



INTERNATIONAL ELECTION OBSERVATION MISSION Georgia, Local Elections, 21 October 2017

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

Fundamental freedoms were generally respected and candidates were able to campaign freely in the 21 October local elections. Efficient administration of the elections and accurate voter registration contributed to the quality of the process. The entire context of the elections was shaped by the dominance of the ruling party. There were cases of pressure on voters and candidates, as well as a few violent incidents. Although partisan, increasingly free and active media fostered greater political debate. Election day generally proceeded in an orderly manner, although minor procedural errors were noted during the count.

The legal framework is comprehensive and provides an adequate basis for the conduct of elections in line with democratic principles. However, restrictions on voter and candidate rights, as well as gaps and inconsistencies remain. The July 2017 amendments to the Election Code were mainly technical and did not address a number of previous key OSCE/ODIHR and Council of Europe's recommendations.

The election administration led by the Central Election Commission (CEC) worked in a timely, efficient and professional manner. While the CEC generally enjoyed confidence among stakeholders, some opposition contestants questioned the impartiality of the election administration, especially in relation to the precinct election commission (PEC) members appointed by the district election commissions (DECs). Informative trainings were conducted at all levels of the election administration by the CEC training centre. The CEC ran a comprehensive voter information campaign and took initiatives to facilitate the participation of voters with disabilities.

Authorities have made commendable efforts to further improve the quality of the voter lists. Stakeholders generally expressed confidence in their accuracy and trust in the voter registration process. Voters were given ample opportunity to verify and correct their registration. Recent amendments to the Election Code allowed 5,014 voters to re-register and lifted a requirement for internally displaced persons (IDP) cards to be used for voting purposes. However, some 1,800 voters were disenfranchised due to poor quality or missing photographs in the state register.

The CEC and DECs registered 591 lists of 27 parties and blocs for proportional races, 369 mayoral candidates and 4,727 majoritarian candidates in an inclusive and transparent process. The recent removal of a two year residency requirement significantly improved the inclusiveness of the candidate registration process. Female candidates were underrepresented in most contests. Following legal amendments, independent candidates could run for mayor. A number of contestants withdrew their candidacy, some, reportedly, under pressure.

The campaign was overall subdued outside Tbilisi and largely calm, despite a few violent incidents. While fundamental freedoms were generally respected and contestants were able to campaign freely, the IEOM noted instances of pressure on public sector employees to support the ruling party that are at odds with OSCE commitments. Cases of misuse of administrative resources were also reported.

Significant differences in the amounts of donations to different contestants' campaign funds distorted the level playing field. The State Audit Office, mandated to oversee campaign finance, worked in a professional manner. However, the absence of deadlines to examine financial reports and publish conclusions before election day limited the transparency of campaign finance. Most of OSCE/ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations remain unaddressed.

There are notable improvements in the freedom of media, however broadcast media are polarized and are perceived as politically affiliated. The OSCE/ODIHR EOM media monitoring showed that most of the media focused on the major election contestants. Media provided them with numerous options to convey messages, including debates, talk-shows and advertisements, thus enabling voters to make an informed choice. In a notable absence of critical and analytical reporting in the newscast of the national public broadcaster, the approach to the campaign coverage by most popular broadcasters, *Imedi* and *Rustavi 2*, significantly varied, with either favouring a certain political side.

The legal framework for electoral dispute resolution is complex and unnecessarily restrictive. A relatively small number of complaints were filed before election day. The review of complaints at the CEC sessions was done in an open and deliberative manner, in observance of due process guarantees. However, the restrictions on the right to file complaints are contrary to international commitments and good practice. The law does not provide for expedited review of complaints requesting administrative sanctions, compromising the effectiveness of the remedies available.

In an inclusive process the CEC accredited 30 international and 71 citizen observer organizations. Participation of numerous observers and proxies of contestants in all stages of the electoral process contributed to the transparency of the elections. Two citizen observer groups carried out parallel vote tabulation on election day.

More than 1,200 national minority representatives were running as candidates, predominantly in minority areas, of which some 24 per cent women. A few instances of hate speech, threats and tensions have been noted. The election administration provided ballots, voter information and polling staff trainings in minority languages.

The opening and voting were assessed as good or very good in almost all polling stations, despite some attempts to influence voters or keep track of who voted. The counting was evaluated negatively in 11 out of 71 polling stations observed, indicating some procedural irregularities and some PECs having difficulties in completing result protocols. Tabulation was assessed positively in all but 1 out of 61 DEC observed. Throughout the day, the IEOM observers noted that some of those accredited as media representatives or citizen observers were affiliated with parties or candidates and, at times, interfered in the process. Three quarters of the PEC members, as well as 65 per cent of PEC chairpersons, were women.

PRELIMINARY FINDINGS

Background

In the 21 October elections voters could elect members of 64 municipal councils (*sakrebulo*) and 64 mayors, including in Tbilisi and 4 other self-governing cities.

At the last parliamentary elections in 2016, the Georgian Dream (GD) gained a constitutional majority with 115 out of 150 seats. The United National Movement (UNM) won 27 seats, the Alliance of Patriots of Georgia (APG) 6 seats, and the Industry Will Save Georgia and an independent candidate

each won 1 seat. Since then, 21 members of parliament have left the UNM and established the Movement for Liberty – European Georgia (EG).

