

Georgia: Elections and Electoral Framework

Information Note
Distributed by the Delegation of Georgia

The local elections held on May 30, 2010 marked an important step in Georgia's democratic development. The elections were assessed as significant progress toward the consolidation and entrenchment of Georgia's democracy by practically all international and domestic observers. For the first time, Georgian Public Broadcasting hosted a televised debate between the candidates for Tbilisi mayor. Also for the first time, defeated candidates in Tbilisi's mayoral race accepted the results of the elections and offered concession speeches that pledged cooperation with the elected mayor¹. The campaign was characterized by issue-based debates and issue-based campaigns, and less confrontational rhetoric was used. This has marked a major shift in the political culture of Georgia, where change used to come from street demonstrations instead of contested elections.

Election environment

The elections were held in a substantially improved and competitive electoral environment². These improvements were reached through number of inclusive mechanisms that empowered political parties in decision-making on wide range of issues. Three groups were primarily responsible for this process.

Through the **Inter-Agency Task Force for Free & Fair Elections (IATF)**, the government exerted significant effort to address shortcomings raised by civil society groups and political parties during the campaigning period and on election day. The effectiveness of this mechanism was verified by ODIHR and local monitoring organizations. The IATF functioned as a rapid-response team that enabled the government to respond to complaints and concerns during the election cycle and ensure a transparent and fair election environment. The IATF included high-ranking representatives of the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the State Ministry for Infrastructure and Regional Development, and the National Security Council. The IATF worked closely with NGOs, international observers, and diplomatic missions to gather information on potential violations, investigate them, and respond. Several individuals accused of involvement in alleged abuses were suspended from their positions during the election; several in-depth investigations have been initiated; and sanctions have been levied against officials found to be in violation of the legislation.

Essential to the process of improving the electoral legislation and environment was the **Electoral Working Group (EWG)**, through which improvements to the election law were crafted. Within the EWG landmark amendments were agreed among political groups, namely direct elections of Tbilisi Mayor, new composition of Tbilisi local council, new way of appointment of CEC chairman by representatives of opposition. The group included representatives of the ruling party, of parliamentary and non-parliamentary opposition parties, and of relevant international organizations and NGOs. The work of the group was guided by a code of ethics signed by almost all of its participants—both parliamentary and non-parliamentary parties. The amendments were drafted by

¹ **Gia Chanturia (Opposition candidate Christian Democratic Movement):** "I want to sincerely congratulate Gigi Ugulava with this success and once again express my readiness to cooperate. I have said before that whoever is elected Mayor of Tbilisi"

Irakli Alasania (candidate fro Alliance for New Georgia): "Despite significant shortcomings, which we have observed, elections were valid; Tbilisi has made its choice"

² Three election blocs and fourteen political subjects participated in local self-governmental elections. Three election blocs and eleven political subjects among them participated in Tbilisi Sakrebulo proportional elections. Nine candidates were running for mayor post

the group in an atmosphere of constructive cooperation, and these amendments were in line with recommendations from various international democracy watchdogs on shortcomings from previous elections.³

The political parties have agreed to continue dialogue within Election Working Group format to further strengthen the electoral code in advance of the Parliamentary elections in 2012.

An **Inter-factional group on the May 2010 local self-government elections** was established by Speaker of Parliament David Bakradze. The group consisted of nine members, with a five-member majority coming from the opposition parties and four coming from the ruling party. The group was chaired by a representative of the parliamentary opposition "National Democratic Party." Both during the campaign and on election day, this served as an important format of cooperation and dispute resolution between the government and the political parties. The group responded to shortcomings during the campaign, voting day and vote counting process.

Assessment of elections

The Government of Georgia invited international observation of the election in order to ensure that it was as transparent as possible. An unprecedented number of international observers—including OSCE/ODHIR, the Council of Europe Congress of Local and Regional Authorities, and members of European Parliament—participated in the local election. This included 1,872 international monitors, 11,005 local observers, and 1,795 journalists spread across the country. All monitoring missions noted substantial progress⁴ in election procedures and strengthened democracy, including:

- The elections were well organized and conducted in a calm manner
- The election administration conducted its work in a transparent manner
- The strong commitment by the Government of Georgia to electoral reforms was recognized
- There was a more competitive environment for the election
- Political parties had full opportunity to freely conduct political campaigns

However, shortcomings were noted, and these will be addressed by future electoral reform. The Georgian government remains committed to strengthening the electoral code to address any "lessons-learned" from the elections.

