; the observers filed two complaints to the Sagarejo DEC. As a result, the DEC gave verbal warning to the commission members and prohibited the commission chairperson, deputy and secretary to be commission members in future. DEC representatives asked representatives of Human Rights Center to help with raising awareness regarding electoral issues in this region and acknowledged that significant violations were observed in this region.

Observers of Human Rights Center observed several occasions when registrars had unequal numbers of ballot papers. The registrars wrote explanation letters about the issue and explained the violation with their mistakes.

Other violations observed by the observers of Human Rights Center were mostly caused by low qualification of commission members.

As for the regions, where Human Rights Center did not have observers, other monitoring organizations reported that election process was conducted in peaceful environment.¹⁶ Martvili district polling station # 16 was an exception, where masked people kidnapped ballot box¹⁷ and problem was observed in polling station # 32 in Anaklia, Zugdidi district, where ballot box was broken.¹⁸ Problems were observed in Akhalkalaki DEC # 40 and Martvili DEC # 65, when representatives of the non-parliamentary opposition broke into the office during ongoing session, hindered the commission work, verbally insulted and physically assaulted commission members.¹⁹ Ministry of Internal Affairs of Georgia took relevant response to these facts.

¹⁵ Keshalo polling stations # 40, 41, Muganlo polling station # 42, Lambalo polling station # 44, 45 and 46, Tulari polling stations # 47 and 48 in Sagarejo district

¹⁶<http://transparency.ge/en/post/general-announcement/2014-local-government-elections-assessment>
<http://qyla.ge/eng/news?info=2182> https://www.youtube.com/watch?v=S_WhM1jI-Vo

¹⁷ <http://humanrights.ge/index.php?a=main&pid=17765&lang=eng> <http://www.cesko.ge/en/mediisatvis-4-ge/pres-relizebi-13-ge/the-central-election-commission-holds-its-11am-news-briefing-on-the-election-update122.page>

¹⁸ <http://humanrights.ge/index.php?a=main&pid=17771&lang=eng>

¹⁹ <http://www.cesko.ge/en/mediisatvis-4-ge/pres-relizebi-13-ge/statement-of-the-central-election-commission-on-the-developments-in-akhalkalaki-and-martvili-district-election-commissions.page>

In 8 out of 12 cities, the mayor candidacies could not pass the 50% threshold, therefore second round was appointed in these cities. The same happened for Governor's candidacies in 13 municipalities²⁰.

Voter turn-out amounted to 43.31% by 20:00 pm. in Georgia and 37.3% in Tbilisi. For the second round voter turn-out amounted to 36% in Georgia²¹.

Polling process

Election agitation

Observers of Human Rights Center reported that activity of unauthorized people inside the building and in the vicinities of the polling stations in Akhmeta and Sagarejo district was serious problem on the Election Day; they permanently controlled the ongoing situation in the area and actively communicated with voters. In their private talks with the observers of Human Rights Center they introduced themselves as representatives of the Georgian Dream and said they acted according to the instructions from the political party.²²

In accordance to the Election Code of Georgia, pre-election agitation is prohibited in the polling station on the Election Day.²³ The election law does not prohibit pre-election agitation in the vicinities of the election premise. But organized activity of political party representatives in the area of the polling station all day long contains serious threat of influencing the will of voters. The election law prohibits any action restricting free expression of the voters' will, as well as control over the demonstration of the voters' will.²⁴

A woman was sitting at the table in the entrance to the polling station # 23 in Jokolo village, Akhmeta district; she was making notes in a notebook.²⁵ Second woman standing at the table explained to the Human Rights Center's observer that they were agitator and coordinator of the Georgian Dream; she said the GD had sent coordinators to almost every precincts; they had special numbers and had to notify to the office how many voters had come to the elections and how many of them voted for the GD. Human Rights Center's observer informed the representative of the DEC about the violation but the latter replied resolution of this problem was beyond his competence.