The constitutional amendments proposed by the GD in early 2017 fostered controversies among parties and polarized the political debate in the country.¹ Parliamentary parties and civil society organizations failed to reach a broad consensus over the amendments. On 26 September, the amendments were adopted with a constitutional majority of 117 votes; in protest, the parliamentary opposition parties boycotted the vote. On 9 October, the President vetoed the proposed amendments, but on 13 October the Parliament overrode the veto with 117 votes.²

Electoral System and Legal Framework

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 other self-governing cities 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 is elected under the majoritarian component from each settlement; in addition, 1 to 5 majoritarian members are elected to represent the municipal centre depending on its size. The above-mentioned formula allows each settlement to have representation on the local council, but results in significant inequality of voting power of voters residing in different constituencies.³

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 valid 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 votes.

Local elections are primarily regulated by the 1995 Constitution, the 2011 Election Code, the 2014 Local Self-Government Code, as well as by the acts of the Central Election Commission (CEC). The legal framework is comprehensive and is an adequate basis for the conduct of elections in line with democratic principles. However, gaps and inconsistencies remain (see *Candidate Registration* and *Campaign Finance* sections).

Some undue restrictions on electoral rights are of concern. They include a five-year general residency requirement for candidates, blanket denial of voting rights of persons recognized by a court to be beneficiaries of support and placed in an inpatient care establishment on grounds of mental disability, restrictions on who can file election complaints and prohibition of campaigning by foreigners and charitable and religious organizations.⁴

¹ *Inter alia*, the constitutional amendments envisage 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 from 2024. The amendments had no legal effect on the local elections.

² On 9 October, the Venice Commission published [an opinion](#) on the draft revised Constitution.

³ Only 1 in 5 majoritarian constituencies established for these elections was within 15 per cent of deviation from the average number of registered voters within each municipality. Section 2.2 of the [Venice Commission's Code of Good Practice in Electoral Matters](#) provides that seats should be evenly distributed among constituencies, with a permissible deviation of maximum 15 per cent, except in special circumstances such as for protection of a national minority.

⁴ Article 29 of the [Convention on the Rights of Persons with Disabilities](#) (CRPD) stipulates that state parties to the convention shall “Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others; [...] including the right and opportunity for persons with disabilities to vote and be elected”. In its [Opinion](#) of 9 October 2017 on the Draft Revised Constitution of Georgia, the Venice Commission expressed regret that the blanket ban is maintained in the draft. The 2011 OSCE/ODIHR and

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 electronic registration of election contestants' proxies.⁵ They, however, did not address a number of previous OSCE/ODIHR key recommendations.

In June 2017, changes to the Local Self-Government Code were adopted to eliminate the self-governing status of seven cities and merge them with the surrounding settlements.⁶ This reform significantly affected the delimitation of electoral constituencies shortly before the elections. Changing fundamental aspects of the electoral legal framework less than a year prior to an election is contrary to international good practice.⁷

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).⁸ Commissions at all levels are composed of 13 members, with 7 of them nominated by parties that qualify for public funding (qualified parties).⁹ The CEC chairperson is nominated by the president and elected by the CEC with a two-thirds majority, while the five other non-partisan members are elected by the parliament upon nomination of the president. The 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. Currently, three CEC members are women, including the chairperson. 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).

The elections were administered in a timely, efficient and professional manner at all levels. The CEC held regular sessions open to accredited observers and media. Session minutes and decisions were regularly uploaded on its website. While in general the work of the election administration was transparent, the CEC at times held informal preparatory meetings, resulting in a lack of substantive public discussion. The work of the CEC was overall collegial and inclusive. However, the legal requirement for CEC and DEC chairpersons to decide on substantive matters in their individual capacity detracts from the principles of collegiality and transparency that otherwise governed the work of the election administration.¹⁰

While the CEC generally enjoyed confidence among stakeholders, some opposition contestants questioned the impartiality of the election administration, especially in relation to the DEC-appointed PEC members. The low number of applicants for PEC positions gave DECs a limited choice as, on

Venice Commission [Joint Opinion](#) on the Draft Election Code of Georgia stressed, in part, that restrictions on campaigning by religious and charitable organizations, as well as by foreigners violate fundamental rights to freedom of religion, non-discrimination and expression.

⁵ Some legal changes will take effect only after these elections. These include new provisions for the composition of election commissions, which will result in increased representation of the ruling party at all levels of the election administration.

⁶ The reform affected the status of Zugdidi, Gori, Telavi, Ambrolauri, Mtskheta, Ozurgeti, and Akhaltsikhe; the President vetoed the amendments, but the veto was overridden by the Parliament.

⁷ The [2002 Venice Commission Code of Good Practice in Electoral Matters](#) states that the fundamental elements of electoral law, in particular the electoral system, membership of election commissions and the drawing of constituency boundaries, should not be open to amendments less than a year before an election.

⁸ In addition, 10 special PECs were created in penitentiary institutions, hospitals and military units.

⁹ 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.

