



# MISUSE OF ADMINISTRATIVE RESOURCES DURING GEORGIA'S 2021 MUNICIPAL ELECTIONS

(INTERIM REPORT)

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# I. KEY FINDINGS

Transparency International Georgia's (TI Georgia) observation of the Municipal Elections from June 1 to September 25, 2021, showed that the misuse of administrative resources during electoral processes remains a problem for Georgia. Ineffective investigation of alleged cases of intimidation and dismissal of the employees of budgetary organizations on political grounds, harassment of opposition party candidates as well as the politicisation of public institutions and a large-scale mobilisation of public sector employees for election campaign purposes by the ruling party, the use of budget programmes for parochial party interests and other flawed trends are the key challenges to a fair election environment:

## **Misuse of enforcement administrative resources during electoral processes**

- Starting from June 2021, there were regular reports about allegedly politically motivated dismissals from budgetary organisations and/or pressure on the supporters of For Georgia, a political party established by the former Georgian Prime Minister Giorgi Gakharia. In August and September, TI Georgia studied a number of such cases; in 17 of them, certain indicators of political harassment were identified;
- Since the beginning of September, once the deadline of registering electoral subjects had passed, many opposition political parties talked about the alleged cases of pressure exerted by the State Security Service and other agencies on those in their party lists and candidates in single-mandate districts. The main goal of such pressure, in their opinion, was to decrease competition for the ruling party. The party For Georgia was notable for a particularly high number of such reports: according to its representatives, 22 instances of this kind occurred in Aspindza, Akhalkalaki, Akhmeta, Akhaltsikhe, Marneuli, Kazbegi, Khelvachauri, Tetrtskaro, Tsalenjikha, Tkibuli, Ninotsminda, Adigeni, Kaspi and Tskaltubo. Representatives of the parties Girchi – More Freedom, the United National Movement (UNM), and Third Force – Strategy Aghmashenebeli also talked about similar cases. According to them, however, those whose registration had been withdrawn were afraid to talk about and confirm these cases. Correspondingly, it was impossible to establish their exact number. Only two candidates of the party For Georgia in Adjara and one candidate of Third Force – Strategy Aghmashenebeli in Samtredia publicly talked about the pressure they were subjected to, although, according to the Ministry of Internal Affairs, these persons during questioning denied that the pressure had occurred;
- In the second half of September, two violent incidents were recorded in Dmanisi and Rustavi during which supporters of the UNM were injured and otherwise harmed. In Dmanisi, the police promptly detained the perpetrator of the violence, while in Rustavi, the investigation is underway;
- In August, there were reports that the government representative in the Samtskhe-Javakheti region and the regional heads of the State Security Service and the Investigation Service of the Ministry of Finance allegedly tasked local businesspeople to make financial contributions to the ruling party. When the reports were checked,

it turned out that, in the period between 2 and 16 August, 87 individuals and five companies from Samtskhe-Javakheti made donations to the ruling party amounting to the total of GEL 714,000. This amount of donations made from this single geographic area over such a short period is quite unusual and may be considered to be indirect evidence backing the aforementioned reports. Furthermore, on 4 September, TV Pirveli aired a story in which some of the persons, who had made the donations, effectively confirmed in conversation with journalists that the meetings and circumstances mentioned above had indeed occurred;

- Neither the Ministry of Internal Affairs (MIA) nor the General Prosecutor's Office disseminated comprehensive information about the measures implemented by the investigative bodies concerning alleged criminal acts related to elections, including launched investigations. Parties involved in elections could only receive individual pieces of information at the sessions of the Interagency Commission for Free and Fair Elections (ICFFE) formed under the Ministry of Justice;
- In June and July, the process of selection of the chairperson and two new professional members of the Central Election Commission (CEC) was underway. All stages of the selection unfolded in such a way that the ruling party was able to approve by a simple parliamentary majority - without the opposition's support - the candidates that it considered desirable.

### **Misuse of legislative administrative resources during electoral processes**

- On 28 June 2021, the Parliament of Georgia adopted the amendments to the Election Code with the goal of improving the election legislation. The working process lasted several months, and the final version of the document reflected, among others, the provisions envisaged by the agreement signed by political parties on 19 April 2021. Along with positive changes, several negative provisions were included in the law, diminishing the significance of the reform and adapting it to the interests of the ruling party. Specifically, the transitional regulation envisaged for the process of selection of the CEC chair and professional members reduced the periods between parliamentary votes, thus allowing the ruling party to approve the desired candidates without agreeing on them with the opposition. Several other transitional regulations unfairly deprived two opposition parties of the right to appoint members to election commissions;
- Amendments were also made to the Law on Political Associations of Citizens, according to which the Labour Party of Georgia, which gave up its parliamentary mandate, has lost its right to receive state funding. It is noteworthy that the Venice Commission and the OSCE/ODIHR have assessed negatively all of the amendments listed above.

### **Misuse of institutional administrative resources during electoral processes**

- Public sector employees actively attended the campaign meetings of the ruling party. This is noteworthy due to the following circumstance: public sector employees are, in one way or another, professionally subordinated to political officials, correspondingly, there is a high risk that they may be participating in the election campaign against their will. This may be a violation of the Election Code provision which "prohibits

involving a professionally subordinated or otherwise dependent person into activities which facilitate nomination and/or election of a candidate". Even if it is not a direct violation of the law, such concentration of public servants in a campaign encourages, at the very least, extreme politicisation of the public service, which is unacceptable;

- Alleged instances of organising campaign meetings with employees of some of the budgetary organisations based on where they work were identified, which, according to the new legislative amendments, is a violation of the law. TI Georgia filed complaints with relevant district election commissions concerning five such instances, although none of them was upheld.

### **Misuse of financial administrative resources during electoral processes**

- For 60 days prior to the election and including the Election Day, the Election Code of Georgia prohibits the implementation of projects/programmes which had not been envisaged by the Georgian state, autonomous republic or municipal budget; it also prohibits increasing social welfare payments (pension, social assistance, support and others) in this period. During the reporting period, no change was recorded in the central or local budgets which would violate this provision of the Election Code;
- During the reporting period, TI Georgia identified 10 state programmes / initiatives which may be deemed to be electorally-motivated expenses.

## II. INTRODUCTION

On October 2, 2021, elections of municipal bodies of Georgia will be held, through which mayors and members of Municipal Assemblies will be elected in 64 municipalities. 42 political parties (including the ruling party Georgian Dream – Democratic Georgia) and 72 initiative groups have registered to run in the elections.

As a rule, the misuse of administrative (state) resources can be one of the most significant factors influencing the electoral process. This influence can be so strong that it may even effectively determine election results. This is a resource which belongs to each citizen of a country regardless of their political preferences. Therefore, using this resource for parochial party interests is impermissible and very close attention should be paid to restricting such instances.

Transparency International Georgia (TI Georgia) has been studying this issue for many years. This document is an interim report assessing the misuse of administrative resources during the 2021 Municipal Elections.

According to the Georgian legislation, municipal elections must be held on the first Saturday of October of a corresponding year, while the official pre-election period covers 60 days prior to Election Day. Correspondingly, the President of Georgia on 2 August issued Decree N02/08/01<sup>1</sup> on holding the elections on 2 October, giving an official start to the campaign period and setting in motion the provisions of the Election Code of Georgia, which regulate the issues of campaigning and using administrative resources. However, since state resources can be misused prior to the launch of the official election campaign with the aim to influence elections, the reporting period of this study covers the period between 1 June and 25 September 2021, and also describes several cases which had taken place even earlier than that.

