

**INTERIM REPORT**  
**25 September – 10 October 2020**

**16 October 2020**

**I. EXECUTIVE SUMMARY**

- On 31 October Georgia will conduct parliamentary elections under a new electoral system with 120 members of parliament proportionally elected in a single nationwide constituency and 30 elected in single-member constituencies. The reduced threshold of one per cent for parliamentary representation has increased the apparent competitiveness of the pre-election environment, with many new parties entering the political arena. Majoritarian candidates must obtain an absolute majority of votes to be elected; if no candidate wins in the first round, a second round between the top two candidates is held in three weeks.
- The legal framework underwent significant amendments in July and September 2020, following a year-long, broad and inclusive consultation process. While many stakeholders welcomed recent amendments as an improvement, some noted remaining shortcomings, and a number of past ODIHR recommendations remain unaddressed. These include the provisions on campaigning, election administration, campaign finance, complaints and appeals process, and recounts and annulments. While the legal framework generally provides a sound basis for the conduct of democratic elections, its effective implementation and enforcement, including of the recent amendments, is key.
- The Central Election Commission (CEC) held regular sessions open for representatives of electoral subjects, accredited observers and media. To date, election administration has complied with all legal deadlines and technical preparations are underway. While stakeholders expressed varying degrees of confidence in the CEC's professionalism; a number of ODIHR LEOM interlocutors from opposition parties and civil society organizations raised concerns over impartiality of lower-level commissions. The selection of Precinct Election Commission (PEC) members and first PEC sessions led to political confrontations in some districts. While most PEC's chairpersons are non-partisan, all PEC chairs elected from members nominated by parties represent the ruling party.
- There are some 3.5 million voters. From 1 October, voter lists are displayed in PECs for public scrutiny. The CEC offers a number of options for verifying voter registration information. The ODIHR LEOM interlocutors have not raised any significant concerns about the accuracy of the voter list.
- Out of 78 applications received from parties, the CEC registered 50 electoral subjects (48 parties and 2 election blocs comprising 7 parties) entitled to submit candidate lists. Registration of other parties was rejected due to submission of application by an unauthorized person, and failure to meet the deadlines, fix inaccuracies or submit candidate lists. Over 490 candidates will contest in majoritarian races.
- The campaign is prominent in the national media and online. Many parties reduced door-to-door and in-person campaign activities given widespread COVID-19 related concerns. Most candidates met by the ODIHR LEOM did not raise concerns about their ability to campaign freely, also in minority languages, but there were a few instances of electoral violence. With the notable exception of the response to COVID-19, the campaign has centered on personalities rather than substantive issues.

- The legal framework provides for public and private funding of campaigns. The State Audit Office (SAO) exercises party and campaign finance oversight and identifies potential violations. The first campaign finance reports were published on the SAO website. Overall, most ODIHR LEOM interlocutors expressed a low level of confidence in the transparency of campaign finance.
- The diverse media environment is polarized along political lines and business interests. The Election Code requires the broadcasters to provide fair and impartial coverage of the campaign. Broadcast media are required to allocate free air-time and invite to debates only contestants eligible for public funding. Other parties are entitled to receive a smaller amount of free time only on public media.
- Registered contestants as well as accredited observer organizations have the right to file complaints against commission decisions and election violations. To date, some 200 complaints were submitted to different levels of the election administration, and some 9 cases were heard by courts, with the vast majority denied consideration or dismissed. The CEC maintains an online publicly accessible register of complaints filed with commissions and courts.
- Women are generally underrepresented in public office, holding 14 per cent of seats in the outgoing parliament. Three of the CEC commissioners, including the chairperson, are women. Women comprise 65 per cent in DEC and 74 per cent in PECs. A mandatory gender quota for candidate lists was established in the recent amendments, requiring at least every fourth candidate to be a woman.
- A number of national minority representatives are running as candidates on party lists and in majoritarian contests, mostly in minority-populated regions. The election administration provides ballot papers, voter information and polling staff trainings in minority languages.
- The ODIHR Limited Election Observation Mission opened on 25 September, with a 13-member core team in Tbilisi and 27 long-term observers deployed across the country.

