

**NDI Long-Term Election Observation
2012 Parliamentary Elections in Georgia
Second Interim Report
August 28 – September 12, 2012**

I. INTRODUCTION

This second interim report presents the National Democratic Institute's (NDI) analysis of election administration and the pre-election political environment ahead of Georgia's October 1 parliamentary elections. NDI's election observation effort aims to accurately and impartially assess various aspects of the election process. During this reporting period (August 28 – September 12), the team visited 30 districts and conducted more than 100 meetings with government and election officials, political party representatives, civil society and the media, and attended 23 campaign events as well as Central Election Commission (CEC) sessions and election roundtables. NDI analysts will continue to evaluate election processes through election day and the post-election period. The Institute undertakes all international observation efforts in accordance with the *Declaration of Principles for International Election Observation* and its accompanying *Code of Conduct for International Election Observers*, which have been endorsed by 40 of the leading international election observation organizations.

II. EXECUTIVE SUMMARY

The polarization between the ruling United National Movement (UNM) and the Georgian Dream bloc, the two largest electoral subjects, continues to escalate, with the leaders of Georgian Dream challenging the credibility of the entire electoral process and UNM explicitly characterizing the Georgian Dream as a Russian threat. The campaign rhetoric has been further inflamed by personal attacks and unsubstantiated allegations. UNM appears to make an inadequate distinction in respecting the differing roles between state and party, and Georgian Dream often fails to use the available procedural means for the resolution of grievances, seemingly preferring to air their concerns through the media and the international community.

III. BACKGROUND

As of the September 1 deadline, the CEC announced that 16 electoral subjects (14 parties and 2 blocs) and four independent candidates (in Telavi, Zugdidi, Kharagauli, and Khulo) will contest the October 1 elections. Eighteen of the initially registered electoral contestants were de-registered for reasons ranging from a failure to provide necessary documentation to candidate withdrawals. All 16 parties and blocs submitted their lists of candidates by September 1. Although the age at which candidates can run for parliament has been lowered to 21, there are no youth candidates for majoritarian seats. All 16 parties have included youth candidates on their lists for a total of 151 candidates under the age of 25.

In the first week of September, NDI released the findings of its July 31 to August 12 public opinion polls, including citizen assessments of the election environment and political party ratings. Sixty percent of Georgians expressed the expectation that the elections would be well conducted compared with 21 percent who believe that elections would be falsified. This is a 9 percent increase in voter confidence since February of this year. When asked, “what are the barriers to free and fair elections,” the top responses, which were between 16 and 22 percent, were that “voters feel they must vote a specific way to keep their jobs,” “ballot stuffing,” “problems with the voters’ list,” and “bribing of voters.” Interest in voting in the parliamentary elections has grown to 77 percent of the population, a 13 percent increase since February of this year and a 26 percent increase since September 2011.

On September 4, following concerns expressed by Georgian Dream and the international community that delinquent or insufficient campaign expenditure reports could result in parties being eliminated from the electoral contest, the president initiated an amendment that stipulates a fine of 10,000 Georgian Lari (GEL) for failing to present a campaign finance report and fine of 3,000 GEL for submitting a report with deficiencies. Currently, the Georgian Election Code states that if the State Audit Office “deems that [a] violation is substantial and it might have influenced the election results, it is authorized to address the relevant election commission with a recommendation, [and] for the election commissions to apply to the court with the request to summarize election results without including the votes received by this electoral subject.” According to a ruling party representative, “as soon as the newly-elected parliament’s authority is recognized, the initiated amendment will be immediately adopted and incorporated in the Election Code of Georgia.” It remains unclear if the new provision’s penalties will be applied retroactively.

Negotiations are ongoing between Maestro Broadcast Corporation and the Inter Agency Task Force (IATF) regarding the release of thousands of the satellite broadcasters’ dishes seized in July 2012. Maestro was accused of vote buying on behalf of the Georgian Dream coalition through the distribution of antennas. Some civil society representatives characterized the seizure as a violation of Georgian legal norms and state interference with media freedoms. In part, as a response to civil society concerns, the government has proposed distributing the satellite dishes via Georgian Post to socially vulnerable citizens across Georgia, with the cost of the distribution to be paid by Maestro Broadcast Corporation. There is no date set for the decision’s to take effect and timing of the decision, a few weeks prior to election day, and method for distribution may limit the impact of this decision. If agreed to, this would be the second case¹ where a court order has been countermanded in order to address electoral environment concerns.

