



GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION



ELECTION
OBSERVATION MISSION
2018 PRESIDENTIAL ELECTION

MONITORING REPORT
ON PRE-ELECTION ENVIRONMENT,
ELECTION DAY AND POST-ELECTION PERIOD

1 AUGUST - 14 DECEMBER, 2018

The Georgian Young Lawyers' Association



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I. INTRODUCTION

One of the strategic directions of the Georgian Young Lawyers' Association (hereinafter GYLA) is to support democratic institutions. Since its establishment (1994), the organization has been involved in election monitoring with the purpose to study whether the political environment is equal, free, fair, competitive and inclusive during pre-election, Election Day and post-election periods in Georgia. When observing the processes, the organization aims at ensuring that representatives of the election administration, electoral subjects, and public officials act in compliance with the legislation of Georgia and internationally established democratic standards. GYLA does not limit itself to only identifying violations but tries also to promote a consistent and fair interpretation of the legislation, take legal measures against perpetrators and prevent further violations by submitting complaints to the election administration and the court. GYLA believes that providing stakeholders involved in the electoral process with impartial, competent and timely information will ensure the transparency of the election environment, improve the quality of fairness and enhance the progress that the country has achieved over the years.

As the Association believes in the supremacy of the principles of fair, equal and free elections, it constantly adheres to party neutrality in its activities. Over the years, GYLA has proved its commitment to democratic principles and aspiration to create a fair election environment. For this purpose, GYLA signed and therefore recognized the Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations and Code of Conduct for Non-Partisan Citizen Election Observers and Monitors elaborated by the Global Network of Domestic Election Monitors (GNDM) in 2010.¹

The present report covers the period from 1 August 2018 to 14 December 2018 and focuses the attention on the procedures envisaged for reviewing complaints and summarizing the results of the pre-election, Election Day and post-election periods as well as the runoff election of 28 November 2018. The statement also provides information about the developments prior to the official launch of the pre-election campaign.

The monitoring of the presidential elections in Georgia was made possible with the financial support of National Endowment for Democracy (NED), United States Agency for International Development (USAID), the Norwegian Embassy in Baku, the British Embassy, the National Democratic Institute (NDI) and the Open Society Foundation.

¹ DECLARATION OF GLOBAL PRINCIPLES FOR NON-PARTISAN ELECTION OBSERVATION AND MONITORING BY CITIZEN ORGANIZATIONS and CODE OF CONDUCT FOR NON-PARTISAN CITIZEN ELECTION OBSERVERS AND MONITORS. Commemorated April 3, 2012. Available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD\(2012\)018-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD(2012)018-e), Updated on: 15.06.2016.

II. SCOPE AND METHODOLOGY OF THE MONITORING MISSION

GYLA conducted the monitoring of the 2018 presidential election in the August-December period. GYLA observed the election environment through its **head office** in Tbilisi and **eight regional offices** in **Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Racha-Lechkhumi, Shida and Kvemo Kartli, Samtskhe-Javakheti, Mtskheta-Mtianeti, and Kakheti.**

The attention of GYLA's monitors was focused on the following aspects: composition of the election administrations, misuse of administrative resources, voter bribery, funding political parties, and assessment of activities of electoral subjects. The observers also studied the formation and free expression of the voters' will, the inclusive election environment, and media environment.

In case of identification of any violations, the organization submitted relevant applications/ complaints to the Election Administration, Inter-Agency Task Force for Free and Fair Elections (IATF), State Audit Office and other relevant agencies. GYLA has also requested additional information regarding alleged violations / offences.

GYLA observed the election day of the presidential election, 28 October 2018, through its head office in Tbilisi and nine regional offices in Kakheti, Mtskheta-Mtianeti, Kvemo Kartli, Shida Kartli, Samtskhe-Javakheti, Samegrelo-Zemo Svaneti, Guria, Imereti, and Adjara (with the help of approximately **400 observers** in total).

Static observers were deployed in **about 250** polling stations across Georgia. GYLA was observing the processes and developments at problematic polling stations and adjoining territories with the assistance of **50 mobile groups across 33 election districts** and **59 districts** observers.

The polling day of the runoff presidential election was held on 28 November 2018. GYLA was observing the election in Tbilisi and 9 regions - Kakheti, Mtskheta-Mtianeti, Shida and Kvemo Kartli, Samtskhe-Javakheti, Samegrelo-Zemo Svaneti, Guria, Imereti, and Adjara (with the help of **300 observers in total**).

The static observers were stationed in about **170 polling stations** across Georgia. The monitoring mission involved **57** mobile groups operating in **28** election districts as well as **46** precinct observers.

Taking into consideration GYLA's monitoring experience, special attention in both rounds was focused on the following issues:

- Problematic precincts identified during the previous election and pre-election period;
- The districts densely populated by ethnic minorities and IDPs;
- The developments on the external perimeter of Precinct Election Commissions (PECs) and activities of law enforcement agencies;
- Inclusive electoral environment, including the possibility to exercise political / election rights by persons with disabilities, representatives of ethnic minorities. The priority attention was given to the issue of participation of female candidates in the elections.

On the Election Day, in both rounds, GYLA was operating a **special hotline** through which citizens could receive legal advice. GYLA also provided consultations for journalists and media organizations about the election procedures, voting day violations and the ways to address them. Journalists were able to submit information on violations observed on the polling day.

On the Election Day, GYLA accumulated information on electoral violations into the election-analytical database and analyzed it through its observers and analysts dispatched to all regions of Georgia.

GYLA held four press conferences on the polling day of the first and second rounds and one more was held on the day following the Election Day at NGO Media Center. In this way, the organization informed stakeholders about the violations observed on the polling day.

After the Election Day, GYLA was observing the activities of the district election commissions during 11

days from 20:00 of the polling day until the official summary of the results. The 24-hour monitoring was carried out during the first and second rounds.

When monitoring DEC activities, the following areas were focused on:

- The compliance of documents delivered by PECs to the DECs with the requirements defined by the election legislation;
- The procedure for summarizing summary protocols of district election commissions (DECs) based on the protocols received from precinct election commissions (PECs) and transfer thereof to the Central Election Commission(CEC);
- Ensuring the publicity of DEC sessions;
- Ensuring complete involvement of all members in DEC activities.

GYLA will prepare a separate report on election disputes as well as criminal proceedings. Therefore, these issues will not be touched upon in this statement.

III. KEY FINDINGS

The pre-election period did not go smoothly without any interference with the pre-election campaign, hate speech, and xenophobic statements. Social networks (mainly Facebook) were used for dissemination of personal insults and harsh statements. Some accounts/pages and sponsored information materials were directed at various political subjects. The information about the funding and sponsors of the pages remains unknown.

Verbal accusations by public officials against local observation organizations accompanied by discrediting campaign through social networks were identified in the pre-election period.

Media became even more polarized during the pre-election period. The decisions and statements made by the Georgian National Communications Commission (GNCC) about the rule of using media during the pre-election period were problematic.

A new trend of nominating the so-called “technical candidates” was revealed, the goal of which was not winning the elections, but supporting a specific candidate and obtaining additional resources for an electoral subject (state funding and free advertising airtime). Although the above-mentioned did not violate the law, it clearly indicated the gap in the procedure for nominating presidential candidates.

Some shortcomings have been observed in the process of collecting and verifying the lists of supporter signatures. The CEC applied to the Prosecutor’s Office with regard to such facts and requested an investigation.

In the reporting period, the Inter-Agency Task Force issued 10 recommendations. The activities of the IATF deviated off its mandate. Therefore, GYLA quit the Commission after the meeting of 24 August 2018 and continued its activities within the framework of a similar format commission created under the auspice of Prime Minister.

GYLA has positively assessed a range of activities implemented by the election administration, namely, introduction of electronic registration platform for local observer organizations, the Memorandum of Understanding on the use of administrative resources, conclusion of the Ethics Code between the CEC and local observation organizations, extending the circle of electoral subjects for the purpose of participation in the elections. However, there were significant deficiencies and challenges that raised questions regarding the election administration as an independent and impartial agency. The flaws mainly concerned the rule of composing the election commissions with professional and qualified members and alleged political influences/nepotism in this respect, as well as consideration of election disputes and setting the date of the second round of the elections.

Along with the growing intensity of the pre-election campaign, GYLA observers were informed of the cases of misuse of administrative resources and pressure and/or intimidation, which affected the equality of the election environment.

The meetings of Salome Zourabichvili, the independent candidate endorsed by the ruling party, with her supporters were held against the background of uproar and protest rallies in the regions. GYLA observers identified the cases of alleged interference with the presidential candidate’s pre-election meetings.

Almost no cases of physical confrontation and violence were identified during the pre-election campaign of the first round of the presidential election. However, the runoff election was marked by a number of cases of the physical clash. The Ministry of Internal Affairs initiated an investigation into all identified cases.

Compared to the first round, the pre-election period of the second round of the presidential election was characterized by sharper polarization and negative campaign.

No debates between the presidential candidates were held prior to the runoff election and voters were not able to learn about the candidates’ pre-election programs in order to hold thematic discussions and make an informed decision.

Local state officials, in violation of the requirements of the law, forced their subordinates to participate

in the pre-election campaign in favour of the independent candidate supported by the ruling party and draw up supporters' lists. GYLA observers revealed the facts of misusing the state-funded means of communication and information services by public officials in favour of Salome Zourabichvili.

The decision of the Government of Georgia on "nullifying" the financial liabilities of 600,000 citizens which amounted in total more than one billion was an example of voter bribery. However, the Prosecutor's Office believes that the act does not contain any elements of the criminal act (voter bribery) envisaged by the Criminal Code of Georgia.

In several cases, GYLA applied to the Personal Data Protection Inspector and requested a relevant response. The alleged control over the voters' will and processing personal data were carried out by supporters of the electoral subjects mainly in favour of the candidate supported by the ruling party. The above facts were observed both during the pre-election period and on the voting day.

In the pre-election period, GYLA observers identified the following violations committed by both the government and the opposition:

- **Alleged vote bribery - 2 cases;**
- **Physical confrontation and violence - 10 cases;**
- **Alleged interference with the journalist's activity - 3 cases;**
- **Alleged threats and pressure - 10 cases;**
- **Politically - motivated dismissals – 1 case;**
- **Alleged unlawful donations - 11 cases;**
- **Alleged abuse of administrative resources - 10 cases;**
- **Alleged unlawful campaigning - 8 cases;**
- **Interference with the pre-election campaign of the candidates;**
- **Vandalizing electoral materials;**
- **An alleged control of voters' will and illegal processing of personal data.**

Voting day- overall, the election day of the first and second rounds of the 2018 Presidential Election was calm and peaceful. According to the information provided by GYLA observers, violations identified in the voting process did not greatly impact the electoral process.

During all day, the rate of mobilization of voters and controlling voters' will was high.

The polling day of the runoff election was mostly peaceful, however, some violations and other adverse trends were still observed: cases of alleged falsification, voter bribery, and intimidation; isolated cases of violation of the main principles of the election - voting secrecy and control over the voters' will. At some precincts, GYLA monitors were prevented from exercising the rights of the observer, as well as there were threats of aggression and physical assault against the GYLA monitors.

With regard to the disputes considered by DECs, it was revealed that the commissions did not conduct proceedings in accordance with the standards set forth by the election legislation.²

In some DECs, observers were not provided with an appropriate environment for conducting comprehensive monitoring.³

Mostly the complaints or applications submitted within the disputes related to the 2018 presidential election by observer organizations or election subjects with the court was not granted.

² Samgori, Saburtalo, Krtisanisi District Election Commissions.

³ In particular, sealed documents and summary protocols were delivered in different rooms in Nadzaladzevi, Didube, Baghdati, Khoni, Tskaltubo, Telavi, Zugdidi and Samgori DECs.

IV. POLITICAL CONTEXT

The 2018 Presidential Election was the last occasion when voters had the opportunity to directly elect the president. In 2018, the Parliament of Georgia adopted the current edition of the Constitution of Georgia and determined the rule of indirect election of the president.⁴

On 1 August 2018, the President announced the voting day to be on October 28.⁵ Consequently, the pre-election campaign regulations, according to the Electoral Code of Georgia, entered into force on August 29.⁶

Similar to 2016-2017, video recordings concerning the case of TV Company “Iberia” and “Omega Group” were disseminated. The recordings accused the current and former high-ranking government officials of exerting pressure on business, entering into alleged corruption deals and other offences. The recordings also mentioned an illegal scheme of financing the ruling party.

The 2018 Presidential Election was held differently compared to all previous presidential elections, as, for the first time, the ruling party “Georgian Dream” did not nominate its own candidate, but supported an independent candidate -Salome Zourabichvili- proposed by an initiative group.

In total, **46** electoral subjects / initiative groups applied to the Election Administration and nominated their presidential candidates.⁷ Overall, **25** candidates were registered for the presidential elections.⁸ Among them were **19** political unions and **6** initiative groups.

According to the State Audit Office, during the period from **1 August to 14 December 2018**, political parties and independent candidates received **GEL 15 722 576 donations** and their expenditure amounted to **GEL 24 711 584**.⁹ Salome Zourabichvili, the independent candidate endorsed by the ruling party, received **81.84%** of the total donations, and the “United National Movement” - **11.38%**.¹⁰ Salome Zourabichvili’s expenditure amounted to **54.03%** in total, and the United National Movement’s - **12.15%**.¹¹ Based on the outcome of October 28, 2018, president of Georgia had to be determined through a runoff election since none of the presidential candidates were able to receive more than 50% of votes in the first round. The two candidates with the best results became eligible for the runoff - Salome Zourabichvili, the independent candidate backed by the ruling party “Georgian Dream”(GD), and “United National Movement” (UNM) candidate Grigol Vashadze representing the united opposition under the name of “Power in Unity.”¹² Grigol Vashadze was also supported by the presidential candidate Davit Bakradze - “European Georgia” and the Republican Party of Georgia.¹³ Salome Zourabichvili was endorsed by the “Alliance of Patriots of Georgia.”¹⁴

⁴ Constitution of Georgia, Article 50;

⁵ Decree №01 / 08/02 of the President of Georgia of 1 August 2018 “On setting the date of the Presidential Elections”, available at: <http://cesko.ge/res/docs/gankargulebaprez.pdf> , Updated on 15.06.2019.

⁶ Election Code of Georgia, Article 45 (1);

⁷ The Elections of the President of Georgia of 28 October 2018, registered presidential candidates, CEC, available at: <https://bit.ly/2WVrZSS> , Updated on: 15.06.2019.

⁸ Ibid;

⁹ Second Interim Report on Monitoring Financial Activities at 2018 Presidential Elections, Department of Political Finance Monitoring of the State Audit Office; 18 January 2019, available at: <https://bit.ly/2E3Zg7h> , Updated on: 15.06.2019.

¹⁰ Ibid;

¹¹ Ibid;

¹² Evaluation of the pre-election environment of the 2018 Presidential Runoff, Georgian Young Lawyers’ Association, available at: <https://gyla.ge/ge/post/2018-tslis-saprezidento-archevnebis-meore-turis-tsinaaarchevno-garemos-shefaseba#sthash.kbUZZOxE.dpbs>, Updated on: 15.06.2019.

