

# 2024 OBSERVATION MISSION OF THE 2024 PARLIAMENTARY ELECTIONS



1 April - 16 November 2024

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



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**MONITORING REPORT OF THE PRE-ELECTION ENVIRONMENT, ELECTION  
DAY AND THE POST-ELECTION PERIOD**

**1 April - 16 November 2024**

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## SUMMARY CONCLUSIONS

The 2024 Parliamentary Elections were marked by significant violations. As a result of the monitoring of the Georgian Young Lawyers' Association ("GYLA"), a range of systemic violations that have influenced both the pre-election environment and the process on the Election Day, as well as the developments afterwards, have been revealed. GYLA's long-term and short-term observation missions aimed to both increase transparency in the electoral process, and identify and address specific violations. GYLA's observation mission covered 11 regions in Georgia and 22 polling stations abroad, with the observers systematically studying the misuse of administrative resources, instances of vote buying, intimidation, and pressure, as well as signs of political bias within the Central Election Commission ("CEC") and other state institutions.

The 2024 elections took place in an environment of extreme political polarization, with the ruling party actively employing anti-Western narratives and exerting pressure on civil society. During the reporting period, one of the most negative developments was the adoption of the Russian-style Law "On the Transparency of Foreign Influence", which disproportionately restricted the freedoms of non-governmental organizations and the media; and according to international partners, it is inconsistent with democratic values and Georgia's aspirations for European Union membership. The adoption of the Law led to mass public protests, which were met with unlawful and disproportionate force by the Government, with the involvement, *inter alia*, of law enforcement agencies and informal aggressive groups.

There were instances of detention of protesters, physical and psychological pressure, telephone threats, and attacks on the offices of non-governmental organizations and opposition parties.

Amid Georgia's democratic backsliding, both the European Union and the United States ("the U.S.") repeatedly stated that the country's democratic standards deteriorated. Their statements were followed by sanctions imposed on several high-ranking Georgian officials. From June 2024, the U.S. and European Union gradually introduced visa and financial restrictions on members of the "Georgian Dream" and individuals affiliated to them. While their names were not officially disclosed, it is known that sanctions addressed both high-ranking government officials and those employed with the law enforcement bodies. These sanctions were not only a response to controversial legislative amendments prior to the elections but also a reaction to widespread violations throughout the electoral cycle. The European Parliament made it clear in the weeks leading up to the elections that Georgia's EU accession negotiations could not commence if democratic backsliding continued.

For the first time in the history of independent Georgia, the 2024 parliamentary elections were conducted under a fully proportional system. However, the 5% electoral threshold remained in place, making it difficult for small and new parties to enter parliament. Additionally, significant amendments to electoral legislation were introduced, most of them initiated by the ruling party without meaningful consultations.

Gender quotas were abolished, which significantly deteriorated and reduced the chances of female participation in politics. In addition, the institution of the delegate was introduced to the Election Code, which brought a majoritarian element into the proportional system and gave the ruling party more influence over electoral processes in the regions. The rules for revocation of the party's registration and funding were also amended. As a result, it became possible to reject registrations for certain parties and restrict public funding for others. From

the amendments of the Election Code, it is important to outline new regulations which relate to the rules governing the activities of the CEC and its scope of authority, eventually having created the risk of reducing the independence of the CEC and local election commissions. Among them was a reduction in the quorum required for decision-making within the CEC from a 2/3 majority to a simple majority. Therefore, such framework ultimately excluded opposition parties from decision-making processes. Based on the new regulation, the CEC in advance modified the date of the lot casting procedure, which used to be the essential part of the election day itself. As prescribed by the new regulation, this procedure should have taken place at least seven days before the day of the elections. In 2024, the rules for composition of the CEC have been amended. Under the amendments, candidates for the chairperson and members of the CEC are presented to the Representative Body by the Chairperson of the Parliament instead of the President. If a candidate fails to secure support of 90 MPs in the first round, they have two additional opportunities to receive 76 votes and secure a five-year term. If even 76 votes cannot be obtained, the matter is referred to the President for resolution, however, given the one-party parliamentary majority, such an outcome is unlikely. Due to the amendments, the position of Deputy Chairperson, which was reserved for the opposition party, was also abolished, eliminating a symbolic step toward maintaining balance.

The role of the CEC became particularly stronger due to amendments that mainly served the ruling party's interests and increased the risk of political bias within the electoral administration. Concerns over the CEC's independence were heightened by procedural changes that appeared to benefit the ruling party. Furthermore, the change in the rules for the lot casting procedure by the CEC heightened suspicions that the election administration was manipulating procedures to benefit the ruling party. In addition, various decisions made by the institution, including those regarding the handling of complaints from observer organizations and opposition parties, revealed a bias in the administration and unequal treatment of different electoral participants. The implementation of election technologies and the management of the voting process also faced strong criticism. The election administration failed to ensure the protection of one of the fundamental principles – the secrecy of ballot. While the CEC officially somewhat managed technical aspects of the election, its actions before, during, and after the election, in the process of discussing the disputes, clearly indicated that its decisions served the ruling party's interests rather than enhancing the credibility and transparency of the electoral process.

Additionally, the ruling party adopted several legislative amendments, which directly or indirectly deteriorated the election environment. Among them were the legislative package "On the Protection of Family Values and Minors", which severely restricted LGBTQ rights and institutionalized discriminatory policies on the state level against the community. The adoption of this law was preceded by a government-led campaign aimed at inciting hatred against LGBTQ individuals and increasing polarization among the population. Another significant legislative initiative was the so-called "Offshore Law", which provided tax incentives for offshore companies to move their financial resources in Georgia's economy. Critics of the Law argued that the law was designed to protect the ruling party's financial interests and mitigate the effects of potential international sanctions.

During the pre-election period, the activities of the National Communications Commission of Georgia ("the Communications Commission") have been assessed critically. The Communications Commission repeatedly used its regulatory powers against the opposition media outlets, having been expressed in imposing financial penalties and manipulating regula-

tions. During the pre-election period, the Communications Commission developed various questionable decisions, which were beneficial to the ruling party.

The Anti-Corruption Bureau also played a negative role in the election process, engaging in financial monitoring of political parties and exerting legal pressure on non-governmental organizations.

During the pre-election period, the instances of alleged bribery and intimidation of voters. The “Georgian Dream” exploited the executive power and implemented large-scale infrastructure and social projects. People working in the public sector with opposition sympathies faced pressure, particularly, the dismissal of persons based on their political opinions have been recorded.

On election day, multiple procedural violations were documented, including breaches of inking regulations, systematic violations of ballot secrecy, unauthorized individuals present at polling stations, and influence from ruling party representatives on election commissions. Technical failures at polling stations also caused the delays in the voting process.

There were numerous instances of aggression and hostility towards journalists, observers, and voters from mobilized groups at the polling stations and commission members. Insults, interferences with the professional activities and physical violence were also recorded. GYLA, also, observed several cases of physical altercations and verbal disputes, which constituted various crimes prescribed by the Criminal Code, *inter alia*, there could have been interference with the expression of will in the elections; violence or threat of violence at a polling station, an election commission premises, or their adjacent territory, or violence or threat of violence during canvassing or election campaign; influencing the will of voters and/or violation of the secrecy of the vote; unlawful interference with the journalist’s professional activities.

At all polling stations across Georgia, where electronic technologies were used (2263 precincts), the will of the voter was clearly visible when ballots were inserted into the vote-counting machine in a reversed position, as the marker left a trace on the other side of the ballot. Following the elections, based on the violation of the principle of secrecy of the ballot, GYLA filed complaints in 73 district election commissions, requesting the annulment of results in 2 263 precincts. However, the courts did not satisfy these claims. The only exception was the Tetritskaro District Court, which upheld GYLA’s lawsuit; nevertheless, this decision was later overturned by the Court of Appeals. In parallel with these legal proceedings, opposition parties declared a boycott, citing the illegitimacy of the election results, and refused to enter Parliament.

Eventually, the use of electronic technologies in the 2024 parliamentary elections had a significant impact on both the Election Day processes and the formation of public trust in the elections. Although the introduction of voting and counting electronic systems aimed to enhance the efficiency and transparency of the electoral process, in practice, the implementation in practice was accompanied by numerous challenges and flaws. The regulation of all essential issues through CEC legal acts, coupled with overly general provisions in the law, reduced the possibility of conducting the electronic voting process in an impartial manner. Moreover, it is noteworthy that the Election Code does not provide for mandatory standards for auditing electronic technologies, thus, the trust in the process was even less transparent. Despite the CEC’s initiative to conduct an audit, the ability of interested parties to observe the auditing process was largely limited, and the audit report lacked detailed in-

formation regarding issues related to the security of electoral technologies and the integrity of the software. The issue of consistency between the voter lists stored on CEC servers and those uploaded to the verification devices, an element that should have constituted one of the main parts of the audit, was not addressed at all in the final report. Additionally, the methodology used to select precincts and devices for audit review remained unclear. These shortcomings were compounded by a disinformation campaign that fuelled distrust among the public and raised concerns about possible manipulation through electronic technologies. While the government and the election administration framed the digital transition as part of a broader democratic reform, suspicions surrounding breaches of ballot secrecy, repeated voting incidents, and potential voter list manipulation eventually raised serious questions about the reliability and transparency of the electronic voting system. Together with lower-level election commissions and the judiciary, the CEC failed to acknowledge or adequately respond to the systemic violations of secrecy of the ballot, further undermining the legitimacy of the electoral process.

In order to conduct democratic elections, it is vital for electronic technologies to fully comply with international standards and best practices. For the purposes of further improvement of the process, it is essential that inclusive and transparent audit mechanisms are established, along with independent oversight capabilities for electronic voting systems. Moreover, both the executive branch and the CEC must ensure the public is informed. The 2024 parliamentary elections demonstrated that any reform involving electronic technologies can only be successful if implemented in an environment of high public trust, transparency, and with the use of effective oversight mechanism.

## RECOMMENDATIONS

The 26 October 2024 Parliamentary Elections in Georgia were held in severe violation of key constitutional principles. Nevertheless, the first session of Parliament and the recognition of mandates of MPs proceeded in breach of the law, which brought the Parliament's activities into unconstitutional and illegitimate process. The Constitutional Court of Georgia dismissed as inadmissible the complaints filed by the President and several members of Parliament concerning the systemic violation of secrecy of the ballot, thereby excluding the possibility of resolving the existing crisis through legal means.<sup>1</sup> At the same time, the unconstitutional decision by "Georgian Dream" to suspend negotiations with the European Union until the end of 2028 took the country into a deep constitutional crisis.

In a political deadlock or crisis, where legal mechanisms fail to provide solutions, political consensus can become a decisive factor that transcends legal frameworks and demonstrates its functional superiority. In such cases, consensus acts as a tool for maintaining systemic stability and enabling functional decision-making.

Accordingly, in the short term, overcoming the constitutional crisis in the country and giving real substance to the electoral process requires new elections and the adoption of a number of extraordinary political and legal decisions, which would help stabilize the process and make the long-term recommendations presented in the report more relevant.

### ***Electoral System***

- Legislative amendments should be adopted to eliminate majoritarian elements from the proportional electoral system in order to ensure fairness in the electoral process;
- The Parliament of Georgia should adopt constitutional amendments to lower the electoral threshold for parliamentary elections from the natural threshold to 2%.

### ***Strengthening Women's Political Representation***

- A renewed dialogue should be initiated on strengthening women's political representation, including related to specific measures and mechanisms;

### ***Registration of a Political Party***

- The legislation should be amended to allow political parties the opportunity to correct deficiencies and re-register, in line with international standards;
- In cases where a party's registration is revoked due to the failure to submit financial declarations, the law should provide a reasonable timeframe for re-registration. During this period, the party's assets must be inviolable.

### ***The Election Administration***

- The institutional framework of the election administration and the procedure for appointing commission members should be revised. The rules must be revised to ensure the long-term independence and impartiality of the election administration through proportional representation of nominating entities;
- The rules for composing the CEC should be revised and return to the spirit of the

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<sup>1</sup> The Ruling N3/7/1848,1849 of the Constitutional Court of Georgia, 29 November 2024, available at: <https://www.constcourt.ge/ka/judicial-acts?legal=17525>.

2021 so-called “Charles Michel Document”. The Chairperson and members of the CEC should be elected by a 2/3 majority of the Parliament, reflecting a broad political consensus;

- The selection commission for CEC candidates should be composed of members nominated by political parties. The body should include all parties that passed the threshold in the recent parliamentary elections, with majority and opposition represented on a parity principle. Candidate nominations should be submitted with the support of 3/4 of the selection commission members;
- The quorum for decision-making within the CEC should be amended from a simple majority back to a 2/3 majority of its members;
- The procedures for appointing members of election commissions at all levels should be revised to ensure a balanced political influence and prevent domination from any single political party;
- Legislative barriers related to the deadlines for composing district election commissions should be removed. The selection process should be announced before the official start of the election campaign, with extended timelines for application submission and review;
- Political parties should ensure to actively engage commission members they appoint in the trainings. The CEC must ensure that training is accessible to all commission members without any obstacles;
- The optimal number of precinct election commission members should be determined, which would ensure both high-quality performance and the efficient use of resources.

### ***Opening Polling Stations Abroad***

- The Election Code should be amended to make opening polling stations abroad the obligation of the CEC, instead of current discretionary power;
- The CEC should actively cooperate with relevant state institutions, particularly the Ministry of Foreign Affairs, to ensure the effective exercise of right to vote by citizens of Georgian citizens residing abroad;
- The Ministry of Foreign Affairs should maintain records of Georgian citizens registered with consulates abroad not only by country, but also by city or specific location. This disaggregated data should be provided to the CEC to have information regarding the necessity of opening polling stations;
- The legislation should establish a reasonable threshold number of Georgian citizens residing in cities without a consular presence. If this number of citizens completes voter registration, the opening of a polling station in that city should become mandatory.

### ***Electronic Technologies and Their Audit***

- The use of electronic technologies in the electoral process should not be treated as an end in itself. Their implementation should proceed only if there is sufficient trust among political parties and the public regarding the security and necessity of these technologies;

- In the event of political and social consensus on the need for electronic technologies, the electoral administration should ensure their integration and usage in a manner that fully guarantees the fundamental electoral principles;
- The selection of the audit company should be conducted through an inclusive and transparent process, while the scope of the audit and the key questions should be defined with the participation of relevant stakeholders;
- The audit process should be carried out in two stages: before and after the elections. This is vital to verify, on the one hand, the technical and software functionality and compliance of the electronic means (voting technologies), and on the other hand, to confirm that no changes were made to the audited systems and software between the audit and election;
- Audit of the vote-counting devices (including verification of software code integrity) should be conducted after the election day. These devices should be transported directly from polling stations to designated audit facilities for examination;
- In order to ensure effective response to any misuse of election-related electronic technologies, accountability provisions for public officials and members of the election administration should be defined, clear and proportionate sanctions should be stipulated both in the Election Code and in the Criminal Code.

### ***Pre-Election Campaign***

- The Government, in accordance with the law, should ensure compliance with the principle of political neutrality of individuals employed in budgetary institutions and must not exploit their employment-based financial dependence for electoral purposes. State institutions must refrain from encouraging, coercing, or intimidating employees into participating in political or campaign-related activities;
- The regulatory framework on the misuse of administrative resources must be revised. Existing deficiencies should be addressed, and the framework should be become closer with international standards. It is essential to establish real, timely, and effective enforcement mechanisms to respond to violations involving the misuse of administrative resources;
- The law should incorporate effective mechanisms to address online campaigning. The definition of campaigning should be clarified to explicitly include the dissemination of political messages through personal social media accounts;
- The parties must promote a peaceful election campaign environment. Parties should instruct their activists not to hinder their competitors from conducting campaign freely. In the event of such obstructions, relevant authorities must respond effectively and ensure such conduct is prevented.

### ***Electoral Disputes***

- When hearing the electoral disputes, the election administration and courts should ensure consistent and correct interpretation of the law;
- The CEC must conduct fact-finding procedures with its own active involvement and should not rely solely on statements provided by a party;
- The High Council of Justice and the High School of Justice must provide trainings for

judges to enhance their qualifications regarding the use of electronic technologies in elections.

## **Law Enforcement Authorities**

### ***The Ministry of Internal Affairs***

- Police officers must enforce the law effectively and respond to violations in a timely and efficient manner;
- Law enforcement agencies must launch investigations into cases where there are clear signs of crimes;
- The state must thoroughly investigate alleged crimes, conduct proceedings objectively and transparently, and in cases involving political motivation, initiate proceedings with appropriate legal qualification;
- The Ministry of Internal Affairs should inform the public about the status of ongoing investigation in a timely manner;
- Law enforcement agencies must ensure proper enforcement of perimeter regulations on election day, identify offenders, and issue administrative offence reports;
- The “112” Public Safety Command Center should begin keeping statistical data of calls received on election day, categorized by the type of electoral violations reported.

### ***The Prosecutor’s Office***

- The Prosecutor’s Office must initiate investigations into alleged vote buying where there are clear indications of the crime;
- The Prosecutor’s Office should promptly respond to the cases of vote buying, while the investigation should be conducted impartially and objectively;
- The Prosecutor’s Office must keep the public informed about the progress of such investigations in a timely manner.

### ***The Election Day***

- The lot casting procedure, considering its significance, should be again conducted on the election day. This change will enhance the transparency of election day and ensure meaningful monitoring by the observer organizations;
- It is important that the CEC, in addition to checking ink, ultraviolet lamps, and other essential voting materials, ensures a high standard of integrity and procedural compliance among commission members. Otherwise, the CEC must take appropriate disciplinary measures against the violators;
- Precinct Election Commission members must ensure a safe and non-violent environment for both voters and observer organizations. In case of necessity, they should promptly notify relevant authorities for prompt response;
- The registration of voters by unauthorized individuals, including through the use of publicly available lists, must be entirely prohibited, both inside and outside polling stations;
- To prevent undue influence on voters on election day, it is essential to designate the day preceding the elections as a Day of Silence.

***Secrecy of the Ballot***

- The CEC must organize elections in such a way that voters are not required to undertake additional or extraordinary measures, beyond the official instructions to protect the secrecy of their choices.

***Counting and Tabulation***

- Precinct Election Commission members should strictly follow the legal requirements and must not exercise discretionary powers when determining the validity of ballots at polling stations with electronic technologies.

## THE SCOPE AND THE METHODOLOGY OF THE OBSERVATION MISSION

GYLA observed the 2024 Parliamentary Elections through two methods – long-term and short-term observation missions. The reporting period spans from April to November 2024. The research provides an analysis of both the existing legislative framework and the pre-election environment, as well as emphasizing the developments on the Election Day and in the aftermath. During the observation process, GYLA intended not only to document events chronologically and present relevant assessments, but also to identify shortcomings observed during the elections conducted with new electronic technologies, and to study potential solutions.

This report consists of three parts, each containing chapters and sub-chapters. The first part analyses the political context; the second - the pre-election environment, and the third - the events that happened on Election Day itself.

### The Long-Term Observation Mission

The primary goal of long-term observation is to ensure that elections are conducted in a free environment. To achieve this purpose, the goal of GYLA's long-term observation mission was to enhance the transparency within electoral processes, improve the effectiveness of legislative mechanisms by initiating/monitoring electoral disputes, and provide the public with reliable, evidence-based information on key tendencies.

GYLA monitored the pre-election environment through 11 long-term election monitors and 9 regional offices in Tbilisi, Adjara, Guria, Samegrelo-Zemo Svaneti, Imereti, Racha-Lechkhumi and Kvemo Svaneti, Shida Kartli, Samtskhe-Javakheti, Kvemo Kartli, Mtskheta-Mtianeti and Kakheti.

The key tools for observation included gathering data and documentation from primary sources, communicating with the public, studying and analyzing materials disseminated through media, collecting and processing public information and documents, reviewing and analyzing content published on the webpages and Facebook pages of observation subjects, attending pre-election events hosted by political parties, and observing their activities.

In accordance with the strategy of the long-term observation mission, monitors outlined the following violations:

- The use of administrative resources, *inter alia*, spending state and municipal budgets;
- Vote buying;
- Illegal agitation;
- Influencing the will of voters through intimidation and coercion;
- Politically motivated dismissal from work;
- Politically motivated physical confrontations and violent incidents;
- Politically motivated damage of others' property;
- Other violations of election legislation or actions that, while not necessarily illegal, constitute poor practices negatively affecting a pre-election environment;
- Interference with election campaigns and agitation.

Upon the identification of violations during the pre-election period, GYLA submitted 12 complaints to the Election Administration, including 6 relating to violations of campaign (agitation) regulations and 6 concerning the misuse of administrative resources; while after the Election Day, GYLA initiated extensive court disputes – the organization appealed the ordinances of 73 District Election Commissions in 24 district/city courts - GYLA sought the annulment of results from all (2263) precincts where elections were conducted using electronic technologies.

The following institutions and engaged individuals were monitored as part of the long-term observation mission:

- The Central Election Commission of Georgia and the Election Administration;
- Political parties/electoral entities and other parties involved in the elections;
- The Administration of the Government of Georgia;
- The Ministry of Education, Science and Youth of Georgia;
- The Ministry of Foreign Affairs of Georgia;
- The Ministry of Internal Affairs of Georgia;
- The Special Investigation Service;
- The Prosecutor's Office;
- The Anti-Corruption Bureau;
- The Communications Commission;
- The Government of Autonomous Republic of Adjara;
- Local Self-Government Councils, City Halls, Municipal N(N)LE and LLCs.

### **The Short-Term Observation Mission**

The primary goal of short-term observation is to support the realization of the right to vote in a free environment. By observing voting procedures and addressing violations on Election Day, GYLA's observers work to protect every citizen's right to vote. GYLA's short-term election mission consisted of three parts: (1) Precinct Stationary Observers, (2) Mobile Groups, and (3) District Observers.

For the 2024 Parliamentary Elections, in total, within 73 Election Districts 3 111 polling stations were opened, of which 2263 were held using electronic technologies. 67 polling stations were opened abroad. According to the data of the CEC, 2 060 412 voters participated in the elections, which represented 58.94 percent of the total number of voters.<sup>2</sup>

On the Election Day, GYLA observed the activities of election commissions at all levels. Up to 610 observers engaged with the mission observed around 1 500 polling stations across 64 District Election Commissions, as well as 22 polling stations located in 15 different countries.<sup>3</sup> Furthermore, following the conclusion of the voting process, GYLA monitored the ac-

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<sup>2</sup> Voter Turnout Statistics, the Official Webpage of the Central Election Commission, available at: [https://cesko.ge/static/file/202410291602-464854899\\_1001539128681771\\_8275579237410132552\\_n.jpg](https://cesko.ge/static/file/202410291602-464854899_1001539128681771_8275579237410132552_n.jpg).

