

**Interim Report**  
**26 August – 15 September 2021**

**17 September 2021**

**I. EXECUTIVE SUMMARY**

- On 2 August 2021, the president called local elections to be held on 2 October. Voters will elect mayors and members of the local councils through a mixed system of majoritarian seats and proportional lists in 64 municipalities. Majoritarian candidates must obtain over 40 per cent of the valid votes cast, and candidates for mayor over 50 per cent, otherwise a second round is held within four weeks.
- The legal framework was substantially amended on 28 June 2021 following a political agreement reached on 19 April aimed at resolving a political deadlock stemming from the 2020 parliamentary elections. The amendments modified the composition and appointment of election commissions, introduced a higher proportional component for local elections, extended the timeframes for dispute resolution, introduced mandatory random recounts and additional measures to address voter intimidation and misuse of state resources. These changes partially addressed several ODIHR and Venice Commission recommendations. However, a number of past ODIHR recommendations remain unaddressed, including those related to limitations on voting rights, electoral dispute resolution, and further measures to counter the misuse of state resources.
- Elections are administered by the Central Election Commission (CEC), 73 District Election Commissions (DECs) and 3,664 regular Precinct Election Commissions (PECs). Following recent amendments, election commissions at all levels now comprise of 17 members: eight non-partisan and nine appointed by political parties. The new CEC chairperson and two CEC non-partisan members were elected by parliament on 2 August through an “anti-deadlock” mechanism of simple majority, following three unsuccessful attempts to reach a qualified majority. Several ODIHR EOM interlocutors expressed varying degrees of confidence in the CEC’s impartiality and stated that resorting to the “anti-deadlock mechanism” was a missed opportunity for a consensus-based election administration; yet others noted that the pluralistic composition has contributed to substantive discussions in the CEC sessions. To date, the election administration has complied with all legal deadlines, and technical preparations are ongoing.
- Over 3.4 million voters are registered for these elections. From 2 September, voter lists have been displayed in PECs for public scrutiny. Most ODIHR EOM interlocutors have not raised concerns about the accuracy of the voter list.
- A total of 42 political parties and 76 initiative groups are running in these elections. The CEC and DECs registered 241 mayoral candidates, 2,845 majoritarian candidates in 664 single-member constituencies and 773 proportional lists. There are 25 female candidates for mayor (10 per cent), 496 for majoritarian seats (17 per cent), and 8,856 on proportional lists (42.5 per cent). The ODIHR EOM has received several reports of candidates being pressured to withdraw. On 7 September, the CEC decided that proportional lists which fell below the minimum required due to candidates’ withdrawals would not be de-registered.
- The campaign is prominent particularly in print and online media, and social networks. Most contestants met by the ODIHR EOM did not raise concerns about their ability to campaign freely, including in minority languages. Several ODIHR EOM interlocutors describe the political landscape as highly polarized, and the discourse as aggressive, with frequent accusations of disinformation

being spread. Most opposition parties met by the ODIHR EOM state that the political environment unduly favours the ruling party, including in access to campaign donations, and expressed concerns that the recent launch of a number of social and economic projects by the government further compounds the issue. While the law prohibits launching of the social and economic projects after the call of the elections, the government has claimed the projects were launched before the call.

- The legal framework for campaign finance prescribes limits on donations and expenditures, reporting and disclosure requirements. The State Audit Office (SAO), mandated to oversee campaign finance, is required to publish the contestants' financial reports prior to and after election day but it is not required to publish its conclusions on the reports. The first interim reports of 48 parties and 38 independent candidates were published by 14 September on the SAO website as required by law.
- The media environment is diverse but strongly dependent on business or political interests, and largely mirrors the polarisation between governing and opposition parties. Some ODIHR EOM interlocutors raised concerns about a deteriorating media environment, cases of alleged intimidation and violence against journalists. The Election Code requires broadcasters to provide fair and impartial coverage of the campaign.
- Citizen and international organizations, as well as representatives of the contestants can observe the entire electoral process. To date, 64 national and 29 international organisations have been registered to observe the municipal elections. Some ODIHR EOM interlocutors have raised concerns about the practice of political parties artificially increasing their presence in polling stations under the guise of non-partisan citizen election observation.
- Several national minority representatives are running as mayoral and municipal council (*sakrebulo*) candidates, mostly in minority-populated areas. The election administration provides ballot papers, voter information and polling staff training in minority languages.
- Contestants and observers can file complaints with election commissions and the courts. In line with previous ODIHR recommendations, the deadlines for filing and reviewing complaints have been extended, and for the first time, complaints may also be filed electronically. Other recommendations, including on broader legal standing and powers of DEC and CEC chairpersons to review certain complaints have not been fully addressed. To date, some 120 complaints were filed, mainly on procedural issues, the misuse of state resources, candidate registration, and PEC appointments. Most of them were rejected.

