



**TECHNICAL ELECTION
ASSESSMENT MISSION:
GEORGIA 2020
PARLIAMENTARY ELECTION
PRE-ELECTION REPORT**



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International Republican Institute
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*Technical Election Assessment Mission: Georgia 2020 Parliamentary Election
Pre-Election Report*

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INTRODUCTION

The International Republican Institute (IRI) has conducted a Technical Election Assessment Mission (TEAM) during the pre-election period leading up to the October 31, 2020, national parliamentary elections. The elections follow the passage of significant constitutional and Election Code reforms that transpired in June including, inter alia, a modification to Georgia's mixed electoral system. These sweeping reforms were informed by the recommendations of independent domestic and international election monitors, political parties and human-rights advocates over multiple election cycles, and mark commendable steps toward building a more pluralistic government, increasing transparency in campaign spending disclosures and strengthening enforcement of the Election Code.

Although the 2020 parliamentary elections will occur amidst a rare moment in modern world history – during a global pandemic – they nevertheless present an opportunity for Georgia to road test the reforms that could see an increase in political and gender diversity in parliament, issue-based political negotiation and the possibility of a new coalition government after decades of single-party domination.

This report is the first in a series of publications focused on assessing the conduct and integrity of the overall electoral process in Georgia before, during and after elections. The report is informed by the analyses of six long-term analysts (LTAs) based in Tbilisi beginning in September 2020 and covers the pre-election period from September 30 to October 28. IRI analysts interfaced with government authorities, political parties, nongovernmental organizations (NGOs), election commission officials and other stakeholders to assess the election administration, the campaign environment, media and information space, inclusion and preparedness for holding elections during the COVID-19 pandemic.

IRI and its analysts strictly adhere to the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers and abide by guidelines and health-safety protocols set forth by the National Center for Disease Control and Public Health (NCDC) of Georgia.¹

¹ "Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers," ACE Electoral Knowledge Network, 27 Oct. 2005, <https://aceproject.org/electoral-advice/election-observation/declaration-of-principles-for-international>.

KEY RECOMMENDATIONS

To demonstrate continued support for electoral integrity in Georgia, IRI offers the following short-term recommendations:

Government

- To protect the health and safety of all Georgian voters, election officials, political actors, the Central Election Commission (CEC) and public health authorities should continue to inform the public about newly adopted decrees regarding COVID-19 voting procedures and safety and sanitation measures, as well as beseech all political parties and their supporters to collectively adhere to Election Day health protocols.
- The government, Central Election Commission, State Audit Office and Interagency Commission on Free and Fair Elections should continually reinforce and communicate to the public the distinct roles and responsibilities of public servants, and prohibit their participation in partisan activities and the use of administrative resources in their official capacity. To promote transparency and accountability, proven incidents of abuse of administrative resources should be sanctioned and made public.
- To avoid overreliance on external sources to investigate campaign finances, the government should prioritize and invest resources in the State Audit Office so that it is able to thoroughly and professionally investigate campaign-finance activity, swiftly sanction violators of the law and publish audit findings in a transparent and timely manner.
- Law enforcement agencies should swiftly investigate and ensure the timely sanction of offenders committing vote buying, abuse of administrative resources and electoral violence, including violence against journalists.
- Complaints not related to the work of the election administration should be examined by a competent institution that has the appropriate legal tools, resources and expertise to consider and resolve complaints. In the longer term, the complaint-resolution system should be examined to ensure that lower-level election bodies have sufficient resources to swiftly resolve legitimate complaints of electoral malpractice.

KEY RECOMMENDATIONS

Media

- Media outlets should take measures to respect and uphold the essential role of a genuinely independent media in a democratic system. Media outlets should refrain from significantly editorializing news content and strictly adhere to universal norms and practices for ethical reporting in broadcast, print and online media.
- To mitigate the perception of political bias and build trust in media institutions, the Georgian Public Broadcaster should take steps to ensure television content is impartial and inclusive of broad audiences.

Political Actors and NGOs

- Political candidates should refrain from provocative campaign rhetoric and adopt public communications strategies that elaborate on their policy plans for addressing divisions within Georgian society. Parties should welcome and embrace opportunities to engage in constructive debate that focuses on issues concerning the Georgian populace, including the issues of ethnic minority populations and marginalized groups.
- Political parties should eschew and publicly condemn the manipulation of social media to deliberately obscure party identities, foment discord and sow disinformation to confuse the electorate.
- Political parties and their coordinators should adhere to the Political Party Code of Conduct and the Interagency Commission on Free and Fair Elections recommendations to ensure their supporters do not interfere with the campaign activities or observation processes of their opponents, while publicly condemning the use of coercion, intimidation, bribery and gender-based cyberbullying.
- Political parties and NGOs should redouble efforts to substantiate claims of electoral misconduct, accurately register complaints and pursue the appropriate avenues for redress.

POLITICAL CONTEXT

Georgia's historic 2012 elections resulted in a change of government from former President Mikheil Saakashvili and his United National Movement (UNM) party to the current ruling Georgian Dream – Democratic Georgia (GD) party, led by party Chairman Bidzina Ivanishvili. The continued existence and active competition of the former ruling party demonstrate democratic progress in Georgia, as previous ruling parties typically faded away after transitioning out of power. However, the GD and UNM parties have dominated the political space since 2012.