<sup>3</sup> Republic of Austria – Vienna; the United States of America – New York (4 polling stations), Washington; the Kingdom of Belgium – Brussels; the Federal Republic of Germany - Berlin, Munich, Frankfurt; the Kingdom of Spain – Madrid; the Republic of Estonia - Tallinn; the Republic of Lithuania - Vilnius; the Kingdom of Norway - Oslo;

tivities of 30 District Election Commissions, while initiated disputed related to the summary protocols in all 73 District Election Commissions.

On the Election Day, the organization covered 53 municipalities in 11 regions, as well as all 10 District Election Commissions opened throughout Tbilisi. On the Election Day, the central headquarter was operating in Tbilisi. Out of the 3111 polling stations across the country, the mission fully covered 45% throughout the day. In each district, GYLA observers were present during the vote counting process at 37% of polling stations, including 28% in Tbilisi. The mission did not monitor polling stations set up in exceptional circumstances.<sup>4</sup>

GYLA had observers in all districts in Tbilisi,<sup>5</sup> in Mtskheta-Mtianeti,<sup>6</sup> Kakheti,<sup>7</sup> Kvemo Kartli,<sup>8</sup> Shida Kartli,<sup>9</sup> Samtskhe-Javakheti,<sup>10</sup> Imereti,<sup>11</sup> Guria,<sup>12</sup> Samegrelo<sup>13</sup> and Adjara.<sup>14</sup> In addition, the organization had two observers at №46 Lentekhi, and one at №45 Tsageri District Election Commissions during the opening of polling stations.

On the Election Day, GYLA paid attention to the compliance to election procedures (the process of opening polling station, the voting and the summarization), as well as observed developments occurring in the vicinity of the polling stations.

Daytime observers arrived at the relevant precincts at 6:30 a.m. Precinct Stationary Observers remained at the polling room, overseeing the entire process from the preparation of the station to the completion of the vote count to receive the summary protocol.

The District Observers started their work at 20:00. They attended the process of transporting summary protocols, election materials, and documentation from the precincts to the districts, from start to finish. Additionally, their primary responsibility was to identify any discrepancies in the summary protocols, and therefore acting in accordance with GYLA's strategy.

The structure of the GYLA's short-term observation mission was, as follows:

- The Central Headquarter and GYLA regional representations;
- District Observers;
- Precinct Observers: Mobile Group Observer, Precinct Stationary Observer.

On the Election Day, 534 of GYLA's 610 observers were deployed at the precincts, 32 – at districts, while 44 – at the headquarter. In accordance with GYLA's election observation methodology, the following polling stations were selected due to limited-scale observation:

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the Republic of Poland - Warsaw; the Slovak Republic - Bratislava; Hungary - Budapest; the Republic of Finland - Helsinki; the Kingdom of Sweden - Stockholm; the Swiss Confederation - Bern; The Czech Republic - Prague.

<sup>4</sup> On the Election Day, 13 special polling stations were opened as an exception, including 12 in penitentiary institutions and 1 in a mental health center.

<sup>5</sup> №1 Mtatsminda, №2 Vake, №3 Saburtalo, №4 Krtsanisi, №5 Isani, №6 Samgori, №7 Chughureti, №8 Didube, №9 Nadzaladevi, №10 Gldani.

<sup>6</sup> №19 Tianeti, №27 Mtskheta, №28 Dusheti.

<sup>7</sup> №11 Sagarejo, №12 Gurjaani, №13 Signaghi, №15 Lagodekhi, №16 Kvareli, №17 Telavi.

<sup>8</sup> №20 Rustavi, №21 Gardabani, №22 Marneuli, №23 Bolnisi, №25 Tsalka, №26 Tetritskaro.

<sup>9</sup> №30 Kaspi, №32 Gori, №33 Kareli, №35 Khashuri.

<sup>10</sup> №36 Borjomi, №37 Akhaltsikhe, №38 Adigeni, №40 Akhalkalaki, №41 Ninotsminda.

<sup>11</sup> №48 Kharagauli, №49 Terjola, №50 Sachkhere, №51 Zestaponi, №52 Baghdadi, №53 Vani, №54 Samtredia, №55 Oni, №56 Chiatura, №57 Tkibuli, №58 Tskaltubo, №59 Kutaisi.

<sup>12</sup> №60 Ozurgeti, №61 Lanchkhuti, №62 Chokhatauri.

<sup>13</sup> №63 Abasha, №64 Senaki, №65 Martvili, №66 Khobi, №67 Zugdidi, №68 Tsalenjikha, №69 Chkorotsku, №70 Poti.

<sup>14</sup> №79 Batumi, №80 Keda, №81 Kobuleti, №82 Shuakhevi, №83 Khelvachauri.

- Regions populated with ethnic minorities;
- Compact settlements of eco-migrants and internally displaced persons;
- Areas where, based on information from GYLA monitors, citizens, and other involved parties, violations of election legislation were reported during pre-election monitoring;
- Locations identified through GYLA's prior observation experience as having a history of election-related violations.

GYLA operated a special hotline through which citizens could report violations observed on the election day and receive legal consultations. The media monitor of central headquarters recorded instances of interference with journalists' activities and, at the same time, was responsible for providing them with legal assistance. The results of the observation mission were communicated to the public through GYLA's press conferences.

On the Election Day, GYLA's observers reported 652 alleged violations and/or bad trends/practices, 69 remarks were registered into the polling day logbook, 48 complaints were submitted to precinct election commissions, and 21 were filed with district election commissions. Based on the analysis of incidents recorded by observers, as well as publicly available information and reports from citizens, the organization initiated legal action regarding the systemic violation of one of the fundamental principles of elections - secrecy of the ballot.

During the voting process, violations of secrecy of ballot and control of voters' choices were particularly problematic. In the vicinity of the polling stations, there was mass mobilization of election coordinators and supporters of political parties who recorded the people coming to the elections, a longstanding poor practice that has been used to exert undue influence on voters.

### **The Scope of the Report**

The goal of the organization is not to identify and document each case which constitutes electoral misconduct. During the monitoring of election period, GYLA was concentrated to identify key trends. Throughout the pre-election and election day periods, the organization mainly focused on violations that were large-scale and/or had the potential to influence the electoral environment and results.

The report examines the political context and legal framework, pre-election environment and campaign during it, as well as, the Election Day analysis, and developments afterwards. Therefore, it presents Georgia's 2024 electoral process in the big picture.

The recommendations presented in the report are based on universally accepted democratic principles and best international practices aimed at ensuring transparency, fairness, and inclusivity in the electoral process. Given the country's extraordinary political situation, some recommendations may not be entirely applicable due to the unique challenges arising from the ongoing democratic and institutional crisis. Hence, in the short term, in the process of electoral reforms, the specific nature of the crisis shall be taken into account and additional measures shall be introduced to strengthen democratic processes and facilitate a resolution.

## PART I – POLITICAL CONTEXT AND LEGISLATIVE ENVIRONMENT

### POLITICAL CONTEXT

The pre-election period of 26 October 2024 Elections took place against a backdrop of strong antagonism between the ruling party and the opposition, as well as between the ruling party and the President of Georgia. Throughout the pre-election campaign, there was a notable lack of focus on the programmes of individual political parties and the related competition.

Both the “Georgian Dream” and the opposition parties assessed the upcoming elections as a referendum. Amid intense polarization, political discourse and the information space were dominated by sharp mutual accusations. Representatives of the ruling party were attempting to demonize their political opponents in their public speeches and statements, accusing them of treasonous actions.<sup>15</sup> The majority of the opposition was referred to as “externally controlled [agents]” and a “malicious force”.<sup>16</sup> From “Georgian Dream”, anti-Western rhetoric, issues of war and peace, anti-LGBTQ messages,<sup>17</sup> and rhetoric focused on punishing the previous government.<sup>18</sup> For most opposition parties, the main argument was the ruling party’s anti-European actions and rhetoric, as well as systemic violations of human rights.

The “Georgian Dream” actively ran a campaign aimed at systematically discrediting the opposition, civil society organizations (including the non-governmental sector), and media outlets.

The re-introduction and adoption of the Russian-style Law “on Transparency of Foreign Influence” shall be paid particular attention, as along with the ruling party’s negative pre-election campaign, it intensified the pressure on civil sector and further contributed to the discrediting international partners.

Overall, the campaign of the “Georgian Dream” to exacerbate Euroscepticism, the widespread violations of the rights of peaceful demonstrators, politically motivated harassment of citizens and instances of physical retaliation had a profoundly negative impact on the pre-election environment.

During the reporting period, several pre-election coalitions were formed, and existing ones expanded. The process of consolidation among opposition political centres was significantly influenced by the legal framework, which stipulates that the 2024 parliamentary elections

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<sup>15</sup> “Kakha Kaladze - Does a political party that has harmed the country through treasonous actions and continues to do so today have a right to exist? They must answer for their actions”, Official Webpage of the Public Broadcaster, 26.08.2024, available at: <https://1tv.ge/news/irakli-kobakhidze-2008-wels-chadenili-danashaulis-gamo-nacionaluri-modzraobis-dasja-gansakutrebit-mnishvnelovania-prevenciistvis-rata-msgavsi-danashauli-aratu-aghar-chaidinon-ami/>, updated: 07.03.2025.

<sup>16</sup> “Collective ‘National Movement’ is an externally controlled force, ready to involve the country in war, and I do not say this by chance - Kakha Kaladze”, Official Webpage of “Rustavi 2”, available at: <https://rustavi2.ge/ka/news/289792>, updated: 07.03.2025.

<sup>17</sup> On June 27, the Parliament, with 78 votes in favor and none against, adopted the legislative package on “Family Values and Protection of Minors” initiated by “Georgian Dream” in the first reading.

<sup>18</sup> “Irakli Kobakhidze - It is important to punish the ‘National Movement’ for the crime committed in 2008 for prevention purposes, so that not only will such crimes not be committed again, but they will also not have the resources to do so”, Official Webpage of the Public Broadcaster, available at: <https://1tv.ge/news/irakli-kobakhidze-2008-wels-chadenili-danashaulis-gamo-nacionaluri-modzraobis-dasja-gansakutrebit-mnishvnelovania-prevenciistvis-rata-msgavsi-danashauli-aratu-aghar-chaidinon-ami/>, updated: 07.03.2025.

would be held under a proportional system with a 5% electoral threshold<sup>19</sup> and electoral blocs<sup>20</sup> could not participate.<sup>21</sup>

## 1. Obtaining the Status of the European Union Candidate Country

In December 2023, Georgia was granted the EU Candidate Status.<sup>22</sup> In addition, the European Commission set out 9 recommendations for the country which shall be fulfilled for further progress of the process.<sup>23</sup> These steps included, among others, the Government's efforts to reduce political polarization and conduct free, fair, and competitive elections.<sup>24</sup> While according to the 9<sup>th</sup> step, the Government should have ensured the maximum involvement of the civil society in decision-making processes.<sup>25</sup>

The next step following obtaining of a Candidate Status is opening the accession negotiations with the European Union. However, due to the developments in the country, the European Commission recommended against opening negotiations with Georgia.<sup>26</sup> According to them, not only were the 9 steps left unimplemented, but also that "significant negative developments" had occurred, including the adoption of the Laws "On Transparency on Foreign Influence" and "On Family Values".<sup>27</sup>

## 2. The Russian-style Law "on Transparency of Foreign Influence"

In 2024, the ruling party severely intensified its pressure on the civil sector. The party representatives, along with their affiliated social media accounts and government-controlled media outlets, intentionally discredited non-governmental organizations, international partners, and donors. More particularly, the Chairperson of the Parliament, Shalva Papuashvili several times in this posts on the platform "X" referred to the transparency of finances of non-governmental organizations, calling them "radicals" and claimed that Georgian organizations were mainly financed from abroad having more finances than radical opposition parties.<sup>28</sup> In addition, Papuashvili also accused organizations of gross interference with poli-

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<sup>19</sup> To determine the number of mandates received by a political party, the number of votes received by the party is multiplied by 150 and divided by the sum of votes received by all political parties that received at least 5% of the actual votes of the voters participating in the elections. If the sum of the number of mandates received by the political parties is less than 150, the unallocated mandates will be received in sequence by the political parties with better results.

<sup>20</sup> The merger of two or more parties registered by the Election Commission, which is authorized to submit a unified list.

<sup>21</sup> "Press-speaker of the CEC - Neither a coalition nor a bloc will be able to participate in the October 26 elections. Therefore, if anyone wishes to be on another political party's list, they must leave their own party", Official Webpage of the Public Broadcaster, 17.08.2024, available at: <https://1tv.ge/news/cesko-s-pesspikeri-26-oqtombris-archevnebshi-verc-koalicia-da-verc-bloki-monawileobas-ver-miighebs-shesabamisad-tu-vinmes-surskhva-politikuri-partiis-siashi-iyos-tavisi-partia-unda-datovos/>, updated: 07.03.2025.

<sup>22</sup> "Georgia became the EU Candidate Country", Information Portal "1TV.ge", 14.12.2023, available at: <https://1tv.ge/news/saqartvelo-evrokavshiris-wevrobis-kandidati-qveyana-gakhda/>, updated: 24.12.2024.

<sup>23</sup> COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, COM(2023) 690 final, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023DC0690>, updated: 24.12.2024.

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

<sup>26</sup> "The European Commission does not recommend opening negotiations with Georgia", Information Portal "Netgazeti.ge", 30.10.2024, available at: <https://netgazeti.ge/life/749131/>, updated: 24.12.2024.

<sup>27</sup> *ibid.*

<sup>28</sup> "Shalva Papuashvili again attacks the non-governmental organizations", Information Portal "Publika", 09.02.2024,

tics.<sup>29</sup> The members of the “Georgian Dream” frequently discussed the lack of transparency in non-governmental organizations’ funding, in fact signalling the potential reintroduction of the Russian-style law to the agenda of the Parliament.<sup>30</sup>

On 3 April 2024, the “Georgian Dream” faction registered a Russian-style draft law “on Transparency of Foreign Influence” in the Parliament, that had been withdrawn as a result of March 2023 protests.<sup>31</sup> According to the Law, those non-governmental organizations, receiving over 20% of their annual funding from international, foreign sources, shall register as an “organisation pursuing the interests of a foreign power”<sup>32</sup> and submit a detailed annual financial declaration.<sup>33</sup> The organizations are subject to intensive monitoring<sup>34</sup> and the Law prescribes harsh monetary sanctions.<sup>35</sup> These obligations collectively will make the activities of organizations impossible, ultimately leading to the restriction and eventual disappearance of the independent civil sector. It is also alarming that within the monitoring, the respective authority of the Ministry of Justice has the right to request any information (except for state secret), including special categories of personal data from any person.<sup>36</sup>

The initiation of the Law sparked the protest from non-governmental organizations and media. Soon after the initiation of the Law, on 8 April, a total of 405 media and non-governmental organizations expressed their protest to the Russian-style Law with a joint statement and called on the Parliament to withdraw it in accordance with the will of the people.<sup>37</sup> In addition, on 25 April, around 200 organizations as a form of protest suspended the cooperation with the all state institutions and once again explicitly stated that they would not register in registry “violating their dignity”.<sup>38</sup> Following the final adoption of the Law, they stated that they would not comply with the Law and would not fulfil the requirements prescribed by it.<sup>39</sup>

The initiation of the Law “On Transparency of Foreign Influence” has raised concerns among the country’s international partners. Over 50 officials from the United Nations, the Europe-

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available at: <https://publika.ge/shalva-papuashvili-arasamtavrobo-organizaciebs-tavs-kidev-ertkhel-eskhmis/>, updated: 24.12.2024.

<sup>29</sup> *ibid.*

<sup>30</sup> “Shalva Papuashvili – ‘NGOs’ operating with foreign funding are attacking justice, it is the donors’ responsibility that their money is being spent to undermine the Georgian state”, Information Portal “1TV.ge”, 14.03.2024, available at: <https://1tv.ge/news/shalva-papuashvili-uckhouridafinansebit-moqmedi-enjeoebi-qartul-martlmsajulebas-tavs-eskhmian-donorebis-pasukhismgeblobaa-rom-mati-fuli-ikharjeba-qartuli-sakhelmwifostvis-d/>, updated: 24.12.2024.

<sup>31</sup> Briefing of Mamuka Mdinaradze, Information Portal “Imednews”, 03.04.2024, available at: <https://www.facebook.com/watch/?v=862974595587803&ref=sharing>, updated: 24.12.2024.

<sup>32</sup> Compared to the 2023 edition, where the term “*agent of foreign influence*” had been used. The Law “on Transparency of Foreign Influence”, Article 2.

<sup>33</sup> *ibid.*, Article 4.

<sup>34</sup> *ibid.*, Article 8.

<sup>35</sup> *ibid.*, Article 9.

<sup>36</sup> *ibid.*, Article 8(3).

<sup>37</sup> “Yes – to Europe, no – to Russian law!”, the Official Webpage of the Georgian Young Lawyers’ Association, 08.04.2024, available at: <https://gyla.ge/en/post/yes-to-europe-no-to-russian-law>, updated: 25.12.2024.

<sup>38</sup> “Until the Russian law is withdrawn, civil and media organizations are suspending cooperation with the Government”, the Official Webpage of the Georgian Young Lawyers’ Association, 25.04.2024, available at: <https://gyla.ge/post/the-non-governmental-and-media-organizations-suspend-cooperation-formats-with-the-government-until-the-russian-law-is-dropped>, updated: 25.12.2024.

<sup>39</sup> “The Joint Statement of the Georgian Non-governmental Organizations – We will not comply with the Russian Law!”, the Official Webpage of the Georgian Young Lawyers’ Association, 29.05.2024, available at: <https://gyla.ge/post/qartuli-arasamtavroboebis-ertoblivi-ganckhadeba-rusul-kanons-ar-davemorchilebit>, updated: 25.12.2024.

an Union, the Council of Europe, the OSCE and other international organizations, along with representatives of individual states condemned the Government's initiative and the events surrounding it.<sup>40</sup> As stated by them, as well as according to the Expert Opinion of the "Venice Commission", the law as a whole – not only its certain provisions - contradicted the European standards, and the necessity and legitimacy for its adoption were not substantiated.<sup>41</sup> In addition, it disproportionately restricted freedom of individuals, the right to privacy, the freedom of expression, the freedoms of assembly and association, therefore, it should have been fully repealed.<sup>42</sup> Furthermore, the Law, initiated under the alleged aim of ensuring transparency, created real risks of stigmatizing and eliminating critical civil society organizations who received their funds from abroad.<sup>43</sup> Along with legal assessments, the European partners outlined that the existence of the Law would create impassable obstacles on Georgia's integration path to the European Union.<sup>44</sup> Additionally, it was explicitly outlined in the European Parliament Resolution of 25 April that in case of the adoption of the Russian-style Law "on Transparency of Foreign Influence", the opening of EU accession negotiations with Georgia would be out of question.<sup>45</sup> The United States' Commission on Security and Cooperation in Europe (so-called Helsinki Commission) stated that the Law on "Transparency of Foreign Influence" was "a self-sabotage of Georgia's Candidacy".<sup>46</sup>

The reintroduction of the Russian-style Law to the agenda of the Parliament sparked large-scale protests not only in Tbilisi but also in other cities across Georgia.<sup>47</sup> At the same time, various representatives of the Government tried to suppress the wave of protests and reinforce their anti-Western, propagandistic rhetoric. Particularly, they were spreading the conspiracy theory about the so-called "Global War Party," which they claimed to be grossly interfering with the decisions of the West and had a strong influence on decision-making.<sup>48</sup> In response to the protests, on 29 April, the Georgian Dream organized a rally in support

<sup>40</sup> "International Statements", Webportal "csogeorgia.org", 2024, available at: <https://csogeorgia.org/en/pages/International-statements>, updated: 25.12.2024.

<sup>41</sup> "Urgent opinion on the law on transparency of foreign influence", European commission for democracy through law (Venice Commission), 21 May 2024, available at: [https://venice.coe.int/webforms/documents/?pdf=CDL-PI\(2024\)013-e](https://venice.coe.int/webforms/documents/?pdf=CDL-PI(2024)013-e), p. 23.

<sup>42</sup> *ibid.*

<sup>43</sup> *ibid.*

<sup>44</sup> "Georgia: MEPs are deeply concerned by new 'Transparency of Foreign Influence' law", European Parliament, 18.04.2024, available at: <https://www.europarl.europa.eu/news/en/press-room/20240418IPR20503/georgia-meps-are-deeply-concerned-by-new-law>.

<sup>45</sup> "EP Resolution: Accession Negotiation Shouldn't Open Until Foreign Agents Bill is Dropped", Information Portal "Civil.ge", 25.04.2024, available at: <https://civil.ge/archives/601437>, updated: 25.12.2024.

<sup>46</sup> "US Helsinki Commission: 'Foreign Agent' Legislation – Self-Sabotage of Georgia's EU Candidacy", Information Portal "Civil.ge", 06.04.2024, available at: <https://civil.ge/archives/590524>, updated: 25.12.2024.

<sup>47</sup> The protests took place also in Batumi, Zugdidi, Kutaisi and Gori. See:

"Students in Batumi will hold a march – 'Yes to Europe, No to Russian Law'", Information Portal "Interpressnews", 06.05.2024, available at: <https://www.interpressnews.ge/ka/article/798350batumshi-studentebi-msvlelobas-ki-evropas-ara-rusul-kanons-gamartaven/>, updated: 25.12.2024; "The Rally in Zugdidi", Official Webpage of the Public Broadcaster, 20.05.2024, available at: <https://1tv.ge/video/aqcia-zugdidshi-18/>, updated: 25.12.2024; "Rally 'Yes to Europe, No to Russian Law' was held in Kutaisi", Information Portal "Interpressnews", 17.04.2024, available at: <https://www.interpressnews.ge/ka/article/795770-kutaisshi-akcia-ki-evropas-ararusul-kanons-gaimarta/>, updated: 25.12.2024; "Rally 'No to Russian Law' is also taking place in Gori", Information Portal "Interpressnews", available at: <https://www.interpressnews.ge/ka/article/798556-akcia-ara-rusul-kanons-gorshic-mimdinareobs/>, updated: 25.12.2024.

