

**INTERIM REPORT**  
**18 September – 9 October 2018**

**12 October 2018**

**I. EXECUTIVE SUMMARY**

- The 28 October election will be the last direct presidential election and will mark the conclusion of the shift from a presidential to a parliamentary system initiated in 2010. Despite strong results for the ruling party in the 2016 and 2017 elections, the presidential election is taking place following a series of anti-government protests. Candidates must receive more than 50 per cent of valid votes cast to be elected in the first round.
- The Election Code was most recently amended in 2017 and 2018 to include a number of changes suggested by the Central Election Commission. While mainly technical, these amendments partially addressed some previous ODIHR recommendations but did not take into consideration recommendations on the right to stand, the regulation of the campaign and campaign finance and the election dispute resolution system.
- The election is administered by a three-tier election administration, the Central Election Commission (CEC), 73 District Election Commissions (DECs) and 3,637 Precinct Election Commissions (PECs). CEC and DEC sessions are open to observers. Recent amendments reduced the number of election commission members at all levels, leading to an increased representation of the ruling party. While criteria for the selection of non-partisan members are not elaborated in the law, the CEC issued non-binding recommendations on the selection process. Some ODIHR EOM interlocutors voiced their concern about the lack of transparency of the recruitment, alleged political affiliation of some members, and nepotism in the selection process.
- Citizens over the age of 18 years, except prisoners sentenced to more than five years imprisonment, those declared beneficiaries of support in inpatient establishments by a court decision, have the right to vote. Over 3.5 million voters are registered. The voter lists are posted in the polling stations for public scrutiny and the authorities have taken various measures to ensure greater enfranchisement.
- The CEC has registered 25 candidates, 19 of whom are nominated by political parties and 6 by voter initiative groups. There are two female candidates and no candidate represents a national minority. The ruling party decided to participate by supporting an independent candidate and the two main opposition parties each nominated their own candidate.
- The campaign, which has been rather prominent in national media and on social networks, has so far centered on controversial topics rather than substantive issues within the presidential mandate. Multiple incidents of negative campaigning have been noted. Despite efforts made to combat the misuse of administrative resources, several complaints alleging violations have been filed and are under investigation.
- A number of political parties that received support in recent elections are eligible for public campaign funding. Independent candidates are not entitled to the public funding but all candidates that receive at least ten percent of the vote can have some campaign expenditures reimbursed. The

law provides for regular reporting on campaign income and expenditures before the election; to date all but three candidates have complied with reporting requirements.

- The media environment is sharply polarized. Candidates nominated by political parties eligible for public funding have greater rights to free airtime on public broadcasters than those running independently or nominated by other parties. The broadcast media regulator has recommended to remove political advertisements negatively portraying the ruling party backed candidate and has sought sanctions against one of the largest national TV stations. The ODIHR EOM quantitative and qualitative monitoring of primetime coverage on six TV channels and four online media outlets commenced on 24 September.
- The Election Code provides for an expedited review of many electoral matters, but election commissions are given up to one month to investigate campaign violations. To date, the election commissions and the courts have received 184 complaints mainly regarding alleged violations of campaign rules or the misuse of administrative resources, and PEC appointments. Eleven complaints were fully or partially satisfied, 124 were rejected, and 49 are still pending.
- The Election Code provides for observation of the entire electoral process by citizen and international organizations, as well as representatives of election contestants. As of 9 October, the CEC had registered 56 citizen and 33 international observer organizations.

## II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs of Georgia, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 18 September. The EOM, headed by Ambassador Geert-Hinrich Ahrens, consists of a 14-member core team based in Tbilisi and 28 long-term observers deployed throughout the country from 26 September. Mission members are drawn from 20 OSCE participating States. ODIHR has requested participating States to second 350 short-term observers to observe election day procedures.

