

**The International Society for Fair Elections and Democracy**

**ISFED**



**Report on Monitoring the October 5, 2006  
Local Self-Government Elections**

## Summary

On October 5, 2006 Local Self-government Elections were held throughout Georgia, in 76 election districts, excluding conflict zones – Upper Abkhazia and South Ossetia.

These elections were held for the city councils (Sakrebulo) based upon a mixed proportional and majoritarian system for a total of three Sakrebulo at the community level, 61 municipalities (former districts known as “rayons”), the four self-governing cities of Batumi, Rustavi, Poti and Kutaisi and in the capital city, Tbilisi.

The October 5, 2006 local elections were of great importance as the first local elections to be held in Georgia based on democratic principles following/after the Rose Revolution of 2003 and the local self-government reform. On December 16, 2005 the Parliament of Georgia adopted a new Organic Law “on Local Self-government”, which specified the legal, economic and financial basis for the implementation of local governance in Georgia. It also prescribed state guarantees, the rule of creation of local self-government bodies, their authorities and their cooperation with state bodies. In addition, crucial amendments were incorporated to the Georgian Law “on the Georgian Capital City – Tbilisi”, which prescribes the status of the capital, the authorities of its representative and executive bodies, the rule of its work and its financial-economic basis. The rule and system of election of local self-government bodies were specified according to the relevant amendments incorporated to the “Unified Election Code”. Therefore special attention was focused on updated structure of the 2006 local elections.

Moreover, the 2006 Local Self-government (municipal) elections are of great importance from the perspective of measuring the competitiveness and power of political stakeholders prior to upcoming 2008 parliamentary elections. It is noteworthy that the attention of the international and domestic communities was focused on the election administration, which was composed based on a new principle according to the amendments incorporated to the modified “Unified Election Code” of April, 2005. The new rule of the composition of the election administration became a subject of great criticism and discussion for political stakeholders as well for the organizations interested in election-related issues. Thus, the October 5 local elections were considered for the Central Election Commission (CEC) as well for lower-level DEC and PEC as the assessment of the government’s will and respectively electoral administration’s will and professionalism to conduct democratic general elections in Georgia. The public and political perception of equal access and transparent process is further considered to be a measure of the reliability and trustworthiness of the election administration and the government.

The International Society for Fair Elections and Democracy (ISFED) conducted a large-scale monitoring of local elections covering 75 local election districts and all election precincts of the country. On October 4, ISFED disseminated the statement on the pre-election period; while on October 5 (Election Day), ISFED disseminated four press statements on the monitoring results of E-day procedures. On E-day plus one, ISFED held a press conference during which summary findings were shared with the domestic and international communities, and where preliminary statements on the 2006 local elections and Parallel Vote Tabulation (PVT) results in Tbilisi, Batumi, Rustavi, Poti and Kutaisi based on

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proportional and majoritarian systems were disseminated. This document is a final report on monitoring the October 5, 2006 Local Self-government Elections.

The results of ISFED election monitoring indicate that the 2006 Local Self-Government Elections can be considered valid and that the results overall express citizens' active will to elect their own local government. However, it is notable that substantial irregularities were observed during the pre-election and Election Day process, which indicate that the electoral processes in Georgia has not yet earned a sterling assessment and that significant effort is still needed in order to ensure transparent compliance of the Georgian electoral process with international electoral standards.

### **Monitoring mission of the International Society for Fair Elections and Democracy (ISFED)**

#### ***About ISFED***

The International Society for Fair Elections and Democracy (ISFED) i.e. "Fair Elections" (a short name of the organization) is a non-governmental, non-partisan, non-profit and impartial organization, which since its foundation in 1995 till today has conducted large-scale monitoring of all the elections in Georgia. In addition to the above, 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 three national elections held in 2003-2004. Based on PVT/PTT results, ISFED disseminated objective information regarding the election results prior to official results as published by the Central Election Commission (CEC).

In addition to the election-monitoring program, ISFED has engaged in various projects intended to support the development of democracy in Georgia. Mostly these projects ensured protection of citizens' legal rights by monitoring the activity of the government and promoting its accountability and transparency.

In June 2004, ISFED redefined its mission and strategy; identified important priorities and developed new programs to further support democratic processes in Georgia. Main directions of the ISFED strategy in 2004-2008 are: transparent and accountable government; active citizenship and monitoring and supporting the improvement of electoral processes in the country.

ISFED conducted 233 town hall meetings (THMs) as forums for building dialogue between citizens and government. 143 majoritarian MPs or representatives of their local bureaus and 926 representatives of local government and 13,917 citizens participated in town hall meetings. Moreover, ISFED conducted 105 advocacy workshops designed to provide citizens with tools and knowledge necessary to effectively advocate on issues of interest to their communities to the governing bodies. ISFED conducted a survey inclusive of interviews with local government and majoritarian MPs in order to increase the effectiveness of their work. In addition to this, within its internship project, ISFED supported local bureaus of 13 majoritarian MPs free of charge by means of young and well-trained interns. ISFED also organized round table discussions on issues of great importance

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and to inform citizens ISFED issued and disseminated several issues of its newsletter “Citizen and Government.”

ISFED conducted representative surveys on important reforms and legal amendments throughout Georgia in regard to local governance as well election-related issues. The results of the surveys conducted with the citizens of Georgia were a substantial basis for the determination of priority activities to be carried out for 2006 local self-government elections.

In order to improve the “Unified Election Code” (UEC), ISFED developed two packets of legal proposals. Unfortunately, the Parliament of Georgia took into consideration only some issues from the aforementioned proposals. It is worth mentioning that the Legal Issues Committee in Parliament considered some of ISFED’s legal recommendations as a result of ISFED’s active participation in parliamentary readings.

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

### **Pre-election Activity – Voters’ Education**

From March 2006, ISFED began implementation of a nationwide civic education program aimed at educating citizens of Georgia on election-related issues in advance of the 2006 local elections. The aim of this voter education program was to support free and fair elections in Georgia through increasing citizens’ awareness of, and active participation in the electoral process.

Within ISFED project “Georgia: Free and Fair 2006 Local Self-government Elections” ISFED conducted 190 “I Vote for the First Time” workshops for the students of higher education institutions of at least 18 years old who were eligible to participate in 2006 local elections for the first time, among them young representatives of national minorities. (150 “I Vote” workshops were funded by the National Endowment for Democracy (NED) and 40 workshops were funded by the Eurasia Foundation and the United States Agency for International Development (USAID).

ISFED conducted 246 Election Education Workshops (EEWs) for all legal age citizens of Georgia covering each election district. EEWs were conducted with special priority for representatives of national minorities. (75 EEWs were funded by the NED, 75 by the Urban Institute, 75 by the US Embassy, 18 by the European Council and the Action against Hunger (ACF-E) and three by the European Center for Minority Issues (ECMI) and Danish government.

ISFED prepared an educational audio clip on electoral procedures for broadcast 23 times at the radio station “Imedi”. Moreover, ISFED organized and conducted seven radio talk shows for broadcast on different stations nationwide. The aim of the radio talk shows was to discuss election-related issues with citizens of Georgia. (Financial support for the aforementioned activity was provided by the US Embassy in Georgia.)

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In order to inform citizens of Georgia on electoral and local self-government issues, ISFED published and distributed three issues of the newsletter “Citizen and Government” free of charge (28,500 copies were printed with the financial support of the NED). In addition to this, ISFED issued Georgian and Russian informational bulletin “I Vote for the First Time” (1,300 copies were printed with the financial support of the Eurasia Foundation and USAID).

On September 28, 2006 ISFED organized special public stands at the public gatherings within the territory of 75 election districts. At these stands, educational materials aimed toward increasing citizens’ awareness of and interest in voting and elections were distributed.

Prior to local elections, ISFED disseminated the following educational materials throughout Georgia:

- Election Education Brochure, Georgian – 8,300 copies;
- Election Education Brochure, Russian – 2,300 copies;
- “I Vote for the First Time” Brochure, Georgian – 5,500 copies;
- “I Vote for the First Time” Brochure, Russian – 1,400 copies;
- Election Education Booklet, Georgian – 10,000 copies;
- Election Education Flier, Georgian – 15,000 copies;
- Educational Booklet on Elections and Self-government Issues, Georgian – 22,500 copies.

Financial support for ISFED educational printed materials was provided by the NED (in the partnership with the National Democratic Institute for International Affairs (NDI)), the US Embassy in Georgia, the Urban Institute, the Eurasia Foundation and the United States Agency for International Development (USAID), the European Council and the ACF-E, the European Center for Minority Issues and Danish government).

### **Election Monitoring Mission**

ISFED conducted pre-election, E-Day and post-election monitoring of the October 5, 2006 local self-government elections.

The main goal of the ISFED monitoring mission was to ensure transparent and effective administration of Local Self-government – Sakrebulo Election procedures and to provide objective and impartial information regarding elections to public. Moreover, within observation mission the conduct of PVT in the capital city of Georgia –Tbilisi and 4 self-governing cities - Batumi, Rustavi, Poti and Kutaisi for the October 5, 2006 local self-government elections was included. PVT prescribed counting of votes for the results of proportional as well for majoritarian systems.

The ISFED observation mission for the October 5, 2006 local self-government elections was financially supported by USAID and NED in partnership with NDI; and by the Organization for Security and Cooperation in Europe (OSCE).

## **Observers' Mobilization**

The ISFED volunteer network is located throughout Georgia. In order to attract observers the organization did not conduct a media campaign or any additional recruiting activities. Rather, nearly a decade of active engagement with citizens and civic groups across the country has resulted in a relationship of trust and cooperation with Georgians. In addition, educational activities implemented as part of ISFED's ongoing civil society projects helps to ensure that this grassroots network is maintained and remains actively engaged in community-based activism during intra-election periods.

In total, ISFED accredited and trained 3,563 observers for this year's comprehensive Georgia-wide E-day monitoring and PVT observer mission. Long-term observation was carried out by 75 district Coordinators, while short-term observation was carried out by 3,028 precincts and 75 district STOs. Monitoring was also conducted by ISFED 75 mobile groups, with the purpose of speedy collection of information and as a means of providing immediate support to PEC observers. Further, the activities of ISFED observers were supported by the legal expertise of a regionally-based 6 teams of lawyers.

## **Observers' and PVT trainings**

In order to increase the effectiveness of the E-day monitoring mission, ISFED thoroughly organized observation campaign and Election Day planning sessions and conducted a set of trainings for E-day precinct observers and parallel vote tabulation (PVT) observers. The training included:

- "Training of Trainers" (ToT) for E-day observers;
- E-day observers trainings I and II rounds;
- "Training of Trainers" (ToT) for PVT;
- Trainings for PVT observers;
- Training for PVT phone operators, and;
- Training for PVT computer operators.

On September 23, 2006 the ISFED central office held detailed planning of observation mission. As trainings had to be conducted for the observers of all 75 election districts, on September 20-21 the ISFED conducted "Training of Trainers" (ToT) for 75 trainers in two sessions and equipped the trainers from the relevant districts with the necessary skills, who later conducted two rounds of trainings for STOs within the territory of their corresponding election districts. Trainings were conducted for the trainers paired according to the nearness of their districts' location. The first round of STO trainings was conducted on September 20-25, while the second round was conducted on October 1-4. On September 30, 2006 PVT "Training of Trainers" was conducted at the ISFED central office. As a result 8 trainers were trained. On October 1-4 PVT trainers in pairs/couples conducted 30 PVT trainings for PVT observers in Tbilisi, Batumi, Rustavi, Poti and Kutaisi.

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Training for PVT phone operators was conducted on November 28 and therefore 30 operators were trained, while PVT computer operators training was conducted for 30 operators on October 3. In addition to the equipment of PVT computer operators with the necessary skills they conducted program testing through practical work. E-day planning was held on October 3 the relevant activity instructions were sent to LTOs/election districts' observers of the organization.