<sup>48</sup> "Georgia: Human Rights amidst the Russian Law", April-May, Georgian Young Lawyers' Association, 2024, available at: <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iurista-asociaciam-moamzada-specialuri-angarishi-saqartvelo-adamianis-uflebebi-rusuli-kanonis-pirispir>, updated: 25.12.2024.

of the “Russian Law”.<sup>49</sup> The ruling party announced a full mobilization across Georgia to demonstrate, both domestically and internationally, that the population supported the adoption of the Law.<sup>50</sup> During the rally, the politicians expressed conspiracy, anti-western and “sovereignist” rhetoric.<sup>51</sup> It is noteworthy that the ruling party mobilized employees from local budget institutions in the regions to the rally in support of the Law, including against their will.<sup>52</sup>

Alongside the demonstration, in an effort to suppress the wave of protests, the Government initiated coordinated, systematic, physical and psychological violence and threats of violence against the participants of the rallies.<sup>53</sup> The representatives of the opposition parties, journalists and participants of the demonstrations were attacked based on political activities and opinions.<sup>54</sup> Opponents of the Law, their family members and journalists have been actively receiving phone calls from various foreign numbers, have been intimidated and subjected to verbal abuse due to their participation in the rally and threatened with physical retaliation.<sup>55</sup>

In addition to phone calls, informal violent groups (so-called “Titushky”) exacerbated and organized by the Government used physical and psychological violence against the participants of the protests having met them at the entrances of their houses and workplaces, while during the rallies – physically assaulted them in front of everyone.<sup>56</sup> Clear examples of attacks on the opposition parties are the attack by dozens of people armed with sticks, stones and other objects to the office of the “United National Movement” headquarter on 1 June,<sup>57</sup> and the robbery of the same party on 8 June in Zestaponi.<sup>58</sup> Allegedly, the “Titushky” affiliated with the ruling party damaged the offices of opposition parties and non-governmental organizations, the cars and house facades of their representatives, damaging them with various stigmatizing words and inscriptions.<sup>59</sup> The posters featured a narrative that included hate speech publicly voiced by representatives of the ruling party.<sup>60</sup>

It shall be outlined that the culmination of these actions was a video shared by Georgian Dream MP Dimitri Samkharadze, which vividly showed groups of individuals looting various

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<sup>49</sup> “People were brought from the regions to the rally”, Information Portal “FormulaNews”, 29.04.2024, available at: <https://formulanews.ge/News/110240>, updated: 25.12.2024.

<sup>50</sup> *ibid.*

<sup>51</sup> “GD Leaders Double Down on Anti-Western, Sovereignist, Conspiracy Rhetoric”, Information Portal “Civil.ge”, 30.04.2024, available at: <https://civil.ge/archives/602343>, updated: 25.12.2024.

<sup>52</sup> “Believe me, you will not hear a normal answer here” – What was happening during the [Georgian] Dream’s counter-rally in Gori, 30.04.2024, available at: <https://www.qartli.ge/ge/akhali-ambebi/article/21527--damijere-aq-tsiesier-pasukhs-ver-gaigeb-ra-khdeboda-ocnebis-kontraqciis-shekrebis-dros-gorshi>, updated: 07.03.2025.

<sup>53</sup> “Georgia: Human Rights amidst the Russian Law”, April-May, Georgian Young Lawyers’ Association, 2024, available at: <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociaciam-moamzada-specialuri-angarishi-saqartvelo-adamianis-uflebebi-rusuli-kanonis-pirispir>, updated: 25.12.2024.

<sup>54</sup> *ibid.*

<sup>55</sup> *ibid.*

<sup>56</sup> *ibid.*

<sup>57</sup> According to the Statement of the Central Office of the ‘United National Movement’ was attacked”, Information Portal “1TV.ge”, 01.06.2024, available at: <https://1tv.ge/news/nacionaluri-modzraobis-ganckhadebit-partiis-centralur-ofiss-tavs-daeskhnen/>, updated: 17.12.2024.

<sup>58</sup> “National Movement’ office was robbed in Zestaponi”, Information Portal “Formula”, 08.06.2024, available at: <https://formulanews.ge/News/11269>, updated: 23.02.2025.

<sup>59</sup> “Georgia: Human Rights amidst the Russian Law”, April-May, Georgian Young Lawyers’ Association, 2024, available at: <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iuristta-asociaciam-moamzada-specialuri-angarishi-saqartvelo-adamianis-uflebebi-rusuli-kanonis-pirispir>, p. 18.

<sup>60</sup> *ibid.*

offices and homes.<sup>61</sup> In his post, Dimitri Samkharadze confesses that he had been organizing various individuals to make threatening calls, make offensive inscriptions, and distribute stigmatizing posters.<sup>62</sup> As stated by him, these actions were a response to the bullying directed at various “Georgian Dream” representatives by citizens as a form of protest. Furthermore, he directly threatened particular non-governmental organizations, including GYLA, and political parties, warning that if “they do not stop their nonsense, they will be treated in a way that they would not even want to see each other”.<sup>63</sup> Samkharadze’s post and conducted attacks have possible signs of the crime under Article 156 of the Criminal Code. The video documenting the attack clearly shows individuals damaging property, painting, and displaying offensive symbols, including on the GYLA office. Regarding this fact, GYLA addressed the General Prosecutor’s Office, the Special Investigation Service and the Ministry of Internal Affairs to launch the investigation. It is noteworthy that the Special Investigation Service did not see the *corpus delicti*, and it and the Prosecutor’s Office referred the case to the MIA. In addition, GYLA contacted the Tbilisi City Hall in writing twice and by phone by several times, requesting that the offensive inscriptions and posters be removed from the building’s exterior.<sup>64</sup> However, despite the promises, there was no action taken by City Hall or the aforementioned investigative agencies. To address this, on 25 November, GYLA appealed to the Public Defender, asking the initiation of appropriate legal measures.<sup>65</sup>

As a result of GYLA’s monitoring, the following violations of human rights were reported during the developments around the Russian-style Law:<sup>66</sup>

- Gross violation of freedom of assembly;
- Systemic violence by law enforcement officers;
- Exacerbation of violence by high political officials;
- Instrumentalization of criminal and administrative legal mechanisms to intimidate participants of the demonstrations;
- Intimidation of rally participants, supporters of the protest, civil activists, journalists, politicians and their family members (including children and elderly family members), using various methods of psychological and physical violence against them;
- Attacks on the opposition party office.

On 13 May, the Public Defender of Georgia released a statement, outlining that the Public Defender had applied to the Special Investigation Service with a request for a timely and effective investigation of the attacks on opposition members, activists, journalists and citizens protesting against the draft law.<sup>67</sup> The ombudsman’s statement did not lead to any results.

<sup>61</sup> “Georgian Dream confessed that they send titushky to the parties and organizations”, Information Portal “Tabula”, 31.05.2024, available at: <https://tabula.ge/ge/news/718849-kartulma-otsnebam-aghiara-rom-partiebtan>, updated: 25.12.2024.

<sup>62</sup> *ibid.*

<sup>63</sup> *ibid.*

<sup>64</sup> It is noteworthy that GYLA’s building represents a cultural property.

<sup>65</sup> Letter №-01/147-24 of GYLA, 25 November 2024.

<sup>66</sup> “Georgia: Human Rights amidst the Russian Law”, April-May, Georgian Young Lawyers’ Association, 2024, available at: <https://gyla.ge/en/post/saqartvelos-akhalgazrda-iurista-asociaciam-moamzada-specialuri-angarishi-saqartvelo-adamianis-uflebebi-rusuli-kanonis-pirispir>, p. 17.

<sup>67</sup> “Ombudsman: Signs of Attacks on Demonstrators Based on Political, Personal Views”, Information Portal “Civil.ge”, 13.05.2024, available at: <https://civil.ge/archives/606183>, updated: 25.12.2024.

Amid the escalating attacks on civil activists and opposition politicians, diplomatic missions have also called on the authorities to take action and conduct a thorough investigation into the incidents.<sup>68</sup>

However, despite these calls, the relevant authorities have not investigated the events of April-May 2024, and the perpetrators remain unpunished, which deepens suspicions that criminal groups may have been directed by government circles and were carrying out their requests.

As for the parliamentary discussions of the draft Law, it was coupled with numerous irregularities. The Chairperson of the Legal Issues Committee, Anri Okhanashvili, in breach of the Rules of the Procedure of the Parliament, denied opposition MPs and civil society representatives the possibility to finish their questions and forcibly removed them from the hall.<sup>69</sup> MPs from the ruling party evaded critical questions and restricted the freedom of expression of their opponents. These actions further highlight the one-party nature of the law, the rejection of diverse perspectives during its debate, and the disregard for the views of those directly affected by the law.

Eventually, on 14 May 2024, the Parliament adopted the Law “On Transparency of Foreign Influence” in its third and final reading by 84 votes against 30.<sup>70</sup> After the adoption of the Law, several opposition parties and independent MPs announced Parliamentary boycott, and terminated their work both at the parliamentary and municipal city council levels.<sup>71</sup> On 18 May, the President returned the draft Law to the Parliament with justified remarks (the draft law was vetoed).<sup>72</sup> On 28 May 2024 overrode the veto, while on 3 June 2024, the Chairperson of the Parliament, Shalva Papuashvili, signed the draft Law.<sup>73</sup>

The main articles of the Law came into force from 1 August. On the same day, the Order of the Minister of Justice was published, which prescribes the precise procedures for registration in the degrading registry.<sup>74</sup> According to the legislation, the National Agency of

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<sup>68</sup> “International Reactions to Intimidation, Violence Campaign Against Civil Activists, Opposition Politicians over Foreign Agents Law”, Information Portal “Civil.ge”, 11.05.2024, available at: <https://civil.ge/archives/605261>, updated: 25.12.2024.

<sup>69</sup> “The committee reading of the Russian law is taking place against the backdrop of expulsions of MPs and censorship”, Georgian Young Lawyers’ Association, 29.04.2024, available at: <https://gyla.ge/en/post/rusulikanonis-sakomiteto-mosmena-deputatebis-gadzevebisa-da-cenzuris-fonze-mimdinareobs>, updated: 25.12.2024.

<sup>70</sup> “Breaking: Foreign Agents’ Law Adopted, Amid Protest, Brawls”, Information Portal “Civil.ge”, 14.05.2024, available at: <https://civil.ge/archives/606294>, updated: 25.12.2024.

<sup>71</sup> “Several Opposition Parties, Independent MPs Announce Parliamentary Boycott”, Information Portal “Civil.ge”, 14.05.2024, available at: <https://civil.ge/archives/606524>, updated: 25.12.2024.

<sup>72</sup> “This Law shall be repealed’ – the President vetoed the Russian Law”, Information Portal “Netgazeti.ge”, 18.05.2024, available at: <https://netgazeti.ge/life/723140/>, updated: 28.02.2025.

<sup>73</sup> “Shalva Papuashvili signed the ‘Agents Law’”, Information Portal “Radio Tavisupleba”, 03.06.2024, available at: <https://www.radiotavisupleba.ge/a/32976762.html>, updated: 25.12.2024.

<sup>74</sup> Also, according to the legislation, the National Agency of Public Registry has been supplemented with a Financial Declaration Department, which includes services for registration and declaration monitoring. As prescribed by the Order, the non-governmental and media organizations should have registered into a registry in a month. After the expiration of a deadline, the mentioned Department should have begun monitoring, while an unregistered organization should have been fined with 25 000 GEL and forcedly registered. Organizations have 30 days to pay the fine, and it shall be noted that appealing the fine in court does not stop the enforcement process. Following voluntary or compulsory registration, the organization are required to submit financial declarations. See, Order №1019 of the Minister of Justice of Georgia dated 1 August 2024 on the preparation of the register of organizations carrying out the interests of foreign forces, the submission of financial declarations and the approval of monitoring rules, Legislative Herald of Georgia, available at: <https://matsne.gov.ge/ka/document/view/6238278?publication=0>, updated: 26.12.2024.

Public Registry has been supplemented with a Financial Declaration Department, which includes services for registration and declaration monitoring.<sup>75</sup> As prescribed by the Order, the non-governmental and media organizations should have registered into a registry in a month. After the expiration of a deadline, the mentioned Department should have begun monitoring, while an unregistered organization should have been fined with 25 000 GEL and forcibly registered.<sup>76</sup> Organizations have 30 days to pay the fine, and it shall be noted that appealing the fine in court does not stop the enforcement process.<sup>77</sup> Following voluntary or compulsory registration, the organizations are required to submit financial declarations.<sup>78</sup>

Upon the enactment of the Law, three constitutional complaints were submitted to the Constitutional Court. One of them was filed on 18 July by President Salome Zourabichvili due to its contradiction to Article 78 of the Constitution, which obligates the Government to aspire to the European Union and Euro-Atlantic structures.<sup>79</sup> The same grounds for the unconstitutionality of the Law were raised in the lawsuit filed by opposition MPs on 31 July.<sup>80</sup> On 24 July, the civil society sector, in total 122 non-governmental and media organizations, also submitted a complaint to the Constitutional Court against the Russian-style Law.<sup>81</sup> GYLA, as other organizations, deemed the Law unconstitutional with regard to freedom of expression, freedom of information and media, as well as freedom of association.<sup>82</sup> All three authors of the Complaints, in addition to declaring the Law unconstitutional, requested to suspend its implementation until a final ruling.<sup>83</sup> The Constitutional Court has not delivered a final judgment on the constitutionality of the Law, and according to the Recording Notice of 4 October 2024, the motion to suspend the Law's enforcement was not satisfied.<sup>84</sup>

Following the enactment of the Law, the vast majority of the non-governmental organizations did not voluntarily register in the degrading registry. The legal fight also continued to the European Court of Human Rights in Strasbourg.<sup>85</sup> On 17 October, 120 civil society orga-

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<sup>75</sup> Order №1019 of the Minister of Justice of Georgia dated 1 August 2024 on the preparation of the register of organizations carrying out the interests of foreign forces, the submission of financial declarations and the approval of monitoring rules, Legislative Herald of Georgia, available at: <https://matsne.gov.ge/ka/document/view/6238278?publication=0>, updated: 26.12.2024.

<sup>76</sup> *ibid.*

<sup>77</sup> *ibid.*

<sup>78</sup> *ibid.*

<sup>79</sup> Constitutional Complaint №1828, The President of Georgia v. the Parliament of Georgia, Official Webpage of the Constitutional Court of Georgia, 18.07.2024, available at: <https://constcourt.ge/ka/judicial-acts?legal=16675>, updated: 26.12.2024.

<sup>80</sup> Constitutional Complaint №1834, Members of the Parliament of Georgia: Tamar Kordzaia, Ana Natsvlshvili, Levan Bezashvili and others (38 Member) v. the Parliament of Georgia, Official Webpage of the Constitutional Court of Georgia, 31.07.2024, available at: <https://constcourt.ge/ka/judicial-acts?legal=17000>, updated: 26.12.2024.

<sup>81</sup> Constitutional Complaint №1829, NNLE "The Institute for Development of Freedom of Information", NNLE "Rights Georgia", NNLE "Civil Society Foundation" and others (122 complainants) v. The Parliament of Georgia, Official Webpage of the Constitutional Court of Georgia, 24.07.2024, available at: <https://constcourt.ge/ka/judicial-acts?legal=16941>, updated: 26.12.2024.

<sup>82</sup> *ibid.*

<sup>83</sup> *ibid.*

<sup>84</sup> The Recording Notice №3/3/1828,1829,1834,1837 of the Constitutional Court of Georgia, The President of Georgia, Members of the Parliament of Georgia: Tamar Kordzaia, Ana Natsvlshvili, Levan Bezashvili and others (38 members), NNLE "The Institute for Development of Freedom of Information", NNLE "Rights Georgia", NNLE "Civil Society Foundation" and others (122 complainants), LTD "Network of Information Centers", NNLE "Studio Monitor" v. The Parliament of Georgia, Official Webpage of the Constitutional Court of Georgia, 04.10.2024, available at: <https://constcourt.ge/ka/judicial-acts?legal=17223>, updated: 26.12.2024.

<sup>85</sup> "We continue our legal fight against the Russian Law", Georgian Young Lawyers' Association, 30.05.2024, available at: <https://gyla.ge/en/post/vagrdzelebt-samartlebriv-brdzolas-rusuli-kanonis-tsinaaghmedg>, updated: 26.12.2024.

nizations, 16 media organizations and 4 natural persons submitted the application to the mentioned Court.<sup>86</sup> Up to date, 385 N(N)Les are registered in the Registry of Organisations Pursuing the Interests of Foreign Powers.<sup>87</sup>

It is noteworthy that the reintroduction of the Law “On Transparency of Foreign Influence” and its final adoption severely damaged the functioning of the Georgian civil society sector and contributed to the stigmatization of the sector. The adoption of the Law caused significant harm to the Euro-Atlantic aspirations of the Georgian people, the relationship of the country with the European Union and other strategic partners, eroded public trust in the government, and damaged its international reputation. Considering all of this, the issue of sanctions against high-ranking Georgian officials and those responsible for the process became a key topic on the international agenda.<sup>88</sup>

### 3. Initiative to Ban Political Parties

One of the main elements of the “Georgian Dream’s” pre-election campaign was accusing the opposition of the country’s problems. The ruling party blamed the opposition parties for acting against the state. As stated by Irakli Kobakhidze, the “Collective National Movement” referred not only to the “United National Movement” and its allies,<sup>89</sup> but the whole opposition spectrum.<sup>90</sup> The “Georgian Dream” tried to marginalize the country’s opposition parties both prior and after the elections. Specifically, they referred to the opposition as the “Collective National Movement” and labelled it an “un-Georgian phenomenon”. In addition, representatives of the ruling party claimed that this “un-Georgian phenomenon” was a result of the entire opposition being controlled from abroad and spreading foreign influence within the country. They accused the “Collective National Movement” of political polarization, arguing that the issue could not be resolved until they were declared unconstitutional.

Based on these arguments, the Honorary Chairperson of the “Georgian Dream”, Bidzina Ivanishvili, announced a ban on opposition parties.<sup>91</sup>

Political pluralism is the cornerstone of democracy, and a multi-party system is a key component of the country’s political framework. According to the Constitution of Georgia, the political parties participate in the formation and implementation of the people’s political will, assigning a particular role to the opposition.

<sup>86</sup> “Legal battle against the “Russian law” to continue in Strasbourg, Georgian Young Lawyers’ Association, 17.10.2024, available at: <https://gyla.ge/en/post/samartlebrivi-brdzola-rusuli-kanonis-cinaagmdeg>, updated: 26.12.2024.

<sup>87</sup> The Registry of Organisations Pursuing the Interests of Foreign Powers as of 26 December 2024, available at: <https://fitreg.napr.gov.ge/fitr/fitr-pub>.

<sup>88</sup> McCain Institute, George W. Bush Institute, Freedom House Call for Action Against Autocratic Georgian Dream Government, Official Webpage of McCain Institute, 22.05.2024, available at: [https://www.mccaininstitute.org/resources/in-the-news/mccain-institute-call-for-action-against-georgian-dream-government/?fbclid=IwZXh0bgNhZW0CMTAAR0c1pajLlimUVz-Rewkml75avImAE0R6WZAw3SdmfwAFY-r279xXKLiwFM\\_aem\\_AWYCRgU9KcPIWlb-7pHvc3nf0tBYnFf2ZxAhGEisU66uRfwPsfuxuUjDxmPqi7Lsp\\_BDJONnY788kcddvO2AMaUz](https://www.mccaininstitute.org/resources/in-the-news/mccain-institute-call-for-action-against-georgian-dream-government/?fbclid=IwZXh0bgNhZW0CMTAAR0c1pajLlimUVz-Rewkml75avImAE0R6WZAw3SdmfwAFY-r279xXKLiwFM_aem_AWYCRgU9KcPIWlb-7pHvc3nf0tBYnFf2ZxAhGEisU66uRfwPsfuxuUjDxmPqi7Lsp_BDJONnY788kcddvO2AMaUz), 26.12.2024; “JOINT MOTION FOR A RESOLUTION on the democratic backsliding and threats to political pluralism in Georgia”, Official Webpage of European Parliament, 08.10.2024, available at: [https://www.europarl.europa.eu/doceo/document/RC-10-2024-0070\\_EN.html](https://www.europarl.europa.eu/doceo/document/RC-10-2024-0070_EN.html), 26.12.2024.

<sup>89</sup> The Coalition of the “Unity - National Movement” consists of “United National Movement” and “Strategy Aghmashenebeli”.

<sup>90</sup> Particularly, “National Movement”, “Strategy Aghmashenebeli”, “Ahali”, “Droa”, “Girchi – More Freedom”, “Lelo”, “Gakharia – For Georgia”.

<sup>91</sup> “The request of the population and the election promises of the ‘Georgian Dream’ – what do the surveys show?”, Information Portal “Radio Tavisupleba”, 29.08.2024, available at: <https://tinyurl.com/3ee82e6z>, updated: 27.12.2024.

The threat to ban opposition parties constitutes a disregard of democratic principles and poses a risk to the political system. Discrediting the opposition and accusing them of being the enemy of the state before elections serves to alienate opponents and plant voter nihilism. For elections to be fair, it is essential that every citizen feels their vote matters.

## THE POLITICAL SPECTRUM

### 1. The Ruling Party

Prior to the 26 October 2024 Parliamentary Elections, there had been personnel changes within the ruling party. On 30 December 2023, at the congress of the ruling party it became known that the founder of the “Georgian Dream” party, Bidzina Ivanishvili, was returning to the politics and he took the position of the Honorary Chairperson of the party.<sup>92</sup> According to the revised Charter, the Party Congress may elect an individual who has made significant contributions to the country and the party as a Honorary Chairperson.<sup>93</sup> This position also serves as the party’s primary political advisor.<sup>94</sup> According to Ivanishvili, one of this roles is to nominate the candidate for the position of the Prime Minister.<sup>95</sup> The amendments to the Charter have heightened the risks of unilateral decision-making within the party at the expense of shrinking intra-party democracy, particularly in light of Ivanishvili’s strong legitimacy within the party and the absence of an accountability mechanism for the Honorary Chairperson.

In the beginning of 2024, the Prime Minister of Georgia also changed. Particularly, on 29 January, Irakli Garibashvili resigned from the position of the Prime Minister.<sup>96</sup> On 8 February, he was succeeded by Irakli Kobakhidze.<sup>97</sup> On the other hand, only the Minister of Defence changed in the Cabinet of Ministers, with Irakli Chikovani having replaced Juansher Burchuladze with Irakli Chikovani.<sup>98</sup>

On 16 July 2024, the election campaign of the “Georgian Dream” was officially opened at the new office of the party. At the ceremony, the Honorary Chairperson continued his speech regarding the conspiracy theories about a “global war party” and the threat of opening the second front.<sup>99</sup> In addition, he announced gaining the constitutional majority in the elections.<sup>100</sup> During the ceremony, it became known that Irakli Kobakhidze would lead the pre-election campaign, and Irakli Garibashvili would be the campaign leader.<sup>101</sup> Further-

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<sup>92</sup> “Bidzina Ivanishvili has returned to the politics”, Information Portal “1TV.ge”, 30.12.2023, available at: <https://1tv.ge/video/bidzina-ivanishvili-politikashi-dabrunda/>, updated: 14.01.2025.

<sup>93</sup> The Charter of the Political Union of Citizens “Georgian Dream – Democratic Georgia”, Article 6<sup>1</sup>.

<sup>94</sup> *ibid.*

<sup>95</sup> “Honorary Chairman’ to Formally Wield Power According to GD Updated Statute”, Information Portal “Civil.ge”, 10.01.2024, available at: <https://civil.ge/archives/576653>, updated: 14.01.2025.

<sup>96</sup> “Irakli Garibashvili is resigning from the position of the Prime Minister”, Information Portal “Interpressnews”, 29.01.2024, available at: <https://www.interpressnews.ge/ka/article/785559-irakli-garibashvili-premier-ministris-tanamdebobas-tovebs/>, updated: 14.01.2025.