¹³ Ibid;

¹⁴ Ibid;

V. MEDIA ENVIRONMENT

Participation and use of media in the electoral process

The Georgian National Communications Commission (GNCC) shall determine the procedure for participation and use of media in the election process. GNCC shall also monitor the adherence to the norms established by the election legislation and respond to violations.¹⁵

The Commission, in the manner prescribed by law, shall procure the services necessary for media monitoring.¹⁶ It is noteworthy that the Commission has been conducting the media monitoring of all elections since 2012,¹⁷ consequently, the 2018 presidential election was no exception in this respect.¹⁸

The Commission, when conducting the media monitoring, is guided by its own resolution, which explicitly determines who shall be subjected to the monitoring and what requirements a particular broadcaster shall meet.¹⁹ The Commission's expenditure for the media monitoring in the pre-election period of the first round of the 2018 elections amounted to GEL 30,767.05.²⁰

Publication of public opinion polls

A public opinion poll in the pre-election period shall meet the following requirements,²¹ which can be divided into two parts:

1. The items to be specified when publishing the results of a public opinion poll;²²
2. The requirements a public opinion poll shall meet, including the credibility and transparent research methodology that enables to provide an independent double-check of the results;²³

For violation of the requirements envisaged for publishing an election-related public opinion poll, the relevant liability of broadcasters and print media (newspapers) shall arise.²⁴ In case of publication of the results of a public opinion poll without the required information or violation of other rules related to such publication, a protocol of administrative offence shall be drawn up by the CEC²⁵ and the case reviewed by the Court.²⁶ These violations envisage a penalty in the amount of GEL 1500.²⁷

Not arguable that when publishing a public opinion poll, it is required to make commentaries as provided for by the law. However, there are questions about imposing the responsibility for the fulfillment of the requirements determined for a public opinion poll.

In the pre-election period of the 2018 presidential election, the GNCC drew up protocols of an administrative offence against 10 broadcasters for the violation of the regulations envisaged for public opinion polls,²⁸ a part of which was related to the failure to indicate the mandatory information when publishing the results of a public opinion poll. However, in the decisions concerning the reliability and the possibility

¹⁵ Election Code of Georgia, Article 51 (15);

¹⁶ Ibid;

¹⁷ Letter # 04 / 3865-18 of the Georgian National Communications Commission of 06 December 2018.

¹⁸ The statement of the Georgian National Communications Commission on the launch of the pre-election media monitoring of the 2018 presidential election. Available at: http://gncc.ge/en/news/press-releases/komisiati-saprezidento-archevnebis-winasaaarchevno-periodis-media-monitoringi-daiwyo.page?fbclid=IwAR3JKW89cF4pTSSs6WpuUAuVlpAc7QjoPsXjAo9SaI-S0rfrPPnZ9m_vaY, Updated on: 31.05.2019.

¹⁹ The resolution of the Georgian National Communications Commission of 15 August 2012 "On Approval of the procedure for participation and use of media in the pre-election processes";

²⁰ Letter # 04 / 3865-18 of the Georgian National Communications Commission of 06 December 2018;

²¹ Election Code of Georgia, Article 51 (11).

²² Election Code of Georgia, Article 51 (11)(f).

²³ Election Code of Georgia, Article 51 (11)(a-e).

²⁴ Election Code of Georgia, Article 82.

²⁵ Election Code of Georgia, Article 93 (2).

²⁶ Election Code of Georgia, Article 93 (5).

²⁷ Election Code of Georgia, Article 82.

²⁸ Letter # 04 / 3865-18 of the Georgian National Communications Commission of 06 December 2018;

to double-check the transparency of the methodology, the Commission proposed an incorrect interpretation of the law.

It should be noted that the Georgian National Communications Commission applied to the Parliament of Georgia on 18 October 2017 and requested to introduce the amendments to the law according to which a broadcaster purchasing a public opinion poll would be responsible for the fulfillment of the requirements envisaged for a public opinion poll.²⁹

Based on the case-law established by the Commission since 2016, a broadcaster ordering a public opinion poll shall be responsible for the fulfillment of the requirements provided for a public opinion poll.

In the event that the Commission has the right to request information about the methodology that oversees the compliance of the public poll with the established requirements, it means that the Commission will have access to the raw data of the research material. Thus, the administrative body may become aware of the opinions respondents express within the survey, which may compel citizens to refrain from taking part in the polls.

Interference by Georgian National Communications Commission within the content of political advertisements

On 25 September 2018, broadcasters received a letter from the GNCC notifying that the three advertising video clips (political advertisements) contradicted the current legislation and if the broadcasters had already published the videos, they were obliged to immediately withdraw them from the air.³⁰ Against those broadcasters that failed to meet the requirement, appropriate sanctions were imposed.³¹

The Commission established that the broadcasters violated the law by broadcasting unethical adverts.³² However, the definition of an unethical advertisement is defined by the Law of Georgia “On Advertising”, which does not apply to political advertising.³³

It is of note that controlling any obscene content is a matter of self-regulation mechanism and the competence of the court.³⁴ According to the law, those issues that fall within the scope of the self-regulatory mechanism cannot be reviewed by the Commission.³⁵

Moreover, “a broadcaster shall not be held responsible for the content of pre-election and social advertisements. The responsibility for the content of pre-election and social advertisements shall rest with the person ordering such advertisement in the manner as determined by the legislation of Georgia.”³⁶ Thus, the person purchasing an advertisement may not be subjected to the Commission’s regulation. Therefore, the Commission was not authorized to review the above-mentioned case and render the decision.

²⁹ The legislative proposal of the Georgian National Communications Commission of 18 October 2017 on introducing an amendment to the Organic Law of Georgia “On Election Code” available at:
<https://info.parliament.ge/file/1/BillReviewContent/161488?>, Updated on: 13.06.2019.

³⁰ The letter of the Georgian National Communications Commission of 25 September 2018;

³¹ Decision # 665/18 of the Georgian National Communications Commission of 06 December 2018. Available at:
<https://www.gncc.ge/en/legal-acts/solutions/2018-665-18.page> Last seen: 31.05.2019;
Decision of the Georgian National Communications Commission # 664/18 of 06 December 2018. Available at:
<https://www.gncc.ge/en/legal-acts/solutions/2018-664-18.page> Seen: 31.05.2019;
Decision No. 666/18 of the Georgian National Communications Commission of 06 December 2018. Available at:
<https://www.gncc.ge/en/legal-acts/solutions/2018-666-18.page> Seen: 31.05.2019;
Decision No. 667/18 of the Georgian National Communications Commission of 06 December 2018. Available at:
<https://www.gncc.ge/en/legal-acts/solutions/2018-667-18.page> Seen: 31.05.2019;
Decision # 668/18 of the Georgian National Communications Commission of 06 December 2018. Available at:
<https://www.gncc.ge/en/legal-acts/solutions/2018-668-18.page> Seen: 31.05.2019.

³² Ibid;

³³ The Law of Georgia on Advertising, Article 2(5).

³⁴ The Law of Georgia on Broadcasting, Article 14 (1). Decision # 1/3 / 421,422 of the Constitutional Court of Georgia of 10 November 2009.

³⁵ The Law of Georgia on Broadcasting, Article 14 (2).

³⁶ Law of Georgia on Broadcasting, Article 63 § 3.

VI. ACTIVITIES OF STATE AUTHORITIES

Inter-Agency Task Force

In the reporting period, the IATF issued **10** recommendations.³⁷

Nevertheless, the Commission was not able to foresee the risks of politicization when implementing its activities. Therefore, GYLA quit the Commission after the session of 24 August 2018 and continued its activity within the framework of a similar format commission under the auspice of the Prime Minister's mandate.

With onset of the 2018 election campaign, the efforts to discredit the election monitoring organizations by heads of the administrative bodies involved in the elections (CEC Chairperson, the National Communications Commission, the Minister of Justice) became more and more intense³⁸ and later transformed into verbal assaults from government officials and ruling party representatives (the Chairperson of the Parliament, Tbilisi Mayor).³⁹ They accused observer organizations of political bias.⁴⁰ The discrediting rhetoric was accompanied by a sponsored campaign through a number of anonymous "Facebook" accounts against heads of the leading NGOs.

According to the legislation, the purpose of the Inter-Agency Commission is to ensure that state officials prevent and respond to any violation of the election legislation of Georgia.⁴¹ However, on 24 August 2018, the Minister of Justice, the same Chairperson of the Commission, tried to discredit GYLA as an observer organization and portray the organization's activities as destructive.⁴² Along with the issues on the agenda, she expressed interest in the report prepared by GYLA concerning the monitoring of the procedure for composing election commissions.⁴³ During the meeting, the Minister of Justice requested the Secretariat of the Commission to print out the results and comments of the GYLA's monitoring, so that she could read them out and hold a discussion on the "document known as GYLA's research paper".⁴⁴ Instead of thoroughly examining and verifying the existing deficiencies and information disseminated through media regarding alleged nepotism cases, as well as verifying the information in the administrative bodies, the Minister of Justice let herself be guided by shallow and prejudiced views.⁴⁵ The cynical attitude demonstrated by the Minister of Justice towards the observer organization cast doubts over the function of the chairperson as determined by the election code.⁴⁶ Following the session, GYLA has not

³⁷ Recommendations of Interagency Task Force for Free and Fair Elections; Presidential Elections of 28 October 2018. Ministry of Justice of Georgia. Available at: <http://www.justice.gov.ge/Ministry/Index/1516> , Updated on: 15.06.2019

³⁸ "ISFED responds to the Chairperson of the National Communications Commission", ISFED, 15 September 2018, available at: <http://www.isfed.ge/main/1411/geo/> ; 2018 presidential election - First Interim Report of Pre-Election Monitoring, ISFED, 13 September 2018, available at: <http://www.isfed.ge/main/1409/geo/>; "GYLA responds to the CEC Chairperson", GYLA, 21 August 2018; Available at: <https://gyla.ge/en/post/saias-pasukhi-ceskos-tavmjdomares#sthash.WhTfbQO.dpbs>; "GYLA responds to Tea Tsulukiani", GYLA, 28 August 2018, available at: <https://gyla.ge/en/post/saias-pasukhi-iusticiis-administrs#sthash.pY97PTPv.dpbs>, all links updated on: 15.06.209.

³⁹ "Irakli Kobakhidze on the third sector", Rustavi 2, 2 October 2018, available at: <http://rustavi2.ge/ka/news/115128> ; "Tsulukiani: "These thirteen NGOs are really political parties and we are ready to register them", Tabula, 3 October 2018, available at: <http://tbl.ge/35wj> ; "Kakha Kaladze - "The statements made by NGOs are biased and do not actually reflect the issues existing in the election period", First Channel, 6 October 2018, available at: <https://bit.ly/2OK3SX> ; "Salome Zurabishvili about NGOs", First Channel, 5 October 2018, Available at: <https://bit.ly/2QBcehs> , All links updated on: 15.06.209.

⁴⁰ "The statement of NGOs regarding the briefing of Irakli Kobakhidze"; Georgian Young Lawyers' Association, 8 October 2018. Available at: <https://gyla.ge/ge/post/arasmamtavrobo-organizaciebis-ganckhadeba-irakli-kobakhidzis-brifingtan-dakavshirebit#sthash.SkX2ke49.RglvOTn2.dpbs> , Updated on: 15.06.2019

⁴¹ Election Code of Georgia, Article 48 (3).

⁴² "GYLA responds to the criticism of the Minister of Justice on the monitoring of election commissions". Netgazeti. 19 August 2018. Available at: <http://netgazeti.ge/news/301017/> Updated on: 16.06.2019

⁴³ "GYLA is conducting the monitoring of staffing district and precinct election commissions within the pre-election monitoring process", Georgian Young Lawyers' Association, 20 August 2018, available at: <https://gyla.ge/ge/post/saia-tsinaarchevno-monitoris-farglebshi-saolqo-da-saubno-saarchevno-komisiebis-dakompelqtebis-monitorings-atsarmoebs>, Updated on: 15.06.2019.

⁴⁴ Ibid;

⁴⁵ "GYLA's reply to the Minister of Justice", Georgian Young Lawyers' Association, 29 August 2018, available at: <https://gyla.ge/en/post/saias-pasukhi-iusticiis-ministrs#sthash.U9296cBT.dpbs> , Updated on: 15.06.2019.

⁴⁶ Ibid;

participated in the commission work anymore. During the presidential elections, the observer organizations -"International Society for Fair Elections and Democracy" and "Transparency International - Georgia" - refused to participate in the commission activities either.⁴⁷

Prior to the 2018 presidential election, several meetings were held in the Georgian government's administration with NGOs regarding the electoral issues where pre-election violations and the ways to address them were discussed.⁴⁸ As the administration of the Government of Georgia has already acquired experience in reviewing electoral violations, it will be highly recommended to place the Inter-Agency Task Force institutionally under the direct subordination of the Prime Minister.

Election administration

The election administration carried out comprehensive activities to be prepared for the 2018 presidential elections. The election commissions conducted a number of activities aimed at improving voter awareness and better planning of electoral processes.

GYLA has positively assessed the efforts of the election administration. However, significant deficiencies and challenges during the election period were revealed, which raised questions regarding the election administration as an independent and impartial body. The shortcomings were mostly related to the composition of election commissions, consideration of election disputes and fixing the date of the runoff election.

The following aspects should be highly appreciated:

- ✓ **The possibility provided for local observer organizations to appoint observers electronically through an online platform.** For the 2018 presidential elections, the Central Election Commission (CEC) expanded the capacity of the CEC's electronic registration platform and provided an alternative for the observation organizations registered for the presidential elections to appoint their monitors online in a simplified manner through the electronic platform;⁴⁹

Recognition of **campaigning through social networks as a challenge**. On 14 September 2018, the Memorandum of Understanding (MoU) was signed between the Central Election Commission, GYLA, other local non-governmental monitoring organizations and "Inter-Agency Task Force for Free and Fair Elections." The Memorandum established that campaigning by public officials using state resources through their personal accounts in social networks is the misuse of administrative resources;⁵⁰

Development of the Code of Ethics by the CEC and local observer organizations, which implies an agreement on the protection of professional and ethical norms;⁵¹

Elaboration of the guidelines by the CEC for district election commissions, which ensured electing highly qualified and experienced members into precinct election commissions;⁵²

The decision of the CEC allowing those political parties to participate in the presidential election that

⁴⁷ "The Protest of some NGOs", First Channel of Georgia, 14 September 2018, available at: <https://1tv.ge/video/arasmavrobo-organizaciebis-nawilis-protesti/> Updated on: 16.06.2019.

⁴⁸ "Head of the Administration of the Government of Georgia met with representatives of international and non-governmental sector", First Channel of Georgia, 23 November 2018. Available at: <https://1tv.ge/news/saqartvelos-mtavrobis-administraciis-ufrosi-saertashoriso-da-arasmavrobo-seqtoris-warmomadgenlebs-shekhdva/> Updated on: 16.06.2019

⁴⁹ Resolution # 21/2018 of 17 March 2018 of the Central Election Commission of Georgia, available at: <http://cesko.ge/res/docs/dadg29.pdf> Updated on: 15.06.2019

⁵⁰ "The Memorandum of Understanding on the Use of Administrative Resources for the 28 October 2018 Elections", 14 September 2018; available at: <http://cesko.ge/geo/list/show/114737-urtiertshetankhmebis-memorandumi-2018-tslis-28-oqtombris-archevnebistvis-administrators-resursebis-gamokenebis-shesakheb> Updated on: 15.06.2019

⁵¹ "The CEC and local observer organizations signed the Code of Conduct". 1 October 2018. Available at: <http://cesko.ge/geo/list/show/115024-teskom-da-adgilobriva-damkvirvebelma-organizatsiebma-qtevis-kodeqss-moatseres-kheli> . Updated on: 15.06.2019

⁵² "The CEC recommendations regarding the process of electing precinct election commission members", 3 September 2018. Available at: <http://cesko.ge/geo/list/show/114503-teskos-rekomendatsiebi-saubno-saarchevno-komisiis-tsevta-archevis-protsestan-dakavshirebit> Updated on: 15.06.2019

were registered for the 2016 and 2017 elections but were canceled their registration based on the resolution of the CEC Chairperson.⁵³

As regards the deficiencies and challenges into the activities of the election administration, the following matters were identified as **an issue**:

- ✓ **The process of composing district election commissions and precinct election commissions with highly-qualified and professional members** raised legitimate questions about political influences and nepotism.

