



## **ELECTION OBSERVATION MISSION Georgia, Local Elections, Second Round, 12 November 2017**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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#### **PRELIMINARY CONCLUSIONS**

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The 12 November mayoral run-offs in six districts were well administered and the candidates were able to campaign freely. As in the first round, fundamental freedoms were generally respected. Restrictions on campaigning through media and on candidates' right to withdraw negatively affected the competitiveness of the run-off contests and highlighted the wider need to improve the legal framework. In between the two rounds, the high number of complaints dismissed on procedural or formalistic grounds undermined candidates' and voters' right to an effective remedy and public confidence in dispute resolution. Election day proceeded in a smooth and professional manner, with voting, counting and tabulation assessed in positive terms by observers, although indications of possible intimidation and pressure on voters raised concern.

The legal framework generally provides an adequate basis for the conduct of elections in line with democratic principles. However, the Election Code does not have specific regulations for the second round, which leaves certain aspects under-regulated or ambiguous. In line with legal provisions, run-offs were held between the two candidates with the most first-round votes. On 23 October, the United National Movement announced it would not take part in the second round. As the Election Code does not permit second round candidates to withdraw, this essentially left two of the six races uncontested. No women stood in the second round.

The Central Election Commission (CEC) and District Elections Commissions (DECs) conducted preparations for the run-offs in a professional and timely manner. This included extending the tenure of relevant Precinct Election Commission (PEC) and DEC members and finding replacements of election officials in an open competition. Further PEC trainings were conducted that included lessons learned from the first round. The voter lists were updated to delete deceased voters and enter voters who turned 18 years of age between the rounds. As in the first round, stakeholders expressed confidence in the accuracy of voter lists. In an inclusive manner, the CEC extended the validity of existing observer accreditations and opened possibilities for additional accreditations.

Contestants and citizen observers filed some 970 complaints to DECs and 28 to the CEC following the first round election day. The review of complaints was mostly done in an open and collegial manner, with due process guarantees and legal deadlines generally respected. However, many complaints were dismissed on procedural grounds, some of them based on a formalistic interpretation of the law. This practice undermined the right to effective remedy and public confidence in the electoral dispute resolution system, at odds with OSCE commitments.

Candidates were able to campaign freely and fundamental rights were generally respected. Campaigning was, overall, limited. The misuse of administrative resources for the run-offs was not raised as a major concern, although some isolated cases of pressure and intimidation were reported. Candidates were required to submit an additional campaign finance report for the second round, but its effectiveness was limited by the absence of verification of the reports by the State Audit Office before election day.

The nationwide media largely ignored coverage of the run-offs, though several local media provided voters with information on contestants. Following instruction from the media regulator, broadcasters began allocating free airtime and offering paid advertisements only on 2 November, limiting the opportunities of contestants to campaign through the media. The campaign coverage became more visible only in the last week, with ruling GD dominating the major broadcasters. Twenty-nine civil society groups issued a joint statement condemning the growing influence of government associates and former Prime Minister Bidzina Ivanishvili over the public broadcaster.

Election day procedures were conducted in a smooth and professional manner and were assessed positively by OSCE/ODIHR EOM observers. Adherence to counting procedures improved notably as compared to the first round, due to a less complex process and better preparedness of officials. Large crowds gathered outside many polling stations, with observers noting some indications of possible intimidation and pressure on voters. Adding to transparency, the CEC posted all PEC result protocols on its website and announced preliminary results by 03:00 on 13 November. Relatively few complaints were filed regarding irregularities and procedural errors.

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## PRELIMINARY FINDINGS

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### Background and Post-First Round Developments

The first round of elections was held on 21 October. Mayors were elected in two-round majoritarian contests and councilors under a single-round mixed electoral system.<sup>1</sup> Fifty-eight mayors were elected in the first round from the 64 self-governing municipalities and cities, including Tbilisi. Of these, 57 were elected from the Georgian Dream (GD) and 1 from United Georgia (UG). In the municipal council (*sakrebulo*) elections, GD won 1,009 out of 1,088 of majoritarian seats and 55.8 per cent of the vote in proportional contests countrywide, ensuring a strong majority in almost all *sakrebulos*. The United National Movement (UNM) received 17.1 per cent, European Georgia (EG) – 10.4 per cent, and Alliance of Patriots of Georgia (APG) – 6.6 per cent. Thus, in total, four political parties passed the four per cent threshold for seat allocation. Women are underrepresented in the newly elected local bodies, including only 1 of 64 mayors and 13 per cent of councilors.

