



INFORMATION

About statements/appeals on election-related violations and incidents submitted to the Central Election Commission (CEC) by observer NGOs, political parties and candidates during the election period

Contents

About the Statements and Appeals of the Georgian Young Lawyers' Association (GYLA)

1. Statement on compiling the administrative breach protocol on the project “Kinomania” of the office for monitoring the youth issues under Tbilisi City Hall **6**
2. Concerning the appeal as of May 2, 2010 on the court proceedings, on the rule for participating in elections for those withdrawn from registration on the basis of the statement by home-owners **6**
3. Complaint of the 21st of May 2010 concerning the participation of unauthorized persons in the election campaign in Ozurgeti (governor, Chairperson of the Road Department, etc.) **7**

Complaints and applications of Transparency International, observer organization

1. Statement as of May 3, 2010 on the use of administrative resources in Sagaredjo Election District, the case of village Manavi **8**
2. Statement as of May 3, 2010 on the use of administrative resources in Lagodekhi DEC **8**
3. Statement as of May 3, 2010 on the use of administrative resources in Dedoplistskaro and Gurdjaani Election Districts **9**
4. Statement as of May 3, 2010 on the use of administrative resources in Batumi Election District **9**
5. Statement of May 14, 2010 about using the administrative resources at Kvareli Constituency, case of the village Eniseli **10**
6. Statement of May 3 2010 about using the administrative resources at Ozurgeti Constituency **10**
7. Statement of May 13, 2010 about using the administrative resources at Lanchkhuti and Kaspi (villages of Shukhuti, Chochkhati and Akhalkalaki) Constituency **11**
8. Statement of May 4, 2010 about the use of administrative resources at Mestia Constituency **12**
9. Statement of May 3, 2010 about the use of administrative resources at Ozurgeti Constituency. Holding meeting in Ozurgeti **13**
10. Statement of May 3, 2010 about using the administrative resources at Akhmeta and Telavi Constituency. Suppression of students at public schools, seizure of ID cards in Telavi **13**
11. May 14, 2010 application on the use of administrative resources in Gurjaani, attendance of Gurjaani prosecutor and public servants of the executive board at the nomination of candidates of the National Movement **14**
12. May 21, 2010 application on the completion of applications by precinct elected members of the Gori District at the Gori office of the National Movement **16**

13. May 24, 2010 application about publishing political party lists in May 14-17 issues of newspaper Batumuri Kronikebi, financed from the budget 16
14. May 21, 2010 application on the participation of a patrol police employee during the nomination of a candidate of the National Movement in Vill. Kvakhvrelis in Gori district. 17
15. Complaint of the 21st of May 2010 concerning location of the headquarter of the “National Movement” in the office of the village administration and finding of campaign materials in the office of public officers. 17

Facts presented in the report by NGO International Society for Fair Elections and Democracy

1. Lentekhi No 46 Election District Case of village Jakhunduri 19
2. Khobi Election District No 46 case of village Nojiskhevi 19
3. Signagi No 13 Election District case of Precinct No 1 20
4. The statement of the May 13 2010 of the Fair Elections on the fact of two representatives of the Youth Division of the Tbilisi City Hall visiting Ozurgeti and participating in the election campaign 21
5. May 20, 2010 Application by Fair Elections on the discovery of administrative violations on the fact of posting over and tearing down of election placards of Alliance for Georgia; 21

Complaints and Applications by Political parties

1. Klimenti Pochkhua case in the Martvili District 23
2. Kakhaber Benidze case in Khobi district 24
3. Complaint by the Election Block National Council on the invalidation of No 15/2010 decree of May 12, 2010 of # 84 Khulo DEC 25
4. May 13, 2010 application by the Election Bloc National Council about requesting the contracts of military servants 25
5. Complaint by the Election Bloc National Council about abrogating the Order No 31/2010 dated May 8, 2010 by No 46 Lentekhi and No 16 Kvareli District Election Commission 26
6. Complaints by the National Forum and the National Council on the invitation to the concert by the Didube candidate of the National Movement and the presence in a restaurant of the chairman and members No 8 Didube DEC 26
7. May 11 and 14, 2010 applications from the Election Block Alliance for Georgia on drawing up administrative violations protocol about posting National Movement candidates’ posters over and tearing down their election placards 27
8. May 18, 2010 application by Election Block Alliance for Georgia on the movement of a candidate of the National Movement by a motor vehicle of the Deputy Chairman of the CEC 28
9. May 22, 2010 application by the Election Bloc Giorgi Targamadze, Inga Grigolia – Christian-Democratic Union on the refusal to provide the minutes of the sitting of the district commission at the Didube Election District to their member 29

10. May 20, 2010 complaint by the National Council on the violation of allocation of equal air time on mass media by TV broadcasters Rustavi 2 and Imedi	30
--	-----------

Complaints and Applications by Citizens and Candidates

1. Roin Bedinadze’s complaint on the invalidation of the May 20, 2010 Decree of No 80 Keda Election District on the Removal of a Majoritarian Candidate from Registration	33
2. May 24, 2010 application of a nominated majoritarian candidate nominated in Tbilisi, Chugureti election district for Mid-term Parliamentary Elections on the fact of the bribing of an elector by Kakha Basilia, candidate of Christian-Democrats in the same district	34

STATEMENTS/COMPLAINTS FILED IN RELATION TO THE PROCEDURES OF VOTING AND SUMMARIZING THE RESULTS

Applications and complaints of political parties and their representatives

1. The complaint of a member of The Alliance for Georgia about violation of marking rules in the Precinct N30 of Samgori Election District N6	35
2. Statements of Representatives of Political Parties on the Delay of Bulletin Delivery in Some of the District Commissions	35
3. Complaint of the Alliance for Georgia on signing the summary act beforehand and entering into it incorrect data of re-counting of the results	35
4. Repeated complaint of “Alliance for Georgia” abolishment of corrected results of Precinct No 14 of Poti District No 70 and appointment of re balloting in mentioned Precinct	36
5. Complaint of Political Movement “Freedom” – abolishment of the Decree of Martvili DEC No 65 and results of balloting at Precincts No 3 and No 35	37

Statements /complaints of Georgian Young Lawyers’ Association (GYLA)

1. Complaint of GYLA regarding fail in recording data of voters voted via mobile box in registration journal at some precincts of Didube Election District	39
2. Complaint of GYLA of 01 June of 2010 regarding non permission to attend vote count procedure at Precincts No 7 and No 10 of Isani Election Precinct	40
3. Complaint of GYLA regarding delay in sealing summary protocol submitted to the Didube DEC by PEC No 25	40
4. Complaint of GYLA regarding revoke of the Decree of the chairperson of Mtatsminda DEC No 1 and development of protocol on violation of the Law	41
5. Complaint of GYLA with regard to awarding winner of the competition Vikipedia by the fund “We create future today” associated with the party of Irakli Alasania – candidate for Mayor of Tbilisi As well as provision of gifts – wine and flowers – to voters by Zviad Dzidziguri – candidate for Mayer of Tbilisi for 9 th of May	41
6. Application of GYLA regarding tournament in mini football arranged by Zurab Gachechiladze – candidate of National Movement – in 9 th of May	43
7. Complaint of GYLA regarding assigning disciplinary responsibility to chairpersons and secretaries of the PECs of Nadzaladevi DEC and double check of legality of summary protocols	44

- | | |
|---|----|
| 8. Regarding lawfulness of summary protocols of some PECs of Nadzaladevi DEC | 45 |
| 9. Application of GYLA regarding arrangements made by Zaza Gabunia – majoritarian candidate in Saburtalo for showing final of football championship on big screen at Bukia Garden | 46 |

Appeals/Statements of the International Society for Fair Elections and Democracy (ISFED)

- | | |
|---|----|
| 1. Statement about the late admission of their observers for the counting procedures at #46 PEC of #7 Chugureti DEC | 47 |
| 2. Complaint of ISFED regarding revoke of the Decree of Marneuli DEC, dated, 31 May 2010 and re count of ballot results of some precincts | 48 |

Other Organizations and District/Precinct Commission Members

- | | |
|---|----|
| 1. Statement of NGO “Healthy Universe” concerning the agitation at the PEC by the president of Georgia | 49 |
| 2. Statement of Davit Shapatava, the member of #6 Samgori DEC about the manipulating with the lists by the coordinators from “the United National Movement” on the Election Day | 49 |
| 3. Appeal of Georgian National Section of International Society for Human Rights about the disparity in the number of bulletins and envelopes in PECs in 6 DECs | 50 |
| 4. Appeal of “The Association for Free Development and Protection of Rights” about the revoking of registration for the majoritarian candidate of village Goraberezhoulvi of Chokhatauri from National Movement and declaring the results invalid | 50 |
| 5. Appeal of Giorgi Mariamidze about the imposition of disciplinary responsibility on the members of #35 PEC of #1 Mtatsminda DEC of Tbilisi and declaring the results void | 51 |
| 6. Appeal of international observer organization “European Centre for Minority Issues” about declaring void of #24 Dmanisi DEC decree and #15 PEC results | 52 |
| 7. Complaint by NGO Healthy Universe against TV companies Rustavi 2 and Imedi for the violations for the publishing of exit poll results | 53 |
| 8. Regarding video about operation of Variani PEC, sited on www.regions.ge | |
| 9. Regarding fail in submission of weekly information by Ltd “Radio Center Plus”, “TV Company Caucasus” and Ltd “TV Company Real TV Georgia” as well as by the TV Radio Department – subordinated to the Government of Autonomous Republic of Ajara | 54 |

Note

For additional information about the above-mentioned complaints, applications and appeals and those under proceedings you can visit the Appeals’ Registry on the CEC web-page (<http://sachivrebi.cec.gov.ge/>)

ABOUT THE APPEALS/STATEMENTS OF GEORGIAN YOUNG LAWYERS' ASSOCIATION (GYLA)

1. Statement on compiling the administrative breach protocol on the project "Kinomania" of the office for monitoring the youth issues under Tbilisi City Hall <http://sachivrebi.cec.gov.ge/info.php?id=11>

On April 28, 2010 the Central Election Commission of Georgia (CEC) received a statement from GYLA on compiling the administrative breach protocol in which it is indicated that upon the initiative from the office for monitoring the youth issues under Tbilisi City Hall the project "Kinomania" started on April 19, 2010 and will continue until July 1, 2010. Within the framework of the program students from national higher education establishments have the opportunity to use benefit cards, upon presenting of which in the booking-offices of cinema halls, 5 GL is discounted from the overall price of the ticket. On the benefit card encircled number "5" is distinctly portrayed against the red background. On the April 21 session political union (p/u) the United National Movement was allocated with the sequential number "5" by the CEC for the May 30 elections. The applicant indicates that from the design perspective (colors, size, shape) the number FIVE portrayed on the card very much resembles the number "5" portrayed on the campaign materials of the candidate for the Mayor from the p/u "United National Movement" and therefore, evokes association of the election number of the political subject. GYLA deemed that the portrayal of number 5 in the existing mode on the benefit card produced within the framework of the project initiated by the City Hall represented an advertisement of a sequential election number of the specific political party, which contradicts the requirements of Article 76, Para 3 of "the Organic Law of Georgia "the Election Code of Georgia." The applicant requests that the circumstances indicated in the statement be inquired and an administrative breach protocol be compiled against the relevant responsible person.

During oral hearing conducted on May 13, 2010 attended by interested parties, the CEC Chairman reviewed the facts indicated in GYLA's statement and made a decision on compiling administrative breach protocol against the head of the office for monitoring the youth issues under Tbilisi City Hall, Tornike Khutsishvili.

The CEC Chairman deemed that the number "5" portrayed on the discount card within the project "Kinomania" implemented by the office for the monitoring of youth issues under Tbilisi City Hall, personally for him evoked association (font, size, shapes, reverse colors) of the sequential number of the election subject. The number "5" portrayed on the card very much resembles the number "5" portrayed on the campaign materials of the candidate for Mayor of Tbilisi City from the p/u "United National Movement." In his opinion, in case the design of the above-mentioned card had been different, there would have been no problems respectively. Hence, it was deemed that the benefit cards established within the project "Kinomania" involve supporting materials for the election subject nominated by the p/u "United National Movement" for the Mayor of Tbilisi City, due to which it contradicts the requirements pursuant to Article 76, Paragraph 3 of "The Organic Law of Georgia "The Election Code of Georgia." The violation of the mentioned requirements is also foreseen by Article 126²⁷ of the same Code, according to which violation of requirements about the use of administrative resources and authority or official position during pre-election propaganda and campaigning established under the Election Code leads to fine in the amount of 1 000 GL. The CEC, on the basis of administrative breach protocol filed a solicitation to the Administrative Chamber of Tbilisi City Court requesting the administrative fine. The Chamber shared the factual and legal grounds of the breach and adopted the resolution on satisfying the solicitation.

2. Concerning the appeal as of May 2, 2010 on the court proceedings, on the rule for participating in elections for those withdrawn from registration on the basis of the statement by home-owners <http://sachivrebi.cec.gov.ge/info.php?id=27-28>

GYLA filed an appeal to the court which concerned the CEC resolution as of May 2, 2010, with which the rule for the participation in elections has been defined for 12,538 voters withdrawn from registration on the basis of the statements by homeowners.

The CEC on May 2, 2010 established the rule for participating in elections for the voters withdrawn from registration on the basis of the statements by homeowners and defined the period for registration for such persons until May 14, 2010 inclusively.

The court reviewed GYLA's appeal and refused to satisfy it. The court ruling was further appealed by GYLA in Tbilisi Court of Appeals, which did not change the ruling of the court of first instance.

According to CEC resolution as of May 2, 2010 out of 12, 538 persons withdrawn from registration, 171 voters have undergone registration and therefore, 171 registered voters from this category have the right to participate in local self-governance elections.

3 . Complaint of the 21st of May 2010 concerning the participation of unauthorized persons in the election campaign in Ozurgeti (governor, Chairperson of the Road Department, etc.) <http://sachivrebi.cec.gov.ge/info.php?id=69>

The author of the complaint notes that on the 16th of April 2010, around 14:00, in the hall of the "Ozurgeti" cinema the political union "United National Movement" held a meeting with the youth living in the municipality, at which meeting the pre-election promises were made. The above meeting was attended by Valerian Chitiashvili, the Governor of Lanchkhuti, Ozurgeti and Chokhatauri and Ramaz Nikolaishvili, the Chairman of the Road Department of Georgia. By the opinion of the complainant, the above persons violated the requirements of the Sub-paragraph 'h' of the Paragraph 5 of the Article 75 of the Georgian Organic Law "The Election Code of GEorgia" and demanded that the CEC filed administrative law infringement acts against Valerian Chitiashvili and Ramaz Nikolaishvili on the basis of the Articles 12618 and 12632 of the Election Code. The CECE, for the purpose of investigating and studying the facts, indicated in the complaint, initiated administrative proceedings. The information related to the above issues was requested. As a result of analyzing of this information it was found that the meeting was indeed organized and held in the "Ozurgeti" cinema hall on the 16th of April 2010 by the Office of Culture, Education, Sports, Monument Protection and Youth Issues of Ozurgeti Municipality and the NGO "The Youth and Students' Council of Guria". The meeting was dedicated to studying of the problems of the youth and seeking of the ways for solving of these problems. The meeting was attended by the representatives of the Office of Culture, various non-governmental organizations and media. Valerian Chitiashvili, the Governor of Lanchkhuti, Ozurgeti and Chokhatauri was invited to this meeting as a guest. The above information is confirmed by the letter No218/2010 of the 26th of May of the Chairperson of Ozurgeti DEC and the letter No649 of the 26th of May 2010 of Mamia Baramidze, the Acting Gamgebeli of Ozurgeti Municipality.

As it was found according to the explanations provided by Valerian Chitiashvili, the Governor of Lanchkhuti, Ozurgeti and Chokhatauri and Ramaz Nikolaishvili, the Chairman of the Road Department of Georgia, on the 16th of April 2010, i.e. the day when the above mentioned meeting was held, the visit of Ramaz Nikolaishvili, the Chairman of the Road Department of Georgia, to Guria was pre-planned for the purpose of monitoring of the Ozurgeti-Gomi highway rehabilitation works financed under the credit provided by the World Bank. This visit was covered by central media sources.

After having observed the road rehabilitation works, following the request of the Governor, Ramaz Nikolaishvili attended the meeting with the youth and answered several questions asked by the youth. The questions mainly concerned the problems of village roads. The Chairman of the Road Department answered questions related to road construction. The above meeting was not of political nature and accordingly no political statements supporting any of the parties were made. Therefore, based on the content of the questions asked at the meeting and the answers given to them, no signs of propaganda of any parties or candidates were revealed, which fact excludes pre-election agitation.

The given issue was discussed by the CEC on the meeting, were it was concluded that on the basis of the submitted and collected documents the fact of participation of Valerian Chitiashvili, the Governor of Lanchkhuti, Ozurgeti and Chokhatauri and Ramaz Nikolaishvili, the Chairman of the Road Department of Georgia in pre-election campaign is not confirmed therefore there was no basis for drawing up administrative law infringement acts.

APPEALS AND STATEMENTS OF THE OBSERVER ORGANIZATION “TRANSPARENCY INTERNATIONAL”

11. Statement as of May 3, 2010 on the use of administrative resources in Sagaredjo Election District, the case of village Manavi (<http://sachivrebi.cec.gov.ge/info.php?id=13>)

Gamgebeli of Sagaredjo Municipality, Gia Chalataşvili resigned on April 15, 2010, as he participates in local self-governance elections. In the statement it is indicated that on April 27, 2010 G. Chalataşvili was in village Manavi, where due to heavy rains landslide occurred and damaged houses. At that time, Gamgebeli used office car and assigned tasks and gave instructions to the Gamgeoba employees present there. The applicant also indicates that Gia Chalataşvili still uses corporate telephone belonging to Gamgeoba.

The CEC examined the materials around the given fact and based on those materials clarified the following:

With the #25 decree of Sagaredjo Municipality as of April 27, 2010, the terms of office of Sagaredjo Municipality Gamgebeli, Gia Chalataşvili was terminated from April 27 of the current year. With the # 15/2010 decree of #11 Sagaredjo DEC as of April 29, 2010 he was registered as a candidate for the May 30, 2010 local self-governance elections from the party list presented by “United National Movement”. The fact indicated in the statement, as if on April 27, 2010 Gia Chalataşvili was using office car in village Manavi does not represent reality, as it becomes clear from #264 letter of Sagaredjo Municipality Gamgeoba as of May 10 of the current year, the Gamgeoba-owned car NISAN Pathfinder SE, with numbers – AND 001 has been assigned to acting Gamgebeli of Sagaredjo Municipality, First Deputy Gamgebeli. On April 27 of the current year Gia Chalataşvili was in village Manavi on his private car - TOYOTA FJ Cruiser with the number – CAN 001. As regards the fact of the use of corporate telephone owned by Gamgeoba by Gia Chalataşvili, in relation to that, we would like to indicate that the telephone number on the balance of Sagaredjo Municipality, which was used by Municipality Gamgebeli, Gia Chalataşvili, has been turned off the corporate service. The mentioned is verified by 2/1-100 letter of Sagaredjo Municipality as of April 15, 2010, with which Gamgeoba addressed Ltd “GEOCELL” with the request to turn off the telephone numbers on the Gamgeoba balance from the corporate service starting from the month of April, among which Gia Chalataşvili’s telephone number - 877-90-77-** is mentioned as well.

Therefore, from the presented materials the facts of the use of office car and Gamgeoba-owned corporate telephone by former Gamgebeli of Sagaredjo Municipality, Gia Chalataşvili are not proved.

12. Statement as of May 3, 2010 on the use of administrative resources in Lagodekhi DEC (<http://sachivrebi.cec.gov.ge/info.php?id=13>)

The author of the statement indicates that the Gamgebeli of Lagodekhi Municipality, Gia Gozalishvili resigned on April 15, 2010, as he is participating in Local Self-governance Elections (from “The National Movement”). The applicant indicates that Gia Gozalishvili still uses the corporate telephone belonging to Gamgeoba.

The CEC examined the materials around the mentioned fact and based on those materials clarified the following:

With the #13 decree of Lagodekhi Municipality as of April 28, upon the personal statement, Gamgebeli of Lagodekhi Municipality, Gia Gozalishvili resigned since April 15. Afterwards he has undergone registration as a candidate from “United National Movement” under the 111/2010 decree of #15 Lagodekhi DEC as of April 30, 2010 in #15 Lagodekhi DEC, 15.01 Lagodekhi Local Majoritarian Election District. Giorgi Gozalishvili while in the office used corporate number 877-57-41-**, which has been turned off the corporate service network since April 30, 2010. The fact is proved by the #423 letter from the acting Gamgebeli of Lagodekhi Municipality, First Deputy Gamgebeli, Mr. D. Loladze dated as of April 30, 2010 addressed to the office of corporate clients in the company “GEOCELL,” requesting to turn the number off. In connection with the case, the

register of allocation of pre-paid Mono and Astra cards to the employees of Lagodekhi Municipality Gamgeoba and subordinated structures has been presented, (dated as of May 6, 2010) where there is no indication of the fact of transfer of money to the corporate number of Mr. Giorgi Gozalishvili.

Therefore, with the presented documentation, the factual circumstance that the resigned Gamgebeli of Lagodekhi Municipality, Giorgi Gozalishvili (and not Gozalashvili, as it is indicated in the statement) still uses the corporate telephone belonging to Gamgeoba is not proved.

13. Statement as of May 3, 2010 on the use of administrative resources in Dedoplistskaro and Gurdjaani Election Districts
(<http://sachivrebi.cec.gov.ge/info.php?id=13>)

The issue concerns the statements about the facts of use of corporate telephones belonging to Gamgeoba by the former Gamgebelis of Dedoplistskaro and Gurdjaani (in Dedoplistskaro – L. Bagashvili and in Gurdjaani – G. Chiviashvili) and present candidates from National Movement:

the CEC after examining the facts presented in the requested materials clarified that in Dedoplistskaro case the mobile telephone “Samsung” with the corporate number 877-75-31-** belonging to Gamgeoba, before the restoration of official term, was assigned to the acting Gamgebeli, Deputy Gamgebeli, N. Shanshiashvili, while in Gurdjaani case it clarified that upon #644 address of Gurdjaani Municipality Gamgeoba as of April 27, 2010, the office of corporate clients in the company “GEOCELL” was requested to turn the corporate telephone number 877-23-55-** off the network. Therefore, Municipality budget does not cover the cost of calls conducted from the mentioned telephone number.

