



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

OBSERVATION MISSION OF THE 2020 PARLIAMENTARY ELECTIONS

**Monitoring Report of the
Pre-Election Environment, Election Day
and the Post-Election Period**

June 1 - November 21, 2020

Georgian Young Lawyers' Association

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OF THE 2020 PARLIAMENTARY ELECTIONS**

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ELECTION DAY AND THE POST-ELECTION PERIOD**

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**Tbilisi
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1. EXECUTIVE SUMMARY

The 2020 parliamentary elections were held amid a global pandemic under a new electoral system. The pre-election environment was mainly free, although it did not end without significant problems – a blurring of the line between the government and the ruling party, an impartiality of the election administration, flawed legislation, as well as the delays in the investigation of the pre-election criminal cases, including the cases of violence, threat, and coercion, affected negatively on public confidence in the electoral process.

COVID-19 pandemic had a significant impact on the behaviour of political entities. Under such circumstances the experience of winning over the support of the voters has not existed before. Hence, the state, the political parties, the media, the observation missions, and the citizens had to adapt to the new reality and overcome unfamiliar challenges. Administering elections during pandemic required flexibility and efficiency. In order to prevent the spread of COVID-19 and to hold elections in a safe environment, the Central Election Commission (CEC) held regular working group meetings with the participation of political parties, local and international organizations, and experts in the field. As a result, the election administration developed an epidemiological protocol for the election day as well as the sanitary-hygienic norms to be followed in the commission buildings. In addition, the CEC, despite the force majeure situation, defined the election procedures and sanitary-hygienic requirements to ensure the participation of voters in inpatient facilities and isolated voters in the October 31 elections.

The 2020 elections were preceded by constitutional changes and electoral reform, which created expectations that these elections would be better than in the previous years. Regardless of the fact that the legislation has improved in many areas it has bypassed the key issues. The shortcomings of the normative framework became clear throughout the process, and the country faced challenges again. Election administration's policy and its activities at the lower level is a clear example. The Precinct Commission Members (PEC) were appointed under new regulations that ruled out conflicts of interest and prohibited the election of persons to the precinct on a professional basis who were party-appointed to the commission in previous general elections. Regardless of the the fact, that OSCE Office for Democratic Institutions and Human Rights (ODIHR) recommendations were met, the political impartiality of some PEC members were called into question. As it turned out, majority of the professional members of Zugdidi precincts were completed with the members appointed by political parties in the 2018 Presidential Elections. This did not violate the law; however, GYLA considered this fact as a bad practice, as the norm did not achieve its goal, failing to ensure the perception of impartiality of the PEC members. This manipulation fostered a distrust towards the members of the lower-level commission, which gradually deepened. The opposition protested the first sessions of the PEC, during which the chairs of the precinct election commission were elected. All party appointed PEC chairpersons were "Georgian Dream" party representatives. This shows that the ruling party had a disproportionately large representation at the lower levels of the election administration. Beyond that, there were constant questions and accusations against the election administration. It was clear that the opposition had no confidence in their work. First and foremost the reason for this was the arrangement of the election administration and its institutional framework, which *de facto* excludes the role of the opposition. The existing regulations for staffing the election body provided already dominant ruling party with an additional opportunity to strengthen its authority.

COVID-19 created an unusual circumstances for the elections. The crisis has worsened the living conditions of the population, resulting in an increase in the share of state support programs. Generally, the governments are obliged to develop social protection mechanisms for the society in order to mitigate the problems caused by the crisis. This has created additional challenges in terms of using public resources for electoral purposes. A particular problem the steps taken by the state to mitigate the consequences of the crisis before the elections. At such times a Government has an obligation to draw a sharp line between the state and the party. Unfortunately, this did not happen in Georgia. The personification of the government programs and affiliation with a ruling party was a challenge. Therefore, particular steps taken by the Government was considered as a part of the campaign and manipulation of voters. The line between the ruling party and the state was also blurred during presentations of high-ranking officials as well as in the activities of the Government on both national and local levels.

GYLA monitored the changes in the budget of Municipalities during the pre-election campaign. Within an observed Municipalities, increase in the funds allocated for social assistance was recorded in Lanchkhuti, Marneuli, and Tsageri. This is contrary to the requirements of the Election Code.

Another issue is an increase of “subsidies,” “grants,” “remuneration,” and “other expenses” in the budget before the elections – which is not a violation; however, it could potentially affect the use of administrative resources in the pre-election process. Rustavi and Adigeni municipalities could not justify the need for increased subsidy funding during the election campaigning. Apart from that, in that regard GYLA has not observed any suspicious cases during this elections.

The use of public officials for electoral purposes was also observed in these elections. Indirect use of budget-funded events for the election campaign remains a challenge. GYLA filed a complaint to the election administration regarding the misuse of administrative resources. The respective decision made by the commission was based on a misinterpretation of the law, granting a ruling party candidate an unjustified advantage.

GYLA’s long-term observation mission recorded the cases of alleged voter bribery before the elections. The phenomena of voter bribery and the misuse of administrative resources in addition to differences have a common dimension. Both aim at influencing voters by providing them with the benefits, except for the former is provided with private resources and the latter with the public resources. Therefore, voter bribery shall be analyzed accordingly. The ruling party as well as some of the opposition parties were involved in voter bribery. Unfortunately, not every case has been investigated, and where it started has not yet led to an effective outcome.

GYLA filed 4 complaints with the CEC regarding the violation of pre-election agitation. They concerned illegal participation in agitation by public officials and persons employed in budget organizations through the social network. The CEC, in its decisions, considered that the violation of agitation through the social network is only if a person uses budgetary resources at this time. The organization estimates this is a misinterpretation. Such an explanation of the legislation by the election administration allows public officials to agitate during working hours through personal social media, which, according to GYLA, contradicts the goals of the agitation ban principle and the principle of neutrality of public service.

The Government has taken a number of measures to hold the 2020 elections in a peaceful

and secure environment. For example, regulations have been tightened, and criminal liability has been established for cases of violation of election confidentiality, intimidation, and coercion. In addition, the CEC facilitated the elaboration of a Code of Conduct for political parties, which *inter alia* aimed to promote a peaceful and non-violent election environment. It was signed by 40 political parties, including the ruling party. A memorandum was concluded between the CEC Chairperson and the Minister of Internal Affairs to address common challenges as well. Despite these efforts, the common goals have not been fully achieved, nor have the elections been conducted in a calm and peaceful environment.

During the election campaign, GYLA reported numerous cases of harassment, attacks on members of opposition parties and activists, raids in their offices, and violence. September was a highlight for the acts of violence that took an alarming turn in the violent confrontation that occurred in Bolnisi and Marneuli. Consequently, citizens and the representatives of the media and observation organization were injured. The participation of public persons in the above-mentioned events was particularly alarming. The same tendency remained in October as well; the intensity of the tension gradually increased as the Election Day was approaching.

Vast majority of the abovenoted cases identified by GYLA contain the elements of a crime. In more than 2/3 of these cases the investigation is delayed, and those responsible have not yet been identified. Overall, it can be said that the state's response to such facts is not satisfactorily met and does not make a proper contribution to the formation of an acceptable pre-election environment.

GYLA reported several facts of obstruction of opposition parties the election administration, including by the election administration, law enforcement, and government agencies during the pre-election campaigning. Many of them are related to misinterpretation of the legislation. The regulation of the Code of Administrative Offences, which prohibits the arbitrary placement of light structures, is used with an unjustified manner in order to prohibit erecting temporary tents for agitation purposes. There has also been harassment of the opposition by the authorities when a Member of Parliament from the leading opposition force was terminated from their position. According to GYLA, it was an unfair step which also contradicted principle of fair political competition.

On October 31, 2020, the precincts were opened on time and in compliance with the existing rules. Problems in this regard were observed only in precincts located abroad. There were also technical shortcomings; however, this was corrected by the members of the commission in most cases after the reference. Nevertheless, during voting, GYLA recorded a number of procedural violations and deficiencies in the majority of the polling stations throughout the country. This included violation of the ballot procedure, violation of voting rules, inking of voters and/or double voting by the same person, as well as access to the polling station with improper documentation and voting, violations related to the mobile ballot box, unauthorized persons being at the precinct and moving around the precinct, imbalances in the summary protocols.

In both rounds, members of some of the PECs were disorganized and unprofessional in performing their duties. Commission members found it difficult to conduct the process efficiently and consistently, which hampered the voting process. Beyond ordinary voting procedures, organizing problems were noticeable in complying with COVID-19-related health safety rules.

GYLA's findings confirm that control over the will of voters was a major challenge on the Election Day. This negative practice, considering its scale and form, during both rounds was alarming. Cases of harassment were also reported in the polling stations, although major events took place in the vicinity of polling stations. This practice mainly involved precinct-based observers who either marked their supporters at the polling station (in some cases even provided transportation) or simply created a pressure environment by being there or even agitated and tried to convince the voters at the entrance of the polling station. This circumstance created an overall surveillance environment and posed a threat of distorting the natural behavior of the voter.

With the recent changes, an entry has been made in the election legislation aimed at eliminating the problem of controlling the will of voters near the polling stations. Under this regulation, it is inadmissible to physically impede the movement of a voter declared for election by a person within 25 meters of the polling station. Despite the introduction of this rule, GYLA became aware of a number of cases when voters were obstructed and influenced in various ways within a 25-meter radius of the polling station. In addition, in some cases, the rule prohibiting the placement of agitation material at a distance of 25 meters was violated.

Political parties exercised the method of providing financial benefits to win the hearts of the electorate even in the pre-election period, before the start of the official campaign, creating concerns that this vicious practice would continue on voting day. Although such cases are not always visible and difficult to identify, in the first round of voting, GYLA observers were still able to detect them. They recorded the giving money to voters in two different polling stations.

On October 31, in the afternoon, GYLA noticed a tense environment around precincts and recorded cases of physical confrontation. The cases occurred mainly due to opposing party interests among observers, activists and citizens. Law enforcement had a timely response to most of these facts, and an investigation was launched.

On the election day, there were cases of obstruction of the activities of observers and journalists. GYLA observers were not allowed to conduct their activities in several polling stations during the voting day. In some cases GYLA observers were unjustifiably evicted from the polling station or physically offended. In the second round of voting, the number and form of cases of obstruction of observers' activities became alarming. Cases of pressure and threats against GYLA observers were reported. This overall hindered the monitoring mission from fully observing and created a hostile and tense environment in the areas.

As for journalists, there have been isolated cases of harassment and assault on journalists. For instance, an aggressive citizen attacked the journalist of "Publika", also the journalist of "TV Pirveli" suffered physical injuries on the same territory. Law enforcers also had a timely response to this fact and launched an investigation. It is worth noting that GYLA made an announcement regarding these cases on the same day through which called law enforcements for timely and efficient investigation and stressed out the importance of heading the investigation in the right direction. The Ministry of Internal Affairs considered this recommendation, altered the classification and continued the investigation under the article of unlawful interference with the journalist's professional activities.

As a result of observing the summarizing process of the voting results, GYLA registered a great number of procedural violations and shortcomings. Maintaining election documents was problematic, as PECs provided DEC's in an unsealed condition. At the same time, the

summary protocols of the voting results had many shortcomings, including the fact that these protocols were incorrectly filled in, lacked the signatures of the members of the commission and/or the seal of the commission. As a negative trend, there was an imbalance in the summary protocols of the precinct election commissions. Moreover, often, the summary protocols were not accompanied by an amendment protocol and/or explanation. The refusal to recount most of the appealed protocols aroused distrust in the results of the respective precincts.

With respect to violations regarding summary protocols, GYLA requested opening sealed documents/ recounting of results, declaring the summary protocols as null and void and imposing disciplinary liability on the respective members of the commission at 109 polling stations. Sealed documents at 19 polling stations were recounted out of all appealed summary protocols, while the claim to recount results at 78 other polling stations was not satisfied. The refusal to recount most of the appealed summary protocols aroused suspicion towards the voting results at the respective polling stations.

Overall, a combination of several aspects, including an insufficiently fair electoral system, the rules for staffing the election administration, and decisions made on the election disputes, the blurring of the line between the state and the ruling party, the procedural deficiencies at the polling station on election day, as well as inaccuracies in the summary protocols, politicized and violent environment lead to the worst organized elections held under the Georgian Dream. This has contributed to the deepening of the political crisis, which could only be dealt with the mediation process initiated by the President of the European Council, Charles Michel. In order to avoid a similar scenario, institutional and procedural reforms need to be carried out, proper implementation of the rules should be facilitated, and relevant state bodies should ensure an effective response to incidents. The ways for ensuring this are described in detail in this report.

2. SCOPE AND METHODOLOGY OF THE OBSERVATION MISSION

GYLA monitored the 2020 parliamentary elections through two instruments - Long-Term Observation (LTO) and Short-Term Observation (STO) missions.

The main purpose of long-term observation is to facilitate the conduct of elections in a free environment. To achieve this goal, GYLA's Long-Term Observer (LTO) mission aimed to increase transparency in the electoral process, ensure the effectiveness of legislative mechanisms through carrying out/monitoring election disputes, and provide the public with credible, evidence-based information on important trends.

The monitoring of the pre-election environment covers the period from June 1 to October 31, 2020, and after the Voting until November 21 (second round). GYLA observed it through 9 regional monitors in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Shida, and Kvemo Kartli, Mtskheta-Mtianeti, and Kakheti. GYLA monitors were finding and verifying facts. The main monitoring tools were obtaining information and documents from the first source, studying/analyzing media reports, searching/processing public information and documents,¹ studying/analyzing information published on the websites and Facebook pages of the monitored subjects, attending and participating in political parties' pre-election events.

Based on the LTO mission strategy, the monitors focused on the following violations:

- ❖ Use of administrative resources, including state/municipal budget spending;²
- ❖ Voter bribery;
- ❖ Illegal agitation;
- ❖ Interference in campaign/agitation;
- ❖ Influencing the will of the electorate through intimidation and coercion;
- ❖ Dismissal for political reasons;
- ❖ Politically motivated physical confrontations and violent incidents;
- ❖ Damaging someone else's property for political reasons;
- ❖ Other violations of the election law or actions that are not in themselves violations but are bad practices and distort the pre-election environment.

In case of revealing violations, GYLA addressed a relevant statement/complaint to the election administration. It should be noted that the task of the organization was not to identify and record all such cases, but rather it focused on identifying key trends. In the pre-election period, GYLA concentrated primarily on irregularities when they were large-scale and/or could have had an impact on the election environment and election results.³

Within the LTO mission, the monitored objects were the following institutions and persons involved:

¹ Data on the investigation of criminal cases are dated with the relevant number of information received from the investigative agencies. There may have been changes in a particular case since then, which are not reflected in this report.

² GYLA monitored the process of budget changes in the municipalities in the following areas: (1) increasing the amount of social assistance, (2) adding a new program to the budget and increasing subsidies, grants, remuneration and other expenses.

³ GYLA issued a separate document on the analysis of election disputes, see Bekishvili L. et al., *Analysis of Electoral Disputes (Parliamentary Elections of Georgia, October 31, 2020, First and Second Rounds)* (Tbilisi, Georgian Young Lawyers' Association, 2021), Official website of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3fKhvBc>, updated: 30.05.2021.

- ❖ Election administration;
- ❖ Other central government bodies;
- ❖ Local authorities;
- ❖ Political parties.

According to the structure of the GYLA Short-Term Observation Mission (STO), the central and 7 regional headquarters were put into operation on October 31 at 06:00: in Tbilisi (functioning for Tbilisi and Mtskheta-Mtianeti regions), Telavi, Rustavi, Gori (Shida Kartli and Samtskhe-Javakheti regions), Kutaisi (Racha-Lechkhumi-Kvemo Svaneti and Imereti regions), Zugdidi and Batumi (for Adjara and Guria regions). According to the methodology, each headquarters was responsible for coordinating observers in its coverage area, advising them, responding to incidents, recording violations, misconduct and, identifying bad practices, and providing ongoing information to the headquarters.

Observers arrived at the polling stations from 07:00. From this time until 08:00, GYLA observed the opening of polling stations and the preparation of polling rooms, and from 08:00 until the closing of polling stations – directly the voting process. From 20:00 until the end of counting in all polling stations where GYLA had a representative, each observer followed the process to the end. In addition, from 20:00, GYLA Short-Term Observation Mission was represented in the District Election Commissions.

The first round of the 2020 Parliamentary Elections

3,657 precincts were created in 30 main and 43 auxiliary districts for the October 31st Elections. GYLA's short-term election mission was divided into 4 categories: (1) a mobile group; (2) a static observer of the precinct; (3) a static perimeter observer, and (4) a district observer. Alongside with the observation of polling stations provided by the first and second types of mission representatives, observers from GYLA's perimeter and mobile groups were constantly monitoring developments outside the polling station. Precinct static observers did not leave the polling station and monitored the process from preparation of the polling station to counting the votes for obtaining a summary protocol. District observers started their activities in 70 district election commissions from 20:00. They attended the process of submitting summary protocols, election attributes, and documentation received from precincts in the districts - from start to finish. In addition, their main task was to find violations in the summary protocols, which they acted on in accordance with GYLA's strategy. It is noteworthy that the observers who carried out their mission outside the precinct, on the instructions of the organization, in most cases remained in the same position until the end of the count. This gave GYLA an opportunity to collect information not only during the active period inside the precinct but also about the events happening outside the precinct in the time of counting. The introduction of the perimeter observer element in GYLA's methodology was conditioned by new legislative changes, according to which it is prohibited to physically obstruct the movement of voters within a radius of 25 meters from the polling station and to place agitation material. Also, the practice of election observation showed that the main events took place not inside the precinct, but outside it, in the vicinity of the precinct. Therefore, GYLA's task was to observe processes in the perimeter in order to investigate all the circumstances that affected the will of the voter before entering the polling station.

Thus, the GYLA STO structure was as follows:

- ❖ Central Headquarters;
- ❖ 7 regional headquarters: Tbilisi-Mtskheta-Mtianeti; Kakheti; Kvemo Kartli; Shida Kartli-Samtskhe-Javakheti; Imereti-Racha-Lechkhumi-Svaneti; Samegrelo; Guria-Adjara;
- ❖ District Observers;
- ❖ Precinct Observers: Mobile Group Observer; Precinct static observer; Static perimeter observer.

Of the active 3,657 precincts for the first round of Elections, the mission fully covered 63%, or 2,308. GYLA observers covered 62% of polling stations in Kakheti, 74% in Adjara, 90% in Tbilisi, 77% in Samegrelo, 44% in Mtskheta-Mtianeti, 80% in Shida Kartli, 60% in Imereti, 28% in Samtskhe-Javakheti, 73% - in Guria, 38% - in Kvemo Kartli. The mission involved 745 people, including 265 static precinct observers; static perimeter observer - 62; mobile group - 294; District observer - 70; Additional 57 precincts were set up abroad, of which GYLA, through static precinct observers, covered 11 precincts (in the following cities: Washington, London, Paris, Barcelona, Brussels, Berlin, Frankfurt, Vienna, Rome, Oslo, and Athens). 40 GYLA employees were distributed in the central and regional headquarters.

The second round of the 2020 Parliamentary Elections

The second round of parliamentary elections was scheduled in 8 regions in 17 majoritarian districts, and it was conducted by 17 main and 16 auxiliary District Election Commissions. The opposition boycotted the second round of the elections; therefore, only one party - "Georgian Dream" participated in it. Given these circumstances, GYLA observed the second round with a reduced mission and modified methodology:

- ❖ The monitoring mission covered only 5 regions. These are Tbilisi, Kvemo Kartli, Imereti, Samegrelo, and Adjara;
- ❖ From the 17 major districts, 12 district precincts in large cities were covered;
- ❖ Perimeter observers did not participate in the mission; Their function was fully integrated by mobile groups;
- ❖ District observers operated only in the main and auxiliary district election commissions within which GYLA precinct observers worked;
- ❖ 1 central headquarters in Tbilisi and 4 regional headquarters in Zugdidi, Batumi, Kutaisi, and Rustavi operated.

In other respects, the methodology of the GYLA observation mission has not changed for the second round of the 2020 Parliamentary Elections.

From the active 2003 precincts for the second round of elections, the GYLA observation mission covered 58% - 1165 precincts. Of this, 34% of precincts were covered in Adjara, 42% in Imereti, 89% in Samegrelo, 88% in Kvemo Kartli, and 94% in Tbilisi.

The observation mission of the second round of the 2020 Parliamentary Elections consisted of 214 people, 19 of whom were members of the central headquarters, 19 members of the district headquarters, as well as 14 members of the regional headquarters; 116 - mobile groups, 46 - precinct static observers.

In the case of both rounds, on polling day, GYLA focused on adhering to election procedures (polling station opening, voting, and summarizing process), as well as monitoring develop-

ments in the vicinity of Precinct Election Commissions. The organization used a strategic litigation mechanism for identified violations.

GYLA operated a special hotline through which citizens could receive legal advice on voting procedures. The media coordinator of the organization worked in the central office, who monitored the activities of journalists and, at the same time, was responsible for providing legal advice to them.

GYLA informed the public about the results of the monitoring mission through press conferences.

For the purposes of this report, the monitoring team investigated polling day irregularities based on an analysis of complaints filed by GYLA and decisions of district commissions. The analysis of the complaints is based entirely on the information contained in the Central Election Commission Dispute Register.

COVID-19

The main challenge in monitoring the 2020 elections was the COVID-19 pandemic. Due to the spread of the virus, the organization mainly monitored the pre-election events remotely, which made it difficult to obtain/verify the information. Also, LTO mission monitoring tools were reduced as public meetings, focus groups, and network meetings were rarely held. GYLA observed the presentation of party programs and meetings with the population to a limited extent. GYLA monitors did not attend the meetings at a time when the number of infected people was particularly high. Due to the increased risks, the organization had to remotely monitor the processes that took place in the district election commissions.

The spread of the virus was a particularly major challenge for observer organizations on Polling day. Out of the planned 1000 observers, GYLA was able to mobilize only 750 observers on this day. The others, mostly for various reasons related to the pandemic, were unable to participate in the mission.

Other obstacles

One of the most important tools for finding information in the monitoring process is receiving and processing public information. For this purpose, GYLA has repeatedly appealed to the central and local government bodies, as well as public institutions, including the CEC, the Prosecutor's Office, and the Audit Service. GYLA received the information requested at the central level within the timeframe set by law. However, some municipalities released public information only 2 months later.

On polling day, in the first and second rounds, some GYLA observers were not given the opportunity to carry out their activities to the fullest. This was manifested in the obstruction of observers by commission members and other entities (unreasonable expulsion from the precinct, the inadmissibility of the procedure, interference with the writing of the complaint). In the second round of voting, the number and form of such cases became more intense. Facts of pressure and threats against GYLA observers were revealed.

In some cases, the CEC Complaints Register provides the district commission's decision incorrectly, or they were missing at all. Sometimes several complaints were combined in one decision. Therefore, the present analysis is based only on the documentation that was available to the GYLA election team through the Register.

3. LEGAL ENVIRONMENT AND POLITICAL CONTEXT

The 2020 parliamentary elections were held under a new electoral system. As a result of the constitutional amendments, Georgian voters elected 120 members of parliament by proportional representation and 30 by majoritarian rule. The electoral threshold was lowered to 1%, which stimulated the emergence of new parties in the political arena. This was an important but insufficient step towards creating a more pluralistic and representative legislature. At the same time, changes were made in the electoral legislation, which formally created the basis for more democratic elections than before. However, this was preceded by protests, a political crisis, and protracted negotiations between the parties, which deepened the polarization and hindered the elections to take place in a peaceful environment.

The process started back in 2019, when the chairperson of the ruling party announced the holding of the 2020 elections in a fully-proportional manner, with a zero threshold.⁴ The main advantage of the proportional electoral system is that at this time, the party representation is distributed in proportion to the voter support received in the legislature, and, in fact, the number of lost votes is minimized.⁵ At the same time, the natural threshold allows the legislature to mirror, with the utmost accuracy, the political views that the public has.⁶ According to a poll conducted by the International Republican Institute (IRI), 68% of the Georgian population surveyed had information about the proportional electoral system, and 78% of them supported the transition to a fully proportional electoral system.⁷

On June 28, 2019, the relevant draft law “On Amendments to the Constitution of Georgia” was initiated in the Parliament to amend the Constitutional Law of Georgia, which envisaged holding the 2020 parliamentary elections in a fully-proportional manner, without a threshold.⁸ However, the public perception of a consensus among members of parliament turned out to be wrong. The draft of the initiated constitutional amendments failed because the required 113 votes could not be collected.⁹ This fact was followed by protests and rallies by citizens that lasted for months in front of the parliament building.¹⁰

In order to overcome the crisis situation in the country, negotiations between the government and the opposition were initiated by the representatives of the diplomatic corps.¹¹ The opposition has submitted a proposal to conduct the elections similar to the so-called “German Electoral System” elections or in a multi-mandate majoritarian precinct environment.¹² In contrast, the government offered only a small modification of the electoral system, which provided for the proportional election of 100 deputies and the majoritarian election of 50.¹³

⁴ Tinikashvili R. Newsletter №2, November 1 - December 1, 2019 (Tbilisi, Georgian Young Lawyers’ Association, 2019), p. 1, official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3eYOUcl>, updated: 30.05.2021.

⁵ “GYLA’s Assessment of the Electoral System Proposed by the Ruling Party”, official website of the Georgian Young Lawyers’ Association, June 24, 2019, accessible: <https://bit.ly/2Tv3bVW>, updated: 30.05.2021.

⁶ Ibid.

⁷ Center for Insights in Survey Research, *Public Opinion Survey Residents of Georgia, September-October 2019* (International Republican Institute, 2019), accessible: <https://bit.ly/3vwYvga>, updated: 30.05.2021.

⁸ Tinikashvili R. Newsletter №2, November 1 - December 1, 2019, p. 1.

⁹ Ibid, p. 2.

¹⁰ Ibid, pp. 2-3.

¹¹ Tinikashvili R. Newsletter №4, January 1 - February 1, 2020, (Tbilisi, Georgian Young Lawyers’ Association, 2020), p. 1, official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3xpnDWJ>, updated: 30.05.2021.

¹² Ibid.

¹³ Ibid.

Finally, on March 8, 2020, the political parties reached an agreement that was achieved with the active involvement of the international community.¹⁴ The participants of the political dialogue signed a “Memorandum of Understanding,” which defined the new model of the electoral system for the 2020 parliamentary elections.¹⁵ This agreement proposed a transition to the proportional 120/30 model and a reduction of the threshold to 1%.¹⁶ At the same time, the signatories agreed on the need to respond to actions that might have been perceived as improper politicization of the courts and electoral processes, as well as the need to avoid similar actions in the future.¹⁷

The process of adopting constitutional amendments has been delayed for some time. This was caused by a coronavirus (COVID-19) pandemic. The President declared a state of emergency in the country from March 21 to April 21 by issuing the order №1 and later extended it until May 22 by the order №2.¹⁸ This act was invalidated on May 23, 2020.¹⁹ According to the Constitution, the procedure for revising the Supreme Law is suspended at such times.²⁰ With the cancellation of the state of emergency, the process resumed, and on June 29, Parliament approved the constitutional amendments by 117 votes in the last reading.²¹ The deputies of the United National Movement and European Georgia did not take part in the second and third voting.²² They stated the full implementation of the March 8 agreement and the demand for the release of “political prisoners” as the reason.²³ GYLA welcomed the change in the electoral system.²⁴ Although the new constitutional provisions violated the boundaries between majoritarian districts in violation of international standards and the terms of the agreement,²⁵ this decision was an important step towards a fair electoral system.