## II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs of Georgia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 26 August 2021.<sup>1</sup> The ODIHR EOM, headed by Ambassador Albert Jónsson, consists of a 12-member core team based in Tbilisi and 30 long term observers deployed throughout the country from 4 September. Mission members are drawn from 21 OSCE participating States. ODIHR has requested participating States to second 350 short-term observers to observe election day proceedings. ODIHR has observed 16 previous elections in Georgia.

## III. BACKGROUND AND POLITICAL CONTEXT

On 2 August, in line with the Constitution, the president called local elections for 2 October. The elections will take place in 64 municipalities. Voters are due to elect the mayors and the members of local councils (*Sakrebulos*) in five self-governing cities, including Tbilisi, and 59 self-governing communities.

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<sup>1</sup> See previous [ODIHR election observation reports on Georgia](#).

In the 2020 parliamentary elections the ruling party, Georgian Dream (GD), received 60 proportional seats with 48.22 per cent of the votes, and all 30 majoritarian seats. In the last local elections, the party won 62 of 64 mayoral seats and a majority in 63 of 64 local councils. In 2018, the independent candidate backed by the GD, Salome Zourabichvili, won the presidential election, becoming the country's first female president. Women are generally underrepresented in public office, and hold 19.3 per cent of seats in the parliament, 15.5 per cent of the seats in outgoing local councils, and 4 out of 13 ministerial posts in the government.

In line with the Constitution, as last amended in 2017 and 2020, the 2020 parliamentary elections were the last to be held under a mixed election system. They were held with a reduced threshold of one per cent. The eight opposition parties and electoral blocs that reached the parliamentary threshold in the first round rejected the election results, alleging fraud, and boycotted the second round.<sup>2</sup> These parties and blocs also refused to take part in the new Parliament, demanding new elections be held.<sup>3</sup> The political deadlock was further intensified by the arrest of the United National Movement (UNM) leader in February 2021.<sup>4</sup>

On 19 April 2021, following a prolonged negotiations process, facilitated by the international community, an agreement on electoral and judicial reform was reached. One of the clauses provides that early parliamentary elections would be held in 2022 if the ruling party does not reach 43 per cent of the proportional votes in the upcoming local elections.<sup>5</sup> Following the agreement, most opposition members of parliament took their mandates in parliament, although not all parties signed at the time, including the largest opposition party who later signed it on 2 September. On 28 July, the ruling party withdrew from the agreement, stating that it had fulfilled each clause and criticizing the parties that had not signed it for “manufacturing an artificial political crisis”.<sup>6</sup> The pre-election environment is marked by deep polarization between governing and opposition parties, many of the latter describing these local elections as a national referendum and a roadmap to snap parliamentary elections.

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The local elections are primarily regulated by the 1995 Constitution and the 2011 Election Code, the 1997 Law on Political Unions of Citizens, and are supplemented by CEC regulations.<sup>7</sup> The Election Code was substantially amended in June 2021, partly in implementation of the 19 April 2021 agreement. While the recent amendments were brought forward with the aim to end the political stalemate, the substance of most of the changes were subject to significant consultations with a broad range of stakeholders.<sup>8</sup> These amendments modified the composition and appointment of election commissions, introduced a higher proportional component for local elections, extended the timeframes for dispute resolution, introduced mandatory random recounts and measures to address voter intimidation and the misuse of state resources. The amendments partially addressed several previous ODIHR and Venice Commission recommendations.<sup>9</sup> A number of past ODIHR recommendations remain unaddressed, including those

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<sup>2</sup> These were Election block-United National Movement – United Opposition Strength is in Unity; European Georgia; Lelo, Strategy Aghmashenebeli; Alliance of Patriots, Girchi; Citizens; Georgian Labour Party.

<sup>3</sup> Two parties, European Socialists and Citizens reached an agreement with the ruling party in January 2021 on entering parliament.

<sup>4</sup> Nikanor Melia was accused of inciting violence in the June 2019 protests. He was released on 10 May 2021 after the EU posted his bail.

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

<sup>6</sup> See GD [political statement](#), 28 July 2021.

<sup>7</sup> Applicable provisions are also included in the 2004 Law on Broadcasting, 1999 Criminal Code, 1984 Administrative Offences Code, 1999 Administrative Proceedings Code and 1999 General Administrative Code.

<sup>8</sup> The Working Group for Electoral Reform functioned in 2019-2020 and resumed its work in January 2021, with the participation of citizen observer groups and members of the diplomatic community. Most opposition parties abstained from the meetings in February, but attended all of them in May, after signing the agreement.

<sup>9</sup> See Venice Commission and ODIHR Urgent Joint [Opinions](#) on the Draft Amendments to the Election Code of Georgia.

related to limitations on voting rights, electoral dispute resolution, and further measures to counter misuse of state resources.

