



## Summary Report on the Pre-election Period

January 5, 2008 Extraordinary Presidential Elections

December 5, 2008

On January 5, 2008 Extraordinary Presidential Elections will be held in Georgia. During the pre-election period International Society for Fair Elections and Democracy (ISFED) mobilized organization's volunteer network. For Presidential Elections ISFED intends to send 3400 observers throughout Georgia and to cover the maximal number of election precincts.

The ISFED large scale monitoring includes:

- Pre-election period;
- Election Day; and
- Post-election procedures.

During the pre-election period, ISFED central and regional offices, organization's district long-term observers as well, monitored the recruitment process of all levels of Election Administration, attended the CEC and DEC sessions, monitored the implementation processes of pre-election procedures. Besides that, ISFED monitored the whole process of verifying of voters' lists, protecting the legislation established dates by election administration, election campaigns held by presidential candidates and the methods used by them for gaining votes. ISFED periodically informed the society about monitoring results, through five editions of the "Election Update".

ISFED election observation mission covers the majority of elections precincts of 75 election districts of Georgia. On January 5, 2008 organization will send nonpartisan observers in election precincts, in the Central and District Election Commissions as well. Also, ISFED will observe presidential elections in Iraq, where organization already sent its two short-term observers. Simultaneously, in order to get the latest information from election precincts, ISFED will create mobile groups. Their function will also be to react to critical situations, where necessary.

### Election Legislation

On November 22, 2007 the Parliament of Georgia approved the draft law on the changes and amendments to be incorporated to the Organic Law "Georgian Unified Election Code".

Some aspects can be mentioned:



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- Article 129<sup>7</sup>, Paragraph 6 under the transitional provisions of Election Code allows the voters to register on supplementary lists on the Election Day for the 2008 extraordinary presidential elections;
- Terms of authorities for election commissions at central and district levels was decreased from six to five years;
- The number of CEC and PEC members was increased to 13 members. Five members at CEC are appointed by the Parliament of Georgia based on the President's nomination and other 7 members are appointed by political parties financed by state budget. 6 PEC members are appointed by DEC, other 7 members are appointed by political parties as well.
- The maximum number of voters per PECs was decreased from 2000 to 1500 with the exception of those villages where address and building numeration do not exist.
- Article 10 of Election Code regulated the voting procedures for the persons who serve in the military service for a fixed period or on the contractual basis in the Georgian armed forces and units and are included in special lists.

As we noted above, according to the new amendments, the Central and Precinct election commissions were composed of 13 members. Representatives of the following political parties were added to the old commission members: National Movement, Republican Party of Georgia, Industry Will Save Georgia, New Rights, Labor Party of Georgia, Political Union "Freedom" (Tavisupleba), Conservative Party of Georgia.

Significant staff changes were carried out in the CEC. Several staff members were recruited without announcing the competitions. However, this was down within the law because the CEC Chairman has right (according to the CEC regulation) to hire, dismiss, and remove staff members without competitions in "extraordinary" situations.

### **Election Administration**

According to the Central Election Commission (CEC) resolution (#37/2007) adopted on December 17, 2007, elections may be held earlier than it is appointed for the high mountainous precincts which are not easily accessible. Elections were to take place from December 28, 2007 till January 5, 2008. These election precincts are:

1. Dusheti Election District 28: #16, #17, #34, #41, #42 election precincts;
2. Akhmeta Election District 18: #14 election precincts;
3. Kazbegi Election District 29: #4, #8, #9, #10 election precincts;
4. Lentekhi Election district 46: #16 election precincts;
5. Mestia Election District 47: #11, #12, #13, #27, #28, #30, #34, #35, #39, #40 election precincts.

However early elections did not take place in those precincts since the CEC did not expect bad weather in those precincts.



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On December 21, 2007 the CEC started printing election ballots using five printing houses. ISFED monitored the process in all five of the printing houses. On December 22 at 13:20, ISFED's accredited observer Kakha Chachua was not initially allowed to enter in the printing house "Polygraph" because of the Chief Operating Officer was not present. ISFED contacted the CEC Chairman and he helped ensure that the ISFED observer could enter and continue monitoring the printing process.

On December 22, according to the CEC resolution #36/2007, election precincts were opened abroad for Georgian citizens serving in Kosovo and Iraq. Precincts were open in:

1. Iraq, City Baghdad, Green Zone, Base "Union" – 1848 voters;
2. Iraq, Province Vasily, City Alkuti, Base "Delta" – 233 voters; and
3. Kosovo peace region, City Priznani, Military Base "Airfield" – 318 voters.

