

INTERIM REPORT
13 September – 3 October 2017

6 October 2017

I. EXECUTIVE SUMMARY

- On 22 August, the President called local elections for 21 October. Voters will elect members of 64 local councils, mayors of 5 self-governing cities and heads of 59 self-governing municipalities. If no candidate for a mayor or a community head receives more than half of the valid votes, a second round is held within 25 days. Councils are elected under a mixed proportional-majoritarian system in a single round.
- Local elections will be held under a revised local governance structure introduced a few months prior to the elections. In addition, the controversies over constitutional amendments proposed by the ruling party and passed by the parliament on 26 September have polarized the political landscape. In protest, the parliamentary opposition parties boycotted the vote.
- The Election Code was last amended in July 2017. Most changes were technical and did not address key OSCE/ODIHR recommendations. Some changes will enter into force only after these elections, including new provisions for the composition of election commissions.
- Elections are managed by the Central Election Commission (CEC), 73 district election commissions and 3,634 precinct election commissions. The CEC has held regular sessions open to accredited observers and media. Over 3.4 million voters are registered for these elections. OSCE/ODIHR EOM interlocutors have not raised significant concerns about the accuracy of voter lists.
- Voters will choose among 597 party/bloc proportional lists, 4,835 majoritarian and 382 mayoral candidates pending any withdrawals. Following a 2016 Constitutional Court decision, independent candidates are eligible to run for mayoral seats. Some 16 per cent of majoritarian and 12 per cent of mayoral candidates are women.
- Since the beginning of the campaign on 22 August, the pre-election atmosphere has been calm and there is little campaign activity outside of Tbilisi. The ruling Georgian Dream and the opposition European Georgia are the most visible parties.
- The law provides for both private and public funding of election campaigns. Contestants are required to report on income and expenditure during the pre-election period. Thus far, contestants have raised some EUR 2,807,000, 94.2 per cent of it by the ruling party.
- Despite overall pluralism and freedom of the media, broadcast media are perceived by election stakeholders as polarized and divided along political lines. Ongoing ownership disputes over the most popular private TV station, *Rustavi 2*, and recent changes in the Georgian Public Broadcaster are of concern. The OSCE/ODIHR EOM commenced quantitative and qualitative monitoring of 15 TV channels and 5 print media on 15 September.
- The Election Code provides for short deadlines for filing and reviewing election complaints by election commissions and courts. Representatives of registered contestants, as well as registered

observer organizations can file complaints on most issues. To date, a small number of complaints and appeals have been filed.

- The Election Code provides for observation of the entire electoral process by citizen and international organizations, as well as representatives of election subjects. As of 3 October, the CEC has registered 52 citizen and 23 international observer organizations.
- A number of national minority representatives are running as candidates, predominantly in minority populated areas. The election administration provides ballots, voter information and polling staff trainings in minority languages.

II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) on 13 September. The OSCE/ODIHR EOM, headed by Corien Jonker, consists of a 14-member core team based in Tbilisi and 22 long-term observers deployed throughout the country. Mission members are drawn from 25 OSCE participating States. The OSCE/ODIHR has requested participating States to second 350 short-term observers to observe election day procedures.

III. BACKGROUND AND POLITICAL CONTEXT

On 22 August, the President called local elections for 21 October. They will be held under a revised local governance structure introduced a few months prior to the elections. Fourteen municipalities were merged and seven cities lost self-governing status.¹ Voters will elect members of 63 councils of local self-government units (*sakrebulos*) and the Tbilisi city council, as well as mayors of 5 self-governing cities, including Tbilisi, and the heads of 59 self-governing communities.

The 2016 parliamentary elections resulted in a constitutional majority for the ruling party, the Georgian Dream (GD), which won 115 of 150 seats. The United National Movement (UNM) gained 27 seats, the Alliance of Patriots of Georgia (APG) 6 seats, and the Industry Will Save Georgia and an independent candidate each 1 seat. Since then, 21 members of parliament have left the UNM and established the Movement for Liberty – European Georgia (EG).