The 64 local representative bodies (*Sakrebulo*) and mayors are directly elected for four-year terms. Pursuant to the recent amendments, the elections will be held under a mixed system with a 4/1 ratio of proportional and majoritarian mandates for the five largest cities and 2/1 for the remaining 59 municipalities.<sup>10</sup> Contestants qualify for seat allocation if they obtain at least three per cent of the valid votes cast in the municipality and 2.5 per cent for Tbilisi. The majoritarian candidate for *Sakrebulo* with the most votes is elected, if they receive more than 40 per cent of the votes. Otherwise, a second round is held between the two top candidates. For mayoral elections, the candidate receiving more than half of the valid votes cast is elected. If no candidate garners the required number of votes, a second round is held in four weeks between the two top candidates.

The June amendments increased the overall number of proportionally elected seats from 970 to 1,404, reduced the number of majoritarian constituencies from 1,088 to 664, and defined the boundaries of 59 majoritarian constituencies. As required by law, the ten single-member constituencies of the Tbilisi Municipality were delineated by the Central Election Commission (CEC) within five days after the call of elections. The constituencies for the remaining four largest cities and the administrative centres of the municipalities were delineated by the District Election Commissions (DECs) by the 1 August deadline.<sup>11</sup>

## V. ELECTION ADMINISTRATION

The election administration comprises the CEC, 73 DECs and 3,664 regular Precinct Election Commissions (PECs).<sup>12</sup> The 28 June amendments modified the composition of all commissions as well as the election of the CEC Chairperson and non-partisan members with the aim to enhance public trust through more balanced representation. Commissions at all levels now comprise of 17 members: eight non-partisan and nine appointed by the political parties. Four CEC members are women.

The eight CEC non-partisan members, including the chair, are elected by the parliament upon submission from the president based on the proposal from the competition commission composed of Civil Society Organizations (CSOs) and academia. The non-partisan members are elected by a two-third qualified majority of the parliament. In case the required majority is not reached, the commissioners are elected with an ‘anti-deadlock mechanism’ of a simple majority with a term limit of six-months, instead of five years.<sup>13</sup> Following the 19 April agreement and the subsequent amendments, a new CEC chair and two additional commissioners were to be elected by the parliament.<sup>14</sup> The new chairperson and non-partisan members were elected on 2 August through an “anti-deadlock” mechanism of simple majority, following three unsuccessful attempts to reach a qualified majority. Several ODIHR EOM interlocutors expressed varying degrees of confidence in the CEC’s impartiality and stated that resorting to the “anti-deadlock mechanism” was a missed opportunity for a consensus-based election administration; yet others noted that the pluralistic composition has contributed to substantive discussions in the CEC sessions.

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<sup>10</sup> The five largest cities are Tbilisi, Batumi, Kutaisi, Rustavi and Poti.

<sup>11</sup> Paragraph 16 of the [European Commission for Democracy through Law \(Venice Commission\) Code of Good Practice in Electoral Matters](#) states: “In order to avoid passive electoral geometry, seats should be redistributed at least every ten years, preferably outside election periods, as this will limit the risks of political manipulation.”

<sup>12</sup> Elections are not organized in Abkhazia and South Ossetia.

<sup>13</sup> If after two attempts a two-thirds majority is not reached, two more attempts are taken, requiring a 3/5 and then a simple majority.

<sup>14</sup> Former CEC Chairperson resigned shortly after amendments were adopted. A total of seven applications for CEC chairperson were considered by the competition commission. Four of the five CSO-appointed members of the competition commission did not support any of them.

Up to nine parliamentary parties can appoint one CEC member each. In case the number of parliamentary parties is higher than nine, priority would be given to those with the highest number of votes in the previous parliamentary elections.<sup>15</sup> The recent amendments also introduced an additional position of deputy CEC chairperson elected from among the members appointed by opposition parties.

In electoral periods, the five permanent DEC members are joined by three non-partisan members elected by the CEC and up to nine DEC members nominated by political parties.<sup>16</sup> The CEC live-streamed most interviews with the candidates for non-partisan DEC commissioners. The applicable rules have some limitations but do not exclude previous members of election commissions appointed by political parties from becoming non-partisan DEC members.<sup>17</sup>

Despite previous ODIHR recommendations, the timeframes for application and selection of PEC members remained compressed. The DECs elected 29,312 non-partisan PECs members from 31,483 candidates in a period of four days. Some 59 per cent of the PECs had exactly eight candidates for the eight non-partisan vacancies, virtually preventing any meaningful competition. In line with the law, 903 candidates were excluded for having been party appointed commissioners in the last general elections.<sup>18</sup> Few eligible parties reported having difficulties to fill their quota of PEC members. Over three quarters of PEC members are women. Following the recent amendments, only non-partisan members can be elected as PEC chair, deputy chair and secretary.

