

# The International Society for Fair Elections and Democracy



# ISFED

## Report on Monitoring the May 21, 2008 Parliamentary Elections

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## Table of Contents

1. Summary
2. About ISFED
3. Legal Framework
4. Registration of Electoral Subjects and Observers
5. Brief Overview of ISFED's Election-related General Activities
6. Pre-election Period
7. Mobilization of the Election Observation mission
8. Election Day
9. Election Day Monitoring and Parallel Vote Tabulation Findings
10. Media Report
11. Post-Election Period Monitoring
12. Legislative Gaps
13. Voters' Lists
14. Conclusion
15. ISFED Recommendations
16. Annexes

## Introduction

At the plebiscite held on January 5, 2008, 69,8% of voters of Georgia voted for holding the Parliamentary Elections in spring 2008. Based on the plebiscite's results, the date for holding the parliamentary elections was set on May 21, 2008. On March 21, 2008, the President of Georgia issued Decree N196, setting May 21, 2008 as the Election Day. In his statement, President Saakashvili called on local and international observer organizations to observe, through their delegations, the Parliamentary Elections scheduled for May 21.

ISFED instantly expressed its readiness to conduct monitoring of the elections. In the pre-election period ISFED conducted talks with donors, mobilized its observers' network staffed with ISFED's long-term observers and short-term activists across Georgia.

ISFED conducted monitoring over the pre-election, Election Day and pos-election periods and conducted Parallel Vote Tabulation (PVT) of the elections held by a proportionate system, on the statistically representative number of precincts throughout Georgia.

ISFED observers filled out standard Election Day procedure monitoring forms. ISFED Election Day final analyses are based on findings of those forms.

During the Election Day, ISFED observed, filled out and filed 137 complaints at Precincts, Districts and Central Election Commissions.

Based on the deficiencies detected by the election observation mission, ISFED developed a set of recommendations for improving the future election procedures.

## About ISFED

The International Society for Fair Elections and Democracy (ISFED) is a non-governmental, non-partisan, non-profit and impartial organization, which since its establishment in 1995 has conducted the large-scale monitoring of every election in Georgia. In addition, ISFED has monitored elections in Ukraine, Azerbaijan, Armenia, the USA, Kyrgyzstan, Albania, Kazakhstan and Norway by participating in international observation missions. ISFED is the only organization in Georgia, which conducted a Parallel Vote Tabulation and Parallel Turnout Tabulation (PVT/PTT) during the six

national elections held in 2003 Parliamentary, 2004 Extraordinary Presidential and Parliamentary, 2006 local self-government, 2008 Extraordinary Presidential and Parliamentary. Based on PVT/PTT results, ISFED disseminated the objective information regarding the election results.

In addition to the election-monitoring program, ISFED has implemented various projects aiming at supporting the process of democracy development in Georgia. Mainly, these projects supported the protection of citizens' legal rights by monitoring the activity of the government and promoting its accountability, responsiveness and transparency.

First in June 2004 and later in 2007, ISFED redefined its mission and strategy; identified priorities and developed new programs to further support democratic processes in Georgia. Main directions of the ISFED strategy for 2007-2009 are: Enhancing transparency and accountability of government; Monitoring and improving electoral processes in Georgia, protection of electoral rights; Integration into international democratic institutions and supporting establishment of principles recognized by respective institutions.

Complete information about ISFED activities in Georgian and English languages is available on the organizational web-site: <http://www.isfed.ge>

## **Legal Framework**

### **Electoral System and Appointment of Elections**

According to the law, Georgian Parliamentary Elections are appointed by the President of Georgia. The Constitution of Georgia and the Georgian Organic Law on elections and electoral process called the "Unified Election Code" (UEC) serve as the legal basis for the preparation and conduct of elections.

Based on the results of the 2003 Referendum, the number of the members of the Parliament of Georgia was set at 150. The subsequent amendments to the Constitution were made on February 23, 2005, according to which 100 members must have been elected by proportional and 50 members – by a majority system into the Parliament of Georgia. The norm was valid until March 12, 2008.

On March 21 the Parliament of Georgia adopted another amendment to the Constitution of Georgia, according to which 75 members are elected by proportional and 75 members – by a majority system into the Parliament of Georgia out of 75 single mandate districts. The threshold of elections of Parliament through proportional system decreased from 7 % to 5 %. According to the same

amendment, the winner is that majority candidate who receives a simple majority of voters participating in the elections in the district, though no less than 30% of those votes. In that district, where none of the candidates will clear the minimal 30% threshold, in 2 weeks the second tour of elections will be appointed, in which two majority candidates with the best results will participate.

Any party that had a representative in the prior Parliament or gathered the signatures of 30000 supporters qualified to participate in the Parliamentary Elections. As for majority candidates, they could be nominated only by political parties or blocs taking part in the elections.

## **Election Law**

The following normative acts were the legal documents for holding the Parliamentary Elections on March 23, 2008:

- Constitution of Georgia;
- Organic Law of Georgia “Election Code of Georgia”;
- Law of Georgia on Political Parties;
- Relevant articles of the Criminal Code of Georgia;
- Relevant Articles of the Administrative Misconduct Code of Georgia;
- Resolutions and Orders of the Central Election Commission.

## **Amendments in the Election Code of Georgia**

On March 21, 2008, the Parliament of Georgia adopted the amendments to the organic law of Georgia “Election Code of Georgia”. Some of important amendments are listed below:

The number of members of District Election Commission increased to 13, 6 of which are appointed by Central Election Commission and the remaining 7 members are appointed by political parties. It is noteworthy that the old 5-men composition basically remained, and the added members were appointed to hold directly Parliamentary Elections;

- Series of terms were clarified and specified in Article 3 (Definition of Terms) of the Election Code;
- The period for voters to check themselves in the voters’ lists increased to the same period relevant to the Presidential Elections;
- According to the Constitutional Amendment, the Election Code set the number of proportional (75) and majority quotas in Parliament;
- The procedures for issuing minutes and making decisions at the election commission sessions were clarified and specified;

- The structure of the commission to be staffed by CEC for the spending of election funds was clearly defined;
- Voting and tabulation procedures were clearly defined;
- Amendments were made in the details of the results summarization protocol;
- The law abolished the obligation to set a balance in the precinct summarization protocol;
- Only one counterpart of the summarization protocol was required;
- Changes were made in the provisions regarding the lodging and consideration of complaints; the law prescribed the obligation to define and remedy the gaps identified in complaints;
- The procedure for accreditation and registration of observer organizations (local and international) was modified;
- The law defined with greater clarity the instrument of utilization of administrative resources during the pre-election campaign, identifying the particular instances, in which it is possible to use the government-funded material goods in the pre-election campaign;
- The maximum number of voters in any election precinct was set at 1500;
- The precise procedure in order to request and view the video camera recordings was defined for the 2008 Parliamentary Elections; in particular, according to the new procedure, the person being in the polling building is allowed to request only 15 minute piece of video recording on condition of preliminary application and during the consideration of the complaint.

## **Registration of Electoral Subjects and Observers**

In all, 60 political parties filed applications for participating in the elections. Out of these parties, those not having a representative in the Parliament were given a 6-day term to gather the list of at least 30 000 supporters. Therefore, on April 1, no later than 50 days prior to the Elections, only 23 of them finally went through the registration process. The rest of the political parties were denied registration due to shortcomings in their applications and non-submission of lists of supporters or submission of incomplete lists. At least 43 days prior to the Election Day, namely on April 8, the political parties applied to the Central Election Commission for unification into a political bloc. As a result, 9 political parties and 3 electoral blocs were finally registered to participate in the Elections. According to election legislation, no later than 30 days prior to the Election Day, on April 21, the Central Election Commission assigned the numbers to the political parties and electoral blocks for the participation in the elections. According to the Election Code of Georgia<sup>1</sup>, the right to first choose the number is exercised by the political bloc gaining the best results by a proportional system in the previous parliamentary elections. The representative of such political bloc submits an application to CEC for rather retaining the number it had in the previous parliamentary elections or getting the first number. The right to choose a number in a similar vein can be consecutively exercised by the political blocks taking the second and third places in the previous parliamentary elections. Such

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<sup>1</sup> Article 99 of Election Code of Georgia

political blocks, too, may either retain the numbers they had in the previous parliamentary elections or choose the second or third numbers, respectively except where the number that either of them had in the number it had in the previous parliamentary elections or getting the first number has already been assigned to the political block with the result better than theirs. Except in the cases aforesaid, electoral subjects were assigned numbers at CEC session through a random casting of lots.

According to the law, the following three political parties with the best results in the previous parliamentary elections - Unified National Movement, "Right Opposition - Industrialists" and Labor Party of Georgia retained their numbers assigned them during the 2004 elections. Other electoral subjects were assigned numbers at CEC session through a random casting of lots. The numbers were distributed as follows:

- # 1 – Citizens political union "Georgian Politics";
- # 2 – Republican Party of Georgia;
- # 3 – "Right Alliance, Tophadze- Industrialists (I.S.G, Ertoba, NDP);
- # 4 – "Shalva Natelashvili- Labor Party of Georgia";
- # 5 – Unified National Movement- for Victorious Georgia"
- # 6 – Political Union" Sportsmen's Union of Georgia";
- # 7 –"United Opposition (National Council, New Rightists)";
- # 8 – "Radical-Democrat National Party of Whole Georgia";
- # 9 – Political Union "Christian-Democratic Alliance";
- # 10 – "Giorgi Targamadze - Christian-Democrats";
- # 11 – " Traditionalists- Our Georgian and Women's Party;
- # 12 – Political Party of Georgia "Our Country".

For May 21, 2008, Parliamentary Elections Central Election Commission registered and assigned observer's status to 58 international and 37 local non-governmental organizations. On April 3, 2008, an observer's status was assigned to International Society for Fair Elections and Democracy.

## **Brief Overview of ISFED's Election-related General Activities<sup>2</sup>**

In the pre-election and election periods, ISFED conducted a variety of election related activities. The main goal of the activities was to raise awareness of voters on election related issues and voters' lists

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<sup>2</sup> International Society for Fair Elections and Democracy launched and been conducting some of these activities even before the appointment of the 21 May 2008 Parliamentary Elections as part of ISFED's general activities.

as well as on Election Day and election timeframes. During the above period, ISFED implemented the following projects:

### **1. 2008 Elections, Informed Voters**

**Donor organization:** European Union (EU)

**Activities performed:** ISFED conducted Parallel Vote Tabulation and Election Day monitoring of the 21 May 2008 Parliamentary Elections of Georgia. ISFED coordinators concurrently held 75 public stands in 75 election districts of Georgia. ISFED prepared two video spots which were aired on 2 Georgian TV channels. Three live radio transmissions were made.

### **2. “I Vote for the First Time”**

**Donor organization:** Eurasian Foundation for Cooperation

**Activities performed:** I Vote for the First Time trainings were held for ISFED trainers who, in turn, conducted 100 one-hour trainings for those who had the opportunity to take part in the 2008 Parliamentary Elections for the first time. The trainings were also conducted for the applicants who failed to be enrolled in any of the higher education establishments of Georgia in 2007.

### **3. Georgia: 2008 Elections, Improvement of Voters’ Lists**

**Donor organization:** European Union (EU)

**Activities performed:** The project consisted of three phases and only two phases were implemented in the pre-election period. The project was implemented in 75 election districts of Georgia except of the conflict zones. Phase I of the project was the voter education campaign, the core goal of which was to explain to voters the reasons and importance of the door-to-door campaign (carried by Election Administration). Also, the project goal was to provide voters with information on when and how they could check their personal data in voters’ lists.

Within the scope of Phase II of the project, ISFED conducted monitoring of the entire process of the door-to-door voters’ list amelioration performed by the Election Administration.

Phase III of the project is aimed at fully auditing the voters’ lists by employing representative selection across the country. Auditing the voters’ lists will make it possible to evaluate the door-to-door voters’ list improvement performed by the Election Administration as well as to determine the overall quality of voters’ lists in Georgia.

### **4. Voter Information Campaign**

**Donor organization:** European Union (EU)

**Activities performed:** International Society for Fair Elections and Democracy implemented the project with Georgian Young Lawyers' Association. Within the frames of the project, organizations conducted voter information through three directions.

1. Media campaign – Organizations procured and aired four types of video and audio spots;
2. Hot-lines – Both organizations made active hot-line telephones in pre-election period, by which they made election related consultations to the voters and answered on the questions they were interested in;
3. Bus tours – ISFED and GYLA organized bus tours in 28 election districts of Georgia. Organizations' activist and volunteers informed the local citizens on election related issues simultaneously, in four directions of the country. Additionally, they organized role plays of Election Day procedures, during which population had an opportunity to participate in role play. All these promoted increase of public awareness towards Election Day procedures.

## 5. Building Voter Confidence in Election Processes

**Donor organization:** Swedish International Development Agency

**Activities performed:** The project was jointly implemented by two local non-governmental organizations: International Society for Fair Elections and Democracy (ISFED) and Georgian Young Lawyers Association (GYLA). In the post-election period, ISFED's 80 accredited district observers (with 2 observers in each district) observed the election processes in 40 districts of Georgia. At the same time, ISFED's accredited observers monitored the processes in the Central Election Commission following the Parliamentary Elections of 21 May 2008.

## Pre-election Period Monitoring

For the May 21, 2008 Parliamentary Elections of Georgia, International Society for Fair and Free Elections' pre-election monitoring mission covered 75 electoral districts. ISFED's observers conducted monitoring in 3 major directions. These are:

1. Monitoring of election administration at all 3 levels;
2. Monitoring of updating process of Unified Voters' List;
3. Monitoring of pre-election campaign - facts of pressure on and intimidation and bribery of voters.

ISFED launched pre-election monitoring on March 21 - the same date the Parliamentary Elections were appointed. From time to time ISFED informed monitoring results to the public through press conferences as well as its on-line bulletin – Election Update (3 editions).

## Election Administration

### Central Election Commission Monitoring

After the announcement of elections, Central Election Commission approved the timetable of election activities. ISFED observed the implementation of activities prescribed by the legislation by the Commission and adherence to the dates. Emphasized below are several monitoring findings:

According to timetable of election activities, no later than 30 days prior to the elections, April 21<sup>3</sup> was the last date for parties and electoral blocks to submit their party lists and majoritarian candidates to the Central Election Commission. On that day, every party/electoral block participating in the elections presented their respective lists to the Central Election Commission. It should be mentioned, though, that presentation of the Unified National Movement's list to CEC generated much attention<sup>4</sup>.

On the date set by the legislation, no later than 30 days prior to the elections, on April 21<sup>5</sup>, Central Election Commission for the Parliamentary Elections created special precincts abroad. For participation in the elections, total 49 election precincts in 35 countries have been created for voters of Georgia. The total number of voters residing abroad is 32 838<sup>6</sup>.

The same day, on April 30, voters registered for adding to the special list. For the Parliamentary Elections there is an increase in number of precincts and voters to compare with the January 5, 2008 Extraordinary Presidential Elections. ISFED conducted a comparative analysis of special precincts and registered voters for presidential and parliamentary elections. See the table:

<u>Regions</u>	<u>Presidential Elections</u>		<u>Parliamentary Elections</u>		<u>Difference</u>	
	<u>Precinct</u>	<u>Voters</u>	<u>Precinct</u>	<u>Voters</u>	<u>Voter qty diff</u>	<u>%</u>
Tbilisi	28	15,749	27	21,628	5,879	37.3%
Ajara	3	704	5	3,449	2,745	389.9%
Guria	0	0	0	0	0	0.0%
Imereti	8	2,988	11	6,476	3,488	116.7%
Kakheti	1	145	2	663	518	357.2%
Kvemo Kartili	8	6,798	5	4,718	-2,080	-30.6%
Mtskheta-Mtianeti 2		521	4	881	360	69.1%
Racha-Lechkhumi-Kvemo						
Svaneti	0	0	0	0	0	0.0%
Samtkhe-Javakheti 3		583		3 491	-92	-15.8%
Samegrelo-Zemo Svaneti 5		5,630	6	6,074	444	7.9%

<sup>3</sup> Election Code, Article 96, Sub-article 9

<sup>4</sup> The details of the incident can be seen in Annex #?

<sup>5</sup> Election Code, Article 16, Sub-article 6

<sup>6</sup> According to the data of Central Election Commission

Shida Kartli	<u>9</u> 3,901	<u>10</u> 5,411	<u>1,510</u>	<u>38.7%</u>
Total	<b>67 37,019</b>	<b>73 49,791</b>	<b>12,772</b>	<b>34.5%</b>

On May 5, 2008, the Central Election Commission at its session extended the period for entering changes to the voters' list by 3 days (in all 23 days from April 17 to May 8) and set May 8 as the last date. ISFED welcomed the Central Election Commission' decision and, as by extending the period, more voters were able to check oneself in the voters' list, which positively contributed to the process of improving the voters' lists. By this period 60 963 voters addressed the election administration for checking in the voters' list. 220 voters have been added to the voters' list and 905 diseased voters have been removed. According to the information of May 12, 2008, the total number of voters **3 465 736**<sup>7</sup>.

