



INTERNATIONAL ELECTION OBSERVATION MISSION Georgia – Local Elections, Second Round, 30 October 2021

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The second round of the local elections was generally well administered but continued polarization coupled with escalation of negative rhetoric adversely affected the process. The campaign was competitive and had a prominent national focus, overshadowing local issues. Candidates were generally able to campaign freely, but allegations of intimidation and pressure on voters persisted. Sharp imbalances in resources, and an undue advantage of incumbency further benefited the ruling party and tilted the playing field. The transparency and accountability of campaign finance were reduced by insufficient oversight. Private television channels continued to demonstrate a high level of polarization and clear bias, limiting the voters' ability to make an informed choice. Election day was generally calm and well administered, with a few instances of confrontation between party supporters outside polling stations. Voting and counting were overall assessed positively despite some procedural issues, particularly during counting. However, the persistent practice of representatives of observer organizations acting as party supporters, at times interfering with the process, and groups of individuals potentially influencing voters outside some polling stations were of concern.

The legal framework provides an overall adequate basis for the conduct of democratic elections, if implemented fully, however, it is overly complex, and contains a number of inconsistencies. Some prior ODIHR and Venice Commission recommendations remain unaddressed, including on limitation on voting rights, electoral disputes and misuse of administrative resources. The 2020 legislative amendments largely addressed previous ODIHR recommendations to regulate run-off elections, including provisions on voter list updates, extension of the mandate of election commissions and of accreditation of observer groups and media outlets, and modalities for paid and free airtime. The June 2021 amendments, adopted in implementation of the EU-mediated 19 April agreement, extended the timeframe for the tabulation, prescribed mandatory random recounts and introduced safeguards pertaining to polling station result protocols.

A total of 811 recounts of the first round results were conducted by the District Electoral Commissions (DECs), which led to minor changes and overall confirmed the initial results, except for two local council seats in favour of the ruling party. The time and location of the recounts of 360 randomly selected precincts were not sufficiently communicated to stakeholders, negatively impacting transparency of the process. While recounts generally provided an additional layer of scrutiny to the tabulation process, lack of sufficient regulation led to inconsistent conduct of the recounts, diminishing accountability of the process. For the first time, the CEC published the full disaggregated results of the first round in user-friendly spreadsheets, enhancing the transparency of the results management.

Following the first round, DECs received some 1,300 complaints. Over 900 complaints requested recounts and were mostly rejected on merits. Overall, the mechanism for complaints against voting, and counting procedures provides for a timely remedy. However, the law lacks clear and objective criteria for granting and conducting recounts and annulments of voting, at odds with previous long-standing ODIHR recommendations. This gives DECs and courts broad discretionary powers to decide on such requests.

The second round of local elections took place in the five self-governing cities and 15 municipalities, as well as for 42 majoritarian seats in the 24 local councils. The run-offs were administered by the CEC, 40 DECs and 1,830 regular PECs. The CEC organised the second round in a professional and transparent

manner respecting all legal deadlines. Concerns over the impartiality of the lower-level election commissions persisted. Some 2,090,000 voters could vote in the second round. Most ODIHR EOM interlocutors continued to express confidence in the accuracy of the voter lists.

The campaign intensified two weeks ahead of the election day and was marked by an escalation of the offensive and negative rhetoric that characterized the first round. In the last week before the elections, isolated incidents occurred, including confrontation outside a party office and arrests of former police officers, affiliated with the opposition. Candidates were able to campaign freely, but widespread and consistent allegations of pressure and intimidation as well as the undue advantage of incumbency persisted between the two rounds. The prime minister's statement that any municipality won by the opposition would be detached from the central government without a possibility to implement any projects, was condemned by the opposition as an attempt to threaten their voters. The United National Movement election campaign kept a focus on national issues and promoted coalition politics, and Georgian Dream shifted its campaign strategy to a much stronger national focus than in the first round.

The campaign finance reports of second round contestants were due only three days before the second round and the State Audit Office (SAO) is not required to publish them prior to election day, limiting the possibility for timely scrutiny. The SAO investigations on three possible violations were still on-going by the second round of the elections. Overall, lack of expedited deadlines and a formalistic approach by SAO raised concerns about insufficient regulatory framework and ineffective oversight.

The media environment continued to be marked by polarization. Many national private television channels displayed either clear support for the ruling party and negative coverage of the opposition, or conversely a clear bias against the ruling party. The public broadcaster *Adjara* TV provided mostly neutral and diverse coverage of the campaign. The Georgian Public Broadcaster allotted equal airtime to the GD and the UNM, however, while the UNM was covered mostly in a neutral manner, the tone for the GD became more positive closer to election day. The main private television channels maintained their respective political alignment and increased their levels of bias, amounting to manifest partisan activism. Most of the media coverage was focused on mutual attacks and accusations between parties and candidates, with limited coverage dedicated to policies in general or issues of local interest, limiting voters' ability to make an informed choice.

