



**TRANSPARENCY
INTERNATIONAL
GEORGIA**

MISUSE OF ADMINISTRATIVE RESOURCES DURING GEORGIA'S 2021 MUNICIPAL ELECTIONS

(FINAL REPORT)

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ABBREVIATIONS

CEC - The Central Election Commission

DEC - District Election Commission

GEL - Georgian Lari

ICFFE - Interagency Commission for Free and Fair Elections

LEPLs - Legal Entity of Public Law

MIA - Ministry of Internal Affairs

N(N)LE - Non-Entrepreneurial (Non-Commercial) Legal Entity

OSCE/ODIHR - Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe

PEC - Precinct Election Commission

SAO - State Audit Office

SSS - State Security Service

TI Georgia - Transparency International Georgia

UNM - United National Movement

I. KEY FINDINGS

Transparency International Georgia's observation of the 2021 municipal elections showed that the misuse of administrative resources during elections is still problematic for Georgia. Significant challenges included: a) Ineffective investigations into alleged cases of politically motivated pressure on employees of budgetary organizations, and dismissals and harassment of opposition party candidates; b) high degree of politicization of election commissions and courts and their inefficient and unscrupulous conduct of election disputes; c) politicization of public institutions at both central and local levels and large-scale involvement of employees of budgetary organizations in the election campaign by the ruling party; d) use of budget programs for narrow party purposes, etc.

Misuse of Enforcement Administrative Resources during Electoral Processes

- Since June 2021, there were regular reports about allegedly politically-motivated dismissals from budgetary organizations and/or pressure on the supporters of For Georgia, a political party established by the former Georgian Prime Minister Giorgi Gakharia. Gakharia resigned in February 2021, held a presentation of the party in May, and in late June, he officially registered it as a political association. Many incumbent or newly resigned public officials and employees of budgetary organizations joined the former prime minister's political team. In August and September, Transparency International Georgia studied several such cases and identified certain signs of harassment on political grounds in **17** of them. Some of the victims tried to defend their interests through the courts. Transparency International Georgia has been representing the interests of four persons, although most cases are still pending in courts;
- Since the beginning of September, once the deadline for 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, 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 For Georgia party 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. There was a danger that party lists would be abolished due to the lack of sufficient candidates in some constituencies. The Central Election Commission had an adequate response to this threat when, on 7 September, it issued a resolution, according to which, if 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 based on personal requests, the registration of a party list would not be annulled;

- In the second half of September and in October, three violent incidents took place in Dmanisi and Rustavi, injuring supporters of the opposition United National Movement party. Police soon arrested the perpetrator in the Dmanisi case and launched an investigation into the events in Rustavi;
- 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 might 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. The legality of the donations was investigated within its authority by the State Audit Office (SAO), which reported that no violations were detected. In this case. Although there were obvious signs of a criminal offense, according to our information, the prosecutor's office has not launched an investigation;
- At the end of October, before the second round of elections, Lekso Rapava, a former employee of the Police and a supporter of the United National Movement, was arrested at his home in Khobi as a result of a special operation. The opposition party was convinced that this action was political persecution;
- On 1 November, the next day of the second round of elections, Iza Chirgadze, a member of the 90th polling station in the Kutaisi constituency, held a briefing with the Kutaisi mayoral candidate of the United National Movement. Chirgadze said that she was pressured by representatives of the Georgian Dream-Democratic Georgia party. Within days of the briefing, Chirgadze disappeared and cut off communication with both the media and observer organizations. Chirgadze later commented to the media and denied any pressure on her;
- Neither the Ministry of Internal Affairs nor the Prosecutor General's Office has provided full information about the measures taken by the investigative agencies, including the ongoing investigations into the alleged facts of election-related criminal offenses. The Ministry provided only brief information on the facts and investigations that took place on Election Day, although the public was unaware of the progress and results of the investigation of the facts that took place in other periods. The stakeholders involved in the elections had access to separate information at the meetings of the Interagency Commission for Free and Fair Elections with the Ministry of Justice. In particular, various government agencies provided information to the Commission on

the measures taken by them in response to potential election-related irregularities. The Commission also has not submitted a report on its activities;

- In June and July, the process of selection of the chairperson and two new professional members of the Central Election Commission 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;
- One of the most important changes within the 2021 electoral reform was introducing the opportunity to file election complaints electronically. As a result of this reform, the conduct of election disputes was significantly simplified for stakeholders. However, in terms of handling election disputes as a whole, many problems were still identified during both the first and second rounds of elections. In some cases, there was an impression that election commissions and courts were not interested in establishing the truth about the case, and even in cases where there was visual evidence of a violation, they did not make appropriate decisions, which revealed a high degree of politicization of the system as a whole;
- Transparency International Georgia filed a total of **107** complaints/lawsuits in both rounds of elections since October 2. **17** of them were upheld, while 14 complaints requesting a recount of the results due to significant imbalances in the summary protocols had already been recounted by the DEC’s within the complaints of other organizations or by random sampling. **76** complaints were not upheld. The quality of dispute settlement during the first round of elections was worse than during the second round;
- With the legislative changes adopted in 2021, election commissions became obliged to recount the results of some polling stations. In the days following the first round of elections, district election commissions recounted the results for a total of **812** polling stations or about **22%** of the total number of polling stations. As for the second round, a total of **274** precincts were recounted after 30 October, which was about **15%** of the total number of precincts. Transparency International Georgia did not observe the recount process during the first round and monitored the process in 6 municipalities after the second round. The observers of the organization revealed several shortcomings or deliberate violations in the recounting process. In particular, there was a tense environment in some districts, and observers were not allowed to properly oversee the process; the ballot-counting process in several constituencies was not properly captured on video, against the legal requirement; in each commission, all precincts were counted in parallel, complicating the observation process; so-called desk voters’ lists were not opened in any of the constituencies and the number of signatures of the voters participating in the elections was not recounted. Consequently, the commissions only recounted ballot papers; some commissions recounted the votes even without opening the bundled-up packages of ballot papers;
- The Central Election Commission scheduled the first city/municipal assembly meetings for the same day – 3 December for all municipalities across the country. As a result, the above-mentioned 30-day deadline was missed in those municipalities where the second round did not take place and the final results of elections were summed up on 16 October. Therefore, this was a violation of the law. In addition, even in the municipalities where the second round was held and the election results were summarized by 13 November, it was unreasonable to wait so long

and schedule the first sessions on 3 December. Such decisions also contradicted the practice established by the CEC in the previous two local elections. Under these circumstances, there was an impression that the CEC had adapted this decision to the political context in the country and allowed the ruling party-controlled old assemblies to approve next year's budgets.

Misuse of Legislative Administrative Resources during Electoral Processes

- On 28 June 2021, the Parliament of Georgia adopted the amendments to the Election Code to improve 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 Chairperson of the Central Election Commission 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 Labor 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 Labor 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 have assessed negatively all of the amendments listed above.

