

საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



Preliminary Assessment of Voting and Vote Count Procedures in 2010 Local Elections

The Georgian Young Lawyers' Association's preliminary assessment of the voting and vote count procedures in the 30 May 2010 local elections is limited to the Tbilisi, Kutaisi and Batumi electoral districts where GYLA observers monitored the voting, vote count and tabulation procedures in 200 polling stations. At the same time, GYLA's 30 mobile groups visited more than half of the polling stations in Tbilisi, Kutaisi and Batumi.

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Voters subjected to control while expressing their will: Aside from several exceptions, the voting took place in a generally calm environment on 30 May. However, the control imposed by the ruling party's activists over the voters' expression of their will cast a significant shadow over the positive trends that set these elections apart from the 2008 presidential and parliamentary ballots.

On 29 May, Pavle Kublashvili announced on the ruling party's behalf that, on the Election Day, the National Movement's activists would record the turnout among the party's supporters outside the polling stations. On 30 May, in a majority of polling stations in Tbilisi and Batumi, GYLA observers saw groups that monitored the voter turnout in respective precincts. As they themselves said, they recorded the "supporter" turnout in special lists.

In Tbilisi, the National Movement representatives recorded the names of the voters who turned up outside the Electoral Precinct #77 of Isani Electoral District #5; electoral precincts ## 24, 53, 9, 54 of Gldani Electoral District #10; Electoral Precinct #83 of Samgori Electoral District #6; Electoral Precinct #55 of Nadzaladevi Electoral District #9; Electoral Precinct #24 of Vake Electoral District #2; electoral precincts ## 5, 6, 10, 25, 34, 35, 47, 48, 57, 58, 59, 67, 72 of Vake Electoral District #2; electoral precincts ## 9, 5, 81, 48, 54, 50 of Saburtalo Electoral District #3; electoral precincts ## 87, 89, 90 of Nadzaladevi Electoral District #9; Electoral Precinct #32 of Gldani Electoral District #10.

Electoral precincts ## 16, 60, 71, 69, 42, 39, 33 of Kutaisi Electoral District #59.

Electoral Precincts ## 21, 75, 23, 58, 1, 2, 3, 6, 7, 8, 49, 53 of Batumi Electoral District #79.

The Georgian Young Lawyers' Association believes that the presence of the aforementioned groups outside the polling stations effectively constituted control over the voters' expression of their will, which contradicts the fundamental principles of free and fair elections.

Process of voting: Although voters were able to make their choices in a calm environment inside the polling stations, in some electoral precincts, the process of voting involved significant problems, some of which cannot be described as mere procedural irregularities.

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For example, in Electoral Precinct #41 of Batumi Electoral District #79, an observer attempted to rig the vote results, while a person voted instead of another voter (Levan Kharazishvili). In the same precinct, two individuals attempted to vote instead of other voters (Mamuka Loria and Mamuka Matkava) but the commission members did not let them do it.

In Electoral Precinct #23 of Batumi Electoral District #79, there were multiple cases of individuals voting with other people's documents. Specifically, voters found signatures across their names on the voter list upon arriving at the polling station. Similar cases were recorded in electoral precincts ## 27, 28 and 16 of the same district.

In Electoral Precinct #62 of Batumi Electoral District #79, a voter who arrived at the polling station around noon took a ballot paper outside the station. Despite an observer's remark, the electoral commission did not react to the incident.

Procedural violations producing real threat of vote rigging: in several of Tbilisi's electoral precincts – for example, in Krtsanisi and in three electoral precincts of Saburtalo – the inking verification device was out of order for a certain period of time but people continued to vote despite the malfunctioning device. In Electoral Precinct #42 of Batumi Electoral District #79, the inking device did not work at all for half an hour though the people continued to vote without any problems.

In electoral precincts ## 1, 8, 9 of Didube Electoral District #8, dozens of voters had been included on the mobile ballot box list incorrectly. In Electoral Precinct #13 of Electoral District #59, the mobile box ballots were not signed and stamped before being taken from the polling station. Four people voted with this kind of ballots. A similar case was recorded in Electoral Precinct #89 of this district.

In Electoral Precinct #35 of Mtatsminda Electoral District #1, political party representatives took the mobile ballot box from the polling station at 10 a.m. No observers accompanied them. The box was returned to the polling station at 5 p.m. though there were plus signs instead of voter signatures in the voter list supplement.

Obstruction of observers' work and pressure on observers: while the Central Electoral Commission was trying its best to assist observer organizations throughout the Election Day, a negative, and sometimes hostile, attitude could be felt precinct and district commissions. In several special precincts in Tbilisi, observers had problems

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entering the polling stations both when the stations opened and before the start of the vote count procedure. On several occasions, observers were not allowed to enter the polling stations.

In Electoral Precinct #3 of Batumi Electoral District #79, the Precinct Electoral Commission members physically assaulted a GYLA observer after he filed a complaint demanding annulment of the results in the polling station. In Electoral Precinct #5 of Samgori Electoral District #6 in Tbilisi, the Precinct Electoral Commission chairman would not allow a GYLA observer to leave the territory of the precinct after the results were summed up. In Electoral Precinct #13 of Mtatsminda Electoral District #1, the commission chairman forced a GYLA observer to leave the polling station. The observer returned to the polling station following the District Electoral Commission's intervention. In Electoral Precinct #80 of Isani Electoral District #5, the chairman of Isani Electoral District Commission prohibited a GYLA observer from approaching the registration table. In Electoral Precinct #12 of Chughureti Electoral District #7, the commission chairman filed a complaint against a GYLA observer because the observer had written a complaint.

Violations during vote count and tabulation procedures: in most cases, the level of training of precinct electoral commissions in the area of vote count was very poor. In the majority of electoral precincts where the Georgian Young Lawyers' Association monitored the elections, the precinct commissions had difficulties in drawing up final protocols. The situation was particularly alarming in the precincts where the commissions had to count the votes from the special precincts they had been assigned.

The majority of precinct electoral commissions agreed unwillingly the observers' demand that the counting members be selected through a draw. In Electoral Precinct #57 of Batumi Electoral District #79, the entire commission, rather than the members selected through a draw, participated in the ballot count.

Complaints and appeals: the largest number of complaints was filed in the Mtatsminda, Krtsanisi, Chughureti and Isani districts in Tbilisi, as well as in some precincts of Batumi Electoral District #79. A total of 41 complaints were filed by GYLA with precinct electoral commissions, while 13 complaints were filed with the district electoral commissions and 30 remarks were recorded in journals.

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Due to particularly serious violations, GYLA demands that the vote results be annulled in the following precincts: electoral precincts ## 16, 23, 27, 28 and 41 of Batumi Electoral District #79 because of the cases when individuals voted instead of the registered voters; Electoral Precinct #62 of the same district because ballot papers were removed from the polling station.

GYLA seeks the annulment of vote results in electoral precincts #13 and #89 of Kutaisi Electoral District #59 because an unsigned envelope was found in the mobile ballot box.

In Electoral Precinct #35 of Mtatsminda Electoral District #1, the vote results must be annulled since there were no signatures in the mobile ballot box list. The results of vote through the mobile ballot box should be annulled in electoral precincts ##1, 8 and 9 of Didube Electoral District #8.

GYLA would also like to rise the question of disciplinary and administrative responsibility of individual members of 20 precinct electoral commissions, who exerted pressure on observers and failed to fulfill their duties properly.

The election results are yet to be consolidated by the Central Electoral Commission and the district electoral commissions. GYLA observers continue to monitor the process. GYLA will therefore present its final assessment of the 2010 local elections to the public after the review of the complaints filed by GYLA observers is over.

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