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Information report on the municipal elections in Georgia (21 October 2017)

Monitoring Committee

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Summary

Upon invitation by the Georgian authorities, the Congress deployed a high-level Electoral Assessment Mission in order to evaluate the municipal elections held on 21 October 2017. On Election Day, three Congress teams involving seven observers from five Council of Europe member States visited around 30 polling stations, joining their efforts with the OSCE/ODIHR Election Observation Mission.

Overall, the Congress was satisfied with a calm, uneventful and well-administered Election Day in most of the polling stations visited by the delegation. The vote followed a mainly peaceful and competitive electoral campaign during which democratic values and freedoms were generally respected and candidates were able to campaign freely. An increasingly professional media environment fostered a more vivid political debate. However, there were some concerns about misuse of administrative resources during the campaign which seemed to be of specific relevance at the local level. There were also cases of pressure on voters and on candidates withdrawing their candidature reported to the Delegation. In addition, there is room for improvement and more consistency with regard to regulations on campaign and party financing. The general context of the elections was shaped by the dominance of the ruling party.

Furthermore, the Congress referred to the reform potential of the Georgian law which currently allows voters who are registered at a permanent or temporary address to cast a ballot in local elections while Congress Recommendation 369(2015) provides that only voters who are permanently residing in a specific municipality should be enfranchised at the local level.

1 L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

1. Introduction

1. Following an invitation by the Minister of Foreign Affairs of Georgia, Mr Mikheil Janelidze, of 17 May 2017, the Congress Bureau decided to deploy an Electoral Assessment Mission of limited scope in order to evaluate the “Elections of Representatives Bodies of Municipalities and Mayors of Self-Governing Cities and Self-Governing Communities” (municipal elections) held on 21 October 2017.

2. The Congress’ high-level Delegation was composed of the two Thematic Spokespersons on election observation, Stewart Dickson (United Kingdom, ILDG, Chamber of Regions) and Jos Wiene (Netherlands, EPP-CCE, Chamber of Local Authorities) as well as Congress Vice-President Barbara Toce (Italy, SOC, Local Chamber). Congress expert on electoral matters, Professor Christina Binder, and members of the Secretariat accompanied the Delegation. On Election Day, three Congress’ teams involving seven observers visited around 30 polling stations and joined forces with the OSCE/ODIHR Election Observation Mission.

3. Further details of the Delegation, the programme and deployment areas are included in the appendices.

4. The Congress wishes to thank all those who met the Delegation for the open and constructive dialogue. It thanks the Georgian authorities for their support in preparing this mission. Special thanks go to the Head of the Council of Europe Office in Tbilisi, Cristian Urse, and his team for their valuable support. Likewise, the Delegation is grateful to the OSCE/ODIHR Election Observation Mission and its Head of Mission, Corien Junker, for the excellent cooperation.

2. Political context

5. In the 21 October municipal elections voters were invited to elect a total of 2,058 members of 64 Municipal Councils (*Sakrebulo*s) and 64 Mayors, including in the capital Tbilisi and four other Self-Governing Cities.

6. The elections took place about one year after the last Parliamentary elections of October 2016 where Georgian Dream (GD) had gained a constitutional majority with 115 out of 150 seats. From the remaining 35, United National Movement (UNM) had won 27 seats. The Alliance of Patriots of Georgia (APG) gained 6 seats and Industry Will Save Georgia and an independent candidate each 1 seat. Since then, 21 members of Parliament had left the UNM and established the Movement for Liberty – European Georgia (EG). As detailed in the election results, the municipal elections held on 21 October confirmed the predominance of Georgian Dream: 57 out of 58 Mayors who were elected in the first round represented GD.

7. Further to the 2016 Parliamentary elections, Georgian Dream launched a constitutional reform and a State Constitutional Commission (SCC), the body in charge of preparing the draft amendments, was established by Parliament. Civil society criticised the lack of inclusiveness of the SCC and the timeframe to prepare this reform. Moreover, the President of Georgia, in disagreement with its composition and the proposition to reduce the competences of the President, called for a boycott of the work of the SCC. Representatives of opposition parties took part in most of the work of the SCC but did not participate in the final adoption of the draft amendments. Finally, the revised draft Constitution went through three Parliamentary readings and gathered the support of more than two thirds of the total number of members of Parliament on 26 September 2017. What remains as a matter of concern is the general lack of consensus over major Constitutional changes, notably disagreement between the Government and the opposition about the date of entry into force of the proportional system, which is now scheduled for 2024 (while 2020 was envisaged initially).²

² For more details on the Constitutional reform, refer to the Venice Commission Opinion 876/2017 on the draft revised Constitution as adopted by the Parliament of Georgia at the second reading on 23 June 2017 ([http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)023-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)023-e)) and the Parliamentary Assembly Resolution 2203 (2018) on the progress of the Assembly’s monitoring procedure (January-December 2017) (<http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=24305&lang=2>).

