



International Society for Fair Elections and Democracy (ISFED)

Georgian Young Lawyers' Association (GYLA)

21 MAY 2008 PARLIAMENTARY ELECTIONS' POST-ELECTION PERIOD

MONITORING REPORT

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Introduction

The International Society for Fair Elections and Democracy (ISFED) and the Georgian Young Lawyers' Association (GYLA) observed post-election process at the Central Elections Commission (CEC) and at 48 election districts¹ throughout Georgia of the May 21 Parliamentary Elections.

District Election Commissions of Vake, Saburtalo, Krtsanisi, Isani, Samgori, Chugureti, Didube, Nadzaladevi, Gldani, Gurjaani, Dedoplistskaro, Kvareli, Telavi, Akhmeta, Rustavi, Gardabani, Marneuli, Bolnisi, Dmanisi, Mtskheta, Duisheti, Gori, Kareli, Khashuri, Borjomi, Akhaltsikhe, Akhalkalaki, Zestaponi, Baghdati, Samtredia, Chiatura, Tkibuli, Tskaltubo, Kutaisi, Ozurgeti, Lanchkhuti, Chokhatauri, Senaki, Zugdidi, Tsalenjikha, Poti, Batumi, Kedi, Kobuleti, Shuakhevi, Khelvachauri, Khulo were observed.

The main goal of the project was to conduct a 24 hour monitoring of Election Commissions. Post-Election Day activities of District Election Commissions (DECs), processes of reviewing complaints, deciding on complaints and tabulating district results in DECs were observed.

The project utilized direct method of observation. Observers were given report forms prepared beforehand. Daily reporting was conducted by filling out the forms. Results were processed by the head offices of both organizations.

The conclusion presented by the organization is based not only on the analysis of review process of official complaints filed by ISFED and GYLA, but also the analysis of complaints reviewed by DECs and filed by all electoral subjects and NGOs and the process of adjudicating complaints.

№1 Mtatsminda Election District

Complaints filed to the district – 12 complaints were filed to the Mtatsminda District Election Commission. Three of them were filed by GYLA, two were filed by ISFED and the rest was filed by political party or bloc proxies. The complaints regarded election violations that occurred at one and the same district –

¹ The Georgian Young Lawyers Association had its observers stationed at 36 election districts, while ISFED assigned its observers to 40 election districts. Both organizations had the whole of 48 election districts covered.

inaccuracies in summary protocols of the district, excess of voting ballots in comparison with the actual signatures, violations of the vote count procedures².

Commission Sessions – parties were invited at the process of reviewing complaints by the district. The Election Commission was jointly reviewing complaints filed by several individuals regarding the same polling station. At the session facts stated in the appeal were investigated; for example, the commission made the decision regarding counting results of polling stations #23, #5, #23 anew, while it compared the record book results with the receipt act results regarding the polling station #6. Also, while reviewing appeals filed concerning #2, #4 polling stations the commission investigated corresponding circumstances. As a result, the commission made the decision to revoke results of the polling stations #5 and to penalize the chairmen and the secretary of the polling station #6³.

It shall be noted that the commission didn't review complaints regarding voting procedures on the bases of the fact that the plaintiff didn't immediately present the appeal to the district election commission⁴. The amendments made to the Election Code on March 21 obligate the Election Commission to register and review complaints filed to the polling station on election day⁵. Its varied interpretation by the Election Commissions raises a debatable issue.

The decisions made by the District Election Commission at the May 23 session (unlike the rest of the districts) were dated the day the written order was issued as opposed to the day they were voted for at the session, which was helpful by allowing to appeal against the decisions in court in proper time⁶.

№2 Vake Election District

Complaints filed to the district – there were four complaints filed to Vake Election Commission. Two of them were filed by GYLA observers, other two were filed by the Labor Party proxies.

The Georgian Young Lawyers' Association filed appeals regarding procedural violations at #45 and #59 polling stations. The violations hindered tabulation process at the station. Ultimately, the district carried out tabulation at the District

² Refer to the appeals by GYLA, ISFED, representatives of the Republican Party and The Labor Party regarding the polling stations #1, 2, 5, 6,4,23;

³ Refer to the May 24, 2008 #119/2008 and 118/2008 orders of the #1 Mtatsminda Election District;

⁴ Refer to the #1 Mtatsminda Election District's Record of Proceedings #67 of the May 23, 2008 Session;

⁵ Article 62.1 of the Georgian Election Code;

⁶ Reffer to the #1 Mtatsminda Election District's Record of Proceedings #67 of the May 23, 2008 Session and the orders #118/2008, 120/2008;121/2008; 119/2008 based on it;

Election Commission. Annulment of the summary protocol was requested, which the commission didn't satisfy.

While reviewing complaints and summing results the district commission didn't violate procedures established by law. Violations of the Election Code by the district election administration weren't observed.

#3 Saburtalo Election District

It shall be noted that from the point of view of reviewing complaints Saburtalo Election District was the most problematic and inconsistent.

Complaints filed to the district – 111 complaints were filed to Saburtalo polling stations. Nine appeals were addressed to the District Election Commission itself, two of them were filed by GYLA and ISFED. Besides complaints, GYLA draw up applications about eliminating inaccuracies in the summary protocol of the district.

Commission Sessions – prior to the session for complaints review, the district commission held a meeting regarding problematic summary protocols drawn up by the Precinct Election Commissions (PEC). The District Election Commission initiated discussion regarding 11 voting reports drawn up by the PECs (№1,№6,№11,№30,№40,№48,№49,№51,№59,№73,№81) and passed orders on the corrections to be made to the data⁷

At the noted session the commission reviewed GYLA's application on inaccuracies in the summary protocol of majoritarian voting at the station #27. Inaccuracies in the protocol could have been determined and eliminated through revoking conclusive report and counting results anew, the district commission decided to revoke majoritarian elections of the station⁸.

As for the session where complaints filed to the district were reviewed, the commission didn't discuss the 111 complaints filed with polling stations on procedural violations due to the fact that the above mentioned complaints weren't addressed to the commission according to Article 61.4 of the Election Code. The commission didn't share the opinion of GYLA's representative on opening the report books of the above mentioned polling stations to examine whether the violations indicated in the noted complaints were eliminated⁹.

⁷ Refer to the May 23, 2008 orders of the Saburtalo District Election Commission #143/05-2008; 145/05-2008;144/05-2008; 140/05-2008; 142/05-2008; 141/05-2008

⁸ Refer to the May 23, 2008 orders of Saburtalo District Election Commission #146/05-2008

⁹ Refer to the Saburtalo District Election Commission's May 23, 2008 session's record of proceedings #24

At the session the DEC chairman raised the question of validity of the summary protocol transmitted by polling station #19. The PEC seal wasn't attached to the protocol. To resolve the issue the district commission summoned members of the polling station who confirmed their signatures on the report were valid. Besides, the DEC considered the opinion of GYLA's observers – broke the seal and compared the number issued by the district to the serial number of the PEC's seal to examine whether they were identical.

Complaints given no consideration – unfortunately, the district election commission didn't take similar initiatives while reviewing other important complaints. For example, the district election commission didn't review complaints drawn up at polling stations regarding procedures of vote count and tabulation for the reason that they should have been addressed to the district as well¹⁰, thus rudely violating Article 61.6 of the Election Code. According to the article, the complaint regarding vote count and tabulation is handed over to the higher District Election Commission by the PEC for review.

The question of revoking #73 polling station results was discussed at the DEC session. 30 complaints were submitted to the district regarding the issue¹¹. The violation was that the number of envelopes in the ballot box that were transferred from the polling station #85 to the election commission #73 didn't correspond to signatures on the list. There were six envelopes more. According to Article 58.4 of the Election Code, in the given case envelopes shall be sealed, marked "cancelled" and sent to the DEC, but the DEC mixed the envelopes in this specific portable ballot-box with envelopes in the stationary ballot-box and counted votes that way. The DEC considered that as the record of proceedings of the DEC session didn't reveal difference between the number of actual ballot-papers and votes that election subjects got, the noted incident didn't represent solid basis for annulling the polling station results¹². It shall also be noted that the Tbilisi City Court as well as the Court of Appeals upheld the position during the review of the dispute in court¹³.

¹⁰ Refer to the Saburtalo District Election Commission's May 23, 2008 session's record of proceedings #24 and to the May 23, 2008 orders of the Saburtalo District Election Commission (#168/05-2008; 172/05-2008; 171/05-2008; 170/05-2008; 169/05-2008; 168/05-2008; 166/05-2008; 167/05-2008) regarding rejection of appeals of Ekaterine Kobuladze, Ilyia Nadirashvili, Sopio Gakheladze, Tamar Samadashvili, Valer Gakhokia, Eter Kerchiashvili and Ketevan Kopaliani; appeals of GYLA observer Girogi Fareshashvili, ISFED observers Darejan Zhghenti, Barbare Gagnidze, Vakhtang Kobakhidze, Tamaz Gongladze, Davit Doidze, Elene Bapireli.

¹¹ Complaints made by GYLA observer, Giorgi Pareshashvili, ISFED observers – Darejan Zhghenti, Barbare Gagnidze, Vakhtang Kobakhidze, Tamaz Gongladze, Davit Doidze, Elene Napireli.

¹² Refer to the May 23, 2008 report of proceedings of the Saburtalo District Election Commission's session and the May 23, 2008 orders of the Saburtalo PEC #152/05-2008, #147/05-2008, #150/05-2008, 154/05-2008, 148/05-2008, #153/05-2008, #149/05-2008;

¹³ Refer to the May 26, 2008 verdict of the Tbilisi City Court's Board of Administrative Cases regarding the case #2/1238-08; Motivated verdict of the Court of Appeals while drawing up the report wasn't submitted to the party;

Decisions of the district/court – decisions made by the District Election Commission lacked all kinds of substantiation. Also, in the district decisions it was mentioned that appealing against the noted order “was possible in the CEC within a day after the order was passed” that violates Article 77 of the Election Code. According to the article, decision made by the election district regarding polling station activities can only be appealed against in court.

When discussing the above mentioned issue the court considered that *“violating law of appeal regarding questionable administrative acts does not represent an actual violation, as it wouldn’t have influenced the sphere of defending rights of the interested party. In the given case, plaintiff properly addressed to authorized body for defending his rights. The fact that the Central Elections Commission of Georgia is stated as the body of appeals in the questionable order shall not serve as the basis for revoking the noted administrative acts”*¹⁴.

№4 KRTSANISI ELECTION DISTRICT

Complaints submitted to the district: 8 complaints were submitted to Krtsanisi Election District. Two of them were filed by GYLA observers; five were filed by ISFED, while one complaint was drawn up by the Republican Party proxy. Most of the submitted complaints relate to unmanageable situations at polling stations.

Sessions/decisions of the district: reviewing complaints at the district took place according to the election procedure. During the decision making process the election commission considered content of other appeals regarding the same polling station. It studied evidences and heard positions of different parties. Correspondingly, on the basis of submitted complaints the commission ruled to revoke results of №29, №30, №31 polling stations and to count results of the polling station №45 again¹⁵.

№5 ISANI ELECTION DISTRICT

Appeals submitted to the district: During Election Day there were total of 248 appeals submitted to the district. 6 of them related to the procedures after ballot-box was open. The rest related to the polling procedures. Three of the complaints made addressed Isani District Election Commission itself. Two of the complaints related to holding tabulation process by candlelight after the ballot box was open. The third complaint was made by the DEC member regarding balance of summary protocols at the number of polling stations.

¹⁴Refer to the May 26, 2008 decision of the Tbilisi City Court’s Board of Administrative Cases on the case #2/1238-08, p.7;

¹⁵ Refer to the May 23, 2008 orders #0091/2008, 0091/2008, 0092/2008 of the election district #4;

Commission Sessions: At the commission meeting held on May 24, 248 complaints submitted during the election day were reviewed. During the session GYLA observer solicited for reviewing the complaints filed to the polling stations that weren't addressed to the DEC. The solicitation was satisfied – the commission reviewed the complaints, although it didn't satisfy them due to groundless claims. Complaints addressed to the district weren't satisfied due to groundless claims as well.

The commission sessions were held in accordance with the election legislation. Both, parties and representatives of observation organizations were kept informed about complaints review.

№6 SAMGORI ELECTION DISTRICT

Complaints submitted to the district: 34 complaints addressing the DEC were submitted. Two of them were made by GYLA observers, thirty-two of them were made by other organizations, representatives of election stakeholders. Most of the submitted complaints referred to procedural violations on Election Day.

The district sessions/session's report of proceedings: complaints were reviewed superficially. The election commission didn't attempt to research indicated evidence. For example, the election commission didn't satisfy any of the requests regarding access to the video surveillance materials¹⁶. Record proceedings were drawn up only after the session was over. It didn't reflect complete spectrum of opinions expressed¹⁷. Discussion recorded in the document didn't take place at the session¹⁸.

