



ISFED

Election Update I

(March 30 – April 13)

By the decree of # 254 of the President of Georgia of March 30, 2010, the elections of Local Self-Government bodies - Sakrebulo and Tbilisi Mayor- were appointed on May 30, 2010, as stipulated by the Article 104³ of the Constitution of Georgia and Article 129¹³ of the Election Code of Georgia. Herewith, according to the Article 129⁹ of the Election Code, the by-elections of majoritarian members of the Parliament of Georgia in # 7 Chughureti, # 12 Gurjaani and # 60 Ozurgeti election districts, to be held on September 27, 2009, were appointed on May 30, 2010.

The International Society for Fair Elections and Democracy expressed its readiness to conduct the monitoring of the local self-government elections and the by-elections of Parliament of Georgia and through the Long Term Observers (LTOs) of the organization actively started monitoring of the pre-election period. For these elections ISFED is conducting the monitoring of the pre-election, election-day and post-election periods throughout Georgia.

Election Legislation

The work on amendments to the Election Code of Georgia was carried out during the entire year of 2009. The National Democratic Institute hosted the meetings of Election Code Working Group, in which along with the political parties the elections monitoring organizations participated. At the end of December 2009, the amendments in the Election Code were adopted according to the bill presented by the parliamentary majority.

Some of important amendments related to the elections of May 30, 2010, are listed below:

- The Mayor of Tbilisi will be elected directly by the voters with 30% electoral threshold;
- The number of members of Tbilisi city council will be increased with the election of 25 majoritarian members with the zero electoral threshold and 25 proportional members with 4 % electoral threshold;
- 10 electoral districts of the city of Tbilisi will be sub-divided into 25 majoritarian districts;
- The amended procedure of electing of the CEC Chairman has been introduced;
- The secretaries of Precincts Election Commissions will be the representatives of opposition parties.

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Registration of Electoral Subjects and Observers

Registration of political subjects

According to the Election Code of Georgia¹ no later the 57th day prior to the elections, a party/election bloc planning to participate in the elections of the local self-governing body - Sakrebulo and the by-elections of the Member of the Parliament of Georgia should apply to the Central Election Commission for registration. As of April 14, 36 political parties applied to the Central Election Commission for registration for the 2010 elections. Out of which 26 parties were registered² and 10 parties were refused the registrations³ as the supporters' lists provided by them did not meet the requirements of the law.

Registration of observer organizations

As of today, with the purpose of observation at the elections of May 30, 2010 the Central Election Commission registered only two local observer-organizations: "New Generation – New Initiative" and "International Society for Fair Elections and Democracy".

The CEC did not register an international organization "The United States and Caucasus Association for Democracy and Peace" motivating its decision that the documentation provided by this organization failed to meet the criteria established by the Georgian legislation for registration of an international organization as an observer at the elections. The international organization was informed about the legal requirements. If the organization submits the relevant documents within the time-frame established by the law, it will be registered as the observer for May 30 elections.

The organizations planning to observe the local self-governance elections and the by-elections of the Members of the Parliament of Georgia have the following date for the registration: local organizations – no later the 10th day prior to the elections, and international organizations – no later the 7th day.

Election Administration

Monitoring of the Central Election Commission

According to the election legislation, starting from the day of appointment of elections the Central Election Commission announces the competition for election of temporary members of district election commissions⁴.

¹ The Georgian Election Code, Article 117, paragraph 1

² See Annex 1

³ See Annex 2

⁴ Georgian Election Code, Article 32, paragraph 3

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Based on the monitoring results the competition was announced according to the date set by the law and at the meeting of April 2, 2010 the CEC elected the temporary members of district commissions.

Two days after the appointment of the elections the CEC was required to publish the information about the election districts and their borders via the press and mass media. This information was published by the CEC on its web-site and in the newspaper “24 Hours”.

Currently the CEC is in process of implementing the activities actions scheduled according to the election timetable.

Monitoring of Election District and Precinct Commissions

ISFED’s 75 Long Term Observers (LTO) have been conducting the monitoring of the pre-election period at the district election commissions and observing the process of implementation of procedures stipulated by the law.

According to the Election Code of Georgia⁵, on April 2, 2010, three days after announcement of the election date the district election commissions published in the press and other mass media the information about the local majoritarian election districts, indicating their boundaries.