## **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 a Limited Election Observation Mission (LEOM) on 25 September.<sup>1</sup> The ODIHR LEOM, headed by Jillian Stirk, consists of a 13-member core team based in Tbilisi and 27 long-term observers deployed throughout the country from 2 October. Mission members are drawn from 20 OSCE participating States.<sup>2</sup>

## **III. BACKGROUND AND POLITICAL CONTEXT**

On 31 August, in line with the Constitution, the president called parliamentary elections for 31 October. The 2017 constitutional amendments introduced the indirect election of the president starting from 2024, concluding the shift from a presidential to a parliamentary system initiated in 2010. The president serves

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

<sup>2</sup> In its Needs Assessment Mission report, ODIHR recommended an Election Observation Mission (EOM) that would include, in addition to a core team of analysts, 28 long-term observers as well as 350 short-term observers (STOs) for observation of election day procedures. However, the extraordinary circumstances caused by the COVID-19 pandemic and existing travel restrictions throughout the OSCE region have negatively affected the ability of the OSCE participating States to second short-term observers. This has resulted in a significant shortfall, which made infeasible the deployment of short-term observers in sufficient numbers for meaningful observation of election day procedures, especially given the logistical difficulties posed by the COVID-19 pandemic. Therefore, ODIHR changed the format of the observation activity from EOM to LEOM. In line with ODIHR standard methodology for LEOMs, the mission will not carry out a comprehensive or systematic observation of election-day proceedings, but intends to visit a number of polling stations on election day.

as the head of state and the prime minister serves as the head of government.<sup>3</sup> Legislative power is vested in the parliament.

The 2016 parliamentary elections resulted in a constitutional majority for the ruling party, the Georgian Dream (GD), which won 115 of the 150 seats.<sup>4</sup> In 2017, most of the members of the leading parliamentary opposition party, the United National Movement (UNM), left the party and established the European Georgia – Movement for Liberty (EG). The 2017 local elections further consolidated the position of the ruling party as it obtained 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, holding 14 per cent of seats in the outgoing parliament.

The pre-election environment is marked by political and social tensions, and economic challenges amid the ongoing COVID-19 pandemic. A wave of anti-government protests broke out in June 2019 in response to presence of a Russian parliamentarian in Georgia's parliament. Following dispersal of the protestors, further demonstrations took place demanding the resignation of the government and conduct of early elections under a fully proportional system instead of the existing mixed system. Pursuant to the GD statement on 28 June 2019 to introduce a fully proportional system ahead of the 2020 parliamentary elections, draft constitutional amendments were initiated by 93 members of parliament (MPs) of the ruling party. However, during the vote on 14 November, a constitutional majority was not reached. On 4 December, a group of 29 MPs initiated amendments to the Election Code which failed to gain enough support in the parliament, further fuelling protests.<sup>5</sup>

On 8 March 2020, following lengthy negotiations facilitated by members of the diplomatic community, a Memorandum of Understanding was signed between the main opposition parties and the ruling party, leading to constitutional amendments adopted in June. These amendments introduced a larger proportional component to the electoral system and lowered the threshold for parties to be represented in parliament. In particular, the reduced threshold for parliamentary representation has increased the apparent competitiveness of the pre-election environment, with many new parties entering the political arena. In line with the Constitution, these will be the last parliamentary elections under a mixed electoral system, with a fully proportional system effective for future elections.

#### IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Under the newly adopted electoral system, 150 MPs are to be elected for four-year terms, with 120 proportionally elected in a single nationwide constituency, through closed party lists, and 30 elected in single-member constituencies.<sup>6</sup> Recent amendments, reduced the threshold in the proportional contest for parties from five to one per cent of valid votes cast.<sup>7</sup> In addition, a mandatory gender quota for candidate lists, requiring at least every fourth candidate to be of the opposite sex, was introduced, addressing previous ODIHR recommendation.<sup>8</sup> On 25 September, the Constitutional Court upheld application of the quota to women and repealed its application to men ruling that it restricts women's rights to political participation and their maximum representation in parliament. In majoritarian contests, party-nominated

<sup>3</sup> The president serves as commander-in-chief and appoints the commander of the armed forces, represents the country abroad, makes certain appointments in the judiciary and holds a legislative veto.

<sup>4</sup> The UNM won 27 seats, the Alliance of Patriots of Georgia (APG) 6 seats, and 2 seats were won by independent candidates.

<sup>5</sup> See [ODIHR Opinion on the Draft amendments to the Election Code of Georgia](#).

<sup>6</sup> Previously, 77 MPs were elected proportionally and 73 in single-member districts.

<sup>7</sup> The threshold for blocs is equal, in percentage, to the number of parties in the bloc. A new formula provides for redistribution of parliamentary seats that in effect prevents any party receiving less than 40.54 per cent of votes from obtaining a majority in parliament.

<sup>8</sup> Parties entitled to public funding will receive additional 30 per cent increase in funding if they include at least 3 of each gender within every 10 candidates on their lists.

and independent candidates must obtain an absolute majority of valid votes cast to be elected; if no candidate receives the required number of votes, a runoff is held between the top two candidates on the third Saturday after the election day.