To date, the election administration has complied with all legal deadlines, and technical preparations are ongoing. The CEC held regular sessions open to representatives of election contestants, accredited observers and the media, and streamed them live for the first time. To date, most of the CEC decisions were taken unanimously and posted with the session minutes online. In consultation with CSOs and party representatives, the CEC adopted several COVID-19-related decrees regulating access to the premises of election administration, the operations in regular polling stations, and voting for people in quarantine. On 3 September, the CEC launched an Information Protection Centre aimed at combating disinformation about the election administration and process in traditional media and on social networks.

A total of 1,108 polling stations are adapted for wheelchair access. The CEC plans to have video recording of the counting process in some 3,200 polling stations, and to pilot the use of ballot scanners in one of the Tbilisi districts.

## VI. VOTER REGISTRATION

Citizens over the age of 18 years have the right to vote, except those serving a prison sentence for a particularly grave crime or those determined to be legally incapacitated by a court decision if they are placed in inpatient care.<sup>19</sup> Voter registration is passive, centralized and continuous. The CEC compiles voter lists based on the civil registry database maintained by the Public Service Development Agency

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<sup>15</sup> Temporary rules introduced into the Election Code deprived two parties of their right to nominate CEC members and transferred this right to two other parties. Article 196<sup>1</sup>(2) orders the parties by the amount of public funding when applying this right, instead of the number of votes received, as foreseen by the general rule. As a result, the Labour Party lost this right to the European Democrats which does not have a member of parliament, yet as a member of the UNM-led bloc received more funding than the Labour Party. The Alliance of Patriots lost their right to appoint a CEC member after all of their MPs formed a new 'European Socialists' party in January 2021.

<sup>16</sup> The term of 162 permanent DEC members expired in February 2021; 141 were re-elected (35 for a fourth term).

<sup>17</sup> Previous party nominated commissioners cannot be nominated for the CEC membership for five years; and those nominated to commissions by parties in the last general elections cannot serve as non-partisan members of PECs.

<sup>18</sup> However, the legislation does not exclude candidates previously serving as representatives of electoral subjects.

<sup>19</sup> See Articles 12 and 29 of the 2006 [UN Convention on the Rights of Persons with Disabilities](#) (CRPD). See also paragraph 9.4 of the [2013 CRPD Committee's Communication No. 4/2011](#), which states that Article 29 does not foresee any reasonable restriction, nor does it allow any exception for any group of persons with disabilities.



(PSDA), which is updated on a quarterly basis, and data from other institutions.<sup>20</sup> Voters with valid identification documents are included in the preliminary voters lists based on their current registration.<sup>21</sup> On 1 September, the Ministry of Justice launched a campaign to provide identification documents to citizens free of charge.

Voter lists should be displayed for public scrutiny at the PECs between 30 and 18 days before elections. The ODIHR EOM noted that voter lists were displayed in the vicinity of most visited PECs in a timely manner.<sup>22</sup> Voter lists can also be accessed online, through a website adapted for voters with vision or hearing impairment and in minority languages, as well as through quick payment terminals. Voters can request corrections until 14 September.<sup>23</sup> According to the CEC, as of 9 September, the preliminary voter list contained 3,498,559 voters.<sup>24</sup> In total, 202,035 internally displaced persons are included in the voter list based on their actual place of residence. Most ODIHR EOM interlocutors have not raised concerns about the accuracy of the voter list.

## VII. CANDIDATE REGISTRATION

Citizens of at least 21 years old who resided in Georgia for more than five years can be elected to *Sakrebulo*s. To run for mayor, they must be at least 25 years old and have the right to vote.<sup>25</sup> Candidates for mayor and for majoritarian seats in *Sakrebulo*s can be nominated by parties or initiative groups of at least five voters. Candidate lists for proportional seats can be presented only by parties and must have at least one candidate of the opposite gender among every three candidates.<sup>26</sup>

Parties and initiative groups of voters had to be first registered with the CEC and DEC, respectively. Parties that were not registered in the last parliamentary elections or did not have a parliamentary seat at the time of calling local elections had to present 25,000 supporting signatures to the CEC.<sup>27</sup> Initiative groups of voters had to accompany each candidacy with support signatures.<sup>28</sup> In total 42 of 52 parties that applied to the CEC were registered, as well as 76 initiative groups.<sup>29</sup>

By 9 September, the CEC and DEC registered 241 mayoral candidates (14 independents), 2,845 majoritarian candidates (62 independents) and 773 proportional lists with 20,827 candidates. There are 25 female candidates for mayor (10 per cent) and 496 for majoritarian seats (17 per cent). The ODIHR

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<sup>20</sup> The PSDA undertakes effort to improve the accuracy of the database by tracing duplicates, removing deceased persons, using photo recognition and door-to-door activities. PSDA has conducted over 410,000 phone calls and a continuous campaign to correct data in the civil registry. As a result, the agency annulled 7,706 duplicate documents and removed 11,400 deceased persons.