The majority of opposition contestants raised concerns that election results were impacted by the misuse of administrative resources and pressure on voters from the ruling party, including on the 21 October election day. The Democratic Movement – Free Georgia (DM-FG), the UNM, the APG challenged results of several hundred polling stations across the country alleging widespread irregularities.

Second rounds of mayoral elections between the top two candidates were called for 12 November in six districts.<sup>2</sup> The run-offs included a GD candidate in all six races, two candidates from UNM, one from APG, one from the DM-FG and two independents. No women stood in the second round. On 23 October, the UNM announced it would not participate in the second round, essentially leaving two of the six races uncontested.<sup>3</sup>

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<sup>1</sup> Elections to municipal councils are held under a mixed proportional-majoritarian system. In Tbilisi, 25 members are elected proportionally and 25 under the majoritarian component. In the other self-governing cities Kutaisi, Poti, Batumi and Rustavi, 15 members are elected proportionally and 10 under the majoritarian component. In the remaining 59 municipalities, 15 members are elected proportionally and 1 is elected under the majoritarian component from each settlement; in addition, 1 to 5 majoritarian members are elected to represent the municipal centre depending on its size.

<sup>2</sup> The run-offs took place in the self-governing city of Kutaisi and in the five self-governing municipalities of Kazbegi, Khasuri, Borjomi, Martvili and Ozurgeti.

<sup>3</sup> According to the Election Code, candidates contesting the second round do not have the right to withdraw and their nomination may not be revoked. Thus, UNM candidates in Kutaisi and Martvili remained on the ballots.

## Tabulation of the First Round Results

By 22 October, the Central Election Commission (CEC) published all Precinct Election Commission (PEC) results protocols and announced preliminary results of the elections thereby ensuring transparency. The OSCE/ODIHR EOM observed that more than 10 per cent of all PEC protocols contained corrections, which in most cases appeared to be due to technical mistakes. The PECs produced a number of explanatory notes addressing reasons for the missing or incorrect information.<sup>4</sup> Some District Election Commissions (DECs) approved corrected protocols based only on such notes without sufficient investigation (see *Complaints and Appeals*).<sup>5</sup> The high number of corrected results protocols is indicative of insufficient understanding of procedures by PEC members. In cases of violations of procedures for completing results protocols, the DECs often did not apply sanctions against members of the PECs or did so inconsistently.<sup>6</sup> Such practices raise concerns about the effectiveness of sanctions and possible impunity.

A total of 213 requests for recounts and 143 requests for annulment of PEC results were submitted to the DECs. The law, however, does not stipulate the grounds for recounts or annulments to be requested and ordered. Such requests were predominantly based on alleged procedural irregularities and were, as a rule, denied for lack of sufficient grounds. Two requests for recounts (both from GD) were satisfied.<sup>7</sup>

In light of preliminary results, which suggested a close mayoral race in Tianeti, the GD proxy filed a complaint to the DEC 19 requesting a recount of the invalid ballots in PEC 20. The request was satisfied and the recount took place minutes after the complaint was filed. It resulted in five ballots being considered valid, which changed the preliminary result in favour of the GD mayoral candidate.<sup>8</sup> The decision to satisfy and conduct a recount in such an expedited manner violated procedural rules and raised concern about the impartiality of DEC 19.<sup>9</sup> The DEC decision was later invalidated by Mtskheta district court on procedural grounds, holding the UG candidate as the winner.<sup>10</sup>

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<sup>4</sup> PECs drew up 1,507 explanatory notes concerning corrections in their results protocols. PEC confusion of protocol lines, fatigue of PEC members or poor working conditions were the most common reasons put forward for the absence of the necessary requisites (e.g. stamp, date and time or signatures of PEC members) and the need for a correction of the discrepancies (e.g. due to missing signatures of voters in the voter list, extra ballots handed over, figures mistakenly written or missing).