According to ISFED long-term observers, many political parties made changes to their representatives at the PECs, and did so before the deadline set under the legislation (December 20, 16 days before elections) of Unified Election Code of Georgia, Article 21, Subarticle 5. Most changes occurred among representatives of opposition political parties. It is unknown for ISFED, exactly what were the specific causes of the large scale changes.

According to the Article 16, Subarticle 3 of Unified Election Code of Georgia and CEC resolution # 110/2007, new precincts were created in some of the election districts. If there are more than 50 voters in a military unit, hospital, or other stationary institute then the creation of new precinct is allowable under the law. For example, two election precincts were created in Mtatsminda district (PEC #1, #34)

In Isani, Samgori, Gldani, Tianeti, Msketa, Khashuri and Tskhaltubo districts, the numbers and contact information (address, phone numbers) for the newly created election precincts were not published according to the December 23<sup>rd</sup> deadline prescribed by the law (Article 16, Subarticle 7 of Unified Election Code of Georgia).

Special lists were created across the country. In Sagarejo, Lagodekhi, Oni, Khelvachauri, Mtatsminda, Chughureti, Gardabani, Dmanisi, Kazbegi, and Khashuri ISFED observed that, for the most part, it was border police and PEC members who were included in the special lists.

In compliance with the legislation amendments, the CEC implemented a number of activities to define new boundaries for the election precincts. ISFED welcomes the fact that the boundaries seemed to be prioritized in a way that will hopefully reduce confusion (first in cities, then later in villages). However, the deadline of November 28 was not met for all precincts. According to ISFED long-term observers, the deadline for defining Precinct Election Commission (PEC) borders was not met in the Dusheti, Kareli and Kobuleti districts.



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There were irregularities observed in the pre-election period in terms of PEC sessions. In some of the election precincts of Signaghi and Nadzaladevi election districts, members of opposite political parties were not provided with the information of the time of PEC's sessions. Also, in the PECs, where representatives of opposition political parties were appointed on the positions of a Chairman or a Deputy Chairman, protocols of the sessions were abolished. In one election precinct of Kvareli, representatives from opposite party were not included into the protocols. In Lagodekhi was observed an incident when the Commission Chairman, Deputy Chairman and the Secretary were elected on the sessions, and the protocol of this session was signed with only 5 out of 13 PECs members. Policemen were present at the first session of Vazisubani (# 11).

The first PEC sessions did not take place by the date determined under the law in some election precincts of the 7 election districts. In Tetrtskaro district for example, this occurred in PECs #5, #8, #11, #13, #14, #16, #18, #26, #27, #30, #34.

Since the beginning of the campaign, CEC sessions have been held almost daily. During this period, many decisions were made on the CEC sessions. Several CEC members do not have equal access to information and decision making. There were cases where several CEC members representing opposition parties were only informed of the agenda just before the session took place, making it difficult for them to prepare and contribute. The CEC publishes the substance of its decisions but not the breakdown of the votes cast. It is notable that the Presidential appointees of the CEC tend to vote as a block and that the partisan appointees have tended not to judge the issues on their merits but have been guided by their party interests.

### Voters' Lists

In October-November, 2007 the election administration of Georgia conducted the door-to-door campaign to verify voters' lists in 75 election districts throughout Georgia. ISFED observed the implementation of abovementioned process. ISFED also observed as the data was processed and entered at the CEC. According to the monitoring results, the CEC IT Network and Support Office hired 42 operators to enter the verified voters' lists into the software. The operators worked on the daily basis in three shifts: 9:00 – 13:30; 14:00 – 18:00; and 18:00 – 22:00. The DEC Chairmen were present at the CEC for 3-4 days to observe the whole process of entering and updating voters' data in the lists and whenever necessary, to help the operators eliminate inaccuracies.

On 5 December 2007, the process of entering the voters' data into the database was supposed to have been completed. In fact, the process of altering the list continued after this date, and even after December 7 when the voters' list was posted. According to the CEC, two thirds of the total number of voters was checked during the door-to-door campaign. The CEC has publicly stated that 30% of the names on the list could not be traced. According to the CEC, 28 123 deceased voters were taken off the lists throughout the country which composes 0.83 % of the total number of voters; 65 491 voters were



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added to the list 1.94 % of the total number of voters. According to the CEC, as of 29 December 2007, there are 3 372 179 voters in total throughout Georgia according to the CEC.