<sup>21</sup> Citizens without identification documents, registered address, with annulled registration or missing data in the civil registry are not included in the data sent to the CEC but can request to be included by 11 September at PSDA offices.

<sup>22</sup> On 19 August, the CEC decided to allow a five-day delay for the display of the voter lists at PECs. According to the CEC in some cases, this may have been necessary due to COVID-19 related transportation constraints.

<sup>23</sup> Citizens can request to vote through mobile ballot box within the electoral district of their registration if they are unable to vote at the designated PEC due to illness, detention or work duties, no later than two days before election day. Voters in self-isolation have to call the CEC line no later than 27 September to use mobile voting.

<sup>24</sup> Including 293,516 voters residing abroad and 51,799 on the consular registry.

<sup>25</sup> The Election code requires a command of Georgian for candidates to the Tbilisi *Sakrebulo*. A number of public office positions are incompatible with candidacies for local administration.

<sup>26</sup> A quota of 'one-in-two' candidates was introduced in July 2020 but reduced to one-in-three in June 2021.

<sup>27</sup> Seven parties were registered by the CEC through this procedure.

<sup>28</sup> The numbers were defined by the CEC for each majoritarian constituency or mayoral seat separately. In general, it was set at one per cent of the registered voters within a constituency, not fewer than 50.

<sup>29</sup> Three parties were denied registration due to missed deadlines, insufficient signatures and failure to correct inaccuracies in the data; one party revoked its application. After registration, six parties were de-registered for failing to submit candidates.

EOM received several reports about candidates being pressured to resign across the country.<sup>30</sup> While by law the party lists must have at least as many candidates as the seats in the constituency, on 7 September, the CEC decided that proportional lists falling below the minimum number of candidates due to withdrawals would not be de-registered.

## VIII. ELECTION CAMPAIGN

The official campaign period began on 3 August, 60 days before election day. The law provides for equitable campaigning conditions, including access to public premises and places for posting campaign materials. Misuse of administrative resources and vote-buying is prohibited. Civil servants, teachers and staff of charitable organizations are amongst those prohibited from campaigning at all or during working hours.

The campaign is prominent particularly in the media and online.<sup>31</sup> Many parties reduced door-to-door and in-person campaign activities given widespread COVID-19 related concerns, and no large-scale campaign events were held to date, although permitted. Billboards and posters are not widely used by the parties, with the exception of the ruling party. Most candidates met by ODIHR EOM did not raise concerns about their ability to campaign freely, including in minority languages.

To date the campaign has been dominated by mutual accusations of disinformation and election violations on one side, and of focusing on post-election protests on the other. The 43 per cent benchmark for the ruling party stemming from the 19 April agreement is a key point of discussion, overshadowing local issues in the first weeks of the campaign. Several ODIHR EOM interlocutors describe the political landscape as highly polarized, and the discourse as aggressive, with frequent accusations of disinformation being spread. Most opposition parties met by the ODIHR EOM state that the political environment unduly favours the ruling party, including in access to campaign donations, and expressed concerns that the recent launch of a number of social and economic projects by the government further compounds the issue. While the law prohibits launching of the social and economic projects after the call of the elections, the government has claimed the projects were launched before the call. The ODIHR EOM interlocutors in almost all regions have alleged that state and local officials, as well as ruling party agents, are engaged in vote buying and pressuring opposition party supporters.<sup>32</sup>

## IX. PARTICIPATION OF NATIONAL MINORITIES

According to the last census, national minorities make up 13.2 per cent of the population, the most numerous groups being the ethnic Azeri (6.3 per cent) and Armenians (4.5 per cent).<sup>33</sup> The Constitution grants national minorities full political rights, and prohibits discrimination on national, ethnic, religious or linguistic grounds, as well as the formation of political parties propagating ethnic strife, and the creation of political parties based on a territorial principle. The Election Code provides that election platforms must not incite ethnic confrontation.

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<sup>30</sup> The ODIHR EOM received reports from Kutaisi, Telavi, Akhalkalaki, Khasuri municipalities, as well as Mtskheta Mtianeti, Guria and Shida Kartli regions.

<sup>31</sup> All but two parties participating in the elections are present on social media, have presence on Facebook either through a party page and/or the chairperson's personal account. Four parties are inactive, have not posted anything since 3 August 2021.

<sup>32</sup> On 1 September, the Public defender expressed concerns regarding alleged discriminatory dismissals of employees for their political views in the run-up to the elections. According to the Prosecutor's office, in two cases in Samegrelo-Zemo Svaneti and Adjara criminal investigations were opened on alleged vote buying.

