I. EXECUTIVE SUMMARY

• The presidential election will take place on 27 October. Constitutional amendments passed in 2010 and 2013 will considerably reduce the powers of the president in favour of the prime minister and the parliament, and will come into force upon the inauguration of the new president.

• The electoral legal framework is comprehensive and provides a sound legal basis for the conduct of democratic elections. Following OSCE/ODIHR recommendations, the Election Code and the Law on Political Unions of Citizens were last amended in July 2013, by consensus and after public consultations.

• Candidate registration was conducted in a transparent and inclusive manner. Fifty-four individuals applied; of which 31 were either rejected or withdrew. In total, 23 candidates were registered including 10 nominated by political parties and 13 by initiative groups. Nine complaints were filed on refused registration, including by four nominees for holding dual citizenship. The Central Election Commission (CEC) and courts rejected all of these complaints.

• The election is administered by three levels of election administration: the CEC; 73 District Election Commissions; and 3,655 Precinct Election Commissions. The CEC operates in a transparent and efficient manner and has met all election deadlines. All stakeholders have expressed confidence in the administration of the election. A CEC voter information campaign on various aspects of the election is being conducted on public and private media.

• Preliminary voter lists have been posted for public scrutiny; however, a number of de-registered voters must re-register with the State Service Development Agency to be eligible to vote.

• According to all OSCE/ODIHR EOM interlocutors, the campaign environment is seen through the prism of the 2012 parliamentary elections and is notably calmer. The government has announced its intention to deploy all government resources to ensure a free and fair electoral campaign. However, the campaign atmosphere has been marked by a tense cohabitation between the governing coalition, the Georgian Dream, and the parliamentary opposition party, the United National Movement, and their respective leaders.

• Although the campaign so far is low key, the number of rallies has increased since the end of September. All candidates and parties are focusing their efforts on door-to-door campaign activities.

• The media environment is considered less polarized than during the 2012 elections and journalists are noted as covering major political events in a more inclusive fashion. However, critical analysis and analytical reporting is still lacking.
• The CEC and the courts have received only a few complaints. The majority of complaints have been filed with the Inter-Agency Commission for Fair and Free Elections (IAC), even though it lacks a mandate to impose sanctions. The IAC is issuing non-binding recommendations to various stakeholders in response to complaints it received.

• The legal framework regulating party and campaign finance was amended in August 2013 to address major issues raised following the last elections. However, several OSCE/ODIHR EOM interlocutors have expressed concern about the low level of oversight by the State Audit Office during the election period so far.

II. INTRODUCTION

Following an early invitation from the Ministry of Foreign Affairs of Georgia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an election observation mission (EOM) on 19 September. The EOM is headed by Matteo Mecacci and consists of 16 international experts based in Tbilisi and 28 long-term observers deployed throughout the country. Mission members are drawn from 24 OSCE participating states. The OSCE/ODIHR has also requested OSCE participating states to second up to 300 short-term observers to follow voting, counting, and the tabulation of results.

III. BACKGROUND

On 4 July, in line with legal and constitutional provisions, the President of Georgia called the presidential election for 27 October. Constitutional amendments passed in 2010 and 2013 will considerably reduce the powers of the president in favour of the prime minister and the parliament and will come into force upon the inauguration of the new president. According to the amendments, the current government shall be dismissed and a candidate for prime minister shall be nominated by the new president upon the proposal of the election subject that achieved the best results in the 2012 parliamentary elections. The current prime minister has announced his intention to resign after the election.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The electoral legal framework is comprehensive and provides a sound legal basis for the conduct of democratic elections. The presidential election is primarily regulated by the Constitution, the Election Code and the Law on Political Unions of Citizens. The electoral legislation was amended in 2013 following OSCE/ODIHR recommendations made after the 2012 parliamentary elections. A number of technical amendments were approved after an inter-party parliamentary group was established and public consultations with civil society were held. Non-governmental organizations (NGOs) noted to the OSCE/ODIHR EOM that most of their recommendations had been incorporated into the amendments.

