



ENEMO International Election Observation Mission Local Elections, 2 October 2021 – Georgia

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

04 October 2021

The 2021 local elections were held in line with the domestic legislation, which does guarantee the conduct of democratic elections, if implemented in good faith. The campaign was highly polarized, in line with the overall high political polarization in the country, and dominated by topics related to overall national politics, to the detriment of discussion and competing on proposals for resolving local issues and needs of citizens and their communities. Allegations of pressure and intimidation on voters and candidates marred the campaign. Elections were administered efficiently and transparently. The atmosphere inside polling stations was mostly calm, however, ENEMO observers noted, especially in rural areas, partisan activities in the vicinity of polling stations with possible influence on voters.

On 2 October 2021, the citizens of Georgia went to polls to elect the mayors and municipal councilors for the next four years. The preliminary turnout was at 51.9%. The European Network of Election Monitoring Organizations (ENEMO) deployed a Limited Election Observation Mission (LEOM) to observe 2 October elections. The EOM is composed of a Core Team of 7 experts, based in Tbilisi, who were deployed on 17 September. On Election Day, 26 short-term observers were also deployed by ENEMO to follow the voting, counting, and tabulation of results.

The mission is assessing the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equality, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the legal framework of Georgia. Core Team members conducted meetings with election management bodies, political parties, state officials, the international community, domestic civil society organizations, media, and other stakeholders.

This Statement of Preliminary Findings and Conclusions is based on findings from the start of the electoral period until Election day. The IEOM will follow the second round of elections remotely. The final report will be issued within sixty days from the certification of results.

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Preliminary Conclusions

The elections were held against the background of a prolonged political crisis, that culminated after last years' parliamentary elections and the boycott of the Parliament by the opposition. The pre-electoral period was characterized by high political polarization and deep distrust of the main political stakeholders in each other.

Overall, the existing legislation is in line with international standards and can guarantee the conduct of democratic elections, if implemented in good faith. The June 2021 legal amendments that followed the 19 April agreement were overall positive and addressed a number of previous recommendations from international and domestic stakeholders. However, the legal framework could further benefit from a comprehensive reform. It should be noted that amending the legal framework shortly before an election is not a recommended practice, especially if the amendments are essential in nature, as it negatively affects the stability of the law while also placing extra burden on election management bodies.

The amendments changed the composition of commissions at all levels, as well as the procedures for electing the Chairperson and non-party members of the CEC, aiming to increase public confidence in the bodies of the Election Administration through a more balanced representation of political forces.

The significant reduction of the period between different rounds of voting in parliament for the selection of the new members of the Central Election Commission affected the reaching of consensus between the ruling and opposition parties; none of the candidates appointed to three vacant positions in the CEC secured the votes of the parliamentary opposition and were, thus, appointed for a six-month term. According to ENEMO interlocutors, this has damaged the consensus building between the ruling and opposition parties.

The CEC complied with all the legal deadlines for the preparation and conduct of the Municipal Elections, managed elections efficiently and introduced pilot projects paving the way to the use of technology in future elections, despite challenges posed by the newly introduced amendments and the Covid-19 pandemic. The CEC held regular meetings open to representatives of electoral contestants, and broadcasted meetings live, which contributed to improved transparency.

The activity and reports of the Information Protection Center of the CEC were used not only to fill information gaps in the activities of the Election Administration, but also to target sources of alternative information, which ENEMO deems a practice that should be avoided.

A number of interlocutors of ENEMO criticized the process of staffing PECs with professional members.

PECs in areas where national minorities are predominant used election materials translated into languages of these national minorities.

Approximately 3.5 million citizens could vote in the election. Voter registration is passive, continuous and centralized. Limitations on active suffrage concerning citizens who have been found legally incapable by a court are at odds with international standards. Voters had a range of options for verifying their registration data and requesting corrections. No significant concerns were raised regarding the accuracy of voter lists by most ENEMO interlocutors.

The campaign was highly polarized, in line with the overall high political polarization in the country, and mainly conducted in the media, including social media, with few public gatherings with limited number of participants. There was a dominant presence of topics related to overall national politics, to the detriment of discussion and competing on proposals for resolving local issues and needs of citizens and their communities. This was also visible in the overwhelming presence of the national level politicians at the local level, where local candidates for *sakrebulo*s and for mayors' positions were overshadowed by party leaders. A limited number of incidents occurred during the campaign, including significant incidents of a violent nature and even more important, some of them have resulted with serious physical attacks

A number of state officials took part in supporting the ruling party in their campaigning through statements or other activities, which, combined with inequality in resources and presentation of national and local projects financed from the public funds contributed to an uneven playing field, provided an advantage to the ruling party, and blurred the line between the state and the party.

The media landscape but polarized, with a lack of independence from political interests, affecting the general trust in media and their editorial policies. The media was visibly polarized during the electoral period. ENEMO EOM interlocutors expressed concerns regarding the lack of in-depth media reporting and analysis with no space for quality political debating. During the electoral silence day, October 2, 2021, political parties were active on social media, having active paid ads as well.

Legal amendments introduced in 2020 to have one in each two candidates from each gender never lived in practice since already in June 2021 a new, backsliding change, has been introduced reducing the number to one in three candidates. Gender imbalance was noticeable among mayoral candidates, where the mandatory quota does not apply. Introduction of mandatory quotas had a positive impact on increasing women's representation in overall political/partisan structures and representative institutions of Georgia. However, the situation is still far from adequate representation of women and their substantially and sustainably proactive role in political and institutional life of the country.

Positively, the latest amendments extended the timeframes for filing and reviewing most types of complaints; from one to two days and from two to four days respectively. For campaign violations, including the misuse of state resources, the deadlines for referring cases to court are 10 days for submitting the matter to the court and up to 10 days for adjudication. Only registered contestants and accredited observer organizations may file complaints against decisions of the election commissions and violations of the election legislation while voters may only file complaints if they are not included in a voter list and on the voting procedures in the polling station on election day.

On Election Day, ENEMO deployed 20 international observers, who monitored the opening procedures in 20 polling stations, voting in 263 polling stations, and counting in 20 polling stations. In addition, ENEMO short-term observers observed the delivery and intake of election materials in 20 district election commissions.

Municipal elections were reasonably well administered at the PEC level, in challenging circumstances of COVID-19 pandemic and recently amended legal framework. Election day proceeded smoothly and in an orderly manner. Procedures were largely followed, however, instances of breaches of the secrecy of vote were observed.

The atmosphere inside polling stations was mostly calm, however, ENEMO observers noted, especially in rural areas, partisan activities in the vicinity of polling stations with possible influence on voters such as discussions with voters, organized voter transportation and voter participation tracking.

Establishment of election results at the polling stations was conducted in a largely transparent manner in the presence of observers and using video-recording. The CEC posted detailed preliminary results on its website thus ensuring enhanced transparency. The turnout was reported at 51,9 per cent, a significant increase compared to previous local elections.

Only half of observed polling stations were easily accessible for the voters with disabilities. Voting templates and magnifying glasses to facilitate voting of visually impaired voters were observed in most polling stations. Women were well represented in the precinct election commission, making 80 per cent of PEC members including positions of chairpersons, deputy chairpersons and PEC secretaries.

Preliminary Findings

Background

On 2 August 2021, the President of Georgia, Ms Salome Zourabichvili called for the Local Elections to be held on 2 October 2021. Elections were held for 64 local councils (sakrebulo) and the same number of mayors (for 5 self-governing cities and 59 self-governing communities).

At the previous local elections, held in 2017, Georgian Dream won 62 of 64 mayoral seats and a majority in 63 out of 64 local councils. Since then, and especially since 2019, a continuous line of political conflicts and crises occurred, and accordingly the general political framework and pre-election atmosphere for this local election process was depicted by continuation and deepening of political and social tensions from earlier periods, which have escalated after the 2020 parliamentary elections. Eight opposition parties rejected the results of the 2020 parliamentary elections, accusing the ruling party, Georgian Dream, of electoral fraud and falsifying the electoral results, and boycotted the second round of elections and, consequently, the Parliament. A series of protests were organized from 1 till 8 November 2020 and it resulted with unsuccessful rounds of negotiations on electoral reform.

The crisis culminated in February 2021 when the leader of opposition, Nika Melia, was arrested¹. The overall context of Melia's arrest was widely seen by local and international stakeholders as an arbitrary and politicized action which did not contribute to the resolution of serious political and social conflicts that were destabilizing Georgia.

That was the reason for a number of international stakeholders to react and mediate in the process of decreasing tensions. Strong reactions against arbitrary activities against opposition leaders came from the side of the United States of America and European Union and their initial reactions were turned into a mediation process under the auspices of Charles Michel, President of European Council.