Hence, with the presented documentation, the factual circumstance indicted in the statement is not proved.

14. Statement as of May 3, 2010 on the use of administrative resources in Batumi Election District
(sachivrebi.cec.gov.ge/info.php?id=13)

The statement indicates that on April 30, 2010 an unplanned transfer in the budget has been administered by Batumi Sakrebulo, which violates the requirement of Article 73, Para 101 of the Election Code, according to which since the day of setting the elections until the summarizing of election results the initiation of unplanned transfers in local budget is prohibited

According to the materials requested by the CEC from Batumi Sakrebulo, it is clarified that with the April 30, 2010 decision of Batumi Sakrebulo changes have been made to healthcare, social security and sport programs. The budget and part of the programs (healthcare, social security) for the year of 2010 of the self-governing city of Batumi was approved on December 30, 2009, while part (culture and sports) – February 26, 2010. Therefore, the programs have been approved long before the setting of the elections.

The program has not been expanded by the decisions made on April 30, 2010 session of Batumi Sakrebulo. As it becomes clear from the presented documentation, the changes did not relate to the increase of funding envisaged by the program. Specifically: sports program envisaged financial support to all clubs, generally, with the introduction of changes it has been specified that only the sports organizations established by Batumi City Hall would be funded. In healthcare program (operative treatment of tonsils) families without bread-winner and children from orphanages were defined as a customer category without adding appropriations, while in social security programs 2 sub-programs were merged and the overall appropriation does not exceed what is envisaged by the budget.

It is to be mentioned that, while hearing the complaint at the CEC, the representative of the organization failed in providing particular information regarding content and volume of the transfer noted in the complaint; accordingly the CEC made assumption that the topic of the complaint of the organization should be above mentioned facts, that was neither confirmed nor rejected by the representative, which mentioned that the complaint was filed based on general information provided by their regional observer.

Therefore, stemming from the mentioned-above, the violation of the requirements of Article 73, Para 101 of the Organic Law of Georgia “The Election Code of Georgia” is not proved.

15. Statement of May 14, 2010 about using the administrative resources at Kvareli Constituency, case of the village Eniseli
(sachivrebi.cec.gov.ge/info.php?id=41)

On May 15, 2010, the meeting of the Central Election Commission heard the declaration made by the observatory organization “International Transparency” stating that Kvareli municipality governor (gamgebeli) - Levan Gamsakhurdia, who works at the Staff of the “Entire National Movement”, while being on his leave, visited the village of Eniseli on May 7, in order to meet the victims of natural disaster together with the Minister of Environmental Protection. The minister talked with the population about the support from the state budget while Mr. Gamsakhurdia took part in the conversation explaining the consequence and other details of the foreseen activities. The applicant mentions that Gamsakhurdia behaved as an acting governor unambiguously violating the article 89 (b) of the law about “Public Service”. According to the mentioned article “the public servant is suspended from the official duties while being on one’s leave”. The application is enclosed with a photo where the governor being on his leave stands next to the Minister of Environmental Protection Goga Khachidze.

The statement also refers to the case of the Gurjaani prosecutor.

According to the applicant’s declaration, on April 29 the prosecutor of Gurjaani District Gela Lazashvili attended a presentation of party candidates’ list and of an official party candidate of the “Entire National Movement” at Gurjaani Cultural Center. The applicant points out that Gela Lazashvili’s behavior violated the paragraph 5 (d) of the article 73 of the Georgian Organic Law - “Election Code”. The immediate witness of the mentioned fact was the regional coordinator of the registered observatory organization – “International Transparency – Georgia”, - who intended to take a photo of the prosecutor, however the latter hid himself behind the other person and later left the venue with uncivil expressions.

The CEC examined the submitted application and determined the following: the governors are the political officials for the Election Code purposes and they have the right to take part in the pre-election agitation. Moreover, it was determined that the behavior of Kvareli Municipality Governor on leave – Mr. Levan Gamsakhurdia did not violate Election law, nor it is proved by the enclosed photo. Even in case if Levan Gamsakhurdia had violated the requirements set forth in the Georgian Law about “Public Service”, CEC would not be able to respond to the violation as the legal evaluation of the mentioned action is beyond the CEC’s authority. CEC is responsible to respond only to the violations of election legislation as CEC controls only the implementation of the Georgian Election Law and it is responsible for the uniform implementation of the law. As for the assessment of the behavior of Gurjaani District prosecutor Mr. Gela Lazashvili, according to the paragraph 5 (d) of the article 73 of the Georgian Organic Law - “Election Code” - “the public servants of the Prosecutor’s office do not have the right to participate in the pre-election agitations”. However, at the moment, due to the lack of evidences, the CEC is unable to take any decision upon the issue. The CEC has submitted a written notice to the prosecutor’s office regarding the mentioned fact requesting to authenticate participation of Gurjaani district prosecutor in the event of presentation of official party candidate by the “Entire National Movement”.

16. Statement of May 3 2010 about using the administrative resources at Ozurgeti Constituency
(sachivrebi.cec.gov.ge/info.php?id=13)

The declaration states that according the CEC’s order # 147/2010 Paata Manjgaladze was assigned CEC representative at #60 Ozurgeti DEC and PECs therein. According to the information provided by the Guria coordinator of “International Transparency – Georgia”, he still works at the Department of Georgian motorways. This fact contradicts with the requirement of the article 105 of Georgian law about “Public Service” that states that a public servant or/and a clerk should resign from the office if s/he is elected or assigned to the position in other institution.

The application additionally submitted on May 13, specifies that Paata Manjgaladze is an official of the ministry of defense.

CEC examined the presented application and determined the following: according to the CEC's order # 147/2010 of April 11, 2010 Paata Manjgaladze was assigned CEC representative at #60 Ozurgeti DEC and PECs therein. CEC representative's position is not the regular staff of the CEC; the representative conducts unpaid job and is not a "public servant" as defined by the "Election Code". The public servants considered by the Code are only CEC members, office staff and constituency commission members, except the supplementary and not-on-the-staff servants. Consequently, the applicant's opinion stating that Manjgaladze's activities at CEC contradict with the article #105 of Georgian Law about "Public Service" and he should have resigned from his office – is groundless. Besides, it is also noteworthy, that Mr. Paata Manjgaladze has submitted a legal act certifying that he is on his leave at the moment. Therefore, the facts described in the application submitted by "International Transparency – Georgia" are groundless too.

7 . Statement of May 13, 2010 about using the administrative resources at Lanchkhuti and Kaspi (villages of Shukhuti, Chochkhati and Akhalkalaki) Constituency (<http://sachivrebi.cec.gov.ge/info.php?id=34>)

On May 15, 2010, the meeting of the Central Election Commission examined the application of May 13, 2010 stating the following: according to the information received from the regional coordinators in the villages Shukhuti and Chonchkhati of Lanchkhuti district and in the village Akhalkalaki of Kaspi district, on May 9 the candidates of "Entire National Movement" distributed medals dedicated to the 65th anniversary of triumph upon the fascism signed by the President of Georgia and a one-time financial aid of 50 Gel to the veterans of the second world war. The application is enclosed with the hidden video record where the veterans of the Second World War from the village Chochkhuti – Tughushi and Zenaishvili confirm that an official of Lanchkhuti municipality came to them together with the party's official candidate at night and gave them documents certifying receipt of the 50 Gel aid from the village counsel.

CEC examined the application and determined that the article 73 (9) defines that "From the moment of publication of the relevant legal Act that announces the elections until the publication of the final results of the elections, it is forbidden to election subjects and their representatives to personally, or through somebody, transfer to voters money, gifts and other items of material value, to sell them goods at privileged prices, to supply free-of-charge or disseminate any goods, except for the agitation materials envisaged by this Law, as well as to cause interest of voters by promising them to transfer to them money, securities and other items of material value. In case of such facts being proved by court, registration of the election subject is cancelled by court decision." In case of presumable presence of such violation of the Law the applicant could sue to the court.

After examining the factual circumstances described in the application CEC decided to send the submitted issue to Lanchkhuti and Kaspi DEC's for further revision and respond.

As a result of study of facts provided in the application, the CEC decided to transfer the issue to the DEC's of Lanchkhuti and Kaspi, for further response.

For purpose to study the case, on 20 May members of Lanchkhuti DEC No 61 listened to World War veterans residing in Chonchkhati (Severian Zenaishvili, Bichiko Zenaishvili, Amiran Tughushi, akaki Dzimistarashvili and Pavle Khutsishvili), which rejected involvement of majority Candidate – Dali Kverenchkhiladze in distribution of cash benefit to veterans of the World War on May 9, 2010. As for distribution of cash benefits to veterans by Revaz Chitidze – majority candidate of Unified National Movement in Shukhuti Election District No 61.13, on 9 May 2010, the applicant failed to submit any evidence.

On May 25, 2010 the CEC repeatedly discussed on its meeting the same issue on the basis of the statement made by Ekaterine Siradze-Delaunay, the Director of International Society for Fair Elections and Democracy and Nina Khatiskatsi, the Director of the Transparency International - Georgia programs. The statement demands assigning a fine for infringer of the law in compliance with the Article 12618 of the Election Code of Georgia and applying to the court with the requirement to cancel the registration of the infringer of the law in compliance with the Articles 9 and 91 of the Election Code of Georgia. At the meeting it was found that the facts described in the statements of the observing organizations had been investigated and studied by the DEC N61 of

Lanchkhuti District (the Minutes N23/2010 of the Meeting of the DEC of Lanchkhuti District held on May 20, 2010). In the course of administrative proceedings as a result of analyzing the documents of importance for the case it was concluded that Dali Kverenchkhiladze, the majority candidate of the United National Movement and Revaz Chitidze, the majority candidate of the United National Movement had not participated to the ceremony of granting of financial aid to the WWII veterans in N61.15 Chochkhati Local Majority Election District and N61.13 Shukhuti Local Majority Election District correspondingly on May 9, 2010. It would be a violation from the part of the election subjects only if it was confirmed that they personally or through a third person passed to the citizens cash, presents or other items of material value. The CEC considered that in the given case there was no ground for applying to the court due to violation of the rules of holding election campaigns set forth in the Paragraph 9 Of the article 73 of the Election Code of Georgia.

According to the Sub-paragraph 'b' of the Paragraph 15 of the Article 771 of the election Code of Georgia, the right to appeal to the court for violation of the rules for holding election campaigns is granted to the organizations with the status of an observer. The International Society for Fair Elections and Democracy and the Transparency International Georgia, as the organizations registered with the CEC with the status of observers, did have the right to appeal to the court with the demand of cancelling the registration of election subjects, but they did not use this right. And as a result of checking the legal and factual validity of the circumstances described in the statement it was considered that the demand of the applicants was groundless and it should not be satisfied.

8 . Statement of May 4, 2010 about the use of administrative resources at Mestia Constituency

(<http://sachivrebi.cec.gov.ge/info.php?id=19>)

The application states that on May 3 of the current year the Mestia city council was visited by the governor of Samegrelo – Zemo Svaneti Zaza Gorozia, Samegrelo – Zemo Svaneti district police official Anzor Margiani, officials of Financial police, 5 staff of special forces who came by 20 pick-up vehicles and suppressed the official candidates of the party “Tavisupleba” (freedom) together with the governor of the Mestia municipality Gocha Chelidze.

The CEC requested information from the #47 Mestia DEC on the basis of which we determined that the official candidates of the political movement “Tavisupleba”: Leri Nakani, Mirza Dadvani, Nugzar Arghvliani and Ivane Gulbani have not addressed Mestia #47 DEC with the personal request regarding their withdrawal from the registration. Consequently, the named candidates are registered to-date and remain the status of the election subject. As for Bogdan Niguriani, he addressed the Mestia DEC requesting his withdrawal from registration on May 3 of the current year, and not on May 2 as indicated in the application. Consequently, on May 4, the DEC annulled his registration according to the submitted request in compliance with the article 121 (e) of the Election Code.

Within the frame its authority provided by electoral legislation, the CEC studied facts given in the application and based on materials broadcasted via media, in May 24 of this year, and applied to the Prosecutor’s office of Georgia for study and adequate response to the facts provide in applications of Transparency International and other NGOs. Besides, the CEC sent the representative of the CEC Chairman – Valerian Maisuradze to Mestia Election District for supervising balloting process in May 30.

At this stage legal proceedings are started and investigation is underway.

9. Statement of May 3, 2010 about the use of administrative resources at Ozurgeti Constituency. Holding meeting in Ozurgeti (<http://sachivrebi.cec.gov.ge/info.php?id=13>)

The statement describes that on April 23 (i.e. a day prior to the event) the “National Movement” addressed the Ozurgeti Municipality with the request to hold an event and block the street on April 24. Such behavior violates the article 74 (2) of the Election Code that defines that similar information should be notified to the self governance bodies 2 days prior the actual event takes place. In the above mentioned case the Municipality issued permission in writing on the same day of submission.

CEC studied the issue described in the application and based on the letter received from Ozurgeti municipality determined that the “National Movement” addressed its request to the municipal body on April 23, at 11:00 and requested permission for holding the event on April 24 at 14:00 – 16:00.

According to the article 74 (3) of Election Code “It is inadmissible to forbid and stop gatherings and manifestations”; therefore based on the venue of the foreseen meeting and the reason that the term of 2 days is determined for the purposes to organize movement of transport and pedestrians during the event in order to ensure safe performance, the Ozurgeti municipal council considered 28 hours enough to ensure safety of the requested event.

10. Statement of May 3, 2010 about using the administrative resources at Akhmeta and Telavi Constituency. Suppression of students at public schools, seizure of ID cards in Telavi. (<http://sachivrebi.cec.gov.ge/info.php?id=18>)

The application states that the “Alliance for Georgia” blames the official candidate of “National Movement” at Zemo Alvani district B. Kizilashvili in pressing upon the 12th grade students of Akhmeta public schools. The mentioned person holds the position of a specialist of call up and registration for military service in Akhmeta and despite the fact that he is on his leave he still utilized his power threatening the 12th grade students that he would call up them to military service and impede them to pass national high school entry exams unless they had voted for him.

The statement also describes that the procurator of village Karajala of Telavi municipality Amiran Suleimanov ceased the ID cards of the village population promising to organize distribution of aid. As the village settlers certify almost the half of the village population had transferred their ID cards to the procurator and the representatives of the latter invoke to vote for the representatives of national Movement.

It is mentioned in the application that according to the village’s procurator Amiran Suleimanov “a lady from Telavi” would bring and distribute charity clothes among the village settlers.

CEC examined the submitted statement and notified Program Director of “Transparency International – Georgia” Ms. N. Khatiskatsi that it was unable to respond to the circumstances described in the application because there were not submitted sufficient evidences with the application neither the CEC could obtain them. Such facts may contain signs of the offences considered by the criminal code and therefore belong to the competence of the investigative bodies.

With regard to the case of the village Karajala, the village procurator himself certified the mentioned fact however described that the purpose was to help the village settlers in distribution of charity goods whereas the fact had nothing in common with election process.

11 . May 14, 2010 application on the use of administrative resources in Gurjaani, attendance of Gurjaani prosecutor and public servants of the executive board at the nomination of candidates of the National Movement. <http://sachivrebi.cec.gov.ge/info.php?id=68>;

According to the Application on April 29, 2010 during working hours Gela Lazashvili, district prosecutor of Gurjaani was attending the nomination of the Party list of the political union United National Movement and of a majoritarian deputy candidate at Gurjaani Culture Center, which, in the opinion of the authors of the application is the violation of Article 73(5)(d) of the Organic Law on the Election Code of Georgia, pursuant to which public servants of the Prosecutor’s office of Georgia are prohibited to take part in pre-election agitation. As can be seen from the application, Gela Mtvlishvili, regional coordination of Transparency International – Georgia is a witness of the mentioned fact; he was going to take a photo of Lazashvili, but the latter hid himself behind another person first, then left the hall. According to the author of the application other public servants were also attending the mentioned meeting: Jemal Shalashvili (specialist of the Staff of the Executive Board), David Gogebashvili (Head of the Staff of Gurjaani Municipality City Council), Nika Nizharadze (Head of Gurjaani Municipality Executive Board Unit for Culture,

Education and Social Development), Robert Arakishvili (Trustee of territorial body of Vill. Chandari of the Gurjaani Municipality Executive Board) and members of a precinct election commission.

4 pictures were attached to the mentioned complaint as evidences, which depict how Jemal Shalashvili, David Gogebashvili, Nika Nizharadze and Robert Arakishvili are attending the meeting organized by the the political union National Movement.

The author of the complaint was demanding the CEC to consider the mentioned fact and take a relevant response.

To investigate the facts referenced in the letter CEC legal advisor, Koba Bobokhidze was dispatched to the Gurjaani District Election Commission who verified facts indicated in the application on site. He held meetings with all of the persons listed in the application, and they wrote their explanations. Also, relevant written documents were obtained. The following was ascertained on the basis of the existing materials:

On the basis of a written request from the Unified National Movement Gurjaani Culture Center Hall was allocated by the Gurjaani Municipality Executive Board for an election subjects meetings with electors from 2:00 pm of April 29, 2010.

According to the explanations within the files it is ascertained that since 2007 Jemal Shalashvili has been working at Gurjaani Municipality Executive Board as Chief Specialist of Architecture, Economy and Infrastructure Development Unit. He learned about a scheduled meeting with David Bakradze, Chairman of Parliament of Georgia on April 29, 2010, who was to nominate a deputy candidate of a local self-government body – City Council. He, as a regular elector was interested to find out who the candidates were and decided to attend the mentioned meeting. He let David Gogebashvili (Head of Staff of the City Council) and Robert Arakishvili (Trustee of Vill. Chandari Territorial Body) know about this, who also expressed a wish to attend the meeting and join him. Jemal Shalashvili explains that he used a due one-hour break to attend the meeting for about 40-45 minutes and then went back to work. He states that he did not make any agitation or any similar action;

David Gogebashvili has been serving as the head of the Staff of Gurjaani Municipality City Council since 2006. From employees of the Gurjaani Executive Board he learned that on April 29, 2010 a meeting with David Bakradze, Chairman of Parliament of Georgia was scheduled, who was to nominate deputy candidates of City Council, local self-government body. He, as a regular citizen was curious to find out who the candidates were and decided to attend the mentioned event. According to David Gogebashvili, he used a due one-hour break to attend the meeting for about 40-45 minutes and then went back to work. He states that he did not make any agitation or any similar action;

Nika Nizharadze has been on the position of the Head of Gurjaani Municipality Unit for Culture, Education and Social Development since 2009. His official duties include organizing technical aspects of events planned at culture centers, etc. He learned that an event of the Political Union United National Movement was planned at Gurjaani Culture Center on April 29, 2010. It is part of his official duties to ensure technical fitness of the Gurjaani Culture Center hall, which comprises observing the good functioning of voice equipment, lighting, cleanliness and keeping the order within the hall, in which he received support from the employees of the Culture Center. That was why he was at the mentioned meeting on April 29. Moreover, he, as a regular elector, was interested to see who would be nominated as City Council candidates and stayed at the meeting for about 20-25 minutes, found out who the candidates were and went back to work. He also explains that he, as a head of the Unit on April 26 was at the Gurjaani Music School for the similar purpose where the election event of Giorgi Targamadze, Inga Grigolia -- Christian-Democratic Union was held.

Robert Arakishvili was appointed and has been serving as a trustee of territorial body of Gurjaani District's village Chandari since 2008. From the employees of Gurjaani executive board he learned that on April 29, 2010 a meeting with David Bakradze, Chairman of Parliament of Georgia was scheduled and that the Chairman was to nominate deputy candidates of City Council – local self-government body. He, as a regular citizen, was curious to find out who the candidates were and decided to attend the mentioned event. He states that he did not make any agitation or any similar action. He stayed at the meeting for 30 minutes and then returned to Vill. Chandari.

The files include also explanation of Gela Mtvlishvili, Regional Coordinator of Transparency International – Georgia, who states that on April 29, 2010 Gela Lazashvili, District Prosecutor of Gurjaani was attending the nomination of party list and a

majoritarian deputy candidate of the Political Union United National Movement at Gurjaani Culture Center. Gela Mtvilishvili was going to take his picture, when the prosecutor hid himself behind one of the men and left the hall shortly.

The CEC considered the given issue at the sitting, and found out the following:

Pursuant to Article 73(2) of the Election Code, any person has the right to conduct pre-election agitation and participate in the agitation, save the exceptions provided in Paragraph 5 of the same Article. Pursuant to Paragraph 5 of the same Article public servants of the Prosecutor's Office and public servants of central and local self-government bodies do not have the right to participate in pre-election agitation while performing official duties. Pursuant to Article 3(l)(l) of the same Code pre-election campaign is the combination of events carried out by an election subject/candidate with the objective to participate and win the elections. Election legislation does not prohibit participation in pre-election campaign, including of the persons envisaged under Article 73(5) of the Organic Law of Georgia on the Election Code. Pre-election campaign, along with other activities comprises also pre-election agitation, which, pursuant to Article 3(m) of the Organic Law of Georgia on the Election Code of Georgia is the appealing the electors in support or against an election subject/candidate.

As can be ascertained from explanations provided by David Gogebashvili, Robert Arakishvili and Jemal Shalashvili, they attended the above-mentioned meeting, respectively were participating in pre-election campaign, which is not the violation of the election legislation, for they did not make pre-election agitation, which implies appealing to the electors for or against any election subject and is a violation of Article 73(5) of the Organic Law of Georgia on the Election Code of Georgia.

As for Nika Nizharadze, he explains that he, as the Head of the Gurjaani Municipality Unit for Culture, Education and Social Development is obliged to ensure technical fitness of the hall of the Gurjaani Culture Center. It was for very official duty that he came to the mentioned meeting, to ensure technical fitness of the hall, which implies the protection of voice equipment, lighting, tidiness and the order in the hall. He also explains that he has not made any agitation, for pursuant to the Election Code is appealing to electors for or against an election subject. Nika Nizharadze also states that he was present the April 26, 2010 meeting in the Music School for this very reason, where election event of Christian-Democrats was held.