1 The term “election subject” is defined in the Election Code and includes political parties, election blocs, candidates, and initiative group of voters.
2 Other applicable laws include the Administrative Procedures Code, Administrative Offences Code, Criminal Code, Law on Public Assemblies, and the Law on the Constitutional Court.
3 International Society for Fair Elections and Democracy (ISFED), Georgian Young Lawyers Association (GYLA), Transparency International Georgia.
The amendments were adopted by consensus in the parliament in July and entered into force in August this year. Among others, the amendments include clarifications and more safeguards for the prevention of abuse of administrative resources; more equitable conditions for campaigning, including an obligation for presidential candidates to resign from incompatible offices; further regulation of the formation of election commissions; and changes to the rules for campaign finances.

The president is elected by popular vote for a five-year term. To be elected in the first round, a candidate must receive more than 50 per cent of the valid votes cast. Otherwise, a second round between the two candidates with the highest number of votes is held and the candidate who received the most votes shall be deemed elected.

V. ELECTION ADMINISTRATION

The election is administered by three levels of election administration: the Central Election Commission (CEC); 73 District Election Commissions (DECs); and 3,655 Precinct Election Commissions (PECs). An additional 52 polling stations have been established in diplomatic and consular missions abroad for out-of-country voting. Special polling stations will be established in penitentiary institutions, medical facilities, and military bases by 12 October.

All election commissions are composed of 13 members. At the CEC level, five members are appointed by parliament upon the nomination of the president, and seven are appointed by those political parties that received the highest amount of state funding. The current CEC chairperson was elected by the CEC on 11 September 2013, following a public nomination process. For DECs and PECs, six members are appointed by higher-level commissions after a public competition and the remaining seven members are political party nominees. Four CEC members are women, including the chairperson. At lower levels, women comprise approximately 55 per cent of DEC members and 65 per cent of PEC members.

The CEC operated in a transparent and efficient manner. All election deadlines have been met and all stakeholders expressed confidence in the administration of the election. The DECs and the PECs are fully functional and all PECs held their first sessions by 23 September. The results of the first session of 37 PECs were cancelled because they violated the provision requiring that the chairperson, deputy chairperson and secretary not represent the same election subject.

The CEC Training Centre successfully conducted the first two phases of PEC staff training with the third phase planned closer to election day. In addition, it organized trainings for different stakeholders, including local administration officials, the Council of National Minorities, public defender, media representatives, citizen observers, and political party representatives. A CEC voter information campaign with messages on different election aspects is ongoing on public and private media. The CEC holds regular sessions open to observers and promptly uploads session minutes on its website in Georgian and English. The CEC also regularly uploads decrees, ordinances and complaints on its website.

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4 No polling stations were established in the Russian Federation due to the absence of diplomatic relations between the two countries.
5 Parties that received the highest amount of state funding include the United National Movement (UNM), Georgian Dream–Democratic Georgia (GD-DG), Conservative Party, Republican Party, Our Georgia-Free Democrats and Political Movements “Industry will save Georgia”, and National Forum.
6 The former CEC chairperson resigned in August to run as a candidate in the presidential election.
7 These PECs re-ran the first sessions and reappointed the members for key positions in accordance with the law.
VI. VOTER REGISTRATION

The right to vote is granted to all citizens 18 years or older. Citizens who are declared incompetent by a court and those serving a prison sentence of more than five years are not eligible to vote. The CEC is responsible to compile voter lists (VLs) based on information provided by the State Service Development Agency (SSDA) within the Ministry of Justice and other relevant authorities. On 10 September, the CEC announced a total of 3,536,619 voters on preliminary lists. VLs have been posted at PECs for public scrutiny with additions and corrections permitted from 23 September until 11 October.

According to the SSDA, there are 98,121 de-registered voters who were removed from VLs for various reasons, with the majority having been de-registered for having incomplete data or invalid registration with the SSDA. The CEC informed the OSCE/ODIHR EOM that after subtracting voters abroad, the actual number of de-registered voters is 74,896. The CEC published the list of de-registered voters by precinct in order to increase the possibility that these voters re-register before the legal deadline. The SSDA announced that by the 10 October deadline approximately 9,142 of these voters re-registered.