Misuse of Institutional Administrative Resources during Electoral Processes

- The employees of budgetary actively attended the campaign meetings of the ruling party. The identified cases were noteworthy due to the circumstance that employees of budgetary organizations are, in one way or another, professionally subordinated to political officials thus there was a high risk that they could be participating in the election campaign against their will. This could be a violation of the Election Code's provision which "prohibits involving a professionally subordinated or otherwise dependent person into activities which facilitate nomination and/or election of a candidate". Such a concentration of civil servants for the election campaign, even if it is not a direct violation of the law, at least contributes to the extreme politicization of the civil service, which is unacceptable;
- Alleged instances of organizing campaign meetings with employees of some of the budgetary organizations based on where they work were identified, which, according to the new legislative amendments, is a violation of the law. Transparency International Georgia filed complaints with relevant district election commissions concerning such 5 cases, but only one was upheld.

Misuse of Financial Administrative Resources during Electoral Processes

- During 60 days before the Election Day, the Election Code of Georgia prohibits the implementation of projects/programs which had not been envisaged by the Georgian state, autonomous republic, or municipal budgets; it also prohibits increasing social welfare payments (pension, social assistance, support and others) in this period.

During the election period, none of the changes in central or local budgets have been identified that would violate this provision of the Election Code;

- During the reporting period, Transparency International Georgia identified **17** state programs/initiatives which could be considered electorally motivated public spending.

II. RECOMMENDATIONS

- During the 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 before elections);
- The process of recounting of results in district election commissions needs more regulation:
- First of all, the procedure for filing a complaint by a person interested in this process is not regulated, which should be prescribed by a by-law;
- In addition, a by-law should stipulate the obligation for a district election commissions to recount the election documents received from the polling station in full, including the desk voters' lists, and not only the actual and invalid ballot papers;
- The decision-making procedure regarding a questionable ballot paper should be clearly and unambiguously defined to eliminate the threat of a heterogeneous approach;
- The practice of parallel recounting in precincts is to be revised, as it reduces the ability to fully observe the process;
- The Central Election Commission should convene first sessions of city/municipal assemblies as soon as possible after the election results are summed up and within the timeframe set by law, so as not to violate the law and create the impression that its decisions are politically motivated;
- A political party should not lose public funding, it is entitled to, regardless of whether it uses its parliamentary mandates. Public funding should depend on electoral support a party gets rather than its parliamentary activities;
- Political parties should refrain from involving persons employed in budgetary organizations in election campaigns against their will;
- It is necessary to expand the circle of persons who will be included in the action provided for in Article 49, Part 1 of the Election Code, thus prohibiting the involvement of a service-dependent or otherwise dependent person in activities that facilitate the nomination and/or election of a candidate. The law should cover as many public officials as possible who are employed in budgetary organizations and have certain levers to use their official position to influence their employees' will;
- The government should refrain from initiating large-scale social and economic programs shortly before elections to avoid damaging healthy electoral competition.

III. INTRODUCTION

On 2 October 2021 (first round) and 30 October (second round), municipal elections were held in Georgia, through which mayors and city/municipal assembly members were elected in 64 municipalities. 42 political parties (including the ruling Georgian Dream – Democratic Georgia party) and 72 initiative groups participated 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 that 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. At the end of September 2021, the organization published an interim report¹ assessing the misuse of administrative resources before the first round of municipal elections. This time we offer a final report, which covers a full election period.

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 before Election Day. Correspondingly, on 2 August, the President of Georgia issued the Decree N02/08/01² 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 regulating the issues of campaigning and using administrative resources. However, since state resources can be misused before the launch of the official election campaign to influence elections, the reporting period of this study covers the period between 1 June and 3 December 2021 (the date of first gatherings of newly elected city/municipal assemblies), and also describes several cases which had taken place even earlier than that.

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

The report initially explains the essence and types of the use of administrative resources for electoral purposes. The following four chapters and appendices review general trends and specific cases of the possible use of administrative resources for the 2021 municipal elections.

1 Misuse of Administrative Resources during Georgia's 2021 Municipal Elections (Interim Report), TI Georgia, 28.09.2021: <https://cutt.ly/IORBt0b>

2 Decree N02/08/01 of the President of Georgia of 2 August 2021; available at <https://cutt.ly/QElzk7V>

IV. 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 resources³:

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 law 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 the 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 a certain political party or candidate.</i>

The Georgian legislation provides a narrow definition for the misuse of administrative resources during electoral processes, frequently leaving several issues beyond regulation. In particular, an administrative body may carry out a series of activities that, 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 Document⁴.

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.

3 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

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

V. MISUSE OF ENFORCEMENT ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

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

Since June 2021, there were regular reports about allegedly politically-motivated dismissals from budgetary organizations and/or pressure on the supporters of For Georgia, a political party established by the former Georgian Prime Minister Giorgi Gakharia. Gakharia resigned in February 2021, held a presentation of the party in May, and in late June, he officially registered it as a political association. Many incumbent or newly resigned public officials and employees of budgetary organizations joined the former prime minister's political team. In August and September, TI Georgia studied several such cases and identified certain signs of harassment on political grounds in 17 of them. Some of the victims tried to defend their interests through the courts. TI Georgia has been representing the interests of four persons, although most cases are still pending in courts.

Since the beginning of September, once the deadline for 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. 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 For Georgia party 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 (MIA), these persons during questioning denied that the pressure had occurred. There was a danger that party lists would be abolished due to the lack of sufficient candidates in some constituencies. The Central Election Commission (CEC) had an adequate response to this threat when, on 7 September, it issued a resolution, according to which, if 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 based on personal requests, the registration of a party list would not be annulled.

In the second half of September and in October, three violent incidents took place in Dmanisi and Rustavi, injuring supporters of the opposition UNM party. Police soon arrested the perpetrator in the Dmanisi case and launched an investigation into the events in Rustavi.

In August, there were reports 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 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 might 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. The legality of the donations was investigated within its authority by the State Audit Office (SAO), which reported that no violations were detected. In this case. Although there were obvious signs of a criminal offense, according to our information, the prosecutor's office has not launched an investigation.

At the end of October, before the second round of elections, Lekso Rapava, a former employee of the MIA and a supporter of the UNM, was arrested at his home in Khobi as a result of a special operation. The opposition party was convinced that this action was political persecution.

On 1 November, the next day of the second round of elections, Iza Chirgadze, a member of the 90th polling station in the Kutaisi constituency, held a briefing with the Kutaisi mayoral candidate of the UNM. Chirgadze said that she was pressured by representatives of the Georgian Dream-Democratic Georgia party. Within days of the briefing, Chirgadze disappeared and cut off communication with both the media and observer organizations. Chirgadze later commented to the media and denied any pressure on her.