Election day was generally calm and well administered, with a few instances of confrontation and mutual provocations between party supporters outside polling stations. The International Election Observation Mission (IEOM) observers assessed the opening and voting procedures positively in most polling stations observed. Overcrowding in some polling stations observed made respecting COVID-19 measures a challenge. The persistent practice of representatives of observer organizations acting as party supporters, at times interfering with the process, as well as the presence of party supporters outside some polling stations despite the recent 100 meters ban, remained a concern. IEOM observers assessed the counting process positively, but difficulties in filling in protocols were noted in a number of polling stations observed, underlining the need for further training. The preliminary turnout announced by the CEC was 49.1 per cent.

PRELIMINARY FINDINGS

Background and Political Context

On 16 October, the Central Election Commission (CEC) announced the final first round results and called a second round to elect the mayors in the five self-governing cities and 15 municipalities, as well as 42 majoritarian members of 24 local councils. In the first round, sixteen parties reached the threshold in the

proportional vote.¹ The Georgian Dream (GD) received 46.7 per cent of the proportional vote nationwide, the United National Movement (UNM) 30.7 per cent and Gakharia – For Georgia (GFG) 7.8 per cent.² Of the 1,404 proportional seats, 441 were won by women (31.4 per cent). In 622 of the 664 majoritarian constituencies, a winner was declared in the first round, 47 of them women (7.6 per cent). The GD won 90 per cent of these seats, UNM 8.5 per cent, other parties less than one per cent. The GD won in all the 44 municipalities out of 64 where a mayor was elected in the first round. Two of the elected mayors are women. The GD's results were above the benchmark foreseen by the 19 April agreement as triggering snap parliamentary elections.³

Several opposition parties expressed mistrust in some aspects of the process, demonstrated by a large number of complaints from parties and citizen observer groups, which often led to requests for recounts (see *Post-First Round Complaints and Appeals*). A protest was held, and tensions rose in Zugdidi after UNM lost one majoritarian seat to GD, following a recount by the DEC.⁴ Some interlocutors expressed suspicion over the high number of votes for the ruling party in penitentiary institutions and from voters on special voting list due to COVID-19.⁵

In the second round, GD candidates took part in all 42 majoritarian races but one, UNM in 25, GFG in 11 and five other parties and one independent candidate in one race each. Out of 84 contestants, seven were women.⁶ Of the 20 mayoral races, GD candidates took part in all, the UNM in 17 contests and two other parties and one independent candidate in one each. Two of the 40 candidates were women. Only two minority candidates took part in the second round, despite a significant number of national minority voters residing in the cities and areas holding second round.

The return and arrest of the former President Mikheil Saakashvili had a major influence on the political discourse.⁷ A number of rallies were held calling for his release and the mobilization of his supporters to participate in the second round. Groups opposing him held counter-rallies, protesting his government's human rights record. These developments, coupled with enhanced focus on national politics intensified the competition, further hardened the political discourse and widened the schism between the contestants.

The UNM called on all opposition parties to support opposition candidates in the second round, irrespective of which party they represented. Some parties supported the call and encouraged their voters to vote for any but the ruling party, while others decided not to support any party or candidate.⁸

Legal Framework

The legal framework provides an overall adequate basis for the conduct of democratic elections, and the 2020 legislative amendments largely addressed previous ODIHR recommendations to regulate run-off

¹ The threshold is 2.5 per cent for Tbilisi, 3 per cent in other self-governing cities and municipalities.

² In addition, thirteen other parties and three independent candidates won seats. 43 parties took part in the elections, of those, 27 did not make it past the threshold.

³ The 19 April 2021 [agreement](#) was aimed at solving the political deadlock which followed the 2020 parliamentary elections. One of the clauses provided that early parliamentary elections were to be held in 2022 if the ruling party would not reach 43 per cent of the proportional votes in the 2021 local elections.

⁴ The seat originally won by UNM was reassigned to GD after invalid ballots of four PECs were recounted.

⁵ GD got 81.6 per cent of the proportional vote in penitentiary institutions and 58.2 per cent of voters on special lists due to COVID-19.

⁶ On 21 October, the Constitutional Court rejected a complaint filed by the European Georgia (EG) against the constitutionality of the gender quota requirement for candidate list registration.

⁷ Mr. Saakashvili had been sentenced in absentia for abuse of office and was still facing charges of embezzlement and misuse of power. Upon his arrest, he began a hunger strike to press for his release.

⁸ EG, Girchi More Freedom, Droa, Lelo, Third Force (TF) and Snap Elections-United Georgia Democratic Movement agreed to support any candidate running against GD, while GFG, Girchi, European Socialists, Citizens and Ana Dolidze – For People and Alliance of Patriots (AoP), did not encourage their voters to support a particular party in the second round.

elections. These included provisions on voter list updates, extension of the mandate of election commissions, and of accreditation of observer groups and media outlets, and modalities for paid and free airtime. However, the legal framework is overly complex, and contains a number of inconsistencies.⁹ The June 2021 amendments extended the timeframes for filing and adjudication of complaints and provided for a second round on the fourth Saturday after the first round. Repeat elections were still to be held two weeks after the first round, on the last day of the dispute resolution process, as the applicable provisions were not harmonized.