3. Administrative structure at local and regional level

8. The territorial structure of Georgia is governed by the Constitution and the Local Self-Government Code.³ The Local Self-Government Code explicitly refers to the European Charter of Local Self-Government.⁴

9. Administratively, Georgia is divided into nine Regions⁵ (*Mkarebi*) and two Autonomous Republics, namely Abkhazia and Adjara.⁶ There are 64 Communities including – since the June 2017 amendments to the Local Self-Government Code – five (instead of 12) Self-Governing Cities. At present, Tbilisi, Rustavi, Kutaisi, Poti, Batumi have the status of a Self-Governing City.

10. In June 2017, changes to the Local Self-Government Code aimed at eliminating the self-governing status of seven cities and merged them with the surrounding settlements.⁷ The number of Self-Governing Cities was decreased from 12 to 5.⁸ The amendments were challenged by civil society organisations on the ground that no consultation process had been organised. Also, the President vetoed the amendments in July 2017. The Presidential veto was over-ridden by the Georgian Dream majority in Parliament⁹ with the amendments taking effect accordingly.

11. The Municipalities manage a limited share of competences, making them dependent on the central Government. The main problem appears to be their limited financial independence: the only local tax that goes directly into the local budget is the property tax.¹⁰

12. Municipalities in Georgia are composed of three organs: the Municipal Council (*Sakrebulo*), the City Hall (*Gamgeoba*) and the Mayor or Town Manager (*Gamgebeli*). During the 21 October elections, two of these bodies were directly elected: the Municipal Councils and the Mayors. The City Hall is appointed by the Mayor.

13. In Georgia, the Municipal Councils have legislative powers (concerning issues such as the budget, property and land resources, local taxes, territorial planning as well as construction permissions). Their members are directly elected for a 4-year term.¹¹

14. Overall, decentralisation and the strengthening of Georgian Municipalities and Regions are still in the early stages of development. At the same time, the recent past has been characterised by a sort of exodus from the rural areas and regions into the Capital City of Tbilisi which is relevant, in particular, from a socio-political and an economic point of view.

4. Legal framework and electoral system

15. Elections to *Sakrebulos* are held under a mixed proportional-majoritarian system. In the Capital City Tbilisi, 25 members are elected proportionally and 25 under the majoritarian system. In the other Self-Governing Cities Kutaisi, Poti, Batumi and Rustavi, 15 members are elected proportionally and 10 under the majoritarian system. In the remaining 59 Municipalities, 15 members are elected proportionally and one is elected under the majoritarian system from each settlement. In addition, one to five majoritarian members are elected to represent the municipal centre, depending on its size.

16. The above-mentioned formula allows each settlement to have representation on the Council but results in significant inequality of voting power of voters residing in different constituencies.¹² Also, the

3 See <https://matsne.gov.ge/en/document/download/2244429/15/en/pdf>

4 Article 6, Local Self-Government Code.

5 The 9 Regions are: Guria, Imereti, Kakheti, Kvemo Kartli, Mtskheta-Mtianeti, Racha-Lechkhumi/Kvemo-Svaneti, Samegrelo/Zemo-Svaneti, Samtskhe-Javakheti and Shida-Kartli. These Regions are not units of self-government since they are headed by “Governors” appointed by the Prime Minister aiming at coordinating the work of Municipalities.

6 The status of South Ossetia is not defined in the Constitution of Georgia.

7 The reform affected the status of Zugdidi, Gori, Telavi, Ambrolauri, Mtskheta, Ozurgeti, and Akhaltsikhe.

8 See <http://www.civil.ge/eng/article.php?id=30234>.

9 See <http://georgiatoday.ge/news/7093/President-Vetoes-Bills-of-Self-Government-and-Election-Codes->

10 Otherwise the Municipalities are financed through different types of transfers, including an equalisation system that has been criticised for being opaque. See roles and responsibilities of Mayors and Local Councillors in Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus - EU/CoE <https://rm.coe.int/168071b235>.

11 Conversely, the City Hall is in charge of executive functions and the implementation of the decisions taken by the Municipal Council. It is headed by the Mayor (the Town Manager) and is composed of deputies and other members.

12 Only 1 in 5 majoritarian constituencies established for these elections was within 15 per cent of deviation from the average number of registered voters within each municipality. Section 2.2 of the Venice Commission’s Code of Good Practice in

complexity of the current electoral system with regard to the election of Council Members in smaller Municipalities does not make it easy for people to understand who is in charge of what at the local level, due to the repercussions on the self-governing structures.

17. In the proportional component, the parties/blocs receiving at least four per cent of the valid votes cast participate in the distribution of seats in the *Sakrebulo*s. In the majoritarian component, a candidate receiving the most valid votes is elected. The Mayors are directly elected. A candidate receiving more than half of the valid votes cast is elected. If no candidate is successful, a second round is held within 25 days between the two candidates with the most votes. This was the case for 6 Mayors (out of 64) and a second round took place on 12 November 2017 (but was not observed by the Congress).

