

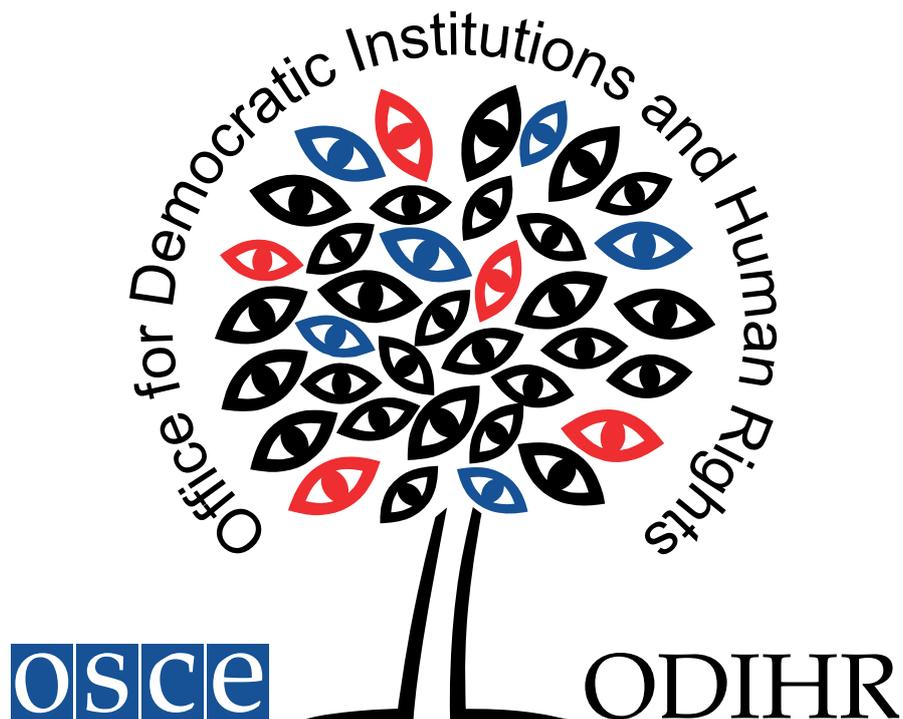


Office for Democratic Institutions and Human Rights

# GEORGIA

**LOCAL ELECTIONS**  
**2 and 30 October 2021**

**ODIHR Election Observation Mission**  
**Final Report**



Warsaw  
8 April 2022

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**GEORGIA**  
**LOCAL ELECTIONS**  
**2 and 30 October 2021**  
**ODIHR Election Observation Mission Final Report<sup>1</sup>**

## **I. EXECUTIVE SUMMARY**

Following an invitation from the Ministry of Foreign Affairs of Georgia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) to observe the 2 October 2021 local elections, and remained in the country to follow the second round contests on 30 October. The ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. For the first round election day, the ODIHR EOM was joined by delegations from the Congress of Local and Regional Authorities of the Council of Europe and from the European Parliament (EP) to form an International Election Observation Mission (IEOM). For the second round the EOM was joined by a delegation from EP.

In its Statement of Preliminary Findings and Conclusions issued on 3 October 2021, the ODIHR EOM stated that “the 2 October local elections were generally well-administered but held against the backdrop of a protracted political crisis and characterized by hardened polarization. Contestants were able to campaign freely in a competitive environment that was, however, marred by wide-spread and consistent allegations of intimidation, vote-buying, pressure on candidates and voters, and an unlevel playing field. The legal framework is generally conducive to democratic elections and preparations for the elections were transparent and professionally managed. The overwhelming focus on national issues and the impact of the elections on national politics overshadowed local issues. The diverse media landscape was highly polarized and provided little analytical reporting and selective coverage, further limiting the voters’ ability to make an informed choice, and cases of intimidation and violence against journalists were of concern. Significant imbalance in resources, insufficient oversight of campaign finances and an undue advantage of incumbency further benefited the ruling party. The underrepresentation of women in the campaign demonstrates a need for greater commitment to ensure adequate representation in politics. Election day proceeded in an orderly and transparent manner, despite some procedural issues, particularly during counting, however, the pervasive misuse of citizen observers as party representative, at times interfering with the process, and groups of individuals potentially influencing voters outside some polling stations were of concern.”

Run-offs took place on 30 October for the election of mayors in five self-governing cities and 15 municipalities, as well as for 42 seats in 24 local councils. In its Statement of Preliminary Findings and Conclusions issued on 31 October, the ODIHR stated that “the second round of the local elections was generally well administered but continued polarization coupled with escalation of negative rhetoric adversely affected the process. The campaign was competitive and had a prominent national focus, overshadowing local issues. Candidates were generally able to campaign freely, but allegations of intimidation and pressure on voters persisted. Sharp imbalances in resources, and an undue advantage of incumbency further benefited the ruling party and tilted the playing field. The transparency and accountability of campaign finance were reduced by insufficient oversight. Private television channels continued to demonstrate a high level of polarization and clear bias, limiting the voters’ ability to make an informed choice. Election day was generally calm and well administered, with a few instances of confrontation between party supporters outside polling stations. Voting and counting were overall assessed positively despite some procedural issues, particularly during counting. However, the persistent practice of representatives of observer organizations acting as party

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<sup>1</sup> The English version of this report is the only official document. An unofficial translation is available in Georgian.

supporters, at times interfering with the process, and groups of individuals potentially influencing voters outside some polling stations were of concern.”

The elections took place against the backdrop of a protracted political crisis between the ruling Georgian Dream party (GD) and opposition parties, which led to a deadlock following the 2020 parliamentary elections because the opposition deemed the process as flawed. A political agreement reached on 19 April 2021 provided for electoral and judicial reforms and foresaw early parliamentary elections in 2022 if the ruling party did not reach 43 per cent of the votes in the local elections. Two opposition parties did not sign the agreement, and GD withdrew from it at a later stage. This increased the focus on national politics at the expense of local issues. Calls by the opposition for early parliamentary elections and the arrest of the former President Mikheil Saakashvili on the eve of the first round of elections further intensified the competition and widened the schism between the governing party and the opposition.

The legal framework provides an overall adequate basis for the conduct of democratic elections, if implemented in good faith. However, it is unnecessarily complex and contains gaps and inconsistencies. The Election Code was last amended in June 2021 in implementation of the 19 April agreement, however, a comprehensive review of the legislation has not taken place. The amendments modified the composition and appointment of election commissions, introduced a higher proportional component for local elections, extended the timeframes for dispute resolution, introduced mandatory random recounts and additional measures to address voter intimidation and the misuse of state resources. These changes partially addressed several ODIHR and Venice Commission recommendations. However, a number of previous ODIHR recommendations remained unaddressed, including those related to other aspects of electoral dispute resolution, criteria for granting and conducting recounts, as well as further measures relating to the transparency of campaign finance and countering the misuse of state resources.

Overall, the election administration managed the technical aspects of the process in a competent and transparent manner and complied with legal deadlines, amid necessary adjustments related to the COVID-19 pandemic. The new pluralistic composition of the Central Election Commission (CEC) contributed to improving the trust in the process among stakeholders and enhanced the level of discussion at its sessions, which were also streamed live for the first time. However, trust in the impartiality of district and precinct election commissions (DECs and PECs) continued to be low due to the procedure for the election and appointment of their members, the alleged influence of the ruling party on the commissions, and the handling of post-election complaints by DECs.

Voter registration is passive, and centralized, and authorities continuously improve the accuracy of the voter list. Voters had ample possibilities to verify their registration data and request corrections. Citizens with expired identification documents or missing photos in the civil registry did not have the right to vote. The final voter lists contained 3,497,345 voters which were eligible to vote for the first round, and some 2,090,000 voters were eligible to vote in the areas where run-offs were taking place. Most ODIHR EOM interlocutors expressed confidence in the accuracy of the voter lists.

In an inclusive manner, the election commissions registered 239 mayoral candidates, 2,769 majoritarian, and over 20,000 proportional candidates nominated by 43 parties and 68 initiative groups. However, many opposition candidates withdrew from the competition, a number of them reportedly under pressure from the authorities. The CEC adopted two decrees narrowing legal conditions for deregistration with the effect of preventing the impending deregistration of candidates for incomplete documents and of candidate lists falling below the required minimum number of candidates.

Women are underrepresented in public office holding only 19.3 per cent of seats in the parliament, 15.5 per cent of the seats in outgoing local councils, and 4 out of 13 ministerial posts. Out of 64 outgoing mayors, one was female. Only one in ten mayoral candidates and one in seven majoritarian candidates were women. Candidate lists for proportional seats are legally required to have at least one in every three candidates of the opposite gender, and women's share on proportional lists reached 42.5 per cent overall. Women did not feature prominently in the campaign, with a few notable exceptions, mainly in the capital.

The campaign was low-key overall but marked by offensive rhetoric and negative campaigning. Most candidates met by the ODIHR EOM stated that they had the ability to campaign freely, including in minority languages, however, pressure on candidates persisted and isolated cases of violence and verbal and physical confrontations intensified closer to election day of both rounds. Wide-spread and consistent reports of vote-buying, misuse of administrative resources, intimidation and pressure were made by voters, candidates and political parties in the run up to both rounds. This raised concerns about voters' ability to cast their vote "free of fear of retribution", at odds with OSCE commitments and other international standards. Moreover, a significant imbalance in resources and an undue advantage of incumbency, such as through the announcements of public projects, promises of social benefits and a plan to raise salaries during the election campaign, further benefited the ruling party.

The Constitution grants national minorities full political rights and prohibits discrimination on national, ethnic, religious or linguistic grounds, as well as political parties propagating ethnic strife or based on a territorial principle. The election administration provides ballot papers, voter information and polling staff training in minority languages. Several candidates belonging to national minorities ran as mayoral and municipal council, mostly in minority-populated areas. Yet, national minorities remained underrepresented in the elections compared to their population size.

The campaign finance legal framework is comprehensive but a number of previous ODIHR and GRECO recommendations remain to be addressed, including those related to lowering the limits on donations and spending, and strengthening oversight. As required by law, the reports submitted by the contestants were published by the SAO in a timely manner. According to the published reports, the ruling party received and spent some 70 per cent of the total income and expenditure declared by all contestants throughout the campaign, which further tilting the playing field. The SAO conducted some investigations on possible irregularities but opined that it is not sufficiently independent to conduct oversight and not able to identify unreported income and expenditure. Overall, the legislative shortcomings and limited enforcement of the regulatory framework negatively impacted the transparency and accountability of campaign finances.

The media environment is diverse but marked by intense polarization mirroring the political context. Many national private television channels either openly support the ruling party or display a clear bias against it. The media legal framework provides a sound basis for ensuring freedoms of expression and media rights. However, the deterioration of the media environment raised concerns about journalists' ability to function in a safe and secure environment as seen by recent cases of intimidation and threats against journalists and the lack of swift and thorough investigation. The ODIHR EOM media monitoring showed that the coverage provided by national television channels mostly focused on the GD, the United National Movement (UNM) and the government, and provided limited presentation of political alternatives. Between the first and second round, the main private television channels increased their levels of bias, amounting to manifest partisan activism. Most of the media coverage was focused on mutual attacks and accusations, with limited coverage dedicated to policies in general or issues of local interest, detracting from voter's ability to make an informed choice.

The CEC registered 88 national and 52 international observer organisations in an inclusive manner. Several well-established national observer groups published extensive interim and post-election

reports, contributing to public information about the process. The practice of political parties abusing the observation framework to artificially increase their presence in polling stations persisted and was widespread. This was compounded by campaigns, including online, targeting domestic observers by publishing lists of allegedly pro-opposition and pro-government observer groups. This contributed to the overall perception that many of them were used for partisan purposes, undermining genuine observation efforts and negatively affecting public confidence in the role of observers.

The 2 October election day was assessed as overall calm and conducted in a transparent manner, and ODIHR observers assessed the opening and voting procedures positively in the overwhelming majority of polling stations observed, however, they reported instances of overcrowding which challenged adherence to the COVID-19 related rules. Observers also noted some procedural issues during counting, and difficulties filling in results protocols. On 30 October, the second round of elections was assessed as generally calm and well administered, with a few instances of confrontation between party supporters outside polling stations. Observers also assessed voting and counting positively overall despite some procedural issues, particularly during counting. In both rounds, observers highlighted with concern the practice of representatives of observer organizations acting as party supporters, at times interfering with the process, as well as the intimidating presence of party supporters and coordinators potentially influencing voters outside some polling stations. After both rounds the CEC promptly published preliminary results as well as individual PEC result protocols, contributing to the transparency of the process.

After the first round, an unprecedented number of 811 PEC results were recounted by DEC's. These recounts overall confirmed the initial results but led to minor changes, including in two local council seats where the results changed in favour of the ruling party. While these recounts generally provided an additional layer of scrutiny to the tabulation process, insufficient guidelines and a lack of an explicit requirement to recount the signatures on voter lists led to inconsistent approaches, diminishing the accountability of the process. The 274 recounts conducted after the second round did not affect the preliminary results. For the first time, the CEC published the full disaggregated results of both rounds in user-friendly spreadsheets, enhancing the transparency of the results management.

The dispute resolution mechanisms overall provide for an expedient process but require additional safeguards to ensure effective remedy. Several ODIHR EOM interlocutors expressed a lack of trust in the election commissions, courts and law enforcement bodies to impartially and effectively handle election-related complaints. Recent amendments partially addressed some previous ODIHR recommendations, including by simplifying the dispute resolution process and extending the timeframes for filing and reviewing complaints. However, other ODIHR recommendations remain pending, including those related to broader legal standing, criteria for granting and conducting recounts, and the conduct of effective investigations. In total, some 2,500 complaints were filed, mainly relating to counting and PEC results protocols. The election administration and courts considered most of the complaints on the merits and within legal deadlines. Most complaints reviewed were rejected as unsubstantiated.

Following the second round the UNM and some other opposition parties declared the elections fraudulent and began protests in different cities renewing the demand for snap elections and release of Mr. Saakashvili. A certain number of opposition Members of Parliament (MPs) announced that they would boycott the parliament, and a two requested their mandate be terminated.

This report offers recommendations to support efforts to strengthen the framework for the conduct of elections in Georgia in compliance with OSCE commitments and other international obligations and standards for democratic elections. The ODIHR EOM priority recommendations focus on improving the impartiality of election commissions, addressing intimidation and pressure on voters and

candidates, as well as improving the level playing field. ODIHR stands ready to assist the authorities to address the recommendations contained in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Ministry of Foreign Affairs of Georgia to observe the 2 October 2021 local elections, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 26 August. The ODIHR EOM was headed by Ambassador Albert Jónsson and consisted of 13 experts based in Tbilisi and 30 long-term observers (LTOs) deployed throughout the country for election day on 2 October, and 12 experts and 16 LTOs for the second round on 30 October. The ODIHR EOM members remained in country until 9 November to follow post-election day developments.

For the first round election day, the ODIHR EOM was joined by delegations from the Congress of Local and Regional Authorities of the Council of Europe and the European Parliament (EP) to form an International Election Observation Mission (IEOM). For the second round the EOM was joined by a delegation from EP. The three institutions have endorsed the 2005 Declaration of Principles for International Election Observation. The IEOM deployed 302 observers from 32 OSCE participating States on 2 October, and 149 observers from 32 OSCE participating States on 30 October.

The ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows Statements of Preliminary Findings and Conclusions that were released at press conferences on 3 and 31 October.

The ODIHR EOM wishes to thank the authorities of Georgia for their invitation to observe the election, and in particular the Central Election Commission (CEC) and Ministry of Foreign Affairs for their assistance. It also expresses appreciation to other state institutions, the judiciary, political parties, media, civil-society organizations, international community representatives, and other interlocutors for their co-operation and for sharing their views with the mission.

## III. BACKGROUND AND POLITICAL CONTEXT

In the 2 October local elections voters could elect mayors and the members of local councils (*Sakrebulo*s), in five self-governing cities, and 59 municipalities. A second round was held on 30 October to elect the mayors in five self-governing cities and 15 municipalities, as well as 42 members of 24 local councils elected in majoritarian districts.

The election process unfolded against a backdrop of deep polarization between governing and opposition parties and a protracted political crisis. Following the first round of the 2020 parliamentary elections, the opposition rejected the results, alleging fraud, and boycotted the second round.<sup>2</sup> Opposition parties refused to take their seats in the parliament, demanding new elections.<sup>3</sup> The

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<sup>2</sup> Following the 2020 parliamentary elections the parliament was composed of: Georgian Dream (GD), 90 mandates; Election bloc-UNM – United Opposition “Strength is in Unity”, 35; European Georgia (EG), 5; Lelo, 4; Strategy Aghmashenebeli (SA), 4; Alliance of Patriots (AoP), 4; Girchi, 4; Citizens, 2; and Labour Party (LP), 1. In 2018, the independent candidate, Salome Zourabichvili, won the presidential election, becoming the country’s first female president.

<sup>3</sup> The European Socialists (ES) and Citizens reached an agreement with the ruling party in January 2021 on entering the parliament.

political deadlock was further intensified by the arrest of the United National Movement (UNM) chairperson in February 2021 for inciting violence in protests in June 2019.<sup>4</sup> On 19 April 2021, following a negotiation mediated by the European Union, an agreement on electoral and judicial reform was reached. One of the clauses provided that early parliamentary elections were to be held in 2022 should the ruling party fail to reach 43 per cent of the proportional votes in the 2021 local elections.<sup>5</sup> Following the agreement, most opposition members took their mandates in parliament.<sup>6</sup> On 28 July, GD withdrew from the agreement, stating that they had fulfilled each clause and that a number of opposition MPs did not sign the agreement.<sup>7</sup>

The return and arrest of the former President Mikheil Saakashvili on the eve of the first round of elections had a significant influence on the political discourse.<sup>8</sup> A number of rallies were held calling for his release and the mobilization of his supporters for the second round. Groups opposing him held counter-rallies. These developments, coupled with the enhanced focus on national politics intensified the competition, hardened the political discourse and widened the schism between the ruling party and the opposition. Ahead of the second round, the UNM called on all opposition parties to support opposition candidates, irrespective of which party they represented. Some parties heeded the call and encouraged their voters to vote for any but the ruling party, while others decided not to back any party or candidate.<sup>9</sup>

Women are generally underrepresented in public office and held 19.3 per cent of seats in the parliament, 15.5 per cent of the seats in outgoing local councils, and 4 out of 13 ministerial posts in the government.