<sup>5</sup> For example, based only on a PEC explanatory note, DEC 26 Tetrtskaro approved PEC 37 results protocol with missing information about invalid ballots; DEC 3 Saburtalo approved PEC 59, 67, 72, 78, 79 and 88 results protocols which all lacked the PEC stamp.

<sup>6</sup> The DECs only issued a warning for disciplinary misconduct provided for by Article 28 of the Election Code, instead of applying Article 87 that prescribes an administrative fine of GEL 500 for making changes in the summary protocols without drawing up correction protocols.

<sup>7</sup> In PEC 22 of DEC 47 (Mestia) the recount revealed that the mistake in the protocol was technical and did not influence the result. In PEC 20 of DEC 19 (Tianeti) the recount changed the result in favour of GD candidate, but was later overturned by court decision.

<sup>8</sup> The preliminary results indicated that the UG candidate won the race with 3,077 votes against the GD candidate with 3,076 votes. The recount of invalid ballots resulted in the GD candidate winning with a margin of four votes.

<sup>9</sup> The complaint was filed directly to the DEC at 04:37 and was considered at 05:00, at the time when PEC 20, the last of 20 polling stations under DEC 19, was in the process of completing its results protocols. Contrary to Article 21.e of the Election Code, the DEC did not notify all electoral subjects and observer organizations which attended the vote count in polling station 20 about the recount.

<sup>10</sup> The GD's subsequent appeal to the Tbilisi Court of Appeals was denied. On 2 November, the GD mayoral candidate in Tianeti, Ms. Lela Kitesashvili appealed the DEC 19 summary results protocol to the CEC; the complaint, in the part that related to invalidation of results, was denied. Ms. Kitesashvili's further appeal to the Tbilisi city court was denied.

## Post-First Round Complaints and Appeals

Following the 21 October election day, DEC's received some 970 complaints mainly concerning procedural violations during voting and completion of results protocols in polling stations. More than half of the complaints were filed by citizen observer groups, and the rest by contestants. Some 335 complaints were satisfied or partially satisfied, with others either denied or dismissed without consideration of the merits.<sup>11</sup>

The DEC's review of complaints was mostly done in an open and collegial manner, with due process guarantees and legal deadlines generally respected. Many complaints were dismissed on procedural grounds, some of them based on a formalistic interpretation of the law.<sup>12</sup> As such, DEC's did not review the substance of a large number of complaints or conduct proper investigation of alleged violations. The Election Code is ambiguous as to whether complaints can be submitted to the DEC's if not initially filed with a PEC and a large number of complaints submitted directly to the DEC's were dismissed. In the post-election period, the CEC reviewed 23 complaints in open session, all essentially denied, predominantly on procedural grounds.<sup>13</sup>

Two CEC and 35 DEC decisions were appealed to district and city courts. Courts of Appeals in Tbilisi and Kutaisi adjudicated 21 appeals against district court decisions. A large number of appeals were denied or dismissed on procedural grounds, leaving the substance of complaints often unaddressed.<sup>14</sup> In some cases, courts upheld the DEC's practice of dismissing complaints based on a formalistic interpretation of the law.<sup>15</sup> The adjudication of complaints in the Court of Appeals was marked by an inconsistent interpretation of the law by different panels of judges, undermining legal certainty and the principle of equality before the law.<sup>16</sup>

Overall, the handling of complaints was overly formalistic and often lacked proper investigation of substance, undermining the right to effective remedy and public confidence in the electoral dispute resolution system, which is at odds with OSCE commitments and international good practice.<sup>17</sup>

Following the first round, the Interagency Commission for Free and Fair Election (IACFFE), headed by

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<sup>11</sup> Many complaints concerned minor technical issues and requested punitive actions against PEC members. A significant number of complaints regarding voting procedures concerned systematic collection of information from signed voter lists by proxies and observers; these were denied as DEC's found no legal provisions prohibiting these practices.

<sup>12</sup> Article 72 of the Election Code prescribes in detail the format for filing complaints with PECs: complaints, *inter alia*, shall include the name and registration address of the complainant, the alleged offender and the witness, as well as specify the "essence and time of the violation". Some complaints were dismissed on such formalistic grounds as being "abstract", for not indicating the time of the violation, or not being filed immediately. In many cases, complaints were not reviewed on substance when correction protocols were drawn that formally eliminated the violation.