²⁰ <http://www.civil.ge/geo/article.php?id=28398>

²¹ <http://www.civil.ge/eng/article.php?id=27367>; <http://www.civil.ge/eng/article.php?id=27478>

²² Unauthorative persons were detected in Duisi village polling station # 5 in Akhemta district and in Omalo village polling station # 24 in Pankisi Gorge

²³ Chapter VI Article 45

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

²⁴ Election Code of Georgia, article 3 d –b

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

²⁵ See video: <http://hridc.tv/index.php?a=view&id=922&lang=eng>

Georgian Dream's candidate Adam Edigarov was agitating inside and outside the polling station all day long in Tulari village polling station # 48. His daughter Apina Edigarova was commission member and as a registrar she actively communicated with voters. Due to language barrier Human Rights Center's observers could not understand the content of their conversation. Human Rights Center's observer wrote a complaint about the fact but neither secretary nor commission chairperson wanted to register it; the appeal was registered after a long effort.

Article 8 Part 16 of the Election Code provides the list of people who can be present in the building of the polling station. The law does not allow unauthorized people to be present inside the polling station. Consequently, presence of the so-called agitators inside the PS was violation of the law.

In the polling station # 26 of Duisi village, several minutes after the election process started, a strange person entered the polling station and complained that registration desks were too close to windows and he could not observe registrars' work properly. Human Rights Center's observer demanded him to produce the badge of authorization but he said he could observe the work of commission members as a voter and inform DEC members if they breach law. Indeed, several minutes later DEC members arrived in the precinct. The aforementioned person repeated his requirement with DEC members but they did not respond. The person did not leave polling station and created disorder for what Human Rights Center's representative addressed the DEC members for help, among them was DEC chairperson too; finally the person was dismissed from the premise.

Representative of the Human Rights Center found out with the commission members that the aforementioned person was Merab Kavtarashvili, single seat candidate of Duisi village. The commission members also clarified that Merab Kavtarashvili was attorney of Duisi village and active supporter of the United National Movement.

The person continued agitation outside the polling station after voting. He, together with his four allies, was meeting voters at the entrance. Later, he entered the polling station again and one of his companions asked loudly "Is everything under control?" Human Rights Center's representative asked him to explain why he was asking similar questions and he said he was an observer though could not provide relevant document. Finally he said he was Merab Kavtarashvili's "guest" and was curious about ongoing polling process. PEC chairperson was passive and failed to demand them to leave the precinct. After Human Rights Center's observer clarified the requirements of the election law to them several times, the unauthorized people left polling station but stayed active at the entrance of the polling station to the end of the day.

Merab Kavtarashvili's companions tried to influence the vote counting process too. They observed the counting process from the window and tried to resolve the issue of suspicious ballot papers. They even tried to intimidate the commission members - "we will see how you will annul those ballot papers." According to the Human Rights Center's observer, the

commission members properly implemented their duties during counting process but people standing outside hindered their work.

Unidentified woman was very active in the vicinities of the same polling station. Commission members said she was Merab Kavtarashvili's wife. She actively communicated with voters. When asked, she clarified to the observer that she was a voter and had right to be in the vicinities of the polling station. Human Rights Center's observer clarified to her that she did not have right to oppress the voters but she started speaking loudly and claiming "she would adequately respond to that illegal request." After a repeated notice, she left the territory but observed the situation from the car parked in the yard.²⁶ Observer Besik Kavtarashvili from New Generation Democratic Elections observed election process in the same polling station; commission members clarified to the Human Rights Center's observer that he was brother of Merab Kavtarashvili.²⁷ An elderly woman, aunt of the Kavtarashvilis, also observed polling process in the vicinities of the precinct. Young people, as commission members explained nephews of the candidate Merab Kavtarashvili, were also standing nearby the polling station all day long.

Commission chairperson did not respond to similar facts and claimed that it was beyond his competence to control the situation outside the polling station. It is noteworthy that the law does not clearly clarify who should control the situation outside the precinct.

Representatives of district election commission acted very suspiciously in Duisi village polling station # 26. They requested to speak with the observer of Human Rights Center separately and asked her to move to Polling Station # 13 in Maghraani village; they said particularly large amount of violations was observed in the PS # 13. The DEC members contacted the Human Rights Center's observer several times with the same request. At the same time, PEC members at PS # 26 urged Human Rights Center's observer not to leave their precinct because they feared people standing nearby the precinct would create serious problems in the polling station if she left the premise.