On April 17, Central Election Commission and 4 local non-governmental organizations signed a memorandum. The memorandum provided a uniform interpretation of some provisions of Articles 73, 76, 76<sup>1</sup> and 76<sup>2</sup> of the Election Code of Georgia. Besides, Resolution #15/2008 of April 3, 2008 defined the circle of the persons authorized to file an action to court under Article 76<sup>2</sup>, and Resolution #152/2008 of March 30, 2008 defined the circle of the authorized persons competent to draw up administrative misconduct reports over the violations of the provisions of Articles 76 and 76<sup>1</sup> of Georgia.

After that, on May 6, the Central Election Commission published the brochure for public officials, which includes the rules on use of administrative resources and official positions during the pre-election agitation.

ISFED welcomed the Central Election Commission's initiative. Also ISFED welcomed the CEC's translation of election documentation into ethnic minorities' languages (Russian, Ossetian, Armenian, and Azeri).

### **District and Precinct Election Commissions monitoring findings**

In the period prescribed by the legislation, on April 5<sup>8</sup> (no later than 50 day prior elections) Precinct Election Commissions' members were selected in every District Election Commission, except **#35 Khashuri**, **#30 Kaspi** and **#65 Martivili** District Election Commissions. It should be mentioned that according to the information of ISFED long term observers, Precinct Election Commissions' members' selections were conducted by recommendation and suggestions of local-self government representatives (**# 62 Chokhatauti** Election District),

Unified National Movement (**# 79 Batumi**, **# 60 Ozurgeti**, **# 61 Lanchkhuti**, **# Poti**, **# 11 Sagaredjo**, **# 12 Gurjaani** and **#13 Sighaghi** Election Administration) and the authorities and other political parties.

<sup>7</sup> [www.cec.gov.ge](http://www.cec.gov.ge)

<sup>8</sup> Election Code, Article 37, Sub article 1

According to the timetable of election activities, on 6 April<sup>9</sup> (no later than 45 days prior the elections)<sup>17</sup>, Election Districts should have published the numbers, addresses, telephone (fax) numbers and other requisites of Election Precincts through the print and mass media. The above mentioned requisites were not published on time at # 79 Batumi, # 83 Khelvachauri, # 81 Kobuleti, # 60 Ozurgeti, # 62 Chokhatari, # 61 Lanchkhuti, # 46 Lentekhi, # 56 Jiatura, # 52 Bagdati, # 65 Martvili, # 66 Khobi and # 35 Khashuri Election Districts.

By 10 April<sup>10</sup> (no later than 41 day prior the elections) the total number of voters in each Election District and all of it's Election Precincts were not published as prescribed by law in the following Election Districts: # 79 Batumi, # 84 Khulo, # 82 Shuakhevi and # 81 Kobuleti Election Districts.

Election Districts Commission members of # 15 Lagodekhi, # 16 Kvareli, # 17 Telavi, # 43 Oni, # 69 Chkhorotskhu, # 56 Chiatura, #57 Tkhibili, # 47 Mestia, # 68 Tsalenjikha, # 82 Shuakhevi, # 83 Khelvachauri, # 60 Ozurgeti, # 70 Poti, # 32 Gori, # 36 Borjomi, # 38 Adigeni, # 85 Liakhvi, # 3 Saburtalo, # 19 Tianeti, # 21 Gardabani, # 25 Tsalka, # 26 Tetrtskaro, # 28 Dusheti and # 29 Kazbegi Election Districts hold paid positions in the public sphere. We must note that, according to the Georgian election legislation, election commissions members do not have right to have other job at the same time (except being a teacher)<sup>11</sup>.

In the pre-election monitoring period, the persons (nongovernmental organizations, media) interested in attending the sessions of District Election Commissions were not able to do so because the exact date and place of sessions was not known in advance. Such problems were observed at # 12 Gurjaani and # 14 Dedoplistskaro District Election Commissions. According to the DEC's regulation an announcement about the DEC session must be posted preliminarily in election district building<sup>12</sup>.

According to the law, on April 17, no later than 34 days prior to the elections<sup>13</sup>, the voters' general list is to be signed by the District Election Commission Chair and Secretary and presented to the Precinct Election Commissions. This legal requirement was not met in the following areas: #56 Chiatura DEC, PEC # 3, #20 and # 55 and #28 Dusheti DEC, PEC # 35. Also, no later than 34 days prior to the elections<sup>14</sup>, the newly created Precinct Election Commissions had to post the voters' lists and any decisions related to complaints. The lists and decisions on complaints were not posted in the period prescribed by the legislation in: # 56 Chiatura DEC #3, #20, #23, # 30, # 35, # 43, # 51 and # 55 PECs; # 59 Kutaisi DEC # 83 PEC, # 6 Samgori DEC # 16 and # 24 PECs<sup>15</sup>; # 21 Tetrtskharo DEC # 3 and #19; #37 Akhaltsikhe DEC # 1, # 2, # 3, # 4, # 5, # 6, # 7, # 8, # 28, # 29, # 30, #31 and # 32 PECs; # 15 Lagodekhi DEC # 31 and # 34 PECs; # 84 Khulo DEC # 1 and # 18 PECs; # 83 Khelvachauri DEC #28 and #56 PECs; # 81 Kobuleti DEC # 4, # 5, # 8, # 53 and # 54 PECs; # 70 Poti DEC #6, # 20, # 23 and # 24 PECs; # 60 Ozurgeti DEC # 2 and # 4; # 79; # 79 Batumi DEC # 3, # 12 # 29, # 48, # 52, #

<sup>9</sup> Election Code, Article 16, Sub-Article 7

<sup>10</sup> Election Code, Article 9<sup>1</sup>, Sub-Article 2

<sup>11</sup> Election Code, Article 18, Sub Articles 5, 5<sup>1</sup>, 6

<sup>12</sup> District Election Commission's Regulation, Article 7, Sub-article 2

<sup>13</sup> Election Code, Article 9, Sub Article 11

<sup>14</sup> Election Code, Article 13, Sub Article 1

<sup>15</sup> Lists of # 24 PEC was put up in # 27 PEC.

**53, # 55 and # 66** PECs. In a number of DEC's incomplete information was posted: in **# 67 Zugdidi** DEC, all of the PEC posted the voters' lists, but decisions on complaints were not posted. The decisions on complaints were also not posted in **# 6 Samgori DEC #10, # 13, # 22, # 23, # 25, # 32, # 58** PEC and **# 59 Kutaisi DEC # 76** PEC.

In the monitoring period, the members of the District and Precinct Election Commissions received trainings on methods and principles, election procedures, voters' lists, Election Day procedures, protocols and complaints deliberation.

### Pre-election Campaigning<sup>16</sup>

In ISFED's opinion formed based on monitoring, the run-up to 21 May 2008 Parliamentary Elections of Georgia kicked off in a peaceful atmosphere. However, just 2 weeks before the Election Day, the number of various violations increased significantly. Overall, the following violations have been observed in the pre-election campaigning:

- Pressure on voters – in **# 28 Dusheti, #29 Kazbegi, # 84 Khulo, #55 Khoni, # 49 Terjola, # 66 Khobi, # 17 Telavi, # 45 Tsageri<sup>17</sup>** and **# 70 Poti** Election Districts.
- Pressure on a public official – in **#55 Khoni and # 70 Poti** Election Districts.
- Pressure on local observers – in the monitoring period we identified pressure on some of the ISFED observers in a variety of election districts across Georgia. In this respect, ISFED held a special press conference in the pre-election period<sup>18</sup>.
- Distributing material goods to voters by and on behalf of candidates – in **# 29 Kazbegi, # 14 Dedoplistskaro and # 44 Ambrolauri** Election Districts.
- Unfounded collection of voters' signatures and ID details by the activist of various electoral subjects – in **# 28 Dusheti, # 9 Nadzaladevi, # 79 Batumi, # 1 Mtatsminda, # 8 Didube and # 12 Gurjaani** Election Districts.
- Lack of a clear dividing line between the state and a party and consequent use of administrative resources – in **# 35 Khashuri, # 64 Senaki and # 45 Tsageri** Election Districts.
- Putting electoral subjects under unequal conditions and obstructions to political subjects' campaigning – e.g. in **#44 Ambrolauri, # 84 Khulo, # 1 Mtatsminda, # 10 Gldani, # 38 Adigeni, # 60 Ozurgeti, # 85 Liakhvi, # 63 Abasha and # 85 Liakhvi** Election Districts.
- Deficiencies in voters' lists and conducting the voters' list updating process with insufficient transparency.

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<sup>17</sup> Special attention was drawn by the fact associated with Valeri Giorgobiani, a majoritarian candidate for Tsageri Election District. Detailed information about the fact can be seen in the Annex.

<sup>18</sup> The statement regarding pressure on observers can be seen on ISFED website at [www.isfed.ge](http://www.isfed.ge)

### **Free and Fair Elections Inter-Governmental Task Force**

In the pre-election period ISFED actively participated in the meetings of Free and Fair Elections Inter-Governmental Task Force. ISFED welcomed the fact of forming Free and Fair Elections Inter-Governmental Task Force. ISFED expressed its readiness to cooperate with this body on election related issues. In the pre-election period, ISFED met several times with the representatives of the Task Force to discuss the violations discovered during the monitoring.

ISFED welcomes the formation and operation of Free and Fair Elections Inter-Governmental Task Force. It should be mentioned that the Task Force performance improved and streamlined compared with its performance during the Extraordinary Presidential Elections. In particular:

- Meetings took on a regular character;
- The system of communication and rapid response to problems improved (particularly on Election Day).
- However, series of deficiencies could still be observed in the Task Force performance:
- The full list of the persons who took part in the work of the Task Force was not clearly defined;
- The exact rights and duties of the members of the Task Force were not defined;
- The list of the questions to be discussed at the Task Force meetings were not agreed upon in advance;
- The deficiencies and violations identified and alleged by non-governmental organizations in the pre-election period were not adequately reacted to.

ISFED hopes that Fair Elections Inter-Governmental Task Force will continue to work, thoroughly and fully consider and publicize all the identified pre-election, Election Day and post-election violations. Doing so will build voters' confidence in the election process.

## **Mobilization of the Election Observation Mission**

To form the Observation mission, ISFED set up a wide network of volunteers across the whole territory of Georgia. To monitor the Election Day and conduct Parallel Vote Tabulation, ISFED trained and accredited 1424 observers in total. ISFED conducted pre-election monitoring through its 75 long-term observers as well as short-term monitoring through its observers in 1202 precincts and 75 districts. Monitoring was also conducted by ISFED's 75 mobile teams to promptly obtain

information from precinct observers and rapidly respond to it. Legal support to the activities of the observation mission was provided by ISFED's 5 legal groups set up according to regions.

In the pre-election period and on Election Day, Georgia was visited by National Democratic Institute's Parallel Vote Tabulation (PVT) expert who shares his suggestions and recommendations with ISFED's PVT Group in the following areas:

- PVT Form preparation;
- PVT communication system;
- PVT database;
- PVT simulation management supervision;
- Reporting;
- Election Day database processing and analysis of results.

## **Trainings**

To enhance the effectiveness of the Election Day monitoring, ISFED organized an observation mission, planned Election Day monitoring activities and held a series of the following trainings for precinct as well as Parallel Vote Tabulation observers:

- PVT trainer trainings;
- PVT observer trainings;
- Mobile team trainings;
- Lawyer trainings;
- Critical situation operator training;
- PVT Center computer operator trainings;
- Precinct observer trainings.

The trainers were tested and the test results were checked to select 12 PVT trainers who subsequently held trainings for 700 PVT observers in 75 election districts. The materials needed for the observers (guidebook, forms, instructions, badges and T-shirts) were prepared by ISFED Central Office staff and distributed to the observers during the trainings.

Overall, 34 PVT trainings were held in 75 election districts throughout Georgia.

## **Mobile Group Trainings**

During May 11-16, 2008, 4 trainings were conducted for 75 mobile groups. The trainings covered the following aspects:

1. Election Day;
2. Complaints/applications;
3. Explaining the mobile group form;
4. Mobile Group instructions.

## **Lawyer Trainings**

On May 15, 2008, Fair Elections Office hosted the training that was held for the representatives of ISFED's legal groups. All the necessary materials (forms, instructions) were distributed to the trainees.

Trainings for ISFED's Lawyer cover the following matters:

1. Complaints/applications (regarding the Election Code);
2. Complaints/applications (in court);
3. Explaining the Lawyer's Form;
4. Reporting and communication.

## **Critical situation operator training**

Through testing and interviews, ISFED selected 5 critical situation operators and 45 computer operators (who were divided into 3 groups).

On May 16, 2008, trainings were held for and materials were distributed to the critical situation operators and computer operators.

The critical situation operator training covered the following matters:

1. Election Day procedures;
2. Explaining the critical situation form;
3. Critical situation communication system;
4. Instruction for filling out the critical situation form.

The computer operator trainings covered the following matters:

1. Explaining the PVT form;
2. Communication system;
3. Entering information to the database.

ISFED's IT Manager developed a special PVT form, the orderly operational characteristics of which were checked on the eve to the Election Day.

On the Election Day, ISFED's International PVT Expert observed the ISFED's Parallel Vote Tabulation processes.

## **Election Day**

For the 21 May 2008 Parliamentary Elections of Georgia, ISFED conducted monitoring over the pre-election, Election Day and pos-election periods.

The core goal of the mission was to ensure transparent and effective implementation of the election procedures and providing the public with objective and impartial information. In addition to observation mission, ISFED conducted Parallel Vote Tabulation (PVT) of the elections held by a proportionate system, the representative quantity of statistically chosen precincts throughout Georgia.

ISFED deployed 75 long-term and 1216 precinct observers on 75 election districts. The election observation mission covered the conflict zone of South Ossetia – Major and Minor Liakhvi but did not cover the election districts of Upper Abkhazia and South Ossetia.

For the 21 May 2008 Parliamentary Elections of Georgia, ISFED conducted activities with the financial support of National Endowment for Democracy (NED), European Union (EU), United States Agency for International Development (USAID), Open Society – Georgia Foundation (OSGF), Swiss Agency for Development and Cooperation, and Swedish International Development Agency (SIDA). Technical support was provided by National Democratic Institute (NDI).

### **Election Day Observation Mission and Parallel Vote Tabulation**

On Election Day, ISFED conducted Parallel Vote Tabulation in **626** ordinary and **72** special election precincts.

On Election Day, 4 calls were made in ISFED PVT Center. The information that came to PVT Center was recorded by operators in the special database and processed stage by stage by PVT Implementation Group.

On Election Day, critical situation operators in ISFED Central Office filled out 40 critical situation forms. Overall, on Election Day, ISFGED filed **137** complaints.

Information on critical situations and violations was processed stage by stage and disseminated in parallel to the public through press conferences.

Out of **3605** precincts across the territory of Georgia, ISFED observers conducted monitoring over **1129** precincts. The observers' duty was to fill out monitoring forms, which were later on processed statistically. Presented below are the results of the statistical analysis.

According to the information received by ISFED observers on Election Day, the following irregularities were identified<sup>19</sup>:

- Series of elections precincts were opened late on Election Day, e.g. **# 76** Election Precinct of **# 22 Marneuli** Election District, **# 16** Election Precinct of **# 61 Lanchkhuti** Election District, **# 43** Election Precinct of **# 81 Kobuleti** Election District, **# 3** Election Precinct of **# 30 Kaspi** Election District and **# 24** Election Precinct of **# 41 Ninotsminda** Election District;
- In connection with 65% of the election precincts of Georgia, the quantity of the ballot papers received in precincts was less than the quantity of voters in the unified voters' list of the precinct, e.g. **# 2**, **# 10** and **# 59** Election Precincts of **# 81 Kobuleti** Election District, **# 76** Election Precinct of **# 22 Marneuli** Election District, **# 13** Election Precinct of **# 53 Vani** Election District, **# 10** and **# 15** Election Precincts of **# 9 Nadzaladevi** Election District;
- The commission members with the quantity less than prescribed by law was observed in 332 (29.4%) election precincts of Georgia;
- 9% of the election precincts had more than 1500 registered voters;
- 9% of the election precincts had more or less ballot papers in the ballot bind than prescribed by law<sup>20</sup>;
- Some election precincts did not make the relevant record in the unified voters' list in compiling a portable ballot box list, e.g. **# 4** Election Precinct of **# 83 Khelvachauri** Election

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<sup>19</sup> Specific facts can be seen in the attached applications.

<sup>20</sup> Each ballot bind must include exactly 50 ballots.