After a series of negotiations, on 19 April 2021 an agreement was achieved with the mediation of the European Council President, that consisted of five major fields of intervention, addressing perceptions of politicized justice, electoral reform, judicial reform, a more equal power sharing in the parliament, and a condition to hold early parliamentary elections in 2022 if the ruling party had less than 43% of the vote in the 2 October elections. The part of the 19 April Agreement dedicated to election reform led to significant amendments of the Electoral Code. As one of the

¹ Following the arrest, the Prime Minister, Georgi Gakharia resigned with explanation that he is against such arrest in situations of potential serious destabilization and conflicts within the country. Gakharia also left Georgian Dream and in May 2021 he organized a new party, "For Georgia".

most important parts related to political and election environment, the Agreement included a provision that early parliamentary elections shall be called in 2022 if the Georgian Dream party received less than 43% of valid proportional votes in the October 2021 local elections.

Initially, the so-called “Charles Michel Agreement ” was signed by ruling Georgian Dream and a number of smaller opposition parties, but not by UNM, as a leading opposition party. On June 27, 2021, the ruling Georgian Dream unilaterally left the Agreement with the rationale that all clauses were fulfilled and criticized UNM for refusing to sign the document. In contrast, after the Agreement was abandoned by the Georgian Dream, the United National Movement (UNM) decided to join, after more than four months of refusing to do so.

Even though Georgian Dream withdrew from the Agreement, and thus from the obligation to call for snap parliamentary elections, if it failed to reach 43% of the proportional vote on the October 2 local elections, this threshold remained as a potential corner stone for further political disputes and eventual instabilities and it has been one of the key topics of the campaign by opposition parties.

Such discourse of divisions, tensions and rising animosity between ruling party and their representatives in the Government on one side and opposition parties on the other side contributed to a background of high political polarization, against which the October 2 elections were held. The campaign was mostly held along the lines of inflammatory rhetoric, cases of violence, and continuation of the practice of blurring of the line between the ruling party and the state.

One day before election day, the former President of Georgia, Mikheil Saakashvili, after years of exile, returned to the country under unclear circumstances, calling on Georgian voters to go to the polls and vote against the ruling party and to organize in protecting the result of the elections. He was arrested on the evening of the same day and transferred to a penitentiary. His arrival in the country did not, however, significantly affect election day or political developments immediately following it.

The ongoing COVID-19 pandemic situation also remained a significant challenge for both overall public health and economic condition of citizens of Georgia, throughout the pre-election period.

Legal framework and electoral system

Local elections are primarily regulated by the Constitution and the Election Code, and are supplemented by other laws², as well as regulations of the Central Election Commission. Georgia

² E. g the Law on Political Unions of Citizens, adopted on 31 October 1997 and last amended in June 2021; 1999 Administrative Proceedings Code ; 2004 Law on Broadcasting, 1999 Criminal Code, 1984 Administrative Offences Code and 1999 General Administrative Code.

is also a party to several international treaties and conventions³, which, according to the Constitution⁴, take precedence over domestic normative acts unless they conflict with the Constitution or the Constitutional Agreement of Georgia.

Overall, the existing legislation is in line with international standards and can guarantee the conduct of democratic elections, if implemented in good faith. However, the legal framework could benefit from a comprehensive reform that would bring it more in line with best standards and practices.

The 2021 Local elections were preceded by substantial amendments of the electoral legal framework, partly in implementation of the 19 April 2021 political agreement⁵, that was meant to resolve the political crisis originating from the 2020 parliamentary elections. Amendments were adopted just before the official start of the electoral period, on 28 June 2021.

Although the recent changes were initiated in order to end the political crisis, most of the amendments were part of a longer process of consultations with a wide range of stakeholders⁶. It should be noted that amending the legal framework shortly before an election is not a recommended practice⁷, especially if the amendments are essential in nature, as it negatively affects the stability of the law while also placing extra burden on election management bodies.

These amendments modified the composition and appointment of election commissions, introduced a higher proportional component for local elections, extended the timeframes for dispute resolution, introduced mandatory random recounts and measures to address voter intimidation and the misuse of state resources.

One of the pivotal amendments concerning the transition from the mixed electoral system to the parallel mixed electoral system reduced the level of disproportion between the seats allocated in municipal councils and the votes received by election contestants. Compared to the previous system when the significant difference between the sizes of the majoritarian constituencies led to the fact that the number of members elected by the majoritarian system was unreasonably high. Consequently, the system disproportionately converted votes into mandates⁸.

³ Inter alia, International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); Convention on the Political Rights of Women; Convention on the Rights of Persons with Disabilities (CRPD); International Convention on the Elimination of All Forms of Racial Discrimination (CERD), etc.

⁴ Article 4, para. 5 of the Constitution of Georgia.

⁵ See the 19 April 2021 [agreement](#).

⁶ The Working Group for Electoral Reform functioned in 2019-2020 and resumed its work in February 2021, with the participation at different stages of citizen observer groups, members of the diplomatic community and representatives of two opposition parties. On 19 April six opposition parties signed an amended agreement with the ruling party. After months of boycotting UNM the largest opposition party decided to join the agreement in May 2021. The Working Group for Electoral Reform prepared three sets of draft amendments, in April, May and June 2021.

⁷ The Code of Good Practice in Electoral Matters (II.2.b.) of the Venice Commission.

⁸ 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 <https://rm.coe.int/090000168092af01>

In order to increase the level of public trust and provide a more balanced representation of political interests, changes regarding the composition and appointment mechanism of all three levels of election commissions (CEC, DEC and PEC) were introduced. A mix of professional and partisan composition, comprising no more than 17 members, out of which eight non-partisan and nine appointed by the political parties that won seats in the last parliamentary elections.

Another important change regards the newly⁹ introduced gender quota which states that each party list should have at least one candidate of the opposite gender among every three candidates in the lists submitted for Sakrebulo elections¹⁰.

Other changes to the legal framework regard amendments related to the prevention of misuse of administrative resources¹¹, regulation of election day “agitation” and protection of voters from influence close to the polling station¹², amendments to protocols of polling results and conducting recounts, complaints and appeals, the local election system, as well as electronic voting and counting.

Electoral system

Mayors and local representatives bodies, ‘Sakrebulo’, are directly elected for four-year terms. In accordance with the most recent amendments, the elections are held with a mixed system; the ratio of proportional and majoritarian seats and the type of majoritarian component have changed. Instead of a half-half model in Tbilisi Sakrebulo (50 % proportional, 50% majoritarian), 80% of the members were elected through a proportional system. The same share of Sakrebulo members in other self-governing cities should be elected under proportional system, where previously the share of proportional seats was equal to 60%. The share of proportional seats in Sakrebulo of self-governing communities has increased to 2/3 of the total membership¹³.

To qualify for seat allocation at the Sakrebulo, party lists must obtain at least 3% of the valid votes in a municipality (2.5% for Tbilisi). Majoritarian candidates that obtain the highest score of votes are elected, as long as they receive more than 40% of the votes. Otherwise, a second

⁹ Art. 203 of the Organic Law of Georgia “Election Code of Georgia”.

¹⁰ The gender quota was first introduced in July 2020 prescribing that one in every two candidates should be of different gender but it was reduced to one-in-three during June 2021 amendments.

¹¹ Art. 48, point 12 of the Organic Law of Georgia “Election Code of Georgia” d) for public servants, employees of legal entities under public law, employees of non-profit (non-commercial) legal entities established by the State or a municipality, directors, caregiver-pedagogues, caregivers, and teachers of pre-school educational institutions and general educational institutions established by the State or a municipality, or other persons employed there to meet together on account of official matters.

¹² Art. 45, point 12 of the Organic Law of Georgia “Election Code of Georgia”, which states that The material shall be subject to removal/dismantling/taking off. The movement of a voter may not be physically obstructed on the polling day in a polling station or within the distance of 100 meters from a polling station. People may not be gathered or voters may not be counted either on the polling day within the distance of 100 meters from a polling station.

¹³ Prior to that, the average was 49%.

round is held between the candidates that obtained the most votes. Mayoral candidates receiving over 50% of the votes are elected, otherwise a second round is held between the two candidates with the highest number of votes.

Important to note that lowering the threshold will allow more political parties to enter the local representative bodies. However, due to the small number of seats to be distributed in some constituencies, a political party with a minimum threshold of votes will win only one seat in the *Sakrebulo*.

Election Administration

The October 2 Local Elections were organized and conducted by the three-tiered Election Administration of Georgia, consisting of the Central Election Commission (CEC), 73 District Election Commissions (DEC) and 3,746 Precinct Election Commissions¹⁴.