According to the Human Rights Center's evaluation, UNM candidate and his companions interfered in the activities of the commission members of the Duisi village PS # 26 that is prohibited by the Article 8 Paragraph 21 of the Election Code of Georgia.

Representative of the electoral subject Nino Burjanadze – United Opposition conducted agitation in the polling station # 23 in Akhmeta district; she was standing close to the booth and suggested voter to mark number 3 and then show her what they had marked. Observers detected the violation and informed the commission chairperson about it; the latter demanded the political party's representative to follow the law; short time later a voter showed her ballot

²⁶ <http://hridc.tv/index.php?a=view&id=922&lang=eng>

²⁷ Election law does not prohibit family member of the election subject to be representative of the observation organization; Article 39 Paragraph 4 Election Code of Georgia
http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

to the same person. Commission members explained to the person that she did not have right to show the ballot. Afterwards, no similar fact was observed in the precinct. Human Rights Center's observer wrote note in the log-book regarding these facts.

Violations related with control sheets

Observers of Human Rights Center detected significant violations related to the control sheets in Sagarejo DEC. Control sheets are produced in accordance to the law and they are necessary to avoid election fraud. In accordance to the Election Code, the first voter and all present members of the PEC shall sign the control sheets; they shall include the precise time of placing a ballot paper into the ballot boxes and the first name, last name, place of registration and personal number of the citizen of Georgia of the first voter. The chairperson and the secretary of the commission fill out the control sheets in three copies. The chairperson of the commission puts one copy of the control sheet into the main ballot box after the first voter appears, the second copy is put into the mobile ballot box and the third copy is kept for the purpose of further comparison with the other control sheets.²⁸

Data on the control sheet in the mobile box was different from the one stored with the PEC chairperson in Lambalo village polling station # 44 in Sagarejo district. Data in the control sheet from main ballot box was also different from the one stored with the commission chairperson.

In accordance to the Article 68 Paragraph 4 of the Election Code, in case a difference is identified between the control sheet kept in the mobile ballot box and the one kept in the polling station, all special envelopes and ballot papers shall be bundled in one package and labeled "invalid" and transferred to the upper DEC. In accordance to the Paragraph 5 in case a difference is identified between the control sheets kept in the main ballot box and the one kept in the polling station, all special envelopes and ballot papers shall be bundled in a package, sealed, and a respective protocol shall be drawn up and immediately transferred to the upper DEC.²⁹

Observer of Human Rights Center wrote complaint with regard to the violation and requested the commission members to implement procedures as required in the law. The PEC did not satisfy the complaint of the observer and started counting votes. After the counting finished, Human Rights Center's observer contacted the Sagarejo DEC # 11 and requested to annul the election results in Lambalo PS # 44. Although there were valid reasons to annul the election results, the DEC # 44 just gave verbal warnings to the PEC Chairperson, deputy chair and secretary and forbade them be election commission members in future.

²⁸ Article 61 Paragraph 10 of the Election Code of Georgia

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

²⁹ http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

The data of the first voter was not written on the control sheet inserted in the main ballot box in the polling station # 40 in Keshalo village. Representative of the Human Rights Center wrote a complaint on the fact and requested annulment of the election results; however the commission did not satisfy the request; later the complaint was sent to the Sagarejo DEC # 11.

According to the Human Rights Center's assessment, the rule about filling out the control sheet was grossly violated in this particular case. In accordance to the Article 150 of the Election Code "the DEC may annul polling results in the election precinct, where the present Law has been grossly violated." Sagarejo DEC just gave verbal warning to the PEC chairperson, deputy chair and secretary and prohibited them to be election commission members in future.

In Akhmeta polling station # 8 the PEC deputy chairperson put away the control sheet from the mobile box without comparing it with the control sheet in the main ballot box. Observer of Human Rights Center timely detected this violation and noted to the commission chairperson about it; the control sheets were compared afterwards and they were equal. Human Rights Center's observer made short note about the fact in the log-book.

Problems about Ballot Papers

Observers of Human Rights Center observed several cases, when after certain amount of ballot papers were used, registrars had unequal amount of ballot papers left. On June 15, 2014 Local Self-Governmental Elections registrars gave three ballot papers to each voter – one for mayor/district governor, one for proportional lists and one for single-mandate candidates.