<sup>97</sup> “Parliament Confirms PM Kobakhidze and his Cabinet of Ministers”, Information Portal “Civil.ge”, 08.02.2024, available at: <https://civil.ge/archives/581317>, updated: 14.01.2025.

<sup>98</sup> *ibid.*

<sup>99</sup> “The Election Campaign of the ‘Georgian Dream’ – Political Messages”, Information Portal “1tv.ge”, 17.07.2024, available at: <https://1tv.ge/video/qartuli-ocnebis-saarchevno-kampania-politikurigzavnilebi/>, updated: 14.01.2025.

<sup>100</sup> *ibid.*

<sup>101</sup> “Irakli Kobakhidze will Lead the ‘Georgian Dream’ Elections Headquarter”, Information Portal “Publika.ge”, available at: <https://publika.ge/qartuli-ocnebis-saarchevno-shtabs-irakli-kobakhidzeukhelmdzghvanebs/>, updated: 14.01.2025.

more, the “Georgian Dream” and the party formally separated from them, “People’s Power”, presented the joint list.<sup>102</sup>

On 15 and 23 August, the “Georgian Dream” presented 30 delegates for the elections across the country. It is noteworthy that the delegates were largely individuals with various ties to the party, including members of parliament, local government officials, artists, and businessmen who actively secured state tenders.<sup>103</sup> In fact, all delegates hold significant influence and authority within their respective regions.

## 2. The Opposition Political Spectrum

Certain changes have also taken place within the opposition spectrum. The shift in opposition parties and the formation of coalitions stemmed from the political and public crisis due to the adoption of the Russian-style Law “On Transparency of Foreign Influence” in the spring of 2024, the dramatic shift in the Government’s foreign policy, and the subsequent protests.

Prior to the Parliamentary Elections, the political spectrum, in addition to the ruling party, consisted of the following entities:

On 11 March 2024, Nikanor Melia and Nika Gvaramia formed a new party – “Ahali”.<sup>104</sup> On 9 July, “Droa” and “Girchi – More Freedom” joined “Ahali”.<sup>105</sup> The main goal of the Coalition was to “send Bidzina Ivanishvili’s Government home and integrate Georgia into European Union”.<sup>106</sup> On 18 August, the unity of “Ahali”, “Girchi – More Freedom” and “Droa” was joined by the “Republican Party”, whose chairperson is khatuna Samnidze.<sup>107</sup> The Coalition participated in the Elections under the Number 4.

Furthermore, the parties “United National Movement” and “Strategy Aghmashenebeli” united for the elections and created the platform - “Unity - to Save Georgia”.<sup>108</sup> In addition to the parties, the platform was joined by the independent MPs: Tamar Kordzaia and Armaz Akhvlediani, political scientist Gia Japaridze, Mikheil Saakashvili’s personal representative

<sup>102</sup> “People’s Power” will be in the list of ‘Georgian Dream’ for the Parliamentary Elections”, 30.07.2024, available at: <https://www.radiotavisupleba.ge/a/33038882.html>, updated: 14.01.2025.

<sup>103</sup> “22 Delegates of ‘[Georgian] Dream’ – what do we know about them”, Information Portal “Radio Tavisupleba”, 21.08.2024, available at: <https://www.radiotavisupleba.ge/a/%E1%83%9D%E1%83%AA%E1%83%9C%E1%83%94%E1%83%91%E1%83%98%E1%83%A122%E1%83%93%E1%83%94%E1%83%9A%E1%83%94%E1%83%92%E1%83%90%E1%83%A2%E1%83%98-%E1%83%A0%E1%83%90%E1%83%95%E1%83%98%E1%83%AA%E1%83%98%E1%83%97-%E1%83%9B%E1%83%90%E1%83%97%E1%83%96%E1%83%94/33087209.html>, updated: 14.01.2025.

<sup>104</sup> “Nika Melia and Nika Gvaramia are uniting, while their unity Ahali will participate in the elections under the Number 4”, Information Portal “Interpressnews”, 18.03.2024, available at: <https://rb.gy/wwcrm7>, updated: 14.01.2025.

<sup>105</sup> “Ahali”, ‘Droa’ and ‘Girchi – More Freedom’ united, Information Portal “1tv.ge”, 09.07.2024, available at: <https://1tv.ge/news/akhali-droa-da-girchi-meti-tavisuflebisvis-gaertiandnen/>, updated: 15.08.2025.

<sup>106</sup> “Ahali, Girchi-More Freedom and Droa Unite Ahead of Polls”, Information Portal “Civil.ge”, 09.07.2024, available at: <https://civil.ge/archives/615707>, updated: 14.01.2025.

<sup>107</sup> “Elections 2024: the final configuration of the parties”, Information Portal “Newsge.com”, 19.08.2024, available at: <https://newsge.com/%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%94%E1%83%91%E1%83%98-2024-%E1%83%90%E1%83%A1%E1%83%94%E1%83%97%E1%83%98%E1%83%90-%E1%83%9E%E1%83%90%E1%83%A0%E1%83%A2%E1%83%98%E1%83%94/>, updated: 14.01.2025.

<sup>108</sup> “Unity to Save Georgia” - Who are the members of the new political platform”, Information Portal “Formulanews”, 08.07.2024, available at: <https://formulanews.ge/News/114013>, updated: 14.01.2025.

Sopo Japaridze and historian Lasha Bakradze.<sup>109</sup> The platform participated in the Elections under the Number 5.<sup>110</sup> On 17 August, the unity was also joined by the “European Georgia”.<sup>111</sup>

On 17 July, two more political parties “Lelo” and “For People” reunited.<sup>112</sup> Later, they were joined by political movement “Freedom Square”.<sup>113</sup> It is noteworthy that “Freedom Square” was formed on 1 July 2024 by Levan Tsutskiridze, the former Executive Director of the Eastern European Centre for Multiparty Democracy, with his colleagues.<sup>114</sup> The Coalition was also joined by Aleko Elisashvili’s party – “Citizens”. The leader of the election campaign was Davit Gamkrelidze, the former head of “New Rightists”.

The party founded by the former Prime Minister, Giorgi Gakharia, “Gakharia for Georgia” participated in the parliamentary elections independently. It is important to note that Gakharia had been considering a political alliance with “Lelo”, but the agreement could not be reached during the negotiations.<sup>115</sup>

The list of the opposition parties also included Iago Khvichia’s “Girchi” and the “Alliance of Patriots”, which had merged with members of the recently dissolved “Alt-Info” party. This union was officially announced on 24 June.<sup>116</sup>

18 parties participated in the 2024 Parliamentary Elections.<sup>117</sup>

It is noteworthy that shortly before the elections, Giga Bokeria and Tamar Chergoleishvili announced the formation of a new political party – “Federalists”.<sup>118</sup> However, the deadline for the candidate registration was passed and, hence, they did not participate in the elections.<sup>119</sup> The reason for Bokeria-Chergoleishvili to create a new party was a result of the internal crisis within “European Georgia”.<sup>120</sup> According to Bokeria, the results of the primaries, particularly his, as a Chairperson’s position regarding the participants of the primaries, was not acceptable by the party’s Secretary General, Akaki Bobokhidze, the Chairman of the Political Council, Gigi Tsereteli, and their supporters.

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<sup>109</sup> *ibid.*

<sup>110</sup> “UNM, Strategy Aghmashenebeli Announce Political Platform: ‘Unity – to Save Georgia’”, Information Portal “Civil.ge”, 09.07.2024, available at: <https://civil.ge/archives/615635>, updated: 14.01.2025.

<sup>111</sup> “Elections 2024: the final configuration of the parties”, Information Portal “Newsge.com”, 19.08.2024, available at: <https://shorturl.at/XUgZW>, updated: 14.01.2025.

<sup>112</sup> “Three More Opposition Groups Join Forces Ahead of Crucial Elections”, Information Portal “Civil.ge”, 17.07.2024, available at: <https://civil.ge/archives/616646>, updated: 15.08.2024.

<sup>113</sup> *ibid.*

<sup>114</sup> “Civic Activist Launches New Political Movement: ‘Freedom Square’”, Information Portal “Civil.ge”, 01.07.2024, available at: <https://civil.ge/archives/615026>, updated: 22.01.2025.

<sup>115</sup> “Gakharia-Khazaradze Alliance Failed”, Information Portal “1tv.ge”, 19.09.2024, available at: <https://1tv.ge/video/gakharia-khazaradzis-aliansi-ver-shedga/>, updated: 22.01.2025.

<sup>116</sup> “Alt-Info’s ‘Conservative Movement’ has merged with the ‘Alliance of Patriots’ for the parliamentary elections”, Information Portal “Radio Tavisupleba”, 24.06.2024, available at: <https://www.radiotavisupleba.ge/a/33007316.html>, updated: 22.01.2025.

<sup>117</sup> Election Candidates: “Georgian Unity and Development Party – 3”, “Coalition for Change – Gvaramia Melia Girchi Droa – 4”, “United National Movement – 5”, “European Democrats – 6”, “Alliance of Patriots of Georgia – 8”, “Strong Georgia – Lelo for people, for freedom! – 9”, “Georgian Labour Party – 10”, “Our United Georgia – 12”, “Change Georgia – 16”, “Georgia – 17”, “Free Georgia – 20”, “Tribune – 21”, “We – 23”, “Gakharia for Georgia – 25”, “Left Alliance – 26”, “Georgian Unity – 27”, “Girchi – 36”, “Georgian Dream – 41”.

<sup>118</sup> “The Bokeria-Chergoleishvili team presented new party ‘Federalists’”, Information Portal “Radio Tavisupleba”, 15.08.2024, available at: <https://www.radiotavisupleba.ge/a/33080302.html>, updated: 13.03.2025.

<sup>119</sup> *ibid.*

<sup>120</sup> “Who left the European Georgia and who remains in the party”, Information Portal “Tabula”, 08.08.2024, available at: <https://tabula.ge/ge/news/721394-vin-cavida-evropuli-sakartvelodan-vindarcha>, updated: 13.03.2025.

### 3. “The Georgian Charter”

On 26 May, during her speech at the event celebrating Georgia’s Independence Day, President Salome Zourabichvili presented an action plan aimed at resolving the political crisis and reorienting the country towards European Union integration– “The Georgian Charter”.<sup>121</sup> She gave opposition parties until June 1 to sign the Charter.<sup>122</sup> The “Georgian Charter” outlined a series of steps aimed at guiding the country out of its crisis. Notably, the Charter did not call for a unified list or any other form of binding political alliance.<sup>123</sup>

Although “Gakharia for Georgia” initially refrained from signing the Charter, ultimately, all opposition parties (except for “Girchi” and the “Alliance of Patriots”) joined it. However, based on the election results, the implementation of the Georgian Charter could not take place.

## LEGISLATIVE AMENDMENTS

The stability of electoral and political party legislation, particularly in the period leading up to elections, is a crucial indicator of a sustainable electoral environment, as also confirmed by the recommendations of the Venice Commission. Frequent amendments to electoral laws during an election year can undermine public trust in the process. Furthermore, legislative amendments made without clear justification can negatively impact the competitiveness of political parties. Prior to the elections, the Parliament passed several amendments that substantively affected the Parliamentary elections. These draft laws, initiated and supported by the ruling party, worsened the electoral environment and served narrow party interests, created an uneven playing field, imposed barriers for other electoral participants, and gave the ruling party an unfair and disproportionate advantage.

### 1. Electoral System

For the first time in the history of Georgia, the Parliamentary elections in 2024 were conducted entirely through a proportional system. Compared to previously established mixed system, where MPs were selected with proportional and majoritarian rules, the legislative body is formed through proportional representation in a single multi-member electoral district across Georgia. Therefore, on 26 October, voters only chose between political parties, while the mandates were allocated based on the percentages received. The shift to a fully proportional system was definitely seen as a positive change, as it would ensure better representation of the population in parliament. However, a 5% electoral threshold remained, allowing only those parties having passed the minimum barrier to receive mandates.<sup>124</sup> This threshold remains a challenge and can negatively impact the party diversity in Parliament.<sup>125</sup>

<sup>121</sup> “The President: we present an action plan – ‘Georgian Charter’”, 26.05.2024, available at: [https://president.ge/index.php?m=206&appeals\\_id=398](https://president.ge/index.php?m=206&appeals_id=398), updated: 14.01.2025.

<sup>122</sup> “Strengths and Weaknesses of the President’s ‘Georgian Charter’”, Information Portal “Radio Tavisupleba”, 27.05.2024, available at: <https://shorturl.at/qQHJp>, updated: 14.01.2025.

<sup>123</sup> *ibid.*

<sup>124</sup> Seats of MPs will be distributed between the political parties that received at least 5% of valid votes cast in the elections.

<sup>125</sup> To determine the number of seats obtained by a political party, the number of votes it has obtained shall be multiplied by 150 (full number of seats) and divided by the sum of votes received by all those political parties that received at least 5% of the valid votes cast in the elections. If the sum of the number of seats obtained by

## 2. The Abolition of Gender Quotas

Another notable legislative amendment of the 26 October 2024 Parliamentary elections was the initiative by the political party “Girchi” to abolish gender quotas for women, a proposal also supported by the ruling party. The issue of the abolition was decided on 4 April by the Parliament with 85 votes.<sup>126</sup> It shall be outlined that in exchange “Girchi” promised the “Georgian Dream” that it would vote for the CEC Chairperson, who was favourable to the majority.<sup>127</sup> The President vetoed the amendments; however, the veto was overcome by the Parliament on 15 May.<sup>128</sup>

It is noteworthy that the women’s gender quotas were prescribed by the Organic Law on “Political Associations of Citizens” aiming at empowering women within politics, and for that purpose also included a financial incentive mechanism for parties. Under that system, every fourth person on the party list was required to be of a different gender. It was adopted by the “Georgian Dream” in 2020, as a temporary measure, and in 2023 its validity was extended until 2032.<sup>129</sup> Achieving gender equality was one of the 12 recommendations set by the European Commission, and it was considered fulfilled.<sup>130</sup>

The Parliament discussed the abolition of gender quotas in April in an accelerated manner. The draft law was also supported by the Chairperson of the Permanent Parliamentary Gender Equality Council, “Georgian Dream” MP Nino Tsilosani. The Public Defender also highlighted the deterioration of mechanisms essential for achieving gender equality due to the abolition of gender quotas.<sup>131</sup> On 24 June 2024, the Venice Commission published its Opinion “On Amendments to the Election Code which Abolish Gender Quotas”.<sup>132</sup> According to them, the abolition of quotas in the election year “gives rise to serious concerns”.<sup>133</sup> In addition, the Opinion of the Commission outlines that the introduction of gender quotas for women was confirmed as constitutional by the Constitutional Court of Georgia in line with recommendations of the Venice Commission, and with its abolition the legislator had not provided other measures.<sup>134</sup>

This legislative amendment has indeed negatively impacted the gender balance on party lists for the parliamentary elections. Notably, of the 1185 candidates registered for the 2024

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the political parties is less than 150, the undistributed seats shall be successively awarded to the political parties having better results.

<sup>126</sup> “Parliament Overrides President’s Veto on Abolition of Quotas for Women MPs”, Information Portal “Civil.ge”, 15.05.2024, available at: <https://civil.ge/archives/607500>, updated: 23.12.2024.

<sup>127</sup> *ibid.*

<sup>128</sup> *ibid.*

<sup>129</sup> “5 promises broken by the ‘Georgian Dream’”, Information Portal “Radio Tavisupleba”, 04.04.2024, available at: <https://www.radiotavisupleba.ge/a/%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%A3%E1%83%9A%E1%83%98%E1%83%9D%E1%83%AA%E1%83%9C%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%E1%83%AE%E1%83%A3%E1%83%97%E1%83%98%E1%83%92%E1%83%90%E1%83%93%E1%83%90%E1%83%92%E1%83%93%E1%83%94%E1%83%91%E1%83%90/32891324.html>, updated: 23.12.2024.

<sup>130</sup> 2023 Communication on EU Enlargement policy, Georgia 2023 Report, Brussels, 8.11.2023 SWD(2023) 697 available at: [https://neighbourhood-enlargement.ec.europa.eu/georgia-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/georgia-report-2023_en), updated: 23.12.2024.

<sup>131</sup> “The Public Defender negatively assesses the bill regarding the abolition of gender quotas”, Information Portal “Radio Tavisupleba”, 02.04.2024, available at: <https://www.radiotavisupleba.ge/a/32887495.html>, updated: 23.12.2024.

<sup>132</sup> OPINION ON AMENDMENTS TO THE ELECTION CODE WHICH ABOLISH GENDER QUOTAS, No. CDL-AD(2024)023, EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION), 24.06.2024, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2024\)023-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2024)023-e), updated: 11.07.2024.

<sup>133</sup> *ibid.*

<sup>134</sup> “Venice Commission Opinion on Abolishing Quotas on Women MPs”, Information Portal “civil.ge”, 25.06.2024, available at: <https://civil.ge/archives/614000>, updated: 11.07.2024.

parliamentary elections, only 29% are women. This marks a sharp decline from the previous elections, where the proportion of women was 44.3%.<sup>135</sup> The drop is particularly evident also in the ruling party's electoral list. While in 2020, women made up 24% of their list, in 2024, that number dropped to just 16% (with only 28 women out of 169 candidates). These statistics highlight a concerning trend of reduced female representation in politics.

The results of the 2024 Parliamentary Elections demonstrate that the abolition of quotas significantly diminishes women's engagement and limits their equal participation in the political process. The latter contradicts Georgia's international commitments. Therefore, it is crucial to develop/restore support mechanisms to create an inclusive and balanced political environment.

### 3. Introduction of the Delegate Concept

Another legislative initiative in the election year was the introduction of a concept of a delegate to the Election Code. Particularly, as per the amendment, Article 115(6<sup>1</sup>) was added to the Election Code,<sup>136</sup> allowing a party participating in the Parliamentary Elections to designate a candidate for MP as a delegate, while composing a party list, from any of the 30 election districts prescribed by the Law; this person, if elected to Parliament, will be a delegate for a specific electoral district. Each candidate for membership may be designated as a delegate for only one electoral district. The party list shall specify the district number for which the candidate will serve as a delegate.<sup>137</sup>

According to the explanatory note, the goal of this legislative initiative is to maintain a strong connection between the population and their members of Parliament within the proportional electoral system. This connection ensures that MPs are able to effectively and promptly address the needs and challenges of their local communities.<sup>138</sup>

GYLA considers that the amendments introduction of delegates into the proportional system returns the majoritarian system elements. The primary goal of the proportional system is to accurately reflect the party preferences of voters, while the status of a delegate serves as a similar mechanism for influencing voter intent as the role of majoritarian parties in a mixed system.

The concept of a Delegate may also impact the composition of party lists – parties are likely to nominate well-known and influential candidates in those districts where a number of their voters is high, creating inequality between districts. This rule also puts political parties at an uneven disadvantage – those parties who have a strong regional representation are put in a favourable position; especially, the ruling party, which relies on local authority figures.

The institution of a delegate will likely alter candidate selection criteria, campaign strat-

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<sup>135</sup> "Statement of the Working Group on Women's Political Participation", Official Facebook page of the organization "50/50", 17.10.2024, available at: [https://www.facebook.com/story.php?story\\_fbid=931456635673704&id=100064281296012&mibextid=WC7FNe&rdid=RhbLEKaVugBaeJv6](https://www.facebook.com/story.php?story_fbid=931456635673704&id=100064281296012&mibextid=WC7FNe&rdid=RhbLEKaVugBaeJv6), updated: 22.10.2024.

<sup>136</sup> Draft Organic Law on the Amendments to the Organic Law of Georgia "Election Code", the Official Webpage of the Parliament of Georgia, 20.03.2024, available at: <https://parliament.ge/legislation/28268>, updated: 10.04.2024.

<sup>137</sup> *ibid.*

<sup>138</sup> Explanatory Note of the Draft Organic Law on the Amendments to the Organic Law of Georgia "Election Code", the Official Webpage of the Parliament of Georgia, 20.03.2024, available at: <https://shorturl.at/eqqrR>, updated: 10.04.2024.

egies, and party headquarters, shifting the dynamics closer to a majoritarian system and thereby undermining the core principles of a proportional system.

It is important to outline that only the “Georgian Dream” announced delegates for the 26 Elections on 15 and 25 August.<sup>139</sup> As expected, the candidates for delegates were drawn from the regional elite supporting the party - individuals with somehow established connections to the party and significant authority and influence in their local areas. None of the 30 delegates on the “Georgian Dream” party list was a women.<sup>140</sup> Had gender quotas been in place, the ruling party would have been required to include at least 7 women among the nominated delegates. However, the abolition of gender quotas a few months earlier enabled the party to fill the list entirely with men.

**GYLA recommends to abolish the concept of a delegate, as it introduces elements of majoritarianism into the proportional system, creates opportunities to influence voter preferences, and places political parties at an uneven position.**

#### 4. The Revocation of Party’s Registration

In May 2024, the Parliament amended to the Organic Law “on Political Associations of Citizens”. According to the amendments, the National Agency of Public Registry was granted the authority to revoke the registration of the party based on the request of the head of the Anti-Corruption Bureau<sup>141</sup>, if a political party fails to submit legally required financial declaration to the Bureau for two consecutive years, or if all the income and expenses reported in these declarations for two consecutive calendar years amount to zero. In this case, the remaining assets of the party will be transferred to the State Treasury.<sup>142</sup>

Furthermore, according to the ruling party, the purpose of the initiative is to revoke so-called “abandoned parties”, which are not functional. However, despite this, the necessity for these amendments in the election year is not substantiated. As per the recommendation of the Venice Commission, based on the principle of legislative stability, the amendments to the political parties’ legislation are not desirable during the current year. The only exception is when there is broad consensus on the issue.

The amendment is problematic as the Georgian legislation does not prescribe a mechanism for re-registration. Although the financial monitoring of parties is a legitimate aim, they should have a possibility to correct the error. Under the current edition, revocation

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<sup>139</sup> “The ‘Georgian Dream’s’ – what do we know about them?”, Information Portal “Radio Tavisupleba”, 21.08.2024, available at: <https://shorturl.at/hZd0l>, updated: 07.09.2024; “The ‘Georgian Dream’ presented delegates of Tbilisi Districts”, Information Portal “Radio Tavisupleba”, available at: <https://www.radiotavisupleba.ge/a/33089621.html>, updated: 07.09.2024.

<sup>140</sup> Registered Election Lists, the Official Webpage of the Central Election Commission, available at: <https://cesko.ge/ge/archevnebi/2024/parlamentis-archevnebi-2024/saarchevno-subieqtebi-2024/registrirebuli-partiuli-siebi/singleview/11034358-registrirebuli-partiuli-siebi>, updated: 13.01.2025.