During this period, the organisation recorded all of the cases that could involve misuse of administrative resources during electoral processes or actions with similar consequences. These instances were studied and verified by the organisation's lawyers and nine long-term regional observers. The lawyers checked the compliance of relevant cases with the Georgian election legislation and international standards.

The essence and types of misuse of administrative resources during electoral processes are defined at the beginning of the report. The following four chapters discuss general trends and specific cases related to alleged misuse of administrative resources with the goal of influencing the 2021 Municipal Elections. The final chapter summarises the organisation's recommendations. The final report will be published after the elections.

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1 Decree N02/08/01 of the President of Georgia of 2 August 2021; available at <https://cutt.ly/QE1zk7V>

### III. WHAT IS THE MISUSE OF ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES?

There is no commonly accepted definition of an administrative resource and its misuse for electoral purposes either in Georgian or in international law. However, a wide range of international documents related to the given issue attempt to establish a common approach to the above-mentioned phenomena. Based on the analysis of these documents and opinions expressed by scientists, TI Georgia identifies the following types of administrative resources<sup>2</sup>:

**Table 1.** Types of Administrative Resources and Examples of their Misuse during Electoral Processes

Type of administrative resource	Examples of misuse
Enforcement	<i>Selective use of state enforcement, including coercive powers against political opponents, their supporters and voters. For instance, politically motivated detention of individuals, intimidation, assault, threatening, discharge or other forms of coercion.</i>
Legislative	<i>Use of legislative, executive and judicial branches in favor of/ against the electoral interests of a certain political party or candidate. For instance, the adoption of a law, which puts a certain party at an advantage.</i>
Institutional	<i>Use of human and non-monetary resources of state agencies, as well as the use of media and communication outlets funded or owned by the state to facilitate or hinder election campaign of a certain political party or a certain candidate.</i>
Financial	<i>Use of budgetary resources of the central or local government agencies to facilitate the election campaign of certain political party or candidate</i>

The Georgian legislation provides a narrow definition for the misuse of administrative resources during electoral processes, frequently leaving a number of issues beyond regulation. In particular, an administrative body may carry out a series of activities that,

<sup>2</sup> Abuse of state resources: a brief introduction to what it is, how to regulate against it and how to implement such resources, Magnus Ohman, IFES, July 2021: [https://www.ifes.org/sites/default/files/georgia\\_abuse\\_of\\_state\\_resources\\_july\\_2011\\_0.pdf](https://www.ifes.org/sites/default/files/georgia_abuse_of_state_resources_july_2011_0.pdf)

although in compliance with the law, might provide goods to the society in a way to bear a significant impact on voters' behavior. In such cases, it is difficult to draw a line between the state and a political party that represents a requirement under the 1990 Organization for Security and Cooperation in Europe (OSCE) Copenhagen Conference Document<sup>3</sup>.

Hence, when referring to the misuse of administrative resources during the electoral processes, we mean not only violation of the Georgian legislation, but also acts against the spirit of the Copenhagen Document and universally accepted electoral principles.

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3 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE:  
<http://www.osce.org/odihr/elections/14304>

## IV. MISUSE OF ENFORCEMENT ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

During the reporting period, several important trends were identified with regard to the misuse of enforcement administrative resources. Since June 2021, there were regular reports about allegedly politically motivated dismissals from budgetary organisations and/or pressure on the supporters of For Georgia, a political party established by the former Georgian Prime Minister Giorgi Gakharia. Gakharia, who resigned in February 2021, held a presentation of the party in late May; in late June, it was officially registered as a political association. Many incumbent or newly resigned public officials and employees of budgetary organisations joined the former prime minister's political team. In August and September, TI Georgia studied a number of such cases and identified certain signs of harassment on political grounds in 17 of them.

Since the beginning of September, once the deadline of registering electoral subjects had passed, many opposition political parties talked about the alleged cases of pressure exerted by the State Security Service (SSS) and other agencies on those in their party lists and candidates in single-mandate districts. The main goal of such pressure, in their opinion, was to decrease competition for the ruling party. Most of the candidates whose registration had been withdrawn avoided talking about it, although several of them confirmed that they had been subjected to pressure.

In the second half of September, two violent incidents were recorded in Dmanisi and Rustavi during which supporters of the United National Movement (UNM) were injured. In Dmanisi, the police promptly detained the perpetrator of the violence; in Rustavi, the investigation is underway.

In August, there were reports that the government representative in the Samtskhe-Javakheti region and the regional heads of the State Security Service and the Investigation Service of the Ministry of Finance allegedly tasked local businesspeople to make financial contributions to the ruling party. When the reports were checked, it turned out that, in the period between 2 and 16 August, 87 individuals and five companies from Samtskhe-Javakheti made donations to the ruling party amounting to the total of GEL 714,000. This amount of donations made from a single geographic area over such a short period is quite unusual and may be considered to be indirect evidence backing the aforementioned reports. Furthermore, on 4 September, TV Pirveli aired a story in which some of the persons who had made the donations effectively confirmed in conversation with journalists that the meetings and circumstances mentioned above had indeed occurred.

Neither the Ministry of Internal Affairs (MIA) nor the General Prosecutor's Office disseminated comprehensive information about the measures implemented by the investigative bodies concerning alleged criminal acts related to elections, including launched investigations. Parties involved in elections could only receive individual pieces of information at the sessions of the Interagency Commission for Free and Fair Elections

(ICFFE)<sup>4</sup> formed under the Ministry of Justice. Specifically, various public institutions reported the measures they implemented in response to potential violations related to elections to the ICFFE.

In June and July, the process of selection of the chairpersons and two new professional members of the Central Election Commission (CEC) was underway. All stages of the selection unfolded in such a way that the ruling party was able to approve by a simple parliamentary majority – without the opposition’s support – the candidates that it considered desirable.

Further information about the trends and other specific cases described above is provided in the corresponding chapters of this report.

## 1. ALLEGED VIOLENCE, INTIMIDATION, PRESSURE, DISMISSALS ON POLITICAL GROUNDS AND LAW ENFORCEMENT BODIES’ RESPONSE

### 1.1. PHYSICAL VIOLENCE

On 21 September, in the village of Gantiadi in **Dmanisi** Municipality, Giorgi Tatuashvili, the mayoral candidate nominated by the UNM and incumbent mayor of Dmanisi, was conducting a campaign meeting during which, according to him, members of the local campaign headquarters of Georgian Dream – Democratic Georgia attacked the meeting participants. Two activists of the opposition party received injuries<sup>5</sup> caused by melee weapons. The police detained Davit Dautashvili, son of one of the single-mandate district candidates from the ruling party, over injuries inflicted on a person using melee weapons.<sup>6</sup> The investigation has been launched under Article 117 and sub-paragraph “b” of Part 1<sup>1</sup> of Article 126 of the Criminal Code of Georgia over intentional serious damage to health and engagement in group violence, which are punishable by three to six years of imprisonment.