<sup>13</sup> A further five complaints were dismissed due to ineligible complainants or for already being lodged with courts.

<sup>14</sup> The DEC 19 decision ordering recount of invalid ballots in Tianeti was overturned by the Mtskheta district court on procedural grounds. The Tbilisi Court of Appeals upheld the district court's decision on the same procedural grounds, leaving the substantive claim on the validity of ballots essentially unaddressed.

<sup>15</sup> For example, on 4 November the Batumi city court upheld a DEC 79 decision dismissing a complaint for not being immediately filed in the PEC as required by law, but rather five hours after the alleged violation on election day.

<sup>16</sup> On 27 October, the Tbilisi Court of Appeals ruled on a complaint by UNM that collection of information from the signed voter lists was lawful as it was in line with the provisions of the Election Code. On 28 October, adjudicating a similar complaint by GYLA, the same court ruled that this practice violated the Law on Personal Data Protection.

<sup>17</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that everyone will have "an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Section II.3.3b of the Venice Commission Code of Good practice recommends that "the procedure must be simple and devoid from formalism, particular concerning the admissibility of appeals".

the Minister of Justice, held two public meetings.<sup>18</sup> On 6 November, it issued a recommendation to the election administration to prevent and, to citizen observers and contestants, to refrain from the collection voter information from signed voter lists in polling stations. It also commended the courts for overturning the DEC 19 decision ordering the recount of invalid ballots, raising some concern about potential undue influence on courts.<sup>19</sup>

## Legal Framework

The legal framework generally provides an adequate basis for the conduct of elections in line with democratic principles. However, the Election Code does not have specific regulations for the second round. While provisions are generally applicable to both rounds, certain aspects of the second round are inconsistent or ambiguous, which, at times, challenged legal certainty (see *Election Administration and Media*).

According to the Election Code, candidates reaching the second round cannot withdraw from the contest. The reasoning for this restriction is unclear. Its implementation in these elections compromised the contestants' right to stand and negatively affected the competitiveness of two run-off contests.<sup>20</sup>

## Election Administration

Second round contests were administered by the CEC, 6 DEC members in the districts where run-offs occurred, and 317 PECs. In the run-up to the second round, the CEC conducted three sessions and met all legal deadlines. The decentralized nature of organizing mayoral run-offs, and the preparations already in place from the first round, reduced the need for the CEC to convene regularly. Overall, the CEC and DEC members conducted preparations for the run-offs in a professional and timely manner.

The CEC administered most technical aspects of the run-offs after the announcement of the first round results. This included extending the tenure of the relevant PEC and DEC members and determining a procedure for replacing PEC and DEC members. Based on this, the DEC members reopened recruitment and filled most vacant positions with non-party PEC members through an open competition. Some political parties withdrew their PEC members after the first round without replacing them; 696 vacant party nominated positions on PECs were therefore filled by DEC members.<sup>21</sup>

The CEC Training Centre conducted additional trainings for PEC members focusing on counting and filling in the protocols, dedicating more time to practical exercises. Trainings observed by the OSCE/ODIHR EOM were generally comprehensive, interactive and built on first round experience. The CEC Training Centre conducted a voter information campaign in all six districts, distributing leaflets and airing spots on the public broadcaster and local TV stations on voting procedures.

In an inclusive manner, the CEC extended the existing accreditation of the more than 23,500 observers, representatives of media and electoral contestants, including those accredited by DEC members

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<sup>18</sup> As provided by law, the Inter-Agency Commission for Free and Fair Elections (IACFFE) was established in July mandated to “ensure that public officials prevent and respond” to election violations.

<sup>19</sup> More specifically, the IACFFE Chairperson praised the courts for being “brave” and for “doing the right thing” when deciding against the GD candidate. During the IACFFE session, another complaint of the GD candidate, requesting announcement of a second round in Tianeti, was pending with the Tbilisi city court.