Neither the MIA nor the Prosecutor General's Office has provided full information about the measures taken by the investigative agencies, including the ongoing investigations into the alleged facts of election-related criminal offenses. The MIA provided only brief information⁵ on the facts and investigations that took place on Election Day, although the public was unaware of the progress and results of the investigation of the facts that took place in other periods. The stakeholders involved in the elections had access to separate information at the meetings of the Interagency Commission for Free and Fair Elections (ICFFE) with the Ministry of Justice. In particular, various government agencies provided information to the ICFFE on the measures taken by them in response to potential election-related irregularities. The ICFFE also has not submitted a report on its activities (for details on alleged political violence, threats, pressure, dismissal, and law enforcement bodies' response, see **Appendix #1**).

5 The MIA released information on responding to violations in the first and second rounds on Election Day, see the links: "Information of the Ministry of Internal Affairs regarding violations revealed during Municipal elections", 3.10.2021, <https://cutt.ly/oORNuSc>; „Information of the Ministry of Internal Affairs on the facts of violations of law and police actions on them during the second round of elections“, 30.10.2021, <https://cutt.ly/pORNVZQ>

Recommendations

- During the 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 before elections).

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

In June and July 2021, 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 organizations with relevant experience, while six were brought in from universities.⁶ 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 organizations 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 specialization 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 organizations 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.⁷ 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.

6 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>

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

3. REVIEW OF COMPLAINTS FILED ON AND AFTER ELECTION DAY

One of the most important changes within the 2021 electoral reform was introducing the opportunity to file election complaints electronically. As a result of this reform, the conduct of election disputes was significantly simplified for stakeholders. However, in terms of handling election disputes as a whole, many problems were still identified during both the first and second rounds of elections. In some cases, there was an impression that election commissions and courts were not interested in establishing the truth about the case, and even in cases where there was visual evidence of a violation, they did not make appropriate decisions, which revealed a high degree of politicization of the system as a whole.

According to the CEC, a total of **2,967** complaints were registered with the CEC and District Election Commissions (DECs) during the election period, of which approximately **66%** were not upheld, **15%** were left unconsidered for technical reasons, and **18%** were fully or partially upheld.⁸

As for TI Georgia's complaints and lawsuits filed with election commissions and courts, we have filed a total of **107** complaints/lawsuits in both rounds of elections since October 2. **17** of them were upheld, while **14** complaints requesting a recount of the results due to significant imbalances in the summary protocols had already been recounted by the DECs within the complaints of other organizations or by random sampling. **76** complaints were not upheld. The quality of dispute settlement during the first round of elections was worse than during the second round.

More specifically, on 2 October and in the following days, TI Georgia filed **42** complaints with the election commissions, and **7** lawsuits in the city/district courts, and in **4** cases it appealed the first instance decision to the Court of Appeals. Eventually, out of these, the DEC and courts upheld **4** complaints and **2** lawsuits, and **5** complaints requesting a recount of the results due to significant imbalances in the summary protocols had already been randomly recounted by the DECs. Overall, DECs and courts of various instances have not upheld any significant complaints of TI Georgia.

On 30 October and after it, TI Georgia filed **54** complaints/lawsuits with election commissions and courts, of which **34** were not upheld, **11** were upheld (including **5** recounts), and **9** complaints related to the significant imbalances in the summary protocols, DECs recounted within the complaints of other organizations or by random sampling. In addition, it should be noted that only one of the **11** lawsuits/complaints filed in both instances of courts was partially upheld. Eventually, compared to the first round, the dispute resolution process took place in a calmer environment, however, again the courts handled the cases largely incompletely. Some DECs were formalistic in their proceedings and had no interest in investigating the circumstances of the case and establishing the facts (for detailed information on the election disputes conducted by TI Georgia, see **Appendix #2**).

8 „October 2, 2021 Elections of Representative Body of the Municipality – Sakrebulo and Mayor of Self-Governing City/Self-Governing Community (2 August – 13 November), pg. 78-79, December, 2021, The CEC: <https://cutt.ly/0IMnNlj>

4. THE PROCESS OF RECOUNTING THE RESULTS OF POLLING STATIONS

With the legislative changes adopted in 2021, election commissions became obliged to recount the results of some polling stations, as this issue was considered problematic during the 2020 parliamentary elections. With this change, all DEC's are obliged to open the documents received from polling stations and recount them in two cases: a) to identify five precincts by random selection and recalculate the results; b) if data in the summary protocols of the polling results compiled by Precinct Election Commissions (PECs) is corrected and it is not accompanied by a correction protocol, the recount of the results of this precinct is also obligatory.

In the days following the first round of elections, DEC's recounted the results for a total of **812** polling stations or about **22%** of the total number of polling stations. As for the second round, a total of **274** precincts were recounted after 30 October, which was about **15%** of the total number of precincts.⁹

TI Georgia did not observe the recount process during the first round and monitored the process in 6 municipalities after the second round. The observers of the organization revealed several shortcomings or deliberate violations in the recounting process. In particular, there was a tense environment in some districts, and observers were not allowed to properly oversee the process; the ballot-counting process in several constituencies was not properly captured on video, against the legal requirement; in each commission, all precincts were counted in parallel, complicating the observation process; so-called desk voters' lists were not opened in any of the constituencies and the number of signatures of the voters participating in the elections was not recounted. Consequently, the commissions only recounted ballot papers; some DEC's recounted the votes even without opening the bundled-up packages of ballot papers. In addition, different practices were observed in the decision-making process on the ballot paper considered suspicious. In some DEC's, the decision on such ballot papers was made by the counters via voting on the spot, and in some – by the DEC's during the next day.

Recommendations

The process of recounting of results in DEC's needs more regulation:

- First of all, the procedure for filing a complaint by a person interested in this process is not regulated, which should be prescribed by a by-law;
- In addition, a by-law should stipulate the obligation for a DEC to recount the election documents received from the polling station in full, including the desk voters' lists, and not only the actual and invalid ballot papers;
- The decision-making procedure regarding a questionable ballot paper should be clearly and unambiguously defined to eliminate the threat of a heterogeneous approach;
- The practice of parallel recounting in precincts is to be revised, as it reduces the ability to fully observe the process.

9 Ibid, pg. 18-19

5. APPOINTMENT OF THE FIRST SESSIONS OF THE NEWLY ELECTED CITY/MUNICIPAL ASSEMBLIES

According to the Election Code of Georgia, the CEC convenes the first session of city/municipal assemblies within 30 days after summarizing the final results of elections.¹⁰ The convening of the first session is directly related to the recognition of the authority of the newly elected assembly members and, consequently, to the termination of the authority of the old assemblies.