## III. BACKGROUND

On 28 October Georgia will have the last direct election of the country's president. Constitutional amendments coming into force upon the inauguration of the new president will introduce an indirect presidential election. This was a contentious decision of the parliament reached without a broad consensus.<sup>1</sup> Further, the amendments will substantially reduce the powers of president, concluding the shift from a presidential to a parliamentary system initiated in 2010.<sup>2</sup>

The 2016 parliamentary elections resulted in a constitutional majority for the ruling party, the Georgian Dream (GD), which won 115 of the 150 seats. Having obtained 27 seats, the leading parliamentary opposition, the United National Movement (UNM), underwent a party split months after the elections. Twenty-one of its members of parliament left and established the European Georgia – Movement for

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<sup>1</sup> Parties and civil society organizations did not reach a broad consensus over the amendments. In protest, the parliamentary opposition parties boycotted the vote on 26 September 2017 and the amendments were adopted on 13 October 2017 only after the parliamentary majority overrode the president's veto. The National Democratic Institute [poll](#) conducted in April 2017 indicates that 84 per cent support direct presidential elections.

<sup>2</sup> Prior to the 2013 presidential election, the President was responsible for implementing the internal and foreign policy of the state and for the composition of the government. The 2010, 2013 and 2017 constitutional amendments progressively shifted these competencies to the Prime Minister who becomes the head of government, the supreme executive body accountable to the parliament.

Liberty (EG). The 2017 local elections further consolidated the position of the ruling party, with 62 of 64 mayoral seats and a majority in 63 of 64 local councils. Shortly before this election, the Prime Minister resigned in June 2018 and a new government was appointed in July.<sup>3</sup>

Several political parties and prospective contestants, including the incumbent President, refused to participate in this election, pointing to the limited presidential mandate. The ruling party decided to participate by supporting an independent candidate, reasoning that the president should be a non-partisan figure. The fragmented parliamentary opposition, EG and UNM, each nominated their own candidate. In addition, four of the nine smaller opposition parties under the UNM led coalition “Strength is in Unity”, created in July 2018, also fielded candidates.<sup>4</sup>

The election will take place against a backdrop of social turbulences resulting from a series of street protests and marches that took place in May 2018. While some were fueled by the perception of biased justice in two cases involving the killing of minors, others were related to the alleged mishandling of arrests during an anti-drug campaign. To counter the latter demonstrations, anti-LGBT and self-declared fascist marches were organized. Allegations of corruption involving several former high-level officials have recently received wide media attention.<sup>5</sup>

#### IV. LEGAL FRAMEWORK

The presidential election is primarily regulated by the 1995 Constitution, the 2011 Election Code, the 1997 Law on Political Unions of Citizens, and decrees and ordinances of the Central Election Commission (CEC). The Election Code was last amended in 2017 and July 2018 to introduce a number of mainly technical changes.

In March 2018, the CEC submitted a significant package of suggested amendments to the Parliament to which civil society organizations provided their comments. Most of the suggested amendments were accepted by the Parliament, albeit without a broad political consensus.<sup>6</sup> The CEC proposal to simplify counting procedures, in line with ODIHR recommendations, was not supported.

The amendments prohibit the collection of voters’ personal data on election day, expand observer rights outside of the electoral period, introduce a more permanent solution for voters without an officially registered address to be included in the voters list, and prohibit the withdrawal of candidates in the event of the second round. A number of prior ODIHR recommendations remain unaddressed, including those addressing the right to stand, campaign and campaign finance regulations, electoral dispute resolution, free air time allocation rules, and regulations for potential second round contests.

The 2017 Constitutional amendments extended the term of the presidential office to six years. To be elected in the first round, a candidate must receive more than 50 per cent of the valid votes cast. Otherwise, a second round between the two candidates with the highest number of votes is held two weeks after the official announcement of results. The candidate who receives the most votes in the second round shall be deemed elected.

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<sup>3</sup> In his resignation address, the Prime Minister cited disagreements over economic and other fundamental issues with the Chairman of the ruling party as a reason for his decision.