18. Local elections are primarily regulated by the 1995 Constitution, the 2011 Election Code, the 2014 Local Self-Government Code, as well as by the acts of the Central Election Commission (CEC). The legal framework is considered to be comprehensive and thus adequate for the conduct of elections in line with democratic principles. However, certain gaps and inconsistencies remain.¹³

19. Some undue restrictions on electoral rights have been flagged to the Congress Delegation. They include a 5-year general residency requirement for candidates, the blanket denial of voting rights of persons placed in an inpatient care establishment on grounds of mental disability confirmed by a court, restrictions on who can file election complaints and the prohibition of campaigning by foreigners and charitable and religious organisations.¹⁴

20. The Election Code was last amended in July 2017 to introduce a number of changes mainly of a technical nature. These amendments eased candidacy requirements, set up timelines for unregistered voters to register, and introduced the electronic registration of election contestants' proxies.¹⁵

21. The changes to the Local Self-Government Code of June 2017¹⁶ significantly affected the delimitation of electoral constituencies shortly before the elections. Changing fundamental aspects of the electoral legal framework less than a year prior to an election is contrary to international good practice.¹⁷

5. Election administration

22. The 21 October elections were managed by three levels of administration, comprising the CEC (Central Election Commission), 73 District Election Commissions (DECs) and 3,634 Precinct Election Commissions (PECs).¹⁸ Commissions at all levels were composed of 13 members, with seven members nominated by parties that qualify for public funding ("qualified parties")¹⁹ and six members recruited on the basis of an open application process. The CEC Chairperson (currently: Tamar Zhvania) is nominated by the President and elected by the CEC with a two-thirds majority, while the five other non-partisan members are elected by Parliament upon nomination of the President. In total, three CEC members are women including the Chairperson.²⁰ The DECs, in addition to party appointees, include five permanent and one temporary member selected by the CEC in an open recruitment process. PECs include six members selected by DECs in the same manner.

Electoral Matters provides that seats should be evenly distributed among constituencies, with a permissible deviation of maximum 15 per cent, except in special circumstances such as for protection of a national minority.

¹³ See the candidate registration and campaign finance sections below.

¹⁴ Art 29 of the Convention on the Rights of Persons with Disabilities (CRPD) stipulates that state parties to the Convention shall "Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others; [...] including the right and opportunity for persons with disabilities to vote and be elected". In its Opinion of 9 October 2017 on the Draft Revised Constitution of Georgia, the Venice Commission expressed regret that the blanket ban is maintained in the draft. The 2011 OSCE/ODIHR and Venice Commission Joint Opinion on the Draft Election Code of Georgia stressed, in part, that restrictions on campaigning by religious and charitable organisations, as well as by foreigners, violate fundamental rights to freedom of religion, non-discrimination and expression.

¹⁵ Some legal changes will take effect only after these elections. These include new provisions for the composition of election commissions, which will result in increased representation of the ruling party at all levels of the election administration.

¹⁶ See above section 3 "Administrative structure on the local and regional level" for details.

¹⁷ The 2002 Venice Commission Code of Good Practice in Electoral Matters states that the fundamental elements of electoral law, in particular the electoral system, membership of election commissions and the drawing of constituency boundaries, should not be open to amendments less than a year before an election.

¹⁸ In addition, 10 special PECs were created in penitentiary institutions, hospitals and military units.

¹⁹ Parties are eligible for public funding if they received 3 per cent of votes in the last parliamentary or local elections. Currently, 20 parties qualify, of which 16 are contesting these elections.

²⁰ According to the CEC, women constituted in these elections 62% of DEC membership, 71% in PECs; 36% of DEC Chairpersons were female and 63% of PECs.

23. In general, the 21 October elections were managed in an efficient and professional manner. While the performance of the CEC was generally positively assessed by interlocutors of the Congress Delegation, some opposition contestants questioned the impartiality, in particular, of the DEC-appointed PEC members. However, it must be added that the low number of applicants for PEC positions gave DECs a limited choice.

24. The CEC's training centre conducted comprehensive trainings for members of DECs and PECs, developed an e-learning programme, and produced manuals and video spots on Election Day procedures. However, the Congress Delegation heard reports about a considerable number of PEC members who had received training and opted out afterwards. The Central Elections Commission provided also comprehensive voter information on voter registration through meetings with voters, videos and print materials, including in national minority and sign languages.

6. Voter registration and voters' lists

25. Citizens who are 18 years of age by Election Day have the right to vote at the local level in Georgia, except those serving a prison term of more than five years. Citizens who are declared beneficiaries of support by a court decision because of mental disabilities have the right to vote unless they are placed in an inpatient establishment.

26. Voter registration is passive. The CEC is responsible for compiling voters' lists based on the State register of citizens maintained by the Public Service Development Agency (PSDA) and data from other relevant State institutions. Voters' lists seem to enjoy a high level of trust among stakeholders. Still, the removal of deceased voters and those who resided abroad or in the territories outside of governmental control remains a challenge due to the lack of information about the concrete number of individuals residing *de facto* abroad.

27. Also, the Georgian law currently allows voters who are registered at a permanent or a temporary address²¹ to be included in the voters' lists and thus to cast a ballot in local elections. Congress Recommendation 369 (2015),²² conversely, provides that only voters who are permanently residing in a specific municipality should be enfranchised at the local level.

