



## Election Update

(September 5- October 15)

On August 4, 2008, by the decree # 539 of the President of Georgia, the Adjara Supreme Council Elections and Parliament of Georgia elections of May 21, 2008, of majoritarian electoral system # 2 Vake and # 8 Didube Electoral Districts By-Elections, according to “Adjara Autonomous Republic Status” of paragraph 4<sup>th</sup> of Article 10<sup>th</sup> and Article 241<sup>st</sup> of the Constitution of Georgia were appointed. Though, after the military attack of the Russian Federation against Georgia, by the decree of August 9<sup>th</sup>, 2008, of the President of Georgia on the entire territory of Georgia the state of war was declared ( according to ‘sub-paragraph “Z”, paragraph 1, article 73, as well as article 98 and paragraph 1, article 100 of the Georgian Constitution, according to Georgian Law “about Military Law” and “Mobilization Law” sub-paragraph “a”, article 6, Georgian Law) which in accordance to the existing legislation resulted in delay of the election till the abolishment of the state of war. The duration of the state of war was declared for 15 days.

Immediately after the abolishment of the state of war, on September 5, 2008, by the decrees of #578<sup>th</sup> and # 579<sup>th</sup> of the President of Georgia the Adjara Supreme Council Elections and Parliament of Georgia elections of May 21, 2008, of majoritarian electoral system # 2 Vake and # 8 Didube Electoral Districts By-Elections were appointed. According to the legislation <sup>1</sup> the date of the elections was appointed November 3, 2008.

International Society for Fair Elections and Democracy (ISFED) expressed its readiness to conduct monitoring of electoral processes in Adjara Autonomous Republic and # 2 Vake and # 8 Didube electoral districts. ISFED started mobilization of Long-Term Observers (LTOs) and started active monitoring of pre-election period monitoring.

ISFED’s monitoring mission will entirely cover the electoral precincts in Adjara Autonomous Republic and will cover 65 electoral precincts in # 2 Vake and # 8 Didube electoral districts (which amounts to 50% of electoral precincts opened for the Parliament of Georgia By-Elections). ISFED’s monitoring includes pre-election period, Election Day, and post-election period monitoring. The monitoring findings will be regularly provided to the public via electronic bulletin “Election Update” and press-conferences.

ISFED presents the monitoring findings for the period of September 5- October 15.

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<sup>1</sup> According to the existing legislation the elections are appointed 60 days after the abolishment of the state of war.

**International Society for Fair Elections  
and Democracy**

**Address: 25 Kostava Street,  
0108 Tbilisi, Georgia**

**Tel: (995 32) 98 39 98  
Fax: (995 32) 98 98 24**

**E-mail: [info@isfed.ge](mailto:info@isfed.ge)  
Website: [www.isfed.ge](http://www.isfed.ge)**



## Adjara Supreme Council Elections

### Registration of Electoral subjects and observers

#### Electoral subjects registration

No later than 57 days after the announcement of the elections, namely on September 7<sup>2</sup>, Supreme Election Commission finished receiving the applications from the political parties for participation in Adjara Supreme Council Elections. Totally 8 political parties registered and submitted the party lists at the Supreme Election Commission. These are: “Georgian Dasi”, “Giorgi Targamadze - Christian Democrats”, “By Ourselves”, “Conservative Party of Georgia”, “Georgian Politics”, “Unified National Movement”, “Industry Will Save Georgia”, “Unified Communist Party of Georgia”. Among these parties only one - Unified Communist Party of Georgia - was not registered at the Supreme Elections Commission. Consequently, the party was given 1 week period for collecting signatures of 3000 voters of Georgia residing in the territory of Adjara Autonomous Republic.<sup>3</sup>

The political union “Our Country” submitted the application after the deadline and consequently was refused to register by the Supreme Election Commission. The Republic Party of Georgia refused to participate in Adjara Supreme Council Elections.

30 days prior to the elections, on October 4, the Supreme Election Commission, via casting a lot identified the numbers for electoral subjects.<sup>4</sup> Two political parties – “Unified National Movement” and “Giorgi Targamadze-Christian Democrats” requested the Supreme Election Commission to keep the previous numbers (their request was granted). The other parties were assigned the following numbers:

1. “Unified Communist Party of Georgia”;
2. Political Union “Georgian Dasi”;
3. Political Union “Industry Will Save Georgia”;
4. Political Union “By Ourselves”;
5. Political Union “Unified National Movement”;
6. Conservative Party of Georgia;
7. Political Union “Georgian Politics”;
8. Political Union “Giorgi Targamadze- Christian Democrats”.

