CDD

განვითარებისა და დემოკრატიის ცენტრი
CENTER FOR DEVELOPMENT AND DEMOCRACY

ELECTIONS AND ELECTRONIC TECHNOLOGIES

OBSERVATIONAL RESULTS AND GOOD PRACTICE

2024

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INTRODUCTION

The global significance and adoption rate of modern technology are escalating daily, permeating numerous sectors, including those of democratization and electoral processes.

To optimize election management at various tiers, many countries worldwide have begun to harness or are in the process of integrating modern technologies. Specifically, the election process's embrace of modern technology encompasses employing information and communication technologies for both voting and ballot counting activities. This usually entails utilizing electronic voting and ballot scanning machines, alongside sophisticated voter identification and counting systems.

In 2022, the Georgian Parliament enacted amendments to the Organic Law of Georgia, known as the „Election Code of Georgia". These amendments mandate the extensive application of electronic means in the voting process for the parliamentary elections scheduled for 2024.

Initiating the integration of modern technologies into the electoral process in 2018, the Central Election Commission of Georgia (CEC) has since executed several pilot projects to incrementally adopt various technologies. Notably, the CEC utilized electronic vote counting machines in the 2018 mid-term Municipal Council elections, the 2019 mid-term

Parliamentary elections, and the 2021 mid-term municipal body elections as part of a limited pilot project. Initially, the data procured via electronic vote counting machines served purely informational purposes. By 2022, the municipal council mid-term elections not only included electronic voting and counting machines but also introduced synchronized electronic machines in a pilot capacity to facilitate the voter verification process. A more ambitious pilot project was launched during the interim/extraordinary elections of 2023. By CEC's decision, voter verification was conducted in 117 polling precincts using electronic devices in VIU Desktop - Offline mode, deploying a total of 404 electronic devices. Additionally, the voting and counting procedures utilized the optical scanner „SAES" -1800 plus – Offline mode, with 234 electronic devices in use.

Since 2018, the Center for Development and Democracy (CDD) has actively monitored the deployment of new technologies and the execution of pilot projects within Georgia's electoral framework. Based on its observational findings, the CDD has formulated numerous recommendations and reports. This document, marking the third in a series of analytical works,[1] focuses on the utilization of new technologies in Georgia's electoral process. It examines the use of electronic technologies in the voting process, outlines key observations, and identifies persistent challenges associated with technology usage. The formulation of the recommendations presented here draw upon both direct observation outcomes and desk research, which included an exploration of international and foreign experiences with electronic technology applications in elections.

We hope that the findings and recommendations detailed in this document will assist electoral process stakeholders in critically analyzing achieved outcomes and promptly addressing any identified deficiencies. We believe that such efforts will significantly contribute to the successful conduct of the 2024 parliamentary elections, aligning with international standards and principles. For the first time since gaining independence, these elections are to be conducted under a fully proportional electoral system, featuring widespread adoption of electronic technologies.

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1 CDD reports and recommendations are available at: https://cdd.ge/

ELECTION OBSERVATION EXPERIENCE OF CDD

CDD - Center for Development and Democracy, strives to achieve its vision of fostering an open, democratic, inclusive, free, and consolidated society in Georgia. CDD rooted in democratic values, was established in Georgia on February 26, 2008. CDD is committed to promoting democracy through the principles of the rule of law, election observation, gender equality, civil society development, advocacy, voter education, media literacy, and enhancing civic awareness and participation in reform efforts.

Since 2010, CDD has actively monitored Georgian electoral processes, adhering to international standards with donor support, and has observed 22 different elections up to 2023. This comprehensive monitoring encompasses the full election cycle, including the pre-election period, voting day, and the post-election period. CDD has established robust observer networks consisting of 200 well-trained and experienced members.

The CDD observer team comprises individuals who have participated in various international observation missions, both domestically and internationally. These observers have undergone the OSCE/ODIHR extensive preparatory trainings for both long-term (LTO) and short-term (STO) observers.