#### IV. LEGAL FRAMEWORK

The elections are primarily regulated by the 1995 Constitution, the 2011 Election Code, the 1997 Law on Political Unions of Citizens (LPU), supplemented by regulations of the CEC.<sup>10</sup> Georgia is party to major international and regional instruments related to the holding of democratic elections.<sup>11</sup> The legal framework provides an overall adequate basis for the conduct of democratic elections, if implemented in good faith. However, it is excessively complex and over-regulates several aspects of

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<sup>4</sup> The protests started after a member of the Russian Duma spoke from the Georgian Parliament speaker's chair, during a meeting of the Inter-Parliamentary Assembly on Orthodoxy on 20 June 2019. The UNM chairperson Nikanor Melia was released on 10 May 2021 after the European Union posted his bail.

<sup>5</sup> See 19 April 2021 [Agreement](#).

<sup>6</sup> Not all parties signed at the time, including the UNM which signed on 2 September.

<sup>7</sup> See GD [political statement](#), 28 July 2021.

<sup>8</sup> Mr. Saakashvili was sentenced in absentia in 2018 for abuse of office and was still facing charges of embezzlement and misuse of power. Upon his arrest, he began a hunger strike to press for his release.

<sup>9</sup> EG, Girchi More Freedom (GMF), Droa, Lelo, Third Force (TF) and Snap Elections-United Georgia Democratic Movement (SEUGDM) agreed to support any candidate running against GD, while Gakharia - For Georgia (GFG), Girchi, ES, Citizens and Ana Dolidze – For People (ADFP) and AoP, did not encourage their voters to support a particular party in the second round.

<sup>10</sup> Applicable provisions are also included in the 2004 Law on Broadcasting, the 1999 Criminal Code, the 1984 Administrative Offences Code, the 1999 Administrative Proceedings Code and the 1999 Administrative Code.

<sup>11</sup> Including the [1966 International Covenant on Civil and Political Rights](#), [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), [2003 Convention against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities](#), and [the 1950 European Convention on Human Rights](#).

the process.<sup>12</sup> It also contains gaps and inconsistencies.<sup>13</sup> Legislative amendments adopted in July 2020 addressed previous ODIHR recommendations to regulate various aspects of run-off elections, the extension of the mandate of election commissions and of the accreditation of observer groups and media outlets, and provided modalities for paid and free airtime.

The Election Code was last amended in June 2021, in implementation of the 19 April agreement.<sup>14</sup> While introducing fundamental changes shortly before the call of the elections is at odds with international good practice, these amendments were adopted with a broad consensus following inclusive consultations.<sup>15</sup> The Working Group for Electoral Reform functioned in 2019-2020 and resumed its work in January 2021, with the participation of civil society organizations (CSOs) and members of the diplomatic community. Most opposition parties abstained from the working group meetings in February, but attended them in May, after signing the 19 April agreement. The recent changes modified the composition and method of appointment of election commissions, extended the timeframes for dispute resolution, and introduced a larger proportional component in the election of local councils and safeguards for Precinct Election Commissions (PEC) result protocols, mandatory random recounts, and additional measures to prevent voter intimidation and misuse of state resources. These amendments partially addressed several previous ODIHR and Council of Europe's Venice Commission recommendations to bring the legal framework further in line with international standards and good practice.<sup>16</sup> However, a number of previous recommendations have not been addressed, including those related to undue limitations on voting rights, several aspects of the dispute resolution process, misuse of state resources and campaign finance.

*To enhance legal certainty and effective implementation, the legislation could benefit from a comprehensive review to remove gaps and inconsistencies and bring it further in line with OSCE commitments, international standards and good practices, well in advance of the next election period and within an inclusive and transparent consultation process.*

## V. ELECTORAL SYSTEM

The mayors and members of local councils are directly elected for four-year terms, the latter under a mixed proportional-majoritarian system. The June 2021 amendments increased the share of the total number of proportionally elected seats nationwide increasing from 970 to 1,404, with the number of majoritarian seats decreasing from 1,088 to 664. To qualify for seat allocation in local councils, party lists had to obtain at least 3 per cent of the valid votes in the municipality (2.5 per cent in Tbilisi). Majoritarian and mayoral candidates with the most votes were elected if they received more than 40

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<sup>12</sup> For instance, those related to technical requirements for candidate registration and election day procedures which could be prescribed by CEC regulations, as well as multiple repetitions of the same legal requirements such as who has to file a complaint, that a complaint must be filed within the legal deadlines.

<sup>13</sup> The Election Code contains provisions that are no longer applicable, and a number of provisions have not been harmonized. For instance, Article 21 still allows DEC's to change the data on PEC protocols without a recount, and repeat voting is still to be held two weeks after the first round, before the dispute resolution process is completed; Article 186.14 does not specify the amount of free airtime that should be allotted by public broadcasters to parties other than the qualified electoral subjects; Article 186.6 refers to the abrogated article 30.12 of the LPU for the determination of electoral subjects eligible for free airtime on regional and local broadcasters.

<sup>14</sup> See Venice Commission and ODIHR Urgent Joint [Opinions](#) on the Draft Amendments to the Election Code of Georgia.

<sup>15</sup> Guideline II 2b of the 2002 [Venice Commission's Code of Good Practice in Electoral Matters \(Code of Good Practice\)](#) states, in part, that "the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election".

<sup>16</sup> See previous ODIHR election observation [reports](#) on Georgia.

and 50 per cent of the votes, respectively. If no candidate garnered the required number of votes, a second round would be held on the fourth Saturday after the elections between the two frontrunners.

The amendments defined the boundaries for 569 of the 664 majoritarian constituencies. As required by law, the ten majoritarian constituencies of the Tbilisi Municipality were delineated by the CEC within five days after the call of elections. District Election Commissions (DECs) delineated the 28 majoritarian constituencies for the remaining four largest cities, as well as some 57 constituencies located in the administrative centres of municipalities. The law does not prescribe criteria for the delineation, which is at odds with international good practice. While delineation was done shortly before elections, no concerns were raised by contestants.<sup>17</sup>

*The delineation of constituencies and seat distribution should be reviewed every ten years, preferably outside election periods, based on clear and objective criteria, in line with international standards and good practice.*

## VI. ELECTION ADMINISTRATION

The election administration comprised of the CEC, 73 DECs and 3,664 regular PECs.<sup>18</sup> Elections were not organized in Abkhazia and South Ossetia. The June 2021 amendments modified the composition of the commissions at all levels, as well as the election of the CEC Chairperson and non-partisan members with the stated aim of enhancing public trust through more inclusive political representation. The number of commissioners at all levels increased from 12 to up to 17 members: 8 non-partisan and up to 9 appointed by political parties.<sup>19</sup> Four CEC members were women.

According to the same amendments, the eight CEC non-partisan members, including the chairperson, were to be elected by the parliament from candidates put forward by the president following the proposal from a ‘competition commission’ composed of CSOs and academia.<sup>20</sup> For their election, a two-third qualified majority was required. If not reached, the commissioners were to be elected through an ‘anti-deadlock’ mechanism of simple majority, with a term limited to six-months instead of five years.<sup>21</sup> The new chairperson and two non-partisan members were elected on 2 August through the ‘anti-deadlock’ mechanism, following three unsuccessful attempts to reach a qualified majority.<sup>22</sup>

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<sup>17</sup> Paragraph I.2.2.v and vi of the [Code of Good Practice](#) recommend redistribution of seats at least every ten years preferably outside election periods. With multi-member constituencies, seats should preferably be redistributed without redefining constituency boundaries, which should, where possible, coincide with administrative boundaries. On 18 September, the Georgian Young Lawyers Association (GYLA) filed a complaint to the Constitutional Court alleging that the law does not establish criteria for the DECs to conduct the delineation of districts and that some majoritarian districts do not ensure equality of the vote. The complaint was still pending review after the second round of elections.

<sup>18</sup> In addition, there were in the first round 70 special PEC for voters in quarantine, as well as 9 in penitentiary institutions. The numbers of the involved DECs and PECs was lower in the second round (*See Election day*).

<sup>19</sup> Previously, the commissions comprised six professional members and six appointed by political parties with factions in parliament in proportion to the results in the last parliamentary election which was criticized due to an actual domination of the ruling party in election commissions.

<sup>20</sup> The amendments narrowed the array of eligible CSOs and introduced academics in the ‘competition commission’, without setting criteria on their share or the selection, hence leaving considerable discretion to the president.

<sup>21</sup> After two failed attempts at two-third majority, two more attempts are taken to achieve a three-fifth majority and then a simple majority.

<sup>22</sup> The former CEC Chairperson resigned shortly after amendments were adopted. The terms of other five non-partisan CEC commissioners are due to expire in 2024 and 2025. A total of seven applications for CEC chairperson were considered by the ‘competition commission’. Four of the five CSO-appointed members of the ‘competition commission’ did not support any of them. Their term expired on 2 February 2022; and they were re-elected through an ‘anti-deadlock’ for further six months.

In line with the amendments, up to nine parliamentary parties could appoint one CEC member each. In case the number of parliamentary parties was higher than nine, priority would be given to those with the highest number of votes in the previous parliamentary elections.<sup>23</sup> The amendments also introduced a position of deputy CEC Chairperson elected from among the members appointed by opposition parties. The new pluralistic composition enhanced the level of discussions at CEC sessions, however some ODIHR EOM interlocutors stated that resorting to the ‘anti-deadlock’ mechanism for selection of CEC members was a missed opportunity for a consensus-based election administration.

The composition of lower-level commissions replicates that of the CEC. In electoral periods, the five permanent DEC members are joined by three non-partisan members selected by the CEC, and up to nine DEC members appointed by political parties. Due to previous criticism from a part of CSOs for insufficient transparency, the CEC live-streamed for the first time interviews with those candidates for non-partisan DEC commissioners with their consent.<sup>24</sup> Some ODIHR EOM interlocutors criticized their selection, as the rules, unlike for CEC and PEC members, do not exclude previous political party appointees from becoming non-partisan members, casting doubts on their impartiality.<sup>25</sup> The recent amendments introduced a requirement of a two-third majority of the CEC members to elect DEC members, however, if this is not reached the candidates can be elected in a second vote by a simple majority without any consequences for the elected commissioner. The amendments also banned replacements of party appointed DEC commissioners later than three weeks before election day, in line with previous ODIHR recommendation. Almost 62 per cent of DEC commissioners were women.

*To strengthen the impartiality of and public confidence in the entire election administration, the selection criteria for appointing DEC members should be further strengthened.*

Despite previous ODIHR recommendations and recent amendments, the timeframes for application and selection of PEC members remained overly compressed.<sup>26</sup> The DEC elected 29,312 non-partisan PEC members from 31,483 candidates in a period of four days, which prevented a meaningful consideration of the candidacies and any genuine competition. In line with the law, 903 candidates were excluded for having been party appointed commissioners in the last general elections.<sup>27</sup> However, the legislation does not exclude those who were previously contestant representatives.<sup>28</sup> Some 59 per cent of the PECs had exactly eight candidates for the eight non-partisan vacancies. Consequently, many ODIHR EOM interlocutors maintained that the process was coordinated by the

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<sup>23</sup> GD, UNM, Lelo, EG, SA, Citizens, Girchi, European Democrats (ED), and ES appointed CEC members. Two temporary rules applicable only ahead of the 2021 local elections deprived two parliamentary parties of the right to nominate CEC members and transferred this right to two other parties. Specifically, in contrast to the general rule, article 196.<sup>1</sup>(2) provides that, should the number of entitled parties be higher than nine, parties would be granted the right to appoint based on the amount of public funding they received. This placed the ED ahead of the LP. Another temporary rule, article 196.<sup>1</sup>(4), provides for the unusual circumstance in which all MPs elected under a party leave that party, and “all of them become members of another party”, in which case their party of origin loses the right to appoint a CEC member. The AoP lost their right to appoint after all of their MPs formed a new ‘ES’ party in January 2021. The AoP appealed against their exclusion from the election commissions appointment process with the Constitutional Court. The case was pending at the time of reporting.

<sup>24</sup> The term of almost half of the permanent DEC members (162 of 365) expired in February 2021: 141 were re-elected (35 for a fourth term) by the previous CEC which was still dominated by the ruling party.

<sup>25</sup> According to CEC data, one third of the current non-partisan DEC members were party appointed members in the past. Previous party-appointed commissioners cannot be nominated for CEC membership for five years; and those nominated by parties in the last general elections cannot serve as non-partisan members of PECs.

<sup>26</sup> The recent amendments opened the possibility for their election anytime until the 46th day before election day. In practice, they were elected between the 49th and the 46th day before election day.

<sup>27</sup> Following the amendments, only non-partisan members can be elected as PEC chair, deputy chair and secretary.

<sup>28</sup> Almost 20 per cent of the non-partisan PEC members were party representatives in 2020 parliamentary elections.

authorities rather than competitive.<sup>29</sup> In many DEC's, some opposition members abstained from voting on PEC candidates or presented dissenting opinions citing concerns that most applicants might be affiliated with the ruling party and that there were series of applications filled out in the same handwriting or sent from the same e-mail addresses.<sup>30</sup> Several ODIHR EOM interlocutors stated that an overwhelming majority of PEC members are public employees, mostly teachers working with one-year renewable contracts, and can be vulnerable to pressure by the authorities.

Moreover, the applicable timeframes for submitting candidacies for PEC membership coincided with the deadline for eligible parties to appoint their commissioners at DEC's. The ability of the parties to effectively oversee the application and election of PEC members was considerably reduced and the selection process was organised solely by permanent DEC members.

*The timeframes for submission of applications and election of PEC membership could be adjusted to allow for proper review of application documents and effective oversight by all DEC members.*

While eligible parties officially filled most of their PEC members quota, several ODIHR EOM interlocutors alleged that some PEC positions were traded and filled by the larger parties.<sup>31</sup> The controversies linked to the selection of PEC non-partisan members largely contributed to a lack of overall confidence in the impartiality of the election administration, especially at lower levels.

The new composition formula for election commissions contributed to a more inclusive political representation in the current commissions. However, the increase in the number of non-partisan members lacks a clear rationale. Moreover, the combination of a fixed number of non-partisan members with an unfixed number of party-appointed members, varying according to the parliamentary election results, provides for an unstable composition in the long term, and offers no guarantee of inclusiveness and partisan oversight.

The election administration complied with the legal deadlines and managed technical aspects of the elections efficiently, amid adjustments in response to the COVID-19. The CEC held regular sessions open to representatives of election contestants, accredited observers and the media, and these were live streamed for the first time. The CEC and DEC decisions, as well as corresponding sessions' minutes were posted online. In consultation with CSOs and party representatives, the CEC adopted several COVID-19-related decrees regulating access to election administration premises, the operations in regular polling stations, and voting in quarantine. The CEC piloted an 'Information Protection Centre' designed to combat disinformation about the election administration in traditional media and on social networks. It produced at times unbalanced reporting targeted against specific media, opposition parties and CSOs. On 23 September, following a statement issued by three online outlets, the CEC issued a response acknowledging technical flaws and erroneous findings.<sup>32</sup>

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<sup>29</sup> On 23 August, the Tbilisi City Court rejected on merits an appeal filed by the UNM against the CEC decision, which contested (1) the lack of access of the UNM appointed member in DEC Krtsanisi to the applications for PECs; (2) the fact that most considered applications were received from only a few email addresses (including 38 from a single address), and (3) that the applicants were not examined for their possible violation of the legislation in the past.

<sup>30</sup> For example, dissenting opinions presented by the UNM commissioners in DEC's: N4 Krtsanisi, N11 Sagarejo, N13 Sighnaghi, N14 Dedoplistskaro, N15 Lagodekhi, N16 Kvareli, N17 Telavi, N19 Tianeti, N21 Gardabani, N24 Dmanisi, N28 Dusheti, N66 Khobi, N83 Khelvachauri or N84 Khulo.

<sup>31</sup> Parties could replace PEC members until four days before the second round. According to the CEC, a total of 4,683 PEC members withdrew or were dismissed before the second round. These included 975 non-partisan and 3,708 party-appointed PEC members. Parties were able to replace 2,666 of the latter, leaving 1,042 positions for party-appointees vacant. Consequently, DEC's had to select a total of 2,017 non-partisan PEC members.

<sup>32</sup> On 24 September, USAID announced that they had decided to terminate their assistance to the Centre.

The training of PEC members was generally well organised, albeit with varying degrees of participation among political party appointees. The CEC training centre offered comprehensive educational programmes to different stakeholders including political parties, female candidates, media, and security forces, and before the second round provided refresher trainings for PEC members including special sessions on drawing up of results protocols. The CEC aired voter information spots on television and radio focusing on election day procedures and COVID-19 safety measures, and targeted voter information was available in minority languages.

## VII. VOTER REGISTRATION

The right to vote is granted to all citizens who have reached 18 years of age by election day. Those serving a sentence for a particularly grave crime and those who have been declared legally incapacitated by a court decision and placed in an inpatient care are disenfranchised.<sup>33</sup> The denial of the right to vote for persons declared legally incompetent by a court on the basis of an intellectual or psychosocial disability is at odds with international standards.<sup>34</sup> Most ODIHR interlocutors expressed confidence in the accuracy of the voter lists.

Voter registration is passive, centralized and continuous. The CEC has the responsibility to compile the final voters lists based on data from the civil registry database maintained by the Public Service Development Agency (PSDA), updated on a quarterly basis, as well as prior to elections.<sup>35</sup> Information about voters is also provided by other responsible institutions, in accordance with the legislation.<sup>36</sup> The PSDA undertook efforts to improve the civil registry database through removing duplicates and records of deceased persons.<sup>37</sup> By law, only those with valid identification documents (ID) are entered into the preliminary voter list, based on their registered legal address or last temporary address in the PSDA database. This provision deprived persons with expired IDs of their right to vote without a possibility to be reintroduced into the voter list with a renewed ID once the PSDA list has been submitted to the CEC.<sup>38</sup> Some 41,000 citizens listed as potential voters in the civil registry were excluded by the CEC from the final voters list for the first round due to a variety of reasons.<sup>39</sup>

Voters had ample opportunity to verify their registration data through several options including by the CEC website and hotline, through 12,780 quick payment terminals, and by checking preliminary

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<sup>33</sup> Particularly serious crime refers to those convicted to 10 years or more, and life sentence. There were 209 persons in inpatient care as of September 2021.