Number of ballot papers is checked several times during the Election Day. In polling station # 2 in Tamari Settlement, Akhmeta district, it was observed that number of ballot papers was higher than signatures in the registration journal. One of the registrars clarified that she had given two equal ballot papers to one voter by mistake. This fact might have resulted into taking ballot papers out of the polling station and creating threat of the so-called "carousel." Observer of Human Rights Center drafted a complaint with regard to the fact and appealed to the commission chairperson to immediately respond to it. Chairperson contacted the DEC, and soon CEC representatives arrived in the precinct. They asked the registrar to write explanation letter and changed her function. Human Rights Center's representative stayed in the precinct till the votes were counted to check number of used ballot papers and the allegation that registrar made mistake was finally confirmed.

A registrar in Jokolo village polling station # 23 in Akhmeta district also had unequal number of ballot papers at 12:00 pm. She did not obey the chairperson's order and refused to write explanation letter about it. Chairperson called DEC and two members of the DEC arrived in the polling station; the registrar wrote explanation letter based on their request. A registrar from Keshalo polling station # 40 in Sagarejo district also had unequal number of ballot papers - 2 ballot papers for district governor; one for proportional lists and one for single-seat candidates.

The registrar could not explain how it had happened. Observer of Human Rights Center notified the commission chairperson about the fact and suggested him to ask the registrar to write explanation letter as it was required by the law. The chairperson said the registrar could not write and did not allow the observer to make note in the logbook. The observer contacted the DEC, whose representatives later talked with the PEC chairperson. Finally the chairperson allowed the observer from Human Rights Center to make a note in the logbook and ordered the registrar to write explanation letter. Afterwards, CEC representative arrived at the precinct, who reproved chairperson about the aforementioned fact.

The number of used ballots in the polling station # 23 in Jokolo village, Akhmeta district, did not match with the number of voters' signatures. The balance was not reached as a result of second calculation either. 683 signatures were made whilst 686 ballot papers were used. DEC representative admitted that he had never faced similar problem before and did not know what to do; he suspended counting process and went to Akhmeta to bring trainer of electoral issues to consult with him. The commission members protested the fact and wrote explanation letter with regard to the violation and said it was their mistake.

After the mobile box returned to the Karajala village polling station # 38 in Telavi district, the commission members found that number of unused ballot papers was not equal. Specifically, there were only 4 ballot papers for the proportional lists and 8 for the district governor's election. The commission members excluded possibility of making mistake and refused to write explanation letters. Representative of Human Rights Center addressed the commission chairperson regarding this fact. After this request, the commission members wrote explanation letters and made note about the mistake in the logbook.

After the use of one bundle of ballot papers, a registrar had unequal number of ballot papers in Karajala village polling station # 37; she made explanation letter and clarified that she had given two equal ballot papers to one of the voters by mistake. Indeed, when votes were counted at the end of the day, they found two equal ballot papers in one envelope. Those votes were annulled.

Uninformed voters

In the polling stations of Sagarejo and Telavi districts³⁰, where Human Rights Center had observers, voters were not aware how to fill out ballot papers. Majority of them represented ethnic minority groups, who do not know Georgian language and cannot understand Georgian instructions put up on the walls of polling stations. For that reason, very often voters arrived at polling stations with companions and entered election booths together with them.

³⁰ Keshalo village polling stations # 40 and 41, Munganlo village PS # 42, Lambalo village PS # 44, 45 and 46 and Tulari village PS # 47 and 48 in Sagarejo district; in Karajala village PS # 37, 38, 39 and 54 in Sagarejo district.

For those polling stations and election districts where population is represented by ethnic minorities, Election Code gives opportunity to have ballot papers printed in a language comprehensible for local population, the logbook may also be maintained in the respective language³¹ and summary protocol may be printed in the language comprehensible for the population of election district.³² Human Rights Center recommends to the CEC to put up instructions about polling procedures as well as voters' lists in the language comprehensible for the local population.