CDD's observation methodology incorporates both long-term and short-term observation strategies. On election day, stationary observers are deployed at polling stations, complemented by mobile groups. Additionally, the core team and E-day call center

provide comprehensive assistance, conduct information analysis, and ensure effective communication with the wider public and media regarding election monitoring results.

CDD is the only organization in the history of Georgia that monitored the elections of the Parliament of Georgia on October 31, 2020 with the involvement of local and international observers. The mixed observation mission was conducted in partnership with the international organization „Institute for Democracy and Cultural Exchange" (IDEM). The said unique model included monitoring by local and international observers jointly, on equal and partnership basis, through mobile groups, which created a unique environment in terms of reconciliation of positions, reaching consensus and impartial observation.

CDD has a unique experience in monitoring election precincts created in exceptional cases (so-called special precincts) and election precincts created abroad, this has enabled the formulation of numerous legal recommendations, many of which have been integrated into relevant legislative frameworks, enhancing the overall legal base for elections.

In addition to monitoring activities, CDD has many years of experience in improving the electoral environment, namely:

VOTER EDUCATION/INFORMATION

Supported by donor organizations, CDD launched numerous initiatives across Tbilisi and other Georgian regions aimed at enhancing electoral awareness and encouraging civic participation among voters. These initiatives successfully engaged up to half a million voters, encompassing ethnic minorities, youth, women, and other groups, significantly contributing to a more informed and engaged electorate.

CAPACITY BUILDING OF POLITICAL PARTIES

To bolster the electoral capabilities of political parties and foster democratic practices, CDD, backed by donor organizations, initiated several projects. These initiatives, including „Political School" and „Strengthening Political Resources," "Strengthening Political Parties Resources to Facilitate Democratic Processes", aimed at enhancing the democratic engagement and organizational strength of political parties across

Georgia. Approximately 1000 representatives from 30 political parties registered for elections benefited from these projects, indicating a significant outreach and impact on the political landscape of Georgia.

CONDUCTING SUCCESSFUL ADVOCACY CAMPAIGNS FOR LEGISLATIVE CHANGES

Over its 13-year involvement in electoral activities, CDD has generated numerous reports and crafted tailored recommendations that have been either fully or partially accepted and incorporated into electoral laws and regulations. Notably, CDD pioneered the development and submission of a set of guidelines for conducting elections safely amid the pandemic, with a majority of these recommendations being adopted by the relevant authorities.

CDD actively participates in working groups and commissions of various formats created on the topic of elections, including:

- **Interagency Commission for Free and Fair Elections (IAC/IATF)**

CDD actively participates in the activities of the inter-agency commission, with its representatives regularly attending and monitoring the commission›s meetings to ensure active participation and observation of the commission›s proceedings.

- **Technical Working Group (TWG)**

During the election period, under the auspices of the United Nations Development Program (UNDP), a Technical Working Group (TWG) comprising local and international organizations is operational. This forum discusses the election administration›s activities and civil society›s engagement in electoral processes. CDD is an active participant in the TWG, contributing insights and updates on its ongoing activities to foster productive discussions and collaboration.

- **„Let›s Discuss Together" Initiative**

CDD actively participated in the working meetings held within the framework of the initiative of the CEC - „Let›s Discuss Together", this participation allowed CDD to present its viewpoints and suggestions on various electoral issues, contributing to a collaborative and inclusive dialogue aimed at enhancing electoral processes.

- **Election media center**

Over the years CDD has actively participated in the media center of non-governmental organizations, regularly disseminating observation results to journalists and civil society. This engagement has facilitated transparency and informed public discourse regarding electoral processes.

- **Public Consideration of Draft Constitutional Changes**

CDD has actively participated in the public consideration of draft constitutional changes as a representative of civil society. Actively engaged in public hearings and meetings with citizens across the country, CDD ensured a comprehensive understanding of the forthcoming constitutional changes, particularly those related to the transition from mixed electoral system to a fully proportional parliamentary system.