28. The Georgian authorities undertook considerable efforts to further improve the quality of voters' lists including door-to-door voter verification. In addition, facial recognition software was used to detect potential duplicates. As a result, roughly 12,000 persons were removed from the register and notified by the PSDA. Following an amendment to the Election Code in July 2017, voters without an address and those whose registration had been declared invalid by the PSDA, were given a possibility to re-register and some 5,000 voters did so. According to the CEC, un-substantiated accusations of serious nature have been made with regard to the voters' lists and there seems to be more public trust in the system than before.

29. The preliminary voters' lists were made available for public scrutiny at polling stations, at DECs, online and through 9,500 payment terminals around the country from 21 September until 3 October. On 16 October 2017, the Central Election Commission announced that 3,440,123 voters were registered to vote.

30. Some 200,000 internally displaced persons (IDPs) were included in the voters' lists for these elections at their current places of residence ("factual address"). Those with terminated or no official IDP status were notified and given an opportunity to register. The 2017 amendments to the Election Code also lifted a requirement for IDP cards to be used for voting purposes. ID cards were issued free of charge as part of a Government programme. Despite the fact that the numbers of IDPs in Georgia has decreased over the years and many of them have been granted permanent registration in municipalities in the meantime, the Congress welcomed the measures by the authorities to enfranchise IDPs at the grassroots' level.

²¹ In addition, voters have to have a valid identification document (ID) card or a biometric passport.

²² See the Congress Recommendation 369 (2015) on electoral lists and voters residing *de facto* abroad.

7. Candidates' registration

31. The minimum age to stand for election is 21 years for the position of Municipal Councillor and 25 years for Mayor. The recent removal of requirement that candidates must reside in Georgia in the 2 years preceding an election significantly improved the inclusiveness of the candidates' registration process. However, a 5-year overall residency requirement remains.²³

32. In total, 38 parties applied to the Central Election Commission for registration for the 21 October elections, of which 36 were accepted and 2 were rejected.²⁴ Three parties withdrew after registration. 11 parties subsequently formed 5 electoral blocs and 22 parties ran independently. Altogether, the CEC and DEC registered 591 proportional lists of parties and blocs (37 % women), 369 Mayoral candidates (13 % women) and 4,727 majoritarian candidates (16 % women). There were two women among the 13 candidates for the elections of Mayor in the Capital City of Tbilisi.

33. Following a 2016 Constitutional Court decision, independent candidates were entitled to run for Mayor, in addition to contesting a majoritarian seat, if they collected support signatures amounting to 1% of registered voters in the respective constituency. This opening of standing for independent candidates has been generally welcome and is seen by the Congress as an important element for the further strengthening of grassroots' democracy. However, while parties had 60 days to collect signatures, independent candidates had less than 10 days to do so.²⁵ Of the 13 candidates that ran in the Tbilisi Mayoral elections one was independent.

34. In some 200 cases (4%), majoritarian candidates withdrew from the contest, which was possible until 9 October. In some majoritarian contests, competition was limited or a single candidate ran unopposed.²⁶ A number of independent candidates withdrew in favour of being included on a party list. Some candidates reportedly withdrew their candidacy under pressure.²⁷

8. Election campaign

35. The overall campaign atmosphere was described by Congress interlocutors as calm, even low-key in rural areas, with the exception urban centres such as Tbilisi where the ruling party, in particular, ran an extensive campaign with numerous billboards, outdoor campaign ads and canvassing. There were also a few violent incidents reported involving party representatives and candidates. Despite the official calling of elections on 22 August, according to the Congress interlocutors, the main contestants started announcing nominations of candidates for Tbilisi Mayor and were engaged in campaigning already prior to this date. Freedom of expression, association and assembly were respected, by and large.

36. Still, allegations of misuse of administrative resources were raised by several Congress interlocutors and seemed to be of specific importance at the local level,²⁸ despite warnings to public officials and the acknowledgement of such violations by the Minister of Justice, Tea Tsulukiani, in her capacity as the Chairperson of the Interagency Commission for Free and Fair Elections (IACFFE). There were, in particular, allegations, inter alia by Congress interlocutors, of use of school and kindergarten teachers to mobilise support for the ruling party and to attend its campaign events, sometimes under pressure. This raised concern about public sector employees' ability to vote free of fear of retribution.²⁹

23 Article 1.1.c.iv of the Venice Commission's Code of Good Practice in Electoral Matters states that "the requisite period of residence should not exceed six months; a longer period may be required only to protect national minorities." Also, the law provides that candidates who contest the Tbilisi *Sakrebulo* must speak Georgian; no such provision applies in other municipal contests. The language requirement, however, was not enforced.

24 The Economic Development and the Poverty Reduction Party did not submit its application for registration by an authorised representative, while the Political Union "Girchi" did not submit sufficient number of supporting signatures.

25 By CEC decision, the deadline for voter initiative groups to nominate independent candidates was set 50 days prior to E-Day i.e. 1 September, although election commissions only began accepting applications from initiative groups after the calling of the elections on 22 August.

26 17 majoritarian candidates ran unopposed, all nominated by Georgian Dream.

