



**INTERIM REPORT OF THE NATIONAL DEMOCRATIC INSTITUTE  
ELECTION OBSERVATION MISSION TO GEORGIA**

August 29 – September 25, 2017  
Tbilisi, Georgia, October 2, 2017

**INTRODUCTION**

This interim report presents the preliminary findings of NDI’s election observation mission comprised of 12 long-term observers (LTOs) and two analysts focusing on election administration and disinformation, respectively, during the period August 29 to September 25, 2017. The team visited 59 of Georgia’s 64 constituencies and conducted more than 350 meetings with government and election officials, political party representatives, civil society organizations, and media representatives, and attended campaign events, sessions of election commissions, and other election-related activities. NDI observers will continue to evaluate election processes through election day and the post-election period. Before election day, the mission will be joined by a high-level delegation of short-term observers (STOs) to examine election-day proceedings.

The aims of NDI’s election observation efforts are to accurately and impartially assess various aspects of the election process; examine the broader political environment and factors that could affect the integrity of the process; and offer any recommendations to support peaceful, credible elections and public confidence in the process. The Institute undertakes all international observation missions in accordance with the *Declaration of Principles for International Election Observation* and its accompanying *Code of Conduct for International Election Observers*, which have been endorsed by 52 of the leading international election observation organizations.

**SUMMARY**

Pluralism is an established feature of the Georgian political landscape and voters have a variety of political choices as the October 21 local elections approach. The Central Election Commission (CEC) is on course with its electoral preparations. Active civil society observation efforts are underway. Importantly, citizens trust the electoral process and deemed last year’s parliamentary elections as safe, orderly, and without intimidation.<sup>1</sup> These polls provide an opportunity for Georgia to continue its track record in holding generally credible elections.

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<sup>1</sup>NDI’s November 2016 poll shows 96% of citizens evaluated the elections as safe, 96% as well-ordered, and 93% as free from intimidation.

Overall, however, the campaign environment to date has been devoid of meaningful competition, debate of policies, issues, or alternative visions for improving local governance -- potentially hindering voters' ability to make informed choices. The ruling Georgian Dream (GD) party is conducting extensive campaign advertising, has received 95 percent of all campaign donations, and enjoys ample media visibility, including coverage of government achievements and projects, particularly in Tbilisi. Opposition parties explain that a crippling lack of resources prevents them from doing little more than door-to-door campaigning and argue that the disparities make the prospect of a fair contest impossible. Parties and candidates appear either overly confident or resigned to a particular outcome.

All opposition parties assert that there are numerous problems in the election campaign, such as abuse of state resources, widespread intimidation, and partisan interference in election commission processes. Two accounts of election-related violence have been reported to date, prompting concerns that more could follow. However, with the exception of UNM, opposition parties have filed comparatively few formal complaints, reporting that they have little trust in the complaints resolution process and lack the resources to bring cases forward. Little concrete evidence has been provided to substantiate claims of electoral misconduct, but the persistence of these perceptions has the potential to erode the public's confidence in the electoral process and democratic governance.

In the remaining weeks before election day, authorities should swiftly investigate all instances of intimidation and electoral violence and bring perpetrators to justice. Election officials should continue to ensure proper training of DEC and PEC members to adhere to procedures throughout the remaining electoral period and avoid confusion on election day. For its part, the media should deliver on pledges to broadcast candidate debates and other issue-based coverage of the campaigns, and political parties and candidates should participate and make their case to the public.

## **BACKGROUND**

On August 21, the President of Georgia announced the date for the October 21 local self-government elections. Voters will elect 2,058 members of 64 local legislative councils (*sakrebulo*s) and 64 mayors in 59 self-governing communities and five self-governing cities<sup>2</sup> for a four-year term.

Local elections matter. Local government is the first point of contact between citizens and government, and local officials oversee the issues of greatest immediate relevance to people -- including roads, kindergartens, garbage collection, and environment. The 2017 Georgian elections are a critical opportunity for candidates and parties to prioritize local issues of importance to many voters, who are frustrated with unmet expectations on the issues that matter most to them. These elections have national political significance as well. The outcome of this race between ruling government, opposition, and independent candidates could well impact the power balance of the country.

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<sup>2</sup> Tbilisi, Batumi, Kutaisi, Poti, and Rustavi.

Georgia approaches these elections equipped with a deep reserve of democratic assets, including a pluralistic political landscape; overall respect for fundamental freedoms of expression, assembly, and association; and civil society organizations that play an active role in political life. Georgians overwhelmingly support a democratic future for their country.