The amendments made to the Electoral Law on June 28, 2021, changed the composition of commissions at all levels, as well as the procedures for electing the Chairperson and non-party members of the CEC,¹⁵ aiming to increase public confidence in the bodies of the Election Administration through a more balanced representation of political forces. In addition, the five permanent DEC members were joined by three non-partisan members elected by the CEC. Thus, in the 2021 Municipal Elections, the electoral commissions at all levels consist of 17 members: eight non-partisan and nine nominated by political parties.

The CEC is a permanent and professional body composed of not more than seventeen members. Among them are the CEC Chairperson, two deputies and the Secretary. The CEC Chairperson is one of the members of the CEC. The CEC is responsible for the overall conduct of elections and has extensive powers and responsibilities.

Eight non-partisan CEC members, including the Chairperson, are elected by the Parliament on the proposal of the President, based on a proposal from a Competition Committee¹⁶ consisting of civil society organizations (CSOs) and academia. The former CEC Chairperson resigned on 30 June, and, pursuant to the new electoral changes a new CEC Chair¹⁷ and two additional commissioners

¹⁴ Art. 7 of the Organic Law of Georgia “Election Code of Georgia”.

¹⁵ Art. 10, 11, 12 of the Organic Law of Georgia “Election Code of Georgia”.

¹⁶ The competition commission consists of 9-11 NGO and higher education institutions representatives and nominates to the President candidates for each vacant position in CEC. In total, the Competition Commission considered seven applications for the post of CEC Chairperson, but four from five members of the committee appointed by CSOs did not support any of them.

¹⁷ Shortly after the 19 April Agreement amendments were adopted, the former CEC Chairperson, Tamar Zhivania resigned.

were selected by the parliament on 2 August through an “anti-deadlock” mechanism of simple majority, after three unsuccessful attempts¹⁸ to reach a two-third qualified majority.

It must be mentioned that the significant reduction of the period between different rounds of voting in parliament affected the reaching of consensus between the ruling and opposition parties. Thus none of the candidates appointed to three vacant positions in the CEC managed to secure votes of parliamentary opposition and were appointed for a six months term. According to ENEMO interlocutors, this has damaged the consensus building between the ruling and opposition parties and, in fact, gave the Parliamentary majority a possibility to elect the candidates without consent from the opposition. As a result, the Elections of the CEC Chairperson took place with a de facto boycott by opposition parties, which negatively affected confidence in this body from most of the opposition.

The CEC complied with all the legal deadlines for the preparation and conduct of the Municipal Elections. The CEC held regular meetings open to representatives of electoral contestants, accredited observers and the media, and for the first time broadcasted meetings live. During the pre-election period, the CEC held 21 meetings, during which 23 decrees and 244 decisions were adopted. Most of the decisions of the CEC were adopted unanimously and published timely with the minutes of the meetings on the webpage of the institution¹⁹, which contributed to increased transparency.

In addition to educational and training programs with representatives of the Election Administration, police and political parties, programs were implemented to increase the inclusiveness, transparency and efficiency of the election process. Five special educational programs were implemented for different target groups²⁰.

On August 16, the CEC opened an Information Protection Center, according to them, with the aim to combat misinformation about the organization and process of Elections both in traditional and social media²¹. However, the reports of this Center were used not only to fill information gaps in the activities of the Election Administration, but also to target sources of alternative information, which ENEMO deems a practice that should be avoided.

The possibility of online complaints and appeals submitting to the CEC and DEC is positive, however, the law does not provide for the possibility of filing a complaint until the end of the day. According to the current rules, the deadline for filing a complaint is 18:00²².

The CEC has also implemented two pilot projects aimed at increasing the transparency and efficiency of the electoral process. At 3,198 polling stations (all polling stations with more than

¹⁸ Urgent Joint Opinion of Venice Commission on revised draft amendments to the Election Code, §21, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)026-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)026-e)

¹⁹ Art. 4, 14 of the Organic Law of Georgia “Election Code of Georgia”; Chapter 3 of General Administrative Code of Georgia.

²⁰ potential members of EMBs, first-time voters, etc.

²¹ CEC Interim Report of October 2, 2021 Municipal Elections <https://cesko.ge/eng/static/3646/munitsipalitetis-tsarmomadgenlobiti-organos-sakrebulo-da-tvitmmartveli-galaqis-tvitmmartveli-temis-meris-2021-tslis-2-oqtombris-archevnebis-shualeduri-angarishi>

²² Art.1 of Resolution #8/2012 of the CEC.

300 voters), the vote counting process was recorded under the supervision of the PEC members representing the opposition parties. There are doubts about the possibility of using these recordings when considering contestants complaints due to video recordings must be uploaded to the Internet no later than on 10:00 a.m. on the fifth day after Election Day²³, but at the same time, the procedure for recounting votes in disputable PECs can be implemented within six days after the voting.²⁴ Although there is a possibility to request footage for complaints purposes, the efficiency of this measure remains doubtful. Electronic scanning of ballots was also tested in 31 polling stations of DEC no. 4 (Tbilisi)²⁵.

The CEC also paid attention to anti-epidemiological measures. After consulting with the medical community, civil society organizations and party representatives, the CEC adopted four COVID-19-related decrees regulating access to election offices, regular Polling Stations and voting for people in isolation. In addition to the traditional individual and group protection measures, free of charge weekly Rapid Antigen Testing was carried out for members of Election Administrations. According to the CEC, 100% of the members of the commissions who participated in the training were also tested.

To facilitate the exercise of electoral rights by voters who are in intensive care units (ICU) and isolation (quarantine, self-isolation) one additional Precinct Election Commissions was created in each Constituency of Georgia (73 PECs in total), which organized mobile voting for them.

The CEC managed the technical aspects of the electoral process in fulfillment of the legal deadlines, transparently and professionally.

At the sub-regional level, Municipal Elections were organized by 73 DEC. Due to the fact that the term of office of 162 permanent DEC members expired in February 2021, 141 DEC commissioners were re-elected (35 of them for the fourth term). In total, the CEC selected 584 DEC members on a competitive basis. The CEC broadcasted live most of the interviews with candidates for nonpartisan DEC members.

Parties could withdraw and appoint a new member of the DEC only three weeks before the polling day and, within the last three weeks before it, in the case of resignation or death of the nominated member, as well as, in case of a court ruling making it impossible for a person to perform the activities of a member of the DEC²⁶.

The EOM visited 10 DEC in Tbilisi. All observed DEC have complied with all statutory deadlines for preparing and holding Municipal Elections, and have held regular meetings open to representatives of electoral contestants, accredited observers and the media.

²³ Art.10 of Resolution #55/2021 of the CEC.

²⁴ Art. 8, 21, 75 of the Organic Law of Georgia “Election Code of Georgia”; CEC Decree N 40/2021 of July 26, 2021.

²⁵ Also, at Polling Stations in Tbilisi, a new design of voting booths was tested, which, according to representatives of the CEC, aimed at preventing attempts to take pictures of the ballot or taking ballots outside of the polling station.

²⁶ Art 20 of the Organic Law of Georgia “Election Code of Georgia”.

The Elections were managed by 3,746 Precinct Election Commissions, of which 3,664 ordinary PECs, 9 special PECs in penitentiary institutions and 73 special PECs which organize voting of quarantine and self-isolated voters.

Precinct Election Commissions are composed of eight commissioners selected by the DEC and nine party nominated persons. The PECs fully exercise their authority within their territorial limits²⁷. PECs are established in a similar way to the composition of DEC. As for the timeframes for setting up PECs, this remains a problem as it was proved a challenge to conduct a full-scale competition to select professional members, including the interview stage, and identify the best candidates in such a short period of time, while adhering to the principles of transparency and publicity²⁸.

Of the total number of PEC members, 31,714 were elected by the respective DEC, 31,397 - by nominated political parties. There were some difficulties in the formation of PECs, in contrast to the higher levels of the Election Administration. The majority of PECs received exactly eight candidates for eight non-partisan vacancies, which virtually eliminated any competition. At the same time, 903 candidates were excluded due to the fact that they were party representatives in the previous Parliamentary Elections. A number of interlocutors of ENEMO criticized the process of staffing PECs with professional members.

It is also necessary to note the difficulties with filling party quotas for PEC members, especially in the regions, which led to numerous replacements in the composition and might have affected the general professional level of PEC members.

To facilitate access for representatives of ethnic minorities to 348 PECs in different regions of Georgia, electoral documentation was used, translated into languages of national minorities: at 211 PECs into Azerbaijani; at 133 PECs - Armenian and at 4 PECs - both of these languages.