CDD actively cooperates with various international observation organizations and periodically provides information on the results of observation of election processes.

Over the years CDD has actively participated in the media center of non-governmental organizations organized by the Open Society Foundation Georgia (OSGF), regularly disseminating observation results to journalists, stakeholders and wider public. This engagement has facilitated transparency and informed public discourse regarding electoral processes.

It should be noted that one of the priorities of CDD is active involvement and monitoring in the process of using electronic election technologies. The initiative to introduce modern technologies in the electoral field and relevant recommendations have been repeatedly mentioned in our reports, policy documents and public announcements.

For CDD, ongoing electoral reform, particularly the integration of new technologies into electoral procedures, is paramount. To this end, CDD has meticulously observed various pilot processes using electronic technologies across Georgia, including pilots in Zugdidi (May 13, 2018), Tskaltubo and Tkibuli (May 19, 2019), Krtsanisi (October 2, 2021), and Poti, Khobi, and Senaki (April 29, 2023), along with the Gori majoritarian electoral district on October 1, 2023. These observations scrutinized the efficiency of electronic technologies, readiness of electoral sites and commissions, voter information dissemination and behavior, procedural accuracy, and the adherence to general electoral standards and best practice. CDD›s evaluations have yielded numerous recommendations, contributing significantly to the refinement of electoral processes, specifically, so far, 3 summary reports and a package of recommendations have been published, which are available on the website www.cdd.ge.

GENERAL ASSESSMENT

Elections in Georgia are regulated mainly by the Constitution of Georgia, the Organic Law „Election Code of Georgia", the Organic Law „On Political Union of Citizens" and the subordinate normative acts of the Central Election Commission (CEC).

In 2022, the Georgian Parliament initiated electoral reform to align the Election Code of Georgia with the recommendations from OSCE/ODIHR and the Venice Commission. This reform culminated in amendments to the Organic Law, „Election Code of Georgia," on December 22, 2022, notably incorporating the use of electronic means in the voting process and the addition of a new chapter titled „Conducting voting/elections using electronic means".

On voting day, such electronic technological innovations were introduced as: voter verification machine, electronic vote counting technology (scanner) and a system for electronically forwarding the summary protocol/voting results from the polling precincts to the Central Election Commission. The simultaneous introduction of new electronic means is a somewhat unique process globally.

The amendments to Georgia›s electoral code for the 2024 parliamentary elections mandate that electronic voting means be utilized in polling precincts covering at least 70% of voters. Following a CEC decision, this threshold has been increased, extending electronic voting to nearly 90% of polling precincts.[2]

It is worth noting that such changes in the component of the use of electronic technologies gave the CEC the discretion to establish and define the rules and conditions for the use of electronic technologies in elections.

CDD is keenly observing the rollout of electronic technologies within the electoral process, having monitored elections at various levels. Through these observations, CDD has noted several positive outcomes from the integration of electronic election technologies. Key among these are the flexibility in voter registration, the streamlined vote counting process, the prompt release of preliminary results, and the enhanced accuracy of those results, etc. Which are significant achievements.

In reflecting on the adoption of new electronic technologies in elections, it›s essential to acknowledge that past pilot projects were conducted on a small scale, limited to one or several electoral districts, with relatively low competition. Despite administrative efforts, these conditions did not provide an ample opportunity for a thorough and comprehensive pilot of the technologies. The lack of sufficient voter intensity and continuity hindered the rigorous testing needed to evaluate the effectiveness and efficiency of electronic technology comprehensively.

Drawing from the observations made between 2018 and 2023 on the use of electronic technologies in elections, it›s anticipated that technical and political challenges will feature more prominently and will significantly influence the 2024 parliamentary elections.

