



სამართლიანი არჩევნები

Complaints and Appeals Filed by International Society for Fair Elections and Democracy with Electoral Administration and Courts

The International Society for Fair Elections and Democracy (ISFED) submitted 78 complaints to the electoral commissions of different level and to city and district courts regarding the violations recorded on the election day and afterwards. The violations can be divided into four major categories:

- Restriction of observers' rights;
- Restriction of voters' rights;
- Procedural violations:
 - Violation of voting procedures
 - Violation of procedures for the completion of summary protocols
- Organizational flaws.

1. Restriction of Observer's rights

Of the 12 complaints of this type, two were upheld partially and one was upheld in full:

- In Electoral Precinct #72 of Gori Electoral District #32, the chairperson of the Precinct Electoral Commission (PEC) was sacked.
- In Electoral Precinct #24 of Mtskheta Electoral District #27, the vote results were annulled and the PEC chairman was given a 500-lari administrative penalty.

2. Restriction of Voters' Rights

One of the six submitted complaints was upheld:

- In Electoral Precinct #63 of Vake Electoral District #2, a disciplinary sanction (notice) was imposed on the PEC member responsible for voter registration. It is noteworthy that ISFED recorded the same kind of violation in Electoral Precinct #9 of Mtatsminda Electoral District #1 but the complaint was not upheld there.
- Two violations – in Electoral Precinct #16 of Batumi Electoral District #79 and Electoral Precinct #54 of Samgori Electoral District #6 – were addressed locally.

3. Organizational Flaws

Six of the 17 complaints were upheld.

- In Electoral Precinct #71 of Kutaisi Electoral District #59, four ballot papers placed in a single envelope were invalidated.
- In Electoral Precinct #31 of Sighnaghi Electoral District #13, 28 envelopes that contained two ballot papers of the same kind were invalidated.
- In Electoral Precinct #21 of Lagodekhi Electoral District #15, voting results were annulled and the commission chairperson and secretary were given strict warnings. The organization's another complaints concerning the same precinct was not discussed since the results in the precinct had already been annulled because of the earlier complaint.
- In Electoral Precinct #5 of Lagodekhi Electoral District #15, the individuals who accompanied the mobile ballot box were given strict warnings.
- In Electoral Precinct #21 of Chkhorotsqu Electoral District #69, disciplinary sanction (notice) was imposed on the commission member responsible for voter registration.

Two complaints were upheld partially:

- In Electoral Precinct #89 of Kutaisi Electoral District #59, disciplinary sanctions (notice) were imposed on the PEC chairperson, the secretary and the commission members who accompanied the mobile ballot box.
- In Electoral Precinct #1 of Aspindza Electoral District #39, a disciplinary sanction (warning) was imposed on the commission member responsible for voter registration.

On one occasion, the problem was addressed locally.

4. Procedural Violations

4.1 Violation of Voting Procedures

Of the 24 complaints, six were upheld in full:

- In Electoral Precinct #6 of Vake Electoral District #2, the commission member responsible for voter registration was sacked.
- In Electoral Precinct #18 of Chokhatauri Electoral District #62, the mobile voting results were annulled.
- In Electoral Precinct #3 of Sagarejo Electoral District #11, disciplinary sanctions (notice) were imposed on the PEC members.

- In Electoral Precinct #36 of Nadzaladevi Electoral District #9, a disciplinary sanction (warning) was imposed on the commission member responsible for registration.
- In Electoral Precincts #11, #12, #13, #18, #23, #24, #25, #34, #37, #42, #45, #46, #51, #53, #55, #56, #58, #65, #66, #68, #71, #76, #83, #85, #90, #93, #94, #95, #96, #98, #102, #116 and #117 of Kutaisi Electoral District #59, disciplinary sanctions (notice) were imposed on the PEC chairpersons and secretaries.
- In Electoral Precinct #23 of Mestia Electoral District #47, the mobile voting results were annulled.