Based on the information of the ISFED’s LTOs every district election commissions published the information about the majoritarian election districts indicating their boundaries. However, the information has been mainly displayed on the public stands at the district offices but not distributed via mass media.

Within the time-frame stipulated by the law, not later the 56th day prior to the elections⁶, the local self-governing bodies published the list of all those buildings and structures where it is prohibited to display the election banners and posters. One exception was # **79 Batumi** election district where because of the changes made in the list of buildings and structures on April 10, 2010, this information was not published in time.

According to the law, the competition for selection of members of precinct election commissions was announced on April 3, 2010, within 5 days period following the appointment of the elections⁷. The registration of nominees at every district election commissions ended on April 10.

Composition of lower levels of election administration is particularly important in terms of administering elections in a fair and legislative manner. For this purpose, in order to improve the transparency and accountability of the election administration, ISFED together with its partner organization Georgian Young Lawyers Association submitted to the Central Election Commission the list of those officials of precinct election commissions whose inadequate work resulted in the annulations of the results of the PECs and/or

⁵ Georgian Election Code, Article 112, paragraph 4

⁶ Georgian Election Code, Article 75, paragraph 4

⁷ CEC Order N 76/2010

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serious complains were lodged at the PECs during the elections in 2008 (Extraordinary Presidential elections, Parliamentary elections and Adjara Supreme Council elections).

The list of officials provided by the observer organizations is of two types: one list contains the names of those officials who were prohibited to work in election administrations in future, and the second list contains the names of those who were imposed various administrative penalties.

ISFED and GYLA recommended the Central Election Commission to distribute the lists among the district election commissions in order to take this information into consideration during selecting the officials of precinct elections commission precincts and avoid the appointment the punished officials at the lower level of election administration.

During the monitoring period, April 10-14, 2010, the district election commissions completed the composition of precinct election commissions (non-partisan members of commissions). Based on the information of ISFED's observers, the above-mentioned lists submitted by ISFED and GYLA were not received by the following election districts: Gori, Kareli, Akhaltsikhe, Kutaisi, Terjola, Sachkhere, Bagdati, Vani, Khoni, Chiatura, Tqibuli, Tskaltubo, Ambrolauri, Tsageri, Senaki, Khobi, Chkhorotskhu, Batumi, Shaukhevi, Khelvachauri, Kobuleti, Chokhatauri, Lanchkhuti, Gurjaani, Dedoplistskaro, Kvareli, Akhmeta and other. The results of monitoring of the composition of precinct election commissions with the non-partisan members will be presented by ISFED in the next issue of "Election Update".

During the reporting week the sessions were held at every district election commissions. The sessions were open to the public. In general, the sessions were focused on announcement of the competition for election of precinct election commission members, confirmation of the number of the supporting and technical staff, arrangement of borders and addresses of election precincts, deliberations on appointment of the individuals personally responsible for developing the acts on administrative and legal violations, implementing other activities as defined by to the election schedule.

For example, in the administrative center in # **58 Samtredia** election district due to the increase of the number of voters one PEC was added to the eight existing PECs. In the same district, from precincts # **28** and # **29** several villages were separated and in which one additional election precinct will be opened.

Mainly, during the reporting period the majority of district election commissions held one session, though several election district commissions held 2-3 sessions. In total, the sessions of district election commissions had the necessary quorum for adopting the decisions. The observers did not observe a lack of quorum in any of the election district.

Generally, it can be concluded that the members of district election commissions are carrying out their responsibilities and often even work overtime. However, there are several election districts in which only the members nominated by the district election commissions perform their duties, while the district members

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appointed by political parties have not yet started to carry out their official duties. Such districts are **#15 Lagodekhi**, **# 82 Shuakhevi**, **# 83 Khelvachauri**, **# 60 Ozurgeti**.

Campaign Environment

During the monitoring period the political parties started the pre-election campaign in various election districts of Georgia. The United National Movement held meetings with the population in **# 13 Signakhi** election district, **# 52 Bagdati** election district, **# 36 Borjomi** election district, **# 4 Krtsanisi** election district, **# 10 Gldani** election district, **# 6 Samgori** election district, **# 60 Ozurgeti** election district, **# 57 Tkhivuli** election district. In addition to the meetings the United National Movement in **# 60 Ozurgeti** election district actively recruited the people under 35 as the party members, who afterwards were actively involved in various activities.