Controversies over constitutional amendments proposed by the GD in early 2017 have polarized the political landscape.² Despite the failure to reach a broad consensus among parliamentary parties and civil society organizations, the amendments were adopted by a constitutional majority on 26 September with 117 votes; in protest, the parliamentary opposition parties boycotted the vote.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Local elections are primarily regulated by the Constitution, the Election Code, the Local Self-Government Code, as well as by Central Election Commission (CEC) decrees and ordinances.³ The Election Code was last amended in July 2017 to introduce a number of changes mainly of a technical nature. These amendments eased candidacy requirements, set up timelines for unregistered voters to register, and introduced a system for electronic registration of proxies of electoral contestants..

¹ The reform affected the status of Zugdidi, Gori, Telavi, Ambrolauri, Mtskheta, Ozurgeti, and Akhaltsikhe.

² Among others, the constitutional amendments envisage further shifting competencies from the president to the government and the prime minister. They also provide for abolishing the direct election of the president and for a fully proportional parliamentary election system. The amendments have no legal effect on the upcoming local elections.

³ Specific aspects of the local elections are regulated by other laws, including the Law on Political Unions of Citizens, the Law on State Audit Office and the Law on Broadcasting.

However, they did not address previous OSCE/ODIHR key recommendations. Some legal changes will take effect only after these elections.⁴

Elections to *sakrebulo*s are held under a mixed proportional-majoritarian system. In Tbilisi, 25 members are elected proportionally and 25 under the majoritarian component. In the self-governing cities of Kutaisi, Poti, Batumi and Rustavi, 15 members are elected proportionally and 10 under the majoritarian component. In the remaining 59 municipalities, 15 members are elected proportionally and 1 majoritarian member is elected, as well as from 1 to 5 majoritarian members are elected to represent the centre of the local self-government unit depending on size.

In the proportional component, the parties/blocs receiving at least four per cent of the valid votes cast participate in the distribution of seats in the *sakrebulo*s. In the majoritarian component, a candidate receiving the most votes is elected.

The mayors are directly elected. A candidate receiving more than half of the valid votes cast is elected. If no candidate is successful, a second round is held within 25 days between the two candidates with the most first-round votes.

V. ELECTION ADMINISTRATION

Elections are managed by three levels of administration, comprising the CEC, 73 district election commissions (DECs) and 3,634 precinct election commissions (PECs). Commissions at all levels are composed of 13 members, with 7 of them nominated by parties that qualify for public funding.⁵ At the CEC level, the five other members are elected by the parliament upon nomination of the president. Additionally, the CEC chairperson is nominated by the president and elected by the CEC with two-thirds majority. Currently, three CEC members are women, including the chairperson.

Thus far, the CEC has held regular sessions open to accredited observers and media. Session agendas and minutes have been made available to the public. The CEC also held informal preparatory closed meetings. The CEC has provided all requested information to the OSCE/ODIHR EOM in an expedient manner.

The CEC's training centre has conducted the first stage of training for DEC and PEC members, and a number of these trainings were observed by the OSCE/ODIHR EOM. It further organized trainings for various electoral stakeholders and state and local officials. In addition, the CEC provided voter education and information on voter registration, including in national minority languages. Special provisions are in place to facilitate the participation of persons with disabilities.⁶

DECs, in addition to party appointees, include five permanent and one temporary member selected by the CEC in an open recruitment process. PECs include six members selected by DECs in the same manner.⁷ Some stakeholders expressed concerns to the OSCE/ODIHR EOM about the perceived lack of transparency of PEC recruitment.

PECs were established and held opening sessions by the 21 September legal deadline. In the vast majority of PECs, DEC-appointed members were elected as chairpersons, deputies and secretaries.

⁴ They include new provisions for the composition of election commissions, which will result in increased representation of the ruling party at all levels.

⁵ Parties are eligible for public funding if they received three per cent of votes in the last parliamentary or local elections. Currently, 20 parties qualify, of which 16 are contesting these elections.

⁶ To date, 1,151 barrier free polling stations have been created and equipped with special voting booths. Each polling station will have a magnifying glass and tactile ballot frames.

⁷ Over 60 per cent of current PEC members also served in the 2016 parliamentary elections.