Boundaries for the 30 constituencies were defined by recent amendments to the Constitution and the Election Code, which provide that, to the extent possible, boundary delimitation should ensure the equal distribution of voters.<sup>9</sup> Of the 30 constituencies, 18 have more than 15 per cent deviation, with the largest district comprising 3.5 times the number of registered voters than the smallest one, and 7 vary between 10 and 15 per cent.<sup>10</sup> The merger of the electoral districts of Marneuli and parts of Gardabani has reduced the potential for national minority representation in parliament.

The parliamentary elections are primarily regulated by the 1995 Constitution, 2011 Election Code, 1997 Law on Political Unions of Citizens, and Central Election Commission (CEC) regulations.<sup>11</sup> The legal framework underwent significant amendments in July and September 2020, following a year-long, broad and inclusive consultation process.<sup>12</sup> Outstanding ODIHR recommendations were systematically discussed and some addressed, in whole or in part. The legislative amendments apply to various aspects of the electoral process, including election administration, party and candidate registration, campaigning and campaign finance, media campaign and coverage, election observers, and electoral disputes and offences.<sup>13</sup> Addressing a previous ODIHR recommendation, the regulation of the run-off period addressed a gap in the legal framework.

While many stakeholders welcomed recent amendments as an improvement, some noted remaining shortcomings, and a number of past ODIHR recommendations remain unaddressed. These include provisions on campaigning, election administration, campaign finance, complaints and appeals process, and recounts and annulments. While the legal framework generally provides a sound basis for the conduct of democratic elections, its effective implementation and enforcement, including of the recent amendments, is key.

## V. ELECTION ADMINISTRATION

The elections are managed by three levels of election administration comprising the CEC, 73 District Election Commissions (DECs) and 3,657 Precinct Election Commissions (PECs). Voting abroad will be organized in 39 countries for the proportional component of the elections.<sup>14</sup>

Commissions at all levels comprise of 12 members: 6 non-partisan members and 6 members appointed by political parties. Five non-partisan CEC members are elected by parliament upon nomination by the president.<sup>15</sup> The CEC chairperson is elected by the CEC with a two-thirds majority of all its members, from among three candidates nominated by president.<sup>16</sup> Non-partisan members of DECs and PECs are

<sup>9</sup> A 2015 Constitutional Court decision requires that any deviation follows the [Council of Europe's European Commission for Democracy through law \(Venice Commission\) Code of Good Practice in Electoral Matters](#) (Code of Good Practice) which recommends a maximum 10 per cent deviation, and up to 15 per cent in limited circumstances.

<sup>10</sup> The largest district (No. 23) has 154,870 voters and the smallest (No. 19) has 43,903.

<sup>11</sup> Other relevant laws include the 2004 Law on Broadcasting, 2008 Law on the State Audit Office, 1999 Criminal Code, 1984 Administrative Offences Code, 1999 Code of Administrative Procedure, and 1999 General Administrative Code.

<sup>12</sup> Stakeholder proposals were considered and some adopted in whole or in part, although concerns were raised by the ODIHR LEOM interlocutors that agreed changes were not reflected in the final draft. The parliamentary vote was boycotted by EG and UNM; two-thirds of MPs voted.

<sup>13</sup> Some of the amendments are applicable only for these elections, while others will enter into force after the 2020 elections.

<sup>14</sup> In addition, 2 PECs are established for Georgian troops deployed in Afghanistan and 10 special PECs in penitentiary institutions.

<sup>15</sup> The president has to present two candidates for each vacancy based on the recommendation of a competition commission.

<sup>16</sup> Three of the CEC commissioners, including the chairperson, are women.

elected by a majority of the total number of CEC and DEC members, respectively. Parliamentary parties have the right to nominate commission members in proportion to the number of votes received in the last parliamentary elections, resulting in increased representation of the ruling party.

To date, election administration has complied with all legal deadlines and technical preparations are underway. The CEC held regular sessions open to representatives of electoral subjects, accredited observers and the media. Most of the CEC decisions were taken unanimously and posted with the session minutes on the CEC website. The CEC in consultation with civil society and party representatives adopted an epidemiological safety protocol for regular polling stations.<sup>17</sup>

All 73 DECs were constituted with full 12 members by the legal deadline.<sup>18</sup> By law, parties are free to recall their DEC nominees at any time except on election day. Recent amendments aimed to increase transparency and prevent conflict of interests in the selection process of PEC members. In particular, DEC members should not participate in the selection of PEC members if they are in a family relationship. Furthermore, political appointees from the last presidential election are disqualified.<sup>19</sup> Many ODIHR LEOM interlocutors welcomed the changes but deemed them insufficient. The number of applications for PEC membership was low which in most cases virtually prevented any meaningful competition.<sup>20</sup>

The majority of PECs were constituted within the legal deadline.<sup>21</sup> The selection of non-partisan PEC members, as well as the election of PEC leadership, led to confrontation between GD and opposition affiliates in various DECs. The CEC reacted with a number of press statements denouncing the opposition for attempts to discredit the election administration. While most PEC chairpersons are non-partisan, all PEC chairs elected from members nominated by parties, represent the GD.<sup>22</sup> Women comprise 66 per cent in DECs and 74 per cent in PECs. While stakeholders expressed varying degrees of confidence in the CEC's professionalism; a number of the ODIHR LEOM interlocutors from the opposition parties and civil society organizations raised concerns over the impartiality of lower-level commissions.