Media

The overall media environment and the access of the main contenders/parties to the airwaves were carefully scrutinized by a number of independent research organizations, as well as by a company contracted by the CEC⁵. According to media monitoring carried out by the Caucasus Research Resource Center (with financial support of the European Commission), the Georgian media landscape offered a full plurality of views both in news programmes and on talk shows. According to ODIHR: "During the campaign, the media broadcast a variety of election-related programmes, including debates, allowing voters to make a more informed choice. In most cases, reporting of the main channels had neutral tone—a sharp improvement over previous years."

³ See Annex Factsheet on Georgia's 2010 Local Elections

⁴ **Amb. Audrey Glover (Head of ODHIR Mission)** "These elections were marked by clear improvements and efforts by the authorities to address problems occurring during the process."

Gunther Krug (Head of the Council of Europe delegation): "We consider these elections as an important stepping stone. I was here twice before and I see there is big progress here... The campaign was characterized by a competitive atmosphere, substantive issues, and improved electoral legislation. Election Day was generally well organized and calm"

Ad hoc observation mission of the European Parliament: "These elections have represented a real step toward the democratic development of the country."

Anders Fogh Rasmussen, NATO secretary general: "We appreciate that elections took place in a way, which has been recognized as free and fair by the international community. You asked me which impact these elections will have on Georgia's relationship with NATO." URL:

[http://www.civil.ge/eng/article.php?id=22390&search=NATO general secretary](http://www.civil.ge/eng/article.php?id=22390&search=NATO%20general%20secretary)

⁵ **Media Monitoring were carried out by following organizations:** 1)Caucasus Research Resource Center (CRRRC) commissioned by EU Delegation to Georgia and UN Development Programme (UNDP) to monitor main news bulletins and selected talk shows.URL:

<http://www.gpb.ge/Researchs.aspx?Location=&LangID=2>; 2) CEC commissioned media monitoring carried out by Ukrainian company Pro.mova in cooperation with three Georgian companies (Prime Time, BCG and IPM) presented two preliminary reports URL:

http://www.cec.gov.ge/index.php?lang_id=ENG&sec_id=13&info_id=7140

Free advertising time was provided for all qualified parties on the Public Broadcaster as well as on the private national channels. The OSCE report notes that “contestants intensively utilized airtime for free-of-charge spots on both public and private broadcasters.”

The public broadcaster offered its viewers the most balanced picture of the campaign, according to OSCE/ODHIR. Finally, the recently launched Second Channel of the Public Broadcaster has been offering a substantial amount of unedited broadcast time to the main political parties to allow them to communicate their platforms and ideas to citizens. The second channel also covers important political events inside and outside parliament, and is modelled after channels such as C-SPAN and BBC Parliament.

However, the studies showed that despite significant improvement, polarization of the media market remains a problem. Reporting bias was especially noted in the private channels, some of which were shown to be pro-government and some pro-opposition.

Final Results

The Central Election Commission announced the final results of the local self-government elections in Tbilisi on June 15; these results did not differ substantially from the preliminary count published on June 2. In addition, two separate exit polls by Edison Research⁶ and GfK⁷ were commissioned by three of Georgia’s largest broadcasters, and a Parallel Vote Tabulation was conducted by Georgian NGO “new Generation new Initiative” (nGni) and released in cooperation with partner organizations from Lithuania (EESC), Latvia (BBSA) and Estonia (JTI).

Increased Voter Turn-out

In 2010, total voter turnout across Georgia increased notably over the last municipal election in 2006 (**1,740,652 as opposed to 1,545,317**). In Tbilisi, where there was the first direct election for mayor, turnout was a substantial increase over 2006 (**457,851 or 46.6% versus 306,989 or 34.5%**) and a slight increase over 2008’s parliamentary elections (which was approximately 448,000 in Tbilisi).

Inclusive Governance

In his first session after the election, Tbilisi Mayor Gigi Ugulava announced the launch of “positive cooperation” with the opposition members of the Council based on the principle of “participation with shared responsibility.” Ugulava stated that he believed other candidates for mayor had valuable ideas and could contribute to efforts to improve the lives of Tbilisi’s citizens. Furthermore, after negotiations between political parties gaining seats in the city council, several positions were assigned to opposition members in order to strengthen their participation in decision-making processes. Two posts of deputy chair of the local council will be allocated to opposition members. Moreover, two commissions will be chaired by opposition members: Viktor Dolidze (Our Georgia – Free Democrats) will chair the Commission on Health and Social Issues; Giorgi Tkemaladze will chair the commission on Rehabilitation, Construction and Urbanization of Old Tbilisi.