- District, # 36 Election Precinct of # 11 **Sagarejo** Election District, # 5 Election Precinct of # 12 **Gurjaani** Election District and # 16 Election Precinct of # 16 **Kvareli** Election District;
- In some cases, the commission members attending the portable ballot box did not return unused ballot papers to election precincts, e.g. # 31 and #37 Election Precincts of # 21 **Gardabani** Election District, # 42 Election Precinct of # 24 **Dmanisi** Election District, # 37 Election Precinct of # 24 **Dusheti** Election District and # 9 Election Precinct of # 67 **Zugdidi** Election District;
  - A variety of procedural violations were also observed. In particular, in some precincts, lost were cast in violation of the established procedure(e.g. # 48 Election Precinct of # 9 **Nadzaladevi** Election District, # 55 Election Precinct of # 79 **Batumi** election district), deeds of delivery and acceptance were completely missing (e.g. # 1 and # 20 Election Precincts of # 22 **Marneuli** Election District), the ballot box was not sealed (e.g. # 37 Election Precinct of # 11 **Sagarejo** Election District), ballot papers were not affixed with a seal or signed by registrars (e.g. # 76 Election Precinct of # 22 **Marneuli** Election District), voting took place without marking (e.g. # 20 Election Precinct of # 37 **Akhaltsikhe** Election District), etc;
  - The quantity of the ballot papers received in election precincts did not coincide with that fixed in the deed of delivery and acceptance (e.g. # 4, 7, 8, 11, 49 and 58 Election Precincts of # 60 **Ozurgeti** Election District, # 17 Election Precinct of # 70 **Poti** Election District, # 60 Election Precinct of # 83 **Khelvachauri** Election District);
  - In some cases, voters signed in the voters' list in receiving ballot papers (e.g. # 36 and 47 Election Precincts of # 11 **Sagarejo** Election District);
  - In some election precincts, ISFED observers came under pressure, were denied access to election precincts and encountered limitations on their free manner of work, e.g. in # 49 Election Precinct of # 79 **Batumi** Election District, # 32 Election Precinct of # 81 **Kobuleti** Election District; # 15 Election Precinct of # 14 **Dedoplistskaro** Election District, # 87 Election Precinct of # 9 **Nadzaladevi** Election District, # 31 Election Precinct of # 81 **Kobuleti** Election District (the problem was settled after the District Election Commission's involvement), # 37 Election Precinct of # 22 **Marneuli** Election District and # 2 Election Precinct of # 81 **Kobuleti** Election District;
  - Observers also came under rough treatment – e.g. in # 49 Election Precinct of # 79 **Batumi** Election District, # 91 Election Precinct of # 32 **Gori** Election District;
  - The facts of public voting were also observed, e.g. in # 21, # 9, #21, #37 and #4 Election Precincts of # 61 **Lanchkhuti** Election District;
  - Attempts to vote for others were also observed in 16 (1.41%) election precincts (# 36 and 47 Election Precincts of # 11 **Sagarejo** Election District, # 19 Election Precinct of # 13 **Sighnaghi** Election District, # 20 Election Precinct of # 14 **Dedoplistskaro** Election District, # 18 and 19 Election Precincts of # 15 **Lagodekhi** Election District, # 52 and #53 Election Precincts of # 79 **Batumi** Election District and # 87 Election Precinct of # 67 **Zugdidi** Election District);
  - Voters' lists were also problematic. In particular, precinct borders were mixed up, as a result of which voters could not find themselves in the lists; there were doublings in the general list and portable ballot box lists (# 15 Election Precinct of # 69 **Chkhorotsku** Election

District). The voters' list in # 6 Election Precinct of # 5 **Isani** Election District lacked part of letter "f" (in all, with 41 voters), the annex to the voters' list in # 13 Election Precinct of # 59 **Kutaisi** Election District started on Election Day. In # 10 Election Precinct of # 81 **Kobuleti** Election District registrars preliminarily indicated addresses in the unified voters' list and marked the place to sign, etc;

- Disorders and irregularities were rampant in election precincts, e.g. in # 56 and # 76 Election Precincts of # 22 **Marneuli** Election District, # 9 Election Precinct of # 67 **Zugdidi** Election District, # 40 Election Precinct of # 84 **Khulo** Election District, # 18 Election Precinct of # 15 **Lagodekhi** Election District, # 29 Election Precinct of # 35 **Khashuri** Election District, # 37 Election Precinct of # 22 **Marneuli** Election District, # 59 Election Precinct of # 21 **Gardabani** Election District, # 34 Election Precinct of # 10 **Gldani** Election District, # 6 Election Precinct of # 63 **Abasha** Election District, # 47 Election Precinct of # 11 **Sagarejo** Election District (in the end, the election precinct had to be closed down), # 5 Election Precinct of # 55 **Khoni** Election District, # 40 and # 49 Election Precincts of # 11 **Sagarejo** Election District, and # 18, # 19 and #20 Election Precincts of # 15 **Lagodekhi** Election District;
- Ballot staffing and attempted ballot staffing, e.g. in # 19 Election Precinct of # 14 **Dedoplistskaro** Election District, # 9 and # 25 Election Precincts of # 21 **Gardabani** Election District, # 58 Election Precinct of # 32 **Gori** Election District, # 15 Election Precinct of # 81 **Kobuleti** Election District, # 4 Election Precinct of # 37 **Akhalsikhe** Election District and # 51 Election Precinct of # 83 **Khelvachauri** Election District;
- Facts of bribery were also observed, e.g. in # 18 Election Precinct of # 84 **Khulo** Election District;
- Different sorts of irregularities were observed in the process of vote tabulation. For example, the ballot box was overturned and ballot papers escaped out of it in unknown circumstances in # 37 Election Precinct of # 83 **Khelvachauri** Election District and # 29 Election Precinct of # 80 **Keda** Election District<sup>21</sup>. One of the majority candidates attended the vote tabulation procedure in # 72 Election Precinct of # 10 **Gldani** Election District;
- Agitation in the election precinct was observed in the following election precincts: # 15 Election Precinct of # 22 **Marneuli** Election District and # 5 Election Precinct of # 60 **Ozurgeti** Election District<sup>22</sup> as well as in # 10 Election Precinct of # 9 **Nadzaladevi** Election District<sup>23</sup>;
- The complaints lodged by various organizations were not sealed in series of election precincts, e.g. in # 14 Election Precinct of # 66 **Khobi** Election District, # 39 Election Precinct of # 7 **Chughureti** Election District, # 4 Election Precinct of # 33 **Kareli** Election District and # 27 and # 37 Election Precincts of # 36 **Borjomi** Election District.

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<sup>21</sup> Though vote tabulation continued nevertheless in both election precincts.

<sup>22</sup> Agitation was carried out in favour of Political Party #5.

<sup>23</sup> The activist of Political Union "Georgian Sportsmen Union" engaged in agitation in favour of his party.

# Election Day Monitoring and Parallel Vote Tabulation Findings

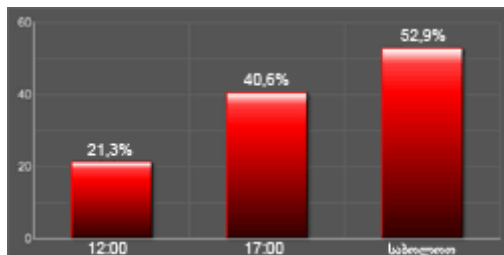
The qualitative monitoring conducted by ISFED on Election Day identified the following major trends in connection with the election process.

1. High voter quantity and high turnout through portable boxes. In particular, ISFED observed more than 100% turnout.
2. Compared with Extraordinary Presidential Elections, the number of special precincts and the number of voters registered in such precincts increased. Subsequently, the number of the precincts to which such special precincts were attached also increased.
3. In the election precincts where special precinct voting results were tabulated United National Movement got higher quantity of votes.

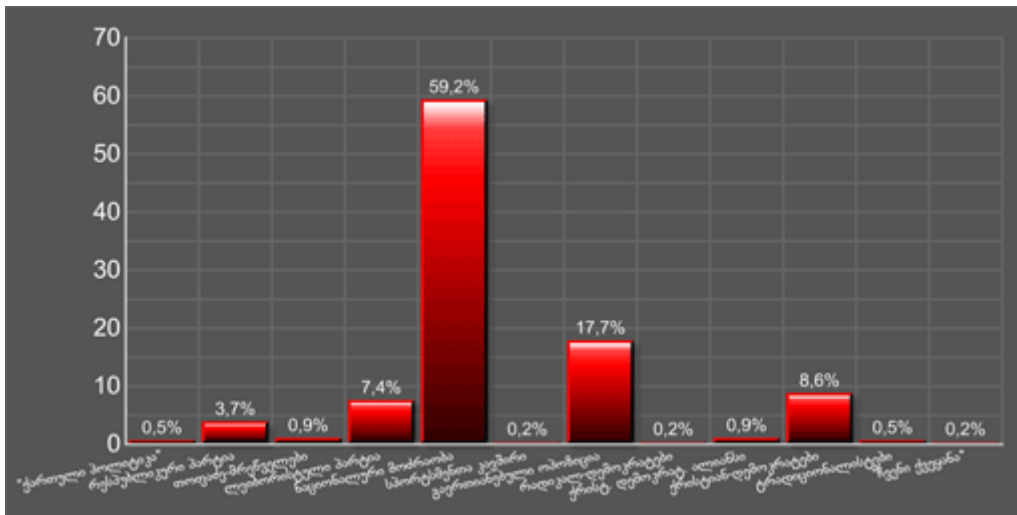
The results of ISFED were based on the summarization protocols received from 626 election precincts randomly selected throughout Georgia. Election precincts were randomly selected to give a representative picture of the general situation nationwide. The statistical error in Parallel Vote Tabulation was +/- 0.8% and selection precision – 95%.

Besides, ISFED employed a Direct Tabulation Method to tabulate the results of all the precincts to which a special precinct was attached.

Voter Turnout



As a result of ISFED’s Parallel Vote Tabulation, four political parties crossed the 5% threshold by a proportional system. The results were apportioned as follows:



## Analysis of Complaints

On Election Day, ISFED wrote the total of **137** complaints, out of which:

- **10** complaints were not received;
- **57** complaints were lodged with District Election Commission;
- **3** precinct summarization protocols were appealed in court;
- **1** decision of District Election Commission was appealed with Central Election Commission.

Based on the complaints written by ISFED:

- The results of **16** precincts were annulled;
- The results of **3** precincts were partly annulled;
- In **14** cases, the question was raised to hold election officers accountable;
- **2** election officers were subject to administrative penalty.

After the elections, **3** decisions of the District Election Commission were appealed in court, **1** of which was partly satisfied.

In the pre-election period, ISFED filed an action over the voter sopping by Giorgi Gogvadze, a majority candidate in **#5 Isani** Election Precinct. The courts of first and appellate instances unreasonably dismissed the action.

Complaints over the voting results were lodged to void the results of voting in **# 37** Election Precinct of **# 83 Khelvachauri** Election District, **# 36** Election Precinct of **# 11 Sagarejo** Election District and #

73/85 Election Precinct of # **3 Saburtalo** Election District. The complaint to void the results of voting in # **36** Election Precinct of # **11 Sagarejo** Election District was partly satisfied and the precinct voting results by a majority system were annulled. The court dismissed the remaining complaints.

The decisions of Sagarejo Regional and Tbilisi City Courts were appealed against with Tbilisi Appeals Court. However, the appellate court dismissed the appeals, giving no argument whatsoever.

# **64 Senaki** District Election Commission unreasonably rejected ISFED's application for subjecting the Chair and the Secretary of # **23 Zani** Precinct Election Commission to administrative penalty, as the Precinct Election Commission Summarization Protocols had been corrected. Later on, ISFED lodged a complaint with Central Election Commission that voided the decision of # **64 Senaki** District Election Commission, assigning the District Election Commission to draw up the relevant administrative report.

The complaints lodged by ISFED were not filed by # **10** Election Precinct of # **68 Tsalenjikha** Election District, # **55** Election Precinct of # **20 Rustavi** Election District, # **91** Election Precinct of # **32 Gori** Election District, # **59** Election Precinct of # **21 Gardabani** Election District and # **38** Election Precinct of # **82 Shuakhevi** Election District. # **4** Election Precinct of # **37 Akhaltsikhe** Election District accepted the application only after the District Election Commission's involvement. Overall, 7 complaints of ISFED were not filed by precinct election commissions.

The complaints lodged by ISFED were left unheard (not considered) in # **118** and **55** Election Precincts of # **59 Kutaisi** Election District, # **76, 15, 29, 71** and **56** Election Precinct of # **22 Marneuli** Election District, # **44** Election Precinct of # **2 Vake** Election District, # **19** Election Precinct of # **10 Gldani** Election District, # **29, 30** and **31** Election Precinct of # **4 Krtsanisi** Election District, # **59** Election Precinct of # **21 Gardabani** Election District, # **73** Election Precinct of # **3 Saburtalo** Election District, # **1** Election Precinct of # **7 Chughureti** Election District, # **48** Election Precinct of # **9 Nadzaladevi** Election District, # **91** Election Precinct of # **32 Gori** Election District, # **4** and **20** Election Precincts of # **37 Akhaltsikhe** Election District, # **36** Election Precinct of # **11 Sagarejo** Election District, # **10** and **17** Election Precincts of # **17 Telavi** Election District, # **19** Election Precinct of # **15 Lagodekhi** Election District, # **14** Election Precinct of # **14 Dedoplistskaro** Election District, # **13** Election Precinct of # **13 Sighaghi** Election District, # **43** Election Precinct of # **81 Kobuleti** Election District, and # **65, 5** and **26** Election Precincts of # **83 Khelvachauri** Election District.

Adequate response to the complaints lodged by ISFED with District Election Commissions followed only in respect of those filed in # **30** Election Precinct of # **55 Khoni** Election District, # **76, 71, 56** and **76** Election Precincts of # **22 Marneuli** Election District, # **29, 30** and **31** Election Precinct of # **4 Krtsanisi** Election District, # **59** Election Precinct of # **21 Gardabani** Election District, # **58** and **29** Election Precincts of # **32 Gori** Election District, # **4** Election Precinct of # **37 Akhaltsikhe** Election

District, and # 2, 43 and 15 Election Precincts of # 81 Kobuleti Election District. The voting results in these election precincts were annulled.

Besides, as a result of the complaints lodged by ISFED, different sorts of administrative measures were taken against the members of precinct election commissions in the following election precincts: # 10 Election Precinct of # 68 Tsalenjikha Election District, # 55 Election Precinct of # 20 Rustavi Election District, # 3 Election Precinct of # 85 Liakhvi Election District, # 11 Election Precinct of # 60 Ozurgeti Election District, # 7, 23 and 29 Election Precincts of # 62 Chokhatauri Election District, # 7 Election Precinct of # 70 Poti Election District, # 75, 49, 52 and 66 Election Precincts of # 79 Batumi Election District, and # 38 Election Precinct of # 82 Shuakhevi Election District.

ISFED's complaints were unreasonably denied in # 15 and 20 Election Precincts of # 22 Marneuli Election District, # 19 Election Precinct of # 19 Gldani Election District, # 73 Election Precinct of # 3 Saburtalo Election District, # 1 Election Precinct of # 7 Chughureti Election District, # 91 Election Precinct of # 32 Gori Election District, # 20 Election Precinct of # 37 Akhaltsikhe Election District, # 36 Election Precinct of # 11 Sagarejo Election District, # 10 and 38 Election Precincts of # 17 Telavi Election District, # 19 Election Precinct of # 14 Dedoplistskaro Election District, # 27 and 36 Election Precincts of # 60 Ozurgeti Election District, # 14 Election Precinct of # 61 Lanchkhuti Election District, # 37 and 30 Election Precincts of # 83 Khelvachauri Election District.

## Media Report

From May 1 through May 13, ISFED conducted 13 press conferences and briefings, including two joint conferences with other Georgian non-governmental organizations (Georgian Young Lawyers Association, Transparency International Georgia and New Generation – New Initiative), three Parallel Vote Tabulation (PVT) presentations and one regional press conference. Besides, ISFED disseminated in Georgian and English languages 10 press releases, 15 media announcements, including 4 joint announcements with other local non-governmental organizations, 3 electronic bulletins – Election Update and the Pre-election Campaign Summary Report.

All the aforementioned press releases and announcements as well as the information on ISFED-held press conferences and briefings were posted on ISFED's website and sent by electronic mail. At the same time, ISFED's press releases and media announcements were disseminated locally through regional and district representatives.