VII. CANDIDATE REGISTRATION

The Constitution and the Election Code grant the right to stand as a candidate in the presidential election to citizens of Georgia who are over 35 years of age, have the right to vote, and have resided in Georgia at least for five years in total of which the last three years consecutively.

Presidential candidates can be nominated by a political party or an initiative group (IG) consisting of at least five voters. Parties and IGs submit an application to the CEC and are then required to collect signatures of at least 0.75 per cent of registered voters (equal to 26,530 voters). The CEC received 54 applications - 42 from IGs and 12 from political parties. On 23 September, the CEC announced that it registered 23 candidates, 10 nominated by political parties and 13 by IGs. Three candidates are women. Twenty-four nominees were refused registration for various reasons and seven withdrew. Nine nominees filed complaints with the CEC, four of which concerned candidates with dual citizenship. All complaints were rejected (See Complaints and Appeals Section).

VIII. CAMPAIGN ENVIRONMENT

The campaign period officially began on 4 July and there is no prohibition on campaigning on election day except in the media. While a few candidates opened campaign offices and organized meetings across the country shortly thereafter, the majority of candidates were slower to begin campaigning. Candidates have only recently begun to release their electoral programmes. Candidate rallies have focused on how their respective party can best improve the lives of their fellow citizens. Electoral programmes detail economic and social measures, including increasing salaries, decreasing

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9 Figures sent to the CEC in September 2013.
10 The de-registered voters were allowed to vote in the 2010 and 2012 elections because of special legal provisions, which are not applicable for this election.
11 Of these 24, five were rejected for holding dual citizenship, twelve for not submitting the list of supporters within the defined terms, one for submitting fewer support signatures than required, three for submitting incomplete documentation, two for not correcting inaccuracies on supporter lists, and one for termination of the Georgian citizenship.
unemployment, and improving health care services. The announcement by the prime minister of a one billion USD private donation to a Georgian co-investment fund has also been highlighted at GD rallies. Most candidates also call for a “restoration of justice” after nine years under the previous government. Future relations with Russian Federation and territorial integrity are also issues in the campaign.

Those candidates thus far most visible include Giorgi Margvelashvili (GD-DG), Davit Bakradze (UNM) and Nino Burjanadze (Democratic Movement-United Georgia (DM-UG)).

According to OSCE/ODIHR EOM interlocutors, the campaign environment is seen through the prism of the 2012 parliamentary elections and is notably calmer. The government has announced its intention to have an exemplary election, with the prime minister stating that ‘the government and the administrative system - budget funds, the police, or any other state agency - will be deployed to ensure a free and fair electoral environment, as opposed to ensuring one or another candidate's victory’. However, from the beginning, the campaign atmosphere has been marked by a tense cohabitation between the governing coalition, the GD, and the parliamentary opposition party, the UNM, and their respective leaders. This was compounded by arrests and pre-trial detention of several UNM officials, including its Secretary General. Moreover, major political changes have taken place at the local level since the 2012 elections. The campaign environment has been negatively impacted by allegations of political pressure on UNM representatives at local self-governmental institutions.

Party and candidate campaigns are mainly focused on door-to-door activities, especially in the regions. To a lesser extent interactive websites and social media are being used to reach out to the electorate. Numerous billboards for Nino Burjanadze, Giorgi Margvelashvili and to a lesser extent Davit Bakradze are visible, although more in Tbilisi than in the rest of the country. The number of rallies has been steadily increasing since the end of September. UNM representatives have reported instances of harassment and intimidation at their rallies since the official start of the campaign, resulting in at least 16 people being fined.