During the 2016 parliamentary elections, the ruling party won only 48 percent of the proportional vote, but managed to secure more than 75 percent – a constitutional majority – of the parliamentary mandates due to Georgia's mixed-majoritarian electoral system, which tends to favor the party that wins the highest number of seats, but not necessarily the most overall votes. This system has increasingly deepened divisions between the ruling and opposition parties and their allies, and ensures that new and emerging parties are unable to establish themselves as viable alternatives for the voting populace.

Mistrust of the election commission, especially partisan appointments of lower-level election bodies, has further undermined public confidence in electoral institutions and political actors. Moreover, national media outlets, largely seen as public conduits of the two main political forces, contribute to these divisions. Despite Georgia's continued Euro-Atlantic aspirations, in recent years the overall political discourse has descended to vitriolic debate, utilizing enemy constructs of malign foreign influence to characterize political opponents as "pro-Russian." Taking Georgia's geopolitical history into account, specifically the

2008 Russian annexation of the Tskhinvali Region, and the now-12 years of creeping borderization, this has been particularly corrosive to the political culture.

Political tensions reached new heights on June 20, 2019, when a member of the Russian State Duma was found presiding over the Inter-Parliamentary Assembly on Orthodoxy while sitting in the chair of the Georgian Parliament, sparking mass protests and months of allegations of detention of political prisoners, propelling serious ruminations on a fully proportional electoral system. The optics notwithstanding, the event elevated the possibility of a fully proportional electoral system to the national fore, leading to agreements on March 8 that set the stage for broad constitutional and electoral reforms actualized in 2020.

These reforms have the potential to impact Georgia's democratic trajectory. For example, a reduction in the national proportional threshold from 5 to 1 percent of vote share presents an opportunity for citizens to pursue their intended political choice in elections, as the likelihood of crossing a 1-percent threshold is much higher than crossing 5 percent.

The international community has largely hailed the constitutional reforms as a step forward for Georgia, particularly as they were later coupled with electoral amendments that incorporated many recommendations of international and domestic observers following the 2018 election. The spirit of the constitutional and electoral reforms is designed to encourage multiparty democracy and coalition rule, ensure a greater sense of representation among the populace and allay palpable public division.

ELECTORAL SYSTEM AND DELIMITATION OF BOUNDARIES

Georgia's electoral system is a mixed closed-party list and majoritarian system. The constitutional reforms of 2020 resulted in three notable outcomes:

1. A shift from the previous system of 77 proportional and 73 majoritarian mandates to a system of 120 proportional and 30 majoritarian mandates.
2. A reduction of the requisite national proportional threshold from 5 percent to 1 percent.
3. A minimum requirement of 40 percent of seats of the proportional list to form a single-party majority.

A March 8 memorandum of understanding (MoU) between some political parties provided for a reduction in the number of single-member districts (SMDs) from 73 to 30 and included rules for the drawing of new boundaries with preference given to creating districts within the same region.² The new district borders were detailed in the Law on the Change to the Constitution of Georgia adopted in June and repeated in the Election Code.³ The total number of voters in Georgia as of September 9, 2020, was 3,511,338, making the average number of votes per constituency is 117,044. The deviation from the average size of SMDs should not exceed 15 percent — a percentage agreed upon within the MoU — with some exceptions for ethnic minorities and geographical factors.

The district with the smallest number of voters is SMD 19 (Ambrolauri, Oni, Tsageri, Lentekhi and Mestia municipalities), which has 44,110 registered voters. The district with the largest number of voters is SMD 23 (Kutaisi municipality), with 155,236 voters. The difference in the number of voters between these two SMDs is 111,126. Preliminary analysis conducted by IRI estimates that more than half of constituencies (18 out of 30) deviate more than 15 percent from the average size, and five constituencies deviate more than 30 percent.

² "Memorandum of Understanding." U.S. Embassy in Georgia, accessed 27 Oct. 2020, ge.usembassy.gov/wp-content/uploads/sites/165/Memorandum-of-Understanding.pdf.

³ "საქართველოს კონსტიტუციაში ცვლილების შეტანის შესახებ" საქართველოს კონსტიტუციურ კანონში ცვლილების შეტანის თაობაზე." სსიპ "საქართველოს საკანონმდებლო მაცნე," matsne.gov.ge/ka/document/view/4904761?publication=0.

ELECTION ADMINISTRATION

Important amendments to the Election Code were made in July and September 2020 to address observers' recommendations, CEC technical regulations and challenges posed by the COVID-19 pandemic. Amendments include the additional safeguards to ensure more balanced composition of the PECs, reduced deadlines for resolving complaints of electoral offenses, provisions to limit Election Day interference from party activists, increased accessibility for wheelchair users and specific regulations to prevent the spread of COVID-19, among others. The implementation of recent election reforms is praiseworthy and marks a notable improvement from years past, demonstrating Georgia's ongoing efforts toward building an enduring democracy.