The monitoring conducted by GYLA identified **5** persons out of the temporary members elected for 73 DECs, who had alleged kinship relationship with the election administration officials and in **6** cases the individuals elected in the DECs were activists or supporters of the P/U “Georgian Dream”.⁵⁴ The procedure of the competition for selecting PEC members was inadequately transparent. None of the DECs held interviews with contestants in the districts. It is noteworthy that prior to the session to elect PEC members, DECs had discussed the matter at the sessions and refused to conduct interviews.⁵⁵ According to GYLA observers, DECs refused to allocate space and appropriate facilities for the interviews as initiated by party members of the DECS⁵⁶ and did not submit to district members appointed by the “United National Movement” the copies of the documents providing the description of the professional background of contestants.⁵⁷ The DEC members had the right to receive the information about the contestants, including any relevant copies, as the information was necessary for the implementation of the duty of the DEC member in order to make a relevant decision and select the best candidate for the vacant position.⁵⁸

The announcement of the competition for the selection of members of precinct election commissions was preceded by dissemination of a widely-known record of a telephone conversation of the Krtsanisi DEC Chairperson. According to the record, the district Chairperson was allegedly confirming that he/she was selecting the PECs candidates in agreement with the head of the GD headquarters.⁵⁹ Upon the dissemination of the recordings, the DEC Chairperson resigned.⁶⁰

GYLA observers attended **17** DEC sessions⁶¹ that elected professional members in PECs.⁶² In addition, GYLA monitors attended individual interviews with the candidates in **5** DECs. The interviews were held under the initiative of the members appointed by the opposition party “United National Movement” (UNM) in the district.⁶³

⁵³ Resolution #42 of 13 August 2018 of the Central Election Commission of Georgia “On approval of some electoral procedures for the 28 October 2018 Presidential Elections”, available at: <https://matsne.gov.ge/ka/document/view/4297863?publication=0> Updated on: 26.06.2019.

⁵⁴ “GYLA is conducting the monitoring of staffing the district and precinct election commissions within the pre-election monitoring process”, Georgian Young Lawyers’ Association, 20 August 2018, available at: <https://gyla.ge/en/post/saia-tsinasaarchevno-monitoringis-farglebshi-saolqo-da-saubno-saarchevno-komisiebis-dakompelqtebis-monitordings-atsarmoebs#sthash.XvNBv6zn.dpbs>, Updated on: 15.06.2019.

⁵⁵ “Vake, Saburtalo and Isani DEC Chairpersons respond to the members appointed by the United National Movement in the same commissions”: Vake #45. 02.09.2018; Isani - # 018/18. 02.09.2018; Saburtalo - #28. 30.08.2018.

⁵⁶ Response of Vake DEC Chairperson - #45. 02.09.2018, Response of Chughureti DEC Chairperson - #07 / 03-44.

⁵⁷ Ibid;

⁵⁸ The Law of Georgia on Personal Data Protection, Article 5(c).

⁵⁹ “The CEC removed Krtsanisi DEC Chairperson”, Radio Tavisupleba, 29 August 2018. Available at: <https://www.radiotavisupleba.ge/a/29459682.html>, Updated on: 15.06.2019

⁶⁰ “Krtsanisi DEC Chairperson applied for resignation to the CEC”. TV Pirveli. 28 August 2018. Available at: <https://www.youtube.com/watch?v=t20TuSjqtS8>, Updated on: 26.06.2019.

⁶¹ GYLA observers attended the sessions in Samgori, Krtsanisi, Gldani, Vake, Didube, Chokhatauri, Ozurgeti, Gori, Borjomi, Zugdidi, Tsalenjikha, Batumi, Kobuleti, Telavi, Marneuli, Dusheti and Kutaisi DECs.

⁶² On 11 September 2018, the sessions were held in the DECs to elect members for the Precinct Election Commissions. The competition for the selection of PEC members by the administrative body was announced on 29 August 2018 and documents could be submitted from 30 August to 6 September 2018. GYLA observers attended the sessions in Samgori, Krtsanisi, Gldani, Vake, Didube, Chokhatauri, Ozurgeti, Gori, Borjomi, Zugdidi, Tsalenjikha, Batumi, Kobuleti, Telavi, Marneuli, Dusheti and Kutaisi DECs.

⁶³ Tskaltubo, Zugdidi, Ozurgeti, Chokhatauri and Marneuli.

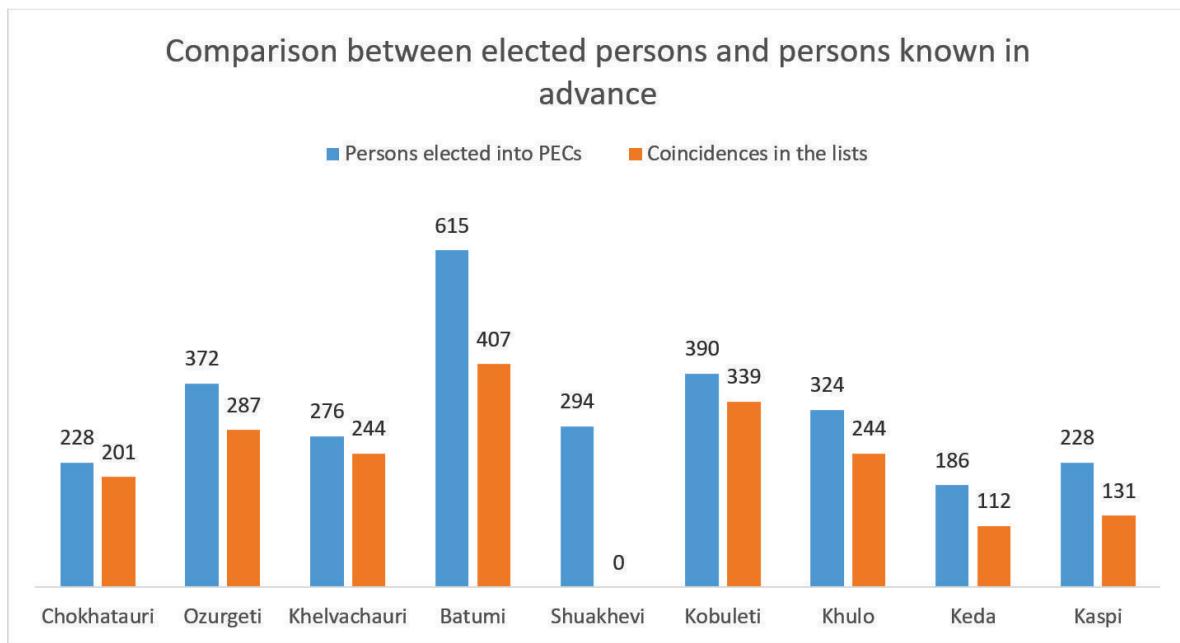
GYLA observers also attended the sessions that were electing members for precinct election commissions and which were left by the PEC members appointed by UNM and the “European Georgia” in protest. As the GYLA observers reported, the objectors declared that all the candidates had been previously selected by “Georgian Dream,” the majority of the candidates was politicized persons, and therefore, they would not wish to participate in the “farce”.⁶⁴

Based on the information provided by GYLA observers, the following problematic issues have been identified:

- The criteria envisaged by the election legislation are not sufficient to elect reputable and highly-qualified staff into the election administration. The decisions on the selection of members of subordinate commissions are not substantiated, which makes it impossible to find out the true motives of the final decision taken by the higher election commissions. Consequently, it is not clear based on what criteria certain candidates are given preference;
- In a number of precincts no competition was held at all as only six applications for six vacant positions had been received;⁶⁵

Prior to the election of PEC members, members of the United Opposition handed a list of individuals of different election districts to GYLA observers. According to the representatives of the opposition parties, the DECs were going to elect the persons mentioned in the list as the members for precinct election commissions.

Once the competition was completed, GYLA compared the list of the persons elected into the election precincts with the list provided by the opposition parties. As a result of the comparison of the lists, the GYLA monitors revealed the coincidence in a number of cases with the information provided to the organization by the opposition. In particular, District Election Commissions in Guria, Adjara and Shida Kartli elected into the PECs those individuals who were mentioned in the list which the opposition parties had presented to GYLA in advance. (Please see the chart).⁶⁶



⁶⁴ Members of United National Movement left the sessions in four out of six districts in Samtskhe-Javakheti,” Samkhretis Karibche. 11 September 2018. [Http://sknews.ge/index.php?newsid=19204](http://sknews.ge/index.php?newsid=19204), updated on: 27.06.2019

⁶⁵ For example, # 21, # 32, # 39, # 46, # 48, # 49, # 51, # 53 and # 55 precincts of Bolnisi District Election Commission # 23.

⁶⁶ **Guria:** 201 out of 228 persons elected in Chokhatauri district coincided with those mentioned in the list submitted by the UNM. 287 out of 372 persons elected in the Ozurgeti district coincided with those mentioned in the list submitted by the UNM. **Ajara:** 244 out of 276 individuals selected in Khelvachauri district coincided with those mentioned in the list submitted by the UNM. 407 out of 615 persons selected in the Batumi district coincided with those mentioned in the list submitted by the UNM. None of the individuals listed in the Shuakhevi district coincided with those mentioned in the list submitted by the UNM; 399 out of 390 persons selected in Kobuleti district coincided with those mentioned in the list submitted by the UNM; 244 out of 324 persons selected in the Khulo district coincided with those mentioned in the list submitted by the UNM; 112 out of 186 persons selected in the Keda district coincided with those mentioned in the list submitted by the UNM; **Shida Kartli:** 131 out of the 228 persons selected in Kaspi district coincided with those mentioned in the list submitted by the UNM.

GYLA has also studied the electoral experience of the individuals elected into PECs with the focus on the following aspects:

- The cases of imposing a disciplinary penalty on persons elected by supervising commissions during the 2016-2017 elections;
- The cases of appointment of individuals selected by political parties during the 2016-2017 elections.

As a result of scrutinizing the data, it was revealed that **certain individuals elected based on their professional experience had been appointed by various parties into election commissions during the elections in 2016-2017 and represented their interests. Moreover, the elected persons were imposed disciplinary penalties in 2016-2017 for violations and breach committed during the elections. Although such facts are not a direct violation of the law, this circumstance still raises doubts whether the election commissions are composed of independent, impartial and highly-qualified individuals with impeccable reputation:**

- The examination of the data of the persons selected for **11 DECs** revealed that **83** of them had been imposed disciplinary penalties during the elections in 2016, and **70** of them at the elections in 2017.⁶⁷
- The examination of the information about the persons elected into **24 DECs** revealed that **499** individuals were elected by political parties during the elections in 2016 and **291** at the elections in 2017.⁶⁸

Setting the date of the runoff election - the CEC did not take into consideration the suggestions of a number of NGOs and fixed the date of the second round on the working day, November 28.⁶⁹ Despite the fact that the legislation allows the elections to be held on a working day, which shall be declared as a day off, setting the day of the election runoff on a working day created some barriers for certain groups of voters living abroad to participate in the elections and exercise their constitutional rights. With the above decision, the Election Administration did not take into account the interest of Georgian citizens residing abroad and created artificial obstacles for them by fixing the Election Day on a banking day. The CEC, in order to mitigate the damage caused by its own decision, extended the voting time till 24 o'clock for the polling stations opened abroad.⁷⁰ With this action, the CEC went beyond the scope of its authority and violated the Election Code when it prolonged the polling time for the polling stations opened abroad.⁷¹ The law clearly provides that the election precincts shall be closed at 20:00 o'clock.⁷² The only exception to this rule is the case when the voters standing in the queue at the polling station by 20:00 o'clock shall be eligible to take part in the elections.⁷³ No other exceptions shall be allowed. Furthermore, prior to the

⁶⁷ The information about the commission members penalized in 2016 has been analyzed based on the example of 11 districts: the persons elected for Ozurgeti, Khelvachauri, Batumi, Kareli, Mtatsminda, Tkibuli, Tskaltubo, Kharagauli, Khoni, Krtsanisi and Nadzaladevi districts. The information about the commission members penalized in 2017 has been analyzed based on the example of 11 districts: the persons elected for Ozurgeti, Batumi, Kareli, Mtatsminda, Telavi, Gurjaani, Samtredia, Tskaltubo, Khoni, Krtsanisi and Nadzaladevi districts.

⁶⁸ The elections in 2016 were represented by: Conservative Party - 112, Republican Party - 77, Georgian Dream- Democratic Georgia - 144, United Democratic Movement - 29, Industry Will Save Georgia - 70, Free Democratic Movement - 48, The Alliance of Georgian Patriots - 1, United National Movement - 18; The elections in 2017 were represented by: Conservative Party - 5, Georgian Dream -Democratic Georgia - 116, United Democratic Movement - 23, Industry Will Save Georgia - 103, Christian Conservative Party - 6, The Alliance of Georgian Patriots - 26, European Georgia - 13, Free Democratic Movement - 1, United National Movement - 3, Georgian Christian-Democratic Party - 3, Christian-Conservative Party - 2. 24 districts: Lanchkhuti, Ozurgeti, Chokhatauri, Khulo, Keda, Kobuleti, Khelvachauri, Shuakhevi, Batumi, Kareli, Mtatsminda, Telavi, Kvareli, Gurjaani, Tsageri, Ambrolauri, Samtredia, Tkibuli, Tskaltubo, Kharagauli s, Khoni, Terjola, Saburtalo, Krtsanisi districts.

⁶⁹ The CEC decree # 351/2018 of 14 November 2018, available at: <http://cesko.ge/res/docs/20181114214218CG351.pdf>, updated on: 15.06.2019

⁷⁰ "The second round of election of president of Georgia will be held on 28 November". CEC, 27 November 2018, available at: <http://cesko.ge/geo/list/show/116666>, Updated on: 15.06.2019

⁷¹ "The CEC decision overlooks interests of Georgian citizens", Georgian Young Lawyers' Association, 16 November 2018, available at: <https://www.gyla.ge/en/post/ceskos-gadatsyvetileba-ar-itvalistsinebs-saqartvelos-moqalaqeebis-interesebs#sthash.R91ma3Fy.dpbs>, Updated on: 15: 06.2019

⁷² The Election Code of Georgia, Article 65 (8).

⁷³ Ibid;

announcement of the date of the runoff by the CEC, the date had been publicized by several individuals, which, in some members of the public, raised doubts about the political prejudice of the CEC.⁷⁴

To address the aforementioned issue, it is necessary to improve the normative base regulating the competition procedure for selecting election commission members and the rule and practice for electing members of the commission. It is important that the quota of professional members really represented independent and competent staff in the commissions rather than persons associated with political forces. The rules and procedure for conducting the competition should be detailed specifying each stage of the competition. The criteria for assessing contestants should be defined and decisions made based on these criteria.⁷⁵ The interview should be a mandatory stage. The contestant assessment form should be approved and the deadline for the selection of DEC members must be extended. The Election Administration should timely inform the wider public of the competition so that as many people as possible can participate in the competition.

Registration of election subjects

According to the Election Code, a party or an initiative group of voters registered in the CEC shall have the right to nominate one candidate for President of Georgia.⁷⁶

Prior to the launch of the election campaign, on 17 July 2018, ten opposition political parties got united and established the Opposition Union “Power in Unity”.⁷⁷ The member parties of the Union presented to the CEC a common candidate, Grigol Vashadze as the presidential candidate on behalf of the “United National Movement”. In addition, four parties in the opposition union individually applied to the Election Administration and nominated their presidential candidates individually.⁷⁸ According to a representative of Grigol Vashadze, this step was a part of their election strategy and the four candidates were technical candidates.⁷⁹ As he/she said, the purpose of the aforementioned was to prevent the falsification of the elections, and the main goal of the political unions when presenting “technical” presidential candidates was to obtain additional state funding and other benefits.⁸⁰ This led to an additional expenditure for the state budget and did not ensure equal conditions for other subjects participating in the elections. The advertising time given away by the so-called “technical candidate” in favour of another candidate constitutes an illegal donation, in connection to which GYLA has addressed the State Audit Office.