<sup>20</sup> As a result of these provisions the candidates with the third highest number of votes cannot stand in the second round if the second-placed candidate wishes to withdraw. Paragraph 15 of the UN HRC General Comment No. 25 provides that the effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates. Paragraph 24 of the OSCE Copenhagen Document provides that any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

<sup>21</sup> The UNM and the Christian-Conservative Party withdrew their members from all run-off PECs.

where run-offs took place. Registered observer organizations, media and run-off contestants could apply for accreditation of additional representatives up to three days prior to election day. In total, the CEC and DEC accredited additional 1,926 observers, media and candidate representatives for the run-off elections.

### **Voter Registration**

The CEC decided that the final voter lists for the first round should be updated between the two rounds to delete deceased voters and enter voters who turned 18, including on election day. No other changes to the voter lists were possible.<sup>22</sup> A total of 328,272 voters were registered in the six districts holding run-offs. Voters entered on special voter lists in the first round maintained their status. Voter lists were posted at polling stations and the CEC made the voter lists available on its website, providing ample opportunities to check their data. As in the first round, stakeholders expressed confidence in the accuracy of voter lists.

### **Campaign Environment**

According to the law, there is no break in the campaign period after the first round and the same regulations apply to both the first and the second round.<sup>23</sup> Due to the decision of UNM not to participate in the run-offs in Kutaisi and Martvili, competitive campaigning took place only in four of the six districts. Candidates were able to campaign freely and fundamental rights were generally respected.

The campaign dynamics and tone differed across the run-off districts. However, campaign activities were, overall, limited. As in the first round, candidates primarily used direct meetings with voters and social media. While canvassing, the GD focused on areas where their candidates received less support during the first round. Some parties unsuccessfully tried to reach an agreement to support opposition candidates in the second round, however, the APG local branch in Ozurgeti backed the independent candidate.

Unlike in the first round, the misuse of administrative resources for the run-offs was not raised as a major concern. The OSCE/ODIHR EOM received two reports of pressure and intimidation on an observer in Ozurgeti and on the election administration in Borjomi.<sup>24</sup>

### **Campaign Finance**

The general campaign finance regulations in the law apply for the second round. The State Audit Office (SAO) set the period for reporting on income and expenditure for second round contestants from 22 October to 12 November with a requirement for contestants to report by 15 November. There is no legal provision requiring the SAO to verify campaign finance reports and publish its conclusions before election day. As noted in the first round, this decreased the transparency of the campaign finance.

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<sup>22</sup> While the Election Code is ambiguous whether corrections to the voter lists are allowed between the rounds, the CEC by its decision closed the voter list for further amendments for the second round. According to the CEC, their decision was motivated by the intention to prevent speculations that voters deliberately change their address of registration to support a candidate.

<sup>23</sup> According Article 2.i<sup>1</sup> of the Election Code, the electoral period starts from the day when a legal act issued on calling an election enters into force through the day when a summary protocol of the final results is published by a respective election commission.

<sup>24</sup> On 6 November, APG informed the IACFFE about State Security Service employees and regional officials pressuring the members of PECs and DEC and party representatives in the DEC 36 Borjomi. On 8 November, in Ozurgeti, a proxy of an independent candidate went missing for two days following allegations of being pressured by representatives of GD candidate. On 10 November the police issued a statement that the proxy had been found and was unharmed.

From 22 October to 8 November, three parties and blocs, as well as one independent candidate, received a total of GEL 763,220 in contributions from 40 donors.<sup>25</sup> Of this, GEL 761,100 was contributed to the GD from 38 donors. The sources of funds from 22 donors were inquired by SAO on its own initiative. The SAO considered 21 complaints received from the beginning of the campaign period and initiated 17 investigations. In six instances, the SAO concluded the investigation without providing a formal written decision. The OSCE/ODIHR EOM was informed that the majority of cases will be addressed only after the run-off election day, as the law does not provide for expedited deadlines for the SAO to respond to complaints.<sup>26</sup> This practice negatively impacted the effectiveness of oversight.

## Media

While the official campaign period did not pause between the two rounds, on 24 October, the media oversight body, the Georgian National Communications Commission (GNCC), informed broadcasters that all specific election-related regulations apply only after the CEC set the date of the run-offs. Thus, the public and national private broadcasters began allocating free airtime and offering paid campaign advertisements only on 2 November. As a result, the opportunity for contestants to campaign through the media was limited.