The CEC provided robust voter education through all types of media and made extensive use of outdoor advertising, social media and direct engagement with voters. The CEC members frequently participated in television programs. District Election Commissions (DEC) conducted the Talk to Voters campaign, assisted voters in checking their registration data and distributing educational flyers.⁴ To promote participation, video clips were released on social media in Georgian, Azeri and Armenian, and sign language. Topics included checking registration data and helping voters locate which PECs were adapted for wheelchair users, as well as voting modalities for voters abroad.

Training of District and Precinct Commissioners

The CEC launched a comprehensive, multi-phased training program for DEC/PEC officials. Its training center was communicative, transparent, professional and well prepared to educate DEC/PEC officials. Training materials in Georgian, Azeri and Armenian were disseminated and trainings were held online and in person.

The first-phase training for PEC officials began on September 24 and covered principles of democratic elections, operations, communication, pre-Election Day activities and COVID-19 health protocols.⁵ The second phase began on October 7 and involved senior-level PEC staff (heads, deputies and secretaries).⁶ The third phase was designated for the entire PEC staff.⁷ Apart from reports that social distancing was not always practiced, the trainings were substantive and professional in their execution. IRI analysts reported that the quality of trainings in Rustavi and Marneuli was robust; however, at times low attendance by PEC officials (around 60 percent) limited their impact. According to CEC data, 32,154 out of more than 43,800 PEC officials (73 percent) participated in the first phase.⁸

Despite these achievements, Georgia's CEC still struggles to garner the broad trust of Georgian citizens. Some civil society organizations and

⁴ "Election Administration Continues Voter Information Campaign." Election Administration of Georgia, 13 Oct. 2020, cesko.ge/eng/list/show/121252-saarchevno-administratsia-amomrchevelta-informirebis-kampanias-agrdzelebs.

⁵ "First Stage Trainings for PECs Members for the October 31, 2020 Elections." Electoral Systems Development, Reforms and Training Centre, 23 Sept. 2020, electionreforms.ge/eng/list/show/3003-saubno-saarchevno-komisiis-tsevrta-I-etapis-treningebi-2020-tslis-31-oqtombris-archevnebisvis.

⁶ "Second Stage Trainings for PECs Members for October 31, 2020 Elections." Electoral Systems Development, Reforms and Training Centre, 6 Oct. 2020, electionreforms.ge/eng/list/show/3017-saubno-saarchevno-komisiis-tsevrta-II-etapis-treningebi-2020-tslis-31-oqtombris-archevnebisvis.

⁷ "Third Stage Trainings for PECs Members for October 31, 2020 Elections." Electoral Systems Development, Reforms and Training Centre, 12 Oct. 2020, electionreforms.ge/eng/list/show/3031-saubno-saarchevno-komisiis-tsevrta-III-etapis-treningebi-2020-tslis-31-oqtombris-archevnebisvis.

⁸ "Second Stage Trainings for PECs Members for October 31, 2020 Elections." Election Administration of Georgia, 6 Oct. 2020, cesko.ge/eng/list/show/120855-saubno-saarchevno-komisiis-tsevrta-II-etapis-treningebi-2020-tslis-31-oqtombris-archevnebisvis.

political parties with whom IRI analysts met expressed doubts about the administration's neutrality and independence. This sentiment was echoed in a June 2020 IRI survey that found that half of Georgians surveyed (50 percent) have an "unfavorable" opinion of CEC's work.⁹ The primary driver of this sentiment is likely that the system of electing PEC members yields unfair results. Though three new provisions in the Election Code were introduced in 2020, aimed at addressing alleged bias of election administrators and their relationship to the ruling GD party, the current composition of the DEC/PEC raises concerns that Georgia's ruling party continues to pull institutional levers to its advantage.

District and Precinct Election Commissions

A July 10, 2020, CEC ordinance divided DECs into 30 main DECs (MDEC) and 43 subsidiary DECs (SDEC). MDECs are responsible for key decision-making and functions of election administration in any SMD.¹⁰ Questions were raised about the logistical hurdles SDEC administrators must overcome to coordinate with their parent MDECs. Notably, the new constituency boundaries drawn following the modification to the Law on the Change to the Constitution of Georgia increased the area of MDECs' responsibility in size and scope. As a result, the new MDECs often comprise several municipalities, with many SDECs located several hours away by vehicle. However, DEC chairpersons assured stakeholders that the structure will not impede their administrative duties.

There are 3,852 PECs, including regular and special PECs, COVID/quarantine PECs, self-isolation PECs and foreign country PECs. Each regular PEC comprises 12 officials, six of whom are nominated by parliamentary political parties in proportion to

the number of votes received by party lists during the last parliamentary elections.¹¹ The ruling party registered as Georgian Dream — Democratic Georgia has three seats while UNM, European Georgia (EG) and Alliance of Patriots of Georgia (APG) each have one. The other six are elected by DECs. However, the process for PEC member elections is among the most contested elements of election administration in Georgia. Civil society organizations and party representatives note that applicants are not assessed on their merits. The DECs face obvious time and practical limitations in assessing a very large number of applicants to select hundreds of PEC members. For example, DEC59 in Kutaisi had to elect more than 780 PEC members while DEC79 in Batumi had more than 720.