The CEC scheduled the first city/municipal assembly meetings for the same day – 3 December for all municipalities across the country. As a result, the above-mentioned 30-day deadline was missed in those municipalities where the second round did not take place and the final results of elections were summed up on 16 October. Therefore, this was a violation of the law. In addition, even in the municipalities where the second round was held and the election results were summarized by 13 November, it was unreasonable to wait so long and schedule the first sessions on 3 December. Such decisions also contradicted the practice established by the CEC in the previous two local elections. Under these circumstances, there was an impression that the CEC had adapted this decision to the political context in the country and allowed the ruling party-controlled old assemblies to approve next year’s budgets (For a detailed analysis see **Appendix #3**).

Recommendation

- The CEC should convene first sessions of city/municipal assemblies as soon as possible after the election results are summed up and within the timeframe set by law, so as not to violate the law and create the impression that its decisions are politically motivated.

10 Article 151 of the Election Code of Georgia

VI. MISUSE OF LEGISLATIVE ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

On 28 June 2021, the Parliament of Georgia adopted the amendments to the Election Code to improve 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 2021.¹¹ 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 Labor 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 Labor 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/ODIHR¹² have assessed negatively all of the amendments listed above (For a detailed analysis of the above legislative changes, see **Appendix #4**).

Recommendation

- A political party should not lose public funding, it is entitled to, regardless of whether it uses its parliamentary mandates. Public funding should depend on electoral support a party gets rather than its parliamentary activities.

11 https://eeas.europa.eu/sites/default/files/210418_mediation_way_ahead_for_publication.pdf

12 OSCE Office for Democratic Institutions and Human Rights

VII. MISUSE OF INSTITUTIONAL ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

During the election period, the ruling party organized 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. Therefore, outsiders couldn't observe them closely. A large portion of those who attended these meetings were also presumably officials and employees of budgetary organizations.

The identified cases were noteworthy due to the circumstance that employees of budgetary organizations are, in one way or another, professionally subordinated to political officials thus there was a high risk that they could be participating in the election campaign against their will. This could be a violation of the Election Code's provision which "prohibits involving a professionally subordinated or otherwise dependent person into activities which facilitate nomination and/or election of a candidate". The mentioned infringement envisages a fine for GEL 2,000. However, it is problematic that the law considers only high officials of local or central bodies as offenders, thus not fully covering all potential offenses. For example, this definition of law does not apply to the directors of state-owned N(N)LEs¹³, therefore, such offense committed by them remains beyond the regulation.

The legislative amendments that were passed on 28 June 2021 included additional provisions concerning a prohibition of the misuse of administrative resources. Specifically, it was prohibited to gather public servants, employees of LEPLs¹⁴, directors, teachers, and other employees of state nurseries, preschools, and schools based on their workplace.¹⁵

Despite the ban, similar meetings were still held in different municipalities during the election period. TI Georgia also filed complaints with the relevant DEC's in such 5 cases, but only one was upheld, which concerned an independent candidate for mayor's position of Ozurgeti.

Such a concentration of civil servants for the election campaign, even if it is not a direct violation of the law, at least contributes to the extreme politicization of the civil service, which is unacceptable (For more see **Appendix #5**).

13 Non-Entrepreneurial (Non-Commercial) Legal Entity

14 Legal Entity of Public Law

15 Organic Law of Georgia – Election Code of Georgia, Article 48, Part 1, paragraph "d", [accessed on 21.09.2021]

Recommendations

- Political parties should refrain from involving persons employed in budgetary organizations in election campaigns against their will;
- It is necessary to expand the circle of persons who will be included in the action provided for in Article 49, Part 1 of the Election Code, thus prohibiting the involvement of a service-dependent or otherwise dependent person in activities that facilitate the nomination and/or election of a candidate. The law should cover as many public officials as possible who are employed in budgetary organizations and have certain levers to use their official position to influence their employees' will.

VIII. MISUSE OF FINANCIAL ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES

During 60 days before the Election Day, the Election Code of Georgia prohibits the implementation of projects/programs which had not been envisaged by the Georgian state, autonomous republic, or municipal budgets; it also prohibits increasing social welfare payments (pension, social assistance, support and others) in this period. During the election period, none of the changes in central or local budgets have been identified that would violate this provision of the Election Code.

According to the Georgian legislation, if such changes to the budget had been made earlier than 60 days before the elections, their implementation during the pre-election period is not prohibited. This is 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 earlier and implement specific programs 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 programs which had been initiated and implemented following the law but could have a serious impact on election results. In such cases, we usually talk about electorally motivated public spending, a situation when budgetary programs are initiated shortly before elections and mainly aim to influence voters rather than serve the country's long-term interests.

For a healthy and competitive election environment, it is important to avoid initiating such programs shortly before elections as the ruling party and/or its candidates can acquire a significant advantage at the expense of taxpayers.

Before the first and second rounds of elections, TI Georgia identified **17** state programs/initiatives which could be considered electorally motivated public spending (For a brief description of electorally motivated budget programs/initiatives see **Appendix #6**).

Recommendations

- The government should refrain from initiating large-scale social and economic programs shortly before elections to avoid damaging healthy electoral competition.

APPENDIX #1. DETAILED INFORMATION ON ALLEGED VIOLENCE, INTIMIDATION, PRESSURE, AND DISMISSALS ON POLITICAL GROUNDS AND LAW ENFORCEMENT BODIES' RESPONSE

1. PHYSICAL VIOLENCE

On 24 October, there was an attack on one of the offices of the UNM in **Rustavi**, which resulted in the injury of three people. According to Rustavi mayoral candidate Davit Kirkitadze, supporters of the ruling party came to the office and confronted his staff members first verbally and then physically and tried to break into the office by force.¹⁶ Amiran Janjgava, a member of the City Assembly from the Georgian Dream – Democratic Georgia, was seen in the photo-video footage taken by eyewitnesses, who said that he had come to the UNM office to calm the situation and knew nothing about the confrontation.¹⁷ An investigation has been launched under Article 126 of the Criminal Code of Georgia, which is an article denoting 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 injuries¹⁸ 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.¹⁹ The investigation has been launched under Article 117 and subparagraph “b” of Part 1¹ of Article 126 of the Criminal Code of Georgia over intentional serious damage to health and engagement in group violence, which is 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.²⁰ According to Gvelesiani, before 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.

