

საქართველოს ახალგაზრდა იურისტთა ასოციაცია
GEORGIAN YOUNG LAWYERS' ASSOCIATION



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Results of Monitoring of the 2017 Local Elections in Georgia

On March 27, 2018, Georgian Young Lawyers' Association presented the monitoring summary report of the 2017 local self-government elections at the presentation. The report covers results of the monitoring carried out during June 1 to November 19, 2017 and describes in detail the violations revealed during the pre-election campaign, as well on the voting day and during vote tabulation. The report furthermore describes the main tendencies that accompanied the local self-government elections. Specific recommendations that we believe, will help the persons involved in the elections to strengthen the achievements and eliminate the existing flaws is also included in the report.

Main tendencies:

The dominant position of the ruling party was clearly outlined during the 2017 local self-government elections, including in terms of mobilizing administrative and financial resources.^[1]

Although the election subjects were able to introduce own programs and promises to the voters via various activities it is noteworthy that the less accent was made on programs of specific parties or candidates during these elections. The cases of inter-party confrontations and alleged pressure as well strong competitive environment was revealed in Kvemo-Kartli, Samtskhe-Javakheti and Samegrelo regions. As reported, candidates of various opposition parties were forced to withdraw their candidacies as a result of facts of pressure or gaining over. Should be noted that despite the fact that the investigation was launched on some cases of alleged pressure, number of cases were still left without legal response.^[2]

Inter-party discussions regarding selection/nomination of the candidates were still ongoing until the registration deadline of Mayors/Majoritarian candidates and nomination of women on leading positions and their participation in the politics still remained challenge on these elections.[3]

Challenges on legislation level and in practice:

Pre-election period: The number of cases of using resources of persons employed in budgetary organizations (the employees of public schools, kindergartens, non-commercial legal entities) in favor of ruling party was also revealed during the pre-election period. The cases that created the risks of politicizing education processes were also identified.

Voting day: The polling process was mainly conducted in peaceful environment throughout the country. Although there were no cases of violence, certain violations were observed that are beyond the procedural problems. E.g.: collecting voters' data and mobilizing the voters by the ruling party was well organized and large-scaled, especially in Tbilisi. Vicious practice of registering the voters arriving at the polling stations at number of precincts still continued on the voting day of the second round.

Post-election period: Post-election period complaints mostly were regarding the discrepancies in summary protocols of PECs (problem filling out the summary protocols unevenly, lack of signatures and commission stamps, misbalance (lack or surplus)). The problem of drawing up protocol of corrections in violation of legislation, when the administrative proceedings were not fully conducted and the circumstances related to the case were not studied thoroughly still remained a problem during these election [11] Although the violations were confirmed, the election administrations and courts rejected the complaints on annulation of summary protocols and re-counting the precincts votes, on the grounds that the violations have not actually affected the results. The election administrations were only limited with imposing the disciplinary liability

Recommendations

Election administration □ The fundamental reform of the election administration should be carried out and higher bodies of the election administration (CEC, district) should be staffed only with apolitical and independent members selected based on professional qualifications[4]. Furthermore, the normative base regulating the competition for selection of members of election commission as well the rule and practice of selection of members of the commission should be improved during the transition period. We consider it significant to increase the qualification level of the PEC members and strengthen the skills of processing the documentation. The election commission members should conduct the administrative proceedings in line with legislation, consideration of complaints on merits. We consider it significant to simplify the voting procedures to increase PEC activities and improve electoral processes; as well implementation of modern technologies at the polling stations, including electronic vote counting.

Interagency commission - Interagency commission should go beyond the platform of only listening to complaints and exchanging the information, as is today and becomes more active and effective platform.

The State Audit Service - The State Audit Service should in timely manner examine/assess the cases of pre-election campaign violations and respond effectively. [5]

The law enforcement bodies - The law enforcement bodies should ensure timely, thorough and objective investigation of the incidents related to the elections; they should also avoid perception of bias towards the ongoing investigation against politically active persons.

Electoral subjects - The electoral subjects should refrain from illegal collection and processing of the personal data of the voters

Court - The courts should properly define and use the law when considering the election disputes. The judges should be permanently retrained to improve the qualification level in terms of election disputes.

GYLA monitored pre-election period, voting day, the second round and post-election period of 2017 local self-government elections through 510 monitors throughout the country.

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[1] <https://gyla.ge/ge/post/2017-tslis-adgilobrivi-tvitmmartvelobis-archevnebi-tsinasaarchevno-garemos-shefaseba#sthash.yDLHAW4x.dpbs>

[2] For instance the law enforcement bodies failed to show any interest towards the [reported information](#) via mass media on the case of collecting lists of supporters or Georgian Dream for the directors in the kindergartens of Tbilisi.

[3] <https://gyla.ge/ge/post/qalta-politikuri-monatsileobis-samushao-jgufis-ganckhadeba#sthash.Xc98maFX.dpbs>

[4] On transition stage, until the fundamental legislation amendments are made in terms of staffing the election commissions, we consider that the rule of staffing of the election administrations should be linked to the election results so that one party will have right to appoint only one member at the election administration.

[5] See Funding of pre-election campaign and State Audit Service.