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NDI LONG-TERM OBSERVATION MISSION REPORT CONCERNING GEORGIA'S 2008 PARLIAMENTARY ELECTIONS

Tbilisi, June 4, 2008

NDI conducted a long-term observation mission in Georgia between April 17 and June 1, 2008. The mission's purposes were to: demonstrate the international community's continued support for the advancement of democratic processes in Georgia; monitor the campaign environment for the May 21 parliamentary elections; assess compliance with an NDI-sponsored Code of conduct for political parties; and evaluate progress made regarding recommendations offered by NDI's pre-election delegation.

NDI observers met with parliamentary candidates, national and local political leaders and election officials, senior government officials and representatives of nongovernmental organizations, the media and the diplomatic community. The observers visited several communities, including Tbilisi, Kutaisi, Tkbuli, Ambrolauri, Zugdidi, Poti, Batumi, Khelvachauri, Borjomi, Akhalsikhe, Akhalkalaki, Mtskheta, Gori, Akhagori, Telavi, Akhmeta and Ninotsminda.

NDI conducted its activities in accordance with the laws of Georgia and the Declaration of Principles for International Election Observation. NDI's long-term observation did not include an election day observer delegation or comprehensive monitoring of post-election events. However, team members did visit polling stations and tabulation centers in the Tbilisi area on election day and monitored numerous complaints from parties and observers through the end of this mission. NDI also cooperated closely with domestic election monitoring groups. Separately and independently from this long-term observation mission, NDI¹ supported the domestic observation efforts of the International Society for Fair Elections and Democracy (ISFED) and the Georgia Young Lawyers Association (GYLA), including their comprehensive pre-election, election day and post-election observation efforts. The Institute also cooperated with the OSCE/ODIHR election observation mission.

¹ With the support of the Swedish International Development Agency.

I ELECTORAL CONTEXT

Political Context

Originally scheduled for fall 2008, the May 21 parliamentary elections were set following a plebiscite that was held with the January 5 presidential election in which voters called for parliamentary elections to be held in the spring. After January 5, there were numerous efforts to promote dialogue between the governing party and the opposition. The Speaker of the Parliament was pivotal in these discussions. Regrettably, the discussions broke down in an atmosphere of threats and protests rather than constructive pursuit of the public interest. Therefore, the legislative framework for the election was developed without substantive discourse among the contestants.

As a result of constitutional amendments passed by parliament in 2005, the number of seats diminished from 235 (150 proportional and 85 majoritarian) to 150 in this election. Amendments passed in March 2008 determined that 75 parliamentary seats would be allotted through a proportional system and the other 75 through single-district mandates. The Unified Election Code does not require single-mandate constituencies to be of equal or comparable size. According to Central Election Commission (CEC) data, the population of these constituencies ranges from 6,000 to 140,000. This variation means that urban districts are under-represented by a disparity violates equal suffrage.² Since the leading party was relatively unpopular in urban districts, this discrepancy was advantageous to the pro-government party.

The Campaign

Although the pre-election atmosphere was highly charged, parties were generally able to campaign throughout Georgia. However, reports of obstruction of campaign events and destruction of campaign materials were common. In most, but not all, cases, these allegations were made by opposition parties.

On April 21, following the late withdrawal of Speaker Nino Burjanadze from the pro-government United National Movement (UNM) party list, CEC members delayed allowing other political parties access to the final UNM list. Opposition parties alleged that the UNM party list had been altered past the legal deadline, and the

² While some disparity in the ratio of people to elected representatives is unavoidable, and there are differences among established democracies as to what variance is acceptable, this difference is far outside what is generally accepted. For example, the Council of Europe's European Commission on Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters Guidelines and Explanatory Report (CDL-AS (2002) 23), section 1 Universal suffrage, subsection 2.2 Equal voting power, paragraph 15 states that: "The maximum admissible departure from distribution criterion adopted [for differences in the ratio of persons to elected representatives] depends on the individual situation although it should seldom exceed 10 percent and never 15 %, except in really exceptional circumstances..." The OSCE/ODIHR references approvingly this position in its publication "Existing Commitments for Democratic Elections in OSCE Participating States (October 2003), at pages 14, 55-56.

inability of the CEC to provide the governing party's candidate list until hours after the deadline contributed to a volatile atmosphere at the CEC and damaged public perceptions of the election administration.