According to the CEC, women constitute 62 per cent of DEC membership (71 per cent in PECs) and 36 per cent of DEC chairpersons (63 per cent in PECs).

VI. VOTER REGISTRATION

Citizens who are 18 years of age by election day have the right to vote, except those serving a prison term of more than five years. Persons who are declared legally incompetent by a court decision have the right to vote unless placed in an inpatient facility.

Voter registration is passive. The CEC is responsible for compiling voter lists based on the state register of citizens provided by the Public Service Development Agency (PSDA) and other institutions. The CEC receives updated voter data at least four times a year.

According to the PSDA, the state register thus far contains biometric data for 79 per cent of registered voters. In February, the authorities launched a project aimed at improving the accuracy of the voter register for these elections. According to the PSDA, mobile teams conducted door-to-door voter verification, and those deregistered were notified. Apart from manually comparing photos, facial recognition software was used to remove any duplicates. The removal of deceased voters and those who resided abroad or in the territories outside of government control remains a challenge due to the lack of information. The Election Code was amended in July to provide voters without an official address or identification and voters whose registration has been declared invalid by the PSDA, with the possibility to register until 15 September.

According to the CEC, 3,442,455 voters were registered as of 1 September. Voter lists have been displayed in polling stations for public scrutiny since 21 September. Voters can also check their registration online and through 9,500 payment terminals around the country. Requests for corrections are possible until 3 October. Thus far, OSCE/ODIHR EOM interlocutors have not raised significant concerns about the accuracy of voter lists.

VII. CANDIDATE REGISTRATION

Citizens with the right to vote, who are 21 years old, may stand as a municipal councillor; to run for mayor, they must be 25 years old. In line with OSCE/ODIHR recommendations, the requirement that candidates must reside in Georgia in the two years preceding an election was lifted in July. The five-year overall residency requirement remains in place. The law requires that candidates who contest in the Tbilisi *Sakrebulo* must speak Georgian; no such requirement applies in other municipalities. However, the CEC informed the OSCE/ODIHR EOM that the language requirement is not enforced.⁸

Parties must register with the CEC in order to put forward candidacies. Parties that did not participate in the last parliamentary elections were additionally required to collect supporting signatures throughout the country.⁹ The CEC verified all submitted signatures in the presence of representatives of the respective contestant. A total of 38 parties applied to the CEC, of which 36 were registered in what most electoral stakeholders described as an inclusive and transparent process.¹⁰ Three parties subsequently withdrew their registration. In total, 22 parties are running independently, while 11 parties formed a total of 5 electoral blocs.

⁸ During filling the application form candidates are required to indicate that they speak Georgian.

⁹ Parties qualified for public funding needed to collect 1,000 signatures, non-qualified parties needed 25,000 signatures.

¹⁰ The Georgian Economic Development and the Poverty Reduction Party did not submit its application for registration by an authorized representative, while the Political Union “Girchi” did not submit sufficient supporting signatures.

Following a 2016 Constitutional Court decision, independent candidates are entitled to run for mayor, in addition to contesting a majoritarian seat. In order to stand, they must collect support signatures amounting to one per cent of registered voters in the respective constituency. Parties had 60 days to collect signatures, while independent candidates had up to 10 days.¹¹

By 2 October, the CEC and DEC's registered the following contestants: 597 proportional lists of parties and blocs (more than 12,000 candidates), 382 mayoral candidates (including 12 independents) and 4,835 majoritarian candidates (including 212 independents).¹² There are some 800 female majoritarian (16 per cent) and 46 mayoral candidates (12 per cent). Following registration, some candidates have withdrawn.¹³ The OSCE/ODIHR EOM was informed that in isolated cases, some candidates appeared to withdraw under pressure. Several independent candidates withdrew in favour of being included on a party list.¹⁴

VIII. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The official campaign period commenced on 22 August. However, the main contestants began announcing nominations of candidates for Tbilisi mayor and reportedly engaged in campaigning prior to this date. Local authorities are required to provide equal conditions for all contestants, including premises for campaign events and places for posting campaign materials.