IV. CAMPAIGN ENVIRONMENT

As election day approaches, majoritarian and proportional candidates from all parties are

¹ The first case was related to imposing incassos of Georgian Dream coalition party accounts discussed in NDI’s first Long-Term Election Observation Interim Report for 2012 Parliamentary Elections in Georgia covering the period of August 3 – 27, 2012.

launching and intensifying their campaigns. UNM and Georgian Dream continue to be the most visible electoral contestants. The availability of free airtime and access for some to televised debates on most national and many regional television stations has increased the profile of other electoral contestants, such as the Christian Democratic Movement and the Labour Party. The polarization of the political environment and heated, personal rhetoric has left little space for an issue-based campaign. Statements made by civil society, the international community, and other political parties are selectively interpreted on a regular basis by a polarized media in order to convey the impression that the statements were exclusively favorable to either the ruling party or the opposition rather than providing a comprehensive representation of the statements.

UNM representatives allege that candidates of the Georgian Dream are making xenophobic and discriminatory statements while campaigning. On September 12, a group of NGOs submitted a complaint to the CEC against the campaign of Free Georgia stating that xenophobic videos and campaign forums hinder the integration process of religious ethnic and national minorities.

Outside of urban centers, there is less awareness and understanding of election processes, government institutions overseeing the elections, and recent election reforms. As a result, opposition parties in rural areas are prone to dwell on past electoral grievances and dismiss recent reform efforts aimed to provide greater transparency in the upcoming elections.

Both UNM and Georgian Dream addressed the issue of interference of opponents in their campaign events, emphasizing the unprofessional behavior of biased or fake journalists. UNM party candidates are reporting constant attempts to disrupt their meetings by joint actions of Info9 journalists and Georgian Dream activists. Georgian Dream is complaining about intimidation of their meeting attendees by media outlets such as Info9.com.ge. Both Info9 and Info9.com.ge are accused of being partisan research entities masquerading as journalists.

Inter-Agency Task Force for Free and Fair Elections

During this period, the Inter-Agency Task Force continued to serve as the main body for addressing political parties' concerns about the conduct of government and the ruling UNM party. On September 10, the Task Force issued two recommendations to local authorities and national agencies addressing the use of government property to advertise for UNM candidates and campaigns, as well as the insufficient space for posting campaign materials.

The various national campaign headquarters engage with the IATF on election complaints, allegations about government interference, intimidation, the misapplication of law and the misuse of government resources. Representatives of the Georgian Dream in Tbilisi are generally positive about the efforts of IATF and the quick response their complaints have received.

In the regions, however, local party offices have no direct contact with the IATF and know little about the complaints before the Task Force. Regional party representatives are critical of government efforts to address their concerns and seem to have little information about

whether a complaint was submitted or its status. The Ambrolauri office of Georgian Dream explained that the personal bank accounts of numerous activists and supporters who participated in the coalition-led door-to-door voter's list initiative have been frozen, and have not been able to receive the pay for their time. The office believed that the national party had filed a complaint along with numerous other cases from across the country but was unaware of the status of the case.

The IATF has also recently addressed allegations of police targeting Georgian Dream supporters with traffic fines. In the Lagodekhi district, the Georgian Dream office reported that between August 7 and August 16, their staff received 6,000 GEL worth of traffic fines. According to IATF, they had received a total of nine complaints pertaining to traffic fines, eight from Georgian Dream and one from Free Georgia. The IATF advised that: "Most instances there was evidence of significant violations of traffic rules," adding that the "total number of sanctioned individuals for this period was 48,372." The cases submitted by Georgian Dream to the IATF represent 0.019 percent of all fines issued. Georgian Dream has indicated that their offices are not regularly reporting the incidents because they believe that the IATF is biased and they receive more attention if they report it to the media.