#### Observers registration

According to the election legislation of Georgia, namely the organic law of Georgia “Election Code of Georgia” and the law of Adjara Autonomous Republic “Adjara Autonomous Republic Supreme Council Elections”, the

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<sup>2</sup> The law of Adjara Autonomous Republic “Adjara Autonomous Republic Supreme Council Elections”, Article 44, Paragraph 1;

<sup>3</sup> The law of Adjara Autonomous Republic “Adjara Autonomous Republic Supreme Council Elections”, Article 44, Paragraph 4<sup>2</sup>;

<sup>4</sup> The law of Adjara Autonomous Republic “Adjara Autonomous Republic Supreme Council Elections”, Article 99; The law of Adjara Autonomous Republic “Adjara Autonomous Republic Supreme Council Elections”, Article 80, paragraph 5.



right to observe the elections has any domestic and international election monitoring organization, which meets the criteria set by the election legislation and will register at the election administration.

By October 15 three international organizations have been registered at the Supreme Election Commission for observing the Adjara Supreme Council Elections:

1. International Republican Institute;
2. British Embassy to Georgia
3. National Democratic Institute for International Affairs.

Eight domestic organizations have been registered at the Supreme Election Commission for observing the Adjara Supreme Council Elections:

1. International Society for Fair Elections and Democracy;
2. Georgian Young Lawyers' Association;
3. International Organization for Truth and Justice, Protection and Social Security of Intimidated and Prisoners;
4. International Organization for Protection and Social Safety for Vulnerable People and Prisoners;
5. Young Journalists' Association;
6. New Generation - New Initiative;
7. Fund "sCivic Education Development Multiethnic Resource Center";
8. General Civil Movement "Multinational Georgia".

## **Election Administration**

According to election legislation of Georgia the election administration of Adjara Autonomous Republic - part of the election administration of Georgia - is responsible for organizing and administrating Adjara Supreme Council Elections. The election administration of Adjara Autonomous Republic is three-level and consists of Supreme, District and Precinct election commissions.

In the pre-election period ISFED's Long-Term Observers conducted monitoring at all three levels of the election administration- observing the implementation of activities envisioned by the electoral timetable.

## **Supreme Election Commission Monitoring**

The Supreme Election Commission consists of 13 members, out of which 6 is non-party affiliated, and remaining 7 members are nominated by the following political parties: Unified National Movement, Conservative Party of Georgia, Political Union "Industry Will Save Georgia", "Labor Party of Georgia", Political Union "By Ourselves", " Political Union "Giorgi Targamadze - Christian Democrats" and Political Union "Georgian Dasi". The Republican Party of Georgia refused to participate in the elections and the party

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and Democracy**

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0108 Tbilisi, Georgia**

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“Georgian Dasi” has been granted a right to nominate its representative at Adjara Supreme Election Commission.

In the pre-election period the Supreme Election Commission holds regular sessions. The sessions are attended by every member, though the members nominated by the political parties are not actively engaged in the Commission’s activities and their participation is only limited to attending the sessions. Despite the fact that often at the sessions the different opinions are voiced, the process of adopting decisions is unanimous.

In the period set by the legislation, namely no later than 41 days prior to the Elections Day, on September 23, the Supreme Election Commission via press and other means of media presented the numbers, addresses, and telephone (fax) numbers and other requisites of election precincts.

In the monitoring period the Supreme Election Commission carried out the costs estimation for identifying the organization for printing bullet papers. Based on the costs estimation the decision to print bullet papers in Tbilisi has been adopted. <sup>5</sup> ISFED through its 2 accredited observers will conduct monitoring of the process of printing ballot papers by the election administration.

On September 11, 2008, the Supreme Election Commission adopted the instruction for submitting and deliberating a statement/complaint at the election administration. ISFED reviewed the instruction and provided the respective recommendation to the Supreme Election Commission. Namely: 1. In the Article 1<sup>st</sup> of the instruction to regulate the date for receiving, issuing and registering the election documentation according to the Election Code of Georgia<sup>6</sup>. 2. According to Article 11 of the instruction, during the deliberation on the complaint, if one of the sides is a registered election observation organization, its representative may be invited to the session. ISFED’s recommendation was, to become invitation of observation organization obligatory. On October 14, 2008, on its session the Supreme Election Commission took into account ISFED’s recommendations and adopted the respective changes to the instruction. ISFED welcomes the Supreme Election Commission’s decision.