As for the part of the Application concerning the participation of Gela Lazashvili, Gurjaani District Prosecutor during the nomination of the party candidates, the author of the complaint failed to evidence with written documents the fact of the presence of Gurjaani prosecutor at the meeting. Therefore, the presence of the Gurjaani prosecutor at the above-mentioned meeting could not be corroborated authentically solely on the basis verbal explanation of the author of the complaint.

Based on all of the above-mentioned, with the majority of votes it was decided at the CEC meeting that Jemal Shalashvili, David Gogebashvili, Nika Nizharadze and Robert Arakishvili had not violated election legislation. They, as regular electors, were attending the pre-election campaign during break hour, to learn about the candidates' names, which is not the violation of election legislation; they did not participate in the agitation and this is the grounds for refusal to grant the filed application.

12 . May 21, 2010 application on the completion of applications by precinct elected members of the Gori District at the Gori office of the National Movement <http://sachivrebi.cec.gov.ge/info.php?id=67;>

N. Khatiskatsi, the author of the complaint notes that in April all persons elected as precinct election commission members by the District Election Commission filled out applications at the Gori Office of the National Movement, among which are Valida Berianidze, specialist of Village Kheltubani territorial body, Jemal Saatashvili, resident of Village Sveneti, Nanuli Khabelashvili, accountant of the public school of the same village.

Video material is attached to the application on which, in the opinion of the applicant, the above-mentioned persons are taped.

The applicant requested the CEC to consider the mentioned fact and make a relevant response.

Under administrative proceedings, as a result of the examination of the facts provided in the application it was established that the application should be left unconsidered for the applicant can not indicate specifically which norm of the Election Code was violated. Under the letter 01-02/1060 of May 22 from the CEC Nina Khatiskatsi, director of the programs of Observer

Organization Transparency International – Georgia was advised to submit additional information in relation to the above-mentioned application as to which articles of the Election Code were violated, although requested information was not submitted to the CEC.

Election Code governs the rule of staffing precinct election commissions. Namely, 6 members of a precinct commission are elected by a relevant district election commission through a competition. The Election Code prescribes the timeframes for announcing the competition and the rule of completing application, although the law does not prescribe the location of the completion of an application. Respectively, the claim of the application lacked legal grounds.

Based on the above-mentioned, due to the fact that the referenced circumstances are ungrounded, absence of evidences and since the election legislation was not violated; the application should be left unconsidered (without reaction).

13. May 24, 2010 application about publishing political party lists in May 14-17 issues of newspaper Batumuri Kronikebi, financed from the budget. <http://sachivrebi.cec.gov.ge/info.php?id=83>;

According to the application on the first page of May 14-17 issue of Batumuri Kronikebi, a newspaper funded from the budget election number and a slogan of all political movements is published. In the opinion of the applicant, the mentioned is the violation of Article 76(3) of the Election Code, pursuant to which it is prohibited to produce such printed materials using state/local budget funds which describes any election subject or its sequential number in the election, and/or which contains material in support/against any election subject. The applicant thinks that the fact that the sequence of the parties is conditioned not by sequential numbers, but other characteristics, makes the impartiality of the newspapers questionable.

The analysis of Article 76(3) of the Election Code shows that the prohibition prescribed by this article concerns the production of specific printed materials from state/local budget during the period of the election campaign and it does not prohibit the coverage of elections in print media, specifically – by newspapers. Especially that Article 73(15) of the Organic Law of Georgia on the Election Code of Georgia sets forth the obligations of the newspapers funded from central or local budgets during the coverage of pre-election activities. Namely, the rule of allocation of newspaper space for election subjects, periodicity, the necessity to extend similar tariff for the space in case of allocation of newspaper space.

It was approved by the letter of Batumi Cithall Administration No 04047595 dated 25 May 2010 and by the letter No 02/113 of Batumi Election District No 79, dated 27 May 2010, that the newspaper Batumi Chronics were financed from the budget of Batumi city and that mentioned newspaper does not provide Batumi DEC with information determined in subparagraph “:a” of paragraph 15 of Article 73 as well as information provided by Article 2 of the CEC decree No 15/2010, dated 30 March 2010, in particular dates, free space and tariffs for service for placing political advertisement in the newspaper. Mentioned information should be provided not later than 18.00 of every Monday, the event of fail should be considered as violation of Article 126 of Election Code, causing appropriate penalty in amount of 1,000 GEL

According to Article 234¹s of Administrational Code in cases determined by this Code the hearing of the case is possible on the place of committing violation, which means objective analyses of the case and its resolution in compliance with Georgian legislation. Facts collected by the CEC regarding mentioned fact were sent to Batumi DEC No 79, which studied mentioned issue and in 25 June arranged oral hearing during which according to decision of the DEC Chairman the protocol on administrational violations was not prepared. The representatives of newspaper “Batumi Chronics” were warned orally for purpose of avoiding similar violations.

14. May 21, 2010 application on the participation of a patrol police employee during the nomination of a candidate of the National Movement in Vill. KvakhvrelI in Gori district. <http://sachivrebi.cec.gov.ge/info.php?id=66>;

The application states that on May 16, 2010 political party United National Movement nominated Zurab Sadagashvili, majoritarian candidate in Village KvakhvrelI of Gori district. Niko Khmiadashvili, platoon leader of the Patrol Police participated in

the nomination. The applicant indicates that Niko Khmiadashvili was in violation of Article 73(5) (d) by committing the above-mentioned action. A photo was attached to the application with several individuals on it.

Article 73(5) (d) imperatively sets forth the circle of individuals that are prohibited to participate in pre-election agitation; this includes “public servants of the Ministry of Internal Affairs”.

From the letter by Giorgi Grigalashvili, Director of the Patrol Police Department of the Ministry of Internal Affairs we learn that Nikoloz Khmiadashvili is not in the lists of personnel of the Patrol Police Department of the Ministry of Internal Affairs of Georgia. Hence, it is impossible to identify a person on the picture in the application. Further, it can not be identified and established on the basis of the attached photo that the individuals on the picture were participating in pre-election agitation.

CEC examined the application and did not establish the violation of Article 73(5) (d) of the Organic Law of Georgia. Hence, the administrative violations protocol was not drawn up.

May 13, 2010 application by Fair Election on the fact of the presence of two employees of the Department of Youth of the Tbilisi Municipality in Ozurgeti and participation in election agitation <http://sachivrebi.cec.gov.ge/info.php?id=32>

According to the Application Akaki Sturua and Levan Ekhvaia, the employees of the Tbilisi Municipality Department for Monitoring Youth Issues were in Ozurgeti and took part in the pre-election agitation on behalf of the youth wing of the National Movement. The organization asked the CEC to provide information about leave of these persons and requested the verification of information, given the importance of the matter.

The CEC obtained information on the given issue from the Tbilisi Municipality about leave of the above-mentioned persons. And it was ascertained from the received written reply that Levan Ekhvaia, Deputy Head of The Tbilisi Municipality Social Services and Culture Unit was on due leave From April 15, 2010 through May 14, 2010, and Akaki Sturua, Chief Specialist of Monitoring of Youth Issues Department of the same Unit was on leave from May 3 through May 31, 2010. We also received from the Tbilisi Municipality the decrees related to the leave.

The CEC forwarded the documents and a written response received from the Tbilisi Municipality to the Observer Organization.

Moreover, we hereby note that a public servant is allowed to participate in election agitation during the leave period.

15 . Complaint of the 21st of May 2010 concerning location of the headquarter of the “National Movement” in the office of the village administration and finding of campaign materials in the office of public officers.

<http://sachivrebi.cec.gov.ge/info.php?id=85>

In the complaint it is noted that in the building of the village administration of Gurianti Village of Ozurgeti Municipality, namely in the office of Bakhva Kverghelidze, the village administrator, the headquarter of the “National Movement” was located. Journalists even noticed several voter lists on Bakhva Kverghelidze’s desk, which lists indicated the identity of the voters, supporting the United National Movement. The complainant also notes that the information is stored on the desks of Vazha Chanchibadze, the Meria Village Administrator and Grigol Chkhaidze, the Ozurgeti Village Administrator. On Vazha Chanchibadze’s desk the journalists noticed the information concerning supporters of the United National Movement and in the office of Grigol Chkhaidze the posters of the ruling party were kept.

According to the Paragraph 4 of the Article 75 of the Election Code, pasting of election posters in the interior and exterior of state government and local administration buildings is forbidden. According to the Sub-paragraph ‘n’ of the Paragraph 3 of the same article, pre-election agitation means calling of the voters for or against of any of the election subjects or candidates. As a result of studying the facts, given in the complain, attached evidences and other materials accompanying the case, the CEC discussed the issue at the meeting and concluded that the election posters of the United National Movement are indeed pasted on the walls in the administrative building of the village administration of Gurianti Village of Ozurgeti Municipality, namely in the office of Bakhva Kverghelidze, the village administrator. According to the explanation provided by Bakhva Kverghelidze, he as a public officer of a self-government body, is entitled to agitate in the non-working hours. According to him, by the end of the day the above posters were removed from the walls of his office.

Pasting of the election materials on the walls of administrative building of the village administration of Gurianti Village of Ozurgeti Municipality, namely in the office of Bakhva Kverghelidze, the village administrator, with its content means pre-election agitation and calling the voters for supporting certain election subject. Based on the fact that pre-election agitation is a part of election campaign, the above action is qualified as election campaign held by the administrator of Gurianti Village in the building, where such activities are not allowed by the law. The CEC considered that the above fact represented a law infringement stipulated by the Article 12620 of the Election Code of Georgia, which fact is the basis for drawing up an administrative law infringement act. However, by the materials attached to the case the fact of location of the headquarter of the United National Movement in the administrative building is not confirmed.

As a result of studying the facts, given in the complain, attached evidences and other materials accompanying the case, the CEC discussed the issue, it was also found that there was certain documentation on the desks of Vazha Chanchibadze, the Meria Village Administrator and Grigol Chkhaidze, the Ozurgeti Village Administrator. According to the explanations, provided by Vazha Chanchibadze, on his desk he had the list of private property owners and machine operators, which lists he needed for the ploughing and planting campaign. Grigol Chkhaidze explained that he found the posters of the election subject NN 2, 5 and 7 in the yard of the administrative building and decided just to keep them for the time being in his office. The journalist filmed only the posters of the election subject N5.

Thus, the actions of Vazha Chanchibadze, the Meria Village Administrator and Grigol Chkhaidze, the Ozurgeti Village Administrator can not be considered as election campaigning and no other basis for infringement of election legislation is revealed in their actions and therefore, there was no basis for drawing up an administrative law infringement act.

As a result of checking the factual and legal validity of the circumstances described in the complaint, CEC concluded that the demand of the complainant should be satisfied in the part of drawing up an administrative law infringement act against bakhva Kverghelidze, the Ozurgeti Municipality Gurianti Village Administrator and not satisfied in the part of drawing up an administrative law infringement act against Vazha Chanchibadze, the Meria Village Administrator and Grigol Chkhaidze, the Ozurgeti Village Administrator.

In compliance with the Article 234¹ of the Administrative Infringement Code of Georgia, the case can possibly be considered in the place of the law infringement. In the given case, the place of the administrative infringement is the territory of Gurianti Village, Ozurgeti Municipality. Therefore, the complaint should be sent to the N60 Ozurgeti DEC for further examination.

According to the decree No 01/2010 of Ozurgeti Election District No 60 the Chairman (Zviad Teneishvili) was determined as authorized person for development of the protocol on administrative violations. Accordingly in June 2 mentioned person prepared protocol against Bakhva Kverghelidze – the representative of Ozurgeti Municipality in village Gurinti, which was identified by the Court as violator of Article 126 of Election Code and appropriate penalty in amount of 1000 GEL was assigned to him.

FACTS INDICATED IN THE REPORT OF THE NGO “INTERNARIONAL SOCIETY FOR FAIR ELECTIONS AND DEMOCRACY”

CEC by its own initiative studied the violations indicated in the third issue of the electronic bulletin “Electoral News” of the “International Society for Fair Elections and Democracy”.

1. Lentekhi No 46 Election District Case of village Jakhunduri (http://www.isfed.ge/pdf/isfed_election_update_III_geo.pdf)

According to the report of ISFED representative of the Government in village Jakhunderi of Lentekhi DEC No 46, was pressing vulnerable population of the village threatening with termination of social benefits, unless voting for Unified National Movement.

Regarding the mentioned fact the legal advisor of CEC contacted the Head of Lentekhi #46 constituency Manana Oniani who in turn indicated the following in writing:

There are 2 polling stations (# 12 and #13) in Zhakhunderi community of Lentekhi district.

She is aware that the majority candidate of village Zhakhunderi from the political movement “Alliance for Georgia” Jaba Oniani invited the observatory mission to his house and provided incorrect information to them as if the village procurator Anzor Oniani was pressing the socially under represented population to vote for the national movement or they would be withdrawn from the social aid program.

According to the description provided by the chair of DEC she checked the information and contacted the village procurator Anzor Oniani who denied the mentioned fact and called it false information having nothing in common with truth. As the village procurator declared such fact never had a place and the population would confirm that. No pressing upon the village population took place. During the telephone conversation with the CEC legal advisor the same was certified by the village procurator.

2. Khobi Election District No 46 case of village Nojiskhevi (http://www.isfed.ge/pdf/isfed_election_update_III_geo.pdf)

According to the report of ISFED in May 7, 2010 an incident took place between the candidate of Unified National Movement and director of the kindergarten of village Nojiskhevi, of Khobi DEC No 66 Maia Tskiria. The incident later was broadcasted via Poti local TV.

Regarding the mentioned fact, on May 13, 2010, the CEC legal advisor communicated with the chair of #66 Constituency of Khobi Mindia Lomaia and other parties connected to the incident via telephone.

During the telephone conversation the DEC Chair mentioned the following:

He is aware of the dispute taking place at the PEC located in Nojikhevi kinder garden between the director of the kinder garden Maia Tskiria and the candidate of “United National Movement” Revaz Tsulaia. The dispute did not refer to the withdrawal from registration of Maia Tskiria’s relative Mamuka Kardava, who is a majority candidate of “National council”. No threatening or other influential facts regarding M. Tskiria’s resignation took place.

The DEC Chairman mentioned that he responded to the incident and asked the parties to give the explanations in writing, however without success.

The DEC chairman mentioned that the local TV Channel 9 in Poti broadcasted information submitted by the candidate of “National Council” Mamuka Kardava, that the fact of pressing upon himself by the candidate of National movement took place at the polling station located in Nojikhevi kinder garden.

With regard to the mentioned incident we contacted the candidate of “National Council” Mamuka Kardava, who mentioned that his relative Maia Tskiria contacted him from the Nojikhevi polling station and notified him that the candidate of National Movement R. Tsulaia shouted at her that if she did not like the repairs taking place at the polling station the candidate of “National Council” and his managers should have done better. The mentioned caused dispute between Maia Tskiria and Revaz Tsulaia. M. Kardava mentioned that he would address the Chairman of DEC regarding the issue.

He also mentioned that he informed regarding the fact the local correspondent of “Fair Elections” Maka Lataria and asked to record the fact. On same day he gave interview to the Poti local TV channel correspondent, so the information disseminated through the local TV channel.

We contacted director of the kinder garden of the village Nojikhevi Maia Tskiria who mentioned that during the meeting with the candidate of the National Movement she expressed her opinion about the lining materials used during the repairs of the kinder garden. In reply R. Tsulaia answered that if she did not like anything she should have asked her brother-in-law, the candidate of “National Council” Mamuka Kardava to do it better. This was the reason of dispute between them.

During the telephone conversation we called the parties to show discretion and maintain responsible and civic consciousness during the election period.

3. Signagi No 13 Election District case of Precinct No 1

(http://www.isfed.ge/pdf/isfed_election_update_III_geo.pdf)

According to the report of ISFED in April 26, 2010 candidate of Unified National Movement – Konstantine Khmaladze (head of the Service for Infrastructure)- came to Precinct No 1 of Signagi DEC No 13 with request for change of the room for precinct election commission. Member of ISFED Eleonora Gelashvili witnessed mentioned fact, which reminded to Khmaladze that logistical issues were not in his competence and should be decided by the DEC. Due to that the candidate insulted member of the organization.

In conjunction with the given fact the CEC Legal Advisor contacted Mamuka Korashvili, chairman of No 13 Signagi Election District, who indicated in his written explanation that the mentioned case was not related to election violation, since as of April 26 Konstantine Khmaladze was not registered as a candidate by the District Election Commission. Further, the National Movement had not yet submitted the decision of the Party about candidates to the District. The mentioned took place on April 28, along with nominating Konstantine Khmaladze’s candidature at Signagi No 13/01 Local Majoritarian Election District, on April 28.

According to the Chairman of the Election District he is not aware of any incident at No 1 Precinct Commission, including a dispute and insult. Further, he has not heard on the above from the Chairman of the Precinct Commission either.

On May 18, 2010 Koba Bobokhidze, Legal Advisor of the CEC had a telephone conversation with Konstantine Khmaladze, candidate of the United National Movement at No 13 Signagi Election District and Eleonora Gelashvili, member of the organization Fair Elections.

The conversation was about the April 26, 2010 incident at the Signagi Election District No 1 Precinct Commission, communicated in the report submitted by the organization Fair Elections.

Konstantine Khmaladze stated that since April 28 he has been a majoritarian candidate of Signagi from the United National Movement. Prior to this, he was the head of the Infrastructure Unit at the Signagi Executive Office.

On April 26 he came to a public school, where the Signagi public library is housed due to the lack of space and it was his duty, as of the head of the Infrastructure Unit, to examine it.

No 1 Precinct Commission is located in the same school. K. Khmaladze noted that he went into the library and asked Eleonora Gelashvili, an employee of the library, to curtain the bookcase with white paper. He further explained that he did not make any verbal insult to E. Gelashvili and neither did they talked about the changing of the room of the election precinct. He, in the capacity of the head of Infrastructure Unit expressed his opinion about curtaining the bookcases of the library with white paper.

We contacted Eleonora Gelashvili, a member of the Organization Fair Elections. She noted that she is a member of Fair Elections and at the same time is an employee of the Signagi Library. The library is located in the public school and a variety of books are stored in it.

On April 26 Konstantine Khmaladze appeared at the library and told her to curtain the bookcases with white paper for a precinct commission was to be located in that room. According to E. Gelashvili she responded to K. Khmaladze that the precinct election commission was not to be located in the library room because important books were stored there and, that besides, the issue of allocation of a precinct election commission room was the competence of the District Commission. And L. Khmaladze responded that it was not her business where a precinct commission would be located and that was the reason for their argument.

During our telephone conversation we called on the parties to be more discreet, to demonstrate more responsibility and civic consciousness during the elections period.

4 . The statement of the May 13 2010 of the Fair Elections on the fact of two representatives of the Youth Division of the Tbilisi City Hall visiting Ozurgeti and participating in the election campaign
<http://sachivrebi.cec.gov.ge/info.php?id=32;>

It is noted in the statement that Akaki Sturua and Levan Ekхваია, officers of the Division of Monitoring of Youth Issues of the Tbilisi City Hall, were in Ozurgeti and took part in the election campaign on behalf of the Youth wing of the United National Movement. The organization requested the CEC to provide information about the fact of these persons being on leave and checking of the fact due to importance of the issue.

Regarding the above issue the CEC requested from the Tbilisi City Hall information about the leaves of the two persons. According to the received written reply it became clear that Levan Ekхваია, the Deputy Head of the City Agency of Social Service and Culture of the Tbilisi City Hall was on leave from April 15 till May 14 2010 and Akaki Sturua, the Chief Specialist of Monitoring of Youth Issues of the same agency was also on leave in the period between May 3-31 2010. We also received from the Tbilisi City Hall the orders related to these leaves.

The CEC forwarded the documents and the written reply received from the Tbilisi City Hall to the observing organization. In addition we would like to note that within the leave period a public servant is entitled to participate in election campaign.

5. May 20, 2010 Application by Fair Elections on the discovery of administrative violations on the fact of posting over and tearing down of election placards of Alliance for Georgia; <http://sachivrebi.cec.gov.ge/info.php?id=57>

The application by Ekaterine Siradze-Delone, member of the International Organization for Fair Elections and Democracy demanded the investigation of the facts of violations and further response by the CEC, within its competence. Alliance for Georgia had filed an application on the same matter.

It is stated in the application by the Observer organization that according to the Election Bloc Alliance for Georgia on May 4 they posted pre-election print materials (posters) throughout the area of No 2 Vake and No 3 Saburtalo election districts. On the same evening the representatives of the United National Movement posted their own posters over the posters of Alliance For Georgia candidates. The mentioned fact were examined by the observers of the International Organization for Fair Elections and Democracy, and as a result of check it was confirmed that in Vake election district, in Chavchavadze and Paliashvili (by the Gegeshidze garden) and in Saburtalo Election District, in M/district 3 and 7 of Vazha Pshavela, between 4 and 6 M/districts the posters of the United National Movement candidates had definitely been posted over the posters of the candidates of the Alliance for Georgia.

The author of the letter also mentions that similar facts were observed in No 9 Nadzaladevi and No 59 Kutaisi election districts were agitation material-posters of the United National Movement and the Christian-Democratic Movement were torn down. As a result of examination of the facts provided in the application it was established that in relation to the damage of agitation materials on the area of Vake Election District there are facts of the law violation referred to in the application. Following the review of the matter it was confirmed that in Vake Election district, in Chavchavadze and Paliashvili (at Gegeshidze garden) the

posters of Vakhtang Natsvlishvili and Zaur Dolidze, majoritarian candidates of the United National Movement had been really posted over the posters of the candidates of the Alliance for Georgia.

Pursuant to Article 75(4) of the Election Code the removal, tearing down, covering or damage of election placards are prohibited and are punishable under the law, unless they are posted at prohibited areas. Pursuant to Article 12619 of the Same Code, the hampering the dissemination of pre-election appeals and materials is a law violation and is subject to fining by GEL 1000.

On the given issue the CEC made a decision to draw up administrative violations protocol in relation to Vakhtang Natsvlishvili and Zaur Dolidze, candidates of the National Movement. As a result of the examination of circumstances of the case related to the covering of agitation materials in Saburtalo, Nadzaladevi and Kutaisi election districts the CEC did not identify a person who damaged agitation material of the election subjects and respectively the law violation protocol in this part could not be drawn up because of failure to identify the person.

Law violation case was transferred to the Tbilisi Civil Court which made a decision of fining V. Natsvlishvili and Z. Dolidze by GEL 1000 each.