<sup>34</sup> See the [2006 UN Convention on the Rights of Persons with Disabilities](#) which requires that [...] persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected". Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election"

<sup>35</sup> The PSDA conducted a long-term project to clean the civil registry, including by removing duplicates and identifying the deceased voters. The PSDA's list comprised 3,540,609 potential voters as of 15 September.

<sup>36</sup> These included the Ministry of Internally Displaced Persons from the Occupied Territories, Labour, Health and Social Affairs, municipal authorities, Ministries of Defence, of Foreign Affairs, and of Internal Affairs, Special Penitentiary Service, State Security Service of Georgia, and the Agency for State Care.

<sup>37</sup> The CEC removed additional 842 deceased voters between 15 and 25 September after the last updates were received prior to the first round.

<sup>38</sup> According to PSDA, there were 165,500 citizens on the civil registry without valid identification documents as of September 2021. The PSDA had no information about the whereabouts of those persons, but maintained only a fraction of them had their IDs expired recently.

<sup>39</sup> According to the CEC, these included 16,166 citizens with registered addresses only abroad; 22,160 internally displaced persons with addresses only in Abkhazia and South Ossetia; 2,669 persons sentenced for grave crimes, 2,330 voters without addresses or unidentifiable addresses; and 997 persons with missing or poor-quality photos.

voter lists posted at PECs.<sup>40</sup> Voters, registered parties and accredited observer organisations could request updates or corrections in the registration data until 14 September.<sup>41</sup> The final voter lists contained 3,497,345 voters for the first round.<sup>42</sup> The July 2020 amendments mandated the inclusion of voters turning 18 years old in the voter list and the removal of deceased voters' records since the last update prior to the first round. While voters had the same opportunities to verify their registration data as in the first round, the legislation does not allow any other modifications to voters' data before the second round. For the second round a total of 2,088,722 voters were eligible to vote, including 2,069 first time voters.<sup>43</sup>

Special voter lists were compiled for election officials, medical, military and security personnel.<sup>44</sup> Citizens could request voting through mobile ballot box within the electoral district of their registration due to health reasons or work duties. By law, mobile voting requests should not exceed 3 per cent of voters registered in a PEC.<sup>45</sup> ODIHR observers noted an inconsistent approach among DEC's in approving the final mobile voter lists, and representatives of the opposition raised concerns that mobile ballot lists may have been filled by early requests of GD supporters in order to prevent later genuine requests by opposition supporters.<sup>46</sup> In response to COVID-19, the CEC provided special mobile voting in the first round to 3,822 voters in hospitals, 147 in quarantine, and 1,198 in self-isolation; and to 5,730 voters in the second round, including 2,165 in self-isolation.<sup>47</sup> Previous ODIHR recommendations to introduce a secure mechanism for absentee voting remained unaddressed.

## VIII. CANDIDATES REGISTRATION

Citizens having reached 21 years of age who resided in Georgia for more than five years could be elected to local councils.<sup>48</sup> To run for mayor, citizens have to be at least 25 years old, have resided in Georgia for more than five years and have the right to vote.<sup>49</sup> Candidates for mayor and for majoritarian seats in local councils could be nominated by parties or initiative groups of at least five

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<sup>40</sup> According to the CEC, the voter list website had over 1,000,000 visits before the first round.

<sup>41</sup> Following the requests, the data of 190 voters were processed prior to the first round, mainly concerning removals of deceased persons' records. Four political parties, four observer organisations and one initiative group received upon request an electronic version of the voter list

<sup>42</sup> Including 202,035 internally displaced persons with an address in the government control territories, 293,516 voters residing abroad, 51,799 on consular registry.

<sup>43</sup> Almost a half of all voters eligible to participate in the second round were registered in Tbilisi (1,002,525) while in 11 municipalities holding only majoritarian run-offs only 27,865 voters were called to polls (in Lentekhi municipality only 653).

<sup>44</sup> Military and security personnel could vote in municipal elections in their area of deployment if they had resided there for at least six months. According to the CEC data, some 29,000 persons were put on special voter lists in regular polling stations, including 25,495 election officials. In the first round of elections, in nine polling stations established in penitentiary institutions 1,538 persons were registered, and 1,037 voted. The special voter lists were updated for the second round and contained some 18,410 voters.

<sup>45</sup> In the first round 74,556 voters were placed on mobile voter lists, in 26 DEC's their number exceeded three percent of all eligible voters; the proportion of such voters was especially high in mountainous municipalities.

<sup>46</sup> UNM and CSO "Education Labour Union" filed 55 almost identical complaints with the DEC Senaki citing mainly a lack of access to PEC registration books with recorded requests for inclusion in the mobile ballot box list.

<sup>47</sup> Only voters that are registered with the authorities could be added to these lists. Voters in reported self-isolation had to apply for special mobile voting through the CEC hotline between 25 and 27 September for the first, and between 23 and 25 October for the second round. Only those staying in their electoral district could apply.

<sup>48</sup> Paragraph 1.1.c.iv of the [Code of Good Practice](#) states that "the requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities."

<sup>49</sup> The law requires command of Georgian for candidates to the Tbilisi local council which according to the CEC was not enforced in practice. Resignation is required for a number of public office positions before being registered as a candidate.

voters. Candidate lists for proportional seats were legally required to comply with a quota of at least one in every three candidates being of the opposite gender.<sup>50</sup>

In order to nominate candidates, parties and initiative groups had to first register with the CEC and DEC, respectively. Parties that had not been registered for the last parliamentary elections or did not have a parliamentary seat at the time of calling local elections had to present 25,000 support signatures to the CEC.<sup>51</sup> Initiative groups of voters had to provide support signatures for candidacies.<sup>52</sup> These lists were verified against voter list data by commissions set up at the CEC and at DEC in presence of party or candidate representatives.

The CEC registered 43 of the 52 applying parties as well as 68 initiative groups in an inclusive process.<sup>53</sup> The parties and initiative groups registered 239 mayoral candidates (including 12 independents), 2,769 majoritarian candidates (56 independents) and 770 proportional lists comprising of 20,624 candidates.<sup>54</sup> There were 25 female candidates for mayor (10 per cent), 488 for majoritarian seats (17 per cent); as well as 8,767 women on candidate lists (42.5 per cent).<sup>55</sup>

*To promote balanced gender representation at all levels, parties could enhance internal party policies to encourage women's participation and increase the number of women candidates among majoritarian and mayoral candidates.*

Many candidates withdrew prior to election day, a number of them reportedly under pressure from the authorities.<sup>56</sup> In total, 14 entire proportional lists with 328 candidates and another 285 proportional candidates for local councils, a third of them women, withdrew before election day, as well as 102 majoritarian and three mayoral candidates. Altogether 19 political parties and 15 initiative groups withdrew their candidates after their successful registration.<sup>57</sup> The ruling party did not withdraw any candidates. Shortly before the deadline for the final approval of the registration of candidates, the CEC adopted two decrees which narrowed the range of legal conditions that, according to the law, would lead to the deregistration of candidate lists for falling below the required minimum number of

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<sup>50</sup> A quota of 'one-in-two' candidates was introduced in July 2020 but reduced to 'one-in-three' in June 2021. EG challenged the constitutionality of the applicable gender quota alleging that it hindered political participation. On 21 October, the Constitutional Court rejected a complaint filed by the EG against the constitutionality of the gender quota requirement for candidate list registration, and ruled that it only applies to women.

<sup>51</sup> Seven new parties were registered by the CEC through this procedure.

<sup>52</sup> The numbers were defined by the CEC for each majoritarian constituency or mayoral seat separately. In general, it was set at 1 per cent of the registered voters within a constituency, though not fewer than 50 signatures.

<sup>53</sup> Three parties were denied registration due to a missed deadline, insufficient signatures and failure to correct inaccuracies in the registration documentation, one party withdrew its application. After registration, five parties were de-registered for failing to submit the required numbers of candidates.

<sup>54</sup> Only three parties presented mayoral candidates in the majority of municipalities: GD in all 64, UNM in 57 and GFG in 42. Four parties presented proportional candidate lists in all municipalities: EG, GD, GFG and UNM. The number of registered proportional candidate lists per municipality varied from 7 (Adigeni) to 31 (Tbilisi). In six majoritarian electoral districts there was only one candidate (nominated by GD) and in 78 majoritarian districts there were just two candidates.

<sup>55</sup> See paragraphs 166-170 of ODIHR and Venice Commission [Guidelines on Political Party Regulation](#), which underline importance of the internal party rules aiming to enhance women's political participation.

<sup>56</sup> The ODIHR EOM received information and reports, including first-hand accounts, from Adjara, Guria, Imereti, Kakheti, Mtskheta-Mtianeti, Racha-Lechkhumi and Kvemo Svaneti, Samegrelo-Zemo Svaneti, Samtskhe-Javakheti, and Shida Kartli.

<sup>57</sup> These were: Free Georgia, EG, AoP, LP, GFG, Girchi, GMF, Lelo, TF, ES, SEUGDM, Peoples Party, Citizens, UNM, Droa, Georgia, ED, Progress and Freedom (PF), and ADFP.

candidates or for incomplete documentation.<sup>58</sup> This measure prevented the deregistration of a number of candidates, 34 candidate lists and of one political party.<sup>59</sup>

## IX. CAMPAIGN

The official campaign period commenced on 3 August, 60 days before election day. The law provides for equitable campaigning conditions, including access to public premises and places for posting campaign materials. The misuse of administrative resources, including prohibition of public employees campaigning during work hours, and vote-buying is prohibited.<sup>60</sup>

The campaign was competitive with a range of contestants representing different views and most prominent in the media and on social networks. Many parties reduced campaigning door-to-door and in-person meetings given COVID-19 related concerns, with only a few events organized.<sup>61</sup> These included two rallies held by UNM and GD, each gathering tens of thousands of people. ODIHR EOM observers received consistent reports that public employees were instructed by their supervisors to participate in the rally held by GD, raising concerns of abuse of office by the ruling party. Women were not featured prominently in the campaign, with a few notable exceptions, mainly in the capital.

All but two parties participating in the elections were present on social networks, predominantly on Facebook. All parties with representation in parliament posted on a daily basis about their candidates, platforms and campaign activities and all but one used sponsored material. Most mayoral and majoritarian candidates were present online, mainly sharing material from their parties or from media, and generally neutral or positive in tone.<sup>62</sup>

The campaign was calm overall, but marked by escalation of offensive rhetoric and negative campaigning.<sup>63</sup> The two largest parties repeatedly called for each other's demise, and it was commonplace to refer to the opponents as criminals, liars, drug addicts and traitors.<sup>64</sup> Most candidates met by the ODIHR EOM stated that they have the ability to campaign freely, including in minority

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<sup>58</sup> CEC Decree 60 of 7 September 2021 prevented the cancellation of proportional lists that would fall below the minimum number of candidates due to withdrawals of individual candidates. Decree 63 of 8 September facilitated or restored the registration of candidates who failed to submit their photos or copies of IDs, provided those were available in the CEC maintained voter list.

<sup>59</sup> The lists of the following parties would have been otherwise cancelled: TF (8 lists), Free Georgia (5), LP (4), EG (4), Lelo (3), GMF, UNM, ED, AoP (2 each) and GFG and Girchi (1 each). By re-admitting the only Georgian Social-Democratic Party's proportional list (Tbilisi), the party's registration was also renewed.

<sup>60</sup> Civil servants, teachers and staff of charitable organizations are amongst those prohibited from campaigning at all or during working hours.

<sup>61</sup> Many ODIHR EOM interlocutors stated that voters attending campaign events were reluctant to be photographed there, and some alleged that the State Security Services were monitoring the events, including in Tetrtskaro and Batumi.

<sup>62</sup> The International Society for Fair Elections and Democracy (ISFED) conducted [social media monitoring](#) during the campaign, concluding that beyond the official campaign, a largely anonymous one was actively running on Facebook. It concluded that although there were overall more posts against the ruling party than posts discrediting opposition, user interaction in posts against the opposition was significantly higher than against GD.

<sup>63</sup> Ahead of the first round, unmarked billboards depicting opposition politicians, a TV owner, and a journalist implying they had a bloody past, appeared in the largest cities. Ahead of the second round GD and UNM ran videos on social networks and television depicting their opponents as unfit to rule, criminals, liars and as corrupt.

<sup>64</sup> On 13 October, the GD put forward a legislative bill to amend the Election Code and the broadcast law, banning campaign material intended to "create negative attitude towards electoral subjects". The request for expedited process was not granted by the legal issues committee of the parliament. Civil society organisations raised concerns that such a change would constitute restrictions to freedom of expression and media freedom.

languages; however, pressure on candidates persisted and isolated but serious cases of violence and verbal and physical confrontations intensified closer to election day of both rounds.<sup>65</sup>

Wide-spread and consistent reports of vote-buying, misuse of administrative resources, intimidation and pressure were made by voters, candidates and political parties in the run up to both rounds.<sup>66</sup> Many ODIHR EOM interlocutors stated that those pressured were fearful of exposing such actions and that when intimidation was reported to the authorities it was not sufficiently investigated.<sup>67</sup> This raised concerns about voters' ability to cast their vote "free of fear of retribution", at odds with OSCE commitments and international standards.<sup>68</sup>

*To enhance public confidence in the electoral process and create free and fair campaign environment, public officials and electoral contestants should refrain from exercising pressure on voters and candidates, and the relevant authorities should take prompt and effective steps to investigate allegations of intimidation, coercion and vote buying as well as proactively work to deter such practices and educate voters on their rights and safeguards in place.*

The 43 per cent benchmark of support for the ruling party stemming from the 19 April agreement was a key point of discussion nationally ahead of the first round, while local issues were more prominent at the municipal level. Despite GD's withdrawal from the agreement, many still saw the first round as a "referendum" on the ruling party. In the second round the UNM focused on the importance of coalition politics, calling on other parties to help defeat the GD through opposition unity. GD shifted its campaign strategy to a much stronger national focus than in the first round.

One week before the second round, the Prime Minister made a statement that any municipality won by the opposition would be detached from the central government without a possibility to implement any projects. This was condemned by the opposition as an attempt to threaten their voters.<sup>69</sup> The undue advantage of incumbency persisted throughout the campaign with announcements of public projects, promises of social benefits and a plan to raise the salaries of public servants starting in

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<sup>65</sup> A TF candidate in Samtredia publicly testified he had been kidnapped and forced to withdraw his candidacy. At his request the DEC did not process his withdrawal, and he remained on the list. In September there was an attack on an UNM supporter in Rustavi and two UNM supporters were stabbed in the Dmanisi district. The case of Dmanisi District stabbing was closed due to determined mental instability of the offender. GD leadership and staff in Kutaisi and Khelvachauri were verbally confronted by UNM supporters. Also, in September a car of a GFG candidate was shot at in Tsageri by unknown persons and on 24 October, a violent confrontation occurred outside UNM's party office in Rustavi, when a group of men attempted to enter the premises.

<sup>66</sup> The ODIHR EOM received numerous reports from all 12 regions that representatives of the ruling party promised voters and potential candidates of other parties, jobs, food donations or cash in return for their support and threatened the opposition candidates, donors and supporters with job dismissals and removal of social benefits for them and their families. On 1 September, the Public Defender expressed concerns regarding alleged discriminatory dismissals of employees for their political views in the run-up to the elections. The GFG party informed ODIHR EOM of over 110 cases of dismissals and pressure on candidates.

<sup>67</sup> According to the Prosecutor's Office, it reviewed allegations of vote-buying, alleged facts of intimidation, violence, and physical assaults, and launched criminal investigations on some.

<sup>68</sup> Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) requires that campaigning "be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution". Paragraph 19 of the [1996 CCPR General Comment 25 to the ICCPR](#) stipulates that "voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind."

<sup>69</sup> A day later on 24 October, the Prime Minister clarified that this referred to the need for extensive co-ordination by local councils with the central government, accusing opposition candidates of sabotage and chaos.

January 2022.<sup>70</sup> While some measures were initiated before the start of the campaign, these actions contravened the spirit of the law and blurred the line between the party and the state, at odds with OSCE commitments and good practice.<sup>71</sup>

*To ensure a level playing field for all contestants, the legal framework for combatting the misuse of administrative resources should be applied and enforced including the misuse of public office in the campaign.*

## X. CAMPAIGN FINANCE

The campaign finance is regulated by the Law on Political Unions (LPU), the Election Code and the Law on the State Audit Office (SAO), supplemented by SAO regulations. Some previous ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations were addressed by the 2020 legal amendments, including by extending regulations to independent candidates, prescribing the publication of reports, increasing fines, and introducing sanctions for third party spending. Unaddressed recommendations include lowering the limits on donations and spending, prescribing the publication of SAO conclusions on the interim reports prior to election day and strengthening oversight.<sup>72</sup> Overall, the remaining legislative shortcomings and limited enforcement of the regulatory framework diminishes transparency and accountability of campaign finances.

*To enhance the transparency and accountability of campaign finances, the legislation should be further reviewed to address pending previous ODIHR and GRECO recommendations.*

Parliamentary political parties receive annual public funding proportionally to the votes obtained in the last parliamentary elections, which may also be spent for the campaign.<sup>73</sup> Following the 2021

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<sup>70</sup> Throughout the campaign governmental ministers, including the Prime Minister, took active part in campaign events of the ruling party, informing about planned infrastructure, economic and agricultural projects for over 40 billion GEL (EUR 1 equals GEL 3.7), announcing transfer of hundreds of apartments to IDP families, increase in monthly allowance for veterans, increase in salaries of public servants, and reminded of government plans to increase budgets of municipalities and of future large-scale economic and infrastructure projects. The incumbent Tbilisi mayor unveiled, in a governmental sitting in the City Hall, his election promise of GEL 500 vouchers to socially vulnerable pensioners to buy medication.