Still, the composition of subnational election commissions is not representative of all electoral subjects and erodes public confidence in the lower levels of the election administration. According to CEC data, in 77 percent of PECs the number of candidates exactly matched the number of available positions or exceeded that by one; there was no competition. One thousand, four hundred and eighty-three (1,483) GD party nominees were elected to executive posts in PECs while the combined total of heads, deputies and secretaries elected from among the nominees of all opposition parties was just 13. Based on data provided by the CEC, this is 114 times less than the ruling-party nominees.

Opposition leaders who interfaced with IRI analysts allege that the overt partisanship within the PECs provides the ruling party an unfair advantage. For citizens to have confidence that the vote is a genuine expression of public will, PECs must be balanced and, in the spirit of democratic institutions, representative of all

⁹ "Public Opinion Survey Residents of Georgia. Center for Insights in Survey Research, June-July 2020, iri.org/sites/default/files/iri_poll_presentation-georgia_june_2020_general-aug_4_corrections_1.pdf.

¹⁰ "განკარგულება №52/2020 - 10.07.2020." [cesko.ge, cesko.ge/geo/list/show/119542-gankarguleba-52/2020-10072020](https://cesko.ge/geo/list/show/119542-gankarguleba-52/2020-10072020). "საქართველოს საარჩევნო ადმინისტრაცია" Ordinance №53/2020 <https://cesko.ge/geo/list/show/119543-gankarguleba-53/2020-10072020>

¹¹ The formula for this is the number of votes received by a party list multiplied by six and then divided by the sum of the number of votes received by the parties.

participating electoral subjects. In the current system, 46 out of 50 electoral subjects that have registered countrywide lists are not present at all in the composition of election bodies. That the government of Georgia failed to address this issue in the 2020 reforms represents a missed opportunity to have party members nominated to PECs based on proportional representation. Such a reform would have bolstered public confidence in lower levels of the CEC and the institution more broadly.

COVID-19 Preparedness

The July provisions to the Election Code included regulations aimed at preventing the spread of COVID-19 and obliged the CEC to define proper sanitation and appropriate voting processes on Election Day. Commendably, the CEC established a special multisector working group to determine sanitation procedures including the provision of personal protection equipment for poll workers, new procedures to control the flow of voters into polling stations, organization of voting in penitentiary institutions and voting procedures for the infected and quarantined.

In early October, the COVID-19 working group meetings took place against a backdrop of drastically rising COVID-19 infections. On October 19, CEC adopted a long-awaited decree¹² determining that voting procedures for those hospitalized, quarantined or officially registered as being in “self-isolation” would be conducted exclusively through mobile ballot-box voting with these voters designated a “special group” with additional heightened safety procedures. The self-isolated voters — the most challenging in terms of logistics — needed to request to vote by mobile ballot box by calling the CEC before October 26. Through another decree the deadline was extended until October 27.

Late adoption of the October 19 decree resulted in a challenge to recruit 762 members of 127 “special groups” in three days. This was particularly difficult in the Adjara constituency, where COVID-19 cases surged a few weeks prior to Election Day. On October 21, the CEC decided to possibly transform PECs that will have less than seven members into “special groups” on Election Day, signaling concerted effort to mitigate the risks that the growing number of infections poses for these elections. CEC’s proactivity during the pandemic to ensure the right of all registered citizens to vote, irrespective of their health status, was commendable.

It remains to be seen whether the epidemiological situation in the country could hinder voter turnout, DEC/PEC staffing and domestic observers’ ability to effectively monitor all Election Day processes. As of October 24, CEC had approved 126 domestic organizations and 34 international organizations and 84 media outlets with some 2,300 journalists. It should be noted that, in past elections, the high number of media outlets in polling stations led to allegations that media journalists were deployed as proxy observers for political parties.

¹² The Central Election Commission of Georgia. Decree 45/2020. 2020, cesko.ge/res/docs/2020102001152945.pdf.

CAMPAIGN ENVIRONMENT

The official campaign period began on September 1 and the deadline for submitting party lists was October 1. Parties were required to submit party lists ranging from 120 to 200 candidates, maintaining a mandatory gender quota of one in every four party-list candidates being of a different gender. The number of candidates running for majoritarian seats is 492, of whom 107 are women (approximately 21.75 percent). According to CEC data, 50 electoral subjects registered for the proportional contest — 48 political parties and two blocs.¹³ Two lists were rejected for failing to adhere to the gender quota or for inadequate candidate documentation.¹⁴

Due to COVID-19, campaign rallies were less prevalent than in 2016, though different forms of election campaigning such as door-to-door canvassing, community meetings, traditional media coverage (TV shows, debates and paid and earned political advertisements) and social media outreach continued. At public rallies, party rhetoric still erred toward populist messaging, while door-to-door and in-person community-outreach campaigning tended to focus on solution-oriented issues. Political parties' Facebook presence varied from party to party, primarily emphasizing top priorities in each respective party program. However, negative social media campaigning through fake accounts and pages designed to discredit opposing contestants undermined issue-focused campaign efforts.