NDI received a number of complaints about alleged vote buying from more than one political party. In the period prior to registration of candidates it was apparent that several candidates were distributing goods or other benefits to voters. However, this was found to be legal under current legislation.

Numerous allegations of intimidation of candidates, party activists and observers emerged during the campaign. Many of these cases involved the actions of state employees but were difficult to verify either because threats were made anonymously, or victims were unwilling to come forward publicly or because some of the reports lacked authenticity.

In the single-mandate district of Tsageri, located in the Racha-Lechkhumi region, an audio tape was made public in which the UNM majoritarian candidate allegedly threatened the jobs of government employees if they did not secure 80 percent of the vote for his party. The candidate subsequently withdrew from the election, and President Mikheil Saakashvili reacted swiftly with a public statement admonishing political actors to refrain from pressuring public employees. The example of a candidate stepping down over allegations of intimidation of public employees sent a powerful message about the consequences of this type of misconduct.

A set of guidelines for public officials was then announced by the government, which were developed with the participation of the leading domestic election monitoring groups. The guidelines corresponded to a recommendation made previously by NDI and others. Nonetheless cases were raised with NDI thereafter, where public employees faced pressure to support the governing party, often under threat of losing their jobs. In several cases, NDI was able to discuss instances of firings with the government's Inter-Agency Task Force on Free and Fair Elections (IATF). In some cases the alleged intimidation concerned non-partisan observers, and in others it concerned party activists. Several individuals were reinstated after their cases were brought to the attention of the IATF.

Although less prevalent than in the previous election, government social programs such as voucher distribution were at times combined with UNM campaign activities, thus blurring the line between state and party activity. In Batumi region NDI observed a pharmaceutical voucher distribution program conducted under the direction of the Batumi Mayor's Office involving 19,200 vouchers worth 25 lari each. The voucher distribution began eight days before the election, with several witnesses reporting that vouchers were distributed in UNM campaign newspapers by party activists. NDI raised this issue with the government's Inter-Agency Task Force, and distribution was stopped shortly afterwards.

Media

In the later stages of the campaign, private television broadcasters offered free airtime to all qualified parties. However, the cost of paid political advertising was prohibitive, with the main stations reportedly charging many times the rate of normal commercial advertising, which limited access by smaller political parties. In contrast to the presidential election, campaign billboards from opposition parties were notable in urban areas in the later stages of the campaign.

Difficulties arose between the United Opposition-New Rights electoral bloc and Rustavi 2 television resulting in an apparent boycott. NDI is pleased to note that on April 17 Rustavi 2 agreed to resume cooperation without pre-conditions. According to media monitoring reports, there was subsequently some improvement in the balance of their programming.

On May 27, there was a protest involving four opposition leaders at the offices of the Public Broadcaster, where the four entered the Director General's office uninvited. One of the four was from a party that had signed the NDI sponsored Code of Conduct for Political Parties concerning the parliamentary elections. NDI discussed this incident with the Director General and the relevant signatory party and urged regular informal feedback between the Public Broadcaster and political parties as an alternative to these types of actions.

Election Administration

There was a clear imbalance in the allocation of leadership positions at all levels of the election administration, which favored the governing party, even though more party representatives were added at the district level.

Summary protocols were shortened following the presidential election. However, important information and procedures were lost as a result; namely, the numbers necessary for proper reconciliation of ballots, signatures and votes cast.

Significant efforts were made to improve the speed and transparency of publication of preliminary results.

United Opposition leaders made several personal rhetorical attacks on the CEC Chairman and leading UNM political figures. On May 1, United Opposition leaders marched to the CEC and attempted to nail shut the doors of the building, leading to a confrontation with police. Similar actions were also reported outside Tbilisi. Opposition parties organized two protests at the home of the CEC Chairman. In spite of threats to the contrary, there was no repetition of this action after the initial protests. Several political parties continued to use extreme and provocative rhetoric during the campaign, though threats by some parties to substantially disrupt the conduct of election day were not carried out.