In accordance to the Article 65 Paragraph 3 of the Election Code, a voter unable to fill out the ballot paper independently shall be entitled to ask any person for help in the secret polling booth except for: a member of election commission, candidate, representative of the election subject and observer. Consequently, a voter who cannot vote independently can ask another voter for help. Representative of the Human Rights Center called on the commission chairperson to control who was accompanying the voters into the booth but similar facts were not eradicated.

Due to aforementioned problems, unclearly filled out ballot papers were often annulled in the above-listed polling stations. In some ballot papers people left some unclear marks on the second page of the paper. 28 ballot papers for district governors, 19 ballot papers for single-seat candidates and 21 ballot papers for proportional lists were annulled in Karajala PS # 37, Telavi district. 18 ballot papers for district governor's election, 23 ballot papers for both single-seat candidate and proportional lists were annulled in the PS # 38; 33 ballot papers for district governor's election, 39 for single-seat candidates and 33 for proportional lists were annulled in the PS # 39; 13 ballot papers for district governor's elections and 17 ballot papers for proportional list were annulled in PS # 54.

General problem of commission members was illiteracy of Georgian language in the polling stations of Sagarejo district, where observers from Human Rights Center monitored polling process.³³ As a result, commission members could not properly implement their duties. Due to language barrier, observers of Human Rights Center could not properly communicate with them and find out problems; the observers could not understand the content of the commission members' communication with voters.

Human Rights Center believes it is necessary that election commission members knew state language – Georgian in order to effectively implement their duties and responsibilities on the Election Day.

³¹ Article 62 Paragraph 2 and Article 63 Part I of the Election Code of Georgia

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

³² Article 70 Paragraph 10 of the Election Code of Georgia

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

³³ Keshalo village PS # 40 and 41, Muganlo PS # 42, Lambalo PS 44, 45, 46 and Tulari PS # 47 and 48 in Sagarejo district

Legislative gap

According to the information provided by the observer of Human Rights Center, UNM representative who observed the ongoing polling process as a representative of the election subject in Jokolo village PS # 23, Akhmeta district, was replaced with the second representative of the UNM as it is allowed by the Election Code. The Human Rights Center's observer reported that the aforementioned person was majoritarian candidate of the United National Movement.

Human Rights Center's observer contacted the CEC to get clarifications about the issue and she was explained that majoritarian candidate cannot be in the polling station with the status of observer, but he can have status of the representative of the political party since the law did not provide any restrictions for that.

Expert of election issues Nina Khatiskatsi clarified that party representative has right to be in the polling station but it is a serious gap in the election law because party representative and observer have equal functions-responsibilities. "According to the law candidate must not be in the precinct with the status of observer but he/she can observe the process with the status of party representative. In fact, party representative and observer have equal functions and responsibilities in polling stations. So the only difference is in the status. Political parties often take advantage of this legislative shortcoming. Naturally, when a candidate is in the precinct, voters know him/her and it might be evaluated as indirect oppression on free choice of voters; so it must be prohibited by the law. It is serious gap in the election code and it is essential to amend it."³⁴

Other violations observed during polling process

According to the information provided by the Human Rights Center's observer, in Lambalo village PS # 45, Sagarejo district, after the mobile box was returned to the polling station, it turned out that the votes were not confirmed with relevant signatures in the special list, where 29 voters were registered as commission members said. According to commission members, they had forgotten to ask voters to sign the lists. PEC chairperson contacted the DEC with regard to the fact and their representatives arrived in the polling station. According to the DEC decision, the aforementioned votes from mobile box were annulled.

In polling station # 2 in Tamari settlement, Akhmeta district the polling process was very chaotic. The regulator of voters' flow could not regulate the queues and a lot of people were standing at the registration desk. In accordance to the election law, no more than two voters shall stand at the registration desk.³⁵ The regulator shall ensure the order in accordance to this

³⁴ <http://humanrights.ge/index.php?a=main&pid=17776&lang=eng>

³⁵ Article 65 Paragraph 2 –a of the Election Code of Georgia

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf
http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

rule, and do not allow a voter into the polling premise if there are more than two voters at the registration desk. Representative of Human Rights Center reported to the commission chairperson about the problem and made note in the logbook. As a result the problem was eradicated. In the same precinct, representative of one monitoring organization did not have special badge and representative of Human Rights Center informed the PEC chairperson about it; the note was made in the logbook. As a result this particular problem was also resolved.