In recent years, the Georgian Dream (GD) party has become a dominant political force. In the 2014 local elections, the GD coalition won all 12 of the mayoral and all 59 of the *gamgebeli* (head of local executive bodies) races in the self-governing cities and self-governing communities. GD also garnered more than 50 percent of the proportional vote across the country, followed by United National Movement (UNM) (22 percent), and United Opposition (10 percent), and won a majority of majoritarian seats in *sakrebulos*. The 2016 parliamentary elections solidified GD control, providing the party with a constitutional majority (115 out of 150 seats) with 49 percent of the total vote. Only two other parties cleared the five percent threshold -- UNM and the Alliance of Patriots (AP). Meanwhile, senior leaders and most of the MPs from the UNM party left to form the new party European Georgia - Movement for Liberty (EG), dividing the parliamentary opposition.

The elections are taking place at a time of political polarization and heated rhetoric at the national level, which inevitably shapes the campaign environment. The ruling party plans to vote on a controversial new constitution viewed by all opposition parties, leading NGOs, and the President's office as problematic and serving the political interests of one party. Attempts to build consensus and broad-based support have failed, and parliament will pass the country's guiding document with support from only one party.

Across Georgia, these elections will serve as a testing ground for the country's political forces, providing an opportunity for opposition parties to demonstrate their political relevance while determining whether GD's concentration of political power is further solidified.

## **RECENT CHANGES TO ELECTORAL FRAMEWORK**

Previous reports of international and domestic observer groups generally assessed the Georgian electoral legislation to be in line with international standards, though some shortcomings and ambiguities remain, including those related to the unequal size of majoritarian districts, use of administrative resources, and the complaints resolution process.

Elections for *sakrebulos* are held under a mixed proportional-majoritarian system. There is a four percent threshold for proportional representation of parties and coalitions. Seats in single-mandate constituencies are awarded to candidates who receive the highest number of votes. Unequal size of majoritarian districts is a persisting problem that has not yet been adequately addressed. Mayoral races require the winner to take more than 50 per cent of valid votes cast, or face a second round with the runner-up no later than 25 days after the first round.

Recent amendments to the electoral framework address some continuing recommendations by domestic and international observers and clarify a number of provisions. Most notably, following the 2016 decision of the Constitutional Court, citizen groups as well as parties are able to field mayoral candidates, expanding political participation and bringing the legislation in line with the OSCE Copenhagen Document. Additionally, candidates have been allowed to run

simultaneously for both *sakrebulo* and mayoral posts (except in Tbilisi), addressing longstanding requests of political parties to enable their most prominent leaders who fail to win the mayoral race to compete for a local council seat. Other amendments include changes in the controversial residency requirements for candidates, which previously left room for different interpretations, as well as a new requirement that complainants are promptly notified if their complaints were dismissed on procedural grounds, allowing them to address the problematic aspects of their submission in a timely manner.

However, new rules related to the composition of the election commissions and the appointment of the CEC chairperson, which will come into effect following the October polls, are widely seen as favoring the ruling party and reducing political pluralism in election management, which could in turn undermine public confidence in the election administration. Parties and local observer groups highlight three new provisions in the electoral code applicable to these elections as potentially problematic, due to their vague or unclear formulation. Article 8, paragraph 15 authorizes the election commission chair to remove an individual from the commission's building. Article 91<sup>1</sup> imposes fines on individuals who interfere with the work of the commission. Article 26, paragraph d<sup>1</sup> allows for the PECs to amend their results protocols within a day of polling "if there are statements of PEC members and/or other legal and factual grounds." Opposition parties and observer groups expressed fears these provisions could be abused to remove political opponents, stifle dissent, or change electoral results without proper oversight.

## **ELECTION ADMINISTRATION**

The structure of the election administration for the upcoming election remains unchanged. It is composed of the Central Election Commission (CEC), 73 district election commissions (DECs), and more than 3,600 precinct election commissions (PECs). Commissions on each level have 13 members, from which seven are nominated by political parties receiving the highest amount of state funding.<sup>3</sup>

In general, political parties, civic groups, and other interlocutors positively assess the election administration's professionalism, transparency, and inclusiveness, particularly at the CEC level.

For the upcoming elections, the CEC remains on track with all electoral preparations and reports having sufficient resources to fulfill its mandate. The Commission has held regular sessions during the pre-election period, which have been open and attended by observers and party representatives. Additionally, the CEC publishes meeting agendas, any new ordinances or decrees, and updates to the electoral process on its website, and runs an extensive voter information campaign. In response to experience from prior elections and in line with recommendations of NDI and others, the CEC Training Center introduced new emphasis in

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<sup>3</sup> Parties currently represented at the election commissions are: Georgian Dream-Democratic Georgia, United National Movement, European Georgia, Christian-Conservative Party of Georgia, Alliance of Patriots of Georgia, Industry will Save Georgia and United Democratic Movement.

trainings on procedures for counting and drafting of results protocols, as well as on dispute resolution.