<sup>4</sup> The following coalition members nominated one candidate each: National-Democratic Party (NDP), Movement State for People (MSP), Christian-Conservative Party of Georgia (CCPG) and Civic-Platform - New Georgia.

<sup>5</sup> On 5 October, the Ministry of Internal Affairs and the Prosecutor’s Office issued statements on the progress of investigation procedures, indicating that provided evidence is not authentic.

<sup>6</sup> The UNM boycotted and other opposition was largely absent from the votes.

## V. ELECTION ADMINISTRATION

The election is administered by three levels of election administration: the Central Election Commission (CEC); 73 District Election Commissions (DECs); and 3,637 Precinct Election Commissions (PECs).<sup>7</sup> The 2017 amendments to the Election Code changed the formula for the composition of commissions and decreased the number of commissioners at all levels to twelve, six of whom are nominated by political parties. Previously the seven political parties that received the largest amounts of state funding were entitled to nominate one commissioner each. Now political parties with parliamentary factions enjoy this right and the number of members each party can nominate is based on the number of votes received in the parliamentary elections. This resulted in an increased representation of the ruling party at all levels, i.e. three members per commission.<sup>8</sup>

For the CEC, five other non-party nominated members are nominated by the president and appointed by parliament. The CEC chairperson is also nominated by the president and then elected by the CEC members with a two thirds majority. Currently, the chairperson and two CEC members are women.

The other six DEC or PEC members are selected by the CEC or DEC respectively through an open competition among non-partisan applicants.<sup>9</sup> Despite previous ODIHR recommendations, the Election Code was not amended to set up criteria for such selection. The CEC issued a non-binding recommendation on the selection of PEC members, advising DECs to consider the previous experience and the performance of the applicants as election administration officers, as well as their participation in the election administration's educational programs, and refrain from selecting applicants with multiple disciplinary sanctions in the last two years.<sup>10</sup> In addition, the CEC recommended inviting media, observers and representatives of political parties, initiative groups, and candidates to the DECs sessions to observe the selection process.<sup>11</sup> Some ODIHR EOM interlocutors voiced their concern about the lack of transparency of the DEC and PEC recruitment, alleged political affiliation of some members, and nepotism in the selection process.

The CEC reported that all PECs were established and held opening sessions by the legal deadline. In the vast majority of PECs, DEC-appointed members were elected as chairpersons, deputies and secretaries.<sup>12</sup> According to the CEC, women constitute almost 64 per cent of DEC members and over 73 per cent in PECs; they account for 36 per cent of DEC chairpersons and almost 64 per cent of PEC chairpersons. National minorities in ethnic Armenian areas are relatively well represented in PECs and DECs, however, only in PECs in ethnic Azeri areas.<sup>13</sup>

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<sup>7</sup> An additional 59 polling stations have been established in diplomatic and consular missions abroad for out-of-country voting in 43 countries.

<sup>8</sup> The number of nominees is calculated based on the number of votes received by a party list multiplied by six and divided by the votes received by all political parties which set up factions in the Parliament of the current convocation. GD is entitled to three representatives in all commissions, UNM, EG, and Alliance of Patriots of Georgia one each. A number of civil society organizations are critical of the change in the composition.

<sup>9</sup> Five members of DEC are selected for five-year terms; the sixth member is selected for the election period after the election is called.

<sup>10</sup> According to the CEC, 84 per cent of selected PEC members have participated in elections as commissioners at least once during the last five years, over 29 per cent have participated in the election administration educational programs, and only two selected PECs members had multiple disciplinary sanctions during the last two years. According to the CEC, 29,797 applications were registered for 21,822 vacant positions.

<sup>11</sup> According to the CEC, 208 observers from 18 local organizations, 72 representatives from 7 election subjects and 5 representatives from 3 media outlets attended the sessions held at DECs.

<sup>12</sup> Chairpersons of PECs were appointed from elected members in 91 per cent, deputy chairpersons 84 per cent, secretaries almost 86 per cent.

