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# Free, Fair and Equal Electoral-Political 2022-2025 Cycle in Georgia

**NEWSLETTER №49**  
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# INTRODUCTION

Since August 2019, the Georgian Young Lawyers' Association (GYLA) has been implementing the project "Free, Fair and Equal Election" throughout Georgia, covering the electoral political cycle from 2019 to 2022. One of the project's goals is to promote the improvement of the election environment through monitoring and evidence-based advocacy. To achieve this, the organization will monitor ongoing policy processes and develop recommendations that will be communicated to the public and presented to decision-makers. Currently, we are presenting Newsletter #49, which describes the events of October that have had an impact on the political environment.

## 1. MID-TERM ELECTIONS OF THE PARLIAMENT OF GEORGIA AND EXTRAORDINARY ELECTIONS OF THE MAYOR OF GURJAANI

On October 1, 2023, elections for the Gori-Kaspi majority deputy of the Parliament of Georgia and the mayor of Gurjaani were conducted, incorporating the use of electronic technologies.<sup>1</sup> 133 polling stations were opened for the elections.<sup>2</sup> In 103 polling stations, the voting process was carried out using voter verification and electronic vote counting devices, while in 30 polling stations, the voting process was conducted in the old manner.<sup>3</sup> The aforementioned elections represent the last pilot elections in which electronic technologies were used before the 2024 general parliamentary elections.

The October 1 election was characterized by a lack of competition. The ruling party, "Georgian Dream," fielded Giorgi Sosiashvili as its candidate for the Gori-Kaspi majority district and Giorgi Machavariani for the position of mayor in Gurjaani.<sup>4</sup> The parliamentary opposition refrained from presenting candidates, primarily due to the proximity of the upcoming general elections and the strategic consolidation of opposition resources.<sup>5</sup> In the Gurjaani mayoral elections, the Georgian Dream candidate was the sole representative. Meanwhile, in the majority district of Gori and Kaspi, Mamuka Tuskadze, the leader of the political movement "For Social Justice," contested against the candidate of the ruling party.<sup>6</sup> In the first case, the reason for calling the elections was the resignation of Giorgi Khojewanishvili, a member of the "Georgia" party, in February 2023,<sup>7</sup> and in the second case, the mayor of Gurjaani, Zurab Utiashvili, left his position in June of this year.<sup>8</sup> The "Georgian Dream" candidate won the position in both electoral districts.<sup>9</sup> The Georgian Young Lawyers' Association (GYLA) monitored the interim/special elections in both constituencies. The elections transpired in a tranquil atmosphere characterized by low competition and engagement. No substantial violations were identified. GYLA observers reported minor technical issues and instances of voter registration discrepancies.

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<sup>1</sup> „Preliminary Results of October 1 Midterm/Special Elections”, CEC website, October 2, 2023, available at: <https://shorturl.at/hEIJ3>, updated: 13.11.2023.

<sup>2</sup> Ibid.

<sup>3</sup> ibid.

<sup>4</sup> “Georgian Dream” nominated candidates in the midterm elections”, information portal “Radio Tavisupleba”, August 14, 2023, available at: <https://www.radiotavisupleba.ge/a/32547029.html>, updated: 29.11.2023.

<sup>5</sup> “Roman Gotsiridze - due to many reasons, now is not the time to spend resources on midterm elections, although the parties will make their own decision”, official website of the Georgian Public Broadcaster, August 14, 2023, available at: <https://cutt.ly/qwIEmd8l>, updated: 29.11.2023.

<sup>6</sup> “Georgian Dream’s candidate received 93.4% of the votes in the Gori-Kaspi majoritarian by-elections”, information portal “Tabula”, October 1, 2023, available at: <https://tabula.ge/ge/news/707609-gori-kaspis-mazhoritaris-shualedur-archevnebsi>, updated: 29.11.2023.

