

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## Results of the Observation of the Polling day as of 10:00 a.m.

By 10 a.m. the polling process is taking place in calm environment. The majority of the precincts observed by the GYLA were ready to receive the first voter. These precincts were equipped with the respective election materials.

The problems were identified mainly regarding the casting lots procedures and improper behaviour of the representatives of some observation organisations. Some of the violations were eradicated upon GYLA's observer's request or based on the instruction of the higher election commission.

### **Violations concerning the casting lots**

A number of cases were revealed when the Commission Members appointed by the United National Movement either refused to take part in the casting lots to identify the member to accompany the mobile ballot box or did not accompany the mobile ballot box. (Mtatsminda #20, 16 and 26 precincts, Chughureti #14 and #32 precincts, Didube #38, Nadzaladevi #51, Telavi #2, #1, #10, #12, #7, #4)

It also became known to GYLA, that in some of those cases, the Chairperson of the precincts declared that they would not be able to take part in other casting lots and would fulfill duties assigned by him/her. GYLA obtained respective documents, according to which the chairpersons had instructions that those members of the commission who would refuse to take part in the casting lots procedure would stay without any function or would be asked to carry out chairperson's directives. However these members would take part in the lot to identify the counter officers.

According to the Election Code of Georgia, the casting lots takes place before the polling procedure to assign the functions to the members of the commission members. At first the chairperson shall identify, by casting lots, 2 commission members from among the members appointed by parties to accompany a mobile ballot box (if necessary); moreover, those persons may not be the election commission members nominated by one electoral subject. Another casting of lots shall be conducted to assign other duties to the commission members

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We believe that the refusal by the Commission member to take part in the casting lots or to fulfill the the function assigned by the casting lots, is culpable non-performance or improper performance of their official duties which poses danger to conducting the election in line with the procedures.

It should also noted that yesterday, on 7 October, the head of election headquarter of United National Movement, Nika Melia stated that the Central Election Commission was planning to send the representatives of the United National Movement representatives with the mobile ballot box. Therefore the party decided that " regardless of chairperson's directive, UNM representatives would not leave the electoral precinct and would not accompany the mobile ballot box."[\[1\]](#)

We believe this statement is not in line with the law. According to the article 8, provision 21 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 composition procedure of the electoral administration is problematic and there is a need for its reform.[\[2\]](#)

Improper behavior of the representatives of the observer organisations

Violation of the ethical norms and improper behavior by the representatives of the observer organisations were spotted at election precinct #26 Nadzaladevi and Didube #11. These cases might represent interference within the activities of the commission members which is prohibited by the law. At precinct #26, the representative of conflict analysis and Eurasia management institute and by the observer of the international democratic analytical institute, at precinct #11 gave some directives to the members of the commission and had an attempt to control the situation.

We would like to highlight that according to the law the observer has a right to express a pretension a regarding the work of the member of the commission and to demand elimination of the violation. The Election commission has an obligation to review complaints. However this does not give a right to the observer to interfere within the activities of the commission. We call on the observer organisations to ensure that their observers' behaviour are in line with ethical norms and law.

### **Violation of the photo and video shooting procedure**

There were 2 cases were identified in Tbilisi when the media representatives interviewed a person at the polling station. We would like to remind the media representatives that according to the Decree of Central Commission dated by 24 September 2012, interviews should be recorded outside the polling station.

### **Violation of the voter's rights**

An observer was not let at the polling station #24, in Zugdidi because of the black and white badge. The problem was fixed as a result of the communication with the higher election commission.

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

- The mobile ballot box list were not ready at #8 precinct in Krtsanisi and the commission started filling in the list at 7:30 a.m.
- There were only 7 members of the commission present at #49 precinct in Dusheti. This represents a culpable non-performance or improper performance of the

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official duties by the commission members

- The ballot papers and special envelopes were handed to the precincts of the Zugdidi District only a couple of hours before commencing a polling procedure which is the violation of the election code. According to the administration they received the documentation with a delay

For the moment, the GYLA observers filed 11 complaints on the above mentioned violations.

From its foundation (1994) GYLA observes the elections of the legislative, executive and judiciary branches as well as local governance actively and tries to contribute to conducting the election in the calm, fair environment and observance of the respective legislation.

On 8 October GYLA will monitor the election day in Tbilisi and in 9 regions with the help of 500 observers.

400 observers are deployed in 400 precincts throughout Georgia. The mobile groups are covering 61 districts. GYLA monitors the elections in the precincts set up in exceptional cases and in the problematic ones[3] as well identified as such during the pre-election period. Also, monitoring will be conducted in the districts inhabited mainly by the minorities together with the observers of the Public Movement "Multinational Georgia" representatives. This is carried out within the framework of the GYLA programme aiming at exercising the suffrage of the ethnical minorities.[4]

There will be a hotline working during the election day at GYLA where the citizens can get a legal advise regarding the polling procedures. Also hot line will work for the journalists and media organisations through which they can obtain interesting information and legal consultations concerning the polling procedure, violations and possible measures. Moreover they will have a possibility to report on any violation.

Hot line: **223-63-48 T**

During the election day GYLA will collect the information through its electoral-

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analytical database and will analyse it with the help of the analytics and observers deployed through Georgia.

Also during the polling day, you can visit [www.electionsportal.ge](http://www.electionsportal.ge) to get a comprehensive information regarding the violations. You can also report a problem or violation through the online form or sms free of charge to the number 90039.

During the election day GYLA will have 3 more press conferences at the NGO media center

The following press conferences will take place at 14:00, 18:00 and 21:00. GYLA will evaluate the election day and will held a press conference on 9 October at 12:00

GYLA's election observation mission was made possible with the help of funding of the Embassy of Great Britain, Embassy of the Kingdom of the Netherlands and USAID and the Open Society Georgia Foundation. The views expressed in the statements might not represent the ones of the donor organizations.

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

[2] Which means from the mixed composition rule ( professional criteria and party affiliation) to the composition based on professional criteria

[3] These precincts were identified by the GYLA observers based on the results of the previous elections

[4] The programme is implemented with the support of USAID