On September 11, on its session the Supreme Election Commission adopted # 48 decree, according to which the video cameras would be installed only at the election precincts of # 79 Batumi election districts. The experience of the Presidential and Parliamentary Elections 2008 showed that in terms of problematic elections Kobuleti, Qeda, Khelvachauri and Khulo election districts were distinguished. Because of that on October 7, ISFED and GYLA submitted a statement to the Supreme Election Commission to install the video cameras at Adjara’s election districts. The statement was discussed at the Supreme Election Commission’s session on October 11, on which the respective bodies were assigned with the task to study in details the financial and technical aspects of the issue. On October 14 on its session the Supreme Election Commission approved installing vide cameras only at 14 election precincts of # 81 Kobuleti election districts (located in the city of Kobuleti). According to the Supreme Election Commission in other election districts installing video cameras is impossible because of a lack of finances.

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<sup>5</sup> Printing House “Vesta - 07”.

<sup>6</sup> The instruction envisioned receiving the statements/ complaints till 18:00 of the work day, which obstructed the process of receiving/registration of the complaints on Election Day.

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ISFED considers that in order to insure the transparency of the elections it would be desirable if the Supreme Election Commission would fully take into consideration the recommendation of the election observation organizations.

Some remarks have to be made with regard to the work of Public Relations Department of the Supreme Election Commission. During the pre-election period there were some shortcomings in this regard. Specifically, there were some cases when the election observation organizations were not timely informed on holding the Supreme Election Commissions' sessions. Though, the above-mentioned problem was later solved. There were certain problems with regards to receiving the public information (during requesting the information there were cases when the Supreme Election Commission would direct the requesters to the web-page), though this issues was timely solved. As for the web-page of the Supreme Election Commission, it lacked comprehensive information and was not updated with new information systematically. ISFED calls the Supreme Election Commission to pay particular attention to updating the web-page in order to avoid repetition of the situation observed at the Presidential Elections of January 5, 2008 - namely, with regard to timely posting the summary protocols on the web-page, which did not happen on the web-page of the Central Election Commission during the Presidential Elections and to some extent obstructed the transparency of the elections.

#### **District and Precinct Election Commissions Monitoring**

District and precinct election commissions, similar to the Supreme Election Commission, consist of 13 members, 6 of which are non-party affiliated, and the remaining 7 are nominated by the political parties. As mentioned above, the Republican Party of Georgia refused to participate in the Adjara Supreme Council elections and consequently the district and precinct election commissions were not composed of according to the law. The 13<sup>th</sup> members of the commissions were appointed by the district election commissions based on the competition. In # **80 Qeda** and # **82 Shuakhevi** election districts the 13<sup>th</sup> members were not selected as either there were not applicants or the application forms were not filled correctly.

No later than 55 days prior to the Elections Day, <sup>7</sup> namely on September 9, the district election commissions created the election precincts, identified the precincts' numbers and borders. The same day, the district election commissions announced the competition for the membership of precinct election commissions. After the receipt of the application, no later than 46 days prior to the Election Day, namely on September 9-14, the district election commissions elected 6-6-members of the precinct election commissions. Noteworthy, at some precinct elections the Chairs, Deputy Chairs and the Secretaries have been selected the same persons who conducted the Parliamentary Elections of May 21 and because of whose non-qualified work the results of election precincts were annulled- for example, # **2**, # **15** and # **43** election precincts of # **81 Kobuleti** election district.

ISFED regrets that the experience of Presidential and Parliamentary Elections have not been taken into consideration by the representatives of upper-level election administration, who still selected the same members of election administration, whose work performance was very unsatisfactory.

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<sup>7</sup> The law of Adjara Autonomous Republic "Arajra Autonomous Republic Supreme Council Elections", Article 25, Paragraph 3;



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Noteworthy, the selection criteria of professional members of elections districts and precincts is not precisely defined. Their selection process is often hurriedly carried out which unfortunately casts a doubt on the transparency and objectivity of the elections.

According to the legislation the session of newly created precinct election commissions is held not later than 34 days prior to the elections.<sup>8</sup> Consequently, at the territory of Adjara Autonomous Republic the sessions of every precinct election commissions were held. Though monitoring showed, that some election precincts did not function according to the set rules. Namely, after 17:00p.m. # 3, # 12, # 53, # 65, # 66 election precincts of # 79 Batumi election district and # 60 election precinct of # 81 Kobuleti Election District were closed. The further monitoring shows that some election precincts did not function after 16:00p.m. For example, almost every election precincts in # 82 Shuakhevi election district, except # 1 and # 46 election precincts. Some election precincts were not provided with necessary equipments, for example, # 56 election precinct of # 79 Batumi election district.