Tabulation of the First Round Results and Recounts

The June 2021 amendments prescribed mandatory random recounts and introduced procedural safeguards pertaining to PEC result protocols.¹⁰ The timeframe for the tabulation of results was extended from 11 to 14 days, accommodating the conduct of newly introduced random recounts and complaints and appeals deadlines. Following these amendments, DEC's were obliged to conduct a recount if any data on a PEC results protocol had been changed without an amendment protocol, and they could only amend PEC results following a recount.

As required by law, DEC's first reviewed and uploaded PEC results protocols into the CEC's electronic filing system and tabulated the district results in spreadsheets that were displayed for observers and candidate representatives. The ODIHR EOM assessed these initial stages as generally transparent and well-organised in most of the 60 DEC's observed, except for Rustavi, Marneuli, Zugdidi and Nadzaladevi.¹¹ The CEC tabulated the preliminary results by digitalising the uploaded PEC results protocols in a double entry procedure.¹² Positively, the scanned PEC results protocols were gradually posted on the CEC website starting on election night, contributing to transparency.

In line with the June 2021 amendments, recounts of five randomly selected PEC's were to be conducted in each DEC, no later than six days after election day.¹³ The conditions for random recounts were further elaborated by a CEC decree which allowed conducting the recount of the five precincts simultaneously and in premises different than DEC's'. The decree only obliged DEC's to invite those observers and party representatives who had attended the initial counting at the corresponding polling stations. Following an informal recommendation from the CEC, all DEC's randomly selected the five PEC's in sessions on the day after the election day, and conducted all five recounts simultaneously next day after that. The DEC sessions at which the five precincts were to be randomly selected and the time and location of the actual recounts were not sufficiently communicated to stakeholders, negatively impacting transparency of the process. While random recounts provided an additional layer of scrutiny to the tabulation process, lack of sufficient regulation led to inconsistent conduct of recounts, diminishing accountability of the process. The CEC stated that recounts slightly modified the figures in 121 out of 360 PEC's results protocols, in at least one of the three contests.¹⁴

⁹ Article 76^{1.9} of the election code has not been harmonized with the June 2021 amendments and still refers to 12 PEC members while prescribing a procedure for DEC's to fill in vacant PEC positions. Despite the June 2021 amendments, the law still contains provisions allowing DEC's to directly change the data on PEC protocols following verification rather than recount.

¹⁰ Consequently, PEC's could change the data on their protocols by issuing an amendment protocol only before they seal the election materials.

¹¹ The observed shortcomings included interference of unauthorised persons with the process, incomplete or not properly sealed election materials, and data in the protocols not always reconciling.

¹² The CEC commissioners appointed by the political parties were allowed to nominate 18 of the 72 data entry clerks for the first time. Some errors in the first preliminary results examined by the ODIHR EOM suggest that some of the protocols may have been entered only once. The CEC's verification procedures corrected such errors before the second publication of the preliminary results.

¹³ This distribution corresponds to 10 per cent of all precincts, but does not take into account the differences in number of PEC's within each DEC.

¹⁴ With an exception of one proportional seat which was reassigned from GFG to GD in Tsalenjikha local council.

In addition, DECAs conducted 194 recounts based on complaints or their own initiative (see *Complaints and Appeals*). On 9 October, the last day for DECAs to decide on complaints, the CEC Chairperson issued an informal recommendation to DECAs to grant the requests for recounts if these were filed by experienced observer organisations or if the number of invalid ballots was too high or if the ballots cast exceeded by five the number of signatures. While this recommendation aimed at providing guidance to DECAs, it was not adopted by the CEC as a collegial body, did not have a binding nature and was communicated late in the process, affecting legal certainty.¹⁵ Following this recommendation, 257 additional recounts were conducted, with each DEC recounting an average of four additional PECs.

Lack of specific regulations led to inconsistent practices and some DECAs only recounted the invalid ballots, or the signatures, or only votes for a specific contestant, while others recounted all ballots cast and signatures. In total, according to the CEC, 811 recounts were conducted.¹⁶ These mostly confirmed previously established results. The credibility of the results management was enhanced by the publication of the full disaggregated results in user-friendly spreadsheets including the numbers of voters who voted and of invalid ballots, which was done for the first time by the CEC.¹⁷

Post-First Round Complaints and Appeals

On election day, contestants and civil society organisations could file complaints to PECs on violations during voting and counting procedures, and request a revision or annulment of results.¹⁸ Appeals against PEC decisions on such complaints, including actions and inactions, could be filed within two days to DECAs, which then had two days to decide. After PEC protocols were completed, complaints against PEC decisions, including protocols, were to be filed to DECAs and appeals to the district courts, with deadlines of two days for filing and four and two days for adjudication, respectively. District court decisions could be further challenged within a day at the Court of Appeals, which had two days to render a final decision. Overall, the mechanism for complaints against voting, and counting procedures provide for a timely remedy. However, the law does not provide clear and objective criteria for granting and conducting recounts and annulments, at odds with previous long-standing ODIHR recommendations.¹⁹ This gives the DECAs and the courts wide discretionary powers to decide. In some cases, DECAs may have had a selective approach.²⁰

¹⁵ The CEC Chair stated that this recommendation followed requests by resident international actors.