<sup>71</sup> Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for “a clear separation between State and political parties”. Paragraph II. B. 1.3 of the 2016 ODIHR and Venice Commission’s Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes ([Guidelines](#)) stipulates that ordinary work of government must continue during an election period. However, to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns. Paragraph II. B. 1.1 of the Guidelines states that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate”.

<sup>72</sup> See GRECO [reports on Georgia](#) and previous [ODIHR election observation reports on Georgia](#).

<sup>73</sup> Parties receive GEL 15 per vote obtained for the first 50,000 votes and GEL 5 per every additional vote. For 2021, GEL 14 million were allocated to 14 parties including approximately 5 million to GD, 2 million to UNM, one million each to EG, AoP and SA 780,000 each to Lelo and Girchi, half a million each to Citizens and ED, 240,000 to the Movement State for People (MSP), 290,000 to the LP, 200,000 to the Republican Party (RP), 100,000 to Law and Justice (LJ) and 12,000 to PF.

amendments a party's public funding is revoked if more than half of its MPs leave the party or if they do not attend more than half of the regular plenary sessions of the parliament.<sup>74</sup>

The annual cap for donations by individuals is set at GEL 60,000 and for legal entities at GEL 120,000.<sup>75</sup> All monetary donations had to be wire-transferred. There is a ban on donations from public and non-commercial legal entities, religious organizations, foreign sources, some types of public contractors, anonymous sources, through intermediaries or by donors whose regular reported income is not considered sufficient. Every contestant could spend up to GEL 50 million nationwide, which amounted to GEL 15 per voter. Expenditures incurred by third parties for specific contestants should also be reported by the contestants and counted towards the limit. For parties, this limit includes spending incurred throughout the year while for independent candidates only spending after they start campaigning.<sup>76</sup>

Parties were required to conduct all their campaign transactions through one of their accounts while independent candidates were required to open dedicated bank accounts. Parties and independent candidates were required to submit to SAO financial reports every three weeks from the call of elections. Party-nominated candidates could use only the funds of their parties and thus did not have separate reporting requirements. Throughout the campaign, GD reported having received and spent some GEL 15 million of the total GEL 22 million donations and expenditure reported by all contestants together.<sup>77</sup> Significant imbalances in the campaign income and expenditure contributed to an unlevel playing field. Several ODIHR EOM interlocutors noted that parties have limited grassroots funding and tend to rely on big corporate donors when in office.<sup>78</sup>

The SAO is mandated with the oversight of party and campaign finance. It published the financial reports of the contestants on its website within five days from receipt, as required by law.<sup>79</sup> The reports for the last three weeks of the first round were due and published after election day, while those for the second round were due three days prior to the second round and were published on election day. The timing of these reports diminished the possibility for timely public scrutiny.<sup>80</sup> In the absence of a legal requirement, the SAO published its conclusions only on the eve of the first round while it did not publish any conclusions prior to the second round, which reduced the effectiveness of oversight. The final reports of contestants were due one month after the announcement of the final election results.

*To enhance the effectiveness of oversight, auditing of party and campaign finances should include identifying unreported incomes and expenditures. An effective mechanism could be introduced for*

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<sup>74</sup> The amendments are applicable as of February 2022. The ODIHR and Venice Commission Urgent Joint [Opinion](#) on the Draft Amendments to the Election Code, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament recommended reconsidering this amendment.

<sup>75</sup> Donations may be monetary and in-kind.

<sup>76</sup> The annual expenditure ceiling for a party is 0.1 per cent of the GDP of the previous year; for an independent majoritarian candidate the expenditure ceiling for a political party is divided by the number of voters in the country and that number is multiplied by the number of voters in the respective electoral district.

<sup>77</sup> From 2 August until 2 October, GD reported donations totalling some GEL 12.5 million, Lelo GEL 2.3 million, UNM GEL 1.8 million, GFG GEL 1 million, EG GEL 0.8 million, for Citizens GEL 0.4 million, SA GEL 0.3 million, AP GEL 0.2 million while other contestants smaller amounts or no income. Similar amounts of expenditure were reported.

<sup>78</sup> ODIHR EOM interlocutors highlighted the release by GD in 2012 of several so-called political prisoners including a number of businessmen who have allegedly been loyal supporters and sponsors of GD.

<sup>79</sup> The online campaign expenses are regulated by the Order of the Auditor General and are separately reflected in the reports.

<sup>80</sup> A total of 48 parties and 38 independent candidates submitted their first reports covering the period from 2-22 August on 26 August and their second for 23 August until 12 September on 16 September, 32 parties and 26 independent candidates submitted their third reports on 7 October,

*monitoring and estimating the value of campaign expenditures, including on media and online campaigning.*

The SAO investigated 92 GD donors who allegedly were intermediaries or under pressure to donate. The SAO verified that the donations were within the permissible limits and that donors had sufficient income to justify donations, but did not conduct any further investigation to exclude that they were intermediaries.<sup>81</sup> When handling the case of anti-opposition billboards which bore no legally required imprints, the SAO identified the individual who paid for the billboards and verified that the cost was within the permissible donation limits.<sup>82</sup> However, it noted that the anonymous billboards could not be considered as third party campaigning or in-kind donation to any contestant because the beneficiary contestant could not be identified, and no action was taken to remove them.<sup>83</sup> The SAO investigated the political party Girchi for auctioning off its DEC positions and directing auction proceeds to the organization 'Christian Evangelical Protestant Biblical Freedom Church of Georgia'.<sup>84</sup>

*To prevent circumvention of the regulations, measures should be considered to ensure that anonymous in-kind donations and third party campaigning are properly identified and accounted for, followed by effective actions taken to enforce the law.*

The SAO requires a court order to interview donors and check their income declarations and bank accounts. Moreover, there are no expedited deadlines for the review of complaints or the receipt of information from other institutions.<sup>85</sup> Due to this lack of expedited deadlines, all investigations were still on-going after the second round, while the possible violations occurred between the beginning of August and mid-September. After the second round, the SAO referred the cases against Girchi the court and sought sanctions against five parties and 18 independent candidates for not submitting campaign finance reports for all or several reporting periods.<sup>86</sup> Sanctions foreseen include warnings, fines, deprivation of public funding as well as deregistration of a contestant after the final election results for violations that could have affected the election results. Overall, with the lack of expedited deadlines and limited enforcement left campaign finances insufficiently regulated.

*To increase the effectiveness of campaign finance oversight, measures could be considered to facilitate prompt institutional co-operation and grant the SAO access to databases and information necessary for the verification of the legality of donations, as well as short deadlines for the exchange of information and for the SAO to act upon identified violations.*

The SAO stated that it is not able to identify unreported income and expenditure, and informed the ODIHR EOM that it does not consider itself sufficiently independent to audit party finances as it

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<sup>81</sup> The 92 GD donors were all from Samtskhe-Javakheti and the donations totalling GEL 714,000 were made from 2 until 16 August. SAO checked their tax declarations and interviewed one of them.

<sup>82</sup> These anonymous anti-opposition billboards depicting opposition leaders, a television owner and a journalist appeared in Tbilisi and other cities as of 18 September. In response to three complaints, the CEC ruled that these billboards were not campaign materials, thus applying a narrow interpretation of the law.

<sup>83</sup> See paragraphs 218-222 of ODIHR and Venice Commission [Guidelines on Political Party Regulation](#), which stipulate the need to regulate in-kind donations, including from third parties.

<sup>84</sup> Girchi publicly asked for payments to be made to the bank account of this religious organization.

<sup>85</sup> The SAO has a 20 day deadline for review of complaints which can be extended by additional 20 days.

<sup>86</sup> Prior to the start of the campaign, sanctions imposed on parties included a GEL 77,920 fine to Lelo for an unlawful donation, fines of GEL 10,000 to the Georgian Choice for failing to submit audit reports of its 2020 final campaign finance report and its annual finance report and warnings to the Democratic Renewal and the Unity of Defenders for failing to submit annual finance reports.

depends on the parliament. While the funding of SAO is guaranteed by law, the method of appointment and dismissal of its management does not fully guarantee its independence.<sup>87</sup>

*To strengthen the effectiveness of campaign finance oversight, further measures could be considered to ensure the independence of the oversight body and that the oversight body is fully mandated and resourced to monitor campaign spending and thoroughly review campaign finance reports.*

## XI. PARTICIPATION OF NATIONAL MINORITIES

According to the last census, national minorities make up 13.2 per cent of the population, the most numerous groups being the ethnic Azeri (6.3 per cent) and Armenians (4.5 per cent).<sup>88</sup> The Constitution grants national minorities full political rights, and prohibits discrimination on national, ethnic, religious or linguistic grounds, as well as the formation of political parties propagating ethnic strife, and the creation of political parties based on a territorial principle. The Election Code provides that election platforms must not incite ethnic confrontation.

While persons belonging to national minorities ran as mayoral and *Sakrebulo* candidates in some areas densely populated by national minorities, in Tbilisi and other areas where minorities reside, they remained underrepresented compared to their population size.<sup>89</sup> Women belonging to national minorities were represented on most party lists, notably in ethnic Armenian populated areas, but were underrepresented among majoritarian candidates. A number of ODIHR EOM interlocutors reported that some minority candidates had been pressured to withdraw in areas densely populated by national minorities.<sup>90</sup> Ethnic minority issues did not feature much in the campaign, aside from local messages in support of integration, education for youth, and state language proficiency.

Ethnic Armenians were relatively well represented among DEC and PEC members in ethnic Armenian populated areas. Ethnic Azeri were only represented by a few members of DEC members but were well represented in some PECs in areas densely populated by ethnic Azeri, albeit lacking gender balance as they were predominantly male.<sup>91</sup> In accordance with the law voter lists, ballots, protocols and logbooks were translated in minority languages for PECs in minority populated areas. PECs in these areas were also trained by the CEC in the Armenian and Azeri languages.

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<sup>87</sup> Based on the law on SAO, its funding is approved by the parliament and can be the same or higher than the previous year. The Auditor is elected and can be impeached by a simple majority in the parliament, following approval by the Constitutional Court.

<sup>88</sup> See [General Population Census of Georgia \(2014\)](#). Other minorities include: Russians 0.7 per cent, Ossetians 0.4, Yazidis 0.3, Ukrainians 0.2, Kists 0.2, Greeks 0.1, Assyrians 0.1, others 0.4. The census did not cover territories outside government control.

<sup>89</sup> There are several national minority mayoral candidates in Akhalkalaki, Ninotsminda and Marneuli, but scarcely any in other minority-populated cities or municipalities. There are several national minority *Sakrebulo* candidates, in many but not all minority-populated areas.

<sup>90</sup> UNM reported that one ethnic Azeri candidate in Karajala, and several ethnic Armenian candidates in Akhalkalaki, Diliska and Bezhanu, and in Ninotsminda, were pressured to withdraw. Media reported that several ethnic Armenian candidates (EG, GFG, Lelo, UNM) in Akhalkalaki and Ninotsminda, and some ethnic Azeri candidates (GFG, EG) in Marneuli, as well as GFG candidates in Kabali and Karajala, had been pressured to withdraw. According to the Prosecutor's office, criminal investigations were opened.

<sup>91</sup> According to the CEC, in 12 election districts densely populated by ethnic minorities, there were 3 Azeri speaking DEC members (male) and 15 Armenian speaking DEC members (13 female), including two Chairs, a Deputy Chair and a Secretary among Armenian speaking members; 643 Azeri speaking PEC members (104 female) and 633 Armenian speaking PEC members (328 female).

## XII. MEDIA

### A. MEDIA ENVIRONMENT

The media landscape is diverse but strongly dependent on business or political interests and largely mirrors the polarisation between governing and opposition parties. Television continues to serve as the main source of information for the majority of the population, although online media are gaining ground, mostly in urban centres.<sup>92</sup> The media sector includes 106 television channels, including some 14 national broadcasters, 53 radio broadcasters and 7 national print publications.

The editorial policies of many media outlets are shaped by partisan alignments and agendas. Media viability remains an ongoing challenge, due to the relatively limited size of the advertising market. The main private national television channels are mostly aligned along partisan lines: *Imedi TV* is the television channel with the largest viewership and, along with *Maestro* and *Pos TV*, actively supports the government and ruling party, while being critical of the opposition. Conversely *Mtavari Arkhi*, *Pirveli TV* and *Formula TV* are critical of the ruling party.

The Georgian Public Broadcaster (GPB), funded by the state budget, operates two television channels and two radio stations. *GPB* has a relatively narrow audience and limited investigative journalism programmes.<sup>93</sup> *Adjara TV* is the regional public television. It operates independently from *GPB*. Regional and local media can rely on very limited advertising revenues, which significantly impacts their ability to produce quality information programmes. Many depend on the financial support of local authorities or international donors to operate.

The media environment has significantly deteriorated over the last year due to recent cases of attacks against journalists, as well as alleged intimidation and threats, raising concerns about the possibility for journalists to work in a safe and secure environment. Several ODIHR EOM interlocutors stressed an increase in negative rhetoric against the media on behalf of the ruling party, and the lack of timely investigation and prosecutions by law enforcement institutions. An issue of particular concern is the lack of proper response in relation to violent attacks against media professionals committed on 5 July 2021 during demonstrations against the Tbilisi Pride March, which left 53 injured. In this regard, the OSCE Representative for Freedom of the Media (RFoM) called upon the authorities to complete investigations into all violent incidents and mistreatment of media staff in recent years.<sup>94</sup>

A number of court cases involving owners of media critical of the government, or the ruling party were resumed during the election campaign, which some ODIHR EOM interlocutors suggested was designed to prompt judicial pressure on critical media.<sup>95</sup> More than 30 cases of verbal and physical abuses against media staff were reported by CSOs and the media in the course of the campaign and on both election days. Media rights activists complained that perpetrators of these abuses were rarely

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<sup>92</sup> See Media Landscapes – Expert analysis on the state of the media, [Digital Media](#) in Georgia.

<sup>93</sup> See GPB [Television Audience Research, May 2021](#).

<sup>94</sup> See, the OSCE RFoM, [Statement on 6 July 2021](#).

<sup>95</sup> In September 2021, the owner of Formula TV and former UNM Minister of Defence Davit Kezerashvili was convicted for embezzlement. One of the Supreme Court judges in the trial was previously the Prosecutor General, when this body sought conviction of Mr. Kezerashvili. The *Mtavari Arkhi* director Nika Gvaramia is being prosecuted for embezzlement, and Avtandil Tsereteli, a relative of the owner of *Pirveli*, for money laundering. The cases were opened in 2012 and 2019, respectively.

identified and investigated and also noted that the status of several investigations is still unknown due to a lack of public information.<sup>96</sup>

*The authorities should fulfil their duty to protect the safety of media staff through effective and timely protective measures. State authorities should promptly investigate and bring to justice those involved in attacks on, and ill-treatment of journalists and other media actors.*

## **B. LEGAL FRAMEWORK**

The existing legal framework provides a sound basis for freedom of expression and media rights. The Constitution guarantees freedom of speech and of the press and prohibits censorship. The 2004 Law on Freedom of Expression decriminalised libel and journalists do not have to disclose their sources of confidential information. The Freedom of Information section of the 1999 General Administrative Code guarantees the right to access to public information.

The Law on Broadcasting establishes rules for obtaining licenses for frequencies and sets the legal basis for the establishment of the public broadcaster. It also provides that both public and private broadcasters should ensure pluralistic and non-discriminatory coverage of all relevant views in their news programmes. The Election Code requires the broadcast media to respect the principle of impartiality and fairness, and it contains detailed provisions regulating the media during the pre-election period. Broadcasters are obliged to allocate free airtime to contestants, to organize debates between eligible election subjects and to provide equal conditions for paid campaign advertisements.<sup>97</sup>

The Communication Commission (ComCom) is the regulatory and supervisory body in charge of the respect of the provisions of the Law on Broadcasting and Election Code by any broadcaster. During the first round campaign the media regulator found eight violations on the publication of opinion polls and three violations concerning refusals to air political advertisement of two parties.<sup>98</sup> Between the

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<sup>96</sup> The Media Advocacy Coalition [stated](#) after the second round that “the aggressive rhetoric of high-ranking officials persistently and instantly has translated into the behaviour of ruling party supporters. During the election day, media representatives became the target of attacks in almost all constituencies.” Between the first and second round, the coalition opened a hotline for media representatives to report attacks and abuses and offered legal assistance to aggrieved journalists. See [Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#) underlines that “far-reaching measures are necessary at the international and national levels in order to strengthen the protection of journalism and the safety of journalists and other media actors, and to eradicate impunity.”

<sup>97</sup> For the first round, article 186 requires public broadcasters to allot five minutes free airtime in every hour to all contestants to ‘qualified’ electoral subjects on an equal basis; private broadcasters are to provide free of charge no less than 7.5 minutes in every three hours to ‘qualified’ electoral subjects on an equal basis. Based on the results of the previous parliamentary elections, 14 political parties qualified for free airtime on public and private national TV stations: GD, UNM, EG, AoP, SA, Lelo, Girchi, Citizens, EDs, MSP, LP, RP, LJ and PF. Eleven decided to use this possibility. ‘Unqualified’ political parties received substantially less free air-time and only on the public media. For the second round, article 76<sup>1.21</sup> requires public broadcasters and national private channels to provide free airtime distributed among parties proportionally, according to the respective number of candidates running nationwide.

<sup>98</sup> *Imedi* TV refused the ads of EG and UNM. In total, the ComCom issued eleven administrative protocols involving eight channels (the GPB, the Public Broadcaster Adjara TV and Radio, *Imedi*, *Pirveli*, *Formula* TV, *Rustavi 2*, *Objektiv* TV and Studio Maestro).

rounds, it issued three additional administrative protocols against two private channels for violations related to election advertising.<sup>99</sup>



[Click Here to Read Media Monitoring Results](#)

### C. MEDIA MONITORING FINDINGS

ODIHR EOM media monitoring concluded that television channels prominently covered elections and political affairs. However, several of the monitored private channels adopted a manifest partisan stance, either in favour of the ruling party or against it; most of their coverage being devoted to accusations and attacks between contestants with very limited analytical or investigative reporting, detracting from voter's ability to make an informed choice. The public broadcasters generally displayed a balanced and pluralistic editorial line, despite a more favourable tone for the incumbent government observed on the *GPB* during the second round. National channels largely focused on GD and UNM, as well as the government. Women politicians received 15 per cent of the overall time in the first round and 17 in the second.