<sup>141</sup> It is noteworthy that in 2023, the authority to monitor the financial activities of political parties was transferred to the Anti-Corruption Bureau instead of the State Audit Service. The Venice Commission was critical towards this issue. According to their assessment, the existing institutional framework does not guarantee a sufficient level of independence of the Bureau, thus its competence to monitor the financing of political parties and financial declarations of high-level officials needs additional safeguards in the legislation. The commission considers problematic that the appointment and dismissal of the Head of the Bureau is largely in the hands of the Prime Minister. According to the recommendations of the Commission, the Head of the Bureau should have multi-party support and should be elected by a qualified majority of the Parliament.

<sup>142</sup> Organic Law of Georgia “on Political Associations of Citizens”, Article 24<sup>1</sup>.

is effectively equivalent to the complete dissolution of a party, which is unacceptable in a democratic state without proper justification.

**It is recommended that the Law allow for the correction of the error and re-registration. Also, the party should be given a reasonable period to re-register, and during this period, the party's assets should remain intact. This would prevent the ruling party from exploiting the regulation in bad faith and help clarify the distinction between banning a party and revoking its registration.**

## **5. Amendments to the Rules for Financing Political Parties**

Prior to the 2024 Parliamentary Elections, amendments were made to the rules governing the financing of political parties. These include the scope of entities allowed to make donations, as well as its quantity.

In December 2023, the Parliament heard in an accelerated manner and with 82 votes in favour, adopted the proposed amendments to the Organic Law “on Political Associations of Citizens”, prohibiting legal entities from making donations to political parties.<sup>143</sup>

The legislative package of these amendments also included the maximum amount of the expenses. Namely, the upper limit of the total allowable amount of expenses incurred by the party during the year was reduced from 0.05% to 0.04% of the previous year's gross domestic product.<sup>144</sup> This amount includes all expenses monitored by the Anti-Corruption Bureau, the body responsible for monitoring party finances, covering both party expenses and those incurred by other individuals or entities on its behalf.<sup>145</sup>

## **6. The Legislative Package “On the Protection of Family Values and Minors”**

Prior to the elections, the ruling party intensified its propaganda against LGBTQ+ individuals, exacerbated hate speech, using all of these for its party's electoral purposes. The previous Government also employed homophobic approaches to attract conservative voters, but in 2024, the ruling party's actions, considering their scale, indicate a clear political stance of homophobia.

Amidst this homophobic/transphobic rhetoric, a legislative package titled “On the Protection of Family Values and Minors” was registered.<sup>146</sup> The package consists of 19 draft laws, one of which is the primary law, while the remaining 18 propose related legislative amendments.<sup>147</sup>

Under this law, marriage was once again defined as the union of a man and a woman, and the registration of alternative forms of unions was prohibited.<sup>148</sup> The law clearly states that

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<sup>143</sup> “Legal entities are banned to finance political parties – what has changed for parties”, Information Portal “Globalnews”, 20.12.2023, available at: <https://globalnews.ge/ge/georgia/iuridiul-pirebs-politikuri-partiebis-dafinanseba-aekrzalat-ra-seicvala-partiebistvis>, updated: 23.12.2024.

<sup>144</sup> Organic Law of Georgia “on Political Associations of Citizens”, Article 25<sup>1</sup>.

<sup>145</sup> *ibid*

<sup>146</sup> Parliament of Georgia, Draft Law «On the Protection of Family Values and Minors», April 3, 2024, available at: <https://bit.ly/3KZUASo>, updated: December 26, 2024.

<sup>147</sup> *ibid*.

<sup>148</sup> *ibid*.

only heterosexual, cisgender individuals are eligible to adopt children.<sup>149</sup> The law banned both legal gender recognition and trans-specific healthcare, criminalizing the latter.<sup>150</sup> In addition, the law prohibits public assemblies/demonstrations, advertisements, and the dissemination of information or materials by broadcasters or educational institutions that the state may deem as promoting “homosexual relationships or identification with a gender different from one’s biological sex”.<sup>151</sup> The law also restricts both direct communication of such information to minors, as well creation of indirect access to such content.<sup>152</sup> The legislative amendments prescribe administrative and criminal liabilities, which is connected to the dissemination of this type of information within education institutions, direct communication of such information to minors, and creating access to such information for minors.<sup>153</sup>

In reality, these regulations are discriminatory, unjustifiably restrict the rights to assembly, expression, and privacy, impose censorship, and criminalize, *inter alia*, various forms of creative, scientific, and activist expression. The draft law has been criticized by international organizations.<sup>154</sup>

It is noteworthy that this draft law was preceded by a similar constitutional amendment initiative.

Eventually, on 17 September, the Parliament passed the draft law in its third reading with 84 votes in favour and none against.<sup>155</sup> The law came into force on 16 November, 60 days following its adoption.<sup>156</sup>

## 7. The So-Called “Offshore Law”

Another negative legislative initiative was the amendment to the Tax Code – the so-called “Offshore Law”. On 10 April 2024, MPs of the parliamentary faction “Georgian Dream” introduced a draft law amending the Tax Code, which primarily aimed to exempt businesses for one relocation from so-called offshore jurisdictions from taxation. According to the explanatory note of the draft law, individuals (or groups of individuals) who own businesses in low-tax jurisdictions and transfer their revenues to Georgia would be exempt from profit/income taxes. Additionally, any assets brought into the country would be exempt from import duties. However, a prerequisite for this exemption is that the same individual must own 100% of the shares in both the foreign and Georgian enterprises.<sup>157</sup> The Parliament reviewed the bill under an accelerated procedure and adopted it in the third reading on 19 April.<sup>158</sup> On 3

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<sup>149</sup> *ibid.*

<sup>150</sup> *ibid.*, also, Article 176<sup>1</sup> of the Criminal Code.

<sup>151</sup> Parliament of Georgia, Draft Law «On the Protection of Family Values and Minors», April 3, 2024, available at: <https://bit.ly/3KZUASo>, updated: December 26, 2024..

<sup>152</sup> *ibid.*

<sup>153</sup> Article 172<sup>10</sup> of the Administrative Offences Code, Article 176<sup>1</sup> of the Criminal Code.

<sup>154</sup> Georgia: political manipulation and harassment of LGBTI people and human rights defenders have no place in democratic society, 27.03.2024, available at: <https://www.coe.int/en/web/commissioner/-/georgia-political-manipulation-and-harassment-of-lgbti-people-and-human-rights-defenders-have-no-place-in-a-democratic-society>, updated: 27.12.2024; Venice Commission , Opinion of the on the draft Constitutional Law on protecting family values and minors CDL-REF(2024)020, para. 102, 25.06.2024, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)021-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)021-e), updated: 27.12.2024.

<sup>155</sup> “On the Protection of Family Values and Minors” III Readings, the Official Webpage of the Parliament of Georgia, 17.09.2024, available at: <https://www.parliament.ge/legislation/28703>, updated: 27.12.2024.

<sup>156</sup> The Law “On the Protection of Family Values and Minors”, Article 14.

<sup>157</sup> The Explanatory Note of the Draft Law to the Law of Georgia “Tax Code”, the Official Webpage of the Parliament of Georgia, 10.04.2024, available at: <https://shorturl.at/cdRT0>, updated: 14.05.2024.

<sup>158</sup> “[Georgian] Dream adopted the Law on Offshores”, Information Portal “Formulanews”, 19.04.2024, available at: <https://formulanews.ge/News/109653>, updated: 27.12.2024.

May, the President of Georgia vetoed the law.<sup>159</sup> On 29 May, the Parliament overruled the veto, not having shared the President's remarks.<sup>160</sup>

## THE ELECTION ADMINISTRATION

The election administration in Georgia operates on three levels and follows a mixed professional-political model at all levels. The Central and District Election Commissions are permanent bodies, while the Precinct Election Commissions are temporary ones. One of the primary objectives of this model - given the country's specific context - is to enhance the legitimacy of electoral processes and election administration decisions through independence and balance from political authorities. As a result of the 19 April 2021 political agreement, an electoral reform was implemented, increasing the number of election administration members at all levels from 12 to 17. Consequently, each commission now consists of eight non-partisan members, and up to nine members appointed by parliamentary parties.

The 26 October Elections were administered by the CEC, 73 District and 3 111 Precinct Election Commissions.

### 1. The Central Election Commission

#### 1.1. *The Composition of the CEC*

For the 2024 parliamentary elections, the Georgian Parliament elected 8 professional members of the CEC (including the Chairperson), while the remaining members, up to 9, were appointed by political parties

By signing the so-called "Charles Michel Document" in 2021, the parliamentary majority committed to implementing ambitious democratic reforms.<sup>161</sup> The second step of the European Union's 12-point plan aimed to enhance the independence of state institutions, including the CEC.<sup>162</sup> Under the 2021 electoral reform, legislative changes increased the number of CEC members to 17, seeking to achieve a more balanced political party representation.<sup>163</sup>

To appoint the CEC chairperson and designated professional members for a full-term position, two-thirds majority of the total votes in Parliament became necessary.<sup>164</sup> The introduction of a high quorum was aimed at forming a consensus around the candidates. To avoid a stalemate, an anti-crisis mechanism came into force in the procedure for electing a CEC member and chairperson. This means that if sufficient votes could not be collected the first time, the candidate would go through the second (2/3 majority), third (3/5 majority), and

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<sup>159</sup> "President Vetoes GD's Controversial 'Offshore' Law", Information Portal "Civil.ge", 03.05.2024, available at: <https://civil.ge/archives/603854>, updated: 27.12.2024.

<sup>160</sup> "Parliament overruled the President's veto on 'Offshore Law'", Information Portal "Radio Tavisupleba", 29.05.2024, available at: <https://www.radiotavisupleba.ge/a/32970607.html>, updated: 27.12.2024.

<sup>161</sup> "A way ahead for Georgia", the Official Webpage of the Delegation of the European Union to Georgia, 19.04.2021, available at: <https://bit.ly/3frBggU>, updated: 20.01.2025.

<sup>162</sup> Opinion on the EU membership application by Georgia, 17 June 2022, Brussels, available at: <https://bit.ly/3T9Oqlo>, updated: 20.01.2025.

<sup>163</sup> Latsabidze M., and others, Monitoring Report of the Pre-Election Environment, Election Day, Post-Election Period and By-Elections of the 2021 Local Self-Government Elections, 29-30, (Tbilisi, Georgian Young Lawyers' Association, 2022), Official Webpage of the Georgian Young Lawyers' Association, available at: <https://www.gyla.ge/files/2020/2021%20Elections.pdf>, updated: 02.07.2024.

<sup>164</sup> *ibid*, p. 30.

fourth (simple majority) rounds. With the support of a simple majority, the elected individual would serve in the position for a 6-month term. The President presented the non-partisan members of the CEC to Parliament. The proposed model for selecting the chairman and designated professional members aimed to achieve consensus among political parties, thereby enhancing trust in the CEC as an independent state institution. A symbolic step towards this aim was the appointment of an opposition party member as one of the deputy chairpersons of the CEC.<sup>165</sup>

The legislative framework established by the 2021 reform has been repeatedly amended and worsened at the initiative of the ruling party. These amendments eliminated the requirement for inter-party negotiations to achieve consensus, allowing the ruling party to remove legal barriers that prevented unilateral appointment of members to the CEC and struck fair balance.

As early as December 2021, an amendment was made to the Election Code, which ensured that an incumbent CEC member's mandate would continue indefinitely beyond their term until a new member was appointed, if a new candidate was not selected in time.<sup>166</sup> This amendment eliminated the ruling party's incentive to negotiate with opposition parties regarding the appointment of the CEC Chairperson or professional members.

In the summer of 2023, amendments to the Election Code and "the Rules of Procedures of the Parliament of Georgia" reduced the quorum for electing the CEC chairman and professional members for full-time term (5 years) from a two-thirds majority of Parliament to a simple majority. The president of Georgia was in fact distanced from the process of composition the commission. The right to form a competitive commission to select candidates and present those candidates to Parliament was granted to the Chairperson of Parliament. The President's role in the process became largely ceremonial, restricted to nominating just one representative to the nine-member competitive commission.<sup>167</sup>

The significant reduction in the President's role in setting up the CEC, as stipulated by the legislation, has raised legitimate concerns about its compliance with the Constitution, as the primary legislation of the country explicitly granted the President the authority to appoint the Chairperson and members of the Central Election Commission of Georgia,<sup>168</sup> while the legal act of the President to appoint these officials did not require the countersignature of the Prime Minister.<sup>169</sup> The amendments led to reducing the President's crucial role in this process to a mere formality.

On 19 December 2023, the Venice Commission and OSCE Office for Democratic Institutions and Human Rights ("OSCE/ODIHR") published their joint opinion regarding the amendments to the Election Code and the Rules of Procedure of the Parliament of Georgia.<sup>170</sup> The Commission assessed the legislative initiative that changed the rules for the composition of the CEC.

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<sup>165</sup> On 3 August 2021, CEC appointed Giorgi Sioridze, a member appointed by the "Lelo" party, as the deputy chairman representing the opposition.

<sup>166</sup> Initial Edition – Article 12(11<sup>1</sup>) of the Election Code. As of today, the similar regulation is prescribed by Article 10(9) of the Election Code.

<sup>167</sup> The Organic Law of Georgia on Amendments to the Organic Law of Georgia "Election Code of Georgia", available at: <https://matsne.gov.ge/ka/document/view/5825872?publication=0#DOCUMENT:1>, updated: 20.01.2025.

<sup>168</sup> The Constitution of Georgia, Article 52(1(d)).

<sup>169</sup> *ibid*, Article 53(2(d)).

<sup>170</sup> Venice Commission, OSCE/ODIHR joint opinion on draft amendments to the election code and to the rules of procedure of the parliament of Georgia, CDL-AD(2023)047 (Strasbourg: Council of Europe, 2023), available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)047-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)047-e), updated: 20.01.2025.

The initiated wording of the election of the CEC's non-partisan members and Chairperson was assessed as "complicated" and "confusing".<sup>171</sup> It was also outlined that the proposed amendments were prepared in an accelerated manner at the initiative of the ruling party and without consultations with relevant stake-holders.<sup>172</sup> The Opinion emphasized that with the initiated amendments, the Georgian legislation departed from the consensus-based CEC composition rules adopted as a result of 19 April 2021 Agreement.<sup>173</sup>

The Commission recommended that appointments made on the basis of the anti-deadlock mechanism to be significantly limited in time. The document negatively assessed the deprivation of the authority of the President to compose a competitive commission and present candidates,<sup>174</sup> also, as the abolition of position of the CEC deputy chairperson selected under the opposition quota.<sup>175</sup>

Despite the criticism of the Venice Commission and OSCE/ODIHR, in March 2024, the Parliament overrode the President's veto.<sup>176</sup> Under the newly established legal framework, candidates for the chairperson and members of the CEC will be presented by the Chairperson of the Parliament to the Representative body.<sup>177</sup> If a candidate fails to secure 90 votes in the first round, they have two additional opportunities to receive 76 votes and secure a five-year term.<sup>178</sup> If even 76 votes cannot be obtained, the matter is referred to the President for resolution,<sup>179</sup> however, given the ruling party's parliamentary majority, such an outcome is unlikely. Additionally, the position of Deputy Chairperson reserved for the opposition was abolished, eliminating a symbolic step toward maintaining balance.<sup>180</sup>

On 30 April 2024, under the new regulations, the Parliament voted for the Chairperson and 3 non-partisan members of the CEC for a five-year term. Giorgi Kalandarishvili took the position of the Chairperson, while Maia Zaridze, Giorgi Sharabidze and Gia Tsatsashvili were elected as members.<sup>181</sup> Although there was an agreement between the parliamentary majority and the "Girchi" MPs that the abolition of gender quotas would lead to support of "Girchi" for the ruling party's CEC candidates, the election did not achieve the required 3/5 majority<sup>182</sup> of the total number of the MPs. Instead, the candidates were approved by a simple majority,<sup>183</sup> receiving support from 85 MPs.

It is noteworthy that one of the nine steps outlined in the 2023 EU enlargement policy report for Georgia calls on the government to ensure the institutional independence of the election administration. However, rather than strengthening institutional independence, the ruling party has effectively undermined the 2021 regulations by removing the requirement for consensus. This change significantly heightens the risk of the electoral administration being subordinated to the political interests of the parliamentary majority.

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<sup>171</sup> *ibid.*

<sup>172</sup> *ibid.*

<sup>173</sup> *ibid.*

<sup>174</sup> *ibid.*

<sup>175</sup> *ibid.*

<sup>176</sup> "The Parliament overrode President's veto on the amendments to the 'Election Code', Information Portal "Rustavi 2", 19.03.2024, available at: <https://rustavi2.ge/ka/news/277912>, updated: 20.01.2025.

<sup>177</sup> The Rules of Procedures of the Parliament of Georgia, Article 221<sup>1</sup>.

<sup>178</sup> The Organic Law of Georgia "Election Code", Article 10(7).

<sup>179</sup> *ibid.*, Article 10(6).

<sup>180</sup> *ibid.*

<sup>181</sup> It is noteworthy that the 6-month term of office of Giorgi Kalandarishvili and two CEC members expired on 15 August 2022, although their terms of office were extended in accordance with the Election Code.

<sup>182</sup> 90 votes.

<sup>183</sup> 76 votes.

Overall, it is crucial to reassess the institutional framework of the election administration and the procedures for appointing Commission members. The system should be restructured in a way that ensures proportional representation among appointing entities, guaranteeing the long-term independence and impartiality of the electoral administration.

The CEC appointment process should be revised to reflect the spirit of the 2021 “Charles Michel Document”. Specifically, both the CEC Chairperson and members should be elected based on a high level of political consensus, requiring a two-thirds majority of Parliament.

According to the recommendation of GYLA, the selection committee should not consist of independent individuals but rather representatives of political parties. This should include parties that passed the threshold in the last parliamentary elections, ensuring equal representation of the majority and opposition. The committee should nominate candidates by a three-fifths majority of its total composition.

## 1.2. CEC Decision Threshold Reduced

On 21 June 2024, the amendments to the Election Code entered into force, according to which if the CEC cannot reach a decision with the necessary two-thirds majority (12 votes) at a session,<sup>184</sup> it shall be re-voted during the same session.<sup>185</sup> In this case, the CEC decision will be deemed adopted if it receives majority support from the total number of CEC members (9 votes).<sup>186</sup> As a result of the amendment, a decision can be achieved with the votes of only 8 designated professional members and the ruling party’s representative, which significantly diminishes the role and participation of various opposition parties in the decision-making process.<sup>187</sup> With this amendment, the balance between party-affiliated and professional members established by the political agreement of 19 April 2021 is violated.

According to the assessments of GYLA, in light of these legislative deteriorations, without the justification for necessity, and disregarding recommendations of the international organizations – shortly before the elections,<sup>188</sup> the amendments adopted by the members of the “Georgian Dream” represent another step towards the deterioration of the existing legislative framework. These changes *de facto* excluded the opposition from the decision-making process and strengthened suspicions about the ruling party’s undue influence within the electoral administration.

It is crucial for the CEC to make decisions based on consensus. Therefore, the quorum requirement should be increased from a simple majority to two-thirds of the members.

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<sup>184</sup> The CEC decree is a subordinate normative act, which is passed in cases prescribed by the Election Code of Georgia and regulates many important issues. Among others, the CEC decree outlines the rules and conditions for using electronic voting in the 2024 Parliamentary elections; voting procedures; the management of state funds allocated for elections. Additionally, the CEC is authorized to establish further measures and deadlines for a potential second round of elections as needed. The decree also approves regulations for the Election Commission and addresses other important issues.

<sup>185</sup> The Organic Law of Georgia “Election Code”, Article 8(4<sup>1</sup>).

<sup>186</sup> Draft Law regarding the Amendments to the Organic Law of Georgia “Election Code”.

<sup>187</sup> “Georgian Dream” continues to adapt the legislation to party interests and reduces the independence of the CEC by changing the rules for composition of the CEC”, 05.05.2023, Official Webpage of GYLA, available at: <https://gyla.ge/ge/post/saarchevnokodeqssh-shesatani-cvilebebis-proeqti-saftrkhes-uqmnis-saarchevno-administraciis-mimart-ndobas#sthash.h745Tja5.dpbs>, updated: 20.01.2025.

<sup>188</sup> Venice Commission, OSCE/ODIHR joint opinion on draft amendments to the election code and to the rules of procedure of the parliament of Georgia, CDL-AD(2023)047 (Strasbourg: Council of Europe, 2023), para. 48, available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)047-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)047-e), updated: 20.01.2025.

### 1.3. The CEC Briefing regarding the Complaint of the Opposition Party

On 10 September 2024, the Central Election Commission held a briefing,<sup>189</sup> concerning complaints submitted on 9 September regarding the selection of members and chairs of precinct election commissions. According to the CEC representative, such complaints, by employing procedural mechanisms, aimed to undermine the election administration and, consequently, the electoral environment.<sup>190</sup> Notably, the complaints were similar to each other, as they addressed the same type of alleged violations.

It is significant that, at the time of the briefing, the CEC, as a collegial body, had not yet deliberated on the matter. This very issue was scheduled for discussion at the 11 September session, during which the commission heard the election subject's representative in an oral proceeding.<sup>191</sup>

The briefing held by the CEC the previous day and its preliminary assessment of the complaints created public expectations regarding the potential decision. The same was outlined by the complainant,<sup>192</sup> outlining that due to the CEC's statement, it was already evident what decision could be made.<sup>193</sup>

**An effective complaint mechanism is critical for the credibility of elections. The CEC must ensure that all complaints are reviewed impartially and in detail, and that it refrains from making public statements before the review, as such comments create the impression of bias within the administration.**

## 2. District Election Commissions

The CEC appoints 8 designated professional members of the district election commission, while the remaining 9 members are appointed by the parties.<sup>194</sup> 5 designated professional members are elected for a term of 5 years, while three members – temporarily, for the period until the final results of the elections in question are announced.<sup>195</sup> The selection process for District Election Commission members is announced after the election day is officially called, while the deadline for submission of competition documents is two days after the competition is announced.<sup>196</sup> The legislation does not require candidates to undergo interviews.

On 27 August, the CEC announced the contest for temporary members of the District Election Commissions for the 26 October 2024 Parliamentary Elections.<sup>197</sup> The interested indi-

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<sup>189</sup> The Briefing of the Central Election Commission, 10.09.2024, available at: [https://www.facebook.com/watch/live/?ref=watch\\_%20permalink&v=1188067642276359](https://www.facebook.com/watch/live/?ref=watch_%20permalink&v=1188067642276359), updated: 20.01.2025.

<sup>190</sup> *ibid.*

<sup>191</sup> The Session of the Central Election Commission, the Official Facebook Page of the CEC, available at: <https://www.facebook.com/CentralElectionCommissionOfGeorgia/videos/870494371343026>, updated: 20.01.2025.