The district's decisions: As the record of proceedings of the districts' session makes it clear (identifying what kind of decision the commission made and what served as a basis for the decision was impossible by direct observation), part of the complaints received from polling stations regarding election day procedures were reviewed, while another part of complaints presented to the district in a same analogous way were rejected due to the fact that they weren't presented at the DEC by the complainant itself, according to Article 61.4¹⁹. This demonstrates how varied the DEC's approach was to complaints submitted by different individuals.

¹⁶ Refer to complaints drawn up by Mariam Jajanidze, Diana Tamliani, Nana Mikichashvili and Nugzar Odilava regarding #117, 65, 56, 7 polling stations of the Samgori Election District #6;

¹⁷ For example, while discussing violation regarding the district #56 the commission made an oral decision to warn the chairman of the commission, while the record of proceedings reads that the commission didn't satisfy the request due to its groundlessness.

¹⁸ Refer to the May 22, 2008 report of proceedings of the Samgori Election District #16 session #16;

¹⁹ It shall also be noted that orders on refusing to satisfy the complaint, instead of orders rejecting the complaints were received regarding the stated facts.

№7 CHUGHURETI ELECTION DISTRICT

Complaints submitted to the district: two complaints by ISFED and GYLA observers were submitted to the Chughureti Election District Commission, regarding the citizen of Japan voting at the polling station №1. The district reviewed the complaint and the chairman of the DEC was reprimanded on the bases of the complaint.

The DEC didn't review complaints filed with polling stations for groundless claims of the complaints²⁰. It shall be noted that the noted motive represents the basis for ruling against the complaint, rather than giving no consideration.

№8 DIDUBE ELECTION DISTRICT

Complaints submitted to the district: there were no complaints submitted to Didube DEC. As observers note all legislative requirements were observed during tabulation process.

№9 NADZALADEVI ELECTION DISTRICT

Complaints submitted to the district: two complaints were submitted to Nadzaladevi DEC²¹. One of them related to inaccuracies in summary protocols of certain election districts; the other one related to fraudulent signatures at the polling station №41. These signatures were along the names of individuals currently living abroad.

The DEC didn't satisfy complaints submitted by representative of the United Opposition due to the document being groundless. The complaint regarded inaccuracies in the summary protocol of a polling station. Results of the polling station №41 were ruled revoked for violations that occurred at the station.

²⁰ Refer to the May 23, 2008 record of proceedings #19 of the Chughureti Election District #7;

²¹ Refer to the complaint drawn up by the United Opposition representative Levan Turashvili regarding the polling stations

#7,23,18,24,88,12,16,43,45,67,84,2,86,77,75,8,51,39,41,50,78,79,34,70,71,72,65,56,62,63,19,28,64; Irine Macharadze's complaint regarding the polling station #41.

It shall be noted that complaints drawn up by GYLA observers regarding procedural violations at polling stations on election day under Article 61.7 of the Election Code wasn't transferred sealed with registration journal²². Reception of the complaint was registered in the journal, but the DEC chairman refused to open the sealed packages and review complaints; correspondingly, the chairman made the decision to give no consideration to the complaints²³.

№10 GLDANI ELECTION DISTRICT

Complaints submitted to the district: there were nine complaints submitted to Gldani DEC №10. Two of them were drawn up by GYLA observers; one of them was drawn up by ISFED observers; the rest was drawn up by representatives of other organizations. Also, the United Opposition proxies submitted a complaint addressed to the DEC on May 22, 6PM²⁴. The complaint wasn't registered by the DEC by reason of it being overdue²⁵. This decision was later revoked by the Tbilisi City Court that obligated the DEC to accept the complaint for review and discuss stated circumstances²⁶.

Most of the complaints submitted to the district regarded violations of polling procedures by voters and inaccuracies in the voter list²⁷.

The district sessions/decision of the district: the DEC invited all complainants. Despite everyone having an opportunity to express his/her own views, the DEC members were superficially reviewing the complaints. Evidences weren't properly investigated.

The commission accepted circumstances stated in complaints/applications regarding inaccuracies in the voter list and receipt acts. Chairman of №10 election commission was reprimanded for not-submitting the complaint. As for the complaint regarding #107 DEC chairman voting at two polling stations, the ruling to address law enforcement bodies was passed²⁸.

²² Complaints of GYLA observers, Nino Nadibaidze and Tamar Razmadze regarding violations of sortition procedure at the polling stations #48 and #30;

²³ Refer to the May 22, 2008 order #40/2008 by #9 Nadzaladevi District Election Commission;

²⁴ Complaint by the United Opposition (National Council-The Rigts) electoral bloc regarding annulment of the voting results of following polling stations of #10 Gldani Election District: #2, 4, 9, 11, 26, 27, 32, 33, 34, 36, 37, 39, 40, 45, 46, 48, 49, 50, 52, 54, 55, 57, 78, 69, 60, 67, 69, 70, 71, 72, 77, 78, 82, 83, 87, 89, 94, 96, 102, 105 and 108;

²⁵ Refer to the May 22, 2008 order #068/2008 of #10 Gldani Election District;

²⁶ Refer to the May 24, 2008 ruling of Tbilisi City Court's Board of Administration Cases;

²⁷ Complaints drawn up by GYLA, ISFED, the Center for Constitutional Rights, the Republican Party and the Christian-Democratic Party representatives regarding the polling stations #107, 10, 19, 97;

²⁸ Refer to the order #074/2008 by #10 Gldani District Election Commission;

The commission didn't satisfy complaint submitted by the United Opposition on revoking results of 41 polling stations²⁹. The decision was later appealed in court that ruled annulment of only a single polling station out of forty-one – the polling station No 39³⁰.

The DEC decision **to give no consideration to the complaint due to the complaint being submitted by unauthorized person – the commission member** - is noteworthy³¹. We consider that the authority of a commission member to file a complaint regarding violations at a polling station is a questionable issue. Article 52^{2.8} of the Georgian Election Code entitles individuals present in the polling building to file a complaint. According to Article 65.2^a of the same code, a member of the DEC is an individual authorized to be in the polling building. Correspondingly, according to the election law in force, commission member is authorized to file a complaint. Also, in the resolution of the Central Election Commission of Georgia that defines rules of filing and considering a complaint/announcement in election administration it is noted that “if a complainant is a commission member, he/she shall personally be notified on considering the complaint³².” Respectively, it can be said that the election law as well as subordinate acts passed on its basis recognize possibility of filing a complaint by a commission member.

We consider that the noted issue (possibility of filing complain by a commission member) needs to be regulated more clearly and distinctly. If the Election Code recognizes their right to file a complaint, it shall be defined clearly in order to eliminate varied practice and unlawful refusal to consider complaints.

Although, to what extent a member of a collegial public establishment has the right to appeal against decisions made by the collegial public establishment itself, is judicially quite a disputable issue. Correspondingly, we consider that the issue needs to be defined clearly and distinctly by considering these two positions.

For the absence of both, requisites (by mistake, number of a different polling station was indicated in the complaint) and the demand clause in the complaint the commission also refused to consider complaints drawn up by Kakha Kukava and Zeinab Javakhishvili, which represents an incorrect clarification, not based on any judicial principle. Namely, corresponding article of the Election Code³³ doesn't

²⁹ Refer to the rulings #075/2008; 076/2008; 077/2008 of #10 Gldani District Election Commission;

³⁰ Refer to the May 26, 2008 ruling of Tbilisi City Court's Board of Administrative Cases on the case #3/1239/08;

³¹ Refer to the May 23, 2008 order #073/2008 of #10 Gldani District Election Commission.

³² The May 10, 2008 resolution 28/2008 of the CEC “On Additional Entry to the April 16, 2008 Resolution #22/2008 of the Central Election Commission of Georgia “On Adopting Descriptive Instructions of Filing and Considering Applications/Complaints in Election Administration”, Article 11 – Rules and Conditions of Complaint Review;

³³Refer to sections 61.2 and 5 of the Georgian Election Code;

foresee **inclusion of demand clause in the complaint** as an obligatory or facultative requisite of a complaint/application. Neither section 62.2 of the Election Code establishes absence of demand clause as the basis for rejecting complaint.

As for indicating wrong number of a polling station in a complaint, according to Article 62 of the Election Code, the noted inaccuracy can not serve as a basis for rejecting a complaint: a corresponding DEC is obligated to set a timeframe for correction of the inaccuracy, which didn't occur in this case.

Correspondingly, most part of the DEC decisions (particularly regarding complaints/applications filed by political parties) were groundless and lacked judicial arguments.

№12 GURJAANI ELECTION DISTRICT

Complaints submitted to the district: there were 21 complaints drawn up addressing the DEC. Seven of them were filed by GYLA, two by ISFED and rest by representatives of different organizations. Most of the complaints filed by GYLA and ISFED observers regarded inaccuracies in PECs' summary protocols and unauthorized corrections made to them³⁴.

DEC didn't satisfy demand regarding the noted issues on revoking corresponding summary protocols; although, secretaries of two PECs were penalized with 1000 GEL³⁵.

8 complaints were filed to the election district by political party proxies. Most of the complaints regarded absence of proper marks along voters' names on the voter list, propaganda by commission member, violation of vote count procedures³⁶. The DEC didn't satisfy either of the complaint.

District Sessions: №12 Gurjaani District Election Commission reviewed all complaints filed to the district on the May 22 session. The session was scheduled hastily and unprepared. The fact that none of the commission members appointed by oppositional parties had copies of complaints and summary protocols that Gurjaani District Election Commission №12 was discussing, collaborates to the statement above.

When reviewing appeals the district commission was biased and superficial, guided by set of opinions established beforehand on every issue. Facts and evidences were

³⁴ Complaints by observers of organizations regarding polling stations #16, 34, 6, 11, 1, 3;

³⁵ Refer to the May 22, 2008 orders #44 and #47 of Gurjaani DEC #12, regarding polling stations #6 and #16;

³⁶ Refer to complaints drawn up by representatives of the Republican Party and Girogi Targamadze-Christian Democrats regarding polling stations #7,8,34,41,31,17,6 15;

inadequately researched. It shall also be noted that none of the polling station chairmen and secretaries, whom complaints were addressed to, were invited to the session. The DEC chairman himself tried to present and defend interests of these individuals at the session.

It is interesting that despite demand of observers' and election stake-holders' representatives, the DEC chairman reviewed complaints according to complainants, as opposed to polling stations, thus not allowing individuals present at the session to see the complete picture of violations at a specific polling station.

Legal proceedings: Ruling of Gurjaani Regional Court regarding polling stations #34, 6 and 16 is noteworthy.

Despite the complaint was filed by GYLA 10 minutes late (at 6:10PM) due to technical reasons, the court considered that "in accordance with the first part of Article 123 of the Georgian Civil Code, timeframe defined in terms of days ends at the close of the last day of the timeframe. In this given case, Gurjaani District Election Commission #12 adopted the order on May 22; correspondingly, timeframe of appealing against the order ended by midnight, on May 23, 2008. The plaintiff filed the suit at 6:10PM on May 23, 2008, after the office was closed and consequently, the suit was filed on time by the plaintiff³⁷" (it shall be noted that Ozurgeti and Gori Courts clarified the noted issue against plaintiff).

It shall also be noted that the court exceeded the clause of demand requirements; namely, despite the demand clause required **annulment of the polling station's summary protocols**, the court ruled annulment of the polling station #6 results, as it considered that absence of district number, date and code in the summary protocol as well as correction of data without drawing up proper correction report essentially violated the Election Code requirements³⁸.

№14 DEDOFLISTSKARO ELECTION DISTRICT

Complaints submitted to the district – there was a single complaint submitted to Dedoplistskaro District Election Commission. The complaint was filed by proxies of the United Opposition and requested counting ballot-papers at the polling station #19 anew, as the complainants suspected ballot-box stuffing.

Commission sessions – the district invited parties during complaint review; proxies of other political parties and ISFED. The commission satisfied the demand and counted results of the polling district #19 anew; error wasn't detected. It shall be noted that problems weren't observed during reception and review of complaints.

³⁷Refer to the May 27, 2008 ruling of Gurgaaji Regional Court regarding the case 3/50, p.13;

³⁸ Refer to the May 27, 2008 ruling of Gurgaaji Regional Court regarding the case 3/50, p.15;

№16 KVARELI ELECTION DISTRICT

Complaints submitted to the district/the district's rulings: there were 15 complaints submitted to Kvareli Election District. Three of them were drawn up by GYLA representatives; the rest was drawn up by representatives of the Republican Party. All complaints submitted to the district regarded inconsistencies of number of ballot-papers registered in receipt acts with number of ballot-papers at the polling stations. It is noteworthy that all 15 complaints were given no consideration according to the DEC decision³⁹.

