

PARLIAMENTARY AND SAKREBULO
BY-ELECTIONS, MUNICIPALITY
MAYORAL EXTRAORDINARY
ELECTIONS

**MAIN FINDINGS AND RECOMMENDATIONS
REGARDING THE USE OF ELECTRONIC
TECHNOLOGIES IN THE ELECTORAL PROCESS**



მანვითარებისა და დემოკრატიის ცენტრი
CENTER FOR DEVELOPMENT AND DEMOCRACY



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CENTER FOR DEVELOPMENT AND DEMOCRACY

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INTRODUCTION

The Center for Development and Democracy (CDD) is a representative organization based on democratic principles in Georgia, which was founded on February 26, 2008. The priority directions of the organization are: promoting European and Euro-Atlantic integration, strengthening democracy and establishing the rule of law, improving the electoral environment and election monitoring, protecting human rights and freedoms, advocating the interests of citizens and informing them about current reforms and processes.

The Center for Development and Democracy has been actively monitoring the election process in Georgia since 2012. In 2010-2022, CDD implemented 21 different types of election monitoring with the international principles and methodology of election observation, with the support of international donors.

The CDD deployed mobile teams to observe the Parliamentary and Sakrebulo by-elections in Georgia, as well as extraordinary municipality mayoral elections that were held on April 29, 2023. The observation ranged from the opening of the polling stations to the voting process, closing of the stations and subsequent tabulation of results. The specified constituencies were N70 Poti, N66 Khobi, and N64 Senaki, all of which utilized electronic voting technology. Throughout this observation process, CDD focused on the effective and efficient application of electronic technologies, the readiness of the polling stations and their commissions, and how effectively voters were informed and conducted themselves during the voting process. The accuracy and sequential execution of voting procedures were observed to guarantee adherence to universally recognized election principles and standards. In addition to this, CDD's monitoring mission extended its observation to the pre-election situation at the Kutaisi N2 penitentiary institution. This involved observing the process of informing the accused or convicts eligible to vote about their voting rights.

The observation mission took into account the joint opinion of the Venice Commission and the OSCE/ODIHR of December 20, 2022, regarding the draft amendments to the Election Code of Georgia, which stated that: "having a robust testing of the technology



well in advance of the upcoming elections is of key importance. In addition, a follow-up study of any pilot project is advisable, to be undertaken by the CEC, as a key tool toward effective planning and implementation of a more broad-based future use of election-related technologies. It is of utmost importance that any new use of electronic means must be sufficiently planned and prepared in advance, effective voter education and election administration training be undertaken, and all measures to foster public trust in the system be implemented.”¹

It's important to highlight that a key priority for CDD is the active participation and observation of the utilization of electronic election technologies. To facilitate this, CDD has observed the execution of electronic vote counting pilot projects on several occasions. On May 13, 2018, observation took place in Zugdidi, followed by Tskaltubo and Tkibuli on May 19, 2019, and in the Krtsanisi electoral district on October 2, 2021. In light of the use of these electronic technologies in the election process, we have compiled numerous recommendations and monitoring reports. These documents are readily accessible on our website, www.cdd.ge.

This report concentrates on the utilization of emerging electronic technologies in the Parliamentary and Sakrebulo By-Elections, Municipality Mayoral Extraordinary Elections conducted on April 29, 2023. It delves into the dimensions of electronic technology application during the voting procedure, highlighting key discoveries and prevailing challenges which, we believe, were associated with the use of technologies.

¹ „Georgia: Joint Opinion on Draft Amendments to the Election Code and the Law on Political Associations of Citizens“, Organization for Security and Co-operation in Europe, 20 December 2022. <https://bit.ly/3BYLvoA>

The recommendations provided in this document are derived from both direct observation results and a comprehensive desk study, the latter of which explored international practices and foreign experiences concerning the use of electronic technologies in elections.

We anticipate that the provided information will assist all stakeholders engaged in the electoral process to critically assess the outcomes achieved, and address any existing deficiencies. In our perspective, these efforts will considerably enhance the conduct of the 2024 parliamentary elections, according to the international principles and standards, considering that for the first time post-independence, these elections will feature a fully proportional electoral system and extensive use of electronic technologies.

GENERAL ASSESSMENT

The observation mission of the Center for Development and Democracy (CDD) noted that the election day unfolded largely in a calm and orderly manner, without significant violations and a substantial adherence to electoral procedures.