In line with a previous ODIHR recommendation to enhance accessibility of the polling stations, the CEC adapted 1,126 polling stations (30.8 per cent) for wheelchair users who can request a transfer of their registration to any of such polling station within their electoral district. Homebound voting will be available for those unable to leave their homes.

## VI. VOTER REGISTRATION

Citizens 18 years of age by election day have the right to vote, unless serving a sentence for a particularly grave crime, or declared incompetent by a court decision and admitted to an inpatient facility.<sup>23</sup> Voter registration is passive, continuous and centralized. Voters with a valid identification documents are included in the voter list based on their permanent registration, actual (temporary) address or previous

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<sup>17</sup> PEC members and those authorized to be present will undergo thermal screening and wear face shields and gloves. Disinfection barriers and hand sanitizers will be available. Voters will have to wear face masks and use single-use pens. The CEC is developing procedures for organizing voting for those in quarantine.

<sup>18</sup> Only five non-partisan members of DECs work on permanent basis, other seven members are appointed for each election. With the reduced number of majoritarian districts, 30 DECs retained their full powers, and 43 DECs were made subsidiary and now play a supporting role with limited powers.

<sup>19</sup> Out of 25,000 applicants some 890 were rejected for having previously served in commissions as party nominees. In addition, 66 DEC members abstained from the selection process due to family relationship with candidates.

<sup>20</sup> According to the CEC, 51 per cent of all PECs had exactly 6 candidates for the 6 non-partisan positions. In further 26 per cent of PECs there were only 7 applicants.

<sup>21</sup> In eight cases, PECs were not due to a lack of quorum or self-isolation of PEC members.

<sup>22</sup> GD nominees occupied 14 per cent of all available leading positions (chairs, deputies and secretaries), including 434 chairs, while none of the remaining 3 parties gained more than 0.1 per cent of leading positions.

<sup>23</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.

registered address. The CEC compiles the voter list based on the data from the Public Service Development Agency (PSDA) and a number of other relevant state institutions.<sup>24</sup> The preliminary voter list contains some 3,511,000 voters.

From 1 October, voter lists are displayed in PECs for public scrutiny. The CEC offers a number of options for verifying voters' registration information.<sup>25</sup> Voters can request corrections in their registration data by 13 October. There are no provisions for a temporary transfer of voting location. Political parties and local observer organizations registered for the elections have the right to receive an electronic copy of the voter list and some requested it from the CEC. Most ODIHR LEOM interlocutors have not raised any concerns about the accuracy of the voter list.

## VII. CANDIDATE REGISTRATION

The 2017 constitutional amendments revised the parliamentary candidate eligibility requirements.<sup>26</sup> The right to stand is granted to voters over 25 years of age who resided in Georgia for at least 10 years.<sup>27</sup> Most high-level public officials are required to resign within two days from the nomination. The recent amendments substantially lowered the number of required signatures for the registration of parties from 25,000 to 5,000 signatures, and removed the requirement for candidates to pass a drug test.<sup>28</sup> To participate in the elections, parties had to register with the CEC. Legal framework provides certain advantages such as a later registration deadline, or an exemption from the obligation to collect support signatures to certain categories of political parties.<sup>29</sup>

The CEC received applications from 78 parties, and registered 50 electoral subjects (48 parties and 2 election blocs comprising 7 parties). Five parties withdrew and 19 were rejected by the CEC. The reasons for rejection included submission of application by an unauthorized person, failure to meet the deadlines, fix inaccuracies or submit candidate lists. Four parties that were denied registration appealed the CEC decisions in court; one case was upheld.<sup>30</sup> In addition, one party's registration was unsuccessfully challenged in court by another party.

For the majoritarian race, candidates can be nominated by parties, election blocs or run independently if nominated by an initiative group of at least five voters. Out of 22 total nominations 11 independent candidates were registered. Altogether there are 493 majoritarian candidates nominated by parties or election blocs of whom 106 are women.

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<sup>24</sup> The PSDA continues to undertake efforts to improve the accuracy of the database through facial recognition to remove duplications, by removing deceased voters and providing opportunities for voters to receive or update documents and photos for free.