In Akhmeta district polling station # 13, located in Maghraani village, several people could not vote because their names were not found on the voters' registration list; though they were on the voters' lists put up on the walls. Representative of Human Rights Center contacted the CEC with regard the fact, whose representatives timely arrived at the precinct. The problem was not resolved and voters could not participate in the polls. The same problem was observed in Jokolo village PS # 23, where voters with the same problem could not take part in the polls. It is noteworthy that voters had received election notification letters at home, where their number in the registration voters' list was written. Similar facts once again demonstrate the necessity of further clarifying the voters' list – the problem which is largely discussed by nongovernmental organizations working on election observation.

Several representatives of one local observer organization were in the polling station # 25 of Alaverdi settlement in Akhmeta district. In accordance to the election law, one organization is entitled to have no more than one observer at a time at each election precinct.³⁶ Those observers told the representative of Human Rights Center that they had authority to jointly observe polling process and the commission chairperson also supported their statement. Human Rights Center's observer clarified that they did not have similar right and quoted concrete provision from the election code. Commission chair contacted the DEC to find out situation. Having received relevant instructions, the chairperson requested all unauthorized persons to leave the precinct. Human Rights Center's observer made note about the fact in the logbook.

Organization New Generation – Democratic Elections had three observers in the polling station # 26 in Duisi village, Akhmeta district. Representative of Human Rights Center reported the commission chairperson about it and asked to dismiss two of them from the precinct. The commission chair took necessary measures.

Two representatives of the UNM were in the polling station # 23 in Jokolo village, Akhmeta district. Human Rights Center's representative made note about the fact in the logbook. In accordance to the Election Code, one electoral subject can have only one representative in one polling station.³⁷ After the note, the commission chairperson asked one of the UNM representatives to leave the precinct and they obeyed the instruction.

³⁶ Article 39 Paragraph 3 of the Election Code of Georgia
http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

³⁷ Article 42 Paragraph V of the Election Code of Georgia
http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

Each of Georgian Dream and independent candidate Kazangar Mamedov had two representatives in the polling station # 44 in Zemo Lambalo village. Human Rights Center's representative wrote a complaint and requested to dismiss one representative of each election subject from the precinct. The request was satisfied.

One more significant violation was observed in the same precinct; namely there were only three registrars for 1587 voters. In accordance to the Article 61 Paragraph 2 of the Election Code, at least one registrar per 300 voters shall be appointed in the polling station. Human Rights Center's observer notified the CEC about the fact, filed complaint and repeated lot was cast in the polling station; as a result two more registrars were selected.

1612 voters were registered in the #45 precinct in the village Lambalo in Sagarejo municipality. According to part II of article 23 of Election Code, the maximum number of voters for the precinct is 1500. The Election Code does not envisage exception from this rule. Human Rights Center contacted CEC regarding this issue. According to the explanation received from CEC, registering more than 15000 voters in this and some other precincts was possible according to special decree #6 issued by CEC in 2012. According to the decree, one of the reasons for increasing the number of voters in the precinct is residing in another country³⁸. However, according to Georgian Law on Normative Acts, the decree must not contradict the Election Code.

Providing less number of bulletins than envisaged by law still represented problem during local self-government elections like previous Parliamentary and Presidential Elections. According to representatives of PECs, this fact does not hinder the process of elections as they never accept 100% voter turn-out.

UNM representative took photos of the registration desk lists in Jokolo village polling station # 23 in Akhmeta district; the DEC representatives immediately protested the fact. In accordance to the September 24, 2012 resolution of the CEC, photo-shooting of the table lists is prohibited.³⁹ Though the aforementioned resolution was amended based on the CEC Resolution No 45/2013, this particular prohibition was not changed.⁴⁰ UNM representative wrote explanation letter with regard to the fact.

About 50 men were standing in the yard of the aforementioned polling station; they were watching ongoing polling process inside the precinct. Observer of Human Rights Center asked the commission chairperson to request the men to leave the area of the polling station and to stop watching polling process. The men did not obey the chairperson's request and the commission members closed windows.