On July 5, 2020, the Supreme Council of Adjara approved the constitutional amendments and supported the holding of mixed elections at the autonomous level (18 proportional and 3 majoritarian).²⁶ It should be noted that the initiated draft envisaged the composition of the Supreme Council in a fully proportional manner for the 2020 elections, and this

¹⁴ Tinikashvili R. Newsletter №6, March 1-April 1, 2020, Tbilisi, Georgian Young Lawyers’ Association, 2020), p. 1, Official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3xq0iUX>, updated: 30.05.2021.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ The opposition considered an important part of the so-called “March 8” agreement the timely release of “political prisoners” - Giorgi Rurua, Gigi Ugulava and Irakli Okruashvili. However, according to the authorities, this agreement did not address this issue, cf. “There is a disagreement between the opposition and the ruling team over the issue of “political prisoners”, *information portal “Civil.ge”*, March 10, 2020, accessible: <https://bit.ly/3wy0Ffl>, updated: 30.05.2021.

¹⁸ Kruashvili N. et al., *Sovereign - “Prime Minister”* (Tbilisi, Georgian Young Lawyers’ Association, 2021), p. 17, Official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3fyDdcP>, updated: 30.05.2021.

¹⁹ Ibid.

²⁰ The Constitution of Georgia, Article 77, Paragraph 7.

²¹ Latsabidze M. Newsletter №9, June 1 - July 1, 2020 (Tbilisi, Georgian Young Lawyers’ Association, 2020), p. 3, Official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/2S1O7Pf>, updated: 30.05.2021.

²² Ibid, p. 2.

²³ Ibid.

²⁴ Ibid, p. 5.

²⁵ Ibid.

²⁶ Latsabidze M. Newsletter №10, July 1 - August 1, 2020 (Tbilisi, Georgian Young Lawyers’ Association, 2020), pp. 2-3, official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3iLXg9x>, updated: 30.05.2021.

model was also presented at the public hearings.²⁷ However, after these deliberations, the Supreme Council added a transitional provision to the draft, which defined the conduct of elections as a mixed model, and voted on this model.²⁸ The opposition considered that this violated the procedures established by law and, as a sign of protest, did not attend the session.²⁹ According to the law, changes are not prohibited at the stage of public debates, although they should not be of a substantive nature (for example, if it is a matter of changing the electoral system, the rule of electing the Speaker of Parliament should not be changed instead). As the change was related to an issue that was initially addressed within the project initiated, GYLA estimates that the procedure was not violated.

After the approval of the electoral system, the Parliament of Georgia started working on electoral reform. A number of changes were made to the legislation, , inter alia, party funding, the rule of forming the election administration at a lower level, a voter will control, pre-election agitation, media campaigns and airtime, gender quotas, and more.³⁰ GYLA submitted a report on the draft amendments to the election legislation to the Parliament.³¹ The organization welcomed the steps taken to eliminate the existing shortcomings and positively assessed the open format of working on the draft law, which lasted for a year.³² However, a number of important issues were overlooked by this draft, or the proposed regulations were not sufficient to address the problem. For example, the reform did not consider revising the institutional framework of the election administration, introducing a period of silence, enforcing the rules on voter will control, tightening regulations on the use of administrative resources, increasing judicial control over election disputes, and so on.³³

Electoral reform has significantly changed the rules for financing political parties. In particular, it should be noted that the threshold for parties to receive funds allocated from the budget was reduced from 3% to 1%.³⁴ At the same time, the funding formula was changed, and it was defined as follows: the party will receive 15 GEL for each vote received in the first 50 000 votes in the last parliamentary elections and 5 GEL for each subsequent vote.³⁵ GYLA believes that with the new regulations, the budget funding formula of political parties has become more balanced and fair.

Additionally, as a result of changes in electoral reform:

- ❖ Criteria for a donor legal entity have been clarified - it can only be a legal entity registered in the territory of Georgia and whose partners are only Georgian citizens and legal entities registered in Georgia;³⁶
- ❖ The Audit Service was given the opportunity to process electronic documents;³⁷

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.

³⁰ Draft Organic Law of Georgia №07-3/476/9 on Amendments to the Organic Law of Georgia “Election Code of Georgia”, *official website of the Parliament of Georgia*, accessible: <https://bit.ly/3dXuxbC>, updated: 30.05.2021.

³¹ Conclusion of the Georgian Young Lawyers’ Association on the Draft Law on Amendments to the Organic Law of Georgia “Election Code of Georgia” (Tbilisi, Georgian Young Lawyers’ Association, 2020), Official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3eWHX9o>, updated: 30.05.2021.

³² Ibid, p. 1.

³³ Ibid, pp. 4-6.

³⁴ Organic Law of Georgia on Political Associations of Citizens, Article 30, Paragraph 2.

³⁵ Ibid, Paragraph 3.

³⁶ Ibid, Article 25, Paragraph 2, Subparagraph “b”.

³⁷ Ibid, Article 34¹, Paragraph 2, Subparagraph “c”.

- ❖ Personal data of the donor has become more secure;³⁸
- ❖ A sanction has been imposed for making illegal expenditures for the contravention of a political party - a person will be held liable for illegal monetary expenditures and services for refraining from supporting a party.³⁹
- ❖ The definition of prohibited funding was expanded to include donations, membership fees, and expenses made using unjustified property;⁴⁰
- ❖ The competence of the Audit Service to investigate the crime of voter bribery was revoked, and it was fully transferred to the Prosecutor's Office.

The data on the financing of political parties in the 2020 elections is as follows: a total of 50 entities participated in it, including 48 political parties, 2 electoral blocs (seven parties merged into two blocs).⁴¹ 11 initiative groups were also registered.⁴² From the date of the election to the publication of the summary protocol on final results, they received a total income of up to GEL 47 million.⁴³ Of this amount, the donation amounted to 37 million GEL, of which about 43% belongs to the Georgian Dream, 16% to Lelo, 13% to the United National Movement, 7-7% to European Georgia and Strategy Aghmashenebeli, 5 % - "Alliance of Patriots," and 9% - together with other entities.⁴⁴ Despite the positive changes, income inequality has significantly diminished party electoral opportunities.

An important innovation that accompanied the recent reform was the introduction of gender quotas, which required that at least one person in each of the four-party lists submitted to the CEC be of the opposite sex.⁴⁵ It is a step forward in increasing women's political participation, ensuring inclusiveness and diversity in the legislature. However, it also had opponents. The mentioned changes were appealed by the Girch party to the Constitutional Court.⁴⁶ They demanded that the record be declared unconstitutional, on the basis of which it was obliged to include every fourth person of the opposite sex in the proportional list.⁴⁷ GYLA submitted the opinion of a "friend of the court"⁴⁸ to the Constitutional Court, which supported this change.

³⁸ In the old version, the name, surname, personal number and place of registration of the donor were public information. As a result of the changes, the place of registration of the donor is no longer public information.

³⁹ Organic Law of Georgia on Political Associations of Citizens, Article 34², Paragraph 2.

⁴⁰ Ibid, Paragraph 16, Subparagraph "d".

⁴¹ October 31, 2020 Parliamentary Elections of Georgia, Municipal Representative Body - Sakrebulo Elections of Tbilisi, Telavi, Tetrtskaro and Oni Municipal Councils Held by the Majoritarian Electoral System of October 21, 2017 Elections, Kaspi, Oni, Kharagauli, Terjola Municipalities, Election Administration of Georgia, 2021), Parliamentary Elections of Georgia, October 31, 2020; Municipal Representative Body - Sakrebulo By-Elections of Tbilisi, Telavi, Tetrtskaro and Oni Municipal Councils held by the Majoritarian Electoral System, October 21, 2017; Mayor Extraordinary Elections of Kaspi, Oni, Kharagauli, Terjola, and Kutaisi Municipalities (Tbilisi, Election Administration of Georgia, 2021), p. 7, accessible: <https://bit.ly/3p2gcBS>, updated: 30.05.2021.

⁴² Ibid.

⁴³ Ibid, p. 5.

⁴⁴ Prior to the election campaign, from January to August 2020, the number of donations received by political parties totaled 12 million GEL. 54% of this was received by the Georgian Dream, which exceeds the number of donations received by all parties together. See State Audit Service, October 8, 2020, presentation.

⁴⁵ Election Code of Georgia, Article 203. Part 2.

⁴⁶ Recording Notice №3/8/1526 of the Constitutional Court of Georgia, July 30, 2020, on the case of "N(N)LE Political Union of the Citizens "New Political Center", Herman Sabo, Zurab Girchi Japaridze and Ana Chikovani v. the Parliament of Georgia".

⁴⁷ Ibid, 1-3.

⁴⁸ «GYLA submitted an amicus curiae brief to the Constitutional Court on the issue of quotas», *official website of the Georgian Young Lawyers' Association*, September 1, 2020, accessible: <https://bit.ly/3tXY9hi>, updated: 30.05.2021.

The Constitutional Court reviewed the compatibility of quotas with the principle of democracy and held that it was not contrary to the essence of suffrage.⁴⁹ Moreover, this type of restriction, given its content and nature, has nothing to do with the principle of the source of power and the inadmissibility of improper appropriation of power.⁵⁰ The decision addresses the under-representation of women in parliament and the underlying causes, including gender stereotypes, unfair starting conditions, and the prevailing perception of the role of women in the conservative redistribution of social functions between women and men.⁵¹ The court took into account the artificial barriers that create a substantially unequal environment for women, including in terms of participation in politics,⁵² and considered a legitimate goal of quotas to achieve equality.⁵³ As part of reviewing the necessity, the court noted that, although the state can take various measures to increase the representation of women in parliament,⁵⁴ however, in its view, quotas are “one of the most effective mechanisms to achieve the set goal.”⁵⁵ At the same time, the court declared unconstitutional the content of the electoral norm, which provided for the inclusion of one man in every four on the electoral list.⁵⁶

The COVID-19 pandemic created special circumstances. In response to this challenge, the election administration has established temporary regulations, including the sanitary-hygienic rules⁵⁷ to be observed in election commission buildings and the polling day epidemiological protocol⁵⁸ and in addition, established procedures and sanitary-hygienic norms to ensure the participation of persons in inpatient facilities and isolated persons in elections.⁵⁹ Voters who were in self-isolation should have submitted an oral statement to the CEC Information Center from October 24 to October 26.⁶⁰ Later, by the decision of the election administration, this term was extended until October 27.⁶¹ According to GYLA, the document developed by the CEC adequately addressed the existing challenges; however, unfortunately, not enough time was provided to have a discussion about it. As a result, the organization had to evaluate the project in force majeure.⁶²

The CEC held a number of working meetings with the parties involved in the election pro-

⁴⁹ Decision of the Constitutional Court of Georgia №3/3/1526 of September 25, 2020, on the case of “N (N)LE Political Union of the Citizens “New Political Center”, Herman Sabo, Zurab Girchi Japaridze and Ana Chikovani v. the Parliament of Georgia”, II-15.

⁵⁰ Ibid, II-14.

⁵¹ Ibid, II-26

⁵² Ibid, II-27.

⁵³ Ibid, II-38.

⁵⁴ Decision of the Constitutional Court of Georgia №3/3/1526 of September 25, 2020, II-56.

⁵⁵ Ibid, II-58.

⁵⁶ Ibid, III-2.

⁵⁷ “Discussion of sanitary-hygienic rules for election commissions”, *official website of the Central Election Commission*, August 31, 2020, accessible: <https://bit.ly/3bR5Mi7>, updated: 30.05.2021.

⁵⁸ “The CEC, together with parties and observer organizations, has developed an epidemiological protocol for Election Day,” *official website of the Central Election Commission*, September 18, 2020, accessible: <https://bit.ly/2SYaLES>, updated: 30.05.2021.

⁵⁹ “The election administration will ensure the participation of voters in inpatient medical institutions and isolated voters in the October 31 elections in full compliance with sanitary-hygienic rules”, *official website of the Central Election Commission*, October 19, 2020, accessible: <https://bit.ly/36qzqAQ>, updated: 30.05.2021.

⁶⁰ Parliamentary Elections of Georgia, October 31, 2020; Municipal Representative Body - Sakrebulo By-Elections of Tbilisi, Telavi, Tetrtskaro and Oni Municipal Councils held by the Majoritarian Electoral System, October 21, 2017; Mayor Extraordinary Elections of Kaspi, Oni, Kharagauli, Terjola, and Kutaisi Municipalities; CEC, p. 31.

⁶¹ Ibid.

⁶² Latsabidze M. Newsletter №13, October, 2020 (Tbilisi, Georgian Young Lawyers’ Association, 2020), p. 1-2, Official website of the Georgian Young Lawyers’ Association, accessible: <https://bit.ly/3pWVST6>, updated: 30.05.2021.

cess, which were attended by non-governmental organizations. GYLA was an active participant in these processes and also presented its views on draft legal acts. Together with local monitoring organizations, the CEC has developed an agreement on professional and ethical standards.⁶³ The signatories expressed their readiness to be guided by the law, internationally recognized standards, and the Code of Conduct (Ethics) to promote fair and transparent elections through respect for human rights and fundamental freedoms and to uphold the rule of law.⁶⁴ The document was signed by the CEC Chairperson and representatives of 33 local observer organizations.⁶⁵ It was joined by GYLA too.

⁶³ Parliamentary Elections of Georgia, October 31, 2020; Municipal Representative Body - Sakrebulo By-Elections of Tbilisi, Telavi, Tetritskaro and Oni Municipal Councils held by the Majoritarian Electoral System, October 21, 2017; Mayor Extraordinary Elections of Kaspi, Oni, Kharagauli, Terjola, and Kutaisi Municipalities; CEC, p. 8.

⁶⁴ Ibid.

⁶⁵ Ibid.

4. ELECTION ADMINISTRATION

The Election Administration of Georgia is an independent institution.⁶⁶ The existing model of its staffing belongs to the mixed system.⁶⁷ It has three levels⁶⁸ and consists of 12 members at all levels.⁶⁹ The highest body is the Central Election Commission (CEC), which consists of a chairperson and 11 members.⁷⁰ Five non-partisan members of the CEC are assigned by the Parliament with an absolute majority from the candidates nominated by the President,⁷¹ which de facto excludes the involvement of the opposition in this process. The candidacy of the CEC Chairperson is nominated by the President and approved by the CEC by 2/3.⁷² The other 6 members are appointed by the parties.⁷³ The quota for each is determined in proportion to the number of votes received in the previous parliamentary elections.⁷⁴ However, the party has no right to appoint more than 3 members to the CEC.⁷⁵ Georgian Dream was represented by 3 members in the Central Election Commission for the 2020 elections, while the United National Movement, European Georgia and the Alliance of Georgian Patriots were represented by one member each. The same principle of staffing the election administration applies at the district and precinct level, where 6 out of 12 members are appointed by the Superior Election Commission and the remaining 6 by political parties.⁷⁶ The electoral reform of 2020 left the institutional framework of the election administration intact, and the status quo was maintained in this regard. The recruitment rule, in turn, theoretically gave the already dominant ruling party an additional opportunity to strengthen its influence, which, in general, reduced confidence in the election administration. According to the OSCE Priority Recommendation, “If parties retain the right to nominate members of election commissions, it is possible to revise the formula for appointing commission members and provide more balanced political representation, which will help strengthen perceptions of impartiality.”⁷⁷

GYLA shares this recommendation and considers it expedient to staff all levels of the election commission on a fully professional basis. Parliament must approve the members of the election commission on a consensus-based model, established on an agreement between the majority and the opposition. This will increase confidence in the election administration and improve the electoral process. In the short run, it is possible to maintain a mixed model of election administration provided that it does not give preference to any party and allows the opposition to be involved in the decision-making process.

⁶⁶ Election Code of Georgia, Article 7, Part 1.

⁶⁷ The model of independent election administration is divided into three categories: professional, political and mixed (combining these two options). The mixed model has two subtypes - judiciary-political and professional-political. Georgia is a variation of the latter, see: Alaverdashvili G. and Taliuri L., *Election Administration as An Independent Body* (Tbilisi, Georgian Young Lawyers' Association, 2021), p. 5, official website of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3vul3wP>, updated: 30.05.2021.

⁶⁸ Election Code of Georgia, Article 7, Part 2.

⁶⁹ Ibid, Article 10, Part 1, Article 20, Part 1, and Article 24, Part 1.

⁷⁰ Ibid, Article 7, Part 3, and Article 10, Part 1.

⁷¹ Ibid. See also Rules of Procedure of the Parliament, Article 204, Paragraph 4, SubParagraph “c”.

⁷² Election Code of Georgia, Article 10, Part 2.

⁷³ Ibid, Article 13, Part 1.

⁷⁴ Ibid, Part 2, Subparagraph “a”.

⁷⁵ Ibid.

⁷⁶ Ibid, Articles 19 and 24.

⁷⁷ *Georgia, Presidential Election 28 October and 28 November 2018, ODIHR Election Observation Mission Final Report*, (Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2019), p. 7, accessible: <https://bit.ly/3vuvtNM>, updated: 30.05.2021.

The electoral reform clarified the rules for electing PEC members, thus fulfilling some of the OSCE recommendations.⁷⁸ According to the amendments, 6 members of the precinct commission are elected by the relevant district election commission by a majority of the full membership, provided that it is supported, including at least 3 members elected by the CEC in the relevant district election commission for a term of 5 years.⁷⁹ A member of a district election commission is prohibited from participating in the selection procedure if they are a family member of a candidate for membership in the relevant precinct election commission.⁸⁰ Legislative changes excluded the membership of a PEC with the professional mark of a person who was appointed on the basis of party affiliation in the commission in the previous general elections.⁸¹ In addition, the CEC has developed non-binding recommendations in the process of staffing PECs for the 2020 elections.⁸² According to these recommendations, district commissions should consider persons as members of precinct commissions who have experience of working professionally and impartially in the election administration and have not been subject to disciplinary liability while working in the election administration for the last 2 years.⁸³ Despite these efforts, the political impartiality of some PEC members has been called into question. As it turned out, most of the professional quotas in Zugdidi precincts were filled by members appointed by political parties in the 2018 presidential elections. Zugdidi District Commission considered the extraordinary Mayor elections of 2019 as the last general elections.⁸⁴ According to GYLA, the new norm of the Election Code and the content of the “general elections,” which include regular or extraordinary elections, leaves room for manipulation. If extraordinary elections are scheduled before the next election, this potentially leaves the possibility of appointing party members to the precinct election commission, as was the case in 2020. This did not violate the law; however, GYLA recorded it as bad practice as the norm failed to achieve its goal of ensuring the impartiality of PEC members.

Therefore, GYLA believes that a clearer regulation is needed, which explicitly excludes the selection of a person who was appointed as a member of the Precinct Election Commission by a political party in the last elections. This echoes the OSCE recommendation that “[...] the procedures and criteria for the selection of election commission members be further refined into legislation.”⁸⁵

⁷⁸ The OSCE in its 2018 report named the political bias and nepotism of PECs in the selection process as problematic circumstances. However, it considered that the rules for the selection of non-partisan members of precinct election commissions were insufficiently regulated by the CEC, and, in general, the process was inconsistent and less transparent. See *Georgia, Presidential Election 28 October and 28 November 2018, ODIHR Election Observation Mission Final Report*, p. 7.

⁷⁹ Election Code of Georgia, Article 24, Part 2.

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² Civil Platform 20/20 filed 94 complaints in the 67th district of Zugdidi. E.g. See Complaint #44 of the Civic Platform 2020 Monitoring Organization, September 29, 2020, *official website of the Central Election Commission*, accessible: <https://bit.ly/2PvKkZ6>, updated: 30.05.2021.

⁸³ Parliamentary Elections of Georgia, October 31, 2020; Municipal Representative Body - Sakrebulo By-Elections of Tbilisi, Telavi, Tetritskaro and Oni Municipal Councils held by the Majoritarian Electoral System, October 21, 2017; Mayor Extraordinary Elections of Kaspi, Oni, Kharagauli, Terjola, and Kutaisi Municipalities; CEC, p. 21.

⁸⁴ Extraordinary elections are considered general elections, see Election Code of Georgia, Article 2, Subparagraph “d”. Article 2, SubParagraph “d”.

⁸⁵ *Georgia, Presidential Election 28 October and 28 November 2018, ODIHR Election Observation Mission Final Report*, p. 8.

The CEC, in accordance with the resolution, announced a competition for the composition of precinct election commissions on a professional basis.⁸⁶ According to the official data of the CEC, the competitions for the members of the precinct commissions were held on September 4-9, and on September 11-14, 21,894 members were selected by the 73 district commissions in the 21,942 vacancies in 3,652 precinct commissions.⁸⁷ A total of 25,201 applications were submitted to the district commissions.⁸⁸ **According to GYLA, the time of receiving and reviewing the application was not enough for their complete evaluation. In order to improve the process, it is desirable to revise the terms of staffing the election administration at a lower level.**

In addition, the number of PEC members exceeds the number of functions available on polling day. Therefore, 12 members are not required. According to the OSCE Priority Recommendation, it is possible to determine the number of members of election commissions at all levels of the election administration according to real needs.⁸⁹ **GYLA shares this opinion and considers the reduction of commission members necessary after the transition to professional staffing of the election administration.**

The heads of the Precinct Election Commission (Chairperson, Deputy Chairperson, Secretary) are elected by the Precinct Election Commission at the first session.⁹⁰ 2 members of the commission have the right to nominate their candidacies.⁹¹ The decision is made by a majority of the full membership of the Commission.⁹² The first sessions of the Precinct Election Commissions were held on September 28-30.⁹³ The total number of people elected through the competition for the position of the heads of the commission exceeded the number of members appointed by the party.⁹⁴ All chairperson members elected by the party quota (434 members in total) were representatives of the Georgian Dream.⁹⁵ The same situation was created in other leading positions - the positions of Deputy Chairpersons of the Commission (584 members) and Secretaries (465 members), mostly staffed by the Georgian Dream. As for the other parties, 5 members represented the Alliance of Patriots, 2 members of the United National Movement and 1 member of the European Georgia for the position of Deputy Chairperson, and 3 members for the position of Secretaries - the Alliance of Patriots, one of each for the United National Movement and European Georgia.⁹⁶ These statistics show that the ruling party had a disproportionately large advantage at the lower levels of the election administration as well.

⁸⁶ Ordinance №69/2020 of the Central Election Commission of Georgia, September 1, 2020.

⁸⁷ Parliamentary Elections of Georgia, October 31, 2020; Municipal Representative Body - Sakrebulo By-Elections of Tbilisi, Telavi, Tetrtskaro and Oni Municipal Councils held by the Majoritarian Electoral System, October 21, 2017; Mayor Extraordinary Elections of Kaspi, Oni, Kharagauli, Terjola, and Kutaisi Municipalities; CEC, p. 21.

⁸⁸ Ibid.

⁸⁹ *Georgia, Presidential Election 28 October and 28 November 2018, ODIHR Election Observation Mission Final Report*, p. 7.

⁹⁰ Election Code of Georgia, Article 25, Part 1.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Parliamentary Elections of Georgia, October 31, 2020; Municipal Representative Body - Sakrebulo By-Elections of Tbilisi, Telavi, Tetrtskaro and Oni Municipal Councils held by the Majoritarian Electoral System, October 21, 2017; Mayor Extraordinary Elections of Kaspi, Oni, Kharagauli, Terjola, and Kutaisi Municipalities; CEC, p. 22.

⁹⁴ "Information on the first sessions of the Precinct Election Commissions and the process/statistics of electing the chairperson/deputy chairperson/secretary as of October 2", *official website of the Central Election Commission*, October 2, 2020, accessible: <https://bit.ly/3lFi8xl>, updated: 30.05.2021.

⁹⁵ Ibid.

⁹⁶ Ibid.

As for the technical and organizational part, the CEC activities were mostly open and transparent, while information on the activities of the election administration was publicly available. As mentioned above, the CEC held regular meetings with parties involved in the election process. It actively cooperated with political parties, non-governmental organizations, and representatives of the international community to ensure the safe conduct of elections under the COVID-19 pandemic.⁹⁷ In general, the election administration conducted the preparations for the 2020 parliamentary elections in due time, in compliance with the law.

⁹⁷ Parliamentary Elections of Georgia, October 31, 2020; Municipal Representative Body - Sakrebulo By-Elections of Tbilisi, Telavi, Tetrtskaro and Oni Municipal Councils held by the Majoritarian Electoral System, October 21, 2017; Mayor Extraordinary Elections of Kaspi, Oni, Kharagauli, Terjola, and Kutaisi Municipalities; CEC, p. 40.

5. PRE-ELECTION PERIOD

Ignoring the demand for separation of state and ruling party

On August 6, the Government of Georgia announced the third phase of the anti-crisis plan against the results of COVID-19.⁹⁸ The plan included several major areas of social assistance.⁹⁹ During their presentations, high-ranking officials constantly focused on the role of the chairperson of the Georgian Dream party and his personal financial contribution.¹⁰⁰ In doing so, the government made the steps taken to overcome the crisis personified and contributed to their partisan affiliation.¹⁰¹ Because of this, in some cases, these measures were perceived as part of the majority campaign, while helping the citizens in such a situation is a minimal obligation of the state.¹⁰²

The blurring of the boundaries was also observed in other social initiatives. For example, under a government decision on August 20, under the Universal Health Care Program, the list of cancer treatment medicines was expanded, and the amount of funding allocated to the oncology patient was increased by 8,000 GEL.¹⁰³ This program affected up to 40,000 people.¹⁰⁴ Also, according to the statement of the Ministry of Defense of October 31, the citizens would be written off the debts accrued to the LEPL “Giorgi Abramishvili Military Hospital of the Ministry of Defense of Georgia” for various services since 2009.¹⁰⁵ About a thousand citizens would benefit from this benefit.¹⁰⁶ The Ministry released this information the day before the official start of the election campaign.¹⁰⁷

The 1990 OSCE Copenhagen Document calls for “a clear separation of state and political parties.”¹⁰⁸ In addition, in order to prevent the use of administrative resources during COVID-19, the OSCE/ODIHR issued special recommendations urging states to “distribute assistance in developing socio-economic stimulus plans in a way that does not give the impression of improving the position of the ruling political force.”¹⁰⁹ Unfortunately, the government failed to meet these standards. Initiatives to care for citizens and alleviating financial pressure are

⁹⁸ Government Session of 6 August 2020, *official website of the Government of Georgia*, August 6, 2020, accessible: <https://bit.ly/2FIWVIQ>, updated: 30.05.2021.

⁹⁹ «The Government of Georgia has developed a post-crisis plan - Phase III», *official website of the Government of Georgia*, August 6, 2020, accessible: <https://bit.ly/3hbUPZy>, updated: 30.05.2021.

¹⁰⁰ An example of this is the information published on the official Facebook page of the Prime Minister, according to which such large-scale social support was made possible by the StopCov Foundation, including with the help of Bidzina Ivanishvili. Also, the position of the Minister of Finance, when he said that this large-scale campaign was financially supported by the main donor of the fund (meaning Bidzina Ivanishvili). See: (Tbilisi, Georgian Young Lawyers’ Association, 2020), pp. 7-8, *Official website of the Georgian Young Lawyers’ Association*, accessible: <https://bit.ly/2R9k4UU>, updated: 30.05.2021.