From 4 September to 29 October, the ODIHR EOM carried out media monitoring with quantitative and qualitative analysis of prime-time programmes of six national and six regional TV channels.<sup>100</sup>

Media monitoring ahead of the first round showed that many private national channels displayed either clear support for the ruling party and negative coverage of the opposition, or conversely a clear bias against GD. *Imedi* displayed support for GD and the government by allotting them 69 per cent coverage, which was entirely positive or neutral. The channel devoted UNM 17 per cent of its coverage, mostly negative (72 per cent). Conversely, *Mtavari Arkhi* and *Pirveli* displayed an evident bias against GD. The government and the ruling party received 37 per cent of the total time on *Mtavari* and 23 per cent on *Pirveli*, of which an average of 84 per cent was negative on both channels. *Rustavi 2* election coverage was principally focused on the ruling party and the government (55 per cent), largely portrayed in a positive manner; however, it provided generally neutral coverage of the opposition parties. The *GPB* and *Adjara TV* provided generally neutral coverage of the campaign. They both allotted comparable amounts of mostly neutral coverage to the main contestants. *Adjara TV* offered comprehensive reporting of the local campaigns, with a focus on concrete issues and candidates' proposals. In isolated cases both channels provided coverage to the government without distinguishing between institutional and campaign activities. The *GPB* organized two debates: one on 14 September where all eligible contestants were invited, and another on 21 September in which all Tbilisi mayoral candidates agreed to take part.<sup>101</sup> No other debate among representatives of major political parties took place, although several talk shows allowed the main contestants to present their

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<sup>99</sup> On 27 and 28 October, the ComCom drew two administrative protocols against *Mtavari TV* and *Imedi TV* for broadcasting pre-election political advertisements in breach of the Election Code. However, the court overturned the ComCom decision as it did not consider the clips to constitute political advertising. On appeal by ComCom, the Court of Appeal returned the case to the court for additional review, which then overturned its earlier judgement and upheld the decision of ComCom. On 29 October, UNM filed a complaint against *Imedi TV* which refused to air their election advertisement, which was upheld by the ComCom. The ComCom also issued administrative protocols against *Mtavari TV*, *Formula TV* and *Pirveli TV* for violations related to election advertising. On 25 November ComCom fined *Imedi TV* and *Maestro TV* for refusing to air election debates. *Mtavari TV* also received a fine for airing political advertisements during the non-election period on November 17 and 18.

<sup>100</sup> The sample included two public (*GPB* and *Adjara TV*) and four private (*Imedi*, *Mtavari*, *Pirveli* and *Rustavi 2*) national TV channels as well as six local televisions (*Gurjaani*, *Rioni*, *Odishi*, *TV4*, *TV9* and *TV25*).

<sup>101</sup> However, only 10 representatives of entitled contestants accepted to participate. The leader of UNM walked out of the debate after delivering critical remarks aimed at the incumbent and the ruling party.

platforms and criticize their opponents.<sup>102</sup> Some regional channels were more focused on policies and proposals from candidates than the national ones, with a generally balanced coverage of political forces. In particular, the Batumi-based channel *TV 25* provided professional and issue-based coverage of the campaign.

Ahead of the second round, the main private television channels increased their level of bias, amounting to manifest partisan activism during the second round. On 18 October, *Imedi* officially declared an “emergency editorial mode” whereby the television station committed to prevent the UNM from returning to power. The channel displayed overt support for GD and the government, by allotting them 64 per cent of coverage, largely positive. Conversely, the UNM received 31 per cent, of which most was negative (90 per cent). *Mtavari Arkhi* and *Pirveli* were more critical towards the GD. The government and the ruling party received 26 per cent of the total time on *Mtavari* and 23 per cent on *Pirveli*, of which 84 per cent was negative. *Rustavi 2* mainly focused on the ruling party and the government (65 per cent); however, the tone of the coverage for the GD was relatively moderate and the opposition received large neutral coverage (70 per cent). *Adjara TV* provided mostly neutral and diverse coverage of the campaign with a focus on candidates as well as on the local nature of these elections. The *GPB* allotted equal airtime to the GD and the UNM, yet, while the UNM was covered mostly in a neutral manner, the tone for the GD was often positive (48 per cent). Some television channels tried to organise debates, however, none took place due to the lack of will of most contestants to participate.

### XIII. COMPLAINTS AND APPEALS

Contestants and civil society organisations could file complaints on all aspects of the electoral process. Voters could only file complaints on their own voter registration and voting right, at odds with good practice.<sup>103</sup> Complaints could be filed with election commissions and the courts. Contrary to previous ODIHR recommendations, certain types of complaints could still be decided by the chairpersons rather than the election commissions as collegial bodies, but positively their decisions, including on inadmissibility, could now be appealed.<sup>104</sup> Following the June 2021 amendments and in line with previous ODIHR recommendations, complaints could be filed electronically, hearings could be held on-line and the timeframes for filing and adjudication were extended as recommended by international good practice.

While the law prescribes two to four days deadlines for filing and adjudication of complaints, for several types of disputes, election commissions have ten days to refer cases to courts, and complaints requesting disciplinary sanctions against election commission members are subject to a 30-day deadline, which does not ensure timely remedy.<sup>105</sup> The CEC maintains a publicly available database of the complaints filed to election commissions and the courts, contributing to transparency.

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<sup>102</sup> The main private channels wanted to organize debates with the principal parties, however, key contestants refused to participate. Paragraph 2 of part II of the [Recommendation CM/Rec\(2007\)15](#) of the Council of Europe Committee of Ministers calls the member states to “adopt measures whereby public service media and private broadcasters, during the election period, should in particular be fair, balanced and impartial in their news and current affairs programmes, including discussion programmes such as interviews or debates”.

<sup>103</sup> Guideline II.3.3.3.f of the [Code of Good Practice](#) provides that “all candidates and all voters registered in the constituency concerned must be entitled to appeal”.

<sup>104</sup> As required by law, the Inter-agency Task Force has been established for these elections with a mandate to review complaints on misuse of state resources and issue non-binding recommendations. In addition, in line with the 19 April agreement, an Advisory Group was established, with representatives of the Public Defender and civil society organizations, mandated to issue recommendations on dispute resolution. On 19 September, the CEC dissolved the Group, following the withdrawal of 7 of the 12 members and the loss of the quorum of 9 members for decision.

<sup>105</sup> Guideline II.3.3.g of the Code of Good Practice provides that “time-limits for lodging and deciding on appeals must be short (three to five days for each at first instance)”.

*To guarantee effective legal redress, the electoral dispute resolution framework should be reviewed to broaden the legal standing and revise legal deadlines for complaints requesting disciplinary sanctions against election commission members to provide for duly expedited resolution of all election-related cases.*

Furthermore, while the law provides an opportunity for complaints to be filed to PECs until the PEC protocols are drafted, DEC members required previous complaints to have been filed even in cases the alleged irregularities were identified only after the PEC protocols were drafted. This narrow interpretation of the law reduced the effectiveness of dispute resolution. Moreover, several ODIHR EOM interlocutors noted that they were prevented from filing complaints to PEC and registering them in the logbooks.

Prior to election day of the first round, 446 complaints were filed to election commissions, including 256 by contestants, mainly by UNM, and 190 by citizen observers.<sup>106</sup> The complaints referred mainly to PEC appointments and the compilation and publication of mobile voting lists.<sup>107</sup> Some 40 complaints were filed on misuse of state resources, mainly against civil servants for making partisan posts on their personal social networks profiles during working hours or for attending campaign events, mostly for GD events.<sup>108</sup> Some ten complaints were filed against denials of candidate registration.<sup>109</sup>

Some 200 complaints requesting disciplinary sanctions on PEC and DEC members were subject to a 30-day deadline, and thus were not reviewed prior to election day, detracting from a timely remedy. Most complaints were reviewed on merits and were rejected as unsubstantiated.<sup>110</sup> The complaints were reviewed by the CEC and the courts respecting due process and the decisions were published in a timely manner. However, some decisions of the adjudicating bodies were based on a narrow interpretation of the law.<sup>111</sup> Although the ODIHR EOM did note that complaints were not always legally sound and fully substantiated. The ODIHR EOM is aware of eight complaints upheld.<sup>112</sup> A

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<sup>106</sup> Including by GYLA, TI, ISFED and the Center for Democratic Changes; Young Generation filed 28 complaints to the Khobi DEC mostly on procedural issues.

<sup>107</sup> UNM alleged that some 12 DEC and 5,448 PEC professional members were GD-supporters, mainly relatives of public employees, which is not against the law, and that the mobile voting lists in seven DEC members did not comply with the law including the allegation that signatures of applicants may have been falsified.

<sup>108</sup> Complaints on misuse of state resources were filed by UNM, EG, GYLA, TI, ISFED, PMMG and CDT. These were related to GD using vehicles of the Batumi Water Service; the Mayor of Ambrolauri- GD candidate meeting with municipal employees; the Public Registry Agency publishing on its official website statements of the Minister of Justice during a GD campaign event; the Kutaisi Mayor-UNM candidate meeting with teachers.

<sup>109</sup> Free Georgia and Girchi filed complaints against the denial of registration of some of their lists while seven complaints were filed against the registration of candidates and party lists and all but one were rejected on merits. New Christian Democrats, Lelo, SA, GFG, UNM and Reformers filed six identical complaints against the registration of two GD candidates who swapped constituencies. CSO Youth Center – Out Generation 1921 complained against the registration of some UNM lists. All seven complaints alleged technical errors on the registration documents. In one case, an initially denied Free Georgia list was registered.

<sup>110</sup> Some 55 complaints filed by UNM and the CSO Center for Professional Education against DEC Senaki alleged that the publication of mobile voting lists was not lawful but without describing the violation.

<sup>111</sup> For instance, complaints about public employees attending campaign meetings were rejected on the grounds that other professionals also attended, the unlawfully unmarked anti-opposition billboards without the legally required imprints were not considered campaign materials because they did not have imprints. In consideration of a complaint filed by two CSOs and UNM which was requesting the removal of anti-opposition billboards for lacking the legally required imprints and inciting hatred, the CEC narrowly interpreted the law. It rejected the complaint on the grounds that the billboards were paid by an individual who was not a contestant and therefore were not considered to be campaign materials.

<sup>112</sup> Complaints upheld include the reinstatement of candidate who had withdrawn, allowing two candidates to change their constituencies and cases of defacement of campaign posters referred to the police for investigation.

total of 12 appeals were filed to the Tbilisi City Court against CEC decisions.<sup>113</sup> All but three were reviewed in open hearings and rejected on merits.<sup>114</sup> Both appeals filed to the Tbilisi Court of Appeals were rejected.<sup>115</sup>

The Ministry of Interior informed that they conducted investigations on a number of cases concerning alleged voter intimidation, election-related violence and property damage. The Prosecutor also informed that they conducted investigations on cases of alleged vote buying and voter intimidation by public officials, including by police officers. The investigations on alleged voter intimidation pertained mainly to some 100 GFG supporters. According to the police, some of them were interviewed by the police and only three acknowledged having been intimidated but did not present evidence. Most investigations were still pending after the second round. Charges were brought on some individuals for election-related violence on election days. Several ODIHR EOM interlocutors alleged that several voters had their IDs expropriated on both election days, to prevent them from casting their vote and to enable fraudulent proxy voting.<sup>116</sup> Citing a lack of trust, interlocutors did not report to the police and no investigation took place on this matter.

Overall, the mechanism provides for an expedient dispute resolution. However, several ODIHR EOM interlocutors expressed a lack of trust in the election commissions, courts, and law enforcement bodies to impartially and effectively handle election-related complaints.<sup>117</sup>

#### XIV. ELECTION OBSERVATION

The law provides for election observation at all stages of the process by national and international observers, as well as representatives of election contestants and of the media.<sup>118</sup> For the first round, in an inclusive manner, the CEC accredited 88 national CSOs with over 31,000 observers.<sup>119</sup> Three organisations were denied registration.<sup>120</sup> Fifty-two international observer groups and 89 media outlets were registered.<sup>121</sup> The accreditation of observers and media representatives registered for the first round was automatically extended for the second round based on the 2020 amendments, with a

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<sup>113</sup> These included one by a DEC member against the denial of registration of the Green Earth as an electoral subject, one by the citizen observer organization Civil Platform 20/20 against video recording at polling stations, two by UNM against allowing DEC members to select PEC members without in-person interviews and against the delineation of constituencies by DEC 18.

<sup>114</sup> The court upheld complaints by ISFED, CDT and UNM and imposed a GEL 2,000 fine on the incumbent Mayor of Ozurgeti for a meeting with municipal employees and issued a warning to a PEC member for campaigning for GD in Lentekhi. The TI appeal against the meeting of the Mayor of Ambrolauri with municipality employees was sent back to the DEC for further investigation.

<sup>115</sup> One appeal requested deregistration of the Tbilisi Mayor and GD candidate for vote buying by offering apartments to citizens based on a municipal social project, and the second related to deregistration of two GD candidates who swapped electoral districts.

<sup>116</sup> Interlocutors alleged that opposition supporters were either under pressure to hand over their IDs or induced with promises for social benefits.

<sup>117</sup> The ODIHR Fourth [Report](#) on the nomination and appointment of the Supreme Court Judges in Georgia underlined the lack of public trust in the judiciary and independence, accountability, transparency of the judicial system.

<sup>118</sup> Local CSOs registered as legal entities aimed at monitoring of elections and/or defending human rights no later than one year before election day may be accredited to observe elections.

<sup>119</sup> DEC members register CSOs intending to observe within one district and representatives of electoral subjects at the PEC level.

<sup>120</sup> The CEC refused to accredit the “Regional Association of Social Workers” on the grounds that their founding documents did not provide for election monitoring and/or protection of human rights, the “Veterans for Strong and United Georgia” for not correcting application documents, and the “Policy and Justice Observatory” as its chairperson ran as a candidate.

<sup>121</sup> Including ALLMEDIA with 668 registered media representatives; *Imedi* - 256; *the GPB* - 203; *Rustavi 2* - 159; *Mtvani* - 148; *Formula* - 133; *Pirveli* – 118.

possibility to accredit new observers by 25 October. The number of citizen observers increased by almost 4,000 for the second round.

Several citizen observer organizations conducted long-term monitoring activities and published interim reports on the pre-election environment.<sup>122</sup> ISFED conducted parallel vote tabulation during the first round.<sup>123</sup> The established citizen observer organisations continued monitoring the campaign environment in the period between the two rounds, as well as results tabulation, and complaints and appeals processes pertaining to both rounds.

The long-standing practice of political parties artificially increasing their presence in polling stations by abusing the framework for election observation was widely reported by ODIHR observers. Instead of enhancing the transparency, the performance of some of these de facto partisan observers was often assessed as disruptive, interfering and overstepping their mandate. A number of organisations that registered more than a thousand observers did not have a functional website or a history of publishing comprehensive election observation reports.<sup>124</sup>

On election days, ODIHR observers reported the most active partisan observers were those deployed by “Green Earth” (over 3,000 accredited observers in the first round and some 2,000 in the second), “Policy and Law Observer” (over 5,000 observers in the first round and over 7,000 in the second) and “Georgian Barristers and Lawyers International” (some 150 and over 1,600 respectively).<sup>125</sup> ODIHR observers reported indications that these organizations were clearly associated with the ruling party, and their observers were often seen outside polling stations being actively in touch with groups of gathered men within the 100 meters perimeter. Observers from “American Support League” (over 1,500) and “Social environment” (over 1,100 observers) present mainly inside polling stations, appeared to be associated with the UNM. None of these unambiguously partisan organisations had a recognized election observation record nor regularly published reports.

Campaigns targeting CSOs and the publication of lists alleging pro-opposition and pro-government biases among observers, contributed to the overall perception of observer groups being used for partisan purposes, potentially negatively impacting public confidence in the credibility and importance of non-partisan election observation.

*To protect the role of citizen observers and prevent their misuse, political parties should refrain from artificially increasing their presence in polling stations by abusing the framework for election observation.*

## **XV. ELECTION DAY**

### **A. FIRST ROUND**

On 2 October the IEOM observed the opening in 126 polling stations, voting in 1,342 polling stations, counting in 116 polling stations, and the tabulation in 60 of the 73 DECAs. The polling stations observed generally opened on time, with a few delays due to organizational issues. IEOM observers

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<sup>122</sup> These included ISFED, Transparency International Georgia, GYLA, and PMMG

<sup>123</sup> On 3 October, ISFED published the results of their parallel vote tabulation exercise that were in line with the official preliminary results published by the CEC.

<sup>124</sup> According to an ODIHR EOM review of the domestic observer organisations accredited by the CEC, some 53 per cent of them did not have functional websites; 71 per cent of them lacked information or annual reports on their activities; 60 per cent of the CSOs which had functional websites, did not update them regularly. Some 72 per cent of them did not publish information on the source of funding and overall 65 per cent had not published observation reports in a systematic or consistent manner.

<sup>125</sup> ISFED had around 1,400 accredited observers.

assessed the opening proceedings positively in 117 of 126 polling stations and found that procedures were largely followed but, in some cases, the number of received ballots and persons on the voter lists were not announced and properly recorded.

The voting process was evaluated positively in 96.2 per cent of the polling stations observed. Observers characterized the process as well-organized and transparent with procedures generally followed, but reported overcrowding in 17.2 per cent cases, and in 3.9 per cent the layout not ensuring the secrecy of the vote. Women constituted an overwhelming majority of PEC members. A pilot use of electronic ballot scanners was implemented in Krtsanisi district of Tbilisi.<sup>126</sup> Contestants' representatives and citizen observers were present in 83.1 per cent of polling stations observed. In 7 per cent they were seen interfering with the process. Indications of observers acting on behalf of parties or candidates were reported in 36.1 per cent of polling stations observed. Despite efforts to improve accessibility, IEOM observers regarded 59.6 per cent of the polling stations visited as difficult to access for wheelchair users.<sup>127</sup> Voters could however request voting in adapted polling stations within their majoritarian district.