Complaints

Despite the consistent and frequent statements by the Georgian high officials warning all Georgian authorities and other stakeholders about a “zero-tolerance” policy for violations during the elections and significant efforts of the election administration to proactively address problems, isolated incidents were observed.

⁶ See http://www.edisonresearch.com/home/archives/2010/05/republic_of_georgia_exit_poll_results.php

⁷ See http://www.gpb.ge/1_SabolooShedegebi.aspx?LangID=2

550 appeals have been filed within the Election administration and 38 complaints have been submitted to the courts. CEC developed more flexible approach concerning the admissibility of appeals not satisfying the formal requirements compared to the practice during the previous elections. As a result, more than 75% of the appeals have been discussed in essence by Election administration. 84% of the complaints submitted to the courts were declared as admissible.

In 90 cases (17 % of the appeals) Election administration confirmed the violation of the electoral legislation. Administrative sanctions for violation of the electoral legislation were imposed to 15 persons, including the candidates from United National Movement, a high ranking civil servant from the Tbilisi City Council, local civil servants, TV stations 'IMEDI" and "Rustavi2", Chairpersons, Secretaries and members of several Precinct Commissions. In addition, election administration imposed disciplinary sanctions to 76 election administration servants for misconduct during the elections, among which Chairpersons, secretaries and members of Precinct election commissions.

16 % of the submitted complaints were fully or partially satisfied by the Courts and the results of 8 Precinct Commissions were annulled.

6 criminal cases of the blatant violations of electoral legislation are being investigated. In 3 cases, the Prosecutor's Office has already brought charges against the perpetrators.

Further Electoral Reform

Immediately after the elections, all mainstream political parties, including the ruling party, pledged to work together in order to continue electoral reform and further improve the electoral environment. It was agreed that work on these issues will be continue within the format of the electoral working group. Political groups will discuss possible new amendments to the electoral code, taking into consideration the recommendations provided by OSCE/ODHIR, the Venice Commission⁸ and other observer organizations.

⁸ Amendments to Election code were sent to Venice Commission in February 2010. Final expert opinion was adopted in the beginning of June and is delivered to Parliament of Georgia for further considerations.

Final results for the Tbilisi mayor's race

	CEC results	Final	Edison Research	GfK	nGni ⁹
Gigi Ugulava (UNM)	55.23%		60%	57.6%	54.78 %
Irakli Alasania	19%		17%	19.1%	19.01 %
Giorgi Chanturia	10.7		10	8.4%	10.93 %
Zviad Dzidziguri	8.3		6	7.1%	8.48 %
Gogi Topadze	5.1		5	4.2%	5.25 %

In Tbilisi, the local city council (Sakrebulo) was also elected; 25 seats were elected proportionally and 25 seats were for single-mandate districts. The final results are as follows:

	CEC results	Edison Research	GfK
UNM	52.5%	59%	55.9%
Alliance for Georgia	17.9%	17%	18.2
CDU	12.05%	10%	9.1%
National Council	8.2%	7%	7.2%
Topadze Industrialists	6.2%	5%	4.7%

The 25 proportional seats for Tbilisi Sakrebulo were allocated as follows: UNM, 14 seats; Alliance for Georgia, 5 seats; Christian-Democratic Movement, 3 seats; National Council, 2 seats; Industrialists, 1 seat. All majoritarian (single mandate) seats were won by UNM representatives.

For city councils in the rest of Georgia, the CEC shows the following results:

UNM – 65.75%

CDM – 11.94%

Alliance for Georgia – 9.19%

National Council – 6.77%

Topadze Industrialists – 4.19

⁹ See <http://www.ngni.net/index.php?lang=en>

Appeals within the Election Administration

550 appeals/requests have been submitted to the Election Administration (to the Precinct, District and Central Election Commissions), from which:

- 90 appeals (17 %) have been totally or partially approved (52 fully approved, 38 partially approved);
- misconducts/violations mentioned in 17 appeals have been immediately stopped by election administration;
- 11 have been sent to the relevant bodies;
- 5 appeals were requested back.

Positive trend could be observed as far as CEC developed more flexible approach concerning the admissibility of appeals not satisfying the formal requirements compare to the practice during the previous elections. More than 75% of the appeals have been discussed in essence.