<sup>33</sup> Russians 0.7 per cent, Ossetians 0.4 per cent, Yazidis 0.3 per cent, Ukrainians 0.2 per cent, Kists 0.2 per cent, Greeks 0.1 per cent, Assyrians 0.1 per cent, others 0.4 per cent. The census did not cover territories outside government control.

Contestants include persons belonging to national minorities as mayoral and *Sakrebulo* candidates, in some but not all minority-populated electoral districts.<sup>34</sup> A number of ODIHR EOM interlocutors reported that some candidates were under pressure to withdraw, in these areas.<sup>35</sup> Ethnic minority issues do not feature much in the campaign, aside from local messages in support of integration.

The Election Code provides for translation of voter lists, ballots, summary results protocols, and polling day logbooks, in minority languages and voter information and training for PECs in areas densely populated by ethnic minorities in the Armenian and Azeri languages.<sup>36</sup>

## X. CAMPAIGN FINANCE

Campaign finance is regulated by the Law on Political Unions of Citizens (LPU), the Election Code and the Law on State Audit Office (SAO), supplemented by SAO regulations. Some previous ODIHR and GRECO recommendations remain to be addressed. These include regulation of third-party activities, lowering the limits on donations and spending, strengthening campaign finance oversight and publishing findings on the interim reports prior to election day.<sup>37</sup>

Parliamentary political parties receive annual public funding, in proportion to the number of votes obtained in last parliamentary elections.<sup>38</sup> The 2021 amendments deprive a party of public funding if it loses more than half of its MPs or if they do not attend more than half of the regular plenary sessions of the parliament.<sup>39</sup>

An individual may donate to one or more parties or candidates up to GEL 60,000 annually and a legal entity up to GEL 120,000.<sup>40</sup> Donations may be monetary and in-kind. An electoral subject may use its own funds, from public and private sources, and a party may take a loan for campaign purposes up to one million GEL annually. There is a ban on donations from public and non-commercial legal entities, religious organisations, foreign sources and some categories of public contractors. Donations may not be made anonymously, through intermediaries or by donors whose reported income is not considered sufficient.<sup>41</sup>

A political party may spend annually up to 0.1 per cent of the national GDP of the previous year (approximately GEL 50 million), including spending incurred by third parties. The code also establishes

<sup>34</sup> There are mayoral candidates in Akhalkalaki, Ninotsminda and Marneuli, but not other minority-populated cities.

<sup>35</sup> UNM reported that one ethnic Azeri candidate in Karajala (Lagodekhi), and several ethnic Armenian candidates in Akhalkalaki, Diliska and Bezhan (Akhalkalaki), and in Ninotsminda, were pressured to withdraw. Media reported that several ethnic Armenian candidates (EF, FG, Lelo, UNM) in Akhalkalaki and Ninotsminda, and some ethnic Azeri candidates (FG) in Kabali and Karajala (Lagodekhi), were under pressure to withdraw. According to the Prosecutor's office, two criminal investigations were opened into the alleged cases of coercion to resign.

<sup>36</sup> 211 Georgian-Azeri, 133 Georgian-Armenian, and 4 Georgian-Azeri-Armenian.

<sup>37</sup> See GRECO [reports on Georgia](#) and previous [ODIHR election observation reports on Georgia](#).

<sup>38</sup> Parties receive GEL 15 per vote obtained for the first 50,000 votes and GEL 5 per every additional vote. For 2021, GEL 14 million were allocated to 14 parliamentary parties including approximately 5 million to GD, 2 million to UNM, one million each to European Georgia - Movement for Liberty, Alliance of Patriots and Giorgi Vashadze - Strategy Aghmashenebeli, 780,000 each to Lelo and New Political Center - Girchi, half a million each to Aleko Elisashvili - Citizens and European Democrats, 240,000 to the Movement State for People, 290,000 to the Labour Party, 200,000 to the Republican Party, 100,000 to Law and Justice and 12,000 to Progress and Freedom.

<sup>39</sup> The amendments are applicable as of February 2022. The Venice Commission and ODIHR Urgent Joint [Opinion](#) on the Draft Amendments to the Election Code of Georgia, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament of Georgia recommended to reconsider introducing this amendment.

<sup>40</sup> 1 EUR equals GEL 3.7.