The DEC is a permanent body with five members appointed by the CEC for a five-year term in charge of administering elections in their areas, including setting boundaries of majoritarian districts, managing voter lists, registering candidates, appointing PECs and supervising their work, adjudicating complaints, and summarizing electoral results in the district. After the elections are called, one additional member is appointed by the CEC and seven members are appointed by qualified parties. The CEC performs the duties of the DEC for Tbilisi elections. Most of the electoral stakeholders interviewed so far reported no direct complaints about the work of DEC, except in the PEC appointment process, but they also feel it is still too early in the electoral process to offer a proper assessment. The International Society for Fair Elections and Democracy (ISFED) documented 13 cases of perceived conflict of interest, reporting that members of 9 DEC had family ties with electoral contestants.

PECs are temporary bodies appointed by DEC and qualified political parties no later than 30 days before the polls. Their primary tasks include the verification of the voter list, conduct of polling and counting, and determining the results of elections at the precinct level. DEC appointment of the so-called “professional” PEC members has been a longstanding concern in Georgian elections, due to their perceived affiliation with political parties. Formally, the law prevents these PEC officials from being members of political parties, but it does not address the scenario in which individuals who previously served as party-appointed members are selected for professional positions. Following recommendations from civil society groups, as well as the NDI pre-election assessment mission (PEAM) in July, the CEC recommended that the DEC consider candidates’ professional experience and participation in its training programs when composing the PEC. Nevertheless, perceptions of the DEC’s lack of impartiality in the appointment process remain widespread.

The CEC and DEC maintain that the process has been in line with the law and that a low number of applications in many districts prevented a truly competitive process. In order to increase the transparency of the process, the CEC published a detailed account of applications received (28,667 applications for 21,804 vacancies at 3,634 PECs), previous election experience of selected members (82 percent or 17,819), and the statistics on which parties nominated them previously, attendance of sessions by DEC members (32 or 3,37 percent were absent), and number of votes selected candidates received (17,978 or 82 percent received nine or more votes). NDI long-term observers were informed that in the visited districts, the DEC mostly carried out the process in a calm and orderly manner, but without interviews or discussions about candidacies. Although some parties reportedly instructed their members to boycott the session, abstain from voting, or submit dissenting opinions, there was no apparent overall strategy on the part of opposition parties. Despite the widespread complaints about the process, only six formal complaints have been filed over the PEC member selection process and all were dismissed or not satisfied.<sup>4</sup>

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<sup>4</sup> Three complaints were filed with the CEC regarding appointments in Telavi, Krtsanisi, and Kobuleti, all of which were dismissed on procedural grounds; three additional complaints were filed directly with the Krtsanisi DEC and were either not satisfied or dismissed.

Some opposition parties and civil society organizations reported they were verifying backgrounds of DEC-appointed PEC members to reveal their party affiliation as well as any sanctions levied against them for violations in previous elections. However, there is no legal basis for exclusion from PEC membership based on prior political affiliation, unless the individual is currently registered as an electoral contestant or its representative.

The first sessions of the PECs have reportedly been conducted on time and in an orderly manner. At the same time, some NDI long-term observers reported instances of procedural errors or confusion about the proper course of action, including among experienced PEC members. In some areas, PECs had not received training and were unsure when this training would be conducted. In several observed PECs, some professional members appeared to be confused about their status -- whether they were professional or party appointees. In various parts of the country, it was reported to NDI long-term observers that PEC members appointed by UNM, and in some cases the Christian-Conservative Party, arrived at the first session with pre-drafted dissenting opinions on the process of election of PEC head officials (chairperson, deputy and secretary), alleging there would be no real contest and that all of the functions had already been distributed ahead of the session. The CEC statistics show that 94 percent of chairpersons, 86 percent of deputy chairpersons, and 89 percent of secretaries are DEC-appointed members.

Based on current data, ten complaints were filed by UNM and one domestic observer group, Club Free Zone, related to the first sessions of PECs; these complaints allege procedural violations ranging from failure to post the voters list to incomplete data recorded in protocols.<sup>5</sup>

## **VOTER REGISTRATION**

Georgian citizens who have attained the age of 18 are eligible to vote in the upcoming polls, unless they have been stripped of their right by court decision.<sup>6</sup> The voter registry is passive and the CEC compiles the voter lists based on the data provided by the Public Service Development Agency and other state institutions. By September 1, there were 3,442,455 individuals on the unified list of voters. The lists are displayed at the PECs and are open for review until October 3. In addition to verifying their data at the PECs, voters are able to check their registration on the CEC website, through a mobile phone app, as well as at 9,500 payment terminals across the country. As of September 21, 243,030 users accessed the voter list verification website operated by the CEC. An updated voter list will be published by the CEC by October 16.<sup>7</sup>

So far, political parties, civic organizations, and local observers generally raise few concerns with the accuracy of the voter lists, other than potential inaccuracies due to delays in reporting

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<sup>5</sup> These complaints were filed in Chughureti, Saburtalo, Sighnagi, Samgori, Krtsanisi, and Martvili, and Vake; three were at least partially satisfied, four were not satisfied, and three are under review.