The Christian-Democratic Party had meetings and consultations with population in **# 23 Bolnisi** election district, **# 22 Marneuli** election district, **# 62 Chokhatauri** election district, **# 60 Ozurgeti** election district, **# 45 Tsageri** election district, **# 63 Abasha** election district and **# 15 Lagodekhi** election district.

The party “Alliance for Georgia” held meeting with the population in **# 23 Bonisi** election district.

The Political party “Our Georgia –Free Democrats” held meeting with the population in **# 6 Samgori** election district.

The National Forum held meeting with the voters in **# 13 Signakhi** election district.

The “National Council” (Georgian Conservative Party, “Peoples’ Party”, Movement “For Fair Georgia”) held meeting with population in **# 79 Batumi** and **# 82 Shuakhevi** election districts. According to the information of ISFED’s LTO, on April 6 in **# 79 Batumi** election district the confrontation between the supporters of Zurab Noghaideli and the citizens took place. Those citizens gathered on the territory adjacent to the theater before the meeting and verbally abused the representatives of the “National Council”.

The “Movement for Fair Georgia” held the meeting with the population in **# 66 Khobi** election district.

The candidate of Republican Party held meetings with the population in **# 18 Akhmeta** election district.

The executive secretary of “Our Georgia –Free Democrats” Mikheil Varshanidze informed ISFED’s LTO that during the meeting of Irakli Alasania with the population in **# 6 Samgori** election district the coordinators of National Movement attempted to thwart the meeting.

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Facts of abuse of administrative resources

During the period of monitoring one complaint was lodged. On April 6, 2010, the Republican Party lodged the complaint to # **61 Lanchkhuti** election district commission about the violation of paragraph “a” of Article 76 of the Election Code of Georgia. Namely, before appointment of the elections at the administrative building of the agriculture administration the local self-governing body allocated the premises for the office of the National Movement. The district election commission investigated this fact and in written form asked the chief of the National Movement headquarters in Lanchkhuti to vacate the premises. Consequently, the complaint of the Republican Party was satisfied.

The issue with free use of media in # **79 Batumi** election district is particularly important. The Ajara TV restricts any live TV debates. According to the information of ISFED’s LTO not only political parties are restricted from organizing the talk-shows via the local TV, but the representatives of the civil society as well. For example, when ISFED Ajara-Guria coordinator applied to Ajara TV for arrangement of a special talk-show on TV for increasing voter awareness on elections, after citing many reasons and stretching the time, the TV refused to cooperate with the organization.

Voters’ Lists

Monitoring of the voters’ lists is one of the important components of the observation mission of ISFED. On March 9, 2010 the organization sent the official letter to the Central Election Commission of Georgia asking to receive the unified voters’ list as of March 8, 2010. The organization conducted the logical checking on the electronic version of the voters’ list provided by the CEC and found out the following errors:

Entries without the addresses of voters	8883
Entries without the dates of birth	21
Entries without the registration numbers of voters	341
Entries where the voter’s first name is less than 3 symbols (other than the first name “Ia”)	3
Entries where the voter’s surname is less than 3 symbols	9
Entries where the voter’s surname is less than 4 symbols	262
Entries where the voter’s surname is less than 5 symbols	2864
Entries where the voter’s age is under 18	164
Duplicates, or one and the same voter recorded twice in the list	80

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In order to improving the voters' lists and increase the confidence in the lists, in February-March 2010, 11 political parties registered in Georgia conducted the monitoring of the lists. The political parties were allocated 120 000 GEL for this purpose. The political parties started the monitoring of lists on February 5, 2010, and finished on April 10, 2010. The political parties: Christian-Democratic Movement, United National Movement, Alliance for Georgia, Republican Party of Georgia, New Rights, Industry Will Save Georgia, Movement for Fair Georgia, Kartuli Dasi, We Ourselves, Freedom, Georgian Conservative Party, Georgian Way, Peoples' Party, political organization "Mamuli", Peoples Friendship Party and political association - Patriotic Order "Samshoblo" presented the results of monitoring of the voters' lists on April 10, 2010. The main findings of the monitoring were: differences between the registration and factual addresses, the voters abroad, localization problems, deceased, errors in first names and surnames. On April 12, 2010 the Central Election Commission made the presentation of the results of monitoring of the lists and noted that based on the monitoring findings 80000 corrections were made in the voters' lists. Together with the monitoring results, on April 10, 2010 the political parties: Christian-Democratic movement and United National Movement presented their financial reports.