Freedom of expression was respected in the media during the second round campaign. On 2 November, 29 national and regional civil society organisations issued a joint statement condemning the increasing influence of associates of the government and of the businessman and former Prime Minister Mr. Bidzina Ivanishvili over the Georgian Public Broadcaster (GPB), criticising aspects such as nepotism and editorial bias, and questioning the channel's adherence to its public service mandate. The statement called for the parliament to examine the situation and the GPB's legal obligations.<sup>27</sup>

While the media largely ignored coverage of the run-offs on the national level, several local media provided voters with information on contestants. Before the announcement of the second rounds, the political news coverage was mostly devoted to party reactions to the results and to commentaries on post-first round developments. The GNCC continued its media monitoring in the second round with a reduced number of media outlets covered.<sup>28</sup>

The campaign coverage became more visible only after 1 November, mostly through the free advertisements. The GD and the APG were the parties that qualified for these free spots in the run-offs and made use of this possibility. Independent candidates were only eligible to promote their campaigns through paid advertisements, at odds with OSCE commitments and international good practice.<sup>29</sup>

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<sup>25</sup> 1 EUR equals GEL 3.01.

<sup>26</sup> According to the SAO, investigation was concluded in a number of first round cases, including the negative campaigning on Facebook against the independent candidate for Tbilisi mayor post; the distribution of calendars by an EG candidate in Kutaisi; the public premises used by a GD candidate in Ozurgeti; and the distribution of brochures by employees of the Rustavi City Hall. However, as of 8 November no written decisions were provided; the SAO informed the OSCE/ODIHR EOM that decisions in these cases will be issued at a later stage.

<sup>27</sup> See the statement at [Transparency International Georgia website](#).

<sup>28</sup> On 6 November, the GNCC issued its second monitoring report covering the last month of the campaign prior to the 21 October election day.

<sup>29</sup> Paragraph 7.8 of the 1990 OSCE Copenhagen Document commits participating States to ensure “that no legal or administrative obstacle stand on the way of unimpeded access to the media on a non-discriminatory basis for all political groupings and individuals wishing to participate in electoral process”. Paragraph II.4 of the Recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2007)15 states that member states may include “provisions whereby public service media may make available free airtime on their broadcast... services... to political parties/candidates during the election period. Wherever such airtime and/or equivalent presence is granted, this should be done in a fair and non-discriminatory manner...”.

Overall, the ruling GD continued to dominate media coverage on the national level, with the Tbilisi mayor-elect Mr. Kaladze presented extensively throughout the whole period.<sup>30</sup> The GPB dedicated 25 per cent of its news coverage to GD, while all other parties combined received approximately 29 percent of the coverage. At the same time, the GPB extensively reported on events connected to UNM-affiliated former authorities, with some 13 per cent, often in a negative tone.<sup>31</sup> *Imedi* covered the GD most extensively with some 39 per cent, mostly in neutral and positive tone.<sup>32</sup> *Pirveli* offered more balanced coverage, providing more comparable time amongst the major parties and presenting them in largely factual manner.

## Election Day

Election day proceeded in smooth and professional manner. The presence of a high number of proxies and citizen observers contributed to the transparency of the process. However, in a significant number of cases contestants had more representatives than allowed. Similar to the first round, some citizen observers or media representatives were affiliated with parties or candidates and, at times, interfered in the process. Large groups of persons were observed in the vicinity of the polling stations, with indications of pressure and intimidation. Seventy-one per cent of PEC chairpersons were women.

Polling stations observed opened on time. OSCE/ODIHR EOM observers assessed the opening positively in 39 of the 40 polling stations observed, indicating an orderly process with procedures generally followed. In 7 polling stations observed during opening, a citizen observer or media representative interfered in procedures.

The voting process was assessed as good or very good in 98 per cent of polling stations observed, indicating a smooth process with procedures largely followed. In some 30 per cent of polling stations observed during voting, political parties and candidates deployed more representatives than permitted, typically accrediting them as citizen observers or media representatives.<sup>33</sup> In 3 per cent of observations, they interfered in or directed the work of the PECs. Unauthorized persons, including proxies of first round contestants with expired accreditation, were present in 4 per cent of observed polling stations. The voting process was generally assessed as transparent, but overcrowding was noted in 4 per cent of polling stations observed.