¹⁰ Among others, the CEC chairperson is legally mandated to determine the amount of state funding of political parties, register political parties and blocs as election contestants, issue decrees to dismiss complaints on procedural grounds and propose administrative sanctions in relation to electoral violations to the court.

average, fewer than eight applications were available to fill the six vacancies on each PEC. According to the CEC, more than 60 per cent of the elected PEC members had previous election experience.¹¹ Six complaints claiming lack of transparency of the PEC recruitment process were filed, of which three were dismissed by the CEC for deadlines being missed and three were not satisfied by the DEC Krtsanisi.¹²

In 9 out of 10 cases, DEC-appointed members were elected to the leadership positions on the PEC. In PECs, where party appointees were elected to the leadership position, the result favored the GD and/or its allies.¹³

The CEC's training centre conducted trainings for members of DEC and PECs, developed an e-learning programme, and produced manuals and video spots on election day procedures. In addition, it trained various electoral stakeholders including state and local officials, representatives of judiciary and media, and engaged civil society organizations in the conduct of the trainings. DEC and PEC trainings observed by the OSCE/ODIHR EOM were informative and interactive, however at times with low attendance.

The CEC provided comprehensive voter information on voter registration through meetings with voters, videos and print materials, including in national minority and sign languages. The CEC took several welcome initiatives to facilitate the participation of persons with disabilities including the creation of 1,151 barrier free polling stations equipped with special voting booths.

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. Citizens who are declared beneficiaries of support by a court decision have the right to vote unless they are placed in an inpatient establishment.

Voter registration is passive. The CEC is responsible for compiling voter lists based on the state register of citizens maintained by the Public Service Development Agency (PSDA) and data from other relevant state institutions. Stakeholders expressed a high level of confidence and trust in the accuracy of voter lists.

Voters with a valid identification document (ID) card or biometric passport, and who are registered at a permanent or temporary address, are included in the voter register.¹⁴ Since 2014, each voter's registration must include a digital photograph. However, 1,831 voters were not included in the voter list due to poor quality or absent photographs and therefore disenfranchised, which contravenes international commitments.¹⁵ 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.

¹¹ In the absence of elaborated legal criteria for PEC membership recruitment, the CEC recommended that previous election experience and participation in trainings be taken into consideration.

¹² Three complaints were filed with the CEC: one by an independent candidate against the DEC Telavi and two by the UNM against the DEC Kobuleti and the DEC Krtsanisi; three complaints were filed with the DEC Krtsanisi: two by the UNM and one by members of the DEC Krtsanisi.

¹³ For example, in 221 of 224 PECs where party-nominated members were elected as chairpersons, they had been nominated by the GD or Industry Will Save Georgia.

¹⁴ See the [Congress Recommendation 369 \(2015\)](#) on electoral lists and voters residing *de facto* abroad.

¹⁵ Paragraph 24 of the [1990 OSCE Copenhagen Document](#) stipulates that any limitations must be related to the objectives and aims of the law and be strictly proportional to them. Paragraph 10 of the 1996 UN Human Rights Committee's General Comment No. 25 provides that any restriction on voting rights must be reasonable.

The PSDA conducted door-to-door voter verification and used facial recognition software to detect potential duplicates. As a result, 12,274 persons were removed from the register and notified by the PSDA. Following an amendment to the Election Code in July, voters without an address and those whose registration has been declared invalid by the PSDA, were given a possibility to re-register, and 5,014 voters did so. Some 199,300 internally displaced persons (IDPs) were included in the voter list for these elections at their current places of residence. Those with terminated or no official IDP status were notified and given an opportunity to register. The 2017 amendments to the Election Code also lifted a requirement for IDP cards to be used for voting purposes. ID cards were issued free of charge as part of a government programme.

Voters were given ample opportunities to verify and request correction of their registration. The preliminary voter list was made available for public scrutiny at polling stations, at DECAs, online and through 9,500 payment terminals around the country from 21 September until 3 October.¹⁶ In total, 1,780 voters requested corrections. CEC provided 11 election contestants and 1 civil society organization with a digital copy of the voter list upon their request, as provided for by law. On 16 October, the CEC announced that 3,440,123 voters were registered to vote.

Candidate Registration

Citizens who are 21 years old with the right to vote may stand as a municipal councilor candidate; to run for mayor, they must be 25 years old. The recent removal of requirement that candidates must reside in Georgia in the two years preceding an election significantly improved the inclusiveness of the candidate registration process. However, a five-year overall residency requirement remains.¹⁷ The law provides that candidates who contest the Tbilisi *Sakrebulo* must speak Georgian; no such provision applies in other municipal contests. The language requirement, however, is not enforced.¹⁸ In general, the OSCE/ODIHR EOM interlocutors expressed their satisfaction with the candidate registration process.

Parties must register with the CEC in order to nominate candidates. Parties that did not participate in the last parliamentary elections were additionally required to collect supporting signatures throughout the country.¹⁹ 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 an inclusive and transparent process while 2 were rejected.²⁰ Three parties withdrew after registration. Eleven parties subsequently formed five electoral blocs and 22 parties ran independently.

Following a 2016 Constitutional Court decision, independent candidates are entitled to run for mayor, in addition to contesting a majoritarian seat, if they collected support signatures amounting to one per cent of registered voters in the respective constituency. However, while parties had 60 days to collect

¹⁶ According to the CEC, some 400,000 citizens checked their data.

¹⁷ Article 1.1.c.iv of the [Venice Commission's Code of Good Practice in Electoral Matters](#) states that “the requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities.”

¹⁸ The CEC informed that candidates for the Tbilisi *Sakrebulo* were only required to indicate that they speak Georgian in their application form.

¹⁹ Parties qualified for public funding needed to collect 1,000 signatures, non-qualified parties needed 25,000 signatures.