2 Press release „In the 2024 parliamentary elections, almost 90% of voters will cast their votes using electronic technologies." Central Election Commission of Georgia. https://cesko.ge/ge/siakhleebi/pres-relizebi/singleview/11031836-2024-tslis-parlamentis-archevnebshi-amomrchevelta-titkmis-90-khmas-elektronuli-teknologiebis-gamoqenebit-mistsems . 06.02.2023

Unaddressed issues in implementing these technologies pose risks to the credibility and integrity of the elections, highlighting the necessity for careful consideration and resolution of these challenges to ensure a transparent and trustworthy electoral process.

The findings presented by the CDD below include both technical and broader evaluations and recommendations of the 2018-2023 elections held using different types of electronic means, which we believe are essential to the orderly and transparent conduct of the 2024 elections.

The document presents a number of findings/challenges that, according to our observation, accompanied the introduction of electronic technologies in the election process. It is clear that challenges are an accompanying part of the election process, especially when new technologies are introduced, it is in this process that it is important that the election administration be open, flexible and effective in receiving, understanding and implementing recommendations and do everything to establish and develop good practices so that the credibility of the process is not damaged. The election administration should make effective and efficient efforts to ensure a thoughtful and result-oriented working environment with the involved parties.

MAIN FINDINGS

■ The initiative to conduct elections using electronic means led to the modification of electoral constituencies and precincts. The maximum number of registered voters at the polling precincts has increased from 1,500 to 3,000. Unification of polling precincts and redistribution of voters to new polling precincts caused some confusion among voters. Our observation indicates insufficient voter information regarding polling precincts locations and voting procedure changes, contributing to voter uncertainty, which significantly impacts confidence in the electoral process.

■ Insufficient polling room space has always been a challenge for both the election administration and voters and stakeholders. The mentioned issue became even more noteworthy in the conditions of the use of new electronic technologies, since the insufficient space of the voting room, lead to voter queues, process delays, and potential breaches of voting secrecy. According to the good practice guidelines, „the state should provide the necessary space for the voting process".

■ The construction of the existing voting booth should be reviewed. A person standing near the voting booth, if desired, can easily identify the choice made by the voter, especially at polling precincts with a small area. Observations suggest that the booth›s structure allows individuals nearby to potentially see a voter›s choices, especially in smaller spaces. This could lead to undue pressure on voters and compromises the fundamental principle of elections - the secrecy of the vote.

■ When using electronic technologies in the election process, it is important to observe the principle of secrecy of voting. The right to vote by secret ballot is one of the necessary conditions for the voter›s freedom. According to the results of our observation of the last elections, the implementation of secret voting was one of the important challenges related to the observance of the principle of secrecy of voting, both in the voting booth and with the special machine for counting votes.
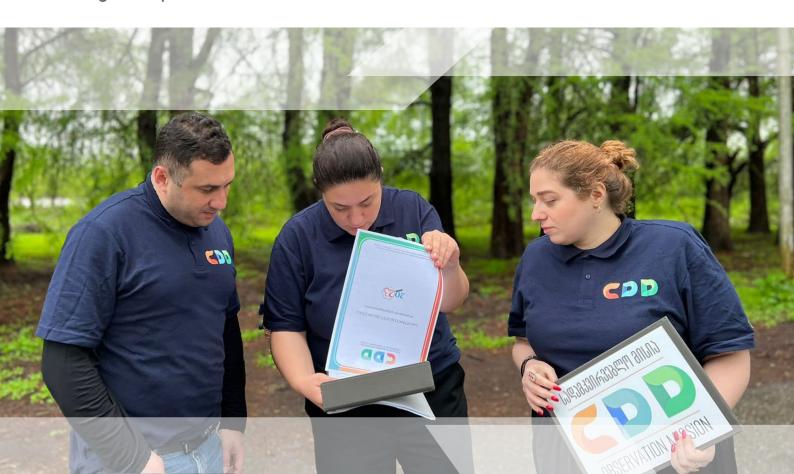
■ The effective use of electronic technologies in the voting process requires specific technical skills on the part of the heads/members of the commission and other authorized persons, the lack of which significantly hinders the thorough and timely implementation of the procedures. In some cases, the precinct election commissions could not ensure the independent management of the voting process using electronic technologies and related risks, which, given the scale of the process in 2024, without proper training and effective management of the commissions, may become an even bigger challenge.