The motive for giving no consideration to GYLA submitted complaints was the DEC's consideration that apart from address, the building of the establishment where the polling station was located should have been indicated in the complaint. It is noteworthy that the DEC's decision is twofold illegal. **First**, mandatory requisite foreseen by the Election Code - address of the polling station – was indicated in GYLA complaints. The code doesn't require indicating the building of the establishment where the polling station is located along with the address. **Second**, even if address wasn't correctly indicated in the complaint, in accordance with the Election Code the DEC was obligated to detect the inaccuracy and could issue order on giving no consideration to the complaint only if litigant refused to correct the error⁴⁰.

As for complaints filed by the political party or bloc proxies, they didn't meet the timeframe set up by Article 61.4 of the Election Code; hence the district commission refused to consider the complaints.

№17 TELAVI ELECTION DISTRICT

Complaints submitted to the district – there were 17 complaints submitted to Telavi Election District Commission. Three were filed by GYLA, two were filed by ISFED and the rest was filed by representatives and observers of various observation organizations and political parties.

Submitted complaints regarded violations of sortition procedure at the polling station⁴¹, excess or lack of ballot-papers⁴², carousel voting⁴³, pressure by commission

³⁹Refer to the May 23, 2008 orders #23,24 of Kvareli District Election Commission;

⁴⁰ Refer to Article 62.1¹ of the Georgian Election Code;

⁴¹ Refer to complaints drawn up by GYLA and ISFED observers regarding the polling stations #50 and #10;

⁴² Refer to complaints drawn up by GYLA and ISFED observers regarding the polling stations #54,42,17,2,38; also complaint filed the observer of the Society for Legal Development, Lili Burchutashvili regarding the polling station #28; complaint filed by the observer of Freedom of Information Association, Dali Gventsadze regarding the polling station #49;

members, insult⁴⁴, multiple voting⁴⁵ and unauthorized correction of summary protocols⁴⁶.

District sessions/decisions – the election commission reviewed complaints superficially. Despite numerous demands, factual circumstances stated in complaints weren't investigated. The commission's decisions lacked legal reasoning. The commission didn't discuss how well-grounded demands were, neither what were reasons for the denial to satisfy complaints. Unsound arguments, as well as absence of evidence were indicated as motive of the denial to satisfy complaints.

The commission didn't count results anew, or didn't verify stated circumstances in any way; although, in two cases the commission utilized measures of reprimanding⁴⁷ and penalizing the PEC chairman with 1000 GEL⁴⁸.

№18 AKHMETA ELECTION DISTRICT

Complaints submitted to the district: there were two complaints addressing the DEC. One of them was filed by GYLA observer; another was filed by the Republican Party proxies.

The district sessions/decisions of the district: complainants were summoned at the DEC session. Resolution projects of the commission were presented at the session for discussion. The projects regarded complaints concerning flaws of precinct summary protocols⁴⁹. As a result, the DEC reprimanded chairmen of the PECs №1 and №27.

№20 Rustavi Election District

Complaints submitted to the district: There were nine complaints filed to the Rustavi DEC. Three of them were filed by GYLA; one was filed by ISFED observers.

⁴³Refer to complaint drawn up by the observer of the Society for Legal Development, Archil Jorjadze regarding the polling stations #54,39;

⁴⁴ Refer to complaint drawn up by the ESFED observer regarding the polling station #10; complaint drawn up by the Center for Human Rights observer, Gela Mtvlishvili, regarding the polling station #28; complaint drawn up by the Society for Legal Development observer, Lili Burbutashvili regarding the polling station #28;

⁴⁵Refer to the complaint drawn up by the Society for Legal Development observer, Lili Burbutashvili regarding the polling station #42;

⁴⁶Refer to complaints drawn up by GYLA observers regarding the polling stations #54, #5;

⁴⁷Refer to complaints drawn up by GYLA observer, Gela Mtvlishvili regarding the polling stations #50, #28;

⁴⁸Refer to complaints drawn up by GYLA observers regarding the polling stations #54, #5;

⁴⁹Refer to complaints drawn up by GYLA and the Republican Party regarding the polling stations #1 and #27;

District sessions/decisions of the district: Rustavi DEC refused to consider most of the complaints, citing absence of demand clause in complaints⁵⁰ as a motive.

It shall be noted that the Election Code doesn't foresee demand clause as a mandatory or facultative requisite of a complaint/application. As for complaints submitted by GYLA observers (which were also refused to consider due to absence of demand clause), it shall be noted that complaint forms which GYLA observers were using to submit complaints to respective election administrations, originally included demand clause requiring the election administration to implement measures foreseen by legislation. Consequently, the DEC decisions to give no consideration to the complaints lacked legal, as well as factual ground.

The only complaint considered by the DEC was that of the United Opposition (National Council – The Rights) regarding cancellation of the polling station №38 results. The DEC refused to satisfy the complaint, citing incorrect requisites of four out of eight witnesses as a motive. This incident once more demonstrates that the commission adopted groundless decisions.

№21 GARDABANI ELECTION DISTRICT

Complaints submitted to the district: out of the 59 complaints filed to the Gardabani District Election Commission, three were drawn up by GYLA observers⁵¹; two were drawn up by ISFED observers. Complaints submitted to the district regarded significant violations at the polling stations, such as plundering ballot-papers, not checking invisible inking safeguards, interfering with ballot-boxes, excess or lack of ballot-papers⁵².

The district sessions/decisions of the district: the registration process of complaints went with complications. The district secretary refused to register complaints without the DEC chairman's "resolution".

As a result of observers' protest, the noted problem was eliminated. Parties were summoned at the session regarding complaints, which were reviewed dryly and superficially. Evidences weren't investigated. The DEC reviewed complaints perfunctorily; often the commission's decisions were groundless. It shall be noted that the DEC dedicated about 20 minutes to reviewing 59 complaints.

Pressuring ISFED observers was observed at the election district.

⁵⁰Refer to the May 23, 2008 orders #146/2008, #147/2008, #248/2008 by the Rustavi DEC #20;

⁵¹Refer to complaints drawn up by GYLA observers regarding the polling stations #25, #58 and #59;

⁵²Refer to the complaints drawn up by the NGO Former Political Prisoners for Human Rights observers N.Bakhtadze, L.Gogolauri regarding violations at Nazarlo polling station #41;

№22 Marneuli Election District

Complaints submitted to the district: out of the 27 complaints submitted to the district, three were drawn up by GYLA observers, eight were drawn up by the ISFED observers, and the rest was drawn up by representatives of other organizations.

The district sessions/decisions of the district: the DEC gave no consideration to complaints⁵³ filed by GYLA and cited groundless claims as a motive. It shall be noted that in reality the DEC discussed and reviewed circumstances noted in the complaint, although ultimately it ruled to leave the complaints without review, as opposed to the ruling on not satisfying the complaints, which represents procedural violation⁵⁴.

The DEC also discussed complaints submitted by the ISFED regarding violation of inking safeguard procedures at the polling stations #12,13,34,76,71,56,57,48,49,43,83. On the basis complaints drawn up by the representative of the Christian-Democratic party the DEC revoked polling stations #34, 76, 71 and 56. The DEC didn't satisfy complaints of the representatives of the United Opposition and the International Organizations for Human Rights Protection regarding invalidation of the polling stations #58 and #13 of the district. The noted polling stations were invalidated by the district later. The district didn't review complaints thoroughly, which was protested against by the commission member appointed by opposition parties. It is noteworthy that complaints were reviewed together as opposed to separately.

№23 BOLNISI ELECTION DISTRICT

Complaints submitted to the district: there were 19 complaints addressed to Bolnisi Election District. Two of them were filed by GYLA observers.

The district sessions/decisions of the district: the district refused to review complaint other than those submitted by GYLA observers and cited essential inaccuracies in complaints as a motive. The district also refused to review the complaints regarding election procedure violations at polling stations.

The only complaint that the board reviewed regarded annulment of results of the polling station #34 due to significant violations, such as physical abuse of observers

⁵³Complaints drawn up by GYLA observers, Mikheil Lursmanashvili and Lasha Parastashvili regarding inaccuracies in summary protocols of the polling stations №7,3,67;

⁵⁴Refer to the May 23, 2008 order #33/2008 of Marneuli Election District #22 and the record of proceedings #10;

and pressuring them, voting of unregistered citizens, uncontrollable situation at the polling station⁵⁵.

Despite the complaint was corroborated by number of witnesses, the only evidence the DEC investigated was a written explanation submitted by the PEC that was being appealed. The written explanation regarded circumstances mentioned in the complaint. The DEC didn't satisfy the complaint⁵⁶.

The noted incident was appealed against by GYLA with the CEC. As a result, the CEC commissioned the DEC to initiate discussion of the circumstances mentioned in the complaint.

The DEC studied the noted issue on the May 26 session. It is noteworthy that the PEC members only, along with those observers who didn't represent immediate witnesses of the incident were summoned at the session. Despite solicitation of the organization, the DEC didn't summon witnesses listed in the complaint. Correspondingly, the commission ruled information mentioned in the complaint to be unsupported⁵⁷.

№24 DMANISI ELECTION DISTRICT

There were no complaints filed with the DEC.

Certain problems were observed while drawing up the summary protocol, as the opposition members refused to sign the document.

№27 MTSKHETA ELECTION DISTRICT

Complaints submitted to the district: there were 25 complaints submitted to Mtskheta District Election Commission. Seven of them were drawn up by GYLA observers.

The district sessions/decisions of the district: Although most of the submitted complaints regarded grave violations, such as ballot-box stuffing⁵⁸, entering

⁵⁵Refer to the May 21, 2008 complaint #326 drawn up by GYLA observer, Ketevan Khutsishvili addressed to Bolnisi Election District #23;

⁵⁶Refer to the May 23, 2008 order #794 issued by Bolnisi Election District #23 and record of proceedings #45 of the May 22, 2008 session;

⁵⁷Refer to record of proceedings of the May 26, 2008 session of Bolnisi Election District #23;

⁵⁸Complaint drawn up by GYLA observer, Natia Khaindrava regarding the polling station #18, complaint drawn up by Giorgi Kakhniashvili regarding the polling station #2, complaints drawn up by Sopio Benashvili and Natia Khaindrava regarding the polling station #17;

inaccurate data in summary protocols, pressuring observers⁵⁹, the DEC annulled the polling station #18 only⁶⁰ (representatives of European Parliament witnessed illegal activities at the noted polling station). For example, the commission didn't consider complaint submitted on the polling station #27 significant. According to the complaint, invisible ink at the station was verified by a regular lantern. The DEC considered that *“the noted one-time incident didn't have significant influence on voting results⁶¹”*.

Evidences were inadequately investigated by the DEC. The District Election Commission mainly used testimonies of the commission members who denied having violated law at their polling stations as a source. For example, when reviewing the complaint regarding the polling station #37 about entering inaccurate data in the summary protocol, also when reviewing the complaint regarding the polling station #17 about illegally placing ballot-papers in the ballot-box, the DEC didn't consider it necessary to counting voting results anew, neither to open the record book and verify the data against results registered during the day⁶².

Out of the complaints submitted to the district four remained unconsidered⁶³ due to procedural violations regarding complaint submission⁶⁴. Decision on not considering the complaint drawn up by Maia Khvichia, member of the polling station #15 shall be noted. The DEC cited section 11 of Article 77, as well as section 18 of Article 77¹ as a motive for the noted decision. The DEC also notes that on the basis of the indicated Articles the PEC member has no authority to submit a complaint⁶⁵.

First of all, it shall be mentioned that the Article stated by the commission (section 18 of Article 77¹) settles the suit in court. Correspondingly, a complaint submitted at the election district can not be discussed under the Article, as the DEC did. As for the authority of a commission member to submit a complaint regarding a violation at the polling station, we have already discussed the issue when reviewing analogous decision made by Gldani DEC.

Legal proceedings – decisions of the DEC⁶⁶ regarding the polling stations #2 and #17 were both appealed against in court (both complaints related to legal placement

⁵⁹Refer to complaints drawn up by GYLA observer, Maia Mosidze regarding the polling station #37;

⁶⁰Refer to the order #045/2008 issued by Mtskheta DEC on May 22, 2008.

⁶¹Refer to the Record of Proceedings #25 of the May 23, 2008 session of Mtskheta DEC, p.3;

⁶²Refer to the Record of Proceedings #25 of the May 25, 2008 session of Mtskheta DEC, pp. 6-7;

⁶³The complaint drawn up by the member of the polling station #15, Maia Khvichia; complaints drawn up by Nona Berikashvili and Eter Telidze, regarding the voting stations #17 and 26; complaints #498 and #499 drawn up by Ivane Tatarashvili;

⁶⁴Refer to the May 22, 2008 order №049/2008, №48/2008, №54/2008 issued by Mtskheta DEC and the May 23, 2008 report of proceedings of the CEC session #25, p.5;

⁶⁵Refer to the report of proceedings of the May 23, 2008 CEC session #25, p.5;

⁶⁶Refer to the May 22, 2008 orders #051/2008 and #052/2008 of Mtskheta DEC;

of ballot-papers in ballot-boxes and rude violations during summation procedure). Court of First Instance revoked results of the polling station #17, although both the Regional Court and the Court of Appeals didn't satisfy portion of the demand clause regarding annulment of the polling station #2 results⁶⁷. It shall be noted that when passing verdict neither court took into consideration testimonies given by observers, as well as by the PEC on rude procedural violations, pressures and threats; neither court investigated or discussed how truthful the circumstances stated by the witnesses were.