Our observations discerned several favorable trends associated with the incorporation of electronic technologies. These include streamlined voter registration, simplified vote counting, prompt publication of preliminary results, and improved accuracy in the results. This represents a noteworthy accomplishment. However, it should be underscored that these were relatively low-scale, non-competitive, and less polarized elections compared to the norm. Despite administrative efforts, the voter turnout and continuity were insufficient to successfully and comprehensively pilot the electronic technology, thus prohibiting a thorough evaluation of the technology's effectiveness and efficiency over time and in action.

Therefore, we anticipate that technical and political issues will play a more pivotal role in the 2024 parliamentary elections. Any unresolved challenges pertaining to the deployment of electronic technologies could substantially jeopardize the credibility and integrity of these elections.

In view of these considerations, our observation mission has formulated the subsequent findings. These encompass assessments and recommendations of both technical and broader implications, all of which are crucial for conducting the 2024 elections in an orderly and transparent manner.

MAIN FINDINGS AND RECOMMENDATIONS:

THE UNIFICATION OF ELECTION PRECINCTS AND THE REALLOCATION OF VOTERS TO NEW POLLING SITES RESULTED IN SEVERAL MISUNDERSTANDINGS. OUR OBSERVATIONS INDICATE THAT VOTERS WERE INADEQUATELY INFORMED ABOUT CHANGES IN POLLING STATION LOCATIONS AND THE IMPLEMENTATION OF ELECTRONIC VOTING TECHNOLOGIES. CONCURRENTLY, CERTAIN POLLING STATIONS WERE INADEQUATELY SPACIOUS, CAUSING QUEUES AND IMPEDING THE VOTING PROCESS.

RECOMMENDATIONS:

- The selection of larger, more accessible spaces equipped with adequate ventilation is crucial for facilitating voting with electronic technologies, since according to the guiding principles of good practice “the State should provide the space necessary for the voting process”.
- While the CEC provides a map of polling stations, it is crucial to enhance it by effectively integrating the navigation feature of the Google map search engine and mobile apps. This improvement will enable voters and election participants to effortlessly locate polling stations.
- It is imperative for the government and election administration to deploy all available resources to provide the public with comprehensive information regarding voting procedures and the usage of novel electronic technologies. Alongside mass media utilization, this could involve a sustained informational campaign at satellite locations (such as shopping malls), as well as focused efforts to motivate voters, minimize confusion, and boost election day participation.
- Introducing more efficient and additional voter card distribution mechanisms is critical, such as digitization and electronic delivery, SMS service, etc.
- Planning and executing effective campaigns to update Georgian citizens’ identification documents is important. This way, voters’ rights won’t be compromised due to improper documentation on election day.

THE SUCCESSFUL IMPLEMENTATION OF ELECTRONIC TECHNOLOGIES IN THE VOTING PROCESS NECESSITATES PARTICULAR TECHNICAL EXPERTISE FROM COMMISSION HEADS/MEMBERS AND OTHER AUTHORIZED INDIVIDUALS. A DEFICIENCY IN SUCH SKILLS CAN SIGNIFICANTLY IMPEDE THE COMPREHENSIVE AND TIMELY EXECUTION OF PROCEDURES. THE NUMBER OF COMMISSION MEMBERS WHO WERE UNABLE TO PARTICIPATE IN PREPARATORY TRAININGS IS PROBLEMATIC. IN CERTAIN INSTANCES, THE PRECINCT ELECTION COMMISSIONS WERE UNABLE TO INDEPENDENTLY MANAGE THE VOTING PROCESS AND ASSOCIATED RISKS THAT COME WITH THE USE OF ELECTRONIC TECHNOLOGIES.

RECOMMENDATIONS:

- Despite the fact that the CEC and the training center have implemented a multi-stage profile training program for election commission members, it is crucial for the election administration to pay special attention to the proper and complete training of all election commission members, with a component of practical skills development, using electronic technologies in connection with all voting day procedures. According to the guidelines of good practice, “properly trained personnel are necessary for the preparation and conduct of elections”.
- The development of effective mechanisms for ensuring commission members’ participation and engagement in training sessions is necessary. Furthermore, the selection process for commission members should take into account the specific skills needed for efficient use of technology.
- The election administration’s recruitment of supporting staff (special groups) to assist precinct election commissions on election day positively impacted the process. However, mobilizing the necessary human resources for the forthcoming national elections presents a formidable logistical challenge. Therefore, it’s essential to devise effective mechanisms for establishing such a group and to implement a relevant training program.