<sup>6</sup> Citizens residing abroad are ineligible to vote in local elections.

<sup>7</sup> As in previous elections, voters who were registered without an address, voters who had been de-registered in their places of residence, and individuals whose registration was declared void by the Public Service Development Agency were allowed to apply for registration at their actual place of residence by September 15.

changes in residency or death. Opposition parties and civil society representatives reported that they are still in the process of verifying the voter lists and are focusing on voters registered to non-existent addresses, voters registered at addresses without owner's permission, or significant changes in the number of registered voters in a district from period to period. At this point, NDI has not encountered evidence of fraudulent registration.

## **PARTY AND CANDIDATE REGISTRATION**

To run in the elections, political subjects are required to register with the CEC or respective DEC.<sup>8</sup> A total of 22 political parties, five electoral blocs, and 225 initiative groups are currently registered for these elections. Two parties were denied registration due to failure to fulfill the registration criteria, and three more withdrew.

The right for initiative groups to register nominations of independent candidates was reintroduced, after being removed from procedures in 2009. Currently, 13 independent mayoral candidates (as of September 20) and 212 independent majoritarian candidates (as of September 19) are contesting these elections. The registration deadline for initiative groups was September 11.

Political parties and coalitions were able to submit their nominations until September 21. Initial data provided by the CEC reveals over 13,000 candidacies on party lists, almost 5,000 nominations submitted for majoritarian seats and 390 contestants nominated for mayoral elections. The CEC has until October 1 to publish final candidate lists and information on rejected candidacies. The deadline for candidate withdrawal is October 9.

Candidate selection processes vary by party, but overall largely lack transparency, equal competition, clear criteria, or merit-based procedures. Local representatives as well as senior party leaders at times complain of not being consulted or disagreements with their headquarters' choices. Failure to secure party nomination or disagreement with the party's decisions on candidate nominations seem to have contributed to divisions within the GD party in Senaki, Gardabani, Dmanisi, Khashuri, Borjomi, and Chokhatauri.

Independent candidates face different registration requirements than those nominated by political parties. Specifically, they have a shorter period to collect supporters' signatures, though depending on the size of the district, fewer signatures may be required. While the parties are entitled to collect signatures even before elections are announced, this opportunity is not granted to independent candidates. In these elections, Tbilisi independent candidates complained about tight deadlines to collect a substantial number of signatures.

In a positive step, the CEC assigned sequence numbers, indicating position on ballots, to electoral subjects who did not already have them 10 days ahead of legal deadline. This step was in response to a suggestion from the Georgian civic group Public Movement – Multinational Georgia (PMMG), which argued that new contestants should be given more time to campaign and inform the voters about their assigned numbers.

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<sup>8</sup> Registration of political subjects is the authority of the commission chair.

## **CAMPAIGN ENVIRONMENT**

The pre-election campaign officially started 60 days before the polls. Although many parties and candidates announced their intentions to compete in the local elections several months before the official process began, final lists of nominated candidates were only made public on the last day of the nomination period (September 21). With less than a month before elections, there is a striking lack of campaign competition in the majority of the country. Parties and candidates seem either overly confident of or resigned to a particular outcome. GD is confident of a sweep, while opposition parties point to a crippling lack of resources impeding their ability to launch a competitive campaign. Parties appear to have concentrated their efforts in the few competitive districts that exist. The major parties are focused on Tbilisi and promoting their mayoral candidates. Little information has been made available about the party-supported majoritarian candidates and proportional list candidates.

Local administrations are responsible for providing free access to campaign venues and advertising space for all contestants. Observers note that this has generally been respected, though parties at times find allocated campaign space insufficient. To this point, the freedom to campaign appears to be generally respected, with most contestants reporting they are able to freely reach potential voters. However, there were several instances of campaign obstruction, including disruption of campaign events and destruction of campaign posters.

Opposition parties state that the significant disparity in funds and resources is impacting how they conduct their campaigns. Qualified parties report mostly relying on state funding for their media campaigns and focusing on door-to-door canvassing and small-scale meetings with local communities. Use of low-cost social media, while growing, is limited by its reach, and Facebook is reportedly the most commonly used platform. While GD campaign materials are already visible across the country, other parties are only slowly increasing their profiles. Of these, EG seems to be leading the way, as it seeks to increase its branding and name recognition. The Alliance of Patriots party is also becoming more visible in different parts of the country, while UNM and the United Democratic Movement (UDM) reported they were still in the process of printing their promotional materials. UNM alleges that it was impossible for the party to purchase billboards as all the companies approached allegedly offered unfavorable contract terms or said certain spaces were off limits for them.