The ISFED long-term observers checked the data of potential deceased voters in several district election commissions. On 22 December 2007, ISFED submitted the list of deceased voters who should not still be on the voters' list to the CEC. There were 50 deceased voters found in the list of PEC #2 in Kareli DEC # 33; 33 cases in PECs #1 and #2 in Oni DEC #43; 19 cases in PECs #19 and #68 in Zugdidi DEC #67. As of December 31, 2007 the CEC has not yet notified ISFED on the follow up, if any regarding the submitted list of deceased voters. In addition to deceased voters, there are many double entries of voters' information, and incorrect voter data. The fact that the election was called during the CEC's attempt to improve the voters' list with international assistance was unfortunate because there was insufficient time for the results of the Door to Door campaign to be reflected in the lists or to follow up on voters that could not be traced. The short time period allowed for voters to check their entries on the list and the fact of Election Day registration greatly reduced the possibility that large numbers of voters would make necessary corrections to the lists. Political parties also had a very limited timeframe to check the lists. Had the election not been called early, ISFED would have conducted a Voters' List Audit after the Door to Door campaign. Unfortunately this will not be possible until after the elections. Without a full Voters' List Audit, it is not possible to quantify the issues with the voters' list.

ISFED compared the voters' list of the 2006 local self-government elections with the voters' list for the upcoming presidential elections at the district level. The number of voters overall has increased by just over 5 %. It should be mentioned that the number of voters per DEC has significantly increased in several districts, such as Krtsanisi (19.7 %), Kaspi (18.7 %), Marneuli (17.5), Martvili (16.2%), Saburtalo (14.0 %), Lagodekhi (13.8 %) and Ozurgeti (10.9 %). However, it should be noted that the number of voters in Krtsanisi was significantly increased as the boundaries of Tbilisi were re-drawn last year and a number of villages were included as part of the city. Those additional villages are now included in the Krtsanisi district. On the other hand, the number of voters decreased in several districts, such as Mtskheta (-22.7 %), Gardabani (-8.1%), Zemo Apkhazeti (-6.5%), Lentekhi (-2.5%), and Senaki (-2.2%).

### **Campaign Environment**

#### *Renting Offices*

The ISFED long-term observer of the Khulo district encountered problems while trying to rent an office. The landlord, who works in private sector, refused to rent the space to ISFED. According to the landlord, he had received a specific warning from local self government representatives to not rent the office space to the ISFED coordinator. The landlord was told that if he did rent the space to ISFED, then he would have problems



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and lose his job. According to the ISFED long-term observer, at least one opposition party had similar problems in Khulo. A landlord abruptly canceled the leases of an office without reason and made the party vacate. The landlords have requested that their names and other directly identifiable information not be cited and ISFED is respecting this wish.

In Sighnaghi, the Sakrebulo Chairman abolished a previous order regarding which public buildings could be used for campaigning purposes and the number of buildings was reduced from eleven to four. The presidential candidates were not told until the day before their event that the building they had selected was no longer on the list. Unfortunately, because of the building change, some of the candidates could not carry out their planned activities.

### *Attendance at Campaign Events*

According to the ISFED long-term observer in Kvareli, voters who attended the meeting of an opposite party candidate had problems. More specifically, public sector employees were threatened directly and/or indirectly by their bosses and told they would be dismissed from jobs if they attend any such meetings in the future.

There have been cases reported where representatives of the governing party instructed public school directors to ensure the attendance of pupils and teachers at United National Movement (UNM) meetings. The UNM representatives have reportedly kept track of which schools have followed their instructions.

### *Voucher Distribution*

In several instances, governmental vouchers were distributed by National Movement Party representatives instead of government officials. In addition, cases were observed where the vouchers were given only to the citizens that stated their support for the National Movement's candidate. In Nadzaladevi, a voter expressed that he/she is not a supporter of the National Movement candidate and then this voter was denied the gas voucher. A similar case was reported in Senaki, where National Movement representatives asked citizens who they planned to vote for and if they answered National Movement then they were given flour.

According to ISFED long-term observers, the following violations were reported in the Tsalka, Akhagori and Chiatura districts: activists of UNM were distributing vouchers to citizens and also were campaigning for one of the presidential candidates. In Kobuleti during the distribution of flour, voters' identification cards were taken away and citizens were told that their IDs would be returned after the election. According to the most recent information ID cards were given back to their owners.

### *Collection of Signatures*



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In Khulo, public employees are told they are required to vote for National Movement candidate on the Election Day. They are urged to sign support forms. If they refuse, then they are threatened by being told that they will be dismissed from their jobs.

### *Pressure on Observers*

In Kobuleti, a DEC member told the ISFED long-term coordinator that she/he would stuff as many ballots in the box of PEC #10 as she/he wished. ISFED brought this case to the Inter-Agency Task Force. As a consequence a special session was held in the Kobuleti election district concerning this fact, where the DEC member confirmed her/his announcement. At the beginning he was given a warning and instructed to abstain from making similar statements, however later for the same reason he was dismissed from his position.