In total 150 observation trainings in 75 election districts and 30 PVT trainings in 5 cities (14 election districts) were conducted for 3,563 observers, among them 769 were PVT observers. The following observation materials were developed for the observers:

- Observer's manual – 3,200 copies;
- Standard form of the monitoring – 3,200 copies;
- Appeal form – 12,000 copies;
- Critical/incident form – 9,000 copies;
- Description of appeals/ applying form – 150 copies;
- Accreditation forms to be submitted to the DEC's – 300 copies;
- Tbilisi PVT form – 2,200 copies;
- Majoritarian PVT form – 2,200 copies;
- Proportional PVT form – 2,200 copies.

### **Electoral System and Legislation**

#### **Electoral system**

According to the Georgian Constitution, citizens of Georgia regulate the issues of local importance through municipal self-government bodies, while the rule of creation of municipal bodies, their authorities and relationship with state bodies is defined and mandated by the Organic Law “on Local Self-government”.

The Georgian Organic Law on elections and electoral process called the “Unified Election Code” (UEC) is the legal basis for the preparation and conduct of Local Self-government (“Sakrebulo”) elections; it defines the process and conduct of elections for Sakrebulo members and the mixed majoritarian/proportional electoral system as well as the system unique to the capital, Tbilisi, while concurrently defining the structure of the electoral system for the self-governing cities of, Batumi Rustavi, Poti, and Kutaisi.

On October 5, 2006, local self-government elections were held in Georgia based on majoritarian as well as proportional electoral systems. Ten members of the Sakrebulo were elected according to the proportional list system, and also in 60 municipalities (former districts/rayons) and four communities. Majoritarian members were elected according to the majoritarian system and in accordance with the number of cities and communities located within the aforementioned municipalities.

*Sakrebulo*s composed of 15 members were elected in four self-governing cities of Georgia - Batumi, Rustavi, Poti and Kutaisi, among them 10 members were elected through proportional system and five members through majoritarian system. In order to implement

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the aforementioned procedure the self-governing cities were divided into five local majoritarian districts.

Both in self-governing cities and municipalities and communities, distinct ballot papers were used for proportional and majoritarian systems i.e. each voter was given two ballot papers in compliance with majoritarian and proportional systems, while mandates according to proportional system were allocated for the election subjects, who met or surpassed the five percent of the vote threshold.

The capital city of Georgia was unique in terms of structure of the mixed proportional and majoritarian system used for election to the Tbilisi *Sakrebulo*. Of the 37 members of Tbilisi *Sakrebulo*, 25 members were elected through majoritarian system, while 12 members were elected through proportional system. However, it is noteworthy that in Tbilisi a voter was given just one ballot paper – for the elections of majoritarian system. On these ballots, majoritarian candidates (three primary and three reserve) were introduced as one election subject. A voter was obliged to vote for one of the election subjects as defined by a numeric party or party bloc and not for a concrete majoritarian candidate. This might be considered as imperfect proportional system; however it matched neither proportional nor majoritarian electoral systems. For example, voters' intent on casting their ballot for the United National Movement would circle the number "5" and thereby cast their vote for all UNM candidates on the ballot. In Tbilisi according to the majoritarian results 12 proportional mandates were allocated based on the number of votes received by the election subjects who met or exceeded a four percent electoral threshold.

### Legal Basis

The following normative acts prescribed the conduct of 2006 local self-government elections in Georgia:

- The Constitution of Georgia;
- The Georgia Organic Law "Unified Election Code";
- The Georgia Organic Law "on Local Self-government";
- The Georgian Law "on the Capital City of Georgia – Tbilisi";
- The Georgian Law "on Political Parties";
- The relevant articles of the Georgian "Criminal Law Code";
- The relevant articles of the Georgian "General Administrative Code";
- The relevant articles of the Georgian "Administrative Code of Legal Abuse";
- Resolutions and ordinances of the Central Election Commission.

### Appointment of Elections

Local Self-government – *Sakrebulo* Elections are held once in four years in compliance with the "Unified Election Code" and are appointed by the President of Georgia no later than 40 days prior to the expiration of the term of *Sakrebulo* office.

Self-government reform motivated the continuation of the authorities of the representative and executive bodies of the local self-government elected on June 2, 2006 and postponing of

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similar next elections for the autumn of 2006. This issue was legally specified by the amendments incorporated to the “Unified Election Code” and by the relevant Conclusive Provisions, according to which the President of Georgia was allowed to appoint 2006 Local Self-government Elections no later than 40 days prior to elections.

On August 26, 2006, the President of Georgia appointed Local Self-government – Sakrebulo Elections exactly 40 days prior to Election Day and declared October 5 as official election date.

Prior to the official declaration of the date of local self-government elections high-ranking Georgian government officials indicated that the local self-government elections would occur in either late November or early December, but in their most recent statements claimed that the elections would be held in December. All stakeholders of the electoral process, including local and international organizations assumed the above mentioned months as guide for the preparations of their respective election-related activities. Election procedures, including voters’ lists, composition of Precinct Election Commissions (PEC) and their preparedness procedures were also planned around the aforementioned terms.

On August 26, 2006, with №480 Ordinance, the procedure for appointing Local Self-government – Sakrebulo Elections on October 5, 2006, in compliance with the paragraph 2 of Article 73 of the Georgian Constitution and the first part of Article 129<sup>1</sup> of the Georgian Organic Law “Unified Election Code of Georgia” (UEC) was done within the framework of the law, however, the sudden appointment of the elections and the exercise of the right of 40 day-term caused a lot of problems from the perspective of electoral procedures.

### **Pre-Election Period**

An important element of the ISFED monitoring and election observation campaign was pre-election monitoring. ISFED observed pre-election procedures, particularly the composition of the electoral administration and respective administrative functions, verification and auditing of the unified voters’ list, the candidate (election subject) registration process, and monitoring of the pre-election campaign.

#### **Observers’ Accreditation**

On August 30, in order to conduct monitoring of the local self-government elections, ISFED applied to the Central Election Commission (CEC) with an official request to be registered and accredited as a domestic monitoring organization and recognized election observation NGO.

It is notable that based on the amendments incorporated in the final version of the Unified Election Code (UEC), the Conclusive Provisions allowed the CEC to develop and determine the rules of observers’ accreditation for the 2006 local elections. The CEC exercised this legal right set by the law and with the Resolution issued on October 25, one day prior to presidential appointment of Election Day. This Resolution mandates that the announcement

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of E-day be no later than 35 days prior to polling, while the term of accreditation of registered organizations' observers was set no later than 20 days prior to the elections.

During a decade of election observation, ISFED notes that such a restriction on observer accreditation was not codified in any past election. It is noteworthy that election legislation prescribes no later than five days prior to the elections as the term of domestic observers' accreditation. The amendment incorporated for 2006 local self-government elections on observers-related issues and therefore the issuance and adoption of the aforementioned CEC Resolution are viewed as an attempt to restrict the effectiveness of observers' activities and conduct of observation missions particularly when viewed in the context of the sudden appointment of the elections.

ISFED believes it also worth mentioning that according to the CEC's statement, their decision supported only really strong organizations to deploy their observers to election precincts and for such organizations to be represented as observers on E-day. Moreover, the CEC simplified the procedure for issuance of observers' accreditation cards. However, the CEC later changed the aforementioned resolution, which resulted in creation of obvious difficulties for some local organizations. The CEC satisfied the application of one of the observation organizations and specified no later than five days prior to the elections as the term of observers' accreditation.

On August 31, with the Ordinance №170 the CEC registered the International Society for Fair Elections and Democracy (ISFED) as an accredited observer organization for the October 5, 2006 Local Self-government Elections. In total the CEC registered eight local organizations as observers. District Election Commissions (DECs) accredited ISFED's nationwide group of 3,563 observers.

### **Election Administration**

In April 2005, the amendments concerning the rule for composition of the election administration were incorporated to the UEC. These amendments were considered as the basis for the composition of the Central, District and Precinct Election Commissions (CEC, DEC, and PEC, respectively) for the 2006 Local Self-government Elections. The CEC was composed in June, 2005, however, and the appointment of the Chairperson of a new CEC to the position of the Minister of Justice of Georgia resulted in the appointment of one of the CEC members, Mr. Guram Chalagashvili, to the position of the CEC Chairperson on February, 2006. The aforementioned official was appointed based on the re-run competition set by the law. Moreover, a new competition was announced for filling the composition of six members of the CEC's maximum seven members as prescribed by the law. However, the competition commission did not select any candidate for the next nomination; this resulted in a CEC composed of six members, which would carry out its activities for local self-government elections.

Since January 1, 2006, the UEC prescribed one of the most important requirements toward DECs. That is, certification of election officials. Thus, election official's certification was considered as an important criterion for election of DEC members.

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In July, 2005, five DEC's (Tkibuli, Isani, Kobuleti, Shuakhevi and Batumi) were composed for Parliamentary by and re-run elections.

In November-December, 2005, the CEC conducted election officials' certification testing in compliance with the paragraph 2 of Article 129 of the UEC. As a result 1,155 applicants received enough scores and accepted election official's certificates.

On February 2, 2006, with the implementation of Ordinance №4/2006, the CEC announced an open competition for selection of DEC members for local elections; in addition the competition for the vacancies available in the CEC staff was announced.

The CEC announced competition for the composition of 70 DEC's, the functions of which were determined purposely for local elections. It is notable that in compliance with the UEC, the CEC creates local electoral districts covering the entire territory of the relevant local self-governing unit (municipal) governing unit for the election of relevant authorities.

On March 7, 2006 the next stage of selecting the CEC staff and DEC members was completed. Therefore, a certain part of the CEC staff and 69 DEC's were composed. The composition of two DEC's was not accomplished at that time; they were composed later. Moreover in case of appearing vacancies the procedure for selection of separate members of DEC's was ongoing within different periods of time prior to local self-government elections. In addition one more stage of election official's certification was conducted. Furthermore, after the appointment of the elections Upper Abkhazia #76 DEC was set up/created and composed in Kodori Gorge.

ISFED observed election officials' certification procedures as well the composition of the DEC's. Despite certain irregularities election officials' certification procedure was conducted in a normal way, however numerous remarks were made in regard to the composition of the DEC's, as they were conducted with a degree of non-transparently and inappropriately.

PEC's were composed for October 5, 2006 Local Self-government Elections in an unprecedented short time in terms of Georgian electoral history. That is, with only 34 days prior to elections. This term was prescribed by recent amendments incorporated to the UEC. According to the rule of the composition of the acting law a PEC is composed of nine members. Of the nine members, three were appointed by the DEC based on the competition, while two by two members were appointed by three political parties having the best results in the last parliamentary elections: "National Movement", electoral bloc "New Rights/Industrialists" and "Labor Party".

It is noteworthy that on August 27, or one day following the appointment of the elections, the authorized political parties had to be ready to begin submission of their decisions regarding nomination of PEC members to the District Election Commissions. For political parties the deadline for this procedure expired on August 30, 2006. Because of sudden appointment of the elections and as a consequence of constrained timing for identification and nomination of qualified political party representatives, parties encountered quite serious problems, especially opposition parties, which had to submit approximately 6,000 candidates to the PEC's within three days period.

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On August 28, the competition was announced and election of three PEC members by the DEC started, which resulted in an unprecedented situation as acceptance of applications and the deadline of selecting candidates had to be carried out in one day as the deadline for appointing representatives was set as August 30. Because of these absolutely inappropriate procedural terms, the competition was just a formal process and the only chance was to transform prior created “special groups” into PECs. It is notable that the CEC approved the competition resolution after the announcement of the competition by electoral districts. It might be said, the UEC-mandated 40-day term did not ensure a normal implementation of pre-election and election cycle activities and the election administration encountered serious problems from the perspective of organizing and administrating elections.