In the election period, ISFED organized and held the following press-conferences, briefings and presentations:

- **Tbilisi, May 12** – press conference on opening the Media Center;
- **Tbilisi, May 14** – Parallel Vote Tabulation presentation for the media representatives;
- **Tbilisi, May 14** – Parallel Vote Tabulation presentation for the representatives of political parties and non-governmental organizations;
- **Tbilisi, May 15** – Parallel Vote Tabulation presentation for the representatives of international organizations;
- **Tbilisi, May 19** – presentation of the pre-election period monitoring findings;
- **Tbilisi, May 20** – press conference presenting the facts of pressure on ISFED observers and activists;
- **Batumi, May 20** - press conference presenting the facts of pressure on ISFED observers and activists;
- **Tbilisi, May 21** – 3 briefings dedicated to the progress of the Election Day;
- **Tbilisi, May 22** –briefing dedicated to ISFED’s announcement on the Election Day;
- **Tbilisi, May 23** – presentation of Parallel Vote Tabulation results;
- **Tbilisi, June 6** – presentation of the results of ISFED’s monitoring over the activities of District Election Commissions in the post-election period.

## Post-Election Period Monitoring

International Society for Fair Elections and Democracy observed the period following the May 21 Parliamentary Elections in cooperation with Georgian Young Lawyers Association. Both organizations conducted observation in Georgia’s 48 election districts and central Election Commission.

Observation was conducted in Mtatsminda DEC #1, Vake DEC #2, Saburtalo DEC #3, Krtsanisi DEC #4, Isani DEC #51, Samgori DEC #6, Chughureti DEC #7, Didube DEC #8, Nadzaladevi DEC #9, Gldani DEC #10, Gurjaani DEC #12, Dedoplistskaro DEC #14, Kvareli DEC #16, Telavi DEC #17, Akhmeta DEC #18, Rustavi DEC #20, Gardabani DEC #21, Marneuli DEC #22, Bolnisi DEC #23, Dmanisi DEC #24, Mtskheta DEC #27, Dusheti DEC #28, Gori DEC #32, Kareli DEC #33, Khashuri DEC #35, Borjomi DEC #36, Akhaltsikhe DEC #37, Akhalkalaki DEC #40, Zestafoni DEC #51, Bagdati DEC #52, Samtredia DEC #54, Chiatura DEC #56, Tkibuli DEC #57, Tskaltubo DEC #58, Kutaisi DEC #59, Ozurgeti DEC #60, Lanchkhuti DEC #61, Chokhatauri DEC #62, Senaki DEC #64, Zugdidi DEC #67, Tsalenjikha DEC #68, Poti DEC #70, Batumi DEC #79, Kedi DEC #80, Kobuleti DEC #81,

Shuakhevi DEC #82, Khelvachauri DEC #83 and Khulo DEC #84. The core goal of observation was provide a 24-hour monitoring over the Election Administration. The target of observation was the post-election activities of District Election Commissions, including DEC's consideration of complaints, adoption of decisions and district result summarization processes.

The presented opinion is based on the analysis of the process of District Election Commission's consideration of and making decisions on the complaints lodged not only by ISFED and GYLA but also by all the electoral subjects and non-governmental organizations.

It should be mentioned that the trend of considering and subsequently responding to complaints different from region to region.

Region	Quantity of complaints	Unheard	Satisfied	Unsatisfied
Batumi <sup>24</sup> Region	98	5	6	87
Kutaisi <sup>25</sup> Region	46	1	3	42
Gurjaani <sup>26</sup> Region	112	43	14	55
Tbilisi <sup>27</sup> Region	216	11	28	177
Khashuri <sup>28</sup> Region	65	6	12	47
<b>Total</b>	<b>537</b>	<b>66</b>	<b>63</b>	<b>408</b>

The monitoring identified the following deficiencies and problems:

- Ill-founded decisions (**Telavi DEC # 17, Gurjaani DEC # 12, Kvareli DEC # 16, Tskaltubo DEC # 58, Kutaisi DEC # 59, Chokhatauri DEC # 62, Lanchkhuti DEC # 61, Ozurgeti DEC # 60, Khelvachauri DEC # 83, Saburtalo DEC # 3, Marneli DEC # 22, Gori DEC # 32, Kareli DEC # 33 and Khashuri DEC # 35**);

<sup>24</sup> Ajara, Guria, Poti

<sup>25</sup> Imereti, Racha-Lechkhumi and Samegrelo-Upper Svaneti

<sup>26</sup> Kakheti

<sup>27</sup> City of Tbilisi, Mtskheta-Mtianeti and Kvemo Kartli;

<sup>28</sup> Shida Kartli, Samtskhe-Javakheti.

- The district election commissions unlawfully refusing to consider complaints (**Kvareli** DEC # 16, **Mtatsminda** DEC # 1, **Saburtalo** DEC #3, **Marneuli** DEC # 22, **Kobuleti** DEC # 81, **Khelvachauri** DEC # 81, **Gori** DEC # 32);
- Failure to summon witnesses and inadequate examination of evidence in considering complaints (**Telavi** DEC # 17, **Gurjaani** DEC #12, **Tskaltubo** DEC 58, **Bolnisi** DEC # 23, **Gori** DEC # 32, **Nadzaladevi** DEC #9, **Mtskheta** # 27, **Ozurgeti** DEC #60, **Gldani** DEC # 10, **Khelvachauri** DEC # 83);
- Deliberately not informing the parties of the date of consideration of complaints (**Tskaltubo** DEC # 58, **Khelvachauri** DEC # 83, **Gori** DEC # 32, **Nadzaladevi** DEC # 9, **Marneuli** DEC # 22);
- Late issue of decisions on complaints (**Gurjaani** DEC # 12, **Zestafoni** DEC # 51, **Kutaisi** DEC # 59, **Ozurgeti** DEC # 60, **Lanchkhuti** DEC # 61, **Chokhatauri** DEC #62, **Kobuleti** DEC # 81, **Poti** DEC # 70, **Bolnisi** DEC # 23, **Gori** DEC # 32, **Nadzaladevi** DEC # 9, **Krtsanisi** DEC # 4, **Samgori** DEC # 5).
- Failure to fully record details in session protocols (**Bolnisi** DEC # 23, **Samgori** DEC #6).

The monitoring identified series of problems in the activities of District Election Commissions. These problems were conditioned by gaps in the election law as well as Election Administration's ignorance of legal requirements.

## Legal Gaps

- **Complaint over violations of Election Day procedures**

Article 62 of the Election Code of Georgia that governs "Consideration of Applications/Complaints over Tabulation of Votes and Summarization of Voting Results" was amended on March 21, 2008. Subject to the amendment, District Election Commission was assigned to file and consider the complaints written in election precincts over Election Day procedures as well as tabulation of votes and summarization of voting results. Despite the above legal requirement, election districts manifested a non-uniform attitude to the complaints written by 8:00 p.m. of Election Day. Some of the election districts considered such complaints and made decisions on them but others rejected the complaints on motive that they were not required by law to consider such type of complaints. In some instances, one and the same election district considered one part of the complaints over violation of Election Day procedures in the election precinct but rejected the other part of similar complaints on the motive aforesaid.

Such lack of uniform practice was attributed to the certain inconsistency that exists between Paragraph 4 of Article 61 and Paragraph 1 of Article 62 of the Election Code. In particular, subject to Article 61.4, “if the Chairman of the Commission fails to remedy a violation or otherwise refuses to respond to a application/complaint, the applicant/complainant or, in the event of an accredited organization, party/electoral bloc – also its representative, is entitled to immediately lodge a similar application/complaint to the respective upper District Election Commission.” This provisions, though, yields two different interpretations. According to one interpretation, an applicant/complainant may lodge a complaint over violation of voting procedures with the upper District Election Commission only if the Chairman of the Precinct Election does not or cannot remedy the violation alleged in the complaint. According to the other interpretation, it is the “right” of the complainant to lodge the complaint with the District Election Commission, in the event of waiver of which the provisions of Article 62.1 apply, which bind the District Election Commission to consider both types of complaints coming from the election precinct.

In addition to its multiple interpretations in practice, the above provision is fraught with a certain legal gap as well. In particular, instead of containing a reference to Article 61.1 (complaints over violation of Election Day procedures), Article 62.1 makes a reference, for no clear reason, to Paragraph 2 of the same article that governs the existence of mandatory requisites in the said application/complaint. Therefore, in order to make more vivid the lawmaker-s will that the District Election Commission file and consider the precinct-related applications/complaints over violation of Election Day procedures, it is necessary to reword the first two sentences of Article 62.1 as follows: “Upon receipt in the District Election Commission, the application/complaint referred to in Paragraphs 1 and 5 of Article 61 of this Law shall be filed by the Secretary of the District Election Commission in the journal of the District Election Commission. The District Election Commission shall consider it and make a decision within one calendar day from filing the application/complaint with the District Election Commission.”

- **Possibility for an EC member to present a complaint**

Neither was approach uniform to the complaints written by a member of the election commission. Some District Election Commissions considered such complaints under the regular procedures but other District Election Commissions refused to consider them on motive that they were made by an unauthorized person. As ISFED has repeatedly stated in its reports, the law does not prohibit a member of the election commission from writing a compliant. On the contrary, the analysis has shown that the election law recognizes the possibility for presentation of this sort of complaints. Therefore, we believe that the issue requires a clearer regulation and formation to prevent inconsistent practices and unlawful rejection of complaints.

In the similar vein, it is to a certain extent ambiguous whether a voter can present a complaint with the respective election administration in the event of violation of voting right. Although the observation did not identify the facts of presentation of complaints on the part of voters and subsequent denials of such complaints, the matter does call for a clearer regulation and

formulation as has been the case with the authority of a member of the election commission to present complaints.

- **Ineffective Timeframes for Appeal**

According to the amendments made in the Election Code of Georgia on March 21, 2008, the period for appealing against the decisions made on election-related matters accounted for 1 and in some cases – 2 calendar days. In addition to shortened terms of appeal, the possibility to present substantiated and timely complaints/actions during the past Parliamentary Elections was problematic on account of other factors as well – a written decision was issued at the end of the term prescribed by law (by 12:00 noon of the day following the filing day) or after expiry of such term. Both CEC and courts accepted complaints/actions by 6:00 p.m. of the working day.

It should also be mentioned that the courts displayed a different attitude to accepting for hearing the applications submitted after 6:00 p.m. Gurjaani Regional Court held that the one-day term of appeal expired on 24:00 of the next day and, therefore, heard the complaint on merits. However, Gori Regional Court dismissed the application as submitted late. In other cases, the same judge considered one of the 2 applications submitted after 6:00 p.m. and refused to consider the other on motive that it was submitted late.

Article 31 of the Election Code of Georgia provides for the rules to calculate the terms indicated in the Code but does not define when a calendar day ends – whether upon completion of a working day or at 24:00 of the given day. No matter how we interpret these terms (timeframes), the fact is that in practice the courts as well as the Central Election Commission accept applications/complaints only by 6:00 p.m.

In order to make complaint submission procedures more effective, we believe that the Election Code should set 24:00 of given day as the deadline of a calendar day, and the courts and the Central Election Commission provide for the relevant technical side of accepting applications/complaints in view of contracted timeframes.

We must necessarily touch upon Paragraphs 18 and 19 of Article 77<sup>1</sup> of the Election Code of Georgia, which govern the procedure for appealing in court against the acts and decisions of the Precinct Election Commission and its members during the Election Day and while summing up the voting results. It is important that the above provisions create a possibility to appeal directly in court against the acts and decisions of the Precinct Election Commission and its members, without having to first lodge a complaint with the District Election Commission. However, this comes into conflict with Paragraph 2 of Article 77 of the Election Code, subject to which the decision of the Precinct Election Commission is first appealed with the District Election Commission and thereafter – in court. Proceeding from the above, to prevent inconsistent

practice and unreasonable denial of complaints, it is necessary to bring the above provision in line with Paragraph 2 of Article 77 of the Election Code.

- **Responsibility of Commission Members**

In the process of hearing complaints, District Election Commissions were most inconsistent when imposing responsibility on members of election commissions. In many cases, they were ignorant of what types of measures of responsibility they must have imposed on violating members of election commissions. Oftentimes, District Election Commissions arrived at the conclusion that it was necessary to administer a measure of responsibility against a member of election commission but as the administrative law does not contain the relevant provisions, District Election Commissions made decisions to dismiss the claims or, moreover, to issue orders regarding the responsibility of a member of election commission without referring to the relevant legal provision, ultimately ending up with entirely ill-founded decisions from the standpoint of law.

On many occasions, District Election Commissions administered the measures of disciplinary punishment contemplated by the Law of Georgia on Public Service – remarks and warnings, which, considering that the authority of the members of precinct election commissions expired within maximum 10 days from Election Day, are ineffective measures of responsibility.

Likewise, the Election Code provides for imposition of a 1000-Lari fine upon the Chairman and the Secretary of a Precinct Election Commission for making corrections in the summarization protocol. Although during the Parliamentary Elections District Election Commissions frequently administered this measure of responsibility, there is a huge question mark whether such decisions have been enforced at all, as the law provides no procedural guarantee whatsoever for the execution of the above norm. Besides, it is legally unjustified for the Election Code to contain the provisions of sanctions.

Proceeding from the above, we recommend that the Administrative Misconduct Code introduce the provision to govern the measures of responsibility, to which members of the election administration must be subjected for violation of legal requirements. Incorporation of such provision of sanctions in the Administrative Misconduct Code will automatically settle the issue of enforcement of the provision.

- **Complaint Hearing Procedures**

Practice has shown that the District Election Commissions, which considered the complaints submitted by several subjects in the same election precinct jointly (and not separately, according to the authors of complaints), came up with more substantiated decisions. In order to create an

overall picture of the gravity and character of the violations occurring in a precinct during the Election Day, the Regulation of the Election Commissions is preferable to provide for the obligation of the District Election Commissions to consider complaints as per precincts.

### **Gaps in Practice**

In addition to the fact that the election law still leaves much to be desired in terms of consideration and settlement of complaints, serious problems were caused with the violations of law committed by District Election Commissions. This area, too, calls for prompt attention and reaction. The problems were expressed basically in the following acts:

- Untimely issue of the decisions and session protocols of District Election Commissions, creating particularly acute problems to interested parties what with the contracted terms of appeal;
- Instead of denying satisfaction of complaints, District Election Commissions often made decisions to deny consideration of complaints in contravention of the applicable procedures;
- Monitoring identified some instances, in which unauthorized persons acted as observers and had the status of a member of the election commission in election precincts. CEC is recommended to provide guarantees for the prevention of similar cases in future – by tightening control over the observer accreditation procedures;
- Election Districts refused to consider complaints on motive that no request was indicated in such complaints. It should be mentioned that the law does not state that a request is a mandatory or optional requisite of a complaint;
- Decisions of District Election Commissions lacked substantiation and contained no reference to the relevant legal provision;
- Complaints were unreasonably denied;
- Evidence was not thoroughly examined, witnesses were not summonsed. No Election District where observation was conducted has satisfied the application for opening a video record.
- In many cases, District Election Commissions did not inform the parties on the time of sessions;
- The protocols of DEC sessions failed to reflect the events fully and objectively.

## **Voters' Lists**

ISFED conducted the monitoring of the process of improving the unified voters' list (UVL) carried out by the Election Administration. The CEC and ISFED signed the Memorandum of Cooperation, which means an active cooperation in the process of improving the unified voters' list, including the fact that ISFED will exclusively receive from the CEC the full version of voters' lists.

ISFED carried out checking of the full version of the unified voters' list received on March 14, 2008. There were 3 406 450 voters in the list. Significant portion of the data was not complete - ISFED discovered the following errors:

- Number of entries without voter's first name - 5;
- Number of entries, where voter's first name was fewer than 2 symbols – 5 cases;
- Number of entries, where voter's first name was fewer than 3 symbols (not name “Ia”) – 9 cases;
- Number of entries, where voter's last name is less than 3 symbols- 11 cases;
- Number of entries, where voter's last name is less than 4 symbols- 275 cases;
- Numbers of entries, where voter's last name is less than 5 symbols- 2789 cases.

In addition, there were 121 entries, where voters in the database did not have addresses; in addresses of 124 entries, there were fewer than 3 symbols; in addresses of 595 entries there were fewer than 4 symbols; in addresses of 1564 entries there were fewer than 5 symbols<sup>29</sup>. 23

In entries of 435 voters there were not fixed their birth dates. In 2 entries voters would turn 18 after the Parliamentary Elections of 21, 2008.

There were voters in the list with their ID Numbers: 00000000000, 00000000001, 00000000013, 00000000046.

After conducting checking of the database of the unified voters' list (March 14 version) received by ISFED from the CEC, the existence of duplicates in the voters' list was observed. According to personal number there were 13 cases when the use of same ID number was observed 4 times; there were 957 cases when the use of same ID number was observed 3 times; there were 52 486 cases when the use of same number was observed 2 times. Total number of duplicates was 53 456.

On April, 14, ISFED provided the CEC information about the above-mentioned shortcomings. On April 15 CEC disseminated the corrected version to every interested side. On April 17, ISFED checked the corrected version.