<sup>25</sup> Such as the CEC website, including interface for voters with both visual and hearing impairments, a mobile application or through some 11,500 quick payment terminals.

<sup>26</sup> The amendments lifted the language requirement; however, increased the minimum eligible age from 21 years of age and significantly prolonged the required residency from the previous two years.

<sup>27</sup> The [Code of Good Practice](#) states that "a length of residence requirement may be imposed on nationals solely for local or regional elections". Moreover, [General Comment no. 25](#) of the International Covenant on Civil and Political Rights (ICCPR), in its paragraph 15 states "[p]ersons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation".

<sup>28</sup> Elected MPs must provide a drug test certificate within seven days after election day.

<sup>29</sup> Parties that had an MP at the time of calling elections had to submit their application no later than 57 days before election day (i.e. 4 September), instead of 15 July, applicable for other parties. Moreover, the "qualified" electoral subjects (i.e. those that received at least three per cent of votes in the last parliamentary or local elections), and those electoral subjects that obtained at least 15,000 votes in at least one election held under proportional system, or in the last presidential election, are exempt from the obligation to collect support signatures.

<sup>30</sup> The court overturned the CEC decision that denied registration of the Republican Party of Georgia on grounds of late submission. The court ruled that as the party was legally exempt from signature collection, the later submission deadline applicable for parties with MPs should equally apply.

## VIII. ELECTION CAMPAIGN

The official campaign period began on 1 September, 60 days prior to election day, although some parties started campaigning beforehand. The law provides for equitable campaigning conditions for all contestants. Recent amendments introduced certain campaign-related restrictions starting eight hours before voting and throughout election day.<sup>31</sup> They also included provisions to prevent the misuse of administrative resources, criminalized coercion and intimidation of voters, and strengthened the offence of vote-buying.<sup>32</sup> On 12 September, 20 political parties signed the Code of Conduct for Political Parties, a declaration of commitments facilitated by the CEC.<sup>33</sup>

The campaign is prominent mostly in the media and online.<sup>34</sup> Campaign events are exempt from COVID-19 related restrictions in force with respect to other social activities. Many parties reduced door-to-door and in-person campaign activities given widespread COVID-19 related concerns. Most candidates met by ODIHR LEOM did not raise concerns about their ability to campaign freely, also in minority languages, but there were a few instances of electoral violence. On 29 September, activists and journalists were injured during a clash between GD and UNM activists near the DEC in Marneuli city.<sup>35</sup>

With the notable exception of the response to COVID-19, the campaign has centered on personalities rather than substantive issues. With the lowered threshold for entry into parliament, both established and newly registered parties evaluate their prospects competitively. Several opposition parties stated to the ODIHR LEOM that the political environment unduly favours the ruling party and that GD activists have engaged in direct or indirect intimidation of their supporters. Several ODIHR LEOM interlocutors have alleged potential vote-buying, including elements of the government's COVID-19 social assistance. Various complaints of campaign-related misconduct have been lodged with election administration bodies.<sup>36</sup>

## IX. CAMPAIGN FINANCE

Campaign finance is regulated by the Election Code, Law on Political Unions of Citizens, and the Law on State Audit Office and related regulations. Recent amendments aim to further regulate campaign

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<sup>31</sup> Contestants are banned from contacting voters by phone or SMS on election day. The changes ban the placement of campaign materials within 25 meters of a polling station.

<sup>32</sup> The amendments broaden the definition of public employees prohibited from campaigning during working hours and prohibit state and local authorities from airing advertisements during the official campaign period on their past achievements or planned works. The changes prohibit impeding the movement of voters within 25 meters of a polling station.

<sup>33</sup> Among others, the candidates committed to respect the rule of law and refrain from violence, hate speech, xenophobia, abuse of administrative resources, voter intimidation, discrimination, spreading fake news and humiliating others. As of 10 October, 40 parties signed the Code of Conduct.

<sup>34</sup> The legal framework does not regulate campaign on social networks. In December 2019 and April 2020, Facebook removed over 500 pages, more than 100 accounts as well as groups and Instagram profiles engaged in "coordinated inauthentic behaviour" via sharing misinformation about Georgia's domestic politics and the COVID-19 outbreak. In June 2020, a number of media outlets and civil society organizations appealed to Facebook to take measures "to prevent anonymous, co-ordinated and sponsored political discreditation campaigns" on the platform. In its reply of 16 July, Facebook noted that from August 2020, it would require authorizations for ads about elections and politics in Georgia, thus offering "an unprecedented level of transparency and authenticity around these ads, so people can see who's trying to influence their vote ahead of the elections and why."

<sup>35</sup> Law-enforcement authorities charged four individuals in the connection with the incident. On 27 September, there was another clash between GD and UNM activists in Nakhiduri, Bolnisi district.