Although the IATF has consistently issued press releases, recommendations and public statements about the cases it has taken on, it has not yet issued a comprehensive public report on its activities or the number of complaints received. Such a report would allow the public to better understand the functioning of the IATF and could enhance accountability.

Lack of Distinctions between State and Party Interests

NDI's June 29 pre-election assessment report made a specific recommendation to the State Audit Office to "remove the perception of a conflict of interest by ensuring that neither the chairman, deputies, nor staff run for political office or engage in partisan political activity." Contrary to this recommendation, the UNM chose to appoint the former head of the State Audit Office, Levan Bezhashvili, as a majoritarian candidate and his deputy, Tinatin Bokuchava, to its party list.

A similar NDI recommendation was made in reference to the Commission for Ensuring Voter List Accuracy (VLC) to "avoid any perception of a conflict of interest by ensuring that no member of the commission is an electoral contestant." Contrary to this recommendation, New Rights nominated the VLC Chairman, Mamuka Katsitadze, as a majoritarian candidate and UNM nominated a VLC member, Manoni Urushadze, to its party list.

Distinctions between government and UNM deliverables are often blurry, and UNM candidates are proactively equating government actions as actions of UNM. Voters who are reliant on the government in some capacity, through employment, pensions, health insurance or social benefits, are often perceived as supporters by UNM and targets for pressure by the opposition. When describing the level of support for their party in Oni, UNM representatives explained that 86 percent of the population is receiving some kind of benefit from the government in health

insurance, social benefits or pensions and therefore it would be impossible for the opposition to earn any significant levels of support in their community. They argue that since the government is taking care of the community, it is only natural that the community will in turn recognize UNM as the party that provided these benefits for them.

Interference and Intimidation

Allegations of government interference in campaigns continue. Charges of interference and intimidation are stronger in smaller communities, where government representatives are accused of discouraging village residents from attending opposition rallies. These allegations include local village trustees, police officials or other people directly connected to the local government or UNM visiting a community before an opposition campaign event to warn residents from attending.

The subjects of alleged intimidations are most commonly described to be among specific constituencies, including:

- Coordinators who are engaged in establishing the party office/infrastructure in the regions;
- Opposition precinct election commission (PEC) members;
- Employees of public institutions including teachers and medical professionals;
- Socially vulnerable individuals reliant on government benefits; and
- Individuals who are thought to be considering attending an opposition event or rally.

The rumors fueling the polarization are also affecting the interpretations and perceptions of the activities involving any government-affiliated individuals. Smaller parties acknowledge that when these individuals visit homes, or speak to citizens in the street and discuss elections – activities that would be considered normal campaigning in other circumstances – it is perceived by some as undue influence or intimidation.

For example, on September 6, NDI observers witnessed what Georgian Dream activists described as a “typical case” of intimidation. In the village of Chantliskuri in the Kvareli district a village trustee came to a Georgian Dream event 10 minutes before it began and asked a Georgian Dream PEC representative to join him in his car. They drove about 50 meters away to discuss an issue unknown to observers. Both the village trustee and the PEC member indicated that the meeting was about a private matter. Upon further inquiry, it became known that the Georgian Dream representative in question is related to a village UNM activist and the discussion may have been related to personal and not electoral matters.

This incident illustrates the inconclusive nature of many of the allegations raised in the context of this election. In witnessing this event and without further evidence, the only violation that could be reasonably observed is that a PEC member attended a partisan event in violation of article 45 paragraph 4 of the electoral code, which says that election commission members are not allowed to participate in pre-election campaign activities.

Police Presence

All of the opposition parties have noted the increased involvement of police in the 2012 elections. Concerns that have been expressed include cases of former police and/or security officials running as candidates, local police officers serving as campaign activists in their free time, and police and intelligence officers returning to their home districts to organize on behalf of the UNM. In areas such as Akhalkalaki, Borjomi and Zugdidi, where UNM majoritarian candidates include two former police chiefs and a former chief district prosecutor, the allegations are more pronounced.