### *Training of Election Administration*

The training of election administration was considered to be one of the essential conditions for ensuring professional staffing of the electoral commissions. According to the Unified Election Code (UEC), the certification requirement was at first compulsory for all the election commissions including the PECs, but later relevant part of the election legislation was changed due to the complicated process and a large number of precinct commission members. Consequently, the conduct of election education trainings became mandatory for the PECs.

According to the amended legislation, CEC is responsible for conducting seminars and trainings for political parties, local NGOs and media representatives. However, the unexpected announcement of the election date made it difficult to conduct effective training not only for the above stakeholders, but for the election administration staff as well.

On July 20, CEC defined the program and terms for trainings to be conducted for the election administration. From August 2 through August 18 CEC conducted the Training of Trainers (ToT) of election officials in several stages. According to the CEC schedule, after the completion of ToT, the trainees who qualified as election administration trainers were expected to start trainings for members of the district election commissions (DECs) from September, and afterwards conduct the trainings of PEC members, which were tentatively planned for November.

By the October 5 local self-government elections, both district and precinct election commissions were trained. Additionally, the CEC developed a special manual covering the electoral procedures prescribed by the law. However, the trainings were conducted in very tight deadlines and consequently they could not provide the trainees with appropriate qualification.

Practically, the training of all the district and precinct commission members was conducted in September in a very hasty manner, which logically led to the lower level commissions being absolutely inefficient and unprepared for the elections. The election commissions made mistakes and displayed incompetence already during the pre-election period. For instance, during the pre-election period, voters' lists were not posted at some election precincts; some PECs misunderstood their obligation to verify the voters' lists and

conducted the door-to-door checking of voters' lists in an imperfect manner, or did not do that at all. Additionally, some PECs failed to realize that polling stations were their place of employment and they had to keep them open during the working hours. However, most shocking in the pre-election activities of PECs was the level of their impartiality or the lack of impartiality – ISFED's observers marked the cases when PEC members were involved in the ruling party's election campaign attending meetings and spreading propaganda to support the ruling party representatives. However, the incompetence of the low level election commissions produced the most negative results on the Election Day.

### **Voters' Lists and Election Registration**

The update and improvement of the voters' lists is one of the vital factors for determining the transparency and fairness of electoral procedures. With the financial support of the Organization for Security and Cooperation in Europe (OSCE) Mission to Georgia, ISFED carried out the project "2006 Local Elections: Building Confidence in the Election Process – Voters' Lists Audit" throughout Georgia. The primary goal of the project was to increase confidence in electoral processes. ISFED started to study the issues and activities related to voters' lists since March 2006.

The CEC declared the update and improvement of the voters' lists to be a top priority for 2006 local self-government elections and thus developed a strategy and a timeline for updating the lists. The amendments to the UEC specified the list of those ministries and institutions which were responsible for providing voters' data to the CEC. However, despite the requirement of the Law to furnish the updated data of eligible voters to the CEC twice a year (February 1 and August 1) none of the ministries and institutions managed to meet the aforementioned requirement in the set terms. Therefore, data of voters available in the civil registry agencies of the Ministry of Justice became main basis for the CEC in the process of verification of the voters' lists. These data includes all eligible voters of Georgia and was one of the first information to be provided to the CEC for further elaboration.

According to the CEC strategy, at the first stage, CEC collected voters' data from the Ministry of Justice, combined and compared/cleaned it with the available voters' data and processed electronic version of the unified voters' list. Along with the aforementioned, CEC took the responsibility of developing a new software for processing the lists. Due to incompliance of the electronic versions of the voters' lists with the "card system" registration further elaboration of the voters' lists became necessary. The verification of the lists according to №1 Form was done at the civic registry agencies of the Ministry of Justice, as a result of which omitted and inaccurate data was processed electronically. The DEC's invested a significant amount of effort in this direction, but some serious irregularities were still observed in the preliminary list of voters.

Since the civil registry data failed not ensure the accuracy of voters' data, the door-to-door checking of voters became a necessity. The amendments incorporated to the UEC, prescribed for creation of "special groups" for 2006 local self-government elections in the Conclusive Provisions of the Law. The rule for composition of a PEC applied to the composition of the special groups, mandate of which was door-to-door checking of the voters' data. The term of special groups' authorities was August 23 - September 12, 2006;

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however, sudden appointment of local elections terminated the authorities of special groups on September 1, which practically did not ensure the achievement of the most important aim of voters' list's verification.

**During the period of August 24–September 1**, ISFED carried out the audit of preliminary lists of voters, which were posted at election precincts on September 1. The audit was conducted based on a special method and was representative for whole Georgia.

Based on the audit results:

- The indicator of observed irregularities in voters' personal data on the voters' lists publicized at election precincts equaled 16.31%, while the data of 3.32% voters included in the voters' list was incomplete. "Deceased" were still included in the Preliminary Voters' Lists and percentage of such voters was 1.90%. Non-existent addresses were still there and their percentage equaled 0.11%.
- The irregularities observed in voters' personal data were divided into certain categories, such as irregularities in first names (5.65%), in family names (3.11%), in dates of birth (3.96%) and in addresses (3.59%). The total sum of the relevant percentages reflects the percentage of irregularities observed in voters' personal data (16.31%).
- Since the audit was representative for whole country and the margin of error was very low, ISFED received interesting results by determining proportioning percentages with the total number of voters – 2,941,462 (the data as of September 1). Specifically, by calculating the total number of voters, 16.31% - percentage of voters with irregularities in personal data comprised 479,752 voters out of the total number of voters; 3.32% - 97,656 voters with incomplete data; 1.90% - 55,887 "deceased" and 0.11% - 3,235 voters with non-existent addresses.
- It is noteworthy that in different election districts ISFED representatives voluntarily checked voters' data on the territory of a given district and the compliance of the voters' registration places with the voters' lists. Out of 172 additionally interviewed voters 26 voters were not included in the voters' list.

According to the legal requirements, the next step of elaboration of voters' lists was continued by the PECs. Practically, the citizens of Georgia did not express great interest and activeness to check themselves in the voters' lists. According to the CEC, the PECs were responsible for the continuing the activities of "special groups" i.e. for conducting door-to-door checking of the voters' lists. Unfortunately, all aforementioned activities were carried out unevenly, in an inadequately and tight deadlines, which resulted in a large number of irregularities in the final list of voters, which was used for October 5, 2006 local elections. On September 26, ISFED obtained electronic version of the final list of voters, and based on a quick visual review of the latter, number of errors, such as voters with entry «without address»; number of blank fields in surnames, names, dates of birth; three-letter surnames and incomplete addresses, were obvious. A serious problem was also voters missing from the final lists; in some cases even those eligible voters who registered themselves in the pre-election period, were not included in the final list of voters.

One of the most important elements of Election Day observation was to monitor voters' lists. According to ISFED observers' monitoring results, 35,406 voters, who came to the election precincts on Election Day, were missing from the final list of voters. These results

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are based on the results of 30% of the polling stations. In the aforementioned cases it was quite difficult for ISFED observers to re-check and verify whether a particular voter belonged to a relevant election precinct. However, in most cases, voters were omitted from the voters' list by violation of the law. Therefore they could not exercise their constitutional right to vote. However, E-Day findings are not sufficient to evaluate the accuracy of the voters' lists.

ISFED, with the support of the OSCE Mission to Georgia, is conducting the qualitative audit of the final lists of voters, based on which the 2006 local self-government elections were held. At the end of November, 2006, ISFED will issue the results and a final report of the audit.

### *Normative Acts of the Electoral Commissions*

The Central Election Commission (CEC) issued those resolutions and ordinances adopted in accordance with Article 25 of the Unified Election Code (UEC), which defines the legal basis for the CEC to issue normative acts and rules of adoption. Despite the amendments incorporated to the UEC during the pre-election period, the possibility for amending electoral procedures is clearly defined by the election legislation in regard to the authorities of the CEC reserved for the 2006 local self-government elections. This indicates that lawmakers did not consider the recommendation concerning the restriction of the CEC right to change norms prescribed by the law.

Article 29, paragraph (1), subparagraph (c) of the July 2006 version of the UEC allows the CEC to approve and adopt such normative acts, which differ from the norms prescribed by the law, however the law itself allows adopting such decisions. Within the framework of the CEC, the aforementioned article specifies the determination of electoral activities and terms different from the law particularly for the case when there is no possibility to meet the legal requirements articulated in the UEC. In practical terms, this clause allows the CEC to put into force normative acts that have the potential to significantly change electoral activities and terms clearly prescribed by the electoral law.

In particular, the CEC determined the electoral activities schedule for the 2006 local self-government elections, which was primarily expressed in the terms different from the terms prescribed by the law. In order to make it clear we can cite the example of electoral financing, which is regulated according to Article 44 of the UEC: the CEC submits to the Ministry of Finance a plan of funding of the preparation and conduct of elections no later than 55 days prior to E-day. The Ministry of Finance subsequently is obligated to deposit to the account of the CEC the funds allocated for elections from the State budget no later than 50 days prior to polling, while the CEC deposits the funds allocated for DEC's necessary for elections to their current account no later than 45 days to polling. It was impossible to meet the requirement set by this article of the UEC for the 2006 local self-government elections, which were appointed 40 days prior to E-day. The aforementioned issue once again confirms incompliance of different notes of the UEC and complex incompleteness of the law.

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Further, the CEC adopted contradictory decisions otherwise regulated by the UEC and do not represent those cases when the implementation of the aforementioned activity is impossible. However the CEC supposes that it is unfeasible to meet this requirement set by the law and therefore adopts/issues additional and distinct explanations. For instance: the CEC prescribed participation of servicemen in local elections by its own №25/2006 Resolution and by the norms contradicting the law/different from the law. In reality the norms prescribed by the UEC in regard to servicemen's participation in elections are not considered to be unattainable.

Unfortunately the CEC normative acts are still able to change and/or interpret the law-prescribed norms/issues. Furthermore, such decisions certainly contradict the hierarchy and rules set by the law "on Normative Acts" according to which a law has a superior power over by-laws.

### **Pre-electoral Procedures**

During the pre-election period, one of the most important elements of ISFED monitoring efforts was to monitor legal implementation of pre-electoral activities and various procedures by the electoral administration in the set deadlines. It is worth noting that despite tight deadlines, electoral administration put in a lot of effort to implement all electoral procedures in compliance with the law. However, due to limited time and inadequate level of preparedness of the electoral administration, violations of electoral procedures in various electoral districts were observed in the pre-election period; e.g. widespread delay in the procedure of determining/publishing the list of premises of electoral precincts and their addresses; the procedure for determining boundaries of the PECs and their addresses continued after the expiration of terms prescribed by the Law.

It is notable that local self-government and government bodies did not perform the requirements prescribed by Article 75 of the UEC for the elections. According to the aforementioned Article, no later than 50 days prior to E-day, bodies of local self-government and government had to publicize the list of premises where posting and displaying election posters is prohibited. In nearly all electoral districts such lists were not available, which resulted in further problems of pre-electoral procedures. Namely, ISFED observers noted the facts of patrol police tearing down election posters and preventing electoral subjects, particularly representatives of opposition parties, to post campaign posters on forbidden premises/in forbidden places, while the list of such forbidden premises did not exist. Therefore electoral candidates themselves could determine neither appropriate places, nor rules for posting agitation materials.

From the perspective of procedural violations, there were isolated cases of PECs not managing to convene their first meetings timely and some PECs failed to post voters' lists not only in the term prescribed by the law i.e. on September 1, but even for September 5.

### **Registration of Electoral Subjects**

The CEC and DEC registered electoral subjects for the 2006 local elections. The CEC registered political parties/blocs and relevant party lists for Tbilisi proportional electoral system, in addition, ten DEC within Tbilisi registered majoritarian candidates submitted by

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political parties/blocs for the elections of Tbilisi majoritarian electoral system. The DEC of municipalities and self-governing cities registered party lists submitted by political parties/blocs for the elections of proportional electoral system of the relevant districts, as well as candidates proposed/submitted by political parties/blocs and initiative groups for majoritarian electoral system.