27 For example, in Akhalkalaki, Ambrolauri, Dmanisi, Gori, Tetrtskaro and Tsageri. In a few instances, long-term observers from OSCE/ODIHR were able to confirm such reports.

28 For example, on 29 September, the State-funded Georgian Football Federation conducted a charity game with the participation of former football stars and the Tbilisi Mayoral candidate from Georgian Dream who is a former player of the AC Milan. While not breaching the law, such an event during the campaign period was seen by stakeholders as favouring the ruling party candidate.

29 Public sector employees are a segment of society particularly vulnerable to pressure since their electoral choices can have consequences on their livelihood and future employment.

9. Party and campaign financing

37. The legal framework for party and campaign finances consists mainly of the Election Code and the Law on Political Associations of Citizens. Although the Election Code was amended in July 2017, previous OSCE/ODIHR and the Council of Europe Group of State against Corruption (GRECO) recommendations on campaign finances were not addressed. Inconsistencies in campaign finance provisions for independent candidates remain.³⁰ The State Audit Office (SAO), which is the campaign finance regulatory and oversight body, provided clarifications addressing some of the legal inconsistencies.

38. In general, Congress interlocutors confirmed to the Delegation that, traditionally, there were significant differences in the campaign funds between governing parties and the opposition due to the tendency of companies and other donors to donate mainly to the party in power. As a consequence, there is a general lack for a level playing field in the country.³¹ For the 21 October elections, contributions to Georgian Dream accounted for 91.1 % of the total amount of donations from individual contributors and legal entities. While qualified parties are also entitled to the State funding including reimbursement of campaign expenses, contrary to international good practice, independent candidates are not.³²

39. Contestants were required to report on income and expenses every three weeks from their registration for elections.³³ The law, however, does not set deadlines for the SAO to examine the reports from the contestants and publish any conclusions of such examinations before Election Day. Limited transparency of campaign and party finances was raised as a general concern vis-à-vis Congress interlocutors and is, in general, contrary to international good practice.³⁴ During the campaign period, 16 complaints were reviewed by the SAO and two contestants were then sanctioned by a court for not complying with the campaign finance regulations.

10. The media

40. According to Reporters without Borders (RWB), in 2017, Georgia ranked 64th out of 180 countries in its World Press Freedom Index. It was also recognised by RWB that recent reforms on media ownership transparency, television pluralism and broadcasting regulation have contributed to an improvement of the overall media landscape in the country. Despite having the “freest and most diverse media landscape in the region”, according to Freedom House, journalists remain vulnerable to political influence and broadcast media, in particular, are polarised and perceived as politically affiliated. In addition, challenges persist with regard to the financial sustainability and independence of media outlets.

41. The Georgian media landscape comprises 92 TV channels (including 12 nationwide general digital channels), 51 radio stations, and some 300 print publications. Television remains to be the most important source of information, despite the growing influence of online media, particularly in urban centres.

42. The Election Code of Georgia obliges broadcasters to allocate free airtime, to organise debates for qualified election contestants and to provide equal conditions for paid campaign advertisements. Paid advertising is allowed without specific campaign-related expenditure ceiling. Although professional and ethical journalistic standards do exist including self-regulation mechanisms, a number of broadcasters have only informal procedures established. Freedom of expression seems to have been general respected during the electoral campaign for the 21 October elections. The campaign was highly visible

30 For example, the Law on Political Associations of Citizen does not set campaign expenditure ceilings for independent candidates for Mayor nor does it extend obligations to submit regular financial reports to independent candidates. The SAO issued a decree clarifying these matters and shared it with candidates.

31 From 1 June to 16 October 2017, 8 parties, 4 blocs, as well as 14 independent candidates raised and declared a total of GEL 12,230,144 from 887 individual donors and 48 legal entities. 1 EUR equals approximately 2.9 Georgian Lari (GEL).

32 Paragraph I.2.3 of the 2002 Venice Commission Code of Good Practice in Electoral Matters states that equality of opportunity should be ensured between parties and candidates.

33 For the reporting period, two parties and blocs, two independent mayoral and 57 independent majoritarian candidates failed to comply with reporting requirements. The court decided to warn these contestants.

34 Paragraphs 194 and 206 of the OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations state that transparency is important because the public has the right to be informed. Voters must have access to the relevant information as to the financial support given to political parties in order to hold them accountable. It requires the timely publication of financial reports in a format understandable for the general public.

via various programmes, including debates on national and local broadcasters. Media provided contestants with numerous ways to convey messages to the electorate.

11. Complaints and appeals

43. In general, the legal framework for electoral dispute resolution has been described to the Congress Delegation as being complex and unnecessarily restrictive. Only certain categories of appeals filed by a narrow list of eligible complainants are subject to expedited procedures that envisage one or two days for appealing and adjudicating. Registered election contestants as well as accredited observer organisations can appeal in most of the cases. Voters' rights are limited to filing an appeal if they are not included in the voters' lists and about voting procedures in the PEC on the E-Day. These restrictions are at odds with international commitments and international good practice.³⁵

44. As of 20 October, a relatively small number of complaints were filed with the CEC and the DEC³⁶, most of them on violations of campaign regulations and the work of PECs. In a number of cases, complaints seem to have been dismissed due to missed deadlines or ineligible complainants.