<sup>36</sup> APG was fined GEL 2,000 (1 EUR is GEL 3.8) for a video found to be in violation of a ban on campaign advertising that propagates religious or ethnic confrontation, for its anti-Turkish content. APG also was criticized for displaying a billboard with anti-Turkish messaging, although the party denies it condoned the advertising. Some 40 complaints submitted by opposition parties and observer groups allege campaigning by unauthorized persons, campaigning by civil servants during work hours, or the misuse of administrative resources.

donations and expenditures and increase transparency in campaign financing. Overall, most ODIHR LEOM interlocutors expressed a low level of confidence in the transparency of campaign finance.

The amendments broadened eligibility for political parties to receive annual state funding, and simplified the allocation formula.<sup>37</sup> Electoral subjects that reach a 5 per cent threshold in the 2020 elections will be reimbursed for expenditures up to GEL 1 million.<sup>38</sup> Parties are subject to an annual spending limit, including campaign expenditures by the party, its candidates and third parties, equal to 0.1 per cent of GDP for the previous year, some GEL 50 million. For independent majoritarian candidates, this limit is proportionate to the number of voters in the respective constituency.

Citizens and legal entities may annually donate up to GEL 60,000 and GEL 120,000, respectively, to one or more parties or independent candidates via bank transfers.<sup>39</sup> Electoral subjects can take out loans of up to one million GEL to fund the campaign. Donations from foreign, public-funded, religious, and anonymous sources are prohibited. Recent amendments broadened the bans on donations from foreign- or public-related monies and introduced a ban on donations from unsubstantiated sources. These also established financial penalty for third-party campaign spending, in line with previous ODIHR recommendation.

The State Audit Office (SAO) exercises party and campaign finance oversight and identifies potential violations through reviewing campaign bank account transactions and campaign finance reports, monitoring the campaign in the media, including social media, field visits, and receiving complaints. The SAO's powers to summon witnesses, obtain documentation, and otherwise investigate potential violations are limited, as are its human resources.<sup>40</sup> For imposition of fines or warnings the SAO must submit cases of administrative offences to court.

Interim campaign finance reports must be submitted by parties and initiative groups every three weeks starting from the call of the election, in addition to a post-election audited final report, in detailed format established by the SAO. Pursuant to a recent amendment, the SAO is required to publish the reports within five days of receipt.<sup>41</sup> Most parties submitted the first finance reports, which were published on the SAO's website in a timely manner.<sup>42</sup> The SAO intends, on its own initiative, to publish an interim oversight report prior to the elections.

Based on its review of bank transfers and reported donations and expenditures, the SAO has submitted eight administrative offence protocols, mainly for violations committed by small and newer political parties to Tbilisi City court.<sup>43</sup> The SAO also opened inquiries on more than 750 donors to verify the source of questionable donations, many related to the contributors of one political party.<sup>44</sup> To date, the SAO received several formal complaints.

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<sup>37</sup> In addition to parties that have an MP and are in a faction, parties that reached a three per cent threshold in the last parliamentary or local elections are currently entitled to public funding. Amendments reduced the threshold to one per cent based on the 2020 elections, with GEL 15 for each vote up to 50,000 and GEL 5 for each additional vote.

<sup>38</sup> In-kind donations (goods and services) are to be declared at market value.

<sup>39</sup> The reported amount of donations received by the parties from 1-21 September was GEL 5,336,450 to GD, GEL 1,029,153 to Lelo, GEL 959,879 to Strategy Aghmashenebeli, GEL 694,261 to EG, GEL 668,709 to APG, and GEL 450,419 to UNM.

<sup>40</sup> The SAO's political finance unit has eight regular staff and an additional four assigned for the election period.

<sup>41</sup> Electoral subjects must also report campaign donations within five days of receipt and the SAO publish them on a monthly basis. For these elections, the SAO set the deadlines for interim finance reports as 24 September, 15 October, and 5 November.

<sup>42</sup> Sixteen parties failed to submit reports, sending letters to the SAO stating zero donations and expenditures.

<sup>43</sup> Offences related to non-disclosure of financial information, illegal donations, and exceeding donation limits.

<sup>44</sup> The SAO opened inquiries with all donors to the APG based on a complaint lodged with the Prosecutor General alleging that the party was being funded by foreign monies.

## X. MEDIA

The diverse media environment is polarized along political lines and business interests. Television continues to serve as the main source of information for the overwhelming majority of the population.<sup>45</sup> The broadcast media market is perceived as overcrowded by many ODIHR LEOM interlocutors. The television market realigned when the ownership of the top rated television channel *Rustavi 2* changed after the July 2019 ruling of the European Court of Human Rights (ECtHR).<sup>46</sup> The managers of *Rustavi 2* established *Mtavari Arkhi* and *Formula TV* channels, employing the majority of the *Rustavi 2* journalists.