STATEMENTS AND COMPLAINTS BY THE POLITICAL PARTIES

1. Case of Klimenti Pochkhua in Martvili district

On April 26, 2010 the movement “For Fair Georgia” disseminated press release information through websites and media about the incident taking place on April 15, 2010 in Martvili district, between their majority candidate Klimenti Pochkhua and policemen, and mentioned that Klimenti Pochkhua had submitted an application to the police station regarding the incident.

Later, the movement “For Fair Georgia” addressed CEC regarding the same incident.

Their statement indicates the following: “On April 15, in Martvili, Klimenti Pochkhua (a majority candidate of the movement “For Just Georgia” at village Vedidkari of Martvili district) was physically abused by two policemen in front of several eye-witnesses. One of them is Alika Bachilava. After the incident Klimenti Pochkhua together with the head of the Martvili district organization of the movement “For Fair Georgia” – Bondo Tsotsoria went to the district police station and requested rising the criminal case from the deputy head of police station Kakha Dzidziguri. At the same time, being at the police station Alika Bachilava once again abused the candidate Klimenti Pochkhua. Moreover, the law enforcers required from Klimenti Pochkhua to withdraw his candidacy. However the threatening was unsuccessful. Finally, beaten Klimenti Pochkhua was allowed to leave the police station by Kakha Dzidziguri”.

In order to study and examine the mentioned fact CEC sent its legal advisor Koba Bobokhidze to Martvili district. After examination it turned out that Klimenti Pochkhua was not a majority candidate of the movement “For Fair Georgia” at village Vedidkari of Martvili district at that moment. He submitted the registration documents to Martvili DEC on April 30, 2010.

According to the written information provided by Martvili district law enforcement agency Klimenti Pochkhua did not address the district police with the complaint. We requested information regarding the issue from the same law enforcement agency. The CEC representative met with the Chief of police station and a deputy chief who explained that Klimenti Pochkhua, residing in the village Mukhurcha of Martvili district committed an administrative offence on April 15, 2010. Namely, heavily drunk Klimenti Pochkhua stood in the middle of the road in Martvili downtown. The law enforcer Alexandre Bachilava moving on the car requested him to move to the pavement. Klimenti Pochkhua started outraging the policeman and shouted thus violating public order and the patience of the citizens. The policeman tried to suspend him, but Klimenti Pochkhua hid himself in the crowd and disappeared from the scene. The ruffian behavior of Klimenti Pochkhua took place in front of several witnesses who recognized him.

The chief of Police station mentioned that on the same day Klimenti Pochkhua was taken to the law enforcement agency by the Head of regional organization of the movement “For Fair Georgia” – Bondo Tsotsoria. They apologized for the rudeness of Klimenti Pochkhua and explained that he behaved that way because he was drunk. The policeman took a written explanation from Klimenti Pochkhua regarding his obligation to come to the police station upon the request.

According to the information of Martvili Law enforcement agency provided in writing the administrative offence committed by Klimenti Pochkhua was qualified as a minor hooliganism and the consequent act on administrative offence was drafted on April 26 and sent to Martvili district court.

CEC requested the case of administrative offence from Martvili district court. The documents contained the protocol of interviewing Klimenti Pochkhua created at police station on April 15. The protocol says that Klimenti Pochkhua acknowledges the fact of being drunk, and that he stood in the middle of the road in Martvili downtown and the policemen required him to move to the pavement; however he refused to obey, expressed his discontent and moved toward the crowd.

The case materials contain testimonials given by the eye witnesses, who mention that Klimenti Pochkhua outraged the policeman and disappeared. The offence from the policeman toward Klimenti Pochkhua did not take place.

Trial of the administrative offence was fixed on April 28, 2010 at Martvili district court. The Chairman of CEC and its legal consultant went to Martvili to attend the trial; however the session was postponed due to absence of Klimenti Pochkhua. The court postponed the trial to April 29 and the police was given the task to force him to come to the court.

The representative of CEC tried to meet Klimenti Pochkhua personally and talk with him, but he was not found. It was impossible to reach him through telephone in the same period.

On April 29 the repeated trial took place. According to the court decision requested by CEC from the court, Klimenti Pochkhua recognized the committed offence, repented it and apologized for it. Besides, the court took decision to impose a payment of administrative fine to Klimenti Pochkhua at amount of 100 Gel to the state budget.

We contacted Bondo Tsotsoria via telephone on May 2, however during the conversation he said that he would not comment the fact and asked to call him back the next day. On the same day we tried to contact with Klimenti Pochkhua, but the telephone was answered by a lady who said Klimenti Pochkhua was not at home.

On May 03, at 12:00 we called back to Bondo Tsotsoria who retold the following regarding the incident between Klimenti Pochkhua and the policeman taking place on April 15:

According to his declaration, on April 15 Klimenti Pochkhua contacted him and told about the incident. Namely, based on Klimenti Pochkhua's story Bondo Tsotsoria said that the policeman Alexandre Bachilava stopped the car and outraged Klimenti Pochkhua who in turn responded in the same way. Because of this Klimenti Pochkhua and Bondo Tsotsoria went to the Police station. The chief policeman called Alexandre Bachilava to his office. As Tsotsoria described in the office of the deputy chief of the police station Bachilava outraged Klimenti Pochkhua again and tried to beat him. Later the parties expressed their will to settle the dispute and reconcile.

During the telephone conversation Bondo Tsotsoria mentioned that Klimenti Pochkhua was nearby and transferred the phone to him.

In the course of the conversation Klimenti Pochkhua mentioned that in Martvili downtown he was outraged by the policeman Alexandre Bachilava whom he responded in the same manner. Later he contacted with the Head of the district organization and went to the police station together to meet with the deputy chief of the police station. The latter called Bachilava to his office in order to examine the circumstances, however Bachilava intended to abuse Klimenti Pochkhua again. Later the parties agreed to reconcile and finish up with the dispute.

Klimenti Pochkhua mentioned that he was asked to write a document regarding the incident at the police station. He wrote the document believing that the incident was already settled, so he repeated what was written in the document in front of the court and asked to pardon him as the reconciliation was already agreed. He believed that the incident was already settled and asked the court to pardon him in order to reconcile.

During the telephone conversation Bondo Tsotsoria mentioned that Klimenti Pochkhua was registered as a majority candidate of the movement "For Fair Georgia" at village Vedidkari of Martvili district on April 30, 2010 at the DEC, however in the internal documents of the party Klimenti Pochkhua was already registered as a candidate, even before April 15.

2. Kakhaber Benidze Case in Khobi District

On April 14, 2010 Conservative Party of Georgia made an announcement through media and later applied to the CEC about the detention of Kakha Benidze, their activist and a member of the district election commission by the Police in Khobi city, who was transferred to the Zugdidi Narcological Department and was later released.

The CEC dispatched its representative to the Khobi district to verify the situation related to the mentioned fact and to obtain information. Written materials were obtained from Khobi Internal Affairs District Department according to which at 12:00 on April 14, 2010 on the basis of operative information received about the case of drug substance influence Kakhaber Benidze was detained under administrative procedure and was submitted to the Khobi district department of Internal Affairs, on which administrative detention and individual examination protocol was drawn up. He was transferred to Zugdidi city, to expert criminal department for narcological examination.

As a result of expert laboratory examination Kakhaber Benidze's drugged condition was not identified. At 15:00 on April 14 Khobi Internal Affairs District Department adopted a decree on terminating administrative proceedings and release from detention in relation to Kakhaber Benidze.

On the basis of administrative case materials transferred to the CEC the Police department states that the Khobi District Department of Internal Affairs was performing administrative procedures, which were commenced and ended according to the law-prescribed rules and that it is not related to the pre-election processes.

3. Complaint by the Election Bloc National Council on abrogating the No 84 Khulo District Election Commission Order No 15/2010 dated 12 May, 2010

Abrogation of No 84 Khulo District Election Commission's Order No 15/2010 of May 12, 2010 and repeated review of the facts provided by T. Abashidze in the application and taking a decision.

The complaint states that at No 84 Khulo Election District Emzar Abuladze (member of Vill. Dekanashvilebi City Council), Nodar Tavartkiladze (deputy Chairman of the Council) and Zurab Kozrevanidze (member of the Supreme Council of Adjara) are public-political officials set out in the Election Code and the law on Public Service, who were not to carry out pre-election agitation while performing official duties. Therefore, the complaint demands the abrogation of an order of No 84 Khulo District Election Commission and repeated examination of the facts provided in the application and taking decision.

The CEC reviewed at the commission's sitting the issue referred to in the complaint and did not grant the complaint on the grounds that pursuant to Article 761(2) of the Election Code officials of state or local authorities are not prohibited to participate in pre-election agitation and campaign process in support or against any party (election bloc) or candidate, while performing official duties.

On May 20, 2010 the Head of the General Inspectorate of the Ministry of Education and Science (MES) made a media statement in conjunction with the given case; he stated that the MES issued strict instruction to the principals of all public schools at the launch of the pre-election campaign to restrict the holding of pre-election campaigns by political parties on the territory of public schools during the educational process. Unfortunately, the principal of one of the public school of the Khulo district did not comply with this direction. NGO's New Generation – New Initiative and Association Batumeli informed the MES about this fact. The General Inspectorate of the MES carried out an investigation as a result of which it was established that election agitation truly took place in the mentioned public school during which period the educational process was suspended.

Due to the violation of the MES direction the acting Principal of the public school was removed from office.

4. Application (No 07-2525) by Tengiz Omanidze, representative of the Election Bloc National Council was filed in the CEC on May 13, 2010

The mentioned person demands the CEC to take actions. Namely:

- Obtain copies of individual contracts (agreements) concluded with military servants.
- Ensuring the participation of military servants that have been fulfilling military duty on the territory of an election district for at least 1 year before the Election Day in the elections of the Tbilisi mayor, as well as the elections held under majoritarian and proportional rule.
- To make sure that a note "in military service" is indicated along the data of military servants in the field "actual condition" in a unified voters list.

The CEC reviewed the application at the meeting and did not grant it on the following grounds:

Pursuant to Article 10(1) (c1) of the Election Code, military servants of military (paramilitary) forces and units of the Ministries of Defense and Internal Affairs that serve for a term and under contract are entered in a special list of voters. And pursuant to Paragraph 41 of the same Article, the list of military servants of military (paramilitary) forces and units of the Ministries of Defense and Internal Affairs that serve for a term and under contract is drawn up by a commander of a relevant military unit

and transfers to the relevant district election commission by no later than 30 days prior to the voting. The CEC was provided the list of military servants according to the established rule, to ensure their participation in the elections.

It is not the authority of the CEC to require and obtain individual contracts (agreements) of contracted military servants of military (paramilitary) forces and units of the Ministries of Defense and Internal Affairs from a relevant institution.

Pursuant to Article 28 of the General Administrative Code of Georgia public information is open, except for the cases envisaged by law and the information that falls within state, commercial and personal secret under the established rule. According to the Law of Georgia on State Secret and the President's Decree No 42 dated January 21, 1997 the information about servants of military institutions belongs to secret information, also, the the information about the organization of armies, number of combat forces and personnel, it is state secret in defense field.

In relation to the second issue of the application the CEC mentioned that as of today the list of the persons in contracted military service has already been transferred by relevant military commanders to relevant district election commissions, following which on the basis of legislation such voters will participate in the elections under the established rule.

With regard to the issue No 3 the CEC mentioned that the indication "in military service" in the unified voters' list, this issue was regulated under the legislation in force. Namely, Article 13(2) (b1) of the Election Code, according to which the making of such a note is mandatory anyway.

5. Complaint by the Election Bloc National Council about abrogating the Order No 31/2010 dated May 8, 2010 by No 46 Lentekhi and No 16 Kvareli District Election Commission

On May 14, 2010 the complaint of the Election Block National Council was filed to the CEC of Georgia; the complaint demanded removal from registration of a candidate of the National Council at No 46 Lentekhi Election District.

Further, on the same day the complaint demanding removal from registration of a candidate of the National Council at Kvareli No 16 Election District was filed.

The complaint demands the abrogation of Order No 31/2010 dated May 8, 2010 of No 46 Lentekhi and No 16 Kvareli District Election Commission.

The CEC heard the complaint filed in relation to both districts and established that it was filed in violation of the 2-day deadline for appeal set forth under Article 77 of the Election Code. Therefore, the complaints were left unconsidered.

The CEC also notes that despite breaching the deadline for appeal, it will study the circumstances referred to in the complaints at own initiative and will take relevant response measures.

6. Complaints by the National Forum and the National Council on the invitation to the concert by the Didube candidate of the National Movement and the presence in a restaurant of the chairman and members No 8 Didube District Election Commission.

According to the Complaints on April 29, 2010 at the personal invitation of Giorgi Chachanidze, majoritarian candidate of the National Movement in the Didube District Ivane Burduli, Chairman of No 8 Didube District Election Commission, Giorgi Laskhishvili, Deputy Chairman, Tina Natenadze, Secretary of the District Commission, Sopio Bagdavdze, Nestan Porakishvili and Lali Geperidze, members of the same District Commission, as well as Nazi Nadiradze, Chairman of No 4 Precinct Election Commission of No 8 Didube District Election Commission and Irma Kuratishvili, Chairman of No 48 Didube Precinct Election Commission attended first the concert at the Conservatory Concert Hall, and later joined a 400-person reception at the Restaurant Tbilisi. The appellants note that Giorgi Chachanidze, majoritarian candidate of the National Movement had violated Article 73(9)(a) of the Organic Law of Georgia on the Election Code of Georgia and within the authority granted under the General Administrative Code and the Election Code demand the CEC to discuss the issue of cancellation of election registration for Giorgi Chachanidze, majoritarian candidate of the National Movement in Didube district, pursuant to Article 73(91) of the Organic Law of Georgia on the Election Code of Georgia and apply to court with a relevant application to execute the taken decision. The appellants also refer to severe violation of election legislation, election administration rules by the members of the District Election Commission, thereby demanding the CEC to issue a decree on early termination of

authority of the above-mentioned members of No 8 Didube District Election Commission, pursuant to the authority granted under Article 21 of the Organic Law of Georgia on the Election Code of Georgia and the provisions of the Law of Georgia on Public Service.

The complaints filed in the CEC have CDs attached to them that, in the opinion of the appellants, evidence the violations referred to in the complaints.

To investigate and study the facts provided in the complaints the CEC launched administrative proceedings. Information was obtained from the Didube District Election Commission and on May 19, 2010 verbal hearing of the parties took place in relation to the given issue at the CEC sitting. On the basis of the facts presented at the hearing and those investigated it was established that on April 29, 2010 Ivane Burduli, Giorgi Laskhishvili, Tina Natenadze, Sophio Bagdavadze and Lali Geperidze, members of the District Election Commission really were at the Conservatory at the Concert of ensemble Pesvebi, but that ten tickets for the concert were given to the Chairman of the Didube District Election Commission by David Uznadze, his friend and the leader of Ensemble Pesvebi; he used 5 invitation cards to to invite the above-mentioned members of the District Election Commission to the Concert, and gave 5 other invitation cards to his friends. The given information evidences the fact that the concerned event was just a folk concert and did not contain any pre-election agitation elements.

The submitted facts did not confirm that Giorgi Chachanidze, majoritarian Candidate of the United National Movement registered at No 8 Didube District Election Commission was in violation of Article 73(9) of the Election Code; and as for the fact that allegedly the members of the Didube District and Precinct Election commission attended a 400-person reception at Restaurant Tbilisi after the concert, the mentioned was not confirmed with the information obtained from the District Election Commission nor the video-tapes submitted the appellants as evidences. Hence, there was no ground for early removal of the mentioned members from office; and as for the view of the authors of the claim about violation of Article 78 and Article 73(4) and (5) of the Law of Georgia on Public Service, the CEC did not agree to the above-mentioned, for the members of the Didube District Election Commission (including the Chairman and the Deputy) in the first case received the tickets to the concert from Giorgi Chachanidze, majoritarian candidate of the same district, and in another, attended the reception organized by the candidate, thereby allegedly committing a culpable action of discrediting Georgian Election Administration, while, as we have mentioned above, members of the District Election Commission were at the concert because the head of Ensemble Pesvebi, and not the majoritarian candidate, had gifted tickets to the Chairman of the District Election Commission. The afore-mentioned fact may not have an influence on the discharge of official duties of district election commission members, as of public servants, therefore the argument that the members of the District Election Commission were in violation of the Law on Public Service is ungrounded.

7 . May 11 and 14, 2010 applications by the Election Bloc Alliance for Georgia on drawing up administrative violations protocol, on the posting over the placards of candidates of the National Movement and the destruction of their election placards.

Under the application by T. Khidasheli, representative of the Election Bloc Alliance for Georgia (I. Alasania, S. Subari, D. Usupashvili, D. Gamkrelidze, S. Zurabishvili) requests the drawing up law violations protocol, determining the type of responsibility towards law-violators, curbing law violations and adequate response to inflicted financial losses.

According to the applications, during the pre-election period of local self-government May 30, 2010 elections United National Movement and its candidates violated Article 75(4) of the Election Code. Specifically, election district election placards of the United National Movement and its candidates were posted over a large number of election placards of David Saganelidze in 02-02 Vake local Election District, Mamuka Katsitadze's placards in 02-03 Vake local election district, and Tinatin Khidasheli's placards in 03-06 Saburtalo, and the remaining ones were torn down and damaged on purpose. According to the author of the complaint election placards were torn down and damaged on the following areas: I. Chavchavadze Avenue in full, Z. Paliashvili street in full, I. Abashidze Street in full, Bagebi and the adjacent territory in full, Shanghai district, Territory adjacent to Kavtaradze street and the Vazha Pshavela avenue, part of Vazha-Pshavela avenue, Nutsbidze street, 2nd, 3rd, 4th Micro-districts of Nutsbidze in full, Marjani street and the area of metro station Politeknikuri.

Following consideration of the application the CEC established that the territories indicated by the applicants, as well as the pictures on the appended disk demonstrate that election placards of David Saganelidze, candidate nominated for 02-02 Vake local Election District were covered with the placards of the United National Movement and Vakhtang Natsvlshvili, its candidate in the same election district, in the following areas: I. Chavchavadze Avenue in full, Z. Paliashvili street in full, I. Abashidze Street in full, Bagebi and the adjacent territory in full, Shanghai District, territory adjacent to the Kavtaradze Street and Vazha Pshavela Avenue, and election placards of Mamuka Katsitadze, candidate nominated in 02-03 Vake local election district were covered with the placards of the United National Movement and its candidate, Zaur Dolidze, in the following areas: part of Vazha-Pshavela Avenue, Nutsbidze Street, Nutsbidze 2nd, 3rd and 4th micro-districts in full, Marijani street.

Under Article 75(4) of the Election Code the removal, tearing down, covering or damage of election placards is prohibited and is punishable under the law, unless they are posted in prohibited places. Under Article 12619 of the same Code, hampering the dissemination of pre-election appeals, statements, inscriptions, papers, photo and other materials disseminated pursuant to the rule set forth under the Election Code shall be subject to fining with GEL 1,000.

Therefore, the CEC made a decision on drawing up administrative violations protocol in relation to Vakhtang Natsvlshvili and Zaur Dolidze, candidates of the National Movement.

As for the facts of removal and covering election placards of Tinatin Khidasheli at 03-06 Saburtalo election district, according to the evidences submitted to the CEC the damage of election placards of the above-mentioned candidate was established, although a person who damaged agitation material can not be identified, in relation to whom law violation protocol could be drawn up. Moreover, it was ascertained that the the posting of agitation material on the territory adjacent to metro stations was not permitted under the law.

The CEC also reviewed the demand of the applicant on the curbing of law violations and the reimbursement of inflicted financial loses by the Central Election Commission, although established that the CEC does not have legal authority nor competence to resolve these matters. The law violation case was transferred to the Tbilisi City Court, which rendered resolutions on fining V. Natsvlshvili and Z. Dolidze with GEL 1,000 each.

8 . May 18, 2010 application by the Election Bloc Alliance for Georgia on movement of a candidate of the National Movement by a motor vehicle of the CEC Deputy Chairman.

S. Khorguani, author of the application states that on May 15, 2010 at about 16:00-17:00 David Kirtadze, Deputy Chairman of the CEC, Erekle Metonidze, Deputy Chairman of the Krtsanisi district election commission and Merab Rapava, majoritarian candidate of the Tbilisi City Council nominated by the United National Movement at the Krtsanisi local election district, with an office vehicle (black Toyota Prado) of the Deputy Chairman of the CEC, with number plate: CSK 002 came to the precinct election commissions No 29, 30 and 31 of 04 Krtsanisi Election District, which are located in an Azeri school in Village Ponichala. Under the mentioned visit the above-mentioned persons jointly met the members of No 29, 30 and 31 precinct election commissions of the Krtsanisi election district, received information about technical –organizational unfitness of the mentioned election precincts and at active participation and direct support of Merab Rapava reached agreement on technical equipping thereof and the preparation for the voting day. The applicant notes that the mentioned fact is a violation of Article 73(9) (b) of the Election Code, for Merab Rapava, as a majoritarian candidate did not have a right to get involved in the process of work of election commissions and promise them to address technical-organizational problems, with relevant support. The applicant also notes that Merab Rapava, majoritarian candidate was in violation of Article 76(1) (c) of the Election Code, since he was using official vehicle of the Deputy Chairman of the CEC.

The CEC instituted administrative proceeding to investigate and examine the facts provided in the application. Information in relation to the above-mentioned issues was obtained from the Krtsanisi District Election Commission and as can be ascertained from a written explanation by Merab Rapava, candidate for Tbilisi City Council nominated at the Krtsanisi majoritarian election district by United National Movement, Maia Gelashvili, representative of the same party in the same district informed him that

election precincts # 29, 30 and 31 of the Krtsanisi election district were located in a single building and the voters that entered through one entrance were able to easily move to the adjacent election precincts. Through May 12 letter (Erekle Metonidze, Deputy Chairman of 04 Krtsanisi District Election Commission was instructed to examine the mentioned letter) Ms. Maia Gelashvili provided the above-mentioned information to the Krtsanisi District Election Commission as well; in the letter she stated that locating three precincts in a single building, in her opinion, was posing threat to the possibility of holding elections on the mentioned precincts in a legal manner and requested taking relevant measures.