³⁸ <http://www.cesko.ge/uploads/other/9/9484.pdf>

³⁹ Article 1 Paragraph 3 of the CEC resolution. http://www.cesko.ge/files/2013/dadgenileba_42_2013.pdf

⁴⁰ https://matsne.gov.ge/index.php?option=com_ldmssearch&view=docView&id=2049003

A voter arrived at the same polling station wearing a hat with the symbols of the Georgian Dream. After the observers reported about it to the chairperson, the voter took off the hat based on the chairperson's request.

Rooms for polling stations were not correctly selected in Akhmeta and Sagarejo districts. PS # 8 in Khalatsani village, Akhmeta district was located in two rooms.⁴¹ Registration desk was placed in one room and booths and ballot box in the second one. It was impossible to see what was going on in second room from the first one that deprived observers the opportunity to effectively implement their duties. This fact contracted the requirement of the election law, which states that polling process shall be conducted in one room in order to ensure effective observation of all procedures from every corner of the room.⁴²

Polling station # 40 was arranged in the school corridor in Keshalo village, Sagarejo district. The corridor was very long; the regulator of the voters' flow was standing in the beginning of the corridor, while booths, registrars and ballot box was in the second end of the corridor; it complicated the process of observation.

Polling station # 25 in Alaverdi settlement, Akhmeta district was arranged in a small room and there was not enough space for people to stay inside.

Registrars at polling station # 48 in Tulari village, Sagarejo district did not have voters' list arranged according to alphabetical order and for that reason they wasted much time on looking up the voters. The same problem was observed in polling station # 40, Keshalo village.

In polling station # 38 of Karajala village, representatives of the UNM and Nino Burjanadze-United Opposition were very aggressive and impolite towards commission members. UNM representative and a commission member even had a verbal controversy. It is noteworthy that the commission chairperson immediately interfered in the situation and stopped the conflict.

Commission chairperson at polling station # 39 in Karajala village was aggressive towards the representative of the UNM without any grounds; the latter was observing the polling process from the corner and did not interfere in the activities of commission members. Commission chairperson spoke with the UNM representative in a rude manner and demanded to stand from the registration desks 2 meters away or to leave the precinct. In accordance to the Election Code, observers have right to observe the polling station from any corner so that they do not hinder the work of commission members.⁴³ Observers, who are not selected for the observation of the counting process, have obligation to stay two meters away from the

⁴¹ See video <http://www.hridc.tv/index.php?a=view&id=920&lang=eng>

⁴² Article 65 of the Election Code
http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

⁴³ Article 41 of the Election Code
http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

registration desk only during the counting process.⁴⁴ Consequently, the commission chairperson had illegal requirements to the observer. Chairperson was aggressive towards the observer of Human Rights Center, who gave notice to him about aggressive statements. The Human Rights Center's observer prepared complaint but the chairperson did not allow her to register it. The observer managed to register the complaint after the contact with the DEC.

Commission chairperson at polling station # 39 in Karajala village had not elected two representatives of the election subjects responsible for the observation of the complaint registration process, required by Article 61 Paragraph V of the Election Code.⁴⁵ When observer of Human Rights Center asked about the issue, the chairperson replied that the complaint registration did not require any observer and similar obligation was not envisaged under the law. Observer of Human Rights Center contacted the DEC and reported about the fact. After the explanation from DEC the PEC chairperson cast lot to select two representatives of the electoral subjects, who were responsible for the observation of the complaint registration. However, he demanded that the third representative of the electoral subject, who was not selected as an observer of complaints, to leave the precinct. Chairperson did not follow the suggestion of the observer of Human Rights Center, who clarified to him that the representative of the electoral subject had right to stay in the polling station. Finally, the Human Rights Center's observer had to repeatedly contact the DEC and based on their clarification the chairperson did not dismiss the person from the precinct.

In the polling station # 39 in Karajala village, supervisor of the ballot box and special envelopes implemented his duties in an indifferent and careless manner. Very often more than one voter was standing near the box and the supervisor did not request them to leave the precinct. Human Rights Center's observer made a note about this fact in the logbook. As a result the commission chairperson interfered in the fact and the situation changed.