In Lagodekhi, the head of regional security service called the ISFED long-term observer and asked several questions concerning his work and salary. It is unclear why a security service head would be interested in the details of election observers' work and salary. Because the questions asked addressed many issues other than security, the questioning could be interpreted as interference and/or intimidation of the observer's work especially if such type conversation takes place during the pre-election period. Upon checking on this case, it was found that the regional security service head claimed that he knew the ISFED coordinator before and wanted to renew that acquaintance. However, it was found that the ISFED coordinator had not previously known the regional security service head.

A case of intimidation occurred in the Khelvachauri district, where an ISFED representative was pressured by a representative of National Movement's campaign headquarters in Batumi. ISFED had been told that the perpetrator, Mikheil Kvesadze, was working on the campaign while taking leave from his State Chancellory position. Government officials were notified of the case and as a result the Minister of Justice publicly stated that Mr. Kvesadze would be removed from the campaign. Additionally, during a joint press conference with ISFED and NDI, a UNM representative publicly condemned and apologized for the incident.

ISFED observers, who are also public school teachers, had been pressured in Khobi. They were told that if they continued to cooperate with ISFED that they would then their jobs as teachers.

### *Secrecy of the Ballot*

Special attention should be paid to that fact that much misinformation regarding the secrecy of the ballot has been spread. More specifically, there are misleading reports stating that the voting process will not be secret and that video cameras will be pointed at the voting booths within PECs in order to record the choice of voters. In the light of these



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reports, ISFED notes with satisfaction that the CEC agreed to cover the voting booths. ISFED notes that some voter information was provided by the CEC to reinforce trust in the secrecy of the ballot. However, this campaign was initiated very late and may have limited impact.

### *The Work of the Inter Agency Task Force*

ISFED welcomed the creation of the Inter Agency Task Force for Free and Fair Elections and expressed its' readiness to cooperate closely on election related issues. ISFED met with the Task Force on several occasions during the course of the campaign and ISFED discussed the results of its observation. Action was taken by the Task Force in only two cases. In the remainder of the cases the Task Force sought to justify rather than investigate the cases raised. In one case in Kobuleti, the result was the dismissal of the PEC member. In another case, the Task Force reported on action taken as a result of the case of intimidation which occurred with one of ISFED's district coordinators in Adjara (see above). Prior to the report issued by the Task Force, swift action had been taken by United National Movement to remove the person responsible for threatening ISFED's coordinator, Mikheil Kvesadze from their campaign in Adjara. However, when the Task Force reported on this incident, a relative of the coordinator was blamed for this intimidation and described as fired from his job, the principal perpetrator was not named, and the victim was named without their permission. It was said that the principal perpetrator, an employee of the State Chancellory, was not removed from his position because he was on vacation when this incident took place.

### **Conclusion**

ISFED would welcome more active voter information campaign on some important election procedures. ISFED strongly believes that the issues of secrecy of vote in relation to the posting of cameras should have been addressed by the Election Administration as early as possible

ISFED checked the preliminary voters' lists that resulted after the Door to Door campaign to see which changes were reflected in the lists. Unfortunately, many corrections made by the special groups during the door-to-door campaign were not found in the preliminary voters' lists. It is unfortunate that the voters' lists still contain deceased, double entries, and inaccurate voter data.

Taking into consideration the confirmed reports by ISFED observers on pressure of voters ISFED deems that the aforementioned might effect negatively on expressing the will of voters in free and fair manner during the Election Day. ISFED regrets the cases where its observers have been intimidated or otherwise threatened during the course of this campaign. ISFED reiterates that the role of domestic election observers is important and protected by law. The work of domestic observers is important because it has the potential to increase the confidence of the public in the electoral process. When efforts are made to disrupt or prevent this work, it because more difficult to provide this vital



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function. ISFED expresses the hope that no further cases of intimidation will occur during future elections.

During the state of emergency four domestic non-governmental organizations: International Society for Fair Elections and Democracy, Georgian Young Lawyers Association and Transparency International Georgia agreed on and signed ten pre-conditions for free and fair elections in Georgia. In ISFED's final report, it will revisit these pre-condition and determine whether or not they were all met.

ISFED will monitor the Election Day by 3400 observers; will deploy 75 district observers and 75 mobile teams as well as 5 teams of lawyers throughout the country. On January 6, ISFED will release the Parallel Vote and Turnout Tabulation (PVT/PTT) results; no later than two months ISFED will release the Final Election Monitoring Report.

**Project is implemented by the financial support of European Union and Swiss Agency for Development and Cooperation. Technical support is provided by National Democratic Institute.**



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