№28 DUSHETI ELECTION DISTRICT

Complaints submitted to the district – there were three complaints filed with Dusheti Election District. One of them was drawn up by GYLA observer⁶⁸, one was drawn up by the Labor Party proxy and one was drawn up by the member of the PEC #12.

District Sessions – parties and observers were informed on the DEC sessions beforehand. The DEC reviewed and satisfied remarks and opinions expressed by GYLA observers at sessions regarding inaccuracies in the summary protocol.

№32 GORI ELECTION DISTRICT

Complaints submitted to the district – there were 19 complaints filed with the district. Nine of them were submitted by GYLA observers, one by ISFED, one by the New Generation New Initiative (nGnI), one by the OSCE Election Observation Mission (EOM), one by the United Opposition, three by the Republican Party, one by the Multinational Georgia and one by the observer whose identity wasn't established⁶⁹.

Following violations were observed during the process of complaints review:

Not summoning parties at the complaint review – despite solicitation, the DEC didn't summon parties at the session.

Rejection of complaints – similarly to other election districts, reviewing complaints that were drawn up by 8PM proved to be problematic. #32 Gori District Election Commission reviewed complaints with the polling station only after an observer solicited. Complaints drawn up by other individual were given no consideration.

⁶⁷Refer to the May 25, 2008 verdict of Mtskheta Regional Court regarding the case #3/128-08; Ruling of the Court of Appeals wasn't submitted to the party at the time of the report preparation.

⁶⁸Refer to the complaint drawn up by GYLA observer, Amiran Zenaishvili regarding presence of the head of the Municipal Council as an observer;

⁶⁹ Only name and surname of the observer was indicated in the complaint. As he didn't attend the complaint review, name of the observation organization wasn't established.

Superficial review of complaints – superficial review of complaints by the DEC was observed. Complaints were reviewed without investigating circumstances, without calling witnesses and questioning them, without hearing explanations from observers. The commission asked questions in a cynical manner. Book of Records wasn't opened either.

Overdue submission of decisions – orders passed at the May 22, 2008 session of Gori DEC were submitted to GYLA representatives late, on May 23, 2008 at 2:45PM.

Record writing – the DEC record of proceedings doesn't reflect opinions expressed at the session, explanations of plaintiffs and their representatives.

Groundless decisions – complaint filed with the DEC regarded such significant facts as **expelling observers**⁷⁰, unauthorized individuals⁷¹ signing on the voter list **instead of voters**⁷², **ballot-box stuffing**⁷³, **multiple voting**⁷⁴, as well as **proxy voting**⁷⁵. Also, neither of the complaints was satisfied by the DEC. It shall also be noted that the DEC acted on its own initiative and revoked results of the polling stations #32 and #58, while GYLA complaints regarding the noted polling stations were assessed as notifications.

Legal proceedings – the Georgian Young Lawyers' Association appealed against decisions of #32 Gori District Election Commission ruling against GYLA complaints.

Verdict of Gori Regional Court regarding the polling stations #25 and #10 are noteworthy. As already mentioned, violation at the polling station #25 regarded expelling an observer from the polling station. As for the polling station #10, the violation regarded transmitting summary protocol from the station before it was registered. Court office was closed before 6PM on May 23, 2008. Due to the fact, GYLA observers filed suits regarding the noted polling stations next day⁷⁶. Court didn't refuse to accept the case. Both appeals were accepted for legal proceedings, although refused to satisfy the suit⁷⁷ for being overdue⁷⁸. The court didn't consider

⁷⁰Complaint drawn up by GYLA observer, Naili Saatashvili regarding the voting station #25; Complaint drawn up by the OSCE observer Yan Eglitis, GYLA observer Ketevan Makishvili and the nGnI observer Alexander Sigladze regarding the polling station #32; Complaint by GYLA observer Nino Baloian regarding the polling station #58, complaint by GYLA observer Tato Terunashvili regarding the polling station #62;

⁷¹Representative of the United National Movement for a Victorious Georgia election subject;

⁷²Complaint by GYLA observer, Naili Kharazishvili regarding the polling station #54;

⁷³Complaint #48 drawn up by GYLA observer, Malkhaz Shavidze and the Georgian Republican Party representative, Nia Odiahsvili;

⁷⁴Complaint by the Multinational Georgia observer regarding the polling station #89;

⁷⁵Complaint by the Republican Institute observer Davit Khubuluri regarding the polling stations #89 and 82;

⁷⁶Decisions of the DEC regarding the noted polling stations were submitted to GYLA representatives late, on May 23, 2008 at 02:45PM;

⁷⁷Refer to the May 27, 2008 verdict of Gori Regional Court regarding the case #3/198-2008 and the May 26, 2008 verdict of Gori Regional Court regarding the case #3/200;

the facts that the office of court was closed before 6PM and that decisions were submitted to GYLA late⁷⁹.

As for the polling station #54, the fact of the United National Movement (UNM) proxies signing the voting least instead of voters, as well as the fact of expelling observers from the polling station was monitored by GYLA observer **after the closing of the polling station**.

Despite of the fact that according to the plaintiff, the person indicated in the complaint was the representative of the UNM and was present at the polling station after the polling was started and before the summary protocol was drawn up, the court stated following in its ruling: “the court can not endorse suggestion of the plaintiff regarding Z. Ginturi, a “not-registrar”, signing the voter list at 8:00PM, after polling procedure was over and when they were starting to draw up a summary protocol at the station, as established factual circumstances confirmed that Z. Ginturi, as a voter at the polling station #54 exercised his electoral right **before polling was over**”⁸⁰.

In the court verdict regarding the expelled observer it is noted that observer’s rights foreseen by the Election Code were indeed violated, but Gori DEC had already passed ruling regarding the issue; namely, the DEC chairman was reprimanded.

Ruling of Gori Regional Court against the complaint filed by GYLA observer was appealed against in Tbilisi Court of Appeals. Tbilisi Court of Appeals reviewed the suit on May 29, 2008 and held up the ruling of Gori Regional Court.

Finally, it shall be noted that the May 26, 2008 verdict of Gori Regional Court⁸¹ revoked results of the polling station #79.

№33 KARELI ELECTION DISTRICT

Complaints submitted to the district – there were 11 complaints filed with Kareli Election District. Two of them were drawn up by GYLA observers, one by ISFED and four by the Labor Party.

GYLA complaint regarding the polling station #21 demanded examination of the summary protocol data. The complaint was satisfied. As for the second complaint it regarded absence of registration journal at the polling station #21. The noted fault was eliminated after the complaint was drawn up. The basis of the ISFED complaint was a late transfer of the ballot-box at the polling station #4. As a consequence of

⁷⁸We were refused due to groundless claims regarding the polling station #19 as well;

⁷⁹Refer to the chapter regarding late submission of decisions;

⁸⁰ Refer to the May 25, 2008 verdict of Gori Regional Court regarding the case #3/199-2008;

⁸¹Refer to the May 26, 2008 ruling of Gori Regional Court regarding the case #3/202;

the complaint, the DEC chairman and two members of the commission were forbidden to take part in the commission of next elections.

As for the Labor Party complaints⁸², two of them regarded **ballot-box stuffing**; one was satisfied. Others regarded unregistered complaints⁸³ and violation of polling procedures at the polling station⁸⁴. Noted complaints were ruled against.

Legislative norms were observed during complaint review. It is interesting to note that witnesses indicated in complaints – political party or bloc proxies – frequently refused to attend the session and testify.

№35 KHASHURI ELECTION DISTRICT

Complaints submitted to the district – ten complaints were filed to the DEC. Six of them were drawn up by the United Opposition, two by the Republican Party and two by GYLA.

Complaints mainly regarded ballot-box stuffing⁸⁵ or attempts of ballot-box stuffing⁸⁶. The DEC mostly didn't consider the complaints⁸⁷ (despite of the fact that it examined factual circumstances stated in the complaints at the session), or refused to satisfy them⁸⁸; the complaint filed regarding the polling station #4 was transferred to Khashuri Regional Office of Prosecutor to be properly reacted upon.

№36 BORJOMI ELECTION DISTRICT

⁸²Complaint by the Labor Party representative, Irma Nozadze regarding the polling station #4 and complaining by Lela Nozadze regarding the polling station #5. Complaint regarding the polling station #4 was satisfied;

⁸³Complaint drawn up by the Labor Party representative, Lela Nozadze regarding the polling station #4;

⁸⁴Complaint drawn up by the Labor Party representative, Lela Nozadze regarding the polling station #4;

⁸⁵Complaint drawn up by representative of the United Opposition, Rezo Gelashvili regarding the polling station #21; Complaint drawn up by the United Opposition representative, L. Golubiani regarding the polling station #9; Complaint drawn up by the United Opposition representative, Lasha Gamtsemlidze regarding the polling station #36; Complaint drawn up by the United Opposition representative, Besik Sarjveladze regarding the polling station #4; Complaint drawn up by the Republican Party representative, Nino Gogniashvili regarding the polling station #7;

⁸⁶Complaint drawn up by the United Opposition representative, L. Golubin regarding the polling station #17;

⁸⁷ Complaint drawn up by the United Opposition representative, Rezo Gelashvili regarding the polling station #21; complaint drawn up by the United Opposition representative, L. Golubin regarding the polling station #17; complaint drawn up by the United Opposition representative, Lasha Gamtsemlidze regarding the polling station #36;

⁸⁸Complaint drawn up by the United Opposition representative, L. Golubin regarding the polling station #17; complaint drawn up by the United Opposition representative, L. Golubin regarding the polling station #9; complaint drawn up by the United Opposition representative Besik Sarjveladze regarding the polling station #4; complaint drawn up by the Republican Party representative, Nino Gogniashvili regarding the polling station #7;

Complaints submitted to the district – there was one complaint submitted to Borjomi DEC. The complaint was filed by the United Opposition proxies.

Commission Sessions – the DEC invited parties while reviewing the complaint; representatives of other political parties and ISFED. The commission didn't satisfy the complaint due to groundless claims. The decision of the commission provided legal reasoning. No obstacles were observed about admitting and reviewing the complaint.

№37 AKHALTSISKHE ELECTION DISTRICT

Complaints submitted to the district – there were 27 complaints submitted to Akhaltsiskhe District Election Commission. Four of them were filed by ISFED. The rest was filed by the representatives of the United Opposition, nGnI and three representatives of the Republican Party. Six of the complaints were satisfied. 21 were ruled against.

1. Representatives of ISFED filed a complaint with the polling station #20. The complaint regarded the fact that three voters voted without application of indelible ink and managed to slide ballot-paper into the box. 2. Complaint was submitted to the polling station #26 regarding inaccurately filled out protocol. The protocol, submitted to the Election District, didn't have the seal attached to it. 3. Complaint concerning the polling station #4 was submitted by ISFED to the Election District. The complaint regarded ballot-box stuffing. 4. Complaint of a similar content was filed by seven observation organizations with the polling station #4.

Commission Sessions – parties were called during complaints review; representatives of other political parties and ISFED.

Complaint submitted with the polling station #1 regarded the following incident: having arrived at the station a voter learned that there was a signature along his surname. The court rejected the complaint. It was noted that such incident wouldn't happen again. 2. Four complaint were submitted regarding the polling station #4: attempt of ballot-box stuffing, pre-signed ballot-papers. The complaints demanded making the PEC member answerable. The District Commission issued warnings in the name of the commission members. 3. Stationary ballot-box wasn't sealed at the polling station #28. Complaint was drawn up. The DEC issued reprimand. 4. The poling station #18: Two voters – a mother and a son entered the polling booth for secret voting together. 5. Individuals whose names were transferred to the voter list's enclosure couldn't find themselves on the general voters' list. 6. Violation at the polling station #6: signatures of voters were found in the gaps designated for registrar's signatures. Signatures of twenty voters were redone. The DEC reviewed the complaint and issued warnings to the PEC members.

The commission reviewed complaint regarding the polling station #4 and revoked the disputable polling station. 2. The DEC refused to consider the complaint drawn up by ISFED regarding the polling station #20 and cited the fact that the complaint wasn't registered in the registration journal as a motive, which is a complete absurd. Under Articles 62 and 62 of the Georgian Election Code, complaint submitted to the Election District is subject to immediate review.

No other problems were observed on complaint submission.

№40 AKHALKALAKI ELECTION DISTRICT

Appeals submitted to the district – seven complaints were submitted to Akhalkalaki DEC.

1) Complaint drawn up by #67 Precinct Election Commission member (from the Labor Party), N.Melkidze regarding absence of a special voter list at the polling station.

2) International observer at Akhalkalaki #40 polling station, Konstantina Molikov filed a complaint regarding the fact that party lists weren't posted for public scrutiny at the polling station. She requested access to the video surveillance materials.