In contrast, GD's presence is more widely observed, with plentiful advertisements, campaign materials, flags, and billboards. The government has also been airing media spots highlighting the achievements of the government and ruling party. Activities such as a planned charity football game engaging GD's Tbilisi mayor candidate provide additional visibility for the party. GD has opened campaign offices across the country, hired teams of coordinators, and distributed promotional materials and party paraphernalia. Much of the observed GD advertisement, particularly for the Tbilisi mayoral race, focuses on 'feel good' images and photos of candidates and their families and less on policy substance.

There has been almost no debate of policy or positions in this campaign thus far. Many parties and candidates reported that they were still in the process of developing their platforms and campaign messages. NDI long-term observers note that at the local level, platforms and

campaign messages appear to be secondary to individuals' standing in the community and reveal little contrast from one another.

Despite pledges by parties to instruct their activists to refrain from violence -- with GD leaders describing internal sanctions for failure to comply -- there have been two reported incidents of seemingly election-related violence. In Marneuli, EG reports that its *sakrebulo* candidate was beaten up by the GD *sakrebulo* candidate. In the village of Zemo Kvaloni in Khobi, the Georgian Public Broadcaster (GPB) reported that an EG majoritarian candidate and her father were beaten. Additionally, the CEC reported that the voter lists and commission ordinances were torn down in a PEC in Gardabani district, while another PEC in Ozurgeti had its door smashed, inventory damaged, and lists torn down.

These acts of violence require resolution and sanctions. Some of the previous incidents of electoral violence in 2016 have not been adjudicated and perpetrators have not been brought to justice. Authorities' failure to act creates an atmosphere of impunity and could encourage further violence.

Overall, NDI long-term observers report the widespread perception that there is little meaningful competition. GD leaders have made it clear that they will and must win resoundingly, and that any opposition victory, however small, would be construed as a sign of weakness. The party also has access to the lion's share of financial and media resources, while opposition parties are struggling to keep pace.

## **USE OF ADMINISTRATIVE RESOURCES**

Misuse of administrative resources and public office for partisan advantage is an entrenched problem in Georgia that has yet to be addressed. Many interlocutors acknowledge that the most prevalent examples of alleged misuse of office and public resources often do not represent a direct violation of the law, but still constitute an attempt to influence the voters' choices and violate the principle of clear separation between the party and the state. Commonly voiced concerns include scheduling of budgetary expenditures and infrastructure projects at the local level for the pre-election period, airing of promotional videos featuring achievements of the government, mobilization of public employees to attend rallies, and incumbents' failure to distinguish between official functions and campaign activities. Transparency International (TI) documented changes in the contracts from permanent to temporary of 168 village representatives in Samegrelo-Zemo Svaneti, raising concerns about possible intimidation of those temporary employees, as the extension of their contracts may depend on the goodwill of the mayor. TI has warned that similar practices are taking place throughout the country.

Since NDI's pre-election assessment mission in July, national authorities, including the CEC and the Inter-Agency Commission for Free and Fair Elections (IACFF), have taken some steps to inform the public and civil servants about the applicable rules. Together with ten civil society organizations, the CEC and the IACFF signed a Memorandum of Understanding covering uniform interpretation and enforcement of provisions related to unlawful campaigning, vote-buying, and abuse of administrative resources. At the local level, government officials proclaim their knowledge of and adherence to these norms. However, while in general stakeholders positively assess the IACFF as a forum for exchanging information with agency representatives,

most interlocutors do not view the IACFF's represented agencies as effectively pursuing investigations into the concerns they have raised.

As of September 25, twenty-one complaints were filed by domestic observer groups involving campaigning by civil servants on behalf of ruling party candidates.<sup>9</sup>

Additionally, opposition parties and civil society groups in various districts raised allegations of pressure, dismissals from work, and intimidation of potential candidates or PEC members, party activists, or voters, particularly those who are public servants. Following submission of candidacies, several parties claim that their candidates were being pressured to withdraw or have already resigned. Little or no evidence has been provided, and NDI long-term observers have not been able to independently verify these claims. While providing evidence for such allegations is extremely difficult, the prevailing perception that such abuse is widespread -- whether true or not -- can erode confidence and discourage participation in the electoral process.

## **CAMPAIGN FINANCE**

Of the political parties contesting these elections, 16 are qualified for state funding.<sup>10</sup> In addition to public funding, qualified political parties can request reimbursement for election campaign expenses from the state budget of up to 500,000 GEL. Qualified parties are also entitled to state funding for representatives at DEC and PEC as well as for their TV advertising expenses. Independent candidates are not entitled to state funding, regardless of their past electoral results.