IX. CAMPAIGN FINANCE

The legal framework regulating party and campaign finance was amended in August 2013 following the 2012 parliamentary elections, and has been assessed as comprehensive by OSCE/ODIHR EOM interlocutors. The most recent amendments addressed the major outstanding concerns and were passed by parliament in a consultative manner. These amendments allow for corporate donations, reduce sanctions for violation of campaign finance rules, lower the threshold for parties to receive

12 Mr. Margvelashvili was put forth by the GD coalition as its presidential candidate, although as coalitions are not permitted to nominate candidates, he was formally nominated by the party of the GD-DG.
14 On 21 May, Vano Merabishvili was arrested and charged with misspending GEL 5.2 million (approximately EUR 2.3 million, (2.2 GEL = 1 EUR)) of public funds on party activists during the 2012 election campaign. Mr. Merabishvili has since been in pre-trial detention.
15 On 20 July in Zugdidi, 21 July in Batumi and 27 July in Tbilisi, at least 17 people were arrested for throwing objects at UNM leaders and attempting to disrupt UNM primaries. They were charged with petty hooliganism and all but one was fined with GEL 100 each. One individual was convicted for intentional damage to health by the Akhaltsikhe regional court. Another three cases of harassment were brought to the attention of the IAC.
state funding, and provide for the reimbursement of campaign expenditures for presidential candidates who pass a ten per cent threshold in the first round of the election.

The Financial Monitoring Service for Political Finances of the State Audit Office (SAO) has been mandated to exercise oversight of campaign finance since 2011. The SAO authority was limited as a result of the 2013 legislative amendments. The SAO can impose sanctions for violation of campaign rules and can request information on the origins of the funds and property donated, solely based on a court decision.\textsuperscript{16} Parties and IGs are obliged to submit financial reports every three weeks from the date of their registration for the election and to report donations within five days of receipt. Thus far, two candidates nominated by political parties and seven independent candidates have failed to comply with the reporting requirements.\textsuperscript{17}

The SAO has informed the OSCE/ODIHR EOM that it is verifying the financial declaration of Nino Burjanadze (DM-UG) and that it plans to file an application with the Tbilisi City Court. Several OSCE/ODIHR EOM interlocutors expressed concern about the low level of SAO oversight during this election.

The total amount of expenditures by a candidate may not exceed 0.1 per cent of Georgia’s GDP for the previous year. A party may receive a maximum annual donation of GEL 60,000 and GEL 120,000 from individual donors and legal entities, respectively. From 1 July to 22 September, disclosed donations from individuals to all election subjects totaled GEL 2,175,308. Although the ban on corporate donations was lifted, no donations from legal entities were received by any candidate. Some 142 donors contributed GEL 1,741,360 to GD and 122 donors contributed GEL 430,903 to DM-UG. The UNM reported not receiving any donations for the given period.

X. MEDIA

The media environment is considered less polarized than during the 2012 elections and journalists are noted as covering major political events in a more inclusive manner. However, critical analysis and analytical reporting is still lacking. National television (TV) remains the prime source of information for the overwhelming majority of voters. Print media outlets offer a wider spectrum of views; however, they have limited influence and are gradually being replaced by online media. The media landscape underwent significant changes during the last year. The second most popular TV station, Imedi, changed ownership, while TV PIK, Sakartvelo, TV9 and Real TV were closed.

According to the Election Code, free airtime on public and private TV is allocated only to qualified candidates nominated by political parties that received either four per cent in the last parliamentary elections or three per cent in the last local elections.\textsuperscript{18} These candidates are entitled to receive 60 seconds per hour on the Georgian Public Broadcaster (GPB). On 8 October, the GPB also decided to allocate free airtime to Ms. Burjanadze based on the results of public opinion polls.\textsuperscript{19} Qualified