To ascertain the situation at election precincts Merab Rapava, on May 15, 2010 candidate for Tbilisi City Council membership visited election precincts 29, 30 and 31 where David Kirtadze, Deputy Chairman of the CEC and Erekle Metonidze, Deputy Chairman of the District Election Commission came to the precincts to study the same issue. The mentioned fact is evidenced also from May 19, 2010 letter by Erekle Metonidze, according to which Erekle Metonidze contacted Deputy Chairman of the CEC to study the situation at 29, 30 and 31 election precincts of the Krtsanisi election district and went together with him to see the mentioned precincts, where they met Merab Rapava, candidate for the membership of the Tbilisi city council. The conversation of the afore-mentioned persons was about the separation of the mentioned precincts and better technical equipping.

As is ascertained from the obtained files, Merab Rapava, candidate for Tbilisi City Council membership expressed his own views and comments concerning the arrangement of election precincts and the applicant's consideration that Merab Rapava interfered with the work of election commissions and promised to resolve the problems and respectively was in violation of Article 73(9)(b) of the Organic Law of Georgia on the Election Code of Georgia (we think that the applicant referenced the mentioned norm incorrectly) does not correspond to the truth.

Pursuant to Article 73(91) of the Election Code, if an election subject, personally or his/her representative or any other natural or legal entity acting in favor of him was performing prohibited activity envisaged under Paragraph 9 of this article, his/her registration shall be cancelled under the court decision in case such facts are confirmed. Under Article 771(15) of the same Code a party, election bloc, majoritarian candidate, organization with an election observer status, election commission have the right to file a complaint to court, provided the complaint is about the violation of the above-mentioned rule by the candidate nominated in a single- or multi-mandate election district.

As a result of examination of the case facts provided in the application were not confirmed; hence, there were no grounds for applying to court with a request to cancel registration of the above-mentioned candidate.

As for the applicant's opinion that Merab Rapava, majoritarian candidate of the United National Movement registered at Krtsanisi election commission was using official vehicle of Deputy Chairman of the CEC, the mentioned fact is not confirmed from the obtained information. As mentioned above, when CEC Deputy Chairman and Krtsanisi District Election Commission deputy Chairman came to the school building election precincts, Merab Rapava already was in the mentioned building.

Hence, based on the above-mentioned, it can not be evidenced that Merab Rapava had violated election legislation.

9 . May 22, 2010 application by the Election Bloc Giorgi Targamadze, Inga Grigolia – Christian-Democratic Union on the refusal to provide the minutes of the sitting of the district commission at the Didube Election District to their member.

The author of the complaint states that on May 15, 2010 sitting of No 8 Didube Election Commission was held. On May 18 Nino Mestumrshvili, member of Didube District Election Commission from the Christian-Democratic Movement asked the secretary of the same Commission for the minutes of the above-mentioned sitting, to which she received refusal, on the grounds that the minutes were not printed and she would give the following day. Irma Gviniashvili, member of the Didube District Election Commission from Party We Ourselves also applied with a request to receive the same minutes, to which she also received refusal from the secretary of the commission on the grounds that a member of District Election Commission from the Christian-Democratic Movement had asked for the mentioned minutes. The applicant also notes that on May 19, 2010 another sitting was held as well, which minutes was requited by Nino Mestumrshvili, member of the Didube District Election Commission from the Christian-Democratic Movement, to which she received refusal on the grounds that the request was not submitted in writing.

The author of the complaint demands to impose disciplinary measures on Ms. T. Natenadze, secretary of the Didube District Election Commission.

The CEC launched administrative proceedings to investigate and study the facts of the complaint. Information in relation to the issues mentioned in the complaint was obtained from the Didube District Election Commission. It was established as a result of the examination of the matter that on May 15, 2010 sitting of the Commission was held at the Didube District Election Commission. On May 20 Nino Mestumrshvili, a member of the same commission submitted to the commission an request 1/2-591 dated 20.05.2010 from the Christian-Democratic Movement, requesting the minutes 10 of May 15 2010 sitting. The Commission issued the copy of the above-mentioned minutes on May 21, 2010, pursuant to the legislation in force, which is confirmed by the signature of N. Mestumrshvili in the registration journal.

Pursuant to the Election Code, a secretary of a district election commission is a public servant and falls within the scope of the Law of Georgia on Public Service. Under Article 79 of this Law, a disciplinary measure may be applied for disciplinary misdemeanor. And one of disciplinary misdemeanors is culpable non-fulfillment of job duties or misperformance. According to Article 9 of the Rules of the District Election Commission a commission is obligated to within 1 calendar day from receipt of application/complaint undertake substantial review thereof and take a relevant decision.

Since, according to presented evidence (registration journal, responsible for which keeping in a district election commission is commission secretary) Protocol No 10 for the May 15, 2010 Meeting of the Commission was issued by Didube District Election Commission secretary the next day from the request or within 1 calendar day, respectively, it is ungrounded to make a judgment about culpable non-fulfillment or misperformance of official duties.

As for the claims of the author of the complaint that Irma Gviniashvili, member of the Didube District Election Commission from the party We Ourselves applied to the Commission secretary requesting the same protocol and she was refused, we note in regard to this that as is ascertained from obtained files she had not made a written request to the district election commission asking to provide the mentioned document.

Pursuant to Article 17 of the Election Code Election Administration of Georgia is an independent administrative body which is comprised of the CEC, district and precinct election commissions. Respectively, District Election commission is an administrative body, and pursuant to Article 78 of the General Administrative Code of Georgia, application should be entered in an administrative body in writing, which did not happen in the above-mentioned case.

Therefore, as a result of investigation of the facts provided in the complaint it could not be established that a secretary of the Didube District election Commission had violated the provisions of the Election Code and the Law on Public Service, which excludes the imposition of disciplinary measure on her.

10 . May 20, 2010 complaint of the National Council on the violation of allocation of equal air time in mass media by TV broadcast companies Rustavi 2 and Imedi.

On May 20, 2010 a complaint by Tengiz Omanidze, representative of the Election Bloc National Council at the CEC was filed to the Central Election Commission of Georgia which demands:

1. CEC to impose on broadcast TV companies Rustavi 2 and Imedi the fine envisaged under Article 12622 of the Organic Law of Georgia on the Election Code of Georgia;
2. Broadcasting TV companies Rustavi 2 and Imedi to be charged with ensuring parity when providing coverage around specific election subjects in the news (to allocate equal time to all election subjects).

The following demands are based on the following facts presented by the author of the complaint:

From May 10 through 14, 2010 the coverage of election subjects – candidates of Tbilisi mayoral capital of Georgia at news of TV companies Rustavi 2 and Imedi (respectively, Courier at 9:00 pm and Kronika at 8:00 pm) was done in violation of legislation. To evidence the above-mentioned the author of the complaint brings the running time of the story aired in news of the aforementioned TV companies. A CD with video materials is attached to the complaint. In his complaint T. Omanidze basis legal circumstances of his claim on Article 73(14) (a) and Article 731(1) of the Election Code.

The author of the complaint indicates that broadcasting companies are obligated to carry out pre-election agitation during special air time allocated for this purpose, and in addition to air time allocated specifically for agitation the broadcaster is obligated to allocate time (including in news) equally, in non-discriminative way and without any bias, to all qualified election subjects. Although, despite the mentioned norm, in the opinion of the author of the complaint, TV companies Rustavi 2 and Imedi regularly violate imperative demands of the law and transmit information about various election subjects without following parity principle. Which, as T. Omanidze asserts, means that they are indirectly performing agitation of that election subject – calling on the electors to support a specific election subject (during the period which is not designated for agitation), about whom they transmit news several times longer than for other candidates. In the opinion of the author of the complaint the above-mentioned running time and the video material presented as the evidences of the facts provided in the complaint indicate that TV companies Imedi and Rustavi 2 violated requirements set forth for the transmission of information under election legislation, which is an unconditional basis for fining them.

The CEC studied all presented complaints in relation to the circumstances provided thereof and established the following:

Obligations of the holders of broadcasting license related to information support during the conducting of pre-election campaign are set forth in the Organic Law of Georgia Election Code of Georgia (Article 72, Article 731 and Article 12917), Law of Georgia on Broadcasting and the Code of Conduct of Broadcasting companies approved under the March 12, 2009 Decree No 2 of the National Communications Commission of Georgia.

Specifically, under Article 73(14) of the Election Code “from 50 days prior to the election day until the approval of final results of elections by the Central Election Commission of Georgia the holders of broadcasting license and public broadcasting company are obligated to meet the following conditions:

- a) Publicly announce and provide the following information to the Central Election Commission of Georgia (regional TV-radio broadcasters to a relevant shall provide to district election commissions) on a weekly basis, in case of allocation of air time by the broadcasting company for pre-election agitation and political advertisement: from which date to which date and with what periodicity air time is allocated, the period of time and schedule allocated for a day, tariff of air time, provided service;
- b) Paid time allocated by a TV or radio company for a single day should not be over 15% of total volume of its daily broadcast and none of the election subjects should be allocated over one third of this time;
- c) When broadcasting political advertisement in the corner of the frame a note: “paid political advertisement” or “free political advertisement” should be placed;
- d) During the period envisaged under this paragraph not to admit the posting of a political advertisement at other time, other than the period of time allocated for this purpose;

Articles 731(2) and (3) of the Election Code set forth the amount of free air time for election subjects, and Article 12917 – the rule of allocation of free air time for the election subjects for the elections scheduled for May 30, 2010.

Pursuant to Article 18(1) of the Code of Conduct of Broadcasting companies, to ensure free and impartial coverage of political events the broadcasting company should envisage that objectivity does not imply the allocation of equal time for each opinion, but the broadcaster should ensure adequate presentation of all important opinions. And pursuant to Article 24(3) a broadcasting

company should provide coverage of pre-election activity of qualified election subjects substantially and in a balanced way in daily news and social-political programs.

The analysis of mentioned norms expressly shows that the obligation of the holders of broadcasting licenses to allocate air time equally, the creation of equal conditions and the obligation of setting equal conditions relates only to pre-election debates broadcast on air of a broadcasting company and pre-election paid and free political advertisement. And respectively, it does not apply to the pieces transmitted in news of the broadcasting company.

The norms of the Election Code listed by the author of the complaint do not contain the indication about allocation of equal air time for election subjects according to the pieces in news and the journalist programs. It is also practically impossible to attain this goal, since there can be more feedback for a specific election subject in news media than for all others. This is essentially related to the grid of news programs in the form of news, to provide coverage and inform the public about a specific case, incident or other accidental circumstance, which could not be predicted by the broadcasting company and to allocate certain time to this in news media.

The following example is interesting in conjunction with the given issue: the case that took place on May 6, 2010 at the residential apartment of Zviad Dzidziguri, Tbilisi Mayoral candidate which was aired at news of all TV broadcasters for several days. In such cases a specific situation related to an election subject is covered and is provided as TV-news.

Moreover, a circumstance is to be taken into account that in terms of allocation of equal time the observation according to a small portions of time is inadvisable, for usually reasonable time should be taken in relation to equal time, to create an impression as to what amount of TV time was devoted to an election subject for a period of at least over one month.

Therefore, a program broadcast at news media about election subjects which is not related to pre-election agitation, political advertisement, participation in debates and election advertisement is not restricted by election legislation in terms of equal distribution of time. Therefore, the norms listed in the complaint were not violated in the given case, since they do not govern the coverage of election subjects according to equal and par time when the programs are aired in news media.

The time provided in the complaint was allocated to the stories aired in news of Courier and Kronika, which reflect a story produced and covered as a result of the invitation of media news team by an election subject, which activity and frequency depends on an election subject. As for the cases that relate to pre-election agitation of a qualified election subject, political advertisement, participation in debates, and election advertisement, the coverage of the above-mentioned is provided by a broadcasting company equally and relevant information is provided to the CEC according to air time allocated to candidates.

In relation to the facts provided in the complaint, on May 25, 2010 the opinions of TV Imedi, Ltd (letter No 0238) were submitted to the CEC. TV Imedi does not agree to the circumstances and justification referenced in the complaint and considers that the complaint should not be granted, for they were not in the violation of law.

It should also be mentioned that during the review of the complaint the CEC obtained and examined mid-term reports of Prime Time, analytical group performing media monitoring to control the compliance with the obligation of equal allocation of election air time to election subjects and other obligations envisaged for mass media companies, sociological and marketing research company „BCG“, and IPM“, Institute of Polling and marketing.

Based on all of the above-mentioned as a result of review of the issue at the sitting the CEC deemed that broadcasting company Rustavi 2 and TV company Imedi were not in violation of the legislation requirements and hence there was no basis for drawing up law violations protocol envisaged under the Election Code.

In relation to another demand of the complaint the CEC explained that it does not have legal competence to charge TV companies to provide coverage of election subject even the more, of all election subjects, in news media, regardless of whether it is qualified or not.

Complaints and Applications by Citizens and Candidates

1. Roin Bedinadze's complaint on the invalidation of the May 20, 2010 Decree of No 80 Keda Election District on the Removal of a Majoritarian Candidate from Registration.

The author of the Complaint states that he received an offer from the Adjara Region Conservative Party to participate as a candidate in May 30, 2010 Local Self-government Elections in Keda 80/04 Election District under majoritarian, as well as proportional list, on behalf of the Election Bloc National Council. Since he was not nominated by the Conservative Party as a majoritarian candidate, he left the mentioned Party as a sign of protest and to participate in the Elections was registered at Keda 80/04 Makhuntseti Local Majoritarian Election District by Topadze-Industrialists as number three in the Party list.

As he found out later, he was concurrently registered at No 43 Oni Election District as a candidate under the party list submitted by the Election Bloc National Council.

Therefore, he applied to the Oni District Election Commission and on the basis of a personal application requested the removal of his candidature. Under Oni District Election Commission Decree 043/2010 dated 16 May, 2010 he was removed from registration. At the same time, Roin Bedinadze was also removed from registration under the Keda District Election Commission decree 27/2010 of May 20, 2010.

The appellant requested the CEC to examine the mentioned issue and invalidate the Decree 27/2010 dated May 20, 2010 of the Keda District Election Commission.

The CEC instituted administrative proceedings to investigate and study the facts provided in the application. Information about mentioned issues was obtained from the District Election Commissions and the complaint was reviewed at the CEC sitting.

As was ascertained from the materials obtained in conjunction with the case, under the Keda District Election Commission Decree 19/2010 dated May 2, 2010 Roman Bedinadze, majoritarian candidate nominated by Topadze-Industrialists was registered at No 80.04 Makhuntseti Local Majoritarian District for May 30, 2010 Elections of City Councils, Representative Body of Local Self-government. At the same time, under No 43 Oni District Election Commission Decree No 037/2010 dated May 2, 2010 Roman Bedinadze was registered for the May 30, 2010 Elections of City Councils, representative body of Local Self-government, under the party list of the Election Bloc National Council.

Pursuant to Article 111(4) of the Election Code, the same person may not be nominated as a candidate at two different self-government units for the elections of City Council, Representative Body of Local Self Government.

Since Roman Bedinadze was registered as candidate at two different self-governing units at the same time, under the Oni District Election Commission Decree 043/2010 dated May 16, 2010 he was removed from election registration on the basis of a personal application.

Further, under the Keda District Election Commission Decree 27/2010 dated May 20, 2010 Roman Bedinadze, candidate nominated to No 80.04 Makhuntseti Local Majoritarian District under the Party List of Topadze-Industrialists for the May 30, 2010 Elections of City Councils, representative Body of Local Self-government was also removed from registration.

Article 981 of the Election Code is one of the legal grounds for No 80 Keda District Election Commission Decree 27/2010 dated May 20, 2010. The mentioned Article governs the rule of cancellation of election registration of a majoritarian candidate registered during the Parliament of Georgia elections, and Chapters 15-17 of the Election Code that set forth legal basis for preparing for and holding elections of City Councils, representative bodies of Local Self-government do not stipulate legal tools for the cancellation of election registration of a registered majoritarian candidate. Article 111(4) of the Election Code

governs the issue of nominating a candidate for the city council elections and respectively, the mentioned norm is not a basis for the removal of a registered candidate from election registration.

Pursuant to Article 25(4) of the Election Code, a decree of an election commission is an individual administrative-legal act which is adopted/issued in the cases and in the frame as set forth under this law and the CEC decree. Pursuant to Article 5 of the Law of Georgia on Legislative Acts, the analogy by law in public law relations is applied only in the cases explicitly envisaged by law and according to the established rule.

Following the consideration of the Complaint the CEC ascertained that the legal grounds for the issuance of Keda District Election Commission Decree 27/2010 dated May 20, 2010 do not govern the legal relations that relate to the issue of cancelling election registration of a candidate registered for the Elections of City Councils, Representative Bodies of Local Self-governments. Hence, the mentioned decree is contrary to the law and the statutory requirements for its adoption are violated, which was the basis for its invalidation.

Pursuant to Article 29(1) (m) of the Election Code, at own initiative or on the basis of an application/complaint, under the rule established under this law for the consideration of election disputes the Central Election Commission of Georgia examines the legality of decisions and acts made by election commissions, its officials, and cancels or amends those under a decree, in case of identification of a violation.

Due to the above-mentioned, the CEC regarded that the complaint was to be granted, pursuant to which the Keda District Election Commission May 20, 2010 Decree 27/2010 on the Removal from Election registration of a Candidate Nominated by Topadze-Industrialists for the May 30, 2010 Elections of City Council, a Representative Body of Local Self-government was cancelled (invalidated).

2 . May 24, 2010 application of a nominated majoritarian candidate nominated in Tbilisi, Chugureti election district for Mid-term Parliamentary Elections on the fact of the bribing of an elector by Kakha Basilia, candidate of Christian-Democrats in the same district.

On May 24, 2010 the application by Lana Galdava, majoritarian deputy candidate nominated for the Parliamentary mid-terms elections of No 7 Chugureti Election District was submitted to the CEC; in which it is stated that Kakha Basilia, deputy candidate of Christian Democratic Movement at Chugureti Election District performs an incorrect pre-election campaign. He bribes electors. Besides, Kakha Basilia has disseminated a pre-election booklet, on which a number of copies are not indicated.

Based on the above-mentioned, the applicant demands that Kakha Basilia, deputy candidate's candidature be removed from the list. The issue was considered at the CEC sitting, where the following was ascertained: Pursuant to Article 73(91) of the Election Code, an election subject who personally or through its representative or any other natural or legal entity acting on his behalf was performing prohibited activity envisaged under Paragraph 9 of this Article, under court decision his/her registration is cancelled in case such facts are confirmed. Pursuant to Article 771(15) of the same Code, a party, election bloc, majoritarian candidate, an organization with an observer status, election commission are entitled to file a complaint in court for the violation of the pre-election campaign rule prescribed under Article 73(9), in case the appeal is about the violation of the above-mentioned rule by a candidate nominated in a single- or multi-mandate election district.

In given case the CEC thinks that the application should not be heard since electoral legislation did not consider procedure for withdrawal of nominee form the list; though based on evidences submitted by the complainant the CEC made decision and applied to Tbilisi City Court with request for abolishment of Kakha basilisa's candidature. Administrational Collage of Tbilisi City Court viewed the CEC application and did not satisfy due to being considered as groundless.

As for the disseminated pre-election booklet where a number of copies is not indicated, the mentioned was the violation of Article 75(5) of the Election Code, on which relevant reaction will be made after the elections, after a head of the election subject, in this case, of the Christian-Democratic Movement Fund, provides to the CEC a report of the Foundation.

STATEMENTS/COMPLAINTS FILED IN RELATION TO THE PROCEDURES OF VOTING AND SUMMARIZING THE RESULTS

Statements and Complaints of the Political Parties and Their Representatives

1. The complaint of a member of The Alliance for Georgia about violation of marking rules in the Precinct N30 of Samgori Election District N6.

On the 31st of May 2010, the CEC received the complaint of Izolda Gumberidze, a representative of the election block Alliance for Georgia. In the complaint it was stated that she was a representative of the election block Alliance for Georgia in the Samgori DEC N6 and on the 30th of May 2010, together with members of the DEC Ramaz Kirtade and Archil Kvitaishvili she was visiting the Precinct N30. According to the complainant, not all the voters were marked in the election precinct. To elaborate on the above fact she addressed the secretary of the PEC loudly. The members of the N6 Samgori DEC Ramaz Kirtade and Archil Kvitaishvili also shouted on her.

The CEC discussed the complaint and found that the Commission as an administrative body is obliged to investigate all the evidences important for the case and make a decision on the basis of assessment of the evidences summarizing of all the facts. The complaint is not accompanied with any evidences that would allow to fully study the facts indicate in it. Due to the above, in order to study all the circumstances significant for the case, the complaint was forwarded to the N6 Samgori DEC, to obtain explanations from the persons named in the complaint, after which it will become possible for the CEC to discuss the issue of disciplinary responsibility of the member of the Samgori N6 DEC.

The CEC Chairman decided to study locally situation existed as Samgori Election District, for purpose of detailed analyses of facts provided in the complaint and response to it. The Chairman and members of the CEC visited Samgori Election District and jointly identified ways for resolving problems existing at mentioned DEC.

2. Statements of Representatives of Political Parties on the Delay of Bulletin Delivery in Some of the District Commissions.

On the 30th of May 2010, the CEC received the statement of Pikria Iakobashvili, the Chairperson of the Chughureti DEC of the Christian-Democratic Movement, in which statement it was noted that gross violations of the requirements of the Paragraph 9 of the Article 54 of the Election Code of Georgia (the terms of passing of bulletins and special envelopes to the precinct commissions) had been detected in a number of election precincts of Chughureti Rayon (about 25 precincts). The author of the statement demands consideration of the above violations and corresponding response.

As a result of studying of the factual circumstances described in the statement it was found that violation of the requirements of the Paragraph 9 of the Article 54 of the Election Code of Georgia was conditioned by only reason – due to some technical problem at the print shop, namely, failure of the stapling equipment, which further led to the delay of supplying of the bulletins to the named precincts. In spite of this, the voting process was not interrupted in any of the precincts of 7 districts of Chughureti.

There were complaints regarding the same issue from the representatives of the international observing organization National Section of Georgia, Christian-Democratic Movement, National Council and Labor Party. The above persons were given the same answer, that the delay was conditioned by failure of the stapling equipment, which further led to the delay of supplying of the bulletins to the named precincts. In spite of this, the voting process was not interrupted in any of the precincts of 7 districts of Chughureti.