The Georgian Public Broadcaster (GPB) is funded by the state budget, based on the GDP of the country, with an annual budget comparable to the advertisement revenue of all TV channels combined.<sup>47</sup> Following the resignation of the GPB director in August 2020, a replacement was appointed on 25 September. The director of Batumi-based public *Adjara TV* was dismissed by the supervisory board in 2019. Following the appointment of the new general director in early 2020, a number of managers and journalists left *Adjara TV* citing pressure from the new management.<sup>48</sup>

The Election Code requires the broadcasters to provide fair and impartial coverage of the campaign, while print and online media are largely unregulated. The public broadcaster should provide for sign language interpretation of all election-related programmes. Political parties that qualify for public funding receive a combined total of 5 minutes per hour of free air-time on the public broadcaster, and 7.5 minutes per 3 hours of broadcast of free time on private media.<sup>49</sup> Regional broadcasters are obliged to allocate free time only if they sell air time for paid political advertisements. Remaining political parties running in these elections are entitled to 2.5 minutes per 3 hours of broadcast of combined free air-time only on the public broadcasters.

Broadcasters that choose to cover elections are obliged to organize debates with the participation of political parties that qualify for public funding. The GPB has decided, in addition to four debates scheduled for such parties, to organize four more debates to cover other contestants. Furthermore, the GPB and *Adjara TV* on their own initiative are providing five and six minutes of free time respectively to each party or bloc participating in the elections within main newscast.

The Communications Commission (CC) is a regulatory body for the broadcast media. During the campaign, the Commission regulates and monitors broadcasters for their compliance with the law.<sup>50</sup> On 1 October, the CC has initiated sanctioning procedures against *Pirveli* and *Formula TV* stations for violating the legal requirements for airing political advertisements that were upheld by the Tbilisi City Court.

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<sup>45</sup> According to the Communications Commission [annual report](#), in 2019 on average Georgians spent 412 minutes watching television daily.

<sup>46</sup> In July 2019, the ECtHR dismissed the case [Rustavi 2 Broadcasting Company LTD and others vs. Georgia](#) filed by the owners of a Georgian pro-opposition television channel *Rustavi 2* accusing Georgia's Supreme Court of bias.

<sup>47</sup> According to the media regulator, in 2019 the total advertisement revenue of all TV channels was some GEL 68 million. The annual budget for the GPB for 2020 was [approved by the parliament](#) at GEL 68.7 million.

<sup>48</sup> See the [statement](#) of the OSCE Representative on Freedom of the Media from 10 March 2020.

<sup>49</sup> Although 19 political parties are qualified for public funding, 18 electoral subjects are allocated free air-time based on recent amendments that limit the allocation of free time to parties running as an election bloc. As UNM and Movement State for People are part of the one coalition, they receive free time only once. Political parties qualifying for public funding also receive up to GEL 600,000 of public funding for paid political advertisements, proportional to votes received in the last parliamentary elections.

<sup>50</sup> Due to the COVID-19 pandemic, all sessions of the CC are conducted online.

On 28 September, the ODIHR LEOM commenced its media monitoring of the prime-time broadcasts of seven national TV channels, with a quantitative and qualitative analysis of their political and election-related coverage.<sup>51</sup>

## XI. COMPLAINTS AND APPEALS

While registered contestants and accredited observer groups have the right to file complaints in most election-related cases, complaints by voters are limited to their non-inclusion in the voter list. Decisions of an election commission can be appealed to the respective higher-level commission and then to the district/city court with the Court of Appeals as the final instance.<sup>52</sup> These cases are subject to expedited procedures that envisage one or two days for filing an appeal and adjudicating the matter. The recent legislative amendments did not address long-standing ODIHR recommendations to simplify the election dispute resolution system and broaden the rules on legal standing.

Violations of election legislation, such as breaches of campaign rules, are reviewed solely by the CEC or DEC chairperson or their deputies.<sup>53</sup> The official decides whether to submit an administrative offence protocol to a city/district court requesting sanctions; the court decision can be further appealed to the Court of Appeals as final instance. The recent amendments reduced the deadline for submission of the protocol and adjudication by the court, depending on the type of violation.<sup>54</sup> In 2018, courts ruled that denial of a request for such a protocol by the CEC chair cannot be appealed to court. In April 2020, a petition was lodged by a civil society group to the Constitutional Court challenging the lack of a right to appeal, referring to a previous ODIHR recommendation; the case is pending decision.<sup>55</sup>

The CEC maintains an online publicly accessible register of complaints filed with commissions and courts, and the related decisions.<sup>56</sup> To date, some 200 complaints were submitted to different levels of the election administration, and some 9 cases were heard by courts. Complaints mostly related to appointment of PEC and DEC members, hindering stakeholders' rights at DEC/PEC sessions, misuse of administrative resources, and violations of campaign rules, including campaigning by civil servants during work hours.<sup>57</sup> Almost all complaints were denied consideration on technical grounds or dismissed in substance; others are pending.