Debates

For the first time, national candidate debates are focused on the leaders of party candidate lists and proposed prime ministerial candidates of the four qualified electoral subjects (parties)—the UNM, Georgian Dream, Christian Democratic Movement and the Labour Party, according to article 51 of the Election Code.

The first channel of the Georgian Public Broadcaster (GPB) is hosting both of these pre-election debates. The first debate, featuring prime-ministerial candidates of UNM, CDM and Labour took place on September 9. Bidzina Ivanishvili was invited to represent the Georgian Dream but declined to participate. The second debate, with the “first on the list” from each of the four parties’ lists, is set for September 18. In addition, the Georgian Public Broadcaster has been encouraged to sponsor an additional debate featuring the first woman party list members from each of the four qualified subjects under article 51.

On election day, most Georgians will cast two votes, one for the national party list and one for their local majoritarian representative (voters in the Adjara region will cast an additional two votes for the Adjara Supreme Council regional legislature). Party list debates will be relevant toward the selection of slightly more than half of the total members of parliament (77 out of 150). In order for voters to make more informed decisions about their local majoritarian candidates (73 seats in parliament), it would be important for similar debates to be held via regional and/or national television outlets and that all parties participate.

Women

Women do not play visible or proportional roles in Georgian politics with only nine women members in the outgoing parliament. While party representatives speak highly of the ‘essential’ role women play in political parties, there has been little evidence that the rhetoric translates in an equal role for women. Although 726 out of 2,312 party-list candidates registered are women (31 percent), only 68 out of a total 436 majoritarian candidates are women (16 percent). Women candidates appear to be well received in their communities and their offices tend to be staffed with men taking the more prominent roles.

On December 28, 2011, the government introduced new provisions in the legislation to promote women’s political participation. Article 30, paragraph 7¹ of the Law on Political Unions

stipulates that those electoral subjects that receive state funding will receive additional funding if their party lists include at least 20 percent women candidates that appear at least twice in every 10 spots on the list. CDM, New Rights, “Jondi Baghaturia – Georgian Group”, “Kakha Kukava - Free Georgia”, People’s Party, and Georgian Sportsmen’s Community party lists meet this threshold of having two women nominated in each 10 spaces on their party lists. Despite the government’s leadership in introducing the legislation, the UNM party list does not meet the threshold. Other parties that do not meet the threshold are Georgian Dream, Labour Party, National Democratic Party, Justice for Georgia, Future Georgia, Labour Council of Georgia, Public Movement, Merab Kostava Society, Freedom – The Way of Zviad Gamsakhurdia.

Women are also under-represented in the upper echelons of the election administration. No specific measures were introduced to address this issue. Although 484 out of the 949 DEC members are women, less than 20 percent of the 73 DECs chairs are women and there is only one female member of the CEC. Women make up more than 60 percent of the PEC members, though the gender composition varies significantly. While the leading positions are more likely to be occupied by male members, some of the PECs visited were almost entirely composed of women. Out of 2,774 PEC members from national minorities, there are only 757 women (27 percent). The composition is particularly unbalanced in Lagodekhi, where no women from national minorities have been appointed to PECs; Dmanisi where only 18 women and 200 men were appointed; and Bolnisi with only 36 women and 246 men.

Ethnic Minorities

In 12 districts densely populated by ethnic minorities, the CEC set up 337 PECs² with a majority of members from these communities. In these PECs, there are currently 1,241 Azeri members and 1,533 members who are Armenian.

The CEC awarded small grants for projects to support voter education efforts targeting women and youth populations in communities densely populated by ethnic minorities. The projects include distribution of election-related materials in minority languages, roundtables in minority areas, mobile information stands, and theater performances.

In cooperation with the Georgian Public Broadcaster (GPB), the information digest is also translated into Armenian and Azeri and broadcast on the First Channel, Second Channel and “Kanal Pik TV” of GPB, as well as Akhaltsikhe, Akhalkalaki, Ninotsminda, Marneuli and Bolnisi regional TV channels. The CEC and International Foundation for Electoral Systems (IFES) are supporting several projects aimed at increasing the participation of national minorities.