16 “There was a confrontation at the UNM headquarters in Rustavi”, netgazet.ge, 24.10.2021, <https://netgazeti.ge/news/571145/>

17 “UNM Election Headquarters Attacked in Rustavi”, Radio Liberty, 24.10.2021, <https://www.radiotavisupleba.ge/a/31527035.html>

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

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

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

2. DISMISSALS OR REQUESTS TO RESIGN FROM JOBS

At the End of October, in **Tbilisi**, Tea Bregvadze was dismissed from the position of acting director of Gldani Public School #119. Tamar Tabuashvili was appointed to her position, also as an acting director. Bregvadze linked her dismissal to the fact that she was the aunt of Tengiz Giorgadze, a member of the opposition party UNM. The decision-making process for the appointment and dismissal of the acting director is not transparent and predictable. Therefore, Tea Bregvadze's dismissal could also be based on political grounds. It should be noted that the Public Defender found discrimination on political grounds in a similar case on August 5, 2021.²¹

On September 28, Levan Tsulaia, the head of **Samegrelo-Zemo Svaneti** regional N(N)LE *The Destination Management Organization*, resigned.²² According to him, the decision was made due to the pressure exerted on him, as a result of which the activities of the organization were hampered. The reason for the pressure was that his brother was a supporter of the For Georgia party. According to Tsulaia, he received a message from a high-ranking official of the central government to resign. After he did not resign, interference in the activities of the organization began, with the participation of the State Representative, Giorgi Guguchia, and the acting Mayor of Zugdidi, Konstantine Kakava. Tsulaia also considered the fact that the state and City Hall audits were in the organization at the same time as part of the pressure.

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* (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 post²³ due to the lack of administrative-organizational and financial development of the theatre. Tsverava linked this decision to his participation in the elections to Gori Municipal Assembly²⁴ since he was on the list of the For Georgia party.

On 2 September, according to Vladimer Chavleishvili, member of **Ozurgeti** Municipal Assembly from the Georgian Dream – Democratic Georgia party, and Roman Vanadze, an aide to the mayor's representative in Mtispiri administrative entity,²⁵ Ozurgeti Municipality Mayor Konstantine Sharashenidze threatened and physically assaulted

21 "Public Defender Assesses Refusal of Reappointment of School Principal as Discrimination on Political Grounds", The Public Defender of Georgia, 5.08.2021, <https://cutt.ly/TOR2iEK>

22 "Because of my brother's political views, I was pressured and the organization suffered - the head of the N(N)LE", livepress.ge, 28.09.2021, <https://bit.ly/3dHjUvP>

23 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>

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

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

them. Sharashenidze was 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 Public Services Centre of **Senaki** Municipality, unilaterally terminated the employment contract with Bakar Sitchinava, lead specialist of the center's monitoring department. According to Sitchinava, before 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, before 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 identified her help to the Zugdidi office of the For Georgia party as the real reason.

On 17 August, Davit Iosebashvili, acting chairperson of LEPL *Agency of Protected Areas*, dismissed Teimuraz Gvritishvili, a specialist of the agency-subordinated **Pshav-Khevsureti National Park**, based on the report by the Inspection Service. According to Gvritishvili, before 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.

On 11 June, Prime Minister Irakli Garibashvili dismissed LEPL *Sakpatenti* Chairperson **Mindia Davitadze**.²⁶ 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 labor rights in court since the organization 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 based on 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 organization, 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

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

dismissed), and who is in Giorgi Gakharia's team. Dolbaia filed a lawsuit to appeal the dismissal order.

On 13 May, **Dusheti** Municipality Mayor Zurab Sekhniashvili dismissed Giorgi Mezvrishvili, director of N(N)LE Administration of Aragvi Protected Landscape in Dusheti Municipality, from his post. According to Mezvrishvili, before 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, Mezvrishvili, too, had to resign. After he refused to submit his resignation, Mezvrishvili was dismissed from his post based on the mayor's order. Mezvrishvili went to court to appeal the dismissal order. According to the municipality's position about the lawfulness of the dismissal, the Mayor did not have an obligation to substantiate Mezvrishvili's dismissal.²⁷

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 was that Tatarashvili was employed based on an administrative contract and his dismissal, therefore, did not require substantiation.²⁸

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 Svaneti**. Dagargulia himself linked 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 organization 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, before 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 as they expressed their support of Giorgi Gakharia or had various kinds of connections (kinship, friendship) with members of Gakharia's team.

27 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>

28 Ibid.

3. ALLEGED PRESSURE TO RECEIVE DONATIONS

On 22 August, Mtavari Arkhi TV aired a story,²⁹ 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 individuals³⁰ and five companies³¹ 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 story³² 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 legality of the donations was investigated within its authority by the SAO, which reported that no violations were detected. In this case, however, there were obvious signs of a criminal offense. Nevertheless, according to our information, the prosecutor's office has not launched an investigation.

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 before 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

29 “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>

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

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

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

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.³³

The number of candidacy withdrawals based on 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,³⁴ the UNM, and Third Force – Strategy Aghmashenebeli also talked about similar cases.³⁵ 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,³⁶ Akaki Bezhanidze, #10 in the party-list running for the seat in **Keda** Municipal 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** Municipal 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). Although 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 briefing³⁷ that, on 18 September, he was illegally kept in custody for eight 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

33 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>

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

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

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

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

registration of the entire party list in such a district is annulled and a party is withdrawn from the proportional elections.³⁸

The CEC offered an appropriate response to this risk when, on 7 September, it issued a resolution, according to which, if 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 based on personal requests, the registration of a party list shall not be annulled.³⁹ 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.⁴⁰

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.

5. THE ARREST OF AN OPPOSITION PARTY SUPPORTER

On 21 October, Lekso Rapava, a former employee of the MIA, was detained at his home as a result of a special operation in **Khobi**, and a search was conducted at the home of Ruslan Shamakhia, another former employee of the MIA. Rapava was charged with unlawful purchase or possession of a firearm, ammunition, explosive device, or explosive device, which carries a maximum sentence of 3 to 6 years in prison.⁴¹ On October 23, the Kutaisi City Court sentenced Rapava to imprisonment as a measure of restraint.⁴² According to Ana Tsitlidze, head of the Zugdidi branch of the UNM and a Member of Parliament, Ruslan Shamakhia, Lekso Rapava, and other former law enforcers helped their party in preventing so-called carousel voting. Tsitlidze thought that was a reason why weapons and grenades were secretly put by the police at Rapava's house. Tsitlidze unequivocally linked Rapava's arrest to his political activism.⁴³

38 Election Code, Article 143, Part 3 and Article 145, Part 6, para. "f".

39 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>

40 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>

41 Formula TV, 22.10.2021, <https://bit.ly/3DEx2fZ>

42 "I have never seen such a helpless, frightened judge" - former Khobi police chief sentenced to imprisonment", mtavari.tv, <https://mtavari.tv/news/61324-aseti-ususuri-sheshinebuli-mosamartle-ar>

43 "Weapons and grenades were planted, children were beaten - Ani Tsitlidze on a detainee in Samegrelo", mtavari.tv, 21.10.2021, <https://mtavari.tv/news/61080-chaudes-iaraghi-khelqumbara-daaciokes-bavshvebi>

6. INTIMIDATION OF AN ELECTION COMMISSIONER

On 1 November 1, the next day of the second round of elections, Iza Chirgadze, a member of the 90th polling station in the **Kutaisi** constituency, held a briefing with Khatia Dekanoidze, the Kutaisi mayoral candidate of the UNM. Chirgadze said that she was pressured and forced to rig the elections. On October 30, the election day, she was contacted by ruling Georgian Dream - Democratic Georgia party's officials and asked to hand over a ballot paper to unregistered citizens at the polling station. The MIA has launched an investigation into the case under Article 150 of the Criminal Code, which implies coercion. Iza Chirgadze was interrogated by the law enforcers.⁴⁴ However, within a few days of the briefing, Chirgadze disappeared and cut off communication with both the media and observer organizations. TI Georgia was also unable to interview her. I kind of put pressure on the fact. A few days later, Chirgadze commented to the media and denied any pressure on her.