The 2018 presidential election also revealed the gaps in the procedure for collecting and verifying the lists of supporters’ signatures. The CEC applied to the Prosecutor’s Office upon the facts and requested to start an investigation.⁸¹

According to the CEC, the signature and personal details of Mamuka Bakhtadze, the Prime Minister, ap-

⁷⁴ “The CEC decision overlooks interests of Georgian citizens”, Georgian Young Lawyers’ Association, 16 November 2018, available at: <https://www.gyla.ge/en/post/ceskos-gadatsyvetileba-ar-itvalistsinebs-saqartvelos-moqalaqeebis-interesebs#sthash.R91ma3Fy.dpbs>, Updated on: 15: 06.2019; Previously, November 28 had been announced as the date of the election runoff by two speakers in Telavi at a meeting organized by the movement “I defend the freedom”. The date of the second round was also mentioned by Kakha Kaladze, Mayor of Tbilisi.

⁷⁵ The Election Code should determine that a person who has been a member/candidate of a political party for the last two years or who has been a party representative appointed by the party in the last two elections may not be appointed / elected as a member of the election commission.

⁷⁶ The Election Code of Georgia, Article 98 (1).

⁷⁷ These parties are: “For New Georgia,” “Serve for Georgia,” “National-Democratic Party,” “Movement State for the People,” “Christian-Conservative Party,” “New Georgia”, “United National Movement”, “Civil Alliance for Freedom,” “European Democrats,” and “Georgia among the Leaders.”

⁷⁸ National Democratic Party” - Zviad Iashvili, “State for the People” - Mikheil Antadze, “Christian-Conservative Party” – Zviad Mekhatishvili, and “New Georgia” - Zviad Baghavadze.

⁷⁹ “Four for one and one for presidency”, Radio Tavisupleba, 28 August 2018. Available at: <https://bit.ly/2WPTdKR> , Updated on: 15.06.2019

⁸⁰ Funding of the representative in the election administration, advertising time.

⁸¹ The investigation has been launched under Article 362(1) of the Criminal Code of Georgia. Interim Report of Inter-Agency Task Force for Free and Fair Elections, 21.06.2018 -01.10.2018. The Ministry of Justice of Georgia, available at: <https://bit.ly/2WUkMaK> , Updated on: 15.06.2019.

peared in the list of the voters of Mikheil Antadze, the presidential candidate nominated by the political coalition “Movement - State for the People”. Actually, according to the CEC, the signature on the voters’ list was completely different from the signatures affixed by Mamuka Bakhtadze and publicly known to the CEC.⁸² Moreover, the CEC declared that a member of the DEC filed a statement regarding repeated falsifications of his/her signature in the list of voters of the National Democratic Party’s candidate.⁸³

The Chief Prosecutor’s Office of Georgia launched an investigation into the alleged fact of the falsification of the signature on the voters’ list of the presidential candidate of the political union “State for the People.”⁸⁴ The process of collecting supporter signatures poses the risk of manipulation with voters’ data. For instance, a voter might appear in the list without even knowing about it at all (anyone can affix his/her signature in the list). Moreover, the process of collecting and submission of signatures of supporters to the Election Administration is of formulaic nature. A voter can appear as a signatory simultaneously in the supporters’ lists of several parties. **The process of collecting and verifying the signatures of supporters is defective and requires revision. It is important to determine high standards for obtaining voter’s personal data and verifying the lists of supporters, which will increase the confidence into the process and prevent any manipulations with voter signatures.**

State Audit Office

The State Audit Office has prepared two interim reports regarding the 2018 presidential elections.

Just like the previous elections,⁸⁵ under the initiative of the State Audit Office, an advisory commission composed of NGOs was created. GYLA was involved in the work of the commission along with other 13 non-governmental organizations.⁸⁶ Three working meetings were held, at which the commission discussed the issues related to submitting and analyzing statements, as well as examination of complaints and donations received.

In the reporting period, GYLA submitted **6** applications to the State Audit Office and requested to respond to alleged fact of violations in the pre-election campaign.⁸⁷

⁸² “The CEC statement about facts disseminated in media on lists of supporters’ signatures”, 18 September 2018, available at: <http://cesko.ge/geo/list/show/114801-tseskos-gantskhadeba-mkhardamcherta-siebis-khelsmotseretan-dakavshirebit-mediashi-gavrtelebul-faqtebze>, Updated on: 15.06.2019

⁸³ Ibid;

⁸⁴ “The Prosecutor’s Office of Georgia has launched an Investigation into an alleged falsification of supporters’ list of the presidential candidate.” Prosecutor’s Office of Georgia, 19 September 2018, available at: http://pog.gov.ge/geo/news?info_id=1783, Updated on: 26.06.2019

⁸⁵ “The Temporary Advisory Commission will conduct pre-election monitoring”, State Audit Office, 20.08.2018, available at: <https://monitoring.sao.ge/news/146>, Updated on: 15.06.2019

⁸⁶ Ibid;

⁸⁷ #გ-01 / 202-2018, 03.07.2018; # გ-01 / 275-18, 09.10.2018; #გ-01 / 293-18, 08.11.2018; #გ-01 / 299-18, 13.11.18; #გ-01 / 301-18, 15.11.2018; #გ-01 / 303-18, 19.11.2018.

VII. PRE-ELECTION PERIOD

Misuse of administrative resources

In the reporting period, GYLA monitors observed **10 cases** of alleged misuse of administrative resources, which contradicted Georgian election legislation.⁸⁸ GYLA released public statements regarding the facts, filed applications/complaints to the Election Administration and demanded an appropriate response.⁸⁹ From **7** complaints submitted, the Election Administration in 1 case only found the violation and drew up a protocol of administrative offence against the offender.⁹⁰

According to GYLA observers, local state officials engaged persons employed by non-profit (non-commercial) legal entities under their subordination into the election campaign in favour of the independent candidate backed by the ruling party and unlawfully instructed them to produce supporters' lists.⁹¹ The above cases contained presumably the signs of coercion and pressure. In connection with the above-mentioned facts, GYLA submitted the information to the personal data protection office and handed over the relevant evidence.⁹²

Apart from the involvement of public sector subordinates into the election activities and instructing them to collect supporters' lists, representatives of municipal governments mobilized public officials to attend the activities provided under the campaign of Salome Zourabichvili, the independent candidate supported by the ruling party. During the reporting period, GYLA's observers also identified the cases of misusing the budget-funded means of communication and information services by public officials in favour of Salome Zourabichvili.

Several days prior to the second round of the elections, the observer organizations had learned about the cases of alleged falsification of identity documents, upon which the organizations addressed law enforcement agencies and called on to launch an investigation.⁹³ The Prosecutor's Office of Georgia started an investigation into the facts.

The government should strike a clear distinction line between party activities and public service. The law shall prohibit the participation of persons employed by state-funded organizations in the campaign during working hours. State officials should refrain from involving persons under their subordination into pre-election agitation.

Violation of pre-election campaigning rules

In the pre-election period, the public witnessed the extreme polarization, confrontation, harsh rhetoric and hate speech of political groups supporting both presidential candidates. In comparison to the first round of the election, the pre-election period of the runoff presidential election was even more polar-

⁸⁸ Election Code of Georgia, Articles 48 and 49; Decree # 1744 issued by the Government of Georgia. 29.08.2018, available at: http://gov.ge/files/495_67629_156127_1744.pdf, updated on: 15.06.2019

⁸⁹ The above facts were mainly related to the involvement of subordinates in the pre-election campaign by representatives of local governments and misuse of state-financed communications and information services in favour of the independent candidate supported by the ruling party.

⁹⁰ The Protocol of Administrative Offence prepared by an official of Ninotsminda District Election Commission (Deputy Chairperson) # 100303. 22 October 2018. Available at: <https://sachivrebi.cec.gov.ge/info.php?id=7237>, Updated on: 15.06.2019

⁹¹ "Employees of non-profit (non-commercial) legal entities of municipalities are possibly instructed to mobilize supporters of Salome Zourabichvili", Georgian Young Lawyers' Association, 12 October 2018, available at: <https://www.gyla.ge/ge/post/municipalitetebis-aaip-ebis-tanamshromlebs-shesadzloa-salome-zurabishvilis-mkhardamtcherebis-mobilizebas-avalebdnen#sthash.1DNWEKsj.dpbs>, Updated on: 15.06.2019

⁹² GYLA's monitors observed these facts in Samegrelo, Adjara, Kvemo Kartli. Although GYLA obtained the relevant information confirming the above, it refrained from disclosing the facts with the view to protecting the labour rights of employees working in N(N)LPs and their relatives and personal information.

⁹³ The information about the alleged violation was reported by an employee of the State Services Development Agency in exchange for the guarantee of anonymity.

ized and characterized by more negative campaigns manifested in statements made by the candidates and their supporters, pre-election advertisements of the candidates and aggressive campaign through social media.

The pre-election period was marked by hate speech and personal insults disseminated through social networks with the aim to discredit various political contestants.⁹⁴ In the pre-election period, particularly active were anonymous pages in the social networks, which disseminated hate speech, insulting statements and fake information against various candidates and political parties. These campaigns in most cases were financed and well-organized.⁹⁵

During the pre-election campaign of the runoff election, several public movements were formed and became active with the intent to carry out the campaign against the presidential candidate of the “United National Movement.”⁹⁶ Members of the public movements were holding meetings with voters and conducting the campaign against the “United National Movement” and their presidential candidate. They were urging the electorate to say no to return to the past. “No to Misha” and “No to Nazism” - were the calls made by the movement members at the meeting with the voters.⁹⁷ They urged the voters to vote for the ruling party-backed candidate and for this purpose, promised the voters to provide transport to the polling stations in the regions. GYLA believes that they made the donations in support of the independent candidate Salome Zourabichvili.⁹⁸ Moreover, the pre-election messages offered by those groups were extremely negative and aggressive.⁹⁹

Illegal campaigning

GYLA monitors reported **eight cases of illegal agitation**, including the participation of foreign citizens/stateless persons in the campaign, hate speech and xenophobic statements, campaigning by state officials in favour of Salome Zourabichvili during the working hours through social network pages, campaign and agitation against Salome Zourabichvili by clergymen and campaigning by a member of the election commission. GYLA released public statements regarding the facts, addressed relevant authorities and demanded an appropriate response.

Mikheil Saakashvili, the third president of Georgia, who is not currently a Georgian citizen and has no right to participate in the campaign, was actively involved in the pre-election agitation.¹⁰⁰ Mikheil Saakashvili took an active part in the election campaign of the elections in 2016-2017 and despite numerous statements and complaints made by GYLA, the Election Administration did not consider his participation in the campaign a violation.¹⁰¹ In addition to the illegal agitation, Georgia’s third president Mikheil Saakashvili expressed hate speech and made a number of xenophobic statements.

⁹⁴ “Resident Salome, the posters of the wanted traitor has appeared in the city”, available at: <https://www.facebook.com/744054219261387/videos/1575482159220602/>, Updated on: 15.06.2019.

⁹⁵ Second Interim Report on Social Media Monitoring, International Society for Fair Elections and Democracy, 20.12.2018, available at: <http://old.isfed.ge/main/1465/geo/>, Updated on: 15.06.2018.

⁹⁶ “I Defend Freedom” the meeting in Gori, First Channel of Georgia; November 21, 2018, available at: <https://1tv.ge/video/vicav-tavisuflebas-shekhevra-gorshi/>, Updated on: 16.06.2019.

⁹⁷ “No to Nazism” “Anti National Movement”, Radio Tavisufleba, 21 November 2018, Available at: <https://bit.ly/2RnJEl7>, Updated on: 15.06.2019.

⁹⁸ “The Alliance of Patriots” provided illegal donations in favour of Salome Zourabichvili - Audit, “Netgazeti, 26 November 2018, available at: <http://netgazeti.ge/news/323913/>, Updated on: 16.06.2019.

⁹⁹ Georgian Young Lawyers’ Association, Newsletter №2 September 2018, p 5, available at: <https://www.gyla.ge/files/banners/Elections%20Newsletter%202,%202018%20GE.pdf>, updated on: 15.06.2019

¹⁰⁰ Election Code of Georgia, Article 45(4)(f).

¹⁰¹ “GYLA responds to the opinion of the former president regarding the application submitted by GYLA to the election administration of Georgia”. Georgian Young Lawyers’ Association, 3 August 2016, available: <https://gyla.ge/post/saia-ekhmianeba-saqartvelos-yofili-prezidentis-pozicias-chven-mier-saarchvno-administraciashi-shetanil-ganckhadebastan-dakavshirebit#sthash.TlyACuA0.dpbs>, Updated on: 15.06.2019

In relation to an alleged campaigning by Archbishop Jacob¹⁰² in violation of the requirements of the Election Code, GYLA appealed to the CEC and called on to have a relevant legal response.¹⁰³ Although making statements containing agitation by clergymen is not a violation of the law, campaigning should not be permitted for those persons who represent the church without any special authorization.¹⁰⁴

During the pre-election period, Salome Zourabichvili made a statement that provoked hatred, contradicted the principles of democracy and equality, and posed a dangerous risk of reviving a historical conflict into the modern Georgian political reality.¹⁰⁵

Salome Zourabichvili, when meeting with Armenian electorate, declared that Mikheil Saakashvili used to give citizenship to Turks and not Armenians.¹⁰⁶ In doing so, she sought to gain political support by inciting the hatred of ethnic Armenians towards the Turks.¹⁰⁷

Salome Zourabichvili's son, Teimuraz Gorjestani, who is not a citizen of Georgia, was actively involved in the pre-election campaign.¹⁰⁸ According to the Election Code, foreign citizens shall have no right to participate in the pre-election campaign and pre-election agitation.¹⁰⁹ Nevertheless, the Election Administration did not find any violation of the current legislation and declared that Teimuraz Gorjestani was the son of the presidential candidate, which was an exception to the rule of pre-election campaigning set forth by the Election Code, although such exceptions are not envisaged by the Election Code.

It is necessary to define explicitly the notion of pre-election campaign / canvassing: participation in the pre-election campaign should include the possibility to prohibit campaigning through social networks during working hours. Those legal entities that are engaged in charity for the election purposes but do not have an official status of a charity organization should be restricted to participate in the election campaign.

Threats, pressure and physical retaliation

In the pre-election campaign of the first round of the presidential election, physical confrontation and violence were hardly reported but during the pre-election period of the runoff election, GYLA recorded a number of cases of physical confrontation.¹¹⁰ The Ministry of Internal Affairs launched an investigation

¹⁰² Archbishop Jacob on Salome Zourabichvili - "She can be a real Cannabis queen", Rustavi 2. 17 September 2018. Available: <http://www.rustavi2.ge/ka/news/113701>, Updated on: 26.06.2019

¹⁰³ "GYLA calls upon the CEC to provide legal response to sermons of the clergymen", GYLA, 20 September 2018, available at: [# sthash.tUfUiAMc.dpbs](https://gyla.ge/ge/post/sasuliero-pirebis-qadagebebze-saia-ceskos-samartlebrivi-reagirebisen-moutsodebs), Updated on: 15.06.2019.

¹⁰⁴ According to Article 1 (4) of the Decree of the Parliament of Georgia "On approval of the constitutional agreement between State of Georgia and Georgian Apostolic Autocephaly Orthodox Church, the church shall be presented without any special authorization by: Church Council, Catholicos-Patriarch of All Georgia, Holy Synod of Georgian Orthodox Church and the Georgian Patriarchate authorized persons (Senior Archbishop and the Secretary). According to Article 45(4)(g) of the Election Code of Georgia, religious organizations may not conduct and participate in pre-election campaigning.

¹⁰⁵ Election Code of Georgia, Article 45(3).

¹⁰⁶ "Zourabichvili addresses Ninotsminda Armenians: Saakashvili awarded citizenship to Turks, but not to you" Netgazeti, 3 October 2018, available at: <https://netgazeti.ge/news/308517/>, Updated on: 27.06.2019

¹⁰⁷ On 2 October 2018, in Ninotsminda, within the pre-election campaigning, when meeting with the local ethnic Armenians, Salome Zourabichvili declared: "Until recently, the citizenship was awarded only under the president's final decision and one of the presidents [Mikheil Saakashvili] awarded a number of citizenship to Turks; today, his representative is my opponent; but he did not give you the citizenship." According to the Election Code, the election program shall not include calls for national hatred and hostility, religious and ethnic confrontation.