Thus far, there is little campaign activity outside of Tbilisi. GD billboards, and to a lesser extent EG posters, dominate in the capital and other urban centres. The OSCE/ODIHR EOM was informed that due to limited financial resources mainly from state funding, the UNM, APG, Labour Party (LP) and United Democratic Movement (UDM) have less visible campaigns. The law allows political officials to participate in campaign events; the Prime Minister has presented GD candidates throughout the country.¹⁵

In the campaign, contestants are mainly relying on small community meetings, door-to-door canvassing and dissemination of leaflets. Apart from the Tbilisi mayoral race, where specific local issues are reflected, parties and candidates are generally running with similar platforms to address economic, employment, infrastructure and local issues. The pre-election atmosphere has generally been calm.¹⁶

The OSCE/ODIHR EOM has thus far received a number of allegations of campaign staff and voters being pressured not to support opposition candidates or to attend GD campaign events. Several interlocutors raised concerns about the misuse of administrative resources by the ruling party.¹⁷

¹¹ The CEC set the deadline for submission of signatures by voter initiative groups that nominate independent candidates 50 days prior to election day, on 1 September. Election commissions only began accepting applications from initiative groups after the calling of the elections on 22 August.

¹² In total, there are 1,090 majoritarian constituencies across the 64 municipalities, where elections are held.

¹³ The deadline to withdraw is 9 October.

¹⁴ For example, three such candidates in Zestaponi registered with the GD, and seven in Dmanisi (1 with the GD and 6 with the Development Movement).

¹⁵ According to Article 2 of the Election Code, political officials include the president, members of the parliament, the prime minister and members of the government and their deputies, members of the Supreme Representative Bodies of the Autonomous Republic of Adjara and its heads, mayor and governors.

¹⁶ The OSCE/ODIHR EOM was informed that on 23 September, in Sadakhlo (Marneuli municipality), an EG majoritarian candidate was physically assaulted by a GD majoritarian candidate and by a local self-government employee. On 2 October, approximately 300 persons gathered outside Tbilisi city hall to demonstrate against the city council's decision to sell land in a prime location for 1 GEL. The gathering turned violent when protesters led by the UNM's mayoral candidate for Tbilisi attempted to storm the building and were prevented by the police. Six persons were detained.

¹⁷ On 15 September, the CEC fined an official from the Ministry of Finance and Economy of the Autonomous Republic of Adjara for posting pictures of a GD campaign event on the official Facebook page of the institution.

The law provides for both private and public funding for parties/blocs; independent candidates are not entitled for public funding.¹⁸ Contestants can also apply for bank loans to finance their campaign. Annual expenses of each party cannot exceed GEL 35,048,000 (EUR 11,806,300).¹⁹ The expenditure limit for independent candidates varies in each district based on the number of voters. The annual donation from an individual cannot exceed GEL 60,000 (EUR 20,350) and from legal entities GEL 120,000 (EUR 40,700).

Contestants are required to open a campaign fund and report on income and expenditure every three weeks and on donations within five days from receipt. The State Audit Office (SAO) oversees party and campaign finances, verifies the origin of funds and responds to campaign finance violations. On 2 October the SAO chairperson, who was appointed at the end of September, replaced his two deputies, of whom one is responsible for monitoring party and campaign finances during these elections. Some election stakeholders have raised concerns about the impartiality of the institution. As of 29 September, only a few contestants have declared donations to the SAO.²⁰ The SAO has reviewed four complaints and sanctioned two contestants.²¹ Since the beginning of the campaign period, 12 parties and blocs, as well as 4 independent candidates have raised a total of GEL 8,236,078 (EUR 2,807,000) from 429 donors.²² Contributions to the GD account for 94.2 per cent of this amount.²³

IX. MEDIA

The media environment is diverse and includes 92 TV channels (including 12 nationwide general digital broadcasters), 51 radio stations, some 300 print publications and numerous online media. TV is the most important source of information, especially outside of the capital. The role of online media is steadily growing, especially in urban centres.

According to many OSCE/ODIHR EOM interlocutors, there are notable improvements in the overall pluralism and freedom of the media landscape since 2012. However, journalists remain vulnerable to political influence, and in particular, the broadcast media are seen as polarized and divided along political lines. In addition, interlocutors expressed concerns about the recent change in the management of the Georgian Public Broadcaster (GPB) and its impact on the programmatic and personnel structure.