Despite the fact that most of the Polling Stations are located in public buildings with improved access for voters with disabilities, 1,128 polling stations were additionally equipped and fully adapted for the access of voters with locomotor dysfunctions (wheelchair access). Also, special frame form, magnifying glasses were used and, upon request, it was possible to use a sound assistant²⁹.

Despite the fact that the CEC Training Center, in cooperation with IFES implemented a training program of distance (online) and physical trainings for PECs' members on a cascade method in seven stages through the respective DEC, a lot of PEC Political Parties nominated commissioners were not covered by this training in full, due to numerous replacements in the PECs' composition. There were also cases of attempts by PEC members nominated by parties to avoid performing their duties and a lack of understanding that in PECs they do not work in the interests of the parties nominating them.

²⁷ Art. 26 of the Organic Law of Georgia "Election Code of Georgia".

²⁸ Art. 8, 21, 25 the Organic Law of Georgia "- the Election Code of Georgia".

²⁹ see Election Day.

There are only four women in the CEC, while at the DEC and PEC levels women were in majority.

Registration of voters

Citizens of Georgia, who have attained the age of 18 on the day of Elections, have the right to vote. The Constitution guarantees the free expression of the will of voters. The only limitation concerns the citizens who have been found legally incapable by a court or who have been deprived of their liberty by court serving a sentence for a particularly serious crime in a penitentiary institution.³⁰ Blanket exclusion of voters found legally incapable are at odds with international standards³¹.

Voter registration is passive, continuous and centralized. The CEC compiles the voter lists based on the civil registry database, maintained by the Public Service Development Agency (PSDA), which is updated on a quarterly basis, and data from other institutions. The CEC is responsible for forming a unified list of voters, processing it and posting publicly available information on the CEC's official website. No significant concerns were raised regarding the accuracy of voter lists by most ENEMO IEOM interlocutors.

The unified list of voters is a list of persons with active suffrage registered in the manner established by the Legislation of Georgia, which is divided according to the Polling Stations. The DEC provided the PECs the unified list of voters designated for public information and PEC provided a final public version of the lists of voters, and the final versions of the revised lists for the election commission.

Voters had a range of options for verifying their registration data and requesting corrections and could request corrections until 14 September³².

The final list of voters contained 3,497,345 voters: 1,874,119 women and 1,623,226 men. The biggest number of voters is in Tbilisi – 1,002,900 voters. There are also 39,135 first-time voters.

Citizens could request to vote through a mobile ballot box within the Electoral District of their registration in writing or verbally by telephone at least two days before the Polling Day (September 29). They could be entered into mobile ballot box lists if they were unable to visit the Polling Station due to health problems but the number of such voters could be no more than 3% of the

³⁰ Art. 29 Constitution of Georgia; EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION), Code of Good Practice in Electoral Matters Guidelines and Explanatory Report, CDL-AD (2002) 23, Venice, 5-6 July and 18-19 October 2002.

³¹ Article 29 of the [CRPD](#) requires States to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. See also Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#).

³² According to the CEC, voters verified in different ways their data in the Lists 1,015,186 times.

total number of PS voters registered, or a voter was in the PEC territory, but in a place difficult to access).

Voters in isolation could call CEC's Contact Hub and request the mobile ballot box service from 25 to 27 of September. However, voters who got infected after 27 September could not vote.

Candidate registration

Citizens of at least 21 years of age who have lived in Georgia for more than five years can be elected to Sakrebulo (Local Councils). Also, the Electoral Code requires compulsory knowledge of the Georgian language for candidates to the Tbilisi City Assembly. Lists of candidates for proportional seats can only be submitted by political parties. To promote women's participation, candidate lists for proportional seats can be presented only by parties that have at least one candidate of the opposite gender among every three candidates³³.

Amendments to the Election Code of July 2021 amendment reduced the number of women candidates in the proportional list³⁴. This change appeared during the second reading, while the issue was not raised during the first reading. The change was not based on a sufficiently inclusive discussion. According to the authors of the bill, the new norm guarantees almost the same representation of women in the city councils as with the 2020 amendment. This is explained by the fact that the change in the electoral system, in particular, the increase in the share of proportionally elected members in the Sakrebulo, should compensate for the reduction of the quota.

To run for Mayor, candidates must be at least 25 years old and eligible to vote. Candidates for Mayors and majoritarian election constituencies in Sakrebulo can be nominated by parties or initiative groups consisting of at least five voters.

Parties and initiative groups of voters had to first register with the CEC and DECs, respectively. Parties that were not registered in the last Parliamentary Elections or did not have a seat in Parliament when local elections were called had to submit 25,000 supporting signatures to the CEC³⁵. In this way, seven Political Parties were registered by the CEC. Three Political Parties were denied registration due to non-compliance with registration deadlines, insufficient number of signatures and the inability to correct inaccuracies in the data; one Political Parties withdrew registration documents.

For nomination of a Sakrebulo majoritarian candidate or Mayoral candidate initiative groups of voters had to collect each candidacy with support signatures, depending on registered voters

³³ Art. 203 the Organic Law of Georgia "Election Code of Georgia".

³⁴ See Women Participation section.

³⁵ Art. 142 the Organic Law of Georgia "Election Code of Georgia".

number within a constituency³⁶. The number of supporting signatures to be collected is set at one percent³⁷, which is in line with best practice.

After registration, five Political Parties were de-registered for not nominating candidates. The number of candidates in the final stage of the election campaign decreased due to the withdrawal of candidates. A number of ENEMO interlocutors from opposition parties claimed that their candidates were under pressure to withdraw from the lists. Positively, on September 7 the CEC ruled that proportional lists with fewer than the minimum number of candidates would still participate in the Elections.

In total, 43 parties out of 52 that applied to the CEC were registered and took part in the Municipal Elections, as well as 71 initiative groups of voters. 31 election contestant parties lists were registered³⁸.

In an overall inclusive process, the CEC and DEC registered 239 mayoral candidates: 16 mayoral candidates in Tbilisi (4 women), 24 mayoral candidates in four self-governing cities and 199 in 59 self-governing communities. There were also registered 1,866 candidates for deputies of the Tbilisi City Assembly (1,728 in the proportional and 138 in the majoritarian election districts) and 21,527 candidates in 63 local councils (18,896 in the proportional and 2,631 in the majoritarian districts).

The total number of candidates was 2,769 under the majoritarian system in 664 single-member constituencies and 773 proportional list. In addition, 56 representatives of 43 contestants were registered by CEC, and 602 representatives at DEC.

Electoral Campaign and Campaign Finance

A. Campaign Environment

The official campaign period began on 3 August, 60 days before election day. The campaign began in an electrified atmosphere, running after the majority 64 local councils (sakrebulo) and the same number of mayors, among candidates of 43 parties and 71 Initiative Groups of Voters that have been confirmed for participation in elections by the Central Election Commission of Georgia.

³⁶ Art. 141 the Organic Law of Georgia “Election Code of Georgia”.

³⁷ Art. 1.3 EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION), Code of Good Practice in Electoral Matters Guidelines and Explanatory Report, CDL-AD (2002) 23, Venice, 5-6 July and 18-19 October 2002.

³⁸ CEC Interim Report of October 2, 2021 Municipal Elections

<https://cesko.ge/eng/static/3646/munitsipalitetis-tsarmomadgenlobiti-organos-sakrebulo-da-tvitmmartveli-qalaqis-tvitmmartveli-temis-meris-2021-tslis-2-oqtombris-archevnebis-shualeduri-angarishi>

The legislation stipulates a number of restrictions on campaigning. The election program shall not contain propaganda for war or violence, appeal for change or overthrow of the existing state and social order by violence, for violation of the territorial integrity of Georgia, for national strife and enmity, or for religious or ethnic confrontation. Further, there is a precise list of state officials and other employees that are exempted from a general rule on freedom of participation in election campaigns.³⁹ It is forbidden to campaign in the premises of a number of state institutions, like executive agencies of Georgia, courts and military units, as well as to use institutional events for campaigning purposes.

The political crisis and a line of systemic and institutional disputes between the ruling party and opposition parties in Georgia has created a discourse of perpetual confrontation over a series of substantial political and pre-political issues that, for several years, have overshadowed many important topics for the wellbeing of citizens at local and national level. Within such a political context, during the local elections in 2021; the EOM has witnessed a dominant presence of topics related to overall national (and international) politics, to the detriment of discussion and competing on proposals for resolving local issues and needs of citizens and their communities.

This was also visible in the overwhelming presence of the national level politicians at the local level, where local candidates for *sakrebulo*s and for mayors positions were overshadowed by their party leaders, as well as, in addition, from the side of high ranking institutional representatives, in the case of the candidates from the ruling party.