¹⁶ These included 360 randomly selected PECs, 194 at the initiative of DECAs or based on complaints, and 257 following a CEC Chair recommendation. Following recounts, some discrepancies remained in 30 per cent of PEC protocols. On 7 and 8 October, UNM and Lelo requested repeat recounts for all PECs in DEC Tskaltubo and one PEC in Batumi on the grounds that three out of the five PEC protocols had remained imbalanced after the random recounts. The requests were denied admissibility by the DECAs and the courts due to late submission. On 5 October, Droa requested repeat recount by DEC Nadzaledevi, on 4 October UNM requested annulment of the recounted PECs in DEC Kobuleti.

¹⁷ These were published first on 5 October after the 360 random recounts, and on 11 October after the review of complaints at DECAs. In over one fourth of the PECs, the published disaggregated results showed imbalances between the number of voters who participated in the election and the votes cast. In most cases, there were one or two ballots fewer, and in some cases one or two ballots more than the number of signatures.

¹⁸ Complaints against voting were to be filed before the opening of the ballot box and complaints on counting until the drafting of the summary protocol.

¹⁹ Guideline II.3.3.e of the Venice Commission's [Code of Good Practice](#) states "The appeal body must have authority to annul elections where irregularities may have affected the outcome. It must be possible to annul the entire election or merely the results for one constituency or one polling station. In the event of annulment, a new election must be called in the area concerned".

²⁰ DEC 67 in Zugdidi received requests for recounts for 102 PECs by GFG, for 103 PECs by UNM, for 5 PECs by GD and for the same five PECs by the observer organisation Green Earth. All requests alleged unlawful invalidation of ballots. The DEC denied admissibility to all requests on the grounds that no complaints were filed first to the PECs during the counting. However, on 7 October the DEC recounted on its own initiative the 5 PECs requested by GD and the Green Earth. The recounts resulted in GD gaining one more seat in the local councils.

After the first round, DECAs received some 1,300 complaints referring to one or more PECs each, including over 900 requests for recounts, over 200 requests for disciplinary sanctions on PEC members and 60 for annulment of results.²¹ Some 450 recounts were requested due to imbalances in the PEC protocols, as the number of ballots cast did not fully reconcile with the number of signatures on the voter list.²² Some 180 recounts, mainly requested by GFG, were on the grounds that the number of invalid ballots was too high, which is not a violation by law. Some 80 requests cited that PEC summary protocols were incomplete or changed without an amendment protocol, in breach of the law.²³

DECAs reviewed almost all complaints on merits and within the legal deadlines, in open sessions, and complainants had the opportunity to present their cases. Most of the complaints, including requests for recounts, were rejected by the DECAs. In the absence of criteria for granting recounts, DECAs cited various and multiple grounds in their decisions, including, that they had already recounted the requested PECs,²⁴ that no complaint had previously been filed to the corresponding PECs, that imbalanced protocols were not a violation of the law and that no other violation was alleged in the complaint.²⁵ In total, 35 DECAs granted some 50 requests and held mainly partial recounts only of the signatures or the invalid ballots. No request for the annulment of voting in any PEC was granted.²⁶

Some 90 decisions of the DECAs denying recounts were appealed to the district courts and all but two were rejected on merits. Recounts for two additional PECs were held following a court decision.²⁷ The courts reviewed all complaints in public hearings, respecting due process. While formally the vast majority of complaints were rejected by DECAs and courts, in practice a significant share of the requested recounts were held, albeit many of them partially, on the initiative of the DECAs, mostly following the recommendation issued by the CEC Chair. Following the completion of the tabulation of results by DECAs, the UNM requested the annulment of the summary protocol of DEC Kobuleti. The complaint was rejected by the CEC and the court on the grounds that requests for recounts of individual PECs had already been reviewed by the DEC and the court.

Election Administration

The run-offs were administered by 40 DECAs and 1,830 regular PECs.²⁸ The CEC and the DECAs organised the second round in a professional and transparent manner, respecting all legal deadlines. The CEC decided to use in all polling stations a new type of voting booth tested in the first round in Tbilisi that

²¹ Requests for recounts were filed mainly by UNM, GFG, International Society for Fair Elections and Democracy (ISFED), Georgian Young Lawyers Association (GYLA), Transparency International (TI), and (Human Rights Centre (HRC).

²² The PECs were not required by law to count all the ballots cast first and enter the figure in the protocol, which does not ensure the accuracy of the count and is at odds with international good practice. Section 3.2.2 of the Venice Commission's Code of Good Practice in Electoral Matters ([Code of Good Practice](#)) suggests "the number of electors who have cast votes [be] compared with the number of ballot papers in the ballot box. The first measure can be determined by the number of signatures in the electoral register".

²³ Other cited grounds included incomplete PEC protocols, disputed invalidation of ballots, observers hindered from observing or not allowed to file complaints, unsealed PEC materials delivered to DEC, log-book not sealed, ballots signed by voters, incorrect invalidation of ballots, electricity cut during counting, and video recording interrupted.