45. As of 20 October, the Prosecutor's Office had initiated 36 criminal cases based on reports about election-related offences, including 12 cases on alleged abuse of public office, eight cases on alleged violence and two cases on reported threats. As provided by law, the Inter-Agency Commission for Free and Fair Elections (IACFFE), headed by the Minister of Justice, was mandated to "ensure that public officials prevent and respond" to election violations. The IACFFE issued seven recommendations related to the conduct of the campaign, which are non-binding. While the work of the IACFFE was commended by some citizen observer groups since it provided them with a forum to have election-related complaints discussed publicly, some Congress interlocutors referred to the lack of efficiency of this body due to its restricted mandate.

12. National minorities

46. National minorities make up 13.2 % of the overall population, with the Azeri (6.3 %) and the Armenians (4.5 %) being the most numerous.³⁷ The Constitution grants national minorities full political rights, including the right to use their mother tongue in private and in public. Persons belonging to national minorities were nominated by all main political parties and blocs or ran as independent candidates in the regions densely populated by minorities, but less so in Tbilisi and other cities where minorities reside. The overall percentage of national minority candidates remained below their relative population size. 20 (5.4 %) national minority candidates stood for Mayor, 388 (8.2 %) ran in the majoritarian contests and 827 (6.7 %) were on the proportional lists for seats in local Councils, hereof 52 (5.3 %) for the Tbilisi *Sakrebulo*.³⁸ Some 24 % of all national minority candidates were women. Candidates were able to campaign freely in minority languages.

47. The Election Code contains provisions for the translation of voter lists, ballots and results protocols in minority languages. The CEC provided voter education and information materials in Armenian and Azeri languages. Trainings and translated material for polling staff of 345 PECs in minority areas were provided in these languages. The CEC also operated a tri-lingual hotline in minority languages.

13. Election Day

48. Election Day, from the perspective of the Congress observers who visited some 30 polling stations in Tbilisi, Rustavi, Marneuli, Gori, Mtskheta, Kaspi, Telavi, Mughanlo, Sartichala, Vaziani and Kochbaani was generally calm and mainly uneventful. The polling stations observed by the three Congress teams opened on time and the procedures were generally assessed positively; which was also the case for the voting over the E-Day, by and large.

³⁵ Section II.3.3.3.f of the Venice Commission Code of Good Practice in Electoral Matters provides that "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections."

³⁶ Only four complaints were considered by the CEC in session. Three CEC decisions were appealed to the Tbilisi City Court, all upheld.

³⁷ Data from the 2014 census.

³⁸ Calculations are based on candidate data published by the CEC on 10 October.

49. The presence of party proxies and domestic observers contributed to the overall transparency of the process but some of those accredited as media representatives or domestic observers were affiliated with parties or candidates and, at times, interfered in the process.

50. Also, there was an issue in polling stations about the collection of information with regard to individuals, who had cast their vote, by party proxies and domestic observers. In a press statement, the Central Election Commission clarified that PECs should provide representatives of contestants and citizen observers, qualified as “authorised persons”, with information about who voted so far which was considered to be public. This statement was noted with concern by the public defender and citizen observers and created, in some of the polling stations visited by the Congress, confusion rather than clarity.³⁹

51. Although the authorities had established a number of barrier free polling stations, the Congress observers noted that in the large majority of places visited, independent access for persons with disabilities was not facilitated.

52. As far as the performance of PECs during the counting process is concerned, mixed impressions have been reported back by the Congress observers. There were some irregularities noted with regard to the transparency of the counting, the presence of unauthorised persons, the completing and signing of protocols but there was no evidence of deliberate attempts to falsify the results. According to the CEC, 204 complaints were filed with the DEC regarding procedural irregularities in polling stations, mainly requesting disciplinary sanctions against commission members who reportedly committed procedural violations.

14. Election results⁴⁰

53. According to the results published on the Central Election Commission website, the total turnout for the 21 October municipal elections was 45.86 %; for the 12 November second round of elections 33.33 %. On 21 October, 58 Mayors (out of 64 Municipalities) were elected in the first round. Out of these, 57 were elected from the Georgian Dream (GD) and one from United Georgia (UG).

54. In the Municipal Council elections, Georgian Dream won 1,009 out of 1,088 of majoritarian seats and 55.8 % of the vote in the proportional contests countrywide, ensuring a strong majority in almost all *Sakrebulo*s. The United National Movement (UNM) received 17.1 %, European Georgia (EG) 10.4 % and Alliance of Patriots of Georgia (APG) 6.6 %. Thus, in total four political parties passed the 4 % threshold for seat allocation. Women are widely underrepresented in the newly elected local bodies, including only one of 64 Mayors and 13 % of Councillors.

15. Conclusions and recommendations

55. In general, the Congress – deploying a small but high-level Electoral Assessment Delegation to evaluate the 21 October 2017 municipal elections in Georgia – was satisfied with an overall well-administered and calm Election Day, following a competitive campaign where democratic values were respected, by and large.