¹⁰⁸ "If Grigol Vashadze's son speaks Georgian and arrives in Georgia, I'm ready to challenge him in the debate", First Channel of Georgia, 21 November 2018, available at: <https://1tv.ge/news/teimuraz-gorjestani-tu-grigol-vashadzis-vadjma-nodarma-icis-qartuli-da-chamova-saqartveloshi-mzad-var-debatebshi-gamoviwvio/>, Updated on: 16.06.2019

¹⁰⁹ Election Code of Georgia, Article 45(4)(f).

¹¹⁰ "The environment of the runoff presidential election should be free from violence and aggressive rhetoric", Georgian Young Lawyers' Association, available at: <https://www.gyla.ge/ge/post/saprezidento-archevnebis-meore-turis-garemo-dzaladobisa-d>

into all facts of physical violence.¹¹¹ GYLA observers identified **10** cases of alleged physical violence and assaults during pre-election period.

The exception from the typical dynamics of the pre-election period of the first round was the protest rallies with offensive posters and shouts arranged by activist of the “United National Movement” in several municipalities in parallel to the meetings of Salome Zourabichvili with the voters, which in three cases transformed into a physical clash.¹¹²

Along with the growing intensity of the pre-election campaign in the first round of the presidential election, GYLA was informed of the cases of alleged pressure and threats in several regions. Persons employed by public services and non-profit(non-commercial)legal entities of the municipalities were instructed by their heads to collect the lists of Salome Zourabichvili supporters and ensure that persons mentioned in the supporters' lists voted in favour of Salome Zourabichvili.¹¹³

In the campaign of the second round of the presidential election, Salome Zourabichvili, the presidential candidate supported by Georgian Dream, and her family members received short text messages containing the threats to life.¹¹⁴ One person was charged with threats against Salome Zourabichvili and her family members and sentenced to two months of imprisonment.¹¹⁵

Interference with election campaigns

The meetings in the regions with the electorate of the independent presidential candidate endorsed by the ruling party were held against the background of uproar and protests.¹¹⁶ During the reporting period,

agresiuli-ritorikisgan-tavisufali-unda-iyos#sthash.qJ8v5SAa.dpbs , Updated on: 15.06.2019.

¹¹¹ The investigation has been launched regarding all facts. 7 persons have been charged with criminal offences. Among them 5 persons were charged with Article 126, 1 person - Articles 19,108, 1 person – Article 120 (1).

¹¹² “Activists of the National Movement confronted the participants of the meeting with Salome Zourabichvili in Kaspi”, the First Channel of Georgia, 16 October 2018, available at: <https://1tv.ge/news/salome-zurabishvilis-momkhreebs-kaspshi-natsionaluri-modzraobis-aqtivistebi-daupirispirdnen/> Updated on: 16.06.2019. On September 22 of this year, Salome Zourabichvili managed to meet with the voters in Zugdidi with the help of a live chain. During the meeting, Maya Kalandia, the supporter of the United National Movement (UNM), tried to disrupt the meeting. Moreover, “she told the presidential candidate she would not allow her to continue the meeting”; On October 9 of this year, Presidential candidate Salome Zourabichvili was holding a meeting with the local residents of Rustavi, where an incident happened. One of the participants of the rally was required medical assistance; On October 2 of this year, the presidential candidate Salome Zourabichvili's meeting was held against the protests in Aspindza. Some of the persons who arrived at the meeting verbally opposed Gedevan Popkhadze, the Majoritarian MP of Aspindza-Borjomi municipality; On 2 October of this year, at 14:00 p.m., Salome Zourabichvili held a pre-election meeting at the Culture House in Akhalkalaki. The meeting was held against the background of the protest rally. However, after the completion of the meeting when Salome Zourabichvili was leaving the theater, the citizens had already gone, but she left the theater accompanied by police.

¹¹³ “Employees of non-profit(non-commercial) legal entities of municipalities are possibly instructed to mobilize supporters of Salome Zourabichvili”, Georgian Young Lawyers’ Association, 12 October 2018, Available at: <https://gyla.ge/ge/post/municipalitetebis-aaip-ebis-tanamshromlebs-shesadzloa-salome-zurabishvilis-mkhardamtcherebis-mobilizebas-avalebdnen#sthash.iG-qTpABr.pkPGuV8P.dpbs> , Updated on: 15.06.2019.

¹¹⁴ “I'll shoot your heads off” – Threats sent to presidential candidate Salome Zourabichvili and her children through text messages, First Channel of Georgia, 12 November 2018. Available at: <https://1tv.ge/news/shublebs-dagikhvrett-ra-weria-salome-zurabishvilisa-da-misi-shvilebisadmi-gagzavnil-muqaris-shetyobinebebshi/> , Updated on: 16.06.2019

¹¹⁵ “Threats against Zourabichvili – A Georgian military serviceman arrested”, First Radio, 28 December 2018. Available at: <http://pirveliradio.ge/?newsid=119311> , Updated on: 15.06.2018.

¹¹⁶ For example, on October 2 of this year, the presidential candidate Salome Zourabichvili's meeting was held against the protests in Aspindza. Some of the persons who arrived at the meeting verbally opposed Gedevan Popkhadze, the Majoritarian MP of Aspindza-Borjomi municipality; On 2 October of this year, at 14:00 p.m., Salome Zourabichvili held a pre-election meeting at the Culture House in Akhalkalaki. The meeting was held against the background of the protest rally. However, after the completion of the meeting when Salome Zourabichvili was leaving the theater, the citizens had already gone, but she left the theater accompanied by police. On September 22 of this year, Salome Zourabichvili managed to meet with the voters in Zugdidi with the help of a live chain. During the meeting, Maya Kalandia, the supporter of the United National Movement (UNM), tried to disrupt the meeting. Moreover, “she told the presidential candidate she would not allow her to continue the meeting”; On October 9 of this year, Presidential candidate Salome Zourabichvili was holding a meeting with the local residents of Rustavi, where an incident happened. One of the participants of the rally was required medical assistance;

GYLA recorded **4 facts** of alleged interference with the pre-election meetings of Salome Zourabichvili, the independent presidential candidate supported by the ruling party.¹¹⁷

According to representatives of Salome Zourabichvili, the same people were involved in the interference. As GYLA's observers reported, a group of persons would gather outside the building during the meetings due to which the presidential candidate was forced to conduct the meetings under the protection of police. According to the observers, the persons intervening were supporters and activists of the "United National Movement". These individuals used to meet the candidate prior to the pre-election meeting, addressed her through the loudspeaker, called her a traitor and insulted her,¹¹⁸ tried to attend the meetings and approach the candidate. As they declared, they wanted to ask the presidential candidate why she blamed Georgia for the war.¹¹⁹

In the pre-election period, the campaign materials of Salome Zourabichvili, the independent presidential candidate, were destroyed. The truck which was carrying the election merchandise of the presidential candidate caught on fire and burnt down with its cargo. An investigation into the fact of the damage or destruction of another person's property due to negligence¹²⁰ was initiated.¹²¹

Campaigns against the presidential candidates through social networks

In the reporting period, a number of accounts/pages were created in the social networks, which were focused on campaigning against different political parties or a specific politician / presidential candidate.¹²² Some of the pages were created deliberately for the presidential election of 28 October 2018, while others had a long-standing history of activity. Unknown persons frequently disseminated degrading statements, personal insults or hate speech as well as photos through the above-mentioned pages.¹²³ Furthermore, the pages distributed misinforming statements aiming to discredit the candidates and damage their political reputation.

The examination of the Facebook posts revealed two directions: the one against Salome Zourabichvili, the independent candidate for the presidency, and the other, against Grigol Vashadze, the presidential candidate nominated by the opposition union "Power in Unity".

The Facebook pages such as- "The Official Agency for Laughing at Kotsi",¹²⁴ Resident Salome/ резидент Саломе/Salome"¹²⁵ published the same videos with absolutely identical comments at two-minute intervals: "Watch a video poll in the street, what people say and write when they see Salome's photo!" The page "Pink elephants" published the same video an hour later and with the sneering epithets asked people to express their opinion about Salome Zourabichvili. Most of the posts directly insulted and abused

¹¹⁷ Georgian Young Lawyers' Association, Newsletter №2 September 2018, p. 5, available:
<https://www.gyla.ge/files/banners/Elections%20Newsletter%202,%202018%20GE.pdf> Updated on: 15.06.2019

¹¹⁸ "The meeting with Salome Zourabichvili was held against a protest rally in Kutaisi". TV Rioni, 12 September 2018. Available at: <https://bit.ly/2WPebt7>, Updated on: 16.06.2019.

¹¹⁹ "The presidential candidate met by members of the National Movement in Poti with posters". STV.ge, 19 October 2018, available at: <https://bit.ly/2Fmc75X>, Updated on: 16.06.2019.

¹²⁰ Criminal Code of Georgia, Article 187, Article 2.

¹²¹ According to the information provided by MIA to GYLA on 18 September 2018, the investigation into the case is still in progress.

¹²² These pages are: "United provocative movement"; "Gastrolior"; "Natsi – a human being?" "Until 2012 / Before it was cool"; "More benefit from people"; "Political Madness"; "Postv"; "The official agency for laughing at Kotsi"; "I'm meeting Mikheil Saakashvili in Georgia"; "Pink elephants"; "Kotsneba"; "Resident Salome / резидент Саломе/ Salome".

¹²³ "Grigol Headquarters", Facebook Page, page "Grigol Headquarters", 18 September 2018, available at: <https://www.facebook.com/shtabkvartsiraofficial/photos/a.483273212142971/529752167495075/?type=3&theater>; <https://bit.ly/2O3zD9n>, Updated on: 27.06.2019.

¹²⁴ "The official agency for laughing at Kotsi", "See what people write about Salome's photo in the street". Facebook page, October 2018, available at: <https://bit.ly/2KrQVQk> Updated on: 27.06.2019.

¹²⁵ Ibid;

the candidate, identified the candidate with the party “Georgian Dream” and urged citizens not to support her in the presidential elections.

In the pre-election period, the page “United Provocative Movement” mainly published derisive comments about members and supporters of the “United National Movement” as well as the posts containing inappropriate and humiliating terminology about the presidential candidate Grigol Vashadze.¹²⁶The Facebook page “Natsi-a human being?” was mostly distinguished by sneering posts about the former and current leaders of the “United National Movement”, as well as the videos to ridicule and insult the Presidential candidate Grigol Vashadze.¹²⁷

For the purpose of ensuring the transparency of funding of the pre-election campaign, the State Audit Office should study who managed and what funds were used for political and electoral pages, as well as to what extent the subjects undertaking the expenses adhered to the rules of financing the pre-election campaign.

Voter bribery

“Nullifying” the financial liabilities worth more than a billion GEL of 600,000 citizens in order to gain the hearts of the voters before the runoff presidential election was an unprecedented act.¹²⁸

The program was announced on 19 November 2018 and implied writing-off financial liabilities not exceeding 2000 GEL for a certain group of citizens from 15 to 31 December 2018 by “Cartu Group” with the participation of the state. The chairperson of the Board of Cartu Foundation declared that Bidzina Ivanishvili made the decision to “annul the debts”.¹²⁹

The initiative was presented to the public by Prime Minister.¹³⁰ The decision of the government included the elements of voter bribery, as it aimed to gain the voters’ hearts in the runoff election in favour of the ruling party-backed candidate, Salome Zourabichvili, and the initiative was proposed by the private fund incorporated by the leader of the ruling party.

Electoral subjects and parties shall be prohibited to interest voters by promising funds or material resources.¹³¹ According to the law, this act may result in the termination of the registration¹³² of an electoral subject, imposition of administrative¹³³ and criminal liability.¹³⁴

Prior to the second round of the elections, GYLA observer was informed about the distribution of food products to voters. On 16 November 2018, Natik Sadigov, a former member of the European Georgia,

¹²⁶ “United Provocative Movement”, Facebook Page, Vashadze’s speech. 18 July 2018, <https://bit.ly/31Htjwk>, Updated on: 26.06.2019

¹²⁷ “Natsi – a human being?” Facebook Page, October 2018, available at: <https://bit.ly/2IUGx03> Updated on: 26.06.2019.

¹²⁸ The project was announced on 19 November 2018 and implied writing-off the financial liabilities less than 2000 GEL for a group of citizens from 15 to 31 December 2018 by “Cartu Foundation” with the participation of the state.

¹²⁹ “Cartu Foundation” makes explanation regarding writing off debts for more than 600 000 individuals”, Interpressnews, 19 November 2018, available at: <https://bit.ly/2Q3P9Hz> , Updated on: 16.06.2018.

¹³⁰ “1.5 billion worth financial liabilities to banks of approximately 600,000 citizens will be nullified”, TV Imedi, 19 November 2018, available at: <https://imedi-news.ge/en/ekonomika/86016/600-000mde-moqlaqes-bankebis-miliardnakhevriani-davaliane-ba-gaunuldeba> , Updated on: 16.06 .2019

¹³¹ The organic law of Georgia on Political Associations of Citizens, Article 25²(1); Election Code of Georgia, Article 47(1)(a), Criminal Code of Georgia, Article 164¹.

¹³² Election Code of Georgia, Article 47(2).

¹³³ The organic law of Georgia on Political Associations of Citizens, Article 34²(6); Receipt of unlawful gifts, income, services, or transaction by a natural person for electoral purposes if the cost of the given property (services) does not exceed 100 GEL, shall result in the imposition of a fine on the party, party representative or a legal person in question equal to 10 times the value of the relevant property (services) or transaction, and the imposition of a fine on the natural person in question equal to twice the value of the relevant property(services).

¹³⁴ Pursuant to Article 164¹ of the Criminal Code of Georgia, if the amount of money (transaction value) exceeds 100 GEL, the person in question shall be charged with criminal liability punishable by imprisonment for up to three years or fine.

and later, the supporter of the Georgian Dream, distributed food products to residents of Gardabani.¹³⁵ As the GYLA's monitor reported, initially, Natik Sadigov declared that he was distributing 5kg potatoes and 5kg onions under the instruction and funds of the Georgian Dream.¹³⁶ However, later, he overturned his statement and said that he had distributed the food products at his own will and expenses. The food products were awarded to each person who had to present the identity card or other personal information at the site where the products were issued.¹³⁷

Alleged political dismissal

During the reporting period, GYLA monitors observed **1** fact when an employee's right was allegedly restricted or violated due to her political activity / opinion.

On 2 October 2018, Tsira Kobakhidze appealed to GYLA's Kutaisi Branch for legal assistance. According to her, she participated in the competition announced by the Union of Baghdati Preschool and School Institutions. However, she was not hired due to her political views. As she said, she had been a member of the "United National Movement" for several years and was representing UNM in one of the precinct election commissions at the presidential election in 2018. A lawsuit has been prepared for Tsira Kobakhidze and filed with the court.¹³⁸

¹³⁵ "Voter bribery in action in Gardabani - "Georgian Dream is giving away food products", First Radio, 16 November 2018. Available at: <https://pirveliradio.ge/?newsid=116652>, Updated on: 15.06.2019.

¹³⁶ Ibid;

¹³⁷ Ibid;

¹³⁸ At the moment of the preparation of the report, a court hearing had not been appointed.

VIII. THE FIRST ROUND

Voting Day

Overall, the voting process was calm. According to the information provided by GYLA observers, violations identified during the voting process did not greatly impact the electoral process.

All day long, the rate of mobilizing voters and controlling voters' will was high.¹³⁹ In practice, it was revealed that the motivation of political subjects when doing so was to determine the identity of voters arriving at the polling station in order to control their will based on this information rather than to register the number of the voter turnover. Certain individuals would record the electorate arriving at the polling stations and identify those who failed to show up (this method was presumably applied for forcing reluctant citizens to go to the elections).