As a logical continuation of the domination of national and international topics over local issues, lagging behind political party platforms dealing with local issues, their stuntedness and/or absolute absence have been noticed in many cases, predominantly among the majority of opposition parties. In the case of the ruling party, the program and messages regarding the local issues have been present and visible but still overshadowed by national level politics.

Due to pandemic conditions the classical campaign activities have been reduced to, mainly, activities in media, with emphasis to social media and platforms, occasional door-to-door campaigning and few public gatherings with limited number of participants. Even though the right of freedom of assembly was overall respected, ENEMO has received a number of allegations of smaller rallies and gatherings of the opposition parties being interrupted by supporters of the ruling party. Some of these interruptions resulted with more significant

³⁹ According to that list following individual exceptions that cannot take part in campaigning are: an election commission member; a judge; public officers of the Prosecutor's Office of Georgia, the Ministries of Internal Affairs and Defense of Georgia, of the State Security Service of Georgia, the Georgian Intelligence Service, and the Special State Protection Service of Georgia; the Auditor General; the Public Defender of Georgia; an alien and a foreign organization; charitable and religious organizations; a public servant – during normal business hours and when he/she directly exercises his/her official powers; members of the Georgian National Communications Commission (GNCC) and the Georgian National Energy and Water Supply Regulatory Commission (GNEWSRC); an employee of a legal entity under public law (except for higher and vocational educational institutions, art institutions, religious organizations and the Georgian Bar Association), an employee of a non-profit (non-commercial) legal entity established by the State or a municipality, a director, a caregiver-pedagogue, a caregiver, and a teacher of a pre-school educational institution or a general educational institution established by the State or a municipality, or another person employed there– during business hours, or when he/she directly exercises official powers.

incidents of a violent nature and even more important, some of them have resulted with serious attacks on the life of opposition activists and members.⁴⁰

Some of the parties, especially the ruling party, additionally profusely using billboards, city lights and campaigning posters. In addition, advertisement video production of the GD was at the highest level of quality and intensity of promotion at traditional and social media platforms. This is directly connected to documented financial domination of the ruling party in campaign spending in comparison to the entire opposition camp⁴¹.

In addition to positive campaigns on billboards, there were numerous cases of smear campaign and personal attacks⁴². Considering cases of other activities and methods for more serious disruptions of election campaign processes, all Mission interlocutors from the opposition parties have claimed alleged intimidations, threats, violations, attempts of bribery, other illegal acts and even kidnapping against their members or candidates. According to them, most of these cases could not be institutionally investigated due to fear of violated or pressurized persons, but that some of these cases have been processed further towards institutions of the system.

The intensity of campaigning was relatively high during the entire campaigning period and it depended on themes and topics that have been opened by political subjects and their relevance for intensifying political discussion. However, while the discourse between ruling and opposition parties remained at the highest level of intensity during the entire campaigning period, it was visible that the cooperation and tolerance among opposition parties has been brought to a new, much more positive and tolerant level. This was confirmed by all interlocutors from opposition parties.

The ruling party benefited from the use of incumbency; a number of state officials took part in supporting the ruling party in their campaigning through statements or other activities, while some of the findings of relevant NGOs were indicating direct involvement of some officials and Governmental employees in campaigning efforts of the ruling party. As a general remark, the overall activity of high and other level officials during the campaign and extensive identification

⁴⁰ <https://agenda.ge/en/news/2021/2757>, “Son of ruling party majoritarian candidate detained for stabbing two in Dmanisi”

<https://agenda.ge/en/news/2021/2940>, “Labour Party supporter stabbed at polling station in Marneuli”

⁴¹ according to the State Audit Office, around 7,600,097 GEL in total, or 68.56% of the entire spendings was used by Georgian Dream, while the rest, 31.44% or 3,484,464 GEL was spent from the side of all opposition parties, in total. <https://monitoring.sao.ge/en/about/activities>

⁴² One of the most prominent cases was the use of billboards showing faces of a number of major opposition leaders and former President Saakashvili, with subtitle “No to Nazis. No to evil. No to betrayal”. On September 18, a businessman told Rustavi 2 TV that he and his friends are standing behind the billboards and that they do not belong to any political party and they only wanted to prevent the return of UNM to power. It should be noted that this constitutes a clear example of third party campaigning.

Attacks on the leader of the For Georgia party, Giorgi Gakharia, claiming that he is a drug addict, drew also a lot of attention in the media and inspired discussions on political and media manipulations.

Georgian Dream also reported cases of smear campaigns and hate speech against their candidates, high state officials and the party itself. Some of these cases were related to video materials that contained hate speech messages, some of them to abuse in social media and some of them with canvassing or public addressings of opposition leaders that were using the alleged hate speech

with the line of national and local projects financed from the public funds blurred the line between the ruling party and the state institutions.

Considering cases of other activities and methods for more serious disruptions of election campaign processes, Mission interlocutors from the opposition parties have claimed alleged intimidations, threats, violations, attempts of bribery, other illegal acts and even kidnapping against their members or candidates. They said that some of these cases could not be institutionally investigated due to fear of violated or pressured persons, but that some of these cases have been processed further towards institutions of the system. The Ombudswoman of Georgia also dedicated special attention to cases of intimidation and pressure towards candidates of the opposition⁴³.

Many of EOM's interlocutors from the opposition parties expressed their dissatisfaction with inadequate treatment of the police in many of the reported cases and low confidence in these cases being properly investigated and addressed.

During the campaign there was an extensive line of activities on removal of campaign materials (posters) from the sides of both ruling and opposition parties.

A. Campaign Finance

Party and campaign finances are regulated by the Election Code, the Law on Political Associations of Citizens, the Law on the State Audit Office (SAO) and supplemented by relevant regulations of the SAO. Political parties receive public funding⁴⁴ proportional to their results during the last parliamentary elections and these funds can also be spent for electoral purposes. No public funding is provided for campaigning. Electoral contestants are obliged to open designated bank accounts and all campaign donations and expenditures must be carried out via this bank account.

Individuals and legal entities may donate annually up to 60,000 GEL⁴⁵ and 120,000 GEL⁴⁶ respectively. Donations may not be made anonymously, through intermediaries or by individuals whose reported income is not considered sufficient for donations. There is a ban on donations from state entities, legal entities of public law, state organizations and enterprises, foreign sources, international and religious organizations⁴⁷. Private entities whose income from simplified public contracting exceeds 15% are also prohibited to donate⁴⁸.

Political parties or electoral subjects can spend annually, including during a campaign, no more than 0.1 per cent of the national GDP of the previous year, which was GEL 50 billion (EUR 12.89

⁴³ See the [statement of the Ombudswoman](#).

⁴⁴ Article 30 of the Law on Political Associations of Citizens, 15 GEL per vote for the first 50,000 votes and 5 GEL per every additional vote

⁴⁵ Approximately 15,800 Eur.

⁴⁶ Approximately 31,000 Eur.

⁴⁷ Article 26 of the Law on Political Associations of Citizens

⁴⁸ Ibid., Article 27.

billion).⁴⁹ An independent candidate may spend up to GEL 15 per voter registered in the respective constituency, which is commensurate with the expenditure ceiling established for parties. Such expenditure includes campaign expenses incurred by the party as well as by third parties for the benefit of the party or the independent candidate.

The State Audit Office (SAO) oversees party and campaign finance. Interim campaign finance reports are due every three weeks from the call of elections, within 12 days after election day and three days prior to the second round for those contesting it. Interim reports submitted by parties and independent candidates have been published on the SAO website as required by law. The SAO is not required to publish its own results of campaign finance oversight before election day, but it did so on 29 September.

Many opposition interlocutors of the EOM have claimed intimidation of their small and middle scale donors who were allegedly threatened from the side of secret service, police, tax revenue authorities and other public and private stakeholders in order not to provide funds for opposition parties.

On the other side, interlocutors from the ruling party have underlined the “relative fairness in distribution of campaign funding” where they reiterated that the official spending for the last general parliamentary elections which was “close to 60:40” in favor of the ruling GD, but where the opposition funds were allegedly “matching their electoral results”, according to GD representatives.

According to the SAO report, all electoral subjects received 12,871,714 GEL of income that has been registered at their respective registered accounts, within the period from 2 August to 12 September. Out of the entire fund that the parties received at their accounts, 64.4% or 8,287,870 GEL went to the Georgian Dream. The rest, the amount of 4,583,844 GEL or 35.6% of the entire sum was transferred to accounts of all opposition parties, in total.