²⁴ At the same time, some DECAs granted requests by stating that they recounted on their own initiative.

²⁵ DEC 7 Chugureti on requests by GFG, DEC 9 Nadzaladevi on recounts for 50 PECs filed by Droa, DEC 2 Vake on requests by ISFED, and DEC Tetrtskaro on requests by GFG.

²⁶ Annulment of results was requested in cases of multiple or proxy voting, imbalanced protocols, voters voting without IDs and was often supported by video recordings.

²⁷ The court annulled the decision of DEC Mtskheta denying admissibility to a request for recount on the grounds that the complainant lacked authorization. Following the court decision, the DEC recounted 2 of the 4 PECs as requested, and two others on its own initiative.

²⁸ In addition, elections were held in eight penitentiary polling stations and 29 special polling stations for voters in quarantine due to COVID-19.

aims to prevent voters taking pictures of their marked ballot.²⁹ The CEC also modified the procedure for random recounts in districts with only a few polling stations operating for the second round.³⁰

According to the CEC, a total of 4,683 PEC members withdrew or were dismissed before the second round.³¹ Parties replaced 2,666 of these, and DEC members had to select additional 2,017 non-partisan PEC members. Concerns over the impartiality of the lower-level election commissions persisted. The CEC training centre delivered intensive three-stage drills to PEC head officials, focused on drawing up of results protocols, as well as refresher trainings for the remaining PEC members. The CEC provided voter information, focusing on election day procedures and COVID-19 safety measures.

The July 2020 amendments mandated the inclusion of voters turning 18 years old in the voter list and a removal of the deceased voters since the last update prior to the first round. While voters had the same opportunity to verify their registration data as in the first round, the legislation does not allow any other modifications to voters' data before the second round. In the 31 municipalities a total of 2,088,722 voters were eligible to participate in the second round, including 2,069 first time voters.³² Updated special voter lists were used for those on official duty outside their registration area.³³ Requests for mobile voting could be filed until 28 October.³⁴ Most ODIHR EOM interlocutors continued to express confidence in the accuracy of the voter lists.

Campaign Environment

The campaign intensified two weeks ahead of the second round election day. Parties focused on door-to-door canvassing, traditional and social media to engage with voters, holding events closer to election day. These included two rallies held by UNM and GD, each gathering tens of thousands of people. ODIHR EOM observers received credible reports that public employees were instructed by their supervisors to participate in the rally held by GD, raising concerns of abuse of office by the ruling party.³⁵ The GD continued to dominate the visual landscape with billboards and posters.³⁶

The campaign was marked by further escalation of the offensive and negative rhetoric.³⁷ The two largest parties repeatedly called for each other's demise, and negative campaigning ensued shortly before elections, through media and videos posted on social networks.³⁸ The UNM election campaign kept a

²⁹ The CEC also decided to repeat the pilot use of ballot scanners in Krtsanisi district and video recording of the counting across the country.

³⁰ If the number of operating polling stations within a DEC does not exceed five, random recounts are not conducted, however, the DEC members are obliged to proceed with a recount if a complaint requesting a recount is submitted.

³¹ Parties could replace PEC members until four days before the second round.

³² Almost a half of all voters eligible to participate in the second round was registered in Tbilisi (1,002,525) while in 11 municipalities holding only majoritarian run-offs only 27,865 voters were called to polls (in Lentekhi municipality only 653).

³³ In the first round 29,814 persons were on put on special voter lists in regular polling stations and 821 persons in polling stations established in nine penitentiary institutions.

³⁴ Those in self-isolation had to register for special mobile voting through the CEC hotline between 23 and 25 October.

³⁵ ODIHR EOM observers interviewed a number of attendees, most of whom were public employees and a number of those confirmed that they had been instructed to attend or their participation facilitated by public offices.

³⁶ Candidates were active on social networks but mostly sharing content from their parties and the media, except for the incumbent Tbilisi mayor, who shared original content.

³⁷ On 13 October, the GD put forward a legislative bill to amend the election code and the broadcast law, banning campaign material intended to "create negative attitude towards electoral subjects". The request for expedited process was not granted by the legal issues committee of the parliament. Civil society organisations raised concerns that such a change would constitute restrictions to freedom of expression and media freedom.