As of April 17, 2008, in the renewed database there were data of 3 431 908 voters, which means that 25 458 voters were added to the list. The data analyses of the voters' list showed that still there were a number of errors in the voters' list. Namely: though decreased (from 435-141), but still there are voters without addresses; number of voters older than 110 increased from 14 to 21; number of voters younger than 18 increased and there were 1002 such cases in the list then. There was still 1 case

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<sup>29</sup> For example: “c/c”, “kmk”

when a voter's personal number was 00 000 000 000. As for the duplicates, in the renewed voters' list there were not such cases.

According to the election legislation, no later than 41 days prior to the elections<sup>30</sup>, on April 10, District Election Commission publishes the total number of voters in election district and its very election precinct<sup>31</sup>. ISFED compared the data posted at the District Election Commissions to the data posted on the web-page of the Central Election Commission. The comparative analysis showed that the data at most election district differed from those posted at the web-page of Central Election Commission.

It is important that information on the number of voters differed not only between election district and CEC webpage, but also between election district and the official publication. For example, in # 79 Batumi Election District, according to the officially requested information, the number of voters was 96 547<sup>32</sup>, according to CEC web-page, it was 97 300, and according to information published at the official publication "Adjara" it was 98 065.

As already mentioned above, on May 5, Central Election Commission extended the period for adding changes to the voters' list. On May 12, Central Election Commission held the presentation of voters' lists, where information on the number of people registered as voters for the Parliamentary Elections was presented at 3 465 736. The presentation gave the number of people who checked themselves and the changes to the voters' lists. ISFED welcomed Central Election Commission's extension of the period for adding changes to the voters' list, as it enabled more voters to check themselves in the voters' list, ultimately resulting in more improved lists for the Parliamentary Elections.

On May 20, 2008, ISFED received an updated version of voters' lists, based on which it has been performing audit of the Unified Voters' List. Upon completion of the audit, ISFED will present deficiencies, if any, to the Election Administration for further improvement of the Unified Voters' List.

## Conclusion

In the pre-election period, namely 2 months prior to the Parliamentary Elections, amendments were made in the Constitution of Georgia to change the electoral system. In particular, 75 proportional and 75 single-mandate electoral districts were formed instead of 100 proportional and 50 multi-mandate electoral majority districts. ISFED expresses its concern for a speedy change in the electoral system,

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<sup>30</sup> Election Code of Georgia, Article 9<sup>1</sup>, Sub-Article 2

<sup>31</sup> Election Code of Georgia, Article 9<sup>1</sup>, Sub-Article 2

<sup>32</sup> As of April 17, 2008

believing that the amendments in the Constitution of Georgia raised questions the voters' one vote equality principle (as a result of the amendments, Kazbegi Election District that has 0000 registered voters and Gldani Election District that has 0000000 registered voters will each have one representative in the Parliament of Georgia).

ISFED believes that the 21 May 2008 Parliamentary Elections are valid. The Georgian electorate, 53,39%<sup>33</sup> (52,9% according to ISFED data) of which actively registered their choice, contributed significantly in the process. Besides, series of positive trends emerged which should be mentioned. In particular:

- ✓ From a procedural standpoint, across the territory of Georgia the Election Administration proved to be better prepared for Election Day than it did in the 5 January 2008 Presidential Elections;
- ✓ Series of serious violations identified on Election Day were not of a substantial scale, though some of the regions turned out to be more problematic compared with others. Such problematic regions were: Kvemo Kartli, Kakheti, Samtskhe-Javakheti and Guria EDs.
- ✓ Compared with the 5 January 2008 Presidential Elections, the quantity of corrected precinct summarization protocols was fewer;
- ✓ Summarization protocols provided by election precincts were posted on website quickly and effectively.

As the assessment of elections does not entail evaluation of Election Day, pre-election and post-election periods must also be taken into accounts. ISFED closely observed all the three stages (pre-election campaign, Election Day, post-election period) of May 21 Parliamentary Elections. ISFED notes that the pre-election period of May 21 Parliamentary Elections stood out for its special complexity and peculiarities. ISFED believes that the deficiencies occurring in the pre-election period have had a substantial impact Election Day and contributed to the results of the Election Day. In the pre-election period, the Election Administration failed to take initiative to react to the violations in order to prevent their further occurrence.

In the post-election period, the Election Administration's performance in terms of consideration of and reaction to the complaints from ISFED representatives improved, though ISFED observed deficiencies in terms of the Election Administration's consideration of complaints from other electoral subjects and issuing election precinct video records as evidence.

Furthermore, in the post-election period, members of the Election Administration and witnesses to electoral disputes came under physical pressure – all the assaults took place under in a suspicious manner and under suspicious circumstances. Such facts have considerably tarnished the post-election period and raised series of questions. ISFED hopes that the law-enforcement authorities will promptly investigate into the above facts and the investigation results will be informed to the Georgian electorate.

It is noteworthy that the monitoring process identified a variety of factors, the existence of which has affected the efforts to conduct elections in full compliance with democratic standards. In particular:

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<sup>33</sup> According to CEC data

- ✓ The issue of impartiality and neutrality of the professional (non-partisan) members of the Election Administration on all levels was critical;
- ✓ Using by the representatives of the political parties in the Election Administration of the Administration platform for making political statements; the issue of their being insufficiently constructive;
- ✓ Insufficiently transparent performance of the Election Administration, namely Central Election Commission;
- ✓ Failure on the part of the professional members of the Election Administration to inform the members of political parties within the Administration and get them involved in the activities of the Election Administration;
- ✓ Insufficient efforts made by the Election Administration towards building the voters' confidence in the election processes;
- ✓ In connection with the Memorandum made by and between CEC and four non-governmental organizations, failure on the part of CEC to provide adequate monitoring over the fulfillment of the Memorandum;
- ✓ Making amendments to the Election Code just 2 months before the Election Day.

As a result of the amendments made in the Election Code on March 21, 2008, the conditions for accreditation of local observers were also changed. ISFED welcomes such changes, noting that the procedures have been considerably streamlined for accreditation of local observers and dispatching them to election precincts. However, it should be mentioned that the Central Election Commission failed to be willing enough to conduct the accreditation process without chaos and problems. Unfortunately, the Central Election Commission failed to mobilize the necessary human and logistical resources to ensure the development of the local observer accreditation process in a problem-free manner.

## **ISFED Recommendations**

Based on the activities it has performed, ISFED has formulated series of recommendations, the consideration of which will help bring the election processes close to democratic standards in Georgia.

### **On election law**

- ✓ The Election Code should be radically changed, making sure that the process is maximally inclusive to enable all the parliamentary and non-parliamentary opposition representatives to take part in it;
- ✓ the electoral system should be revised and the one vote equality principle be adhered to;

- ✓ The Election Code should be improved so as not to require amendments just before every elections;
- ✓ The election precinct video records should be made public and it should be technically possible to timely obtain them;
- ✓ If possible, all the election precincts should be fitted with a video camera, otherwise a normative act should determine the criteria, against which to decide which election precinct to fit with a video camera and which not.

#### **On pre-election period**

- ✓ The Election Code tighten conditions for participation of public servants in the pre-election campaign;
- ✓ The law should prohibit distribution of material goods by or on behalf of candidates;
- ✓ The laws should draw a clear dividing line between the state and a party;
- ✓ Control should be tightened on the facts of pressure on and intimidation of citizens and public servants and all the alleged facts should be investigated by law-enforcement authorities and informed to the public.

#### **On Election Day**

- ✓ Election Day procedures should be streamlined and in some cases specified;
- ✓ More trainings should be organized for the members of the mid and lower levels of the Election Administration;
- ✓ The total number of real ballots in the summarization protocol should be restored to re-bind the members of the Election Administration to strike a balance in the protocol.

#### **On post-election period**

- ✓ Total terms of appeal over election disputes should be increased;
- ✓ The law should streamline procedures for lodging and hearing complaints in the Election Administration;
- ✓ There should be a uniform interpretation of the provisions regarding writing complaints and, therefore, such provisions should be revised;
- ✓ Uniform judicial practice should be formed in connection with election disputes.

#### **On voter education**

- ✓ Special focus should be placed on efforts to keep national minorities informed and for this purpose education materials should be prepared in the languages of national minorities and video materials should be disseminated through local media;

- ✓ Special attention should be placed on the education in election matters of the representatives of national monitories working within the Election Administration.

#### **On voters' lists**

- ✓ Continued efforts should be made to work on and constantly improve and update voters' lists;
- ✓ The representatives of the lower level of the Election Administration should be specifically instructed and trained in the area of putting persons on voters' lists;
- ✓ The law should limit participation of special list subjects (which are moved across the territory of different districts) in majority and local elections;
- ✓ If possible, monitoring should be provided over the putting of voters in the annex to the list and voters should be checked in all districts by random selection.

#### **On CEC performance**

- ✓ CEC should perform any of its activities with maximum transparency and information thereon should be provided to the public in order to build public confidence in the election processes in Georgia and in the work of the Election Administration;
- ✓ CEC's activities should become maximally inclusive in which the members appointed by political parties will take the active part;
- ✓ All items in the agenda of CEC session should be agreed known in advance and agreed with all members;
- ✓ Local observer accreditation procedures should be revised and the human resources necessary for it should be mobilized.

#### **On DEC and PEC performance**

- ✓ The activities of DEC and PEC members should be evaluated in detail against the criteria formulated beforehand;
- ✓ The public servants of the Election Administration who broke law or did/could not ensure fulfillment of law should be publicly identified and held adequately accountable.

## **Annex I.**

**Election Update I**  
*(March 21, 2008 – April 13, 2008)*

At the prebiliscite held on January 5, 2008, 69.8% of voters of Georgia <sup>34</sup> voted for holding the Parliamentary elections in Spring 2008. Based on the plebiscite's results the date for holding the parliamentary elections was set on May 21, 2008.

International Society for Fair Elections and Democracy (thereafter ISFED) instantly expressed its readiness to conduct the monitoring of elections and commenced motoring of pre-election period through the organizations long-term observers. ISFED conducts monitoring on election administration's activities at all level, as well as on conducting pre-election campaigning by the political parties throughout Georgia.

### **Election Legislation**

Prior to setting the date of elections on March 21, 2008, work on amending election legislation was carried out, and the Parliament of Georgia adopted the amendments to the "Election Code of Georgia". Some of important amendments are listed below:

- The number of members of District Election Commission increased from 5 to 13, and they are appointed according to the rule of forming Central and Precinct Election Commissions<sup>35</sup>;
- The period for voters' to check themselves in the voters' list increased up to 14 days;
- The period for lodging complaints on administrative acts of election administration (including summarization protocol) was defined as 1 day;
- Upon the lodging of complaints, the election administration was prescribed to define the shortcoming identified in the complaint and fix it;
- The precise procedure in order to request and view the video camera recordings was defined; according to the new procedure, it is allowed to request only 15 minute piece of video recording;
- The form of summarization protocol was changed, namely: the summarization protocol will be only 1 page; the number of special precinct was added; the number of total voters in supplement lists, as well as the number of voters who participated in the elections and total number of valid ballots were removed;
- The procedure of accreditation of local election observation organizations was changed and simplified. It is now similar to the accreditation procedure for international election observation organizations.

During the process of defining amendments to the election legislation, ISFED together with other local non-governmental organizations participated in the meetings with representatives of the Parliament and regularly presented the organization's recommendations on various topics.

### **Registration of Electoral Subject and Observers**

#### **Registration of Political Parties**

According to the # 196 decree of the President of Georgia by March 21, 2008, the elections of the Parliament of Georgia were appointed on May 21, 2008. No later than 56 days prior the elections (26 March<sup>36</sup>), the Central Election Commission completed receiving the applications from the political parties for the participation in the parliamentary elections. The political parties submitted the applications - the parties without representation in the Parliament were given 6 days to collect the

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<sup>34</sup> According to the data of Central Election Commission of Georgia

<sup>35</sup> All election commissions are recruited with six independent and seven political parties representatives.

<sup>36</sup> Election Code, Article 129<sup>8</sup> Sub article 2.

lists of 30 000 supporters. On April 1 (no later than 50 days prior the elections<sup>37</sup>), only 23 out of 60 parties were registered for the participation in the parliamentary elections. Other political parties were refused registration on the grounds of deficiencies in the applications or either incompleting or unavailable supporters' lists.

No later than 43 days prior the elections, (8 April),<sup>38</sup> political parties informed the Central Election Commission for uniting in the political blocks. As a result, by now, for the participation in the elections 9 political parties and 3 electoral blocks were registered:

Political Parties:

1. National Radical- Democrat Party of Whole Georgia;
2. Political Party of Georgia " Our Country";
3. Political Union of Citizens " Georgian Politics";
4. Political Union of Citizens " Christian-Democratic Movement";
5. Political Movement " Union of Sportsmen of Georgia";
6. Political Movement " Unified National Movement";
7. Labor Party of Georgia;
8. Republican Party of Georgia;
9. Political Movement "Christian-Democratic Alliance".

Electoral Blocks:

1. " United Opposition ( National Council, Rights)";
2. " Traditionalists- Our Country and Women Party";
3. "Right Alliance Tophadze- Industrials".

The deadline for submitting the party list and nominating majoritarian candidates in the electoral districts, for the political parties and electoral block is prior to 21 April, (no later than 30 days prior the elections).<sup>39</sup>

#### Registration of Observer Organizations

According to the data of April 19, for conducting observation of parliamentary elections May 21, 2008, the Central Election Commission, registered and awarded the observer status to two international observer organization- Organization of Security and Cooperation in Europe/ Office of Democratic Institutions and Human Rights (OSCE/ODIHR) and European Centre for Minority Issues (ECMI).

The Central Election Commission registered as observer 11 local non-governmental organizations:

1. Georgian Young Lawyers' Association- m GYLA;
2. Union " Vedjini";
3. Union " International Society for Fair Elections and Democracy"- ISFED;
4. Registered union " Transparency International- Georgia";
5. Registered Union " Democracy Center";
6. Union " Ratio Legis";
7. Union " New Generation- New Initiative";
8. Youth Union " Initiative";
9. " Constitution Rights Protection Center";
10. "International Union for Human Rights Protection and Support " Ndoba";
11. Unified Invalids for Democracy.

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<sup>37</sup> Election Code, Article 129<sup>8</sup> Sub article 3

<sup>38</sup> Election Code, Article 95 Sub article 12

<sup>39</sup> Election Code, Article 96 Sub article 9; Article 97 Sub article 3.

## Election Administration

As mentioned above, ISFED started monitoring the pre-election period, which includes: monitoring of activities of all levels of election administration, adherence of election administrations' activities, formation and activities of staff of Central Election Commission, appointment of members of District and Precinct Commissions, and the process of defining election precincts.

At this stage the series of trainings for central, district and precincts election commissions' members at election administration is ongoing. The trainings for administration's staff are conducted by the group of CEC/UNDP/IFES trainers. Trainings are conducted in Bakuriani according to the following scheme: group of CEC/UNDP/IFES trainers organizes trainings for 24 regional coordinators and 131 trainers, who afterwards conduct two level trainings for District Election Commissions' members. At the same time the group of CEC/UNDP/IFES trainers conducts special 2 day trainings for the heads of District Election Commissions. The same group of trainers conducts separate trainings for Precinct Election Commissions' members. It is planned to hold trainings again 3-4 days prior the elections. In addition, the trainings will be organized for Central Election Commission staff members. ISFED will provide detailed information about the trainings later through the final report on pre-election process.

On April 1, every District Election Commission announced the competition for Precinct Election Commissions. Consequently, according to the period specified by legislation on April 5 (no later than 50 day prior elections<sup>40</sup>) Precinct Election Commissions' members were selected in every District Election Commission, except **#35 Khashuri**, **#30 Kaspi** and **#65 Martivili** District Election Commissions. It should be mentioned that according to the information of ISFED long term observers, Precinct Election Commissions' members' selections were conducted by recommendation and suggestions of local-self government representatives ( **# 62 Chokhatauti** Election District), National Movement (**# 79 Batumi**, **# 60 Ozurgeti**, **# 61 Lanchkhuti**, **# Poti**, **# 11 Sagaredjo**, **# 12 Gurjaani** and **# 13 Sighaghi** Election Administration) and the authorities and other political parties. In many cases, the recruitment was properly posted however, the actual hiring was not competitive because people were appointed as the Commissions' members whether they had appropriate experience or not. There were cases (**# 64 Senaki election district**), than the Commissions' members with the experience at the presidential elections were appointed, while the persons with certificates from the new certification process were not selected at the Commissions.