When it comes to spendings, the State Audit Office registered a total of GEL 11,084,561 that has been spent by election subjects in the period from August 2 to September 12. The significant majority of this sum was spent by Georgian Dream, 7,600,097 GEL in total, or 68.56%. The rest, 31.44% or 3,484,464 GEL was spent by all opposition parties, in total.⁵⁰

The figures coming from the State Audit Office as well as overall view on campaign advertising are clearly indicating that predominant part of funding contributed to political and campaign benefits of the ruling party and to the detriment of campaign capacities and fair competing potentials of the entire opposition spectrum.

⁴⁹ Article 25¹ para. 1 of the Law on Political Associations of Citizens

⁵⁰ Georgian Dream 7,600,097 GEL, Lelo 796,369 GEL, For Georgia 703,604 GEL, United National Movement 521,304 GEL, Girchi 454 330 GEL, European Georgia 330,962 GEL, AlekoElisashvili-Citizens 213,4040 GEL, Alliance of Patriots of Georgia 125,947 GEL, Third Force 103,431 GEL, Others 235,113 GEL

Media

A. Media Environment

Overall, the media landscape in Georgia is pluralistic but polarized, with a lack of independence from political interests, affecting the general trust in media and their editorial policies. While most traditional media are accessible online, television is still the main source of information, followed by online and social media.⁵¹ The media includes 101 outlets with broadcasting authorization, of which 11 national TV broadcasters and 82 active radio broadcasters⁵². ENEMO EOM held meetings with the relevant media stakeholders as well as limited social media monitoring, with the focus on the activity of political entities on Facebook.

The legal framework regulating the media requires broadcasters to provide fair and impartial coverage during the election period⁵³. Even though the legal framework guarantees freedom of speech and provides for general media freedom, ENEMO EOM noted recent cases of journalists facing threats of violence and intimidation.⁵⁴

The media scene was visibly polarized during the electoral period. In the politically influenced and deteriorated media environment, with the presence of intimidation and negative public narratives towards the media, there was a lack of positive political campaigning characterized by mutual accusations and criticism between political opponents. Furthermore, ENEMO EOM interlocutors expressed concerns regarding the lack of in-depth media reporting and analysis with no space for quality political debating.

In line with the Election Code, free airtime is allocated to 9 political entities on public and private national TV stations based on their previous election results⁵⁵. According to ENEMO interlocutors, the electoral period was rather characterized by discrediting campaigning and lacking in issue-oriented debate among candidates. This affects the ability of voters to make an informed choice due to a lack of access to objective information. ENEMO interlocutors voiced

⁵¹ IRI's poll Georgia, June 2021

⁵² The most popular TV broadcasters are Imedi TV, Mtavari Arkhi, Rustavi 2, TV Pirveli, Public Broadcaster, and Formula TV.

⁵³ Georgian Constitution, International Agreements, Law on Broadcasting, Law on Press and Other Media, Law on Electronic Communications, Law on National Independent Regulatory Authorities, Law on Post and Telecommunications, Law on Copyright and Neighboring Rights, and the Georgian Election Code, as well as other legislative and law- subordinated normative acts of Georgia provide the legislation for the broadcasting and media sector of Georgia.

⁵⁴ During the LGBT Pride, July 5, 2021, more than 50 journalists have been attacked and one died after beating by anti-LGBT protesters. Investigation was poorly conducted by the state authorities and there were few gatherings and protests of the journalists in front of the Parliament during the ENEMO EOM mission to Georgia.

⁵⁵ Georgian Dream, Election Bloc United National Movement (The Bloc consists of the following Political Parties: United National Movement, the Movement - State for the People, PU Progress and Liberty, Republican Party of Georgia, European Democrats), Election Bloc Strategy Agmashenebeli (The Bloc consists of the following Political Parties: Giorgi Vashadze Law and Justice, Law and Justice), European Georgia, Lelo, Alliance of Patriots of Georgia, Labour Party of Georgia, Girchi, and Aleko Elisashvili – Citizens were provided with the free-air time

concerns that the campaign environment was affected by disinformation tactics, instances of negative campaigning, hate speech, and intolerant rhetoric.

ENEMO media interlocutors expressed disappointments about a deteriorating media environment, caused by negative public narrative towards the media by political figures, cases of alleged intimidation and violence against journalists, as well as conditions created by the CEC for the media and voters. Namely, the Information Security Center of CEC published the Media Monitoring Report for the period from 01.09.2021. – 10.09.2021.⁵⁶ based on the monitoring of more than 200 TV stations (national and regional) and online platforms, as well as over 300 pages and groups on Facebook. Among other data, the Report included 37 media outlets⁵⁷, mainly composed of the media critical to the ruling party categorized as “source of fake news”, potentially causing decrease of public trust in media during the electoral period. Additionally, ENEMO interlocutors expressed concerns regarding the methodology used for the production of the Report.

Political parties were allegedly using instruments such as disinformation and misinformation campaigns, including inauthentic and manipulative behaviors, and foreign influence operations. According to the ENEMO interlocutors, the main source of foreign interference through media comes from Russia and it is manifested by using anti-Western and anti-vaccination narratives, often addressing sensitive topics with sensational rhetoric that consequently causes division among citizens and hate-mongering through media channels. Under the threat of such foreign media influence in Georgia are primarily minorities that have limited access to Georgian media due to language barriers.

Within its powers delegated by the legislation of Georgia, the Georgian National Communications Commission (GNCC) exercises the oversight of the media outlets during the election campaigns. The GNCC determines the procedure for participation and use of the media in the electoral process, supervises the observance of provisions by any broadcaster, and gives respective responses to violations of those provisions. According to the GNCC report⁵⁸, when it comes to traditional media, there are 56 general broadcasters that during the election period predominantly dedicated their airtime reporting about the Georgian Government followed by Georgian Dream, in positive and negative tone.⁵⁹ No complaints were filed to the self-regulatory

⁵⁶https://cesko.ge/res/docs/ReportInformationProtectionCenterIIGeo.pdf?fbclid=IwAR3XhpEZPkG6ZARPjyWqYnG6Az4P1mc4hbXplHDVWiA0AJi_ivQexqVDw8o

⁵⁷ List includes: 1tv.ge, accent.com.ge, batumelebi.ge, cec.org.ge, epn.ge, euronews.ge, factcheck.ge, firstnews.ge, for.ge, formulanews.ge, frontnews.ge, gurianews.com, guriismoambe.com, ipn.ge, ipress.ge, itv.ge, kvira.ge, megatv.ge, mkhare.ge, mtavari.tv, netgazeti.ge, newpress.ge, newpost.ge, newspress.ge, newsreport.ge, on.ge, pirveliradio.ge, presa.ge, primenewsgeorgia.ge, publika.ge, qvemorqartli.ge, rustavi2.ge, sknews.ge, tabula.ge, timer.ge, tv25.ge, tvpirveli.ge.

⁵⁸ Quantitative media monitoring conducted by the Communications Commission, Results (03.08.2021. - 02.09.2021.) <https://comcom.ge/uploads/other/8/8472.pdf>

⁵⁹ As per GNCC reports, Imedi TV had a positive attitude towards the incumbent party and the government and negative towards the opposition, while on the other hand, Mtvvari Arkhi and TV Pirveli were critical towards the ruling party and its officials and a positive tone was used towards opposition parties. Rustavi 2 and Public Broadcaster had a mostly neutral tone when reporting about the electoral coverage and political entities running for the local elections and maintained balance in its programs.

media commissions about the violation of journalist standards⁶⁰. Furthermore, broadcasters provided political entities with more direct than indirect airtime.⁶¹

During the 60 days of the pre-electoral period the GNCC conducted media monitoring in terms of the violations of the rules of political coverage by the media outlets, as well as fairness and reporting tone.⁶² Based on their monitoring findings and when a violation is recorded, the GNCC holds public hearings and decides upon filling in the Administrative Offence Report.

In the mentioned period, the GNCC has issued 11 Administrative Offence Reports. 8 of the Administrative Offence Reports have been issued in accordance with Art. 82 of the Election Code of Georgia⁶³, which prescribes administrative penalties for the violation of the procedures for publishing election-related public opinion poll results⁶⁴. One broadcaster⁶⁵ has been fined 3 times⁶⁶ under Art. 194 para. 2 of the Election Code for refusing to air the political advertisement provided by the United National Movement and European Georgia, thus breaching the requirements defined by the law.

B. Online and social media

Given all the challenges posed by the development of digital technologies and the popularity and impact of online media and social networks on shaping public opinion, as well as the fact that due to the specific situation caused by COVID-19, political campaigns of the parties were conducted on social media too. As in many countries worldwide, Georgian legislation does not contain any provisions that are directly applicable to online and social media. Likewise, there are no rules regulating the political parties' behavior on social media during the electoral campaigning.