■ Due to the use of electronic technologies, the voting day procedures are quite congested and some of them are carried out simultaneously, which, leads to a sense of chaos and hinders proper carrying out of the procedures. Observations from recent elections have noted inconsistencies in actions and practices across polling precincts, particularly in opening of the polling precincts, voting, and vote counting processes, which diverge from established CEC rules.[3]

■ The introduction of new electronic technologies also led to changes in the rule of the invalidity of the ballot paper, and the current norm in the law, referring to „coloring and/or marking" of the circle in the ballot paper, in our opinion, causes some ambiguity. There have been several cases where only one tick near the circle was considered invalid. At the same time, the commission was limited in its authority to discuss and vote on the validity of each ballot, which, in our opinion, requires additional regulation. It is clear that the goal of the legislator/election administration is to bring the results counted in the traditional manner as close as possible to the results identified by the vote counting machine, however, the fact that in the electoral history of Georgia, voting was done mainly by traditional method by circling, and in the conditions of the use of electronic technologies, ballots were still marked in the traditional manner, where the voter›s will was clearly expressed. According to

3 See in detail „Main findings and recommendations regarding the use of electronic technologies in the electoral process", Center for Development and Democracy (CDD), 2023. https://cdd.ge/uploads/files/2023-07/1689446185_-misia-2023-geo.pdf

international election standards, the election results must accurately reflect the will of the voters and the principle of free voting must be respected. According to the guidelines of the Code of Good Practice, „in case of doubt, the commission should try to determine the voter›s intention".

- The adoption of electronic technologies in elections affected various voting day procedures, notably in the handling and transfer of election materials and equipment from polling precincts to District Election Commissions post-voting. There was inconsistency in how inventory was received by district commissions, and issues were noted in the storage and documentation of electoral equipment and ballots. Instances were recorded where equipment was transferred unsealed, without proper inventory accounting, involving numerous individuals in warehousing, whose identification by the monitoring organization was impossible.

- Although the introduction of modern technology has its advantages, the use of technology without the principles of transparency, publicity and inclusiveness, especially in a polarized environment, may threaten the electoral process and the general public's confidence in the election results.

■ Although the new electronic technologies changed the traditional voting methods and somewhat simplified a number of election procedures, due to the small scale of the elections, there were still queues of voters at the polling precincts, which considering the scale and context of the 2024 elections, represents a significant challenge in the conditions of the enlargement of the polling precincts. International practice shows that when voters see long queues at polling places, in some cases they refuse to vote, which is a significant problem.

■ Effective voter education is crucial for garnering trust from voters and civil society, impacting election integrity. However, electoral laws lack clear directives on civic and electoral voter education or the responsible entities. Despite efforts in information campaigns and education by election authorities, informing citizens about new electronic technologies and related procedural changes, particularly among regional populations and vulnerable groups, remains challenging.

■ The experience of the elections held in the past years has made it clear that disinformation/misinformation is being spread actively and purposefully, especially in the pre-election period and mostly using social media. In some cases incorrect and process-damaging statements are made regarding the use of electronic technologies in elections, which in our opinion, poses a serious risk.