Eleven political parties/blocs applied to the CEC with the request of registration. It is worth noting that for the political parties not registered for the last parliamentary elections, the term of submitting applications for the registration to the CEC expired in two days after the appointment of the elections i.e. on September 28, therefore political parties encountered difficulties in preparing legally required documentation for the registration.

A total of nine political parties were registered by the CEC by September 5, 2006, no later than by the 30<sup>th</sup> day prior to E-day. The CEC denied the registration request of two applicants - political union "Motherland" and the Society of Merab Kostava due to incomplete registration documents.

The CEC is also authorized to decide upon uniting political parties into electoral bloc if it meets the requirements prescribed by the electoral legislation. Based on a submitted request and relevant documentation, the CEC united two political parties "Republican Party of Georgia" and "Conservative Party of Georgia" into one electoral bloc no later than by the 26<sup>th</sup> day prior to E-day. (September 9)

Out of eleven registered parties two political parties - "New Rights" and National-Democratic Party voluntarily refused to participate in the elections, justifying their position with unfair competition and electoral environment.

Ultimately, the following five political parties and one electoral bloc participated in the 2006 local self-government elections:

- Political Union "Industrialists" – "Topadze, Industrialists" (ISG)
- Georgian National Ideology Party;
- Political Organization – "Salome Zurabishvili – Georgia's Way";
- Unified National Movement – "National Movement – the List for Georgia's Unification and Prosperity";
- Labour Party – "Georgian Labour Party – Shalva Natelashvili".
- Electoral bloc "Davitashvili, Khidasheli, Berzenishvili" (Republican Party of Georgia- Conservative Party of Georgia)

According to the registration results, "Unified National Movement" had competitors neither for majoritarian nor for proportional elections in some electoral districts, as other political parties/blocs could not manage to nominate candidates throughout the whole country.

It is notable that those political parties, which did not participate in the last Parliamentary elections, were obliged to submit a signatures of 50,000 supporters in order to be registered as electoral subjects for the 2006 local self-government elections. However, the timeline for this procedure was limited to five days after the appointment of elections, which resulted in

certain problems. According to the CEC, during the process of registration of political parties/blocs, certain problems were encountered in the lists of supporters submitted by “Davitashvili, Khidasheli, Berdzenishvili” bloc, which, according to the CEC statement, were solved within the legal framework.

ISFED would like to focus attention to the procedure for presenting party lists in order to obtain mandates of Tbilisi Sakrebulo members based on a proportional system and the relevant problems. In compliance with Article 126<sup>8</sup> of the UEC, party lists shall be composed of candidates that are nominated for majoritarian elections. However, the CEC Resolution №28/2006 allowed the inclusion of those candidates in party lists that did not represent majoritarian candidates for Tbilisi Sakrebulo elections. As a result, for proportional electoral system, “National Movement” included other candidates in party list along with majoritarian candidates, among them Mayor of Tbilisi Gigi Ugulava, who was included in none majoritarian ballots of Tbilisi electoral districts. Electoral bloc “Davitashvili, Khidasheli, Berdzenishvili” and the Georgian Young Lawyers’ Association (GYLA) jointly appealed the aforementioned case to the Courts of two instances. The court of first instance did not consider the appeal, arguing that the aforementioned were not appropriate petitioners in the respective case; while the court of second instance did not decide in favor of applicants after the consideration of the appeals and ruled that UEC does not specify a word “only” and accordingly the inclusion of only majoritarian candidates in party lists is not compulsory.

The results of the ISFED pre-election monitoring indicate that the CEC and DEC’s ensured a normal implementation of the registration procedure for election subjects’. However, problems concerning independent candidates’ registration were observed in some electoral districts, which were justified by the failure of the initiative groups to meet the legal requirements for registration. E.g. Chiatura DEC issued inappropriate and illegal decisions regarding the removal of the candidates nominated by initiative groups. The aforementioned fact was explained by the failure to open electoral campaign and meet the requirements prescribed by the law. In reality, Chiaturi DEC, as well as the CEC “hotline”, which provided all stakeholders with legal consultations, did not give appropriate explanations of the legal requirements to the aforementioned candidates, which resulted in mistakes from the candidates’ side. In addition, the electoral administration adopted unfair decisions which were not even formalized by relevant normative acts.

### **Pre-election Campaign/Agitation**

The “Unified Election Code” (UEC) of Georgia prescribes the rules for pre-election campaign and agitation. It is noteworthy, that this particular part of the electoral legislation was significantly changed by the amendments incorporated to the UEC prior to the 2006 local self-government elections.

According to the legislation, pre-election campaign and agitation starts immediately after the appointment of elections, which means that for the 2006 local self-government elections, the time of electoral campaign and agitation was limited to a 40-day period. While in general,

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the non-electoral period also allows political parties to present their platform to the voters; the electoral subjects of October 5 local elections started targeted campaigns only after the appointment of elections.

Due to tight deadlines, the pre-election campaign for the 2006 local self-government elections was conducted quite actively; from the very beginning “United National Movement” (UNM) was noticeably more active than other electoral subjects throughout Georgia. At a later stage of the pre-election period, other candidates including electoral bloc “Davitashvili, Khidasheli, Berdzenishvili”, Labor Party, “Industry will Save Georgia” and “Georgia’s Way” became more actively involved in the campaign and covered some regions of Georgia. National Ideology Party did not conduct any pre-election campaign or agitation.

In general, no instances of obstructing or hindering participation in pre-election campaign were noted. No facts of violence were observed. However, according to the ISFED observation network, there were isolated cases of the ruling party (UNM) having easy access to administrative buildings (meeting halls), while opposition parties faced difficulties in the same process.

Recent amendments to the UEC affected mass media as well and prescribed the rules for coverage of the pre-electoral campaign. Electoral legislation obliges both public and private broadcasting companies to provide free air time for pre-election campaign purposes only to “qualified” electoral subjects. In addition, these companies have to provide equal opportunities to those qualified electoral subjects, who wish to place chargeable campaign announcements or participate in debates. Despite the fact that Law prescribes certain criteria for the status of qualified electoral subject, initially it was still unclear for the 2006 local elections which electoral subject had to be considered qualified by broadcasting companies. Even more confusion was caused by defining the level of electoral subject’s qualification based on the results of public opinion polls. It is also important, that according to the Law, along with allocating air time to qualified electoral subjects, public broadcasting company is responsible for providing air time to all other parties and electoral blocs in order to place pre-electoral advertisements; and the air time should be equally distributed between these electoral subjects.

Generally, we can conclude that mass media met the requirements set by the Law and organized debates; however, the electoral campaign was not very active and noticeable in the media, as the coverage of campaign activities was somewhat selective. Mass media particularly focused on the activities of government representatives, which was practically considered to be the “best” way of pre-election campaign of the ruling party.

The UEC of Georgia allows pre-election agitation both in favor and against any electoral subject. Thus during the pre-electoral campaign, political parties/blocs focused more on negative campaigning, rather than on presenting their own platform for the 2006 local elections.

Unfortunately, the 2006 local elections were not positively distinguished from the perspective of separation of government and party structures. During the electoral campaign, the ruling party, as a representative of the government was in an advantageous position. Legislative prohibitions did not ensure the control of usage of administrative resources by the ruling party; therefore the latter used this opportunity quite effectively.

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Over a long period of time, the UEC prohibited participation of executive government officials (state and local governance) in the pre-election campaign. However, based on the amendments incorporated to the electoral legislation prior to the 2006 local elections, these restrictions were removed and officials of executive bodies of various levels of the government, including ministries, were allowed to agitate in favor of or against any electoral subject. In such a legislative environment, it is impossible to evaluate pre-election competition according to equal criteria, particularly when the highest bodies of the government are composed of the representatives and supporters of the ruling party (UNM).

Another important issue is the possibility of being an electoral subject and government official simultaneously, which was not explicitly prohibited by the legislation for the 2006 local self-government elections. It is notable that legislation obliges a member of Parliament to terminate his/her authorities if he/she is registered as an electoral subject and participates as a candidate in local elections. The aforementioned prohibition also affected local self-government officials (Chairperson/Gamgebeli or any member of Sakrebulo of a village, a settlement, or a borough, secretary and members of district Sakrebulo if they are not chairpersons of commissions and factions of Sakrebulo). However, without any justification, electoral legislation allows the completely contradictory case, i.e. without terminating authorities of City Mayor, Gamgebeli and Deputy-Gamgebeli of district, Chairperson and Deputy-Chairperson of district Sakrebulo and Chairpersons of district Sakrebulo commissions and factions, the legislation allows them to register as electoral subjects/candidates for the self-government elections and to run electoral campaign on parallel to performing their official duties. It is obvious that such legislative basis established an enabling environment for ruling party candidates to use administrative resources and official positions, particularly for those, who already held the aforementioned positions (e.g. Tbilisi Mayor).

Despite the fact that the UEC does not provide for the usage of material or technical state resources for pre-election agitation and campaign and for usage of official positions for agitation, practically such limit did not exist for the 2006 local self-government elections. (E.g. during the pre-election period frequent and prompt fulfillment of the activities funded from the State budget and their usage for agitation purposes, usage of service car for electoral campaign, etc). Therefore it was impossible to follow the prohibition of agitation during working hours. All positive activities carried out by the government were proclaimed and perceived as the activities carried out by the ruling party, which made it impossible to separate administrative and campaign funds.

Another important factor for ruling party (UNM) candidates was the explicit support of the President of Georgia. It is notable that the Constitution of Georgia allows the President of the country to act as a Chairperson of the ruling party, in this particular case to chair "United National Movement". Therefore the President quite frequently and openly used mass media and campaigned in favor of government candidates. Based on recent changes, the UEC did not forbid the President to participate in pre-election agitation for the 2006 local elections; however such facts are still considered as violation of law, if they take place during the performance of official duties.

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During the pre-election campaign, ISFED observers noted isolated cases of attempts to buy votes by means of various promises and gifts given to the voters from the candidates' side. Mostly, such facts had the following basis – various positive activities or future plans from the side of government, were automatically associated with the candidates of the ruling party.

### **Election Day**

#### **Polling on Election Day**

Election-Day of the October 5 2006 local self-government elections was conducted in a peaceful environment. No attempts of violent obstruction of voting procedures or election fraud were observed. One of the most important principles - the secrecy of voting - was safeguarded. However, based on ISFED observers' information, various procedural and technical irregularities were widely observed throughout Georgia, which is mostly attributed to inadequately prepared and unqualified lower level electoral administration.