³⁸ On 16 October, the UNM mayoral candidate in Tbilisi described the GD as "an evildoer, treacherous, guilty criminal, who is based only on violence" and stated that "we should remove the entire pillar of violence". On 18 October, the Tbilisi incumbent mayor from GD, called on his voters to "end bolshevism, the cruelty, hate and falsehood that is embodied by the UNM in this country". The GD ran videos on social networks and television depicting Mikheil Saakashvili, and UNM mayoral candidates as unfit to rule. The UNM ran videos accusing the incumbent Tbilisi mayor of lies and corruption during his tenure.

focus on national issues, and GD shifted its campaign strategy to a much stronger national focus than in the first round. Local issues continued to be discussed at the municipal level. On 19 October, the ruling party announced it was entering ‘full mobilisation’ needed to decisively win the second round. The UNM underlined the importance of coalition politics as a way forward and called on other parties to help defeat the GD through opposition unity and enlisted other opposition parties for a prospective coalition government for all five self-governing cities. In the last week before the elections, isolated incidents occurred including confrontation outside a party office and arrests of former police officers, affiliated with the opposition.³⁹

On 23 October, the Prime Minister made a statement that any municipality won by the opposition would be detached from the central government without a possibility to implement any projects. This was condemned by the opposition as an attempt to threaten their voters.⁴⁰ Many ODIHR EOM interlocutors continued to report intimidation and pressure on voters, including threats of dismissals and of promises of employment and payments. This was particularly aimed at those reliant on the state for wages or social support, allegedly using the extensive system of ruling party co-ordinators and involving law enforcement bodies.⁴¹ The undue advantage of incumbency persisted between the two rounds with announcements of public projects, promises of social benefits and a plan to raise the salaries of public servants from January 2022.⁴² While some were initiated before the start of the campaign, it contravened the spirit of the law and blurred the line between the party and the state, at odds with OSCE commitments and good practice.⁴³

Campaign Finance

The campaign finance regulations, including limits on donations and expenditure and reporting requirements, are applicable also to the second round. As required by law, prior to the first round, contestants disclosed their income and expenditure only until 12 September, detracting from the

³⁹ On 24 October, a violent confrontation occurred outside UNM’s party office in Rustavi, when a group of men attempted to enter the premises. On 20-21 October, two former law enforcement officials and UNM supporters were arrested in Khobi and Tbilisi.

⁴⁰ A day later the Prime Minister clarified that this referred to the need for extensive co-ordination by local councils with the central government, accusing opposition candidates of sabotage and chaos.

⁴¹ The ODIHR EOM received reports of pressure on civil servants and people receiving social benefits in Chkhorotsku, Chiatura, Oni, Akhmeta, Zugdidi, Kvareli and Tsageri, accusations of vote buying in Zugdidi, Chkhorotsku, Tbilisi, Tianeti, Kvareli and Tsalenjikha; and accusations of involvement of police and security services in Tbilisi, Chiatura, Kareli and Khashuri.

⁴² On 17 October, the prime minister announced that the monthly allowance for veterans would see a five-fold increase as of January 2022. On 23 October, at campaign event in Kutaisi, the prime minister announced that the government intended to build an electronic car factory in the city, announced that salaries of public servants would be increased as of January 2022, and reminded of government plans to increase budgets of municipalities and of future large-scale economic and infrastructure projects. On 25 October, the Government of Adjara announced the transfer of ownership of 70 apartments in Batumi to the families who had been living there for years. On 25 October the Georgian government decided to give apartments to 65 IDP families in Kutaisi, Zugdidi and Tbilisi and the following day, announced the completion of another 700 apartments for IDPs in Batumi before the end of the year. On 27 October the incumbent Tbilisi mayor made a new call for applicants in a municipal programme “Study and get employed” starting from 1 November and earlier, on 20 October, the mayor unveiled in a governmental sitting in the City Hall, his election promise of 500 GEL vouchers to socially vulnerable pensioners to buy medication.

⁴³ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for “a clear separation between State and political parties”. Paragraph II. B. 1.3 of the 2016 ODIHR and Venice Commission’s Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes ([Guidelines](#)) stipulates that ordinary work of government must continue during an election period. However, to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns. Paragraph II. B. 1.1 of the Guidelines states that “the legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantages of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate”.

transparency of the campaign finances during the last three weeks of the campaign.⁴⁴ A total of 32 parties and 26 independent candidates submitted their third reports for the first round on 7 October, after election day. Based on the three reports covering the two months prior to the first round, GD reported having received and spent some GEL 12.5 million of the total GEL 19 million donations and expenditure reported by all contestants together.⁴⁵ Significant imbalances in the campaign finances and resources contributed to an unlevel playing field. Second round contestants were required to submit their reports on 28 October but the State Audit Office (SAO) is not required to publish them prior to election day, which limits the possibility for timely scrutiny.⁴⁶ In the absence of a legal requirement, the SAO did not publish any conclusions prior to the second round election day.

The SAO investigated 92 GD donors for allegedly being intermediaries and stated that all donations were within the permissible limits and all donors had sufficient income to justify their donations without a further investigation to exclude that they were intermediaries.⁴⁷ The SAO investigated the individual who paid for the anti-opposition billboards with no legally required imprints, in order to verify that the cost was within the permissible donation limits.⁴⁸ However, the SAO noted that the anonymous billboards could not be considered a third party campaigning or in-kind donation to any contestant as it was not possible to identify the beneficiary contestant and no action was taken to remove them. Moreover, the SAO investigated Girchi for receiving payments for its auctioned DEC positions through the bank account of the religious organization Christian Evangelical Protestant Biblical Freedom Church of Georgia. The investigations were still on-going by election day, while the possible violations occurred between the beginning of August and mid-September, due to lack of expedited deadlines. Overall, lack of expedited deadlines and formalistic approach by SAO raised concerns about insufficient regulatory framework and ineffective oversight.