Domestic Nonpartisan Election Observers

Large numbers of domestic nonpartisan election observers were mobilized successfully by various Georgian NGOs throughout the pre-election, election-day and immediately post-election periods. In these elections, as in past elections, Georgia serves as a positive example for respecting citizen rights in this respect. Although the President made a public statement on election day defending the role of election observers, four election monitoring groups complained that their observers were expelled from polling stations on election day. This demonstrates the need to redress such election-day violations as well as claims of intimidation and attempted intimidation of some domestic observers.

Code of Conduct

On April 11, NDI published a Code of Conduct for Political Parties that nine political parties signed. Under the Code, parties agreed to take responsibility for the conduct of their leaders, candidates, members of the election administration, election observers and activists. The Code was intended to strengthen public confidence in the electoral process by providing a means for parties to resolve disputes and avoid conduct damaging to Georgia's democratic development. A copy of the Code is included in Appendix A.

NDI encouraged parties to take a constructive role in the election and adhere to the terms of behavior outlined in the Code, including avoiding harassment or inflammatory rhetoric and respecting the rights of other parties to campaign freely.

NDI was in communication with major political parties throughout the campaign and worked to facilitate the resolution of disputes. NDI's long-term observers followed up on every complaint they received and, where sufficient basic facts were available and could be verified, NDI discussed these complaints with relevant political actors, the election administration and government officials.

A total of 246 complaints were received from nine parties under the Code during the election period. Of these, 90 were received on election day. NDI is encouraged by the substantial use of the Code during the campaign period to guide party actions and resolve disputes. Parties displayed a willingness to distribute the Code to their regional branches and ensure that activists at all levels could make use of its provisions. Of the 246 complaints raised, 222 have been closed for the following reasons:

- The party took corrective action (74);
- There was insufficient information to pursue investigation (65);
- NDI determined that no violation took place (39);

- The victim would not go public concerning the complaint (34); and
- The party would not take corrective action (10)

While the number of complaints raised to NDI demonstrated that the parties willingly turned to mechanisms to try to resolve peacefully their grievances, the number also indicated that the parties did not take sufficient actions to prevent their activists from violating the terms of the Code of Conduct.

Pre-Election Campaign Complaints

Based on the verifiable complaints NDI received prior to election day, the major problems raised under the Code were:

- Intimidation of party commission members, candidates and activists
- Misuse of administrative resources and pressure on public employees
- Inflammatory language
- Illegal or improper campaign activity
- Inappropriate public protests
- Lack of access to office space, meeting space, billboards or media
- Lack of access to voter lists

Examples of the types of complaints raised with NDI, and the steps taken to resolve them, include the following:

On April 30, a political party reported that activists from another political party were systematically disrupting campaign events in one district in Tbilisi. NDI raised these concerns with the party responsible and no further incidents were reported by this complainant for the remainder of the campaign.

On May 19, a complaint was received alleging that voters were gathering at the headquarters of a majoritarian candidate in Tbilisi to receive payment for debts from unpaid electricity bills. Observers noted the presence of several hundred people in front of the office writing letters to the candidate asking him to resolve their debts. The candidate stated that the purpose of this program was to conduct social research into the extent of indebtedness of residents. Observers could not conclude that money was being paid to these residents during the campaign period, but after interviewing 12 individuals gathered outside the office, they determined that this was the expectation of those who had gathered there. However, the candidate agreed to have campaign workers explain to residents entering the office that they should not expect payment or resolution of their debts.

Overall, complaints regarding physical violence and assault were uncommon during the campaign. However, NDI was called to investigate four cases concerning allegations against two different political parties. On April

23, NDI was called to look into a dispute between two activists from different political parties. NDI found that both individuals had either engaged in violence or incited others to do so. On May 19, NDI observers interviewed two party activists who had allegedly been beaten by activists from another party. This report appeared credible though the party responsible disclaimed any knowledge of those who carried out the beating. On May 20, observers interviewed a party supporter in hospital who claimed he had been stabbed by supporters of another party during a dispute outside precinct 95 in District 9. Responsibility was denied in this case also.