THE VOTING DAY PROCEDURES ARE NOTABLY INTENSE DUE TO THE USE OF ELECTRONIC TECHNOLOGIES, WITH SEVERAL ACTIONS OCCURRING CONCURRENTLY. THIS GENERATED A SENSE OF DISARRAY, ACCORDING TO OUR OBSERVATIONS, AND OBSTRUCTED THE COMPREHENSIVE EXECUTION OF PROCEDURES. OUR OBSERVERS REPORTED MULTIPLE IRREGULARITIES AND ACTIVITIES CONTRADICTING THE RULES SET FORTH BY THE CENTRAL ELECTION COMMISSION (CEC), INCLUDING:

- ◆ The voter verification machines were activated at 08:00, which prevented several procedures from being executed according to established rules.
- ◆ At numerous polling stations, where the organization was conducting the observation, ballots (lacking bar code and QR code) meant for special vote counting machine verification weren't available. Instead, standard A4 paper was used as per the instruction of higher commissions, resulting in machine operation delay and subsequent voting process disruption.
- ◆ Deputy chairpersons of the Precinct Election Commission predominantly failed to adhere to the procedure when completing the voting audit confirmation form, hindering detailed analysis and full evaluation of the voting process.
- ◆ Voters spent more time inserting ballots into the vote counting scanner than it would have taken to directly place them in the box, potentially complicating the voting pro-





cess at larger polling stations with high activity, which could pose some risks and complicate the voting process.

- ◆ In certain polling stations with over 800 registered voters, multiple portable ballot boxes were utilized. While this practice is provisionally allowed under the CEC Ordinance, it is not explicitly outlined, particularly in terms of the principles and conditions surrounding the distribution of more than one portable ballot box. Furthermore, it remains unclear who has the authority to make decisions in this context.
- ◆ Voters sometimes placed the ballot paper inside the frame envelope after folding the ballot. In these instances, commission actions were inconsistent, with some voters straightening the ballot at the counting machine and placing the frame back into the envelope and the vote counting scanner/box, compromising secrecy.
- ◆ Instances of voters, or even supervisory commission members, reinserting the ballot returned by the the vote counting scanner/box were observed, violating established CEC rules as a returned ballot is deemed spoiled. Vote secrecy was compromised during these actions. In addition, in instances where this regulation was violated, the secrecy of the voting process was not adequately maintained.
- ◆ Instances were observed where the special electronic vote counting machine failed to read the blank side of the ballots and returned them, although this process in some of the other precincts ran smoothly.

- ◆ Often, members of the commission supervising the vote counting scanner/box, rather than voters, placed the ballots into the special electronic vote counting machine, even when voters were capable of doing so themselves.
- ◆ Queues formed at numerous polling stations, both at special electronic vote counting machines and voter verification machines, which impeded the voting process.
- ◆ Cases were noted where the scanning machine could not read and returned ballots that were tainted with liquid, dirt, etc. This issue was particularly noticeable during adverse weather conditions (for example, frequent errors were observed in Poti due to rainy weather).
- ◆ Despite longstanding efforts and legal restrictions, party groups/coordinators were observed within polling station areas to transcribe voters, which may be perceived as intimidating and pressuring the voter freedom.
- ◆ The secrecy of the vote wasn't properly protected at various polling stations during the process of transferring mobile ballot box ballots into the scanning machine.
- ◆ Precinct Election Commission members were inadequately informed about ballot invalidity grounds. Even though registrars effectively explained the ballot filling out procedure, traditional circle marking instances still occurred. Such instances could arguably be regarded as marked. Rather than the commission endeavoring to decipher the voter's intention, these ballots were promptly deemed invalid. As per the Code of Good Practice's guidelines, "in case of doubt, the commission should make an effort to ascertain the voter's intention."²
- ◆ Transferring data from the vote counting device to the tablet was done using a special memory card. This procedure, was carried out without direct reference from the commission guidance document, which raised concerns about data reliability and validity by our observation. According to good practice guidelines, it is necessary that "the transmission of results is carried out in an open and transparent manner... the system's transparency must be guaranteed."³
- ◆ Network interruptions and server congestion occurred during data transfer via tablet after the conclusion of vote counting procedures, hindering information transmission. While for a limited number of precincts this process didn't substantially affect the prompt publication of results, it could potentially pose a significant obstacle in the context of general elections.

² Code of Good Practice in Electoral Matters, Guidelines and Explanatory Report, (2002) Venice Commission, accessible at <https://rm.coe.int/090000168092af01>

³ Ibid.