The 2 March 2017 Supreme Court decision against the current owners of the TV channel *Rustavi 2* have been criticized by several civil society and international organizations, including the OSCE Representative on Freedom of the Media (RFoM), who noted concerns of media pluralism and independence.²⁴ On 7 March, the European Court of Human Rights decided that until further notice, the Supreme Court ruling should be suspended and that the authorities should abstain from interfering in the broadcaster's editorial policy. While the channel operates, it appears to face financial constraints following its uncertain ownership status.

The legal framework for the media during the election campaign consists of the Constitution, which provides for freedom of speech and prohibits censorship as well as the Law on Broadcasting and the Election Code. The latter obliges public and private broadcasters to allocate free airtime for election

¹⁸ The annual basic funding for qualified parties is equal to GEL 300,000 (EUR 102,100).

¹⁹ Equal to 0.1 per cent of last year's gross domestic product.

²⁰ So far, the contributions of five donors have been verified, and nine more are scheduled for interview. Of these five donors, four donated to the EG and one to the GD.

²¹ The SAO is reviewing a complaints related to a sponsored fake Facebook page against Aleksandre Elisashvili and three instances of misuse of administrative resources. To date, the LP and the *Tavisupleba – Zviad Gamsakhurdias Gza* have been fined GEL 2,000 for not reporting on cash expenditures.

²² Out of this, 238 individuals and all 29 legal entities donated to GD.

²³ For the reporting period, the GD received GEL 7,761,978, followed by the EG with GEL 335,040; the UNM – GEL 40,379; the APG – GEL 26,242; Aleksandre Elisashvili – GEL 24,170.

²⁴ See the [press release](#) by the OSCE RFoM from 3 March.

advertisements of qualified election subjects and to provide equal conditions for placing paid campaign advertisements and with opportunities to take part in debates. The law obliges the GPB and *Adjara TV* (regional public broadcaster) to allocate time to all non-qualified electoral contestants. Paid advertising is allowed without an expenditure ceiling for parties; broadcasters must publish their rates and offer equal conditions.

The Georgian National Communications Commission (GNCC) is responsible for overseeing media compliance with legal provisions for advertising and opinion polls. Since 22 August, the GNCC is monitoring 49 TV channels and plans to issue one report before and one after the election day. On 21 September, the GNCC established that the refusal of the GPB and *Adjara TV* to air a political advertisement of the UDM on 13 September constituted a violation and requested the respective courts to apply administrative sanctions against the two media outlets. On 26 September, the Batumi City Court and the Tbilisi City Court warned the respective broadcasters for the violation. To date, neither channel has aired the spot as they are considering appealing the court decisions.

On 15 September, the OSCE/ODIHR EOM commenced its media monitoring with quantitative and qualitative analysis of 15 TV channels and 5 print media.²⁵

X. COMPLAINTS AND APPEALS

The Election Code provides for up to two days for filing and reviewing election complaints by election commissions and courts. Representatives of registered contestants, as well as registered observer organizations can file complaints in most cases; voters only if they are not included in a voter list. Decisions of election commissions are appealed to the higher level commission and only then to the relevant district/city court. CEC decisions can be appealed to Tbilisi City Court. The Court of Appeals is the highest instance for election dispute resolution.

The CEC maintains an online registry where complaints filed with commissions or courts are posted. As of 3 October, one complaint was considered by the CEC in session. The CEC Chairperson has individually responded to a further number of complaints. Two CEC decisions were appealed to the Tbilisi City Court; in both cases the Court upheld the CEC decisions.

As provided by law, the Inter-Agency Commission for Free and Fair Elections (IACFFE) was established in July in line with legal requirements with a mandate to “prevent and respond” to election violations. The IACFFE is headed by the Minister of Justice and comprises representatives of ministries and government agencies, as well as the prosecutor’s office, the CEC (upon invitation), the SAO, and the Tbilisi city executive. The IACFFE has held seven sessions and issued six recommendations to public officials and election contestants related to the conduct of the campaign.