²⁰ The 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 number of supporting signatures.

signatures, independent candidates had less than 10 days to do so.²¹ Of the thirteen candidates that contested the Tbilisi mayoral elections one was independent and two were women. Altogether, the CEC and DEC registered 591 proportional lists of parties and blocs (37 per cent women), 369 mayoral candidates (13 per cent women) and 4,727 majoritarian candidates (16 per cent women).²² Information on whether and how many parties fulfilled voluntary gender quota was unavailable until the election day.

Candidates could withdraw from the contest by a 9 October deadline and a total of 196 (4 per cent) of majoritarian candidates did so. In some majoritarian contests, competition was limited or a single candidate ran unopposed.²³ A number of independent candidates withdrew in favor of being included on a party list. Some candidates reportedly withdrew their candidacy under pressure. In a few instances, the OSCE/ODIHR was able to confirm such reports.²⁴

Campaign Environment

The official campaign period began on 22 August. However, the main contestants started announcing nominations of candidates for Tbilisi mayor and reportedly engaged in campaigning prior to this date. The campaign was overall subdued outside Tbilisi, but intensified closer to election day. In general, the campaign was more visible in urban areas. Freedom of expression, association and assembly were overall respected. The election atmosphere was generally calm, except for a few violent incidents.²⁵

There was a concern that electoral choices of public sector employees, a segment of society vulnerable to pressure, can have consequences on their livelihood and future employment. There were widespread allegations of use of school and kindergarten teachers to mobilize support for the ruling party and to attend its campaign events, sometimes under pressure.²⁶ This raised concern about public sector employees' ability to vote free of fear of retribution, which is at odds with the OSCE commitments.²⁷ On 7 October, the Minister of Justice, in her capacity of the chairperson of the Interagency Commission for Free and Fair Elections (IACFFE), acknowledged the fact of violations.

Allegations of misuse of administrative resources by the ruling party were raised by several interlocutors.²⁸ On 29 September, the state-funded Georgian Football Federation conducted a charity

²¹ By CEC decision, the deadline for voter initiative groups to nominate independent candidates was set 50 days prior to election day i.e. 1 September, although election commissions only began accepting applications from initiative groups after the calling of the elections on 22 August.

²² In total, there are 1,090 majoritarian constituencies across the 64 municipalities, where elections are held.

²³ 17 majoritarian candidates ran unopposed, all nominated by the GD.

²⁴ For example, in Akhalkalaki, Ambrolauri, Dmanisi, Gori, Tetrtskaro and Tsageri.

²⁵ On 23 September in Sadakhlo, an EG candidate was physically assaulted by a GD candidate and by a local self-government employee. Protests organized by UNM on 2 and 10 October in front of the Tbilisi city hall and Tbilisi Sakrebulo, respectively, turned violent after UNM councilors and MP were denied access to enter the city hall and *sakrebulo* buildings. Several people were detained including one candidate. On 19 October, Marneuli municipality office of GD in Kizijajlo village was attacked by an armed person, wounding four people, including a majoritarian candidate.

²⁶ Reportedly, on 18 September, in Adjara, a public school teacher was accused in organizing children to support GD. On 27 September, in Borjomi, public school teacher organized an event in the school, where she and pupils were waiving GD flags.

²⁷ See paragraph 7.7 of [1990 OSCE Copenhagen Document](#). See also Paragraph 209 of the [OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations](#).

²⁸ On 15 September, Batumi city court warned 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. On 19 September, the Tbilisi City Hall aired public social advertisement showing achievements of the incumbent administration. On 22 September, in Tbilisi, on the opening of new bicycle lane organized by the city hall, only the GD mayoral candidate was invited. On 16 October, GD Tbilisi mayoral candidate together with the Prime Minister took part in the opening of a new metro station. See [Congress Resolution 402\(2016\)](#) on "The

game with participation of former football stars and the Tbilisi mayoral candidate from GD. While not breaching the law, such an event during the campaign period was seen by stakeholders as favouring the ruling party candidate. Instances of negative campaigning targeting two mayoral candidates featured in Tbilisi.

The ruling party ran an extensive campaign with numerous billboards, outdoor campaign ads and canvassing, while other parties, including the opposition, had a less visible campaign. A few independent candidates were actively campaigning in their constituencies. A number of parties and blocs including the UNM, the APG, the Labour Party (LP) and the United Democratic Movement (UDM) had campaign activities with low visibility, limited financial resources and mainly relied on state funding.

Most contestants used small community meetings, door-to-door canvassing, leaflets, traditional media, in particular TV, as well as social media in their campaign. While campaign messages addressed issues such as infrastructure, social security and unemployment, most of the campaign evolved around individuals rather than proposed policies. The Tbilisi mayoral race attracted nationwide attention and the main contestants relied on more substance-based platforms.

Campaign Finance

The legal framework for party and campaign finances consists mainly of the Election Code and the Law on Political Associations of Citizens. Although the Election Code was amended in July 2017, previous OSCE/ODIHR and the Council of Europe Group of State against Corruption (GRECO) recommendations on campaign finances were not addressed. Inconsistencies in campaign finance provisions for independent candidates remain.²⁹ The State Audit Office (SAO), which is the campaign finance regulatory and oversight body, provided clarifications addressing some of the legal inconsistencies.