For the 2021 Local Elections in Georgia, ENEMO used the CrowdTangle platform to monitor political parties' activity on social media, with the focus on Facebook. ENEMO monitored 11 official Facebook pages of political parties⁶⁷ during the period from August 2, 2021, to October 2, 2021. The total number of posts created, in the mentioned period, was 3.246 and 993.537 total

⁶⁰ Idem

⁶¹ Idem

⁶² Qualitative and quantitative media monitoring conducted by the Communications Commission, Results (03.08.2021. - 02.09.2021.) <https://comcom.ge/uploads/other/8/8471.pdf>; Quantitative media monitoring conducted by the Communications Commission, Results (03.08.2021. - 02.09.2021.) <https://comcom.ge/uploads/other/8/8472.pdf>

⁶³ <https://matsne.gov.ge/en/document/view/1557168?publication=69>

⁶⁴ Namely, TV Obieqtivi (September 9), Public Broadcaster (August 26), Imedi TV (August 26)[#], TV Pirveli (August 26), Adjara Pub. Broadcaster (August 26), Media Holding (August 26), Maestro (August 26), Formula (August 26) were fined according to this article of the law.

⁶⁵ Imedi TV.

⁶⁶ on September 12, and twice on September 17.

⁶⁷Pages: ქართული ოცნება/Georgian Dream, ერთიანი ნაციონალური მოძრაობა • United National Movement, საქართველოსთვის/For Georgia, გირჩი • Girchi, ევროპული საქართველო • European Georgia, ლელო საქართველოსთვის • Lelo For Georgia, გირჩი • გირჩი - მეტი თავისუფლება, Droa • დროა, სტრატეგია აღმაშენებელი • Strategy Aghmashenebeli, ლეიბორისტული პარტია • Labour Party, დავით თარხან-მოურავი, ირმა ინაშვილი, საქართველოს პატრიოტთა ალიანსი

interactions⁶⁸. When it comes to post activity, the most active was For Georgia with 532 total posts, followed by Lelo For Georgia 479, Georgian Dream 392, European Georgia 317, Girchi 307, Girchi - More Freedom 291, United National Movement 240. Among the monitored pages, the least active was the Alliance of Patriots of Georgia with 113 total posts. Data shows that 49,3% of all interactions come from only one party - Georgian Dream (490.237 total interactions), followed by United National Movement (111.233 total interactions) or 11,1% of all interactions. Political parties communicated mostly through Photos (41,2%), Facebook Videos (35,9%), and Facebook Live (21,2%).

During the 60 day of the campaigning period, political parties were using more than one Facebook page for their campaigning on social media. Besides the official political party's Facebook page, they used different structural units (local and regional pages), including political party's leaders and candidate's pages categorized as „Politician“. With regards to that, ENEMO monitored 16 of such Facebook accounts⁶⁹. Data suggests that politicians reached more Facebook users' interactions through their profiles than political parties, counting 4.82M of total interactions. The most interactions were reached by pages “Mikheil Saakashvili” (1.2M), “Kakha Kaladze კახა კალაძე” (745.859), “Nika Melia / ნიკა მელია” (654.859), and “Irakli Garibashvili” (571.712). Politicians communicated through Facebook Videos (42.4%), Photos (30.9%), and Facebook Live (21.9%).

Political parties conducted their political campaigning on other social media platforms, such as Instagram, TikTok, Twitter, Telegram as well. However, ENEMO's focus of monitoring was on Facebook as it is the most used social media platform in Georgia⁷⁰.

During the electoral silence day, October 2, 2021, political parties were active on social media, having active paid ads as well.

From the official political parties' Facebook pages, Georgian Dream had the most political advertisements on social media platforms⁷¹, counting 480 paid ads in the period from August 2, 2021, to October 2, 2021, followed by European Georgia (170) and Girchi (110). As previously pointed out, it is important to have in consideration that most of the political parties were using more than one Facebook page for the campaigning, thus the exact number of ads vary slightly. Just to mention that UNM through their official account had only 8 paid ads, but among the monitored profiles categorized as “Politician”, “Nika Melia/ნიკა მელია” profile had the highest number of political advertisement on social media platforms in the respective period (170).

ENEMO notes that lack of transparency and selective application of rules regarding political ads on social media continues to be a challenge. Within an unregulated environment and technical

⁶⁸ Interactions include: likes, comments, shares, and reactions (loves, wows, hahas, sads, angry, cares).

⁶⁹ Pages: Mikheil Saakashvili, Kakha Kaladze კახა კალაძე, Nika Melia / ნიკა მელია, Irakli Garibashvili, გახარია, ანა დოლოძე / Anna Dolidze, Zurab Girchi Japaridze, Giorgi Vashadze / გიორგი ვაშაძე, ალექსანდრე ელისაშვილი / Alexander Elisashvili, Shalva Natelashvili - შალვა ნათელაშვილი, მამუკა ხაზარაძე Mamuka Khazaradze, ელენე ხოშტარია Elene Khoshtaria, Ana Bibilashvili • ანა ბიბილაშვილი, Badri Japaridze • ბადრი ჯაფარიძე, ირმა ინაშვილი, Giga Bokeria.

⁷⁰ Datareportal 2021, Georgia Report

⁷¹ Facebook, Instagram, Audience Network, Messenger

deficiencies of online tools, it is difficult to monitor how many political ads are there exactly and how much money political entities actually spend on online campaigning.

Gender Representation

Aproximately 54% of the voters are women. However, there are still many obstacles in transferring the potential and power of this percentage into real political action and practice. During the local self-government elections from 2017, the number of women elected in all self-governing units of Georgia was 13.46%. In addition, out of the 64 directly elected mayors in 2017, only one was a woman.

Georgia ratified the Convention on the Elimination of All Forms of Discrimination against Women, which was followed by adoption of the National Action Plan to Improve the Status of Women. In addition, in 2010 the Law of Georgia on Gender Equality was adopted. Following that, in 2013, in order to protect gender balance and increase women's political participation, the Parliament of Georgia amended the Law on Citizens' Political Associations, introducing the quota system which was not obligatory but more of a stimulating nature, where parties have been promised an increased amount of money from the public funds if more women were included in their election lists (10% more if party lists have at least 20% of candidates of opposite sex among each of the 10 candidates).

Following that, new changes have been introduced in 2020, when provisions of the legislation got an obligatory dimension, where all parties became obliged, for all general and municipal elections to be held before 2028, to create a party list in such manner that one in every two candidates on the submitted list is of an opposite sex. Unfortunately, this provision has never lived in practice since already in June 2021 a new, backsliding change, has been introduced: for all elections to be held before 2028, party lists shall be created with at least one of every three candidates to be of an opposite sex. This could be considered as an act with pure political background even though there were attempts to explain this through legal reasoning for this new solution.⁷²

Women are generally underrepresented in public office, and hold 19.3 percent of seats in the parliament, 15.5 percent of the seats in outgoing local councils, and 4 out of 13 ministerial posts in the government.

However, compared to previous years, women's participation in these elections has increased due to mandatory quotas. For example, a total of 1,731 candidates were nominated by party lists,

⁷² Namely, amendments to the Election Code of July 2021 amendment reduced the number of women candidates in the proportional list. This change appeared during the second reading, while the issue was not raised at all during the first reading. The change was not based on a sufficiently inclusive discussion. According to the authors of the bill, the new norm guarantees almost the same representation of women in the city councils as with the 2020 amendment. This is explained by the fact that the change in the electoral system, in particular, the increase in the share of proportionally elected members in the Sakrebulo should compensate for the reduction of the quota.

including 807 (46.62%) women and 924 (53.38%) men, which is strong potential for the significant increase of female political representation in future at local level, if compared with present percentage of women in *Sacrebulos*.

Gender imbalance is noticeable among mayoral candidates, where the mandatory quota does not apply. In particular, 19 candidates were nominated for the Mayor of Tbilisi – the capital of Georgia, including 4 women and 15 men. Of these, 16 mayoral candidates are registered, including 4 women and 12 men. In addition, 24 people were registered as candidates for mayor of four self-governing cities, including 4 (16.67%) women and 20 (83.39%) men, and 201 individuals were registered as mayoral candidates of 59 self-governing communities, including 18 (8.96%) women and 183 (91.04%) men.

Nevertheless, there is still widespread practice that where the quotas are not applied, political parties do not nominate an adequate and substantial number of women candidates on their own initiative.

In addition, there is a visible decline in the number of women when it comes to higher levels of institutional bodies. For example, only 4 out of 17 members of the Central Election Commission are women. In contradiction to that, the representation of women at the lower level commissions is significantly higher and more than three quarters of PECs members are women.

According to the above stipulated data, introduction of mandatory quotas had a positive impact on increasing women's representation in overall political/partisan structures and representative institutions of Georgia. However, the present situation is still far from adequate representation of women and their substantially and sustainably proactive role in political and institutional life of the country.