Despite the fact those sessions at the District Election Commissions should be held regularly, in many cases the sessions are not held in a number of Election Districts. In the period of March 24-30 March, sessions were not held at **# 44 Ambrolauri**, **# 46 Lentekhi**, **# 63 Abasha**, **# 64 Senaki**, **# 29 Kazbegi**, **# 28 Dusheti**, **# 66 Khobi** and **# 56 Chiatura** Election Districts. In the period of April 7-13 April, sessions were not held at **# 13 Sighnaghi**, **# 1 Mtatsminda**, **# 4 Krtsanisi**, **# 5 Isani**, **# 6 Samgori**, **# 7 Chughureti**, **# 10 Gldani**, **# 19 Tianeti**, **# 20 Rustavi**, **# 21 Gardabani**, **# 26 Tetrtskharo**, **# 28 Dusheti**, **# 30 Kaspi**, **# 32 Gori**, **# 37 Akaltsikhe** and **# 38 Adigeni** District Election Commissions.

In a number of Election Districts the sessions were not attended by the every member of the Commissions such as in **# 85 Liakhvi**, **# 25 Tsalka** District Election Commissions. It should be noted, in a number of Election Districts the decisions were made by one person usually chairperson rather than through consensus (**# 64 Senaki** Election District).

According to the timetable of election activities, on 6 April (no later than 45 days prior the elections<sup>41</sup>), Election Districts should have published the numbers, addresses, telephone (fax)

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<sup>40</sup> Election Code, Article 37, Sub article 1.

<sup>41</sup> Election Code, Article 16, Sub article 7.

numbers and other requisites of Election Precincts through the print and mass media. The above mentioned requisites were not published on time at # **79 Batumi**, # **83 Khelvachauri**, # **81 Kobuleti**, # **60 Ozurgeti**, # **62 Chokhatari**, # **61 Lanchkhuti**, # **46 Lentekhi**, # **56 Jiatura**, # **52 Bagdati**, # **65 Martvili**, # **66 Khobi** and # **35 Khashuri** Election Districts.

By 10 April (no later than 41 day prior the elections<sup>42</sup>) the total number of voters in each Election District and all of its Election Precincts were not published as prescribed by law in the following Election Districts: # **79 Batumi**, # **84 Khulo**, # **82 Shuakhevi** and # **81 Kobuleti** Election Districts. In # **15 Lagodekhi** Election District, the data was published only at Election District and not at its Precincts.

According to ISFED's long-term observers, several District Election Commissions' members are occupied with other activities. We must note that, according to the Georgian election legislation<sup>43</sup>, precinct election commissions do not have right to have other job at the same time (except being a teacher). These Election Districts are: # **15 Lagodekhi**, # **16 Kvareli**, # **17 Telavi**, # **43 Oni**, # **69 Chkhorotskhu**, # **56 Chiatura**, # **57 Tkhivuli**, # **47 Mestia**, # **68 Tsalenjikha**, # **82 Shuakhevi**, # **83 Khelvachauri**, # **60 Ozurgeti**, # **70 Poti**, # **32 Gori**, # **36 Borjomi**, # **38 Adigeni**, # **85 Liakhvi**, # **3 Saburtalo**, # **19 Tianeti**, # **21 Gardabani**, # **25 Tsalka**, # **26 Tetrtskaro**, # **28 Dusheti** and # **29 Kazbegi** Election Districts.

It should be noted that ISFED's long-term observers checked the data of every Election District and the web-page of Central Election Commission<sup>44</sup> and found that the data posted at the Election Districts in most cases do not coincide with the data posted at CEC web-page. Also the significant deficiencies with voters' list were discovered. ISFED plans to make a special statement with regard to voters' list in a near future. According to the official data of the Central Election Commission of Georgia, a present the total number of voters is 3 458 020.

### **Pre-Election Campaign**

ISFED's monitoring of the pre-election campaign reveal that the representatives of National Movement are most actively engaged in the campaign. The second most active is Christian-Democratic Party. So far the campaign has been conducted in calm environment, though there are cases of intimidating parties and voters.

One fact of obstructing pre-election campaigning was observed at # **63 Abasha** Election District, when on March 31 in Village **Qolobani** local-self government representative (village Proxy) called to disperse the voters, gathered for meeting with the candidate Gocha Phiphia and warned the director of village club for allocating the hall for the meeting. However, Phiphia's meeting with voters still took place.

During the pre-election campaign, there were cases where the representatives of opposition parties had problems with renting offices. For example, in # **84 Khulo** Election District, the Christian-Democratic Party had problems with renting office as the coordinator of National Movement ordered a landlord in Vashlovani not to rent the place to the Christian-Democrats and demanded to consult on that with Gamgebeli. However, the Christian-Democrats still rented the place, but later they moved out of that office into another place.

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<sup>42</sup> Election Code, Article 9<sup>1</sup>, Sub article 2.

<sup>43</sup> Election Code, Article 18, Sub Articles 5, 5<sup>1</sup>, 6.

<sup>44</sup> [www.cec.gov.ge](http://www.cec.gov.ge)

At # **60 Ozurgeti** Election District teacher were ordered not to communicate with opposition parties and not to work at election commissions. At # **62 Chokhatauri** Election District Gamgebeli met with schools directors and demanded a list of teachers supporting opposition.

At # **64 Senaki** Election District, during the distribution of fuel (on Gamsakhurdia Street) citizens were asked to support majoritarian candidate of Untied National Movement, Guram Mesabishvili. The same fact was observed at # **45 Tsageri** Election District, where during distribution of fuel and vouchers agitation for supporting the Untied National Movement candidate was carried out.

A case of bribing was observed in # **32 Gori** Election District, where the majoritarian candidate from the National Movement, Giga Tatishvili, promised the school teacher of Gori District villages (**Karaleti, Kvakhvrelis, Nikozi**) to repair the school if he received lots of votes from the above-mentioned schools.

A case of intimidation of an observer was also observed. In # **60 Ozurgeti** Election District, ISFED's observer was warned that if she would interfere with the work of the District Commission, the Commission would adopt the decree and lodge the appeal to the court on the ground of violating the observer's duties. However, observe was not interfering with the activities of the Commission.

Monitoring the pre-election period is financially supported by the European Union and Swiss Agency for Development and Cooperation.

International Society for Fair Elections and Democracy - ISFED continues conducting the monitoring of pre-election campaign and will regularly provide the findings to the public.

## **Annex II.**

### **Election Update II**

*(April 14-29)*

International society for Fair Elections and Democracy (hereafter ISFED) continues pre-election period monitoring for the parliamentary elections of May 21, 2008. ISFED in the second edition of "Election Update" presents the findings for April 29, 2008.

#### **Election Administration**

In the pre-election period ISFED has been observing election administration activities, at the central, district and precinct levels.

#### **Central Election Commission monitoring findings**

In the monitoring period, the Central Election Commission finished work on voters' list and provided the updated electronic version of voters' list to the political parties and local non-governmental organizations, including ISFED. On April 15, ISFED checked the updated version of voters' lists database and on April 29 made a special statement. The statement on voters' lists can be accessed at ISFED's web-page<sup>45</sup>.

According to election legislation, no later than 30 days prior to the Election Day, on April 21, the Central Election Commission assigns the numbers to the political parties and electoral blocks for the participation in the elections.<sup>46</sup> According to the Article 99 of Unified Election Code, three parties with the best results in the previous parliamentary elections- Unified National Movement, "Right Opposition- Industrials, New Rights" and Labor Party of Georgia retained their numbers assigned during the 2004 elections. Other electoral subjects were assigned numbers at CEC session through a random casting of lots. The numbers were distributed as follows"

- # 1 – Citizens political union " Georgian Politics";
- # 2 – Republican Party of Georgia;
- # 3 – " Right Alliance, Tophadze- Industrials ( I.S.G, Ertoba, NDP);
- # 4 – " Shalva Natelashvili- Labor Party of Georgia";
- # 5 – Unified National Movement- for Victorious Georgia"
- # 6 – Political Union" Sportsmen's Union of Georgia";
- # 7- "United Opposition ( National Council, New Rights);
- # 8 - " Radical-Democrat National Party of Whole Georgia";
- # 9 – Political Union " Christian-Democratic Alliance";
- # 10 – " Giorgi Targamadze- Christian-Democrats";
- # 11 - " Traditionalists- Our Georgian and Women's Party;
- # 12 – Political Party of Georgia " Our Country".

ISFED checked the precincts created by Central Election Commission according to range of allowable number of voters. According to Election Code<sup>47</sup>, a precinct is created for no fewer than 20 voters and no more than 1500 voter. ISFED findings showed that there are **287** precincts with more than 1500 voters, and **2** precincts with fewer than 20 voters. No later than 30 days prior to the elections, on April 21,<sup>48</sup> for the parliamentary elections, the Central Election Commission created special precincts abroad. In total, 47 precincts in 35 countries have been created for Georgian voters living abroad. The exact total of voters abroad will be available in a few days.

On April 29, the Central Election Commission approved the text of the ballot paper for the proportional system for parliamentary elections. The same day, on April 29, Central Election Commission registered and assigned the observer's status for the elections two international organizations – "**Observation Mission of Commonwealth of Independent States**" and "**Central Election Commission of Ukraine**"; 4 local observation organizations - Fund "**Multi Ethnical Resource Center of Civil Development**"; "**Civil Development Society**"; "**Information Freedom Association**"; and Public Movement "**Multinational Georgia**".

According to timetable of election activities, no later than 30 days prior to the elections, April 21,<sup>49</sup> was the last date for parties and electoral blocks to submit their party lists and majoritarian candidates to the Central Election Commission. On that day, every party/electoral block participating in the

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<sup>45</sup> [www.isfed.ge](http://www.isfed.ge)

<sup>46</sup> The organic law " Election Code of Georgia" (hereafter Election Code), Article 99, Sub-article 1;

<sup>47</sup> Election Code, Article 16, Sub-article 2;

<sup>48</sup> Election Code, Article 16, Sub-article 6;

<sup>49</sup> Election Code, Article 96, Sub-article 9.

elections presented their respective lists to the Central Election Commission. Here it should be mentioned that presentation of the Unified National Movement's list to CEC garnered much attention. The members of CEC appointed by the opposition parties demanded to see the lists as they wanted to verify that the lists were indeed sealed and submitted by 18:00. However, the CEC Chairman refused to let them enter the room where the lists were believed to have been kept. This move by the CEC Chairman was met with a negative reaction from the CEC opposition party members and electoral subjects (political parties). As a result, representatives of political parties, their activists and local organizations gathered at the CEC building. A large number of people present in the building gathered outside of the room, where according to the CEC Chairman the sealed lists presented by political parties were kept. After four hours of waiting, the room was opened, but it became clear that the lists were not in that room but actually kept in an entirely different room. The crowd then moved to the other room where the lists were and during the lists' observation it was noticed that the seal on one file was damaged.<sup>50</sup> Later a detailed observation of files (lists and registration cards of candidates) was conducted. According to ISFED comparison, lists and registration cards of candidates coincided.

According to a reached agreement, the process of opening the rooms and observing the lists was attended by all CEC members; National Movement Party's accredited representative at CEC; international election observation organizations- ODIHR and National Democratic Institute for International Affairs; local election observation organizations" Georgian Young Lawyers Association, Chairman- Giorgi Chkheidze and ISFED – Executive Director- Eka Siradze-Delaunay.

ISFED regrets the incidents of April 21 at CEC and believes that with proper management and transparency, the situation could have been avoided. ISFED hopes that for the sake of increasing the public's trust in election, such incidents will not happen again, and every side participating in the elections will equally share responsibility for carrying out election related activities according to the legislation and in as transparent a manner as possible.

#### **District Election Commission and Precinct Election Commissions Monitoring Findings**

ISFED through its long-term observers monitored at 75 District Election Commissions. According to monitoring findings in the period of April 14-20, the District Election Commissions' sessions were not held in **# 52 Bagdati, #66 Khobi, # 13 Sighaghi, #14 Dedoflistskaro, # Kvareli, # 6 Samgori, # 32 Gori, #37 Akaltsikhe** and **# 85 Liakhvi**. In the period of April 21-27, the April Sessions of District Elections Commissions were not held in **# 50 Terdjola** and **# 4 Krtsanitsi**.

According to the DECs' regulation an announcement about the DEC session must be posted preliminarily in election district building.<sup>51</sup>In the monitoring period, the persons (non-governmental organizations, media) interested in attending the sessions of District Election Commissions were not able to do so because the exact date and place of sessions was not known in advance. Such problems were observed at **# 21 Gurjaani** and **# 14 Dedoflistskaro** District Election Commissions.

According to the law, on April 17, no later than 34 days prior to the elections,<sup>52</sup> the voters' general list is to be signed by the District Election Commission Chair and Secretary and presented to the Precinct Election Commissions. This legal requirement was not met in the following areas: **#56 Chiatura DEC, PEC # 3, #20 and # 55 and #28 Dusheti DEC, PEC # 35**.

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<sup>50</sup> ISFED notes that the legislation does not envision sealing the lists submitted by a party.

<sup>51</sup> DEC regulation, Article 7, Sub-article 2.

<sup>52</sup> Election Code, Article 9, Sub-article 11;

According to the timetable of election activities, on April 17, no later than 34 days prior to the elections,<sup>53</sup> the newly created Precinct Election Commissions had to post the voters' lists and any decisions related to complaints. The lists and decisions on complaints were not posted in the period prescribed by the legislation in: # 56 Chiatura DEC #3, #20, #23, # 30, # 35, # 43, # 51 and # 55 PECs; # 59 Kutaisi DEC # 83 PEC, # 6 Samgori # 16 and # 24 PECs; # 21 Tetrtskharo DEC # 3 and #19; #37 Akhaltsikhe # 1, # 2, # 3, # 4, # 5, # 6, # 7, # 8, # 28, # 29, # 30, #31 and # 32 PECs; # 15 Lagodekhi DEC # 31 and # 34 PECs; Khulo DEC # 1 and # 18 PECs; # 83 Khelvachauri DEC #28 and #56 PECs; # 81 Kobuleti DEC # 4, # 5, # 8, # 53 and # 54 PECs; # 70 Poti DEC #6, # 20, # 23 and # 24 PECs; # 60 Ozurgeti DEC # 2 and # 4; # 79 Batumi DEC # 3, # 12 # 29, # 48, # 52, # 53, # 55 and # 66 PECs. In a number of DEC's incomplete information was posted: in # 67 Zugdidi DEC, all of the PEC posted the voters' lists, but decisions on complaints were not posted. The decisions on complaints were also not posted in # 6 Samgori DEC #10, # 13, # 22, # 23, # 25, # 32, # 58 PEC and # 59 Kutaisi DEC # 76 PEC.

In 67 PECs of 16 DEC's, there were fewer members than the prescribed by law and consequently competitions were announced in order to find the required number of members. The PECs where such competitions were announced are as follows: # 48 Kharagauli, PECs #3 and #12; DEC #54 Samtredia, PECs #16, # 46, # 17, # 1, # 10, # 30, # 35, # 37, # 41, # 43, # 48 and # 36; DEC #64 Senaki, PEC # 7; DEC #69 Chkhorotskhu, PEC # 19; DEC # 69 Ozurgeti, PEC # 44; DEC #40 Akhalkalaki, PEC # 42 and # 33; DEC # 2 Vake, PECs #2, #5, #7, #11, #18, #23, #24, #29, and #37; DEC # 5 Isani, PECs #15, #18, #27 and #68; DEC # 6 Samgori, PECs #18, #48, #62, #68, #69, #72, #93, #108 and #112; DEC # 7 Chugureti, PEC #5 and #31; DEC # 9 Nadzaladevi, PEC #41, #55, #58, #59, #71, #73, #74, #76 and #96; DEC #20 Rustavi, PEC #10; DEC #23 Bolnisi, PECs #16, #58, #19, #25, #28, #39 and #44; DEC #26 Tetrtskharo, PEC # 19; DEC #27 Mtskheta, PECs #3 and #33. In DEC #79 Batumi, PECs # 10, # 54 and # 64, the number of members were fewer than that prescribed by the legislation, however competitions were not announced at these commissions and members were appointed from the reserves (the members were appointed from those people who had applied for the commission membership at the first stage of the competition).

In the period set by the legislation, no later than 29 days prior to the elections,<sup>54</sup> the list of the members of Precinct Election Commissions is supposed to be published by the District Election Commission. At the prescribed date, on April 22, the above-mentioned lists were published at every District Election Commission, except for District # 32 Gori.

In the period prescribed by the legislation, no later than 29 days prior to the elections,<sup>55</sup> on April 22, every District Election Commission received the data on candidates nominated in the districts, which are then entered onto the ballot paper.

### Pre-election Campaign

During the monitoring period, the party with the most active campaign was the United National Movement. The National Movement opened an election headquarters in almost every district and the party's majoritarian candidates held meetings with the voters in almost every district. Other visibly active political parties were the Republican Party, Christian-Democratic Movement, and the United Opposition.