<sup>13</sup> According to the CEC estimates, in ethnic Armenian areas, Armenians represent around 47 per cent of DEC and 68 per cent of PEC members, in ethnic Azeri areas Azeris are absent from DECs, but represent 30 per cent in PECs.

To date, the CEC and DEC's have held regular sessions open to accredited observers and media. In line with a previous ODIHR recommendation, DEC session minutes and decisions are now also made publicly available on the CEC web-site. The CEC's training center has made efforts to improve the methodology for training lower-level commissions. Trainings observed to date include practical exercises and focus on the individual competencies of commission members and leadership.

## **VI. VOTER REGISTRATION**

Citizens who are 18 years of age by election day have the right to vote, except those serving a prison term of more than five years. Citizens who are declared beneficiaries of support by a court decision have the right to vote unless they are placed in an inpatient establishment. Georgia has a passive voter registration system. The CEC is responsible for compiling voter lists based on the state register of citizens provided by the Public Service Development Agency (PSDA) and other institutions.

Temporary procedures are in place for the voter registration of persons without an officially registered address in the civil registry based on the voter's actual (temporary) address or previous registered address. Following recent amendments, the voter is automatically included in the voter list if his/her actual or previous address is on record with the PSDA. Partially addressing previous ODIHR recommendation, the voter now only has to appear at the PSDA no later than 21 days before the election if there is no address on file. In order to improve the accuracy of the voter lists, voters who have been deregistered or do not have valid IDs, passports or photos are notified by the PSDA and given the possibility to receive an ID or to take a photo for free.

Preliminary voter lists include 3,503,113 voters. Voter lists must be displayed in polling stations for public scrutiny no later than 28 September. ODIHR EOM observers noted that voter lists have been displayed in polling stations visited to date. Voters can also check their registration at DEC's, on the CEC website, and through 10,000 payment terminals around the country. Voters can request corrections of their details until 10 October. The ODIHR EOM interlocutors have not raised significant concerns about the accuracy of voter lists.

## **VII. CANDIDATE REGISTRATION**

The Constitution and the Election Code grant the right to stand in the presidential election to citizens of Georgia who are over 35 years of age, have the right to vote, do not have dual citizenship, and have resided in Georgia for at least five years in total, the last three years consecutively. Despite previous ODIHR recommendations, the residency requirements have not been lifted.

Political parties registered with the CEC for participation in the parliamentary or local elections as well as initiative groups of at least five voters are entitled to nominate one presidential candidate each. Parties and initiative groups apply to the CEC and are then required to collect signatures of at least 0.75 per cent of registered voters.<sup>14</sup> The CEC verified the list of supporters' signatures in the presence of representatives of the respective candidate. The CEC verified the personal data of voters who signed the list and rejected all entries where the data did not match. A number of ODIHR EOM interlocutors alleged that databases with personal data of voters were available for purchase and raised concerns whether the signature collection process was always genuine.

From a total of 46 political parties and initiative groups which applied to the CEC, 25 candidates were registered. Among them 19 were nominated by political parties and 6 by initiative groups. Twenty-one

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<sup>14</sup> The CEC established it to be 25,923 voters.

nominees were rejected for various reasons.<sup>15</sup> No complaints were filed on the registration process. Among registered candidates, two are women. None of the candidates represent a national minority. The candidates may withdraw until 12 October.