As required by law, the Interagency Task Force for Free and Fair Elections (IATF) was established on 30 June, mandated to prevent and react to election-related violations by public officials.<sup>58</sup> Some opposition parties and citizen observer groups boycott the IATF sessions as they perceive it to be ineffective. To date, the IATF has not received any complaints but discussed some 250 possible violations identified through media and other sources, and issued two non-binding recommendations calling on stakeholders to refrain from, and prevent, the misuse of official position, abuse of public resources, and campaign

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<sup>51</sup> The LEOM is monitoring prime-time (from 18:00 till 00:00) coverage of two public (GPB and *Adjara TV*) and five private (*Formula*, *Imedi*, *Mtavari*, *Pirveli* and *Rustavi 2*) national TV channels.

<sup>52</sup> DEC decisions rejecting changes in the voter lists or on observer registration can be directly appealed to the court.

<sup>53</sup> Violations by media organizations, campaign finance violations, and posting material violations are under the jurisdiction of the CC, SAO, and municipalities, respectively.

<sup>54</sup> The 30-day deadline to submit and the 15-day deadline to adjudicate have been reduced to 2-10 days depending on the offence.

<sup>55</sup> Article 60(6) of the Constitution provides that electoral norms adopted more than 15 months prior to an election cannot be deemed unconstitutional by the Constitutional Court in the respective election year.

<sup>56</sup> The database includes complaints lodged as of 1 September, after the election was called; as such, it does not include complaints related to registration of political parties in the elections.

<sup>57</sup> Other issues included party and candidate registration, and procedural irregularities at PECs.

<sup>58</sup> The IATF is composed of high-level officials, and all political parties and observers are entitled to participate in sessions. To date, seven sessions have been held.

violence. To date, the Prosecutor's Office has received 11 reports and launched 1 investigation related to vote-buying, and charged 7 persons for election-related violence.<sup>59</sup>

## **XII. CITIZEN AND INTERNATIONAL OBSERVERS**

The election legislation provides for observation by national and international observers, as well as by representatives of contestants. The Election Code contains detailed provisions on the rights and responsibilities of observers and grants them unhindered access to all stages of the electoral process. To date, the CEC registered 88 citizen and 20 international organizations and 42 local media representatives. Many ODIHR LEOM interlocutors expressed concerns about a considerable number of civil society organizations being linked with political parties.

## **XIII. PARTICIPATION OF NATIONAL MINORITIES**

According to the last census, 13.2 per cent of the population are national minorities; the most sizeable ethnic minority groups are Azerbaijanis (6.3 per cent) and Armenians (4.5 per cent).<sup>60</sup> The Constitution grants national minorities full political rights, including the right to use their mother tongue in private and public life, and prohibits discrimination on national, ethnic, religious or linguistic grounds, as well as the formation of political parties propagating ethnic strife. It bans creation of political parties based on the territorial principle. Furthermore, the Election Code provides that electoral platforms shall not incite ethnic confrontation. Several contestants nominated persons belonging to national minorities as candidates on party lists and for majoritarian races, mostly in minority-populated regions.

The Election Code provides for the translation of voter lists and ballots in minority languages. The CEC established 348 PECs in electoral districts densely populated with ethnic minorities.<sup>61</sup> The CEC conducts voter information and provides election materials in Armenian and Azerbaijani languages.

## **XIV. ODIHR LEOM ACTIVITIES**

The ODIHR LEOM formally opened in Tbilisi with a press conference on 25 September. The Head of Mission has met with the CEC Chairperson, the Deputy Minister of Foreign Affairs, the Prime Minister, the Minister of Internal Affairs, the Ministry of Health, 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 OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the NATO Parliamentary Assembly (NATO PA) intend to deploy delegations for election day observation. Elona Hoxha-Gjebrea has been appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission.

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

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<sup>59</sup> The Ministry of Internal Affairs launched 30 investigations, most concerning election-related violence and property damage, and one case of voter coercion.

<sup>60</sup> Followed by Russians 0.7 per cent, Ossetians - 0.4, Yazidis-0.3, Ukrainians -0.2, Kists -0.2, Greeks - 0.1, Assyrians - 0.1, and other groups -0.4.

<sup>61</sup> 211 Georgian-Azeri, 133 Georgian-Armenian, and 4 Georgian-Azeri-Armenian PECs.