<sup>7</sup> “Party “For Georgia” deputy leaves the parliament and the party”, information portal “Civil.ge”, February 6, 2023, available at: <https://civil.ge/ka/archives/524284>, updated: 29.11.2023.

<sup>8</sup> “Gurjaani Mayor Resigned”, information portal Radio Tavisupleba, June 9, 2023, available at: <https://www.radiotavisupleba.ge/a/32452119.html>, updated: 29.11.2023.

<sup>9</sup> “CEC summarized the final results of the mid-term elections of the Parliament of Georgia”, CEC website, October 9, 2023, available at: <https://shorturl.at/HOP45>, updated: 29.11.2023.

The organization emphasized that for the smooth implementation of electronic technologies in the voting process before the 2024 elections, the Central Election Commission (CEC) should ensure comprehensive training for members of the Precinct Election Commission. Additionally, they stressed the importance of expanding the CEC’s ongoing voter information campaign to cover the population in the regions extensively. To address anticipated challenges arising from increased voter turnout, the election administration should proactively take effective measures. Ensuring that precinct election commissions can manage the surge in voter activity without causing delays or queues at polling stations is crucial in the context of heightened voter engagement.

## 2. AUDIT OF THE OCTOBER 1 MIDTERM ELECTIONS AND THE ELECTRONIC MEANS USED IN THESE ELECTIONS

Upon the initiative of the Central Election Commission (CEC), an audit was conducted to assess the interim/extraordinary elections held on October 1 that utilized electronic means. The focus of the audit was to determine the compliance of the electronic means employed during these elections.<sup>10</sup>

The first stage of the audit included the auditors’ visit to Georgia, preparatory work, and drawing up of an action plan, while the second stage directly involved conducting the audit and preparing the report.<sup>11</sup>

In general, the audit service covered the following issues: 1) audit of compliance of elections (voting) conducted using electronic means with international electoral principles;<sup>12</sup> 2) audit of the technical and software functionality of the used electronic means (electoral technologies),<sup>13</sup> in particular, whether the hardware and software used in the elections meet the tender conditions and technical specifications;<sup>14</sup> 3) Audit of compliance of elections (voting) conducted using electronic means with the electoral legislation of Georgia.<sup>15</sup>

CEC Chairman Giorgi Kalandarishvili provided information about the audit to his colleagues at the October 6 CEC session.<sup>16</sup> Ana Kobakhidze, an opposition member of the CEC, expressed dissatisfaction at the session and accused Kalandarishvili of untimely delivery of information to the CEC members.<sup>17</sup> According to Kobakhidze,<sup>18</sup> she found out about the audit right at the October 6 session. In response, Giorgi Kalandarishvili pointed out that the management of the process was not the responsibility of the composition of the Central Election Commission, but of the relevant structural unit, namely the Finance Department, and the Chairman of the CEC himself, due to his administrative functions, was aware of everything.<sup>19</sup> Kalandarishvili clarified that CEC members did not participate in this process because there was no need for it, although they had information about the audit a few months ago during the budget discussion.<sup>20</sup> Also according to him, if his colleagues expressed their desire, he was ready to share information with them at every stage.<sup>21</sup>

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<sup>10</sup> “Chairman of the CEC introduced the audit report on the October 1 elections to the parties involved in the elections”, October 27, 2023, available at: <https://shorturl.at/iKNV9>, updated: 29.11.2023.

<sup>11</sup> Meeting of the Central Election Commission”, October 6, 2023, official YouTube page of CEC, available at: <https://www.youtube.com/watch?v=ZEMHOu4uH0I&t=2395s>, updated: 29.11.2023.

<sup>12</sup> “Audit Report - Independent Audit Service of Compliance of the Central Election Commission of Georgia (CEC)”, CEC website, available at: <https://shorturl.at/bJKSV>, updated: 29.11.2023.

<sup>13</sup> Voter verification devices VIU Desktop 818-100; Sound counting special electronic devices PCOS SAES-1800Plus; tablet computer VIU Tablet 100; hardware software; Overview of the source code.