<sup>41</sup> All campaign transactions must be conducted through dedicated campaign funds, and monetary donations, regardless of the amount, must be transferred from a donor's bank account.



a commensurate cap on expenses for independent majoritarian candidates in their electoral district, corresponding to approximately GEL 15 per registered voter.<sup>42</sup>

The State Audit Office (SAO) is mandated with the oversight of party and campaign finance, and can identify possible violations by reviewing campaign bank account transactions and campaign finance reports, conducting field visits and receiving complaints. Electoral subjects are required to report received donations to the SAO within five days of receipt, which must publish this information on its website on a monthly basis. Interim campaign finance reports are due every three weeks from the call of elections, within 12 days after election day and three days prior to the second round for those contesting it. Interim reports submitted by parties and independent candidates have been published on the SAO website as required by law. The SAO is required by law to publish all reports within five working days of receipt but not their conclusions.<sup>43</sup>

## XI. MEDIA

The media environment is diverse but strongly dependent on business or political interests, and largely mirrors the polarisation between governing and opposition parties. Television continues to serve as the main source of information for the majority of the population, although online media are gaining ground, mostly in urban centres. The media includes 106 television channels, including some ten national broadcasters, 53 radio broadcasters, and seven national print publications.<sup>44</sup> The broadcast market realigned in 2019, after the transfer of ownership of the most watched opposition television channel *Rustavi 2*. Its former managers subsequently established the TV channels *Mtavari Arkhi* and *Formula*, employing the majority of the *Rustavi 2* journalists.

According to most ODIHR EOM interlocutors editorial policies are often affected by partisan alignments and agendas. Media viability remains an ongoing challenge, due to the relatively small size of the audience and the limited advertising market, amplified by the financial consequences of the COVID-19 pandemic. Some ODIHR EOM interlocutors raised concerns about a deteriorating media environment, cases of alleged intimidation and violence against journalists. The OSCE Representative for Freedom of the Media (RFoM) denounced the mass violence against journalists reporting on protests and encouraged the authorities to complete investigations into all other violent incidents and mistreatment of media workers in the country in recent years.<sup>45</sup>

The Georgian Public Broadcaster (GPB), funded by the state budget, based on the GDP of the country, operates two television channels and two radio stations. The Law on Broadcasting requires the GPB to be independent from the state and accountable to the public. The Law on Broadcasting stipulates that both public and private broadcasters should ensure pluralistic and non-discriminatory coverage of all relevant views in their news programmes, while the Election Code requires the broadcast media to respect the principle of impartiality and fairness. It also contains detailed provisions regulating the media during

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<sup>42</sup> Article 54.8 of the Election Code: The upper limit of the total annual election expenses of an independent majoritarian candidate shall be determined as follows: the upper limit of the election campaign allowances for a political party (0.1% of the previous year's GDP) shall be divided by the total number of voters in the country and the number obtained must be multiplied by the number of voters in the respective electoral district.

<sup>43</sup> Notwithstanding, the SAO published its conclusions both prior to and after the elections in 2020 and stated that it plans to do the same for these elections.

<sup>44</sup> The most popular television channels include *Imedi*, *Mtavari Arkhi*, *Rustavi 2*, *TV Pirveli* and the Georgian Public Broadcaster.

<sup>45</sup> The most serious episode concerns the violent attacks against some 53 media professionals on 5 July 2021 during the Tbilisi Pride March. See other [statements](#) of the OSCE RFoM on Georgia.

the campaign with all broadcasters required to allocate free airtime to parties and candidates.<sup>46</sup> The law also requires broadcasters to organize debates for eligible election contestants and to provide equal conditions for paid campaign advertisements.

The Communications Commission (ComCom) is the regulatory body responsible for determining the procedure for participation and use of the media in the electoral process. The ComCom supervises the respect of the legal framework for election coverage by broadcasters and reacts to violations of relevant provisions.<sup>47</sup> As for past elections, the ComCom is monitoring media coverage of the local elections.

On 4 September, the ODIHR EOM commenced its media monitoring of the prime-time broadcasts of six national TV channels, with a quantitative and qualitative analysis of their political and election related coverage.<sup>48</sup>

## XII. COMPLAINTS AND APPEALS

Contestants and registered observer organisations may file complaints on most issues, while voters may file complaints only on their exclusion from voter lists and their right to vote. Complaints must be filed with election commissions and other competent bodies, which are required to conduct preliminary investigations and where applicable draw protocols of administrative offences to refer a case to the courts.<sup>49</sup> Contrary to previous ODIHR recommendations, complaints on campaign violations and administrative offenses may still be decided by the Chairpersons, rather than the election commissions as collegial bodies, but their decisions, including on inadmissibility, can now be appealed.

The CEC maintains a database of the complaints filed to election commissions and the courts. Following the recent amendments, complaints may be filed either in hard copy or electronically by representatives of contestants and national observer organisations registered on an electronic platform, and hearings may be held on-line. The timeframes for filing and reviewing most types of complaints have been extended from one to two days and from two to four days respectively, partly addressing a previous ODIHR recommendation. For campaign violations, including the misuse of state resources, the deadlines for referring cases to court are 10 days for submitting the matter to the court and up to 10 days for adjudication.