On 20 September, in **Rustavi**, UNM supporter Ivane Gvelesiani was physically assaulted. His nose was broken, and he received a concussion.<sup>7</sup> According to Gvelesiani, prior to the incident, he had been asked to cease his political activities (he did not disclose who had asked him to do so), threatening him with physical violence if he did not comply. The MIA launched an investigation under Article 126 of the Criminal Code – beating.

### 1.2. DISMISSALS OR REQUESTS TO RESIGN FROM JOBS

In the second half of September, **Gori State Theatre** Director Givi Tsverava’s four-year term in office expired. The artistic director of the theatre presented the candidacy of the incumbent director for this position to the *Ministry of Culture, Sport and Youth Affairs*

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4 <https://justice.gov.ge/Ministry/Index/1614>

5 “Two Opposition Candidates Injured at Mayoral Candidate’s Campaign Meeting in Dmanisi”, palitraneews.ge, 21.09.2021, <https://bit.ly/3AAHEvB>

6 “Son of ‘Georgian Dream’ Single-Mandate District Candidate Detained Over Injuring UNM Supporters in Dmanisi”, mtavari.tv, 22.09.2021, <https://bit.ly/3u0AK08>

7 “Assaulted Citizen Links Attack to Political Motives”, Radio Liberty, 21.09.2021: <https://www.radiotavisupleba.ge/a/31470862.html>

(the director is nominated by the theatre and appointed by the minister of culture, sport and youth affairs). On 3 September, Gori Theatre received a letter from Ioseb Baghaturia, Deputy Minister of Culture, Sport and Youth Affairs, who recommended to the theatre's artistic director to refrain from nominating Givi Tsverava's candidacy for the director's post<sup>8</sup> due to the lack of administrative-organisational and financial development of the theatre. Tsverava linked this decision to his participation in the elections to Gori Municipality Assembly<sup>9</sup> since he is in the list of the For Georgia party.

On 2 September, according to Vladimer Chavleishvili, member of **Ozurgeti** Municipality Assembly from the Georgian Dream – Democratic Georgia party, and Roman Vanadze, aide to the mayor's representative in Mtispiri administrative entity,<sup>10</sup> Ozurgeti Municipality Mayor Konstantine Sharashenidze threatened and physically assaulted them. Sharashenidze is an independent mayoral candidate in the Municipal Elections. According to Chavleishvili and Vanadze, Sharashenidze asked for their support in the elections. An investigation into this incident has been launched by the Ozurgeti Branch of the MIA.

On 23 August, Badri Mamulia, director of N(N)LE<sup>11</sup> Public Services Centre of **Senaki** Municipality, unilaterally terminated the employment contract with Bakar Sitchinava, lead specialist of the centre's monitoring department. According to Sitchinava, prior to his dismissal, Mamulia asked him to submit a letter of resignation because he was a brother of Berdia Sitchinava, executive secretary of the For Georgia party. Redundancy was identified as the legal basis for the dismissal in the order.

On 23 August, the employment contract of Kesaria Tsulaia, who worked at **Zugdidi's** N(N)LE Student and Youth Palace, was terminated by its Director Davit Shamatava. According to Tsulaia, prior to her dismissal, the head of the N(N)LE asked her to stop her activity on Facebook in support of the For Georgia party. It is noteworthy that the N(N)LE's employees are prohibited from engaging in social media campaigning during working hours, but the dismissal order states the impossibility to perform the role due to the pandemic as the grounds for contract termination. Tsulaia identifies her help to the Zugdidi office of the For Georgia party as the real reason.

On 17 August, Davit Iosebashvili, acting chairperson of LEPL<sup>12</sup> *Agency of Protected Areas*, dismissed Teimuraz Gvritishvili, a specialist of the agency-subordinated **Pshav-Khevsureti National Park**, on the basis of the report by the Inspection Service. According to Gvritishvili, prior to his dismissal, the director warned him several times that he had to stop his activities on Facebook in support of Gakharia and his teammate Kote Ananiashvili.

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8 Letter sent by Ioseb Baghaturia, deputy minister of culture, sport and youth affairs, to Davit Chkhartishvili, artistic director of LEPL Giorgi Eristavi Professional State Theatre, on 3 September 2021, <https://bit.ly/3nRP9eb>

9 Givi Tsverava's Facebook post from 8 September, <https://www.facebook.com/gia.tsverava/posts/1767587653424987>

10 "Municipal Assembly's 'Georgian Dream' Member Accuses Ozurgeti Mayor of Violence", imedinews.ge, 2.09.2021, <https://bit.ly/3EynODL>

11 Non-Entrepreneurial (Non-Commercial) Legal Entity

12 Legal Entity of Public Law

On 11 June, Prime Minister Irakli Gharibashvili dismissed LEPL *Sakpatenti* Chairperson **Mindia Davitadze**.<sup>13</sup> According to Davitadze, the reason for his dismissal was the fact that he was appointed by former Prime Minister Giorgi Gakharia now in opposition. Currently, Davitadze is one of the leaders of the For Georgia party. TI Georgia is defending Mindia Davitadze's labour rights in court since the organisation considers the order on his dismissal groundless.

On 25 May, Gia Abuladze, an employee of **Batumi** City Assembly, was dismissed from his job after sharing a Facebook post supporting Giorgi Gakharia. According to Abuladze, the chairperson of the City Assembly first asked him to delete the shared post but, after Abuladze refused to comply, he dismissed him on the basis of an unsubstantiated order. Abuladze filed a lawsuit to appeal the order. TI Georgia is defending his interests in court.

On 19 May, Vanger Mkheidze, acting director of N(N)LE **Poti** City Municipality Amelioration, dismissed Khvicha Dolbaia, lead specialist of the same organisation, from his job with an unsubstantiated order. According to Dolbaia, the reason for his dismissal was the fact that he was related to the former deputy mayor of Poti, Konstantine Topuria (also dismissed), who is on Giorgi Gakharia's team. Dolbaia filed a lawsuit to appeal the dismissal order.

On 13 May, **Dusheti** Municipality Mayor Zurab Sekhniashvili dismissed Giorgi Mezvishvili, director of N(N)LE Administration of Aragvi Protected Landscape in Dusheti Municipality, from his post. According to Mezvishvili, prior to his dismissal, the Mayor asked him to ask his resignation because the person who recommended him, Shalva Kereselidze (an MP who joined the For Georgia party) was no longer a member of the [ruling] team and, correspondingly, Mezvishvili, too, had to resign. After he refused to submit his resignation, Mezvishvili was dismissed from his post on the basis of the mayor's order. Mezvishvili went to court to appeal the dismissal order. According to the municipality's position with regard to the lawfulness of the dismissal, the Mayor did not have an obligation to substantiate Mezvishvili's dismissal.<sup>14</sup>

On 13 May, **Dusheti** Municipality Mayor Zurab Sekhniashvili dismissed, without offering any substantiation, Tornike Tatarashvili, representative of the mayor in the administrative entity of Kvesheti. According to Tatarashvili, the reason for his dismissal was his support of Giorgi Gakharia on Facebook. The municipality's position in this regard is that Tatarashvili was employed on the basis of an administrative contract and his dismissal, therefore, does not require substantiation.<sup>15</sup>

On 9 June, Grigol Dagargulia was dismissed without any substantiation from the post of deputy head of the department of relations with local self-government bodies at the administration of the government representative in the region of **Samegrelo-Zemo**

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13 "Gharibashvili Dismisses Sakpatenti Chairperson Mindia Davitadze", [formulanews.ge](https://formulanews.ge), 11.06.2021, <https://formulanews.ge/News/51839>

14 Aleksandre Darakhvelidze, deputy minister of internal affairs, informed the Interagency Commission for Free and Fair Elections (ICFFE) about 12 such cases, see Meeting Protocol No 6, p. 7, <https://bit.ly/3AyQyJW>

15 Ibidem.

**Svaneti.** Dagargulia himself links his dismissal to political motives because he was associated with one of the members of the For Georgia party, Aleksandre Motserelia. TI Georgia defended his interests in court. When filing the lawsuit, the organisation requested the court to issue a provisional remedy. The request was satisfied and it was prohibited to appoint anyone else to the post of the dismissed person. Later on, prior to the completion of the lawsuit, the administration of the government representative in the region of Samegrelo-Zemo Svaneti restored Dagargulia in his post.