The State Audit Office (SAO) is responsible for monitoring campaign finances. In general, stakeholders positively view the professionalism and transparency of the SAO, and report trust in the agency's handling of political finance investigations. Political parties, coalitions, and initiative groups are obligated to report donations every three weeks to the SAO, which has no legal deadline to review individual reports, and has the legal authority to investigate applicable political finance matters for six years.

As highlighted in previous election observation reports, a lack of resources limits the SAO's ability to comprehensively investigate campaign incomes and expenditures, though the agency plans to internally review the allocation of resources. Additionally, the SAO has pointed out that legal timelines, lack of resources, and delays in receipt of information from other national authorities could delay the conclusion of their investigations until after the elections. If that is the case, it could result in a request to the CEC to apply to court to nullify votes, although the SAO considers this unlikely, as financial violations can be difficult to directly link to ballots cast.

So far, the SAO has reported that the majority of electoral contestants are complying with the reporting requirements, although two parties have already been fined for failure to meet a reporting deadline (Labor Party and Political Movement for Freedom - Zviad's Way). The SAO

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<sup>9</sup> These cases were filed in respective DECs in Ambrolauri, Aspindza, Batumi, Chokhatauri, Dmanisi, Khulo, Kutaisi, Kvareli, Mtskheta, Lanchkhuti, Oni, Shuakhevi, Zugdidi, as well as two with the CEC.

<sup>10</sup> The qualification threshold is the receipt of 3 percent of votes in the previous local or parliamentary elections.

also interviewed 14 individual donors (eight from GD and six from EG) whose donations were deemed disproportionate to their income, but found no grounds for further legal action.<sup>11</sup>

The latest figures released by the SAO indicate a large disparity between the funds raised by the ruling party and the rest of the electoral contestants, not a unique occurrence in Georgia. Between July 1 and September 13, GD reportedly received 7.34 million GEL (95 percent of all declared donations), followed by the European Georgia with 323,675 GEL, while the remaining nine parties received only one percent of total donations. Additionally, several opposition parties reported difficulty getting bank loans and said they were unable to raise private funds due to donors' fear of repercussions. Such an unlevel playing field with regard to political finance is not unique to these elections nor this government, but continues to present long-term challenges to democratic competition in the country.

## **MEDIA**

The Georgian media landscape is seen as diverse, pluralistic, and generally free, but divided along political lines. Television remains the primary source of information for the majority of citizens, although the role of online media is growing.<sup>12</sup> Freedom of speech is guaranteed by the Constitution and media freedoms are protected by law. In line with the electoral code, broadcasters are required to adhere to the principles of impartiality and fairness. National, regional, and local stations have discussed plans to provide electoral coverage, both through their regular news coverage and in special programs focused on elections, such as candidate debates. The main obstacles that regional media claim to be facing in covering the elections are limited resources and the high volume of candidates. In addition, NDI long-term observers reported that in many parts of the country there is no media presence or national coverage of these local elections, presenting significant obstacles for voters in these communities seeking information on their electoral choices.

Rustavi 2, one of the country's top broadcasters, is in a dire financial and managerial situation as a result of controversial court rulings suspending its borrowing ability and changing its ownership. Due to the intervention of the European Court of Human Rights, the current management remains in place, but the stability of this situation is in doubt. Furthermore, during the week of September 18, the station's website came under a dedicated denial of service (DDoS) attack following a warning on Facebook, forcing a shutdown of many online activities. Imedi, the other major broadcaster in the country, reported a similar DDoS attack in the same period.

The Georgian Public Broadcaster (GPB) has raised concerns about the content of campaign advertisements, including messages or information that it is not in a position to review or vet. For

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<sup>11</sup> Party donations are limited to 120,000 GEL for legal entities and 60,000 GEL for private citizens.

<sup>12</sup> According to NDI public opinion polls conducted in April and June 2017, 88 percent of Georgians obtain news from TV, with Rustavi 2 and Imedi ranked as the most trusted TV channels. By comparison, 42 percent of Georgians obtain their news from the internet, and 19 percent from newspapers.

instance, the GPB refused to air an ad in the 2016 parliamentary elections from the Centrist party that promised Russian pensions for Georgians and to legalize Russia's military presence in the country, claiming its content conflicted with the Georgian constitution.

The Georgian National Communication Commission (GNCC), responsible for monitoring the media, issued warnings to TV companies Rustavi 2 and Obieqtivi for violating the law by airing political advertising of EG and AP, respectively, outside the pre-election period. Furthermore, GPB and Adjara TV have been sanctioned for refusing to air a campaign video of the election bloc Democratic Movement - Free Georgia.