On October 13 and October 15, televised debates took place on Georgia Public Broadcasting (GPB) network in which, for the most part, candidates focused on issues, though IRI analysts noted that the National Democratic Party (NDP) and

Movement Free Georgia (MFG) declined to participate. IRI analysts also noted that the GPB debates were among only a few broadcast debates in which the Georgian Dream party participated, as it avoided most opposition-leaning media outlets. The persistent refusal of many political candidates to engage in issue-based dialogue runs counter to the spirit of multiparty democracy and was a missed opportunity for parties (and candidates) to communicate their policy positions to voters.

Irregularities

On September 14, 40 political parties signed a Political Party Code of Conduct facilitated by the CEC in cooperation with Switzerland, the United States Agency for International Development (USAID) and IRI; though they did not do so in person, underscoring an overall trust deficit among political actors.¹⁵ Throughout the pre-election campaign period, opposition political parties and domestic long-term observers received reports of irregularities including assaults on campaign activists, destruction of campaign property, vote buying, abuse of administrative resources and other provocations such as the recruitment of so-called "athletes" to intimidate voters. There were few reports of serious electoral violence; however, this increased closer to Election Day. One widely publicized incident occurred in Marneuli, where a fight broke out between representatives of UNM and the GD party. Analysts noted that the proximity of the Marneuli DEC to the entrance of the local GD headquarters (roughly 10 meters) diminishes public trust in the local DEC and contributes to a tense political atmosphere.

¹³Strength in Unity bloc is: United National Movement; State for People Movement; Progress and Freedom; Georgian Republican Party; European Democrats. Jondi Baghaturia — Kartuli Dasi bloc is: People's Party; Democratic Georgia movement and Kartuli Dasi.

¹⁴Our United Georgia and Social-Democratic Party of Georgia lists were rejected. Both parties appealed to the Tblisi Court of Appeals, which upheld the CEC's decision.

¹⁵"Political Party Code of Conduct for the 2020 Parliamentary Elections." Election Administration of Georgia, 2020, cesko.ge/res/docs/Parties-2020Eng29.09.pdf.

IRI analysts also noted the alleged politically motivated arrests of two cartographers who were former members of governmental Commission on Delimitation and Demarcation, hate speech targeting ethnic Azerbaijani, an assault involving a journalist and alleged excessive use of force by police.¹⁶ The CEC itself was also the target of intimidation allegedly perpetrated by opposition agitators who hung posters with messages calling for the arrest of the CEC chairwoman. At the district level, in Zugdidi, the CEC similarly claimed that the United National Movement disrupted the DEC's work.

IRI analysts received reports of abuse of administrative resources, such as civil servants actively campaigning or appearing at campaigns during official working hours, the politization of social services and medical supplies and misuse of state vehicles to the benefit of the ruling party. The abuse of state resources is a criminal offense under Article 332 of the Criminal Code.

COMPLAINTS AND APPEALS

The 2020 reforms also included more effective remedies for parties and observers to file complaints for violations of the Electoral Code, including reduced time for resolution of disputes – to 10 days' time for the CEC chairperson and DEC officials to make a decision to draft a "protocol of administrative offense" – and abolition of administrative responsibility for vote buying.

According to domestic observer groups GYLA, TI and ISFED during the pre-election period, some 250 election-related violations were submitted to the DEC. The incidents spanned a range of alleged offenses, from abuse of administrative resources, such as public servants campaigning during working hours, to PEC members being absent in polling stations monitored by domestic observers. However, it was widely alleged that complaints lodged to DEC/PECs were often rejected without official "protocol of administrative offense" on grounds that the claimant did not register the complaint properly, submitted it after the legal deadline or submitted it to the wrong election-administration authority.

As of October 28, there were allegedly 72 reports of election-related violations that the Ministry of

Interior was investigating. It remains to be seen how many will be prosecuted. To date, only two cases were found to have sufficient evidence and legal merit by the Prosecutor's Office. Of those two cases, only one has been brought before the Criminal Court.

According to the Election Code, it is not permitted to appoint a person as a member of a PEC who was appointed as a member (of any level election commission) by a political party in the previous general election. Ninety-four complaints pertaining to the election of the nonpartisan PEC members were submitted by one NGO in Zugdidi alleging that some candidates who were PEC political appointees in a previous general election were elected as nonpartisan members of PECs in 2020. All 94 complaints were rejected. Concurrent to deep examination of the DEC/PEC appointment and election process and the adoption of recommendations made by the international and domestic observer communities to adhere to democratic norms to improve representation on lower level election bodies, broad public education is needed to avoid public confusion over what is admissible under the Election Code.

¹⁶ On October 3, UNM informed IRI about tension in Bolnisi where, according to UNM, police used excessive force against opposition members.