44 IACFFE sitting protocol N14, 10.11.2021, pg.3, <https://justice.gov.ge/files/5IE16lVEjKry.pdf>

APPENDIX #2. INFORMATION ON ELECTION DISPUTES CONDUCTED BY TI GEORGIA

1. THE FIRST ROUND OF ELECTIONS

On Election Day (2 October 2021) and after it, TI Georgia filed **42 complaints** with election commissions and **7 lawsuits** in city/district courts, and in **4 cases** appealed the decisions of the first instance courts to the Courts of Appeals. The district election commissions and courts upheld our **4 complaints** and **1 lawsuit** seeking disciplinary actions against some representatives of the election administration. As for the recount of the ballots requested due to the imbalance in the summary protocols, **none of our complaints** concerning the **12 polling stations** were upheld. However, by their initiative or random selection, the district election commissions recounted **7 polling stations** of the mentioned 12.

The Marneuli DEC, the district court, and the court of appeals did not uphold TI Georgia's request to annul the results of the two polling stations in Marneuli, where we observed serious violations, including multiple voting by some persons. Giorgi Gratiashvili considered the case in Bolnisi District Court, while Irina Zarkua, Tea Dzimistarashvili, and Nana Tchitchileishvili were judges in the Tbilisi Court of Appeals. For the District Election Commission and the courts of both instances, the video evidence of the violation was not sufficient to uphold the complaint/appeal.

Moreover, Zugdidi District Court and later the Court of Appeals did not sustain TI Georgia's lawsuit against the Zugdidi District Election Commission for recounting only invalid ballots in 4 precincts of the 11th majoritarian constituency, which resulted in a change of the winning candidate. TI Georgia asked for a complete recount of not only invalid ballots but also the results of 5 precincts in this majoritarian constituency. Gvantsa Vardanidze considered the case in Zugdidi District Court, while judges Shota Siradze, Nana Kalandadze, and Leri Tedoradze did not uphold our claim in Kutaisi Court of Appeals.

In addition to these two important cases, the organization filed 12 complaints regarding the imbalance in summary protocols. In particular, after the elections, TI Georgia checked the summary protocols of the proportional elections of the municipal assemblies and the imbalances in them, at the precincts it observed. Out of 12 precincts where we requested recounting of ballots due to imbalances, 3 precincts were randomly recounted by district election commissions; in 2 precincts the district commissions recounted the ballots on their initiative, while in 2 more precincts, although our recounting request was not satisfied, the district election commissions later recounted them based on the recommendation of the CEC Chairperson; the ballots were not recounted in the remaining 5 polling stations. As a result of the recounting of the above-mentioned precincts, the total number of votes received by the election subjects changed as follows:

- Georgian Dream - Democratic Georgia - 1 vote was subtracted;
- United National Movement - 1 vote was added;
- Gakharia - for Georgia - 10 votes were added;
- Girchi - 24 votes were subtracted;
- Georgian Development Party - 1 vote was added;
- The invalid ballot increased by 39;
- The number of participant voters increased by 30.

2. THE SECOND ROUND OF ELECTIONS

On 30 October and after it, TI Georgia filed **54** complaints/lawsuits with election commissions and courts, of which **34** were not upheld, **11** were upheld (including **5** recounts), and **9** complaints related to the significant imbalances in the summary protocols, DEC's recounted within the framework of complaints of other organizations or by random sampling. In addition, it should be noted that only one of the **11** lawsuits/complaints filed in both instances of courts was partially upheld.

Eventually, compared to the first round, the dispute resolution process took place in a calmer environment, however, again the courts handled the cases largely incompletely. Part of the DEC's was formalistic in their proceedings and had no interest in investigating the circumstances of the case and establishing the facts.

For example, Poti DEC, as well as the Poti City and Kutaisi Courts of Appeal made quite problematic explanations regarding the violation in Polling Station #20 in Poti Municipality. TI Georgia was disputing the invalidation of two ballot papers where the will of the voters was read.⁴⁵ One of them had the inscription "Freedom for Misha" and the other - an offensive word. The first of these, after counting the ballots, turned out to be considered a real ballot, after which TI Georgia removed the request in this part, but the ballot paper with an inscription with an obscene word was left in dispute.⁴⁶

The Poti DEC did not properly investigate this request and issued an unsubstantiated ordinance where the second request has not been discussed at all.⁴⁷ TI Georgia has appealed against the act in Poti City Court.

Poti City Court, where Davit Gelashvili was hearing the case, made an illegal explanation and considered that if ballot papers are considered invalid by a PEC, a DEC does not have the right to make a different decision.⁴⁸ However, the Election Code directly imposes an obligation for DEC's to check the legality of the actions and decisions of PEC's and their

45 Ballots invalidated by #20 PEC of #66 Khobi DEC: shorturl.at/brAD2

46 Ballots invalidated by #20 PEC of #66 Khobi DEC: <https://bit.ly/3pLBI41>

47 Ordinance N61/2021 of #66 Khobi DEC of November 3, 2021; Available: <https://bit.ly/3EJKQao>

48 Decision N3 / 99-2021 of Poti City Court of November 7, 2021; Available: shorturl.at/vwPW9

officials based on a complaint, as well as on their initiative. TI Georgia appealed the decision of Poti City Court to Kutaisi Court of Appeal.

The Kutaisi Court of Appeals, composed of Shota Siradze, Nana Kalandadze, and Leri Tedoradze, did not share the above-mentioned reasoning of the Poti City Court but made several problematic explanations in other directions.⁴⁹ The Court of Appeals considered making signs on ballot papers as a ground for invalidity, even though the will of the voter was read on this ballot paper. The Election Code does not consider the non-standard expression of voter's will as a ground for the invalidity of a ballot paper, on the contrary, if the will of the voter is clear, according to the law, this ballot paper is genuine.

Many people have been making some writings on ballot papers for years⁵⁰ but the CEC has never mentioned in its voter education videos that such ballot papers would be considered invalid, therefore, such an explanation of the Kutaisi Court of Appeal is alarming.