Disabled Voters

The support provided by the CEC and IFES to disabled voters this year is described as unprecedented. The Coalition for Independent Life (CIL) is targeting voters with reduced

² Sagarejo (12 out of 49 PECs), Lagodekhi (six of 35 PECs), Telavi (four of 54 PECs), Gardabani (32 out of 63 PECs), Marneuli (81 of 86 PECs), Bolnisi (32 out of 62 PECs), Dmanisi (32 of 50 PECs), Tsalka (16 out of 45 PECs), Tetrtskaro (five out of 41 PECs), Akhaltsikhe (eight out of 35 PECs), Akhalkalaki (63 out of 70 PECs) and Ninotsminda (all 36 PECs).

mobility, and hearing and visual impairments. They are conducting a door-to-door campaign aimed at providing a better understanding of needs of the disabled as well as motivating them to participate in the elections. Voting via mobile ballot box is considered to be inadequate for ballot secrecy, as the ballot is usually marked in the presence of PEC members and observers. Still, a majority of the disabled are unaware of having other options, so the CIL is working on informing and motivating them to vote at the PECs.

For these elections, some of the CEC public service announcements include sign language; and efforts were made to make some of the PECs more accessible. On election day, there will be eight mobile teams (four in Tbilisi, two in Rustavi, one in Akhaltsikhe and one in Gori) that will be assisting voters with limited mobility to reach their PECs. In addition, some of the PECs with laptops will be given a copy of a CD for the hearing impaired, which contains instructions on procedures. There will be 18 sign language interpreters available to provide further guidance via Skype. Blind voters will be given a special foil in Braille alphabet, which will allow them to translate the ballots and mark them in secret.

V. ELECTION ADMINISTRATION

Voting Abroad

The CEC approved on August 30 the establishment of two special PECs for Georgians serving in Afghanistan. On September 1, an additional 42 PECs were set up in embassies and consulates in 33 countries.

According to the information provided to the CEC by the Ministry of Foreign Affairs (MFA) on September 11, there were 54,963 voters on the consular registry. The requirements for the inclusion on the consular registry are regulated by the MFA. The voters who are not on the consular registry can request electoral registration at the consulates or PECs abroad. They are required to submit an application and copies of identification documents of a Georgian citizen in person or via notary-verified proxies. By September 10, a total of 1,409 Georgians have registered through the procedures for electoral registration abroad.

After excluding voters residing in countries where elections will not be conducted and those whose consular registration was suspended due to returning to Georgia after June 1, the total number of eligible voters abroad is 42,613. On September 12, the CEC adjusted the number and location of PECs abroad, announcing that elections will be conducted at 45 PECs in 36 countries. No PECs are set up in Russia or in consulates with less than 20 registered voters.

Civil society representatives and some opposition parties expressed concerns that holding the elections on a work day (Monday) might reduce the opportunity for the diaspora to vote. Several NGOs filed a request to the CEC to allow Georgians living abroad to vote on September 29 or 30. The CEC explained that such a decision is not within their authority.

Election Commissions

The CEC continues to pro-actively engage with various stakeholders, including the civil society, observers, political parties and the media. Pertinent information is regularly posted on its website, which also features a live chat option. Though the CEC sessions are mostly conducted in a collegial manner, the discussion at times becomes heated, especially when more controversial topics, such as complaints, are discussed.

The Elections Systems Development, Reform and Training Center reported that out of 47,424 PEC members only 22,722 attended the first phase of the trainings (48 percent). The attendance of Labor Party appointees was particularly low (16.31 percent), while more than 64 percent of DEC appointees participated in the sessions. Attendance for the other opposition parties ranged between 29 and 34 percent. Regional differences were also significant, with attendance ranging from 13.45 percent in Adjara to 61.63 percent in Tbilisi. The majority of training participants were women (68.40 percent). While this is a reported increase compared to previous elections, relatively low attendance by the opposition is seen to affect the ability of party representatives to carry out their responsibilities as PEC members or to properly file complaints. This may influence the conduct of elections in different regions, notwithstanding additional training that is planned.