Opposition parties have accused mainstream media outlets of providing free campaign coverage for Georgian Dream through stories on government projects, particularly in Tbilisi, and various GD achievements.

## **DISINFORMATION**

Disinformation -- some of it in the form of xenophobic, ethno-nationalist, homophobic, and ultra-conservative rhetoric -- has become a more prominent feature of Georgian political life in recent years. The prevailing disinformation tends to frame the West as a threat to Georgian identity; the EU as a demographic threat and a source of migrants and terrorism; and the Russian Federation as a fellow Orthodox country serving as a counterweight to the West.<sup>13</sup> Some civic leaders who met with NDI's pre-election assessment delegation in July ascribed the origin of these messages to Russia, saying they are intended to sow confusion, erode trust in facts and truth, and to undermine confidence in democratic values and norms. In an election setting, in which an informed and engaged electorate is critical, such tactics could potentially discourage participation and skew outcomes.

To date, NDI observers have not detected a pronounced increase in disinformation in the pre-election period, nor have they heard reports of apparently systematic efforts to target specific candidates or parties with deceptive narratives. However, some seemingly isolated incidents have occurred. For example, Facebook videos surfaced that purportedly showed UNM representatives collecting signatures in support of Tbilisi mayoral candidate Aleko Elisashvili, who in fact is an independent candidate. The video was then disseminated in traditional media outlets. Elisashvili's team claims the video was staged and filed a complaint with the police, which was passed to the IACFF. Similarly, Elisashvili's team has lodged a complaint about a Facebook group that claims to be a supporters' group, but spreads defamatory material and other disinformation about the candidate. Campaigns in Ambrolauri, Marneuli, Tbilisi, and Zugdidi of several parties (EG, GD, Republicans, UNM) have reported disinformation about their candidates in various media, including on Facebook, news websites, and television. The ruling GD accused Rustavi 2 of running a disinformation campaign against the party, particularly targeting its Tbilisi mayoral candidate. The State Audit Office is looking into several cases of Facebook sponsored posts that appear to support a candidate or party but do not have a clearly declared sponsor, as required by law. The CEC also reported being targeted by disinformation campaigns aimed at discrediting its work. The Commission in some cases opted to approach the responsible media outlet or individual directly to request correction or to issue its own rebuttal.

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<sup>13</sup> Media Development Foundation (MDF) Anti-Western Propaganda, 2016.

In a case involving the Rustavi 2 television station, the CEC filed a complaint for misreporting of its activities related to the tender of contracts for elections services. The court decision is pending.

Candidates, as well as representatives of civil society, political parties and the media, have expressed concerns to NDI observers about the lack of an adequate legal or regulatory framework for dealing with deceptive information, particularly online. The electoral law and decree on political financing for advertising do not account for digital campaigns. Several respected civil society organizations are engaged in monitoring aspects of disinformation. Similarly, representatives from EG, GD, and UNM reported to NDI that they are working to monitor social media, particularly to examine Facebook content for negative or false stories about their candidates and parties. Ensuring that disinformation does not become a greater threat to electoral integrity will require concerted efforts from government, parties, and civil society to mitigate its impact.

### **WOMEN'S PARTICIPATION**

Women make up almost 54 percent of the electorate, but remain underrepresented at all levels of elected and executive office in Georgia. There are 23 women among 150 MPs (15 percent) and only two out of 19 cabinet members are women. All nine governors are men. Only one of the elected 71 mayors and *gamgebelis* is a woman. Even though financial incentives for gender representation on *sakrebulo* party lists were introduced in 2011, only 12 percent of local councilors are women.

According to the CEC data on submitted candidacies, there are no female mayoral candidates in 35 out of 64 constituencies. In an additional 14 constituencies, there is only a single woman running for mayor. In total, out of 390 mayoral candidates, there are 50 women (less than 13 percent). In majoritarian elections, almost 84 percent of nominated candidates are men. Overall representation of women on proportional lists is close to 37 percent, although many are placed in unwinnable positions on party lists.

The CEC indicated that UNM, EG, AP, and the Republican Party, along with several other parties and coalitions, may qualify for an additional state funding for nominating at least three women among every 10 candidates. The ruling GD did not meet this requirement for party lists and has only two female mayoral candidates out of 64.

Since most of the lists have between 15 and 45 candidates (i.e. not a full decimal), some parties sought guidance from the CEC related to the apportionment of candidates that would meet the requirement. According to the CEC, if there is an incomplete decimal of seven candidates or fewer, no women are required to legally meet the quota, but if there is an incomplete decimal of 8 or 9 candidates, one or two women are required to be quota compliant, respectively.

Within the election administration, women make up three of the 13 CEC members, including the chair. At the DECs, around 63 percent are women, while currently women comprise approximately 71 percent of PEC members, chairing some 62 percent of PECs and serving as secretaries in over 92 percent of precincts.