To ensure aggrieved claimants have the right to remedy, further measures are needed to safeguard the rights of parties, observers and voters to redress. It should be noted that the Election Code does not extend to voters the right to file election-related complaints for any reason, with the exception of offenses related to their exclusion from the list of voters. The right to file complaints should be granted to every voter regardless of the content of the complaint, in compliance with the 1990 Copenhagen Declaration on Elections and all international electoral standards.¹⁷

The Interagency Commission for Free and Fair Elections (IACFFE), a multi-stakeholder group “aimed at enhancing coordination between various governmental agencies and ensuring that the elections are held in the most transparent and fair environment” was often bereft of substantive dialogue and was boycotted by opposition parties who alleged that IACFFE was captured by domineering NGOs and one-person parties. IRI received reports that at one IACFFE meeting, the conversation veered off topic for some 30 minutes without interruption or effective moderation from the CEC chairman or minister of justice. Many NGOs and political actors with whom IRI interacted perceived law enforcement’s effort to investigate claims of electoral malpractice to be insufficient. This was evident during the October 21 IACFFE meeting, when a verbal dispute erupted among the attendees over whether law-enforcement agencies had sufficient evidence to investigate claims of electoral misconduct. During the meeting, some NGOs and political actors berated law enforcement for what they perceived to be intentional delay of investigations. Nevertheless, on October 7 the IACFFE issued a series of recommendations aimed at preventing misconduct in the election and allegedly initiated more than 200 investigations into complaints. However, IACFFE investigations into violations received little media attention relative to other political news.

CAMPAIGN FINANCE

IRI analysts received several reports from political party candidates and NGOs that allege strong linkages exist between companies that are awarded large state tenders and their subsequent donations to the ruling party, despite a July 2020 revision to the GPAC that included new provisions to create greater transparency in political party financing. The State Audit Office (SAO) — the body responsible for overseeing campaign finance — publishes an exhaustive list of the sources of donations to political parties. The SAO has authority to impose sanctions after a court validation for violation of norms on political subject donations and shall prepare reports for the Prosecutor’s Office (PO) on criminal investigation of party finance violations.¹⁸ As of October 25, the SAO reported that it had filed eight protocols of administrative offense and had imposed sanctions accordingly (five remarks, two warnings and one fine).

Although the SAO is perceived favorably and engagement between the SAO and civil society is constructive, IRI analysts found that the office is persistently under-resourced, typically has fewer than 15 full-time employees — with some seconded from other agencies — and is challenged to effectively investigate direct and indirect campaign financing (e.g., illegal donations of state administrative resources or online media expenditures). The resource constraints inhibit the SAO’s ability to thoroughly investigate campaign disclosures and expenditures beyond salaries and advertising spending. Moreover, the SAO must obtain court permission to access bank statements of political parties and donors, which could impede the auditing process. Analysts noted that this may result in shallow investigations and, ultimately, insufficient enforcement of the law against violators of the GPAC.

¹⁷“Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE.” [oscepa.org/documents/election-observation/election-observation-reports/documents/1344-osce-copenhagen-document-1990-eng/file](https://www.oscepa.org/documents/election-observation/election-observation-reports/documents/1344-osce-copenhagen-document-1990-eng/file).

¹⁸This is 1,000 GEL for independent candidates and 5,000 GEL for political parties.

Adequate resources and expanded authority would allow the SAO to deeply investigate online media expenditures, including complex financing schemes such as third-party and foreign donations prohibited under GPAC and lower-priority donations below 2,000 Georgian lari (GEL).¹⁹ To its credit, the SAO has, from time to time, uncovered political parties whose donors were involved in government tendering processes, as well as parties who reported multiple donations from individuals belonging to the same company, among other violations.

In 2020, 19 political parties were “qualified electoral subjects” eligible for state funding, including the four parliamentary parties. According to reports published by the SAO, political finance declarations as of October 23 are as follows:

Electoral Subject	Revenues from State Budget	Donations	Total Revenues
Georgian Dream	215,505	10,139,707	10,355,212
Lelo for Georgia	-	2,599,290	2,599,290
United National Movement	103,687	2,295,309	2,432,831
Strategy Aghmashenebeli	26,813	2,015,505	2,042,318
Alliance of Patriots of Georgia	148,001	1,886,805	2,034,847
European Georgia	107,387	1,646,295	1,773,699

Electoral Subject	Expenditures on Advertisement	Salaries	Total Expenditures
Georgian Dream	8,213,467	39,888	10,612,565
Lelo for Georgia	1,793,441	242,942	2,566,897
United National Movement	1,864,982	9,523	2,230,757
European Georgia	1,634,575	14,694	2,008,235
Strategy Aghmashenebeli	1,773,088	3,824	1,856,467
Alliance of Patriots of Georgia	953,478	55,388	1,242,466

The GD party’s declarations were significantly higher than those of all the opposition parties combined, though Lelo for Georgia received the highest income of 2,599,290 GEL among all the opposition political parties.

Following the August release of a private dossier, there were allegations that the APG received funding from sources connected to Russian intelligence (in addition to retaining the Moscow-based POLITSECRETS for political public relations services), though they have never been confirmed by Georgian authorities. As a result, opposition parties appealed the CEC to revoke APG’s registration as a qualified electoral subject and urged the Prosecutor’s Office to open an investigation into the APG for accepting funding from foreign entities. No punitive action was taken.