On 2 October, a new chairperson of the SAO was approved by parliament and, on 3 October, his deputies, of whom one is responsible for monitoring party and campaign finances, were replaced. As a result, some election stakeholders raised concerns about SAO's impartiality.

Significant differences in the campaign funds that contestants were able to raise did not provide for a level playing field. From 1 June to 16 October, 8 parties, 4 blocs, as well as 14 independent candidates raised and declared a total of GEL 12,230,144 from 887 individual donors and 48 legal entities.³⁰ Contributions to the GD accounted for 91.1 per cent of this amount. While qualified parties are also entitled to the state funding including reimbursement of campaign expenses, contrary to international good practice, independent candidates are not.³¹

misuse of administrative resources during electoral processes: The role of local and regional elected representatives and public officials”.

²⁹ For example, the Law on Political Associations of Citizen does not set campaign expenditure ceilings for independent candidates for mayor nor does it extend obligations to submit regular financial reports to independent candidates. The SAO issued a decree clarifying these matters and shared it with candidates.

³⁰ 1 EUR equals approximately 2.9 Georgian Lari (GEL). For the reporting period, the GD received GEL 11,149,257, followed by the EG with GEL 826,487; the UNM – GEL 112,932; New Georgia (NG) – GEL 34,600; the APG – GEL 32,142; the DM-FG – GEL 31,486; Development Movement – GEL 30,677; Aleksandre Elisashvili – GEL 24,916.

³¹ Paragraph I.2.3 of the 2002 [Venice Commission Code of Good Practice in Electoral Matters](#) states that equality of opportunity should be ensured between parties and candidates. Paragraph 130 of the [OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations](#) states that regulations regarding ballot access and fees, as well as and candidacy restrictions for parties should be the same for independent candidates.

Contestants are required to report on income and expenses every three weeks from their registration for elections. For the reporting period, 2 parties and blocs, 2 independent mayoral and 57 independent majoritarian candidates failed to comply with reporting requirements.³² The law, however, does not set deadlines for the SAO to examine the reports from the contestants and publish any conclusions of such examinations before election day. This limited the transparency of campaign finances contrary to international good practice.³³

During the campaign period, 16 complaints were reviewed by the SAO and 2 contestants were then sanctioned by court for not complying with the campaign finance regulations.³⁴ The SAO interviewed 14 donors to verify origin of funds.³⁵

Several qualified opposition parties raised concern over a recent decision of the CEC training centre to disburse state funds for training purposes to qualified parties in monthly instalments rather than in quarterly instalments, contrary to international good practice.³⁶ The UNM appealed the decision to court arguing that the decision disadvantaged the party during the election campaign. Although the law grants the right to political parties to obtain a bank loan in order to fund their campaign, several parties experienced that their applications were rejected by commercial banks on the grounds of internal bank policies which do not allow them to provide loans to parties.

Media

The media are diverse and comprise 92 TV channels (including 12 nationwide general digital channels), 51 radio stations, and some 300 print publications. Television is the most important source of information, especially outside of the capital; the 2015 digital switchover that increased media availability is considered a success. The role of online media is steadily growing, especially in urban centres.

There are notable improvements in the overall freedom of media since 2012. Nevertheless, journalists remain vulnerable to political influence, and broadcast media, in particular, are polarized and perceived as politically affiliated. In addition, important challenges concerning financial sustainability and independence of the media persist. The recent change in the management of the Georgian Public Broadcaster (GPB) raised similar concern, as it resulted in the closure of several socio-political programmes as well as the broadcaster's second channel that aired sessions of the parliament and national minorities-related programmes.

The 2 March Supreme Court ruling that would lead to a changed ownership structure of one of the most popular television, *Rustavi 2*, known for a critical and strongly pro-oppositional stance, was criticized by several domestic and international organizations, including the OSCE Representative on

³² The court decided to warn these contestants.

³³ Paragraph 194, 206 of the [OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations](#) states that transparency is important because the public has the right to be informed. Voters must have access to the relevant information as to the financial support given to political parties in order to hold them accountable. It requires the timely publication of financial reports in a format understandable for the general public.

³⁴ To date, the LP and the *Tavisupleba – Zviad Gamsakhurdias Gza* have been fined GEL 2,000 for not reporting on cash expenditures.

³⁵ Of them, 4 donated to GD, 10 to EG. In addition, 16 more are scheduled for interview.

³⁶ Paragraph 183 and 184 of the [OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations](#) states that allocation of public funds should occur sufficiently early in the electoral process to ensure equal opportunities throughout the campaign period. Delaying the distribution of public funding until late in the campaign or after election day can undermine electoral campaign equality by working against less affluent political parties.

Freedom of the Media (RFoM), who noted concerns of media pluralism and independence.³⁷ On 7 March, the European Court of Human Rights decided that until further notice, the ruling should be suspended and that the authorities should abstain from interfering in the broadcaster's editorial policy. While the channel operates, it faces serious financial constraints stemming from its uncertain ownership status.

The legal framework for the media provides for freedom of expression and prohibits censorship. The Election Code obliges broadcasters to allocate free airtime, to organize debates for qualified election contestants and to provide equal conditions for paid campaign advertisements. It obliges the GPB and the regional public broadcaster *Adjara TV* to allocate time to all non-qualified election contestants.³⁸ Paid advertising is allowed without specific campaign-related expenditure ceiling.³⁹

Although professional and ethical journalistic standards, including impartiality and balance by law are supposed to be dealt with by a self-regulation mechanism, a number of broadcasters have only informal procedures established.⁴⁰ The Georgian National Communications Commission (GNCC) is responsible for overseeing media compliance with legal provisions for advertising and opinion polls. For that purpose GNCC monitored 49 TV channels since the beginning of the campaign.