In the period between 11 May and 3 August, a total of seven cases were recorded in **Batumi, Tbilisi, Senaki, Poti** and **Gori** when people working for various public institutions, including the MIA, submitted their resignations. According to them, they resigned because they had been pressured to do so because they expressed their support of Giorgi Gakharia or had various kinds of connections (kinship, friendship) with members of Gakharia's team.

### **1.3. ALLEGED PRESSURE WITH THE AIM OF RECEIVING DONATIONS**

On 22 August, Mtavari Arkhi TV aired a story,<sup>16</sup> according to which a source provided the TV channel with information that the government representative in the Samtskhe-Javakheti region and the regional heads of the SSS and the Investigation Service of the Ministry of Finance allegedly tasked local businesspeople to make financial donations to the ruling party.

According to the story, businesspeople were summoned to the building of the government representative's office where the three aforementioned high-ranking officials tasked them to donate a certain share of their annual turnover to Georgian Dream – Democratic Georgia, threatening to put their businesses in danger if they fail to comply.

According to the State Audit Office website, where information about the donations received by parties is uploaded, in the period between 2 and 16 August, the ruling party received donations from 87 individuals<sup>17</sup> and five companies<sup>18</sup> from Samtskhe-Javakheti made donations to the ruling party amounting to the total of GEL 714,000. This amount of donations made from this single geographic area over such a short period is quite unusual and may be considered to be indirect evidence backing the story recounted by Mtavari Arkhi. Furthermore, on 4 September, TV Pirveli aired a story<sup>19</sup> in which some of the persons, who had made the donations, effectively confirmed in conversation with journalists that the meetings and circumstances mentioned above had indeed occurred.

The State Audit Office launched a probe into these cases within the scope of its competence. Whether the investigation bodies have launched such probes, is unknown.

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16 “Business Shaken Down | ‘Georgian Dream’ Received Over GEL 700,000 in Past Two Weeks”, mtavari.tv, 22.08.2021, <https://mtavari.tv/news/54172-dareketebuli-biznesi-otsnebam-bolo-or-kvirashi>

17 See list of individuals who made donations: <https://bit.ly/3IPtMaA>

18 See list of companies which made donations: <https://bit.ly/3AxkWEz>

19 “Nodar Meladze’s Saturday” programme on TV Pirveli, 04.09.2021: <https://www.youtube.com/watch?v=Z9IHmPShOxs>

## 1.4. INTIMIDATION OF REGISTERED CANDIDATES

The deadline for nominating party lists and single-mandate district candidates by parties to run in the elections of Municipal Assemblies was 2 September – at least 30 days prior to the elections. After parties registered their candidates, there were regular reports about the withdrawal of various opposition party candidates. The pressure put on them was named as the reason. Several days after being registered, the candidates addressed corresponding election commissions to withdraw their candidacy and then stopped communicating with their party. As a rule, they refrained from talking publicly about the intimidation but, given the fact that they changed their decisions within a short period as well as the potential gain for the ruling party as a result of a decreased number of competitors, it is reasonable to suspect that their decisions may have been made as a result of pressure. This suspicion is not dispelled by the fact that several of them were summoned by the MIA for questioning and they said that had voluntarily withdrawn their candidacies.<sup>20</sup>

The number of candidacy withdrawals on the basis of personal requests was particularly striking in the case of the For Georgia party: 22 such cases occurred in **Aspindza, Akhalkalaki, Akhmeta, Akhaltsikhe, Marneuli, Kazbegi, Khelvachauri, Tetrtskaro, Tsalenjikha, Tkibuli, Ninotsminda, Adigeni, Kaspi** and **Tskaltubo**. Representatives of the parties Girchi – More Freedom,<sup>21</sup> the UNM and Third Force – Strategy Aghmashenebeli also talked about similar cases.<sup>22</sup> There were several cases when candidates publicly stated that they had been subjected to intimidation. On 10 September, at the briefing held by the For Georgia party,<sup>23</sup> Akaki Bezhanidze, #10 in the party list running for the seat in **Keda** Municipality Assembly, said that an unknown person called him from an unidentified telephone number and told him to withdraw his candidacy, threatening his life if he failed to comply. At the same briefing, Dali Takidze, #6 in the party list running for the seat in **Shuakhevi** Municipality Assembly, said that incumbent Shuakhevi Mayor Pridon Putkaradze’s representative, who is also his relative, contacted her, demanding to withdraw her candidacy. According to Takidze, after she had refused, her husband received a threat (that his car would be set on fire). Despite the fact that Takidze confirmed this in conversation with TI Georgia, according to the report delivered by a representative of the MIA at the 15 September session of the IACFFE, during the questioning, Takidze did not disclose the identity of Putkaradze’s representative and other details. She also denied that threats had been made.

On 19 September, Nika Sakandelidze, single-mandate district candidate of the electoral subject Third Force – Strategy Aghmashenebeli in one of the districts of Samtredia, said at a briefing<sup>24</sup> that, on 18 September, he was illegally kept in custody for eight

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20 Aleksandre Darakhvelidze, deputy minister of internal affairs, informed the Interagency Commission for Free and Fair Elections (ICFFE) about 12 such cases, see Meeting Protocol No 6, pp. 4-5, <https://bit.ly/3AyQyJW>

21 See public statement by the party chairperson, <https://bit.ly/2ZbxgMY>

22 “Intimidation, Blackmail, and Death Threats Against Opposition in Ninotsminda and Akhalkalaki”, mtavari.tv, 22.09.2021, <https://bit.ly/39orfyu>

23 Briefing of the party “For Georgia” in Batumi on 10 September, <https://bit.ly/39uimDn>

24 “Vashadze: In Samtredia, Our Candidate Was Locked Up for Eight Ours and Intimidated”, formulanews.ge, 19.09.2021, <https://formulanews.ge/News/56856>

hours, during which he was being intimidated into withdrawing his candidacy. As a result of the threat, Sakandelidze annulled his registration. At the 22 September session of the IACFFE, a Deputy Minister of Internal Affairs informed the IACFFE that, on 21 September, Sakandelidze was summoned for questioning where he denied that he had been intimidated and that he had voluntarily withdrawn his candidacy.