## VIII. CAMPAIGN

Following an amendment of the Election Code, the campaign period has been defined as starting 60 days prior to the election and commenced on 29 August 2018. As a result, there was a period between the call of the election and the start of the official campaign when regulation of campaign activities was unclear. The Election Code does not foresee a campaign silence period and campaigning on election day is not prohibited except in the media and in polling stations. In the beginning of October, the majority of presidential candidates endorsed the Principles of Conduct, a declaration of commitments facilitated by the CEC.<sup>16</sup>

During the reporting period the campaign has been rather prominent in the national media as well as on social networks, but has had low visibility in the streets, especially in the regions. The campaign has centered on controversial topics rather than substantive issues within the presidential mandate. Numerous instances of negative campaigning have been observed by ODIHR EOM, and many cases of spreading misinformation, aiming most frequently at damaging the image of the GD backed candidate, were noted by the ODIHR EOM interlocutors.<sup>17</sup> Touching on traditional societal values, the political debate attracted comments from representatives of the Georgian Orthodox Church who publicly expressed their political preferences, despite legal prohibition of involvement of religious organizations in the campaign.<sup>18</sup>

Three candidates appear amongst the most active in terms of meeting the electorate and posting campaign materials: David Bakradze (EG), Grigol Vashadze (UNM), and Salome Zourabichvili (independent, backed by GD). In the regions, a few small gatherings have been organized and most candidates informed the ODIHR EOM that they plan to intensify their efforts and the scale of their campaign in the run-up to the election. As candidates do not have equal access to state funding for the campaign, smaller ones rely on Facebook which has become a popular method of direct interaction with voters. Gender and national minority issues have not featured prominently in the campaign thus far. Several contestants organized meetings in the ethnic minority areas.

State authorities have taken efforts to increase stakeholder awareness of the ban on the use of administrative resources.<sup>19</sup> The CEC signed a Memorandum of Understanding with civil society organizations and some political parties, published a manual and conducted trainings on the matter for representatives of local self-government bodies and regional administrations.<sup>20</sup> Due to the increasing prominence of online campaigning, the signatories of the Memorandum agreed that the misuse of means of communication includes not only the official websites and social media accounts, but also

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<sup>15</sup> Nineteen initiative groups did not submit the lists of support signatures, one initiative group did not correct errors in the documents, one political party was not registered with the Ministry of Justice.

<sup>16</sup> Among others, the candidates committed to respect the rule of law and refrain from violence, hate speech, abuse of administrative resources, voter intimidation, discrimination, spreading fake news and humiliating others.

<sup>17</sup> For instance, a number of negative TV ads about the GD backed candidate and the UNM candidate were aired; satirical posters about the UNM candidate posted around the capital and on social media; and at least one fake letter on behalf of high-level public officials was circulated calling voters not to support the GD backed candidate.

<sup>18</sup> Article 45.4(g) of the Election Code.

<sup>19</sup> The misuse of administrative resources is defined as the use of state-owned premises, means of transportation or communication or state-funded events for the purpose of campaigning by a public official. Certain categories of public officials are forbidden to campaign at all times: election commissioners, judges, Auditor General, officials of the Prosecutor's Office, foreigners, charitable and religious organizations, etc.

<sup>20</sup> Trainings for 174 participants were conducted between 24 August and 5 September.

private platforms if accessed through state-owned devices or state funded internet. While several complaints on the misuse of websites and social media were filed, the law lacks requirements for prompt action in such cases.

## IX. CAMPAIGN FINANCE

The 2011 Election Code, the 1997 Law on Political Unions of Citizens and the 2008 Law on State Audit Office regulate party and campaign finance.<sup>21</sup> Party and campaign finance legislation remained largely unchanged since the last presidential election, and recent legislative amendments did not address longstanding ODIHR and GRECO recommendations to ensure a uniform legal framework.<sup>22</sup>

The law provides for both private and public funding. Parties are eligible for public funding if they received at least three per cent of the vote in the latest parliamentary or local elections or have at least one majoritarian MP who is part of a faction in parliament.<sup>23</sup> Independent candidates are not entitled to public funding. However, all candidates who pass a ten per cent threshold in the first round are entitled to have campaign expenditures reimbursed up to GEL 1,000,000 (approx. EUR 328,472).<sup>24</sup>

The annual expenses of each party, including the campaign expenditures of their candidates, or an independent candidate may not exceed 0.1 per cent of GDP for the previous year.<sup>25</sup> Any citizen or legal entity may donate up to GEL 60,000 and GEL 120,000, respectively, per year to one or more parties or candidates via bank transfers.<sup>26</sup> In-kind donations are also permitted and the legislation allows political parties to receive loans of up to one million GEL for the campaign. Donations from foreign, public-funded, religious, and anonymous sources are prohibited. The law also provides that parties may not donate to independent candidates.