<sup>14</sup> “Audit Report - Independent Audit Service of Compliance of the Central Election Commission of Georgia (CEC)”, CEC website, available at: <https://shorturl.at/bJKSV>, updated: 29.11.2023.

<sup>15</sup> Ibid.

<sup>16</sup> “Meeting of the Central Election Commission”, October 6, 2023, official YouTube page of CEC, available at: <https://www.youtube.com/watch?v=ZEMHOu4uH0I&t=2395s>, updated: 29.11.2023.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

On October 29, the CEC presented the results of the audit of the elections conducted using electronic technologies on October 1, 2023.<sup>22</sup> Representatives of political parties and non-governmental organizations, journalists, as well as representatives of the electronic equipment supplier company (Smartmatic International B.V.), and the auditing company (Pro V&V) attended the presentation organized by the CEC.<sup>23</sup> The audit report was published on the CEC website.<sup>24</sup>

According to the published document, the audited hardware and software used in the elections were in accordance with the tender requirements, technical specifications, and Georgian legislation.<sup>25</sup>

As a result of the audit report, 3 recommendations were issued.<sup>26</sup> In light of the recommendations, 1) it is advisable to reevaluate the testing process for the machines. It is noted that the machines utilized in the October 1st pilot elections represent only a portion of the equipment slated for use in nationwide elections.<sup>27</sup> 2) If a member of the commission included in the special list, who does not have the right to vote in his/her precinct, still appears at the precinct, it is desirable that the verification device emits a sound signal.<sup>28</sup> 3) It is also recommended that the verification device should produce an audible signal in case a voter listed in the portable ballot box is present at the polling station.<sup>29</sup>

According to the Chairman of the CEC, the audit will be conducted again for the 2024 general parliamentary elections.<sup>30</sup>

### 3. IMPEACHMENT OF THE PRESIDENT OF GEORGIA

On September 14, the representatives of the parliamentary majority addressed the Constitutional Court of Georgia with a constitutional submission on the issue of impeachment of the President of Georgia.<sup>31</sup> The hearing of the case in the Constitutional Court was held on October 5, 6 and 7.<sup>32</sup> Former member of the Parliament of Georgia from “Georgian Dream” Tamar Chugoshvili and former judge of the Constitutional Court, Maia Kopaleishvili, represent the president in the court.<sup>33</sup> Five deputies from “Georgian Dreams” attended the session, including party chairman Irakli Kobakhidze, as well as Mikheil Sarjveladze, Anri Okhanashvili, Tengiz Sharmanashvili and Giorgi Kakhiani.<sup>34</sup>

On October 16, the decision of the Constitutional Court of Georgia was published, according to which Salome Zourabichvili violated the Constitution of Georgia by making visits to Europe without the government’s consent, which meant exercising representative powers in the field of foreign relations.<sup>35</sup> According to the decision, the

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<sup>22</sup> “Chairman of the CEC introduced the audit report on the October 1 elections to the parties involved in the elections”, October 27, 2023, available at: <https://shorturl.at/iKNV9>, updated: 29.11.2023.

<sup>23</sup> Ibid.

<sup>24</sup> “Audit Report - Independent Audit Service of Compliance of the Central Election Commission of Georgia (CEC)”, CEC website, available at: <https://shorturl.at/bJKSV>, updated: 13.11.2023.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> “Meeting of the Central Election Commission”, October 6, 2023, CEC official YouTube page, available at: <https://www.youtube.com/watch?v=ZEMHOu4uH0I&t=2395s>, updated: 29.11.2023.

<sup>31</sup> Constitutional submission N3/2/1797 of the members of the Parliament of Georgia (Irakli Kobakhidze, Shalva Papuashvili, Mamuka Mdinardze and others, a total of 80 members) dated September 22, 2023, on the issue of alleged violation of the Constitution of Georgia by the President of Georgia, is available: <https://constcourt.ge/ka/judicial-acts?legal=15876>.