49 Judgment of the Kutaisi Court of Appeal of November 10, 2021; Available: shorturl.at/mwzCK

50 Captions on Bulletins [Photo], Netgazeti, November 29, 2018; Available: <https://netgazeti.ge/news/324654/>

APPENDIX #3. APPOINTMENT OF THE FIRST SESSIONS OF THE NEWLY ELECTED CITY / MUNICIPAL ASSEMBLIES: DETAILED ANALYSIS

According to the Election Code of Georgia, the CEC convenes the first session of city / municipal assemblies within 30 days after summarizing the final election results.⁵¹ The results of the municipal elections (except Tbilisi) are finally summarized by the DEC and not the CEC,⁵² therefore, in the municipalities where members of city / municipal assemblies were identified in the first round and there was no need to appoint a second round, the results were summed up on 16 October 2021.⁵³ According to the law, in such municipalities, the CEC should have started counting the mentioned 30 days from the moment of receiving summary protocols from respective DECs, and the first sessions of the city/municipal assemblies should have been convened earlier than in other municipalities.

This practice has been followed by the CEC for years and it has been interpreted the law accordingly. For example, after the 21 October 2017 self-government elections, the CEC scheduled the first sessions of the city / municipal assemblies in several parts, so that the 30-day deadline for the final summing up of the elections in specific municipalities was not violated.⁵⁴ The same thing happened after the 2014 self-government elections.⁵⁵ In 2014, the CEC did not even wait for the results of the second round of the mayoral elections in particular municipalities and convened the first sessions of the assemblies. For example, in Poti Municipality, the DEC summed up the City Assembly elections on June 25, 2014.⁵⁶ The second round of mayoral elections was scheduled for July 15 in the same municipality, but the CEC did not wait for the results of the second round and convened the first meetings of the City Assembly on July 14.⁵⁷

In 2021, the CEC established a different practice from previous years. This time, although in some municipalities the final results were summed up after the first round, the CEC did not convene first assembly sessions within 30 days, as a result of which the mandates of the newly elected assembly members were not recognized in time. The CEC started counting the 30-day deadline after summarizing the results in all municipalities after the second round. This should be considered a violation of the law.

The CEC's actions were also problematic as they showed a perception of political bias. The convening of the first sessions of city / municipal Assemblies is directly related to the recognition of the authority of the newly elected assembly members. As a result of

51 Article 151 of the Election Code of Georgia

52 Ibid.

53 Summary protocols of DECs of the first round of the October 2, 2021 elections of the mayor of the self-governing city / community; Available: <https://bit.ly/3KDIFZh>

54 Ordinance N284/2017 of the CEC of November 13, 2017; Available: <https://cutt.ly/ZYUwYjx>

55 Ordinance N 264/2014 of the CEC of July 3, 2014; Available: <https://cutt.ly/bYUwM9w>

56 Summary protocols of DECs for the June 15, 2014 elections - proportional; Available: <https://cutt.ly/vYUevOq>

57 Ordinance N 264/2014 of the CEC of July 3, 2014; Available: <https://cutt.ly/bYUwM9w>

the 2021 municipal elections, the ruling Georgian Dream - Democratic Georgia party failed to win a majority in some municipalities, so it did not have enough votes to make important decisions. One such decision is to adopt a municipal budget. If a city/ municipal assembly fails to adopt a new budget within 3 months from the beginning of the budget year, the authority of the newly elected assembly and the mayor will be terminated prematurely and extraordinary elections will be called in the respective municipality.

Presumably to avoid this threat, as the newly convened city / municipal assemblies would not be able to approve the next year's budget and early elections would have to be held, certain municipalities began the speedy process of adopting the budget. This process started in the municipalities where the Georgian Dream - Democratic Georgia did not have a majority.⁵⁸ Ultimately, 2022 budgets in the mentioned municipalities were approved expeditiously by the members of the 2017 convocation assemblies.⁵⁹

This suspicion is confirmed by another circumstance: while the results of the second round of elections were summarized on 10-13 November, it was unclear why the CEC gathered so late - on 25 November to announce the date of the first sessions of the newly elected city / municipal assemblies. By the end of November, in some municipalities, the old convocation assemblies had already managed to speedily review and approve the next year's budgets.

For comparison, the first round of self-government elections in 2017 was held on 21 October, and the second - on 12 November. The CEC scheduled the first sessions of city / municipal assemblies on 14 and 20 November, shortly after the second round of elections.

58 Rustavi, Zugdidi, Chkhorotsku, Senaki and Martvili municipalities

59 "How 2017 Batumi City Assembly approved the budget for 2022", FactCheck, 29.11.2021; Available: <https://cutt.ly/1OR4V5w>

APPENDIX #4. DETAILED ANALYSIS OF PROBLEMATIC LEGISLATIVE AMENDMENTS

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 law aims 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).

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 frames⁶⁰ 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, if 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,⁶¹ 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.

60 Transitional regulations are provided in Article 196¹ of the Election Code as well as Article 228² of the Rules of Procedure of the Parliament.

61 Rules of Procedure of the Parliament, Article 228², para. 2

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.”⁶²

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 that 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, can be fewer than nine, which would disturb the balance between professional and party members envisaged by these amendments.

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 that received a higher number of votes in the elections.⁶³ 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 that 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 exactly 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 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

62 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)

63 Election Code, Article 196¹, Part 2.

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 recognize 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 regular plenary sittings during a previous regular parliamentary session without good reason.⁶⁴

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.⁶⁵ 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.⁶⁶ The Venice Commission and OSCE/ODIHR published their joint opinion on 20 March 2021, clearly and unequivocally criticizing the amendments.⁶⁷ Despite this, the Parliament nevertheless passed the amendments after making only small, insignificant changes and postponing the time of putting them into force. Before the publication of the OSCE/ODIHR opinion, many non-governmental organizations, including TI Georgia, also criticized these amendments.⁶⁸

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

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

66 "'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>

67 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>

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

APPENDIX #5. THE CASES OF MOBILIZATION, INVOLVEMENT, AND GATHERING OF THE EMPLOYEES OF THE BUDGETARY ORGANIZATIONS FOR ELECTION CAMPAIGN

On 23 October, Mtavari Channel aired a report⁶⁹ showing that the heads of the **Samtredia** and **Rustavi** Kindergartens Union, on behalf of the Georgian Dream-Democratic Georgia, were organizing kindergarten staff to attend a party rally in Tbilisi. In addition to these cases, TI Georgia also received information from various regions on the mobilization of the workers of budgetary organizations who were directly or indirectly instructed by their supervisors to attend the rally in Tbilisi.