3) A single polling booth was designated for 1004 voters at the polling station #67. The complaint was submitted by Soso Balakhadze, representative of Christian-Democrats.

4) The complaint drawn up by #67 Precinct Election Commission member from the Labor Party, Nazi Melkidze relates to the following fact: representative of the NGO New Generation New Initiation (nGnI), Vartanian accompanied with several adolescents invaded the polling station and snatched envelopes. The PEC chairman didn't react. He was also supported by the U.S. Embassy observer, Giorgi Naljiani. Afterwards, an officer of Akhalkalaki Board of Administration, Kabadiani entered the polling station and insulted Melikidze.

5) Member of #67 Precinct Election Commission, Mariam Grigorian and the nGnI observer Vartuy Takuy draw up a complaint against the member of #67 Precinct Election Commission, Melikidze. According to the complaint Melikidze hinders the voting process; the complainants demand her expulsion from the polling station.

6) Application written by Konstantin Botiku, an international observer. He demanded access to the video surveillance materials from the DEC.

7) Konstanta Molikov, an international observer at Akhalkalaki polling station #40 submitted a complaint regarding absence of party lists at the polling station for public scrutiny. She also requested access to video surveillance materials.

Commission sessions – parties were called by the DEC at the review of appeals; representatives of political parties and non-governmental organizations. The commission didn't satisfy any of the complaints reviewed at the session, mainly citing groundless claims as a motive. It shall be noted that complaints indeed lacked ground and didn't describe any actual violation and corresponding evidence.

No problems were observed during the review of appeals. Decisions were submitted to the parties according to the legislation.

№51 ZESTAPONI ELECTION DISTRICT

Complaints submitted to the district/decisions of the district – one complaint was submitted to Zestaponi Election District by the Georgian Young Lawyers' Association regarding a voter presenting an inappropriate document for voting at the polling station #37. The DEC rejected the complaint, for the reason that the complaint wasn't addressed to the DEC as well.

The report of proceedings of the session was submitted to the litigant late, which didn't allow appealing against the decision in court within established timeframes.

Initially, the DEC activities weren't transparent. Observers were required to watch the process from the place the DEC had designated for them. As a result of the observers' remarks and claims the requirement was later revoked.

№52 BAGHDATI ELECTION DISTRICT

Complaints submitted to the district/decisions of the district – a single complaint was submitted to the DEC⁸⁹ regarding an attempt of vote buying in the name of a registered candidate on election day. The complaint requested removing the UNM's majoritarian candidate from registration due to the attempt of vote buying; namely, in the Post Office building located at territory near the polling station #9, at the table where campaign materials of the MP candidate, Temur Kokhodze (from the United National Movement) were placed, cash was given out to the population. Video material was enclosed to the complaint.

The DEC refused to review the complaint, citing that under Article 73.9¹ of the Election Code the noted issue is subject to court review only⁹⁰.

⁸⁹Refer to the complaint drawn up by the United Opposition representative, Akaki Fanchulidze regarding de-registration of Temur Kokhodze, majoritarian MP candidate from the UNM for Baghdati;

⁹⁰Refer to the May 22, 2008 order #73 of Baghdati #52 DEC;

It shall be noted that the election administration didn't exercise its authority under Article 77^{1.15} "b" of the Election Code to file a suit in court regarding the noted incident.

№54 SAMTREDIA ELECTION DISTRICT

Three complaints were filed with **Samtredia Election Commission**.

- 1) By ISFED – request regarding the polling station #38 to revoke ballot-papers of the portable ballot-box.
- 2) Complaint drawn up by #10 Precinct Election Commission member (presence of unauthorized individual at the polling station).
- 3) Complaint drawn up by the member of #10 Precinct Election Commission (verbal abuse by other member of the same PEC). Neither of the parties faced problems regarding registration of the complaint.

Commission Sessions – complaint drawn up by ISFED representatives, regarding the polling station #38 was submitted to the Election District as well. The complaint regarded ballot-papers of the portable ballot-box which were neither signed nor sealed. The complaint demanded revocation of the portable ballot-box of the polling station #38. The complaint was reviewed at the polling station and the PEC satisfied it, i.e. the portable ballot-box was revoked. The DEC approved the noted fact as a notification.

Problems weren't observed about admitting and reviewing complaint.

№56 CHIATURA ELECTION DISTRICT

11 complaint were submitted to **Chiatura DEC** by political subjects. None of them was filed by ISFED. The Christian-Democratic party filed two complaints, while the Untied Opposition filed nine.

Rostom Tsartsidze, representative of the Christian Democratic Party filed two complaints regarding pressuring voters at the polling station #23. The complainant noted that management of Georgian Manganese Ltd. forced electors to vote for the United National Movement and its majoritarian MP candidate.

The second complaint was drawn up by Rostom Tsintsadze as well, regarding spread of campaign materials at the polling station #23. The complainant states that the noted materials were distributed on behalf of Gela Mikadze, head of the village. He also made locals vote for the UNM.

Nine complaints were submitted by the representative of the United Opposition, Maka Kapanadze regarding accuracy of the voter list's enclosure at the polling stations #35, 28, 27,23,22,21,20,19,15. The complainant claimed that number of records was inflated. She stated that individuals who could independently arrive at the polling station and didn't need to vote through a voter list's enclosure were included in the document.

Commission Sessions – other observation organizations didn't submit complaints to the district. As for complaints filed by political parties (11 complaints), they were reviewed in accordance with procedures foreseen by the law and were rejected due to groundless claims. Parties were invited at the review session and they were submitted decisions.

No other problems were observed regarding complaint submission.

№57 TKIBULI ELECTION DISTRICT

One complaint was filed with the **DEC** by ISFED. Problems weren't observed about registration of complaints. The complaint regarded vote buying. Majoritarian candidate from the Christian-Democratic Alliance, Ekaterine Mindadze was signing agreements with locals to grant 100GEL to every elector who would vote for her. De-registration of the majoritarian MP candidate was demanded. Our complaint was submitted to the DEC on May 20.

The DEC reviewed the complaint on May 21. The session was attended by all members of the DEC, lawyer of E.Mindadze, Tamar Shengelaia (Tkibuli regional coordinator of ISFED). The DEC discussed the issue and decided that it's not within the DEC's competency to review the noted complaint; correspondingly the complaint was transferred to Tkibuli District Court.

The court didn't review for it was overdue.

Problems weren't observed about admitting a complaint and issuing corresponding documentation by the DEC.

№58 TSKALTUBO ELECTION DISTRICT

Complaints submitted to the district – five complaints were filed with Tskaltubo #58 Election District. Three were filed by GYLA representatives; two were filed by representatives of election subjects.

District sessions – it is noteworthy that complainants weren't called at the DEC session when reviewing complaints submitted by election subjects. It is also

important to note that sessions were scheduled spontaneously; if observers hadn't stayed at the district during 24 hours, neither they would have been able to attend the DEC sessions.

Complaints draw up by the Georgian Young Lawyers' Association, addressed to the DEC mainly regarded the PECs having interfered with ballot-paper packages and broken the seal on the basis of a phone call from the DEC on May 20, before election day. The PECs cited possibility that ballot-papers for majoritarian voting belonged to other district as a motive; GYLA complaints also regarded to the fact that election documents⁹¹ arrived from a specific polling station to the district with no seal applied. Tskaltubo District Election Commission reviewed complaints drawn up by GYLA representatives. One of the complaints that demanded the polling station results be counted anew was satisfied. The DEC refused to satisfy the rest of the complaints⁹², stating that the violation didn't have essential influence on results⁹³.

Legal Proceedings – GYLA appealed against the decision of Tskaltubo DEC in District Court, as well as the Court of Appeals. It shall be noted that both courts endorsed trial testimonies given by the PEC members on opening ballot-paper packages without damaging the seal⁹⁴, cutting several centimeters only, while in fact the PEC noted in its decisions (corroborated by report of proceedings of the May 22, 2008 session) that although violations indicated in the complaints did indeed take place (interfering with ballot-paper packages and breaking the seal), it didn't influence polling.

№59 KUTAISI ELECTION DISTRICT

Complaints submitted to the district – ten complaints were filed with Kutaisi District Election Commission. Nine were drawn up by GYLA; one was drawn up by ISFED observers.

Noted complaints mainly regarded procedural violation on election day by the PEC members. Out of the ten complaints the DEC decided to impose administrative sanction on members of three PECs for violating election day procedures.

Late issuance of the district's decisions – it shall be noted that the district submitted one of its decisions regarding GYLA complaint to observers late, which deprived the

⁹¹ Record book, ballot-papers designated for election subjects, voter lists, revoked and flawed ballot-papers;

⁹²The complaint regarded annulment of the polling station for the reason of interfering with ballot-paper packages and breaking the seal by the PEC members prior to election day;

⁹³Refer to the order #050/2008 of Tskaltubo Election District #58.

⁹⁴Refer to the May 24, 2008 ruling of Tskaltubo Civil Court on the case #3/14 and the May 27, 2008 ruling of the Court of Appeals on the case #3/b-338-2008;

observers from the possibility to appeal against the decision in proper time. Correspondingly, GYLA lawsuit vs. Kutaisi DEC wasn't reviewed by Kutaisi City Court⁹⁵.

Legal proceedings – Kutaisi Regional Court ruled against GYLA's second complaint regarding procedural violations by means of portable ballot-box⁹⁶. In its decision the court clarifies that: "the DEC members and chairman weren't forbidden to facilitate mobile voting for those voters who for objective reasons weren't able exercise their constitutional rights during the first time the commission went out to the district. Correspondingly, the commission didn't violate the Election Code".

Complaints filed with the Central Election Commission – it shall be noted that GYLA observers exposed inaccuracies in the summary protocols of Kutaisi Election District Commission. A complaint addressed to the CEC was drawn up. At the May 31 session the CEC ascertained that error was indeed made while filling out the summary protocol. The CEC satisfied GYLA's complaint and instructed Kutaisi DEC to draw up a correction protocol of the district summary protocol.

№60 OZURGETI ELECTION DISTRICT

Complaints filed with the district – 36 complaints were filed with Ozurgeti District Election Commission. Ten were filed by GYLA observers, three by ISFED observers. Neither of the complaints or solicitations submitted to the district was satisfied. 19 of them were given no consideration.

Significant violations were observed during the complaints review at Ozurgeti DEC; such as – parties weren't informed about the session date, complaints weren't registered, complaints were unlawfully rejected for consideration, making groundless decisions, submitting decisions to parties late, etc.

Failure to inform parties about the session date – complainants/representatives of election subjects didn't attend sessions where complaints filed with the district were reviewed. As the DEC chairman clarified, they were invited but didn't turn up. The fact that the DEC is authorized to inform parties on the session date by means of telephone, made it impossible for us to examine the noted information; although, it shall be mentioned that one of the observers of GYLA had submitted complaint to the DEC. No one from the district got in touch with him to inform about the session date. If it hadn't been for 24-hour observation of GYLA observers, complaints

⁹⁵Refer to the May 25, 2008 verdict of Kutaisi Civil Court regarding the case #3/73;

⁹⁶The portable ballot-box taken out of the polling station in the morning was returned at 02:50PM and sealed according to legal norms. Afterwards, under the DEC direction they removed the seal from the ballot-box and took it out of the station to collect the rest of the votes. The ballot-box taken out of for the second time was returned to the polling station 30-40 minutes later.

submitted by the organizations would have been reviewed in absence of representatives.

Failure to register complaints – as district observers of organizations noted, the DEC secretary received complaints drawn up by representatives of opposition parties; although, didn't register them in accordance with law. Only after corresponding instructions were given and observers of organizations intervened, the district secretary started registering submitted complaints.

Unlawful refusal to consider complaints - the District Election Commission gave no consideration to complaints submitted to the district by GYLA and other organizations/election subject. One of the complainants, for example, demanded revoking **summary protocols** of a polling station. Complaints **drawn up by 8PM on election day** were refused to be considered as well.

The commission unlawfully considered that under Article 34.2"v" it had no right to review the complaint regarding **annulment of the summary protocol**⁹⁷. Correspondingly, complaints posing noted demands were given no consideration⁹⁸ (it shall be noted that on basis of GYLA complaints different DEC's made 7 decisions to revoke or re-examine summary protocols of polling stations; correspondingly, legal reasoning cited by Ozurgeti DEC for giving no consideration to the complaint is groundless).

As it was noted, the DEC unlawfully gave no consideration to the complaints regarding violations of election procedures, stating that the review of noted complaints were not within the DEC's competence⁹⁹. We would like to remind that as we have mentioned more than once, changes made to the Election Code on May 21, 2008, obligate the DEC to register and review complaints regarding election procedures¹⁰⁰.