RECOMMENDATIONS

LEGAL FRAMEWORK

■ To address the challenges identified in the process of introduction of new electronic technologies, it is recommended to improve the electoral legislative framework, ensure its comprehensiveness and bring it into line with international best practices. According to the current legislative approach, the electronic vote counting technology (the so-called scanner) used in the voting process, despite the clearly expressed will of the voters, recognizes the ballot only if the corresponding circle in front of the name of one electoral subject is colored and/or marked and considers ballots marked in traditional ways, on which the voter›s will can be clearly expressed, as invalid. Although the results counted by the machine has the character of preliminary results, this approach potentially violates the constitutional rights of voters. Electoral reform, among other important issues, should address the issue of invalidity of ballots and define stronger guarantees for the protection of the voter›s will during vote counting. Such an approach should include clearer legal definitions around the marking of ballots, and at the same time, election commissions should be allowed to discuss and decide the validity of the ballot in disputed cases to determine the intention of the voters, thus protecting the constitutional rights of voters and the principle of free voting. These changes will help bridge the gap between technological accuracy and the true reflection of the will of voters, which will strengthen the integrity and credibility of the electoral process.

■ It is important to define by legislation stronger guarantees for the protection of the secrecy of voting using electronic means. All necessary measures must be taken by the election administration to ensure the secrecy of the vote.

■ It is important to develop a data privacy and technical security policy in the process of using electronic technologies. It is necessary to define by law guarantees of protection of privacy and security and criminal sanctions in case of misuse of electronic technologies.

PLANNING AND IMPLEMENTATION

- Selecting an accessible building for electronic voting is crucial, considering geographical barriers and the voter's travel time. The voting room should be spacious enough for procedure accuracy, voter privacy, and safe movement, with proper ventilation to enhance the voting environment.

- Although the CEC has a map of polling precincts, it is important to improve it by effectively using the navigation function of the Google map search engine and mobile applications, which will allow voters and parties involved in the elections to easily identify polling precincts.

- The recruitment of support staff (special groups) by the election administration aimed at facilitating the work of precinct election commissions on the election day had a positive effect on the process. However, we believe that mobilizing the required number of human resources for the upcoming national elections is a difficult logistical challenge, and therefore developing effective mechanisms for assembling such teams and implementing a training program is crucial for future electoral success.

- It is important that information about the serial numbers of special vote counting machines, as well as information about the schedule of testing and sealing of the machines, be made public by district and precincts, as is the practice in foreign countries.

TRAININGS AND VOTER EDUCATION

- Defining the election administration›s role in voter education and information in Georgia›s legislation is crucial. Enhancing political parties, media, and civil society organizations› involvement in this educational process, through cooperation with election authorities and international donor support, is necessary. Ensuring that electoral information meets the diverse needs of society and is accessible to all societal groups is vital for an informed electorate.

■ The election administration must mobilize all its resources to provide the general public with comprehensive information on voting procedures and the use of new electronic technologies. Such efforts, in addition to the use of mass media, may include a long-term information campaign in satellite locations (shopping malls, public transport, mass gathering places, etc.), as well as effective activities focused on encouraging voters, which will ensure the reduction of confusion and increase participation on election day.

■ Implementing advanced and alternative voter card distribution methods is crucial. Options such as digitalization and electronic delivery, along with SMS services, can enhance accessibility and efficiency in reaching voters.

■ Although the Election Administration of Georgia implements a multi-stage profile training program for election commission members for each election, it is important to pay special attention to proper and comprehensive training of all election commission members, with practical and digital/technological skills development component, using electronic technologies in connection with all voting day procedures. At the same time, developing and implementing effective programs focused on the development of skills necessary for the implementation of election technologies, both for the administration officials and for the involved parties is vital. According to the guidelines of good practice, „properly trained personnel are necessary for the preparation and conduct of elections".

■ We positively evaluate the introduction of mandatory certification for the members of the Precinct Election Commission, which was repeatedly mentioned in our recommendations, however, developing effective training participation mechanisms for commission members is crucial to reduce procedural misunderstandings on Election Day. Additionally, selecting commission members should also consider their technological proficiency to ensure effective use of election technologies.

VOTER REGISTRATION

■ It›s crucial for the Ministry of Justice of Georgia and related entities to orchestrate and execute campaigns aimed at updating non-electronic identity documents of citizens at no cost. This ensures that voters› rights are not impeded due to outdated or incorrect documentation on election day.