During the monitoring period, meetings between voters and political parties did not happen in the following election districts: # 61 Lanchkhuti, # 36 Borjomi, # 38 Adigeni, # 45 Tsageri, # 49 Terjola, #

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<sup>53</sup> Election Code, Article 13, Sub-Article 1;

<sup>54</sup> Election Code, Article 37, Sub-article 4;

<sup>55</sup> Election Code, Article 96, Sub-article 9;

**53 Vani, # 55 Khoni, # 63 Abasha, # 65 Martvili, # 64 Senaki, # 69 Chorodtskhu and # 68 Tsalandjikha.**

In the pre-election campaign period, ISFED observed the following activities: in **# 29 Kazbegi** Election District, in the period of April 21-27, according to the information gathered from the public, National Movement representatives distributed food products (e.g., Cereals, oil) to the public. In **# 14 Dedoflistsckharo** Election District, namely at village Ozaani kindergarten, sweets in the name of the Unified National Movement candidate Avtandil Lekashvili were distributed. In **# 35 Khashuri** Election District, in mid-April (April 17) the public received the vouchers for fuel in the name of the Unified National Movement.

In **# 28 Dusheti** Election District, on April 23, the district Gamgebeli and the Governor met with the citizens working in the public sphere (schools, kindergartens, library, policlinic, sakrebulo) and LTD. The meeting took place at the Gamgeoba building. Prior to the meeting the employees were summoned by the heads of the above-mentioned organizations under the pretext of organizations' reorganization forced into writing statements on resigning from their jobs. The same fact was observed at **# 29 Kazbegi** election district, where the representatives of the National Movement demanded from the staff of public organizations and local citizens to acknowledge their support through filling the supporters' application forms. In case of refusing this demand, the people were warned that they would lose their jobs. ISFED's long-term observer in Kazbegi Fikria Burduli refused to fill this application form. The next day she was fired from the Gamgeoba Cultural Service on the pretext of reorganization. Also there were facts when citizens and employees were demanded to state openly their choice at election precincts.

In **# 28 Dusheti** Election District, the persons who identified themselves with voters as the representatives of the Unified National Movement, visited every household on every street and conducted the survey writing down the voters' data, including personal numbers and had citizens sign them.

In **# 9 Nazaladevi** Election District, self-identified representatives of the Unified National Movement conducted door-to-door campaigning with voters and had them fill out a family questionnaire. Such facts were observed in other districts of Tbilisi, namely **# 1 Mtatsminda** and **# 8 Didube** Election Districts.

In **# 32 Gori** Election District, on April 18, a meeting between the public and the Parliament Speaker Nino Budjanadze was planned. On that day, the Director of **# 3** Secondary School, decided to cease the teaching process (without consultation with parents or the School Board) and students were sent to attend the meeting, which in the end was canceled

During the monitoring period, the Labor Party experienced problems with renting space. In **# 1 Mtatsminda** Election District, private individuals refused to rent the office space to the party and did not give reasons for the refusals. The Conservative Party experienced the same problem in **# 10 Gldani** Election District. In **# 38 Adigeni** Election District, the Republic Party initially experienced problems with renting office space from Rayon Gamgebeli and Police Chief; however the party did succeed later in renting the office.

### Conclusion

ISFED welcomes the government' initiative to distribute various benefits to the population (fuel vouchers), though ISFED believes that such initiatives should not be conducted by party activists. On one hand it creates an unequal atmosphere among the election subjects and on the other hand, such

acts are an abuse of administrative resources. ISFED will negatively evaluate any occurrence on such activities in the pre-election period.

ISFED wishes to highlight that after the publication of the first edition of “Election Update”, the attitudes of a number of representatives of election administrations have changed and become negative towards its long-term observers, specifically in # **79 Batumi** Election District, # **84 Khulo** Election District and # **81 Kobuleti** Election District.

ISFED calls on the election administrations and all their representatives to cooperate and reminds them that according to Election Code, <sup>56</sup> a local election observation organization and its’ representative may conduct monitoring at every election commission. ISFED hopes that future reports will not be met with negativity on the part of election administrations.

#### Statement of International Society for Fair Elections and Democracy

*(To the answer of Central Election Commission to ISFED’s pre-election period monitoring report)<sup>57</sup>*

ISFED welcomes the initiative of the Central Election Commission to discuss in detail, ISFED’s pre-election period monitoring reports and undertake measures aimed at eradicating the problems identified.

ISFED reiterates that is not interested in the election results, but only in the election process and it is that process that ISFED monitors. ISFED only presents information that is either experienced first hand or verified by ISFED staff and observers.

ISFED believes that the arguments given in the CEC’s response are not well documented. Below is ISFED’s response to the CEC statement:

According to CEC, the date for selecting Precinct Election Commissions; members by CEC # 106/2008 decree was determined by April 1-5 ( the same dates are given in election activities timetable). In ISFED’s report we also talk about the same period “ on April 1 every Election District announced the competitor for selections of Precinct Election Commissions”. Our report also states that on April 5

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<sup>56</sup> Election Code, Article 69, Sub-article 7<sup>1</sup>;

<sup>57</sup> April 22, 2008 report.

almost every Precinct Election Commissions' members were select, except some Precinct Election Commissions in # **35 Khashuri**, # **30 Kaspi** and # **65 Martvili** Election District. The response states that in those districts, the competition was held according to the dates prescribed by legislation, though according to the information collected by ISFED, that was not the case. The ISFED report does not state that every District Election Commission should have announced the competition for selecting Precinct Election Commissions' members- as stated in DEC response. ISFED enumerated only those districts where the selection of commission members was not conducted.

ISFED's report also states that in the selection process of Precinct Election Commissions' members, representatives of different political parties and self-government were involved. Here ISFED does not mean the members of commissions who are appointed by the political parties, but those members who are appointed by District Election Commissions. At the same time, according to legislation, the exclusive right for selecting Precinct Election Commissions' members are bestowed upon political parties and District Election Commission, and it is better if representatives of government and local self-governance are not get involve in this process as their involvement could be seen as intimidation or creating an uncompetitive atmosphere. In the report, it is also mentioned that the persons who passed the certification process were not appointed and the persons with experience of working at the commissions at the Presidential Elections 2008 were appointed. ISFED believes that relevant experience is necessary, though according to the CEC statement itself regarding the Extraordinary Presidential Elections of January 5, significant shortcomings occurred because commissions members were not of a high caliber. For that reason, attention must be paid to how Precinct Election Commissions' members are selected and define good selection criteria.

Regarding the information on District Election Commissions' sessions, the report lists the monitoring information and does not state that it is a violation of the legislation. ISFED is well aware that according to the Article 22, Sub-article 4 of the organic law "Election Code of Georgia" "frequency of holding District Election Commission's session is determined by respective Commission". Though ISFED believes that in the pre-election period, it is better to hold the DEC sessions more frequently than they are usually held during a non-election periods.

It should also be mentioned that according to the CEC response, in a number of Election Districts, information about Election Precincts was not published through the press and other media because in those districts, there are no local media or it is published non-regularly. We checked the districts listed in our report and state that in most districts there are regular press outlets. For example- # **79 Batumi** Election District- newspapers "**Adjara**" ( 3 times a week) and "**Batumelebi**" (once a week); # **81 Kobuleti** Election District- newspapers "**Kobuleti**" and "**Chemi Kobuleti**" (once a week); # **35 Khashuri** Election District- newspaper- "**Khashuri Moambe**" (once a week); # **56 Chiatura** Election District- newspaper "**Chiatura**" (once a week).

The report states " in the period prescribed by legislation, namely on April 10, no later than 41 days prior to the election, a total number of voters in the Election District and its every Election Precincts was not published in the following election districts: # **79 Batumi**, # **84 Khulo**, # **82 Shuakhevi** and # **81 Kobuleti**". Here is meant that the procedures prescribed by the legislation--posting the number of voters in the election district--should be the number of voters in the Election District as well as of the each Election Precincts in that district. The detailed information regarding the above-mentioned norm can be find at the Article 9<sup>1</sup> , Sub-article 2 of the organic law of Georgia " Election Code of Georgia".

Regarding the difference in the data of voters posted at the Election Districts and CEC web-page, ISFED can provide the detailed information. For example, in # **79 Batumi** Election District, according to the officially requested information, the number of voters is **96 547**<sup>58</sup>, according to CEC web-page,

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<sup>58</sup> See annex 1

it is 97 300<sup>59</sup>, and according to information published at the official publication “Adjara” it is 98 065<sup>60</sup>. We include copies of letter received from Batumi District and the newspaper as annexes to this report.

Finally, regarding the violations observed during the pre-election campaign, the specific details observed in # 63 Abasha are true and was verified by ISFED’s long-term observer. The fact that the Village Gamgebeli categorically rejects that such violation occurred is not a compelling argument.

International Society for Fair Election and Democracy continues monitoring of pre-election campaign and will periodically provide public with monitoring findings.

Pre-election monitoring is conducted through the financial support of European Union and Swiss Agency for Development and Cooperation.

## Annex III

### Election Update III

*(April 30-May 8)*

International Society for Fair Elections and Democracy (hereafter ISFED) continues monitoring of the pre-election campaign for the Parliamentary Elections May 21, 2008. In the third edition of electronic bulletin “Election Update” ISFED presents the monitoring findings as of May 8, 2008.

#### Election Administration

In the pre-election period ISFED has been monitoring the activities of election administration, on central, district and precinct level.

#### Monitoring results of the Central Election Commission

At the date prescribed by the legislation, no later than 21 days prior to the elections<sup>61</sup>, on April 30, the voters voting through the special lists registered themselves. However as the process of checking is still underway the number of voters voting through the special lists is not yet known.

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<sup>59</sup> [http://www.cec.gov.ge/index.php?lang\\_id=GEO&sec\\_id=332&info\\_id=4285](http://www.cec.gov.ge/index.php?lang_id=GEO&sec_id=332&info_id=4285)

<sup>60</sup> See annex 2

<sup>61</sup> Election Code of Georgia, Article 98, Sub-article 3;

The Central Election Commission allocated 3 days to every political party and electoral block participating in the elections for fixing shortcomings in the party lists and documentations of representatives. In the period prescribed by the legislation, no later than 20 days prior to the elections, <sup>62</sup> on May 1, all subject participating in the elections presented to CEC the amended party/candidates lists.

In the monitoring period the Central Election Commission registered and granted observers' status to seven domestic organizations- **Union "Journalists' Protection International Center"; Union "Women's Political Resource Center"; "Democratic Principles and Human Rights Protection Union"; Union "Former Political Prisoners for Human Rights"; "Union "Civil Cultures International Center"; local non-governmental organization "People's Friendship International League's Special Representation Office in the Caucasus"; Association of Fight Against Corruption and Consumers' Right Protection in Imereti Region "Sachino",** and to five international organizations- **Office of European Union's Special Representative for the Caucasus"; International Human Right Protection Society"- IGFM; "Czech State Election Committee"; "Embassy of Italy to Georgia"; "Embassy of Lithuania to Georgia"; "Embassy of Czech Republic to Georgia";** As for May 8, the Central Election Commission registered 30 domestic and 11 international observation organizations.

On May 1, the Central Election Commission approved the demonstration protocols of voting results (proportional and majoritarian) for District and Precinct Election Commissions.

No later than 20 days prior to elections, on May 1<sup>63</sup> the Central Election Commission elected 6 members of all of Election Precincts established abroad. The same day Central Election Commission received the voters' list residing abroad. Currently, the process of analyzing the above-mentioned lists and fixing the existing shortcoming is underway.

In accordance to the timetable of election activities, no later than 17 days prior to the elections, <sup>64</sup> on May 4, the first sessions of Precinct Election Commissions abroad took place.

On May 5, Central Election Commission at its session, extended the period for entering changes to the voters' list by 3 days and set the last date as May 8. ISFED welcomed the Central Election Commission' decision and, as by extending the period, more voters will be able to check oneself in the voters' list, which will positively contribute to the process of improving the voters' lists.

On May 6, the Central Election Commission published the brochure for public officials, which includes the rules on use of administrative resources, and official positions during the pre-election agitation. ISFED welcomes the Central Election Commission's initiative. Also ISFED welcomes the translation of election documentation into ethnic minorities' languages (Russian, Ossetian, Armenian, and Azeri) as carried out by the Central Election Commission.

### **Monitoring Results of the District and Precinct Election Commissions**

In the monitoring period, the members of the District and Precinct Election Commissions received trainings on methods and principles, election procedures, voters' lists, Election Day procedures, protocols and complaints deliberation.

As of the publication date of this report, trainings have not been organized for the members of District Election Commissions in # **79 Batumi**, # **81 Kobuleti** and # **70 Poti**. For members of District

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<sup>62</sup> Election Code of Georgia, Article 37, Sub-article 2;

<sup>63</sup> Election Code, Article 37, Sub-Article 2;

<sup>64</sup> Election Code, Article 37, Sub-Article 4;

Election Commissions # **37 Akaltsikhe**, # **12 Gurjaani** and # **26 Tetrtskharo**, trainings are still underway. Trainings are still ongoing for the members of Precinct Election Commissions in District Election Commissions # **15 Lagodekhi**, # **32 Gori**, # **35 Khashuri**, # **37 Akaltsikhe**, # **38 Adigeni**, and # **38 Liakhvi**. It has to be mentioned that not every member of District and Precinct Election Commissions have attended the trainings.

In the monitoring period, sessions have not been conducted at the District Election Commissions # **6 Samgori**, # **10 Gldani**, # **30 Kaspi**, # **33 Kareli** and # **85 Liakhvi**.

At Election District # **13 Sighaghi**, some members of Precinct Election Commissions still hold a paid position in the public sphere (Head of Library and Museum Department, Chief Doctor of Hospital). According the Election Legislation of Georgia, members of commissions cannot hold other paid positions, except of teaching.<sup>65</sup>

### Pre-Election Campaign

In the reporting period, findings showed that in terms of meeting with voters, the most active parties are Unified National Movement, Unified Opposition, Republican Party and Christian-Democratic Party. In #**1 Mtatsminda**, #**2 Vake**, #**8 Didube**, #**9 Nadzaladevi**, #**21 Gardabani**, #**25 Tsalka**, #**26 Tetrtskaro**, #**33 Kareli** no political parties' activity has been observed with voters.

In the monitoring period, several cases of voters' intimidation and bribery were observed: on April 29, the Unified National Movement's majoritarian Candidate in Election District # **45 Tsageri**, Valeri Giorgobiani met with the Heads of various public organizations. The meeting took place at the Gamgeoba's session hall, where the majoritarian candidate demanded that those participating in the meeting support the National Movement;<sup>66</sup> otherwise they would lose their jobs. This conversation was secretly recorded by one of the citizens, and disseminated by the United Opposition through televisions. The National Movement majoritarian candidate withdrew his candidacy to avoid a negative impact on his party's image (according to his words), though demanded that the law-enforcement bodies to review the tape and verify the authenticity of the secret recordings. ISFED welcomes the fact that the majoritarian candidate would not participate in the Parliamentary Elections and calls on the law-enforcement bodies to conduct a proper investigation into the situation.

On April 30, in Election District # **84 Khulo**, the activists of Unified National Movement collected signatures from voters, who are supporters of the National Movement. Also activists were demanding that the population support the National Movement at the Parliamentary Elections, or otherwise their relatives would lose their jobs. In one instance an individual was warned that if he joined the opposition party, than his family member would lose their job in public sphere. Similar fact was observed in Election District # **55 Khoni**.

In the monitoring period, in Election District # **30 Kaspi**, the persons who identified themselves as representatives of National Movement were collecting citizens' Identification Numbers, and were also conducting a survey on which the political subject population supports.

In Election District # **12 Gurjaani**, the activists of Unified National Movement were writing down citizens' Identification Numbers in special forms and made voters sign the forms. Those voters who refused to sign, were than threatened and told they would be removed from the voters' list.

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<sup>65</sup> Election Code, Article 18, Article 5, 5<sup>1</sup>, 6:

<sup>66</sup> According to Giorgobiani's statement the National Movement should have received 80 % of voters in the District.

In Election District # 17 Telavi, the majoritarian candidate of National Movement Gia Arsenishvili, together with the representatives of local government, participated in donating municipal busses to the villages. Though the electoral legislation is very liberal in this area, ISFED believes that it can create non-equal conditions for other electoral subjects participating in the elections, which do not have opportunities to participate in such events.

In Election District # 44 Ambrolauri, village Chorjo, the school students received balls and sporting clothing donated in the name of National Movement's majoritarian candidate Gocha Enuqidze. The event was led by the Sakrebulo member and the representative of National Movement.

A case of voters' intimidation was observed in Election District # 49 Terjola, where according to the Head of Election Headquarters of Republican Party, the representatives of local self-governance, namely, Lasha Zedashidze, the officer of the Financial Police in Imereti, former Gamgebeli, inquired about every person related to the Republic Party. Also, the supporters of the Republican Party were warned not to support the above-mentioned party, or their family members would lose their jobs.