Based on the information and final reports provided by ISFED observers, the following violations were observed on Election-Day throughout Georgia (except Upper Abkhazia):

- The opening of electoral precincts was delayed (mostly for a small, and in isolated cases – significant amount of time) in 489 cases;
- The lists of candidates were not posted at 37 the polling stations;
- The instructions on voting were not posted at 36 precincts;
- The sample ballot papers were not available at 263 precincts;
- Demonstration protocols were not publicized at 30 electoral precincts;
- The number of ballot papers observed in receipt-acceptance record differed from the number of ballot papers available at the precincts in 34 cases;
- The functions among the PEC members were not distributed by casting of lots at 19 polling stations;
- The rule of sealing ballot box for polling was inappropriately violated in eight cases;
- Voting procedure started later than required only in isolated cases;
- The first voters did not sign control sheets in five cases;
- Control sheets were not placed into in main and mobile ballot boxes in ten cases; in addition, the PECs did not keep one copy of control sheet in nine cases;
- Registrars did not ask voters to present relevant IDs in order to issue ballot papers at ten electoral precincts;
- Three PECs forgot to certify ballot papers with signatures and seals for a certain period of time;
- Procedure of marking voters was carried out completely inappropriately at a large number of electoral precincts and therefore various violations were observed; however, marking procedure was totally ignored at 20 electoral precincts;
- Voters failed to certify the acceptance of ballot papers with their signatures in several cases observed at seven precincts;
- Attempts of voting instead of other voters and support of such facts from the side of the PECs were observed in 98 cases; however only single cases were successful;

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- Presence of unauthorized persons at the polling stations was observed in 112 cases; such violation was mainly caused by the presence of two representatives of the ruling party at electoral precincts, which is a violation of law;
- Presence of police on the surrounding territory of the polling stations was observed in 534 cases, however they were not interfering in electoral process voluntarily;
- Attempts of ballot stuffing were observed in 78 cases, out of which only isolated ones were successful;
- The supplement list of voters was not compiled and notes were not made in the general list of voters appropriately in 120 cases;
- While transporting mobile ballot boxes from the electoral precincts, PEC Secretaries failed to note the number of ballot papers required for procedure in 82 cases;
- Mobile ballot boxes did not leave polling stations for the addresses of the voters in a timely fashion in 654 cases;
- Mobile ballot boxes were not timely returned to precincts and rules of sealing were not respected in 86 cases;
- PECs did not ensure the procedure for filling out demonstration protocols in 25 cases;
- Persons authorized to present at polling stations were restricted from making notes and appeals in the PEC record books in 134 cases.
- In order to conduct monitoring of Election Day ISFED observers were allowed to enter almost all polling stations; however, the observers encountered certain problems in 11 cases, the majority of which were timely solved.

The most notable problem faced by both long and short-term ISFED observers was pressure in the form of requests mostly made by phone, and threats in isolated cases. Those ISFED observers who have longer experience in election monitoring, indicate that such cases were far more widely observed for the 2006 local elections. Based on the final reports provided by ISFED observers, local representatives and, in some cases, candidates of the ruling party, as well as representatives of local government were involved in the aforementioned activities in some districts. ISFED observers were mainly asked not to submit appeals or to invalidate already submitted ones; not to react upon observed violations actively, or to ignore the violations completely. The best way for influencing ISFED observers was considered to be through the relatives and friends of observers. In single cases, ISFED observers' rejection of the aforementioned requests resulted in aggression and threats from the opposite side. Concrete manifestation of such facts was in Marneuli district, where some of ISFED observers encountered problems in conducting effective monitoring, due to the pressure put upon them; and in Samtredia district, where a family member of one of ISFED observers was threatened to be dismissed from the job. However, it should be noted that such facts did not have a centralized nature, happened only in a number of districts and can be mainly attributed to local stakeholders.

### Vote Counting

In general, the procedure of vote counting and drafting of summary protocols was conducted in a peaceful environment and no attempt of violent obstruction of the aforementioned

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procedure was observed. The majority of the violations observed by ISFED observers were procedural and attributed to inadequately prepared (uncompetitive) and unqualified lower level electoral administration (PECs). Here are some examples of the violations:

- The PECs failed to properly seal unused and spoiled ballot papers in 53 cases;
- Casting of lots for identification of counting officers was not conducted in 28 cases;
- Presence of unauthorized persons during the vote counting procedure was noted in 56 cases;
- The PECs failed to ensure safety of seals on the ballot boxes in 184 cases, the aforementioned irregularity was mostly caused by low quality seals;
- Observers were not allowed to freely monitor counting of votes at 14 precincts;
- PECs did not fill out the summary protocols in 39 cases;
- The procedure of invalidating the ballot papers did not meet the requirements of Law in 97 cases;
- Representatives of the candidates and observers were not provided with copies of the precinct summary protocols in 88 cases;
- The significant number of the PECs did not realize the high importance of proper sealing electoral documentation, this procedure was completely ignored in 14 cases;

The most serious irregularity of vote counting and the procedure for drafting summary protocols was the incompliance of precinct summary protocol data. Instances of incompetence of lower level electoral administration was most obvious during the process of filling out protocols - in the majority of precinct summary protocols the results were entered incorrectly in inappropriate columns or balance of votes could not be obtained. In most cases, such errors were minimal and in reality did not impact final results of the elections; however some irregularities required serious consideration and, in single cases, even invalidation of results. Examples of the aforementioned are Khelvachauri district, where precinct protocols were checked and corrected at the district level, although errors were minimal; and Marneuli district, where the results were entered incorrectly commonly across the district.

It is notable that not all PECs could operate copying machines (Xerox) effectively on Election Day. PECs were not aware of how to use the machine, which delayed the procedure for issuing copies of summary protocols. Furthermore, several PECs of number of electoral districts were not provided with copying machines at all (e.g. Tianeti DEC), however, CEC budget for local elections envisioned funds for purchasing 3,100 copying machines. In addition, the UEC prescribes compilation of two original copies of precinct summary protocols, while Xerox copies of summary protocols are only intended for representatives of candidates and observers; which, in practice, proved to be quite an expensive and inefficient norm.

### **Results of Parallel Vote Tabulation (PVT)**

The results of Parallel Vote Tabulation conducted by ISFED for the October 5, 2006 Local Self-government Elections in the Capital - Tbilisi and four self-governing cities - Batumi, Rustavi, Poti and Kutaisi indicate that official results of the local elections fairly express the will of voters.

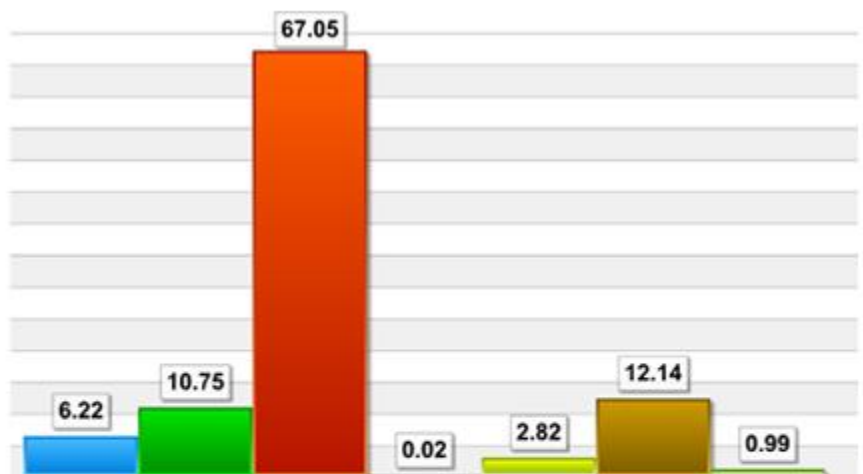
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ISFED PVT Results are as follows:

### Proportional results

<b>Tbilisi</b>	<b>%</b>
Topadze, Industrialists	6.22
Labor Party	10.75
National Movement	67.05
National Ideology Party	0.02
Salome Zurabishvili "Georgia's Way"	2.82
Davitashvili, Khidasheli, Berdzenishvili	12.14
Number of votes against all	0.99
<b>Batumi</b>	<b>%</b>
Topadze, Industrialists	3.33
Labor Party	8.75
National Movement	60.62
Davitashvili, Khidasheli, Berdzenishvili	26.28
Number of votes against all	1.02
<b>Kutaisi</b>	<b>%</b>
Topadze, Industrialists	4.32
Labor Party	6.61
National Movement	76.29
Davitashvili, Khidasheli, Berdzenishvili	11.94
Number of votes against all	0.84
<b>Rustavi</b>	<b>%</b>
Topadze, Industrialists	9.75
Labor Party	12.97
National Movement	72.90
Salome Zurabishvili "Georgia's Way"	2.95
Number of votes against all	1.43
<b>Poti</b>	<b>%</b>
Topadze, Industrialists	3.95
Salome Zurabishvili "Georgia's Way"	3.52
National Movement	73.77
Davitashvili, Khidasheli, Berdzenishvili	17.37
Number of votes against all	1.39

### Tbilisi PVT Results



- 3 Topadze, Industrialists
- 4 Labor Party of Georgia – Shalva Natelashvili
- 5 National Movement – the List of Georgia's Unification and Revival
- 15 National Ideology Party of Georgia
- 21 Salome Zurabishvili „Georgia's Way“
- 22 Davitashvili, Khidasheli, Berdzenishvili
- Votes Against All

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### Batumi Majoritarian Results

Batumi	1	Topadze, Industrialists	Jashi Irakli	2.83%
Batumi	1	Labor Party	Davitadze Temur	9.14%
Batumi	1	National Movement	Qajaia Badri	57.81%
Batumi	1	Davitashvili, Khidasheli, Berdzenishvili	Pataraiia Zurab	29.20%
		Number of votes against all		1.03%
Batumi	2	Topadze, Industrialists	Baladze Malkhaz	3.15%
Batumi	2	Labor Party	Devadze Tamaz	9.92%
Batumi	2	National Movement	Kirtadze Giorgi	63.82%
Batumi	2	Davitashvili, Khidasheli, Berdzenishvili	Turmanidze Levan	22.20%
		Number of votes against all		0.91%
Batumi	3	Topadze, Industrialists	Gogitidze Tamaz	3.35%
Batumi	3	Labor Party	Dumbadze Lado	6.73%
Batumi	3	National Movement	Kakhidze Jumber	54.70%
Batumi	3	Davitashvili, Khidasheli, Berdzenishvili	Chavleishvili Irakli	30.49%
Batumi	3	Initiative Group	Tsintsqiladze Nadim	0.87%
Batumi	3	Initiative Group	Verdzadze Ilia	2.65%
		Number of votes against all		1.20%
Batumi	4	Topadze, Industrialists	Bolqvadze Niaz	4.19%
Batumi	4	Labor Party	Dumbadze Bidzina	7.75%
Batumi	4	National Movement	Makharadze Qartlos	59.62%
Batumi	4	Davitashvili, Khidasheli, Berdzenishvili	Sirabidze Lasha	27.59%
Batumi	4	Initiative Group	Paghava Irakli	0.00%
		Number of votes against all		0.85%
Batumi	5	Topadze, Industrialists	Baramidze Joni	6.70%
Batumi	5	National Movement	Chkhartishvili Davit	59.15%
Batumi	5	Davitashvili, Khidasheli, Berdzenishvili	Murvanidze Davit	31.80%
		Number of votes against all		2.35%

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### Kutaisi Majoritarian Results

Kutaisi	1	Topadze, Industrialists	Kvinikadze Goderdzi	4.32%
Kutaisi	1	Labor Party	Gugava Samson	5.26%
Kutaisi	1	Davitashvili, Khidasheli, Berdzenishvili	Khvadagiani Tengiz	9.22%
Kutaisi	1	National Movement	Pruidze Nestor	80.39%
Kutaisi	1	Number of votes against all		0.81%
Kutaisi	2	Labor Party	Porchkhidze Badri	8.08%
Kutaisi	2	National Movement	Khvadagiani Amirani	80.04%
Kutaisi	2	Davitashvili, Khidasheli, Berdzenishvili	Purtskhvanidze Giorgi	10.75%
Kutaisi	2	Number of votes against all		1.14%
Kutaisi	3	Labor Party	Morchadze Tamari	5.83%
Kutaisi	3	National Movement	Mandaria Zviadi	73.68%
Kutaisi	3	Davitashvili, Khidasheli, Berdzenishvili	Marjanishvili Tornike	13.13%
Kutaisi	3	Independent Candidate	Bakhtadze Grigoli	6.16%
Kutaisi	3	Number of votes against all		1.19%
Kutaisi	4	Labor Party	Kipshidze Daviti	6.61%
Kutaisi	4	National Movement	Gogisvanidze Daviti	81.03%
Kutaisi	4	Davitashvili, Khidasheli, Berdzenishvili	Shanava Giorgi	11.61%
Kutaisi	4	Number of votes against all		0.75%
Kutaisi	5	Labor Party	Uriadmkopeli Tamazi	6.11%
Kutaisi	5	National Movement	Kvernadze Vladimeri	78.08%
Kutaisi	5	Davitashvili, Khidasheli, Berdzenishvili	Bitsadze Shota	11.82%
Kutaisi	5	Independent Candidate	Dvalishvili Teimuraz	1.32%
Kutaisi	5	Number of votes against all		2.67%