As mentioned above, party candidates from single-mandate districts as well as those on party lists withdrew their candidacies, however, the latter involves greater risks in terms of damaging the election environment. According to the Election Code, if the number of candidates for assembly seats in the presented party list is smaller than the number of members to be elected under the system of proportional representation, the registration of the entire party list in such a district is annulled and a party is withdrawn from the proportional elections.<sup>25</sup>

The CEC offered an appropriate response to this risk when, on 7 September, it issued a resolution, according to which, in the event that the number of candidates in a party list is lower than the number of members to be elected under the system of proportional representation due to candidacy withdrawals on the basis of personal requests, the registration of a party list shall not be annulled.<sup>26</sup> It is noteworthy that this problem arose in the run up to the 2017 Municipal Elections as well and the CEC issued a similar resolution preventing the registration of parties from being annulled.<sup>27</sup>

However, it is important to note that this resolution does not address the problem of registration withdrawal of single-mandate district candidates. As a result, the ruling party candidates may be left without any competition in some districts.

### Recommendations

- During the pre-election period, investigative bodies should promptly and impartially study alleged violence, intimidation and other cases that manifest signs of crime against entities participating in elections;
- The MIA must proactively and promptly publish information concerning the process and results of investigations into election-related cases;
- To reduce the threat of pressure being put on the candidates registered to participate in elections, it is desirable to amend the Election Code to remove the possibility to withdraw election registration based on personal application of both party list and single-mandate district candidates without the consent of a nominating party after the candidate registration deadline expires (no later than 30 days prior to elections).

25 Election Code, Article 143, Part 3 and Article 145, Part 6, para. “f”.

26 Ordinance №60/2021 of the Central Election Commission of Georgia “On the Establishment of the Electoral Procedure for the 2 October 2021 Elections of Municipality Representative Bodies – Municipal Assemblies and Mayors of Self-Governing Cities and Self-Governing Communities”, dated 7 September 2021: <https://matsne.gov.ge/ka/document/view/5253113?publication=0>

27 Ordinance №46/2017 of the Central Election Commission of Georgia “On the Establishment of the Electoral Procedure for the 21 October 2017 Elections of Municipality Representative Bodies – Municipal Assemblies and Mayors of Self-Governing Cities and Self-Governing Communities”, dated 19 September 2017, <https://matsne.gov.ge/ka/document/view/3806896?publication=0>

## 2. PROCESS OF SELECTION OF CEC'S PROFESSIONAL MEMBERS

In July 2021, in order to fill the positions of the chairperson and two professional members of the CEC, the President of Georgia created an 11-member Competition Commission. Five members of the Commission were invited from five reputable non-governmental organisations with relevant experience, while six were brought in from universities.<sup>28</sup> The criteria that the president used for selecting the university representatives remained unclear to the public. Three out of six members represented one university, while other organisations and universities invited to participate in the commission only had one member participating in the process. Moreover, several large public and private universities were not represented in it at all. Furthermore, the specialisation of some of the professors was not even close to political science, let alone elections. As a result, most of the seven candidates whom the Commission chose for the nomination to the president, failed to receive support from the representatives of the leading non-governmental organisations working on electoral issues. The President presented six out of seven proposed candidates to the Parliament.

Eventually, the parliamentary majority backed such candidates for all three vacant positions who did not receive support from the parliamentary opposition. All three candidates were incumbent employees of the CEC who found it very difficult to critically assess the CEC's past work.<sup>29</sup> After the failure to secure the opposition's support and three unsuccessful votes, the Parliament on 2 August selected these three candidates for the term of six months by a simple majority. This confirmed the assumption that the ruling party did not want to make a compromise with other parties and select a chairperson and members of the CEC who would enjoy trust among the broad public.

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28 Decree N01/07/01 of the President of Georgia "On Conducting an Open Competition to Select Candidates for the Positions of the Chairperson and Members of the Central Election Commission and on the Creation of the Competition Commission to Select Candidates for the Positions of the Chairperson and Members of the Central Election Commission", dated 16 July 2021, <https://bit.ly/2XB7nFM>

29 See Summary Protocol of the Competition Commission, <https://bit.ly/3u1zLgi>

# V. MISUSE OF LEGISLATIVE ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

On 28 June 2021, the Parliament of Georgia adopted in the third hearing the amendments to the Election Code with the goal of improving the election legislation. The working process lasted several months, and the final version of the document reflected, among others, the provisions envisaged by the agreement signed by political parties on 19 April 2021.<sup>30</sup> Along with positive changes, several negative provisions were included in the law, diminishing the significance of the reform and adapting it to the interests of the ruling party. Specifically, the transitional regulation envisaged for the process of selection of the CEC Chairperson and professional members reduced the periods between parliamentary votes, thus allowing the ruling party to approve the desired candidates without agreeing on them with the opposition. Several other transitional regulations unfairly deprived two opposition parties (the Alliance of Patriots of Georgia and the Labour Party of Georgia) of the right to appoint members to election commissions.

Amendments were also made to the Law on Political Associations of Citizens, according to which the Labour Party of Georgia, which gave up its parliamentary mandate, has lost its right to receive public funding. It is noteworthy that the Venice Commission and the OSCE/ODIHR<sup>31</sup> have assessed negatively all of the amendments listed above.

## 1. PROBLEMATIC AMENDMENTS TO THE ELECTION CODE

The amendments passed on 28 June 2021 allowed for more than one party to be involved in the selection of the CEC Chairperson and professional members and to agree on candidates based on a consensus. The Parliament approves the CEC chairperson and professional members by two-thirds of its total composition (100 votes). Given the existing political configuration, this quorum ruled out their election by a single party, as had been happening previously, and required that the parliamentary parties agreed on the candidates.

The aim of the law is to ensure that the CEC Chairperson and its members are elected through the highest possible quorum, however, it should also be considered that there are instances when it becomes impossible to gather such quorum. In such a case, the law envisages a mechanism to offset the so-called political deadlock: if none of the candidates receives the support from two-thirds of the Parliament, the new round of voting on the same candidates shall be held at least four weeks after the first round of voting. The support from two-thirds of the Parliament composition is required to select the CEC members in this case as well but, if they fail to receive enough votes again, three-fifth of the Parliament (90) votes will be sufficient when the voting is held for the third time, once again, at least four weeks later. If this attempt, too, is futile, another four weeks later at the earliest, the Parliament can appoint the CEC members by a simple majority (76 votes).

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30 [https://eeas.europa.eu/sites/default/files/210418\\_mediation\\_way\\_ahead\\_for\\_publication.pdf](https://eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication.pdf)

31 OSCE Office for Democratic Institutions and Human Rights

It is an important circumstance that only the candidates elected by the two-thirds majority (100 votes) are appointed for a full term of five years, while in other cases, their term in office is six months.

However, these amendments included a one-time transitional regulation concerning the procedure and time frames<sup>32</sup> of electing the CEC chairperson and professional members by the Parliament, specifically, a mechanism to offset the so-called political deadlock was included in this process. As described above, when it proves impossible to secure the approval of two-thirds to elect professional members of the CEC, the Parliament approves them by three-fifth of its composition and, in the event this quorum cannot be obtained either, the CEC members are elected by a majority. The period between the rounds of voting must be at least four weeks. However, as a one-time measure in the run up to the Municipal Elections, the mandatory period between the rounds of voting was reduced from four weeks to one,<sup>33</sup> which significantly diminished the possibility for parties to achieve a compromise and effectively allowed the parliamentary majority to easily elect the candidates it found acceptable without the opposition's consent.