Administrative and Disciplinary Sanctions

Administrative fines for violation of the electoral legislation were imposed to 8 persons, including, 2 candidates running for elections from the ruling party (National United Movement), TV stations, Public servants, Different Election Administration Servants, including the members of District Election Commissions.

CEC initiated administrative proceedings for the violation of the electoral legislation and sanctions were imposed to 5 persons, including 2 candidates from United National Movement, a high ranking civil servant from the Tbilisi City Council, TV stations 'IMEDI" and "Rustavi2".

District Electoral Commissions initiated administrative proceedings for violation of electoral legislation and sanctions were imposed to 8 persons, including Chairpersons, Secretaries and members of several Precinct Commissions, local civil servants, candidate for elections.

Election administration imposed disciplinary sanctions to 76 election administration servants, including Chairpersons, secretaries and members of Precinct election commissions.

Complaints and Appeals in Courts

38 complaints have been submitted to the Courts of First Instance which is only 7 % of the total amount of the complaints filed within the Election Administration.

32 of the complaints (84%) were discussed in essence by the Courts of First Instance :

- 16 % of the complaints were fully or partially satisfied (3 complaints fully and 2 partially satisfied)
- 5 complaints (16 %) submitted in violation of the legislative requirements were not declared as admissible

As a result of the Court of the First Instance decisions on the submitted complaints:

- the results of the 6 electoral districts were annulled:
 - #14 precinct of the #70 district of Photi
 - #3 #26, #47, #67 precincts of the #22 district of Marneuli,
 - #3 precinct of district Batumi.
- #70 district of Photi and #22 district of Marneuli were requested to recount the results of the concrete precincts.
- The distribution of the single mandated (majoritarian) elections ballot papers to the precinct and special election commissions for the Ministry of Internal Affairs Special Units servants was declared as void and Central Election Commission was requested to take back the ballot papers.

¹⁰ Information is provided by the Central Election Commission as is accessible on-line on its official web-page at: <http://sachivrebi.cec.gov.ge/eng/>

The decisions/verdicts of the Court of First Instance on 12 complaints (31% of the complaints submitted to the Court of First Instance) were appealed to the superior chambers by 10th of June, 2010:

- 2 of the appeals were not declared as admissible.
- 1 appeal (10 %) was satisfied partially.

As a result of the appeals on the 1 Instant court decisions/verdicts:

- the results of #3 and #35 electoral district of #65 district of Martvili were annulled, the relevant district commission was asked to recount the votes.

CEC initiated administrative proceedings for violation of electoral legislation against the following persons and sanctions were imposed:

1. Tornike khutsishvili- Chief of Tbilisi City Hall Youth monitoring division (Article 126, Tbilisi City Court- 1000 GEL.)
2. Vakhtang Natsvlshvili – “Unified National Movement”, Tbilisi City Council Majoritarian candidate. (Article126, Tbilisi city court- 1000gel.)
3. Zaur dolidze- “Unified National Movement”, Tbilisi City Council candidate (Article126, Tbilisi city court- 1000gel.)
4. Ltd “ Teleimedi” (Article 126, Tbilisi city court- 1500gel.)
5. Ltd Broadcasting Company “Rustavi 2 ” (Article126, Tbilisi city court- 1500gel.)

District Electoral Commissions initiated administrative proceedings for violation of electoral legislation against the following persons and sanctions were imposed:

1. N14 Dedoplistskaro –Chairman of N17 Precinct Election Commission, Roman Surmanidze. (Article 126, Dedoplistskaro District Court - 2000gel)
2. N17 Telavi –Secretary of N37 Precinct Election Commission Nineli Giorgashvili. (Article 126, Telavi District Court - 2000gel.)
3. N17 Telavi – Secretary of N54 Precinct Election Commission ZaZa Masurashvili (Article 126, Telavi District Court - 2000gel.)
4. N60 Ozurgeti – Majoritarian candidate of “National Council” Lela Natsvaladze (Article 126, Ozurgeti District Court - 1000gel.)
5. N60 Ozurgeti – Citizen Sopo Andguladze (Article 126, Ozurgeti District Court - 1000gel.)
6. N60 Ozurgeti – Attorney of Village Guliantis Bakhva Kvergelidze (Article 126, Ozurgeti District Court - 1000gel.)
7. N79 Batumi – Citizen Jumber Tavartkiladze (Article 126, Batumi city Court - 1000gel.)
8. N27 Mtskheta – Chairman of N24 Precinct Election Commission Ilarion Abramishvili (Article 126, Mtskheta district court – 500 gel.)