In spite of the recent legislative amendments forbidding gatherings within 100 meters of a polling station, IEOM observers still noted the intimidating presence of groups of individuals in the immediate surroundings of 21 per cent of polling stations visited, and tracking of voters in some 8 per cent, raising concerns about the ability of voters to cast their vote free from pressure.<sup>128</sup> Further, isolated cases of violence were reported.<sup>129</sup>

*To ensure that voters are free to vote without hindrance, pressure and undue influence contestants should respect the legally established perimeter around polling stations for not deploying coordinators and activists. The authorities should ensure such prohibition is enforced and similarly work to prevent the interference of contestant representatives and observers.*

IEOM observers assessed the counting process negatively in 20 of the 116 polling stations observed, mainly due to procedural shortcomings and difficulties filling in results protocols. Contestants' representatives were present in nearly all polling stations observed, and observers assessed the process as transparent in 98 per cent of observations. Procedural shortcomings included unused ballots not being invalidated in 19 polling stations, the number of signatures not properly recorded before opening ballot boxes in 14 polling stations observed, control sheets not properly inspected and safely kept in one in four observations. In 16 polling stations citizen observers or party representatives interfered or directed the counting process. Contrary to procedures, the validity of contested ballots was decided by the chairperson rather than a vote of PEC members in 39 of the visited polling stations. IEOM observers noted that in 28 instances PEC members had difficulties filling in results protocols. The PECs did not publicly display a copy of the results protocol in a third of polling stations observed.

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<sup>126</sup> IEOM observers noted that the choice of voters was in some cases visible when casting their vote by means of the electronic ballot scanners piloted in Krtsanisi district. Three PS had to revert to casting ballots in envelopes due to the excessive size of the printed ballots which could not enter the ballot scanner. In one polling station in Vake district, the mayoral ballots had to be replaced with ones brought from other polling stations due to printing errors.

<sup>127</sup> Paragraph 41.5 of the [1991 OSCE Moscow Document](#) calls on participating States "to encourage favourable conditions for the access of persons with disabilities to public buildings and services". [CRPD](#) Article 29 requires state parties to ensure that "voting procedures, facilities and materials are appropriate, accessible and easy to understand and use."

<sup>128</sup> This was reported especially in Rustavi, Bolnisi, Gori and Kutaisi.

<sup>129</sup> According to Ministry of Interior, there were eight incidents of physical assaults, including one stabbing of a Labour Party supporter in Marneuli, and two cases of interference with professional activities of journalists.

Video cameras were installed in some 3,200 polling stations with the stated aim to enhance confidence; this measure slowed down the counting process.<sup>130</sup>

## B. SECOND ROUND

The 30 October run-offs were administered by 40 DECes and 1,830 regular PECs.<sup>131</sup> The IEOM observed the opening in 52 polling stations, voting in 480 polling stations, counting in 52 polling stations, and the tabulation in all but one of the 40 DECes. The polling stations observed generally opened on time and the opening was assessed positively in all 52 PECs observed, with procedures mostly followed. However, the entering of the numbers of voters and of the received ballot papers in the demonstration protocols, was, as in the first round, an issue in a number of polling stations.

In 97 per cent of the 480 polling stations observed, the voting process was evaluated positively. COVID-19 prevention measures were generally adhered to, however, overcrowding in some 15 per cent of the polling stations observed made respecting physical distancing rules a challenge. Citizen observers were present in some 96 per cent of polling stations visited, but in 53 per cent of the polling stations, persons accredited either as citizen observers or as media representatives were seen by IEOM observers as de facto representing the interests of a party, at times interfering in the process. Observers assessed voting procedures as properly followed by PEC staff, with only few exceptions, mostly related to inking or checking for traces of ink, and voters were able to mark their ballot in secret. The use of new voting booths designed to prevent voters from taking picture of their marked ballot, did not appear to infringe upon secrecy of the vote.<sup>132</sup> While in 12 per cent of the polling stations visited, observers noted that one or more voter was turned away without being able to vote, in most cases it was for a valid reason such as absence of identification documents, and in half of the cases the person was properly redirected to another polling station. The IEOM observed several cases of voters who, despite being placed on mobile ballot box list or special COVID-19 list, came to their polling station to vote. By law, inking is not applied when voting by mobile ballot box, potentially leading to multiple voting.

*To strengthen the integrity of the voting process, the procedures should extend the use of indelible inking to mobile voting.*

As in the first round, IEOM observers noted the presence, at times intimidating, of groups of individuals in the immediate surroundings of 29 per cent of the polling stations visited, which indicated the authorities had difficulties in enforcing the newly introduced ban on gatherings within 100 meters of a polling station. Tracking of voters was observed in some 9 per cent of polling stations visited, and IEOM observers received plausible allegations of vote buying in a few municipalities.<sup>133</sup> Tensions in and around a limited number of polling stations were reported by the media, including confrontations between supporters of the two main parties, as well as threats and attacks on journalists, observers, voters and candidates. A number of investigations were reportedly launched by the Ministry of Internal Affairs, including in relation to an assault on the UNM candidate for Tbilisi mayor outside a polling station, physical attacks in Zugdidi and Kareli, and a death-threat against a candidate.

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<sup>130</sup> The cameras were offered to the CEC by the ruling party for recording the counting. According to the CEC, cameras were distributed to PECs having more than 300 registered voters.

<sup>131</sup> In addition, elections were held in eight penitentiary polling stations and 29 special polling stations for voters in quarantine due to COVID-19.

<sup>132</sup> The CEC also decided to repeat the pilot use of ballot scanners in Krtsanisi district and video recording of the counting across the country.

<sup>133</sup> In parts of Tbilisi (Saburtalo, Vake, Krtsanisi, Samgori), Kutaisi, Chkhorotsku, Telavi, and Batumi.

IEOM observers evaluated the counting process positively in 48 of the 52 polling stations observed. Representatives of the contestants and citizen observers were present in almost all polling stations where counting was observed; however, in six of them they were seen interfering with the process. Adherence to counting procedures did not noticeably improve compared to the first round, and similar procedural shortcomings persisted, notably as regards steps to follow before opening the ballot box, and about the determination of ballot validity. In four polling stations visited, the PEC still experienced difficulties filling in the results protocols. While observers and contestants' representatives received copies of the results protocols, in 18 polling stations, these were not posted for public view, which is not in line with the procedures.

## **XVI. TABULATION OF RESULTS AND RECOUNTS**

The June 2021 amendments introduced new procedural elements and safeguards in the results tabulation process. Consequently, PECs were no longer allowed to amend the protocols after election materials were sealed, including on the day after elections, and DEC's were obliged to conduct a recount if any data on a PEC results protocol had been changed without an amendment protocol, and they could only amend PEC results following a recount. In addition, the amendments prescribed DEC's to recount the results of five randomly selected PECs.<sup>134</sup> To accommodate these changes, the timeframe for the tabulation of results was extended from 11 to 14 days.

### **A. FIRST ROUND**

On election night, DEC's first reviewed and uploaded PEC results protocols into the CEC's electronic filing system and compiled the district results in spreadsheets that were displayed for observers and candidate representatives. The ODIHR EOM assessed these initial stages as generally transparent and well-organised in most of the 60 DEC's observed, except for Rustavi, Marneuli, Zugdidi and Nadzaladevi.<sup>135</sup> The actual tabulation of preliminary results took place at the CEC by digitalising the uploaded PEC results protocols in a double entry procedure.<sup>136</sup> Positively, the scanned PEC results protocols were gradually posted on the CEC website starting on election night, and the first tabulated results were published in the morning, contributing to transparency.

The June 2021 amendments also introduced a requirement for DEC's to conduct the five random recounts no later than six days after election day. The procedures were further elaborated by a CEC decree which did not specify any timeframes, allowed conducting the recount of the five precincts simultaneously and in premises different than DEC's'. In addition, the decree specified that DEC's have to invite those observers and party representatives who had attended the initial counting at the corresponding polling stations. This could have reduced the transparency of the process since there may have been no observers or party representatives present in the five selected polling stations. The CEC informally instructed DEC's to randomly select the five PECs on the day after the election day, and to conduct all five recounts simultaneously the following day. This decision was not publicly announced, nor was the holding of the DEC sessions at which the five precincts were to be randomly selected sufficiently communicated to stakeholders. As a result, this important confidence building measure turned out to be a missed opportunity to enhance the transparency and trust in the integrity

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<sup>134</sup> This distribution corresponds to 10 per cent of all precincts as foreseen in the 19 April Agreement, but does not take into account the differences in number of PECs within each DEC.

<sup>135</sup> The observed shortcomings included interference of unauthorised persons with the process, incomplete or not properly sealed election materials, and data in the protocols not always reconciling.

<sup>136</sup> The CEC commissioners appointed by the political parties were, for the first time, allowed to nominate 18 of the 72 data entry clerks. A certain type of errors in the first preliminary results examined by the ODIHR EOM suggested that some of the protocols may have been entered only once. The CEC's verification procedures corrected such errors before the second publication of the preliminary results.

of the PEC results. The CEC informed that the random recounts slightly modified the numbers in 121 out of 360 PECs results protocols, and in general did not affect the outcome of the elections, except for one proportional seat in Tsalenjikha local council which was reassigned from GFG to GD.

Apart from random recounts, DEC's conducted 194 recounts based on complaints or their own initiative (see *Complaints and Appeals*). These resulted in minor shifts in figures, but also in a reassignment of the 11<sup>th</sup> majoritarian constituency seat in Zugdidi from UNM to GD which led to a confrontation between representatives of these parties at the DEC premises. In addition, on 9 October, the last day for DEC's to decide on complaints, the CEC Chairperson issued an informal recommendation to DEC's to grant the recounts if these were requested by CSOs with a long observation record or if the number of invalid ballots was excessively high or if the ballots cast exceeded by five the number of signatures. However, this recommendation was not adopted by the CEC as a collegial body, did not have a binding nature and was communicated late in the process, affecting legal certainty.<sup>137</sup> Following this recommendation, 257 additional recounts were conducted, with each DEC recounting an average of four additional PECs.

While the CEC decree regulated various aspects of random recounts and established that ballots should be reviewed and adjudicated one by one, it did not specifically require a review and recounting of signatures on voter lists. Although the decree invited DEC's to be guided by its provisions when conducting any further recounts, in practice inconsistent approaches were observed by the ODIHR EOM and while some DEC's only recounted the invalid ballots, or only votes for a specific contestant, or only signatures, others recounted all ballots cast as well as signatures. A verification of the validity of votes that had been considered valid was usually not conducted.

*To increase the integrity, accountability, and transparency of the recount process, all types of recounts should be conducted in a consistent, comprehensive and transparent manner based on the clear and comprehensive criteria. Recounts and any selection of polling stations to be recounted should be open to observers and representatives of contestants potentially impacted by the recount.*

In total, according to the CEC, 811 recounts were conducted.<sup>138</sup> With the exception of the two local council seats reassigned to GD, these overall confirmed the previously established results. The credibility of the results management was further enhanced by the publication of the full disaggregated results in user-friendly spreadsheets, including the numbers of voters who voted and the number of invalid ballots, which was done for the first time by the CEC.<sup>139</sup>

In over one fourth of the PECs in the proportional and mayoral elections, the published disaggregated results showed imbalances between the number of voters who voted and the number of votes cast.<sup>140</sup> In most cases, there were one or two ballots fewer, and in some cases one or two ballots more than the number of voters' signatures. At odds with international good practice, PECs are not required by law to first count all the votes found in the ballot boxes and enter the figure in the protocol, before

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<sup>137</sup> The CEC Chairperson stated that this recommendation followed requests by resident international actors.

<sup>138</sup> These included 360 randomly selected PECs, 194 at the initiative of DEC's or based on complaints, and 257 following a CEC Chairperson recommendation. Following recounts, some discrepancies remained in 30 per cent of PEC protocols.

<sup>139</sup> These were published first on 5 October after the 360 random recounts, and on 11 October after the review of complaints at DEC's.

<sup>140</sup> Since most voters on special lists (including those on duty outside of their registration area) were not eligible to vote in the majoritarian election, the imbalances were inevitably more frequent in the proportional part of the local council's election.

proceeding with the counting of the votes received by contestants.<sup>141</sup> PEC members produced in total 1,016 notes explaining these imbalances and 570 amendment protocols when mistakes were committed during drawing up results protocols. The existence of the accompanying amendment protocols and/or explanatory notes is not marked directly on the results protocols. In a few cases the imbalances were higher and, in many cases, led to recounts of the precinct results. Following recounts, some 25 per cent of PEC protocols remained ‘imbalanced’.<sup>142</sup>

*To strengthen trust in the integrity of the election results, additional measures could be considered to strengthen the accountability of the counting process, in line with international good practice.*

The tabulation of the first round results was concluded on the last day of the permitted period, 14 days after the election, by the CEC declaring the official winners and calling the second round for 30 October. The CEC data comparing the machine and manually established results in the ballot scanner pilot indicated slight discrepancies between the two. The official turnout was 51.9 per cent.

## **B. SECOND ROUND**

The reception, verification and uploading of the polling station protocols at 39 DECAs visited was in most cases assessed by IEOM observers as transparent, orderly and efficient. However, the progressively updated results were displayed only in half of the DECAs observed. The CEC posted the first PEC results protocols some two hours after the end of voting, and slightly later began to publish gradually updated preliminary results, enhancing transparency. The full disaggregated preliminary results in easy-to-use spreadsheets, including the number of voters and of invalid votes, were posted on the CEC website on 31 October.<sup>143</sup> The official turnout was 49.1 per cent, a slight decrease from the first round.

The CEC modified the procedure for random recounts in districts holding only majoritarian elections and thus having only a few polling stations operating in the second round.<sup>144</sup> This applied to 11 of the 40 DECAs. On 31 October, the CEC chairperson announced in a press conference the random selection of PECs for the morning and their recounts for the afternoon of 1 November. With the stated objective to further enhance the transparency of the results process, the CEC increased the number of PECs to be randomly recounted in each of the 29 DECAs from five to seven.<sup>145</sup> Following an initiative of the CEC commissioner appointed by Citizens, the two additional PECs, were randomly selected from among those where video cameras were not employed during the vote counting, and were recounted in each DEC on 2 November.<sup>146</sup> Overall, ODIHR observers reported fast recounting of contestants’

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<sup>141</sup> Section 3.2.vii of the ([Code of Good Practice](#)) states “at least two criteria should be used to assess the accuracy of the outcome of the ballot: the number of votes cast and the number of voting slips placed in the ballot box”; Paragraph 32 states “the fairness of the ballot should be judged by two main criteria alone: the number of electors who have cast votes compared with the number of ballot papers in the ballot box. The first measure can be determined by the number of signatures in the electoral register.”

<sup>142</sup> On 7 and 8 October, UNM and Lelo requested repeat recounts for all PECs in DEC Tskaltubo and one PEC in Batumi on the grounds that three out of the five PEC protocols had remained ‘imbalanced’ after the random recounts. The requests were found inadmissible by the DECAs and the courts due to their late submission. On 5 October, Droa requested a repeat recount by DEC Nadzaledevi and on 4 October UNM requested annulment of the recounted PECs in DEC Kobuleti. In addition to possible errors in issuance of ballot papers or omissions of signatures, the use of envelopes to cast a ballot is in itself a factor that may also result in the number of ballots found in the ballot box not corresponding to the number of voters who voted.

<sup>143</sup> The preliminary results showed that some eight per cent of results protocols contained imbalances.

<sup>144</sup> If the number of operating polling stations within a DEC does not exceed five, random recounts are not conducted, however, the DECAs are obliged to proceed with a recount if a complaint requesting a recount is submitted.

<sup>145</sup> The overall share of recounted PECs was increased from some eight to 11 per cent.

<sup>146</sup> According to the CEC, the GD requested the return of a part of the lent cameras after the first round. In some 300 PSs the vote count was not recorded in the second round.

votes, but also a complete absence of the verification or recount of signatures on voter lists. In various observations they noted inconsistencies in the re-evaluation and voting on invalid ballots where the intention of the voter was not clear, often also within the same recount session, raising doubts about the impartiality of the PEC and DEC members involved. A total of 259 random recounts were conducted, which, according to the CEC did not affect the results. The tabulation of the second round results was concluded on 13 November.

## **XVII. RESULTS AND POST ELECTION DEVELOPMENTS**

In the first round, sixteen parties reached the threshold in the proportional vote. The GD received 46.7 per cent of the proportional vote nationwide, the UNM 30.7 per cent and GFG 7.8 per cent.<sup>147</sup> In 622 of the 664 majoritarian constituencies, a winner was declared in the first round. The GD won 90 per cent of these seats, UNM 8.5 per cent, other parties less than one per cent. The GD won in all the 44 municipalities out of 64 where a mayor was elected in the first round.

In the second round, GD won 19 out of 20 mayoral elections, while UNM won one. Of the 42 majoritarian contests, GD got 27 seats, UNM 7, GFG 6 and ES and Free Georgia one each. Of the 1,404 proportional seats, 31.4 per cent were won by women, of the 664 majoritarian seats, women got 7.5 per cent and 3 out of 64 elected mayors were women.<sup>148</sup>

Following both rounds, several opposition parties expressed mistrust in some aspects of the process, demonstrated by a large number of complaints from parties and citizen observer groups, which often led to requests for recounts. Some interlocutors expressed suspicion over the high number of votes for the ruling party in penitentiary institutions and from voters on special voting list due to COVID-19.<sup>149</sup>

Following the tabulation of the second round results, the UNM and its opposition partners called the elections fraudulent and stolen and protested in different cities, renewing the demand for snap elections and demanding that Mr. Saakashvili be released from prison. Furthermore a few opposition parliamentarians rejected their parliamentary mandates, claiming that the elections had been stolen and calling for early elections.<sup>150</sup> A number of opposition lawmakers started a hunger strike.

## **XVIII. POST ELECTIONS COMPLAINTS AND APPEALS**

### **A. FIRST ROUND**

On election day, complaints on violations during voting and counting procedures could be filed to PECs.<sup>151</sup> Appeals against PEC decisions on such complaints, including actions and inactions, could be filed within two days to DEC, which then had two days to decide. After PEC protocols were completed, complaints against PEC decisions, including protocols, were to be filed to DEC and appeals to the district courts. The law provides an opportunity for complaints to be filed directly to

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<sup>147</sup> In addition, thirteen other parties and three independent candidates won seats.