¹⁰¹ *Ibid.*

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, p. 8.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ Latsabidze M. et al., *Interim Report of the 2020 Election Long-Term Observation Mission, June-August*, Latsabidze M. et al., *Interim Report of the 2020 Election Long-Term Observation Mission, June-July*, pp. 8-9.

¹⁰⁷ According to Article 45, Part 1 of the Election Code of Georgia, the pre-election campaign (agitation) starts 60 days before the polling day.

¹⁰⁸ Organization for Security and Co-operation in Europe, *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE* (Copenhagen: Organization for Security and Co-operation in Europe, 1990), para 5.1, accessible: <https://bit.ly/3vzFHWU>, updated: 30.05.2021.

¹⁰⁹ *OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic* (Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2020), p 86, accessible: <https://bit.ly/3uA86lg>, updated: 30.05.2021.

certainly welcome, although such decisions should be made at the beginning of the year, when planning budgets and programs, or after the voting. Shortly before the election campaign comes into force, such steps are intended to win the hearts of voters and, in addition, de facto circumvent legislation prohibiting the use of administrative resources.¹¹⁰

The boundary between the state and the party was not observed either by high-ranking officials during the presentation of government and local self-government activities. On August 31, the government administration announced the launch of a \$ 40 million World Bank-sponsored project, Log-in Georgia, to increase the country's high-speed Internet. Beka Liluashvili, the economic adviser to the Prime Minister, spoke about the role of the Cartu Foundation¹¹¹ in the implementation of this project and the millions of GEL spent by it.¹¹² Another such case occurred on October 15, when Minister of Environmental Protection and Agriculture Levan Davitashvili spoke about the unprecedented assistance provided by Bidzina Ivanishvili and the Cartu Foundation at the presentation of the Urban Forest Landscape Rehabilitation Project.¹¹³

This problem also existed at the local self-government level. On October 26, Poti Municipality announced on its official Facebook page that the city was working on the restoration of cultural heritage sites, which was carried out by the Cartu Foundation together with the National Agency for Cultural Heritage.¹¹⁴

The cases discussed above indicate the blurring of the line between the state and the party during the pre-election period, which ultimately affects the perception of the electorate and gives the ruling majority an electoral advantage. The government already has a natural priority in the election marathon. And if this is compounded by the use of public resources to its advantage, inequality between the majority and the opposition will deepen.

Use of public resources

In order to prevent the use of administrative resources in the run-up to the elections, the CEC signed a memorandum with the interagency commission and 13 local NGOs.¹¹⁵ For the same purpose, an agreement was reached between the CEC, the Council of Europe Office, the Interagency Commission for Free and Fair Elections, and the Civil Service Bureau.¹¹⁶

¹¹⁰ Any person entitled to participate in pre-election agitation during the pre-election campaign is prohibited from using administrative resources in the pre-election agitation and campaign process to support or oppose any political party, election subject candidate, election subject. See: Election Code of Georgia, Article 48.

¹¹¹ The Cartu Foundation is an organization closely associated with Bidzina Ivanishvili, the former chairman of the ruling party.

¹¹² Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, *September* (Tbilisi, Georgian Young Lawyers' Association, 2020), p.7, Official website of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3e2U45u>, updated: 30.05.2021.

¹¹³ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, *October* (Tbilisi, Georgian Young Lawyers' Association, 2020), p.7, Official website of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3dejLR9>, updated: 30.05.2021.

¹¹⁴ Latsabidze M. et al., IV Interim Report of the 2020 Election Long-Term Observation Mission (Tbilisi, Georgian Young Lawyers' Association, 2020), p. 7, Official website of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3scnD9z>, updated: 30.05.2021.

¹¹⁵ Latsabidze M. Newsletter №12, *September 1 - October 1, 2020* (Tbilisi, Georgian Young Lawyers' Association, 2020), pp. 6-7, official website of the Georgian Young Lawyers' Association, accessible: <https://bit.ly/3iRQv6h>, updated: 30.05.2021.

¹¹⁶ *Ibid.*

The law prohibits the use of administrative resources in the pre-election agitation and campaign process to support or oppose any political party, election subject, subject candidate during the election campaign.¹¹⁷ Violation of this rule is punishable by a fine.¹¹⁸ In addition to election law, the principle of political neutrality and impartiality of the civil service is also enshrined in the Civil Service Law, which prohibits civil servants from engaging in agitation and campaigning during working hours or in the exercise of their official position.¹¹⁹

GYLA also learned of a case in which the ruling party involved public officials in its activities shortly before the restrictions took effect. On August 31, 2020, with one day left before the start of the election regulations,¹²⁰ a meeting of the Georgian Dream held near the Khelvachauri Municipality City Hall, where the leaders of the ruling political party nominated a majoritarian candidate in the highlands of Adjara, was attended by public officials during working hours.¹²¹ It is true that this action did not contradict the Electoral Code, as the ban had not yet taken effect, but the use of working time in support of a political party violates the principle of political neutrality of a public servant and the requirements of the Law on Public Service.

Indirect use of budget-funded activities for the election campaign remains a challenge. On July 2, at the Family Medicine Center “Mkurnali,” free medical care for locals was conducted, organized by the NAPR Georgian Dream Healthy Future with the support of MP, First Deputy Speaker of Parliament, one of the leaders of the “Georgian Dream” party Giorgi Volski and Senaki Municipality.¹²² Mr. Volski’s participation in the event was not directly related to his position and had only a personal-party character. In terms of the use of public resources, this is not a violation of the law either, but it is an example of bad practice, as one of the leaders of the ruling party participated in a charity event to contribute to the association of this event with him.

GYLA appealed to the election administration in one case due to the use of administrative resources during the pre-election campaign.¹²³ The complaint was related to the agitation in favor of Zaza Lominadze, the majoritarian candidate of the Georgian Dream, in the opening of the season of the Kutaisi Lado Meskhishvili State Drama Theater.¹²⁴ Incumbent MP Genadi Margvelashvili said during a speech at the event that “Lominadze should take over the baton.”¹²⁵ The candidate himself made a speech too.¹²⁶ The CEC, after an investigation, found that Zaza Lominadze, a majoritarian MP candidate from Kutaisi, was not invited to the event as an official, but he attended the opening of the theater as a friend and philanthropist.¹²⁷ According to the CEC, no political statements were made in support of or against the candidate, and the event itself did not serve the purpose of agitation.¹²⁸ With this argument,

¹¹⁷ Election Code of Georgia, Article 48, Part 1.

¹¹⁸ Ibid, Article 88.

¹¹⁹ Law of Georgia on Public Service, Article 15.

¹²⁰ Election Code of Georgia, Article 45, Part 1.

¹²¹ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 9-10.

¹²² Ibid, p. 14.

¹²³ Complaint of the Georgian Young Lawyers’ Association №488/G02 of October 21, 2020, *official website of the Central Election Commission*, accessible: <https://bit.ly/3wSHJz>, updated: 30.05.2021.

¹²⁴ Ibid.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ №59 Kutaisi District Election Commission Ordinance №133/G02 of October 30, 2020, *official website of the Central Election Commission*, accessible: <https://bit.ly/3mO3lCn>, updated: 30.05.2021.

¹²⁸ Ibid.

the election administration considered that there was no violation of the law in the case.¹²⁹

According to GYLA, there are several problematic aspects to the CEC decision. First of all, to consider pre-election agitation only as measures announced in advance for this purpose is a misinterpretation of the law. The election legislation gives agitation a broad content and considers as such any public action that promotes or hinders the election of an electoral subject/subjects. In this case, Zaza Lominadze's participation, speech, and support of the incumbent MP served to accumulate social capital and contributed to his victory in the elections. Accordingly, it should be assessed as agitation. At the same time, for the purposes of this discussion, it does not matter in what form Zaza Lominadze was invited to the event, especially since the concept of "invitation form" is not recognized by Georgian law.

GYLA believes that by participating in such events, a candidate may gain an electoral advantage and associate these projects with him, which will then be converted into his electoral support. Giving this opportunity to a government candidate is the use of public resources for pre-election purposes.

Interagency Commission

An interagency commission is established to prevent violations of electoral legislation by public servants and to respond to these violations.¹³⁰ Its composition and rules of operation shall be determined by the order of the Minister of Justice.¹³¹ The commission is convened at the invitation of the chairperson, as needed, but not less than once every 2 weeks, and after the expiration of the registration period for election subjects - at least once a week.¹³² The sessions discuss the information spread in the media, as well as provided by electoral subjects and observer organizations to the Commission.¹³³ In case of confirmation of the fact of violation, the Commission is authorized to make a recommendation to any public servant, administrative body, CEC with a request to take appropriate measures within a reasonable time.¹³⁴

According to the law, the Interagency Commission for the 2020 Parliamentary Elections was established on June 30.¹³⁵ According to the regulation, it included high-ranking officials, including representatives of ministries and agencies.¹³⁶ The commission met 10 times during the pre-election period.¹³⁷ Various issues were discussed at the sessions, including illegal participation of public officials in agitation, possible dismissal on political grounds, facts of pressure and threats against members of opposition parties, as well as cases of provocations and confrontations during the pre-election campaign.¹³⁸ In total, the Commission issued 3 non-binding recommendations, including for central and local government civil ser-

¹²⁹ Ibid.

¹³⁰ Election Code of Georgia, Article 48, Part 3.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid, Part 7.

¹³⁴ Ibid, Part 9.

¹³⁵ Order №560 of the Minister of Justice of Georgia of June 30, 2020, on the Establishment of an Interagency Commission for Free and Fair Elections and the Approval of the Regulations, *official website of the Ministry of Justice of Georgia*, accessible: <https://bit.ly/3eIEIDB>, updated: 30.05.2021.

¹³⁶ Ibid, Article 1.

¹³⁷ Final Report on the Activities of the Interagency Commission for Free and Fair Elections 30.06.2020-28.11.2020, *official website of the Ministry of Justice of Georgia*, accessible: <https://bit.ly/3hT5w7n>, updated: 30.05.2021.

¹³⁸ Ibid.

vants, and called on them to refrain from participating in the agitation.¹³⁹ In order to prevent controversy and conflict during the pre-election campaign, the Commission also addressed a recommendation to the election subjects participating in the elections.¹⁴⁰ Also, 3 days before the parliamentary elections, it had issued recommendations for the staff of educational resource centers, public schools, and pre-school institutions.¹⁴¹

According to the OSCE/ODIHR Recommendation, “In order to ensure a sharp separation between the State and the Party, it is desirable to establish an effective and timely mechanism to address complaints about the misuse of administrative resources before an impartial and competent body. This body should, if necessary, have the right to decide on the relevant sanctions.”¹⁴² The activities of the Interagency Commission do not have a clear mandate, and it is limited to making recommendations, which is not enough to address the existing challenges. **GYLA shares the OSCE/ODIHR recommendation and considers it appropriate to focus on strengthening the CEC instead of the interagency commission to prevent the use of administrative resources.**

Local self-government

During the election campaign, it is prohibited to implement projects/programs that were not previously provided for in the state, autonomous republic, or municipality budget.¹⁴³ Exceptions are projects/programs that are funded within the budget allocations not less than 60 days before election day, as well as with funds allocated by donors.¹⁴⁴

From the 60th day until the election day, including the election day, it is prohibited to increase the number of **social benefits** (pension, social assistance, allowance, etc.), except in cases already provided by law.¹⁴⁵ This Regulation does not apply to measures for the elimination of the consequences of natural disasters or other force majeure circumstances.¹⁴⁶

During the pre-election campaign, 4 municipalities increased the number of social payments in the budget or introduced a new program in the budget:

- 46,200 GEL - Lanchkhuti Municipality;¹⁴⁷
- 183 000 GEL - Marneuli Municipality;¹⁴⁸
- 17 000 GEL - Tsageri Municipality;¹⁴⁹

¹³⁹ Recommendation of the Interagency Commission for Free and Fair Elections of August 25, 2020.

¹⁴⁰ Recommendation of the Interagency Commission for Free and Fair Elections of October 7, 2020.

¹⁴¹ Recommendation of the Interagency Commission for Free and Fair Elections of October 28, 2020.

¹⁴² *Georgia, Presidential Election 28 October and 28 November 2018, ODIHR Election Observation Mission Final Report*, p. 12.

¹⁴³ Election Code of Georgia, Article 49, Part 3.

¹⁴⁴ *Ibid.*

¹⁴⁵ *Ibid*, Part 4.

¹⁴⁶ *Ibid*, Part 5.

¹⁴⁷ Resolution №18 Lanchkhuti Municipality Sakrebulo of October 27, 2020, on amending the Lanchkhuti Municipality Sakrebulo Resolution №19 of December 23, 2019, “On Approval of the 2020 Lanchkhuti Municipality Budget”.

¹⁴⁸ Resolution №22 of the Marneuli Municipality Sakrebulo of September 21, 2020, on amending the Resolution №47 of the Marneuli Municipality Sakrebulo of December 24, 2019, “On approving the 2020 budget of Marneuli Municipality”.

¹⁴⁹ Resolution №18 of the Tsageri Municipality Sakrebulo of October 7, 2020, on amending the Resolution №26 of the Tsageri Municipality Sakrebulo of December 27, 2019, “On approving the 2020 budget of Tsageri Municipality”.

- 1,500,000 GEL - Kvareli Municipality.¹⁵⁰

Lanchkhuti Municipality stated the increased need for social assistance as the reason for the budget changes,¹⁵¹ while Marneuli Municipality named the increase in the number of Citizens' appeals and the depletion of existing resources.¹⁵² Tsageri municipality did not explain the reason.¹⁵³ The letter from the mayor of Kvareli reveals that the program was financing disaster relief measures¹⁵⁴ which had happened in July.¹⁵⁵

According to GYLA, the increase of funds allocated for social assistance in the budgets of Lanchkhuti, Marneuli, and Tsageri municipalities is a violation of the law. Due to the increased demand for social assistance, changes in the budget are especially unacceptable in the pre-election period. This could be done even before the start of the election period. As for Kvareli, the argument given by the municipality is legitimate, and its action complies with the requirements of the legislation.¹⁵⁶ GYLA calls on municipalities to be more careful in the pre-election budget changes, especially in the area of expenditures related to social projects.

The funds provided for the **subsidy** have been increased in 3 municipalities:

- 3000 GEL - Rustavi Municipality,¹⁵⁷
- 4000 GEL - Adigeni Municipality,¹⁵⁸
- 4000 GEL - Dmanisi Municipality.¹⁵⁹

Some pages in the correspondence of the municipalities do not provide a specific definition of pre-election “subsidies,” “grants,” “remuneration,” and “other expenses.” **Therefore, amendments to these articles (“Subsidy,” “Grant,” “Remuneration,” and “Other Expenses”) should also be restricted and only possible in a force majeure situation.**

In the correspondence of the municipalities some pages avoid a specific definition (Rustavi and Adigeni),¹⁶⁰ and part of it refers to force majeure circumstances at a specific moment, such as covering utility bills (natural gas and electricity) for sports and cultural activities (Dmanisi).¹⁶¹

Under the subsidy, municipal NAPRs and LTDs are financed. The standard of publicity for the

¹⁵⁰ Resolution №18 of the Kvareli Municipality Sakrebulo of September 7, 2020, on amending the Resolution №29 of Kvareli Municipality Sakrebulo, December 27, 2019, „on Approval of Kvareli Municipality 2020 Budget”.

¹⁵¹ Letter №30-302032936 dated November 24, 2020 of Lanchkhuti Municipality.

¹⁵² Letter №30-3232033973 dated December 4, 2020 of Marneuli Municipality.

¹⁵³ Letter № 2989 dated November 24, 2020 of Tsageri Municipality.

¹⁵⁴ Letter №04/5556 dated December 23, 2020 of Kvareli Municipality.

¹⁵⁵ “Strong winds hit the villages of Telavi and Kvareli”, Information Portal TV “Imedi”, 16.07.2020, accessible: <https://bit.ly/3vwkBeF>, updated: 30.05.2021.

¹⁵⁶ Election Code of Georgia, Article 49, Part 5¹.

¹⁵⁷ Resolution №213 of the City Council of Rustavi Municipality, September 11, 2020, on amending the Resolution №158 of December 20, 2019 of the City Council of Rustavi Municipality, “On Approval of the Budget of the City of Rustavi Municipality for 2020”.

¹⁵⁸ Resolution №24 of the Adigeni Municipality Sakrebulo, September 1, 2020, on amending the Adigeni Municipality Sakrebulo Resolution №42 of December 23, 2019 “On Approval of the Adigeni Municipality 2020 Budget”.

¹⁵⁹ Resolution №13 of the Dmanisi Municipality Sakrebulo of September 4, 2020, on amending the Dmanisi Municipality Sakrebulo Resolution № 24, December 13, 2019, “On Approval of the Dmanisi Municipality 2020 Budget”.

¹⁶⁰ Letter №4219/09 of the Adigeni Municipality of December 8, 2020; Letter №01-3820335152 of November 31, 2020 of the Rustavi Municipality.

¹⁶¹ Letter №07/5572 of the Dmanisi Municipality of November 27, 2020.

expenditures of legal entities in the municipality is low compared to the municipality.¹⁶² The increase in their funding leaves room for pre-election manipulations. The need to increase subsidy funding during the pre-election period needs to be substantiated, which, according to GYLA, Rustavi, and Adigeni municipalities, have not done. The situation is different in the case of Dmanisi, who pointed to a force majeure circumstance. In general, this is an acceptable reason. However, even here, the information provided does not clearly establish how the increase in utility bills for sporting events was linked to a force majeure situation. GYLA believes that in order to eliminate the impact of administrative resources on the election results, municipalities should make changes to the budget only when absolutely necessary and with appropriate justification.

Funds allocated for **grants** have been increased in 3 municipalities:

- Rustavi Municipality - 4000 GEL.¹⁶³
- Gori Municipality - 3900 GEL;¹⁶⁴
- Dmanisi Municipality - 4000 GEL.¹⁶⁵

It is clear from the official correspondence that in two cases, the increase was due to the payment of co-financing to the Municipal Development Fund (Rustavi and Dmanisi).¹⁶⁶ In Gori, this was done in order to carry out financial transactions smoothly.¹⁶⁷

Part of the municipal budget payments in the grant article refers to the financial resources that are transferred from the local self-government budget to other levels of state units (for example, state NAPR and other organizations).¹⁶⁸ Consequently, the transfer of resources to organizations established by central government bodies increases the risk of using municipal funds for pre-election purposes.

For the 2020 parliamentary elections, GYLA did not find any cases in this part that would endanger the election process, which can be assessed positively.

Other expenses include the Mayor's Reserve Fund, which funds non-programmatic activities (mainly non-programmatic social assistance). The increase of funds in this direction was revealed in 2 municipalities:

- Rustavi Municipality - 98 400 GEL;¹⁶⁹

¹⁶² Legal entities of private law established by the municipality are not subject to a 25% restriction on labor costs for the staff of the Municipality and the City Council, see: Article 156, Part 3 of the Local Self-Government Code of the Organic Law of Georgia.

¹⁶³ Resolution №213 of the City Council of the Rustavi Municipality of September 11, 2020, on amending the Resolution №158 of December 20, 2019 of the City Council of Rustavi Municipality, "On Approval of the Budget of the City of Rustavi Municipality for 2020".

¹⁶⁴ Resolution №43 of the Gori Municipality Sakrebulo of October 9, 2020, on amending the Resolution №54 of the Gori Municipality Sakrebulo of December 24, 2019, "On Approval of the Gori Municipality 2020 Budget".

¹⁶⁵ Resolution №13 of the Dmanisi Municipality Sakrebulo of September 4, 2020, on amending the Dmanisi Municipality Sakrebulo Resolution № 24 of December 13, 2019, "On Approval of the Dmanisi Municipality 2020 Budget".

¹⁶⁶ Letter №01-3820335152 dated November 31, 2020 of Rustavi Municipality and letter №20-2020324391 dated November 19, 2020 from Gori Municipality.

¹⁶⁷ Letter №07/5572 of Dmanisi Municipality of November 27, 2020.

¹⁶⁸ Order №99 of the Minister of Finance of Georgia of April 5, 2019 on the approval of the budget classification of Georgia.

¹⁶⁹ Resolution №213 of the City Council of Rustavi Municipality of September 11, 2020, on amending the Resolution №158 of December 20, 2019 of the City Council of Rustavi Municipality "On Approval of the Budget of the City of Rustavi Municipality for 2020".

- Baghdati Municipality - 12 300 GEL,¹⁷⁰

According to the municipalities, the increase was caused by various capital expenditures and court enforcement (Baghdati),¹⁷¹ and in the case of Rustavi - by the correction of the non-financial assets article.¹⁷² According to GYLA, the explanation of Rustavi and Baghdati municipalities about the budget increase is satisfactory.

During the pre-election period, the article on **labor remuneration** was not changed in any of the municipalities. The organization positively evaluates this fact.

The fact of harassment of the opposition in Khelvachauri

A step for harassment of the opposition and against fair political competition was the termination of powers of Vazha Tavdgiridze, a member of the United National Movement, by the Khelvachauri municipality.¹⁷³ This case deserves special attention, as it was followed by the dissolution of the faction of the leading opposition party, the United National Movement, in the City Council.¹⁷⁴ According to the legislation, the authority of a member of the municipal council will be terminated early if they have not participated in the work of the municipal council for 6 consecutive months due to unreasonable reasons.¹⁷⁵ In such a case, the relevant commission of the municipal council shall find out the reason for the absence and whether the reason of it was honorable.¹⁷⁶ Despite the fact that the MP submitted a certificate indicating the diagnosis, the Sakrebulo commission terminated his powers. According to GYLA, the MP's diagnosis was a justifiable reason for not participating in the work of the City Council; therefore, this decision is against the law. GYLA assesses this step as harassment of the opposition and deepening of polarization.

Illegal participation in the agitation

According to the latest amendments, employees of budget organizations (school and kindergarten teachers, employees of LEPLs, and NAPRs) are prohibited from participating in agitation during working hours.¹⁷⁷ GYLA filed 4 complaints¹⁷⁸ with the CEC regarding the violation of this rule. Of these, 3 were related to illegal participation in agitation through social networks by public officials and persons employed in budget organizations.¹⁷⁹ The CEC, in its

¹⁷⁰ Resolution №21 of October 28, 2020 of the Sakrebulo of Baghdati Municipality on amending the Resolution №24 of December 27, 2019 of the Sakrebulo of Baghdati Municipality on December 27, 2019, "On Approval of the Budget of the Baghdati Municipality for 2020".

¹⁷¹ Letter №41/722 of the Baghdad City Hall dated December 29, 2020.

¹⁷² Letter №01-3820335152 of November 31, 2020 of the City Hall of Rustavi Municipality.

¹⁷³ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 19-20.

¹⁷⁴ Ibid.

¹⁷⁵ Local Self-Government Code, Article 43, Part 1, Subparagraph "e".

¹⁷⁶ Ibid, Part 5; Also, Article 8, Paragraph 5 of the Regulation of Khelvachauri Municipality Sakrebulo, approved by the Resolution №07 of February 19, 2018 of the Khelvachauri Municipality Sakrebulo.

¹⁷⁷ Election Code of Georgia, Article 45, Subparagraph "j".

¹⁷⁸ In 1 case, GYLA shared the CEC argument.

¹⁷⁹ Complaint №6119 of the Georgian Young Lawyers' Association, November 2, 2020, *official website of the Central Election Commission*, accessible: <https://bit.ly/2YQdC5O>, updated: 30.05.2021; Complaint №G-01/99-20 of the Georgian Young Lawyers' Association, October 20, 2020, accessible: <https://bit.ly/32fe8vW>; updated: 30.05.2021; Complaint №4893 of the Georgian Young Lawyers' Association, October 23, 2020, accessible: <https://bit.ly/3de4rnH>; updated: 30.05.2021; Complaint №5086 of the Georgian Young Lawyers' Association, October 24, 2020 accessible: <https://bit.ly/3gaZM7Z>, updated: 30.05.2021.

decisions, considered that agitation through the social network is a violation only if a person uses budgetary resources at this time.¹⁸⁰ According to GYLA, this is a misinterpretation.

Electoral legislation separates participation in pre-election agitation¹⁸¹ and the use of administrative resources during pre-election agitation.¹⁸² Restrictions on the participation of public servants in pre-election agitation during working hours and/or in the performance of their official duties are not related to the misuse of public resources by them but to their working time as agitated state-funded working hours for or against any electoral subject. According to the CEC, if a public servant A moves under the B party flag during working hours, they violate the law, but if the same public servant posts the B party logo on their Facebook page during working hours, the law will not be violated. Thus, such an explanation of the legislation by the election administration makes it possible for public officials to agitate during working hours through personal social networks, which, according to GYLA, contradicts the goals of the agitation ban, the principle of neutrality of public service, and damages the pre-election environment.

According to GYLA, the notion of participation in the election campaign/agitation should be clarified and defined in such a way that the ban on agitation through the social network during working hours will not be open for interpretation.

Voter bribery

The Election Code prohibits voter bribery during the pre-election campaign period¹⁸³ and the Law on Political Associations of Citizens even during the non-election period.¹⁸⁴ Criminal liability is provided for this offense.¹⁸⁵

GYLA revealed several facts of voter bribery by the majority. An example of this is the free medical treatment held on July 2 in Senaki Municipality, in which the candidate of the Georgian Dream, Giorgi Volski, participated.¹⁸⁶ Also, on July 11, Rima Beradze, a majoritarian MP from the Chugureti district of the Tbilisi Sakrebulo and a member of the Georgian Dream party list, handed over a refrigerator and food products as a gift to a socially vulnerable family.¹⁸⁷ Also, on August 5, in one of the markets in Kobuleti, it was likely that the coordinators of the ruling party distributed vegetables for free.¹⁸⁸

The opposition was also involved in bribery. Such facts are the humanitarian aid provided

¹⁸⁰ Correspondence №01-02/1534 of the Central Election Commission of Georgia, October 28, 2020, *official website of the Central Election Commission*, <https://bit.ly/3gRnaYA>, updated: 30.05.2021; Correspondence №01-02/1572 of the Central Election Commission of Georgia, November 3, accessible: <https://bit.ly/32ZFypW>, updated: 31.05.2021; Correspondence №01-02/1588 of the Central Election Commission of Georgia, November 4, 2020, accessible: <https://bit.ly/3u7dfSq>, updated: 30.05.2021.

¹⁸¹ Election Code of Georgia, Article 45.

¹⁸² *Ibid*, Article 48.

¹⁸³ *Ibid*, Article 47, Part 1.

¹⁸⁴ Organic Law of Georgia on Political Associations of Citizens, Article 25².

¹⁸⁵ Criminal Code of Georgia, Article 164¹.

¹⁸⁶ The population of the municipality, socially disadvantaged families living in the municipality, citizens displaced from the occupied territories, veterans of the War and Defense Forces and their family members underwent free medical prophylactic examinations, see: Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, p. 14.

¹⁸⁷ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, p. 8.