The Venice Commission gave a negative assessment to the aforementioned transitional regulation as early as at the stage of it being a draft law, while in its 18 June Opinion, the Commission noted: “[...] the significant reduction of the period between different rounds of voting, from four weeks to one, in the transitional provisions should be reconsidered as it may be detrimental to reaching consensus between the ruling and opposition parties.” In addition, the Commission noted that “such a transitional rule might put at risk the success of the reform aimed at guaranteeing a balanced composition of the election administration.”<sup>34</sup>

As mentioned in the previous chapter, this expectation was fulfilled. None of the candidates nominated for the three vacant positions at the CEC managed to secure the support of the parliamentary opposition and, on 2 August, they were elected by the Parliament by a simple majority.

The rule of appointment of election commission members by parties also changed as part of the legislative reform. Specifically, not more than nine parties received the right to appoint only one member to any commission. This right can be exercised by a party which clears the electoral threshold in parliamentary elections. If there are more than nine parties who cleared the threshold, parties with a higher number of votes received in parliamentary elections will be given preference in appointing a CEC member. If this rule of staffing the CEC is retained in the future, the number of members to be appointed by parties, depending on the next parliamentary election results, may be fewer than nine, which would disturb the balance between professional and party members envisaged by these amendments.

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32 Transitional regulations are provided in Article 196<sup>1</sup> of the Election Code as well as Article 228<sup>2</sup> of the Rules of Procedure of the Parliament.

33 Rules of Procedure of the Parliament, Article 228<sup>2</sup>, para. 2

34 EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW,  
[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2021\)011-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2021)011-e)

Two transitional rules were included in this regulation too. According to one of them, if more than nine parties clear the threshold in parliamentary elections, parties with larger public funding will be given preference in terms of appointing election commission members, unlike the general rule when preference is given to a party which received a higher number of votes in the elections.<sup>35</sup> This transitional rule created a possibility when more than one party within an electoral bloc would receive the right to appoint a commission member, while a party which participated in an election separately and cleared the electoral threshold, would be left without the right to appoint its member to the election administration. It was precisely because of this regulation that the Labour Party of Georgia did not receive the right to appoint members to election commissions.

TI Georgia gave a negative assessment of this provision as it would be fairer if the right to appoint commission members would be dependent on the number of voters who supported this party. Since it is impossible to measure the contribution of each individual party comprising an electoral bloc to the number of votes received by this bloc, it would be better if an electoral bloc had the right to appoint only one member to election commissions, similar to other electoral subjects.

The second transitional regulation included in the rule of staffing election commissions was also problematic and harmed a concrete political party. According to this regulation, a party would lose the right to appoint members to election commissions if, as of 19 April 2021, all MPs that gained their seats as members of this party left this party and joined a different one. In such a case, the right to appoint commission members would be transferred to the new party.

This provision directly affected the Alliance of Patriots of Georgia since, as a result, the party lost its right to appoint commission members as this right was transferred to the European Socialists. This party was founded by the MPs who gained their seats in the Parliament through the party list of the Alliance of Patriots of Georgia.

The Venice Commission gave a negative assessment of both transitional regulations early on and thought that they had to be revised.

## **2. AMENDMENTS CONCERNING PUBLIC FUNDING FOR POLITICAL PARTIES**

On 22 June 2021, the Parliament of Georgia passed amendments to the Organic Law on Political Associations of Citizens which will be put into effect on 1 February 2022. According to the amendments, a political party loses the right to receive funding from the Georgian State Budget in the event of early termination of powers of half or more than half of MPs elected as a result of the nomination by this party and it is impossible to recognise the powers of a sufficient number of replacement MPs to ensure that the number of MPs elected from this party's list is more than half of the MP mandates received by this party.

In addition, a party will not be able to receive funding from the budget for the next six calendar months if more than half of MPs elected from its list miss more than half of the

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35 Election Code, Article 196<sup>1</sup>, Part 2.

regular plenary sittings during a previous regular parliamentary session without good reason.<sup>36</sup>

A similar amendment was registered at the Parliament of Georgia as early as 16 December 2020 by MPs from the ruling party Georgian Dream – Democratic Georgia.<sup>37</sup> The Parliament passed the draft amendments in the first hearing in 2020 but later sent the draft law to the Venice Commission and OSCE/ODIHR for evaluation. The second hearing was planned to be held after these institutions expressed their opinions.<sup>38</sup> The Venice Commission and OSCE/ODIHR published their joint opinion on 20 March 2021, clearly and unequivocally criticising the amendments.<sup>39</sup> Despite this, the Parliament nevertheless passed the amendments after making only small, insignificant changes and postponing the time of putting them into force. Prior to the publication of the OSCE/ODIHR opinion, many non-governmental organisations, including TI Georgia, also criticised these amendments.<sup>40</sup>

### Recommendations

- A political party should not lose state funding it is entitled to regardless of whether it would use its parliamentary mandates since a party's funding should depend on the results it obtained in elections rather than its parliamentary activities.

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36 <https://info.parliament.ge/#law-drafting/21127>

37 Organic Law of Georgia on Amendments to the Organic Law of Georgia on Political Associations of Citizens; available at <https://bit.ly/2PkPEOJ>

38 “‘Georgian Dream’ To Send Two Controversial Draft Laws to Venice Commission and OSCE/ODIHR”, Rustavi 2, 23 December 2020; available at <https://cutt.ly/GxbZJ4C>

39 ON AMENDMENTS TO THE ELECTION CODE, THE LAW ON POLITICAL ASSOCIATIONS OF CITIZENS AND THE RULES OF PROCEDURE OF THE PARLIAMENT OF GEORGIA, EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION) and OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (OSCE/ODIHR), JOINT OPINION, CDL-AD(2021)008, Strasbourg, 20 March 2021; available at <https://cutt.ly/MxOaySK>

40 Transparency International Georgia, “Changes in election and political party legislation do not meet democratic standards”, 28.12.2020; <https://bit.ly/39CjxRb>

## **VI. MISUSE OF INSTITUTIONAL ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES**

During the reporting period, several trends were identified with regard to the misuse of institutional administrative resources. Similar to previous elections, active attendance of the ruling party's campaign meetings by the people employed by budgetary organisations is worth noting. The instances of organising campaign meetings with employees of some of the budgetary organisations based on where they work were also identified, which, according to the new legislative amendments, is a violation of the law. TI Georgia filed complaints with relevant district election commissions concerning five such instances, although none of them was upheld.

### **1. ATTENDANCE OF CAMPAIGN MEETINGS BY EMPLOYEES OF BUDGETARY ORGANISATIONS**

In the run up to the elections, the ruling party organised several dozens of large-scale campaign meetings throughout the country where it presented its candidates. These meetings were, in most cases, partially closed and attended only by the party supporters. It was impossible for outsiders to observe them closely. A large portion of those who attended these meetings were also presumably officials and employees of budgetary organisations.

The identified cases are noteworthy due to the circumstance that employees of budgetary organisations are, in one way or another, professionally subordinated to political officials and thus there is a high risk that they may be participating in the election campaign against their will. This may be a violation of the Election Code provision which “prohibits involving a professionally subordinated or otherwise dependent person into activities which facilitate nomination and/or election of a candidate”. Even if it is not a direct violation of the law, such concentration of public servants in a campaign encourages, at the very least, extreme politicisation of the public service, which is unacceptable.