<sup>148</sup> For proportional contests, a gender quota requirement for candidate list registration is that every third candidate is of the opposite gender. On 21 October, the Constitutional Court rejected a complaint filed by the EG against the constitutionality of the requirement.

<sup>149</sup> In the first round GD got 81.6 per cent of the proportional vote in penitentiary institutions and 58.2 per cent of voters on special lists due to COVID-19.

<sup>150</sup> Two parliamentarians, from Lelo and GMF had formally rejected their mandates, while more parliamentarians had expressed their intention to do so.

<sup>151</sup> Complaints against voting were to be filed before the opening of the ballot box and complaints on counting until the drafting of the results protocol.

PECs until the PEC protocols are drafted, however, DEC did not accept complaints if the alleged irregularities pertained to the actual drafting of the PEC protocols. This narrow interpretation of the law reduced the effectiveness of dispute resolution. Moreover, several interlocutors noted that they were prevented from filing complaints to PECs and registering them in the logbooks.

*To ensure effective remedy, all complaints should be given thorough consideration and the law should not be interpreted or implemented in a manner that further restricts the opportunities for seeking effective remedy.*

Overall, the mechanism for complaints provides for an expedient dispute resolution. However, the law does not provide clear and objective criteria for granting and conducting recounts and annulments, at odds with previous long-standing ODIHR recommendations.<sup>152</sup> This gives the DEC and the courts wide discretionary powers to decide. In some cases, DEC may have had a selective approach.<sup>153</sup>

After the first round, DEC received some 1,300 complaints referring to one or more PECs each, including over 900 requests for recounts, over 200 requests for disciplinary sanctions on PEC members and 60 for the annulment of results.<sup>154</sup> Some 450 recounts were requested due to imbalances in the PEC protocols, as the number of ballots cast did not fully reconcile with the number of signatures on the voter list.<sup>155</sup> Some 180 recounts, mainly requested by GFG, were on the grounds that the number of invalid ballots was too high, which is not a violation by law. Some 80 requests cited that PEC results protocols were incomplete or changed without an amendment protocol, in breach of the law.<sup>156</sup>

DEC reviewed almost all complaints on their merits and within the legal deadlines, in open sessions, and complainants had the opportunity to present their cases. Most of the complaints, including requests for recounts, were rejected by the DEC. In the absence of criteria for granting recounts, DEC cited various and multiple grounds in their decisions, including, that they had already recounted the requested PECs,<sup>157</sup> that no complaint had previously been filed to the corresponding PECs,<sup>158</sup> that imbalanced protocols were not a violation of the law and that no other violation was alleged in the

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<sup>152</sup> Guideline II.3.3.e of the [Code of Good Practice](#) states “The appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station. In the event of annulment, a new election must be called in the area concerned.”

<sup>153</sup> DEC 67 in Zugdidi received requests for recounts for 102 PECs by GFG, for 103 PECs by UNM, for 5 PECs by GD and for the same five PECs by the observer organization Green Earth. All requests alleged unlawful invalidation of ballots. The DEC denied admissibility to all requests on the grounds that no complaints were filed first to the PECs during the counting. However, on 7 October the DEC recounted on its own initiative the 5 PECs requested by GD and the Green Earth. The recounts resulted in GD gaining one more seat in the local councils.

<sup>154</sup> Requests for recounts were filed mainly by UNM, GFG, ISFED, GYLA, TI, and HRC.

<sup>155</sup> PECs are not required by law to reconcile the number of ballots cast with the number of voters who voted by first counting all the ballots cast, then the ballots cast for each contest and entering the figure on the results protocols and then reconciling those figures with the number of signatures on the voter list.

<sup>156</sup> Other cited grounds included incomplete PEC protocols, disputed invalidation of complaints, observers hindered from observing or not allowed to file complaints, unsealed PEC materials delivered to DEC, logbooks not sealed, ballots signed by voters, incorrect invalidation of ballots, electricity cut during counting, video recording interrupted.

<sup>157</sup> At the same time, some DEC granted requests by stating that they recounted on their own initiative.

<sup>158</sup> Requests for recount filed by GD and UNM, both alleging unlawful invalidation of ballots in a number of PECs were denied admissibility by DEC 67 in Zugdidi on the grounds that no complaints were filed first to the PECs during the counting, however the DEC recounted results of the requested PECs on its own initiative.

complaint.<sup>159</sup> In total, 15 DEC's granted some 50 requests and held mainly partial recounts only of the signatures or the invalid ballots. No request for the annulment of voting in any PEC was granted.<sup>160</sup> Some 48 DEC's decisions to deny the recount were appealed to the district courts and all but two were rejected on merits. Recounts for two additional PEC's were held following a court decision.<sup>161</sup> The courts reviewed all complaints in public hearings, respecting due process. While formally the vast majority of complaints were rejected by DEC's and courts, in practice a significant share of the requested recounts were held, albeit many of them partially, on the initiative of the DEC's, mostly following the recommendation issued by the CEC Chairperson. Following the completion of the tabulation of results by DEC's, the UNM requested the annulment of the results protocol of DEC Kobuleti. The complaint was rejected by the CEC on the grounds that requests for recounts of individual PEC's had already been reviewed by the DEC and the first-instance court, hence, no further examination was needed.

## B. SECOND ROUND

After the second round, some 230 complaints were filed with DEC's, referring to alleged irregularities in multiple PEC's. Some 100 complaints requested recounts and annulment of voting results, some 90 requested disciplinary sanctions on PEC members, mainly on registrars, some 20 administrative protocols to be issued and some 20 appropriate measures to be taken by DEC's. Most of the complainants alleged contested invalidation of ballots and imbalances in PEC result protocols, tracking of voters at PEC's, unsealed elections materials, including PEC logbooks or packages of invalid ballots, amendment of PEC protocols without correction protocols and one alleged ballot stuffing by a PEC registrar.

Almost all complaints were reviewed within the legal deadlines, and most were rejected. Many complaints were rejected on the grounds that no complaint had been previously filed to the PEC's, based on a narrow interpretation of the law.<sup>162</sup> Other grounds for rejection included lack of legal basis (high number of invalid ballots, 'imbalanced' protocols), or the complaint did not describe the nature of violation for specific PEC's, or that the error was in the meantime rectified. No requests for recounts or annulment of voting were granted. DEC's granted some 65 complaints mainly requesting disciplinary sanctions on PEC members and in such cases, they usually issued warnings. Most recounts the DEC's conducted were only partial, usually of the invalid ballots. In some cases, DEC's conducted the requested recounts but without annulling the PEC protocols.<sup>163</sup> Often DEC's did not

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<sup>159</sup> DEC 7 Chugureti on requests by GFG, DEC 9 Nadzaladevi on recounts for 50 PEC's filed by Droa, DEC 2 Vake on requests by ISFED, and DEC Tetrtskaro on requests by GFG.

<sup>160</sup> Annulment of results was requested in cases of multiple or proxy voting, imbalanced protocols, voters voting without IDs and was often supported by video recordings.

<sup>161</sup> The court annulled the decision of DEC Mtskheta denying admissibility to a request for recount on the grounds that the complainant lacked authorization. Following the court decision, the DEC recounted two of the four PEC's as requested, and two others on its own initiative.

<sup>162</sup> Including two complaints filed by UNM to DEC Kutaisi on a PEC registrar alleging in public that GD pressured PEC 90 members to allow unregistered voters to vote; a complaint to DEC Samgori alleging destruction of election materials at PEC6.10; a complaint to DEC 69 Chkhorotsku by GD alleging that the votes for GD were reduced from 255 to 251 on the PEC 69.06 in order to balance the protocol. In such cases the DEC's formally did not deny admissibility but rejected the complaints on merits. Some 25 complaints filed on election day mostly alleged voter intimidation, inked voters allowed to vote, tracking of voters, groups of unauthorized people at PEC's, voters registered on multiple lists and were not considered by DEC's Rustavi, Samgori and Khobi.

<sup>163</sup> For instance, DEC Isani on complaints by TI and GYLA vs PEC 6.57, DEC Chugureti on complaints by TI vs PEC's 8 and 14; DEC Saburtalo on GYLA vs PEC 5.

effectively investigate the alleged violations.<sup>164</sup> In some cases, during the recounting of invalid ballots, some DEC applied an inconsistent interpretation of the validity criteria.<sup>165</sup>

UNM challenged 20 DEC result protocols to the CEC, arguing that they did not reflect the reality and citing alleged irregularities at PECs.<sup>166</sup> In a single decision, the CEC rejected all of them stating that UNM should have filed complaints to the PECs on election day and that DEC and the court had already ruled and rejected UNM complaints on the same issues.<sup>167</sup> In practice, this interpretation of the law by the CEC deprived stakeholders of the right to challenge the results, at odds with international good practice.<sup>168</sup> No appeal was filed to the court.

## **XIX. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Georgia in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with prior ODIHR recommendations that remain to be addressed. ODIHR stands ready to assist the authorities of Georgia to further improve electoral processes and to address the recommendations contained in this and previous reports.<sup>169</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. To enhance public confidence in the electoral process and create free and fair campaign environment, public officials and electoral contestants should refrain from exercising pressure on voters and candidates, and the relevant authorities should take prompt and effective steps to investigate allegations of intimidation, coercion and vote buying as well as proactively work to deter such practices and educate voters on their rights and safeguards in place.

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<sup>164</sup> For instance, the DEC Rustavi rejected some 25 complaints filed by the observer organisation Platform 20/20 alleging that PEC registrars were tracking voters and notifying third parties via mobile phone. The DEC concluded that the alleged violations were not confirmed on the basis of interviewing only the accused PEC registrars. Moreover, the explanatory notes uploaded on the CEC website refer to these complaints as “not considered”, hence denied admissibility, although these were reviewed on merits.

<sup>165</sup> For instance, ballots marked with X on the number of a contestant were sometimes deemed as votes for the marked contestant while in other cases these were considered votes for the non-marked contestant.

<sup>166</sup> Namely, Batumi, Khelvachauri, Khobi, Kutaisi, Martvili, Poti, Rustavi, Senaki, all 10 DEC of Tbilisi, Telavi, and Zugdidi.

<sup>167</sup> In its decision, the CEC listed the alleged irregularities were already appealed by the UNM to DEC and the courts and the outcome of their decisions. It concluded that the DEC protocols were issued in accordance to the law, by an authorized organ, with respect to the authorities given to DEC by the law, and that there were no legal grounds or factual evidence for their annulment.

<sup>168</sup> Paragraph 92 of the [Code of Good Practice](#) states ‘If the electoral law provisions are to be more than just words on a page, failure to comply with the electoral law must be open to challenge before an appeal body. This applies in particular to the election results: individual citizens may challenge them on the grounds of irregularities in the voting procedures.’

<sup>169</sup> In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendation 10 from the final report for the 2020 parliamentary elections and recommendation 6 from 2018 final report on presidential election are fully implemented. Recommendations 10, 21, 25 from the final report on the 2018 presidential election and recommendations 2, 9, 12, 24, 25 from the final report on 2020 parliamentary elections are mostly implemented. Recommendations 1,9, 11, 15-19, 23, 24 from the 2018 final report and 3, 5, 6, 11, 17, 19, 22, 28 from the 2020 final report are partially implemented. See also [the ODIHR Electoral Recommendations Database](#).

2. The timeframes for submission of applications and election of PEC membership could be adjusted to allow for proper review of application documents and effective oversight by all DEC members.
3. To ensure a level playing field for all contestants, the legal framework for combatting the misuse of administrative resources should be applied and enforced including the misuse of public office in the campaign.
4. To strengthen the effectiveness of campaign finance oversight, further measures could be considered to ensure the independence of the oversight body and that the oversight body is fully mandated and resourced to monitor campaign spending and thoroughly review campaign finance reports.
5. The authorities should fulfil their duty to protect the safety of media staff through effective and timely protective measures. State authorities should promptly investigate and bring to justice those involved in attacks on, and ill-treatment of journalists and other media actors.
6. To protect the role of citizen observers and prevent their misuse, political parties should refrain from artificially increasing their presence in polling stations by abusing the framework for election observation.
7. To ensure that voters are free to vote without hindrance, pressure and undue influence contestants should respect the legally established perimeter around polling stations for not deploying coordinators and activists. The authorities should ensure such prohibition is enforced and similarly work to prevent the interference of contestant representatives and observers.

## **B. OTHER RECOMMENDATIONS**

### **Legal Framework and Electoral System**

8. To enhance legal certainty and effective implementation, the legislation could benefit from a comprehensive review to remove gaps and inconsistencies and bring it further in line with OSCE commitments, international standards and good practices, well in advance of the next election period and within an inclusive and transparent consultation process.
9. The delineation of constituencies and seat distribution should be reviewed every ten years, preferably outside election periods, based on clear and objective criteria, in line with international standards and good practice.

### **Election Administration**

10. To strengthen the impartiality of and public confidence in the entire election administration, the selection criteria for appointing DEC's members should be further strengthened.

### **Candidate registration**

11. To promote balanced gender representation at all levels, parties could enhance internal party policies to encourage women's participation and increase the number of women candidates among majoritarian and mayoral candidates.

## **Campaign finance**

12. To enhance the transparency and accountability of campaign finances, the legislation should be further reviewed to address pending previous ODIHR and GRECO recommendations.
13. To prevent circumvention of the regulations, measures should be considered to ensure that anonymous in-kind donations and third party campaigning are properly identified and accounted for, followed by effective actions taken to enforce the law.
14. To increase the effectiveness of campaign finance oversight, measures could be considered to facilitate prompt institutional co-operation and grant the SAO access to databases and information necessary for the verification of the legality of donations, as well as short deadlines for the exchange of information and for the SAO to act upon identified violations.
15. To enhance the effectiveness of oversight, auditing of party and campaign finances should include identifying unreported incomes and expenditures. An effective mechanism could be introduced for monitoring and estimating the value of campaign expenditures, including on media and online campaigning.

## **Election Day**

16. To strengthen the integrity of the voting process, the procedures should extend the use of indelible inking to mobile voting.
17. To strengthen trust in the integrity of the election results, additional measures could be considered to strengthen the accountability of the counting process, in line with international good practice.

## **Tabulation**

18. To increase the integrity, accountability, and transparency of the recount process, all types of recounts should be conducted in a consistent, comprehensive and transparent manner based on the clear and comprehensive criteria. Recounts and any selection of polling stations to be recounted should be open to observers and representatives of contestants potentially impacted by the recount.

## **Complaints and Appeals**

19. To guarantee effective legal redress, the electoral dispute resolution framework should be reviewed to broaden the legal standing and revise legal deadlines for complaints requesting disciplinary sanctions against election commission members to provide for duly expedited resolution of all election-related cases.
20. To ensure effective remedy, all complaints should be given thorough consideration and the law should not be interpreted or implemented in a manner that further restricts the opportunities for seeking effective remedy.

## ANNEX I: ELECTION RESULTS

### Mayoral Election

GD - Georgian Dream	63
UNM - United National Movement	1
Total	64

### Proportional Component of local councils Elections

Party	Overall per cent of Votes	Overall number of Seats
GD - Georgian Dream	46,7per cent	777
UNM - United National Movement	30,7per cent	447
GFG - Gakharia for Georgia	7,8per cent	107
Lelo	2,7per cent	27
EG - European Georgia	1,7per cent	13
AoP - Alliance of Patriots	1,5per cent	5
GMF - Girchi More Freedom	1,4per cent	1
LP - Labour Party	1,4per cent	3
TP - Third Power	1,3per cent	7
Girchi	0,9per cent	1
ADFP - Ana Dolidze - for People	0,8per cent	2
Citizens - Aleko Elisashvili	0,8per cent	1
PP - Peoples party	0,2per cent	3
ES - European Socialists	0,2per cent	3
TMUG - Tamaz Mechiauri for United Georgia	0,1per cent	5
PF - Progress and Freedom	0,1per cent	2
Other parties	1,6per cent	0
<b>Total</b>		1404

### Majoritarian Component of Sakrebulo Elections

GD - Georgian Dream	584
UNM - United National Movement	60
GFG - Gakharia for Georgia	8
EG - European Georgia	4
ES - European Socialists	2
TP - Third Power	1
TMUG - Tamaz Mechiauri for United Georgia	1
FG - Free Georgia	1
Independents	3
<b>Total</b>	664

**Overall Results: Mayors and Local Councils - Proportional and Majoritarian Seats**

	Mayors	GD	UNM	GFG	Lelo	EG	TP	Oth ers	Total
Tbilisi	GD*	29	13	4	2			2	50*
Sagarejo	GD	29	9		1				39
Gurjaani	GD	28	9	1		1			39
Sighnaghi	GD	26	9	1					36
Dedoplistskaro	GD	24	5					1	30
Lagodekhi	GD	17	9	1			2	1	30
Kvareli	GD	19	7	1					27*
Telavi	GD*	22	16	1					39
Akhmeta	GD	18	11	1					30*
Tianeti	GD*	17	4	1				5	27*
Rustavi	GD*	16	16	3					35*
Gardabani	GD	26	10						36
Marneuli	GD	27	6						33
Bolnisi	GD	30	6						36
Dmanisi	GD	15	13					2	30
Tsalka	GD	20	6	1			1	2	30
Tetritskaro	GD	27	7	1	1				36
Mtskheta	GD	19	7	1					27
Dusheti	GD	23	5	2	1			2	33*
Kazbegi	GD	12	1	1				4	18
Kaspi	GD	19	8	2				1	30*
Gori	GD	24	9	3					36
Kareli	GD*	17	8	1	1				27**
Khashuri	GD*	16	8	2	1				27*
Borjomi	GD	24	7	1				1	33
Akhaltzikhe	GD	28	8	2		1			39
Adigeni	GD	24	9						33
Aspindza	GD	22	6		1	1			30
Akhalkalaki	GD	37	2		1	2			42
Ninotsminda	GD	27	1	1		1			30
Oni	GD	22	4	4	2			1	33**
Ambrolauri	GD	22	4	3	1				30
Tsageri	GD*	19	4	4	1		1	1	30
Lentekhi	GD	13	1	1	1	1	1	3	21*
Mestia	GD	26	3	2	1	1			33
Kharagauli	GD	24	6	2	1				33
Terjola	GD	18	8	1		3			30
Sachkhere	GD	30	2	1					33
Zestaponi	GD	27	10	2					39
Baghdati	GD*	18	7	1	1				27
Vani	GD	23	6			1			30
Samtredia	GD	24	7	1	1				33*
Khoni	GD	20	5	1		4			30
Chiatura	GD	27	5	2	1		1		36*
Tkibuli	GD	17	8	1	1				27
Tskaltubo	GD*	25	13	1					39*