Groundless decisions/inaccurate description of details in the session's record of proceedings – decisions of the #60 District Election Commission do not indicate motive or basis of the ruling, it can only be established on the basis of the session's report of proceedings; although, during the review of the complaint drawn up by GYLA observer concerning the polling station #11 (the complaint regarded including those electors on the portable ballot-box's list who weren't registered by proper law in the registration journal two days before election day). The DEC considered that the observer shouldn't have indicated May 21, 2008 as the date

⁹⁷Articles 61.5.; 51¹.3, 104.2 of the Georgian Election Code foresee examination of the polling station's annulment and correspondingly, of the results of the polling station;

⁹⁸Complaints drawn up by the United Opposition-the Rights representative, V. Gobronidze regarding the polling stations #11,13,14,15,21,31,33,34,37,40,42,48,52,54,58,60; Complaint drawn up by the Georgian Young Lawyers' Association observer, Levan Chkhaidze regarding the polling station #11.

⁹⁹Refer to the record of proceedings of the May 23, 2008 session#19 of #60 Ozurgeti District Election Commission;

¹⁰⁰Refer to Article 62.1 of the Georgian Election Code;

violation was committed (the day, when the commission member included voters unregistered at the polling station on the portable ballot-box's list) but May 19 instead (!) (this is the last day for voters' registration on the list of the portable ballot-box). Regarding the noted decision, report of proceedings of the session noted that the reason for rejecting the complaint was absence of the date violation was committed¹⁰¹.

Although complaints submitted to the District Election Commission regarded important violation such as excess of ballot-papers in comparison with the number of signatures on the list¹⁰², absence of signatures on the summary protocol of a polling station¹⁰³, unauthorized revision of summary protocols, inclusion of the voters not registered by proper rule in registration journal on the portable ballot-box's list¹⁰⁴, selection of registrars without sortition¹⁰⁵ (the DEC gave no consideration to the latter, stating that reviewing complaints regarding the course of election wasn't within its competency), interference of the DEC chairman with an observer's authority¹⁰⁶. The District Election Commission didn't consider any of the complaints to be relevant and ruled against them.

At this point, it is important to note another unlawful decision of the DEC – during the review of the complaint regarding utilization of administrative sanction against the PEC chairman¹⁰⁷, the DEC made the decision for **the DEC chairman to personally decide on the issue**. It shall be noted that the DEC is a collegial public establishment that has the right to make a decision regarding officials of inferior election administration only collegially¹⁰⁸.

Belated issuance of the district's decisions – the DEC issued decisions made regarding the complaint review 24 hours late, which deprived GYLA observers from the possibility to appeal against the decision in court in proper time.

Unequal approach of court toward lawsuits – as for the stage of court review, unequal approach of court toward settling one and the same issues is notable. For example, as it was mentioned decisions made by the DEC were submitted to GYLA

¹⁰¹ Refer to the record of proceedings of the May 23, 2008 session#19 of #60 Ozurgeti District Election Commission;

¹⁰² Complaint drawn up by Vasil Gobronidze (representative of the United Opposition) regarding the polling station #54;

¹⁰³ Complaint drawn up by Vasil Gobronidze (representative of the United Opposition) regarding the polling station #54;

¹⁰⁴ Complaints drawn up by GYLA and ISFED representatives, Levan Chkheidze and Tamar Kupradze regarding #11 Precinct Election Commission;

¹⁰⁵ Complaint drawn up by GYLA observer, Tamar Surguladze regarding the polling station #55;

¹⁰⁶ Observer of the NGO Former Political Prisoners for Human Rights, M. Kochlamazashvili – the polling station #52;

¹⁰⁷ Complaint drawn up by N. Tsetskhladze, GYLA observer. The complaint demanded imposing administrative penalty on #2 Layturi PEC chairman;

¹⁰⁸ Refer to Article 34 of the Georgian Election Code;

observers late, which deprived the organization from the possibility to file lawsuits in court in proper time. It shall be noted that Ozurgeti District Court (one and the same Judge) received and ruled on one complaint filed by GYLA, although the time for appeal had expired¹⁰⁹, while it left another complaint unconsidered citing expiration of appeal time as a motive¹¹⁰.

Regarding the reviewed appeal it shall be noted that both the Court of First Instance, as well as the Court of Appeals confirmed circumstances indicated in GYLA's lawsuit – unsealed packages of ballot-paper - although neither considered the noted fact to be an important circumstance that may have caused invalidation of the polling station results¹¹¹.

№61 LANCHKHUTI ELECTION DISTRICT

Complaints submitted to the district – five complaints were submitted to Lanchkhuti Election District. Two were submitted by GYLA observers, one was submitted by ISFED observers and two were submitted by representatives of political parties¹¹².

Complaints filed by organizations regarded the fact that unsealed election documents and the summary protocol without seal attached to it were transferred to the DEC from the polling stations¹¹³; the DEC, the District Court and the Court of Appeals ruled against the complaint claim to revoke results and the summary protocol of corresponding polling station. The courts upheld circumstances indicated in complaints, but they considered that unsealed election documents and absence of a stamp on the district's summary protocol do not represent the circumstance that may cause invalidation of the polling station's results and summary protocols¹¹⁴.

As for complaints filed by representatives of political parties, they weren't given consideration by the DEC, as one of them hadn't eliminated noted inaccuracy, although the DEC's chairman had established the timeframe to do so. The second

¹⁰⁹Refer to the May 25, 2008 decision of Ozurgeti District Court;

¹¹⁰Refer to the May 27, 2008 verdict of Ozurgeti District Court in the case #3/105;

¹¹¹Refer to the May 29, 2008 verdict of Kutisi Court of appeal in the case #3/b-394-08;

¹¹²Complaint drawn up by the Traditionalists – Our Georgia, Women's Party representative, Sergo Tughushi - #61/04 regarding agitation near the territory of Orgvisghele polling station; complaint drawn up by the representative of the Industrialists' Party, Giga Pirtskhalaishvili - #61/16 regarding the ballot-paper of a special format posted in the polling booth at Khajalia polling station by one of the electors a sample displaying how to circle a ballot-paper.

¹¹³Polling stations of #61 Lanchkhuti Election District #14 and #9;

¹¹⁴Refer to the May 15, 2008 decision of Lanchkhuti District Court; the May 29, 2008 verdict of Kutaisi Court of Appeals in the case #3/b-393-08;

complaint itself indicated that the inaccuracy was eliminated right after it was revealed.

The district sessions – the district ensured invitation and participation of the complainants at the session, although the observers of organizations had to put certain efforts in to receive the DEC decisions on time.

The district's decisions – as for the decisions themselves, they included only resolution clauses. Basis of the decision was nowhere indicated.

№62 CHOKHATAURI ELECTION DISTRICT

Complaints submitted to the district – 13 complaints were submitted to Chokhatauri Election District. Ten were submitted by GYLA observers, three were submitted by ISFED observers. Most of the complaints filed by organizations regarded unsealed documents, with no stamps attached to it that were sent from polling stations to the district¹¹⁵.

Sessions/decisions of the district – representatives of both organizations attended the review of complaints. It shall be noted that the commission ruled results of the polling stations that sent unsealed ballot-papers to be counted anew¹¹⁶. As for the documents with no stamps attached to it and control sheets that were unsealed, the commission didn't consider the fact significant. Chairman of the PEC that had its summary protocol corrected, was imposed a 1000GEL penalty by the DEC¹¹⁷ under the Election Code.

It shall be noted that decisions made by the DEC included substantiations, although in most cases these substantiations were groundless and contradictory; for example, although by imposing a 1000GEL fined the commission corroborated disregard of law by the PEC, same order of the same DEC reads: “correspondingly, the claim is groundless¹¹⁸”. Also, the DEC considered unsealed election documents and absence of stamp on the summary protocol to be the result of the PEC chairman's “tiredness, hurried action and inattentiveness¹¹⁹”.

№64 SENAKI ELECTION DISTRICT

¹¹⁵Polling stations #7, 28, 21, 3, 36, 34, 6, 38, 29, 26;

¹¹⁶Order of #62 Chokhatauri District Election Commission #38/2008;

¹¹⁷Article 51¹.3 of the Georgian Election Code foresees penalizing a commission chairman and a secretary with 1000 GEL for the data entered in in summary protocols;

¹¹⁸#62 Chokhatauri District Election commission order of the year 2008, #42/2008;

¹¹⁹Refer to orders of #62 Chikhatauri District Election Commission of theyar 2008, #41/2008 and #37/2008

Four complaints were submitted to **Senaki Election District** Commission. Three of them were filed by the United Opposition; one was filed by the Labor Party. It shall be noted that a number of complaints were drawn up by the PECs on polling stations regarding vote count procedures. These complaints weren't reviewed at the DEC.

There was one case when the representative of the United Opposition was refused complaint registration. The DEC meeting that was prolonged caused the complainant to miss the timeframe for registering the complaint that was bought to the DEC on time. After the session ended the complainant was informed that the registration journal was closed.

Commission Session – During the sessions, namely during portion of the session designated to review of complaints/applications Senaki DEC was rudely violating principles of the Election Code of the Organic Law of Georgia. Under Articles 61 and 62 the District Election Commission was obligated to review complaints received from the polling stations and to make a corresponding decision about them. The DEC chairman personally neglected the law and the DEC didn't review the complaint on the basis of the fact that it wasn't registered within the PEC.

№67 ZUGDIDI ELECTION DISTRICT

Fourteen complaints were filed with Zugdidi District Election Commission.

Three complaints were filed by the United Opposition,

Three were drawn up by the Georgian Politics representative,

One complaint was filed by the NGO Former Political Prisoners for Human Rights representative,

Six complaints were filed by the Christian-Democratic Movement-Giorgi Targamadze,

One was filed by the voter of the polling station #83, Temur Tsarghvava.

All statutes were observed in the process of registering complaints submitted to the district. The complaint was registered in the journal within one calendar day (after the complaint was submitted); session was held at the district. The session was attended by all DEC members, political party proxies, district observers from ISFED, as well as plaintiffs. All above listed complaints were considered groundless and were ruled against.

Three complaints were drawn up by the United Opposition representative, Roin Khijakadze: 1) regarding number of voters on the general voter's list that exceeded

norm. 2) Lack of time for voting at the polling stations #41; 27; 45; 61; 63; 79; 97; 43.
3) Violating law when filling out summary protocols.

Three complaints drawn up by the Georgian Politics representative, Lali Shengelia: 1) regarding activation of video surveillance. 2) Regarding the chairman of the polling station #29 having arrived late and failure to place the control sheet. 3) Voting by the elector from other polling district.

A complaint drawn up by Lela Shavidze, representative of the NGO Former Political Prisoners for Human Rights, regarded the fact of taking summary protocols out of the District Commission #67 building.

Six complaints were drawn up by Izaura Kolandaria and Davit Shvelidze, representatives of the Christian-Democratic Movement – Girogi Targamadze: 1) regarding police threat; 2) regarding number of signatures on the list; 3) regarding the attempt to vote with fake ID; 5) regarding the fact of proxy voting; 6) regarding loss of the ballot-paper.

A complaint filed by Temur Tsirghvava, a voter at the polling station #83. The complaint regarded the fact of granting voting right to another person. These complaints were reviewed by the DEC. The session was attended by political party proxies. Under Article 55 of the Election Code the DEC ruled against the plaintiffs.

Despite of the fact that formal side of reviewing a complaint was observed by the DEC, submitted complaints were improperly studied and evaluated, which influenced the result – neither of the complaints proved to be effective.

№68 TSALENJIKHA ELECTION DISTRICT

A single complaint was filed with **Tsalenjikha District** Election Commission by ISFED regarding procedural violations at the polling station #10 of the village Lia (unauthorized correction of data in the results protocol).

The complaint was reviewed at **the DEC session**; the PEC chairman and secretary were reprimanded.

It is interesting to note that after the DEC summary protocol was approved, it appeared that the protocol didn't reconcile correctly. Number of voters at the majoritarian protocol was eight more. The noted fact was appealed against by the United Opposition election bloc, demanding annulment of the summary protocol of majoritarian results of #68 Tsalenjikha Election District Commission. The demand was ruled against, although the DEC was instructed to examine majoritarian summary protocols at the district by means of drawing up the correction protocol by the DEC.

Under the May 29, 2008 order of the DEC changes were made to the majoritaria summary protocols of Lia polling station #11, Obuji polling station #16, Pakhuliani polling station #18 and Tsalenjikha polling station #25.

№70 POTI ELECTION DISTRICT'

Complaints submitted to the district – 24 complaints were filed with Poti DEC. One was filed by GYLA observers; two were filed by ISFED observers. By the DEC's decision 9 out of twenty-four complaints were given no consideration, two were satisfied, 13 were rejected.

It shall be noted that similar to Batumi DEC, Poti DEC reviewed all complaints submitted to the district and studied circumstances; nine of them that the court found groundless and the court passed the ruling to “give the complaints no consideration”, instead of not satisfying them.

The district's sessions – it is interesting to note that DEC sessions for complaints review were held on two days, May 22-23, but all decisions passed by the DEC were officially dated May 22. This deprived representatives of election subjects from the possibility to appeal against the DEC decisions in court in proper time.