¹⁸⁸ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, p. 8.

by the party “Lelo” through the organization “Movement for the Future - Momo”¹⁸⁹ and the initiative¹⁹⁰ to award scholarships to Gali students;¹⁹¹ On August 6, the Patriots Alliance distributed food baskets in the name of Carrefour and Irma Inashvili to actors of the Batumi Drama and Puppet Theaters and people employed in the field (77 in total);¹⁹² The advertisement of the pharmaceutical company “PSP Pharma,” according to which it provided imports from Turkey for citizens without any price increase of some expensive drugs;¹⁹³ The opening of the Free Georgia party’s pharmacy and the announcement of a “cheap medicine program” where its leader Kakha Kukava promised to sell medicines to citizens at a discounted price.¹⁹⁴

According to GYLA, 6 out of 8 cases are being investigated by the Prosecutor’s Office, while 2 have not been investigated yet.¹⁹⁵ According to the OSCE recommendation, it is important that the relevant authorities respond to possible cases of voter bribery. in a timely manner.¹⁹⁶ However, the investigation of these cases has been going on for more than half a year, and the responsible persons have not been identified yet, which indicates the ineffectiveness of the investigation. At the same time, it will have a negative impact on the 2021 election campaign.

One of the cases that have not been investigated is related to the assistance of a socially vulnerable family by a Sakrebulo MP, where the prosecutor’s office considered that there were no signs of a criminal offense.¹⁹⁷ GYLA does not agree with this position and believes that this fact is the indirect transfer of material values to the citizens by the party through a representative, which is part of the bribery.¹⁹⁸ In the second case, which concerns the initiative of the Lelo party to award scholarships to Gali students, GYLA could not obtain information about the investigation. When promising/handling over a social benefit, there is a high probability that a person will express their gratitude to the electoral subject at the ballot box. This issue is especially acute for socially vulnerable groups, including IDPs. IDPs, due to the many difficulties that accompany their status, can easily be subjected to illegal political manipulation. This fact makes them a target of political exploitation for the parties.¹⁹⁹ Therefore, it is necessary for election subjects to be especially careful in such actions during the pre-election period and for the investigative bodies to respond appropriately.

¹⁸⁹ On June 1, 2020, in Makhinjauri, the organization “Movement for the Future - Momo” donated a washing machine, books and toys to homeless mothers and children, the residents of the medical association “Tana”, see: Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 11-12.

¹⁹⁰ The organization “Movement for the Future - Momo” awarded 12 students from Gali scholarships of authorized universities in Georgia. See: Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 12-13.

¹⁹¹ In this particular case, whether the students are citizens of Georgia requires additional study by the relevant authorities.

¹⁹² Ibid, p. 15.

¹⁹³ Kakha Okriashvili owns 95% of PSP Pharma Ltd. He is the leader of the party «Progress and Freedom».

¹⁹⁴ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, p. 18.

¹⁹⁵ Letter №13/64840 of the General Prosecutor’s Office of Georgia, November 16, 2020.

¹⁹⁶ *Georgia, Presidential Election October 28 and November 28, 2018, ODIHR Election Observation Mission Final Report*, p. 7.

¹⁹⁷ Letter №13/67864 of the General Prosecutor’s Office of Georgia, December 7, 2020.

¹⁹⁸ Organic Law of Georgia on Political Associations of Citizens, Article 25², Paragraph 1.

¹⁹⁹ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 12-13.

Coercion, damage to someone else's property, and violent acts

The government has taken a number of measures to hold the 2020 elections in a peaceful and secure environment. Shortly before the election,²⁰⁰ it decided to increase voter protection and tighten accountability for possible irregularities in the electoral process. To this end, criminal liability for violating the secrecy of the ballot, intimidation, and coercion has been established.²⁰¹ GYLA welcomed the steps taken to eliminate the influence on the control of the will of the voters and, at the same time, called on the government to enforce the law effectively.²⁰² In addition, a memorandum was signed between the CEC Chairperson and the Minister of Internal Affairs to address the joint challenges.²⁰³ The memorandum proposed the coordinated exchange of information, joint training, and workshops within the scope of competence.²⁰⁴ In addition, the CEC facilitated the development of a code of conduct for political parties. It was a document of a recommendatory nature and aimed at protecting democratic values and fundamental freedoms in the electoral process, promoting a fair and equitable environment.²⁰⁵ It was joined by 40 political parties, including the ruling team.

Despite such efforts, the joint goals could not be fully achieved, and the elections could not be held in a calm and peaceful environment.

As Election Day approached, the political climate was changing, and tensions were increasing. It is noteworthy that the authorities allegedly tried to use prohibited methods and mobilized athletes into informal groups. According to reports, a conspiratorial meeting was held at the Adjara Police Main Division, where the father of Adjara Prime Minister Tornike Rizhvadze and Chief of Police Konstantine Ananiashvili offered money and various benefits to the wrestlers in exchange for election assistance.²⁰⁶ Shortly afterward, two athletes participating in the meeting were arrested on hooliganism charges.²⁰⁷ According to the family members of the detainees, it was a punishment for refusing assistance.²⁰⁸ According to the prosecutor's office, an investigation into the conspiracy meeting of high-ranking officials of Adjara is underway.²⁰⁹

GYLA learned about the alleged mobilization of public officials by the Georgian Dream through intimidation and coercion. According to reports, after the ruling party learned that the Tbilisi district was being lost, the coordinators were instructed to gather information about public officials in order to obtain votes.²¹⁰ According to the Ministry of Internal Affairs,

²⁰⁰ According to the OSCE Recommendation, "the adoption of the election legislation at the 'last minute' may jeopardize the credibility of the process and not leave the opportunity for the actors and voters involved in the election process to learn about these rules in a timely manner." See: *Guidelines for Reviewing a Legal Framework for Elections, Second Edition* (Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2013), p. 11, accessible: <https://bit.ly/3iG59ub>, updated: 30.05.2021.

²⁰¹ Latsabidze M. Newsletter №12 September 1 - October 1, 2020, p. 1.

²⁰² Ibid.

²⁰³ «The CEC Chairman and the Minister of Internal Affairs signed a memorandum of cooperation», *official website of the Central Election Commission*, October 16, 2020, accessible: <https://bit.ly/3eYttXp>, updated: 30.05.2021.

²⁰⁴ Ibid.

²⁰⁵ Code of Conduct for Political Parties for the 2020 Parliamentary Elections, *official website of the Central Election Commission*, accessible: <https://bit.ly/315eCV1>, updated: 30.05.2021.

²⁰⁶ See detailed information on this fact: Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 16-17.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Letter №13/64840 of the General Prosecutor's Office of Georgia, November 16, 2020.

²¹⁰ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, p. 9.

relevant investigative actions are underway in this case.²¹¹

In addition to the above, GYLA also reported cases of harassment, attacks on members of opposition parties and activists, raids in their offices, and violence during the election campaign.

The Lelo party spoke several times about intimidation and pressure during the election campaign. In one case, according to their representative, the Georgian Dream coordinator and a majoritarian member of the Sakrebulo threatened their member to restrict access to social assistance and free canteen services if he continued to support the opposition.²¹² Another case concerns Irakli Matua, a member of the Lelo youth wing, who accused members of the Zugdidi Sakrebulo of the Georgian Dream of threats and pressure.²¹³ According to him, on the instruction of Sakrebulo member Tazo Patsatsia, he was contacted by another member Otar Kadaria by phone and asked for a meeting.²¹⁴ In exchange for leaving “Lelo,” he was offered a job in the state NAPR, but after his refusal, he was threatened.²¹⁵ In exchange for withdrawing from the election campaign, he was handed over money he allegedly took out of intimidation.²¹⁶ Another case is related to Dima Kvaratskhelia, the head of the press service of Lelo’s Zugdidi majoritarian MP candidate, who said that he had been threatened by Gulbat Kardava, a representative of the Georgian Dream’s Jvari headquarters.²¹⁷ The Coercion charge was denied at the election headquarters of the ruling team.²¹⁸

GYLA applied to the Ministry of Internal Affairs to observe the investigation into the above-mentioned facts. According to the Ministry of Internal Affairs, no investigation has been launched into the alleged pressure on a member of Lelo (who is also socially vulnerable).²¹⁹ GYLA believes that the law enforcers’ neglect of the presence of signs of crime in this fact is a negative episode in the process of forming the pre-election environment. As for other malicious allegations, one case, in which Sakrebulo members are involved, is under investigation by the Samegrelo-Zemo Svaneti Police Department²²⁰ under the article of coercion.²²¹ With respect to the case of the head of the press service of the Lelo MP candidate, according to the Ministry of Internal Affairs, on October 12, 2020, the Samegrelo-Zemo Svaneti police officers of the Ministry spoke directly with the victim and other persons.²²² As there were no signs of a crime, no investigation was launched.²²³ However, the incident reportedly contained several signs of a criminal offense, such as coercion²²⁴ and the illegal extraction and processing of personal data.²²⁵ Accordingly, GYLA believes that an investigation should be launched about the fact.

GYLA has reported numerous cases of assault, verbal and physical abuse, and physical con-

²¹¹ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²¹² Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, p. 9.

²¹³ *Ibid.*, p. 11.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*

²¹⁶ *Ibid.*

²¹⁷ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, pp. 10-11.

²¹⁸ *Ibid.*

²¹⁹ Letters of the Ministry of Internal Affairs of Georgia dated February 19 and June 17, 2021.

²²⁰ Letter of the Ministry of Internal Affairs dated February 19, 2021.

²²¹ Criminal Code of Georgia, Article 150, Part 1.

²²² *Ibid.*

²²³ *Ibid.*

²²⁴ Criminal Code of Georgia, Article 150, Part 1.

²²⁵ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, pp. 10-11.

frontation with opposition party leaders, their representatives, and activists during the campaign.

- ❖ On August 13, Ana Dolidze, leader of the For the People party, and her supporters were verbally abused and threatened by unknown individuals at №105 Tsereteli Avenue during the election campaign.²²⁶ They did not allow party representatives to meet with voters and demanded that they leave the area.²²⁷ According to the Ministry of Internal Affairs, this fact is being investigated²²⁸ on charges of threats;²²⁹
- ❖ On September 4, Giorgi Glurjidge, a member of Lelo, was attacked by several people, presumably for political reasons, as a result of which he suffered a concussion.²³⁰ According to Levan Samushia, other witnesses also confirmed this fact.²³¹ According to the information of the Ministry of Internal Affairs, as a result of operative-investigative and investigative measures carried out on this fact, G.D., born in 1988, was arrested on charges of violence, and the investigation²³² continued under the article of violence.²³³
- ❖ On September 9, the presentation of Tamar Belkania, the Zugdidi majoritarian candidate of the Lelo party, was held amid verbal and physical confrontation.²³⁴ The verbal quarrel between the citizens who got there turned into a physical clash.²³⁵ According to the Ministry of Internal Affairs, an administrative investigation was launched into the case, as a result of which it was established that the citizen J.M verbally abused the supporters of “Lelo” who had gathered on the spot, due to which a report of violation²³⁶ was drawn up on September 25, 2020, on the basis of petty hooliganism.²³⁷ The incident escalated into a physical confrontation, so GYLA estimates that an investigation should have been launched into it.
- ❖ On September 9, the representatives of the “Strategy Aghmashenebeli” party were attacked by unknown persons during the campaign.²³⁸ They verbally and physically abused the activists, tore down the party banner, and damaged the tents.²³⁹ An investigation has been launched into the incident on charges of violence against a minor.²⁴⁰ According to the Ministry of Internal Affairs, investigative actions were carried out, an examination by the expert was appointed, and witnesses were interrogated, as a result of which the investigation was terminated due to the lack of evidence of a crime under

²²⁶ The party provided additional information to GYLA’s Long-Term Observation Mission. Aggressive screaming and swearing can be heard in the video sent by them, see: Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, p. 20.

²²⁷ Ibid.

²²⁸ Criminal Code of Georgia, Article 151, Part 1.

²²⁹ Letters of the Ministry of Internal Affairs, February 19 and June 17, 2021.

²³⁰ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, p. 10.

²³¹ Ibid.

²³² Criminal Code of Georgia, Article 126, Paragraph 11, Subparagraph “b”.

²³³ The Ministry of Internal Affairs could not find information about the investigation of this case, so we rely on the official source. See: “The Ministry of Internal Affairs has arrested one person on charges of violence”, *official website of the Ministry of Internal Affairs of Georgia*, September 5, 2020, accessible: <https://bit.ly/3doXeRA>, updated: 28.06.2021.

²³⁴ Ibid, pp. 9-10.

²³⁵ Ibid.

²³⁶ Letter of the Ministry of Internal Affairs of Georgia dated June 17, 2021.

²³⁷ Administrative Offenses Code of Georgia, Article 166.

²³⁸ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, pp. 10-11.

²³⁹ Ibid.

²⁴⁰ Criminal Code of Georgia, Article 126, Part 1¹, Subparagraph “a”.

the Criminal Code and administrative liability was imposed on two persons²⁴¹ for petty hooliganism.²⁴²

- ❖ On September 16, Labor Party activists had a confrontation with the representatives of a construction company while they were campaigning.²⁴³ One of the persons claimed that a representative of a construction company threatened them.²⁴⁴ According to the Ministry of Internal Affairs, the investigation into this case was launched under the article of threatening.²⁴⁵ The investigation is not yet complete;²⁴⁶
- ❖ On September 18 and 24, UNM activists were attacked and physically assaulted.²⁴⁷ The investigation is underway in one case for group violence²⁴⁸ and in another for violence²⁴⁹ and mobile phone²⁵⁰ damage;²⁵¹
- ❖ On September 27, Nika Melia, the leader of the United National Movement, was thrown stones at during a meeting with the population in Gldanula.²⁵² According to the Ministry of Internal Affairs, investigative actions are underway;²⁵³
- ❖ On October 11, Levan Kartvelishvili, a member of the election headquarters of Levan Khabeishvili, a majoritarian candidate in Samgori from the United Opposition - Power in Unity, was attacked.²⁵⁴ The investigation into the incident of group violence started the same day²⁵⁵, and it is not over yet;²⁵⁶
- ❖ On October 12, Oktai Skandarov, allegedly a member of the European Georgia party, was physically assaulted in the village of Karajala in Gardabani Municipality.²⁵⁷ During the interview, he told the Mtavari Channel that the incident was not politically motivated and that he was a representative of the ruling party.²⁵⁸ However, European Georgia Gardabani district chief of staff Gabil Gasimov explained that Oktai Skandarov had been forced to change his testimony and he was, in fact, a member of their party.²⁵⁹ An investigation into the incident was launched under the article of violence²⁶⁰ and it is not over;²⁶¹
- ❖ On October 19, in Bolnisi, a car carrying supporters of Kakha Okriashvili, the candidate

²⁴¹ Administrative Offenses Code of Georgia, Article 166.

²⁴² Letter of the Ministry of Internal Affairs of Georgia dated June 17, 2021.

²⁴³ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, pp. 11-12;

²⁴⁴ Ibid.

²⁴⁵ Criminal Code of Georgia, Article 151, Part 1.

²⁴⁶ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁴⁷ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, p. 12.

²⁴⁸ Criminal Code of Georgia, Article 126, Part 1¹, SubParagraph "b".

²⁴⁹ Ibid, Article 126, Part 1.

²⁵⁰ Ibid, Article 187, Part 1.

²⁵¹ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁵² Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, pp. 12-13.

²⁵³ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁵⁴ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, p. 9.

²⁵⁵ Criminal Code of Georgia, Article 126, Part 11, Subparagraph "b".

²⁵⁶ Letters of the Ministry of Internal Affairs of Georgia, February 3, and June 17, 2021.

²⁵⁷ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, p. 10.

²⁵⁸ Ibid.

²⁵⁹ Ibid.

²⁶⁰ Criminal Code of Georgia, Article 126, Part 1.

²⁶¹ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

of Dzala Ertobashia, was shot at.²⁶² The investigation is underway on the fact of illegal use of firearms²⁶³ and damage²⁶⁴ to another person's property;²⁶⁵

- ❖ On October 28, according to the Labor Party, party activists were attacked in the village of Martkopi while handing out flyers and meeting with citizens.²⁶⁶ According to the party, four supporters of the Georgian Dream physically assaulted the youths and destroyed the agitation materials, and after the activists did not stop the agitation, people who used physical force against them came by car and forced them to leave the village.²⁶⁷ According to the party leader, Shalva Natelashvili, Giorgi Shinjikashvili, advisor to the mayor of Gardabani, took part in the attack.²⁶⁸ According to the Ministry of Internal Affairs, as a result of interviews with party activists, no fact of abuse was revealed against them, so the investigation was not launched.²⁶⁹ GYLA believes that this case contains signs of group violence, and it is important that an investigation is launched into it.

It is noteworthy that several incidents of attacks on members of the opposition party took place after October 31, even before the second round.

- ❖ On November 7 in Batumi, opposition members were attacked by unknown individuals while distributing flyers at the so-called Khopa Bazaar.²⁷⁰ The Ministry of Internal Affairs launched an investigation into the first fact under the article²⁷¹ of group violence;²⁷²
- ❖ On November 10, according to the United National Movement and the United Opposition - Power in Unity, Lasha Kveladze, a member of their party, was intruded by the chairperson and members of the Georgian Dream Sakrebulo in his house.²⁷³ Lasha Kveladze explained that Amiran Giorgadze, the chairperson of the Marneuli Sakrebulo, and his accompanying persons, who were drunk, went to his residence and verbally insulted his family members.²⁷⁴ He was not at home at that time. Administrative proceedings are in progress for this incident.²⁷⁵ According to GYLA, a criminal investigation should have been launched into this case.

During the pre-election period, it became known about the attack on the offices of the opposition parties.

- ❖ On June 26, the central office of the United National Movement was raided in Gori.²⁷⁶ An investigation²⁷⁷ has been launched into the case of damaging someone else's property.²⁷⁸ Police arrested a man, D.Sh, born in 1969. The investigation established that the

²⁶² Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, p. 12.

²⁶³ Criminal Code of Georgia, Article 236, Parts 3 and 4.

²⁶⁴ Ibid, Article 187, Part 1.

²⁶⁵ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁶⁶ Latsabidze M. et al., IV Interim Report of the 2020 Election Long-Term Observation Mission, p. 8.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

²⁶⁹ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁷⁰ Latsabidze M. et al., IV Interim Report of the 2020 Election Long-Term Observation Mission, p. 9.

²⁷¹ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁷² Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁷³ Latsabidze M. et al., IV Interim Report of the 2020 Election Long-Term Observation Mission, pp. 9-10.

²⁷⁴ Ibid.

²⁷⁵ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁷⁶ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 17-18.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

accused threw stones at the windows of the UNM office in Gori and smashed them, as well as took out a TV set, a computer monitor and damaged it. The case went to court;²⁷⁹

- ❖ On September 18, the Samgori election headquarters of the same party became the object of an attack.²⁸⁰ According to the Ministry of Internal Affairs, an investigation is underway into the fact of damaging someone else's property.²⁸¹ It is not over yet.²⁸²
- ❖ On October 13, unknown individuals tried to damage the Kutaisi office of European Georgia.²⁸³ According to the Ministry of Internal Affairs, an investigation has been launched into the incident. They exposed a person convicted in the past and determined that the damage was 80 GEL.²⁸⁴ As there were no signs of a criminal offense, the case was sent to court for reviewing under administrative rule.²⁸⁵ Kutaisi City Court assessed the incident as petty hooliganism²⁸⁶ and gave verbal warning to the person;²⁸⁷
- ❖ On November 16, the office of the election headquarters of Nika Melia, the Gldani majoritarian candidate of the National Movement party, was set on fire.²⁸⁸ The investigation was opened on the fact of damaging someone else's property by starting a fire.²⁸⁹ The ongoing investigation is not yet complete.²⁹⁰

Numerous politically motivated violent incidents took place during the pre-election campaign.

- ❖ In Akhaltsikhe, Enzel Mkoyan, a majoritarian MP from the Georgian Dream party, and Samvel Petrosyan, a member of the Patriots Alliance, and their supporters had a confrontation.²⁹¹ On March 26, the investigation into the case was launched under the article of group violence; however, the qualification was changed and continued on charges of illegal use of firearms and group hooliganism. On March 29, law enforcement officers arrested Samvel Petrosyan and Enzel Mkoyan's nephew.²⁹² The investigation established that during the verbal confrontation, the defendants fired from a firearm.²⁹³ They were remanded into custody²⁹⁴ There is a problematic circumstance in this incident - the video recordings show how MP Mkoyan uses the weapon, but the policeman there did not take measures to prevent illegal actions; According to the Ministry of Internal Affairs, the investigation was launched on March 25, 2020, on the fact violence²⁹⁵ and illegal²⁹⁶

²⁷⁹ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁸⁰ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, p. 12.

²⁸¹ Criminal Code of Georgia, Article 187, Part 1.

²⁸² Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁸³ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, p. 10.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Administrative Offenses Code of Georgia, Article 166.

²⁸⁷ Statement of the Ministry of Internal Affairs, *official website of the Ministry of Internal Affairs*, October 16, 2020, accessible: <https://bit.ly/3dSO3ro>, updated: 30.05.2021.

²⁸⁸ Latsabidze M. et al., IV Interim Report of the 2020 Election Long-Term Observation Mission, p. 10.

²⁸⁹ Criminal Code of Georgia, Article 187, Part 2, Subparagraph "a".

²⁹⁰ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁹¹ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 18-19.

²⁹² Ibid.

²⁹³ Ibid.

²⁹⁴ Ibid.

²⁹⁵ Criminal Code of Georgia, Article 126, Part 1¹, Subparagraph "b" and "c".

²⁹⁶ Criminal Code of Georgia, Article 126, Part 1¹, Subparagraph "b" and "c".

purchase, storage and carrying of firearms.²⁹⁷ On March 27, 2020, the case changed its qualifications, and the investigation continued with the unlawful purchase or storage and carrying of a firearm and hooliganism²⁹⁸ by a group of persons committed by using a firearm.²⁹⁹ The case went to court.³⁰⁰

- ❖ On October 16, in Shida Kartli, Gori, in the village of Akhalubani, activists of the Georgian Dream and European Georgia confronted each other.³⁰¹ According to the ruling party, the representative of “European Georgia” threatened the population with firearms.³⁰² The threat was followed by protests by locals over the tearing down of a poster of a majoritarian Georgian Dream candidate by a member of European Georgia.³⁰³ The Shida Kartli Police Department is currently investigating³⁰⁴ the incident of group violence,³⁰⁵
- ❖ On September 27, in the village of Nakhiduri in Bolnisi Municipality, a confrontation took place between the activists of the United Opposition and the Georgian Dream.³⁰⁶ Several citizens were injured during the confrontation.³⁰⁷ According to one of them, supporters of the Georgian Dream, including the brother of the majoritarian candidate Gogi Meshveliani, approached the members of the opposition near the local Chaikhana and attacked them.³⁰⁸ The investigation was launched under the article on group violence,³⁰⁹ and on October 2, the qualification of the case was changed, and it was continued under the articles on group violence³¹⁰ and violence³¹¹.³¹² The case was sent to court.³¹³
- ❖ On September 29, representatives of the National Movement and the Georgian Dream confronted each other in Marneuli.³¹⁴ The action of the members of the “National Movement” with the Marneuli District Election Commission soon turned into a physical confrontation.³¹⁵ According to the Mtavari Channel, Amiran Giorgadze, the chairperson of the Marneuli Sakrebulo and a member of the Georgian Dream, also took part in the confrontation and beat the protesters.³¹⁶ Journalists, activists, and members of the monitoring organization were injured in the fierce confrontation that lasted all day.³¹⁷ The equipment of the “Mtavari Channel” and the Public Broadcaster was damaged. The next morning, an employee of the local headquarters of the Georgian Dream was severely beaten on the Tbilisi-Marneuli road. The incident is being investigated in 3

²⁹⁷ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

²⁹⁸ *Ibid*, Article 236, Parts 3 and 4.

²⁹⁹ *Ibid*, Article 239, Part 2, subparagraph “a” and Part 3.

³⁰⁰ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

³⁰¹ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, 2020, pp. 11-12.

³⁰² *Ibid*.

³⁰³ *Ibid*.

³⁰⁴ Criminal Code of Georgia, Article 126, Part 11, SubParagraph “b”.

³⁰⁵ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

³⁰⁶ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, 2020, p. 13.

³⁰⁷ *Ibid*.

³⁰⁸ *Ibid*.

³⁰⁹ Criminal Code of Georgia, Article 126, Part 1¹, subparagraphs “b” and “c”.

³¹⁰ *Ibid*.

³¹¹ *Ibid*, Article 126, Part 1.

³¹² Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

³¹³ *Ibid*.

³¹⁴ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, 2020, pp. 13-14.

³¹⁵ *Ibid*.

³¹⁶ *Ibid*.

³¹⁷ *Ibid*.

directions: on the fact of physical abuse of citizens under the article of violence;³¹⁸ On October 2, 2020, the qualification for this case was changed, and the investigation was continued under the article of interference with the expression of will in the elections³¹⁹ (the case was conducted in court³²⁰); The investigation into the fact of unlawful interference³²¹ with the journalist's professional activities continues.³²² The case of violence³²³ was taken to court;³²⁴ It should be noted that this incident was contrary to the Code of Conduct signed by the majority of political parties at the beginning of the election campaign, under which the parties agreed to promote a peaceful election environment, to refrain from violence and to use it;

- ❖ On October 21, several people were injured in a shooting near the Georgian Dream office in Dmanisi.³²⁵ The investigation into this incident is underway on the fact³²⁶ of intentional serious damage to the health of three people as a result of a gunshot and is not yet complete.³²⁷

In total, 19 out of 28 cases³²⁸ are under investigation,³²⁹ 3 have not been investigated,³³⁰ 1 case is under administrative proceedings³³¹, and 3 have been taken to court³³², and a violation report has been drawn up, and 2 cases have been taken to court, and the relevant persons have been held accountable.³³³ As it turned out, in more than 2/3 of the cases, the

³¹⁸ Criminal Code of Georgia, Article 126, Part 1.

³¹⁹ Ibid, Article 162, Part 1.

³²⁰ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

³²¹ Criminal Code of Georgia, Article 154, Part 1.

³²² Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

³²³ Criminal Code of Georgia, Article 126, Part 1.

³²⁴ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

³²⁵ Ibid.

³²⁶ Ibid, Article 117, Part 7, Subparagraph "a" and Article 236, Parts 3 and 4.

³²⁷ Letters of the Ministry of Internal Affairs of Georgia dated 19 February and 17 June, 2021.

³²⁸ One of them is divided into a series of crimes.

³²⁹ (1) Mobilization of athletes in Adjara; (2) Alleged pressure from the members of the Georgian Dream Zugdidi Sakrebulo against the representative of the youth wing of Lelo; (3) September 16 attack on Labor Party activists; (4) September 18 raid on the office of the Samgori election headquarters of the party «National Movement»; (5) On November 16, in Gldani, the office of the National Movement party, Nika Melia's election headquarters was raided; (6) Attack on Ana Dolidze and her supporters on 13 August; (7) Attack on a member of the Lelo party on September 4; (8) September 18 attack on the «National Movement» Activist; (9) On September 24, another attack on the "National Movement" activist; (10) On September 27, stones were thrown to Nika Melia; (11) Confrontation between the Georgian Dream and the United National Movement on September 29 in Marneuli (partially held in court / investigation underway); (12) Attack on a member of the United National Movement on October 11; (13) On October 12, an attack on a member of European Georgia in the village of Karajala, Gardabani Municipality; (14) On October 16, in Shida Kartli, in the village of Akhalubani, a confrontation between the representatives of the Georgian Dream and European Georgia; (15) Attack on Kakha Okriashvili's supporters in Bolnisi on October 19; (16) Incident near the Georgian Dream office in Dmanisi on October 21; (17) November 7, attack on opposition members in Batumi; (18) Alleged pressure on public officials (19) An incident of confrontation between the United Opposition and Georgian Dream activists in the village of Nakhiduri in Bolnisi Municipality on September 27 (this case took place in court).