According to the information provided by the CEC, all PECs conducted their first session within the legal deadline of August 28, although some sessions needed to be repeated. Out of 3,648 PECs, only two elected a chairperson from members appointed by political parties (UNM and CDM); two PECs needed to repeat the election process, while 3,644 PEC chairs were elected from the DEC appointees. In line with the legal provisions, PEC secretaries were elected primarily from the members appointed by the opposition parties. However, in 227 precincts, where opposition parties did not present a candidate or their candidates refused the nomination, secretaries were elected from the members appointed by the DEC. Several DEC chairs contributed to this relatively smooth process due to the fact that the first stage of the training was conducted before the PECs started their work, giving the prospective members a chance to get to know each other as well as the opportunity to learn and practice the procedures for election of head officials.

No.	Appointing Party	Number of PEC members	Number of members not attending the first session	Percentage of members not attending the session	Number of elected secretaries	Percentage of elected secretaries
1	United National Movement	3648	194	5.32%	0	0.00%
2	Labour Party of Georgia	3648	2145	58.80%	77	2.11%
3	Industry Will Save Georgia	3648	1078	29.55%	188	5.15%
4	Christian-Democratic Movement	3648	589	16.15%	904	24.78%
5	European Democrats	3648	531	14.56%	1251	34.29%

6	Christian-Democratic People's Party	3648	663	18.17%	796	21.82%
7	Conservative Party of Georgia	3648	1067	29.25%	189	5.18%
				Total	3405	93.34%

Source: Center for Electoral Systems Reform, Development and Training

Political parties can replace PEC members up to September 16 and have already been making substantial changes. The number of changes made seems to vary significantly among DEC. While in most DECs visited, the number of changes was under 50, the Labor Party replaced all of its 45 appointees in Tsalka; the Industry Will Save Georgia replaced all PEC members in Poti; and the Conservatives replaced 28 out of 34 appointees as well as a DEC member in Poti. The Didube DEC reported that there were already up to 400 changes of election commissioners in the district. This not only creates additional work for the DECs, but is also seen to influence the quality of work at the PECs.

Parties' explanations for the replacements varied. The Labor Party expressed concerns about its members being co-opted or influenced to support UNM in Tsalka and Georgian Dream in Kvareli. The Georgian Dream coalition in Gurjaani stated that its appointees were intimidated and failed to carry out party instructions. Other parties preferred not to elaborate on their reasons.

Complaints Process

The CEC reported a special focus on increasing the general understanding of election procedures, including through trainings of political parties' lawyers and additional guidelines to election officials on the election dispute resolution. A simplified single complaint form was developed in order to facilitate the complaints process. Legal changes also clarified complaints procedures and deadlines and reduced the opportunity for 'forum shopping' (choosing where to submit a complaint).

Information about complaints received and appeals are regularly posted on the CEC website, together with original documents and the status of the complaint or appeal. Since August 27, a total of 68 cases were registered; 22 have been submitted to the CEC, 43 to various DECs, and three directly to courts. The majority of complaints covers issues related to the PECs and were submitted by representatives of the Georgian Dream or their appointees in the election commissions. Allegations included changes in PEC protocols, irregularities in the election of PEC head officials and various aspects of the PEC's work. In addition, several challenges to the voter list were made as well as allegations on the misuse of administrative resources. To date, 12 complaints have been accepted, two partially accepted, 36 rejected. Six complaints were declined review on procedural grounds and 12 are still under consideration.

The prescribed one-day deadline for appealing a DEC decision to the CEC is viewed by the Georgian Dream coalition as insufficient. Coalition representatives in Ozurgeti complained that

they have so far not managed to appeal any of the DEC decisions in time, since they could not reach Tbilisi by the close of business hours with all the original documents.

Political party and civil society representatives report a lack of trust in the independence and impartiality of the judiciary and reluctance to submit official complaints, alleging that the courts frequently do not give complaints due consideration and display a bias in favor of the ruling party and public officials. Concerns about the absence of transparency, uniform application of the law or reasonable justification of the courts' decisions is seen, by critics, as undermining the rule of law. While most interlocutors declare knowledge of proper procedures for seeking legal redress, several court observers reported frequent lack of knowledge about due process and insufficient or dubious evidence being presented by all sides in these legal cases.