56. In the large majority of some 30 polling stations visited by three Congress teams, the electoral procedures were followed with the necessary diligence by the commission members, with some irregularities and errors noted, in particular during the counting process. In particular, there was some confusion in certain polling stations about the possibility to collect information by party proxies and domestic observers concerning voters who had cast their vote. A press statement issued by the Central Election Commission on the E-Day contributed to confusion, rather than clarity, according to the observers of the Congress.

57. The entire context of the elections was shaped by the dominance of the ruling party and the Congress Delegation heard reports about cases of pressure on voters and candidates and some candidates reportedly withdrew their candidature due to such pressure. Generally, instances of misuse of administrative resources remained an issue during these elections and it seems that this is

³⁹ Section 4.54 of the explanatory note referring to I.4.c of the Venice Commission’s Code of Good Practice in Electoral Matters states that “since abstention may indicate a political choice, lists of persons voting should not be published.” Interpretative declaration on the publication of lists of voters having participated in elections notes, however, that “access to the lists of voters having participated in elections may be granted to certain electoral stakeholders.”

⁴⁰ The statistics below are available on the CEC website, <http://cesko.ge/eng/elections/2017>.

particularly relevant for the local level. Despite the difficulty to substantiate such allegations, a few have been brought to the attention of the courts which is welcome by the Congress.

58. While, in general, there is a legal framework conducive to conducting elections in line with international standards there is room for progress with regard to more coherent regulations of party and campaign financing and a genuine system of electoral dispute resolution.

59. From Congress perspective, there are some issues of particular importance:

- Voters' lists: Currently, also voters who are registered on a temporary basis are allowed to cast a ballot in local elections. Congress Recommendation 369 (2015) provides that only voters who are permanently residing in a specific municipality should be enfranchised at the local level. While this is a recommendation, not an obligation, the Congress would welcome if the Georgian authorities could take this into consideration for future reforms.

- Independent candidates: The opening of standing for independent candidates is generally welcome. However, while parties had 60 days to collect signatures, independent candidates had less than 10 days to do so. Accordingly, the Congress would welcome longer timelines for independent candidates to collect signatures.

- Misuse of administrative resources: The Congress has been working on this issue – which is a problem observed not only during elections in Georgia – and a Checklist has been prepared for the compliance with international standards and best practices preventing the misuse of administrative resources during electoral processes at the local and regional level. The Congress would welcome further cooperation with the Georgian authorities in this respect.

- Grassroots' democracy: The strengthening of municipalities and regions in Georgia are still in the early stages of development. At the same time, the recent past has been characterised by a sort of exodus from the rural area and regions into the capital city of Tbilisi. All the more it is important for Georgia to strengthen the capacities of local authorities and to continue decentralisation also in terms of financial devolution. A less complicated electoral system with regard to the election of Council members in smaller Municipalities would be an element in order to complement such efforts.

APPENDIX I – FINAL PROGRAMME OF THE CONGRESS ELECTORAL ASSESSMENT MISSION

CONGRESS ELECTORAL ASSESSMENT MISSION
21 October 2017 Local elections in Georgia
FINAL PROGRAMME

Thursday, 19 October 2017

Various times **Arrival of the Congress' Delegation in Tbilisi**

Friday, 20 October 2017

8:00 – 8:20 Breakfast briefing for the Delegation with the Congress' Secretariat
Venue: Holiday Inn, Tbilisi

8:30 – 9:20 Briefing for the Delegation by the Council of Europe Office in Tbilisi,
Mr Archil PASHALISHVILI, Electoral assistance Project Officer and
Ms Sophio TSAKADZE, Project Officer "Support to the Judicial Reform in
Georgia"
Venue: Hotel Holiday Inn, Living Room, Tbilisi

Coffee break

9:30 – 10:30 Meeting with **Ambassadors of relevant Council of Europe member** and
representatives of the European Union and IFES to Georgia:
▪ European Union – **Mr Carlo NATALE**, Deputy Head of Mission
▪ United Kingdom – **Ms Margaret BELOF**, Second Secretary Political
▪ Netherlands – **Mr Jos DOUMA**, Ambassador
▪ France – **Ms Natacha EPHIMOFF**, Première Conseillère
▪ IFES – **Mr Jérôme LEYRAUD**, Chief of Party
Venue: Hotel Holiday Inn, Living Room, Tbilisi

11:00 – 12:00 Meeting with the Chair of the Central Election Commission of Georgia,
Ms Tamar ZHVANIA
Venue: CEC, 13 David Agmashenebeli Alley, Tbilisi

12:30 – 13:00 Briefing with the Executive Director of the Association of Local Authorities of
Georgia (NALAG), **Mr Davit MELUA**
Venue: Hotel Holiday Inn, Living Room, Tbilisi

Sandwich lunch

13:30 – 14:00 Meeting with the Minister of Regional Development and Infrastructure,
Mr Zurab ALAVIDZE and the First Deputy Minister **Mr Irakli MATKAVA**
Venue: Ministry, 12 Al. Kazbegi Avenue, Tbilisi