On 17 August 2021, Zviad Mkheidze, the mayoral candidate of Georgian Dream – Democratic Georgia in **Ambrolauri** Municipality, posted on his Facebook page⁷⁰ 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.⁷¹

The content of both meetings 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.⁷²

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 Municipal Assembly, he was at the Public Health Centre and met with epidemiologists.⁷³ Later, this post was deleted from Vakhtang Gadelia's page and is no longer available.

The photos posted on Vakhtang Gadelia's Facebook page indicated that the meeting was a campaign one. The fact that the mayoral candidate was there together with the candidates for the Senaki Municipal 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

69 "Mobilization through intimidation and bribery", Mtavari Channel, October 23, 2021; Available: <https://cutt.ly/1YUyhXk>

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

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

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

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

violation protocol.⁷⁴ TI Georgia filed a lawsuit appealing the DEC's refusal with Senaki District Court that did not uphold our lawsuit.

On 15 August, a report was disseminated⁷⁵ 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 indicated that it was a campaign meeting. The mayoral candidate was meeting with the attendants against the backdrop of the party flag.

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 organization 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 stated⁷⁶ that the meeting identified in the complaint was also attended, among others, by several representatives of a public health institution. The organization learned 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 consider this fact, 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 organizer 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 TV⁷⁷, it turns out that the persons who had attended the

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

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

76 "'Georgian Dream' Calls on Local Observer Organizations 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>

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

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 that upheld our complaint.

APPENDIX #6. THE LIST OF ELECTORALLY-MOTIVATED BUDGET PROGRAMS/INITIATIVES OF CENTRAL AND LOCAL GOVERNMENTS

- On 27 October, Kakha Kaladze, incumbent Tbilisi Mayor (and Mayoral candidate) said at a meeting of the Tbilisi government that 57 families in the Samgori district were provided with housing at a symbolic price;⁷⁸
- On 18 October, the Minister of Economy and Sustainable Development, Natia Turnava, announced that the government would transfer ownership of agricultural land to 198 IDPs at a symbolic price;⁷⁹
- On 17 October, the Prime Minister of Georgia, Irakli Garibashvili, announced that the monthly supplement for veterans - GEL 22 - would be revised and increased fivefold starting from January 2022;⁸⁰
- On 12 October, the Minister of Economy and Sustainable Development, Natia Turnava, announced that starting from March 21, 2020, to March 21, 2021, certain entities, natural persons, and legal entities would be excused from rent and lease payments, as well as from any fines related to failed or late payments, sanctions or penalties;⁸¹
- On 6 October, Tbilisi Mayor Kakha Kaladze announced⁸² that in 2021-2022, leaseholders of the municipality and municipal enterprises would be exempted from rent payments and that their lease duration would be directly extended for two years. A similar promise was made by the Deputy Mayor of Tbilisi, Irakli Khmaladze, on September 22.⁸³ According to Khmaladze, up to 700 leaseholders of the Tbilisi Municipality will be fully exempted from the rent of up to GEL 11m that is to be paid in 2021-2022. Up to 160 open cafe owners would be exempted from the GEL 800,000 rent tax payable to the Tbilisi Municipality by the end of 2022;
- At a meeting of the Tbilisi government on 6 October, Tbilisi Mayor Kakha Kaladze announced that the municipal government had decided to provide housing at a symbolic price to 66 families, which had been facing the problem of legalization of their property for years;⁸⁴

78 "Regular session of the municipal government was held at the Tbilisi City Hall", tbilisi.gov.ge, 27.10.2021, <https://tbilisi.gov.ge/news/12160>

79 "Natia Turnava - handing over agricultural land to IDPs for GEL 1 is a way for the IDP population to expand its activities and participate in state programs." interpressnews.ge, 10.10.2021. <https://bit.ly/3DFE1FI>

80 "According to the Prime Minister, the monthly supplement of GEL 22 for veterans will increase 5 times from January", interpressnews.ge, 17.10.2021, <https://bit.ly/3EH9jx2>

81 "Individuals and legal entities using state property will be released from paying rents accrued from March 21, 2020 to March 21, 2021, as well as fines for non-payment." interpressnews.ge, 12.10.2021, <https://bit.ly/3DHytU5>

82 "Tbilisi City Hall held a meeting of the government ", tbilisi.gov.ge, 6.10.2021, <https://tbilisi.gov.ge/news/12078>

83 "Irakli Khmaladze: By the end of 2022, up to 700 tenants of the municipality and up to 160 owners of open cafes will be exempt from rent." <https://bit.ly/3EFSxOV>

84 "Tbilisi City Hall held a meeting of the government ", tbilisi.gov.ge, 6.10.2021, <https://tbilisi.gov.ge/news/12078>

- Through a Government decree issued on 4 October, a total of 294 real estate properties were transferred to the ownership of 258 IDP families based in Tbilisi, Shida Kartli, Kvemo Kartli, Mtskheta-Mtianeti, Imereti, and Samegrelo;⁸⁵
- On 8 September, Kakha Kaladze, Mayor of Tbilisi and mayoral candidate from Georgian Dream – Democratic Georgia, presented certificates confirming property ownership to 55 families.⁸⁶ The families living in Samgori District had the ownership of their residences legalized for a symbolic price of GEL 1;
- On 31 August, Prime Minister Irakli Garibashvili stated⁸⁷ that up to 500 families of military servicemen will receive housing. One day earlier, on 30 August, he announced⁸⁸ that up to 300 IDP families will have properties that they currently occupy legalized for a symbolic price;
- On 27 August, Natia Turnava, Minister of Economy and Sustainable Development, said⁸⁹ that, following 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.⁹⁰ The families living in Gldani District had the ownership of their residences legalized for a symbolic price of GEL 1;
- On 26 July, according to the statement by Levan Davitashvili, Minister of Environmental Protection and Agriculture,⁹¹ GEL 50m would be allocated from the budget for the agricultural equipment co-financing program, and applications to the program 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;⁹²

85 “A government session was held under the chairmanship of Prime Minister Irakli Garibashvili,” the press service of the government administration, 4.10.2021, <https://bit.ly/3dBcZED>

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

87 “Irakli Garibashvili: 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,” imedinews.ge, 31.08.2021, <https://bit.ly/3EE3QaG>

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

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

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

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

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

- On 6 July, the Prime Minister said that a new program⁹³ 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 program 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 program;⁹⁴
- 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.⁹⁵ The Parliament passed corresponding laws on 7 September;⁹⁶
- 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;⁹⁷
- 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.⁹⁸ 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.

93 “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/3Ijr32E>

94 Decree №388 of the Government of Georgia on the Approval of the State Program of Subsidized Mortgage Loans, dated 2 August 2021, <https://cutt.ly/qOTqPhk>

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

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

97 “Acting Batumi Mayor Archil Chikovani Presented Flats to 15 Families With Many Children”, ipress.ge, 23.06.2021, <https://bit.ly/2W0R7gN>

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