

# 28<sup>TH</sup> ANNUAL CONFERENCE AND GENERAL ASSEMBLY

The Association of European Election Officials (ACEEEO)

## Annual Conference “Judicial Protection of Electoral Rights and the Transparency of Elections”

*Experience of the CEC of Georgia in EDR and in Relations with Courts*



**CEC**

ELECTION ADMINISTRATION  
OF GEORGIA

**GIORGI SHARABIDZE**

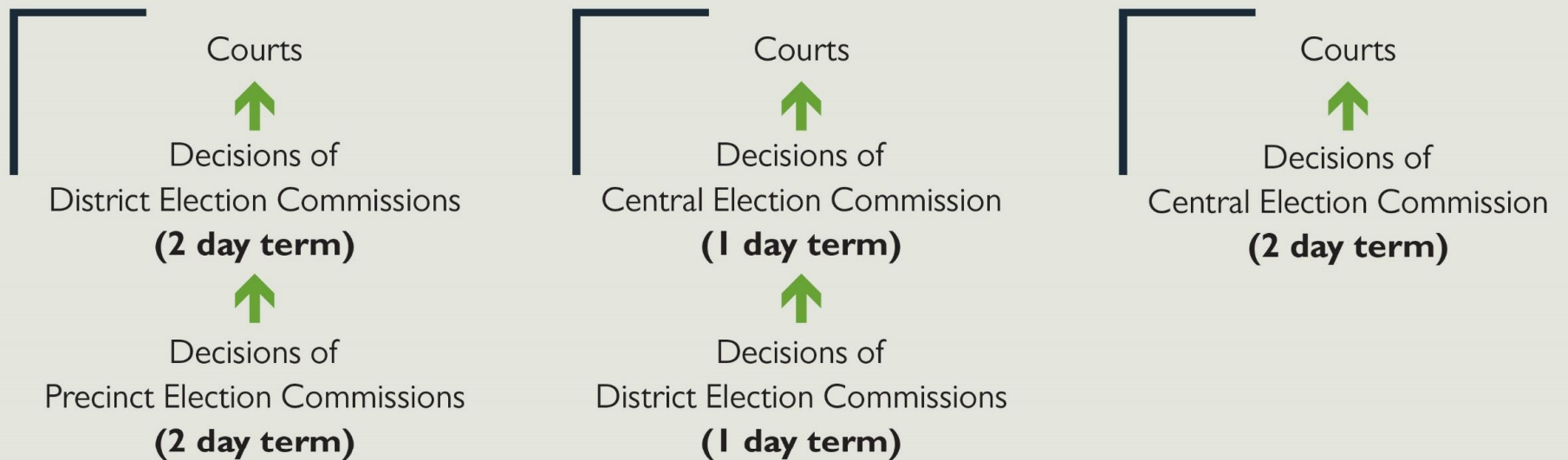
Deputy Chairperson

*Central Election Commission of Georgia*

24-26 September 2019

Ljubljana, Slovenia

## EDR PROCESS UNDER THE SYSTEM OF THERE-LEVEL ELECTION ADMINISTRATION



## STATISTICS OF THE EDR IN COURTS

### October 8, 2016 Parliamentary Elections

#### CEC

- **46** electoral disputes were submitted at the courts against CEC
- **41** were upheld in favor of the CEC

#### DEC

- **37** electoral disputes were submitted at the courts against DEC
- **33** disputes were upheld in favor of the DEC

### October 21, 2017 Local Elections

#### CEC

- **7** electoral disputes were submitted at the courts against CEC
- **7** was upheld in favor of the CEC

#### DEC

- **28** electoral disputes were submitted at the courts against DEC
- **19** disputes were upheld in favor of the DEC

### October 28, 2018 Presidential Elections

#### CEC

- **22** electoral disputes were submitted at the courts against CEC
- **22** was upheld in favor of the CEC

#### DEC

- **30** electoral disputes were submitted at the courts against DEC
- **28** disputes were upheld in favor of the DEC

## EDUCATIONAL AND TRAINING PROGRAMS FOR IMPROVED QUALIFICATION OF STAKEHOLDERS INVOLVED IN EDR PROCESS

- ✓ Training for Election Administration representatives
- ✓ Training for the representatives of other state entities
- ✓ Training for election subject/political party representatives
- ✓ Training for observers
- ✓ Workshops for judges on election disputes

# Challenges We Face in Terms of the Established EDR System

*(According to OSCE/ODIHR Final Report on 2018 Presidential Election)*

- ✓ Complex and unnecessarily restrictive legal framework
- ✓ Complaints dismissed on procedural grounds  
*(due to missed deadlines or lack of legal standing)*

*“The legal framework for electoral dispute resolution should be reviewed to simplify the complaints procedures and eliminate restrictions on standing. Everyone whose electoral rights have been violated should be entitled to lodge a complaint”*

*Election commissions and courts should refrain from an overly formalistic interpretation of the law and give due consideration to the substance of all complaints, respecting the right to an effective remedy. Election commissions and courts should apply the law in a consistent manner to ensure legal certainty.*



## MECHANISMS FOR PROMOTING EFFICIENCY OF EDR PROCESS

### **The Online Register of Complaints**

*(Transparent source for analyzing content of election disputes)*

### **Internal Audit of EDR**

*(EDR audit conducted by the EA for studying the existing challenges)*

### **Interagency Commission for Free and Fair Elections (IACFFE)**

*(Alternative Platform for discussing campaign violations)*

### **Discuss Together**

*(CEC initiative on creating additional platform for discussing challenges to election)*

### **Trainings within the Election Administration and for the Representatives of other State Entities**

- Training on legal writing for DEC Chairpersons, Deputy Chairpersons and Secretaries
- Workshops on the legislative amendments for DEC Chairpersons and secretaries as well as for the regional coordinators.
- Field workshops on the misuse of administrative recourses for the heads of legal offices of executive bodies
- Training conducted in central and regional level on the use of administrative recourses for the representatives of local self-government bodies and state trustees – Gubernators
- One-day training for the CEC call center operators on legislative amendments and electoral disputes.

### **Trainings for External Electoral stakeholders**

- Training on election disputes and other election issues for Election Subject representatives
- Training of election disputes and other election issues observers
- Training for the lawyers of election subjects

## ACHIEVED RESULTS

### Increased qualification of EA representatives

*“the election was competitive and professionally administered”*

.....

*“The elections were managed professionally by three levels of administration, led by the Central Election Commission (CEC)”*

OSCE/ODIHR  
2018

### Improved legal framework

*“The legal framework provides an adequate basis for the conduct of democratic elections”*

.....

*“Overall, complaints and appeals were handled by the election administration and courts in an open and transparent manner within legal deadlines”*

OSCE/ODIHR  
2018

### Increased trust of voters

*“In general, the work of the election administration was transparent. The CEC held regular sessions open to accredited observers and the media”*

....

*“For the first round, the CEC enjoyed the confidence of most electoral stakeholders and made concerted efforts to increase the competence of lower-level commissions.*

OSCE/ODIHR  
2018





**SERVICE OF DEMOCRACY**