<b>Kutaisi</b>	GD*	18	14	2			1		35
<b>Ozurgeti</b>	GD*	30	11	4					45****
<b>Lanchkhuti</b>	GD	20	4	2	1				27
<b>Chokhatauri</b>	GD	26	6	3				1	36*
<b>Abasha</b>	GD	18	8	2				2	30
<b>Senaki</b>	GD*	16	13	4					33**
<b>Martvili</b>	GD*	15	11	5		1		4	36****
<b>Khobi</b>	GD*	21	11	4					36
<b>Zugdidi</b>	GD*	20	22	3					45*
<b>Tsalenjikha</b>	UNM*	11	11	4	1				27*****
<b>Chkhorotsku</b>	GD*	12	7	7	1				27*****
<b>Poti</b>	GD*	20	11	4					35
<b>Batumi</b>	GD*	16	15	3	1				35
<b>Keda</b>	GD	15	4	1	1				21*
<b>kobuleti</b>	GD	24	13	2					39
<b>Shuakhevi</b>	GD	14	5	1	1				21
<b>Khelvachauri</b>	GD*	14	7	3					24**
<b>Khulo</b>	GD	14	6	2	1		1		24**
<b>Total</b>		1361	507	115	27	17	8	33	2068

The number of majoritarian seats decided in the second round are marked by asterisks (\*)

## ANNEX II: LIST OF OBSERVERS IN THE IEOM

### Congress of Local and Regional Authorities of the Council of Europe

Erion	Veliaj	Albania
Emin	Yeritsyan	Armenia
Renate	Zikmund	Austria
Samira	Huseynova	Azerbaijan
Carla	Dejonghe	Belgium
Adam	Drnovsky	Czech Republic
Jana	Fischerova	Czech Republic
Dr Pavel	Pseja	Czech Republic
Randi	Mondorf	Denmark
Martine	Roudolff	France
Mathilde	Girardi	France
Vasileios	Psathas	Greece
György	Illes	Hungary
Giuseppe	Magni	Italy
Matija	Kovač	Serbia
Vladimir	Prebilič	Slovenia
Kristoffer	Tamsons	Sweden
David	Eray	Switzerland
Lale	Bektas	Turkey

### European Parliament

Michael	Gahler	Germany
Marketa	Gregorova	Czech Republic
Marina	Kaljurand	Estonia
Juliane	Schmidt	Germany
Katalin	Cseh	Hungary
Helen	Collins	Ireland
Carola	Bennato	Italy
Raffaele	Luise	Italy
Egle	Kropaite	Lithuania
Anna	Fotyga	Poland
Robert	Golanski	Poland
Wojciech Jan	Danecki	Poland
Miriam	Lexmann	Slovakia
Jordi	Solé	Spain

### ODIHR Short Term Observers

Stefan	Katzmann	Austria
Kristyna	Bagge	Czech Republic
Radovan	Bouska	Czech Republic
Anna	Dumont	Czech Republic
Pavel	Hrneir	Czech Republic
Jakub	Krc	Czech Republic

Eva	Kubickova	Czech Republic
Jaroslav	Kurfürst	Czech Republic
Kristýna	Valentová	Czech Republic
Daniel	Volf	Czech Republic
Marcela	Zárubová	Czech Republic
Per	Andersen	Denmark
Peter	Bohlbro	Denmark
Nana	Hansen	Denmark
Helle	Ibsen	Denmark
Soren	Jensen	Denmark
Jytte	Petersen	Denmark
Mette	Selchau	Denmark
Otto Erik	Sørensen	Denmark
Siim	Krispin	Estonia
Marge	Maspanov	Estonia
Erle	Rikmann	Estonia
Kirsti	Narinen	Finland
Juho	Takkunen	Finland
Julien	Arnoult	France
Victor	Audubert	France
David	Bourson	France
Antoine	Comps	France
Maxime	Dafri	France
Marie de	Leffe	France
Olivia	Dejean	France
Elisabeth du	Breil de Pontbriand	France
Damien	Hentry	France
Nadia	Jurzac	France
Clémence	Leduc	France
Sarah	Pinard	France
Cécile	Polivka	France
Bertrand	Remy	France
Chloé	Rodellas	France
Claudio	Serafini	France
Laura	Similowski	France
Matthias	Vazquez	France
Benedicte	Williams	France
Frank	Aischmann	Germany
Christine	Althausen	Germany
Claus	Auer	Germany
David	Bieger	Germany
Izabella	Bosze	Germany
Jana	Bürgers	Germany
Ingeborg	Chyla	Germany
Eleonora	Circosta	Germany
Ortrud Duran	Seoane	Germany
Frank	Fischer	Germany
Benedict	Göbel	Germany
Maria	Herkenhoff	Germany
Philipp	Jahn	Germany
Michael	Jelonek	Germany
Daniel	Kempken	Germany

Stefan	Lesjak	Germany
Kristin	Liedtke	Germany
Philine	Nau	Germany
Reinhold	Osterhus	Germany
Regine	Reim	Germany
Kerstin	Roeske	Germany
Claudia	Schäfer	Germany
Maximilian	Schoppa	Germany
Ursula	Schulze-Aboubacar	Germany
Marlene	Sieck	Germany
Marc	Smith	Germany
Evelyn	Stöckle	Germany
Frens	Stoeckel	Germany
Richard	Zweig	Germany
Viktor	Hegedüs	Hungary
Katalin	Kapocsne Haas	Hungary
Iván	Kovács	Hungary
Tamas	Tabori	Hungary
Keith	Turner	Ireland
Maria Serena	Alborghetti	Italy
Lucrezia	Aresi	Italy
Giorgio	Cella	Italy
Undine	Andersone	Latvia
Kristine	Skujina-Troksa	Latvia
Mindaugas	Genys	Lithuania
Milda	Gostautaite	Lithuania
Dangis	Kriščiūnas	Lithuania
Jonas	Mensonas	Lithuania
Mindaugas	Nakvosas	Lithuania
Simonas	Narvydas	Lithuania
Kristina	Sutkaityte	Lithuania
Olga	Manole	Moldova
Sirbu	Rodica	Moldova
Vladimir	Simonovic	Montenegro
Helena	Vizi	Montenegro
Robert	Bosch	Netherlands
Peter	Eshuis	Netherlands
Judith	Kiers	Netherlands
Margaretha	Prins	Netherlands
Antonius	Raven	Netherlands
Cornelis	Ros	Netherlands
Johannes	Stienen	Netherlands
Agnes	Wagenaar	Netherlands
Maren	Bredesen	Norway
Knut	Ditlev-Simonsen	Norway
Karoline	Foss	Norway
Benedicte	Giaefer	Norway
Dag	Hellesund	Norway
Gent	Ramadani	Norway
Sven	Simonsen	Norway
Vibeke	Sørum	Norway
Anne	Sunde	Norway

Mirosław	Adamczyk	Poland
Natalia	Andreeva	Poland
Krzysztof	Ignatowicz	Poland
Andrzej	Jakubowski	Poland
Piotr	Kobza	Poland
Klaudia	Kosicińska	Poland
Joanna	Krupadziorow	Poland
Halszka	Lachowicz	Poland
Marcin	Łapczyński	Poland
Grzegorz	Lewocki	Poland
Krzysztof	Wasowski	Poland
Albert Jerzy	Wierzbiński	Poland
Wojciech	Wojtasiewicz	Poland
Malwina	Żyła-Góralczyk	Poland
Gordana	Aligrudic	Serbia
Bratislav	Rakovic	Serbia
Imrich	Babic	Slovakia
Alexandra	Janečková	Slovakia
Milos	Koterec	Slovakia
Monica	Arnaiz Hernanz	Spain
Sergio	Barrera Perea	Spain
Antonio	Cárdenas Villar	Spain
Ana	Criado Inchauspe	Spain
Carlos de	Ceron y Castro	Spain
Maria de	Esteban Rodrigo	Spain
Maria de la	Hera Crespo	Spain
Patricia	Fabeiro Fidalgo	Spain
Maite	Iturre Llano	Spain
Isabel	Menchon Lopez	Spain
Alberto	Nunez Sabaris	Spain
Alejandra	Rojo Losada	Spain
Nuria	Sancho Alvarez	Spain
Natanael	Tejerina Ortega	Spain
Borja	Vázquez Fontao	Spain
Francisco	Villegas Cara	Spain
Rut	Feuk	Sweden
Karl	Karlsson	Sweden
Dalia	Lahdo	Sweden
Marten	Löfberg	Sweden
Ann-Sofie	Sten	Sweden
Michel	Bosshard	Switzerland
Barbara	Egger Maldonado	Switzerland
Judith	Fiss	Switzerland
Hans-Peter	Portmann	Switzerland
Andreas	Speiser	Switzerland
Alexandra	von Arx	Switzerland
Anina	Weber	Switzerland
Alexander	Anderson	United Kingdom
Andrew	Bagnall	United Kingdom
Mary	Brooksbank	United Kingdom
Patricia	Cavanagh	United Kingdom
John	Clayton	United Kingdom

Madeleine	Cowley	United Kingdom
Terence	Duffy	United Kingdom
Leila	Fitt	United Kingdom
David	Godfrey	United Kingdom
Nirmala	Gopal	United Kingdom
Katherine	Igras	United Kingdom
Jennifer	Langlais	United Kingdom
Shaama	Malik	United Kingdom
Roy	Martin	United Kingdom
Scott	Martin	United Kingdom
Luke	Meaton	United Kingdom
Julius	Nkafu	United Kingdom
Kenneth	Pickles	United Kingdom
Claire	Porter	United Kingdom
Sally	Ross	United Kingdom
Paul	Rushworth	United Kingdom
Gerard	Scott	United Kingdom
Bujar	Ajdari	United States
Syeda	Ali	United States
Jorge	Amador	United States
Lane	Bahl	United States
Carl	Bevelhymer	United States
Mary	Bluestocking	United States
Daniel	Bolger	United States
Hilary	Bown	United States
Brian	Burke	United States
Maija	Butler	United States
Stefan	Coman	United States
Eileen	Conoboy	United States
Alexander	Devetzidis	United States
Matthew	Domboski	United States
Asim	Dorovic	United States
Robert	Downes	United States
Michael	Eldred	United States
Steven	Fenner	United States
Katherine	Gallagher	United States
Anslem	Gentle	United States
Sean	Gralton	United States
Jeffrey	Gregerson	United States
Stephen	Hemphill	United States
Nieve	Heskin	United States
Gail	Kalinich	United States
Jordan	Kanter	United States
Nicholas	La Strada	United States
Andrew	Long	United States
Eric	Lundberg	United States
Kimberly	McCabe	United States
Kimberly	McLaughlin	United States
Hannah	McMillen	United States
Sherry	Murphy	United States
Brooke	Nagle	United States
Nour	Nourey	United States

Iris	O'Rourke	United States
Harold	Otto	United States
Constance	Phlipot	United States
William	Pierce	United States
Keith	Prushankin	United States
Jacquelyn	Razdan	United States
Daniel	Simon	United States
Zackary	Suhr	United States
Gligor	Tashkovich	United States
Shapari	Taxell	United States
Rene	Valdiosera	United States
Laura	Villalba	United States
Teresa	Walsh	United States
Joel	Wasserman	United States
John	Winter	United States
Daniel	Yastishock	United States
Namra	Zulfiqar	United States
Kamola	Arslanova	Uzbekistan
Nizamitdin	Nurmatov	Uzbekistan

#### ODIHR Locally-Recruited Short Term Observers

Thomas	Muehlmann	Austria
Anne Birgitte	Hansen	Denmark
Béjot	Clémence	France
Nastasia	Dhomps	France
Gray	Ethan	France
Tanja	Hutt	Germany
Daniel	Rackowski	Germany
Domenico	Barone	Italy
Agata	Nieboj	Poland
Andreas	Johansson	Sweden
Stella	Ahlin Marceta	Sweden
Armin	Rieser	Switzerland
Anne Chantal	Aeby	Switzerland
Florence	Jolidon	Switzerland
Leah	Kaplan	United States
Deborah	Perlman	United States
Samuel	Kraegel	United States
Cherish	Broker	United States
Robert	Almosd	United States
William	Baringer	United States

## Short-Term Observers Second round

### European Parliament

Marina	Kaljurand	Estonia
Julia	Wanninger	Germany
Inese	Vaidere	Latvia
Egle	Kropaite	Lithuania
Ryszard	Czarnecki	Poland
Joanna	Rejdych	Poland
Javier	Nart	Spain

### ODIHR Short-Term Observers

Elvana	Kurti	Albania
Harminder	Spanlang	Austria
Alma	Tuzlic	Bosnia and Herzegovina
Harminder	Bojkova	Bulgaria
Per	Andersen	Denmark
Peter	Bohlbro	Denmark
Jytte	Petersen	Denmark
Mette	Selchau	Denmark
Kaarel	Kullamaa	Estonia
Julien	Arnoult	France
Victor	Audubert	France
Damien	Hentry	France
Marie de	Leffe	France
Cécile	Polivka	France
Bertrand	Remy	France
Carole	Rigaud	France
Chloé	Rodellas	France
Claudio	Serafini	France
Laura	Similowski	France
Matthias	Vazquez	France
Benedicte	Williams	France
Ethan	Gray	France
Caroline	Hemmings	France
Matthias	Dornfeldt	Germany
Ortrud	Duran Seoane	Germany
Frank	Fischer	Germany
Maria	Herkenhoff	Germany
Daniel	Kempken	Germany
Helmut	Klawonn	Germany
Peter	Kohlmeier	Germany
Josef	Lehleiter	Germany
Ursula	Schulze-Aboubacar	Germany
Marlene	Sieck	Germany
Benjamin	Smale	Germany
Alexandra	Bryson	Ireland
Maria Serena	Alborghetti	Italy
Giovanni	Capellino	Italy

Marco	Dugnani	Italy
Ainura	Usupbekova	Kyrgyzstan
Milda	Gostautaite	Lithuania
Robert	Bosch	Netherlands
Peter Henk	Eshuis	Netherlands
Margaretha	Prins	Netherlands
Antonius	Raven	Netherlands
Cornelis	Ros	Netherlands
Johannes	Stienen	Netherlands
Agnes	Wagenaar	Netherlands
Nazim	Rechi	North Macedonia
Dag	Hellesund	Norway
Stine	Münter	Norway
Vibeke	Sørum	Norway
Natalia	Andreeva	Poland
Klaudia	Kosicińska	Poland
Halszka	Lachowicz	Poland
Gordana	Aligrudic	Serbia
Dragan	Nikodijević	Serbia
Rudolf	Michalka	Slovakia
Igor	Pacolak	Slovakia
Anja	Fabiani	Slovenia
Mónica	Arnaiz Hernanz	Spain
Sergio	Barrera	Spain
Antonio	Cárdenas	Spain
Maria Elena de	Esteban Rodrigo	Spain
Maite	Iturre Llano	Spain
Isabel	Menchon Lopez	Spain
Alberto	Nunez Sabaris	Spain
Nuria	Sancho Alvarez	Spain
Björn	Tedeman	Sweden
Barbara	Egger Maldonado	Switzerland
Alexandra	von Arx	Switzerland
Alexander	Anderson	United Kingdom
Edward	Bagnall	United Kingdom
Mary	Brooksbank	United Kingdom
Peter	Chilvers	United Kingdom
John	Clayton	United Kingdom
Madeleine	Cowley	United Kingdom
Terence	Duffy	United Kingdom
Nirmala	Gopal	United Kingdom
Peter	Hurrell	United Kingdom
Katherine	Igras	United Kingdom
Jennifer	Langlais	United Kingdom
Shaama	Malik	United Kingdom
Scott	Martin	United Kingdom
Luke	Meaton	United Kingdom
Stephen	Paul	United Kingdom
Bernard	Quoroll	United Kingdom
Sally	Ross	United Kingdom

### ODIHR Core Team

Albert	Jónsson	Head of Mission	Iceland
Desislava	Hristova		Bulgaria
Gilles	Saphy		France
Kerstin	Dokter		Germany
Elissavet	Karagiannidou		Greece
Laszlo	Belagyi		Hungary
Urdur	Gunnarsdottir		Iceland
Giovanna	Maiola		Italy
Pawel	Jurczak		Poland
Tomasz	Janczy		Poland
Peter	Michalik		Slovakia
Farrukh	Juraqulov		Tajikistan

### ODIHR Long Term Observers

Shahnaz	Hasanova	Azerbaijan
Veronika	Homolová	Czech Republic
Olga	Svepesova Blatakova	Czech Republic
Lars	Nyholm	Denmark
Diana	De Vaulchier	France
Vincent	Godbillon	France
Catherine	Iffly	France
Benoit	Paré	France
Anja	Bronny	Germany
Josef	Lehleiter	Germany
Gregorio	Baggiani	Italy
Matthias	van Lohuizen	Netherlands
Eva Kristin	Pedersen	Norway
Eldrid	Roeine	Norway
Banca	Osorio	Spain
Eduardo	Salvador	Spain
Mats	Ekholm	Sweden
Eva	Jacobsson	Sweden
Lars	Lagergren	Sweden
Karl	Lindberg	Sweden
Roman	Enzler	Switzerland
Diana	Ferrari	Switzerland
Akinola	Akinsanya	United Kingdom
Stella	Hellier	United Kingdom
Joseph	Worrall	United Kingdom
James	Berk	United States
Kristen	Bomengen	United States
Daniel	Drigot	United States
Lisa	Tilney	United States
Rasul	Khodjaev	Uzbekistan

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).