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### Rustavi Majoritarian Results

Rustavi	1	Topadze, Industrialists	Maisuradze Zurabi	18.99%
Rustavi	1	National Movement	Baratashvili Kakha	77.72%
Rustavi	1	Number of votes against all		3.29%
Rustavi	2	Topadze, Industrialists	Ghuntskidze Gela	19.98%
Rustavi	2	National Movement	Aptsiauri Leila	76.68%
Rustavi	2	Number of votes against all		3.34%
Rustavi	3	Labor Party	Maisuradze Grigori	19.86%
Rustavi	3	National Movement	Basilashvili Nino	77.75%
Rustavi	3	Number of votes against all		2.39%
Rustavi	4	Labor Party	Tsabutashvili Givi	16.30%
Rustavi	4	National Movement	Chiqovani Mamuka	81.39%
Rustavi	4	Number of votes against all		2.31%
Rustavi	5	Topadze, Industrialists	Abashidze Aleksandre	8.85%
Rustavi	5	Labor Party	Chaladze Koba	10.61%
Rustavi	5	National Movement	Gurgenidze Kakha	78.89%
Rustavi	5	Number of votes against all		1.65%

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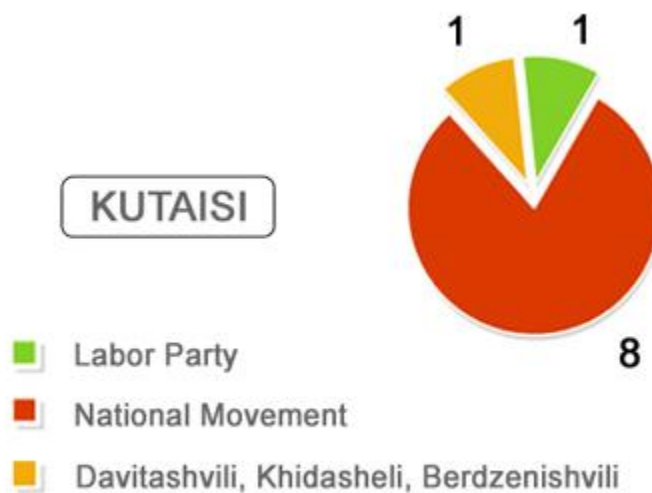
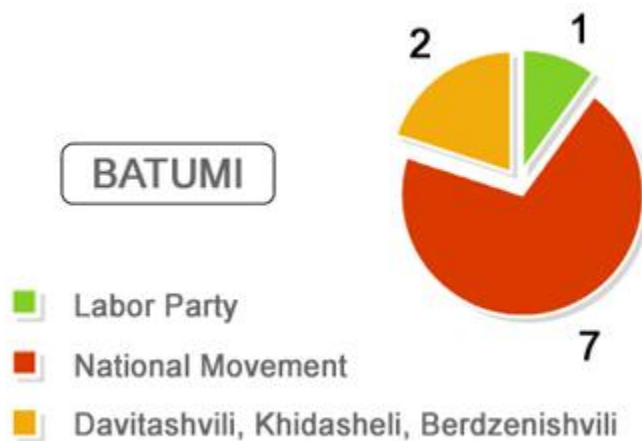
### Poti Majoritarian Results

Poti	1	National Movement	Khomeriki Dato	80.53%
Poti	1	Davitashvili, Khidasheli, Berdzenishvili	Dolbaia Gocha	12.99%
Poti	1	Independent Candidate	Kupradze Emzari	5.62%
		Number of votes against all		0.85%
Poti	2	Initiative Group	Pachulia Teimurazi	17.76%
Poti	2	Initiative Group	Beraia Lasha	0.00%
Poti	2	National Movement	Khukhia Tengizi	70.38%
Poti	2	Davitashvili, Khidasheli, Berdzenishvili	Goginava (Gia) Evgeni	9.49%
		Number of votes against all		2.36%
Poti	3	National Movement	Svanidze Kakhaberi	89.15%
Poti	3	Davitashvili, Khidasheli, Berdzenishvili	Kutsia Shota	9.75%
Poti	3	Initiative Group	Gvasalia Mamuka	0.00%
Poti	3	Initiative Group	Pachulia Zurabi	0.00%
		Number of votes against all		1.10%
Poti	4	National Movement	Dartsmelidze Vakhtangi	77.49%
Poti	4	Davitashvili, Khidasheli, Berdzenishvili	Babilua Tarieli	16.19%
Poti	4	Initiative Group	Lomia (Gia) Givi	4.69%
		Number of votes against all		1.63%
Poti	5	National Movement	Janjghava Morisi	68.87%
Poti	5	Davitashvili, Khidasheli, Berdzenishvili	Maskhulia (Gia) Guguta	28.96%
		Number of votes against all		2.17%

### Allocation of Mandates through Proportional Electoral System

Based on the PVT results, and in compliance with the norms of the UEC, ISFED developed allocation of mandates for the election results for proportional electoral system in Tbilisi, Batumi, Rustavi, Poti and Kutaisi. Based on the official election results the results match if the same rule for allocation is applied. Unfortunately, the CEC interpreted the rule for allocation of mandates prescribed by the Law for Tbilisi differently and, without proper grounds, allocated one proportional seat of Tbilisi Sakrebulo to an inappropriate electoral subject. According to ISFED results of allocation of mandates, mandate should have been allocated to electoral bloc “Davitashvili, Khidasheli, Berdzenishvili” and not to “Industry will Save Georgia”. Therefore, the CEC Resolution is considered illegal.

Allocation of mandates by ISFED is as follows:





### Re-run Elections

The central and district electoral commissions invalidated the results of several PECs and one entire electoral district due to various violations observed in the aforementioned electoral precincts and district. Therefore the CEC appointed re-run elections in one electoral district and in those electoral precincts where invalidation of the results impacted final results of the elections in local electoral districts.

On October 17, 2006 re-run Local Self-Government - Sakrebulo Elections were held in several election precincts: all 19 election precincts of Abasha election district, five election precincts in Liakhvi, two in Gardabani, one in Dusheti and one in Akhmeta.

The International Society for Fair Elections and Democracy (ISFED) monitored the re-run elections by means of 30 observes covering each election precinct.

The results of the monitoring indicate that re-run elections can be considered valid, electoral process was conducted in a fair way and serious violations of the law were not observed

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except minor irregularities, which were timely reacted upon and solved by the electoral administration ISFED observers did not notice any facts which would impact the results of the elections.

### Appeals and Legal Reaction

Georgian legislation prescribes the rule according to which an observer shall lodge an appeal/complaint regarding various electoral procedures.

According to the “Unified Election Code” violation of electoral legislation may be appealed to the appropriate District Election Commission (DEC) or to the court; while an organization registered to be observer on E-Day is an authorized appellant in the cases set by the law, this in general makes the monitoring of elections more effective and allows a legal recourse in response to observed and documented violations.

A domestic observer exercises the right to lodge an appeal or complaint on issues concerning voting procedures to a Precinct Election Commission (PEC) chairperson based on which (s)he may demand appropriate action. An observer has the right to lodge an appeal or complaint on the action of a PEC and/or inappropriate reaction upon it to the superior commission or the court. An application or complaint on observed violations against voting procedures and consolidation of results may be appealed before the confirmation/affirmation of summary protocols of voting and election results. The aforementioned application/complaint shall be registered at a PEC and shall be delivered to a DEC prior to 6 p.m. the following day.

ISFED conducted relevant training for its observers on the rules for compiling and lodging complaints. Prior to the training, ISFED developed appeal forms which were delivered to the observers and to be completed if violations would be observed.

On October 5 during the local self-government elections, the International Society for Fair Elections and Democracy (ISFED) observed violations during the pre-election as well as E-day monitoring period, several of which were appealed to relevant bodies.

In the pre-election period, ISFED applied to the court with a petition to annul CEC Resolution №25/2006 of September 4, 2006. This Resolution allowed certain Georgian military personnel to be included on the unified voters' lists, which is severe violation of Article 10 of the “Unified Election Code” (UEC). Moreover, the Resolution specified participation of servicemen in the elections based on their Servicemen Identification Cards (rather than by national ID or passport) in violation of Articles 53 and 54 of the UEC. The aforementioned Resolution was adopted in violation of the UEC and the norms of the UEC, as the subparagraph c<sup>1</sup> of the paragraph 1 of Article 10 of the UEC directly specifies that “the military personnel of Georgia serving for a defined term and professional soldiers on a contractual basis” are included in the special list of voters, while according to the subparagraph 4<sup>1</sup> of this article a commander of respective military unit is obliged to provide the respective DEC with the list of the relevant servicemen no later the 6<sup>th</sup> day prior to the poll. The subparagraph 10 of the same article more concretely specifies those places where a

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voter entered in the special list may vote, specifically “in the case of local elections if he/she changes location within the territory of the same electoral district”.

ISFED believes that the intent of this law is to protect the most important principle of the self-government i.e. to elect self-government only by local population within a given geographic area. Paragraph 1 of Article 3 of the “European Charter of Self-government” specifies consideration of the interests of local population for creation of self-governing bodies. This Charter was ratified by the Parliament of Georgia on October 26, 2004.

The CEC Resolution №25/2006 allowing military personnel to vote in PECs not within their home of record significantly impacted the issue of electing local self-government in some populated area, as the votes of some groups of military personnel were quite representative and had an effect on the outcome of polling in certain areas, especially in the elections held through majoritarian electoral system. It is worth mentioning that a strong majority of servicemen are inhabitants of other cities and districts than those in which they ultimately voted on E-day.

According to the paragraph 2 of the aforementioned Resolution, the CEC specified participation of servicemen in the elections based on their Servicemen Identification Cards, which is also violation of the UEC as the first part of Article 53 directly prescribes that each PEC shall issue a ballot paper(s) and special envelope(s) on the basis of the presentation of a Georgian Citizen’s Identity Card and Georgian Citizen’s Passport. The subparagraph c of the paragraph 2 of Article 54 of the UEC also prescribes that a voter shall present his/her Georgian Citizen’s Identity Card (or a Georgian Citizen’s Passport) to a registrar. Therefore the UEC does not specify any other documents based on which voting is admissible. In this case, the Parliament of Georgia took into consideration probable duplications and according to the method of exclusion imperatively allowed voters to participate in the elections based on the aforementioned documents only.

Citizens from 18 years old serve in the Georgian Armed Forces and exercise the right to have Georgian Citizen’s Identity Card or Georgian Citizen’s Passport according to the legislation.

In compliance with Articles 22 and 25 of the Georgian Law “On Normative Acts” a law has superior legal force on the by-laws (in this case the CEC Resolution). The Resolution directly contradicts the requirements of the law.

Unfortunately, Tbilisi City Court’s Administrative Affairs Department did not consider the ISFED legal petition and without transparent legal justification decided against ISFED on this issue. ISFED appealed to the Court of the second instance – Tbilisi Appellate Court’s Administrative Affairs Chamber, which similarly did not decide for the applicant (ISFED). According to the UEC the aforementioned institution is the court of the last instance and its decision can not be appealed.

On E-day the ISFED observers lodged 49 appeals/complaints throughout Georgia; among them 41 appeals/complaints were appropriately acted upon in ISFED’s opinion. ISFED observers did not lodge appeals or complaints on widely observed violations regarding

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incompetence or lack of awareness on the part of PEC members. It is notable that after a number of ISFED accredited observers' verbally noted violations to PEC staff, in most cases the PEC election administration immediately reacted to correct violations to the UEC at the PEC level.