3. Complaint of the Alliance for Georgia on signing the summary act beforehand and entering into it incorrect data of re-counting of the results.

On the 1st of June 2010 the CEC received the complaint of Zviad Shubitidze, the representative of the Alliance for Georgia, in which complaint he demands to re-count the results of voting in the Poti N14

precinct election commission.

The complaint says that Zviad Shubitidze is a representative of the election block Alliance for Georgia in the Poti DEC. As the complainant explains, in the Poti N14 precinct it was not possible to pass the summary act of the PEC to Rusudan Tsomaia, the member of the PEC as soon as the bulletins were counted. After the above act was passed over it appeared that the number of votes proportionally received by the election block Alliance for Georgia made 4. The complainant believes that incorrect data was entered into the summary act, as the election block Alliance for Georgia received 63 votes in the Poti N14 precinct. Zviad Shubitidze appealed against the above in the 70 Poti election commission, where his complaint was not satisfied.

From the materials requested by the CEC in relation to the complaint it became clear that explanations were presented to the Poti N70 DEC by the member of the Poti N14 PEC Rusudan Tsomaia. In the explanation it is noted that she signed a blank summary act of the precinct election commission and she doesn't know what was written in it later.

As a result of studying of the factual circumstances indicated in the complaint it was found that the data of the summary act of the N14 precinct election commission is accurate, but the judgment that the data was changed, given in the explanation of Rusudan Tsomaia is not correct, as after signing a blank act no data could be changed in it. That is why the above complaint was not satisfied.

Given complaint of the CEC was appealed by the complainant at Administrational Collage of Tbilisi City Court, which revoked the CEC decree, by the decision dated 5 June 2010 and assigned Poti DEC responsibility for recalculation of the results of Precinct No 14.

4. Repeated complaint of "Alliance for Georgia" abolishment of corrected results of Precinct No 14 of Poti District No 70 and appointment of re balloting in mentioned Precinct

On 8 June 2010 representative of "Alliance for Georgia" Zurab Shubitidze re filed the complaint to the CEC, in which it was mentioned that based on the decision of Tbilisi City Court ballots for proportional elections were re counted at the precinct No 14 of Poti. The complaint stated that serious fraud and uncertainties took place during mentioned process. Consequently, Poti DEC No 70 issued decree No 270/2010 assigning administrative punishment to chairman and secretary of precinct.

According to complainant the data were fully changed after correction, which was reflected in summary protocol of precinct No 14 of Poti district. Number of votes counted for "Alliance for Georgia" is enough for one seat in Sakrebulo.

Complainant requested for revoking corrected results of precinct No 14 of Poti district and appointment of re balloting in mentioned precinct, as well for the CEC's discussion regarding summary protocol of Poti DEC.

As a result of analyses of the case the CEC made out that ballot papers for proportional elections at precinct No 14 were re counted in accordance with the decree No 271/2010 of Poti DEC

According to sub paragraph f of paragraph 2 of Article 34 of Election Code the CEC is authorized for correcting preciseness of ballot counting and in the event of revealing violation for making appropriate decision including change of data in summary protocol of the PEC and their changer in compliance with results of revision of balloting or even for revoke of ballot results.

According to paragraph 22 of Article 77 of the Code decision of the PEC can be appealed at the DEC within 2 calendar days upon its receipt, and within 2 calendar days at district/city Court. According to paragraph 3 of mentioned article in the event of filing to the CEC the application/complaint submitted to the DEC regarding decision of the PEC, the application/complaint shall not be heard

According to the content of above mentioned norms representative of "Alliance for Georgia" - Zviad Shubitidze should apply to appropriate DEC with request for revoke of the decision of the PEC No 14 and the decision of the DEC could be appealed at appropriate district/city Court and not at the CEC.

As for the CEC's discussions on summary protocol of Poti DEC, according paragraph 4 of Article 77 of Election Code, decision of the DEC including summary protocol can be appealed at the CEC within two

days upon its receipt by the commission; The CEC decision can be appealed at Tbilisi City Court.

According to paragraph 23 of Article 77¹ the CEC decree, issued in the event of appealing summary protocol of the DEC, can be appealed at the Court by: political party participating independently in the Elections, Election Bloc, representative of the group of supporters at the DEC, majoritarian candidate, organization having status of observer. According to paragraph 11 of this Article appeal/complaint/application submitted for electoral disputes covered by Article 77¹ of Election Code, by a person other than defined by this article shall not be heard. Due to mentioned representative of "Alliance for Georgia" – Zviad Shubitidze was not eligible for filing complaint on revoke of summary protocol of the DEC.

5. Complaint of Political Movement "Freedom" – abolishment of the Decree of Martvili DEC No 65 and results of balloting at Precincts No 3 and No 35

In 12 June 2010 complaint of the representative of political movement "Freedom" in Martvili DEC No 65 – Iamze Gabisonia was submitted to the CEC, outlining that based on the Decision of Kutaisi Court of Appeal (case 3/b – 498 -10) dated 8 June 2010, Martvili DEC accepted responsibility for recalculation of the results of Kvaiti No 3 and Taleri No 35 precincts. Sealed electoral documents received from the Precincts No 3 and No 35 were studied at the meeting of the Commission in compliance with the rule provided by the Law. Void and unused ballots were checked, as well as number of signatures in table lists. According to the complainant violations and uncertainties regarding number of signatures and votes received by election subjects were revealed by that time

The complainant requested for revoke of the decrees of Martvili DEC 168/2010 of 10 June 2010 and 168/2010 of 11 June 2010 as well as results of elections conducted by proportional system in precincts No 3 and No 35 and for reappointment on balloting.

In 13 June of this year Iamze Gabisonia submitted another complaint to the CEC, requesting for establishment of special group for studying issues provided by paragraph 13 of Article 105; revoke of data provided in summary protocol of the results of Elections of 30 May 2010 of election precincts 1#2; 1#3; 1#4; 1#11; 1#15; 1#26 and #35 of Martvili Election District, as well as of results of proportional elections for precincts #32 and # 33 and for reappointment of balloting.

According to submitted documents, based on the decision of Kutaisi Court of Appeal of 8 June 2010, Martvili DEC had to recount results for the precincts of Kvaiti # 3 and Taleri # 35.

In 9 June 2010, at the meeting of Martvili DEC proportional ballots provided from mentioned PECs were opened, both valid and void; voters' list, its annex and special list were also revised.

As a result of opening documents provided from precinct # 3 was revealed the following: data indicated in protocol No 6967 were in compliance with results of recounting.

As a result of opening documents provided from precinct # 35 was revealed the following: according to proportional protocol No 6999 number of participants in elections was 992, after recounting the result was – 994, number of not used ballots was 360 – instead of 362, number of votes given to Topadze Industrials was 49 instead of 51, number of votes for National Movement was 688, number of void ballots -14, Christian Democrats had 141 votes instead of 140, Political Union Freedom had 49 votes instead of 51. The commission adopted Decree No 168/2010 of 10.06.10. The Decree 168/2010 is attached to summary protocol 6999, as well as amendment protocol with above mentioned corrections.

Due to existence of complains of the representative of Freedom regarding number of signatures of the voters and different versions of the results of counting, District Election Commission studied signatures at the meeting held in June 11 of this year. Number of voters participated in Elections at Kvaiti precinct No 3 matched with number indicated in summary protocol, in particular 264 signatures was confirmed after recounting by the commission. With regard to mentioned the Decree No 169/2010 was adopted, retaining unchanged data indicated in summary protocol.

According to subparagraph f of paragraph 2 of Article 34 , the DEC is authorized to check lawfulness of activities of PEC commissioners, based on application/complaint or at own decision; and to take adequate measures in the event of detection of violation, even revoke results of a precinct.

Due to fact that no significant violations were detected as a result of studying data for precincts No 3 and No 35, the Commission did not revoke their results and did not appoint recounting.

According to paragraph 2 of Article 77 decision of the PEC can be appealed at appropriate DEC within two calendar days upon its receipt. The decision of the DEC can be appealed at District or City Court within two days. According to paragraph 3 of mentioned Article complaint submitted to the CEC for appealing decision of DEC regarding the results of PEC, shall not be heard.

Consequently, the complainant should appeal summary protocols for precincts No¹2;3;4;11;15;26;35 as well as for No 32 and No 33 at appropriate DEC with 2 calendar days upon their preparation and then in appropriate District/City Court within same term.

According to subparagraph m of paragraph 1 of Article 29 the CEC is authorized to revise lawfulness of decisions made by election commissions in compliance with the rule for dispute resolution provided by the law; and in the event of detection of violation for their revoke or change. Request of the representative of Political Movement Freedom at the DEC – Iamze Gabisonia regarding appointment of recounting results of the precincts No 2;3;4;11;15;26;35, as well as #32 and #33 was groundless, since record of the Article 126 imperatively defines provisions and rules for conducting recounting. According to mentioned norm, re balloting can be conducted only in the event if deference between the candidate for Sakrebulo member, having the best results and the next one is less than number of voided ballot of this precinct or total number of voided precincts; which is not the case in this situation. According to Article 3 of Election Code re balloting is conducted in Election Precincts results of which are voided; or in multi mandate district is the mandate is not awarded to any party/election bloc.

Besides, according to paragraph 4 of Article 77, decision of the DEC, including summary protocol shall be appealed at the CEC within 2 days upon its adoption; the decision of the CEC could be appealed at Tbilisi City Court. According to paragraph 23 of Article 77¹ of this Code, bodies eligible for filing complaint regarding the CEC decision are following: party participating independently in election, election bloc, and representative of the group of supporters at the CEC, majoritarian candidate and organization having status of observer. According to paragraph 11 of this Article application/complaint submitted for electoral disputes determined by Article 77¹ by a person other than defined by this Article shall not be heard by the Court.

Accordingly, the representative of Political Movement at Martvili DEC – Iamze Gabisonia was not eligible for submission of the complaint to the Court, consequently the complaint was not heard.

Complainant's referral to paragraph 13 of Article 105 of Election Code was groundless, since this norm regulates procedure for opening sealed packages provided from appropriate precincts and establishment of special group for recounting the ballots.

Bases for voiding administrative legal acts are regulated by Article 60¹ of General Administrative Code, first part of which stipulates that administrative legal act is void if it contradicts to the Law or requirements provided by the Law for its preparing or issuance are violated. In this case there were no preconditions for voiding decrees of Martvili DEC No 168/2010 of 10 June 2010 and No 169/2010 of 11 June 2010.

STATEMENTS/COMPLAINTS OF THE YOUNG LAWYERS' ASSOCIATION OF GEORGIA

1. Complaint of GYLA regarding fail in recording data of voters voted via mobile box in registration journal at some precincts of Didube Election District.

On the 2nd of June 2010 the CEC received a complaint from Maya Khutsishvili and Vladimer Kvataia, representatives of GYLA, stating that on the 30th of May 2010, during the observation of Didube 1, 8 and 9 precincts they requested the registration log, where the written applications and telephone and oral notification of those who wish to vote by means of portable box were registered. As a result of getting acquainted with the log it was found that no registration has been performed.

The complainants noted that they had applied with a complaint and demanded to cancel the results of the portable voting boxes. Due to the fact that the PEC did not respond to the complaints, they filed a similar complaint at the Didube DEC and demanded not to mix the ballots from the box and count them separately. The DEC discussed the complaint on the 1st of June, when the bulletins from portable and main ballot boxes had already been mixed and counted. According to the opinion of the author of the complaint, the DEC was supposed to immediately solve this issue, which was not performed and by this complaint the complainant demanded to exercise disciplinary responsibility measures in compliance to the Article 78 of the Georgian Law on Public Service towards the chairperson of Didube DEC.

As a result of studying the factual circumstances described in the complaint the CEC found that the Maya Khutsishvili, representative of GYLA, by her complaint demanded to cancel the lists to be submitted to the 1, 8 and 9 precinct commissions. As the complainant notes, the precinct commissions did not react to the above complaints.

According to the Paragraph 3 of the Article 64 of the Election Code of Georgia, the chairperson of the precinct election commission is obliged to immediately react to a statement/complaint and uproot the existing violation. If the chairperson did not manage to uproot the violation or otherwise refused to react to the statement/complaint, the applicant/complainant is entitled to file the complaint to the corresponding DEC. The DEC is authorized to discuss the issue of cancellation of corresponding precinct while discussing the above complaint. According to the mentioned norm, on the 30th of May, the author of the complaint applied with her complaint an attached copies of the complaints written on the issue, to the corresponding DEC and demanded not to count the votes from the portable ballot box together with other bulletins in the abovementioned precincts.

The Didube DEC discussed on its meeting the complaints submitted on the precincts, where the complainant changed had the demand, namely, instead of cancelling the lists of the portable ballot boxes she demanded to cancel the results of voting at 1, 8 and 9 precincts.

Due to the fact that cancellation of portable ballot box lists is not recognized by the legislation, also failure to register the data of voters using the portable ballot boxes could not influence the truthfulness of expression of the will of the voters, the Didube DEC did not satisfy the demand of Maya Khutsishvili, the observer of GYLA.

Besides, since violation of the requirements of the Article 59 of the Election Code of Georgia took place from the part of the authorized persons of the Didube 1, 8 and 9 precincts, namely the chairpersons and secretaries, the Didube DEC, on the basis of the Article 37.1 of the Election Code of Georgia, exercised the disciplinary responsibility measures set forth by the Subparagraph "a" of the Article 2 of the same Code towards the Chairpersons and secretaries of the precinct election commissions.

2. Complaint of GYLA of 01 June of 2010 regarding non permission to attend vote count procedure at Precincts No 7 and No 10 of Isani Election Precinct.

On the 1st of June the CEC received the complaint of Kakha Kozhoride, observer from the registered observing organization "The Young Lawyers' Association of Georgia", in which complaint the complainant demanded to cancel the orders N3/2010 and 4/2010 issued on the 31st of May 2010 by the chairperson of the N5 Isani DEC and drawing up an infringement act in compliance with the Article 126³ of the Election Code of Georgia.

In the complaint it was stated that in Tbilisi, on the 30th of May 2010, Kakha Kozhoridze, observer, wished to be present at vote counting procedure at the precincts NN 7 and 10, but he was not able to do that. By the explanation of the security guards of the building, they were fulfilling the order of the chairperson of the precinct, according to which no one could be allowed to enter the building after 20:00. The request of the observer and the rights granted to the observer by the Election Code did not have any effect.

After the above, Kakha Kozhoridze addressed the N5 Isani DEC and according to the Article 126³⁰ of the Election Code demanded to draw up an infringement act. The requirements indicated in the complaint were not satisfied based on the orders N3/2010 and 4/2010 of the chairperson of the precinct.

For the purpose of studying of the complaint, the CEC withdrew information for Isani DEC No 5. According to security guards the representative of GYLA came to the precincts NO 7 and 10 in May 30, 2010 after 20.00 when the precinct was already closed and required for entry. Commissioners of the PEC No 7 and 10 developed following Acts.

According to paragraph 8 of Article 58 Election Precinct is closed at 20.00 and the only person eligible for entry is voter standing in the queue.

According to paragraph 1 of Article 60 of General Administrative Code of Georgia, "Administrative Legal Act is revoked if it contradicts to the Law or if requirements provided by the Law for its preparation and issuance are significantly violated. Since, administrative acts were issued in full compliance with the Law, no violations were on place; accordingly the complaint was not satisfied.

3. Complaint of GYLA regarding delay in sealing summary protocol submitted to the Didube DEC by PEC No 25.

In May 30, 2010 representative of GYLA – Vladimer Kvataia submitted complaint to the CEC. It was mentioned in the complaint that in 30 May 2010, at 04.32 summary protocols was received from 25 Election Precincts at Didube Election District No 8. Mentioned protocols were not stamped with the PEC stamp. The complainant stated that according to the order of the chairman of the DEC stamped and signed packages were opened, 25 PEC stamps taken out and summary protocols approved. The Complainant requested for response regarding mentioned facts, as well as use of measure of disciplinary responsibility against the chairman of Didube DEC.

As a result of study factual circumstances provided in the complaint, the CEC resolved that according to subparagraph g of paragraph 3 of Article 39 summary protocols are prepared by the PEC secretaries; according to paragraph 4 of Article 63 of this Code summary protocol of the PEC shall be approved by the PEC stamp, and according to **sub** paragraph d of paragraph 1 of Article 39 the PEC chair person is personally responsible for keeping and reasonable use of stamps.

According to sub paragraph f of paragraph 2 of Article 34 of Election Code, District Election Commission is responsible for checking lawfulness of actions and activities of PEC officials based on complaint as well as own initiative, and in the event of detecting violation for making appropriate decision.

According to above mentioned norm despite of violation of provisions of Election Code by the PEC commissioners the DEC was authorized for checking mentioned violation at own initiative and th make appropriate decision. Consequently it was decided that there was no reasonable grounds for using disciplinary responsibility against the DEC chairman.

4. Complaint of GYLA regarding revoke of the Decree of the chairperson of Mtatsminda DEC No 1 and development of protocol on violation of the Law.

In 2 June 2010 Tamta Mikeladze – representative of GYLA submitted complaint to the CEC requesting for revoking decree #127/2010 of the chairman of Mtatsminda DEC No 1, dated 1 June 2010 and development of protocol on violation based on Article 126³⁰ of Election Code.

It was mentioned in the complaint that Tamta Mikeladze is observer of Non Governmental Organization GYLA which was observing election procedure at Election Precinct No 43 of Mtatsminda Election District. She explained that she planned to attend vote counting procedure at Precinct No 13 of the same district, but its chair person Ia Kvitsiani did not allow her. The chair person explained that since she attended election procedure at Precinct No 43 until 20.00 she was not eligible to attend counting procedure at other precinct.

According to complainant chairperson of Precinct No 13 was quite rude and kicked her out of Precinct. She managed to come back to the Precinct only after one hour accompanied by the chairman of the DEC No 1. The complainant applied to the DEC No 1 with request to use responsibility provided by Georgian Legislation against the chair person of the Precinct No 13 – Ia Kvitsiani, as well as to open records of the camera for its discussion at the CEC meeting. The complainant mentioned she was rejected without any reasonable grounds by the DEC decree.

As a result of checking reasonability of facts provided in the complaint the CEC decided not to satisfy the complaint in the part of development of protocol on violation in accordance with Article 126³⁰ of Election Code and showing the record of the camera and in the part of revoking decree #127/2010 of the chairman of Mtatsminda DEC No 1, dated 1 June 2010 not to hear it.

As a result of study of circumstances provided in the application it was cleared out that Ia Kvitsiani – chairperson of the PEC No 13 requested Mikeladze to leave the Precinct, since there was already an observer of GYLA on the precinct. According to paragraph 3 of Article 68 of Election Code, GYLA - as local observing organization is eligible to have one observe at each precinct at a time. In given situation Tamta Mikeladze was second observer of GYLA at precinct No 13, which contradicts to provisions of the Law.

Accordingly action of Ia Kvitsiani - chair person of precinct No 13 shall not be qualified as violation of Election Code and there are no grounds for development of the protocol on violation.

Besides according to paragraph 17 of Article 22 of Election Code Election Commission was authorized not to hear application (complaint) if it is not submitted within the terms and rules provided by the Law. In mentioned situation Decree No 127/2010 of 1 June 2010 was not submitted in compliance with the rules, in particular this decree should be appealed at Tbilisi City Court and not at the CEC.

5. Complaint of GYLA with regard to awarding winner of the competition Vikipedia by the fund “We create future today” associated with the party of Irakli Alasania – candidate for Mayor of Tbilisi; As well as provision of gifts – wine and flowers – to voters by Zviad Dzidziguri – candidate for Mayer of Tbilisi for 9th of May.

In May 26, 2010 GYLA submitted application to the CEC, it was mentioned in the application that in May 21, 2010 Irakli Alasania – Candidate for Mayor of Tbilisi came to teaching center Vikipedia and attended ceremony of awarding winners of the competition. Director of the fund “We Create Future Today” provided portative computers, I pods and books as awards for the winners. According to applicant fund “We Create Future Today” is associated with Irakli Alasania’s party and is based on businessmen’s donations; priorities of the fund are education and care for future generation.

Applicant mentioned that Zviad Dzidziguri – candidate for mayor of Tbilisi provided wine and flowers as gift for Ekaterine Gvinadze – patient of the hospital No 1. The applicant considers doing mentioned candidates violated provisions of paragraph 9 of Article 73 of Election Code of Georgia, which according to paragraph 91 of this Article develops grounds for revoking candidate’s registration.

GYLA requested the CEC to study a) whether Alasania and Dzidziguri violated rules for pre election campaign; b) if so the CEC should apply to the Court for revoking registration of above mentioned persons; c) the CEC should hear this application on its meeting and applicant should be allowed to attend the meeting.

The CEC studied facts within administrative proceedings and cleared out the following:

According to the letter of George Bestavashvili – representative of “Alliance for Georgia” in the CEC, dated 29 May 2010, fund “We Create Future Today” was established in 7 April 2009 and party of Irakli Alasania “Our Georgia – Free Democrats” – in 21 August 2009; accordingly fund can not be associated with the party. Besides, fund as independent subject of private law is independent in its operation and there is no evidence of supporting political activities in its documentation, actions completed or goals. Competition was conducted for teenagers from 13 to 17 by teaching center Vikipedia, which planned awards for the winners. Fund “We create Future Today” was not organizer of the competition, it is a partner of teaching center on the basis of memorandum of understanding drawn in February 2010 and it supported competition by providing awards, since the goal of the competition was in direct relation with goals and objectives of the fund. Accordingly invitation of representatives of the fund to the competition was in absolute compliance with common format of such events. Irakli Alasania attended the competition as invited guest and he did not award anybody.

Accordingly, there is no evidence of violation of provisions of sub paragraph a of paragraph 9 of Article 73 by Irakli Alasania.

As for the fact of violation of paragraph 9 of Article 73 by Zviad Dzidziguri, there is no evidence that Ekaterine Gvinadze was his direct voter, besides wine and flowers do not have significant value and could not be considered as bribe for the voter. Accordingly, this fact can not be the basis for revoking electoral registration.