Freedom of expression was respected during the observed period. Media provided contestants with numerous ways to convey messages to the electorate. While voters were offered diverse information to enable them to make an informed choice, they could only do so by consulting several media sources. The campaign was highly visible via various programmes, including debates on national and local broadcasters.⁴¹ Media, including public broadcasters, complied with the requirements for the allocation of free time.

The OSCE/ODIHR EOM media monitoring shows that a number of media focused their election coverage on the major election contestants.⁴² While the regional public *Adjara TV* covered the campaign in a balanced manner, the national GPB gave more coverage to the ruling GD than to the others.⁴³ In addition, newscasts of the nationwide GPB were characterized by general absence of critical and analytical reporting.

³⁷ See the [press release](#) by the OSCE RFoM from 3 March.

³⁸ The campaign conduct of the media is further regulated by the 2012 Decree on Media Participation in Elections and its Implementation and the 2017 Guidelines and Recommendations on Media Monitoring of Election Campaign, both adopted by the Georgian National Communications Commission.

³⁹ Broadcasters were obliged to publish the rates and agreements with the contestants on the CEC website. Various media claimed lack of interest of the contestants to purchase the paid advertisements with some of the broadcasters offering lower prices than for the commercials.

⁴⁰ Article 14.1 of the Broadcasting Law obliges a broadcaster to establish an effective mechanism for self-regulation that will make it possible to review and provide timely and justified responses to complaints.

⁴¹ The GPB aired a series of mayoral debates from all the regions. Leading channels, *Rustavi 2* and *Imedi* aired debates with the participation of representatives of the seven and five most popular parties, respectively. However, the Election Code obliges broadcasters to broadcast debates with the participation of all qualified electoral contestants. On 9 October, the National Forum filed a complaint with the GNCC after neither of its requests to participate in debates on two private channels had been satisfied.

⁴² 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+* (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.

⁴³ The GPB provided 22 per cent of its political news to the GD, 9 and 10 per cent to the UNM and the EG, respectively. While the tone of the GD coverage was balanced, for the UNM it was neutral and negative, and the EG was presented mostly in a neutral or positive tone. *Adjara TV* presented all contestants in an overwhelmingly neutral manner, giving 18 per cent to the GD, 12 per cent to the UNM, and 6 per cent to the EG.

The approach to the campaign coverage by most popular broadcasters, *Imedi* and *Rustavi 2*, varied significantly. While the latter often voiced criticism against the GD and the government, it showed preferential treatment of the UNM and its Tbilisi mayoral candidate. On the other hand, *Imedi* presented visible bias towards the GD in terms of the amount of coverage. In addition, numerous news reports on *Imedi* promoted activities and projects of former prime minister and influential businessman Bidzina Ivanishvili. *Obieqtivi TV* openly promoted the APG.⁴⁴

Print media provided a plurality of views, with more balanced coverage offered. The online portal *netgazeti.ge* also provided a rather balanced coverage of the elections. On the other hand, the most-popular tabloid *Asaval Dasavali* often served as a forum for rumors and allegations, with a clearly anti-western narrative, which coincided with the platform presented by the APG.

Complaints and Appeals

The legal framework for electoral dispute resolution is complex and unnecessarily restrictive. Only certain categories of appeals filed by a narrow list of eligible complainants are subject to expedited procedures that envisage one or two days for appealing and adjudicating. Registered election contestants as well as accredited observer organizations can appeal in most of the cases. Voters' rights are limited to filing an appeal if they are not included in the voter list and to filing complaints about voting procedures in the PEC on the election day. These restrictions on the standing of complainants are at odds with international commitments and international good practice.⁴⁵ In a number of cases, the OSCE/ODIHR EOM observed that complaints were dismissed due to missed deadlines or ineligible complainants.⁴⁶

As of 20 October, a relatively small number of complaints was filed with DEC's and the CEC, most of them on violations of campaign regulations and the work of PECs.⁴⁷ Only four complaints were considered by the CEC in session.⁴⁸ Three CEC decisions were appealed to the Tbilisi City Court, all upheld. The review of complaints in the CEC sessions was done in an open and deliberative manner, in observance of due process guarantees. District courts considered several election-related cases; while generally well-reasoned, at times their decisions fell short of a consistent application of the law.⁴⁹

Under the Election Code, the CEC Chairperson, an authorized DEC member (usually the chairperson), as well as the GNCC, the SAO and local executive bodies can draw administrative protocols seeking sanctions for election violations; it is then up to courts to apply the sanctions. Ordinances of the CEC (or other body) to deny a request for application of such sanctions cannot be appealed, at odds with

⁴⁴ *Rustavi 2* devoted 22 per cent of mostly neutral and negative coverage to the GD, and 17 and 12 per cent of a balanced coverage to the UNM and the EG, respectively. While *Imedi* showed the contestants in a relatively balanced manner, it showed bias by dedicating 35 per cent to the GD, as compared to 12 per cent to the EG and 7 per cent to the UNM. *Obieqtivi* dedicated 43 per cent of its political newscasts to the APG.