Media

The media environment continued to be marked by intense polarization and partisanship. The main national private television channels displayed either clear support for GD and a negative coverage for the UNM or, conversely, a manifest bias against the ruling party. Following the July 2020 amendments, the election code regulates paid and free advertising for the second round of elections.⁴⁹ Public broadcasters and national private channels must provide free airtime distributed among parties proportionally, according to the respective number of candidates running nationwide in the second round. Between the rounds, the broadcasters' regulatory body, the Communications Commission (ComCom), issued three administrative protocols against two private channels for violations related to election advertising.⁵⁰

⁴⁴ The law requires three-weekly reports from the start of the campaign. The first reports covering the period from 2-22 August were due on 26 August and the second for 23 August until 12 September on 16 September.

⁴⁵ EUR equals GEL 3.7. From 2 August until 2 October, GD reported donations totalling some GEL 12.5 million, Lelo 2.3 million, UNM GEL 1.8 million, GFG 1 million, EG 0.8 million, for Citizens 0.4 million, TF 0.3 million, AoP 0.2 million while other contestants much smaller amounts or no donations. Similar amounts of expenditure were reported for the same period.

⁴⁶ The SAO published the reports of three contestants on election night.

⁴⁷ These 92 donors were all from Samtskhe-Javakheti and the donations totalling GEL 714,000 were made from 2 until 16 August. SAO checked their tax declarations and interviewed one of them.

⁴⁸ The anonymous billboards depicting opposition leaders, a television owner and a journalist and implying a bloody past appeared in Tbilisi and other cities as of 18 September. In response to three complaints, the CEC ruled that these billboards were not campaign materials, thus applying a narrow interpretation of the law.

⁴⁹ Article 76^{1.21} provides that election advertisements can be broadcast from the Monday following the announcement of the date for the second round, in this case on 18 October. The rates for paid airtime in place for the first round apply and they can be changed only within the 10th day after the first round. The new tariffs must be sent to the Communications Commission for publication on their website. The Commission published the rates on 13 October.

⁵⁰ On 27 and 28 October, the ComCom drew two administrative protocols against *Mtavari* TV and *Imedi* TV for distributing pre-election political advertisements in breach of electoral code. On 29 October, UNM filed a complaint against *Imedi* TV which refused to air their election advertisement, which was upheld by the ComCom.

The ODIHR EOM media monitoring show the same trends as were observed prior to the first round. National channels focused on two main actors, the GD and the UNM, as well as on the government.⁵¹ Altogether the three received 79 per cent of the total electoral coverage monitored while the visibility of GFG was greatly reduced. Much of the reporting was devoted to mutual attacks between contestants, with very limited analytical coverage of local and policy issues, detracting from voter's ability to make an informed choice. Some television channels tried to organise debates for the second round; however, none took place due to the lack of will of most contestants to participate.

The main private television channels maintained the respective political alignment observed for the first round and increased their levels of bias, amounting to manifest partisan activism. On 18 October, *Imedi* TV officially declared an "emergency editorial mode" whereby the television station committed to prevent the UNM from returning to power. The channel displayed a clear support for GD and the government, by allotting them 63 per cent coverage, half of which was positive. Conversely, it provided the UNM 31 per cent of the coverage, of which most was negative (90 per cent). The two channels *Mtavari Arkhi* and *Pirveli* showed a manifest negative position towards the GD. The government and the ruling party received around 24 per cent of the total time, of which 85 per cent was negative. UNM coverage on *Mtavari Arkhi* amounted to 61 per cent of the total airtime and was largely positive (63 per cent). *Pirveli* TV dedicated UNM 48 per cent of coverage, which was substantially positive (46 per cent). *Rustavi 2* mainly focused on the ruling party and the government (65 per cent); however, the tone of the coverage was relatively moderate. The *Adjara* TV public broadcaster provided mostly neutral and diverse coverage of the campaign. The Georgian Public Broadcaster allotted equal airtime to the GD and the UNM, however, while the UNM was covered mostly in a neutral manner, the positive tone for the GD increased closer to election day, mostly due to the live airing of the rally the party held on 27 October. *Adjara* TV coverage focused on candidates as well as on the local nature of these elections.

Citizen and International Observers

The accreditation of observers and media representatives registered for the first round was automatically extended for the second round based on the 2020 amendments, with a possibility to accredit new observers by 25 October. In total, 35,198 citizen observers from 88 organizations and 1,102 observers, and 3,711 representatives of 119 media outlets were accredited. The CEC accredited 1,102 international observers from 52 organizations. The established national observer organisations have continued monitoring the results tabulation, complaints and appeals process and the campaign environment.⁵²

Election Day

Election day was generally calm and well administered, with a few instances of confrontation and mutual provocations between party supporters outside polling stations. The CEC posted regular updates on voter turnout and started posting PEC results protocols shortly after close of the polls on election night, contributing to transparency. The polling stations observed generally opened on time and the opening was assessed positively in all 52 PECs observed, with procedures mostly followed. However, entering of the numbers of voters and of received ballot papers in the display protocol, was, as in the first round, an issue in a number of polling stations. The preliminary turnout announced by the CEC was 49.1 per cent, a slight decrease from 51.9 per cent in the first round. Women constituted an overwhelming majority of commission members at the polling stations visited.