Election Day Complaints

Most of the complaints received on election day focused on:

- Intimidation and expulsion of partisan and non-partisan observers and restriction of observers' right to file complaints;
- Intimidation of political party election administration officials and restriction on their right to record dissenting opinions;
- Ballot stuffing, multiple voting and proxy voting;
- Illegal or improper campaign activity; and
- Incorrect procedures used in polling stations.

Some of these complaints were raised under the Code of Conduct, others referred to election irregularities and the actions of the election administration, rather than political party members.

NDI raised a number of cases on election day, many of which were responded to positively by the election administration and the Inter-Agency Task Force. These included the readmission of several observers who had been expelled from their respective polling stations and action to investigate cases of election irregularities.

Several concerns expressed prior to election day proved unfounded. In the case of the United Opposition, plans to protest near the Central Election Commission were carried out but did not obstruct the administration of the election. In the case of the United National Movement, concern was expressed by one candidate about possible abuse of the complaints process. To date, NDI has not detected abuse of the complaints process by opposition parties.

NDI has sought feedback from the signatories about the operation and impact of the Code of Conduct. Parties generally welcomed the Code and in several cases stated that its impact had exceeded their expectations. Some problems were experienced with distribution of the Code and explaining its contents to local activists. These could be overcome in the future if a Code is agreed upon and launched at least two months in advance of an

election. All parties have expressed an interest in developing a separate Code to cover the period between elections.

Post-Election Complaints

Most complaints received in the post-election period up until June 1 have focused on:

- Assaults on party activists;
- Cases of late registration at addresses where the voter does not reside; and
- Management of complaints at District Electoral Commissions.

The post-election complaints process is ongoing. However, examples received to date include 12 alleged assaults on political party activists. NDI observers have visited some of the victims and urged relevant authorities to investigate thoroughly.

On May 30, NDI received a report of a political party representative from a Precinct Election Commission in Gori who was handling complaints on behalf of the party and suffered a serious beating after he had given evidence to the District Election Commission (DEC). To date, it has not been possible to establish responsibility in the case.

On June 2, while driving in Tbilisi, United Opposition candidate George Tavdgiridze's car was stopped by a group of masked men travelling in several vehicles. He was then attacked and suffered a number of injuries including a broken leg. A police investigation has been launched.

A political party lodged a complaint under the Code of Conduct about late registration of significant numbers of voters in Saburtalo, Tbilisi, though these individuals were not thought to be permanently resident there. In one case, it was apparent that the owner of the property had not given consent for the registration of a voter. NDI has raised this issue with the Inter-Agency Task Force.

A complaint was also lodged about the procedures followed by the DEC in Gldani. NDI followed up with the Central Election Commission asking for the media to be admitted and to allow opposition representatives to speak in support of their complaints.

Pre-Election Assessment Delegation

An NDI pre-election delegation visited Georgia from April 28 to May 2, 2008, to assess preparations for the May 21, 2008, parliamentary elections. The delegation recommended several steps that could be taken before the election to improve public confidence in the electoral system.

Of the 18 recommendations made by the pre-election delegation, most were addressed by government and political actors prior to election day. A summary of these recommendations and the actions taken is included in Appendix B.

II RECOMMENDATIONS

Government

- Sanctions should be applied to those who intimidate public employees.
- Information about the roles and responsibilities of public officials should be distributed well in advance of future elections and be reinforced by training and political statements affirming the independence of public servants.
- Legislative changes may be required to provide an adequate legal framework for an impartial public service and provide protection from unfair dismissal.
- Whistleblower protection should be considered for future elections to enable more cases of intimidation to be investigated and prosecuted.
- Actions to hold accountable election administration officials and others for election irregularities, especially in precincts whose results were annulled on election day, would discourage incidences of serious violations in future elections.
- All claims of expulsion of domestic election observers from polling stations on election day and claims of intimidation of domestic observers should be investigated, and violations of law and electoral regulations should be prosecuted.