Alleged control of the voters' will and handling their personal information was also problematic during the pre-election period.¹⁴⁰

Political parties should respect the voter's personal information and inform them of the purpose of collecting and processing their data. The process should not acquire the form of harassment, intimidation and control of voters. A political party must become entitled to include the data of a voter in the list of its supporters solely when it receives a prior consent / confirmation of the person to process his/her personal data. We believe that political unions should not have the right to control voters on the polling day. The list of persons who have participated in the elections should not be made public.¹⁴¹

Compared to the previous elections, a new trend was noticed during 2018 presidential election along with an alleged control of voters' will by coordinators of political parties.¹⁴² It was manifested in an alleged control of voters through telephone calls from the election headquarters of Salome Zourabichvili, the GD-backed candidate, when the voters received phone calls inquiring whether they had been to the elections.¹⁴³

Substantial violations:¹⁴⁴

- Alleged voter bribery - Samgori Precinct # 56;
- Cases of physical confrontation - Marneuli Precinct # 59;
- Cases of withdrawal ballot papers from the precincts- Saburtalo #52 and Samgori #78 precincts.

Apart from the above substantial violations, **procedural deviations were reported as well**, including:¹⁴⁵

- Violation of casting lots;
- Arbitrary change of the functions allocated by casting lots;
- Voting with an expired ID;
- Breach of the inking procedure;

¹³⁹ "GYLA's statement regarding the control over voters' will", Georgian Young Lawyers' Association, 21 October 2017, available at: <https://gyla.ge/ge/post/saias-ganckhadeba-amomrchevlis-nebis-kontroltan-dakavshirebit#sthash.bzLZoApq.dpbs> , updated on: 15.06.2019.

¹⁴⁰ GYLA monitors observed the facts in Samegrelo, Adjara, Kvemo Kartli.

¹⁴¹ Code of Good Practice on Electoral Matters, European Commission for Democracy through Law (Venice Commission), Strasbourg, October 25, 2018, Opinion # 190/2002. Available: [https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdf-file=CDL-AD(2002)023rev2-cor-e) renewed: 26.06.2019.

¹⁴² Monitoring report on pre-election environment, election day and post-election period, June 1-November 19, 2017, Georgian Young Lawyers' Association, Tbilisi 2018, available at: <https://bit.ly/2I9nBZp>, updated: 15.06.2019

¹⁴³ General evaluation of the 2018 presidential election, the Georgian Young Lawyers' Association, 29 October 2018. Available at: <https://gyla.ge/ge/post/2018-tslis-presidentis-archevnebis-kentchisyris-dghis-shefaseba-zogadi-shefaseba#sthash.xf2wwAEk.dpbs>, Updated on: 15.06.2019

¹⁴⁴ Ibid;

¹⁴⁵ Ibid;

- Illegal campaigning at the polling station;
- Damaging the logbooks.

Counting the votes and summarizing the voting results

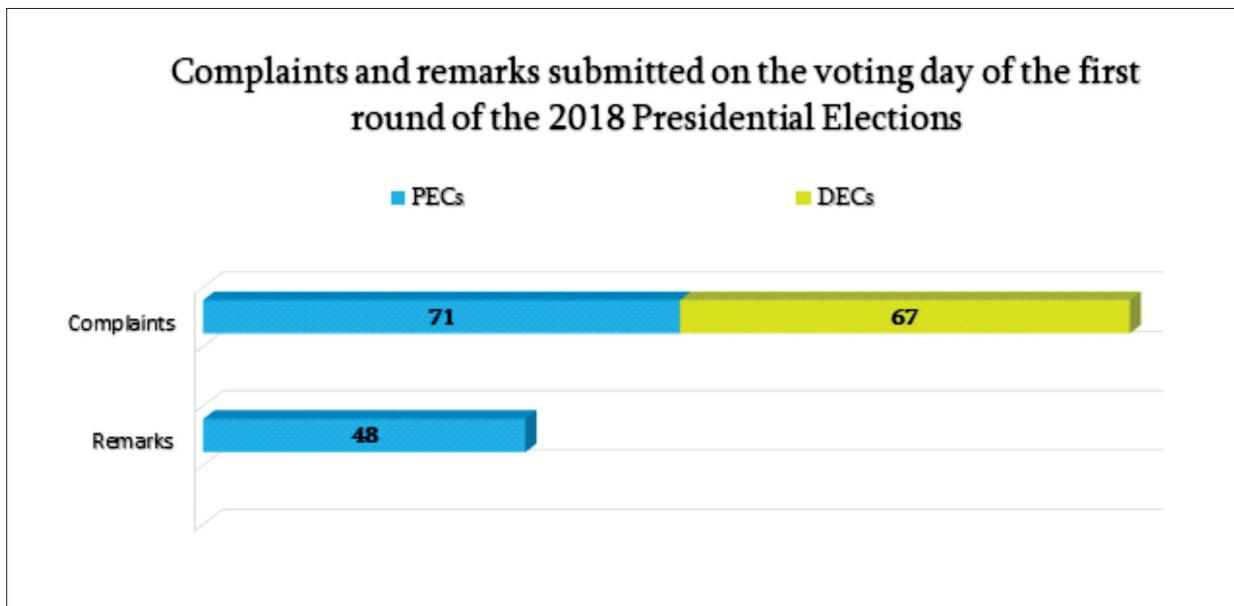
Preventing GYLA observers:

- At the stage of counting of votes and summarizing the election results, GYLA's observers were prevented by police officers into the polling station after 20:00 p.m. In a number of cases (in Marneuli, Chugureti, Mtatsminda districts), the problem was eliminated and GYLA monitors were able to observe the process only after the chairpersons of the corresponding precinct commissions intervened;¹⁴⁶
- When counting the votes, the Deputy Chairperson of PEC #49 in Marneuli pushed the GYLA observer away. Thus, he/she was deprived of the right to stand next to the counters and observe the counting process of the ballot papers.¹⁴⁷ The DEC did not satisfy a complaint submitted by the GYLA's observer requesting to draw up a protocol on an administrative offence against the PEC chairperson, deputy chairperson and security police officer.

In addition to the aforementioned, **procedural violations were identified** in the process of counting and summarizing the election documents as well as submitting the election documentation to the districts, namely:¹⁴⁸

- Assuming the cancelled ballot papers as genuine and vice versa;
- The logbook was not sealed appropriately at Didube# 5 and #35, Krtisanisi #9, Gldani #62 polling stations.
- The logbook was not submitted to the district - Didube# 4 precinct. According to the commission members, the logbook may have been sealed together with other documents.

In total, GYLA observers prepared 138 complaints, including **71 complaints** at the polling stations and **67 complaints** in the districts. **48 remarks** were made in the logbook. There were cases when a violation was eliminated once the GYLA observer or the superior election commission made a relevant comment. The Election Administration made relevant responses to complaints submitted by the GYLA observers and took appropriate measures against the procedural violations of the election legislation. In the event that violations were addressed adequately, GYLA observers did not draw up complaints at all.



¹⁴⁶ The information was provided by a GYLA observer.

¹⁴⁷ Marneuli DEC. Order # 94. 15.11.2018, available at: <https://sachivrebi.cec.gov.ge/info.php?id=8160> Updated: 16.06.2019.

¹⁴⁸ General evaluation of the Election Day of the 2018 presidential election, the Georgian Young Lawyers' Association, 29 October 2018, is available at: [#sthash.xf2wwAEk.dpbs">https://gyla.ge/ge/post/2018-tslis-prezidentis-archevnebis-kentchisyris-dghis-shefaseba-zogadi-shefaseba #sthash.xf2wwAEk.dpbs](https://gyla.ge/ge/post/2018-tslis-prezidentis-archevnebis-kentchisyris-dghis-shefaseba-zogadi-shefaseba), Updated on: 15.06.2019.

IX. THE SECOND ROUND

According to GYLA's observers, the polling day was mostly peaceful. However, significant violations and other important trends were still observed, namely: cases of alleged falsification, voter bribery and threats; violations of the key principles of the elections - voting secrecy and control of voters' will. GYLA monitors were prevented from exercising their rights of the observer at certain polling stations. There were also threats of aggression and physical assault against GYLA observers during the voting and summarizing the election results. Procedural violations were observed in separate polling stations when summarizing the election results. Overall, the process of counting and summary of the election results was mostly calm, but Marneuli precinct #49 was an exception.

The key violations identified by the observation mission are as follows:¹⁴⁹

- Cases of alleged falsification - Marneuli # 49 precinct;¹⁵⁰
- A repeated attempt to vote;
- Cases of voting without inking procedure;
- 2 cases of alleged bribery of voters;
- An alleged threat against a member of the Zugdidi PEC # 21;
- A violation of voting secrecy at the polling station. The voter, upon leaving the voting booth, allowed the monitors of certain organizations and / or members of the Commission to see the choice he/she had made.
- 2 cases of photo shooting in the voting booth;
- Unidentified persons were recording persons arriving at the polling station and mobilized them in the vicinity of the precincts. Bringing the voters in minibuses at some districts in Dusheti, as well as at Khobi precincts # 14 and #15. The mobilization of the voters was also observed near the residential house located next polling station #15 in Khobi. According to the GYLA's observer, some voters leaving the polling station would head for the house;
- The attempts of interference, aggression and physical violence against the GYLA's observer, as well as his/her expulsion from the polling station.

Vote count and summary of polling results¹⁵¹

- The confrontation occurred outside polling station #59 in Marneuli.¹⁵² The above-mentioned information was confirmed by the GYLA observer. The supporters of the presidential candidates confronted each other;
- At Gardabani precinct #2, 5 ballot papers were considered invalid although the voter's choice was clearly visible;
- The PEC chairperson violated the ethical standards of the Commission member;
- An unsealed logbook was delivered to the District Election Commission.
- Inappropriate sealing of the record book;
- The seal of the election precinct was submitted to the district commission in an unsealed condition.

¹⁴⁹ General evaluation of the voting day of the runoff presidential election 2018, the Georgian Young Lawyers' Association, 29 October 2018, is available at: <https://gyla.ge/ge/post/2018-tslis-prezidentis-archevnebis-kentchisyris-dghis-shefaseba-zogadishefaseba#sthash.xf2wwAEk.dpbs>, Updated on: 15.06.2019.

¹⁵⁰ The detailed information is provided in the annex.

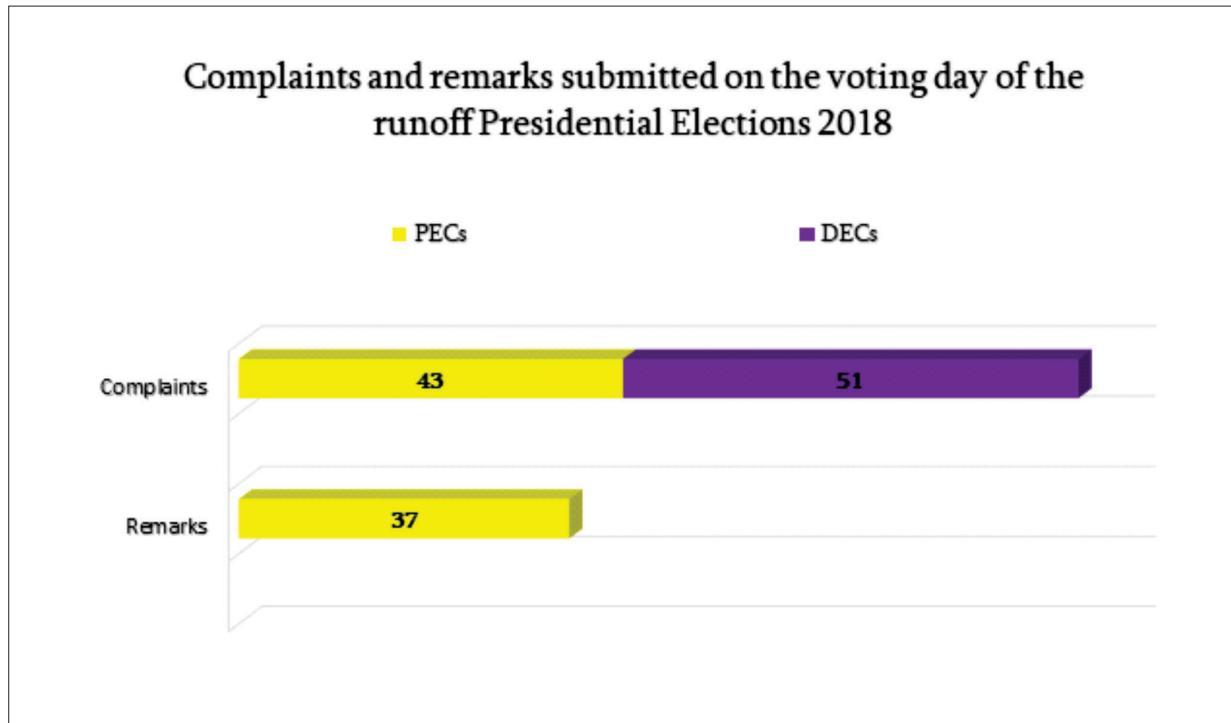
¹⁵¹ General evaluation of the Election Day of the runoff presidential election 2018, the Georgian Young Lawyers' Association, 29 October 2018, is available at: <https://gyla.ge/ge/post/2018-tslis-prezidentis-archevnebis-kentchisyris-dghis-shefaseba-zogadishefaseba#sthash.xf2wwAEk.dpbs>, Updated on: 15.06.2019.

¹⁵² Police arrested two persons in connection with a quarrel at the polling station in Marneuli. Radio Liberty, October 21, 2018 Available: <https://www.radiotavisupleba.ge/a/29568161.html>, Updated on: 15.06.2019

Other trends

GYLA positively assessed the immediate response of the Ministry of Internal Affairs (MIA).¹⁵³ Based on GYLA's reports, the MIA sent groups of police officers to prevent and eliminate alleged tensions at Gardabani #58 and Akhalkalaki # 20 polling stations.

GYLA observers submitted **94 complaints** all around Georgia, including **43 complaints** at the polling stations and **51 complaints** at the district level. Moreover, GYLA observers recorded **37 remarks** in the logbook.



¹⁵³ General evaluation of the Election Day of the runoff presidential election 2018, the Georgian Young Lawyers' Association, 29 October 2018, is available at: https://gyla.ge/ge/post/2018-tslis-prezidentis-archevnebis-kentchisyris-dghis-shefaseba-zogadishefaseba_sthash.xf2wwAEk.dpbs, Updated on: 15.06.2019.

X. SUMMARY OF THE RESULTS

Summarizing the election results at DECs – the first round

The complaints submitted by GYLA observers during the first round of the elections, the polling day and post-election period were as follows:¹⁵⁴

- Failure to perform official duties or inadequate performance by PEC members;
- Violations of casting lots;
- Violations related to voting procedures;
- Restriction of the observer's rights;
- Violations related to vote count and summary of the results.

It is noteworthy that the complaints submitted in the post-election period were mainly related to inaccuracies in summary protocols of the polling results, namely, the problematic issues during these elections were as follows:

- Non-uniform completion of summary protocols;
- Lack of signatures and the commission seals;
- Imbalance (lack or surplus);
- Drawing up amendment protocols in violations of the legislation when the administrative proceedings were not conducted comprehensively and the circumstances surrounding the case were not investigated.

According to GYLA observers, documents from election precincts were delivered to DECs in sealed form. In this connection, no significant and serious errors were identified. The exception was the Didube district, where the documents in a number of cases were unsealed upon which GYLA observers submitted a complaint which was later satisfied.¹⁵⁵ In isolated cases in Krtsanisi district, there were documents such as the registration logbooks that shall not be sealed.

As for the premises and infrastructure of the district election commissions, three different situations were identified in this regard:

- 1) The premises of some DECs provided the possibility to receive election documentation in one space.¹⁵⁶ In the above-mentioned cases, there was a big hall where the election documents and summary protocols were delivered in the presence of observers;
- 2) The DECs whose premises and infrastructure did not objectively ensure the delivery of election documentation in a single space (in one room);¹⁵⁷
- 3) The DECs, whose infrastructure allowed the documents to be delivered in one space, however, the election documentation was not submitted in one room.¹⁵⁸

In the last two cases of the above, the summary protocols were submitted to one room and the rest of the documents to another, which did not ensure adequate conditions for the GYLA observers to monitor the process properly.¹⁵⁹

¹⁵⁴ The Complaint Registry of the Central Election Commission, available at: <https://sachivrebi.cec.gov.ge/index.php?action=sachivrebi&s=1&arch=23>, Updated on: 16.06.2019.