OSCE/ODIHR EOM observers noted large groups of persons, including party or candidate activists, in the vicinity of polling stations in Borjomi and Ozurgeti in 30 and 21 per cent of observations respectively. In some 3 per cent of observations, indications of pressure or intimidation on voters were reported. In addition, attempts to influence voters inside polling stations were noted in 2 per cent of observations.

As noted in the first round, there were indications of systematic recording of voter data outside and inside polling stations, allegedly with the aim of contacting voters who had not yet voted and to pressure them to come and vote.<sup>34</sup> Generally, proxies of parties or candidates inside the polling station

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<sup>30</sup> On the regional level, several media outlets were actively covering the campaign, such as local broadcasters Borjomi TV, Guria TV and Rioni TV.

<sup>31</sup> On 6 November, the GPB launched its new programme structure that includes two political programmes and changed format of its main news programme.

<sup>32</sup> It also covered the government extensively, with some 23 per cent.

<sup>33</sup> More than one representative of the GD was present in 18 per cent of polling stations observed during the voting, independent candidate in 7 per cent, the APG in 6 per cent, and the UNM in 2 per cent.

<sup>34</sup> In Taleri village in DEC 65 (Martvili), a group of GD activists sitting in a back room of PEC 35 with a list of voters with marks for voters who already voted and arranging phone calls.



were observed keeping a record of voters who voted in all districts (most frequently in Ozurgeti with 26 per cent of observations). This was at odds with 6 November IACFFE recommendation.<sup>35</sup>

In 11 per cent of observations, voters were turned away and not allowed to vote for failure to present a valid ID or for not being on the voter list. In 10 per cent of polling stations observed, an official complaint had been filed.

The counting process was evaluated positively in all polling stations observed indicating a transparent process without serious irregularities. Adherence to counting procedures improved notably as compared to the first round, due to a less complex process and better preparedness of officials. Tension was noted in a few instances. Unauthorized individuals participated in the count in 6 polling stations observed. In 12 out of 37 observations, minor deviations from the prescribed order of counting procedures were noted. The completion of protocols was assessed mostly positively.

The results tabulation was evaluated positively in all 6 DEC's observed indicating a smooth and orderly process with procedures generally followed. The intake of election materials and processing of PEC protocols was transparent.<sup>36</sup>

The CEC began posting PEC results protocols at 21:30 hours on election day, shortly after the closing of polling stations. Preliminary turnout was reported at 33.2 per cent.<sup>37</sup> The preliminary results of the 6 contests were announced by the CEC at 03:00 hours on 13 November. According to the CEC, 34 complaints were filed with the DEC regarding irregularities in polling stations, mainly requesting sanctions against PEC members who reportedly committed procedural violations.

***The English version of this report is the only official document.  
An unofficial translation is available in Georgian.***

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<sup>35</sup> For example, in PEC 7 in DEC 36 (Borjomi), an APG proxy stood next to the registrar with the marked voter list and took notes. In PEC 17, also in DEC 36, an observer affiliated with the GD did the same and passed voter data to persons outside the polling station. In DEC 60 (Ozurgeti), GD activists were handing voter data to persons sitting in cars outside PECs 2, 4 and 5.

<sup>36</sup> In Ozurgeti, a large crowd created tensions outside the DEC premises, but it dispersed when the results were announced.

<sup>37</sup> Participation of more than 50 per cent of voters noted in the contested districts of Ozurgeti, Kazbegi and Borjomi.

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## MISSION INFORMATION & ACKNOWLEDGEMENTS

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Tbilisi, 13 November 2017 – This Statement of Preliminary Findings and Conclusions is the result of the observation by the Election Observation Mission (EOM) deployed by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The assessment was made to determine whether the elections complied with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation.

The OSCE/ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

Corien Jonker is the Head of the OSCE/ODIHR EOM, deployed from 13 September. For the Second Round, the EOM included 14 experts in the capital and 12 long-term observers and 76 short-term observers deployed in the six districts where run-off elections were held. On election day, 106 observers from 26 countries were deployed by the OSCE/ODIHR. Opening was observed in 40 polling stations and voting was observed in 240 polling stations. Counting was observed in 37 polling stations, and the tabulation in 6 DECes.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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