On April 12, 2010 the Central Election Commission provided to the election observation organizations the part of the lists presented by the political parties in which the following errors were observed: the addresses where the voters are registered but they do not actually reside there. According to the monitoring results presented by the political parties the real owners of the apartments registered at those addresses are asking for removing those persons from the registration records and submitted the applications concerning this issue to the Civil Registry Agency. On April 13, 2010 the representatives of ISFED and GYLA together with the representatives of the Civil Registry Agency conducted the «door-to-door» monitoring on a number of addresses. Namely:

1. # 3 Saburtalo election district – 37, Giorgi Brtskinvale Street, Apt. 3
2. # 9 Nadzaladevi election district – 34 Tsotne Dadiani Street, Bldg. 1, Apt. 1
3. # 3 Saburtalo election district– Vazha Pshavela Avenue, Block 2, Bldg. 24, Apt. 1
4. # 3 Saburtalo election district– Sh. Nutsubidze 1st m/d, Bldg. 5, Apt. 10
5. # 6 Samgori election district–Javakheti Street, Bldg. 3a, Apt. 2

At two addresses the monitoring was not conducted as nobody was at home At other three addresses the following facts were revealed:

- a) Vazha Pshavela Avenue, Block 2, Bldg. 24, apt. 1 – according to the owner Davit Peloiiani, he does not know the person registered at that address. However, he stated that he did not submit any application on removing that person from the register and that the consequently the application submitted in the Civil Registry was not written by him. He noted that his brother is also an owner of the apartment and according to the law he would not authorized to submit such application to the Civil Registry Agency on his on;
- b) Sh. Nutsubidze 1st m/d, Bldg. 5, Apt. 10 – according to Manana Chichinadze, residing in this apartment, she did not submit the application to the Civil Registry Agency for removing other people registered in the apartment. She stated that the application submitted to the Civil Registry was signed by another person

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named Chichilashvili (instead of Chichinadze) and in addition, the apartment was registered on the name of her husband;

- c) Javakheti Street, Bldg. 3a, Apt. 2 – at this address 50 people are registered and the owner of this apartment lives abroad. According to the law, the application for removing those people from the registry requires that the owner himself submits it and consequently in light of the owner's living abroad the registration of those persons can not be terminated.

The representation of the party Alliance for Georgia in # 15 Lagodekhi election district also informed ISFED's LTO on errors in the voters' lists. According to the party's representative, the voters' lists provided by the CEC for "door-to-door" monitoring included some errors. Namely, the lists were not arranged according to the address and/or alphabetical order; the list included many deceased persons. As mentioned this information is provided by the party Alliance for Georgia and ISFED will check this information and provide the detailed findings in the next issue of "Election Update".

The International Society for Fair Elections and Democracy continues the monitoring of the pre-election period and periodically will inform the society about monitoring results.

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Annex 1

Parties registered by CEC

1 Georgian Democratic Party
2 Political party "Future Georgia"
3 National-Democratic Party (NDP)
4 Political Movement "Solidarity"
5 Political alliance of citizens "Our Georgia – Free Democrats"
6 Georgian Republican Party
7 Political alliance "New Rights"
8 Political alliance "Peoples' Democrats"
9 Political party "Our Country"
10 Political alliance of citizens "Christian-Democratic Movement"
11 Political alliance of citizens "Christian-Democratic People's Party"
12 Political alliance of citizens "Kartuli Dasi"
13 Political alliance of citizens "All-Georgia People's Alliance"
14 Political alliance "We Ourselves"
15 Movement "For Fair Georgia"
16 All-Georgia Radical-Democratic National Party
17 Georgian Conservative Party
18 Political movement "Freedom"
19 Georgian Way
20 Peoples' Party
21 United National Movement
22 Political alliance "Party of Future"
23 Political movement "Patriots"
24 Political alliance "Georgian Sportsmen Union"
25 Political movement "Industry Will Save Georgian Georgia"
26 Political alliance "Movement for United Georgia"

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Annex II

Parties which were refused registration

1. Political alliance of citizens "Georgian Workers Council"
2. Party "Neutral Georgia"
3. Political alliance of citizens "Party for Protection of Rights of Georgian Workers"
4. Georgian Conservative (Monarchist) Party
5. Political alliance "Georgian Lawyers"
6. Popular Party
7. Merab Kostava Society
8. Political alliance "Patriotic Order "Samshoblo"
9. Political organization "Mamuli"
10. Georgian Greens

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