Election Legislation

- The election law should be reviewed and revised through an open and transparent process of consultation, aiming at the broadest possible consensus.
- The current demarcation of electoral single-mandate constituencies should be reviewed and revised through a transparent and broadly agreed process to ensure that each constituency is of approximately equal size and each citizen's vote thus carries equal weight.

- A clear distinction between state and party functions is an essential component of a functioning democracy. Further steps are needed to ensure that political party candidates and activists are not permitted to engage in, or campaign in combination with, the distribution of government-funded benefits and resources.
- In order to avoid the perception of vote buying, candidates should be prohibited from distributing goods or vouchers to voters from the moment they submit their nomination as candidates, rather than from the time they are formally registered.
- A provision should be adopted to ensure equitable distribution of leadership positions within the PECs and DEC members of all political parties eligible for PEC and DEC membership.
- A provision should be included in the law to ensure that CEC members cannot face prosecution or any other type of sanction for voting their conscience on issues coming before the CEC.
- The summary protocols should be re-examined to ensure that ballots and signatures are properly reconciled prior to transmission of the preliminary results.
- Access to evidence, whether election materials, witnesses or video tapes, should be liberalized so that election complaints cannot be dismissed for lack of evidence in cases where evidence exists but has not been properly examined.
- A provision should be considered to ensure that limits are placed on increases in the rates charged by television broadcasters for advertising during election campaigns.
- Legislative amendments should be introduced to enable effective domestic observation of the voting process in special precincts.
- In order to build confidence in the election administration, the political parties should revisit the issue of selecting a CEC chairman by consensus.

Voter Lists

- Consideration should be given to placing a limit on the number of years during which emigrants automatically remain on the voters list. Names on the voter lists could be removed automatically if an individual does not renew his or her national ID card when it expires. Emigrants should be further encouraged to register at consulates.
- Allowing all voters to change their place of registration immediately prior to election day is problematic in an electoral system that includes single mandate districts. A freeze should be placed on changes in registration for the period between the announcement of an election and the election day.
- In cases where voters choose to transfer their registration to a different district, deregistration from their current district should be automatic. Regular pro-active checks should be made to ensure that duplicate

registration is not occurring. In addition, regular checks should be conducted to remove the names of deceased and underage persons.

- The existing prohibition on registering at an address where the citizen is not resident, and the owner does not consent, should be more rigorously enforced.
- In light of numerous complaints about the number of names on the voters list who are not currently resident in the country, it would be advisable to cross check the voters list against other data (such as utility providers, pensions and employment data). In the medium-term, an up to date census would greatly assist not only the electoral process but public policy in general.

Media

- Access to diverse opinions in the post-election period should be provided through regular dialogue between broadcasters and political parties; such dialogue could enable disagreements to be resolved without resorting to political violence.
- The example set by the public broadcaster during the campaign for soliciting feedback from viewers should be used as a model for the post-election period and by other broadcasters.

Election Day Complaints Process

- Further training is required to ensure that PEC chairs understand their rights and limitations under Georgian law, including their obligation to register and forward complaints to District Electoral Commissions.
- Complainants should not be obliged to leave their precincts in order to exercise their rights under Georgian law.

Appendix A: Code of Conduct

CODE OF CONDUCT FOR PARTY ACTIVISTS DURING THE PARLIAMENTARY ELECTION

The undersigned political parties have reached agreement with the National Democratic Institute for International Affairs (NDI) on a series of commitments regarding the activities of their activists during the 2008 Parliamentary election campaign in Georgia. Their aim in doing this is to promote good conduct and enhance the campaigning environment. All the parties that sign this document subscribe to these principles and regard this Agreement as binding on their leaders, candidates, representatives in the election administration and activists. They undertake to publicize and enforce its provisions within their parties. The parties to this Agreement will maintain communication about these commitments and seek to resolve any disputes.