When counting process started, the chairperson did not allow counters to sort out and count the ballots. After the observer of Human Rights Center suggested him not to create obstacles for counters, the problem was resolved. However, commission chair asked the observer of Human Rights Center, who was elected as an observer of counting process, to stand two meters away from counters that was illegal request because in accordance to the election law, the observer of the counting process can stand nearby the counter and observe the counting process from a short distance.⁴⁶ Observer of Human Rights Center clarified that particular provision of the law to the chairperson and called on him to follow it; as a result the situation improved.

Commission chairperson at the polling station # 39 in Karajala village received verbal warning from the CEC representative about his activities.

⁴⁴ Election Code of 68 Paragraph 3 of the Election Code

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

⁴⁵ http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

⁴⁶ Election Code of Georgia Article 68 Paragraph 3

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

Few violations detected in the polling stations of the villages adjacent to the conflict region in Sachkhere district were of minor character. Commission members accepted and envisaged all remarks of the observers. Notes were made in the logbook in the polling station #36 in Chikha village regarding the absence of badge of authorization; two observers from one organization were detected in the polling station # 46 in Jria village; notes were also made with regard to the breached sequence of procedures before counting process; the notes were accepted and envisaged by commission chairpersons.

Unauthorized people were active at the entrance to the polling station #37 in Chikha village, who did not have right to be in the polling premise. After the observer of Human Rights Center expressed concern about the fact, the commission chairperson asked the people to leave the polling station.

It should be noted that the voters came from the occupied villages in order to participate in the elections. Unlike 2012 Parliamentary and 2013 Presidential elections, they were not hindered by Russian soldiers to do so.

It must be noted that voters' lists, demonstration protocols, documents about voters' rights, lists of candidates and their political parties, all necessary information was provided in accordance to the Election Code in the polling stations of both regions.

Vote Counting Process

The counting process was conducted mostly in transparent manner and in compliance with the law. Polling stations of Sagarejo district, where observers of Human Rights Center filed complaints about significant violations with regard to control sheets, were exception because in accordance to the law PECs did not have right to count votes after similar violations.⁴⁷

According to the information provided by the observers of Human Rights Center, commission members mostly followed the requirements of the Article 67 Paragraph 1 of the Election Code. Namely, the chairperson of the PEC shall select no less than three counting officers by casting lots, while the observers shall select no more than two supervisors from their membership based on mutual consent. Monitors observed cases, when observers failed to agree and PEC chairperson identified two supervisors from them by casting lots.

Observers had right to observe the counting process without any obstacles except the case of polling station # 39 in Karajala village, Telavi district, where PEC chairperson demanded the observer of Human Rights Center to stand 2 meters away from counters, who was selected

⁴⁷ See page 13

observer of the counting process and had right to observe the counting process from a short distance.⁴⁸

In the polling station # 26 in Duisi village, Sagarejo district people were standing outside the polling premise and watched vote counting process through windows; they made threatening remarks towards the commission members.⁴⁹

Recommendations

Human Rights Center recommends to the Parliament of Georgia:

- To amend and specify definition for requirement of permanent living in Georgia for the last two years imposed on the electoral candidates;
- Electoral candidate shall not have right to observe polling process as a representative of the electoral subject. The Election Code shall contain relevant prohibition for similar activities;
- Initiative groups shall have right to nominate candidates for the positions of city mayors/district governors.

Human Rights Center recommends to the Central Election Commission:

- In the precincts where ethnic minorities represent voters, the voters' lists and the instructions regarding the filling out of bulletins must be put up in the language comprehensible for local population;
- To take additional measures to increase knowledge of voters about election procedures through civic education and awareness raising;
- The election commission members must know state language – Georgian well enough to effectively implement their duties and responsibilities on the Election Day;
- To eradicate gaps and inconsistencies in election lists;
- To develop qualification of PEC and DEC; to increase their knowledge about election legislation and procedures;
- To ensure eradication of illegal facts of influence on the free choice of voters in the vicinities of polling stations too;
- To select relevant space for polling stations.

⁴⁸ Article 69 Paragraph 2 of the Election Code of Georgia

http://transparency.ge/sites/default/files/August%202012,%20Election_Code_of_Georgia_EN_-_codified.pdf

⁴⁹ See p. 10