\textsuperscript{16} Fines of GEL 2,000 were imposed in two cases for failing to notify the SAO about cash withdrawals from the bank account.
\textsuperscript{17} No fines were imposed. In two cases the SAO applied to the Tbilisi City Court. One application was withdrawn by the SAO itself, second case was rejected by the Court. In seven remaining cases no action was taken by the SAO.
\textsuperscript{18} This includes Giorgi Margvelashvili (GD-DG) Davit Bakradze (UNM), Koba Davitashvili (People’s Party), Sergo Javakhidze (Movement “For Fair Georgia”), Giorgi Targamadze (Christian-Democratic Movement), Zurab Kharatishvili (European Democrats), and Teimuraz Mzhavia (Christian-Democratic People’s Party).
\textsuperscript{19} According to Article 51(8) of the Election Code, a political party that receives more than four per cent in an opinion poll held no later than a month before the election may be allocated free airtime.
candidates are also entitled to 90 seconds per three hours on all private broadcasters that have news or political programs. All candidates are already broadcasting their spots on national TV stations, although not all are using all of their allotted time. The Election Code also obliges the GPB to allocate time to all contestants who do not qualify for free airtime. On 26 September, the GPB decided to allocate every unqualified candidate 15 seconds of free airtime per day of broadcast. This time is allocated outside primetime.\(^{20}\) The GPB will air two debates among those candidates who qualified for free airtime.

In addition to the free airtime, the UNM and GD-DG are entitled to state funding for advertising on private TV stations; UNM has GEL 600,000 and GD-DG GEL 100,000.\(^{21}\) The Election Code entitles all contestants to purchase airtime for campaign advertisements. TV stations are to reserve 15 per cent of the total airtime for political advertisements, while one contestant may purchase up to one-third of this time. Thus far only Ms. Burjanadze and Mr. Bakradze have purchased paid airtime in the national media.

Amendments to the Law on Broadcasting passed in July 2013 will transfer the authority to select candidates for the board of the GPB from the president to the public defender as of 1 January 2014. New board members cannot be appointed until then, even though the term of several board members expired on 1 September, and two other members resigned shortly thereafter, which left the board without a quorum.\(^{22}\) In addition, a number of prominent journalists have been dismissed from the GPB and several popular talk-shows were cancelled.

The Georgian National Communications Commission is the key media regulatory body responsible for licensing and overseeing activities of the broadcast media. Since 7 September, it has been conducting media monitoring of 38 TV stations and around 20 newspapers and has not yet released its first report.

During the campaign period the Prime Minister, who is also the honorary GD chair, held two three-hour meetings with political experts and journalists to address concerns about reporting on the government in general and during the election. The meetings were broadcast live on all major national TV stations.

On 23 September, the OSCE/ODIHR EOM commenced its media monitoring with quantitative and qualitative analysis of primetime campaign coverage of six TV channels.\(^{23}\)

**XI. COMPLAINTS AND APPEALS**

The Election Code establishes an expeditious disputes resolution process for complaints and appeals against election commission decisions with one to three calendar days allotted for appeals and decisions. All election stakeholders have the right to file complaints. In addition, election commissions may submit administrative protocols of violations to a city or district court requesting

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\(^{20}\) The GPB also decided to allocate 45 minutes to every candidate in a talk-show format on GPB-2 (Parliamentary Channel).

\(^{21}\) According to the Law on Political Unions of Citizens, extra funding for TV advertisements is awarded to parties that qualify for general state funding and have nominated a candidate for president. UNM and GD-DG are the only parties that meet these criteria.

\(^{22}\) Several board members complained about pressure from the GD suggesting that they resign.

\(^{23}\) The monitoring is conducted from 18:00 till 24:00. The media outlets monitored are: GPB-1, Ajara, Rustavi-2, Imedi, Maestro, and Kavkasia.
administrative sanctions. Depending on the nature of the violation, the courts adjudicate within three to fifteen days. Appeals are made to the Court of Appeals and its decisions are final.

Some 20 complaints have been filed so far to the CEC on prohibited campaigning by public officials, vote buying and campaigning by a charity organization, and most of them were rejected. In addition, out of 24 presidential nominees who were refused registration, nine filed complaints. Four of these complaints were filed by nominees who were refused registration on the grounds that they hold dual citizenship, which is an obstacle to holding the office of president.\(^{24}\) The CEC, the first instance court and the Court of Appeals rejected these complaints.

Based on information available to the OSCE/ODIHR EOM, some 30 complaints were filed to eight DECs mostly challenging the appointment of PEC leadership.\(^{25}\) Some seven of them were granted while the rest were rejected. Only a few DEC or CEC decisions were challenged to courts and none was reversed.