<sup>192</sup> *ibid.*

<sup>193</sup> *ibid.*

<sup>194</sup> A party is entitled to appoint a member of the District Election Commission if it has the right to appoint a member of the CEC. A party can appoint one member to the CEC if it was registered by the CEC Chairperson to participate in the parliamentary elections and has been granted a mandate as a member of the Parliament of Georgia. If there are more than 9 parties, priority for appointing a CEC member is given to the party that received the most votes in the parliamentary elections. See, Article 20(1) of The Organic Law of Georgia "Election Code".

<sup>195</sup> Article 19(5) of The Organic Law of Georgia "Election Code".

<sup>196</sup> *ibid.*, Article 20(12(b)).

<sup>197</sup> "Launch of Contest for Temporary DEC Member Selection", the Official Webpage of the Central Election

viduals could send their documents on 28-29 August.<sup>198</sup> **According to GYLA, the deadline for conducting a competition of this scale is unreasonably short, which may explain the low number of applications received.** A total of 264 applicants registered for 219 vacant positions, but one applicant failed to correct an error, leaving 263 individuals to continue in the competition.<sup>199</sup> It is noteworthy that compared to the 2021 elections, the number of applicants decreased by approximately 30%. In 2021, 377 applicants registered for the same 219 vacant positions.<sup>200</sup>

According to the CEC, the number of applications for the 3 vacant positions in each District Election Commission was as follows: in 41 District Election Commissions, the selection process proceeded without real competition, as exactly 3 applications were submitted for 3 vacant positions; in 23 District Election Commissions, 4 applications were submitted for 3 vacant positions; in 7 District Election Commissions, 5 applications were submitted for 3 vacant positions, and in 2 District Election Commissions, 7 applications were submitted for 3 vacant positions.<sup>201</sup>

Out of 263 candidates, 135 agreed to be interviewed. And, from that, 71 also agreed to have their interview conducted live via the CEC's social media channels.<sup>202</sup>

Thirteen CEC members took the opportunity to interview the candidates.<sup>203</sup>

During the CEC session on August 31, some election administration members appointed by political parties criticized the candidate selection process.<sup>204</sup> They expressed dissatisfaction with the coordinated actions of certain members of the Commission.<sup>205</sup> According to Ana Kobakhidze, a representative of "Strategy Aghmashenebeli", some CEC members appeared to have known in-advance who they would support. She suggested that this may have discouraged many individuals with election administration officer certificates from participating in the competition.<sup>206</sup>

Some members appointed by opposition parties also expressed concerns regarding the fact that the vast majority of candidates were employed in budgetary institutions (schools and

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Commission, available at: <https://cesko.ge/en/siakhleebe/pres-relizebi/singleview/11033712-saolkosaarchevno-komisiabis-droebiti-tsevrebis-shesarchevad-konkursi-gamotskhadda>, updated: 20.01.2025.

<sup>198</sup> *ibid.*

<sup>199</sup> "Today, the CEC will Elect Temporary Members of District Election Commission Members for the October 26 Elections", the Official Webpage of the CEC, available at: <https://cesko.ge/en/siakhleebe/pres-relizebi/singleview/11033777-tsentrallurisaarchevno-komisia-tsyesko-dghes-26-oktombris-archevnebis-tvis-saolkosaarchevno-komisiabisdroebiti-tsevrebs-airchevs>, updated: 20.01.2025.

<sup>200</sup> Latsabidze M., and others, Monitoring Report of the Pre-Election Environment, Election Day, Post-Election Period and By-Elections of the 2021 Local Self-Government Elections, 40-44, (Tbilisi, Georgian Young Lawyers' Association, 2022), Official Webpage of the Georgian Young Lawyers' Association, available at: [https://gyla.ge/post/2021-tslis-adgilobrivi-tvitmartvelobisa-da-batumis-sakrebulo-shualeduri-archevnebis-sadamkvirveblo-misiis-angarishi?fbclid=IwY2xjawJ1oedleHRuA2FlbQlXMQBicmlkETFx0JCqjZOUjU0Q25wUkJ2AR7i0gf4IcUnsNY6D-kJBdvVnlgBDtMLKTdfj4XrwWl2led7LuQl9BkTyJ3Idg\\_aem\\_hw\\_RzhRd9IW5wEo2zSS3Eg#sthash.elAowtrO.dpbs](https://gyla.ge/post/2021-tslis-adgilobrivi-tvitmartvelobisa-da-batumis-sakrebulo-shualeduri-archevnebis-sadamkvirveblo-misiis-angarishi?fbclid=IwY2xjawJ1oedleHRuA2FlbQlXMQBicmlkETFx0JCqjZOUjU0Q25wUkJ2AR7i0gf4IcUnsNY6D-kJBdvVnlgBDtMLKTdfj4XrwWl2led7LuQl9BkTyJ3Idg_aem_hw_RzhRd9IW5wEo2zSS3Eg#sthash.elAowtrO.dpbs), updated: 02.07.2024.

<sup>201</sup> *ibid.*

<sup>202</sup> *ibid.*

<sup>203</sup> Giorgi Sharabadze, Giorgi Javakhishvili, Giorgi Dzagania, Dimitri Javakhadze, Gia Tsatsashvili, Giorgi Tchikaberidze, Maia Zaridze, Archil Anasashvili, Giorgi Sioridze, Ana Kobakhidze, Ia Pirtakhia, Nono Basilaia and Levan Jgerenaia. 35 Ana Kobakhidze, Davit Kirtadze, Giorgi Sioridze.

<sup>204</sup> Ana Kobakhidze, Davit Kirtadze, Giorgi Sioridze.

<sup>205</sup> The CEC Session, 16 August 2024, 1h 11m, the Video Recording available at: <https://www.youtube.com/watch?v=2mgSozY1XbY&t=3516s>, updated: 20.01.2025.

<sup>206</sup> *ibid.*

local government bodies).<sup>207</sup>

David Kirtadze, a representative of the “United National Movement”, and David Jinjalava, a representative of “European Georgia”, refused to participate in the voting as a sign of protest.<sup>208</sup>

Overall, out of the 217 candidates selected through the process, 11 received the support of at least two-thirds (12 or more votes) of the CEC members, while 207 were selected by a majority of the full composition (9-11 votes) but did not reach the two-thirds threshold.<sup>209</sup> It is noteworthy that all candidates supported by the member appointed by the “Georgian Dream” party were ultimately selected as commission members.

Among the selected members, 146 received the support of professional CEC members, as well as members appointed by the ruling party and at least one member appointed by an opposition party.

**GYLA shares the OSCE/ODIHR recommendation aimed at strengthening the impartiality of the election administration. As per the assessments of the organization, it is crucial to review the process of appointing members to election commissions at all levels to ensure a balance of political influence and prevent the dominance of any single party.<sup>210</sup>**

**According to GYLA’s assessment, legislative barriers related to the deadlines for the composition of district election commissions should be removed. The selection process should be announced before the official start of the campaign, and the deadlines for application submission and review should be extended. This would allow the commission more time to organize interviews with candidates. Additionally, interested individuals should be given a reasonable timeframe to submit applications for commission membership.**

### 3. Precinct Election Commissions

According to the law, 8 professional members of the precinct election commission are appointed by the relevant district election commission with the support of at least two-thirds of its full composition, if at least three of the five members of the district election commission appointed by the CEC for a five-year term voted in favour of the candidate.<sup>211</sup> If the necessary votes are not obtained, during the second round, a candidate receiving the majority of votes from the full composition of the relevant district election commission is considered selected (the requirement for the support of at least three of five professional members also applies).<sup>212</sup> Additionally, in this case as well, 9 members in precinct election commissions are appointed by political parties.<sup>213</sup>

<sup>207</sup> *ibid*, the CEC Session, 31 August 2024, the Video Recording available at: <https://www.youtube.com/watch?v=2mgSozY1XbY&t=3516s>; It is noteworthy that the election legislation does not prescribe any limitation/barrier regarding the activities of the employees of budgetary institutions within the district or precinct election commissions.

<sup>208</sup> The Session Minutes of the CEC 31 August 2024 Session №20/2024, Annexes 1-2.

<sup>209</sup> *ibid*.

<sup>210</sup> Georgia, Parliamentary elections 26 October 2024, ODIHR Election Observation Mission Final Report, (Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2024), available at: <https://www.osce.org/odihr/elections/georgia/584029>, updated: 20.01.2025.

<sup>211</sup> Article 24(2) of The Organic Law of Georgia “Election Code”

<sup>212</sup> *ibid*, Article 25(11).

<sup>213</sup> In total 27 270 members, see, <https://cesko.ge/en/siakhleebi/pres-relizebi/singleview/11033970-informatsia-saubno-saarchevno-komisiebis-khelmdzghvaneli-pirebistsevrebis-archevis-shesakheb>.

As a result of the amendments adopted in December 2022, district election commissions were responsible for selecting not only precinct election commission members for the 26 October elections,<sup>214</sup> but also their superiors.<sup>215</sup>

For the 26 October Elections, the selection process of the precinct election commission<sup>216</sup> members<sup>217</sup> was announced on 2 September.<sup>218</sup> The applications were accepted from 2 to 5 September, with most candidates selected by 7 September.<sup>219</sup> **These deadlines are unreasonably short for disseminating information about vacancies, reviewing submitted applications, and making appropriate decisions.**

According to the official data of the CEC, a total of 24 425 applications were submitted for 24 240 vacant positions, including 9 111 applications for 9 090 superior positions and 15 314 applications for 15 150 commission member positions.<sup>220</sup> These figures indicate that the competition took place without real competitiveness, which may be partly due to the compressed timelines.

**It is advisable to extend both the application submission and review periods, and this process should not be dependent on the official announcement of elections.** This is also indicated with the Document prepared by the Venice Commission and the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights, which outlines that the deadlines for submitting and reviewing applications for precinct election commission membership should be extended.<sup>221</sup>

The district election commissions selected 24 047 precinct election commission members, while a new competition was announced for 193 vacant positions.<sup>222</sup>

The selection process took into account the amendments introduced in December 2022 to the Election Code, which established a certification requirement for professional members of the precinct election commission. Previously, such a requirement applied only to members of the Central Election Commission and district election commissions. Under the new regulations, two types of certifications were introduced for precinct election commission

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<sup>214</sup> In total 15 150 members, see, *ibid*.

<sup>215</sup> In total 9 090 superiors, see, *ibid*.

<sup>216</sup> In total 3 030 precincts, see, *ibid*.

<sup>217</sup> 51 510 members of the commission, see, *ibid*.

<sup>218</sup> The Ordinance №77/2024 of 27 August 2024 of the Central Election Commission regarding Determining the Rules, Conditions, Deadlines and Election Procedure for the Competition for the Selection of Superiors and Members of Precinct Election Commissions established for the 26 October 2024 Elections of the Parliament of Georgia and the by-elections of the Representative Body of the Municipality - the Sakrebulo, available at: <https://cesko.ge/ge/kanonmdebloba/tseskos-samartlebriviaqtebi/gankargulebebi/singleview/11033692-gankarguleba-772024-27082024>, updated: 20.01.2025.

<sup>219</sup> "Call for Holding Vacant Positions of Chairpersons and Members of Precinct Election Commissions Is Announced", the Official Webpage of the CEC, available at: <https://cesko.ge/en/siakhleebe/pres-relizebi/singleview/11033849-saubno-saarchevno-komisiebis-khelmdzghvanelipirebisa-da-tsevrebis-shesarchevi-konkursi-gamotskhadda>, updated: 20.01.2025.

<sup>220</sup> "Information on Electing Heads/Members of Precinct Election Commissions", the Official Webpage of the CEC, available at: <https://cesko.ge/en/siakhleebe/pres-relizebi/singleview/11033970-informatsia-saubno-saarchevno-komisiebis-khelmdzghvanelipirebistsevrebis-archevis-shesakheb>, updated: 20.01.2025.

<sup>221</sup> Joint Opinion on Draft Amendments to the Election Code and the Law on Political Associations of Citizens, Opinion No. 1107/2022, European Commission for Democracy through Law (Venice Commission), 19 December 2022, available at: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)047-](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)047-).

<sup>222</sup> "Information on Electing Heads/Members of Precinct Election Commissions", the Official Webpage of the CEC, available at: <https://cesko.ge/en/siakhleebe/pres-relizebi/singleview/11033970-informatsia-saubno-saarchevno-komisiebis-khelmdzghvanelipirebistsevrebis-archevis-shesakheb>, updated: 20.01.2025.

members: one for regular members and another for superior positions (chairperson, deputy, secretary). However, there are certain exceptions. For example, individuals who already hold a certificate as an election administration official or as a precinct election commission leadership member do not need additional certification. The legislation also provides for special cases where certification is not required, such as members of precinct election commissions established under exceptional circumstances, representatives of precinct election commissions operating abroad, and individuals replacing members whose mandates were terminated before the end of their term.<sup>223</sup>

The selection process for election commission members also considered expanded requirements (grounds) related to position incompatibility. These requirements prevented the selection of individuals as a member of district or precinct election commission if they had been appointed by a political party in the last two elections, had run as candidates themselves, or had served as representatives of an electoral subject; as well as, individuals who had donated to any political party after the start of the last election year were ineligible.<sup>224</sup> Despite these regulations, concerns about the impartiality of election commissions remain within the public. These concerns are linked to the politicization of budgetary organizations and the informal political affiliations of commission members. These suspicions were further reinforced by cases of election administration officials engaging in pre-election agitation and displaying biased attitudes toward election observation organizations on election day.

For the 2024 Parliamentary Elections, the training of professional and politically appointed members of district and precinct election commissions was carried out by the LEPL Center for Electoral Systems Development, Reforms and Training.

According to the CEC, 17% of politically appointed members of district election commissions did not undergo any training.<sup>225</sup> Additionally, 26% of politically appointed members of precinct election commissions did not receive training for electronic polling stations, and, as for traditional polling stations, 38% did not attend any training.<sup>226</sup>

**Political parties should ensure maximum participation of their appointed commission members in the training process. The CEC must make training accessible to all commission members without any obstacles.**

**Considering practical requirements, the optimal number of precinct election commission members should be determined in a way that ensures both high-quality work and the rational use of resources.**

#### **4. Interagency Commission for Free and Fair Elections**

According to Article 48(3) of the Election Code, in order to ensure that public officers prevent and respond to violations of the electoral legislation during the election year, the Interagency Commission for Free and Fair Elections (“the Interagency Commission”) is set up. In addition to overseeing electoral violations committed by public officials, the Commission coordinates and facilitates dialogue between the Georgian government and all stakeholders involved in the elections.<sup>227</sup>

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<sup>223</sup> Article 17(3(e<sup>1</sup>)) of The Organic Law of Georgia “Election Code”

<sup>224</sup> Article 20(17<sup>1</sup>) of The Organic Law of Georgia “Election Code”

<sup>225</sup> Annex to the Letter №03-01/17 of the Central Election Commission, January 2025.

<sup>226</sup> *ibid.*

<sup>227</sup> The Statute of the Interagency Commission for Free and Fair Elections, Article 2(1).

For the 2024 parliamentary elections, the Commission held its first meeting on 15 July 2024.<sup>228</sup> It shall be outlined that the meetings were conducted without the participation of critical observer organizations.<sup>229</sup> The Ministry of Justice did not notify the GYLA about the meetings of the Interagency Commission and, hence, GYLA, as an observer organization, was not involved at any stage of the commission's activities.

## OPENING OF POLLING STATIONS ABROAD

The issue of opening polling stations abroad for the 26 October 2024, elections was questionable. According to the Election Code, electoral precincts abroad shall be set up by the Central Election Commission (CEC) based on data provided by the Ministry of Foreign Affairs of Georgia, not later than the 30<sup>th</sup> day before Election Day, for not less than 50 and not more than 3 000 voters.<sup>230</sup> The deadline for opening polling stations abroad, as stipulated by the Election Code, expired on 26 September 2024.<sup>231</sup> On the same day, during a session, the CEC opened 60 polling stations in 53 cities across 42 countries based on information received from the Ministry of Foreign Affairs.<sup>232</sup> Additionally, on 11 October, taking into account the number of voters, the CEC, based on its Ordinance, opened 7 additional polling stations<sup>233</sup> in existing locations. In total, 67 polling stations were opened abroad for the October 26 elections.<sup>234</sup> The Ministry of Foreign Affairs provides information based on the data of Georgian citizens, with a right to vote, registered at consulates. However, under the current legislation, the CEC is not restricted from requesting the Ministry of Foreign Affairs to open temporary consular offices if necessary for establishing polling stations.

International practices regarding the participation of citizens living abroad in elections vary. Nevertheless, according to the Venice Commission, if a country grants its citizens living abroad the right to vote, it must ensure the full, secure, and transparent realization of this right.<sup>235</sup> As per the UN Human Rights Committee, in practical terms, the State party must assess the number of citizens who would likely wish to exercise their right to vote in order to decide on the number and location of the polling stations.<sup>236</sup>

For the 26 October 2024 elections, the CEC opened all polling stations within Georgia's diplomatic missions abroad, preventing many Georgian citizens from participating due to

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<sup>228</sup> "Interagency Task Force for Free and Fair Elections (IATF) for Parliamentary Elections Holds its First Session", the Official Webpage of the Ministry of Justice of Georgia, 15.07.2024, available at: <https://justice.gov.ge/?m=articles&id=gEBVLPAtzQ>, updated: 03.02.2025.

<sup>229</sup> The opposition parties also did not participate in the sessions of the Interagency Commission, except "European Democrats" (attended 2 sessions), "European Georgia" (attended 2 sessions) and "Alliance of Patriots" (attended 1 session).

<sup>230</sup> Article 23(7) of The Organic Law of Georgia "Election Code"

<sup>231</sup> Article 23(7) of The Organic Law of Georgia "Election Code"; Ordinance №79/2024 of the CEC.

<sup>232</sup> The Ordinance №191/2024 of 26 September of the Central Election Commission, Annex, available at: <https://cesko.ge/ge/kanonmdebloba/tseskos-samartlebrivi-aqtebi/gankargulebebi/singleviwev/11034215-gankarguleba-1912024-26092024>; see, also, the Session of 11 October 2024 of the CEC, available at: <https://www.youtube.com/watch?v=NhOq60drGzc>.

<sup>233</sup> New York, Berlin, Barcelona, Rome, Athens, Thessaloniki, Paris.

<sup>234</sup> The Ordinance №191/2024 of 26 September of the Central Election Commission, Annex, available at: <https://cesko.ge/ge/kanonmdebloba/tseskos-samartlebrivi-aqtebi/gankargulebebi/singleviwev/11034215-gankarguleba-1912024-26092024>; see, also, the Session of 11 October 2024 of the CEC, available at: <https://www.youtube.com/watch?v=NhOq60drGzc>.

<sup>235</sup> CDL-AD(2007)023-e, Joint Opinion on the 26 February 2007 Amendments to the Electoral Code of the Republic of Armenia by the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights, para. 10.

<sup>236</sup> Human Rights Committee, Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 3278/2018, para. 7.5.

territorial distance and other factors. This decision was made despite repeated notifications from citizens, the President of Georgia, and other stakeholders about the necessity of opening polling stations in additional locations.<sup>237</sup> Georgian citizens living in various foreign cities, whose residences were far from existing diplomatic missions, self-organized and collected evidence proving their consular registration.<sup>238</sup> According to this data, the number of emigrants registered at consulates in each of these cities exceeded 50. In May, August, and September 2024, they submitted this information to the CEC to request the opening of polling stations. In response to these appeals, the CEC chairperson stated on 5 September that the election administration could not satisfy this request due to the absence of a legislative provision obligating the CEC to process and act upon such information.

In response to this issue, the organization “Fair Elections” filed a lawsuit in Tbilisi City Court on 7 September. The organization contested the letters received by the Georgian citizens registered abroad at consular offices from the CEC chairperson, which denied them the establishment of polling stations. The court dismissed the case, stating that the deadline for the CEC to decide on opening polling stations abroad was 26 September 2024, while also outlining that the CEC chairperson’s letters did not constitute an official decision regarding the creation of polling stations in other countries. Additionally, the court noted that while the law obligates the CEC to establish polling stations abroad, the specific locations remain at the discretion of the commission.

According to GYLA’s assessment, the participation of Georgian citizens living abroad in the 2024 elections was legally and practically problematic. The ambiguity of Article 23(7) of the Election Code creates uncertainty in the exchange of information between the CEC and the Ministry of Foreign Affairs - it does not specify who should obtain information or what type of data should be collected. In practice, the Ministry only provides information about diplomatic missions, which cannot be interpreted from the text of the law. This legal ambiguity and its multiple interpretations raise concerns about its constitutionality. This issue is particularly problematic in electoral legislation, where clarity and predictability are fundamental principles.

As an independent body, the CEC plays a crucial role in the process of opening polling stations abroad and is obligated to ensure that every citizen’s right to vote is protected both within the country and abroad.

Under current practice in Georgia, polling stations abroad are established within consulates or diplomatic missions.<sup>239</sup> The decision to open consular offices is made by the Minister of Foreign Affairs.<sup>240</sup> However, if the CEC is aware that there is a necessary number of Georgian citizens registered at consulates in an area without an existing diplomatic mission, it, as a

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<sup>237</sup> “The President met with the CEC Chairman and NGOs regarding the opening of additional polling stations abroad”, the Official Webpage of “Euronews”, 29.03.2024, available at: <https://euronewsgeorgia.com/2024/03/29/prezidenti-ceskos-tavmjdomaresa-da-arasamtavrobebs-shekhvda-sazgvargaret-damatebiti-saarchevno-ubnebis-gakhsnis-taobaze/>, updated: 08.10.2024

<sup>238</sup> The Decision of the Tbilisi City Court, 30 September 2024.

<sup>239</sup> “Giorgi Kalandarishvili - The organization of polling stations abroad was presented as manipulative, which led to the formation of numerous myths and disinformation”, Information Portal “Pirveli Arkhi”, 24.09.2024, available at: [https://1tv.ge/news/giorgi-kalandarishvili-sazghvargaret-saarchevno-ubnebis-organizeba-manipulaci-urad-warmochinda-ramac-araerti-mitis-tu-dezinformaciisformirebagamoiwvia/fbclid=IwY2xjawFx7\\_BleHRuA2Fl-bQlxMAABHa\\_dHQoJTDtZ4uFHF\\_4SrJRRcPaNBbK1cwsvsqPmFd4nDa54ZD8mirsbw\\_aem\\_7fuFno5dIMJjqrZEm-WaDaQ](https://1tv.ge/news/giorgi-kalandarishvili-sazghvargaret-saarchevno-ubnebis-organizeba-manipulaci-urad-warmochinda-ramac-araerti-mitis-tu-dezinformaciisformirebagamoiwvia/fbclid=IwY2xjawFx7_BleHRuA2Fl-bQlxMAABHa_dHQoJTDtZ4uFHF_4SrJRRcPaNBbK1cwsvsqPmFd4nDa54ZD8mirsbw_aem_7fuFno5dIMJjqrZEm-WaDaQ), updated: 10.08.2024.