In 97 per cent of the 480 polling stations observed, the voting process was evaluated positively. The COVID-19 measures were generally adhered to, however overcrowding in some 15 per cent of the polling stations observed made respecting physical distancing rules a challenge. Some 63 per cent of

⁵¹ For the second round, ODIHR EOM carried out a quantitative and qualitative media monitoring of primetime coverage of six broadcasters (GPB-1, Adjara TV, *Rustavi 2*, *Imedi* TV, *Pirveli* TV and *Mtavari Arkhi* TV) from 18 October.

⁵² These include ISFED, TI, GYLA, and PMMG. On 3 October, ISFED published the results of their parallel vote tabulation exercise that were in line with the official preliminary results published by the CEC.

polling stations observed were not independently accessible for persons with physical disabilities, despite efforts to improve accessibility. Citizen observers were present in some 96 per cent of polling stations visited, but in 53 per cent of the polling stations, persons accredited either as citizen observers or as media representatives were de facto representing the interests of contestants, at times interfering in the process. Observers assessed voting procedures as properly followed by PEC staff, with only few exceptions, mostly related to inking or checking for traces of ink, and voters were able to mark their ballot in secret.⁵³

Despite recent legislative amendments banning gatherings within 100 meters of a polling station, IEOM observers noted the presence, at times intimidating, of groups of individuals in the immediate surroundings of 29 per cent of the polling stations visited. Tracking of voters was observed in some 9 per cent of polling stations visited, and reported allegations of instances of vote buying in a few municipalities.⁵⁴ Tensions in and around a limited number of polling stations were reported by the media, including confrontations between supporters of the two main parties and threats and attacks on journalists, observers, voters and candidates. The Ministry of Internal Affairs confirmed eight investigations, including an assault on the UNM mayoral candidate in Tbilisi outside a polling station, physical attacks in Zugdidi and Kareli, and a death-threat against a candidate.

IEOM observers evaluated the counting process positively in 48 of the 52 polling stations. Representatives of the contestants and citizen observers were present in almost all polling stations where counting was observed; however, in six of them they were seen interfering with the process. Adherence to counting procedures did not noticeably improve compared to the first round, and a number of procedural shortcomings persisted. Namely, in nine cases, the number of signatures was not properly recorded in the demonstration protocol before opening the ballot boxes, and unused ballots were not invalidated in five polling stations observed. While the votes were announced aloud and assigned to correct candidates in clear view of observers and contestants' representatives in all polling stations observed, in seven of them the validity of contested ballots were decided by the chairperson instead of by a vote of the commission, contrary to procedures. In four polling stations visited, the PEC still experienced difficulties filling in the protocols. While observers and contestants' representatives received copies of the results protocols, in 18 polling stations, these were not posted for public view, contrary to the procedures.

The reception, verification and uploading of the polling station protocols at 39 DEC's visited was in most cases assessed as transparent, orderly and efficient. However, the progressively updated results were displayed only in half of the DEC's observed. The CEC gradually posted preliminary results based on the valid votes cast on election night, enhancing transparency.

On election day, complaints could be filed to PECs but such information is not published. According to the CEC, 265 complaints were filed to DEC's alleging voter intimidation, including voter tracking inside and outside polling stations, hindrance of observers, issues with inking and various procedural violations by the PECs, and requests for recounts or annulments of the results.

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

⁵³ The use of a new voting booth designed to prevent voters from taking picture of their marked ballot, did not appear to infringe upon voting secrecy of the vote. While in 12 per cent of the polling stations visited, observers noted that one or more voter was turned away without being able to vote, in most cases it was for a valid reason such as absence of identification documents, and in half of the cases the person was properly redirected to another polling station.

⁵⁴ In parts of Tbilisi (Saburtalo, Vake, Krtsanisi, Samgori), Kutaisi, Chkhorotsku, Telavi, and Batumi.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Tbilisi, 31 October 2021 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, and other international obligations and standards for democratic elections and with national legislation.

Albert Jónsson is the Head of the ODIHR EOM, deployed from 26 August 2021, and Inese Vaidere headed the EP delegation. The EP delegation was deployed from 27 October to 31 October. The institutions involved in this International Election Observation Mission (IEOM) have endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The EP will present the report at one of the upcoming meetings of the Delegation for relations with the South Caucasus of the EP.

The ODIHR EOM includes 12 experts based in the capital and 16 long-term observers deployed throughout the country. On election day, 149 observers from 31 country were deployed, including 142 long-term and short-term observers deployed by ODIHR, and a 7-member delegation from the European Parliament. Opening was observed in 52 polling stations and voting was observed in 480 polling stations across the country. Counting was observed in 52 polling stations, and the tabulation in 39 DEC's.

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

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