### **2. GATHERING EMPLOYEES OF BUDGETARY ORGANISATIONS BASED ON THEIR WORKPLACE**

The legislative amendments that were passed on 28 June 2021 included an additional regulation concerning a prohibition of the misuse of administrative resources. Specifically, it was prohibited to gather public servants, employees LEPLs, directors, teachers and other employees of state nurseries, preschools and schools based on their workplace.<sup>41</sup>

Despite this prohibition, such meetings were nevertheless held in various municipalities during the reporting period.

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<sup>41</sup> Organic Law of Georgia – Election Code of Georgia, Article 48, Part 1, para. “d”, [accessed on 21.09.2021]

On 17 August 2021, Zviad Mkheidze, the mayoral candidate of Georgian Dream – Democratic Georgia in **Ambrolauri** Municipality, posted on his Facebook page<sup>42</sup> that he had met with representatives of the Cleaning and Amenities Service and Water Supply Network Maintenance Centre of Ambrolauri Municipality. On 18 August 2021, he met with representatives of the culture, art and tourism spheres of Ambrolauri Municipality.<sup>43</sup>

The content of both meetings clearly indicated that they were campaign meetings. TI Georgia filed a complaint with the Ambrolauri District Election Commission (DEC) in this regard. The DEC launched administrative proceedings but, in the course of the probe, only questioned the heads of N(N)LEs and the mayor of Ambrolauri Municipality who attended the meetings, that is to say, the persons who potentially could be the offenders themselves. Therefore, this cannot be considered to be a proper probe. Based on their explanations, the DEC refused to compile an administrative violation protocol.<sup>44</sup>

TI Georgia filed a lawsuit appealing the DEC’s refusal with Ambrolauri District Court. The court upheld the organisation’s position that the case was not properly examined, annulled the DEC’s written refusal, and returned the case to the DEC for a new probe.<sup>45</sup>

Vakhtang Gadelia, the mayoral candidate in **Senaki** Municipality, posted on his Facebook page that, on 18 August 2021, together with Saba Odisharia and Levan Uchaneishvili, candidates for membership in Senaki Municipality Assembly, he was at the Public Health Centre and met with epidemiologists.<sup>46</sup> Later, this post was deleted from Vakhtang Gadelia’s page and is no longer available.

The photos posted on Vakhtang Gadelia’s Facebook page clearly indicated that the meeting was a campaign one. The fact that the mayoral candidate was there together with the candidates for the Senaki Municipality Assembly membership also points to the campaign nature of the meeting.

TI Georgia presented additional evidence and opinions concerning these facts to the DEC. The DEC did not consider these facts and refused to compile an administrative violation protocol.<sup>47</sup> TI Georgia filed a lawsuit appealing the DEC’s refusal with Senaki District Court. The decision on this case has not yet been made.

On 15 August, a report was disseminated<sup>48</sup> that Avtandil Talakvadze, the mayoral candidate from Georgian Dream – Democratic Georgia in **Ozurgeti** Municipality, met with representatives of the medical community. The content and the form of the meeting clearly indicated that it was a campaign meeting. The mayoral candidate was meeting with the attendants against the backdrop of the party flag.

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42 Zviad Mkheidze’s Facebook post; available at <https://bit.ly/3ssb4j6>

43 Zviad Mkheidze’s Facebook post; available at <https://bit.ly/37UYVmm>

44 Witten refusal of Ambrolauri District Election Commission to compose a protocol on administrative offence; available at <https://bit.ly/3kt5KCT>

45 Resolution of Ambrolauri District Court, dated 10 September 2021; available at <https://bit.ly/3Cxz0OZ>

46 Photo from a Facebook page; available at <https://cutt.ly/rEIIAnc>

47 Witten refusal of Senaki District Election Commission to compose a protocol on administrative offence; available at <https://bit.ly/3CxZcch>

48 “Avtandil Talakvadze Meets Medical Community Members”, Interpressnews, 15 August 2021; available at <https://bit.ly/37Xh9nu>

TI Georgia filed a complaint with the DEC of Ozurgeti Municipality about this meeting. Based on the complaint, the DEC launched administrative proceedings. According to the DEC's administrative materials, in the course of the proceedings, the Commission only questioned Merab Chanukvadze, chairperson of the Ozurgeti district organisation of Georgian Dream – Democratic Georgia, while according to the public statement, one of the members of Georgian Dream – Democratic Georgia, Givi Mikanadze, also had certain information concerning the case.

Givi Mikanadze held a special briefing in response to this complaint and stated<sup>49</sup> that the meeting identified in the complaint was also attended, among others, by several representatives of a public health institution. The organisation learnt this only after the complaint was lodged and, correspondingly, the information about this fact was given to the DEC during a public hearing attended by a representative of TI Georgia. Dispute this, the DEC did not take this fact into consideration, did not examine this information and decided that the meeting was only attended by representatives of private institutions. Correspondingly, it refused to compile an administrative violations protocol.

TI Georgia filed a lawsuit appealing the DEC's refusal with Ozurgeti District Court. The persons who participated in the meeting and whom it was possible to identify were summoned to the court session and questioned. The additional information they provided did not help identify the organiser of the meeting either, since witnesses said that they did not remember who called them about the meeting. It was not possible to identify any additional persons who may not have been employed by private institutions. Correspondingly, Ozurgeti District Court did not uphold the complaint.

According to the reports disseminated on 11 September, Konstantine Sharashenidze, incumbent Ozurgeti mayor and, at the same time, independent mayoral candidate, gathered incumbent employees of the City Hall for a campaign meeting. According to the story aired by Imedi TV<sup>50</sup>, it turns out that the persons who had attended the meeting confirmed that they are employed by the City Hall. Furthermore, Konstantine Sharashenidze himself confirmed in an interview that the goal of the meeting was “to hear the stance of the mayoral candidate”. He also confirmed that his co-workers attended the meeting. TI Georgia filed a complaint concerning this with the Ozurgeti DEC on 21 September 2021.

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49 “‘Georgian Dream’ Calls on Local Observer Organisations To Monitor Electoral Processes More Closely and To Prevent Incorrect Interpretation of Events”, Georgian Public Broadcaster, 23 August 2021; available at <https://bit.ly/3nUIQ9y>

50 “Violation at Campaign Meeting – Konstantine Sharashenidze Gathered City Hall Employees for Campaign Purposes”, Imedi TV, 11 September 2021; available at <shorturl.at/lyUV6>

## VII. MISUSE OF FINANCIAL ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

For 60 days prior to the election and including the Election Day, the Election Code of Georgia prohibits the implementation of projects/programmes which had not been envisaged by the Georgian state, autonomous republic or municipal budget; it also prohibits increasing social welfare payments (pension, social assistance, support and others) in this period. During the reporting period, no change was recorded in the central or local budgets which would violate this provision of the Election Code.