On May 1, Election District # 32 Gori, the members of National Movement (Gigi Tsereteli, Koba Subeliani, and David Bakradze) met with voters, including school teachers. It has to be mentioned that because of this meeting, schools classes were cancelled, which resulted in teachers' and parents' dissatisfaction. Teachers had the problems in Election District # 44 Ambrolauri, where they were strictly warned to refrain from cooperation with opposition political parties.

In Election District # 55 Khoni, the persons who identified themselves as representatives of Unified National Movement forced small-size entrepreneurs (owners of shops, gambling houses, fuel stations, and LTDs) to work at the Precinct Election Commission, and threatened them losing their business.

In Election District # 85 Liakhvi, according to majoritarian candidate from the New Rights Goga Okropiridze, he was hindered from conducting pre-election campaign. During his visit to villages in Didi Liakhvi, his car was followed by Deputy Head of Sakrebulo of Kurta Municipality and other officials of the Sakrebulo and they forbid him from conducting a pre-election campaign. According to the candidate, he was also followed by the Chief of Police and police officers.

The United Opposition also experienced problems conducting meetings with voters in the village Bostana and Velevi in Election District # 44 Ambrolauri. In the first case, after worsening weather, the United Opposition was not able to meet with voters at the school, because the Head of Resource Center refused to allocate the school building. Herewith, ISFED notes, that during the monitoring period, none of the political parties held meeting with local citizens in abovementioned village. In the second case, citizens were strictly warned by the village Rtsmunebuli to not meet with the representatives of the United Opposition.

In the monitoring period, the majoritarian candidate from the electoral block "United Opposition (National Council, New Rights)" in Election District # 85 Liakhvi had the problems concerning the renting of office space.

In the monitoring period, namely on May 4, the representatives of youth organizations of various opposition political parties organized a demonstration in front of the house of the Head of Central Election Commission Levan Tarkhnishvili. The demonstration was followed by clashes between Tarkhnishvili's neighbors and the participants. As a result several young people received injuries.

Despite the fact that the acting legislation of Georgia guarantees the freedom of expression of speech and thought, and the living place of a concrete person is not considered as a forbidden place for

organizing demonstration, ISFED considers that organizing such demonstrations in front of a living place is not appropriate. ISFED considers that it is important to draw a clear line between professional activities and personal life.

In addition, ISFED calls on the law-enforcement bodies to investigate the above-mentioned fact and take the appropriate measures.

International Society for Fair Elections and Democracy continues monitoring of the pre-election period and inform the public periodically about the monitoring findings.

International Society for Fair Elections and Democracy's pre-election monitoring is implemented through the financial support of European Union and Swiss Agency for Development and Cooperation.

## **Annex IV**

### **Voters' Unified List**

International Society for Fair Elections and Democracy (hereafter ISFED) conducted the monitoring of the process of improving the unified voters' list (UVL) carried out by the Election Administration. The monitoring findings showed that in the process of improving the lists many significant shortcomings were fixed, however there are still several problematic issues to be addressed.

#### **The activities carried out by the election administration**

After the observed problems at the January 5, 2008, Extraordinary Presidential Elections, the Central Election Commission of Georgia (hereafter the CEC) launched activities on improving the voters' lists. On February 1, 2008, the Central Election Commission received the data on voters from the Civil Registry Agency of Ministry of Justice and the Ministry of Refuges and Accommodation of Georgia. At the same time the CEC analyzed the data of supplementary lists created at the snap Presidential Elections of January 5, 2008.<sup>67</sup>

According to the information of the Central Election Commission, based on the above-mentioned data the following voters were added to the voters' list: Voters, who were registered in the Civil Registry Agency, but were not in the CEC list; Voters, who obtained new Identification Cards (IDs) in December 2007 and January 2008 (before the Presidential Elections); Voters, who were registered in UVL, and at the same time were registered in the supplementary list; Voters, turned 18 (legal age), but were not registered in voters' list.

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<sup>67</sup> According to the CEC;

66 740 new entries were added to the UVL after revision of the lists (21 674 from additional lists and 45 066 from data of the Civil Registry). 17 900 deceased are taken out from the list. Corrections were made to 235 620 family names, first names, date of birth and address<sup>68</sup>.

### **Monitoring findings of ISFED**

During the process of checking the UVL, the CEC was actively cooperating with ISFED. The CEC and ISFED signed the Memorandum of Cooperation, which means that ISFED will exclusively receive from the CEC the full version of voters' lists.

On April 12, 2008, ISFED's central office carried out preliminary checking of the CEC electronic database of March 14, 2008, received by the CEC.

The data analyses showed that there were **3 406 450** voters in the voters' database. Significant portion of the data was not complete - ISFED discovered the following errors:

- Number of entries without voter's first name - **5**;
- Number of entries, where voter's first name was fewer than **2** symbols – **5** cases;
- Number of entries, where voter's first name was fewer than **3** symbols ( not name "Ia") – **9** cases;
- Number of entries, where voter's last name is less than **3** symbols- **11** cases;
- Number of entries, where voter's last name is less than **4** symbols- **275**;
- Numbers of entries, where voter's last name is less than **5** symbols- **2789** cases.

In addition, there were **121** entries, where voters in the database did not have addresses; in addresses of **124** entries, there were fewer than **3** symbols; in addresses of **595** entries there were fewer than **4** symbols; in addresses of **1564** entries there were fewer than **5** symbols.<sup>69</sup>

In entries of **435** voters there were not fixed their birth dates. In **2** entries voters would turn **18** after the Parliamentary Elections of 21, 2008.

There were voters in the list with their ID Numbers: **0000000000**, **0000000001**, **0000000013**, **0000000046**.

After conducting checking of the database of the unified voters' list (March 14 version) received by ISFED from the CEC, the existence of duplicates in the voters' list was observed. According to personal number there were **13** cases when the use of same ID number was observed **4** times; there were **957** cases

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<sup>68</sup> [www.cec.gov.ge](http://www.cec.gov.ge).

<sup>69</sup> For example: "c/c", "kmk".

when the use of same ID number was observed **3** times; there were **52 486** cases when the use of same number was observed **2** times. Total number of duplicates was **53 456**.

On April, 14, ISFED provided the CEC information about the above-mentioned shortcomings. On April 15 CEC disseminated the corrected version to every interested side. On April 17, ISFED checked the corrected version.

In the renewed database there are data of **3 431 908** voters, which means that **25 458** voters were added to the list. The data analyses of the voters' list show that still there are a number of errors in the voters' list. Namely: though decreased (from **435-141**), but still there are voters without addresses; number of voters older than 110 increased from **14** to **21**; number of voters younger than **18** increased and there are **1002** such cases in the list now. There is still **1** case when a voter's personal number is **00 000 000 000**. As for the duplicates, in the renewed voters' list there are not such cases.

According to the election legislation, no later than 41 days prior to the elections <sup>70</sup> on April 10, the District Election Commission publishes a total number of voters at the Election District and at its every Election Precincts. <sup>71</sup> ISFED's long-term observers checked the information sent to the Election Districts and compared it with the data posted on web-page of the Central Election Commission. The comparative analyses show that the data at most of the Election Districts differ from the data posted at the web-page of the Central Election Commission<sup>72</sup>.

In addition, the data on voters' number differ not only between the Election District and CEC web-page, but between the data existing at the Election District and data published at the official publication. For example, according to the information officially requested and received from # **79 Batumi** Election District, the number of voters in the Election District is **96 547**,<sup>73</sup> according to the data posted at the CEC web-page the number is **97 300**, and according to the data of the official publication- newspaper "Adjara"- the number is **98 065**.<sup>74</sup>

The same significant difference was observed with the number of voters at # **84 Khulo** Election District- in which according to CEC data there are **23 972** voters, according to the data posted in the District Election Commission - **23 945** voters; according to the information officially requested from the DEC - **23 927** and data of newspaper " Khulo" **23 928** voters.

ISFED continues monitoring of the process regarding the voters' list and will provide information about the monitoring findings to the public.

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<sup>70</sup> Election Code of Georgia, Article 9<sup>1</sup>, sub-article 2;

<sup>71</sup> Election Code of Georgia, Article 9<sup>1</sup>, sub-article 2.

<sup>72</sup> See number of voters according to the DEC's in annex;

<sup>73</sup> According to data of April 17, 2008;

<sup>74</sup> According to data of April 12, 2008.

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Please, see the differences according to the DEC's.

<b>District Number</b>	<b>DEC Name</b>	<b>The CEC Data</b>	<b>DECs Data</b>	<b>More/less + -</b>	<b>Difference</b>
1	Mtatsminda	45428	43434	More	1994
2	Vake	90051	90051	Equal	0
3	Saburtalo	115832	116642	Less	810
4	Krtsanisi	45879	47197	Less	1318
5	Isani	111779	109799	More	1980
6	Samgori	141748	143460	Less	1712
7	Chughureti	54209	54606	Less	397
8	Didube	70324	69824	More	500
9	Nadzaladevi	129560	130665	Less	1105
10	Gldani	146994	148951	Less	1957
11	Sarajevo	41777	41695	More	82
12	Gurjaani	55891	55094	More	797
13	Sighnaghi	32408	32033	More	375
14	Dedoplistskharo	23137	22746	More	391
15	Lagodekhi	38744	38173	More	571
16	Kvareli	29376	29164	More	212
17	Telavi	56649	56688	Less	39
18	Akhmeta	29390	29239	More	151
19	Tianeti	11564	11288	More	276
20	Rustavi	102171	102245	Less	74
21	Gardabani	67913	67913	Equal	0
22	Marneuli	91987	87000	More	4987
23	Bolnisi	54935	54700	More	235
24	Dmanisi	22189	22011	More	178
25	Tsalka	22891	22674	More	217
26	Tetritskharo	20088	19873	More	215
27	Mtskheta	35642	35746	Less	104
28	Dusheti	25974	25785	More	189
29	Kazbegi	6144	6097	More	47
30	Kaspi	38798	38549	More	249
31	Akhalgori	6465	6052	More	413
32	Gori	100842	98570	More	2272

33	Kareli	36647	35877	More	770
35	Khashuri	48685	49000	Less	315
36	Borjomi	26316	27543	Less	1227
37	Akhaltzikhe	35455	35455	Equal	0
38	Adigeni	15865	15589	More	276
39	Aspindza	9898	9850	More	48
40	Akhalkalaki	41114	39500	More	1614
41	Ninotsminda	22142	20215	More	1927
43	Oni	7395	7205	More	190
44	Ambrolauri	12950	12718	More	232
45	Tsageri	13138	13053	More	85
46	Lentekshi	6115	6017	More	98
47	Mestia	9260	9749	Less	489
48	Kharagauli	20797	20651	More	146
49	Terjola	34443	34238	More	205
50	Sachkhere	41686	41489	More	197
51	Zestaponi	57042	56607	More	435
52	Baghdati	23875	23787	More	88
53	Vani	27214	27034	More	180
54	Samtredia	47955	48228	Less	273
55	Khoni	24367	24775	Less	408
56	Chiatura	47032	46721	More	311
57	Tkhibuli	25523	25390	More	133
58	Tskhaltubo	49740	53902	Less	4162
59	Kutaisi	149713	159070	Less	9357
60	Ozurgeti	64673	64271	More	402
61	Lanchkhuti	29938	29611	More	327
62	Chokhatauri	18952	18810	More	142
63	Abasha	22813	21642	More	1171
64	Senaki	40169	41837	Less	1668
65	Martvili	36779	34977	More	1802
66	Khobi	30365	29968	More	397
67	Zugdidi	126106	127000	Less	894
68	Tsalenjikha	30561	32123	Less	1562
69	Chkhorotskhu	24395	23775	More	620
70	Poti	36024	38054	Less	2030
79	Batumi	97300	98065	Less	765
80	Keda	15303	15281	More	22
81	Kobuleti	65039	65857	Less	818
82	Shuakhevi	15417	15379	Equal	38
83	Khelvachauri	68525	69132	Less	607

84	Khulo	23972	23928	Less	44
85	Liakhvi	8584	9121	More	537
		In total <sup>75</sup>	In total <sup>76</sup>		
		3456061	3460458		

## Annex V

### Results of Parallel Voter Tabulation (PVT) of Parliamentary Elections May 21, 2008 conducted by International Society for Fair Elections and Democracy

At Parliamentary Elections May 21, 2008, ISFED conducted pre-election period and Election Day monitoring. During the monitoring period ISFED observed facts of intimidation on voters, ISFED's representatives and observers. It is a hard to measure the exact impact of the intimidation on the election results it had a clear impact on the PVT.

International Society for Fair Elections and Democracy (ISFED) conducted a Parallel Vote Tabulation (PVT) on the proportional system of Parliamentary Elections in 626 precincts and in all precincts that counted the special precincts. The polling stations were selected randomly to draw a national representative sample.

Based on the qualitative monitoring ISFED identified significant tendencies with the Election Day process.

1. Turnout through the mobile ballot box (supplementary). Namely voter turnout exceeded 100%.
2. The total number of special polling stations has increased since Presidential Elections, in addition the total number of voters in special polling stations significantly increased; Consequently, the number of polling stations counting the special polling stations increased;
3. In the polling stations that counted the special polling stations UNM has a higher vote share than in ordinary polling stations i.e. not counting special polling stations.

PVT Results are based on the summary protocols received and analyzed from 626 Election Precincts selected randomly throughout Georgia. Election Precincts have been selected through random selection method, which gives a representative picture for whole country. PVT's statistical error of margin is +/- 0.8 % , with confidence level - 95 %.

Also, ISFED counted through direct counting method the results of all Election Precincts that counted special pollins stations.

<sup>75</sup> The total number of voters according to the CEC, based on above mentioned data;

<sup>76</sup> The total number of voters according to the DECS, based on above mentioned data.

According to Results of Parallel Voter Tabulation of Parliamentary Elections May 21, 2008 conducted by International Society for Fair Elections and Democracy four political parties have crossed the 5% barrier. The results are as follows:

1. Citizens political union “ Georgian Politics”- **0.5 %**
2. Republican Party of Georgia - **3.7%**
3. “Right Alliance, Tophadze- Industrials ( I.S.G, Ertoba, NDP) - **0.9%**
4. “Shalva Natelashvili- Labor Party of Georgia” - **7.4 %**
5. Unified National Movement- for Victorious Georgia” - **59.2%**
6. Political Union” Sportsmen’s Union of Georgia” - **0.2%**
7. "United Opposition ( National Council, New Rights)” - **17.7%**
8. "Radical-Democrat National Party of Whole Georgia” - **0.2%**
9. Political Union “ Christian-Democratic Alliance”- **0.9%**
10. “Giorgi Targamadze- Christian-Democrats” - **8.6%**
11. "Traditionalists- Our Georgian and Women’s Party - **0.5%**
12. Political Party of Georgia “ Our Country” - **0.2%**

**Voter turnout**

By 12:00 – **21.3%**

By 17 :00 – **40.6%**

Final – **52.9%**

The project was financially supported by European Commission, National Endowment for Democracy, Open Society Georgia – Foundation and United States Agency for International Development. Technical support was provided by the National Democratic Institute for International Affairs.

## **Annex VI**

### **ISFED Statement on Special Voters’ List**

International Society for Fair Elections and Democracy confirms the information disseminated in pre-election period, concerning the increase of voters in special lists. Namely, for the May 21, Parliamentary Elections there is an increase in number of special precincts and voters in special lists to compare with January 5, 2008 Extraordinary Presidential Elections.

ISFED conducted a comparative analysis of special precincts and registered voters for Presidential and Parliamentary elections. See, the table of comparative analysis according to the regions:

<b>Regions</b>	<b>Presidential Elections</b>		<b>Parliamentary Elections</b>		<b>Difference</b>	
	<b>Precinct</b>	<b>Voters</b>	<b>Precinct</b>	<b>Voters</b>	<b>Precinct</b>	<b>% difference</b>
Tbilisi	28	15,749	27	21,628	5,879	37.3%
Ajara	3	704	5	3,449	2,745	389.9%
Guria	0	0	0	0	0	0.0%
Imereti	8	2,988	11	6,476	3,488	116.7%
Kakheti	1	145	2	663	518	357.2%
Kvemo Kartili	8	6,798	5	4,718	-2,080	-30.6%
Mtskheta-Mtianeti	2	521	4	881	360	69.1%
Raja-Lechkhumi-Kvemo Kartli	0	0	0	0	0	0.0%
Samtkhe-Javakheti	3	583	3	491	-92	-15.8%
Samegrelo-Zemo Svaneti	5	5,630	6	6,074	444	7.9%
Shida Kartli	9	3,901	10	5,411	1,510	38.7%
<b>Total</b>	<b>67</b>	<b>37,019</b>	<b>73</b>	<b>49,791</b>	<b>12,772</b>	<b>34.5%</b>