¹⁵⁵ Decision of Didube District Election Commission # 31/2018, 30 October 2018. Available at: <https://sachivrebi.cec.gov.ge/info.php?id=8004>, Updated on: 16.06.2019

¹⁵⁶ Gori, Batumi, Kobuleti, Khelvachauri, Lanchkhuti, Ozurgeti, Kvareli, Marneuli, Akhaltsikhe.

¹⁵⁷ Mtatsminda, Samgori, Nadzaladevi, Gldani, Martvili, Chkhorotsku, Tianeti

¹⁵⁸ Didube, Telavi, Zugdidi

¹⁵⁹ The chairperson of the Telavi District Election Commission explained that the delivery of documents in a single space, which

Summary protocols in several districts were better filled than in the previous years.¹⁶⁰ The protocols with some technical inaccuracies / deficiencies were sent to district commissions together with amendment protocols.¹⁶¹ Both summary protocols and amendment protocols were signed by all members of the Commission. In the cases where the signatures were not affixed, GYLA observers prepared complaints.¹⁶²

GYLA monitors observed different versions of drawing up amendment protocols to summary protocols: for instance, amendment protocols were prepared both on the polling day at the polling stations, as well as during the night hours of the polling day in the DECs.¹⁶³ In addition, the election commissions prepared amendment protocols on the day following the polling day in the district election commissions, where PEC members provided the explanatory statements together with the amendment protocols. According to the amendments introduced to the Election Code, if necessary, the PEC shall, no later than the day after the polling day, draw up the protocol of amendments to the summary protocol in the presence of explanations and / or other legal and factual basis.¹⁶⁴ This practice is no longer a violation of the Law, but it remains problematic as the election commission can “correct” and legalize gross mistakes made into the summary protocol on the polling day.

GYLA observers recorded several confrontations in the DECs. In particular,

- In two cases, the DEC members demonstrated unethical attitudes and confrontation to each other. The Chairperson of Samgori District Election Commission verbally insulted the GYLA's observer;
- In the Didube District Commission, the members of one of the PECs and representatives of the observer organization confronted each other. The latter claimed that the commission members opened sealed packages. An investigation has been launched on the above fact.¹⁶⁵

Summarizing the results in the DECs - the second round

As reported by GYLA's observers, documents from PECs were delivered sealed to DECs during the runoff. In this respect, no significant and serious shortcomings were identified. The only exception was the Glidani district, where, in several cases, unsealed ballot papers were submitted.¹⁶⁶

According to GYLA observers, the DECs were receiving documentation from the polling stations in the same way as in the first round, and nothing has changed in terms of spatial arrangement of the interior space of the halls and premises. The election documents were submitted to the DECs in sealed condition. In this connection, no significant and serious shortcomings were identified.

Based on the information provided by GYLA observers, in terms of filling out the summary protocols, it should be noted that, after the first round, the number of errors significantly decreased and only fewer cases of imbalance, non-signed or non-sealed summary protocols were reported. As for the completion of summary protocols, few flaws only were reported after the first round, and the manner of filling out summary protocols has become more uniform. In some cases, the protocols lacked the required details such as seals or signature, or time and date of completion was inaccurate.

The qualification of the PECs members in term of handling the election documentation should be raised. In order to improve the manner of completion of summary protocols, a uniform procedure

took place in the Telavi District Election Commission in the previous years, was a vicious practice and he/she would no longer allow it to happen.

¹⁶⁰ Didube

¹⁶¹ Batumi, Kobuleti, Khelvachauri

¹⁶² Borjomi

¹⁶³ Telavi, Kvareli

¹⁶⁴ Election Code of Georgia, Article 26(d1).

¹⁶⁵ The investigation is in progress under Article 162¹ of the Criminal Code of Georgia.

¹⁶⁶ Election Code of Georgia, Article 69(7, 8 and 9).

for filling out the protocol should be adopted and made mandatory. An amendment protocol shall be drawn up upon the opening and examination of election documentation submitted by a PEC. The summary protocols shall be drawn up on the same day with the participation of relevant PEC members.

The infrastructure and spatial arrangement issues in the DECs should be addressed to ensure that the process of the delivery of election documents and inventory from polling stations is not chaotic and the election documents are delivered in a single space. This will facilitate the adherence to and observation of transparency standards.

XI. RECOMMENDATIONS

The elections once again demonstrated a number of legislative and practical gaps that require systematic legislative and institutional amendments.

Composition of election commissions - the normative base regulating the procedure of the competition for selecting candidates for the position of an election commission member and the rule and practice of electing commission members should be improved significantly. It is important that the quota of professional members really represented independent and competent members in the commissions rather than persons associated with political forces. The rules and procedures for conducting the competition should be detailed for each stage of the competition. The criteria for assessing contestants should be defined and decisions be based on these criteria. More criteria must be introduced rather than only a diploma of a higher education or electoral experience.¹⁶⁷ The interview should be a mandatory stage. The assessment form of contestants should be approved and the deadline for conducting the competition for selecting DECs members should be extended. The Election Administration should timely inform the public of the competition to ensure that as many people as possible can participate in the competition.

Inter-Agency Task Force - in order to make the Inter-Agency commission more effective, it should be placed under the direct supervision of the Prime Minister. The administration of the Georgian government has already acquired the experience in considering election violations and this will eliminate the risks of politicizing discussions of such format.

State Audit Office – it is necessary to develop a methodology that will enable to locate information about sponsors of anonymous pages created and financed for the purpose of conducting counter-campaign through social networks, and respond to such facts.

Misuse of administrative resources - the government should strike a clear distinction line between party activities and public service. The law shall prohibit the participation of persons employed in budgetary organizations in election agitation during working hours. State officials should refrain from engaging persons who are under their supervision in the pre-election campaigning. Local governments should not tailor the budget to the election needs.

Participation in pre-election campaigns - the rules for participation in pre-election campaign and agitation should be revised. The concept of pre-election campaign / canvassing should be explicitly defined: The participation in pre-election agitation should include the possibility to prohibit campaigning through social networks during working hours. A legal entity that is engaged in charity activities for the election purposes but does not have an official status of a charity organization shall be restricted to participate in the election campaign.

Control of voters' will and processing personal data - handling personal information outside polling stations shall be regulated by an appropriate legislative provision. Political parties should respect the voter's personal information and inform the voters of the purpose of collecting and processing their personal data. This process should not be accompanied by harassment, intimidation and control of the voter. We believe that political unions/parties should not have the right to control voters' will on the polling day. The lists of persons who have participated in the elections should not be made public as this can be considered the control over voters' will.

Registration of electoral subjects - the regulation related to collecting and verification of supporters' signatures should be revised. It is important to provide high standards in order to protect the voter's personal data and lists of supporters. This will improve the confidence into the process and prevent any manipulation with voter signatures.

¹⁶⁷ The Election Code should determine that a person who has been a member or a candidate of a political party for the last two years or who has been a party member appointed by a party in the last two elections may not be appointed / elected into the election commission.

Voting procedures - In terms of enhancing the effectiveness of PEC activities and improvement of the electoral process, we consider important to simplify the polling procedures, as well as to introduce modern technologies at polling stations, in particular, electronic vote counting system.

The qualification of PEC members and their skills of handling the election documentation should be enhanced. In order to improve the practice of completing summary protocols, a uniform rule for filling out the protocols should be adopted and made mandatory. An amendment protocol shall be drawn up upon the opening and examination of the election documentation submitted by a PEC. The summary protocol shall be prepared on the polling day with the participation of any relevant PEC members.

The infrastructure and spatial arrangement issues in the DECs should be addressed to ensure that the process of delivery of the election documents and inventory from polling stations is not chaotic and the election documents are delivered in a common space. This will facilitate the adherence to and observation of transparency standards.

Electoral disputes in the Election Administration - members of the election commission should conduct administrative proceedings in accordance with the requirements of the law. The violations mentioned in complaints should be thoroughly examined, evidence comprehensively studied and well-reasoned decisions rendered. When imposing sanctions, the gravity of the offence should be taken into consideration.

Media Environment- when covering the electoral processes, media should adhere to professional standards and cover the flow of the election in an unbiased way. The Election Code should be amended to further clarify that broadcasters shall not be responsible to verify the objectivity of the public opinion poll and double-check the reliability of the methodology. The law should strictly define the areas that media shall be obliged to examine when placing a political advertisement and the aspects the Georgian National Communications Commission should focus on while reviewing such cases. The amendments will ensure strengthening of the existing provision under which a person ordering a political advertisement shall be responsible for its content.

XII. ANNEXES

Annex #1

Alleged violations of financing the pre-election campaign

During monitoring of the election process, GYLA observers identified several alleged cases of illegal donation in favour of the independent presidential candidate Salome Zourabichvili. According to the law, election campaign shall be financed from the election funds opened by an independent candidate,¹⁶⁸ and during the elections, an electoral subject may not use other finances means than the funds of the election fund.¹⁶⁹ According to the law,¹⁷⁰ donations may not be accepted from non-entrepreneurial legal entities.¹⁷¹ According to the same law, a political party is a non-entrepreneurial legal entity.¹⁷² Consequently, the expenses incurred by the parties in favour of the independent candidate were an illegal donation, in particular:

- Leaflets with the photograph of Irma Inashvili and Davit Tarkhan-Mouravi, the leaders of “Alliance of Patriots of Georgia”, and their motto, logo and the name of the political union were distributed in public places (subway stations, bus stations, bus stops, etc.). The leaflet had been printed in the manner characteristic of the political union, with their typical terminology, pictures, and colours (red, white, black). The booklets served the purpose of discouraging voters to support Grigol Vashadze and vote for Salome Zourabichvili. Consequently, the booklets disseminated by the “Alliance of Patriots of Georgia” were intended against the presidential candidate of the “United National Movement” - Grigol Vashadze and meant to support the independent candidate, Salome Zourabichvili”.¹⁷³
 - The pre-election billboards of Salome Zourabichvili, the candidate for the presidency, showed Bidzina Ivanishvili, Chairperson¹⁷⁴ of the political union “Georgian Dream,” and Irakli Kobakhidze, the Executive Secretary¹⁷⁵ of the same political party and Chairperson of the Parliament of Georgia.¹⁷⁶
 - The financial statement¹⁷⁷ of the political union of citizens “Georgian Dream” includes 65 442 GEL – the money paid to Alfa Studio LLC. As the report shows, the expenditure was incurred for the illumination services, and the agreement was signed with the company on 26 October 2018. According to GYLA’s information, “Alfa Studio” LLC provided the lighting services for Salome Zourabichvili’s pre-election meeting in Tbilisi Sports Palace. The pre-election campaign event of the presidential candidate was held on 25 October 2018.¹⁷⁸

¹⁶⁸ Election Code of Georgia, Article 54(1)(c).

¹⁶⁹ Election Code of Georgia, Article 54(6).

¹⁷⁰ The Organic Law of Georgia on Political Associations of Citizens, Article 26(1)(c).

¹⁷¹ According to Article 2(4)(z₁₁) of the Election Code of Georgia, election donations are funds deposited by natural persons to the account of the respective electoral subject during the election / referendum campaign, as well as all types of material value and services obtained free of charge, except for free air time cost as determined by this law;

¹⁷² The Organic Law of Georgia on Political Associations of Citizens, Article 4.

¹⁷³ In connection with the fact, the State Audit Office drew up a protocol of administrative offence against the Political Union "Alliance of Patriots of Georgia" and forwarded it to the court for consideration.

¹⁷⁴ Information about Bidzina Ivanishvili- Chairperson of the Political Union of Citizens “Georgian Dream- Democratic Georgia”; Available at: <http://41.ge/party/bidzina-ivanishvili?menu=1>, updated on: 16.06.2019.

¹⁷⁵ Information about Irakli Kobakhidze- Executive Secretary of the Political Union of Citizens “Georgian Dream- Democratic Georgia”; Available at: <http://41.ge/party/Irakli-Kobakhidze?menu=1>, updated on: 16.06.2019.

¹⁷⁶ Besides Ivanishvili, Zurabichvili's photo shows Kobakhidze as well, Liberali, 15 November 2018. Available at: <http://liberali.ge/news/view/41091/ivanishvilis-garda-zurabishvilis-bildbordze-kobakhidzis-fototsaa>, Updated on: 16.06.2019.

¹⁷⁸ Salome Zourabichvili's election campaign is being summarized in the Sports Palace, Media Holding "Kvira", 25 October 2018,

- The election headquarter of the “Georgian Dream” in Ambrolauri allegedly covered the cost of transportation and catering of supporters of the independent presidential candidate Salome Zourabichvili. 50 GEL was paid to twenty-three voters from Tbilisi, 25 GEL for three voters from Kutaisi, in total 1225 GEL.¹⁷⁹

¹⁷⁹ GYLA's Statement to the State Audit Office, #3-01/293-18, 08.11.2018.

Annex #2

Misuse of administrative resources

Addressing the problems of local population and IDPs

According to GYLA observers, Zugdidi City Council was helping socially vulnerable families in the villages during the pre-election period, for example, hardwood was handed to several families in the administrative unit of Rukhi, and in the village of Rike hardwood was distributed to families in a pickup vehicle. Some flour was distributed in the village of Jikhashkari. The distribution of flour and hardwood was detected in village Chakvinji.¹⁸⁰

Granting property certificates to IDPs in Gori

According to the GYLA's observer, on 15 November 2018, Grigol Giorgadze, Deputy Minister of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, awarded property certificates to 480 IDP families residing in Antsukhelidze Street, Gori.¹⁸¹ The IDPs had moved to the apartments at the beginning of 2018 and since then, as the observer reported, the IDPs were requesting the property certificates. All residents of Antsukhelidze Street were awarded the certificates prior to the runoff presidential election, which allegedly served to gain the hearts of the people for the upcoming elections.

¹⁸⁰ "Zugdidi City Council is helping socially vulnerable families", STV, 13 November 2018, Available at: <https://bit.ly/2FmYnYV>, Updated on: 18.06.2019.

¹⁸¹ "Property certificates granted to 480 IDP families" Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs of Georgia, 15 November 2018, Available at: <https://www.moh.gov.ge/ka/news/4162/gorSi-480-devnil-ojaxs--%20binebi-sakuTrebaSi-gadaeca>, Updated on: 18.06.2019.