³³⁰ (1) Alleged pressure on a socially vulnerable member of the Lelo party; (2) Pressure on the head of the press service of the party "Lelo" and illegal access to the computer; (3) On October 28, in the village of Martkopi, the attack on the activists of the "Labor Party".

³³¹ (1) Confrontation on September 9 in Zugdidi during the nomination of Lelo majoritarian candidate; (2) September 9 attack on Strategy Aghmashenebeli activists near Varketili metro station; (3) Bricks were thrown at the office of European Georgia, which was assessed by the Kutaisi City Court as petty hooliganism and the person was given a verbal warning;

³³² On November 10, the family of a member of the United National Movement was attacked in Marneuli.

³³³ (1) A man, born in 1969, who raided the office of the United National Movement in Gori on June 26, was arrested.

investigation is delayed, and the responsible persons have not been identified yet. GYLA believes that the relevant agencies need to respond more effectively, complete the investigation promptly and punish the perpetrators. In the cases where the investigation has not been launched, according to GYLA, there are signs of a criminal offense, and the investigative bodies were obliged to respond. Finally, it can be said that the state's response to such facts is unsatisfactory and does not make a proper contribution to the formation of a normal pre-election environment.

Creating obstacles for the opposition election campaign by the state

According to the rules for registration in the 2020 parliamentary elections, the party, with the signature of an authorized person, had to apply to the CEC chairperson from January 1 to July 15 of the election year.³³⁴ This rule applied to those parties that did not have a representative in parliament at the time.³³⁵ If a party failed to meet the statutory requirements for registration, the CEC was authorized to refuse registration.³³⁶

In the 2020 elections, the CEC did not register the Republican Party as an election subject.³³⁷ The election administration cited the party's violation of the application deadline set by law as the reason for this.³³⁸ The party representatives appealed against the ordinance of the CEC chairperson to the chamber of administrative cases at the Tbilisi City Court.³³⁹ According to the court decision, the administrative claim was upheld. They did not violate the law and submitted the application for registration as an election subject to the post office on July 14. The statement was received by the CEC the next day - July 15. GYLA welcomes the court ruling and this interpretation of the law.

The parties started their activities a few months before the official start date of the election campaign. However, in some cases, they were not allowed to do so. For example, on July 9, representatives of the Lelo party planned to meet with the population in the village of Ditsi, but they were not allowed to do so by law enforcement.³⁴⁰ Kakha Kozhoridze, one of the leaders of Lelo, said that after he applied to the prosecutor's office regarding this fact, the problem was removed.³⁴¹ This is not the only case of obstruction of the campaign in connection with "Lelo." On September 25, party activists set up tents and campaign materials (newspapers, flyers) near the government administration square in Tbilisi, but the City Hall Supervision Service seized the necessary equipment for the campaign.³⁴² In response, the activists moved away from the area, although City Hall officials again urged them to leave the area.³⁴³ Activists of the Lelo party faced the same problem on September 28 while distributing agitation materials at the entrance to the Akhmeteli metro station.

The investigation established that the accused threw stones at the windows of the UNM office in Gori and damaged them; (2) Two people were arrested during a confrontation between Ninotsminda-Akhalkalaki majoritarian MP Enzel Mkoyan and a member of the Patriots Alliance Samvel Petrosyan.

³³⁴ Election Code of Georgia, Article 197, Part 1, Subparagraph "b".

³³⁵ Ibid.

³³⁶ Ibid, Part 10.

³³⁷ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, pp. 21-22.

³³⁸ Ibid.

³³⁹ Ibid.

³⁴⁰ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, p. 18.

³⁴¹ Ibid.

³⁴² The City Hall Supervision Service clarified that the placement of a construction is not allowed within a radius of 150 meters from the cultural heritage monument. In this case, the cultural heritage monument was a dwelling house at Sulkhan-Saba street №9.

³⁴³ Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, p. 18.

Municipal officials demanded that party officials remove the tent and table, citing a ban on arbitrarily changing the look of the municipality.³⁴⁴ By law, the prohibition of placing counters or other light constructions³⁴⁵ is intended to protect the appearance of the city from arbitrary interference.³⁴⁶ The term “light construction” is a broad concept, and it is important that it be interpreted in light of the purpose of the norm so that human rights are not disproportionately restricted.³⁴⁷ In the above cases, the setting up of tents by party activists was a brief act of political agitation, and the legislature did not intend to restrict the use of such attributes.³⁴⁸ The ban on the erection of temporary tents for agitation purposes, according to GYLA, is a disproportionate restriction based on a misinterpretation of the law.³⁴⁹

Another opposition party was restricted from campaigning and, as a result, faced heavy financial responsibility. The “Strategy Aghmashenebeli” party has been fined 58,000 GEL for placing tents for campaigning and distorting the appearance³⁵⁰ of municipality.³⁵¹ On October 5, the party held a rally in front of the City Hall, where its members and supporters protested against the fines imposed.³⁵² The City Hall security service was pre-mobilized on the spot, with the central entrance of the building blocked by iron fences.³⁵³ The request of the party leaders to open the citizens’ reception and be given the opportunity to submit an application was rejected by the City Hall Security Service and the police.³⁵⁴ This was followed by the arrest of the Secretary-General of Strategy Aghmashenebeli and activists for disobeying a law enforcement demand.³⁵⁵ At the same time, the police started dismantling the tents in front of the City Hall.³⁵⁶ The detainees were released the same day.³⁵⁷

During the demonstration, in the area it is protected by the right of assembly and demonstration to erect various constructions in the area. It is inadmissible only if it blocks the carriageway.³⁵⁸ In this case, the placement of the tents did not impede the movement of vehicles. Thus, their taking was unreasonable and disproportionate, and unnecessary interference with the freedom of assembly.

Another case of obstruction of the campaign is connected with the opposition party - the “United Georgia Democratic Movement.” Nino Burjanadze, the leader of the party, was refused to hold a meeting with the population in the square of the Kareli Culture House by the Kareli Municipality, as they said that this would impede the movement of the people visiting

³⁴⁴ Ibid.

³⁴⁵ Code of Administrative Offenses of Georgia, Article 150¹, Parts 3 and 4.

³⁴⁶ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, p. 15.

³⁴⁷ Ibid.

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ According to the fine receipt provided by the party, a fine of 1000 GEL has been issued, Code of Administrative Offenses of Georgia, Article 150³.

³⁵¹ A total of 34 fines are imposed on the party “Strategy Aghmashenebeli”. Of these, 33 fines have been appealed in the court, and 1 is planned to be appealed by the party in the near future. In total, the amount of fines is 58,000 (fifty eight thousand) GEL. In addition, the party did not have a repeated fine, see: Letter from the representative of the party “Strategy Aghmashenebeli” dated April 15, 2021.

³⁵² Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, pp. 14-15.

³⁵³ Ibid.

³⁵⁴ Ibid.

³⁵⁵ Ibid.

³⁵⁶ Ibid.

³⁵⁷ Latsabidze M. et al., III Interim Report of the 2020 Election Long-Term Observation Mission, pp. 14-15.

³⁵⁸ Law of Georgia on Assemblies and Demonstrations, Article 11¹, Paragraph 4.

and working in the artistic circles and dance studios in the House of Culture.³⁵⁹ GYLA also assessed this case as an unreasonable interference with the freedom of assembly. The law only provides for the need for prior notice to the municipal executive body if an assembly or demonstration is held at a carriageway³⁶⁰ and the square does not belong to it.³⁶¹ Thus, the party had no obligation to notify about the meeting, and the refusal of the Kareli City Hall, in turn, was unjustifiable.³⁶²

Municipal bodies are obliged to compile a list of buildings and places on which it is prohibited/allowed to place election agitation materials and to organize/hold public events within 5 days after the start of the pre-election campaign.³⁶³ On September 12, the CEC released information provided by 64 municipalities.³⁶⁴ All municipalities (except Abasha Municipality) had sent data on the placement of agitation materials.³⁶⁵ As for the list of buildings, Aspindza, Akhalkalaki, Gardabani, Kaspi, Mtskheta, Ninotsminda, Rustavi, Senaki, and Kareli municipalities did not send it to the CEC.³⁶⁶ These self-governments, in violation of the law, prevented the parties from conducting a normal election campaign.

The “Alliance of Patriots” posted election billboards in Adjara, where on the map of Georgia, like the territories occupied by Russia, the Autonomous Republic of Adjara is marked in red with the inscription - “Defend Adjara! Defend Adjara! “Defend your portion of Georgia!” The party also posted nine videos on social media, including six in which the leaders of the Patriots Alliance, Davit Tarkhan-Mouravi and Irma Inashvili, spoke, among other things, about the impending threats from Turkey. This fact was perceived by a part of the society as a call for national hatred and enmity, religious and ethnic confrontation. The CEC ruled that the content of some of the videos posted by the Patriots Alliance was against the requirements of the Electoral Code³⁶⁷ and fined the party.³⁶⁸ GYLA disagrees with the CEC decision, as it does not discuss the aims of the ban prescribed by the Electoral Code, which applies to political expression, and has adopted a template decision that lacks solid ground and argument and, conversely, is based on a narrow interpretation of the law. The organization believes that, although the placement of the “Patriots Alliance” banner shows the ideology of the whole party, it can not/does not pose an immediate threat to democracy. Although the actions of the Patriots Alliance are ethically unacceptable for GYLA and contradict the good practice of campaigning, the organization says it does not go beyond freedom of expression.³⁶⁹

³⁵⁹ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, p. 16.

³⁶⁰ Law of Georgia on Assemblies and Demonstrations, Article 5, Paragraph 1.

³⁶¹ The yard of the Kareli Culture House is an open space, it has two free entrances and anyone can move in it without any obstacles See: Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, p. 16.

³⁶² Ibid.

³⁶³ Election Code of Georgia, Article 45, Part 9.

³⁶⁴ Latsabidze M. et al., II Interim Report of the 2020 Election Long-Term Observation Mission, pp. 16-17.

³⁶⁵ Ibid.

³⁶⁶ Ibid.

³⁶⁷ This protocol was drafted in accordance with Article 45, Part 3 of the Election Code of Georgia, according to which “the election program shall not contain propaganda for war and violence, appeal for change or overthrow of the existing state and social order by violence, for violation of territorial integrity of Georgia, for national strife and enmity, or for religious and ethnic confrontation.”

³⁶⁸ Administrative Violation Protocol of September 10, 2020 №001964, *official website of the Central Election Commission*, accessible: <https://bit.ly/3ffEHqP>, updated: 30.05.2021.

³⁶⁹ See GYLA's assessment on this issue for details. Latsabidze M. et al., Interim Report of the 2020 Election Long-Term Observation Mission, June-July, p. 23-26.

Audit Service

The pre-election campaign finances are overseen by the State Audit Office. It continuously checks the financial declarations of political parties during both election and non-election periods. From the day of calling the elections, the electoral subject is obliged to submit a financial report to the State Audit Office every three weeks in the prescribed form.³⁷⁰ The party must provide information to the audit service within 5 working days on the receipt of the donation, as well as about the collected membership fee.³⁷¹ The report on the election campaign expenses shall be submitted in accordance with the General Audit Order.³⁷²

The Audit Service started proceedings on 13 cases during the election period.³⁷³ Due to the absence of 1 fact of violation, the Audit Service itself dropped one case, the Tbilisi City Court stopped proceedings on the other one due to the absence of the fact of violation; on the 10 the proceedings were completed. The administrative violation protocols were drawn up, and the court made relevant decisions, and 1 was sent to the court.³⁷⁴ These cases concerned the parties: Georgian Dream (1 case),³⁷⁵ Free Georgia (1 case), Girchi (1 case), Patriots Alliance (2 cases), Lelo (1 case), Social Democrats for the Development of Georgia (1 case), Our United Georgia (1 case), Whites (2 cases), Georgian Choice (2 cases). The State Audit Office also investigated the issue of posting paid videos of political advertisements posted on Facebook by the organization Davasrulot and sent it to court.³⁷⁶

³⁷⁰ Election Code of Georgia, Article 92, Part 1.

³⁷¹ Organic Law of Georgia on Political Associations of Citizens, Article 27¹, Paragraph 1.

³⁷² Order №2915/21 of the General Audit of May 5, 2016, on the settlement of some issues related to the transparency of political finances.

³⁷³ *Final Report on Financial Monitoring of the October 31, 2020 Elections*, p. 7.

³⁷⁴ *Ibid*, pp. 7-8.

³⁷⁵ The analysis of the data received by the Audit Office substantiated the possibility of donations by donors.

³⁷⁶ *Final Report on Financial Monitoring of the October 31, 2020 Elections*, p. 12.

6. VOTING DAY

Opening of the precinct

The polling station opens at 7 am on polling day.³⁷⁷ The members of the Precinct Election Commission are obliged to arrange the polling station no later than one day before the voting, in accordance with the rules established by law, in order to conduct the voting procedures.³⁷⁸ The Precinct Election Commission should have, inter alia, 1 registration desk for every 300 voters³⁷⁹ and 1 polling booth for every 500 voters.³⁸⁰ In addition, public information versions of voter lists should be displayed in a prominent place in the polling station.³⁸¹

At the stage of the first round, voting procedures started in a timely manner and without substantial violations in the precincts under GYLA monitoring.³⁸² In the second round, this rule was violated in separate precincts. For example, 3 registration desks were provided for 1200 voters,³⁸³ or no list of candidates was posted at the polling station.³⁸⁴ After the oral remark of the GYLA observers, the flaws in both facts were eliminated.

Violation of the lottery procedure

At the stage of opening the precinct, the chairperson of the commission conducts a lottery to distribute the functions among the members of the commission.³⁸⁵ Initially, the members of the commission carrying the ballot box will be identified,³⁸⁶ and then the functions will be distributed at the polling station.³⁸⁷ The chairperson of the commission prepares the identical sheets for the lottery, by the identical writing means, checks them in a special way, and folds them in such a way that it is impossible to read the text.³⁸⁸ If it is revealed by lot that both members of the commission carrying the mobile ballot box are from the same party, then this function will be performed by one of them by mutual agreement, and a new lottery will be held to select the other member.³⁸⁹ If a member of the commission carrying the mobile ballot box refuses to perform the function assigned to them, they lose the right to participate in the next lottery.³⁹⁰ After the end of the voting, the secretary of the Precinct Election Commission shall reflect the results of the function distributed by the voting in the voting day record book.³⁹¹

³⁷⁷ Election Code of Georgia, Article 61, Part 1.

³⁷⁸ Resolution №21/2020 of the Central Election Commission of Georgia of August 24, 2020, on the approval of the guidelines of the members of the Precinct Election Commission, "Arrangement of the polling station", accessible: <https://bit.ly/3t1Cu7y>, updated: 30.05.2021.

³⁷⁹ Election Code of Georgia, Article 61, Part 2, Subparagraphs "e.b".

³⁸⁰ Ibid, Article 58, Part 4, subparagraph "a".

³⁸¹ Ibid, subparagraph "d".

³⁸² Exceptions are overseas precincts, where the polling station opened late at 08:05 in Barcelona and late at 08:09 in Paris.

³⁸³ The fact was revealed at the polling station №27 in Nadzaladevi.

³⁸⁴ The fact was revealed at the polling station №43 in Rustavi.

³⁸⁵ Election Code of Georgia, Article 64, Part 2, SubParagraph "d¹".

³⁸⁶ Ibid, SubParagraph "d".

³⁸⁷ Ibid, SubParagraph "e".

³⁸⁸ Ibid, SubParagraph "c".

³⁸⁹ Resolution №21/2020 of the Central Election Commission of Georgia of August 24, 2020, on the approval of the guidelines of the members of the Precinct Election Commission, "Procedures to be carried out from the opening of the polling station to the beginning of voting".

³⁹⁰ Election Code of Georgia, Article 61, Part 2, Subparagraph "d¹".

³⁹¹ Ibid, SubParagraph "f".

A member of the commission is obliged to participate in the activities of the commission from the day of the appointment.³⁹² Accordingly, the waiver of the assigned obligation is a culpable non-performance of official duties³⁹³ and entails disciplinary measures.³⁹⁴

GYLA revealed numerous cases of violation of the lottery procedure at both stages of the voting day. In the first round, the epicenter was the regional districts. This was mainly due to improper conduct of the lottery procedure and failure to perform the assigned functions. In the second round, similar facts were revealed both in the regions and in the capital. The rule was violated, for example, by an arbitrary distribution of functions, oral conduct of the procedure, or violation of the principle of confidentiality. In addition, it should be noted that the practice of resolving complaints prepared by GYLA in these cases is heterogeneous.

1 round

In the first round, the commission members arbitrarily exchanged the functions identified as a result of the lottery procedure in certain precincts³⁹⁵ or, with the consent of the chairperson, were redistributed without casting lots.³⁹⁶ There was a case when the identification of members attached to the mobile ballot box and the distribution of functions were carried out simultaneously.³⁹⁷ The members³⁹⁸ of the commission who carried the mobile ballot box to one polling station refused to fulfill their obligation.³⁹⁹ A GYLA observer observed how the chairperson of the commission conducted the lottery with different colored sheets.⁴⁰⁰

Due to all these cases, GYLA filed a complaint with the election administration. Three of them were satisfied.⁴⁰¹ Arbitrary distribution of functions without casting lots, the simultaneous casting of lots, and refusal of a commission member to perform the assigned function - all these cases were considered as violations by the district commissions. In other cases, which are related to the arbitrary exchange of functions identified by the lottery, non-conduct of the lottery, holding simultaneously and with sheets of different colors - the commissions did not satisfied.⁴⁰² It should be noted that one complaint on the case of arbitrary transfer of functions was satisfied, while the other was not, which indicates the heterogeneous practice of dispute resolution by district commissions.

³⁹² Ibid, Article 8, Part 19.

³⁹³ Ibid, Article 28, Part 1, SubParagraph "a".

³⁹⁴ Ibid, Article 2.

³⁹⁵ The fact was revealed at the polling station №23 in Saburtalo and №54 in Telavi.

³⁹⁶ The fact was revealed at the polling station №1 in Shuakhevi.

³⁹⁷ The fact was revealed at the polling station №41 in Shuakhevi.

³⁹⁸ The members of the commission were appointed by the Georgian Dream party.

³⁹⁹ The fact was revealed at the polling station №65 in Zugdidi.

⁴⁰⁰ The fact was revealed at the polling station №85 in Marneuli.

⁴⁰¹ №67 Zugdidi District Election Commission Ordinance №43/2020 of November 2, 2020, *Register of Complaints of the Central Election Commission of Georgia*, accessible: <https://bit.ly/30y5d7K>, updated: 30.05.2021; №83 Ordinance №21/2020 of Khelvachauri District Election Commission of November 2, 2020, accessible: <https://bit.ly/3qx47N9t>, updated: 30.05.2021.

⁴⁰² №17 Telavi District Election Commission Ordinance №62/2020 of November 2, 2020, accessible: <https://bit.ly/3dFb41h>, updated: 30.05.2021; №22 Marneuli District Election Commission Ordinance №32/2020 of November 2, 2020, accessible: <https://bit.ly/3mrle9P>, updated: 30.05.2021; №3 Saburtalo District Election Commission Ordinance №66/2020 of November 2, 2020, accessible: <https://bit.ly/3dHxyyF>, updated: 30.05.2021; №83 Khelvachauri District Election Commission Ordinance №21/2020 of November 2, 2020.

II round

In the second round, the voting rule was violated - instead of two, only one person was identified as a carrier of the mobile ballot box at the polling station. Accordingly, they also took the mobile ballot box.⁴⁰³ In other cases, the chair stamped the sheets of paper while assigning the function duty so that the functions could be identified.⁴⁰⁴ GYLA also became aware of the facts when the lottery was held orally,⁴⁰⁵ or the functions revealed as a result of the lottery were arbitrarily changed by the members of the commission.⁴⁰⁶ As a result of casting lots at one of the polling stations, two members from one party were identified,⁴⁰⁷ which was not noticed by the chairperson and secretary of the commission, and re-casting was conducted only after the GYLA observer indicated.⁴⁰⁸

As a result of the GYLA observer's response to some of the above facts, the defect was immediately eliminated. GYLA appealed the rest of the facts to the district commissions. The district office found a violation in which one person was assigned instead of two for the mobile ballot box,⁴⁰⁹ and two complaints, in which the chairperson marked the ballots and arbitrarily distributed functions, were not upheld.⁴¹⁰ The latter case points to the heterogeneous and inconsistent practice of the District Election Commission in resolving complaints, as it considered a similar type of shortcoming in the first round to be a violation.

There were also cases when the column of rights and responsibilities of the commission members was not filled in the voting day record book.⁴¹¹ The district commission upheld the complaint and reprimanded the precinct secretary.⁴¹²

Violation of the voting procedure

Voters are marked at polling stations.⁴¹³ The purpose of this procedure is to prevent multiple voting by one voter. The voter goes through the check-marking procedure upon entering the polling station with the relevant member of the election commission.⁴¹⁴ Commission members should not allow a person to enter the polling station if it turns out that they already have the markings⁴¹⁵ or if they refuse to go through this procedure.⁴¹⁶ A member of the commission who violates these requirements shall be subject to disciplinary liability for

⁴⁰³ The fact was revealed at the polling station №56 in Kutaisi.

⁴⁰⁴ The fact was revealed at the polling station №42 in Kutaisi.

⁴⁰⁵ The fact was revealed at the polling stations №39 in Mtatsminda and №34 in Vake.

⁴⁰⁶ The fact was revealed at the polling stations № 35 in Mtatsminda, №25 in Isani, №44, №12 in Vake and №13 in Nadzaladevi, №102 in Zugdidi.

⁴⁰⁷ They were from the Georgian Dream party.

⁴⁰⁸ The fact was revealed at the polling station №91 in Kutaisi.

⁴⁰⁹ №59 Kutaisi District Election Commission Ordinance №460/2020 of November 23, 2020, accessible: <https://bit.ly/3bvvcms>, updated: 30.05.2021.

⁴¹⁰ №59 Kutaisi District Election Commission Ordinance №461/2020 of November 23, 2020, accessible: <https://bit.ly/3bzOyHe>, updated: 30.05.2021; №67 Zugdidi District Election Commission Ordinance №59/2020 of November 23, 2020, accessible: <https://bit.ly/3qzuPM4>, updated: 30.05.2021.

⁴¹¹ The fact was revealed at the polling station №39 in Kutaisi.

⁴¹² №59 Kutaisi District Election Commission Ordinance №462/2020 of November 23, 2020, accessible: <https://bit.ly/2O11lyl>, updated: 30.05.2021.

⁴¹³ Election Code of Georgia, Article 64, Part 1.

⁴¹⁴ Ibid, Part 2.

⁴¹⁵ Ibid.

⁴¹⁶ Ibid, Part 3.

non-performance or improper performance of official duties.⁴¹⁷

GYLA became aware of several cases of violation of the marking rule. Such a fact was revealed only in the first round in some precincts of Marneuli, as well as in one precinct abroad, where, according to the GYLA observer, the voters were not checked for marking.⁴¹⁸ The district commission rejected all of the complaints about the violations of the marking rule,⁴¹⁹ as it considered that these cases did not constitute a gross violation of the law that could have affected the free expression of the will of the voter.⁴²⁰

A voter entering a polling station goes to the appropriate registration desk, presents a citizen ID card or passport to the registrar.⁴²¹ The registrar then verifies the compliance of the submitted documents with the data in the voter list.⁴²² In case of confirmation, the registrar provides the voter marking and signs in the appropriate column of the list.⁴²³ The voter then confirms receipt of the ballot by signing.⁴²⁴ One envelope and an appropriate number of ballot papers will be issued to each voter on polling day.⁴²⁵ In addition, the ballot paper must be certified with the signature and seal of the registrar.⁴²⁶

Violation of the voting rules was less problematic in the first round. However, this took on a large scale in the second round, when a number of shortcomings were identified during voter registration and voting, mainly due to the superficiality and/or negligence of the commission members. Sometimes the reason for this was ignorance. Only half of the complaints filed were upheld.

1 round

During the first round, GYLA's observation mission revealed one fact of double voting by voters.⁴²⁷ In one case, the ballots were stuffed into a box without a signature or stamp.⁴²⁸ In some places, citizens voted with inadequate documentation, in particular, on the basis of a driver's license.⁴²⁹

Regarding some of the above facts, GYLA limited itself to remarks at the polling station. In other cases, the violations were appealed to the district. The district commission considered double voting by one voter to be a violation.⁴³⁰ Elsewhere - unverified ballots were canceled

⁴¹⁷ Ibid, Article 28, Part 1, SubParagraph "a" and Part 2.

⁴¹⁸ The fact was revealed at the polling station in Rome.

⁴¹⁹ The fact was revealed at the polling stations №10, №15 and №83 in Marneuli.

⁴²⁰ №22 Marneuli District Election Commission Ordinance №41/2020 of November 2, 2020, accessible: <https://bit.ly/3epomkA>, updated: 30.05.2021; №22 Marneuli District Election Commission Ordinance №44/2020 of November 2, 2020, accessible: <https://bit.ly/3t7yrH3>, updated: 30.05.2021, №22 Marneuli District Election Commission Ordinance №37/2020 of November 2, 2020, accessible: <https://bit.ly/2PGamIP>, updated: 30.05.2021.

⁴²¹ Election Code of Georgia, Article 65, Part 2, SubParagraph "a".

⁴²² Ibid, SubParagraph "b".

⁴²³ Ibid.

⁴²⁴ Ibid.

⁴²⁵ Ibid, Article 63, Part 20.

⁴²⁶ Election Code of Georgia, Article 69, Part 3. SubParagraph "a".

⁴²⁷ The fact was revealed at the polling station №7 in Marneuli.

⁴²⁸ The fact was revealed at the polling station №47 in Zugdidi.

⁴²⁹ The fact was revealed at the polling station №78 in Gldani, №2 in Baghdati, and №21 in Tetrtskaro.

⁴³⁰ №22 Marneuli District Election Commission Ordinance №35/2020 of November 2, 2020, accessible: <https://bit.ly/3qAolGj>, updated: 30.05.2021.

by the district itself.⁴³¹ However, on the latter fact, GYLA additionally demanded disciplinary action against the registrar.⁴³² Due to the fact that the district commission considered it impossible to identify the members of the commission whose improper actions caused the case, the complaint was rejected.⁴³³

II round

In the second round, the violation of the above-mentioned rule is revealed in several precincts. Somewhere it turned out that the voter list lacked the signatures of two voters. They were missed by the registrar.⁴³⁴ There was a case when the registrar signed the voter column,⁴³⁵ or the voter who arrived at the polling station was met with a pre-made signature in the registrar column⁴³⁶ or, by mistake, another voter's signature.⁴³⁷ In some places, the citizen was not met at all by the registrars (there were no substitutes on the spot, nor was there a corresponding change in the voting day record book).⁴³⁸

In one polling station, voters cast their ballots, not in the booth but directly at the registration desk.⁴³⁹ In another case, a person arriving at the polling station after leaving the booth, when they had to put their ballot paper in the envelope, found another ballot paper there.⁴⁴⁰ While voting at the polling station, the registrar handed over the ballot paper without the ID card.⁴⁴¹ Attempts to vote with another person's ID were also revealed.⁴⁴²

The voting rule was violated in one place - when the mobile ballot box was taken away, the voter on the list could not vote because they were not given the ballot paper.⁴⁴³

Due to some of these cases, GYLA appealed to the election administration. The district commission upheld two out of five complaints, in particular finding it a violation that a voter arriving at the polling station had already found a box along with their first and last name was already signed, as well as when a voter on the mobile ballot box list could not vote.⁴⁴⁴ Cases where (1) a unified list lacked the signatures of two voters; (2) the registrar signed the registrar's column before the voter arrived; and (3) the registrars were not present in the polling day room⁴⁴⁵ - the district commissions did not consider them a violation.