The State Audit Office (SAO) is mandated to exercise party and campaign finance oversight and respond to violations. The SAO can impose sanctions for violations of campaign rules, but can only request information on the origins of the funds and property donated based on a court decision.<sup>27</sup> The SAO informed the ODIHR EOM that they verify reports by monitoring the media, conducting field visits, and reacting on issues raised by civil society organizations.<sup>28</sup>

Contestants are obliged to submit financial reports every three weeks starting from the announcement of the election and report donations within five days of receipt.<sup>29</sup> Thus far, all but three candidates complied with the reporting requirements.<sup>30</sup> The SAO published the reports on income and

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<sup>21</sup> These are further supplemented by the 2016 Decree of the Auditor General, last amended in 2018 to define the basis for evaluating in-kind donations, including volunteering, to be declared at the market price of similar goods/ services.

<sup>22</sup> A number of ODIHR EOM interlocutors, including the State Audit Office (SAO), recognized that the legal framework governing campaign finance contains gaps and inconsistencies. According to the SAO, their recommendations on improvement of the legislation were never considered by parliament.

<sup>23</sup> Out of 19 parties who qualify for public funding (qualified subjects), 16 have candidates running in this election.

<sup>24</sup> EUR 1 equals approximately 3 Georgian Lari (GEL).

<sup>25</sup> Equal to GEL 38,042,200 (approx. EUR 12,680,733).

<sup>26</sup> Equal to approximately EUR 19,708 and EUR 39,416, respectively.

<sup>27</sup> According to the SAO Report on the 2017 Local Elections, out of 135 cases sent to the court, fines were imposed in only 14 cases, and the others resulted in a warning.

<sup>28</sup> On 20 August, the SAO established a working group, which includes 15 civil society organizations to discuss potential violations of campaign finance regulations.

<sup>29</sup> Only those parties which officially nominated candidates have a legal obligation to report on the presidential election.

<sup>30</sup> The SAO interviewed ten donors on the sources of funds for their donations.

expenditures on their web-site, including in a user-friendly (Excel) format.<sup>31</sup> One complaint alleging vote-buying was filed with the SAO, which is investigating the matter.

## X. THE MEDIA

The diverse media environment is sharply polarized along political lines and business interests. Television remains the primary source of political information, with online and social media being a distant second. Although 21 national and 77 regional television stations operate in the country, the commercial media market is dominated by two TV stations – *Rustavi 2* and *Imedi*. The ODIHR EOM interlocutors stress the unsustainable and fragile state of the media environment, in particular due to the shrinking advertisement market, and an ongoing *Rustavi 2* ownership dispute, as well as an ongoing investigation into the *Palitra* media holding and the potential tax repossession of *Omega* group property, the latter of which could affect *TV Iberia*.

The Electoral Code requires the media to provide fair and impartial coverage of the campaign. Free time on public and private broadcast media outlets is allocated to the candidates nominated by the political parties which qualify for public funding. The candidates entitled to the free time receive a combined total of at least 5 minutes per hour on public and at least 7.5 minutes per 3 hours of broadcast on private national media.<sup>32</sup> Regional public broadcasters are obliged to allocate free time only if they also sell air time for paid political advertisement.<sup>33</sup> Other candidates are also entitled to free time on public media but the amount is not specified in the law. The Georgian Public Broadcaster (GPB) decided to provide 10 minutes to each candidate in the form of an interview within its main newscast. GPB is also planning three general debates and reserving nine 60-minute prime time slots for smaller scale discussions between two or three candidates.