According to sub paragraph a of paragraph 9 of Article 73 of Election Code: from the moment of publication of the relevant legal act that announces the elections until the publication of the final results of the elections, it is prohibited to:

Electoral subjects/candidates of becoming electoral subjects and their representatives personally or through other persons to give money, gifts and other material possessions (irrespective of their price), to sell at a preferential price, distribute or disseminate any goods free of charge (except for the agitation material as prescribed by this Law), also to motivate Georgian citizens by promising to give funds, securities and to render other material valuables (regardless of their price); (28.12.2009. N2525)

According to paragraph 9¹ of this Article:

In the event of such facts being established, registration of the electoral subject, who has personally, or with an aid of the representative, or through any other physical or legal persons acting in subject's interests, performed any of the prohibited actions listed above, shall be revoked by the court decision. (23.06.2006 N3400)

According to paragraph 7 of Article 126¹⁵ of Election Code, in the event of violation of paragraph 9 of Article 73 the electoral registration of the candidate will be revoked by the decision or the court.

According to paragraph j of Article 2 of General Administrative Code discretionary authority is authority which releases administrative entity or official to choose the most acceptable resolution based on defense of public private interests. According to Article 6 of this Code if administrative body has discretionary authority it shall implement this responsibility within the frames defined by the Law.

According to paragraph 15 of Article 77¹ -: because of the violation of rules of the pre-election campaign established by Paragraph 9 of Article 73 of the present Law, the right to file an appeal to the court is granted to;

a) A party, election bloc, representative of a voters' initiative group in the CEC (during elections of the President of Georgia), an organization with election observer status, election commission, if the appeal concerns the violation of the abovementioned procedure from a party/election bloc presidency candidate of Georgia or candidacy of Mayor of Tbilisi; (28.12.2009 N2525)

b) A party, election bloc, majoritarian candidate, organization with election observer status, election commission, if the appeal concerns violation of the abovementioned procedures by the candidate nominated to the single/multi-mandate election district;

Accordingly, the CEC studied factual circumstances provided in the application and resolved that activities of Irakli Alasania and Zviad Dzizdziguri shall not be considered as violation of rules for pre election campaign, consequently there were now grounds for applying to the Court for revoking their registration.

6. Application of GYLA regarding tournament in mini football arranged by Zurab Gachechiladze – candidate of National Movement – on 9th of May.

On May 27, 2010 the application by the Young Lawyers Association of Georgia was filed to the Central Election Commission of Georgia; the application stated that according to the recordings of the May 9, 2010 news issues of TV companies Imedi and Rustavi 2, on May 9, 2010 Zurab Gachechiladze, majoritarian candidate of the United National Movement to Vazisubani 8th regiment Election District attended the final of a mini-football tournament held on Tsulukidze Street in Tbilisi. In the piece of the program one of the tournament participants states that the tournament itself was organized by Zurab Gachechiladze; further, according to the statement by the host of a news issue of the TV company Rustavi 2 the winners of the tournament were provided a cup and a cash prize in the amount of GEL 500. The Applicant regards that the violation of the provisions of Article 73(9) of the Election Code of Georgia is identified in the actions of Zurab Gachechiladze, majoritarian candidate of the United National Movement to Vazisubani 8th regiment Election District; which, according to Paragraph 91 of the same Article is the basis for cancelling registration of a candidate.

GYLA demanded the following: a) The CEC inquire into the presence of the violation of pre-election campaign rules in Zurab Gachechiladze's actions; b) in case the aforementioned violation is confirmed the CEC to apply to court demanding cancelling registration of Zurab Gachechiladze; c) The mentioned application to be reviewed at the CEC commission open hearing and the applicant be given an opportunity to participate thereof.

Under the administrative proceedings instituted towards research and study of the facts provided in the application, the CEC established:

Pursuant to Article 73(9)(a) of the Election Code, "from the publication of a relevant legal act on the appointing of elections until final publication of election results election subjects/candidates and their representatives, in person or through another person may not transfer monetary funds, gifts and other material valuables (regardless of their value), sell goods for beneficial price, supply or distribute any goods (except for agitation material provided for in this law) free of charge to the citizens of Georgia, or secure interest of the citizens of Georgia with the promise to transfer cash funds, securities and other material valuables (regardless of their value)."

The obligation--responsibility envisaged under the indicated Article on the violation of the provisions of this rule were established only in relation to the election subject. Respectively, the actions envisaged under Article 73(9) of the Election Code may be regarded violation and wrongful only in case this is effected by an election subject or their representatives in person or through another person. Moreover, the purpose of performing any action envisaged under Article 73(9) (a) of the Election Code should be securing support of and the votes of electors. The Applicant states that according to the words of the host of the news issue of TV Company Rustavi 2 on the mentioned day the winners of the tournament were transferred a cup and a cash prize in the amount of GEL 500. It is not clear from the mentioned piece as to who gave prizes to the winners of the tournament, who transferred gifts to them -- whether it was done directly by an election subject or his representative; hence, the fact of transfer of gifts by mentioned persons to bribe electors can not be established. Further, the fact that Zura Gachechiladze himself was the organizer of the tournament could not be established, for the statement of one of the participants of the tournament in the TV piece that the tournament was organized by Zurab Gachechiladze may not be considered the violation of Article 73(9) of the Election Code, which may form the grounds for cancellation of registration of an election subject.

Pursuant to Article 73(9¹) of the Election Code, “an Election Subject, who directly or through his representative or any natural or legal person acting in his behalf was performing activities prohibited under Paragraph 9 of this Article shall have registration cancelled under the court decision in case such facts are proven”.

The content of the above-mentioned rule evidences that the cancellation under the court decision of registration of a majoritarian candidate of Tbilisi city council for the violation of the provisions of Article 73(9) of the Election Code, which proving, pursuant to Article 73(91) of the Election Code is the prerogative of a court.

Pursuant to Article 2(1) (k) of the General Administrative Code of Georgia, discretionary authority is the authority which provides freedom to an administrative body or an official to select from several respective decisions of the legislation the most acceptable decision, on the basis of respect of public and private interests. Pursuant to Article 6 of the same Code, if an administrative body is granted discretionary authority to resolve any issue, it is obligated to exercise this authority within the law-prescribed limits.

Pursuant to Article 77¹(15) of the Organic Law of Georgia on the Election Code of Georgia, an election commission is entitled to file an appeal to court in relation to the violation of a pre-election campaign rule set forth under Article 73(9). The content of the General Administrative Code of Georgia and of the mentioned norm evidences that the legislator has granted discretionary authority to an election commission whether or not to apply to court to demand effecting an out action; it does not envisage the obligation to apply to court in every case such possible facts are present. Pursuant to the same Article, an organization with an election observer status is also authorized to file an appeal to court in relation to the violation of a pre-election campaign rule set forth in Article 73(9), although they have not utilize the mentioned right.

Therefore, in the mentioned case it could not be identified that Zurab Gachechiladze, Majoritarian Candidate at VAzisubani 8th Regiment Election District was in violation of Article 73(9) (a) of the Election Code; respectively, the mentioned could not form the basis for cancelling election registration.

Therefore, at the public sitting of the Commission the CEC, having studied the factual circumstances provided in the application regarded that the facts provided by the Applicant did not form sufficient grounds for the CEC to undertake an action and apply to court with the demand to cancel election registration of the above-mentioned candidate.

7. Complaint of GYLA regarding assigning disciplinary responsibility to chairpersons and secretaries of the PECs of Nadzaladevi DEC and double check of legality of summary protocols

On May 4, 2010 a complaint by Lina Gvinianidze and Tamar Gurchiani, observers of the observer organization Young Lawyers Association of Georgia was filed to the CEC, under which the applicants demanded the Order No 30/2010 dated June 3, 2010 of No 9 Nadzaladevi District Election Commission to be partially cancelled, instructing No 9 Nadzaladevi District Election Commission to review the issue of due performance of duties by chairmen and secretaries of No 2, No 7, No 13, No 16, No 18, No 23, No 47, No 61, No 79, No 82, No 96 Precinct Election Commissions of the District and take a relevant decision, instructing Nadzaladevi District Election Commission to verify the legality of drawing up of summarizing protocols of No 8, No 43, No 51, No 52, No 59, No 66, No 83 Precinct Election Commissions of the Nadzaladevi Election District and take a relevant decision, as well to consider the issue of imposing disciplinary responsibility on relevant persons.

As was ascertained from the content of the Complaint and attached documentation, on June 2, 2010 Lina Gvinianidze and Tamar Gurchiani, observers of the Young Lawyers Association filed the complaints to No 9 Nadzaladevi District Election Commission; under the first complaint the observers demanded verification the accuracy of counting election ballot papers at No 8; No 43; No 51; No 52; No 59; No 66; No 83 election precincts, taking a relevant decision and imposing disciplinary responsibility on relevant persons; under another complaint they demanded the imposition of disciplinary responsibility on the indicated chairmen and secretaries of precinct election commissions for the gaps in the summarizing protocols of No 2, No 7; No 13; No 16; No 18; No 23; No 47; No 61; No 79; No 82; No 96 precinct election

commissions of No 9 Nadzaladevi Election District.

On June 2, 2010 No 9 Nadzaladevi District Election Commission reviewed the mentioned complaints (Protocol No 26) and the Order No 30/2010 was adopted under which GYLA representatives were refused to grant the complaints, due to the involuntary nature of the gaps indicated by them and the already existing explanations.

As could be ascertained from the Ruling dated June 4, 2010 (Case No 3/2288-10) of the Administrative Chamber of the Tbilisi City Court Tamar Gurchiani and Lina Gvinianidze, representatives of the Young Lawyers Association of Georgia filed a complaint to the court under which, instead of three claims brought forward in the complaint filed to the CEC they demanded only two, namely: declare Order No 30/2010 of June 3, 2010 of No 9 Nadzaladevi District Election Commission partially void and instructing to verify the legality of summarizing protocols drawn up by No 8; No 43; No 51; No 52; No 59; No 66; No 83 Precinct Election Commissions of No 9 Nadzaladevi District Election Commission and take a relevant decision, including instructing authorized individuals to apply a relevant measure in case the grounds for disciplinary responsibility are established.

Under Article 182(1) (b) of the General Administrative Code of Georgia, "Administrative body shall not consider an administrative complaint if a case on the dispute between the same parties, on the same issue and under the same grounds is under court proceedings." Due to the afore-mentioned, the CEC could not consider the claims under the complaint and those brought forward on the basis of the application. The fact should be mentioned that the appealed Order is made of one section and it was unclear which part the applicant demanded to be cancelled.

As for the demand to instruct No 9 Nadzaladevi District Election Commission to consider the issue of due performance of duties by the chairmen and secretaries of the Precinct Election Commissions No 2, No 7; No 13; No 16; No 18; No 23; No 47; No 61; No 79; No 82; No 96 of the District, and take a relevant decision, the CEC will judge on the mentioned issue in case the appealed order will be declared void by the Administrative Chamber of Tbilisi City Court.

8. On Lawfulness of Summary Protocols of Some Precincts of Nadzaladevi Election Precinct

According to the CEC decree No 369/2010 dated 5 June 2010 complaint of Liana Gvinianidze and Tamar Gurchiani – observers of GYLA regarding partial revoke of the Decree No 30/2010 of Nadzaladevi DEC No 9, dated 3 June 2010 and revision of lawfulness of summary protocols of the PECs #8; #43; #51; #52; #59; #66; #83 of Nadzaladevi DEC and in the event of making appropriate decision including detection of basis for disciplinary responsibility using adequate measures against responsible persons.

The CEC would discuss issues related to proper implementation of responsibilities by chairpersons and secretaries of the PECs #2; #7; #13; #16; #18; #23; #47; #61; #79; #82; of Nadzaladevi DEC upon coming into force of the decision of Administrative Collage of Tbilisi City Court.

According to paragraph 2 of Article 20 of Election Code term of office of the PEC commissioner is started at the day of first meeting and is terminated upon preparation of summary protocol at appropriate DEC.

Nadzaladevi DEC developed summary protocol in June 9 of current year. Consequently, due to the content of above mentioned norm, authority of the members of the PECs of Nadzaladevi DEC was terminated in 9 June 2010.

Accordingly, the CEC resolved that it is impossible to request to Nadzaladevi DEC to discuss issues related to proper implementation of duties by chairpersons and secretaries of the PECs #2; #7; #13; #16; #18; #23; #47; #61; #79; #82; #96 of Nadzaladevi.

Due to mentioned, complaint of Liana Gvinianidze and Tamar Gurchiani – observers of GYLA regarding proper implementation of their responsibilities by chairpersons and secretaries of mentioned PECs of Nadzaladevi DEC and requesting for adequate decision was not satisfied.

9. Application of GYLA regarding arrangements made by Zaza Gabunia – majoritarian candidate in Saburtalo for showing final of football championship on big screen at Bukia Garden.

On May 27, 2010 an application was filed by the Young Lawyers Association of Georgia to the Central Election Commission in which it was stated that according to the recordings of May 23, 2010 news issues of TV companies Imedi and Rustavi 2, Zaza Gabunia, majoritarian deputy candidate for the city council of Tbilisi, the Capital of Georgia installed a large screen in Bukia garden and enabled the Saburtalo population to show the final of the Champions League. The applicant indicates that Zaza Gabunia told to TV company Rustavi 2 that the mentioned show was organized by his staff and personally by him. In the opinion of GYLA the mentioned action was the transfer of a gift to electors, namely, provision of gratuitous services to own electors. The applicant deemed the violation of the provisions of Article 73(9) of the Election Code of Georgia could be identified in the action of Zaza Gabunia, majoritarian candidate for the Tbilisi City Council, which, pursuant to Paragraph 9¹ of the same Article, is the basis for cancelling registration of the candidate.

GYLA demanded the following: a) the CEC to examine the reality of violation of pre-election campaign rules in the actions of Zaza Gabunia; b) CEC, in the case of proving the above-mentioned violation to apply to court to cancel registration of Zaza Gabunia; c) CEC to review the application at a public sitting of the Commission and allow the applicant to participate thereof.

The CEC, under the administrative proceedings instituted to investigate and study the factual circumstances provided in the application, established the following:

Pursuant to Article 524 of the Civil Code of Georgia, under the gift agreement the presenter provides to a person given a gift the property gratuitously into ownership under his consent. Therefore, a gift is property which is the subject of gifting agreement. The concept of property is defined under Article 147 of the same Code, according to which, property is any item and non-material property good. And non-material property good, under Article 152 of the same Code, is the claim and rights which may be transferred to other persons, or are aimed at creating material benefit to the owner thereof, or grant right to claim something from other persons. Under the Civil Code, intangible property good implies securities, cheque, bill of exchange, stock, i.e. such property good the purpose of using which is material benefit. Therefore, having reviewed at public sitting the CEC regarded groundless the opinion of the Applicant that Zaza Gabunia, majoritarian candidate for city council performed provided gratuitous services in favor of the electors, for the electors did not receive any material benefit by watching the football Champions League.

In the mentioned case the facts that Zaza Gabunia, majoritarian Candidate for the city council of Tbilisi, Capital of Georgia is in violation of Articles 73(9) (a) of the Organic Law of Georgia on the Election Code can not be identified; respectively, the above-mentioned may not form the basis for cancelling election registration.

Pursuant to Article 73(9)(a) of the Election Code, “from the publication of a relevant legal act on the appointing of elections until final publication of election results election subjects/candidates and their representatives, in person or through another person may not transfer monetary funds, gifts and other material valuables (regardless of their value), sell goods for beneficial price, supply or distribute any goods (except for agitation material provided fro in this law) free of charge to the citizens of Georgia, or secure interest of the citizens of Georgia with the promise to transfer cash funds, securities and other material valuables (regardless of their value).”

Pursuant to Article 73(9¹) of the Election Code, “an Election Subject, who directly or though his representative or any natural or legal person acting in his behalf was performing activities prohibited under Paragraph 9 of this Article shall have registration cancelled under the court decision in case such facts are proven”.

The content of the above-mentioned rule evidences that the cancellation under the court decision of registration of a majoritarian candidate of Tbilisi city council for the violation of the provisions of Article 73(9) of the Election Code, which proving, pursuant to Article 73(91) of the Election Code is the

prerogative of a court.

Pursuant to Article 2(1) (k) of the General Administrative Code of Georgia, discretionary authority is the authority which provides freedom to an administrative body or an official to select from several respective decisions of the legislation the most acceptable decision, on the basis of respect of public and private interests. Pursuant to Article 6 of the same Code, if an administrative body is granted discretionary authority to resolve any issue, it is obligated to exercise this authority within the law-prescribed limits.

Pursuant to Article 77¹(15) of the Organic Law of Georgia on the Election Code of Georgia, an election commission is entitled to file an appeal to court in relation to the violation of a pre-election campaign rule set forth under Article 73(9). The content of the General Administrative Code of Georgia and of the mentioned norm evidences that the legislator has granted discretionary authority to an election commission whether or not to apply to court to demand effecting an out action; it does not envisage an obligation to apply to court in every case such possible facts are present. Pursuant to the same Article, an organization with an election observer status is also authorized to file an appeal to court in relation to the violation of a pre-election campaign rule set forth in Article 73(9), although they have not utilized the mentioned right.

Respectively, the CEC, having examined the factual circumstances provided in the Application deemed that the facts provided by the Applicant did not represent sufficient basis for the CEC to undertake an action and apply to Court to demand the cancellation of election registration of the above-mentioned candidate.

APPEALS/STATEMENTS OF THE INTERNATIONAL SOCIETY FOR FAIR ELECTIONS AND DEMOCRACY (ISFED)

1. Statement about the late admission of their observers for the counting procedures at # 46 PEC of # 7 Chugureti DEC.

On June 2, 2010 the CEC received a statement from ISFED (registration #72), with which ISFED requested the CEC to invalidate 037/2010 decree of Chugureti DEC and impose disciplinary and legal responsibility on the PEC Chairman.

According to the applicant's information, at # 46 PEC of Chugureti DEC, located at 52 Meunargia Str., ISFED's observer, Inga Baramidze was not admitted to the PEC by security officers and when the observer entered the PEC, the procedure of drawing of lots among the commission members was already over. Concerning this fact they have addressed Chugureti DEC with the appeal, which on May 31 of the current year reviewed the appeal and with its 037/2010 decree refused to satisfy the appeal.

In the applicant's opinion, the mentioned represents the violation of the requirement under Art. 53, Para 1 and 3 of the General Administrative Code, in particular, individual legal act shall include written approval, which the mentioned decree doesn't contain, which represents the ground for declaring it invalid in accordance with part 3 of Art. 60 of General Administrative Code.

In addition, in the applicant's opinion, with the above-mentioned action their observer was impeded to exercise the rights envisaged under Art. 70 of the Election Code of Georgia. While according to Art. 50, Para 1 and 2 of the same Code the PEC Chairman is responsible for all the processes taking place inside the PEC premises.

After the examination of the case by the CEC it has been identified that #46 PEC of Chugureti DEC represents a PEC created in exceptional cases and is located on the territory of the military unit of the 4th separate anti-aircraft-missile division of the ground forces of the Ministry of Defence of Georgia. Chugureti DEC, on May 25, 2010 addressed in the written form the Commander of the above-mentioned military unit and for the purpose of ensuring for the elections requested unimpeded access to the PEC for the members of the CEC, the DEC and PEC, as well as for the local and international observers, representatives of election subjects' (upon presenting the relevant

certificate). On the polling day, the Chairman of #46 PEC was conducting the drawing of lots at the PEC from 7 to 8 o'clock. By 7 o'clock, all the members and observers present at the military unit, entered the PEC with the PEC Chairman, while the ISFED observer I. Baramidze entered afterwards, which caused impediment. The PEC Chairman, immediately after learning that the observer was waiting outside, called the DEC and conducted necessary measures, which took some time, the observer entered the PEC later.

From the mentioned above, it became clear that the violation of the requirements of the Election Code did not take place from the side of #46 PEC Chairman, as the fact of ISFED's observer's not entering the PEC did not happen by the Chairman's fault and the access to the PEC was delayed due to the delay at the check point of the military unit in accordance with the established rule, until the identity of the person was established. The Chairman of the special precinct, when learning about it took all the necessary measures so the observer would be allowed on the territory of the military unit in order to exercise her responsibilities. As no violation of the requirements of the Election Code took place from the side of the PEC Chairman, there were no grounds for compiling the administrative breach protocol against him.

On May 31, 2010 at the session of #7 Chugureti DEC the appeal of Raisa Liparteliani, ISFED observer concerning the above-mentioned issue was reviewed and rejected with the decree.

Stemming from all the mentioned above ISFED's appeal was not satisfied due to the absence of grounds.

2. Complaint of ISFED regarding revoke of the Decree of Marneuli DEC, dated, 31 May 2010 and re count of ballot results of some precincts

In 2 June 2010 the appeal of ISFED, requesting for revoke of the Decree No 35/2010 of May 31 of Marneuli DEC No 22 and re count of the results of 35 precincts, was submitted to the CEC.

The complainant mentioned that there were several violations in summary protocols prepared at mentioned precincts; in particular date and time of preparing, titles of electoral subjects and numbers of registrars stamps were missing.

Marneuli DEC No 22 did not satisfy the complaint due to being groundless and mentioned in the decree that it would be appealed at the CEC.

The CEC heard given complaint and adopted decree amending rule for appealing disputed decree of Marneuli DEC No 22, in particular: according to sub paragraph m of paragraph 1 of Article 29, paragraph 1 of Article 64², paragraphs 2 and 5 of Article 77 of Election Code the CEC sorted out that Marneuli DEC indicated incorrectly in its Decree No 35/2010 dated 31 May 2010, rule for appealing above mentioned complaint, since according to paragraph 2 of Article 77 decree of the DEC should be appealed at the Court. Consequently, based on the CEC Decree amendment was made to the decree of Marneuli DEC No 35/2010 of 31 May 2010 and rule for appealing was defined. The CEC resolved that the decree of Marneuli DEC No 35/2010 of 31 May 2010 could be appealed at Bolnisi District Court (address Bolnisi, Sulkhan Saba street No 13) within 2 days upon its receipt.

Observing organization ISFED filed appeal to Administrational College of Tbilisi City Court and requested for revoke of the Decree of Marneuli DEC No 35/2010 of 31 May 2010 and assigning to the CEC task for issuance of Administrational Act.

Administrational Collage of Tbilisi City Court heard submitted appeal in 6 June 2010 and made decision for its partial satisfaction. The court revoked Decree of Marneuli DEC No 35/2010 of 31 May 2010 and requested to Marneuli DEC to recount results of precincts #3, #26, #47, #67 and to issue New administrational Act.