- ◆ At several polling stations, voting procedures were largely “directed” (with instructions being issued and direct participation in the execution of specific procedures) by the representatives of the supervising election commission (CEC/district)/election administration officials. In our view, this poses a significant challenge because mobilizing an adequate number of human resources for large-scale elections is difficult and could be seen as meddling in the precinct election commission’s activities, thereby hindering the commission’s independent exercise of its powers.
- ◆ When district election commissions received electoral inventories and ballots from precinct election commissions for stacking/storage, there were inconsistencies in practice. Instances were noted where devices were delivered to district election commissions in an unsealed state, documentation/inventory records were not maintained, and numerous individuals participated in the warehousing process, making it impossible for the observation mission to identify them.
- ◆ The design of the voting booth, specifically the open area in the front and back, poses a potential risk to the secrecy of voting due to its openness. This design can create a feeling among voters that their choices might be publicly observed. This issue was particularly evident at polling stations where the voting space was somewhat confined and where numerous authorized individuals were in attendance.

RECOMMENDATIONS:

- The activation codes and keys for electronic devices should be securely sealed when handed over to the precinct election commissions, and they should be publicly unsealed on voting day.
- The special electronic vote counting machine and voter verification machine's activation codes should be diligently documented in the record book. It's also recommended to note in the record book which voter verification machine is assigned to each registrar.
- It's crucial that the CEC's ordinance comprehensively outlines the principles and circumstances (including factors like the number of people requesting the ballot box, their residential address, and so on) along with specifying who has the authority to decide on the distribution of multiple portable ballot boxes.
- It is essential for the legislation and/or CEC ordinance to clearly specify that any individual authorized to be in the polling station, including commission members, is prohibited from handling the ballot during the voting process, barring instances specifically accounted for by the law.
- The use of electronic technologies should take into account geographical and natural specifications, such as humidity, climate conditions, etc., to minimize the risk of equipment malfunction due to environmental conditions.
- It's recommended to utilize QR codes on the final result sheet, allowing interested parties, monitoring organizations, and political parties to consolidate and verify results concurrently and promptly, which is common practice in foreign countries.
- The reasons for ballot invalidity should be reconsidered. If the machine fails to comprehend the voter's intention and the voter's will is clearly expressed, the commission should be mandated to discuss the case and not immediately deem the vote invalid simply because the scanner machine was unable to recognize the marked circle.
- The roles and responsibilities of election administration representatives should be clearly defined, with interference in the activities of the precinct election commission minimized to enhance the independence of the precinct election commissions.
- The integration of electronic technologies has unavoidably expanded the demand for extra space, logistical support, transportation services, and management. Thus, for future

elections, it's vital to precisely outline the contractual responsibilities of warehouses and logistics/transportation services. Additionally, developing well-defined rules for handling sensitive documents and equipment is necessary. This applies to all necessary additions, including warehouses, District Election Commission spaces, and others.

- In line with best international practices, the concept of secret voting encompasses a broad spectrum of vote secrecy protection measures, including shielding voters from the gaze of others while in the booth. It's crucial, therefore, to alter the booth design to maximize the protection of this fundamental election principle: the confidentiality of the vote.

ALTHOUGH THE INTRODUCTION OF MODERN TECHNOLOGY HAS ITS ADVANTAGES, ITS USE WITHOUT THE PRINCIPLES OF TRANSPARENCY, PUBLICITY AND INCLUSIVENESS MAY THREATEN THE ELECTORAL PROCESS AND THE GENERAL PUBLIC'S TRUST IN THE ELECTION RESULTS, ESPECIALLY IN A POLARIZED ENVIRONMENT.