⁴³¹ №67 Zugdidi District Election Commission Ordinance №45/2020 of November 2, 2020, accessible: <https://bit.ly/3ceRFDM>, updated: 30.05.2021.

⁴³² Ibid.

⁴³³ Ibid.

⁴³⁴ The fact was revealed at the polling station №98 in Zugdidi.

⁴³⁵ The fact was revealed at the polling station №41 in Saburtalo.

⁴³⁶ The fact was revealed at the polling stations №41 in Saburtalo, №43 in Kutaisi and №53 in Zugdidi.

⁴³⁷ The fact was revealed at the polling station №66 in Kutaisi.

⁴³⁸ The fact was revealed at the polling station №104 in Gldani.

⁴³⁹ The fact was revealed at the polling station №19 in Gardabani.

⁴⁴⁰ The fact was revealed at the polling station №105 in Zugdidi.

⁴⁴¹ The fact was revealed at the polling station №2 in Rustavi.

⁴⁴² The fact was revealed at the polling station №50 in Rustavi.

⁴⁴³ The fact was revealed at the polling station №50 in Gardabani.

⁴⁴⁴ №59 Kutaisi District Election Commission Ordinance №464/2020 of November 23, 2020, accessible: <https://bit.ly/3tc3Zvv>, updated: 30.05.2021; №20 Rustavi District Election Commission Ordinance №092/2020 of November 23, 2020, accessible: <https://bit.ly/38rwbTg>, updated: 30.05.2021.

⁴⁴⁵ №67 Zugdidi District Election Commission Ordinance №60/2020 of November 23, 2020, accessible: <https://bit.ly/3erlYsv>, updated: 30.05.2021; №67 Zugdidi District Election Commission Ordinance №61/2020 of November 23, 2020, accessible: <https://bit.ly/3eo1amQ>, updated: 30.05.2021; №10 Gldani District Election Commission Ordinance №065/2020 of November 23, 2020, accessible: <https://bit.ly/3vccOXX>, updated: 30.05.2021.

Violation of the rules of production of election documents

The secretary of the commission enters the information about the number of voters and the received ballot papers in the record book and the demonstration protocol.⁴⁴⁶ The Secretary shall, in accordance with the law, record the number of signatures of the voters participating in the voting and indicate the results of the voting in the demonstration protocol and the record book, in addition, inform the District Election Commission.⁴⁴⁷

GYLA did not find any violation of the rules of election documentation in the first round. However, shortcomings in this regard were observed in the second round in the capital and regions, which was caused by improper performance of duties by the secretaries of the commission.

In the second round of voting, no data was entered in the precinct demonstration protocol.⁴⁴⁸ In other cases, the demonstration protocol was filled in with a pencil.⁴⁴⁹ In some polling stations, voter turnout was not indicated in a timely manner,⁴⁵⁰ or incorrect data was entered.⁴⁵¹ In some places, the number of ballot papers received, or the list of mobile ballot boxes were not indicated,⁴⁵² while the mobile ballot boxes had already been delivered to the polling station. GYLA observers made an oral or written note on these facts at the polling station.⁴⁵³ According to GYLA, these shortcomings were immediately eliminated in some cases.

Imbalance in mobile ballot boxes

The mobile ballot box returned to the polling station is inspected by the secretary of the commission.⁴⁵⁴ In case of inaccuracy, the members of the accompanying commission should write an explanation.⁴⁵⁵ The data verified here will be reflected in the summary protocols of the relevant voting results.⁴⁵⁶

In the first round, GYLA revealed an imbalance of ballot papers in the ballot boxes in certain polling stations. All these cases took place in Samegrelo. The district did not satisfy any of the submitted complaints.

The number of ballots used and remaining when returning the mobile ballot box to three different polling stations did not correspond to the number of ballot papers taken.⁴⁵⁷ The

⁴⁴⁶ Election Code of Georgia, Article 61, Part 9.

⁴⁴⁷ Ibid, Part 6.

⁴⁴⁸ The fact was revealed at the polling stations №59 in Rustavi, and №39 in Kutaisi.

⁴⁴⁹ The fact was revealed at the polling stations №7 and №25 in Chughureti.

⁴⁵⁰ The fact was revealed at the polling stations №18 in Mtatsminda and №117 in Kutaisi.

⁴⁵¹ The fact was revealed at the polling station №15 in Mtatsminda .

⁴⁵² The fact was revealed at the polling stations №66 and №70 in Gldani.

⁴⁵³ The fact was revealed at the polling station №30 in Chughureti.

⁴⁵⁴ Resolution №21/2020 of the Central Election Commission of Georgia of August 24, 2020, on the approval of the guidelines for the members of the Precinct Election Commission.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

⁴⁵⁷ The following facts were revealed at polling station №13 in Martvili: the members of the mobile ballot box commission took 46 ballot papers, 44 voted, 3 proportional and 4 majoritarian ballot papers were returned to the polling station; 45-45 ballot papers were handed over to the members of the mobile ballot box commission at the polling station №19 in Martvili, 3 damaged ballot papers were returned to the polling station, which means that 41 voters voted and one ballot paper was lost; There were 39 voters in the list of mobile ballot box at the polling station №47 in Zugdidi, the members of the commission took out 43 ballot papers. The list shows 38 signatures,

district commission dismissed a complaint in one such case, arguing that the problem had been rectified on the spot.⁴⁵⁸ Two complaints were dismissed on the same grounds.⁴⁵⁹ In two cases of this decision, it is not indicated how this shortcoming was corrected, and in one, it is written that an explanation was made on the spot, the commission counted the votes, and a balance was established.

Violation of the sealing rule

The chairperson of the precinct election commission inspects and seals the main and mobile ballot boxes.⁴⁶⁰ The slot of the mobile ballot box is sealed at the end of the voting in such a way that it is impossible to open the hatch without damaging it.⁴⁶¹ If the seal integrity is found to be violated, the ballot box shall be immediately handed over to a superior commission.⁴⁶²

Violations were detected in some districts in both rounds. This misconduct was mainly related to improper sealing of the mobile ballot box and return to the polling station in an unsealed condition. In this regard, the practice of district commission decisions is heterogeneous.

1 round

Violation of the sealing rule in the first round is evident in several polling stations. In one case, a GYLA observer at a polling station was told that they did not have an adhesive tape. However, verification of the acceptance acts showed that the argument was not true.⁴⁶³ In other cases, the mobile ballot box was returned to the polling station unsealed.⁴⁶⁴ Two of these complaints were upheld, and one was not.⁴⁶⁵ In one of the satisfied complaints, where the mobile box was returned to the polling station without a ribbon, the ballot papers were annulled, and in the second case, a “remark” was issued as a measure of disciplinary liability to the chairperson of the commission.

and instead of 4 unused ballot papers, 3 unused ballot papers were returned at the polling station.

⁴⁵⁸ №67 Zugdidi District Election Commission Ordinance №22/2020 of November 2, 2020, accessible: <https://bit.ly/3t6UCwV>, updated: 31.05.2021.

⁴⁵⁹ №65 Martvili District Election Commission Ordinance №30/2020 of November 2, 2020, accessible: <https://bit.ly/3v6CKUV>, updated: 31.05.2021; №65 Martvili District Election Commission Ordinance №31/2020 of November 2, 2020, accessible: <https://bit.ly/3t885EY>, updated: 31.05.2021.

⁴⁶⁰ Resolution №21/2020 of the Central Election Commission of Georgia of August 24, 2020, on the approval of the guidelines for the members of the Precinct Election Commission, “Procedures to be carried out from the opening of the polling station to the beginning of voting”, accessible: <https://bit.ly/3t1Cu7y>, updated: 10.03.2021.

⁴⁶¹ Election Code of Georgia, Article 66, Part 10.

⁴⁶² Ibid, Article 68, Part 2.

⁴⁶³ The fact was revealed at the polling station №27 in Isani.

⁴⁶⁴ The fact was revealed at the polling stations №1 in Shuakhevi and №37 Bolnisi.

⁴⁶⁵ №5 Isani District Election Commission Ordinance №062/2020 of November 2, 2020, accessible: <https://bit.ly/3ceUEfs>, updated: 31.05.2021; №83 Khelvachauri District Election Commission Ordinance №21/2020 of November 2, 2020, accessible: <https://bit.ly/3rE3HwQ>, updated: 31.05.2021; №23 Bolnisi District Election Commission Ordinance №33/2020 of November 2, 2020, accessible: <https://bit.ly/30yr№XA>, updated: 31.05.2021.

II round

In some precincts, the mobile ballot box was submitted to the precinct commission in an unsealed condition.⁴⁶⁶ However, the DEC found that no grounds for invalidation of the ballot box results or signs of misconduct in the actions of the persons accompanying the ballot box had been identified. Therefore, these complaints were not upheld.⁴⁶⁷

Attendance of unauthorized persons

Only specially accredited persons have the right to be present in the polling station. In particular, the members of the precinct and superior election commissions, the representatives of the same electoral subject registered in the relevant precinct election commission, the observers of the registered observer organizations, the accredited representatives of the media.⁴⁶⁸ All these persons must wear the badge of their identity and status.⁴⁶⁹

This rule was violated in some districts during both rounds. In the first round, a GYLA observer noticed that unauthorized persons were present in one of the polling stations.⁴⁷⁰ Elsewhere, such individuals attempted to attend the election process directly.⁴⁷¹ In some precincts, this problem was also revealed in the second round.⁴⁷² In one case, a GYLA observer made an oral remark to the precinct commission, as a result of which these individuals left the precinct.

Organizational issues

A member of the commission is obliged to participate in the activities of the commission from the day of the appointment.⁴⁷³ The transfer of a function to another member may take place only with the permission of the chairperson of the commission, which shall be noted by the secretary of the commission in the voting day record book.⁴⁷⁴ In other cases, this is considered⁴⁷⁵ a culpable non-performance of official duties, and disciplinary measures are envisaged.⁴⁷⁶

In both rounds, the disorganization of the PEC members and the lack of professionalism revealed in the performance of the assigned function were observed in separate precincts. Commission members found it difficult to conduct the process efficiently and consistently, which hampered the voting process.

⁴⁶⁶ The fact was revealed at the polling stations №93 in Gldani and №103 in Kutaisi.

⁴⁶⁷ №10 Gldani District Election Commission Ordinance №064/2020 of November 23, 2020, accessible: <https://bit.ly/3cdPQac>, updated: 31.05.2021; №59 Kutaisi District Election Commission Ordinance №463/2020 of November 23, 2020, accessible: <https://bit.ly/3c№9a4X>, updated: 31.05.2021.

⁴⁶⁸ Election Code of Georgia, Article 8, Part 16.

⁴⁶⁹ Ibid, Part 17.

⁴⁷⁰ The fact was revealed at the polling station №47 in Zugdidi.

⁴⁷¹ The fact was revealed at the polling station №20 in Samtredia.

⁴⁷² The fact was revealed at the polling stations №54 and №72 in Rustavi, №44 and №55 in Gldani.

⁴⁷³ Election Code of Georgia, Article 8, Part 19.

⁴⁷⁴ Ibid, Article 61, Part 2, Subparagraph "g".

⁴⁷⁵ Ibid, Article 28, Part 1, SubParagraph "a".

⁴⁷⁶ Ibid, Article 2.

I round

According to GYLA, weak organization and low qualification of commission members were observed in some precincts.⁴⁷⁷ There was a case when the secretary of the commission was not fully aware of their functions, including the rules for filling in the demonstration and summary protocols.⁴⁷⁸ In some cases, the disorganization of commission members hindered the voting process and increased the number of procedural violations. For example, registrars had difficulty registering voters to cast their ballots in a timely manner, resulting in queues at the polling station.⁴⁷⁹

Organizational problems and technical deficiencies were common in overseas precincts as well. In one case, citizens did not appear on the list even though they were registered.⁴⁸⁰ Also, in one case, an observer was registered at a polling station only after GYLA's request.⁴⁸¹

GYLA noted the facts in which a member of the commission performed the function assigned to another member of the commission - sitting next to the registrar and assisting them in finding voters.⁴⁸² There was a case when during the counting procedure, a member of the commission was involved in the counting process when it was not their function.⁴⁸³

II round

Organizational deficiencies were also identified in the second round, including when another member of the commission or an observer took over the role of flow controller,⁴⁸⁴ or the secretary of the commission acted as registrar,⁴⁸⁵ or an observer sat at the ballot box instead of a commission member.⁴⁸⁶ In one case, a commission member left the polling station without notice.⁴⁸⁷

Problems with measures to be taken against COVID-19

In order to prevent the spread of COVID-19, the CEC adopted a resolution defining the epidemiological protocol for the 2020 Election Day. Wearing a mask in the polling station has become mandatory for everyone.⁴⁸⁸ An exception was a health condition if this was confirmed by a relevant medical certificate.⁴⁸⁹ When a voter arrived at the polling station, they took their masks off twice, for a short time, to verify their identity and to perform the procedures prescribed by law.⁴⁹⁰

⁴⁷⁷ This note applies to districts within the Vake district.

⁴⁷⁸ The fact was revealed at the polling station №114 in Samgori.

⁴⁷⁹ The fact was revealed at the polling station №29 in Mtatsminda.

⁴⁸⁰ The fact was revealed at the polling station in Barcelona.

⁴⁸¹ The fact was revealed at the polling station №39 in Athene.

⁴⁸² The fact was revealed at the polling station №7 in Chkhorotsku.

⁴⁸³ The fact was revealed at the polling station №6 in Zugdidi.

⁴⁸⁴ The fact was revealed at the polling stations №107 in Gldani and №76 in Rustavi.

⁴⁸⁵ The fact was revealed at the polling station №54 in Gldani.

⁴⁸⁶ The fact was revealed at the polling station №39 in Mtatsminda.

⁴⁸⁷ The fact was revealed at the polling station №8 in Samgori.

⁴⁸⁸ The Central Election Commission Resolution №38/2020, Article 3 Paragraph 1 of September 18, 2020, on determining Some Election Measures and Sanitary-Hygienic Requirements to prevent the spread of the new coronavirus (SARS-CoV-2) infection (COVID-19), for the day of the Regular Elections of the Parliament of Georgia/Sakrebulo By-Elections/ Extraordinary Mayoral Elections on October 31.

⁴⁸⁹ Ibid, Paragrap 3.

⁴⁹⁰ Ibid. Paragraph 2, Subparagraph "a" and "b".

Beyond ordinary voting procedures, organizing problems were noticeable in complying with COVID-19-related health safety rules. Such problems were identified in both rounds.

I round

In some cases, the registrars did not ask the voters to take off the masks and did not check the photograph on the desk list;⁴⁹¹ In some places, the observers themselves did not follow the rule of wearing a mask - either they did not wear a mask at all, or they did it incorrectly.⁴⁹² These types of disorders were observed throughout the day.

II round

Like the first round, this time, there were shortcomings in the implementation of measures taken to contain the pandemic. Often the members of the commission (flow regulator/registrar) did not ask the citizens to take off the masks in order to confirm the identity of the person, as required by the rule.⁴⁹³

Voter will control

Controlling the will of the electorate was a major challenge on Election Day. This negative practice was alarming during both rounds, given its shape and scale. There were cases of harassment in the polling station as well, although major events took place in the vicinity of polling stations. This practice mainly involved precinct-based observers who either marked their supporters at the polling station (in some cases even transported them) or agitated and tried to persuade voters at the entrance to the polling station; either they were just creating a pressure environment by being there. This condition, in general, left a sense of tracking and posed a threat to distorting the natural behavior of the voter.

A) Influence on the voter at the polling station

Inside the precincts, the will of the electorate was sought by both observers and commission members, who were clearly in the interests of political parties and potentially influenced citizens who came to the polls.

I round

Some cases of will control within the precinct were related to violations of the secrecy of the ballot.⁴⁹⁴ Such a fact was revealed in Dmanisi precinct,⁴⁹⁵ where the voters showed the marked ballot papers to the commission members or observers, who then recorded these data in a notebook. The chairperson not only ignored the remark of the GYLA observer but also threatened to make them leave the building with the force of the governor and the police.

⁴⁹¹ The fact was revealed at the polling stations №24 in Mtskheta and №14 in Zestaponi.

⁴⁹² The fact was revealed at the polling stations №66 in Nadzaladevi and №35 in Akhalkalaki.

⁴⁹³ The fact was revealed at the polling stations №58, №13 in Saburtalo and №34 in Rustavi, №94 in Gldani, №46 in Didube.

⁴⁹⁴ Election Code of Georgia, Article 3, Subparagraph "d.b".

⁴⁹⁵ The fact was revealed at the polling station №19 in Dmanisi.

A systematic breach of the secrecy of the ballot was reported by an observer mission in Sagarejo,⁴⁹⁶ where a young man entered the booth with elderly voters and assisted them in voting.⁴⁹⁷ This was explained by these people with their ignorance of the Georgian language. By law, voters can help each other,⁴⁹⁸ but the problem with this case is manifested in its multiple nature, as such action by this particular person continued throughout the day.

An attempt of agitation by a party representative (from the United National Movement) was revealed in one polling station. According to GYLA, they directly called on the voters to circle 5 numbers on the ballot paper.⁴⁹⁹ After the GYLA observer informed the chairperson about the fact, they immediately left the polling station.

GYLA observers also identified the facts of recording the data of the voters who arrived at the polling station by a member of the commission.⁵⁰⁰ In another precinct, the same action was revealed by a representative of the monitoring organization.⁵⁰¹

All these cases were followed by a note from the mission observers. GYLA also wrote a complaint about the violation of the secrecy of the ballot,⁵⁰² but the district commission did not satisfy it. It considered that the chairperson of the commission had already reacted on the spot when they warned the people in the precinct about the inadmissibility of such action.⁵⁰³

II round

In some precincts, in the polling station, there was a concentration of coordinators and suspicious individuals observing voters.⁵⁰⁴ Agitators were also present in the precinct building,⁵⁰⁵ and in some cases, observers were also involved.⁵⁰⁶

Sometimes coordinators in the precinct building, due to low turnout, called voters⁵⁰⁷ or spoke publicly about mobilizing people.⁵⁰⁸ In one case, an observer at the polling station asked the registrar to find a specific person on the desk list to determine if they had already voted.⁵⁰⁹ Representatives of the observer organization registered the voters in some precincts.⁵¹⁰ One of the members of the commission (who is sitting next to the main box) took out the phone number of the voter after voting and putting the ballot paper in the box.⁵¹¹

⁴⁹⁶ The fact was revealed at polling station №42 in Sagarejo.

⁴⁹⁷ "Results of polling day observations at 14:00", official website of the Georgian Young Lawyers' Association, 31.10.2020, accessible: <https://bit.ly/3qKr6fh>, updated: 10.03.2021.

⁴⁹⁸ Election Code of Georgia, Article 65, Part 3.

⁴⁹⁹ The fact was revealed at polling station №26 in Khashuri.

⁵⁰⁰ The fact was revealed at the polling stations №25 in Chkhorotsku and №5 in Telavi.

⁵⁰¹ The fact was revealed at the polling station №1 in Krstanisi.

⁵⁰² №23 Bolnisi District Election Commission Ordinance №31/2020 of November 2, 2020, accessible: <https://bit.ly/3qB93HQ>, updated: 31.05.2021.

⁵⁰³ Ibid.

⁵⁰⁴ The fact was revealed at the polling stations №12 in Krstanisi, №86 and №87 in Gldani, №15 and №16 in Samgori, №46 in Rustavi, №67 in Nadzaladevi and №69, №27 and №28 in Krstanisi.

⁵⁰⁵ The fact was revealed at the polling station №46 in Rustavi.

⁵⁰⁶ The fact was revealed at the polling station №1 in Didube.

⁵⁰⁷ The fact was revealed at the polling stations №37, №65 and №66 in Gldani, №10 in Krstanisi, №72 in Rustavi.

⁵⁰⁸ The fact was revealed at the polling stations №30, №31 and №32 in Isani.

⁵⁰⁹ The fact was revealed at the polling station №45 in Gldani.

⁵¹⁰ The fact was revealed at the polling stations №30 and №31 in Saburtalo, №27 in Samgori.

⁵¹¹ The fact was revealed at the polling station №14 in Krstanisi.

B) Influence on the voter on the perimeter

In both rounds, according to GYLA observers, the area around the polling stations was concentrated and crowded throughout the day. This situation was present across Georgia, almost everywhere, with rare exceptions. Party-based observers and coordinators monitored voters arriving at the polling station, kept records of them, and ensured their transportation. Some of them were at the entrance of the polling station, and some were in the vicinity of the building, within a radius of about 50 meters.

The GYLA Monitoring Mission also collected more detailed information on the schemes of the district-based observers. First, it should be noted that the parties (both the ruling party and the opposition - although the government had greater access to resources and was more active in this area) used three types of agents. Sometimes these three functions of observers were combined by the same person.

The first type includes coordinators who record the voters who arrive at the polling station and provide this data to the parties.

In the first round, GYLA revealed such cases in many polling stations.⁵¹² Sometimes these individuals talked on their cell phones and pointed to voters who were already there to vote. Sometimes small adhesive sheets were used, which are difficult for the eyes to perceive and comfortable to put in the pocket. The names of the people were written on these sheets, and the numbers were written next to them. In some cases, these individuals also provided transportation for voters. For example, one such based person was asked by a voter A after voting what they should do now, and they replied that they would have to go outside and wait.⁵¹³ Voter B approached the same person and asked what number should be circled. There were cases when about 15-20 people were present in the vicinity of the precinct.⁵¹⁴ Some of them used the car and gradually brought in voters.

In the second round, such cases were revealed when the coordinators in the vicinity of the precincts registered the voters who came to vote and provided this data to the parties.⁵¹⁵ Voters were sometimes transported by minibusses.⁵¹⁶ There were quite frequent cases when observers sat in cars and marked voters who arrived at the polling station.⁵¹⁷ Sometimes voters would leave these polling stations with these cars and talk to the people sitting there.⁵¹⁸ Rarely did these individuals set the food tables at the precincts.⁵¹⁹

The second type of coordinator was present in the vicinity of the precinct. Their mission was to create an environment of pressure. They also remained on the ground waiting for the results to count the ballots after the voting was over.

⁵¹² The fact was revealed at the polling stations №37 and №38 in Chughureti, №43 in Isani, №79 and №84 in Gldani, №100 in Gori, №12 and №6 in Gurjaani, №25 in Akhmeta, №15 and №16 in Keda, and also in the vicinity of the polling stations №36-42 in Gurjaani.

⁵¹³ The fact was revealed in the vicinity of the polling station №40 in Chughureti.

⁵¹⁴ The fact was revealed in the vicinity of the polling station №89 in Saburtalo.

⁵¹⁵ The fact was revealed at the polling stations №25, №56, №57, №55 and №75 in Isani, №40 in Chughureti, №11 in Chughureti, №35 in Saburtalo, №13 in Gldani, №13 in Krstanisi, №23, №27, №28, №44 and №70 in Rustavi, №3, №14 and №26 in Terjola.

⁵¹⁶ The fact was revealed in the vicinity of the polling station №29 in Krstanisi.

⁵¹⁷ The fact was revealed in the vicinity of the polling stations №39, №41 and №43 in Rustavi, №54, №55 and №56 in Gldani.

⁵¹⁸ The fact was revealed in the vicinity of the polling station №2 in Rustavi.

⁵¹⁹ The fact was revealed in the vicinity of the polling stations №36 in Nadzaladevi and №15 in Krstanisi.

In the first round, a case was revealed when suspicious persons were present in the exit corridor of the voters at the polling station. This meant that voters could only reach their destination by walking through them while entering and leaving the polling station.⁵²⁰ There have been cases where these individuals have tried to communicate with voters before voting and to influence their will in various ways. The mentioned persons sometimes took the voters to a separate room for this purpose.⁵²¹ There were cases when people standing in the precinct, who were allegedly close to the criminal subculture, openly influenced the voter and asked, for example, why their family member did not go to the election.⁵²²

In the second round, such cases became more frequent. This was mainly done through individuals mobilized in the precincts, presumably close to the criminal subculture. GYLA observer noticed two cars standing near the polling station. In one of them, according to the observer, the coordinators were sitting, and in the other - young men who were observing all the visitors.⁵²³ The same thing was happening with other precincts.⁵²⁴ In one such case, when a GYLA observer took a photo of the coordinators' papers (the names and addresses of voters were written on them), they were attacked by unknown individuals and threatened.⁵²⁵

The third type of supervisors, for various reasons, is influential individuals. There were many such cases in the first round. For example, when the mayor's representative was in the vicinity of the polling station, they registered the voters who came to the polling station and organized the bringing of other voters.⁵²⁶ In one such case, a deputy of the village was standing 25-30 meters away from the polling station, with voters first going to them, consulting them, and then going to the polling station.⁵²⁷ The deputy of the village (who supported the Patriots Alliance⁵²⁸) was in the vicinity of another precinct. GYLA also recorded cases when people stood in the precincts during the whole election process, who were in constant contact with the voters at certain intervals and were recording the data.⁵²⁹ These individuals clearly enjoyed the special respect of the electorate.

Only one such fact was revealed in the second round. Vladimer Mgaloblishvili, MP of the Georgian Dream in the Supreme Council of Adjara, was standing at the door of the precinct with several people.⁵³⁰

Delayed movement and agitation within a 25-meter radius

Agitation is prohibited in the polling station on polling day.⁵³¹ In addition, with the recent changes, an entry has been made in the election legislation, which aims to eliminate the problem of controlling the will of the voters near the polling station. Under this regulation,

⁵²⁰ The fact was revealed in the vicinity of the polling station №3 in Tetrtskaro.

⁵²¹ The fact was revealed in the vicinity of the polling station №25 in Akhmeta.

⁵²² The fact was revealed in the vicinity of the polling stations №1-№9 in Krstanisi.

⁵²³ The fact was revealed in the vicinity of the polling station №37 in Nadzaladevi.

⁵²⁴ The fact was revealed in the vicinity of the polling station №7 in Didube.

⁵²⁵ The fact was revealed in the vicinity of the polling station №45 in Rustavi.

⁵²⁶ The fact was revealed in the vicinity of the polling station №12 in Gurjaani.

⁵²⁷ The fact was revealed in the vicinity of the polling station №30 in Kareli.

⁵²⁸ The fact was revealed in the vicinity of the polling station №13 in Martvili.

⁵²⁹ The fact was revealed in the vicinity of the polling stations №15 and №16 in Keda, №10, №14, №16, №13 in Zestaponi.

⁵³⁰ The fact was revealed in the vicinity of the polling station №52 in Batumi.

⁵³¹ Election Code of Georgia, Article 45, Part 11.

it is inadmissible to physically impede the movement of a voter coming for election by a person within 25 meters of the polling station.⁵³²

GYLA became aware of a number of cases when voters were obstructed at a distance of 25 meters and were influenced in various ways. GYLA also noted the facts of controlling the will of voters beyond 25 meters. In some cases, the Georgian Dream and the National Movement violated the ban on agitation in the polling station.