№79 BATUMI ELECTION DISTRICT

Complaints submitted to the district – 59 complaints were submitted to the district, two were filed by GYLA and three by ISFED representatives. Out of the noted complaints, the DEC decided on 11 polling stations only; rest was given no consideration.

The districts' sessions – during its sessions the DEC members familiarized themselves with each complaint, although the commission gave no consideration to most of them, citing “groundless claims” as a motive. The noted motive **can serve as a basis for ruling against the complainant, instead of giving no consideration to it**, as cases of giving no consideration to complaints are strictly defined under the election law and mainly they regard violation of procedural norms, instead of groundless claims¹²⁰. Also, if the DEC has considered that a complaint is groundless, it doesn't necessarily mean that the commission has essentially discussed how grounded the complaint is, which (the discussion) correspondingly should have been followed by the order either on rejecting or on satisfying the complaint.

Decisions made by the district – it shall also be noted that the commission didn't pass decision on giving no consideration to complaints. If it weren't for observers of

¹²⁰ Refer to Article 62.2 of the Georgian Election Code;

the organizations, receiving information on the course of DEC sessions would have been impossible, as the only document reporting review of complaints – the DEC sessions' report of proceedings¹²¹ – describes situation at the DEC incompetently, obscurely and by indicating contradictory circumstances (the record of proceedings only lists complaints filed with and reviewed by the DEC, as well as decisions made by the district regarding several polling stations).

№80 KEDA ELECTION DISTRICT

Complaints submitted to the district – one complaint was filed with the DEC by GYLA observers¹²². During the process of reviewing the complaint, the witness (an observer from other organization) rejected his own testimony and as the complaint was based mainly on the testimony, the commission didn't satisfy GYLA's complaint as a groundless claim. The decision wasn't appealed in court for lack of evidence.

№81 KOBULETI ELECTION DISTRICT

Complaints submitted to the district – 16 complaints were filed with the district. Two of them were filed by GYLA observers one was filed by ISFED.

Rude violations of the election law were observed at Kobuleti Election District, such as – unlawful refusal to consider a complaint, submitting decision late to the litigant. It shall also be noted that unlike other complainants, GYLA and ISFED representatives were summoned to the session.

The district's sessions – Kobuleti DEC unlawfully refused GYLA observers to consider the complaint drawn up after 8PM¹²³. The noted fact was appealed in

¹²¹Refer to the record of proceedings at the may 23, 2008 session #13 of #79 Batumi DEC;

¹²²There were two kinds of ballot-papers in two envelopes at Keda Polling Station #29. The PEC chairman purposefully mixed these ballot-papers with other ballot-papers. Three members of #29 PEC protested and left the station. The complaint demanded annulment of voting results at the polling station;

¹²³The complaint regarded the fact that seals on ballot-boxes weren't checked at #17 Kobuleti District after the polling procedure was over. The PEC chairman didn't compare control papers of portable and stationary ballot-boxes and mixed envelopes placed in both ballot-boxes that way; ballot-paper counters weren't selected on sortition basis, number of electors on general and special voter lists weren't counted and compared to the number of envelopes;

Kobuleti District Court. The court ruled in favor of GYLA and commissioned Kobuleti DEC with studying the noted fact and making corresponding decision¹²⁴.

Later the noted fact was reviewed and wasn't satisfied by the DEC, the District Court and the Court of Appeals. It shall be noted that during the review of the complaint, witnesses (commission members and representatives of political parties at the polling station) changed their testimonies and rejected the incident of law abridgement at the polling station. The complaint drawn up and registered by the observer right after the violation was committed wasn't considered to be sufficient evidence by the court¹²⁵.

It shall be noted that request was filed with the DEC about holding the chairman of #17 Precinct Election Commission responsible for violation, which wasn't satisfied. The commission submitted its decision to GYLA late, depriving the organizations from opportunity to appeal against the decision in court in proper time.

The district's decisions – on May 24 a complaint was filed with the CEC regarding late submission of the DEC decision. The complaint demanded **holding the secretary of the DEC responsible for the violation** and prematurely revoking the secretary's authority under Article 21 of the Election Code. The CEC reviewed the complaint and didn't satisfy it due to the lack of evidence.

№82 SHUAKHEVI ELECTION DISTRICT

Complaints submitted to the district – one complaint was filed with #82 Shuakhevi District Election Commission by ISFED.

Commission Sessions – litigant organizations were invited at the complaint review. The complaint regarded the polling station #38 where two members were selected to escort the ballot-box without sortition. The complaint was reviewed by the DEC the same day, on May 21. All commission members expressed their opinions and noted that the violation does not interfere with polling process. Hence, request on revoking the portable ballot-box wasn't satisfied by the district. The DEC ruled the portable ballot-box to be counted at the polling station. The decision was voted for by 12 out of 11 commission members. The noted decision contradicts the law, as assigning functions on sortition basis is one of the core mechanisms of defense against dealing. Law shall be observed and neglecting statute is a basic violation of law, subject to penalty.

Problems weren't observed during the reception and review of complaints.

¹²⁴Refer to the May 15, 2008 ruling of Kobuleti Regional Court in the case #3-84;

¹²⁵Note that Khelvachauri Regional Court considered complaint drawn up at the polling station as an important evidence and cited absence of such complaint as a motive for not satisfying the lawsuit;

Nº83 KHELVACHAURI ELECTION DISTRICT

Complaints submitted to the district – 16 complaints were submitted to the District Election Commission. Three of them were filed by GYLA, two by ISFED observers. One complaint out of the 16 complaints received positive ruling. As observers noted, complaint review procedures **were superficial**, commission members **were declaring beforehand that no complaint would be satisfied**.

The district's sessions – it shall be noted that **complainants and observers weren't summoned** at the session on the first day of complaints review (GYLA's permanent observer accidentally learned at the district that complaints were reviewed in the room other than the DEC session room (the DEC chairman's office)). After the noted fact was protested, the DEC made its sessions public.

Khelvachauri District Election Commission reviewed GYLA's complaint on imposing disciplinary penalty on the chairman of the polling station #11 of the same Election District for violations observed at the polling station¹²⁶ (pressuring GYLA observers, not submitting complaints, attempt of ballot-box stuffing, etc.) **without litigants present**. Also, the DEC didn't satisfy GYLA complaints on revoking voting results for voting procedure violations by means of the portable ballot-box at the polling station #13, as well as for the PEC member's refusal to sign summary protocol of the polling station.

Legal Proceedings – the Georgian Young Lawyers' Association appealed against the decisions of the DEC regarding the noted issues in Khelvachauri Regional Court.

During review of the complaint regarding the polling station #11 the Regional Court **didn't uphold GYLA's claim that** pressuring observers and ballot-stuffing, attempts to vote by the citizens not on the voter list (due to this incident the observer left the polling station) were observed at the polling station. The court noted to the fact that the violations hadn't been registered in the book of records of election day, neither had the observer filed a complaint with the PEC¹²⁷. (It shall be noted that the court indicated the above listed circumstances when one of the basis of the complaint was unlawful activities of the PEC members by refusing to receive the complaint and pressuring the observer). Correspondingly, the court refused to satisfy GYLA's complaint – to commission Khelvachauri DEC to make corresponding decision regarding responsibility of the chairman of #1 Precinct Election Commission.

As for the complaint claim regarding the polling station #13 (GYLA requested the court to commission the DEC to study and make the decision on imposing disciplinary penalty on #13 Precinct Election Commission member, who illegally

¹²⁶Refer to the order #46/2008 of the DEC #83;

¹²⁷Refer to the May 25, 2008 decision of Khelvachauri District Court in the case #3-311;

refused to sign the summary protocol of the polling station)¹²⁸; It shall be noted that the court cited the fact that absence of the PEC member's signature didn't invalidate the summary protocol for submission as a ground for the decision, while the law imperatively obligates each member of the PEC to sign the summary protocol regardless necessity of the signature for establishing the quorum.

Nº84 KHULO ELECTION DISTRICT

Complaints submitted to the district – there were no complaints filed directly with the DEC. All complaints were transferred from districts.

Commission sessions – each and every complaint filed with the PECs were transferred to the DEC. 11 members of the DEC and a lawyer, ISFED district coordinator, GYLA observer assigned to the district attended the complaint review. Commission members endorsed the DEC chairman's opinion on not reviewing complaints received from the PECs and counting decisions of the PECs legal, as the complaint were reacted upon at the polling stations and the DEC's decision wouldn't change anything.

Problems weren't observed during reception and review of complaints.

THE CENTRAL ELECTION COMMISSION OF GEORGIA

Amendments made to the Election Code on March 21, 1008 that strictly defined rules of appealing against the decisions made by the DEC regarding polling stations **in courts only**¹²⁹. Role of the CEC from the point of view of adjudicating complaints has become passive. On election day and after the elections complaints mainly regarding violations during pre-election period were submitted to the CEC¹³⁰.

Noted amendments to the Election Code that changed general rules of appealing, frequently made it difficult to differentiate what type of decision was subject to be appealed in the CEC as opposed to be appealed in court directly.

¹²⁸ According to the section 60.4 of the Georgian Election Code, “all members of the Precinct Election Commission are obligated to sign the summary report to confirm their presence at the polling station”;

¹²⁹Refer to Article 77.3 of the Georgian Election Code;

¹³⁰An application of Davit Gogua, a majoritarian MP candidate of the Labor Party was considered at the CEC session of the May 22, 2008. The application regarded the fact of bribing a voter by a majoritarian MP candidate; also, the application submitted by the Republican Party representative, Irina Imerlishvili regarding excess of the number of elector at the polling stations; complaint filed by Roin Khijakadze, representative of the United Opposition – the Rights”;

For example, the CEC gave no consideration to the complaint drawn up by the Republican Party regarding the decision of #10 Gldani Election Commission citing the noted amendments as a reason. The complaint regarded housing the polling station #94 of the same district in inappropriate building.

The complaint drawn up by majoritarian MP candidate, Lasha Chkhartishvili of #60 Ozurgeti Precinct regarding the fact of leaving complaints filed with the same district without consideration¹³¹. When discussing the noted issue, The DEC declared that if an authorized person doesn't submit the complaint drawn up at the station before 8PM with the higher election commission, the complaint will be given no consideration. Similar reasoning contradicts section 62.1 of the Election Code. Under the section noted complaints shall be transferred to the higher election commission by the PEC.

At the May 25 session the CEC didn't satisfy complaint drawn up by GYLA observers regarding responsibilities of chairmen and secretaries of the following polling stations: Saburtalo #3, Kobuleti #81 and Bolnisi #23, citing lack of evidence as a motive¹³².

The commission didn't satisfy complaint drawn up by the majoritarian MP candidate from the Traditionalists, Our Georgia and Women's Party. In it the complainant noted that his surname was written mistakenly in the ballot-papers and the notice "de-registered" was written along his surname, instead of the surname of another candidate. The CEC based its decision only on information provided by Marneuli DEC chairman; according to the information no such facts had happened.

Later, complaints requesting annulment of the summary protocols of DEC's were submitted to the CEC. The CEC cited following arguments as the basis for not satisfying the noted complaints: circumstances indicated in the complaint were fictitious¹³³, complaint was submitted by an unauthorized individual¹³⁴, the complaint wasn't submitted in proper time and the CEC isn't authorized to discuss polling stations' summary protocols that have come into legal force¹³⁵.

¹³¹The May 25, 2008 session;

¹³²Facts of late issuance of the DEC decisions and giving no consideration to complaints;

¹³³ Complaint drawn up by the United Opposition demanding annulment of #64 Senaki District results; complaint drawn up by Irina Imerlishvili, representative of the Republican Party regarding activities of the members of #35 Precinct Commission of #79 Batumi Election District;

¹³⁴ Complaint drawn up by Irina Imerlishvili, representative of the Republican Party regarding activities of the members of #35 Precinct Commission of #79 Batumi Election District;

¹³⁵ Application by Dato Lortkipanidze, a majoritarian MP candidate from Girogi Targamadze-Christian Democrats regarding summary protocols of the polling stations #5 #21 #27, #8, #7 #10 #13 #16 #25 #29, #16 of #35 Vani Election District; complaints by the Labor Party proxy regarding polling stations of #26 Tetrtskaro and #5; complaint by the United Opposition proxy regarding

In only three cases did the CEC ruled to satisfy or partially satisfy claims submitted by GYLA, ISFED and the United Opposition – the CEC revoked decisions made by the district and commissioned the district to discuss facts stated in the complaint¹³⁶.

It shall be noted that the question regarding the CEC **take the initiative** and discuss the legitimacy of summary protocols of polling stations indicated in the complaint was raised several times at the sessions under subsection “n” of the section 1 of Article 29 of the Election Code; but arguments of the CEC members both, appointed by the ruling party and by professional status was rejected and motivated by the fact that as though the CEC doesn’t have such an authority over the specific cases presented for discussion.