⁴⁵ Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that everyone should have an effective means of redress against administrative decisions. Section II.3.3.3.f of [the Venice Commission Code of Good Practice in Electoral Matters](#) provides that "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections."

⁴⁶ Several stakeholders including courts informed the OSCE/ODIHR EOM that the timeframes for consideration of complaints are not sufficient for adequate review of electoral cases.

⁴⁷ According to CEC's online complaints registry, about 140 complaints were filed with DEC's, the CEC, and district courts; of these, 20 were filed with the CEC.

⁴⁸ The vast majority of complaints received by the CEC were considered by the chairperson.

⁴⁹ While the Election Code envisages only fines for certain violations, in a number of cases courts applied the general provisions of the Code of Administrative Offences and issued warnings.

OSCE commitments and international standards.⁵⁰ The law does not provide for an expedited review process for complaints requesting administrative sanctions. As a result, a number of them were considered within weeks or remained essentially unaddressed. This compromised the effectiveness of the review process.

As of 20 October, the Prosecutor's Office has initiated 36 criminal cases based on reports about election-related offences, including 12 cases on alleged abuse of public office, 8 cases on alleged violence and 2 cases on reported threats. As provided by law, the Inter-Agency Commission for Free and Fair Elections (IACFFE), headed by the Minister of Justice, was established in July mandated to "ensure that public officials prevent and respond" to election violations. The IACFFE issued seven non-binding recommendations related to the conduct of the campaign. While the work of the IACFFE was commended by citizen observer groups and provided them with a forum to have their election-related complaints and allegations discussed publicly, there was a general confusion about the mandate of the body among election contestants.

Citizen and International Observers

The Election Code provides for citizen and international observation of the entire electoral process. Representatives of election contestants (proxies) enjoy the same rights. The accreditation of observers and proxies was inclusive. The CEC accredited 71 citizen observer organizations with 19,941 observers and 30 international observer organizations with 581 observers. In addition, 4,612 journalists from 82 media outlets were granted accreditation. The DEC's additionally registered citizen observers, proxies and representatives of media at district level.

A number of citizen observer organizations carried out long-term observation and deployed short-term observers on election day, contributing to the transparency of the elections. However, citizen observers were legally limited to observe sessions of election commissions only during the election period. Several civil society organizations established a media center on election day and issued joint statements.⁵¹ Two citizen observer organizations carried out parallel vote tabulation (PVT).⁵²

Participation of National Minorities

National minorities make up 13.2 per cent of the overall population, with the Azeri (6.3 per cent) and the Armenians (4.5 per cent) being the most numerous.⁵³ The Constitution grants national minorities full political rights, including the right to use their mother tongue in private and in public. Discrimination on national, ethnic, linguistic or religious grounds, as well as the formation of political parties promoting ethnic strife or based on the territorial principle is prohibited.

Persons belonging to national minorities were nominated by all main political parties and blocs or ran as independent candidates in the regions densely populated by minorities, but less so in Tbilisi and other cities where minorities reside.⁵⁴ The overall percentage of national minority candidates remained

⁵⁰ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that everyone shall have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity. Article 6 of the [European Convention on Human Rights](#) provides that in determination of his civil rights and obligations, everyone is entitled to a fair a public hearing by an independent and impartial tribunal.

⁵¹ They included the Georgian Young Lawyers' Association (GYLA), the International Society for Fair Elections and Democracy (ISFED) and Transparency International Georgia.

⁵² The ISFED PVT results were based on data collected from polling stations in all electoral districts, observed by 1050 observers. The PMMG PVT was conducted in national minority populated areas.

⁵³ Russians 0.7, Ossetians 0.4, Yazidis 0.3, Ukrainians 0.2, Kists 0.2, Greeks 0.1, Assyrians 0.1, others 0.4 per cent.

⁵⁴ Nearly all mayoral candidates in Akhalkalaki and all in Ninotsminda are ethnic Armenians, but none are in Akhaltsikhe. Several mayoral candidates in Marneuli are ethnic Azeri, only two in Gardabani but none elsewhere.

below their relative population size. Twenty (5.4 per cent) national minority candidates stood for mayor, 388 (8.2 per cent) ran in the majoritarian contests and 827 (6.7 per cent) were on the proportional lists for seats in local councils, hereof 52 (5.3 per cent) for the Tbilisi *Sakrebulo*.⁵⁵ Some 24 per cent of all national minority candidates were women.

Although national minority issues have not featured significantly in the campaign, ethnicity occasionally became a mobilizing or polarizing factor.⁵⁶ A few instances of hate speech, threats and tensions have been noted.⁵⁷ Candidates were able to campaign freely in minority languages. National minorities were relatively well represented in DEC and PEC in ethnic Armenian areas, but not represented in DEC in Azeri areas, yet adequately represented in PECs (although as a rule only by male members).

The Election Code contains provisions for the translation of voter lists, ballots and results protocols in minority languages. The CEC has a working group on ethnic minority issues and provided voter education and information materials in Armenian and Azeri languages. Trainings and translated material for polling staff of 345 PECs in minority areas were provided in these languages.⁵⁸ The CEC also operated a tri-lingual hotline in minority languages.