All sixteen contestants entitled to the free time have been using it to date. The four candidates nominated by UNM coalition partners used their free time to express support for the UNM candidate and criticized the GD chairperson as well as the GD backed candidate Salome Zourabichvili. The GD coalition partner, Industry Will Save Georgia, within their free airtime promoted her and criticized the UNM candidate. On 25 September, the Georgian National Communications Commission (GNCC), a broadcast media regulator, requested that broadcasters remove three negative advertisements targeting the GD backed candidate, which, in their opinion, were at odds with the Law on Broadcasting.<sup>34</sup> Although the GNCC later clarified that the request had no legal power, the majority of the broadcasters chose to comply.

Paid advertisements are allowed on any broadcaster provided that the prices are published in advance and are equal for all contestants. The broadcasters are also obliged to inform the GNCC on a weekly basis about the advertisements sold. Based on a GNCC request, the Tbilisi City Court fined *Rustavi 2*

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<sup>31</sup> The total amount of donations received by election subjects so far is some GEL 2,497,945. Some 1,619,304 was donated to Salome Zurabishvili, some GEL 392, 384 to UNM, and some GEL 432,515 to EG. According to the reports, Salome Zourabishvili spent some GEL 1,920,516, EG/ David Bakradze spent some GEL 721,927, UNM /Grigol Vashadze 751,176 and Industry saves Georgia GEL 185,697. All other candidates collectively spent some GEL 1,0908,20. Four candidates reported no expenditures for the given period.

<sup>32</sup> *Rustavi 2* has decided for the first time to increase the amount of free time provided to the qualified party nominated candidates to 10-14 minutes. Such decision was criticized by the broadcast media regulator, for potentially damaging paid advertisement revenue of regional broadcasters.

<sup>33</sup> A total of 22 regional broadcasters are allocating free air time to contestants.

<sup>34</sup> GNCC letter opined that the advertisement labelling the GD backed independent candidate a ‘traitor’ is unethical, and the advertisement containing footage of a swearing candidate is obscene. Another advertisement, which featured a talk-show’s host posing a question to the candidate, was perceived to be breaching the rule that prohibits the participation of political talk-show hosts in campaign advertisements.



GEL 1,500 for airing political advertisements of the EG candidate on 15-16 August without providing the required documentation to the GNCC. *Rustavi 2* is appealing this decision.<sup>35</sup>

On 24 September, the ODIHR EOM commenced its quantitative and qualitative monitoring of the campaign coverage, including six TV stations,<sup>36</sup> and is following the political coverage by three online media outlets.<sup>37</sup>

## XI. COMPLAINTS AND APPEALS

While registered contestants as well as accredited observer organizations can appeal in most cases, complaints by voters are limited to their non-inclusion in the voter's list. Decisions of an election commission can be appealed to the respective higher-level commission and then to the district/city court with the Court of Appeals as the final instance.<sup>38</sup> These cases are subject to expedited procedures that envisage one or two days for filing an appeal and adjudicating the matter. Recent legislative amendments did not address longstanding ODIHR recommendations to simplify the electoral dispute resolution system and broaden the rules on legal standing.

Violations of campaign regulations are handled under general administrative procedures. These cases are reviewed solely by the CEC or DEC chairperson or their deputies. The commissions have one month from the submission of a complaint to investigate the matter and take a decision on submitting an administrative protocol to a city or district court requesting sanctions.<sup>39</sup> The courts have up to fifteen days to adjudicate. Appeals can be made to the Court of Appeals whose decisions are final.<sup>40</sup>

The CEC maintains an online publicly accessible register of complaints filed with commissions or courts. To date, 184 complaints were submitted to different levels of the election administration, two cases were appealed to the court. Most complaints were related to violations of campaign rules and the misuse of administrative resources, procedural violations in PECs and DEC, and the legality of the appointment of PEC members. Of these complaints, only four were decided in favour of the complainant and seven were partially satisfied, some 49 are still pending.<sup>41</sup> Individual responses by the CEC or DEC Chairperson were given in 68 cases. The remaining complaints were rejected either on technical grounds or due to lack of evidence. No complaints were considered by the CEC in session.