However, according to the Georgian legislation, if such changes to the budget had been made earlier than 60 days prior to the elections, their implementation during the pre-election period is not prohibited. This is precisely why it is usually easy for the government to use this provision to its advantage, only because it can plan the changes to the budget in advance and implement specific programmes in the run up to the elections without any trouble. For this reason, when studying this issue, TI Georgia focuses not only on the violation of the law but also analyses the budgetary programmes which had been initiated and implemented in accordance with the law but may have a serious impact on the election results. In such cases, we are usually talking about electorally motivated public spending, that is, a situation when budgetary programmes the aim which is to influence voters and which may not serve the country's long-term interests are being initiated shortly before elections.

It is important for a healthy and competitive election environment to avoid initiating such programmes shortly before elections as the ruling party and/or its candidates may this way acquire a significant advantage at the expense of taxpayers.

During the reporting period, TI Georgia identified 10 state programmes/initiatives which may be considered electorally-motivated public spending. Specifically:

- On 8 September, Kakha Kaladze, Mayor of Tbilisi and mayoral candidate from Georgian Dream – Democratic Georgia, presented certificates confirming property ownership to 55 families.<sup>51</sup> The families living in Samgori District had the ownership of their residences legalised for a symbolic price of GEL 1;
- On 31 August, Prime Minister Irakli Gharibashvili stated<sup>52</sup> that up to 500 families of military servicemen will receive housing. One day earlier, on 30 August, he announced<sup>53</sup> that up to 300 IDP families will have properties which they currently occupy legalised for a symbolic price;

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51 “Tbilisi Mayor Presented Property Certificates to 55 Families Residing in Samgori District”, Tbilisi City Hall, 8.09.2021, <https://bit.ly/3ktMpRU>

52 “Irakli Gharibashvili: We are going to give flats to up to 500 military families, it was an obligation undertaken in 2007 which started being implemented after our political team came to power,” imedineews.ge, 31.08.2021, <https://bit.ly/3EE3QaG>

53 “We will give and legalise properties for up to 300 IDP families – Gharibashvili”, publica.ge, 30.08.2021, <https://bit.ly/2W0LKy9>

- On 27 August, Natia Turnava, Minister of Economy and Sustainable Development, said<sup>54</sup> that, in accordance with the prime minister’s instruction, up to 100 families living around the coast guard base in Poti will be provided with residential properties in a safe location as quickly as possible;
- On 11 August, Kakha Kaladze presented certificates of property ownership to 36 families.<sup>55</sup> The families living in Gldani District had the ownership of their residences legalised for a symbolic price of GEL 1;
- On 26 July, according to the statement by Levan Davitashvili, Minister of Environmental Protection and Agriculture,<sup>56</sup> GEL 50m would be allocated from the budget for the agricultural equipment co-financing programme and applications to the programme would start being accepted on 1 September;
- On 22 July, the Parliament adopted the amendments to the State Budget, according to which the funding of autumn grape harvesting increased from GEL 38m to GEL 138m;<sup>57</sup>
- On 6 July, the Prime Minister said that a new programme<sup>58</sup> would be launched envisaging co-financing of a mortgage loan for families with a new child wishing to purchase residential property. The government passed the decree concerning this programme on 2 August, one day before the start of the campaign period, while 1 September was set as the date for the launch of the programme;<sup>59</sup>
- On 24 June, the Prime Minister announced an initiative, according to which approximately GEL 76m of unpaid fines would be written off for the citizens and companies fined for violations of the rules of isolation, quarantine, and mask-wearing.<sup>60</sup> The Parliament passed corresponding laws on 7 September;<sup>61</sup>

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54 See Facebook page of the Government of Georgia, 21.07.2021, <https://www.facebook.com/watch/?v=225846216138601>

55 “Tbilisi Mayor presented property certificates to 36 families living in Gldani district”, 1tv.ge, 11.08.2021, <https://bit.ly/3zwOxfY>

56 “According to Levan Davitashvili, applications to the programme of agricultural equipment co-funding will start being accepted on 1 September”, interpressnews.ge, 26.07.2021, <https://bit.ly/3kABiad>

57 “Government Increases Funding for Grape Harvesting by GEL 100m”, droa.ge, 22.07.2021, <https://droa.ge/?p=109276>

58 “To Facilitate Purchasing of Flats for Families, Families With a New-Born Child Will Be Able to Benefit From Co-Financing of Their Mortgage Loan”, Government of Georgia, 6.07.2021, <https://bit.ly/3lJr32E>

59 Decree №388 of the Government of Georgia on the Approval of the State Programme of Subsidised Mortgage Loans, dated 2 August 2021, [https://matsne.gov.ge/ka/document/view/5231778?fbclid=IwAR2VVm7g0bLiQYb8lHr7PXykPWNBPAtfb9JA06eVfg4YTUIb\\_KJlm3jTOW&publication=0](https://matsne.gov.ge/ka/document/view/5231778?fbclid=IwAR2VVm7g0bLiQYb8lHr7PXykPWNBPAtfb9JA06eVfg4YTUIb_KJlm3jTOW&publication=0)

60 “Individuals and Companies Who Were Fined Over Restrictions Will Have Their Fines Written Off”, interpressnews.ge, 24.06.2021, <https://bit.ly/3EF9ucl>

61 See Law on Relief from Administrative Penalty (<https://bit.ly/2XE7YGJ>) and Law on Amnesty (<https://bit.ly/3AyBAUI>)

- On 23 June, Archil Chikovani, acting Mayor of Batumi and mayoral candidate from Georgian Dream – Democratic Georgia, presented flats into the ownership of 15 families with many children living in Batumi;<sup>62</sup>
- On 16 June, in Kutaisi and Zugdidi, Minister of Health Ekaterine Tikaradze, Government Representative in Imereti Zviad Shalamberidze, single-mandate district MP Zaza Lominadze and members of the local government presented residential properties in a newly built apartment block to 60 families of IDP veterans.<sup>63</sup> In addition, up to 100 IDP veterans’ families were promised by the administration that they would receive residential properties in Kutaisi and Zugdidi in the nearest future without any conditions.

### Recommendations

- The government should refrain from initiating large-scale social programmes shortly before elections so as to avoid damaging healthy competition among electoral subjects.

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62 “Acting Batumi Mayor Archil Chikovani Presented Flats to 15 Families With Many Children”, ipress.ge, 23.06.2021, <https://bit.ly/2WOR7gN>

63 “Sixty IDP Veterans’ Families Receive Flats”, <http://imereti.gov.ge/>, 16.06.2021, <http://imereti.gov.ge/geo/news/show/7/1806>

## VIII. RECOMMENDATIONS

The monitoring of the use of administrative resources in the run-up to the elections conducted by TI Georgia revealed the need to consider the following recommendations:

- During the pre-election period, investigative bodies should promptly and impartially study alleged violence, intimidation and other cases that manifest signs of crime against entities participating in elections;
- The Ministry of Internal Affairs must proactively and promptly publish information concerning the process and results of investigations into election-related cases;
- To reduce the threat of pressure being put on the candidates registered to participate in elections, it is desirable to amend the Election Code to remove the possibility to withdraw election registration based on personal application of both party list and single-mandate district candidates without the consent of a nominating party after the candidate registration deadline expires (no later than 30 days prior to elections);
- A political party should not lose public funding it is entitled to regardless of whether it would use its parliamentary mandates since a party's funding should depend on the results it obtained in elections rather than its parliamentary activities;
- The government should refrain from initiating large-scale social programmes shortly before elections so as to avoid damaging healthy competition among electoral subjects.