Six complaints were upheld partially:

- In Electoral Precincts #3, #4, #5, #8 of Tsalenjikha Electoral District #68, disciplinary sanctions (notice) were imposed on the PEC chairpersons.
- In Electoral Precinct #81 of Batumi Electoral District #79, the violation that occurred in the polling station was addressed immediately. The offender (the commission member responsible for regulating the line of voters) was replaced though no disciplinary sanction was imposed.
- In Electoral Precinct #129 of Kutaisi Electoral District #59, the commission member responsible for voter registration was relieved of the duty but no disciplinary sanction was imposed.
- In Electoral Precinct #2 of Khragauli Electoral District #48, the ballots from the mobile box were invalidated though no disciplinary sanctions were imposed on the commission members who accompanied the box.
- In Electoral Precinct #35 of Ozurgeti Electoral District #60, disciplinary sanctions (notice) were imposed on the commission members who accompanied the mobile ballot box.
- In Electoral Precinct #36 of Nadzaladevi Electoral District # #9, a disciplinary sanction (warning) was imposed on the PEC member responsible for voter registration.

In four cases, the problem/violation was addressed locally.

4.2 Violation of Procedures for Completion of Vote Summary Protocols

Of the 18 complaints, three were upheld in full:

- In Electoral Precinct #14 of Krtsanisi Electoral District #4, the majoritarian vote results were annulled.
- In Electoral Precinct #17 of Dedoplistqaro Electoral District #14, a ballot recount was conducted.
- In Electoral Precinct #14 of Lanchkhuti Electoral District #61, the commission secretary was sacked.

Three complaints were upheld partially:

- In Electoral Precincts #4, #19, #23, #37, #38, #46 of Ozurgeti Electoral District #60, disciplinary sanctions (notice) were imposed on the commission secretaries. However, inexplicably, the vote results were not annulled in these precincts even though the number of participants in the majoritarian vote was different from the number of participants in the proportional vote.
- The complaint filed with the Tbilisi City Court over the violation of the law during the completion of vote summary protocols in Electoral Precincts #3, #13, #14, #16, #17, #19, #22, #23, #24, #25, #26, #28, #29, #30, #32, #33, #34, #35, #36, #39, #41, #42, #47, #48, #52, #56, #59, #61, #62, #64, #66, #67, #77, #82 and #84 of Marneuli Electoral District #22 was only upheld for four precincts and recounts were conducted in those precincts.
- The complaint filed with the Rustavi District Electoral Commission over the violation of the law during the completion of vote summary protocols in Electoral Precincts #22, #23, #27, #42, #44, #45, #61, #76, #77, #29, #32, #34, #41, #43, #57, #62, #67, #54, #85, #14, #20, #21, #38, #65, #67 and #75 of Rustavi Electoral District #20 was only upheld partially: disciplinary sanctions (notice) were imposed on the commission secretaries in precincts #21, #29, #32, #38, #54, #67 and #75.

Appeals Filed with Courts

Only one of the four appeals filed with the courts was upheld and it was only upheld partially:

- Since the vote summary protocols had been completed in violation of the law in Electoral Precincts #3, #13, #14, #16, #17, #19, #22, #23, #24, #25, #26, #28, #29, #30, #32, #33, #34, #35, #36, #39, #41, #42, #47, #48, #52, #56, #59, #61, #62, #64, #66, #67, #77, #82 and #84 of Marneuli Electoral District #22, the District Electoral Commission was ordered to recount the ballots of four precincts and to issue a new administrative act. However, ISFED had sought annulment of vote results in all of the precincts listed above.

The court did not uphold the request to annul the results of majoritarian vote in Electoral Precinct #14 of Zestaponi Electoral District #51. Neither did it uphold the requests to annul vote results in Electoral Precinct #20 of Senaki Electoral District #64 and Electoral Precinct #25 of Gardabani Electoral District #21.

Ultimately, as a result of the complaints and appeals filed by the International Society for Fair Elections and Democracy, disciplinary sanctions were imposed on 91 members of the precinct electoral commissions (including secretaries and chairpersons), administrative penalty was imposed on one member, the problem was resolved locally in six cases, a recount was conducted in five electoral precincts, a number of ballots were invalidated in four precincts (including two precincts

were all ballots from the mobile box were invalidated) and vote results were annulled in three precincts (including a precinct where only the results of the majoritarian vote were annulled).