The Inter-Agency Commission for Fair and Free Elections (IAC) was re-established for this election. This extra-judicial body is composed of deputy ministers and headed by the Minister of Justice.\(^{26}\) Although the IAC mandate is to “prevent and respond to violations of the election legislation of Georgia by public servants”, it has discussed topics beyond its mandate.\(^{27}\)

Over 60 cases have been brought to the IAC, which has issued 12 non-binding recommendations to various stakeholders. Among its recommendations, state and local government bodies should issue explanatory notes to public servants on what they are permitted to do during the election period and to refrain from dismissal of personnel.\(^{28}\) In addition, the IAC requested that candidates and parties submit lists of their activists so that the prosecutor and police would refrain from calling them in for questioning during the election.

XII. PARTICIPATION OF NATIONAL MINORITIES

National minorities enjoy full political rights under the Constitution. According to the 2002 census, they make up 16.2 per cent of the population with the most significant minority groups being Azeri (6.5 per cent) and Armenians (5.7 per cent), concentrated in border regions. Georgia has ratified the Council of Europe Framework Convention for the Protection of National Minorities.

For this election, the CEC established a special working group on ethnic minority issues, organized several meetings with national minority representatives and visits to minority regions. The CEC provided grants to support civic integration and increase the participation of national minorities in the election process, and carried out trainings, awareness-raising, and voter education projects in cooperation with several minority and other NGOs in minority languages and regions. In addition to the state language, the CEC provides election-related documents in Armenian, Azeri, and Russian. The

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\(^{24}\) As per Article 29\(^{1}\) of the Constitution. The nominees who hold dual citizenship include Salome Zurabishvili, Tariel Khvedelidze, Merab Suliaishvili and Zurab Tsitsuashvili.

\(^{25}\) UNM filed 22 complaints to DEC 20 Rustavi on the appointment of head officials and some other issues.

\(^{26}\) The law does not stipulate timeframes or procedures regulating its work. The IAC cannot adjudicate individual disputes, nor impose sanctions. It is not obligated to review all the cases or to issue written responses but it publicized minutes of the sessions on its website.

\(^{27}\) For instance, the IAC discussed the rejection of the candidate registration for Ms. Zurabishvili.

\(^{28}\) The IAC issued recommendations to the President of Georgia, parliament, local authorities, ministries and other state agencies, CEC, political parties, election subjects, courts, and the prosecutor’s office.
CEC webpage also provides information in the Abkhaz language. During the election period the CEC is operating a hotline in minority languages.

XIII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code provides for citizen and international observation, and accreditation is ongoing. As of 10 October, 47 citizen and 40 international observer organizations had been accredited. The applications of some observer organizations were initially rejected, but those that resubmitted compliant applications were subsequently registered. Parties, IGs and candidates can nominate two representatives per election commission and enjoy the same rights as observers. However, only one representative at a time can be present at commission meetings and at the PEC on election day. A number of citizen observer organizations have already commenced long-term monitoring of various aspects of the process, including ISFED, GYLA, and Transparency International Georgia.

XIV. MISSION ACTIVITIES

The OSCE/ODIHR EOM commenced its work on 19 September. The Head of the OSCE/ODIHR EOM met with the CEC, the Ministry of Foreign Affairs, the Minister of Justice, who also chairs the IAC, and other high-level state officials. The EOM has also established contacts with political parties and candidates, representatives of the media, civil society and other electoral stakeholders. The Head of the OSCE/ODIHR EOM met a pre-election delegation of the OSCE Parliamentary Assembly (OSCE PA). Joao Soares has been appointed by the OSCE Chairperson-in-Office as Special Coordinator to lead the OSCE short-term observer mission.

The OSCE/ODIHR EOM conducted a briefing for a pre-election delegation of the Parliamentary Assembly of the Council of Europe (PACE) led by Meritxell Mateu Pi and representatives of the diplomatic community. Election day observation will be the result of a common endeavor involving the OSCE/ODIHR and delegations from the OSCE PA, PACE, European Parliament and NATO Parliamentary Assembly.

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