



## Results of observation of the polling day as of 10 A.M.

As of 10 A.M., the voting process is mainly taking place in a calm environment. The majority of 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 respective election materials.

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Problems were mainly identified with regard to the procedure of casting of lots, improper behavior of representatives of some observing organizations, and improper performance of duties by some commission members. Some of the violations were eradicated as a result of request of the GYLA's observers or instruction of higher election commissions.

Yesterday, on October 29, representatives of our organization learned that kindergarten and school teachers, employees of budget-funded organizations, and civil servants in Tbilisi and the regions had been instructed to mark the ballot paper in a different form when they cast a vote at the polling stations tomorrow. In particular, they were told to circle the sequence number of Georgian Dream candidates in a square form and, also, to make a photo of the choice they make. It should be noted that yesterday, on October 29, the political association Georgian Dream released a statement denying that they had given such an instruction.

We would like to explain once again that if the aforementioned is true, we will be dealing with a violation of the electoral legislation. In particular, the Election Code prohibits any influence restricting a free expression of the will of voters, as well as any control over the expression of the will of voters; the Code also prohibits conducting photo and video shooting in the voting booth.

We once again call upon:

## **The election subjects and representatives of public agencies:**

- Not to allow the use of administrative resources and any influence that will be perceived as control over the will of voters.

## **Voters:**

- To express their will freely when marking the ballot paper and not to violate the electoral legislation by making photos or videos in the voting booth. We would like to explain that voters have the right to make their choice secretly. Voters are not obliged to identify (mark the ballot paper in a different form) or publicize their choice.

- In the case of pressure and threats of dismissal from job, to approach us in the GYLA's central office in Tbilisi and in the regional offices in Batumi, Kutaisi, Gori, Dusheti, Rustavi, Telavi, Zugdidi, and Ozurgeti.

## **Restriction of observers' rights**

At precinct no. 13 in Telavi, the commission members treated the GYLA's observer aggressively. She was not allowed to familiarize herself with the data entered in the logbook. The problem was only resolved after the intervention of the chairperson of the DEC at the request of the GYLA.

At precinct no. 48 in Marneuli, the chairperson of the PEC didn't allow observers to attend the procedures of casting of lots.

## **Culpable non-performance or improper performance of official duties by commission members**

At precinct no. 14 in Chiatura, a commission member sealed two ballot papers in advance.

## Information about election observation organizations

At precinct no 8 of Samgori, at the time of registration of persons authorized to be present in the polling station, a representative of All Media, a media outlet, stated that she was a representative of the United National Movement.

## Violations of the procedure of casting of lots

We have observed cases where members of election commissions appointed by the United National Movement refused to take part in the casting of lots to identify the commission member to accompany the mobile ballot box or – after the casting of lots when the mobile ballot boxes were sent to voters – refused to accompany the mobile ballot box (at precincts no. 8 of Mtatsminda, no. 79 and 64 of Gori, and no. 9 of Zugdidi).

The GYLA has also learned that in several of such cases the chairpersons of the PECs stated that such members would not take part in the casting of lots to identify commission members for performing other functions and would only fulfill individual assignments of the chairperson.

According to the Election Code of Georgia, the casting of lots will take place before the start of the polling procedure to assign functions to members of the precinct election commission. At first, the chairperson of the PEC will identify, by casting of lots, two commission members from among members appointed by parties to accompany the mobile ballot box (if necessary). At the same time, they may not be members of the commission nominated by the same election subject. Another casting of lots will be conducted to assign other functions to commission members.

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We believe that the refusal of commission members to take part in the casting of lots or their refusal to perform the function assigned by the casting of lots constitutes improper performance or culpable non-performance of their official duties, which poses a threat to conduct of the election procedures in compliance with the requirements of law.