During complaints review the CEC was trying decline all the responsibility and not to use the power granted by Article 29 of the Election Code, in order for the inferior election administrations to observe legislation.

CONCLUSIONS AND RECOMMENDATIONS

Implemented monitoring revealed numerous setbacks in how district electoral commissions work. The setbacks were caused by shortcomings of the existing Electoral Code, as well as disregard of legislative norms by electoral administrations. These setbacks were:

LEGISLATIVE SETBACKS

✓ **Complaints Regarding Procedural Violations on Election Day**

On March 21, 2008 changes were made to the Article 62 of the Georgian Election Code that regulates the rule of “reviewing complaints/applications regarding vote count and result summation”. Changes to the article obligated district election commissions (DECs) to register and review appeals addressed to the polling station regarding Election Day procedures, as well as vote count and result summation procedures; despite this, **election districts applied this provision inconsistently to the complaints drawn up on Election Day, before 8PM**. Some of the commissions reviewed and made decisions regarding the appeals, while others refused them

summary protocols of the following election districts: #10 Gldani, #11 Sagarejo, #22 Marneuli and #9 Nadzaladevi;

¹³⁶Application of ISFED on annulment of the decision made regarding #23 polling station of Senaki Election District, holding the PEC chairman and the secretary responsible; GYLA complaint regarding correction of the summary protocol of #59 Kutaisi Election District; complaint by the United Opposition to revoke majoritarian polling results of #68 Election District;

because they were not obliged by law to review this type of appeal. In some cases one and the same election district reviewed part of appeals regarding procedural violations on Election Day and rejected other similar appeals and justified the rejection for the above mentioned reason.

Certain inconsistencies between section 4 of Article 61 and section 1 of Article 62 resulted in inconsistent practices. Namely, according to Article 61.4 “if chairman of district commission could not or did not eliminate violations or refused to react on complaints/applications in any other form, plaintiff/author of application or in case of authorized organizations and parties/electoral blocs – its representative has the right to immediately present analogous complaint/application to the respective higher election district commission”. The above mentioned norm may be interpreted in two ways: **Either** – plaintiff/author of the complaint has the opportunity to immediately submit complaint/application regarding violation of voting procedures to the higher election district commission provided the chairman of PEC could not or did not eliminate the violation indicated in the complaint/application; **Or** – according to the above mentioned article, utilizing the opportunity of presenting appeal to the higher election commission is the “right” of the plaintiff. In case of not utilizing this right, requirements of the Article 62.1 will be activated. These requirements oblige district election commission to review both types of complaints that came in from the polling station.

Apart from its varied interpretation in practice, the above mentioned norm contains a certain drawback; namely, in the section 1 of Article 62, instead of reference to the section 1 of Article 61 (regarding complaints/applications made regarding procedural violations on Election Day), section 2 of the same article which regulates mandatory requisites in the above mentioned appeal/complaint is referred to out of context.

Recommendation: In order to make legislator’s will clear – that DEC shall register and review appeals drawn up at the polling station regarding procedural violations on Election Day – it is necessary for the first two sentences of the Article 62.1 be amended the following way – *“complaints-applications noted **in the first and the fifth sections of Article 61 shall be registered by the election commission’s secretary in the commission’s journal right after it has been received in the district election commission. Commission reviews the complaint-application and makes the decision within one calendar day”***.

✓ **Possibility of Filing a Complaint by the Election Commission Members**

Approach to reviewing appeals drawn up by the election commission member was inconsistent as well. Some DEC’s reviewed the noted appeal while some DEC’s rejected them for the reason that the appeals were drawn up by unauthorized

individuals. As it was more than once noted in the report¹³⁷, the legislation in force doesn't prohibit a commission member from drawing up an appeal; to the contrary, analysis of the legislation in force demonstrates that the election law recognizes the possibility of filing this type of complaint.

Recommendation: We consider that this issue needs to be regulated more clearly and distinctly, in order to eliminate inconsistent application of the law, as well as illegal rejection of appeals.

✓ **Possibility of Filing a Complaint by a voter**

Similarly to a commission member, possibility of a voter to submit a complaint with respective election administrations in case of election rights violation is somehow vague.

Recommendation: Although observation did not reveal facts of filing complaints by voters and correspondingly, rejecting their appeals, the above mentioned issue similarly to the authority of a commission member necessarily needs to be regulated.

✓ **Ineffective Timeframes of Appealing**

According to the changes made to Article 77 of the Georgian Election Code on March 21, 2007 timeframe for appealing against decision made about election issues is one, in some cases two calendar day after the appeal has been received. Not only timeframes were reduced, but also submitting well-founded and timely appeals/complaints during the May 21 parliamentary elections were problematic due to other factors as well – a written decision was issued at the end of the deadline (by 12PM of the following day the decision was approved), or after the deadline; the Central Elections Commission (CEC), as well as courts allowed submission of appeals/complaints by 6PM on a business day (before closing of chancellery).

It shall be noted that the issue of receiving appeals presented after 6PM were resolved by courts inconsistently. For example, Gurjaani Court clarified that a one day timeframe for appealing expired at 12AM next day, while Gori Court refused to review appeal due to its overdue submission (after 6PM). In Ozurgeti case the same Judge admitted the appeal after 6PM, but not other.

¹³⁷ Refer to the election monitoring reports of #10 Gldani and #27 Mtskheta election districts;

Article 3¹ of Election Code defines deadlines, although it doesn't define when a calendar day is over. In practice, the courts as well as the CEC only allowed submission of appeals/complaints by 6PM.

Recommendation: In order to make procedures for appeals submission more effective, we consider that the Election Law should define midnight as closing of a calendar day, while courts and the CEC due to the tight deadlines shall secure corresponding technical side of appeals/complaints submission.

✓ **Inconsistency between articles regulating appealing procedures**

Sections 18 and 19 of Article 77¹ of the Georgian Election Code, which foresees possibility of appealing in court regarding decisions and activities of the polling station's election commission without submitting complaint in District Election Commission, contradicts section 2 of Article 77. In accordance with the article, decision of the polling station's commission shall first be appealed against with district election commission and afterwards in court.

Recommendation: To avoid inconsistent practice and unlawful rejection to review appeals, the sections 18 of Article 77¹ of the Georgian Election Code shall be modified in accordance with the section 22 of Article 77 in a following way:

*“**Decision of the DEC** regarding actions and decisions of a PEC and its members during polling and tabulation of the voting results (other than drawing up of the summary protocol of voting results and its approval) may be appealed to the court...”*

✓ **Responsibility of Commission Members**

While reviewing appeals, DEC's were the most inconsistent on the matter of imposing sanctions on polling station's commission members. Frequently, it was impossible for them to understand what kind of measures to employ against the violators – often the commission concluded that a commission member violated the electoral law, although due to the fact that administrative legislation does not include respective regulations, district election commissions ruled against appeals or even more, they made orders regarding responsibility of a commission member without referring to respective normative acts, which from the legal point of view, are completely ungrounded decisions.

Frequently, election commissions employed disciplinary measures prescribed by the Law on Public Service, such as reproofs and warnings. Considering the fact that authority of a polling station's commission members is ceased within a maximum of ten days after E-Day, we think these measures are ineffective mechanisms.

Also, the Election Code foresees penalizing the PEC's chairman and secretary with 1000 GEL for making corrections to the summary protocol. Despite of the fact that during the May 21 parliamentary elections district election commissions actively utilized this measure, execution of the noted decision is questioned, as the legislation doesn't foresee procedural guarantees of executing the given norm. Also, existence of a norm containing a sanction in the Election Code is legally unjustifiable.

Recommendation: We would recommend introducing a norm in the Administrative Code of Violations that will regulate measures for making election administration members who infringed the law, answerable. Foreseeing similar sanction in the Administrative Code of Violations will in itself solve the problem of executing the norm.

✓ **Procedures of Reviewing Complaints**

Practice vividly demonstrated that DEC's which were simultaneously discussing appeals submitted to one and the same polling station by several individuals (instead of separately reviewing them, according to authors of the complaints), made better-grounded decisions.

Recommendation: In order to create a cohesive picture of violations that occurred at the polling station during Election Day, it is desirable for the DEC's' regulations to obligate district election commissions to review submitted complaints according to polling stations.

GENERAL DRAWBACKS IN PRACTICE

Apart from the fact that the Election Legislation needs to be improved from the point of view of reviewing/resolving appeals, legislation infringements by DEC's were problematic as well. They need to be responded to promptly and eliminated. Based on the monitoring findings, the following problematic trends were observed:

- ✓ **Groundless decisions** (#17 Telavi, #12 Gurjaani, #16 Kvareli, #58 Tskaltubo, #59 Kutaisi, #62 Chokhatauri, #61 Lanchkhuti, #60 Ozurgeti, #83 Khelvachauri, #3 Saburtalo, #22 Marneuli, #32 Gori, #33 Kareli, #35 Khashuri, #79 BaTumi, #70 Poti; #6 Samgori, #20 Rustavi, #10 Gldani election districts):

- a. *Decisions of election commissions lacked validity, respective election norms weren't referred to;*
 - b. *DECs frequently made the decision refusing to review appeals, instead of ruling against them, which is procedurally unjustifiable;*
 - c. *DECs rejected complaints for the reason that demand wasn't indicated in the complaint. It shall be noted that the election legislation doesn't recognize demand as a necessary requisite of a complaint*
- ✓ **Illegal refusal to review a complaint** (#16 Kvareli, #1 Mtatsminda, #3 Saburtalo, #22 Marneuli, #81 Kobuleti, #83 Khelvachauri, #32 Gori, #79 BaTumi, #70 Poti; #60 Ozurgeti election districts);
 - ✓ **Failure to summon witnesses at the complaint review and improper investigation of existing evidence** (#17 Telavi, #12 Gurjaani, #58 Tksaltubo, #23 Bolnisi, #32 Gori, #9 Nadzaladevi, #27 Mtskheta, #60 Ozurgeti, #10 Gldani, #83 Khelvachauri election districts);
 - ✓ **Purposeful failure to inform litigants of the date of complaint review** (#58 Tskaltubo, #83 Khelvachauri, #32 Gori, #9 Nadzaladevi, #22 Marneuli election districts);
 - ✓ **Late issuance of decisions on complaints** (#12 Gurjaani, #51 Zestaponi, #59 Kutaisi, #60 Ozurgeti, #61 Lanchkhuti, #62 Chokhatauri, #81 Kobuleti, #70 Poti, #23 Bolnisi, #32 Gori, #9 Nadzaladevi, #4 Krtsanisi, #5 Samgori election districts);
 - ✓ **Inadequate description of details in records of proceeding at sessions** (#23 Bolnisi, #6 Samgori election districts);
 - ✓ **Presence of unauthorized persons at the polling stations** (Dusheti, Telavi election districts) Monitoring revealed presence of unauthorized individuals having the status of observers.

STATISTICAL DATA

Number of complaints filed by organizations:

The International Society for Fair Elections and Democracy

Number of complaints written on election day – 137;

Number of complaints refused to be received – 10;

Number of complaints filed with the District Election Commission – 57;

Number of summary protocols appealed in court – 3;

Number of the DEC decisions appealed in the Central Election Commission – 1;

On the basis of complains drawn up by ISFED:

Results of 16 polling stations were revoked;
Results of 3 polling districts were partially revoked;
Election officials were held responsible in 14 cases;
Two officials were penalized under administrative rule;

The Georgian Young Lawyers' Association

Number of complaint written on election day – 147;
Number of complaints refused to be received – 4;
Number of complaints transferred to the District Election Commissions – 69;
Number of polling stations appealed in court – 29;
Number of the Election District's decisions appealed in the Central Election Commission – 5;

On the basis of complaints drawn up by GYLA:

Results of 11 polling stations were revoked;
Results of 7 polling stations were counted anew;
10 summary protocols were revised;
Election officials were held responsible in 12 cases;

Trends of reviewing complaints and reacting upon them¹³⁸ differed according to regions¹³⁹:

Regions	Number of Complaints	Complaints given no consideration	Satisfied complaints	Not satisfied complaints
Batumi ¹⁴⁰ Region	98	5	6	87
Kutaisi ¹⁴¹ Region	46	1	3	42

¹³⁸Regions are divided according to the regional division of ISFED and entails 40 district all over Georgia;

¹³⁹ Total number of complaints filed by election subjects with DEC's are implied;

¹⁴⁰ Adjara, Guria and Poti;

¹⁴¹ Imereti, Racha-Lechkhumi and Samegrelo-Zemo (Upper) Svaneti;

Gurjaani ¹⁴² Region	112	43	14	55
Tbilisi ¹⁴³ Region	216	11	28	177
Khashuri ¹⁴⁴ Region	65	6	12	47
total	537	66	63	408

¹⁴² Kakheti;

¹⁴³ The City of Tbilisi, Mtskheta-Mtianeti, Kvemo-Kartli;

¹⁴⁴ Shida Kartli, Samtskhe Javakheti;