On the 1<sup>st</sup> sessions, the precinct election commissions were required to post the voters' lists and complains' rules at the voting buildings, though the monitoring showed that this has not been done in a number of cases. For instance in # 54 and # 60 election precincts of # 81 Kobuleti election districts, and # 2, # 3, # 12, # 15 and # 29 election precincts of # 79 Batumi election district.

According to the election time-table the list of members of precinct election commissions were required to be disseminated via press and other means of media no later than 29 days prior to the Election Day, on October 5. # 79 Batumi, # 80 Qeda, # 81 Kobuleti and # 84 Khulo District election commissions posted the lists of members of precinct election commissions only at the election districts' public stands. None of the election district disseminated the lists via press. Noteworthy, according to the representatives of # 82 Shuakhevi and # 84 Khulo election districts the list have been submitted to the newspaper "Mtianeti" for printing, though the above-mentioned issue of the newspaper has not been published yet.

On October 5 the district election commissions were to receive the documentation set by the legislation, namely: the party list, the registration card and photos filled and signed by each of the applicants for memberships of the Supreme Council. The election districts have not received the above-mentioned documentation, as the because of the shortcomings in the party lists the lists were given back to the parties for eradicating the shortcomings.

According to the legislation, the political parties participating in the elections have a right to recall the members of precinct election commission, no later than 15 days prior to the Election Day. The members were recalled from 21 election precinct of # 79 Batumi election district, 10 election precinct of # 80 Khulo election district<sup>9</sup>, 46 election precinct of # 81 Kobuleti election district and 5 election precinct of # 82 Shuakhevi election district.

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<sup>8</sup> The Election Code of Georgia, Article 20, Paragraph 4.

<sup>9</sup> In addition at # 80 Qeda election district, the district election commission recalled appointed members from # 2 and # 23 precinct election commissions.

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0108 Tbilisi, Georgia

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## Parliament of Georgia By-Elections

### Registration of Electoral subjects and observers

#### Electoral subjects registration

In # 2 Vake and # 8 Didube election districts for participation in the elections 4 majoritarian candidates registered themselves in each election district. Noteworthy, the Unified National Movement refused to participate in the By-Elections.

According to the election legislation of Georgia, 30 days prior to the elections, on October 4<sup>10</sup>, the Central Election Commission via casting a lot identified the numbers of electoral subjects. The numbers of majoritarian candidates are the following:

#### # 2 Vake Election District

1. Gocha Pipia - citizens' political union "Georgian Politics";
2. Tamaz Kvachantiradze - "Giorgi Targamadze- Christian-Democracts";
3. Levan Asatiani - political union "By Ourselves";
4. Kakha Qoridze - political union "Georgian Dasi".

#### # 8 Didube Election District

1. Jumber Kirvalidze- citizens political union "Georgian Dasi";
2. Jemal Natelashvili - Radical-Democrat National Party of Whole Georgia;
3. Guram Chakhvadze - political organization- National Democratic Party
4. Natela Miqashvili - political union "Qartuli Dasi".

#### Observers' registration

By October 15, for monitoring the Parliament of Georgia By-Elections 3 international organizations have been registered at the Central Election Commission:

1. International Republican Institute;
2. British Embassy to Georgia;
3. National Democratic Institute for International Affairs.

Six domestic organizations have been registered for the Parliament of Georgia By-Elections:

1. International Society for Fair Elections and Democracy;
2. Georgian Young Lawyers' Association;

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<sup>10</sup> Organic Law of Georgia " Election Code of Georgia", Article 99;



3. New Generation- New Initiative;
4. General Civil Movement “Multinational Georgia”.
5. Fund “ Civic Education Development Multiethnic Resource Center”;
6. Civic Development Organization;

## **Election Administration**

ISFED’s long term observers have been conducting monitoring of the activities of the Central Election Commission # 2 Vake and # 8 Didube district election commissions.

At this stage all three levels of election administration are functioning according to the legislation. No later than 34 days prior to the Election Day the sessions of all precinct election commissions were held.

On the 1<sup>st</sup> session, the newly founded precinct election commissions posted the voters’ lists and the complaint rules on the voting building.

ISFED continues the pre-election period monitoring and will periodically inform the public with the monitoring findings.

ISFED’s pre-election monitoring is financially supported by the OSCE.

The contents of this document are the sole responsibility of ISFED and can under no circumstance be regarded as reflecting the position of the OSCE.

**International Society for Fair Elections  
and Democracy**

**Address: 25 Kostava Street,  
0108 Tbilisi, Georgia**

**Tel: (995 32) 98 39 98  
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