



GYLA evaluates pre-term elections of Gardabani Municipality Gamgebeli

Georgian Young Lawyers' Association monitored pre-term elections of Gardabani Municipality Gamgebeli on January 28, 2016. Nearly ten observers of GYLA monitored the Election Day through static and mobile groups.^[1] Based on GYLA's past experience, the monitoring focuses on electoral precincts that proved to be problematic in previous elections, on special electoral precincts and areas populated by ethnic minorities.

On the Election Day GYLA's observers detected total of 10 cases of electoral violations, including two instances of physical confrontation outside a polling place, 2 instances of verbal confrontation at the polling place; 1 instance of presence of unauthorized individuals at the polling place; 1 instance of errors in the control sheet; 4 instances of failure to adequately fulfill duties of a PEC member. Observers also found cases of mobilization of individuals with unidentified status outside a polling place.

GYLA's observers filed total of 6 complaints throughout the Election Day, including

three complaints filed with DEC over 5 incidents. Notably, DEC granted GYLA's claim in part and ordered total of 6 disciplinary liability measures (reproofs and warnings) against 4 members of electoral commission, including two measures against 2 members of electoral commission for various procedural violations.

On the Election-Day GYLA's observers detected improper conduct of monitoring organization representatives at polling places (electoral precincts no.1, 4, 8 and 53). GYLA's observers reported that representatives of the following monitoring organizations violated ethics principles and attempted to interfere with the work of the election administration in individual cases: Young Initiators' Club, Choice of Future, Internaitonal Network of Civil Development, Young Initiators' Club, Anti-Corruption Media Center and Free Zone. GYLA urged the electoral administration to act adequately and ensure order at electoral precincts. We also urged the monitoring organizations involve to ensure that their observers act in abidance of the ethics principles and requirements of law. We believe that an observer has a legal right to criticize poor performance of an election administration and urge it to remedy the irregularities. An election administration on its end is obligated to consider observer's criticism and complaints. However, it does not give the right to an observer to interfere in the work of an electoral administration and influence its activities.

To summarize evaluation of January 28 elections in Gardabani Municipality,

- Similar to October 31, 2015 parliamentary by-elections, the pre-term elections for Gardabani Municipality Gamgebeli were held amid political boycott. Some of the opposition political parties refused to participate in the elections. The only two political force competing in the elections were the election bloc Georgian Dream and the United National Movement;
- Throughout the polling day, supporters of electoral subjects voiced allegations against each other and accused opponents for inciting violence and intimidating voters;
- Similar to the October 31, 2015, elections, acts of physical confrontation occurred outside polling stations. Although the incidents did not impact the polling process, they create tensions and interfere with peaceful development of election processes;
- Observers found lack of qualification and professionalism of PEC members, while some PEC members were not adequately informed about polling procedures.

Individual monitoring organizations attempted to influence activities of PEC members;

- Military voting remained to be a pressing issue for January 28 elections. Under the decision of Gardabani DEC, a special voting station no.64 was set up for 688 military workers. In addition, under the DEC decision, dozens of military workers were registered with civilian electoral precinct no.31 for vote. Therefore, monitoring organizations focused on accuracy of data that served as foundation for setting up the special polling stations and allowing the military workers to vote. To this end, we requested public information from the Ministry of Defense [2] and from relevant military units, as well as from the CEC, to check their compliance with requirements of para.6, Article 32 of the Election Code.

By virtue of the foregoing provision, a military worker of the Ministry of Defense of Georgia, deployed on the polling day at a given location, permanently, for one year or more, can participate in Mayoral/Gamgebeli elections, while if s/he is deployed for the term of less than a year, s/he will be able to participate in Gamgebeli elections if his/her place of deployment and place of civilian registration fall within the boundaries of the same electoral district.

We must note that similar to October 31 elections, Gardabani Elections once again reminded us of flawed legal norms that regulate the so-called special polling stations. For many years GYLA had been urging the government to improve the regulations but military vote procedures remain problematic. Some electoral subjects suspected that movement of military forces in different polling stations ahead of the Election Day aimed to artificially increase the number of supporters for majoritarian candidates from certain political parties. In addition, it is difficult to conduct civilian monitoring to determine expediency and the need of relocation of military servants.

- Similar to previous elections, individuals with unidentified status were detected near polling stations, holding lists and registering arriving voters. Although law does not prohibit such practice, we believe that influences voters' will in an indirect manner and does not promote the practice of free elections.

In light of the foregoing, we believe that the government should utilize remaining time effectively and implement adequate legal reforms to promote administration of the parliamentary elections in 2016 in a free, competitive and equal environment.

In particular, we believe that

- for the upcoming parliamentary elections the government must take concrete steps to change the existing majoritarian electoral system;
- it should introduce a number of restriction to ensure equal electoral environment. We believe that it should narrow down the category of political officials who can freely participate in pre-election campaign;
- special polling stations should be subject to strict regulations. The Election code must provide strict criteria to determine when a special electoral precinct must be set up when number of voters in a military unit is more than 50, in order to eliminate any room for abuse. In addition, similar to other individuals on a special list of voters, military workers should not be able to participate in local self-government elections when his/her place of civilian registration is outside the electoral district concerned.

In addition:

- law enforcement authorities should prevent violent incidents during elections and investigate such incidents in a prompt, comprehensive, objective and transparent manner;
- individuals participating in elections should refrain from any type of violence or provocative actions that may escalate tension during election;
- capacity building of electoral commission members should continue; training modules should focus on the election day procedures and maintaining election records;

GYLA stands ready to contribute to any activity that aims to improve the electoral framework, and to propose recommendations to the government for improving the electoral environment.

[1] GYLA monitored the Election Day as well as post-election day complaints procedures; GYLA did not monitor pre-election processes;

[2] Based on information provided by the Ministry of Defence to GYLA, based on para.6a.a) of Article 32 of the Election Code of Georgia, Gardabani Electoral

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Commission was provided with a list of 765 military workers deployed for a year or more at National Training Center “Krtsanisi” and Zaza Peradze Basic Combat Training Center, and under para.6a.b) of Article 32, Gardabani Electoral District received a list of military workers from the said subdivisions deployed for less than a year.

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