<sup>240</sup> Ordinance N206 of the Government of Georgia on Approval of the Statute of the Ministry of Foreign Affairs of Georgia, adopted on 16 November 2005, Article 8(6).

guarantor of the right to vote of all citizens, has the discretion to request, in a timely manner before the elections, the Ministry of Foreign Affairs to open a polling station in a timely manner before the elections.

Considering that the Ministry of Foreign Affairs did not demonstrate the political will to open temporary consular offices for election purposes, the CEC was obligated to act proactively. It should have taken into account the interests of Georgian citizens and requested the Ministry to open additional polling stations. Such action of the CEC would have helped ensure that citizens abroad could exercise their right to vote, thereby fulfilling the commission's primary goal - protecting the voting rights of all citizens.

This issue was also raised before the Constitutional Court of Georgia on 20 November, when the President and 30 members of Parliament filed a lawsuit regarding the universality of the elections;<sup>241</sup> GYLA submitted its arguments to the court as an *amicus curiae*.<sup>242</sup> However, on 29 November, the Court did not accept the case.<sup>243</sup> The court ruled that participating in elections requires active effort from citizens, and geographical barriers constitute a natural obstacle unless the state fails to provide broader voting access despite having the "reasonable resources" to do so. Furthermore, simply opening polling stations would not be sufficient if adequate election organization (space, commission members, training, equipment, etc.) was not ensured. The court found that the burden of proving this possibility fell on the claimants. The court also rejected the argument of discrimination among citizens due to the lack of polling stations, reasoning that even if polling stations were opened abroad, The Election Code's requirement regarding the territorial distance between precincts could not have been met abroad.

The Judges of the Constitutional Court had dissenting opinions. Judge Giorgi Kverenchkhiladze argued that traveling hundreds or thousands of kilometres to vote made participation practically impossible, exceeding the so-called "natural barriers" referenced by the court. Judge Teimuraz Tughushi noted that despite technical and financial difficulties, the state has a positive obligation to prevent excessive obstacles for voters.

**As per GYLA's assessment, the legislative framework allowed the CEC to open additional polling stations. As the body responsible for protecting voting rights, the CEC should have actively cooperated with relevant agencies, particularly the Ministry of Foreign Affairs, to have ensured the participation of Georgian citizens living abroad in the elections.**

**It is crucial that the Election Code establishes the opening of polling stations abroad as a legal obligation rather than a discretionary decision of the CEC.**

**The Ministry of Foreign Affairs should maintain records of Georgian citizens registered at consulates not only by country but also by city or specific location and provide this information to the CEC so that the commission has a more accurate understanding of where polling stations are needed.**

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<sup>241</sup> The constitutional complaint N1848 by the President of Georgia regarding the norms regulating the elections of the Parliament of Georgia and the Supreme Council of the Autonomous Republic of Ajara, as well as the constitutionality of the October 26, 2024, elections based on these norms, also, the constitutional complaint of the members of the Parliament of Georgia (Tamar Kordzaia, Levan Bejashvili, Giorgi Botkoveli and others, 30 members) regarding the norms regulating the elections of the Parliament of Georgia and the constitutionality of the October 26, 2024, elections based on these norms.

<sup>242</sup> Amicus Curiae of the Georgian Young Lawyers' Association, 22.11.2024, available at: <https://gyla.ge/post/GYLA-sasamartlo-megobris-mosazreba>.

<sup>243</sup> Ruling N3/7/1848,1849 of the Constitutional Court of Georgia, 29 November 2024, available at: <https://www.constcourt.ge/ka/judicial-acts?legal=17525>.

**Legislation should determine a reasonable number of Georgian citizens in cities without consular offices. If a certain number of citizens register to vote in such locations, opening a polling station should become mandatory.**

## **USE OF ELECTRONIC TECHNOLOGIES IN THE 2024 PARLIAMENTARY ELECTIONS AND AUDIT**

The large-scale introduction of electronic technologies in Georgia began with the 2021 local self-government elections.<sup>244</sup> The severe political crisis that emerged after the 2020 Parliamentary Elections and the opposition's distrust of the election results, brought the need for election legislation reform into the agenda. In 2021 February, a memorandum on election legislation reform was signed between opposition party "Citizens" and the "Georgian Dream".<sup>245</sup> One of the important innovations introduced by the reform was the implementation of new technologies in elections, which would increase trust of the public and other stakeholders engaged in the election in electoral processes. It should also have enhanced the efficiency on the election day, while ensuring the rapid publication of results.<sup>246</sup> Based on this memorandum, a working group was created in Parliament on 4 February 2021, tasked with drafting amendments to the Election Code.<sup>247</sup> On 2 March 2021, the package of amendments was sent to the Venice Commission and OSCE/ODIHR. The joint Opinion was published on 30 April.<sup>248</sup> In the Opinion, the Commission outlined the provision of the Code of Good Practice in Electoral Matters, according to which, "electronic voting should be used only if it is safe and reliable".<sup>249</sup> As outlined by the Joint Opinion, It was recommended to establish a detailed and comprehensive regulatory framework for the use of new voting technologies taking into account international good practice.<sup>250</sup> The Opinion also pointed out the importance of planning and preparatory work, including adequately informing voters and training election administrators.<sup>251</sup> Also, mechanisms for auditing and verification needed to be considered.<sup>252</sup>

The Venice Commission explicitly outlined that a shift to electronic voting and counting should not be considered a panacea to the problems that occurred during the 2020 parliamentary elections.<sup>253</sup>

The working group was functional until 17 May.<sup>254</sup> Eventually, the package of amendments

<sup>244</sup> 41 314 voters registered in the Krtsanisi electoral district were given the opportunity to vote using electronic technologies.

<sup>245</sup> Latsabidze M., Information Newsletter №16, January 2021 (Tbilisi, Georgian Young Lawyers' Association), pp. 2-3, the Official Webpage of the Georgian Young Lawyers' Association, available at: <https://bit.ly/3GMMKHq>, updated: 24.01.2025.

<sup>246</sup> "Georgian Dream-Citizens Election Reform Memorandum: Key Points", Information Portal "Civil.ge", 30.01.2021, available at: <https://civil.ge/archives/394475>, updated: 24.01.2025.

<sup>247</sup> Kruashvili N., Information Newsletter №17, February 2021 (Tbilisi, Georgian Young Lawyers' Association), pp. 5-9, the Official Webpage of the Georgian Young Lawyers' Association, available at: <https://bit.ly/3rSNJ4M>, updated: 24.01.2025.

<sup>248</sup> Kruashvili N., Information Newsletter №19, January 2021 (Tbilisi, Georgian Young Lawyers' Association), p. 10, Official Webpage of the Georgian Young Lawyers' Association, available at: [http://217.147.239.51/files/news/%E1%83%A4%E1%83%9D%E1%83%9C%E1%83%93%E1%83%98/2021/-19\\_geo.pdf](http://217.147.239.51/files/news/%E1%83%A4%E1%83%9D%E1%83%9C%E1%83%93%E1%83%98/2021/-19_geo.pdf), updated: 24.01.2025.

<sup>249</sup> Venice Commission, OSCE/ODIHR, Joint Urgent Opinion on Draft Amendments to the Election Code, CDLPI(2021)005(Strasbourg: Council of Europe, 2021), available at: <https://bit.ly/3hFok4R>, updated: 24.01.2025.

<sup>250</sup> *ibid*, para. 75.

<sup>251</sup> *ibid*.

<sup>252</sup> *ibid*, para. 77.

<sup>253</sup> *ibid*, para. 79.

<sup>254</sup> "Work on amendments to the election legislation in the working group format has been completed", the Official Webpage of the Parliament of Georgia, 17.05.2021, available at: <https://bit.ly/35alLfc>, updated: 24.01.2025.

was based on the political agreement reached on 19 April between the ruling party and the opposition;<sup>255</sup> the agreement resulted from mediation initiated by the President of the European Council, Charles Michel. 12-step plan of Michel included an ambitious electoral reform.<sup>256</sup> Although the document did not explicitly mention electronic technologies, as stipulated by one of the provisions, it obligated parties to support the 2 March draft law submitted to Parliament, taking into account the additions and amendments presented in the agreement.<sup>257</sup> On 28 June 2021, Parliament passed amendments to the Election Code with 86 votes in favour and 3 against.<sup>258</sup>

As a result of the reform, the CEC was granted the authority to conduct voter registration, the procedures of voting, vote counting, and results summarizing using electronic means for the 2021 local self-government elections.<sup>259</sup> A total of 41 314 registered voters in the Krtsanisi electoral district had the opportunity to vote using electronic means.<sup>260</sup> The technology and services were provided by the international company Smartmatic International B.V.<sup>261</sup>

Following the amendments of December 2022,<sup>262</sup> Chapter VIII<sup>1</sup> was added to the Election Code, titled “Conducting Polling/Elections Using Electronic Means”. The Election Code stipulated that voting using electronic means had to be available to at least 70% of voters in interim, extraordinary, and the 2024 general parliamentary elections.<sup>263</sup> In February of the same year, the CEC decided to expand the coverage of electronic polling stations to 90% of voters.<sup>264</sup>

Despite some provisions in the organic law, key aspects of electronic voting remained under the CEC’s discretion. On 6 February 2023, the CEC adopted Decree “On defining rule and conditions for polling through electronic devices”<sup>265</sup>. The 2024 Parliamentary Elections were held in accordance with that Ordinance.<sup>266</sup>

In the 26 October 2024 elections, voter registration (verification) was conducted using the VIU Desktop 818-100 device. The devices at the same polling station were synchronized

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<sup>255</sup> A way ahead for Georgia”, the Official Webpage of the Delegation of the European Union to Georgia, 19.04.2021, available at: <https://bit.ly/3frBggU>, updated: 24.01.2025.

<sup>256</sup> *ibid.*

<sup>257</sup> *ibid.*

<sup>258</sup> “The Parliament adopted the Election Code amendments with 86 votes”, the Official Webpage of the Parliament of Georgia, 28.06.2021, available at: <https://bit.ly/3ian3Xb>, updated: 24.01.2025.

<sup>259</sup> Article 203<sup>2</sup>(1) of The Organic Law of Georgia “Election Code”

<sup>260</sup> Odikadze N., “Georgian Experience and Perspectives of Implementing Electronic Election Technologies”, (Tbilisi, Georgian Young Lawyers’ Association, 2024.

<sup>261</sup> *ibid.*, p. 13.

<sup>262</sup> “The Parliament adopted amendments to the Organic Laws on ‘the Election Code of Georgia’ and ‘on Political Association of Citizens’”, the Official Webpage of the Parliament of Georgia, 22.12.2022, available at: <https://bit.ly/3CKikWW>, updated: 24.01.2025.

<sup>263</sup> Article 76<sup>3</sup>(1) of The Organic Law of Georgia “Election Code”.

<sup>264</sup> “Nearly 90% of Voters Will Vote in the 2024 Parliamentary Elections Using Electronic Technologies”, the Official Webpage of the CEC, 06.02.2023, available at: <https://cesko.ge/en/siakhleebi/pres-relizebi/singleview/11031836-2024-tslis-parlamentis-archevnebshi-amomrchevta-titkmis-90-khmas-elektronuli-teknologiebis-gamoqenebit-mistsems>, updated: 24.01.2025.

<sup>265</sup> CEC Decree №7/2023 of 6 February 2023 on defining rule and conditions for polling through electronic devices, available at: <https://cesko.ge/ge/kanonmdebloba/tseskos-samartlebrivi-aqtebi/dadgenilebebisadasd21/singleview/11031834-dadgenileba-072023-06022023>, updated: 24.01.2025.

<sup>266</sup> “Market Research Related to the Purchase of Election Technologies and Related Services”, the Official Webpage of the CEC, 15.02.2023, available at: <https://cesko.ge/en/siakhleebi/pres-relizebi/singleview/11031863-saarchevno-teknologiebisa-da-shesabamisi-momsakhurebis-shesqidvastandakavshirebuli-bazris-kvleva>, updated: 24.01.2025.

with each other.<sup>267</sup> Voter identification was performed using electronic ID cards scanned by an MRZ (Machine-Readable Zone) reader, non-electronic ID cards (in limited cases) or passports were manually entered into the system. Counting of votes was carried out by the PCOS SAES-1800plus machine, which used Optical Mark Recognition (OMR) technology to read votes.<sup>268</sup> Additionally, some data were transmitted to upper election commissions using Lenovo Tab K11 tablets.<sup>269</sup>

On the election day, GYLA observers identified technical issues with electronic devices, as well as shortcomings in voter information and the training of precinct election commission members.<sup>270</sup> Despite these issues, commissions generally managed voting process, and GYLA has not recorded any significant delays in voting due to these reasons.

According to CEC Decree №7/2023 “On defining rule and conditions for polling through electronic devices”, voter lists were preloaded into verification devices by the CEC.<sup>271</sup> As demonstrated by the data provided by the CEC, the unified voter list was loaded into verification devices on election day, and lists of particular voters in the precincts were activated accordingly for specific polling stations.<sup>272</sup>

To familiarize voters and stakeholders with electronic technologies, the CEC conducted training sessions and informational meetings. During these meetings, the problems related to the secrecy of ballots have been again observed.<sup>273</sup> GYLA had a written correspondence<sup>274</sup> with the CEC, and received promise from the election administration that the problem would be solved, however, no actual steps were taken.

The Election Code of Georgia does not require independent audits of electronic technologies. Nevertheless, at the CEC’s initiative, the compliance audit of electronic means for the 26 October elections was conducted by audit company “PRO V&V”.<sup>275</sup> The CEC began cooperating with this company to conduct audits for the 1 October 2023 by-elections/extraordinary elections.<sup>276</sup> It is noteworthy that the selection process for the audit company was

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<sup>267</sup> Synchronizing devices involves connecting them to each other locally, without the Internet.

<sup>268</sup> “Optical Scanning Systems —”. Accessed March 4, 2024. <https://aceproject.org/main/english/et/et72.htm>.

<sup>269</sup> CEC Decree №7/2023 of 6 February 2023 on defining rule and conditions for polling through electronic devices, available at: <https://www.matsne.gov.ge/ka/document/view/5713266?publication=0>, updated: 24.01.2025.

<sup>270</sup> See, the relevant Chapters.

<sup>271</sup> We also read this in Annex 1 of the Agreement signed between the CEC and the company “Smartmatic” (№3/08/1), namely: “[i]n those polling stations where elections will be held using electronic means, verification machines will be placed for the purpose of voter identification, into which the CEC will load voter lists”.

<sup>272</sup> Letter №01-01/1607 of the Central Election Commission of Georgia, 28 September 2024.

<sup>273</sup> At the initial phases of the reform, GYLA raised concerns with the election administration regarding serious challenges related to the secrecy of the voting process. Following its observation of the 2021 local self-government elections, during which electronic technologies were tested in the Krtsanisi district, the organization stated that “due to the leakage of the marker ink to the other side of the ballot, it was somewhat possible to identify the vote either when the ballot was placed in the machine or if it was returned for any reason”. GYLA’s observation mission also noted this violation of vote secrecy during the Batumi Sakrebulo by-elections on 2 April 2022, and reflected the issue in its official report. Additionally, during the 1 October 2023 elections for the Gori-Kaspi majoritarian parliamentary seat and the Mayor’s Office of Gurjaani, GYLA once again identified instances of vote secrecy violations caused by the same issue. According to the organization, “this practice posed a significant risk to voter confidentiality, warranting an immediate response from the CEC”.

<sup>274</sup> Letter №01-01/1607, 28 September 2024.

<sup>275</sup> The same company conducted the compliance audit of the electronic means for the 2023 by-elections/extraordinary elections.

<sup>276</sup> Odikadze N., “Georgian Experience and Perspectives of Implementing Electronic Election Technologies”, (Tbilisi, Georgian Young Lawyers’ Association, 2024).

managed by the financial department of the CEC, and CEC members were not involved.<sup>277</sup> Some opposition representatives only became aware of the audit process after the conclusion was published.<sup>278</sup>

The final audit report for the 26 October elections was made public on 7 November. The audit was conducted in three stages. The audit was conducted in three stages: the first stage - analysing software updates and their compliance with Georgian election law; the second stage - observing the equipment preparation process and verifying the accuracy of configuration files; the third stage – observing on the election day. According to the information provided by the CEC to GYLA, the audit company independently selected the polling stations to visit for inspection, without prior notification to precinct election commissions. Precinct election commissions only learned of the visits of the representatives of “PRO V&V” only when the representatives of the company arrived at polling stations.<sup>279</sup>

It is noteworthy that the audit did not include an inspection of electronic voting devices immediately after the elections, which, *inter alia*, contradicted GYLA’s recommendation, which specified: **for the parliamentary elections, the audit should be carried out in two stages – before and after the elections. This is necessary to check, on the one hand, the technical, software functionality and compliance of the electronic means (election technologies) to be used, and, on the other hand, that no changes have been made to the audited technologies and software before the elections.**<sup>280</sup>

The devices were examined approximately two weeks before election day, which does not provide conclusive evidence that the actual voting process was conducted using the same initial software and functionality.

**For the purposes of having the trust in the process, it is crucial to conduct an audit of vote-counting machines (checking integrity of the software code) after election day. These devices should be transported directly from polling stations for examination.**

GYLA did not receive a concrete answer from the CEC regarding who and based on which standards formulated those questions which were answered by the audit conducted by “PRO V&V”.<sup>281</sup> Furthermore, the audit report did not specify the methodology used to select the examined devices.

Although the main purpose of the second stage of the audit was to verify the compliance of voter lists on CEC servers with those loaded into polling station devices, the report does not state what “PRO V&V” findings are following the examination of the lists. The document does not answer the main question of - whether the lists matched.

The absence of any mention of systemic violations of ballot secrecy in the audit report, despite findings from both local and international observers, raises serious concerns about the audit’s efficiency.

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<sup>277</sup> *ibid*, p. 35.

<sup>278</sup> *ibid*.

<sup>279</sup> Letter №01-02/2380 of the Central Election Commission of Georgia, 30 December 2024.

<sup>280</sup> Odikadze N., “Georgian Experience and Perspectives of Implementing Electronic Election Technologies”, (Tbilisi, Georgian Young Lawyers’ Association, 2024).

<sup>281</sup> According to the CEC’s response, the stages and key areas of the audit were determined by the agreement signed between the Central Election Commission of Georgia and the international auditing company “PRO V&V” - Letter №01-02/2380 of the Central Election Commission of Georgia, 30 December 2024.

In general, the use of electronic technologies in the elections presents risks of unauthorized modifications by both internal and external actors, as well as unauthorized access to stored data. Due to the complexity of such technologies, elections conducted using electronic means are inherently less transparent than traditional voting and counting methods.<sup>282</sup> This makes inclusivity and trust in the process even more crucial. Public confidence in elections is directly linked to the long-term stability of a country's political system and results in public faith in democratic institutions.

**According to GYLA's assessments, for the purposes of checking the process in a reliable way, it is crucial to conduct an inclusive and transparent audit company selection process, as well as stakeholder involvement in defining the scope and key questions of the audit. As per the recommendation of the OSCE/ODIHR – relevant stakeholders should be granted meaningful opportunities to scrutinize all aspects of the implementation process, including access to technical documentation, source code review, device configuration and auditing procedures.**<sup>283</sup>

During the pre-election period, the observation mission of GYLA received reports of disinformation campaigns aimed at instilling fear among voters that connection between verification and vote-counting machines could track the choice of the voters and their identity.

The systemic violation of the secrecy of ballots,<sup>284</sup> allegations of multiple voting, and suspicions of voter list manipulation during the 26 October 2024 elections significantly damaged public trust in the electronic voting system.

The Central and lower-level election commissions, in coordination with the courts, collectively disregarded the systemic issue of secrecy of ballots, which severely undermined the reputation of the CEC as an independent state institution. **In the reality when the state institutions are captured, effective appeal and verification mechanisms are not in place, it becomes impossible to talk about the success of the technological reform.**

Public trust is essential when assessing the efficiency of the system. While states have the discretion to choose their electoral models, any system must adhere to international obligations<sup>285</sup> and soft law standards, including the 1990 Copenhagen Document of the Organization for Security and Co-operation in Europe ("OSCE"). For elections to meet high democratic standards, states should consider interpretative documents, international best practices, and reports and recommendations from organizations, such as Code of Good Practice in Electoral Matters by the European Commission for Democracy through Law ("the Venice Commission") and the OSCE Office for Democratic Institutions and Human Rights ("OSCE/ODIHR").

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<sup>282</sup> Goldsmith, Ben, and Holly Ruthrauff. Implementing and Overseeing Electronic Voting and Counting Technologies. International Foundation for Electoral Systems and National Democratic Institute for International Affairs, 2013. <https://www.ndi.org/implementing-and-overseeing-e-voting-counting-technologies>.

<sup>283</sup> Georgia, Parliamentary elections 26 October 2024, ODIHR Election Observation Mission Final Report, (Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2024), Page: 13, available at: <https://www.osce.org/odihr/elections/georgia/584029>, updated: 18.02.2024.

<sup>284</sup> See, the relevant Chapter.

<sup>285</sup> The Venice Commission explicitly states that the elections conducted with electronic means shall comply with Article 3 of Protocol No. 1 of the European Convention on Human Rights, under which the High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure free expression of the opinion of the people.

## PART II – PRE-ELECTION ENVIRONMENT

### ALLEGED VOTE BUYING AND MISUSE OF PUBLIC RESOURCE

The misuse of administrative resources for electoral purposes is a significant challenge in every election. The Georgian legislation prescribes the prohibition on the use of administrative resources for purposes of the party. It is noteworthy that the threat of such misuse remains prevalent in the campaign of the ruling party, as the ruling party has direct access to state resources.

According to the Election Code, any person having the right to participate in canvassing shall be prohibited from using administrative resources in the course of the election campaign/agitation in support of or against a candidate for electoral subject.<sup>286</sup> Although the Code does not provide an exhaustive list of what constitutes the use of administrative resources, it broadly defines it as any action by unauthorized individuals that utilizes state funds or resources to gain an electoral advantage.

The principle of a clear separation between the state and political parties is recognized by the OSCE so-called “Copenhagen Document”. Particularly, as prescribed by Provision 5.4. of the Document, the state-budgetary resources and party resources shall be separated, and they shall not be merged or affiliated with one another.

As per the explanation of the Venice Commission, administrative resources are human, financial, material, *in natura*, and immaterial resources used during the elections. This relates to control over public sector, access to public resources or other advantages derived from holding public office, which may turn into political endorsements or other forms of support.<sup>287</sup>

According to the Recommendations of the Congress of Local and Regional Authorities, it is essential to have an adequate legal framework which clearly outlines what is allowed and what is forbidden.<sup>288</sup> In addition, the principle of political neutrality should apply to civil servants while performing their professional duties as well as to public bodies.<sup>289</sup> In addition, relevant institutions shall take resolute steps to prevent, identify, investigate and prosecute instances of pressure and intimidation of voters, as well as the misuse of State resources for campaign purposes. To ensure an open campaign environment protect citizens from pressure and intimidation, law enforcement bodies should investigate *ex officio* all violations of the electoral legal framework.<sup>290</sup>

Within the GYLA observation mission, various instances were identified where the ruling party violated the principle of separation between the state and political parties by illegally using administrative resources. These violations included the improper use of both material resources and personnel from budget-funded institutions, who are financially and professionally dependent on state or local officials. There were also cases of exploiting and manipulating various social groups for electoral gain. While these individuals may not have been directly employed by the institutions, they received benefits through various social programmes.