¹⁹“Organic Law of Georgia on Political Association of Citizens (LGPAC).” Government of Georgia, updated 2020,

Article 25 (2), b; Article 25-bis 1; Article 34 (16), legislationline.org/download/id/7557/file/Georgia_Law_political_associations_citizens_1997_am2017_en.pdf.

MEDIA AND INFORMATION SPACE

Georgia enjoys a free and diverse media space with numerous television, radio, newsprint and online media accessible to most Georgians. However, the landscape is highly polarized, self-regulated and tightly connected to past and present political actors or business groups, often lending itself to a variety of editorialized content that closely echoes the political rhetoric of the day. Television media, the main source of news and information for Georgians, is commonly perceived as being either pro-government or opposition aligned. Political discourse is rarely issue based, but often held on the level of mutual accusations. The refusal of political actors to participate in debates prevents citizens from getting a full picture of all political options available, affecting their ability to make informed choices.

Television is still the main source of information for Georgians; however, for the age group of 18 to 34 years, it is closely followed by social media networks and the Internet.²⁰ In 2019, there were 89 television and 55 radio broadcasters operating in Georgia. Twenty of the 89 television companies were national open-air broadcasters, including both public broadcasters, GPB and Ajara television and radio.²¹

While television plays a prominent role in the information space, trust in media overall is low. According to a poll conducted by the Caucasus Research Resource Center's Caucasus Barometer in 2019, 50 percent of Georgians reported they

neither trusted nor distrusted media, while 9 percent fully distrusted and only 3 percent fully trusted media.²² Only 2 percent believed that television did very well in informing the population, while 5 percent said it did very poorly. For the vast majority (60 percent), the quality of information provided by television was seen as average.²³

The July amendments to the Electoral Code contained several modifications to election-related media including, inter alia, limitations on time allocation for paid advertising, prohibiting broadcast of political advertisements on Election Day and eight hours before, and regulations regarding the commissioning of public polls by broadcasters. Also in July 2020, an amendment to the Electronic Communications Act allowed the Georgia National Communications Commission (GNCC) – the government authority that oversees broadcast media and electronic communications – to establish a “special manager” at telecommunications companies to enforce decisions made by the GNCC was perceived critically by civil society organizations as potentially overreaching. However, IRI did not find interference from the GNCC to be an issue in the pre-election period.

Conflation of media institutions and political institutions persisted in the pre-election period when campaign content was generated by major media outlets – not parties or candidates – or where some private media allocated more free

²⁰ “Public Attitudes in Georgia: Results of June 2020 Survey.” National Democratic Institute, 2020, ndi.org/sites/default/files/NDI%20Georgia%20Poll%20Results_June_2020_Final%20Version_ENG.pdf.

²¹ Numbers in this paragraph taken from “Annual Report 2019.” Georgian National Communication Council, 2019, pp. 86-94, comcom.ge/uploads/other/5/5875.pdf.

²² “Trumedi: Trust – Media (%)” Caucasus Research Resource Center, 2019, caucasusbarometer.org/en/cb2019ge/TRUMEDI/.

²³ “QUALINF: How Well TVs in Georgia Inform the Population (%)” Caucasus Research Resource Center, 2019, caucasusbarometer.org/en/cb2019ge/QUALINF/

airtime to political advertisements than allowable under the law. In one instance, a well-known journalist was nominated to run for a majoritarian seat, while reportedly intending to continue her journalistic work. This raised concerns that her celebrity status would give her an unfair advantage against her competitors while further blurring the lines between journalism and politics. Economic sustainability for independent and regional broadcasters — an important source of information for ethnic minorities — remained a concern. There were reports of incidents involving threats against media professionals, as well as a widely publicized incident in Marneuli in which a journalist was severely injured and a cameraman's equipment broken.

The GNCC, while beneficial in theory, is not perceived as independent. Moreover, its inability to sanction television media for journalists who violate the code of ethics renders the commission ineffectual at tamping down aggressive misinformation and rhetoric. The Georgian Public Broadcaster has also struggled to win the trust and attention of broad audiences — both due to perceptions of bias and less sensational content. IRI received reports that GBP tends to be perceived as favoring the ruling party, irrespective of which party is in power. This signals a need for politicians to respect the role of independent media as an essential pillar of a vibrant democracy. Notably, the director of GPB resigned in August, shortly before the beginning of the election period, and a new director was appointed on September 25. The absence of a neutral public broadcaster or centrist broadcast content exacerbates the deeply fractured political space. To win public confidence, GPB should redouble efforts to create content in a manner that the public perceives as balanced and neutral.

Another somewhat prominent feature of Georgia's media space is disinformation from internal and external malign actors. This is most pronounced on social media because Election Code laws do not extend to online platforms, making the space ripe for agitators to create misleading content and sow public confusion. Facebook uncovered such agitation in December 2019 and again in April 2020, identifying networks of fake social media accounts with links to companies or individuals aligned to the ruling GD party and, to a lesser degree, the UNM.²⁴ Other issues that dominate the disinformation space are COVID-19, the war over Nagorno-Karabakh and Turkophobic statements made by members of the APG party. Foreign influence in the information space has also been a persistent impediment to democratic consolidation and quality journalism in Georgia.