■ It is important to expand the mandate of monitoring organizations and give observers the opportunity to monitor the process of loading of the voter lists intended for precinct election commissions into voter verification machines.

VOTING PROCEDURES AND ELECTION DAY

■ Reflecting on past election experiences, observation organization insights, and international best practices, it's essential to precisely and comprehensively outline electronic voting procedures in electoral laws or regulations. This clarity will prevent misinterpretations and ensure uniform application across processes.

■ The introduction of electronic technologies created the need for additional space, logistics/transportation services and management, therefore it is important to define in detail the so-called Contractual obligations of „warehouses" and logistics/transportation services, and in case of need for all additional links (warehouse, district election commission space, etc.), it is necessary to develop clear regulations for sorting sensitive documentation and equipment. At the same time, it is important for the stakeholders to have the opportunity to continuously observe the mentioned process.[4]

■ It's crucial for the election administration to draw from international practices to devise a more effective strategy for managing voter queues and regulating traffic flow at polling precincts. This approach aims to prevent voter turnout issues caused by overcrowding, ensuring a smoother voting experience for all participants.

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4 See in detail „Main findings and recommendations regarding the use of electronic technologies in the electoral process", Center for Development and Democracy (CDD), 2023. https://cdd.ge/uploads/files/2023-07/1689446185_-misia-2023-geo.pdf

ELECTION RESULTS

- Implementing QR codes on the final results sheet is beneficial, enabling monitoring organizations and political parties to consolidate and verify election outcomes promptly and efficiently, a method already utilized in various international contexts.

- Ensuring the reliability of election results is crucial. Establishing a system such as a parallel server for accredited monitors to oversee and verify polling precinct data is a strategy used internationally. Additionally, the election administration should develop and share a detailed schematic diagram showing the flow of information from precinct election commissions to all relevant stakeholders, enhancing transparency and trust in the electoral process. Good practice guidelines require that „results be communicated in an open and robust manner...the robustness of the system must be guaranteed."

THE POST-ELECTION PERIOD

- Engaging in comprehensive and inclusive public discussions about the use of electronic technologies and other electoral elements after the election is vital. Such dialogues facilitate the identification of challenges, enhance technological application, and bolster both electoral integrity and public trust.

- Developing and implementing targeted training programs for all electoral stakeholders, including political parties, media representatives, and both local and international observers, is crucial. These initiatives should aim to enhance understanding and effective engagement with the electoral process, particularly focusing on the informed use of electronic technologies.

- It is important that essential and principled issues related to the use of electronic technologies in the election process be regulated by the Election Code and not by the CEC resolution, which will create a solid guarantee of the integrity of the elections and ensure the increase of public trust in the system.

- Election administrations needs to enhance their capabilities to counteract disinformation and safeguard electoral processes against harmful interference. This involves ongoing monitoring, analysis and debunking of false or misleading information about electoral campaigns and procedures. Developing a more effective strategic communication plan, in partnership with strategic allies, is essential. Additionally, launching accurate and engaging information campaigns through online platforms and modern technologies is crucial to disseminate truthful and correct information, thereby bolstering the electoral integrity and public trust.

ISSUES RELATED TO EFFECTIVE USE OF ELECTRONIC TECHNOLOGIES

- Incorporating electronic technologies in elections necessitates consideration of geographical and environmental factors such as humidity and climate conditions. Acknowledging these elements can significantly mitigate the risk of equipment malfunctions, ensuring smoother and more reliable electoral processes.

- After the end of the vote counting procedures, during the so-called data transferring process a using the tablet, there was a network interruption and server congestion, which prevented the transfer of information. Although in the case of a small number of precincts, the mentioned process did not have a significant impact on the timely publication of the results, however, in the general elections, the mentioned circumstance can be a significant hindering factor . To mitigate the risk, it is recommended to enhance the technological infrastructure, including network performance, boosting server capacity and providing backup systems in case of failure.

