

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Results of observation of the repeat election day as of 2 P.M.

The voting process is mainly proceeding in a quiet environment. Almost all the polling stations where the GYLA was observing the opening procedures were ready to receive the first voter on time. The said polling stations were equipped with relevant election materials. It should be noted that representatives of the MIA are mobilized in the area adjacent to the polling stations. Considering the experience of October 8, it is reasonable to take the said measures for preventive purposes.

### Violation of secrecy of the vote

A case of violation of secrecy of the vote was observed at precinct no. 48 of Marneuli,

as the first voter arriving at the polling station did not enter the voting booth, marked the ballot paper on a table, and dropped it into the ballot box in this way. According to the voter, as there were many people in the polling station, he could not wait until he could reach the voting booth.

### **Improper fulfillment of duties of a member of election commission**

The list of mobile voters at Marneuli's precinct no. 48 had been compiled in violation of the requirements of the Election Code (Article 33.5). In particular, the public version of the mobile voters' list didn't include the same data of voters as those included in the unified voters' list. Specifically, the year of birth and the registration number of voters in the unified voters' list or in the special list had been excluded. In connection with this, the GYLA observer filed a complaint. After she had filed the complaint, the precinct election commission (PEC) tried to correct the violation and made relevant changes to the public version of the mobile voters' list.

At the time when the first voter arrived at Marneuli's precinct no. 48, members of the PEC had yet to finish the procedures to be performed from 7 A.M. to 8 A.M. (for instance, by the time the first voter arrived at the polling station, the registrars had not received ballot papers and seals). The election commission explained this shortcoming by the large number of observers and media representatives in the polling station and the tension and confusion of commission members that followed).

### **Arrangement of polling stations**

It is noteworthy that there are too many people authorized to be present at the polling site at Marneuli's precinct no. 48. It should also be taken into consideration that the polling room is small, and, due to the large number of people at the polling station, the working conditions are not appropriate.

There was an electricity outage at precincts no. 79 and 108 in Zugdidi from 7 A.M., but this didn't affect the drawing of lots and other procedures. Electricity supply was restored at both precincts in about an hour. According to the election commissions, in case they have a problem with electricity supply at the time of the vote count, they are equipped with generators.

## Other issues

Unlike the election day of October 8, 2016, members of PECs appointed by the United National Movement took part in the drawing of lots to identify the commission members who were supposed to accompany the mobile ballot boxes and, when the ballot boxes were sent to voters, accompanied the ballot boxes. It should be noted that on October 8, the PEC members appointed by this party protested on a massive scale and refused to take part in the said drawing of lots, or, on the contrary, took part in this procedure, though later refused to accompany the mobile ballot boxes. As we believe that such an act on the part of members of election commissions constituted non-fulfillment of duties of a member of an election commission, the GYLA observers filed complaints in higher election commissions, demanding that disciplinary liability be imposed on the relevant individuals. It is noteworthy that, in a number of cases, the higher election commissions applied measures of disciplinary liability in relation to the said persons. The courts also explained that the refusal of commission members to take part in the procedure of drawing of lots constituted non-fulfillment of duties of a commission member.

In the polling stations of both Marneuli and Zugdidi, members of the respective district

election commissions (DECs) are present at the PECs, helping PEC members in their work, giving instructions, and trying to ensure that the electoral procedures are carried out in accordance with the requirement of law. Of course, it is advisable that PECs perform their duties without the assistance of higher election commissions, though, if they still need their assistance, higher election commissions should take measures within the limits of their competence to ensure the fulfillment of statutory requirements.

**By now, the GYLA observers have filed two complaints regarding the aforementioned violations (in connection with the same violation in a PEC and a DEC) and made two remarks in the logbook at the Marneuli precinct.**

The Georgian Young Lawyers' Association is observing the repeat elections of the Parliament of Georgia of October 8, 2016, at four election precincts of two election districts. Representatives of the organization are observing the majoritarian elections that are being held in PEC no. 36.22.48 of majoritarian district no. 36 (Marneuli), as well as in PECs no. 66.67.38, 66.67.79 and 66.67.108 of majoritarian district no. 66 (Zugdidi) where both parliamentary majoritarian elections and the elections of heads of municipal administrations are being held.

The GYLA has actively observed the elections of legislative, executive, and local government bodies since its founding (in 1994), trying to contribute to the conduct of elections in a quiet and fair environment and to steadfast observance of the Georgian legislation during electoral processes.

During the day, the GYLA will hold one more press briefing regarding the observation of the election day at the media center of non-governmental organizations (address: 1 Freedom Square). The next briefing will be held at 9 P.M.

The GYLA's monitoring of the polling day of the repeat parliamentary elections was made possible by the funding of the Embassy of the United Kingdom, the Embassy of the Kingdom of the Netherlands, the Ministry of Foreign Affairs of Sweden, the United States Agency for International Development (USAID), and the Open Society – Georgia

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