14:30 – 15:15 Meeting with the Minister of Justice and Chair of the Inter-agency Commission for
Free and Fair Elections, **Ms Tea TSULUKIANI**
Venue: Ministry, 24 Gorgasali Street, Tbilisi

Coffee break

- 15:45 – 16:45 Meeting with **representatives of the civil society and the media**
- Transparency International
 - International Society for Fair Elections and Democracy – **Mr Mikheil BENIDZE**, Executive Director
 - Georgian Young Lawyers' Association – **Ms Ana NATSVLISHVILI**, Chair
- Venue: Hotel Holiday Inn, Living Room, Tbilisi
- 17:00 – 19:00 Briefing with the Head of the OSCE/ODIHR Election Observation Mission to Georgia, **Ms Corien JONKER**, and the OSCE/ODIHR EOM Core Team
- Venue: Hotel Holiday Inn, Living Room, Tbilisi
- 19:15 Technical briefing for the E-Day with the **drivers and interpreters**
- Venue: Hotel Holiday Inn, Living Room, Tbilisi

Saturday, 21 October 2017– ELECTION DAY

- Around 7:00 **Deployment** of three **Congress'** teams from Tbilisi
(cf. "Deployment plan")
- Around 23:00 **Debriefing** with the Congress' teams in Tbilisi
- Venue: Hotel Holiday Inn, Living Room, Tbilisi

Sunday, 22 October 2017

- 09:30 Meeting with OSCE/ODIHR on the statement of preliminary findings
- Venue: OSCE/ODIHR premises
- 15:00 **Press Conference** to present preliminary conclusions with OSCE/ODIHR
- Venue: Biltmore Hotel Tbilisi

Monday, 23 October 2017

- Various times **Departure of the Congress' Delegation**

APPENDIX II – DELEGATION

DELEGATION**Congress members**

Mr Stewart DICKSON, United Kingdom (ILDG, R)
Congress member and Thematic Spokesperson on observation of local and regional elections

Ms Barbara TOCE, Italy (SOC, L)
Congress Vice-President

Mr Jos WIENEN, Netherlands (EPP/CCE, L)
Congress member and Thematic Spokesperson on observation of local and regional elections

Congress Secretariat

Ms Renate ZIKMUND, Head of Division, Local and Regional Election Observation

Ms Ségolène TAVEL, Election Observation Officer

Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation

Mr Sandro WELTIN, Photographer

Expert

Prof. Christina BINDER, Congress' Expert on electoral matters

APPENDIX III – DEPLOYMENT PLAN

CONGRESS ELECTION ASSESSMENT MISSION**21 October 2017 Local elections in Georgia****DEPLOYMENT PLAN**

Congress' teams	Area of deployment
Team 1 Jos WIENEN Renate ZIKMUND Christina BINDER	Rustavi, Marneuli, South-East of Tbilissi
Team 2 Stewart DICKSON Ségolène TAVEL	Gori, Mtskheta, Kaspi
Team 3 Barbara TOCE Martine ROUDOLFF Sandro WELTIN	Telavi, Mughanlo, Sartichala, Vaziani, Kochbaani

APPENDIX IV – PRESS RELEASE**The Congress concludes an Electoral Assessment Mission to Georgia**

Tbilisi, 23 October 2017 – Yesterday, an Electoral Assessment Mission of the Congress of Local and Regional Authorities of the Council of Europe has been concluded by a joint press conference with OSCE/ODIHR in Tbilisi (Georgia). The Delegation was composed of the two Thematic Spokespersons of the Congress on election observation, Stewart DICKSON (United Kingdom, ILDG) and Jos WIENEN (Netherlands, EPP-CCE), and Vice-President Barbara TOCE (Italy, SOC) and it joined forces with the Election Observation Mission deployed by OSCE-ODIHR in order to evaluate the local elections held on 21 October in Georgia.

Presenting the preliminary conclusions from the perspective of the Congress, Stewart Dickson confirmed that the electoral procedures were followed carefully by the electoral commissions in the large majority of the 30 polling stations visited by the three teams of the Congress. “However, it appears that there was some confusion in certain polling stations about the collection of information by domestic observers, or rather party proxies, with regard to individuals who had cast their vote”, he stated. He also drew the attention of the Georgian authorities to the misuse of public resources during the campaign which seemed to be of specific relevance at the local level.

Concerning the Georgian law that currently allows voters who are registered at a permanent or a temporary address to cast a ballot in local elections, DICKSON referred to Congress Recommendation 369 (2015) which provides that only voters who are permanently residing in a specific municipality should be enfranchised at the local level. “We would welcome if the Georgian authorities could take this into consideration for future reforms and this would also complement their efforts to establish the accuracy of voters' lists which is very welcome by the Congress”, he added.

In addition, he mentioned the situation of local self-government in Georgia which was at the center of these elections. “Decentralisation and the strengthening of municipalities and regions are still in the early stages of development, all the more it's important for Georgia to develop the capacities of local authorities and continue decentralisation also in terms of financial devolution”, DICKSON concluded and underlined the willingness of the Congress to further support the Georgian authorities in their endeavours.