1. General

1. This Agreement, the Election Code and all other relevant laws and regulations should be respected.
2. Parties should use their own disciplinary mechanisms to deter breaches of this Agreement and encourage best practice.
3. Violations of the law should be reported to the appropriate authorities.

2. The Election Campaign

1. The campaign should be conducted in a manner that respects the rights of all election subjects to campaign freely. Harassment of any kind is unacceptable.
2. Xenophobic or hate speech should be avoided during the campaign.
3. Parties should not obstruct journalists from carrying out their professional duties.
4. Campaigning should not be carried out in a manner that might seek to influence citizens' votes unfairly, such as employers pressuring their employees to vote in a particular way.
5. The role of domestic and international election observers should be respected. This means avoiding any steps that could prevent them from carrying out their duties freely and impartially.
6. Parties will not seek to obstruct their opponents from setting up and maintaining access to their campaign offices.
7. Parties will not stage events, or engage in other activities designed to impede their opponents' rallies but will try to maintain communication with each other so that clashes between their supporters can be avoided.

3. Election Day

1. Parties should play their full part in ensuring that the electoral process is free and fair. This includes desisting from campaigning inside polling stations and avoiding any behavior, inside or outside polling stations, which could impede the electoral process or unfairly influence voters.
2. Party representatives in the election administration at all levels should apply a spirit of public service rather than narrow partisan interest to their work. Parties will ensure that their representatives receive sufficient information about the law to carry out their duties properly.
3. Party observers at the election will follow and enforce the procedures contained in the Election Code. The parties will ensure that their observers receive sufficient information about the law to carry out their duties properly.
4. The parties to this Agreement understand the importance of the impartial adjudication of election complaints and undertake to play their full part in submitting and pursuing complaints through official channels if they observe any irregularities in the electoral process.

Appendix B: Pre-Election Delegation Recommendations and Actions Taken

Political Parties and Campaigns

- 1) All parties and candidates have a responsibility to act in accordance with the letter and spirit of the election law in order to restore confidence in the election process.
- 2) All parties and candidates should participate constructively in the election process, avoiding irresponsible or inflammatory statements, threats or intimidation.

Unfortunately, several incidents were documented of political parties engaging in inflammatory rhetoric and behavior that was not constructive in the course of the campaign.

- 3) Parties that have signed the Political Party Code of Conduct should adhere strictly to the Code's provisions, including particularly its provisions relating to intimidation, vote buying and enforcement within parties. Greater efforts are needed by political parties to publicize the Code among their members. Parties that have not signed remain free to do so.

All parties consulted by NDI had distributed, or agreed to distribute, the Code to their regional offices. The substantial volume of complaints received and processed under the Code suggests that parties made effective use of this agreement to resolve disputes in a constructive manner.

Government

- 4) In order to help restore public confidence in the elections, the highest levels of government should make clear that any misconduct by public officials surrounding the elections will not be tolerated and that they will be held strictly accountable for any infringements of election laws or procedures.

On May 6, following the withdrawal of a candidate alleged to have engaged in pressuring public employees, President Saakashvili made a public statement condemning any inappropriate interference against or by public employees.

- 5) The Prosecutor's office should speedily bring to trial cases arising from election irregularities at the last election in order to demonstrate a commitment to enforcing the election laws and holding officials accountable for their actions.

At the time of this statement, 3 individuals have been convicted of offenses related to their conduct during the Presidential election.

- 6) The government and the Prosecutor's office should make clear publicly that CEC members will not risk prosecution for voting their conscience on any issue coming before the CEC.

On May 13 the General Prosecutor's Office notified members of the CEC that they would not face prosecution for failure to vote according to the court's direction.

- 7) The government should take all necessary steps to ensure a level playing field and an enabling environment for free elections. For example, the government should prevent law enforcement agencies from assuming an inappropriate role in the campaign, and social workers from combining political canvassing with redefining the poverty line. Public employees need reassurance that their job does not depend on the way that they vote. Parties and candidates should not be obstructed from campaigning freely, purchasing billboard space or establishing their offices throughout the country.