The appeal was not satisfied in part of requesting the CEC to issue Administrational – Legal Act.

OTHER ORGANIZATIONS AND DEC/PEC MEMBERS

1. Statement of NGO “Healthy Universe” concerning the agitation at the PEC by the president of Georgia

On May 31, 2010 the CEC received a statement from the representative of NGO “Healthy Universe,” Irina Putkaradze in which it was indicated, that the information agency “Imedi” broadcasted a report where the voting procedure by the President of Georgia was depicted at the PEC. The applicant clarifies that the president of Georgia did not leave the PEC after casting the vote and gave interviews to the journalists, also conducted campaigning, by which the voters in the line were impeded and the voting procedure was delayed. In the opinion of the applicant, the President of Georgia violated the requirements established under Art. 51, Para 6 of the Election Code. The applicant also indicated that the TV Company Imedi violated the requirements of Art. 73, Para 3 of the Election Code, as the President of Georgia during the live broadcast of TV Company Imedi, on the election day appealed for the support of United National Movement.

In result of examining and assessing factual and legal grounds of the circumstances indicated in the statement, the CEC deemed that the applicant’s request should not be satisfied due to the absence of grounds. Particularly:

According to Art. 3, Para “m”, pre-election agitation is an appeal to the voters in support or against an election subject. According to Art. 73, Para 3 of the same Code at 24:00 of May 29, 2010 the airing of paid or/and unpaid advertisements was prohibited via TV or radio. After examining factual circumstances indicated in the statement, it becomes clear that on May 30, 2010 during the casting of vote at #19 PEC of #1 Mtatsminda DEC, the President of Georgia gave interview to mass media outlets. The president of Georgia appealed to the voters to actively participate in the elections.

The mentioned facts do not represent the violation of the election laws, as it is prohibited to air paid or unpaid political advertisements via TV on the election day, while the President’s interview in the polling place does not represent either paid or unpaid political advertisement and therefore, there are no legal grounds to satisfy the appeal.

2. Statement of Davit Shapatava, the member of #6 Samgori DEC about the manipulating with the lists by the coordinators from “the United National Movement” on the Election Day

on May 30, 2010 the CEC received a statement from #6 Samgori DEC member, Davit Shapatava, in which 2010 it is requested to prohibit the coordinators of “United National Movement” from manipulating-bribing with pre-printed lists on the election day and relevant reaction.

In the statement it is indicated that on May 30, 2010 the applicant together with the representative of the election bloc “Alliance for Georgia,” Rudolph Gogia checked several PECs on the territory of #6 Samgori DEC where they encountered a group of coordinators from “United National Movement.” The applicant indicates that the coordinators were taking record of the desired voters. The applicant clarifies that the coordinators were interested whether the desired voters would circle election number - 5.

In result of examining and assessing the factual and legal grounds of the circumstances indicated in the statement, the CEC clarified that the applicant’s request shall not be satisfied due to the absence of grounds. Taking records of the voters on the Election Day by the representatives of election subject does not represent the violation of election laws and therefore, there were no legal grounds for imposing administrative responsibility on the mentioned coordinators.

3. Appeal of Georgian National Section of International Society for Human Rights about the disparity in the number of bulletins and envelopes in PECs in 6 DECs.

On May 30, 2010 the CEC received an appeal from Besik Gviniashvili, observer of Georgian National Section of International Society for Human Rights, in which it was indicated that on May 30, 2010 he has checked PECs in 6 DECs, where the following violations took place: number of voters and special envelopes was equal, while the number of ballot papers was less. In the applicant's opinion, the requirements of Art. 54, Para 8 were violated and the applicant requests to promptly eradicate the violation and hold Chairmen and the Secretaries of 6 DECS responsible.

In result of examination of factual circumstances by the CEC indicated in the appeal, it was clarified that in accordance to Art. 16, Para 2 of the Election Code, the relevant DEC forms PECs, defines their boundaries and numbers. A PEC is formed for the minimum of 20 and not more than 1500 voters. The voter's data is incorporated into the Unified Voters' List in accordance with the place of the registration of that voter.

According to the 11/2010 March 16, 2010 resolution of the CEC "About the defining of election procedures," the number of voters in the PEC shall not exceed the legally established number, except for the following categories of voters: a) voters on the territory of foreign countries which are not on the register of Georgian consulates; b) voters on the territory of a foreign country which are on the r register of Georgian consulates; c) voters in the penitentiary institutions and pre-trial detention; d) permanent and contract military servicemen of military (militarized) forces and units of the Ministries of Internal Affairs and defence; e) voters in inpatient clinics.

In consideration of the fact that a great number of Georgian citizens are abroad, the voters have changed their place of residence and the factual place of residence is different from the place of registration, part of voters for the polling day are outside the territory of the PEC formed at the place of registration (or are at the penitentiary institutions on the basis of court decision, in pre-trial detention, permanent and contract servicemen of the military (militarized) forces of and units of the Ministries of Defence and Internal Affairs, voters at sea), on the polling day the number of the voters who factually came to the PEC is far less than the number of voters incorporated in the voters' list of that PEC. Stemming from the mentioned-above circumstances, the DECs were provided with fewer election ballot papers than the number of voters incorporated in the Unified Voters' List. Therefore, this does not represent the violation and there is no ground for imposing responsibility on the DEC officials.

4. Appeal of "The Association for Free Development and Protection of Rights" about the revoking of registration for the majoritarian candidate of village Goraberezhouli of Chokhatauri from National Movement and declaring the results invalid.

On May 31, 2010 the CEC received an appeal from Kakhaber Sopromadze, representative of "The Association for Free Development and Protection of Rights" with which the applicant requests the revoking of registration of the majoritarian candidate from the United National Movement and declaring the votes received by him invalid.

It was indicated in the appeal that #62 Chokhatauri DEC on May 29, 2010 with its #54/2010 decree did not satisfy the applicant's appeal, with which they requested to revoke the registration of majoritarian candidate Zaur Osepashvili in the village Goraberezhouli and initiate the relevant procedure.

In the applicant's opinion, #62 Chokhatauri DEC's #54/2010 decree is illegal and groundless and he requested to declare invalid the appealed decree.

As the factual circumstance, the applicant indicated, the violation of the requirements of Art. 73, Para 9 of the Election Code and referred to the fact of passing of gifts, namely cattle and wine by the majoritarian candidate to the participants of the tournament as the evidence.

For the purpose of examining the appeal, the CEC requested the information from #62 Chokhatauri DEC within the framework of administrative proceeding, on the basis of which it became clear that on May

28, 2010 Davit Chkhikvadze, the representative of the Association for Free Development and Protection of Rights” addressed #62 Chokhatauri DEC with the statement. According to the appeal, #34 Khevi Election Commission member from National Movement, Datuna Mamaladze organized the football tournament. Zaur Osepashvili, majoritarian candidate from National Movement in Khevi majoritarian district attended the tournament, which passed valuable gifts to the representatives of the winner team.

The validity of the fact mentioned in the appeal was examined and checked by the CEC, including photo and video materials presented by the applicant and also from interviewing the participants and spectators of the tournament. According to their analysis the fact of buying and passing on the gifts by Zaur Osepashvili is not proved.

According to Art. 60¹ Para 1 of General Administrative Code, “Administrative legal act is void if it contradicts the law or other requirements for its preparation and issuance are substantially violated,” and the appealed legal act is issued in full accordance with the requirements of the law and there are no legal grounds for declaring it void.

According to Art. 73, Para 91 of the Election Code, “in the event of the establishment of such facts, the registration of election subject who has performed any activities prohibited by Para 9 of the present Article shall be revoked by the court decision,” therefore “for the violation of the rule for pre-election campaigning established under Art. 73, Para 9 of the Election Code, the right to file an appeal to the court is vested in the election commission, the mentioned above represents the right of the election commission and not its obligation. In addition, according to Art. 77¹, Para 15, subparagraph “b” of the Election Code “Because of the violation of rules of the pre-election campaign established by Paragraph 9 of Article 73 of the present Law, the right to file an appeal to the court is granted to a party, election bloc, majoritarian candidate, organization with election observer status, election commission, if the appeal concerns violation of the abovementioned procedures by the candidate nominated to the single/multi-mandate election district”

“The Association for Free Development and Protection of Rights” was entitled to file an appeal to the court requesting to revoke the registration of an election subject, which was not conducted from their side.

Stemming from the mentioned-above, after examining and assessing the evidence presented by the applicant, as well as requested by the CEC, it is established that in the mentioned case there was no violation of the law by the DEC, due to which the appeal was not satisfied and the appealed decree of Chokhatauri DEC remained in force.

5. Appeal of Giorgi Mariamidze about the imposition of disciplinary responsibility on the members of #35 PEC of #1 Mtatsminda DEC of Tbilisi and declaring the results void.

on June 2, 2010 the CEC received an appeal of Giorgi Mariamidze, where it was requested to use disciplinary responsibility measure against the members of #35 PEC of # 1 Mtatsminda DEC and declare the PEC results void.

In the appeal, it was indicated that the applicant, Giorgi Mariamidze, conducted the observation of the elections of May 30, 2010 in #35 PEC of #1 Mtatsminda DEC. On the polling day he requested a voter at the registration table to present ID, as the voter spoke Russian with the Russian-looking woman who accompanied the voter and their actions were doubtful. The request caused indignation of the voters, PEC Chairman, the Commission, because of which, according to the applicant, he was not given the possibility to exercise observation rights in due manner. About the mentioned fact, the applicant addressed the PEC Chairman with the appeal, who did not receive the appeal. With the mentioned appeal he also addressed #1 Mtatsminda DEC, which did not satisfy it.

After examining and assessing the factual and legal grounds of the circumstances indicated in the appeal, the CEC deemed that the appeal should not be satisfied, as it was established that on the polling day gross violations of election laws took place from the side of Giorgi Mariamidze, particularly, he grabbed the ID from the voter’s hands and hindered the voter in the exercise of election right (explanation-

clarifications of Badri Baramia, observer from “Society for the Cooperation with Europe). He undertook numerous willful actions, ceasing of which he was appealed upon by the election commission members and observers. In result of the examination of the materials presented in the case the violation of election laws by #35 PEC members is not proved and therefore, no disciplinary responsibility measures can be taken against them.

As regards declaring invalid the results of #35 PEC, it shall be indicated that according to Art.77, first paragraph, the violation of the election laws can be appealed against in the relevant election commission. The decision of the election commission can be appealed against in the upper level election commission and only after that it can be appealed in the court in accordance with the established rule and within the established terms. According to Para 3 of the same Code, by virtue of appealing of a decision of the Precinct Elections Commission, in case of appealing of a decision of the District Election Commission at the CEC, application/complaint remains unconsidered. The PEC summarizing protocol shall be appealed in the relevant DEC and after that in the court. The declaring void of PEC results in its essence means declaring void of both proportional and majoritarian summarizing protocols.

Hence, due to the appealing of PEC summarizing protocols in the CEC, on the basis of Art.77, Para 3 of the Election Code, the application remained unconsidered.

6. Appeal of international observer organization “European Centre for Minority Issues” about declaring void of #24 Dmanisi DEC decree and #15 PEC results.

on June 2, 2010 the CEC received an application from Tom Trier, observer from international observer organization “European Centre for Minority Issues” (ECMI), with which it is requested to declare invalid #24 Dmanisi DEC #027/2010 decree as of May 31, 2010 and declare invalid the results of #15 Lokchandari PEC.

In the applicant’s opinion, the mentioned requests are grounded in the following circumstance: on the election day, at #15 Lokchandari PEC of #24 Dmanisi DEC, the ballot papers passed over to the voters were not approved with the registrar’s signature, which was verified after the opening of the box – not a single election ballot paper was approved with the registrar’s signature. In the applicant’s opinion, the absence of the registrar’s signature on the election ballot paper represents serious violation of election laws. Stemming from the legal requirements, the voter has no right to enter the voting booth until the registrar approves the ballot paper with the signature and the stamp.

The CEC, after examining the mentioned appeal established the following:

Bakar Lomsadze, observer of international observer organization ECMI at #15 Lokchandari PEC of #24 Dmanisi DEC addressed #24 Dmanisi DEC on May 31, 2010 with the statement/appeal and requested to declare invalid the results of #15 Lokchandari PEC of #24 Dmanisi DEC, as there were no signatures of commission members - voter registrars on the ballot papers. On May 31, 2010, #24 Dmanisi DEC considered B. Lomsadze’s appeal and with its #027/2010 decree refused to satisfy the appeal.

In accordance with Art. 64², first paragraph of the Election Code, the statement/appeal concerning the counting and summarizing of votes is considered by DEC and the DEC takes the decision with its decree, which can be appealed against only in the court in accordance with the established rule. Therefore, #027/2010 decree of #24 Dmanisi DEC as of May 31, 2010, as it was issued in connection with the appeal concerning the counting and summarizing of votes, should have been appealed against in the court and not in the CEC.

According to Art. 77, Para 3 of the Election Code, by virtue of appealing of a decision of the Precinct Elections Commission, in case of appealing of a decision of the District Election Commission at the CEC, application/complaint remains unconsidered. Stemming from all the mentioned above, the application of Tom Trier, observer from the international observer organization ECMI as of June 2, 2010 remained unconsidered, as the rule for appealing established by the Election Cod is violated.

At the same time it was indicated that in #027/2010 decree of #24 Dmanisi DEC as of May 31, 2010 the CEC is indicated as the place for appealing, instead of the court, which represents the violation of the norms of the Election Code mentioned above.

In result of examining the factual circumstances of the case, it was established that #24 Dmanisi DEC did not dispute the factual circumstances indicated in B. Lomsadze’s statement/appeal. The DEC based its refusal to satisfy the appeal on the circumstance that the election ballot paper was approved with the

registrar's stamp, and the absence of the signature did not cast any influence on the expression of voters' will. The mentioned position of the DEC was once again indicated in the telephone conversation with the employee of the CEC Legal Department.

In accordance with Art. 58, Para 2, subparagraph "c", "registrar shall sign on the back side of the ballot paper in the appropriate form and in the voters list and shall approve the ballot papers with the special stamp". While according to Art. 62, Para 3, subparagraph "a" of the same Code, a ballot paper of the established sample shall be deemed invalid only if the ballot paper is not approved by the registrar's signature and special stamp.

According to Art. 29, first Para, subparagraph "m", the CEC by own initiative or under the application/petition, in accordance with the procedures for considering election disputes established by this law checks the legitimacy of decisions and acts of election commissions, their officials and in case of any revealed violation shall invalidate or revise them by resolution.

Stemming from the mentioned above, the CEC deemed that the summarizing protocols of both proportional and majoritarian voting of #15 Lokchandari PEC of #24 Dmanisi DEC shall be declared invalid by the CEC, as #15 Lokchandari PEC members violated the requirements established under Art. 62, Para 3 of the Election Code during the summarizing of votes.

7. Complaint by NGO Healthy Universe against TV companies Rustavi 2 and Imedi for the violations for the publishing of exit poll results

On June 2, 2010 a complaint by NGO Healthy Universe was filed to the CEC, which stated that on May 30, 2010 after the completion of polling of the Elections of City Councils, representative body of local self-government and Tbilisi Mayoral elections, at 8:00 pm two TV companies – Rustavi 2 and Imedi announced on their air the results of exit polls, thereby, in the opinion of the complainant, seriously violated Article 73(12) of the Election Code. Moreover, until 3:00 am they showed the indicated exit poll results in such a form that they did not at all indicate the requirements set forth under the Election Code, which envisioned the title of the ordering body of the polling according to registration, legal address in case an ordering body is a legal entity, name, last name, address according to ID card of a natural entity, if an ordering entity is a natural person, whether the polling is paid or free, the organization that carried out the polling, etc.

The author of the Complaint demanded the CEC to consider the filed application and take law-prescribed measures.

The CEC considered the filed complaint and established that pursuant to Article 73(12) of the Election Code, from the day of appointing elections until the publication of final results of elections by the CEC and within one month from this date when publishing results of polling related to election results it is mandatory to indicate the ordering entity of the polling (name according to public or election registration and legal address, if an ordering entity is a legal entity or a public institution; last name, name and address according to a person's ID card, if an ordering entity is a natural person), whether the polling is paid or free, organization that carried out polling (name according to public or election registration, legal address), date of polling, method of polling, exact wording of questions used in the poll, margins of probable error. The publishing of public opinion polls related to elections, other than the number of the possible participants of elections and the number of voters on the voting day, may not take place within 48 hours before voting and until 20:00 of the voting day.

From a letter by Prime Time, LTD submitted in relation to the Complaint it is ascertained that in relation to May 30, 2010 local self-government elections for analyzing exit poll results broadcast on Georgian channels they checked the air of two Georgian channels – Rustavi 2 and Imedi, between 20:00 to 3:00 am. During verification the following trends were identified on the mentioned channels: first results of exit poll were published on both channels after 20:00, after Edison Research held a press conference at Hotel Radisson. After the company announced official results on both above-mentioned channels information appeared in the running line, on which logo of implementing organization, date and period of polling was indicated. On air of both channels, after 20:00 several times a point on exit polls was broadcast. During the story the host mentioned the number of the surveyed citizens and of summed up votes. The story also mentioned on probable error (2%) of the exit poll, although this information was not part of the running line. It can be ascertained also from the same letter that the running line on Rustavi 2 was in place during the whole news air on Rustavi 2, while on TV Company Imedi during advertisements, in the period between the news air and the series Shua Kalakshi exit poll data were not displayed.

From Letter No 0261 dated 8 June, 2010 of TeleImedi Ltd it is also ascertained that on April 28, 2010 information about TeleImedi and broadcasting company Rustavi 2 hiring company Edison Research to conduct public opinion polls in relation to local self-government elections, as well as the experience and expertise of the company was broadcast throughout the day by TeleImedi.

On May 30, 2010 TV Company Imedi, after completion of voting, at 20:03 broadcast transmitted information about exit poll results. Until a representative of Company Edison Research would be brought live in the TeleImedi air, TeleImedi journalist informed the public about the mentioned, moreover, periodically public would be informed about the information about election results as of 16:00 of the poll conducted by Company Edison Research would be transmitted. Moreover, a representative of the above-mentioned company made a statement as to how many questionnaires were filled out on what number of precincts and what could be the number of error in relation to actual results.

As was identified from the above-mentioned, during transmission of exit poll results of public opinion poll by broadcasting company Rustavi 2 and TV company Imedi the provisions of Article 73(12) of the Election Code were not followed in full, namely, the mentioned TV companies did not indicate legal address of the ordering entity; information as to whether the poll was paid or free; method of survey and exact wording of the questions used in the survey. And the mentioned, pursuant to Article 126²¹ of the Election Code is the basis for drawing up administrative violations protocol.

Due to the above-mentioned, pursuant to Article 29(w), Article 77(5) and Article 126³² (1) and (2) of the Election Code, the Central Election Commission of Georgia established that the complaint of June 2, 2010 by NGO Healthy Universe was to be granted. Administrative violations protocols were drawn up in relation to TeleImedi, Ltd and broadcasting company Rustavi 2, on administrative violation envisaged under Article 126²¹ of the Election Code.

The request on imposing a fine was transferred to Administrative Chamber of the Tbilisi City Court.

In 12 June 2010 Administrative Collage of Tblisi City Court heard the motion of the CEC, regarding imposing fine to TV Companies and satisfied it.

TV Companies Rustavi 2 and Imedi were imposed a fine in amount of GEL 1500 each.

8. Regarding video about operation of Variani PEC, sited on www.regions.ge

The video was distributed via media in particular on the web site www.regions.ge, which described conversation of persons participating in summarizing results of Variani PEC, regarding imbalanced results and signing voter's lists.

As a result of analyses of the video it was sorted out that Commissioners of Variani PEC were making statements absolutely inappropriate for their positions and duties.

Besides, statements made by commissioners contained signs of offences punishable by the rule of Criminal Law, since they could be classified as falsification of documents and hindering to proper summarizing election results. Though since the statements made by commissioners were just words and never were implemented, there was no real case of fraud. Accordingly the commissioners should be punished by disciplinary rule instead of criminal.

The CEC considers such facts inadmissible and applied to Gori DEC to analyze mentioned issue, for purpose to reveal all persons participated in summarizing results of Variani PEC, for purpose to prevent their involvement in electoral administration by future elections.

9. Regarding fail in submission of weekly information by Ltd "Radio Center Plus", "TV Company Caucasus" and Ltd "TV Company Real TV Georgia" as well as by the TV Radio Department – subordinated to the Government of Autonomous Republic of Ajara

According to subparagraph "a" of paragraph 14 of Article 73 of Election Code of Georgia from 50 days prior Elections (10 April 2010) to final approval of Election results by the CEC, holders of broadcasting licenses and Public Broadcaster are responsible for complying with following provisions: in the event of allocation of time for political advertisement declare publicly and provide information to the CEC regarding dates, duration, schedule and tariffs for allocated time.

According to subparagraph 'd' of paragraph 1 of Article 29 of Election Code of Georgia the CEC determines with its resolution participation of media in electoral process and controls its operation in compliance with the Law. Due to mentioned the CEC determined with its resolution No 25/2010, dated 30 March 2010, that holders of broadcasting licenses are responsible for submission to the CEC of mentioned information not later than 18.00 of each Monday (regional companies to appropriate DEC), in compliance with submission forms approved by the CEC decree No 185/2006, dated 6 September 2006.

The CEC with its letters informed holders of broadcasting licenses, in particular: TV Radio Department subordinated to the Government of Ajara, Ltd Radio Center, Ltd Radio Center Plus, TV Company Caucasus and Ltd TV Company Real TV Georgia regarding appointment of Local Elections and their commitments provided by the Law with regard to that.

The CEC studied fact of fulfillment of obligations assigned to broadcasting companies and made out that above mentioned companies violated subparagraph "a" of paragraph 14 of Article 73, regulating submission of above mentioned information, which according to Article 126 of this Code represents Administrative violation.

In 24 June 2010 the oral hearing was arranged headed by the CEC chairman and participated by the representatives of Ltd Radio Center Plus, TV Company Caucasus, and TV Company Real TV Georgia, at which the mentioned issue was discussed. Media representatives participated in oral hearings confirmed violation of electoral legislation, in part of timely submission of information. According to decision of the CEC chairman protocols on administrative violations were not prepared against holders of broadcasting licenses, they were warned orally for purpose of prevention of similar violations in future.