XI. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code provides for citizen and international observation of the entire electoral process. Citizen and international observers are accredited by the CEC. DEC’s accredit citizen observers and representatives of electoral contestants who observe in a particular electoral district. An online system for accreditation of representatives of contestants has been established by the CEC for the first time.

²⁵ The monitoring is conducted daily from 18:00 until 24:00 in the case *GPB 1, Rustavi 2, Imedi* and *Adjara TV*. In the case of *Maestro, Obiectivi, Pirveli* (Tbilisi-based) and *Guria TV, Gurjaani TV, Kvemo Kartli TV, Odishi TV, Rioni TV, Trialeti, TV 9* and *TV 25* (regional channels), the main news programmes are monitored. Also politics-relevant articles of the newspapers *Rezonansi* (daily), *Alia, Asaval Dasavali*, and *Kronika+ and Kviris Palitra* (weekly) are monitored. OSCE/ODIHR EOM also follows election-related coverage in the online outlets www.ipn.ge, www.netgazeti.ge, www.on.ge and www.tabula.ge.

As of 3 October, the CEC accredited 52 citizen and 23 international observer organizations; 21 media outlets were granted accreditation for 606 journalists. A number of citizen observer organizations have launched long-term activities and observe the pre-election environment, including some have published interim reports and information bulletins.

XII. PARTICIPATION OF NATIONAL MINORITIES

According to the 2014 census, national minorities make up 13.2 per cent of the population. The most numerous ethnic groups are the Azeri (6.3 per cent) and Armenians (4.5 per cent).²⁶ The Constitution grants national minorities full political rights, including the right to use their mother tongue in private and in public. It prohibits discrimination on national, ethnic, linguistic or religious grounds, as well as the formation of political parties propagating ethnic strife.

Several parties/blocs and initiative groups nominated persons belonging to national minorities as mayoral and *sakrebulo* candidates in minority populated regions. Candidates are able to campaign freely in minority languages. Although national minority issues have not featured significantly in the campaign, ethnicity has occasionally become a mobilizing or polarizing factor.²⁷ A few instances of hate speech, threats and tensions have been noted in minority regions.²⁸ National minorities are relatively well represented in DEC and PECs in ethnic Armenian areas, but not represented in DEC and PECs in Azeri areas, yet adequately represented in PECs.

The Election Code contains provision for the translation of ballots, voter lists and other election material in minority languages. The CEC intends to provide voter education and information material in Azeri and Armenian. Training for members of PECs in minority regions is provided in these languages.²⁹ Further, the CEC operates a tri-lingual hotline in Georgian, Azeri and Armenian languages and provides information in the Abkhaz language on its website.

XIII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR EOM commenced its work on 13 September. The Head of the EOM met with the Minister of Foreign Affairs, the CEC Chairperson, the Minister of Justice, the Public Defender, the Chairman of the Government of the Autonomous Republic of Adjara, the SAO, the GNCC and other high-level state officials and representatives of OSCE participating States. The OSCE/ODIHR EOM has also established contacts with political parties, civil society, representatives of the media and other electoral stakeholders.

The Congress of Local and Regional Authorities of the Council of Europe (Congress) intends to deploy a delegation for election day observation.

***The English version of this report is the only official document.
An unofficial translation is available in Georgian.***

²⁶ Followed by Russians (0.7), Ossetians (0.4), Yazidis (0.3), Ukrainians (0.2), Kists (0.2), Greeks (0.1), Assyrians (0.1) and other groups (0.4).

²⁷ On 18 September, after the ethnic Georgian GD mayoral candidate in Marneuli was replaced by an ethnic Azeri, supporters of the former candidate held a protest outside the GD main offices in Tbilisi. On 24 September, APG leaders used strong anti-Turkish rhetoric at a rally in Batumi.

²⁸ On 2 September, the APG mayoral candidate threatened the DEC chair in Akhalkalaki. On 25 September, UDM alleged its mayoral candidate in Akhalkalaki was pressured to withdraw.

²⁹ National minorities are represented on 335 PECs, of which 208 are mixed Georgian-Azeri, 133 mixed Georgian-Armenian, and 4 mixed Georgian-Azeri-Armenian.