As required by law, the Interagency Commission for Free and Fair Elections (IACFFE) was established in June, and mandated to “ensure that public officials prevent and respond” to election violations.<sup>42</sup> The IACFFE reviewed 17 complaints and issued two non-binding recommendations to public officials and local self-government bodies aimed at preventing the abuse of state resources, including through social

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<sup>35</sup> *Rustavi 2* argues that the misdemeanor procedures were initiated before the legal deadline for the submission of such documentation and before David Bakradze was officially registered as a candidate.

<sup>36</sup> TV: GPB 1 (public), *Adjara TV* (public), *Rustavi 2*, *Imedi*, *Pirvelli* and *Iberia*.

<sup>37</sup> [Interpressnews](#), [Netgazeti](#) and [On.ge](#).

<sup>38</sup> DEC decisions rejecting changes in the voter lists or observer organization registration can be directly appealed to the court.

<sup>39</sup> Decisions of the CEC chairperson to deny a request for application of such sanctions cannot be appealed.

<sup>40</sup> Filing fees are a minimum of GEL 100 (some EUR 33) for first instance and GEL 150 (some EUR 50) for appeals.

<sup>41</sup> Complaints satisfied by the DEC, referred to minor procedural violations in the PECs.

<sup>42</sup> The IACFFE is composed of high-level officials, and all political parties and observers are entitled to be present and participate in the sessions. Two civil society groups, International Society for Fair Elections and Democracy (ISFED) and Georgian Young Lawyers Association (GYLA), decided to discontinue attending the sittings of the Commission stating that it fails to adequately address the pre-election violations and subjects their organizations to continuous criticism. One presidential candidate has also chosen to leave the forum.

media.<sup>43</sup> A number of ODIHR EOM interlocutors have raised concerns on the impartiality of the IACFFE and lack of effectiveness of its performance. The Prosecutor's Office opened five election-related cases to date.<sup>44</sup>

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

The Election Code provides for citizen and international observation of the entire electoral process. These observers are accredited by the CEC. DEC's accredit citizen observers for the respective electoral district. For the first time, citizen observer organizations may appoint individual observers through an online electronic registration system. To date, the CEC has accredited 56 citizen and 33 international observer organizations, Twenty seven media outlets were granted accreditation for 923 journalists. Observer organizations are now allowed to check the voter list in between election periods and up until 18 days before election day, which partially addressed previous ODIHR recommendation to expand observer rights. Many ODIHR EOM interlocutors have raised concerns about civil society organizations representing political interests.

## **XIII. ODIHR EOM ACTIVITIES**

The ODIHR EOM commenced its work on 18 September. The Head of the ODIHR EOM met with the Deputy Minister of Foreign Affairs, the CEC Chairperson, the Chairman of Parliament, the Minister of Justice, the General Prosecutor, the Heads of the SAO and the GNCC and other high-level state officials, candidates and party leaders, and representatives of OSCE participating States. The ODIHR EOM has also established contacts with civil society, representatives of the media, and other electoral stakeholders.

The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), the European Parliament and the NATO Parliamentary Assembly (NATO PA) intend to deploy delegations for election day observation. Mr. Kristian Vigenin has been appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Election day observation will be the result of a common endeavor involving ODIHR and delegations from the OSCE PA, PACE, the European Parliament and NATO PA.

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

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<sup>43</sup> The majority of cases related to abuse of administrative resources, including officials posting in social media, campaign violations, incidents of violence, unbalanced media coverage, and falsified signatures. Some of the discussed topics were beyond IACFFE's mandate.

<sup>44</sup> Four cases referred to violent incidents, and one to forged signatures in two parties' lists of supporting signatures.