Election Day

Election day generally proceeded in an orderly manner. Presence of candidate proxies and citizen observers contributed to the transparency of the process. However, throughout the day, the IEOM observers noted that some of those accredited as media representatives or citizen observers were affiliated with parties or candidates and, at times, interfered in the process. Three quarters of the PEC members, as well as 65 per cent of PEC chairpersons, were women.

Polling stations observed opened on time, in few cases with minor delays. IEOM observers assessed the opening positively in 73 of the 75 polling stations observed, indicating an orderly process with procedures generally followed.

The voting process was assessed as good or very good in 97 per cent of polling stations observed, and procedures were generally followed. In 36 per cent of polling stations observed, political parties and candidates deployed more representatives than permitted, typically accrediting them as citizen observers.⁵⁹ In 5.4 per cent of observations, they were interfering in or directing the work of the PECs.

⁵⁵ Calculations are based on candidate data published by the CEC on 10 October.

⁵⁶ 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. GD then submitted a party list placing ethnic Georgians in the first 12 positions, followed by ethnic Azeri in less winnable position. On 24 September, APG leaders used strong anti-Turkish rhetoric at a rally in Batumi. Two DM-FG party spots broadcast on various TV channels, including the GPB, included anti-immigrant and Islamophobic messages.

⁵⁷ 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. See also *Candidate Registration* section. The OSCE/ODIHR EOM interlocutors reported that a number of residents of the Irganchai village in Dmanisi election district were pressured by GD supporters to swear on the Qur'an that they would vote for GD candidates. According to the head of the IACFFE, the incident is being investigated by the relevant authorities.

⁵⁸ Some 208 mixed Georgian-Azeri, 133 mixed Georgian-Armenian, and 4 mixed Georgian-Azeri-Armenian PECs were formed in the 12 election districts most densely populated by national minorities.

⁵⁹ More than one representative of GD was present in 21 per cent of polling stations observed during the voting, UNM – in 9 per cent, European Georgia – in 8 per cent, APG and UDM – in 4 per cent each, and independent candidates – in 1.2 per cent.

Instances of group voting were noted in 2.4 per cent of polling stations, more frequently observed in rural than in urban areas. In 12 per cent of observations voters were turned away and not allowed to vote for failure to present a valid ID or for not being on the voter list in this polling station.

In 4 per cent of observations, IEOM observers noted problems outside polling stations. In some instances, groups of persons in the vicinity of polling stations appeared to be influencing voters whom to vote for (2 per cent of observations) and keeping track of who voted. Authorised persons were also observed doing this inside polling stations. In a press statement, the CEC clarified that PECs should provide representatives of contestants and citizens observers with this information which is considered to be public. This statement was noted with concern by the public defender and citizen observer groups.⁶⁰

Although the authorities had established a number of barrier free polling stations, IEOM observers noted that 63 per cent of the polling stations are not enabling independent access for persons with disabilities.

The counting process was evaluated negatively in 11 out of 71 polling stations observed. The negative assessments were typically related to PECs not following procedures or interference in the process. Unauthorized individuals participated in the counting process in 10 PECs observed. Tension or unrest in the vicinity of the polling station and person attempting to disrupt the counting process were observed in a few cases. Serious irregularities that negatively affected the assessment of the integrity and transparency of counting included PECs signing the results protocols before completing them (11 observations), PECs having difficulties in completing the results protocols (13 observations) and revision of the previously completed PEC protocols (9 observations). In about a quarter of counts observed, PECs did not post a copy of the protocol for public display, as required by law. IEOM observers, however, did not note any evidence of deliberate attempts to falsify the results.

The results tabulation was evaluated positively in all but 1 out of 61 DEC observed. IEOM observers noted no significant procedural errors or omissions in the work of the DECs. Although the intake of election materials and processing of PEC protocols was generally transparent, there was not always a clear view of process in 10 DECs observed. This was mostly due to inadequate facilities (11 of 61 DECs observed), which in 5 DECs resulted in overcrowding. Tension and unrest were noted in 6 DECs, and attempts to disrupt the process in 1 DEC, resulting in a negative assessment.

According to the CEC, 204 complaints were filed with the DECs regarding procedural irregularities in polling stations, mainly requesting disciplinary sanctions against commission members who reportedly committed procedural violations. Preliminary turnout was reported at 45.6 per cent.

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

⁶⁰ Section 4.54 of the explanatory note referring to I.4.c of the [Venice Commission's Code of Good Practice in Electoral Matters](#) states that "since abstention may indicate a political choice, lists of persons voting should not be published." [Interpretative declaration](#) on the publication of lists of voters having participated in elections notes, however, that "access to the lists of voters having participated in elections may be granted to certain electoral stakeholders."

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tbilisi, 22 October 2017 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavor involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Congress of Local and Regional Authorities of the Council of Europe (Congress). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, other international obligations and standards for democratic elections and with national legislation.

Corien Jonker is the Head of the OSCE/ODIHR EOM, deployed from 13 September. The Congress assessment mission was deployed from 20 to 22 October.

Both institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The Congress will present its information report at its 34th Session in March 2018.

The OSCE/ODIHR EOM includes 16 experts in the capital and 22 long-term observers deployed throughout the country. On election day, 196 observers from 30 countries were deployed, including 189 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 7-member delegation from the Congress. Opening was observed in 77 polling stations and voting was observed in 758 polling stations across the country. Counting was observed in 71 polling stations, and the tabulation in 61 DECs.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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