## **PARTICIPATION OF NATIONAL MINORITIES**

National minorities make up just over 13 percent of the population, according to the 2014 census, with Azerbaijanis and Armenians being the most numerous groups (6.3 and 4.5 percent respectively). Limited participation of national minorities in the political and electoral processes has often been attributed to language issues, as many reportedly do not speak Georgian well. In order to increase the electoral participation of national minorities, the CEC continued its programs and activities in minority languages, including voter information campaigns, publishing voter lists, printing ballots, and training manuals, and conducting trainings for election officials.<sup>14</sup> In line with NDI's pre-election recommendation to further facilitate the inclusion of national minorities in the electoral process, the CEC added a banner in Azerbaijani and Armenian to its homepage, enabling voters who do not read Georgian to more easily access important electoral information on the CEC website.

Political parties report fielding candidates from national minorities and campaigning in minority languages in districts with significant national minority presence.

## **COMPLAINTS AND APPEALS**

The election administration has taken some positive steps to address previous concerns related to electoral dispute resolution, including issuing written responses to complainants when their submissions are dismissed without consideration, conducting trainings on the complaints process, and introducing new training manuals reviewed by the CEC's legal department. Additionally, the CEC published all information on complaints, appeals, and other legal applications on its website in a timely manner.

Based on current data, 49 complaints, applications, and appeals have been filed with the election administration and courts -- seven with the CEC and 40 with DEC's -- and an additional two complaints were filed with the Tbilisi City Court. Of these, 17 cases are currently under review, eight cases were at least partially satisfied, and 24 cases were dismissed or not satisfied. Only three complaints in these elections were dismissed under procedural grounds (the complaint was filed by an unauthorized person or the submission deadline had passed).<sup>15</sup> The complaints allege violations including improper administrative conduct, unlawful campaigning by public servants, and disputed selection of PEC members.

The law restricts the right to file complaints to specific categories of plaintiffs, depending on the type of complaint, and voters are ineligible to file complaints in most instances. In addition, parties and contestants continue to highlight short timeframes for filing appeals, limiting their ability to gather sufficient evidence to substantiate their claims. They also cite a lack of resources needed to file complaints given the burden of proof required in the most common violations, such as intimidation and abuse of state resources. Some party leaders allege that filing complaints might discourage the public from voting by casting doubt on the process. In their view, the number of violations identified greatly exceeds the number of complaints filed.

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<sup>14</sup> In these elections, the CEC plans to provide translated ballots in 345 precincts; 208 precincts with ballots in Azerbaijani, 133 in Armenian, and 4 with both.

<sup>15</sup> Authority to dismiss a case without prejudice belongs to the commission chair.

Many disputed campaign activities fall within the legal framework, which broadly prohibits certain campaign and public administration activities only once the elections have been formally announced. Given these limitations, there is a prevailing lack of trust among opposition parties and observer groups in the effectiveness of the current complaints process, and the number of complaints filed may not, in their view, accurately reflect the range of concerns of parties and civic groups.

## **RECOMMENDATIONS**

- The authorities should swiftly investigate all instances of intimidation and electoral violence and ensure that timely sanctioning of perpetrators serves to deter such violations in the immediate future.
- Parties should make all effort possible to provide adequate evidence to substantiate claims of electoral violations, abuse of state resources, or pressure and intimidation, and follow available procedures for seeking redress.
- Political parties and candidates should participate in all available debates and political programs to present their concrete policies and plans to voters.
- Election officials should ensure, including through trainings and extensive oversight, that broad powers to expel individuals from the sessions or premises provided by the legal framework are not abused.
- The CEC and DEC's should continue to strengthen their supervision of PECs' work, especially on election day and during the count, in order to ensure impartiality, transparency, and oversight.
- The government, political parties, civil society groups, and journalists should continue and expand upon efforts to detect and mitigate disinformation in the elections. These efforts should include cybersecurity measures, monitoring traditional and online media, exposing and/or disrupting deceptive information flows, and conducting media literacy and civic education campaigns.
- Media should ensure fact-based coverage of election developments, raise public awareness of their electoral choices and platforms, and help dispel rumors and misinformation.

## **NDI ELECTION OBSERVATION MISSION AND ACTIVITIES**

NDI will continue to observe and analyze the electoral process and offer independent, impartial observations and findings. The report builds on the findings of the NDI pre-election delegation, as well as NDI's long-term presence in Georgia. The July 21 statement of the Institute's pre-election delegation and other relevant materials can be found at <https://www.ndi.org/eurasia/georgia/>. NDI expresses its appreciation to the United States Agency for International Development (USAID) and the National Endowment for Democracy (NED), which is funding its election observation work in Georgia.

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*The National Democratic Institute is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government*