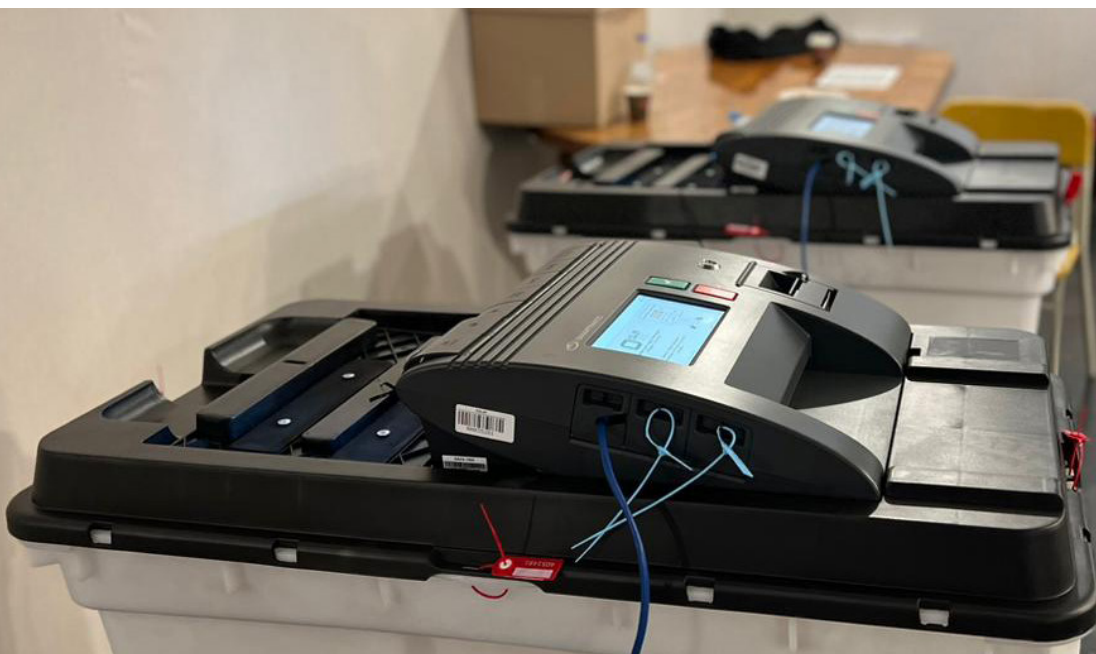
RECOMMENDATIONS:

- There's a need to create robust mechanisms and implement training programs that focus on educating all stakeholders, including political parties, media representatives, and local and international observers.
- It's crucial that all parties interested, such as observer organizations, are given advance notice of all activities related to the election, including public machine demonstrations, electronic machine delivery and related equipment to lower commissions, machine testing/sealing, etc., to ensure their participation and maintain transparency.
- To guarantee the accuracy of results, it's necessary to offer an opportunity (like a parallel server) where accredited individuals or observer organizations can monitor and validate the data sent from polling stations, a practice common in other countries. Additionally, it's vital for the election administration to create and share a schematic diagram showing the flow of information and data from polling stations.
- It's crucial to encourage comprehensive and inclusive public discussion on the use of electronic technologies and other elements of the electoral process post-election. This will aid in identifying problem areas, enhancing technology usage, and fostering electoral integrity and public trust.

IT'S WORTH NOTING THAT THE INTRODUCTION OF ELECTRONIC TECHNOLOGIES HAS SIGNIFICANTLY STREAMLINED THE PROCESS OF VOTER REGISTRATION, VOTE COUNTING, AND PRELIMINARY RESULT PUBLICATION. HOWEVER, BASED ON OUR OBSERVATIONS, IT HAS INTRODUCED CERTAIN RISKS RELATED TO PUBLICITY, ACCESSIBILITY, PROTECTION OF VOTE SECRECY, AND MACHINE FUNCTIONALITY.

RECOMMENDATIONS:

- It's crucial that core issues concerning the use of electronic technologies in the electoral process be governed by election legislation instead of the CEC resolution, bolstering election integrity and public trust in the system.
- It's important that the regulatory framework for elections using electronic technologies aligns with international best practices. The regulations, considering the Georgian electoral legislative framework, should be as detailed as possible to minimize the likelihood of on-the-spot interpretations, which could create confusion in large-scale elections.
- It's important to publicly disclose information about the serial numbers of special vote-counting machines and the machine testing and sealing schedules, broken down by districts - a practice seen in other countries.
- Stronger legislative guarantees need to be established for the protection of vote secrecy when using electronic means, and the election administration must take all necessary measures to ensure vote secrecy.





- A complete description of any technical means (electronic devices, tablets, memory cards, network devices, etc.) at the polling station should be made available publicly detailing how and why it is used (how the vote-counting machine works, its ports and outputs, ballot counting standard, screen-displayed information, etc.).
- It's necessary to develop technical and/or other types of regulations detailing the assembly/disassembly and synchronization procedures of electronic devices, safety measures, failure response plans, etc. Such technical norms and rules ensure uniform process management, monitoring, and evaluation, thereby reducing manipulation risks and misinformation spread.
- It's important to create a data privacy and technical security policy for using electronic technologies. Legal guarantees for privacy and security protection need to be defined, including criminal penalties for misuse of electronic technologies.
- If vote and election results are to be determined solely by vote-counting machines in the future, a voter-verifiable paper audit trail (VVPAT) should be introduced, a practice seen globally, so electronically counted results can be manually verified using a pre-established audit methodology.

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