Annex #3

Alleged threats and pressure

- On 12 October 2018, GYLA, “International Society for Fair Elections and Democracy” and “Transparency International - Georgia” reported that in several regions, municipal officials instructed directors of state-funded non-profit (non-commercial) legal entities and their employees to mobilize supporters of Salome Zourabichvili and forward the lists of potential supporters to certain individuals.¹⁸² According to the observers of the above organizations, employees of non-profit (non-commercial) legal entities were required to specify the personal data of supporters’ family members in the pre-determined forms.¹⁸³ The representatives of the non-profit (non-commercial) legal entities told the observers that municipal officials had provided them with the blank forms that each of them had to fill out with the personal information of at least ten supporters.¹⁸⁴ According to them, the purpose of providing the lists was to ensure the victory of the candidate of the “Georgian Dream” Salome Zourabichvili in the first round.¹⁸⁵ The staff members of the non-profit (non-commercial) legal entities claimed that they had been instructed to provide the similar lists by the previous authorities as well.¹⁸⁶ In Samegrelo, members of one of the non-profit (non-commercial) legal entities told the observers that they were afraid to speak about the fact openly as they feared to be dismissed.¹⁸⁷
- On 27 September 2018, it was reported that Hasmik Marangozyan, chairperson of the Akhalkalaki DEC, physically assaulted Teona Chalidze, a member of the same DEC.¹⁸⁸ Chalidze applied to GYLA observers and confirmed the fact of the verbal and physical assault.¹⁸⁹ The law enforcement agencies launched an investigation of the incident.¹⁹⁰
- Zugdidi Public School №6 had been inspected just before the runoff election. The basis of the inspection was an anonymous complaint of 8 November 2018. The complaint did not specify any violation that could be deemed as the ground for an urgent and/or hastened inspection of the school.¹⁹¹ The initiator of the anonymous complaint sent to the Minister wanted to “report” on the activities of the school principal Ia Kerzaia. However, the “letter-complaint” indicated only the violation of general procurement and document management procedures and did not bring specific facts or reference to any particular breach or abuse by the school principal that could help to identify any possible issues in Zugdidi School №6.¹⁹² The complaint regarding the alleged violations (omission) committed by the principal of Zugdidi Public School №6 was submitted to the Ministry at 13:34, 8 November 2018. Within one hour after the registration of the complaint, the Head of the Inspection Department of the Ministry prepared and uploaded an internal document №1441455 into the electronic document

¹⁸² “Employees of non-profit(non-commercial) legal entities of the municipalities are possibly instructed to mobilize supporters of Salome Zourabichvili”, Georgian Young Lawyers’ Association, October 12, 2018, available: <https://bit.ly/2WQU4ux> , Updated: 15.06.2019

¹⁸³ Ibid;

¹⁸⁴ Ibid;

¹⁸⁵ Ibid;

¹⁸⁶ Ibid;

¹⁸⁷ Ibid;

¹⁸⁸ “The member of Akhalkalaki DEC: I was physically and verbally insulted by the Chairperson.” Samkhretis Karibche, 29 September 2018, available at: <http://sknews.ge/index.php?newsid=19445> , Updated on: 18.06.2019.

¹⁸⁹ “MIA has launched an investigation - what happened in Akhalkalaki Commission”, Samkhretis Karibche, 29 September 2018, available at: <http://sknews.ge/index.php?newsid=19450> , Updated on: 18.06.2019.

¹⁹⁰ “Chalidze: In the course of the interview in Samtskhe-Javakheti police department, a weapon was placed in front of me.” New Georgia-political platform, 30 September 2018, available at: <https://bit.ly/2x3MLFD> , Updated on: 16.06.2019

¹⁹¹ The letter №MES 91900010874 of the Ministry of Education, Science, Culture and Sport of Georgia of 8 January 2019.

¹⁹² The mechanism of inspection was presumably used in schools to exert influence on the election environment”, Georgian Young Lawyers’ Association, 3 March 2019, available at: <https://pgg.link/tfPl> , Updated on: 16.06.2019

system (at 14:35), which was forwarded to the Minister of Education, Mikheil Batiashvili at 14:42.¹⁹³ Based on these documents, the Minister of Education of Georgia, on the same day, prepared an order №414 to conduct an inspection in Zugdidi Public School №6, and published it into the electronic document management system on 8 November, 18:00p.m. As a result, the anonymous letter, ***within 8 minutes after its submission to the Ministry, passed through 5 stages; it was read and forwarded as required by 5 employees.***¹⁹⁴ With the purpose to inspect Zugdidi Public School №6, an inspection group arrived at the school before 11-12 a.m. and presented the order of the Minister of Education. Seven days were determined for conducting the inspection.

- The timing for the launch and implementation of the inspection, submission of the report and the term for consideration of the conclusion by the Board of Trustees was determined so that all the actions had to be completed between the first and second rounds of the presidential elections.¹⁹⁵ One of the circumstances indicating an alleged political prerequisite of the inspection carried out in Zugdidi Public School №6 was the above terms and conditions. For conducting the inspection, the Order # 414 of the Minister of Education dated 8 November 2018 determined only seven days. Therefore, the inspection from the very outset was forceful and stressful for the school principal. Soon after the completion of the inspection, based on the report drawn up by the inspection team, the Minister of Education issued an Order on 22 November 2018, according to which the Board of Trustees of Zugdidi Public School №6 had to discuss the issue of preterm termination of the authority of the school principal. The Board of Trustees reviewed the issue, though did not terminate the authority of the school principal, Ia Kerzaia. Closely to those events, Ia Karzaia became ill and she died.

¹⁹³ The letter № MES 91900010874 of the Ministry of Education, Science, Culture and Sport of Georgia of 8 January 2019;

¹⁹⁴ At 13:36 p.m. the letter was forwarded to the Minister, Mikheil Batiashvili, at 13: 38p.m. to the Inspection Department, the Analyst of the Inspection Department received the letter at 13:42p.m., and the first category senior specialist at 13: 42 p.m.;

¹⁹⁵ The first round of the presidential election was held on 28 October 2018 and the runoff election on 2 December 2018.

Annex #4

Cases of physical confrontation and retaliation

On 30 October 2018, Endzel Mkoyan, the Akhalkalaki majoritarian MP, and his supporters assaulted members of the opposition party in **the election headquarter of the United Opposition “Power in Unity.”** As a result of the attack, 4 persons were injured. According to the head of the election headquarters of Grigol Vashadze, the violence was led by Arthur Mkoyan, the brother of the “Georgian Dream” Majoritarian MP, Endzel Mkoyan, who, together with several men armed with batons, attacked the representatives of the United Opposition in Akhalkalaki.¹⁹⁶ The case is being investigated under the article of violence.¹⁹⁷ However, the victim’s attorney declared that the incident was far more than a trivial violence act. He/she submitted a motion to change the qualification of the case, but the motion was not granted.

- Prior to the above incident, there had been another assault against Mikheil Aghabadyan, a representative of the United Opposition, who was physically attacked by MP Endzel Mkoyan together with other 20 persons.¹⁹⁸ The fact of the confrontation was confirmed by the local office of “Georgian Dream” in Akhalkalaki.¹⁹⁹ According to Nairi Irtsyan, the party’s representative, the incident was preceded by the fact of tearing off Salome Zourabichvili’s campaign materials-posters on October 29 of the current year.²⁰⁰ According to the Ministry of Internal Affairs, the investigation is in progress under the article that envisages hooliganism committed by a group with the preliminary agreement.²⁰¹
- According to the GYLA’s observer, the Akhalkalaki District Court, based on the decision of 25 January 2019, recognized Mikheil Agababanyan as an administrative offender and imposed 1000 GEL fine for tearing off the posters, and released Ashot Raisyan from the administrative liability.
- On 29 October 2018, representatives of the Georgian Dream and United Opposition physically confronted each other in Marneuli.²⁰² The incident was prevented and eased by the police called to the scene of the incident. Fouad Kakhramanov, head of the United Opposition’s Marneuli headquarter, told a GYLA representative that he had been physically assaulted by Anar Gadimov, Faik Ismailov and Ramo Karakhmazli. According to the member of the opposition, Anar Gadimov and Ramov Karakhmazli are the members of the Marneuli municipal council, and Faik Ismailov is an activist of the Georgian Dream. Ramov Karakhmazli, in a conversation with the GYLA representative, said that the argument broke out after the members of the “United National Movement” placed the posters on the door of the Georgian Dream’s office and the trees nearby. Another argument took place in Chaikhana on the day following the Election Day, which resulted in calling the police by the representative of the “United National Movement”. Ramov declared that Fouad was not beaten and was not physically assaulted. On 29 October 2018, Marneuli Regional Division of the Ministry of Internal Affairs of Georgia launched an investigation into a criminal case, namely the fact of threatening and violence by Anar Gadimov (Georgian Dream) against Fouad Kakhramanov, the assistant to the

¹⁹⁶ One of the four injured in Akhalkalaki is in serious condition, Samkhretis Karibche, 30 October 2018, available at: <https://bit.ly/2WRJxnX>, Updated on: 18.06.2019

¹⁹⁷ Criminal Code of Georgia, Article 126;

¹⁹⁸ GYLA continues monitoring of the election process until the second round, GYLA, 2 November 2018, available: <https://gyla.ge/en/post/saia-meore-turamde-periodshi-saarchevno-procesze-dakvirvebas-agrdzelebs#sthash.xKL6t8Ue.dpbs> Updated on: 16.06.2016.

¹⁹⁹ Ibid

²⁰⁰ “The brother of Endzel Mkoyan: The confrontation was preceded by tearing-off the posters of Salome Zourabichvili”, Samkhretis Karibche, 30 October 2018, available at: <http://sknews.ge/index.php?newsid=19958> Updated on: 18.06.2019.

²⁰¹ The statement of the Ministry of Internal Affairs, MIA, 30 October 2018, available: <https://police.ge/en/shinagan-saqmeta-saministros-gantskhadeba-videoedjarimebtan-dakavshirebit/12102>, “The investigation is conducted under Article 239(2,3) of the Criminal Code of Georgia”, Updated on: 18.06.2019.

²⁰² Ibid; footnote 49.

chairperson of the regional organization near the office of the “United National Movement.”²⁰³ The investigation is in progress.

- On 13 September 2018, at about 17:00p.m, Davit Zimshitashvili, an activist of the Tianeti regional office of the “United National Movement”, struck Roman Pashurishvili in the face, an activist of Tianeti regional office of the political party “Georgian Dream”, due to which Roman Pashurishvili collapsed. According to the Chief Prosecutor’s Office, the criminal persecution was initiated against Davit Zimshitashvili and he was imposed the bail in the amount of 3000 (three thousand) GEL.²⁰⁴
- On 19 September 2018, a physical confrontation was reported in Kutaisi. Before a meeting of the Kutaisi Sakrebulo, Imeda Saghinadze, a majority member of the Sakrebulo, and Gia Ukleba, the member of the “National Movement”, confronted each other. The argument started in the conference hall of the City Council building, after which the fierce quarrel continued into the corridor. According to the Ministry of Internal Affairs, criminal prosecution has been initiated against two persons.²⁰⁵ The confrontation was caused by a critical attitude allegedly expressed by the Sakrebulo member of the “United National Movement” towards the independent candidate endorsed by the ruling party.²⁰⁶
- On 29 October 2018, the MIA Fifth Unit of Old Tbilisi Division of Tbilisi Police Department launched an investigation into the fact of violence against Sergo Gigani, a representative of the NGO “Observatory of Politics and Law” in the premises of №8 Didube DEC, located at №140a, Davit Aghmashenbeli Avenue, Tbilisi, the offence envisaged by Article 162¹(1) of the Criminal Code of Georgia.²⁰⁷ The investigation into the case is in progress. The incident occurred at the DEC on the night of receiving the documents from the precinct election commissions to the district election commissions. The incident was witnessed by a GYLA observer.
- According to the reported information, on 29 November 2018, Aliosha Gulogli, Grigol Vashadze’s supporter, was beaten by his villagers, Gulo Bairamov and Guraza Bairamov, the supporters of the “Georgian Dream,” in the village of Khidiskuri, Kaspi district. Beaten Aliosha Gulogli was transferred to Medalpha Clinic in Kaspi. The victim was diagnosed with head injury (brain concussion).²⁰⁸
- An investigation into a violence act against a journalist of TV Pirveli in the vicinity of one of the polling stations in Gldani district was launched under the article of violence.²⁰⁹ The reporter was implementing his/her professional duty and was covering the electoral process. The alleged perpetrator has been identified and relevant investigative and procedural activities are conducted to initiate criminal prosecution against him;²¹⁰
- An investigation into the violence against a journalist of “on.ge” at one of the polling stations in Didube district has been launched under Article 126(1) of the Criminal Code of Georgia; The journalist was implementing his/her professional duty and was covering the electoral process.

²⁰³ The offence is envisaged under Article 151 (1) and Article 126 (1) of the Criminal Code of Georgia.

²⁰⁴ Interim Report of Inter-Agency Task Force for Free and Fair Elections. 21.06.2018-01.10.2018. Ministry of Justice of Georgia Available at: <https://bit.ly/2WUkMaK>, Updated on: 15.06.2019.

²⁰⁵ Criminal Code of Georgia, Article 126;

²⁰⁶ “Why did the members of Georgian Dream and UNM confronted each other in the Kutaisi City Hall”, 19 September 2018, available at: <https://bit.ly/2WWB2I2>, updated on:18.06.2019.

²⁰⁷ “A representative of the “National Movement” declares to have been physically assaulted in the Didube district commission”. First Channel of Georgia, 29 October 2018, Available at: <https://pgg.link/Rs0X> , Updated: 18.06.2019

²⁰⁸ The offence envisaged by Article 126¹(b) of the Criminal Code of Georgia. The investigation of the case is underway;

²⁰⁹ Article 126(1) of the Criminal Code of Georgia.

²¹⁰ Information on criminal cases related to the elections, Ministry of Internal Affairs of Georgia, 2018 Elections, available at: <https://bit.ly/2IUVT9R> , Updated on: 18.09.2019

Annex #5

Alleged bribery of voters in Gardabani

On 16 November 2018, food products were distributed free of charge to voters in Gardabani.²¹¹ The above fact was verified by a GYLA observer. According to the GYLA's observer, the action was carried out by Natik Sadigov, a former member of the European Georgia, and presently, the supporter of the Georgian Dream. Initially, Natik Sadigov announced that he was distributing 5kg potatoes and 5kg onions under the instruction and funds of the Georgian Dream. However, later, he changed his statement and said that he was giving away the goods to people exclusively at his own will and expense. The food products were handed out to each person who had to present the identity card and other personal information at the site where the products were issued.

Alleged vote bribery

According to a GYLA observer, two facts of alleged vote bribery occurred on the territory of Election Precinct №15 in Khobi. The GYLA observer reported that in both cases the cash was handed out by the same person. In the first case, it was 20 GEL, and in the other case - the amount is unknown to us.

²¹¹ "Voter bribery is in action in Gardabani, Georgian Dream is giving away food products" - Ugulava (photo), Plirvelirnews, 16 November 2018, Available at: <https://pirveliradio.ge/?newsid=116652> Updated on: 18.06.2019.

Annex #6

Polling day violations

- On the polling day of the second round of the elections, GYLA observers identified two facts of violation of the voting secrecy, in particular, the voters upon leaving the voting booth allowed the monitors of other organizations and / or members of the Commission to see the choice they had made. Polling Station №53 in Zugdidi - two voters leaving the voting booth showed the open ballot paper and the choice made by them to the monitors. At the Polling Station №70 in Akhalkalaki, Afghan Akopyan, an observer of the observation organization "Georgian Barristers and Lawyers International Observatory", was showing voters arriving at the polling station something unknown to us in his own mobile phone.
- According to a GYLA's observer, Sanan Badalov voted at the Polling Station №49 in Marneuli, the precinct where he was not registered as a voter.²¹² After checking the voters' list by the GYLA observers, it was revealed that the voter with the name Sanan Badalov was registered at the Polling Station №48 in Marneuli. Later, the above-mentioned person tried again to vote at the Polling Station № 49, but when the GYLA observer noticed him, he left the area.
- Apart from the above fact, the GYLA's observer noticed a person who voted twice at the above polling station, first at 11:32a.m and then again at 14:08p.m. According to the GYLA's observer, the ID card of this individual showed that the voter's full name was Ramin Ziadalyev. The GYLA observer checked the voter's ID card into the voters' list of the PEC №49, but no one with the above name was found in the public version of the Unified List of Voters. No data were found either regarding the voter Ramin Zaidalyev in the first and the second round public voter lists, which GYLA requested from the Central Election Commission. GYLA's observers also reported that five inked persons tried to take part in the elections at the Polling Station №49, at 15:25 p.m. The persons could not manage to vote as the GYLA observer made a relevant remark. There was an alleged attempt to vote with another person's identity document at the above-mentioned polling station as well. In connection with the facts, GYLA applied to the Ministry of Internal Affairs and requested to launch an investigation. The Ministry of Internal Affairs (MIA) informed us with the letter of 16 January 2019, that the MIA Marneuli Regional Division launched an investigation under Article 164² of the Criminal Code of Georgia on 10 January 2019.

²¹² Marneuli DEC # 49 does not see the need for closure of the precinct, Radio Marneuli, 28 November 2018. Available at: <https://marneulifm.ge/ka/marneuli/article/16356-marneulis-saolqo-komisia-49-ubnis-dakhurvis-satciroebas-ver-khedavs> Updated on: 18.06.2019.