A public statement was issued by the Ministry of Interior on May 6 about the role of the police. Voucher distribution and door to door visits by social workers were stopped in the later stages of the campaign on the initiative of the Inter-Agency Task Force. Following NDI's Assessment Mission statement and on the intervention from government officials, opposition parties were able to obtain billboard space in the later stages of the campaign.

- 8) The election administration and the courts should do all they can to ensure that election complaints are decided on their merits, that all evidence is fully examined and that judgments are based on a reasonable reading of the law.

To date, the complaints process is still ongoing. However, both the Georgian Young Lawyers' Association (GYLA) and the International Society for Fair Elections and Democracy (ISFED) report that significant improvements have been made since the presidential election in the consideration of their complaints. However, shortcomings remain in assessing complaints made by political parties including difficulty in obtaining official videotape and the refusal of DEC's to hear witnesses.

- 9) Public resources should not be used to benefit the campaign of any candidate or party.

Important efforts were made to curtail inappropriate government actions during the later stages of the election period, including the suspension of some voucher distribution programs and the limitation of door to door visits by public officials which had political overtones.

10) The Task Force should respond to all claims of misconduct immediately, especially on the part of police or other public employees.

The Inter-Agency Task Force intervened pro-actively to assist in the resolution of numerous complaints made under NDIs Code of Conduct. It is hoped that in all cases of electoral misconduct identified, investigations will ensue and those responsible will be held to account.

Election Administration

11) The CEC and lower level election commissions must endeavor to operate in a spirit of constructive dialogue and consensus.

On May 16, the CEC arrived at a unanimous decision concerning the system for publication of preliminary election results. However, this was a rare case as most decisions continued to be taken along party lines.

12) The CEC should expedite the publication of the forthcoming guidelines for public officials and take the opportunity to publicize the guidelines widely when they are published.

The CEC successfully reached agreement on a Memorandum of Understanding with the leading domestic election monitoring groups which formed the basis of a guide for public officials. This was widely distributed with the assistance of the Inter-Agency Task Force.

13) The CEC must improve the voters list despite the limited time remaining before they are closed. It should make a consistent and transparent effort to respond to all questions and concerns about the list. It should consider extending by one week the deadline for making changes to the list.

The Inter-Agency Task Force and the election administration took active steps to reduce duplication of names and remove the names of dead people. They also published useful information on the changes made to the voters list since January 5th. However, this was not sufficient to remove all concerns about the accuracy of the list or the late addition of voters to the lists in politically-sensitive districts.

14) While welcome progress has been made to ensure that many PECs can transmit their election results directly to the CEC, further steps need to be taken before the election to equip PECs with the capability of communicating results directly to the CEC.

CEC working in co-operation with IFES established communication plans for each PEC which greatly increased the speed and efficiency with which results were transmitted and publicized.

15) The CEC's effort to post detailed election results promptly on its website is an important contribution to the transparency of the tabulation process. The CEC should ensure during the upcoming elections that that results are posted as quickly as possible and in the order in which they are received.

The system for receipt of preliminary results in the CEC was considerably quicker and more transparent than in the presidential election. Protocols were posted in a room where observers and representatives of the political parties could monitor the process.

16) In order to remedy a problem that arose during the presidential election, the CEC should take early decisions to ensure that judgments on the validity of individual ballots are consistently applied and to protect full enfranchisement.

The CEC issued general instructions on determining the validity of ballots on April 16.

Media

17) Broadcast media should be balanced in their coverage of the parties and candidates in order to ensure that voters can make informed choices based on access to diverse and sufficient sources of news.

NDI did not engage in media monitoring. However the reports of other organizations and of the CEC that were monitoring the media showed that significant progress was made by the Public Broadcaster in particular, compared with the presidential election. NDI was pleased to note that full co-operation was restored between Rustavi 2 and the United Opposition during the campaign.

18) Television broadcasters should expeditiously grant free air time to any party that exceeds the minimum threshold necessary for an "unqualified" subject.

By May 14, all qualified parties were granted access to free airtime. NDI was able to use research funded by the Swedish International Development Agency to assist one party in obtaining access to free airtime on all the national TV channels.