To date, some 120 complaints were filed, including 85 by electoral subjects and 40 by observer organisations. Of them, some 65 complaints were filed by UNM mainly against PEC appointments, misuse of state resources, and one by UNM and European Georgia against the delineation of constituencies by DEC 18. Some ten complaints were filed against denials of candidate registration.<sup>50</sup> Some 40 complaints were filed by citizen observers, including ten on misuse of state resources and 30

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<sup>46</sup> Article 186 requires public broadcasters to allot five minutes free airtime in every hour to all contestants, and five minutes in every three hours to ‘qualified’ electoral subjects; and that private broadcasters allot free of charge no less than 7.5 minutes in every three hours to ‘qualified’ electoral subjects.

<sup>47</sup> On 12 September, the ComCom upheld a complaint submitted by European Georgia against *Imedi* TV for their refusal to air an advertisement of the party, claiming that it constituted “hate speech”. On 26 August it drew violation protocols against seven broadcasters for publishing opinion polls without releasing information on their preparation as required by the law.

<sup>48</sup> The EOM is monitoring prime-time (from 18:00 till 00:00) coverage of two public (GPB and *Adjara* TV) and four private (*Imedi*, *Mtavari*, *Pirveli* and *Rustavi 2*) national TV channels, as well as six local TV channels (*Grjaani*, *Rioni*, *Odishi*, TV4, TV9 and TV25).

<sup>49</sup> As required by law, the Inter-agency Task Force (IATF) has been established for these elections with a mandate to review complaints on misuse of state resources and issue non-binding recommendations. The IATF is composed by Deputy Ministers, representatives of the CEC, SAO, the State Inspector, Prosecutor, State Security Service, the Municipal Inspection of the Tbilisi City Hall and headed by the Ministry of Justice. In addition, an Advisory Group was established to issue recommendations to the CEC on dispute resolution.

<sup>50</sup> Including by Free Georgia, Girchi, UNM and Reformers.

on procedural issues.<sup>51</sup> The majority of complaints were rejected on merits.<sup>52</sup> A total of five appeals were filed to the Tbilisi City Court against CEC decisions, all were rejected on merits.<sup>53</sup>

### XIII. CITIZEN AND INTERNATIONAL OBSERVERS

The law provides for election observation by national and international observers, representatives of the electoral subjects and of the media.<sup>54</sup> The CEC accredits domestic and international organisations, as well as representatives of electoral subjects and media. DEC members register CSOs planning to observe within one district or electoral subjects representatives at PEC level. As of 11 September, 64 national CSOs had been accredited with some 1,700 observers. One organisation has been denied registration.<sup>55</sup> 29 international observer groups and 32 media had been registered.<sup>56</sup>

A number of citizen observer organizations have launched long-term monitoring activities and published interim reports on the pre-election environment. Some ODIHR EOM interlocutors have raised concerns about the widespread practice of political parties artificially increasing their presence in polling stations under the guise of non-partisan citizen election observation.

### XIV. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened in Tbilisi with a press conference on 26 August. The Election Observation Mission has met with the CEC Chairperson, the Deputy Minister of Foreign Affairs, the Minister of Internal Affairs, the State Audit Office, the Prosecutor General, and other high-level state officials, political party leaders and their representatives, media, civil society, and members of the diplomatic and international community.

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

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<sup>51</sup> Both the Georgian Young Lawyers Association (GYLA) and Transparency International (TI) filed two complaints each, against GD for using vehicles of Batumi Water Service and against GD candidate and Mayor of Ambrolauri for meetings with municipal employees. International Society for fair Elections and Democracy (ISFED) filed two complaints against the Public Registry Agency publishing on its official website statements of the Minister of Justice during a GD campaign event and a second against a municipal employee for posting pro-GD on personal Facebook profile during working hours. The Center for Democratic Changes one complaint against UNM candidate for Kutaisi Mayor meeting with teachers. Young Generation filed 28 complaints to Khobi DEC relating to requests for mobile voting, PECs failing to register requests and complaints, PEC members not being present, the venues selected for polling stations, PEC member violating COVID rules, PEC member campaigning for GD.

<sup>52</sup> A case of defacement of campaign posters was referred to the police for investigation.

<sup>53</sup> These included one by a DEC member against the denial of registration of the Green Earth as an electoral subject, one by the citizen observer organization Civil Platform 20/20 against video recording at polling stations, two by UNM against allowing DEC members to select PEC members without in-person interviews and against the delineation of constituencies by DEC 18.

<sup>54</sup> Local CSOs registered as legal entities aimed at defending human rights and/or monitoring of elections no later than one year before election day may request to observe elections.

<sup>55</sup> The CEC initially denied registration to the Institute for Law and Policy research and Public Opinion Research Centre due to missing extracts from the Register of Entrepreneurs and Non-Entrepreneurial (Non-Commercial) Legal Entities. Both were later registered. The CEC refused to accredit the Regional Association of Social Workers on the basis that their founding documents do not provide for election monitoring and/or human rights.

<sup>56</sup> The Georgian Public Broadcaster has registered 158 representatives, *Mtvani* - 132, *Formula* - 116, and *Pirveli* – 112.