I round

Persons in front of the polling station tried to communicate with voters before they cast their ballots. For example, in one of the polling stations within a radius of 25 meters, there were persons who systematically agitated, took them away, and talked to the voters. There were also frequent cases when voters were brought to the polling station door and told who to vote for.⁵³³ In some cases, it was even possible to detect party affiliation of the violators of this rule when the ruling team voiced its interests within a 25-meter radius.⁵³⁴ The village mandatory and party coordinators called on voters to support the ruling party. A group of several people was mobilized there, who also called on voters to support the Georgian Dream and circle 41 numbers on both sheets of paper. In another polling station, a person was inside the perimeter, urging those who came to vote for the opposition.⁵³⁵

Such cases were detected within a 50-meter radius of the polling station by Georgian Dream agitators as they obstructed voters.⁵³⁶ Sometimes people mobilized within a 50-meter radius tried to interview voters and influence their will.⁵³⁷ Crowds were observed at the same distance from certain districts.⁵³⁸ The advertising song of “Georgian Dream” was heard at this distance near one of the polling stations.⁵³⁹ None of these cases are against the law, but it is a bad practice because it goes against the spirit of the norm prohibiting the control of the will of the voters within a radius of 25 meters.

Coordinators of the Georgian Dream and the National Movement violated the ban on agitation in the polling station, stopping each voter and asking if they had voted, making notes on their identities, having lists with photos, on the basis of which they could identify the voters.⁵⁴⁰

II round

According to GYLA, the agitators were mobilized in some precincts.⁵⁴¹ Moreover, people appeared on the outer perimeter of one of the polling stations, who pointed out to several voters to cross out Shalva Shavgulidze and vote for the Georgian Dream.⁵⁴² Elsewhere, 5-6

⁵³² Ibid, Part 12.

⁵³³ The fact was revealed at the polling stations №19, №20, and №42 in Zestaponi.

⁵³⁴ The fact was revealed in the vicinity of the polling station №30 in Kareli.

⁵³⁵ The fact was revealed in the vicinity of the polling station №14 in Dedoplistskaro.

⁵³⁶ The fact was revealed in the vicinity of the polling stations №6 and №12 in Gurjaani.

⁵³⁷ The fact was revealed in the vicinity of the polling station №25 in Akhmeta.

⁵³⁸ The fact was revealed in the vicinity of the polling station №23 in Dedoplistskaro.

⁵³⁹ The fact was revealed in the vicinity of the polling stations №1-№9 in Krstanisi.

⁵⁴⁰ The fact was revealed in the vicinity of the polling station №17 in Martvili.

⁵⁴¹ The fact was revealed at the polling stations №24, №25 and №26 in Rustavi.

⁵⁴² The fact was revealed at the polling stations №32, №33, №34 in Mtatsminda.

people gathered outside the polling station, who called “number 41” to the incoming voters.⁵⁴³

Placement of agitation material

According to the election legislation, it is not allowed to place agitation material near 25 meters from the entrance of the polling station.⁵⁴⁴ According to GYLA observers, this rule was violated in some precincts.

I round

Posters of majoritarian candidates of the Georgian Dream and the United National Movement were displayed within a 25-meter radius of the polling station near the two polling stations.⁵⁴⁵ In some districts of Terjola, within a radius of 25 meters, at the road, number 41 was written with “spray paint,” and the initials “K.O” were written directly at the entrance of the polling station. One such case was eliminated by the Chairperson upon notification.⁵⁴⁶ GYLA also mentioned the fact that a party poster was posted on a car parked near the polling station.⁵⁴⁷ However, these individuals left the area after an oral remark and no longer appeared.

II round

Two such facts were revealed in the second round. In one case, agitation materials of the Georgian Dream were posted 10 meters outside the polling station.⁵⁴⁸

Presumable voter bribery

Political parties resorted to the method of providing financial benefits to win the hearts of the electorate even before the start of the official campaign. This raised expectations that this vicious practice would continue into Election Day. Although such cases are not always visible and difficult to identify, GYLA observers were able to detect them in the first round of voting. They recorded the facts of the hand-to-hand transfer of money to voters in separate precincts.⁵⁴⁹ There was a case when a representative of one of the observer organizations (presumably the International Observatory of Lawyers) had a list and handed over the money to the voters outside.⁵⁵⁰

The village mandatarly and their supporters were present during the whole day in the kindergarten next to one of the districts of Kareli.⁵⁵¹ The woman who came out of this building handed the money to one of the voters standing near the polling station.

⁵⁴³ The fact was revealed in the vicinity of the polling station №7 in Chughureti.

⁵⁴⁴ Election Code of Georgia, Article 25, Part 12.

⁵⁴⁵ The fact was revealed at the polling stations №15 and №19 in Martvili.

⁵⁴⁶ The fact was revealed in the vicinity of the polling station №25 in Khashuri.

⁵⁴⁷ The fact was revealed in the vicinity of the polling station №30 in Shuakhevi.

⁵⁴⁸ The fact was revealed in the vicinity of the polling station №17 in Chughureti.

⁵⁴⁹ The fact was revealed in the vicinity of the polling stations №25 in Akhmeta, №30 and №18 in Kareli, №21 and №39 in Khashuri.

⁵⁵⁰ The fact was revealed in the vicinity of the polling station №3 in Tetrtskaro.

⁵⁵¹ The fact was revealed in the vicinity of the polling station №30 in Kareli.

Physical confrontation and violent acts

On October 31, especially in the afternoon, GYLA noticed and recorded cases of physical confrontation in the precincts and on the outer perimeter. This was mainly motivated by party motives and involved observers as well as activists and citizens. An investigation has been launched into most of these facts.

A physical confrontation took place near the Gldani polling stations⁵⁵² between individuals⁵⁵³ affiliated with the Georgian Dream and the United National Movement.⁵⁵⁴ Supporters of the ruling party were forcing the other side to leave the area and cease their activities. The perpetrators referred to them as “nationalists” and physically and verbally abused them.⁵⁵⁵ Individuals who witnessed the incident noted that firearms were demonstrated during the incident.⁵⁵⁶ GYLA appealed to the Ministry of Internal Affairs to investigate this fact, as there were signs of crimes such as violence⁵⁵⁷ in the vicinity of the polling station and illegal use of firearms.⁵⁵⁸

According to the Ministry of Internal Affairs, on October 31, the police arrested 8 people in the vicinity of Gldani districts, 4 of them for petty hooliganism⁵⁵⁹ and 4 for petty hooliganism and disobedience to the law enforcement agencies.⁵⁶⁰ One of these persons was found with a firearm-like object, which, according to the forensic report, was a pneumatic pistol and did not belong to the category of firearms.⁵⁶¹ GYLA welcomes the prompt action of the law enforcers; however, it negatively assesses the fact that no investigation has been launched. The fact that a pneumatic pistol does not belong to the category of firearms does not exclude the possibility that even this type of weapon was used to intimidate and threaten someone (in threats, the subjective perception of the person who is threatened is important and not whether it is actually possible to carry it out). GYLA believes that there was a basis for launching an investigation, after which it should be assessed whether the actions of the person with the weapon contained signs of a criminal offense.

Strangers verbally and physically assaulted the Kutaisi mayoral candidate of the Labor Party.⁵⁶² An investigation has been launched into the incident under the article of violence in the adjacent territory of the polling station.⁵⁶³

The investigation was also launched into an incident near one of the districts of Digomi,⁵⁶⁴ where a United National Movement activist was physically assaulted. An investigation is in progress under the article of violence.⁵⁶⁵

⁵⁵² The fact was revealed at the polling stations №79, №80 და №81 in Gldani.

⁵⁵³ “Results of polling day observations at 18:00”, official website of the Georgian Young Lawyers’ Association, 31.10.2020, accessible: <https://bit.ly/2Y8EJJ6>, updated: 30.05.2021

⁵⁵⁴ Ibid.

⁵⁵⁵ Ibid.

⁵⁵⁶ Ibid.

⁵⁵⁷ Criminal Code of Georgia, Article 162¹.

⁵⁵⁸ Ibid, Article 236.

⁵⁵⁹ Code of Administrative Offenses of Georgia, Article 166.

⁵⁶⁰ Ibid, Article 166 and Article 173.

⁵⁶¹ Letter of the Ministry of Internal Affairs of Georgia, March 10, 2021.

⁵⁶² The fact was revealed at the polling station №37 in Saburtalo.

⁵⁶³ Criminal Code of Georgia, Article 162¹, Part 1.

⁵⁶⁴ The fact was revealed at the polling station №40 in Saburtalo.

⁵⁶⁵ Criminal Code of Georgia, Article 126, Part 1.

The quarrel between the observers turned into a quarrel and a physical confrontation in one of the polling stations in Telavi.⁵⁶⁶ The tense situation at the polling station was observed throughout the day. The letter sent by the Ministry of Internal Affairs did not provide information about the investigation of this fact.⁵⁶⁷

Facts of physical violence were revealed in other districts as well. In one of the cases, an observer of the United National Movement physically assaulted a fellow supporter of the Georgian Dream.⁵⁶⁸ There was also a violent incident against a member of the United National Movement near one of the polling stations in Marneuli. According to the Ministry of Internal Affairs, these cases are being investigated under the article of violence.⁵⁶⁹

GYLA positively assesses the timely response of the law enforcers and the launch of the investigation into the confrontations and violent acts that took place on voting day. Except for one incident where, according to GYLA, an investigation should have been launched because there were signs of a criminal offense. In addition, GYLA welcomes the fact that the investigative agency has proactively provided information to the organization about the progress of the investigation. No less important is the effective and timely investigation of these cases.

Interference with the activities of the observer

An observer shall exercise the powers established by the Election Code on polling day. Among them, they have the right to be present at the polling station at any time on the polling day, to move freely in the vicinity of the polling station, to observe all stages of the voting process freely, without obstacles, to observe the voter registration, to apply with a statement (complaint) to the chairperson of the precinct commission, to appeal against the actions of the election commission, to attend the counting and summarizing process.⁵⁷⁰ They can also take photos/videos in the polling station without interfering with the election procedures, except for the polling booth and the voter table list.⁵⁷¹

GYLA observers were not allowed to conduct their activities in several polling stations during the day. This was manifested, on the one hand, in the obstruction of their work by the commission (unreasonable expulsion from the precinct, inadmissibility of the procedure, obstruction in writing the complaint), and on the other hand, in inaction, when the chairperson of the commission did not take appropriate measures to prevent illegal actions. In the second round of voting, the number and form of cases of obstruction of observers' activities became alarming. Facts of pressure and threats against GYLA observers were revealed. This, in turn, hindered the observation mission from fully observing and creating a hostile, tense environment in the areas.

⁵⁶⁶ The fact was revealed at the polling station №54 in Telavi.

⁵⁶⁷ Letter of the Ministry of Internal Affairs of Georgia, March 10, 2021.

⁵⁶⁸ The fact was revealed at the polling station №52 in Marneuli.

⁵⁶⁹ Criminal Code of Georgia, Article 162¹, Part 1.

⁵⁷⁰ Election Code of Georgia, Article 41, Part 1.

⁵⁷¹ Ibid, Article 8, Part 25.

I round

The GYLA observer, who arrived at the polling station on time with all the necessary attributes for the observer, was not allowed to enter the polling station on the grounds that there was not allowed to attend the lottery procedures.⁵⁷² The observer had a problem registering in one of the polling stations abroad, and it was eliminated only after the intervention of the organization. Earlier it was explained to them that observers were allowed to enter the polling station only by rotation.⁵⁷³

During the voting in one of the polling stations, the members of the commission did not allow the GYLA observer to get acquainted with the record book and make a note in it.⁵⁷⁴ While they were recording the violation on the phone, the commission members seized their mobile phone, deleted the photo, and expelled them from the polling station.⁵⁷⁵ In another case, the observer was made to leave the precinct unjustifiably and not allowed to continue their activities.⁵⁷⁶

In some of these cases, GYLA lodged a complaint with the District Election Commission. It considered that the actions of the PEC chairperson and secretary did not go against the requirements of the law⁵⁷⁷ or that the complaint was insufficiently substantiated.⁵⁷⁸ None of the complaints were upheld.

In Marneuli, a GYLA observer was physically assaulted by an observer from the International Society of Lawyers.⁵⁷⁹ Due to the inaction of the chairperson of the commission, GYLA demanded that they be disciplined. The chairperson explained that at this time, they were in the corridor, and when they returned, the incident was rectified. The district commission did not find the chairperson guilty and did not apply disciplinary measures against them.⁵⁸⁰ The Ministry of Internal Affairs has launched an investigation into this fact.⁵⁸¹

II round

In one of the polling stations, the chairperson of the commission did not allow the GYLA observer to control the activities of the registrar within the law and to make sure that they were really stamping and signing the ballot paper.⁵⁸² The fact was also revealed that the observer was not given the opportunity to make a remark.⁵⁸³ In another case, an observer's attempt to make a note in the record book was met with an aggressive reaction from

⁵⁷² The fact was revealed at the polling station №19 Gardabani.

⁵⁷³ The fact was revealed at the polling station №39 in Athene.

⁵⁷⁴ The fact was revealed at the polling stations №59 in Kutaisi, №95 in Samtredia, №25 in Senaki and №25 in Tsalenjikha.

⁵⁷⁵ The fact was revealed at the polling station №5 in Telavi.

⁵⁷⁶ The fact was revealed at the polling stations №51 in Samtredia and №5 in Telavi.

⁵⁷⁷ №59 Kutaisi District Election Commission Ordinance №260/2020 of November 2, 2020, accessible: <https://bit.ly/3byxjGs>, updated: 31.05.2021; №70 Poti District Election Commission Ordinance №260 of November 2, 2020, accessible: <https://bit.ly/3l7BsN0R>, updated: 31.05.2021.

⁵⁷⁸ №65 Martvili District Election Commission Ordinance №41/2020 of November 2, 2020, accessible: <https://bit.ly/3qvr22p>, updated: 31.05.2021.

⁵⁷⁹ The fact was revealed at the polling station №5 in Marneuli.

⁵⁸⁰ №22 Marneuli District Election Commission Ordinance №31/2020 of November 2, 2020, accessible: <https://bit.ly/30yHULj>, updated: 31.05.2021.

⁵⁸¹ Letter of March 9, 2021 of the Ministry of Internal Affairs of Georgia.

⁵⁸² The fact was revealed at the polling stations №31 and №32 in Rustavi.

⁵⁸³ The fact was revealed at the polling station №46 in Isani.

commission members, which subsequently escalated into a verbal confrontation.⁵⁸⁴ At one of the polling stations, the members of the commission corrected the remark made by the GYLA observer and did not allow them to see the document.⁵⁸⁵ After they tried to write an additional note about it in the record book, there were pulled out from the precinct by strangers and threatened. They were told that their home address was known and that it would have been better for them if they had withdrawn the complaint and not appealed to the district. In another case, unknown individuals expressed an aggressive attitude towards the GYLA observer after they spoke openly with one of the TV stations about the mobilization of voters by the coordinators. These individuals called them a “traitor.” Due to the hostile environment, the GYLA observer had to leave the polling station.⁵⁸⁶

A group of young men with lists of voters was mobilized near one of the polling stations. After noticing that the observer had taken a photo of them, they started a conflict with them. An observer from the International Observatory for Lawyers appeared there, who was also aggressive towards the GYLA observer and prevented them from taking photos.⁵⁸⁷ In another case, a GYLA observer observed coordinators standing near the polling station. This irritated the observer of the “Youth Center - Georgia.”⁵⁸⁸ They aggressively addressed the GYLA observer, but the situation was calmed down by the chairperson. Another case of hostile attitude was revealed in Chugureti. Georgian Dream coordinators were mobilized near one of the polling stations, and the observer took a photo of them. They were forced to delete the photo and were threatened.⁵⁸⁹

At one of the polling stations, the secretary of the Precinct Election Commission did not allow the GYLA observer to make a handwritten note in the record book.⁵⁹⁰ In other cases, after an observer reported a violation, they were verbally abused by other observers, while members of the commission prevented them from conducting their responsibilities to which the chair did not make any reaction.⁵⁹¹ At the same time, the GYLA observer wanted to take a photo as evidence, which they were not allowed to do. Complaints written about these facts were not upheld because, according to the district, their existence could not be confirmed.⁵⁹²

Interference with the activities of a journalist

In the first round, in the afternoon, cases of insulting journalists and obstructing their activities came to the attention of the observation mission in certain precincts. One such fact was revealed in Telavi, in the village of Karajala,⁵⁹³ where TV Pirveli journalists were not allowed to enter the polling station. Police officers told them they would have to come to the inter-

⁵⁸⁴ The fact was revealed at the polling station №41 in Saburtalo.

⁵⁸⁵ The fact was revealed at the polling station №8 in Samgori.

⁵⁸⁶ The fact was revealed at the polling stations №30, №31 and №32 in Isani.

⁵⁸⁷ The fact was revealed at the polling station №4 in Saburtalo.

⁵⁸⁸ The fact was revealed at the polling station №76 in Gldani.

⁵⁸⁹ The fact was revealed at the polling station №10 in Chughureti.

⁵⁹⁰ The fact was revealed at the polling station №46 in Isani.

⁵⁹¹ The fact was revealed at the polling station №104 in Gldani.

⁵⁹² №5 Isani District Election Commission Ordinance №154/2020 of November 23, 2020, accessible: <https://bit.ly/20iDHJ7>, №10 Gldani District Election Commission Ordinance №065/2020 of November 23, 2020.

⁵⁹³ The fact was revealed at the polling station №38 in Telavi.

rogation as they were obstructing the work of the commission.⁵⁹⁴ Such actions by the police are unacceptable.

The Gldani incident was disturbing. An aggressive citizen attacked a journalist of “Publika” and kicked them with the leg. As a result of this incident, the journalist’s mobile phone was damaged.⁵⁹⁵ The citizen was aggressive and addressed other journalists there with insulting words.⁵⁹⁶ TV Pirveli journalist Ana Akhalaia⁵⁹⁷ was also injured in the same area, saying that a camera hit her in the face during the confrontation. She later told police in an interrogation that there had not been any criminal offense against her and that she had been injured by accident.⁵⁹⁸ The Ministry of Internal Affairs has launched an investigation into the incident related to the journalist of “Publika” on the fact of damaging someone else’s property.⁵⁹⁹ GYLA issued a statement in this regard, noting that it should not be enough to launch an investigation into the fact of damaging someone else’s property, but it should have started under the article of violence and unlawful interference with the journalist’s professional activities.⁶⁰⁰ According to the information provided by the Ministry of Internal Affairs, the qualification of the case was clarified, and the investigation was continued under the articles of damaging someone else’s property⁶⁰¹ and unlawful interference⁶⁰² with the journalist’s professional activities.⁶⁰³ The case was subsequently reclassified, and the investigation was also continued on charges of violence.⁶⁰⁴ The case went to court.

Violation of photo-video shooting rules

Persons entitled to be present at the polling station on polling day can take photos and videos without interfering with the voting process.⁶⁰⁵ In the polling station, this is possible from a place specially designated by the chairperson.⁶⁰⁶ The minimum distance for photo-video shooting should be not less than 3 meters from the subject/object unless the building does not allow it.⁶⁰⁷ In such a case, the place is determined by the chairperson of the precinct commission.⁶⁰⁸ Photo-video shooting in the booth is prohibited.⁶⁰⁹

⁵⁹⁴ “Results of polling day observations by 21:00”, official website of the Georgian Young Lawyers’ Association, 31.10.2020, accessible: <https://bit.ly/3a13KLw>, updated: 30.05.2021.

⁵⁹⁵ The fact was revealed at the polling station №79 in Gldani.

⁵⁹⁶ “Results of polling day observations at 18:00”, official website of the Georgian Young Lawyers’ Association, 31.10.2020, accessible: <https://bit.ly/2Y8EJJ6>, updated: 10.03.2021.

⁵⁹⁷ Ibid.

⁵⁹⁸ Letter of the Ministry of Internal Affairs of Georgia, March 10, 2021.

⁵⁹⁹ Criminal Code of Georgia, Article 187, Part 1.

⁶⁰⁰ “Results of polling day observations at 18:00”, official website of the Georgian Young Lawyers’ Association, October 31, 2020, accessible: <https://bit.ly/2TZyZSX>, updated: 16.06.2021. See also: “GYLA requires a response on the facts of violence against the media”, accessible: <https://bit.ly/3iJwNt4>, updated: 31.05.2021.

⁶⁰¹ Criminal Code of Georgia, Article 187.

⁶⁰² Ibid, Article 154, Part 1.

⁶⁰³ Letter of the Ministry of Internal Affairs of Georgia, March 10, 2021.

⁶⁰⁴ Criminal Code of Georgia, Article 126, Part 1.

⁶⁰⁵ Resolution №42/2012 of the Central Election Commission of Georgia, Article 2, September 24, 2012 on the definition of some election procedures.

⁶⁰⁶ Ibid, Paragraph 1.

⁶⁰⁷ Ibid, Paragraph 2.

⁶⁰⁸ Ibid.

⁶⁰⁹ Election Code of Georgia, Article 58, Part 6.

GYLA observers observed violations of the rules of photo-video shooting by representatives of Newpost in various polling stations throughout Georgia.⁶¹⁰ According to observers, the photos were taken from a short distance through a special program that scanned the faces of voters, which is a violation of the law on personal data protection.⁶¹¹

GYLA has filed complaints about four such cases at the district level. Complaints written about this fact were not satisfied.⁶¹² According to the decision, the law does not oblige the chairperson of the commission to control the means of photo-video shooting.⁶¹³ The exception is one case where a district commission sent a complaint to a personal data inspector.⁶¹⁴

⁶¹⁰ The fact was revealed at the polling stations №2 in Rustavi, №3 and №4 in Krstanisi, №47 in Nadzaladevi, №34 in Ozurgeti, №24 in Zugdidi, №17 and №22 in Abasha, №5 in Mtatsminda, №13 in Didube, №13 in Martvili, №12 in Telavi.

⁶¹¹ Law of Georgia on Personal Data Protection, Article 2, SubParagraph "a" and Article 5, SubParagraph "a". .

⁶¹² №9 Nadzaladevi District Election Commission Ordinance №71/2020 of November 2, 2020, accessible: <https://bit.ly/3qyiA2v>, updated: 31.05.2021; №1 Mtatsminda District Election Commission Ordinance №52/2020 of November 2, 2020, accessible: <https://bit.ly/3rATZLS>; updated: 31.05.2021.

⁶¹³ Ibid.

⁶¹⁴ №60 Ozurgeti District Election Commission Ordinance №207/2020 of November 5, 2020, accessible: <https://bit.ly/2Olf9Px>, updated: 31.05.2021.

7. SUMMARY OF POLLING DAY

GYLA revealed a number of procedural violations and shortcomings by observing the voting process. Proper production of election documents was problematic. **Election documents from PECs to districts were sometimes sent in an unsealed state.** This is a negative practice because, at such times, the risks of interfering with it increase. At the same time, the summary protocols of the voting results had numerous shortcomings, including that **they were incorrectly filled in, lacked the signatures and/or seals of the commission members.** The **existence of an imbalance in the summary protocols** of the precinct election commissions was revealed as a negative trend. Moreover, they were often not accompanied by a correction protocol and/or explanation. The refusal to recount the appealed protocols aroused distrust in the results of the respective precincts and did not promote fair elections.⁶¹⁵

In connection with the violations of the summary protocols, GYLA requested the opening of sealed documents/recounting of data at 109 polling stations⁶¹⁶ and the invalidation of the summary protocols, as well as the imposition of disciplinary liability on the relevant members.⁶¹⁷ From the appealed summary protocols:⁶¹⁸

- The sealed documents of 19 precincts were opened and counted.⁶¹⁹ As a result, data from 3 precincts were changed;⁶²⁰
- The request to recount the results in respect of 78 polling stations was not satisfied.⁶²¹ GYLA appealed the results of 38 polling stations in court.⁶²²

Violation of the sealing rule

The election legislation establishes the rules for sealing the documents after the end of the voting and submitting them to the district election commissions. After counting the ballots, the counters seal the invalid (they are spelled “invalid”) and the actual ballots in separate packages.⁶²³ After summarizing the results, the record book closes.⁶²⁴ It is signed by the chairperson of the precinct election commission and the secretary of the commission, which is verified with the seal of the commission.⁶²⁵ The record book is sealed together with the submitted applications/complaints and submitted to the District Election Commission together with the summary protocols.⁶²⁶

⁶¹⁵ For detailed information on election disputes, see: Bekishvili L. et al., Analysis of Election Disputes (Georgian Parliamentary Elections, October 31, 2020, First and Second Rounds).

⁶¹⁶ 67 of them were proportional, 23 - majoritarian and 7 - both (GYLA could not find exact information about the other 12 precincts through the CEC Complaints Register).

⁶¹⁷ Georgian Young Lawyers’ Association’s Election Disputes, 2020 Parliamentary Elections, *official website of the Georgian Young Lawyers’ Association*, accessible: <https://bit.ly/3uvKii0>, updated: 31.05.2021.

⁶¹⁸ Ibid.

⁶¹⁹ An imbalance was revealed in the summary protocol: only in proportional - 15, only in majoritarian - 2, in both types - 3-3.

⁶²⁰ Georgian Young Lawyers’ Association’s Election Disputes, 2020 Parliamentary Elections, *official website of the Georgian Young Lawyers’ Association*, accessible: <https://bit.ly/3uvKii0>, updated: 31.05.2021.

⁶²¹ An imbalance was revealed in the summary protocol: only in proportional - 52, only in majoritarian - 21, in both types - 4-4.

⁶²² An imbalance was revealed in the summary protocol: only in proportional - 27, only in majoritarian - 1, in both types - 10.

⁶²³ Election Code of Georgia, Article 69, Parts 6, 7, 8, 9.

⁶²⁴ Ibid, Article 62, Part 11.

⁶²⁵ Ibid.

⁶²⁶ Ibid.

GYLA observers revealed violations of this rule in several polling stations. This problematic practice was more noticeable in the first round. In particular, in some regions, election documents were often sent from precinct commissions to districts in an unsealed condition. Most of the complaints written on this issue were not satisfied.

In the first round, the facts of sending the record book to the District Election Commission unsealed were revealed in different polling stations.⁶²⁷ In some cases, unused ballot papers were delivered to the District Election Commission in an unsealed condition,⁶²⁸ or unused as well as used ballot papers and voter lists⁶²⁹ were placed in the box in violation of this rule. Cases of delivery of seals,⁶³⁰ registration books⁶³¹, and lists⁶³² without sealing were also revealed in the District Election Commission.

In the second round, GYLA registered only one case of violation of this rule - the polling day record book from one of the polling stations entered the district election commission in an unsealed condition.⁶³³

Summary protocols

The summary protocol is a document confirming the voting and election results.⁶³⁴ To correct the imbalance (more or less), the election administration used the following mechanisms:

A) Clarification of data based on the explanation of the precinct commission

If a member of the commission made a mistake while filling in the summary protocol (for example, skipped signing, handed in more/fewer ballot papers) to correct it in the same protocol, the relevant data is immediately marked "corrected."⁶³⁵ The Election Commission shall draw up an amendment protocol stating the amendment of the data entered in the summary protocol and the date and time of drawing up this protocol.⁶³⁶ The amendment protocol shall be signed by all members present at the election commission session and shall be verified by the commission seal.⁶³⁷ It should be attached to the summary protocol in which the data was corrected.⁶³⁸

⁶²⁷ The fact was revealed at the polling stations №10, №20, №35 in Kharagauli; №16, №18 in Martvili; №24, №10, №12, №4, №21, №7, №9, №19 in Lentekhi; №27, №26, №13, №31, №5, №7, №17, №12 in Poti; №23, №24, №30, №32, №40 in Tsageri (complaints were not upheld); The fact was revealed at the polling stations №34, №91 in Saburtalo; №19, №24, №15 in Vani; №6 in Mtatsminda (complaints were upheld).