A number of ISFED legal appeals and forwarded complaints are intended to inform the electoral process, and these were later corrected by the relevant PECs.

However, it is noteworthy to draw attention to several incidents involving serious violations of the UEC. ISFED observers lodged appeals or complaints regarding these violations, which were appropriately reacted upon. In particular:

- At Samtredia #23 election precinct the ISFED observer lodged an appeal against the problems concerning Mobile Ballot Box. Based on the aforementioned appeal the data of Mobile Ballot Box was invalidated. The procedure for taking Mobile Ballot Box from the PEC was delayed i.e. it was done at 10:30 a.m. In addition the PEC did not know the exact number of voters included in the Supplement; accordingly probable number of ballot papers was taken out the election precinct for the conduct of polling at the addresses of the voters.
- At Chiatura #8 election precinct the ballots in the Mobile Ballot Box were invalidated based on the ISFED observer's appeal. At the aforementioned election precinct the Supplement was compiled on E-day on parallel to bringing Mobile Ballot Box to the addresses of the voters.
- At Kutaisi #82 election precinct the appeals were lodged against various procedural violations, which resulted in the conduct of relevant administrative measures and in the issuance of reprimands to the relevant PEC.
- At Akhmeta #13 election precinct voting began 40 minutes late and was conducted only for proportional ballots. From 12:30 p.m. voting procedures through majoritarian electoral system began. By that time voters' turnout for the relevant precinct equaled to 12%. The ISFED observer immediately lodged an appeal against the aforementioned violation. With the Ordinance of Akhmeta DEC the appeal was satisfied and the election results received through majoritarian electoral system were invalidated.
- At Sighnaghi #4 election precinct ballot papers placed in Mobile Ballot Box were not certified by the signature of a PEC member. Based on the ISFED observer's oral remark the ballot papers available in Mobile Ballot Box were invalidated.

Special attention should be paid to the serious violations observed at Marneuli #22 election district, the ISFED observers lodged 4 appeals/complaints against the aforementioned violations; among them 3 appeals were satisfied and the results of #11, #18 and #56 election precincts were invalidated.

In Marneuli election district the ISFED observers encountered serious obstacles, which limited their ability to effectively conduct observation functions. Therefore the organization decided to carefully re-check the data of summary protocols of Marneuli district as such pressure on the ISFED observers raised doubt. In spite of the fact that the results of the protocols' checking do not significantly change the election results, observed violations are

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quite substantial and serious, based on which ISFED officially applied to the CEC to institute criminal proceedings against them.

Based on the comparative analysis of the summary protocols of the PEC the violations observed by the ISFED in Marneuli election district are as follows:

- In #1 copies of the summary protocols of #9 #13 #14 #17, #22, #25, #28 #30, #31, #39, #34, #40, #43, #49, #52 election precincts the number of voters and the number of votes received by the candidates are altered. Protocols are not certified by special seals.
- #1 and #2 copies of the precinct proportional and majoritarian protocols of #1 election precinct differ from one another. Numbers are added to the given number of votes and standard deviation equals to 518 votes in the column of “National Movement”, while it equals to 478 votes in the column of majoritarian candidate. Protocols are not certified by seals and also there is deviation in the number of voters participated in the elections.
- Voters’ turnout by 17:00 p.m. is altered in #1 copy of the precinct majoritarian protocol issued by the PEC #3. The number of votes received by the candidate Takhir Agaeivi is altered as well.
- #1 copy of majoritarian summary protocol of #9 election precinct is not certified by the signatures of the PEC members and seals, while the protocols received from the CEC are certified by seals and signatures. The number of votes received by election subjects “National Movement” and “Davitashvili, Khidasheli and Berdzenishvili” is altered.
- In #1 copy of the summary protocol of #16 election precinct the number of received votes exceed the total number of voters participated in the elections.
- In #1 copy of the summary protocol of #26 election precinct the number of voters participated in the elections exceed the number of voters included in the unified voter’s list.
- In #1 copy of the summary protocols of #32, #41, #47, #53 election precincts the number of voters participated in the elections and the number of votes received by the candidates are altered.
- In #1 copy of the proportional protocol of #63 election precinct the number of valid ballot papers does not coincide with the number of votes received by the election subjects.

A wide range of problems were observed in the process of compilation of summary protocols, as the results are not equal and UEC-mandated rules for completing the protocols were violated. For example, a widespread misuse of PEC seals and the seals of registrars was observed in nearly all PECs in Marneuli district. The majority of summary protocols of the PECs were not properly certified with a seal, while the protocols received from the CEC are certified with seals, suggesting that sealed protocols were not delivered to the relevant DEC and that certification process was accomplished after the electoral documents were provided to the DEC. Based on visual review of many protocols, the number of votes received by the candidates was obviously altered, which is in clear violation of Article 164 of the Georgian “Criminal Code”. Therefore a strict reaction to this violation is called for. With the official letter the CEC informed ISFED that the case concerning Marneuli DEC is being investigated at the prosecutor’s office.

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In addition, the conduct of the electoral process in Khelvachauri # 83 DEC is noteworthy in that this DEC did not consider ISFED strong appeals and did not appropriately react upon them.

The Resolution issued by Khelvachauri DEC on October 7, 2006 directly states that the appeals lodged by the ISFED observers were not considered. The aforementioned appeals concerned the procedures for compilation of summary protocols and for providing the relevant DEC with unsealed electoral documents. In Khelvachauri DEC, ISFED observed incomplete protocols delivered to the DEC from PEC(s) for completion.

ISFED appealed the fact of not considering its appeals to Khelvachauri District Court. Together with the fact the aforementioned appeals were submitted.

On October 10, 2006 the ISFED applied to Khelvachauri District Court with a petition to annul the Ordinance №126/2006 issued by #83 Khelvachauri DEC on the confirmation of the district summary protocol. Despite the specific arguments incorporated in the ISFED appeal, Khelvachauri District Court based on the decision of the judge Zhana Jibladze did not decide for the applicant (ISFED).

ISFED deems the court's decision to be without justifiable legal basis, and further the court's claim that any confirmation the appeals are considered to be lodged by violation of the law (which is absolutely incorrect). Besides, the court in its decision does not mention anything about the appeal lodged against the compilation of summary protocols by violation of the law and about the alterations incorporated to them.

The subparagraph 3 of Article 51 of the UEC prohibits alteration of data incorporated to a summary protocol. In case of making an error, in a summary protocol a note regarding "corrected" is immediately done across the relevant data. Therefore the respective protocol should be compiled, which in Khelvachauri case was not done. Without meeting these rules alteration of the data incorporated to a protocol is automatically considered as a necessary precondition for invalidation of the protocol. Khelvachauri DEC did not reject the fact concerning alteration of the data; however it stated that alternations did not impact on the election results.

Actually the Court did not consider legitimacy of the Ordinance; however it stated that Khelvachauri DEC did not violate the UEC while issuing disputable act.

The decisions adopted by Khelvachauri District Court as well by Tbilisi City and Appeal Courts evidently point to the fact that judicial system is ineffective and in most cases incompetent and biased in regard to electoral appeal.

### **Conclusion**

The results of ISFED election monitoring indicate that the October 5, 2006 Local Self-Government Elections can be considered valid and despite some irregularities official results of the local elections fairly expressed the will of voters. A significant number of voters actively demonstrated their position as citizens, to elect their own self-government.

In addition, substantial violations observed during the October 5, 2006 Local Self-Government Election Day, gaps in electoral legislation, partially imperfect electoral system, inadequate rules for electoral campaign, inaccuracy of the unified voters' lists and incompetence of the electoral administration do not deserve evaluation of the local elections as in complete compliance with high democratic standards.

Despite the readiness of electoral commissions' members to cooperate with observers to react in a timely fashion to observers' remarks and eliminate procedural irregularities, administration of the October 5, 2006 Local Self-Government Elections and the relevant activities do not deserve positive evaluation.

Electoral issues in Georgia still need serious attention and consideration. Therefore, significant time and measures need to be invested in the improvement of the electoral process and increasing the level of democracy in Georgia in preparation for the new election cycle.

### **ISFED Recommendations**

- Comprehensive amendments should be introduced into the "Unified Election Code of Georgia" (UEC) to ensure general improvement of this vital piece of legislation. ISFED believes that the goal of revision to the UEC is to help ensure that the greatest number of eligible citizens have access to the ballot box in Georgia on Election Day.
- The Central Election Commission (CEC) of Georgia should consider specific attention to certain data fields identified by ISFED as part of a comprehensive Voters List Audit project, including ensuring that general voter data fields are accurate.
- The time period for political and civil society to prepare for Election Day should be prescribed by the UEC, and defined as a period of no less than two months (60 days) prior to E-day.
- Rules for conducting pre-election canvassing and political campaign activities should be clearly defined. Those persons authorized to conduct such activities should be clearly identified and roles defined, and these parameters should be clearly defined in the UEC.
- The UEC in final form should be published and made available to all interested civic and political actors, at least two months (60 days) in advance of Election Day.
- Conflict of interest policies should be clearly established and defined in relevant legislation (UEC), and any instances of such facts or abuse of position should be regulated by law and, as necessary, punished.
- Termination of government post should be clearly defined and specifically mandated for government authorities and high-ranking officials on parallel to the registration of a candidate, at both the central and local government level.
- The issue of distinct separation of government and party structures, particularly for the pre-election period should be put on the agenda;
- Election-related legislation should put an emphasis on determining the rules for improving the unified voters' list and for specifying officials responsible for ensuring

the accuracy of such lists. In addition, those officials responsible for these lists should be held accountable for completion of this important task.

- Improvement, enhancement, updating, accuracy, and comprehensiveness of the voters list should be an ongoing effort and part of the mandated responsibility of the CEC and standing DEC.
- The election administration should be severely limited in the ability to change the character and content of the UEC through the use of normative acts.
- The UEC should clarify the authorities of the electoral administration, as well as determine accountability issues in cases of inadequate administration of elections or failure to undertake specific obligations as mandated by law.
- Electoral procedures, especially the rules for transparency and issuance of precinct summary protocols, should be reconsidered.
- The CEC should immediately inform the public about official results of elections throughout Georgia and in accordance with UEC-mandated parameters and terms.
- Raising the level of electoral administration's qualification and professionalism should become a constant area of attention; a concrete strategy on ensuring competence of electoral commission members should be developed; and in particular comprehensive training and follow-on consultations well in advance of E-day should be a priority for representatives at all levels of the election administration.
- Rules for allocation of mandates should be brought into compliance with internationally recognized standards;
- Transparency of electoral funds and budgetary expenses during the electoral period should be ensured; expenditures of electoral funds should be in compliance with all legal requirements;
- Citizens of Georgia should be fully informed of election-related issues immediately upon the appointment of Election Day. The election administration should be directly obliged to carry out voter education activities and be held accountable for outreach to citizens well in advance of E-day.
- Particular attention should be paid to educating and informing ethnic minorities; the electoral administration should ensure that the representatives of ethnic minorities are provided with information in all minority languages in use in Georgia.
- Detailed and specific criteria for recruiting electoral commissions' members should be developed; citizens of Georgia should be properly informed on the aforementioned issue as well as on the process of certification of electoral officials. In addition, electoral officials should be selected according to a maximum level of transparency and due process.
- Qualifications of judges should be increased on election-related issues.

Appendix I

**ISFED Preliminary Statement on  
October 5, 2006 Local Self-Government Elections**

**October 6, 2006, Tbilisi.** The International Society for Fair Elections and Democracy monitored the October 5, 2006 Local Self-Government Elections of Georgia in 75 local election district and all election precincts of the country.