It should be noted that on October 7, before the first round of the parliamentary elections, Nika Melia, the head of the UNM campaign headquarters, stated that the Central Election Commission was planning to send representatives of the UNM to accompany the mobile ballot boxes. For this reason, the party decided that “regardless of directives of PEC chairpersons, not a single UNM representative is going to leave the election precinct and accompany the mobile ballot box.”<sup>[1]</sup>

We believe that this statement is not in compliance with the law. According to Paragraph 21, Article 8 of the Election Code, **„An election commission member is not the representative of his/her appointer/voter. An election commission member shall be independent in his/her activities and shall act only according to the Constitution of Georgia, law, and respective subordinate acts.“**

Besides, this issue once again shows that the procedure of staffing of the election administration is problematic and requires a reform.<sup>[2]</sup>

In the first round of the parliamentary elections, the GYLA appealed this issue in court. The court ruled that members of election commissions were obliged to accompany the mobile ballot box. It is noteworthy that on the repeal polling day, on October 22, the commission members appointed by the UNM did accompany the mobile ballot boxes.

The court also explained that the chairpersons of PECs should have allowed members of the PECs to take part in further casting of lots to identify commission members who were supposed to perform other functions.

At precinct no. 13 of Telavi, commission members exchanged their functions arbitrarily.

At precinct no. 45 of Telavi, the chairperson of the PEC didn't allow members of the PEC appointed by either Georgian Dream or the UNM to take part in the casting of lots. The chairperson explained that he had been guided by decree no. 72/2016 adopted by the CEC on October 23. The GYLA observer notified this case to the chairperson of the DEC, who gave the chairperson of the PEC a relevant instruction. A complaint has been lodged in connection with this fact.

### **Presence of unauthorized persons at polling stations**

At precinct no. 20 of Mtatsminda, unauthorized persons – officers of the security police – were present in the polling room. The chairperson of the PEC explained that the aforementioned persons were supposed to stay at the polling station until 8 P.M. After a request by the GYLA observer, the said individuals left the polling station.

### **Deficiencies related to filling out the control sheet**



At precinct no. 27 of Nadzaladevi, commission members indicated the data of an observer instead of those of the first voter on the control sheet. A new control sheet was brought to the polling station, due to which the polling process started 20 minutes later.

At precinct no. 8 of district no. 47 of Kutaisi, the control sheet was filled in incorrectly – the number of the district was indicated incorrectly.

At precinct no. 80 of district 49 of Kutaisi, we also observed a case of incorrect completion of the control sheet – two members of the commission forgot to sign the control sheet.

### **Other issues**

At precinct 68 of Marneuli, at 7 A.M. (at the time of opening the polling station), the polling station was not supplied with electricity. The chairperson of the PEC sent commission members to bring a cable.

At this point, the GYLA's observers have lodged 17 complaints and made 5 remarks in the logbook in connection with the aforementioned violations.

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.

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On October 30, the GYLA is observing the polling day of the second round of the parliamentary elections in **Tbilisi** and nine regions with **up to 400 observers**.

The static observers have been deployed **to up to 300** polling stations across Georgia. Mobile groups are moving around in 45 majoritarian districts.

On the election day, the GYLA will be operating a special hotline by which citizens will be able to get legal advice regarding the polling procedures. The GYLA will also be operating a hotline for journalists and media organizations. By calling the hotline, journalists and media organizations can get information that is interesting for them and legal consultation about electoral procedures, violations on the polling day, and the response provided, as well as provide us with information about violations they have observed on the polling day.

Our hotline number is **223-63-48**

On the election day, the GYLA – through its observers deployed to all the regions of Georgia and analysts – will be entering information into the electoral-analytical database in real time and analyzing it.

To get comprehensive information about the violations on the election day, you can also visit [www.electionportal.ge](http://www.electionportal.ge) where you can post violations that you have observed by filling out an online form or sending a free-of-charge text message to this number: 90039.

During the day, the GYLA is going to hold three more press briefings regarding the



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observation of the election day at the media center for non-governmental organizations (address: 1 Freedom Square).

The next briefings will be held at 2 P.M., 6 P.M., and 9 P.M., while on October 31, the GYLA will assess the election day and hold a briefing at 12 A.M.

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[1] <http://www.ipress.ge/new/47459-nika-melia-dagegmilia-rom-chveni-komisiis-tsevrebi-gadasatn-yutebs-gaayolon>

[2] The reform implies transition from staffing of election commissions by a mixed method (according to which a part of the commissions are professional members and another part are appointed by parties) to their staffing by professional criteria.