⁶²⁸ The fact was revealed regarding the documentation submitted by the polling stations' commissions №11, №28 in Kharagauli (complaints were not upheld).

⁶²⁹ The fact was revealed at the polling station №10 in Poti (complaints were not upheld).

⁶³⁰ The fact was revealed regarding the documentation submitted by the polling stations' commissions №11, №28 in Kharagauli, and №19 in Martvili (complaints were not upheld).

⁶³¹ The fact was revealed regarding the documentation submitted by the polling stations' commissions №16, №18 in Martvili (complaints were not upheld).

⁶³² The fact was revealed regarding the documentation submitted by the polling station's commission №34 in Poti (complaints were not upheld).

⁶³³ The fact was revealed at the polling station №96 in Kutaisi (complaints were upheld).

⁶³⁴ Election Code of Georgia, Article 70, Part 2.

⁶³⁵ Ibid, Part 4.

⁶³⁶ Ibid.

⁶³⁷ Ibid.

⁶³⁸ Ibid.

B) Compilation of the amendment protocol on the second day of the voting day

If necessary, no later than the day after the elections, the Precinct Election Commission shall draw up a protocol to amend the summary protocol in case of existing explanations of the commission members and/or other legal and factual grounds.⁶³⁹

C) Correction of data by district commissions by their own Ordinance

In case of violation, the district election commissions can also correct the data of the summary protocol.⁶⁴⁰

Violation of the rule of filling in the summary protocol

The summary protocol is stamped by the Precinct Election Commission and signed by all members of the commission.⁶⁴¹ This confirms their presence at the polling station.⁶⁴² It is not allowed to correct the data entered in the summary protocol.⁶⁴³ This gives rise to the responsibilities of the chairperson and secretary of the relevant election commission.⁶⁴⁴ The issue of invalidity of such a protocol shall be reviewed by a higher election commission.⁶⁴⁵ Only half of the complaints about the violation of the rule of filling in the summary protocol were satisfied. The fact that some district commissions did not take into account the amended protocols and the shortcomings in filling them out indicate a heterogeneous dispute resolution practice.

I round

GYLA observers recorded cases of data correction in majoritarian and/or proportional summary protocols⁶⁴⁶ in a way that they were not accompanied by a correction protocol or explanation. For example, in one such case, the number of votes cast for the party in the summary protocol were made in darker colours, and several seemed to be corrected.⁶⁴⁷ Sometimes different data was corrected, and it was impossible to read it.⁶⁴⁸ In addition, these protocols were not accompanied by an amendment protocol or explanation.

Out of GYLA complaints, the request was not satisfied in 6 precincts;⁶⁴⁹ in 10 precincts, the

⁶³⁹ Election Code of Georgia, Article 26, Subparagraph “d”.

⁶⁴⁰ Ibid, Article 21, SubParagraph “e”.

⁶⁴¹ Ibid, Article 71, Part 4.

⁶⁴² Ibid.

⁶⁴³ Ibid, Part 3.

⁶⁴⁴ Election Code of Georgia, Article 71, Part 3.

⁶⁴⁵ Ibid.

⁶⁴⁶ The fact was revealed at the polling station №11 in Akhaltsikhe (was upheld and books of records was opened); The fact was revealed at the polling stations №49 in Sagarejo, №9 and №11 in Signaghi, №30 in Lagodekhi, №8 in Mtatsminda, №23, №32, №34, №43 in Ozurgeti and №10 in Lanchkhuti (These complaints were upheld as part of the disciplinary action); The fact was revealed at the polling stations №96 in Saburtalo, №33 in Akhaltsikhe, №14 in Borjomi, №61 in Rustavi, №128 in Kutaisi (None of the complaints were upheld).

⁶⁴⁷ The fact was revealed at the polling station №5 in Chughureti (complaints were not upheld).

⁶⁴⁸ The fact was revealed at the polling stations №18, №19, №23, №67, №40, №74, №27, №26, №50 in Isani (These complaints were upheld, verified, and validated in the section of opening the election documentation).

⁶⁴⁹ №22 Marneuli District Election Commission Ordinance №69/2020 of November 4, 2020, accessible: <https://bit.ly/3aZ3jmk>, updated: 31.05.2021; №20 Rustavi District Election Commission Ordinance №060/2020 of

members of the relevant commission were disciplined,⁶⁵⁰ and in 10 precincts (all but one of them is included in one district), the documents were opened, counted, and the data were clarified.⁶⁵¹

In some precincts, the summary protocol was incorrectly filled out. For example, it incorrectly recorded the total number of ballots (130 instead of 1300), which made it necessary to draw up a correction protocol. However, instead of voting results under the majoritarian electoral system, the proportional results were erroneously corrected.⁶⁵² In some cases, the summary protocol did not have time of compiling indicated,⁶⁵³ or the seal data was incorrect.⁶⁵⁴ Incomplete and/or incorrect protocols were detected (for example, the notation in the data “XXXX” along the column of the electoral subject was corrected by the protocol, although the summary protocol itself does not indicate “corrected”).⁶⁵⁵

GYLA’s complaints against 7 polling stations were satisfied, and the member(s) of the district commission were disciplined.⁶⁵⁶ 2 complaints were rejected.⁶⁵⁷

The rule of filling in the summary protocol was violated in several polling stations; namely, the majoritarian and/or proportional summary protocol did not have the seal of the registrar and/or the commission,⁶⁵⁸ or the summary protocol lacked the signature⁶⁵⁹ of the com-

November 4, 2020, accessible: <https://bit.ly/3ujFhdt>, updated: 31.05.2021; №3 Saburtalo District Election Commission Ordinance №97/2020 of November 4, 2020, accessible: <https://bit.ly/33dfsQ6>, updated: 31.05.2021; №37 Akhaltsikhe District Election Commission Ordinance №28/2020 of November 4, 2020, accessible: <https://bit.ly/3uaQOvD>, updated: 31.05.2021; №37 Akhaltsikhe District Election Commission Ordinance №29/2020 of November 4, 2020, accessible: <https://bit.ly/3um9bOs>, updated: 31.05.2021; №8 Didube District Election Commission Ordinance №78/2020 of November 5, 2020, accessible: <https://bit.ly/3aZ29HB>, updated: 31.05.2021; №59 Kutaisi District Election Commission Ordinance №279/2020 of November 4, 2020, accessible: <https://bit.ly/3uaCYJH>, updated: 31.05.2021.

⁶⁵⁰ №60 Ozurgeti District Election Commission Ordinance №91/2020 of November 4, 2020, accessible: <https://bit.ly/3h5QpXs>, updated: 31.05.2021; №12 Gurjaani District Election Commission Ordinance №49/2020 of November 4, 2020, accessible: <https://bit.ly/3nHTYo6>, updated: 31.05.2021; №1 Mtatsminda District Election Commission Ordinance №49/2020 of November 4, 2020, accessible: <https://bit.ly/3ePLtn4>, updated: 31.05.2021.

⁶⁵¹ №5 Isani District Election Commission Ordinance №095/2020 of November 5, 2020 95095/2020, accessible: <https://bit.ly/3vGnGcy>, updated: 31.05.2021.

⁶⁵² The fact was revealed at the polling station №12 in Mtatsminda (complaints were upheld and disciplinary liability was imposed on the member(s) of the commission).

⁶⁵³ The fact was revealed at the polling stations №23 and №24 in Khelvachauri (These complaints were upheld, and the member (s) of the commission were brought to disciplinary responsibility).

⁶⁵⁴ The fact was revealed at the polling station №22 and №62 in Gardabani (These complaints were upheld, and the member (s) of the commission were brought to disciplinary responsibility).

⁶⁵⁵ The fact was revealed at the polling stations №20 and №26 in Akhmeta (These complaints were upheld, and the member (s) of the commission were brought to disciplinary responsibility); The fact was revealed at the polling stations №68 in Saburtalo and №7 in Akhmeta (complaints were not upheld).

⁶⁵⁶ №17 Telavi District Election Commission Ordinance №66/202 of November 4, 2020, accessible: <https://bit.ly/3eWjd2i>, updated: 31.05.2021; №83 Khelvachauri District Election Commission Ordinance №30/2020 of November 2, 2020, accessible: <https://bit.ly/3aZfEqL>, updated: 31.05.2021; №1 Mtatsminda District Election Commission Ordinance №64/2020 of November 4, 2020, accessible: <https://bit.ly/3ePLtn4>, updated: 31.05.2021; №22 Marneuli District Election Commission Ordinance №69/2020 of November 4, 2020.

⁶⁵⁷ №3 Saburtalo District Election Commission Ordinance №97/2020 of November 4, 2020; №17 Telavi District Election Commission Ordinance №66/2020 of November 4, 2020.

⁶⁵⁸ The fact was revealed at the polling stations №23 in Didube, №9 in Signaghi, №29 in Mtatsminda, №27 in Gldani, №32 in Keda, №23 in Khelvachauri (These complaints were upheld); The fact was revealed at the polling stations №8 in Vake, №8, №25, №28, №61 in Nadzaladevi, №72 in Saburtalo, №26 in Gardabani, №67, №36 and №26 in Isani (complaints were not upheld).

⁶⁵⁹ The fact was revealed at the polling stations №18 in Mtatsminda, №17 in Keda, №26 in Shuakhevi, №23 in Khelvachauri (These complaints were upheld); The fact was revealed at the polling stations №133 and №26 in Kutaisi, №29 and №35 in Samgori, №84 in Saburtalo (complaints were not upheld).

mission member (s) and/or the chairperson or both.⁶⁶⁰

Of the 11 complaints filed, commission members were disciplined in 11 polling stations,⁶⁶¹ while 15 were not satisfied.⁶⁶²

In some cases, the summary protocol did not record the total number of voters, which led to the failure to strike a balance⁶⁶³ or to correct this data.⁶⁶⁴ None of the complaints written about these facts (2 in total) were upheld.⁶⁶⁵

II round

In several polling stations, GYLA observers recorded cases where the summary protocol did not have the commission stamp⁶⁶⁶, or the data was corrected.⁶⁶⁷ In some places, the number of ballots considered invalid was not indicated,⁶⁶⁸ in others - the number of ballot papers received,⁶⁶⁹ and in others - the time of drawing up the protocol.⁶⁷⁰

Out of these complaints, the request was satisfied in 6 precincts (precincts within one district)⁶⁷¹, and disciplinary liability was imposed on the members of the commission, while in 2 (precincts within one precinct), it was not satisfied.⁶⁷²

Imbalance in summary protocols

When filling in the summary protocol, it shall indicate the total number of participants in the elections, the number of votes cast for the subjects, as well as the number of invalid ballots.⁶⁷³ The sum of the votes cast for the subjects and the invalid ballots must match the

⁶⁶⁰ The fact was revealed at the polling station №16 in Khashuri (complaints were upheld).

⁶⁶¹ №10 Gldani District Election Commission Ordinance №44/2020 of November 4, 2020, accessible: <https://bit.ly/3ebFE4i>, updated: 31.05.2021; №8 Didube District Election Commission Ordinance №78/2020 of November 5, 2020; №12 №49 Gurjaani District Election Commission Ordinance №49/2020 of November 4, 2020; №1 Mtatsminda District Election Commission Ordinance №64/2020 of November 4, 2020; №83 Khelvachauri District Election Commission Ordinance №30/2020 of November 2, 2020.

⁶⁶² №5 Isani District Election Commission Ordinance №095/2020 of November 5, 2020; №6 Samgori District Election Commission Ordinance №43/2020 of November 4, 2020, accessible: <https://bit.ly/2Ql9jt3>, updated: 31.05.2021; №59 Kutaisi District Election Commission Ordinance №279/2020 of November 4, 2020; №22 Marneuli District Election Commission Ordinance №69/2020 of November 4, 2020; №3 Saburtalo District Election Commission Ordinance №97/2020 of November 4, 2020; №9 in Nadzaladevi District Election Commission Ordinance №85/2020 of November 4, 2020, accessible: <https://bit.ly/3eTRWx4>, updated: 31.05.2021.

⁶⁶³ The fact was revealed at the polling station №86 in Rustavi (complaints were not upheld).

⁶⁶⁴ The fact was revealed at the polling station №93 in Saburtalo (complaints were not upheld. The district indicated that disciplinary action had already been taken against the officials of this district.).

⁶⁶⁵ №3 Saburtalo District Election Commission Ordinance №93/2020 of November 4, 2020; №20 of the Rustavi District Election Commission Ordinance №060/2020 of November 4, 2020.

⁶⁶⁶ The fact was revealed at the polling station №5 in Rustavi (complaints were not upheld).

⁶⁶⁷ The fact was revealed at the polling stations №44 in Rustavi (complaints were not upheld) and №39 in Kutaisi (The data of the candidate Zaza Lominadze has been corrected in the summary protocol of the voting results of the majoritarian system) (complaints were upheld).

⁶⁶⁸ The fact was revealed at the polling stations №9 and №126 in Kutaisi (These complaints were upheld).

⁶⁶⁹ The fact was revealed at the polling station №101 in Kutaisi (complaints were upheld).

⁶⁷⁰ The fact was revealed at the polling stations №91 and №93 in Kutaisi (These complaints were upheld).

⁶⁷¹ №59 Kutaisi District Election Commission Ordinance №467/2020 of November 24, 2020, accessible: <https://bit.ly/3uhfK4K>, updated: 31.05.2021.

⁶⁷² №20 Rustavi District Election Commission Ordinance №093/2020 of November 25, 2020, accessible: <https://bit.ly/3uffX8B>, updated: 31.05.2021.

⁶⁷³ Election Code of Georgia, Article 71, Subparagraphs "i", "k", "l".

total number of participants in the elections. If instead, an imbalance is identified, and an excess or deficiency is observed, this is the basis for the invalidity of the summary protocol.

In some precincts, GYLA found that the number of invalid ballots included in the protocol exceeded the average number of invalid ballots. This raises the suspicion that some of the ballots may have been genuine.⁶⁷⁴

The organization appealed to the district commissions on such violations. GYLA requested the annulment of the summary protocol, the recount of votes, and/or disciplinary action against the member(s) of the relevant commission.

Out of the submitted complaints, the recount request was not satisfied in 79 precincts. The districts met only part of the disciplinary liability in respect of 47 precincts. DEC's cited the lack of a legal basis in their ordinances as a reason for this or explained that the misconduct was caused by a technical defect and could not affect the results, and sometimes the argument was not given at all.

A) Abundance in summary protocols

If the sum of the votes cast and the invalid ballots exceeds the total number of voters participating in the elections, an imbalance in the form of excess is recorded in the summary protocol.

In the first round, abundance in summary protocols was found in various polling stations throughout Georgia. The abundance in the summary protocols was only in **proportional**,⁶⁷⁵ only in the **majoritarian**⁶⁷⁶ or **both** types of summary protocols.⁶⁷⁷ They were amended on the basis of the amendment protocols, although some of them, despite the change, were not accompanied by the relevant protocol⁶⁷⁸ or explanation.⁶⁷⁹ In such cases it is unclear on what basis the data was changed.

Complaints against 32 precincts⁶⁸⁰ were not satisfied in any of the cases,⁶⁸¹ in 11 precincts

⁶⁷⁴ The fact was revealed at the polling stations №24 in Didube and №29, №30, №31 in Krstanisi.

⁶⁷⁵ The fact was revealed at the polling stations №22 in Ozurgeti, №10 in Khashuri, №57 and №76 in Gori (Complaints upheld in the re-counting and disciplinary parts); The fact was revealed at the polling stations №34 in Marneuli (Complaints upheld in the re-counting part), №5 in Gori, №91 და №38 in Samgori, №10 in Lanchkhuti, №22 in Gardabani, №14 in Didube (Complaints upheld in the disciplinary part); The fact was revealed at the polling stations №16 and №42 in Khashuri, №32, №92, №94 in Samgori, №11 in Gardabani, №68, №27 in Gldani, №4 in Batumi, №15, №18, №25, №41, №46, №51 in Saburtalo, №5, №11 და №52 in Rustavi, №2 და №8 in Chughureti, №42 in Kareli (None of the complaints were upheld).

⁶⁷⁶ The fact was revealed at the polling station №19 in Batumi (complaints were upheld in the ballot counting section); The fact was revealed at the polling stations №12 in Lanchkhuti, №12, №53, №64, №85 in Batumi (These complaints were upheld only in the disciplinary part); The fact was revealed at the polling stations №81 in Vake, №79 in Isani, №76 and №117 in Kutaisi, №59, №69, №70, №97 in Batumi, №51, №52, №67 in Marneuli (complaints were not upheld).

⁶⁷⁷ The fact was revealed at the polling stations №4 in Gori and №38 in Marneuli (These complaints were upheld And the votes were re-counted); The fact was revealed at the polling station №99 in Gldani (complaints were not upheld).

⁶⁷⁸ The fact was revealed at the polling stations №76 and №117 in Kutaisi, №19, №53 in Batumi, №5, №11 and №52 in Rustavi.

⁶⁷⁹ The fact was revealed at the polling stations №4, №5, №76 in Gori, №81 in Vake, №8 and №14 in Chughureti.

⁶⁸⁰ 13 - Proportional, 8 - Majoritarian and 1 - Both types of summary protocol.

⁶⁸¹ №6 Samgori District Election Commission Ordinance №43/2020 of November 4, 2020, №35 Khashuri District Election Commission Ordinance №59/2020 of November 4, 2020, accessible: <https://bit.ly/3xLwAKY>, updated: 31.05.2021; №10 Gldani District Election Commission Ordinance №44/2020 of November 4, 2020; №5 Isani Dis-

they were satisfied only in the disciplinary part,⁶⁸² in 4 precincts - only in the recount part,⁶⁸³ and in 4 precincts - in the recount and disciplinary part.⁶⁸⁴

In the second round, the summary protocol revealed an abundance in individual precincts.⁶⁸⁵ One of these summary protocols was not accompanied by an amendment protocol,⁶⁸⁶ and one did not have either an amendment protocol or an explanation.⁶⁸⁷ Out of these, 1 complaint (majoritarian summary protocol) was fully satisfied,⁶⁸⁸ 1 - only in the disciplinary part,⁶⁸⁹ and 2 were not satisfied.⁶⁹⁰

B) Deficiency in the summary protocols

If the sum of the votes cast for the subject and the invalid ballots is less than the total number of voters participating in the elections, the summary protocols show an imbalance in the form of deficiency. The reason for this may be the reflection of incorrectly counted data in the summary protocol, or it may be that there are real votes in it after opening the sealed documentation. Also, it can be one of the forms of fraud, so-called Carousel or any other type of error in counting votes.

tract Election Commission Ordinance №095/2020 of November 5, 2020; №59 Kutaisi District Election Commission Ordinance №279/2020 of November 4, 2020; №79 Batumi District Election Commission Ordinance №91/2020 of November 4, 2020, accessible: <https://bit.ly/3eTQOES>, updated: 31.05.2021; №79 Batumi District Election Commission Ordinance №127/2020 of November 4, 2020, accessible: <https://bit.ly/3nL8KKJ>, updated: 31.05.2021; №79 Batumi District Election Commission Ordinance №135/2020 of November 4, 2020, accessible: <https://bit.ly/3aU47JI>, updated: 31.05.2021; №79 Batumi District Election Commission Ordinance №149/2020 of November 4, 2020, accessible: <https://bit.ly/2QRROWX>, updated: 31.05.2021; №22 Marneuli District Election Commission Ordinance №69/2020 of November 4, 2020; №8 Didube District Election Commission Ordinance №78/2020 of November 5, 2020; №20 Rustavi District Election Commission Ordinance №060/2020 of November 4, 2020; №2 Vake District Election Commission Ordinance №71/2020 of November 4, 2020, accessible: <https://bit.ly/3eOtJIE>, updated: 31.05.2021; №3 Saburtalo District Election Commission Ordinance №98/2020 of November 5, 2020, accessible: <https://bit.ly/3vIooCT>, updated: 31.05.2021; №3 Saburtalo District Election Commission Ordinance №97/2020 of November 5, 2020, №8 Didube District Election Commission Ordinance №78/202 of November 5, 2020.

⁶⁸² №6 Samgori District Election Commission Ordinance №43/2020 of November 4, 2020; №79 Batumi District Election Commission Ordinance №104/2020 of November 4, 2020, accessible: <https://bit.ly/3eRTyaK>, updated: 31.05.2021; №79 Batumi District Election Commission Ordinance №124/2020 of November 4, 2020, accessible: <https://bit.ly/3vIw1eB>, updated: 31.05.2021; №79 Batumi District Election Commission Ordinance №133/2020 of November 4, 2020, accessible: <https://bit.ly/2QHufQp>, updated: 31.05.2021; №79 Batumi District Election Commission Ordinance №145/2020 of November 4, 2020, accessible: <https://bit.ly/3nK0WJj>, updated: 31.05.2021; №22 Marneuli District Election Commission Ordinance №69/2020 of November 4, 2020; №32 Gori District Election Commission Ordinance №95/2020 of November 4, 2020, accessible: <https://bit.ly/3eOT4SH>, updated: 31.05.2021; №60 Ozurgeti District Election Commission Ordinance №91/2020 of November 4, 2020.

⁶⁸³ №22 Marneuli District Election Commission Ordinance №69/2020 of November 4, 2020; №79 Batumi District Election Commission Ordinance №102/2020 of November 4, 2020, accessible: <https://bit.ly/3nJYrXw>, updated: 31.05.2021.

⁶⁸⁴ №35 Khashuri District Election Commission Ordinance №59/2020 of November 4, 2020; №79 Batumi District Election Commission Ordinance №102/2020 of November 4, 2020; №32 Gori District Election Commission Ordinance №98/2020 of November 5, 2020, accessible: <https://bit.ly/3gXV2mx>, updated: 31.05.2021; №32 Gori District Election Commission Ordinance №100/2020 of November 5, 2020, accessible: <https://bit.ly/2Sfrus>, updated: 31.05.2021.

⁶⁸⁵ The fact was revealed at the polling station №56 in Kutaisi (Complaints upheld in the re-counting and disciplinary parts); The fact was revealed at the polling station №5 in Chughureti (Complaints upheld only in the disciplinary part); The fact was revealed at the polling stations №46 and №71 in Rustavi (complaints were not upheld).

⁶⁸⁶ The fact was revealed at the polling station №56 in Kutaisi.

⁶⁸⁷ The fact was revealed at the polling station №56 in Kutaisi.

⁶⁸⁸ №59 Kutaisi District Election Commission Ordinance №467/2020 of November 24, 2020.

⁶⁸⁹ №8 Didube District Election Commission Ordinance №113/2020 of November 24, 2020, accessible: <https://bit.ly/3nHBJJ8>, updated: 31.05.2021.

⁶⁹⁰ №20 Rustavi District Election Commission Ordinance №093/2020 of November 25, 2020.

In the first round, the imbalance in the form of deficiency was mainly reflected in the proportional summary protocols.⁶⁹¹ Only one case of deficiency was recorded in the majoritarian⁶⁹² and summary protocols of both types.⁶⁹³ In the second round, the deficiency imbalance was not revealed.

The vast majority of the complaints written by GYLA regarding the deficiency of summary protocols in 11 polling stations were not satisfied in the recount part.⁶⁹⁴ Only 3 of them were satisfied in the disciplinary part.⁶⁹⁵

⁶⁹¹ The fact was revealed at the polling stations №12 and №33 Marneuli (These complaints were upheld in the disciplinary part); The fact was revealed at the polling stations №84 Isani, №97 Samgori, №13, №25, №77, №45, №65 in Saburtalo, №27 in Didube, №16, №20, №29 in Chughureti (None of the complaints were upheld).

⁶⁹² The fact was revealed at the polling station №12 in Mtatsminda (complaints were upheld in the disciplinary part).

⁶⁹³ The fact was revealed at the polling station №18 in Mtatsminda. Following the submission of GYLA's complaint, the district initiated to review the issue of this precinct on November 2, recalculated and clarified the disputed data.

⁶⁹⁴ №6 Samgori District Election Commission Ordinance №43/2020 of November 4, 2020; №22 Marneuli District Election Commission Ordinance №69/2020 of November 4, 2020; №8 Didube District Election Commission Ordinance №78/2020 of November 5, 2020; №3 Saburtalo District Election Commission Ordinance №97/2020 of November 4, 2020; №3 Saburtalo District Election Commission Ordinance №98/2020 of November 4, 2020; №5 Isani District Election Commission Ordinance №095/2020 of November 5, 2020.

⁶⁹⁵ №1 Mtatsminda District Election Commission Ordinance №65/2020 of November 4, 2020, accessible: <https://bit.ly/2PITYHW>, updated: 31.05.2021; №1 Mtatsminda District Election Commission Ordinance №64/2020 of November 4, 2020.

8. RECOMMENDATIONS

The monitoring results of the 2020 Parliamentary Election Observation Mission confirm the need for institutional and procedural reform of the electoral legislation, which will meet the real challenges. GYLA hopes that these priority recommendations will become part of a fundamental reform of the electoral legislation, which, together with the effective implementation of the law, will help improve the electoral process in the country in the future:

- ❖ The country should move to a proportional electoral system (a natural threshold) for both parliamentary and local elections; At the initial stage, it is possible to introduce a mixed dependent model for local self-government elections. In the case of this system, the results obtained on different principles influence each other and ensure its fairness;
- ❖ For the next parliamentary elections, all levels of the election administration election commission should be staffed on a fully professional basis in a consensus-based manner between the opposition and the government; It is also necessary to refine and improve the regulations at the level of the Precinct Election Commission: a) clearer regulation is needed, which explicitly excludes the election of a person who was nominated as a member of the Precinct Election Commission by a political party during the previous regular Elections; b) In order to improve the process, it is desirable to revise the terms of staffing the election administration at a lower level;
- ❖ In order to take steps for restricting the control of the will of the voter, the distance should be increased to 100 meters and the presence of people at the same distance on the voting day, the gathering of people at the polling station, the registration of voters and presence of any unauthorized person should be prohibited; Appropriate liability should be imposed for violating this rule;
- ❖ The day before Election day should be declared as a “day of silence”;
- ❖ There should be clear regulations prohibiting relevant individuals from online agitation;
- ❖ Prior to the election, changes in the budget in the direction of “subsidies”, “grants”, “remuneration” and “other expenses” should be limited. This should only be allowed in a force majeure situation;
- ❖ In case of the registration for the parliamentary elections, the obligation to represent 50% of the opposite sex in the party list must be introduced;
- ❖ The precinct commission should be obliged to open the relevant election documents and recount the voting results when in the summary protocol, which is not accompanied by an amendment protocol, the votes received by the electoral subjects, the number of voters and/or the number of invalid ballots are corrected, and/or imbalance is observed;
- ❖ In case of refusal to draw up a report on the violation, it should be possible to appeal the decision in court.