Out of 3 563 accredited and thoroughly trained ISFED observers, precinct observers observed the entire polling and counting procedures in 3 028 election precincts on Election Day; mobile groups under the coordination of long term observers' conducted the monitoring in 75 election districts. The legal consultations were provided by 6 teams of lawyers in 6 regional centers of the country.

The ISFED observers supported the transparency of electoral process and protected voters' interests and legislation with their activities. We would like to express our gratitude to each of our observers for their efforts and impartial monitoring, which enables us to evaluate the electoral process of the entire Election Day.

The results of the ISFED election monitoring indicate that the 2006 Local Self-Government Elections can be considered valid and that its' results express the will of voters. However, substantial irregularities were observed during the pre-election and Election Day process, which indicates that the electoral processes in Georgia does not deserve high evaluation yet and significant effort has to be invested towards the compliance of our electoral process with the international standards.

We hope that the Government of Georgia and electoral administration will further strive towards the improvement of the electoral issues, thus we declare our preparedness for future cooperation in this process.

However, ISFED believes that comprehensive evaluation of the 2006 local elections is only possible after the completion of all electoral procedures and after the qualitative and quantitative assessment of the entire information.

We would like to focus on number of irregularities that took place during the October 5 Election Day:

**Voters Lists**

Despite the fact that the issue of the quality voters' lists was the top priority of the Central Election Commission of Georgia and the substantial amount of work prior to the elections, unfortunately the voters' lists did not safeguard citizen's constitutional right to vote. It is noteworthy that even a number of pre-registered voters were not included in the final list of voters. The lists included other types of irregularities as well, e.g. there were cases of double entries; number of deceased people and errors in voters' data. Unfortunately the problems with the voters list are caused by both – inadequate civil registry data and by the quality of election administration's work, the main basis of which was tight deadlines and inappropriate approach.

## **Election Procedures**

The most important and large-scale problem of the Election Day was the violation of Election Day procedures. Although these violations did not affect the election results directly, they were inconsistent with the current legislation. The examples of such irregularities include the violation of marking procedure; sealing the ballots with inappropriate seals; improper mobile ballot box procedures; the methods of filling out and using the control sheet; the rules of keeping and sealing the election documentation.

We would like to emphasize PECs' incompetence during the vote counting procedures, which was reflected in inappropriately filling the precinct summary protocols, illegitimate adoption of relevant decrees and inadequate sealing of the election documentation.

## **Election Administration**

Despite the fact that the election administration, mainly the CEC, cooperated with the observers and reacted on number of their comments, the quality of work of the lower level election administration was unambiguously low. The inadequate level of election administration's preparedness resulted in number of procedural violations on the Election Day, including the fact that some of the observers were not let into the polling stations in the first part of the day. The trainings conducted in tight deadlines did not ensure the professionalism and competence of the PECs.

The International society for Fair Elections and Democracy continues the monitoring of post Election Day procedures (final summarization of results and appeal process) and will shortly provide the final report on October 5 local elections to the public.

At this stage, organization has completed the parallel tabulation of votes in Tbilisi, Batumi, Rustavi, Poti and Kutaisi. The results of the PVT are enclosed to the preliminary statement.

## **Recommendations:**

- ∅ The process of summarization of the election results should be conducted transparently and according to the legal requirements;
- ∅ All appeals and violations should be considered from an accountability perspective;
- ∅ The election administration must continue working on improving the list of voters and its regular update;
- ∅ The electoral legislation should be comprehensively amended and improved;
- ∅ The election administration should undergo regular training.

## **Appendix II**

## **Statement about the Pre-Election Period of October 5, 2006 Local Self-Government Elections**

***October 4, 2006***

Local Self-Government Elections of Georgia will be held on October 5, 2006.

During the pre-election period, International Society for Fair Elections and Democracy (ISFED) mobilized the volunteer network of the organization, is ready to deploy more than 3 500 observers on Election-Day and observe the maximum number of the polling stations in Georgia.

On Election Day, the ISFED will observe the voting, vote counting and summarization and all subsequent electoral procedures. In addition the ISFED will have mobile observer groups in 75 electoral districts and teams of lawyers in 6 regions of Georgia. The ISFED will also monitor the activities of the Central and District Electoral Commissions on Election Day and will conduct Parallel Vote Tabulation (PVT) in the Capital of Georgia – Tbilisi and 4 self-governing cities – Batumi, Rustavi, Poti and Kutaisi.

An important element of the ISFED monitoring efforts was the pre-election period monitoring. It is noteworthy that the ISFED central and regional offices, as well as the district representatives observed the processes of composition of electoral administration at all levels since April 2006. They attended the sessions of the central and district commissions; implementation of their pre-election activities and other important pre-election processes. In addition, since March 2006, ISFED closely monitored the process of voters' list's compilation and issued an electronic information bulletin "Election Update" (total of 8 issues). A significant number of press-briefings, press-conferences were held and statements were issued.

The International Society for Fair Elections and Democracy (ISFED) presents the findings of its' pre-election monitoring below.

### **Electoral Legislation**

Before the local self-government elections, number of changes and amendments were made to the Organic Law of Georgia "the Unified Electoral Code". Notwithstanding the improvement of the legislation from the procedural perspective, number of recommendations is still not considered; the Electoral Code still includes contradictory and quite vague provisions, which allow for different interpretations of the Law. For example, the issue of military servicemen's participation in elections and the rule of party lists' composition. It is noteworthy, that current legislation grants a right to the electoral administration to resolve rather essential issues. Specifically, the Central Electoral Commission has the authority to determine key electoral issues at its discretion and to interpret general legal norms. Important issues are the rule of election campaign and the simultaneity of the candidates' holding high positions in the government, which allows the use of administrative resources and causes the ineffectiveness of the existing control mechanisms.

In addition, the term of appointing the elections, determined by the recent amendments to the transitional provisions of the Unified Electoral Code, did not ensure the adequate

## Report on Monitoring the October 5, 2006 Local Self-Government Elections

fulfillment of the electoral procedures and due to the tight deadlines resulted in a tense environment around the administration of the October 5, 2006 elections.

### **Electoral Administration**

Worth noting is the effort of the electoral administration to implement various electoral procedures in tight deadlines, including the update of the voters' lists, training of electoral administration, voter education and other activities. However, we can't avoid mentioning the irresponsible behaviour of some of the lower level electoral commissions with respect to the cases of closing the precincts during working hours.

The quality of the electoral administration's impartiality is an important topic too. The process of composing the administration according to the provisions of the Electoral Code incurred some questions and doubt of a one-party administration. However, the aforementioned doubt was intensified by the behaviour of some of the precinct commissions, namely by the facts of distributing the National Movement campaign materials by the precinct commission members and attending the campaign meetings of the aforementioned party.

### **Electoral Procedures**

A 40-day deadline and tight timeframes for carrying out electoral procedures created number of procedural problems, e.g. the decisions of the authorized parties on appointing their representatives in the precinct electoral commissions; extremely tight deadlines for announcing the competition for and recruiting 3 members of the precinct commissions. It should also be noted that some district electoral commission did not post the lists of the precinct boundaries in a timely fashion; there were isolated cases of defining the boundaries of precincts after the deadlines for this procedure passed; the deadlines for holding first sessions of some of the newly appointed precinct commissions were violated; and in many cases the lists of voters were not posted at the precincts in a timely fashion.

### **Voters' Lists**

The update of the voters' lists was one of the top priorities of the electoral administration for the October 5, 2006 local elections. The significant amount of work carried out by the electoral commissions according to the CEC strategy (determination of voters' lists' in the civil registry agencies of the Ministry of Justice; review and correction of the updated data in CEC's new software) did not ensure quality lists and the audit of the preliminary voters' lists uncovered serious irregularities.

The aforementioned caused the necessity of door-to-door checking of the lists and the subsequent creation of the "special groups"; however the surprise appointment of the Election Day and time deficit resulted in the termination of the special groups' authorities.

The efforts on the voters' lists were continued by the precinct electoral commission, however their activities were uneven and they had less time than needed. Unfortunately, notwithstanding these efforts, there still are many errors in the voters' lists; according to the preliminary results of our monitoring there still are isolated cases of deceased people included in the lists and some voters who passed the pre-election registration procedure are not included in the final lists.

### **Pre-Election Campaign**

It is worth noting that no facts of violence were detected during the pre-election period and the candidates carried out campaigns in an adequate environment. However, there were cases of ignoring the campaign regulations, mostly by the ruling party representatives. The aforementioned can be viewed as a legislative gap on one hand, due to the fact that the mayor had an opportunity to campaign; and on the other hand the use of the institutional resources during the pre-election campaign, identification of the government's work with the party, giving illegal promises to the voters and distributing gifts can be viewed as a direct violation of the Law.

Some facts of indirect intimidation of the voters (mostly the employees of different institutions) should be noted – these voters were directly instructed to vote for the ruling party.

However, it is significant that the violation of campaign rules, as well as the facts of instructing the voters, did not have a centralized large-scale nature; such facts can be qualified as exaggerated efforts of some representatives of the government.

### **Conclusion**

The pre-election period plays a significant role in evaluating the entire electoral process; thus our organization believes in the necessity of reacting on specific violations of the Law. However the civic activity of voters and fairness of election results are of utmost importance. Reflection of the voters' will in the final election results is a decisive factor for the evaluation of the local elections in Georgia.

The ISFED would like to once again encourage all eligible voters of Georgia to participate in the elections; to realize that their vote is secret; and to vote for the representative of their choice in the local self-government body – Sakrebulo.

The most important goal of the ISFED is to provide the public with unbiased information and to support the conduct of free and fair elections; therefore we continue the monitoring of election-related issues and will issue our final evaluation and report following the completion of all electoral procedures. In addition, the ISFED will publicize the results of the Parallel Vote Tabulation the morning after the Election Day.

**Appendix III**

**The International Society for Fair Elections and Democracy (ISFED)**

**The Georgian Young Lawyers' Association (GYLA)**

**Joint Statement**

*October 11, 2006*

On October 9 2006 the Central Election Commission of Georgia adopted a ruling according to which the mandates by proportional principles have been divided in a following way for Tbilisi Local Council:

1. National Movement – 9
2. Topadze, Entrepreneurs -1
3. Georgian Labor Party – Shalva Natelashvili-1;
4. Davitashvili, Khidasheli, Berdzenishvili (Georgian Republican Party-Georgian Conservative Party) -1.

It is noteworthy that according to the principle established by law, mandates are allocated only to those parties, which receive no less that 4 % of the voters.

When calculating the votes as prescribed by law (article 126.13), National Movement received 8 mandates, the Georgian Labor Party – Shalva Natelashvili and the Coalition Davitashvili, Khidasheli, Berdzenishvili (The Georgian Republican Party –the Georgian Conservative Party) received one vote each, while Topadze, Entrepreneurs have not received a mandate, as though it has overcome 4 % barrier established by law, the quantity received after calculation did not amount to a whole number. Therefore, two mandates were left from which one has rightfully been delivered to the National Movement and the other to Topadze, Entrepreneurs, although this deviates from the procedure of distributing mandates stated in the Election law. Based on the argument that Topadze, Entrepreneurs passed the threshold of 4% they were allocated the mandate, although number of votes received by them is not enough for receiving of a mandate as prescribed by the legislation. According to the procedure described by the Election law, remained mandate should have been allocated to the coalition: Davitashvili, Khidasheli, Berdzenishvili (The Georgian Republican Party, the Georgian Conservative Party), as this election subject has the highest result after the National Movement.

We would like to emphasize, hereby that both of our organizations attribute paramount importance to meeting the requirements of the law. Therefore, interest of any election subject should be considered at the background of legislative requirements.

Therefore, we consider that the mentioned decision of the Central Election Commission is violation of the norms of Election Code. Respectively, we urge the courts that will be considering the matter to be impartial, remedy the unlawful decision of the Central Election Commission and in its decision abide by the requirements of the election legislation.