Complaints and Appeals

The complaints and appeals process is regulated primarily by the Election Code⁷³. According to the latest provisions⁷⁴ violations of the electoral legislation may be appealed to the respective election commission while the decision of an election commission may be appealed only to a higher election commission or to the court under the procedure and within the time frames as defined in election code.

Only registered contestants and accredited observer organizations may file complaints against decisions of the election commissions and violations of the election legislation while voters may

⁷³ Articles 72-74 of the Election Code

⁷⁴ Article 77, paragraph 1.

only file complaints if they are not included in a voter list and on the voting procedures in the polling station on election day.

Positively, the latest amendments extended the timeframes for filing and reviewing most types of complaints; from one to two days and from two to four days respectively. For campaign violations, including the misuse of state resources, the deadlines for referring cases to court are 10 days for submitting the matter to the court and up to 10 days for adjudication.

Complaints can be filed against the actions/inactions of the PEC bodies with the corresponding DEC. Appeals against actions/inactions of the DEC may be filed to the corresponding district/city court. Complaints against DEC decisions refusing to amend voters' data/lists and refusing to register an observer organization may be filed to the corresponding district/city court while DEC decisions on matters concerning election administration and including establishment of election precincts, must be appealed to the CEC. CEC decisions may be appealed to the Tbilisi City Court. The final instance of the appeal for all election disputes is the Court of Appeals.

The CEC manages an online database⁷⁵ of complaints and appeals that can be filed electronically or in hard copy at DEC's, CEC and court levels. Following the recent amendments CEC was obliged to create an electronic registry of persons authorized to represent stakeholders in election disputes. The aim of the registry was to establish an exhaustive database of representatives therefore relieving the observer or party representatives from the burden of proving that they really represent their respective electoral stakeholder. The limitation on the number and quality of persons authorized to submit complaints is restrictive and complex thus the principles on legal standing in election-related cases should be granted as widely as possible and that the procedures simplified and devoid of formalism, in particular to avoid decisions on inadmissibility especially in politically sensitive cases⁷⁶.

Based on the official information provided by the CEC before election day over 468 complaints were submitted on the CEC complaints and appeals database out of which 228 were filed by electoral subjects and 190 by observer organizations. Of them 47 complaints were submitted on CEC level, 408 on DEC and 8 cases to courts.

On election day some 517 complaints were filed out of which 324 were filed by electoral subjects and 193 by observer organizations concerning electoral procedures on PEC and DEC level. Overall the main subjects of the submitted complaints were on violation of election campaign, use of administrative resources and some cases of restriction of the rights of the observers.

⁷⁵ <https://sachivrebi.cec.gov.ge/>

⁷⁶ See Venice Commission, Code of Good Practice in Electoral Matters, CDL-AD(2002)023rev2-cor, Guideline II. 3.3 b and Explanatory Report

Election Day

On Election Day, ENEMO deployed 20 international observers, who monitored the opening procedures in 20 polling stations, voting in 263 polling stations, and counting in 20 polling stations. In addition, ENEMO short-term observers observed the delivery and intake of election materials in 20 district election commissions.

Most PECs conducted their work in line with relevant regulations and in an orderly manner. However, the presence of party activists in the vicinity of a number of polling stations was noted as problematic.

Observers noted that polling stations generally opened on time with few exceptions of minor delays. The opening procedures were largely followed and overall conduct of the opening was assessed positively.

Overall, the polling process was assessed as good or very good in 95% of polling stations observed. While voting procedures were generally followed, ENEMO observers noted instances of breaches of secrecy of the vote due to the layout of voting booths, close presence of PEC members next to the booths, voters taking photographs of marked ballots and two voters marking ballots together in the same booth. Voter identification, inking and ballot issuing procedures were in some instances not followed properly and attempts of multiple voting were reported. Mobile box voting irregularities included applications on behalf of voters by party representatives, pre-stamped ballot papers for mobile voting and violations regarding sealing and placement of mobile ballot boxes.

The atmosphere inside polling stations was mostly calm, however, ENEMO observers noted, especially in rural areas, partisan activities in the vicinity of polling stations with possible influence on voters such as discussions with voters, organized voter transportation and voter participation tracking.

Election administration developed comprehensive COVID-19 prevention measures for the conduct of local elections and they were mostly implemented by PECs. Shortcomings in social distancing were noted in some polling stations that were too small and overcrowded.

Only half of observed polling stations were easily accessible for the voters with disabilities. Voting templates and magnifying glasses to facilitate voting of visually impaired voters were observed in most polling stations. Women were well represented in the precinct election commission, making 80 per cent of PEC members including positions of chairpersons, deputy chairpersons and PEC secretaries.

Counting at the polling stations was conducted in a largely transparent manner in the presence of observers and was video-recorded. The overall conduct of the counting process was assessed positively by ENEMO observers. Negative assessment of vote counting in three polling stations were related to procedural irregularities, while in one observed count ballot papers were not

displayed for the videorecording. Precinct election results were displayed publicly and given to observers in all observed polling stations. Transfer of election materials and tabulation of results at the observed DEC's were assessed as well organized and transparent.

The CEC reported a turnout of 51,9% and started publishing the preliminary results for candidates and political parties within hours after closing, including posting PEC protocols on the CEC website, thus enhancing the transparency of results.

Observers

The Electoral Code of Georgia provides for election observation by national and international observers, representatives of the electoral subjects and of the Media. National CSOs could request to observe Elections if they were registered as legal entities aimed at defending human rights and/or monitoring of Elections no later than one year before Election Day.

Observers, representatives of the electoral subjects enjoy the powers under the article 41 of the Election Code, inter alia, they may be present at the polling place at any time during the polling day, move without restrictions within the precinct territory and observe all stages of the polling process from any point in the precinct in a free and unhindered manner. They also could, without interfering into the election process, take photos and videos except for the cases when they are taking photos and/or videos of the polling booth and the desk list of the voters.

The 2021 Local Elections were observed by a high number of observers, both domestic and international. In total, the CEC accredited 22,973 observers from 88 National Organizations and 662 observers from 52 International Organizations.

Georgia has a vibrant civil society; national observer organizations deployed short-term observers on Election Day and the more established organizations, such as the International Society for Fair Elections and Democracy (ISFED)⁷⁷ and the Georgian Young Lawyers Association (GYLA) also conducted long-term observation, contributing to overall transparency of the process. ISFED also conducted a parallel vote tabulation.

ENEMO noted with concern, throughout the pre-election period that reports of domestic civil society organizations on elections were targeted by both the ruling party and institutional stakeholders. Credible domestic civil society organizations improve the democracy of the country and their contribution is crucial to the strengthening of democracy.

⁷⁷ ISFED is one of the member organization of ENEMO. In line with best practice for international election observation and rules of ENEMO, the EOM of ENEMO for the 2021 Local Elections in Georgia and the Election Observation Mission of ISFED operated as separate entities.

In addition, CEC and DEC accredited 2 616 representatives from 74 National Media Outlets and 80 representatives from 20 Local Media Outlets respectively.

District Election Commissions registered CSOs planning to observe within one district or electoral subjects representatives at PEC level. As of 28 of September, 13 Local CSOs had been accredited by DEC with some 56 observers.

About ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 36 international election observation missions to 10 countries: Moldova 2021, Albania 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary Elections; Ukraine 2020, Local Elections; Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early Parliamentary Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Regular Local Elections; Ukraine 2014, Parliamentary Elections; Ukraine 2014, Presidential Elections; Ukraine 2013 – re-run of Parliamentary Elections 2012 in 5 MECs; Kosovo 2013, Local Elections, first round; Ukraine 2012, Parliamentary Elections; Kosovo 2011, Re – run of Parliamentary Elections; Kosovo 2010, Parliamentary Elections; Kyrgyzstan 2010, Parliamentary Elections; Ukraine 2010, Presidential Elections, second round; Ukraine 2010, Presidential Elections, first round; Kosovo 2009, Local Elections; Moldova 2009, Parliamentary Elections; Georgia 2008, Presidential Elections; Kyrgyzstan 2007, Parliamentary Elections; Ukraine 2007, Parliamentary Elections; Ukraine 2006, Local Elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary Elections; Kazakhstan 2005, Presidential Elections;

Albania 2005, Parliamentary Elections; Kyrgyzstan 2005, Presidential Elections; Kyrgyzstan 2005, Parliamentary Elections; Ukraine 2004, Presidential Elections, second round re-run; Ukraine 2004, Presidential Elections.

ENEMO member organizations are: Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; In Defense of Voters’ Rights ‘GOLOS’, Russia; GONG, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo- LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.