- Ensuring transparency at polling precinct requires detailed documentation and public access to information on all used technical equipment (like electronic devices, tablets, memory cards, and network devices). This includes clear explanations of their functions, specifications (such as ports and outputs), standards for ballot counting, and what information is displayed during the process, etc.

■ It is important to develop technical and/or any other type of regulation, which will describe in detail the procedures for assembling/disassembling and synchronizing electronic devices, safety issues, response plan in case of failure, etc. We believe that the existence of similar technical norms and rules is important for the uniform management, monitoring and evaluation of the process, which in turn ensures the reduction of the risks of manipulating the process and spreading of misinformation.

■ In anticipation of future elections where vote counting machines exclusively determine results, it›s recommended to implement a Voter-Verified Paper Audit Trail (VVPAT). This system, already adopted in various countries, enables manual verification of electronic counts through a reliable, pre-established audit methodology, enhancing the transparency and trustworthiness of electoral outcomes.

AVAILABILITY OF VOTING TECHNOLOGIES

In order to ensure the effective and inclusive implementation of electronic technologies on election day, we recommend integrating best international practices, particularly those emphasizing accessibility and inclusivity for voters with disabilities. This entails establishing comprehensive accessibility standards aligned with international norms and actively engaging with disability rights advocates and organizations throughout the design and implementation phases. Additionally, conducting pilot testing of electronic technologies in diverse settings, allows for the identification of barriers and the refinement of accessibility features. Continuous monitoring and evaluation mechanisms further ensure compliance with accessibility standards and enable prompt action to address emerging challenges for upcoming elections. By adopting these practices, electoral administration can guarantee that electronic technologies promote equal access and participation for all voters, thereby upholding the principles of democracy and ensuring the integrity of the electoral process.

MANDATE OF THE OBSERVATION ORGANIZATIONS IN THE PROCESS OF OBSERVING ELECTIONS CONDUCTED USING ELECTRONIC TECHNOLOGIES

The use of electronic technologies in the election process has created the need to implement new procedures/election measures, which need to be conducted in a transparent manner to ensure trust and integrity in the election process.

Unfortunately, the legislation does not define the mandate of the monitoring organizations in the process of observing elections conducted using electronic technologies, which allows for misinterpretation and is a significant obstacle to the implementation of complete and full-fledged observation.

In this context, the observers of the CDD faced a significant resistance, which was related to the so-called reception/sorting of election documentation/inventory/equipment and observing of the digitalization of the election ballots by the district election commissions. In connection with this, the organization submitted a relevant statement/complaint to the CEC, which resulted in an unfortunate precedential decision by CEC, which, represents a threat in terms of restricting the rights of observers in future.[5]

It should be noted that The Election Code obliges the Election Commission to create all the conditions for the observers to be able to exercise their authority in relation to all the procedures in the Election Commission.[6] At the same time, it is noteworthy that the observation of a similar activity/process during the elections held in the past years was never questioned and has never been restricted by the election administration. On the contrary, similar issues were an example of good practice of cooperation and openness between the monitoring organizations and the election administration. Restrictions

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5 See the complaint submitted by CDD to the election administration and the corresponding decision https://sachivrebi.cec.gov.ge/#/363451
6 Organic Law of Georgia „Election Code of Georgia", Article 41, Paragraph 5.

from election administration, rooted in misinterpretations of law amid the integration of new technologies and heightened public interest, raise concerns, and are viewed as a deviation from best practices.

Aligning with international practices, it›s vital to precisely define the mandate and powers of the monitoring organizations in the elections held using electronic technologies, both in terms of full monitoring of the established procedures, as well as monitoring of the technical and software functionality of the equipment. Civil society organizations should be given the opportunity to observe the election process and the work of the administration outside the election commission sessions, during the full election cycle.