²⁴In December 2019, Facebook removed 418 accounts for coordinated inauthentic behavior (CIB), including 344 pages, 13 groups, 39 profiles and 22 Instagram accounts. In April 2020, Facebook said it removed 511 Facebook pages, 101 Facebook accounts, 122 groups and 56 Instagram accounts linked to Espersona company and 23 Facebook accounts, 80 pages, 41 groups and nine Instagram accounts linked to individuals associated with UNM.

INCLUSION

Although awareness of inclusion issues is growing, the acceptance of women and minority communities including youth, persons with disabilities, LGBTQI (lesbian, gay, bisexual, transgender, queer and intersex) and ethnic groups remains a work in progress.

Tbilisi Pride, a civic movement that opposes homo/transphobia in Georgia, reported that the campaign period was relatively free of homophobic rhetoric, though few political parties have adopted LGBTQI issues into their policy platforms or addressed discrimination against the LGBTQI community in their programs. Positively, some individual candidates have expressed support for LGBTQI rights and activists have found them to be more receptive to discussing their issues than in previous elections. To that end, many pro-Western political parties have signed an interparty pledge and memorandum of understanding pledging to eliminate discrimination against LGBTQI in Georgia and to eschew homophobic language in their campaigns.

Ethnic Minorities

In the pre-election period, the eruption of hostilities in Nagorno-Karabakh exacerbated tensions in regions densely populated by ethnic minorities. Georgia's ethnic minority groups make up approximately 13 percent, out of which 6.3 percent are Azerbaijani and 4.55 percent are Armenian. The majority of Azerbaijanis and Armenians reside in the Marneuli/Gardabani and Akhalkalaki/Ninotsminda electoral districts, respectively.

Their communities often face numerous challenges to active political engagement including, but not limited to, language barriers, lack of education and economic marginalization.

Rather than continual engagement, political parties tend to engage ethnic minorities mainly during election cycles and no political parties make their party programs available online in minority languages. In addition, not all political parties maintain regional offices, which reduces their visibility, accessibility and accountability to the local electorate. This is especially evident in the remote Kist community in Pankisi region, where few political parties endeavor to go. In the parliamentary election, a total of 17 ethnic majoritarian candidates are running in only two ethnic minority constituencies, and three of them are women. IRI analysts noted that majoritarian races in ethnic minority regions are more open and competitive than in 2016. Several political parties nominated candidates belonging to ethnic minority groups on their party lists as well. IRI also received reports that, despite minority groups traditionally supporting the ruling party in power, youths in minority regions are increasingly seeking alternative modalities to assert their political agency. To its credit, the CEC continues to support the inclusion of minority groups and took significant steps to ensure minorities had access to information, such as creating voter-education materials and multilingual ballots in Azerbaijani, Georgian and Armenian languages.

Persons with Disabilities

To support the active participation of persons with disabilities, the CEC went to great efforts to make voting and information more accessible for persons with disabilities including: translating informational videos into sign language; conducting an online course for PEC and DEC members on how to use frames for the visually impaired; adopting temporary procedures for the participation of voters using wheelchairs; and developing an interactive map on the 1,126 polling stations accessible to wheelchair users. In 2018, the CEC reported there were 517 polling stations accessible to voters in wheelchairs — an increase from 11 in 2016 — though challenges to full accessibility remain.

Participation of Women

Women comprise 53.7 percent of Georgian voters, yet they are underrepresented in state and municipal representative bodies, holding only 14 percent of seats in the Georgian Parliament (21 out of 150) and 13 percent in local government.²⁵ After years of debate, in 2020 a mandatory gender quota was added to the Electoral Code, which obliges political parties to present electoral lists with not more than 75 percent of the same gender. The government of Georgia also offers additional financial incentive for parties that exceed the quota of 30 percent more state funding to their campaign. All 50 registered electoral subjects adhered to the gender quota and 29 political parties qualified for the additional financial incentive, though the quota does not extend to majoritarian districts.

Female candidates often face extreme gender bias and are perceived as being less effective and less suited to the “dirty” political environment than men. As such, some women running for office have been the subject of vilification in the media, gender-specific harassment, sexist cyberbullying, insults and threats to expose their private lives. Nevertheless, women still dominate the election-management and administration bodies. In addition to the chairperson of the CEC, women account for more than 60 percent of permanent and temporary positions in the DEC and 74 percent of the PECs.

CONCLUSION

Although Georgia’s 2020 parliamentary elections will occur in the midst of a rare moment in modern world history, they present an opportunity for Georgia to operationalize new reforms that could see an increase in political and gender diversity in parliament, the progress of issue-based political negotiation and the possibility of a new coalition government after decades of single-party domination.

IRI hopes that the findings and recommendations presented in this report contribute positively to the election process. The IRI TEAM will continue to analyze Georgia’s election administration, campaign environment, media and information space, inclusion, and preparedness before, during and after elections, and will publish additional findings and long-term recommendations in interim and final reports.

²⁵ “Gender Statistics of Elections.” Central Election Commission of Georgia, 28 Oct. 2018, cesko.ge/statistic/.

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