<sup>32</sup> “Constitutional Court considers the issue of impeachment of the President”, information portal „Civil.ge“, October 5, 2023, available at: <https://civil.ge/ka/archives/561936>, updated: 29.11.2023.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Conclusion N3/1/1797 of the Constitutional Court of Georgia dated October 16, 2023 regarding the violation of the Constitution by the President of Georgia, “Constitutional submission of the members of the Parliament of Georgia (Irakli Kobakhidze, Shalva Papuashvili, Mamuka Mdinardze and others, a total of 80 members) on the issue of alleged violation of the Constitution of Georgia by the President of Georgia“, available at: <https://constcourt.ge/ka/judicial-acts?legal=15923>.

President violated the provisions of Sub-Clause “A” of Clause 1 of Article 52 of the Constitution of Georgia.<sup>36</sup>

The decision was supported by six out of nine members of the plenum.<sup>37</sup> Irina Imerlishvili, Giorgi Kverenchkhiladze, and Teimuraz Tughushi expressed a different opinion, which was attached to the court decision.<sup>38</sup>

On October 18, the impeachment procedure moved to the Parliament, but the Parliament did not support the impeachment of Salome Zourabichvili.<sup>39</sup> To impeach the president, 100 deputies’ votes were needed,<sup>40</sup> and only 90 deputies passed the registration at the session, of which 86 supported the impeachment of Salome Zourabichvili.<sup>41</sup> Apart from 85 deputies of “Georgian Dream”, only the leader of “European Socialists” Fridon Injia supported the impeachment of the president.<sup>42</sup> Aleko Elisashvili and members of the “Girchi” party were also present in the session hall.<sup>43</sup> Elisashvili voted against the impeachment, while “Girchi” MPs did not participate in the vote.<sup>44</sup>

According to Irakli Kobakhidze, the chairman of the ruling party, the voting officially confirmed that the majority of the parliament members elected by the people do not consider Salome Zourabichvili worthy of the presidency.<sup>45</sup> According to Kobakhidze, Salome Zourabichvili will only formally be the President of Georgia for the next year.<sup>46</sup>

According to Tina Bokuchava, deputy of the “United National Movement” party, the interpellation procedure ended with the defeat of Bidzina Ivanishvili in the Parliament of Georgia.<sup>47</sup> According to the MP, the initiation of the impeachment process by the ruling party has caused great damage to the European integration process and the country in general.<sup>48</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> The dissenting opinion No. 3/1/1797 of the judges of the Constitutional Court of Georgia - Irine Imerlishvili, Giorgi Kverenchkhiladze and Teimuraz Tughushi regarding the conclusion No. 3/1/1797 of the Plenum of the Constitutional Court of Georgia dated October 16, 2023, is available: <https://constcourt.ge/ka/judicial-acts?legal=15924>.

<sup>39</sup> “Parliament discusses the issue of impeachment of the President”, information portal “Civil.ge”, October 18, 2023, available at: <https://civil.ge/ka/archives/564143>, updated: 29.11.2023.

<sup>40</sup> Constitution of Georgia, Article 48, Part 3.

<sup>41</sup> “The impeachment of the President did not take place in the Parliament”, information portal “Civil.ge”, October 18, 2023, available at: <https://civil.ge/ka/archives/564232>, updated: 29.11.2023.

<sup>42</sup> “Which MP pressed the red button and who sided with the ‘dream’ in favor of the 86th vote - details of the vote”, information portal “ambebi.ge”, 18 October 2023, available at: <https://shorturl.at/bAO45>, updated: 29.11.2023.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> “Politicians appreciate bringing the issue of impeachment of the President to the Parliament”, information portal “Civil.ge”, October 18, 2023, available at: <https://civil.ge/ka/archives/564266>, updated: 29.11.2023.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.