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<sup>286</sup> Article 48(1) of The Organic Law of Georgia “Election Code”.

<sup>287</sup> Report on the Misuse of Administrative Resources during Electoral Processes, N CDL-AD(2013)033, P. 6.

<sup>288</sup> The misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials, N CG31(2016)07final, P. 25.

<sup>289</sup> *ibid.*

<sup>290</sup> *ibid.*

## 1. Large-Scale Infrastructural and Social Projects

According to Article 49 of the Election Code of Georgia, from the 60<sup>th</sup> day before the Election Day, it is prohibited to implement projects/programs that have not been previously included in the State/Local Budget. Particularly, this provision prohibits the implementation of infrastructure or other projects during the pre-election period that could influence voters in favour of the ruling party. The law specifically applies restrictions to the two-month period leading up to the elections. However, while implementing or planning such projects 5-6 months before the elections does not directly violate the Election Code, as the election date approaches, government infrastructure projects begin to show signs of administrative resources being used for electoral purposes. According to the Venice Commission's standards<sup>291</sup>, an electoral process goes beyond the electoral campaign as strictly understood in electoral laws, and it includes all actions taken by representatives of the incumbent government in support of or against candidates, political parties, or coalitions.<sup>292</sup> Therefore, the state must clearly distinguish its official activities from party activities to make sure that the citizens do not confuse these two.

Throughout the election year, various ministries and local governments launched and announced significant infrastructure projects.

Additionally, as part of GYLA's long-term observation mission, throughout the election year, several large-scale social initiatives were identified, offering various benefits or social benefits to citizens and could have been a way for voters to give preference to a specific political party.

### The Reconstruction of the Peace Park in Telavi

On 1 June 2024, the Telavi Municipality Mayor opened the Peace Park,<sup>293</sup> after starting its rehabilitation in 2022 with the co-funding from European Union and the local budget within project Integrated Development Program for the Pilot Regions.<sup>294</sup> It is noteworthy that the rehabilitation process should have been finalized in three months upon its commencement. According to the information provided by GYLA's regional monitor, upon the opening of the park, the mayor did not talk about the funding of the European Union and attributed the project's implementation entirely to the "municipality's prudence and care for the population".

### The Infrastructure Projects in Marneuli

On 28 May 2024, the Marneuli Municipality Hall announced a tender to build a square on 20 January Street.<sup>295</sup> It shall be outlined that according to the tender conditions, the winning

<sup>291</sup> VENICE COMMISSION, REPORT ON THE MISUSE OF ADMINISTRATIVE RESOURCES DURING ELECTORAL PROCESSES, Strasbourg, 16 December 2013, para. 9.

<sup>292</sup> *ibid.*

<sup>293</sup> "The Sign 'Funded by the EU' angered the Mayor of Telavi, who tore down the banners | the incident in the Peace Square", "Mtavari Channel", 01.06.2024, available at: <https://www.facebook.com/watch/?v=860534882563889>, updated: 14.11.2024.

<sup>294</sup> "A new recreation space will be built along Peace Street", Webpage of Telavi Municipality, 16.03.2022, available at: <https://telavi.gov.ge/ge/mshvidobis-kuchis-mimdebare-daxali-sarekreacio-sivrc-moecqoba>, updated: 14.11.2024.

<sup>295</sup> "Marneuli Municipality plans to build a square at the cost of 107 716 GEL", Radio "Marneuli", 04.06.2024, available at: <https://shorturl.at/0lmVo>, updated: 14.11.2024.

company should have completed the work within 90 days.<sup>296</sup> As it can be observed on the procurement portal of the Marneuli Municipality City Hall, the acceptance certificate for the completion of the square arrangement works was signed between the City Hall and the company on 23 September 2024 – before the elections,<sup>297</sup> which raises further suspicions of the misuse of administrative resources shortly before the elections to influence voters.

Another big infrastructure project prior to the elections was the opening of the central stadium in Marneuli by the Prime Minister.<sup>298</sup> On 3 June 2024, the Marneuli central football stadium was opened by the Prime Minister.<sup>299</sup> It is noteworthy that the construction of the new stadium began in 2021, and initially its completion date was planned to be the end of 2023.<sup>300</sup>

### **Provision of Residential Apartments to Eco-Migrants and Internally Displaced Persons**

One of the largest infrastructure-social projects in 2024 was the construction and allocation, or promise of allocation, of residential apartments to various social groups.

Particularly, in Batumi three 12-story buildings were built for eco-migrant families in the so-called “Dream City”, providing homes for 582 families.<sup>301</sup> It is noteworthy that they had been waiting for “social house” for years. As promised by the Prime Minister, this programme aims to provide flats to up to 1 000 families in Batumi.<sup>302</sup>

Additionally, as part of the IDP Housing Programme, three 12-story residential buildings on Nikea Street in Kutaisi were completed in August 2024, benefiting 720 IDP families.<sup>303</sup> Furthermore, already in October, 200 IDP families were provided with flats on Shervashidze Street in Kutaisi.<sup>304</sup>

Under the same programme apartments are built in Zugdidi, with the Ministry of Health announcing the project to the public on 15 October 2024 - just 10 days before the elections.<sup>305</sup>

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<sup>296</sup> *ibid.*

<sup>297</sup> Acceptance Certificate, 23.09.2024, available at: <https://tenders.procurement.gov.ge/public/?lang=ge>, updated: 14.11.2024.

<sup>298</sup> The Statement of the Government of Georgia, 03.06.2024, available at: [https://www.gov.ge/index.php?lang\\_id=GEO&sec\\_id=596&info\\_id=88641](https://www.gov.ge/index.php?lang_id=GEO&sec_id=596&info_id=88641), updated: 14.11.2024.

<sup>299</sup> *ibid.*

<sup>300</sup> Visit to the Marneuli Stadium under construction”, Georgian Football Federation, 23.06.2022, available at: <https://www.gff.ge/ge/media/news/23216>, updated: 20.06.2024.

<sup>301</sup> “Up to 600 families were provided with new flats in Batumi’s ‘Dream City’”, Imedi News, 05.06.2024, available at: <https://imedinews.ge/ge/regioni/340837/batumshi-otsnebis-qalaqshi-600mde-ojakhs-akhali-binebi-gadaetsa>, updated: 15.11.2024.

<sup>302</sup> *ibid.*

<sup>303</sup> “Construction of block of flats for internally displaced people in Kutaisi is being finalized”, the Official Webpage of the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia, 27.08.2024, available at: <https://www.moh.gov.ge/viewnews.php?lang=1&uid=202408271235437170678818>, updated: 15.11.2024.

<sup>304</sup> “Up to 200 IDP families were providing with houses in Kutaisi”, the Official Webpage of the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia, 22.10.2024, available at: <https://www.moh.gov.ge/viewnews.php?lang=1&uid=202410221004312881390991>, updated: 15.11.2024.

<sup>305</sup> “Construction of 1700 apartments for internally displaced families has begun in Zugdidi”, the Official Webpage of the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia, 15.10.2024, available at: <https://www.moh.gov.ge/viewnews.php?lang=1&uid=202410160941138546973381>, updated: 15.11.2024.

Houses will be built for 1700 IDP families, with a total budget exceeding 191 million GEL.<sup>306</sup>

A few days before the elections, the allocation of apartments to IDPs continued also in Tbilisi on Viktor Kupradze Street.<sup>307</sup> There, 65 IDP families were provided with housing.<sup>308</sup> On 23 October, the Ministry announced that 2400 families would receive apartments as part of the IDP Resettlement Programme.<sup>309</sup>

### **Promise to Provide Apartments to Military Personnel**

During a government session on 26 August 2024, the Prime Minister announced that over 1000 military personnel would be provided with residential apartments in the coming year.<sup>310</sup> Irakli Kobakhidze asked the Minister of Defence to “prepare a plan for the next phase”, so that more military personnel would be provided with apartments in the future.<sup>311</sup>

### **Massive Increase of the Municipal Budget**

In addition to the Central Government, in August 2024 as a result of amendments to the Decree N2402 of the Government of Georgia dated 28 December 2023 “On the Allocation of Funds for Municipalities from the Fund for Projects to be Implemented in the Regions of Georgia” 469 170 612 GEL was allocated to municipalities.<sup>312</sup> With this money, approximately 1200 small infrastructure projects were planned across 57 different municipalities in Georgia.<sup>313</sup> It appears that the funds allocated to municipalities were entirely devoted to rehabilitation of streets and roads of cities, municipality administrative centres and villages, construction of stadiums, maintenance of water supply systems, and the rehabilitation of museums, etc.

Prior to the August amendments, in May the budget of Batumi municipality increased by 68 million GEL.<sup>314</sup> Various types of infrastructure projects (approximately 66 million GEL), as

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<sup>306</sup> *ibid.*

<sup>307</sup> “Mikheil Sarjveladze handed newly built and renovated apartments, featuring modern standards, to 65 internally displaced families”, the Official Webpage of the Ministry of Internally Displaced Persons from the Occupied Territories, Health, Labour and Social Affairs of Georgia, 23.10.2024, available at: <https://www.moh.gov.ge/viewnews.php?lang=1&uid=202410231002406483751039>, updated: 15.11.2024.

<sup>308</sup> *ibid.*

<sup>309</sup> *ibid.*

<sup>310</sup> “The Statements of the Prime Minister during the Government Session”, the Official Webpage of the Government of Georgia, 26.08.2024, available at: [https://www.gov.ge/index.php?lang\\_id=GEO&sec\\_id=596&info\\_id=89367](https://www.gov.ge/index.php?lang_id=GEO&sec_id=596&info_id=89367), updated: 15.11.2024.

<sup>311</sup> *ibid.*

<sup>312</sup> Order №1008 of the Government of Georgia dated 15 July 2024, “on Allocation of Funds to Municipalities from the Fund for Projects to be Implemented in the Regions of Georgia” Regarding the Amendment to Order №2402 of the Government of Georgia dated 28 December 2023, available at: [https://www.gov.ge/index.php?lang\\_id=RUS&sec\\_id=602&info\\_id=89061](https://www.gov.ge/index.php?lang_id=RUS&sec_id=602&info_id=89061); Order №1146 of the Government of Georgia dated 14 August 2024, “on Allocation of Funds to Municipalities from the Fund for Projects to be Implemented in the Regions of Georgia” Regarding the Amendment to Order №2402 of the Government of Georgia dated 28 December 2023, available at: [https://www.gov.ge/index.php?lang\\_id=GEO&sec\\_id=602&info\\_id=89324](https://www.gov.ge/index.php?lang_id=GEO&sec_id=602&info_id=89324).

<sup>313</sup> Order №1146 of the Government of Georgia dated 14 August 2024, “on Allocation of Funds to Municipalities from the Fund for Projects to be Implemented in the Regions of Georgia” Regarding the Amendment to Order №2402 of the Government of Georgia dated 28 December 2023, available at: [https://www.gov.ge/index.php?lang\\_id=GEO&sec\\_id=602&info\\_id=89324](https://www.gov.ge/index.php?lang_id=GEO&sec_id=602&info_id=89324).

<sup>314</sup> “Batumi’s budget has increased”, information portal “Ajaratv.ge”, 31.05.2024, available at: <https://ajaratv.ge/article/133640>, updated: 15.11.2024.

well as projects in healthcare, education, culture, youth, and sports, were financed with an increased budget.<sup>315</sup>

### Writing-Off of Debts

On 8 April 2024, the Prime Minister announced at the government meeting that the government would introduce a wide-spread tax amnesty.<sup>316</sup> Within this amnesty, all natural persons in Georgia, also individual entrepreneurs, will have their unpaid recognized tax debts, including penalty interest, arising before 1 January 2021, fully forgiven.<sup>317</sup> This initiative covers 590 million GEL debts of 145 000 people.<sup>318</sup>

During a government session on 3 June 2024, at the Prime Minister's initiative, fines imposed on 1855 individuals and 38 legal entities during the COVID pandemic will be waived.<sup>319</sup> The total amount of fines forgiven amounted to 5 600 000 GEL.<sup>320</sup>

### Salary Increases

During the reporting period, salaries of 70% of all teachers of public schools were increased by 500 to 800 GEL,<sup>321</sup> 25% - by 300 to 400 GEL, while 5% - about 200 GEL.<sup>322</sup> According to the statement of the Ministry, no teacher of public schools was left without a salary increase.<sup>323</sup> Notably, the hourly salary scale for teachers has been revised, as established by an Order from the Minister of Education.<sup>324</sup> Currently in Georgia, there about 52 000 teachers.<sup>325</sup>

In April 2024, the Parliament of Georgia adopted amendments to the Law of Georgia "On State Compensation and State Academic Scholarship", improving social guarantees for employees dismissed from law enforcement agencies and other recipients of state compensation.<sup>326</sup> Particularly, according to the amendments, for the first time since 2006, the maximum limit of compensation for all persons receiving compensation increased to 1 000 GEL instead of the current limit of 560 GEL, while in the event of a law enforcement officer's

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<sup>315</sup> "Current infrastructural works in the city", the Official Webpage of Batumi City Hall, available at: <https://old.batumi.gov.ge/posts/8276>, updated: 15.11.2024

<sup>316</sup> "8 April 2024 Government Session", the Official Webpage of the Government of Georgia, 08.04.2024, available at: [https://www.gov.ge/index.php?lang\\_id=GEO&sec\\_id=599&info\\_id=88077](https://www.gov.ge/index.php?lang_id=GEO&sec_id=599&info_id=88077), updated: 15.11.2024.

<sup>317</sup> *ibid.*

<sup>318</sup> *ibid.*

<sup>319</sup> "3 June 2024 Government Session", the Official Webpage of the Government of Georgia, 03.06.2024, available at: [https://www.gov.ge/index.php?lang\\_id=GEO&sec\\_id=599&info\\_id=88637](https://www.gov.ge/index.php?lang_id=GEO&sec_id=599&info_id=88637), updated: 15.11.2024.

<sup>320</sup> *ibid.*

<sup>321</sup> "From July 1, 2024, teachers' salaries are experiencing an unprecedented increase", the Official Webpage of the Ministry of Education, Science and Youth of Georgia, 17.06.2024, available at: <https://mes.gov.ge/content.php?id=13796&lang=eng&csrt=2146790173965489433>, updated: 15.11.2024.

<sup>322</sup> *ibid.*

<sup>323</sup> *ibid.*

<sup>324</sup> The Order №108/6, 19 June 2024, of the Minister of Education, Science and Youth of Georgia "On Establishing the Minimum Amount and Conditions of Remuneration of Public School Teachers", see, <https://mes.gov.ge/content.php?id=13799&lang=geo>

<sup>325</sup> "From July 1, 2024, teachers' salaries are experiencing an unprecedented increase", the Official Webpage of the Ministry of Education, Science and Youth of Georgia, 17.06.2024, available at: <https://mes.gov.ge/content.php?id=13796&lang=eng&csrt=2146790173965489433>, updated: 15.11.2024.

<sup>326</sup> "Parliament approved amendments to the Law of Georgia "On State Compensation and State Academic Scholarship", Official Webpage of the Ministry of Internal Affairs of Georgia, available at: <https://police.ge/en/parlamentma/16191>, updated: 15.11.2024.

death while on duty, the family's monthly pension will be increased to 1 200 GEL from 1 000 GEL.<sup>327</sup> The compensation amount has also been increased for various former officials, including judges, the Auditor General, diplomats, aviation personnel, MPs and others.<sup>328</sup>

### Personnel Number Growth in the Municipal Bodies

In 2024, the number of people employed in several public institutions, N(N)LE and LLC increased. Various sources disseminated information regarding the personnel number growth within the N(N)LE Association of Libraries of Kutaisi City Hall and Zestaponi Municipality.

Namely, on 29 May 2024, the Kutaisi Municipal Council made changes to the staff list of the Kutaisi City Hall, adding 24 new positions, including 11 in public service, 6 contractual positions, and 7 administrative contract positions. Notably, five so-called "call centre" operators were employed under labour contracts, while seven new employees were hired under administrative contracts for municipal administrative units.<sup>329</sup>

According to various media, new positions were established within N(N)LE Association of Libraries of Zestaponi Municipality - including mobile librarians and library cleaners.<sup>330</sup>

GYLA's research revealed that in the first half of 2024, nearly 800 new positions were added in municipal N(N)LEs and LLCs across Georgia.<sup>331</sup> The largest number of people were employed by legal entities providing services in sanitation, transportation, preschool education (kindergartens), and water supply.<sup>332</sup>

### Paid Internship Programme

During the reporting period, one of the most significant projects was the wide-scale paid internship of the youth in public service and the private sector.<sup>333</sup> According to the Ordinance of the Government, between 2-8 August, interested individuals could submit applications for their desired positions through the designated section on the webpage of the Government.<sup>334</sup> The programme was designed for 3000 graduates.<sup>335</sup>

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<sup>327</sup> *ibid.*

<sup>328</sup> *ibid.*

<sup>329</sup> Resolution №99 of Kutaisi Municipal Council, "On approval of the staff list of the City Hall of the City of Kutaisi, determination of the amount of official salaries of public servants and political officials of the City Hall", regarding the amendments to the 18 January 2018 Resolution №24 of Kutaisi Municipal Council, Article 1, 29.05.2024

<sup>330</sup> "How the Government N(N)LEs became 'Employment Office', Union of Investigative Journalists ifact.ge, 25.05.2024, available at: <https://ifact.ge/samtavrobo-aaip-dasakmebiskantora/>, updated: 15.11.2024.

<sup>331</sup> Odikadze N. and others, the Long-Term Observation Mission of the 2024 Parliamentary Elections, II Interim Report, Georgian Young Lawyers' Association, available at: <https://gyla.ge/post/saiam-2024-tslis-archevnebis-sadamkvirveblo-misia-shualeduri-angarishi-da-siskhlis-samartlis-saqmebis-monitoringis-proeqti-tsaradgina>.

<sup>332</sup> *ibid.*

<sup>333</sup> "The Government has developed a programme that will provide more than 3000 graduates with the opportunity to complete paid internships in the public service", the Official Webpage of the Government of Georgia, 16.07.2024, available at: [https://www.gov.ge/index.php?lang\\_id=eng&sec\\_id=596&info\\_id=89079](https://www.gov.ge/index.php?lang_id=eng&sec_id=596&info_id=89079), updated: 15.11.2024.

<sup>334</sup> Article 2'(1) of the Ordinance of the Government of Georgia "On Approval of the Rules for Undertaking Internships in Public Institutions".

<sup>335</sup> "By Ordinance of the Government, a competition for a paid 4-month internship in public institutions has been announced", the Official Webpage of the Government of Georgia, available at: [https://www.gov.ge/index.php?lang\\_id=GEO&sec\\_id=288&info\\_id=89211](https://www.gov.ge/index.php?lang_id=GEO&sec_id=288&info_id=89211), updated: 15.11.2024.

## Summary

The implementation of infrastructural and social projects shortly before the election can be names as an influence on voters' decisions by the ruling party using budgetary funds and the other that the party in power naturally has compared to other electoral subjects. It is essential for the state to carry out various projects, including during an election year. However, this responsibility lies with the government, not with the political party in power. Therefore, it is crucial to distinguish between state and party projects to ensure that the distribution of public resources is not perceived as a political tactic, directly or indirectly influencing voters to favour the ruling party on election day. However, considering that this is an obligation of the state, not the acts of goodwill by the party, it is essential to separate partisan and state projects, so that the distribution of public resources is not perceived as a political will, directly or indirectly influencing voters to favour the ruling party on election day.

## 2. Large-Scale Amnesty

On 10 July 2024, the "Georgian Dream" Faction initiated a draft law for a large-scale amnesty, which was adopted on 17 September in the third reading.<sup>336</sup> The amnesty affected a total of 4 839 prisoners, with 1 000 of them having been immediately released.<sup>337</sup> Under the Law, their sentences for various crimes have been reduced by 1/6, ½, ¼ and 2/3. In addition, a significant innovation was the reduction of conditional sentences for probationers. Out of the 22 000 probationers, 7,000 were immediately impacted by the amnesty.<sup>338</sup> Individuals who were not eligible for the amnesty, and those who as of 1 July 2024 had a conditional sentence (except domestic crime) or had been released on parole (except domestic crime), had their suspended sentences and probation periods reduced by one year.

Amnesty is, in itself, a humane act by the state, aimed at uniting society through the release of individuals convicted of certain crimes, including the resocialization-rehabilitation and re-integration of the offender as a full member of the community. However, its use during the election period may turn into an instrument for influencing voters. In the opinion of GYLA, the final adoption of the law in September, just one month before the elections, considering the context, increases the risk that the ruling party may exploit the release of convicted individuals through amnesty to exert influence in various forms, in order to gain political advantage from them and those close them. Eventually, this is manifested in the mobilization of votes in favour of the ruling party in the election.

**GYLA believes that the amnesty, a humane act by the Government, should not be used by the ruling party for electoral purposes. The government should refrain from initiated an amnesty so close to the elections that its implementation (the actual release of convicts, reduction of sentences) coincides with the pre-election period.**

<sup>336</sup> Draft Law "On Amnesty", the Official Webpage of the Parliament of Georgia, 10.07.2024, available at: <https://www.parliament.ge/legislation/28908>, updated: 15.11.2024

<sup>337</sup> "The Parliament adopted Draft Law 'On Amnesty' in its first reading", the Official Webpage of the Georgian Public Broadcaster, 19.07.2024, available at: <https://1tv.ge/news/parlamentma-amnistiis-shesakheb-kanonproeqti-pirveli-mosmenit-miigho-2/>, updated: 15.11.2024; <https://cdn.1tv.ge/app/uploads/2024/07/1720699453-amnistia.pdf>.

<sup>338</sup> Law "On Amnesty", the Official Webpage of the Parliament of Georgia, 10.07.2024, available at: <https://www.parliament.ge/legislation/28908>, updated: 15.11.2024

### **3. The Mobilization of the Personnel Employed in Budgetary Institutions for the Ruling Party Events**

A widespread poor practice is the mobilization by the ruling party of individuals employed in budgetary institutions for party meetings. During the pre-election period in 2024, as well as shortly before the elections, the use of administrative resources by the ruling party for their own, including non-electoral, activities was frequent. GYLA recorded 17 alleged cases of administrative resource use.

According to the Election Code of Georgia, it is prohibited to get any career subordinate or otherwise dependent person involved in an activity that may support to presentation and/or election of a candidate.<sup>339</sup> Such cases indicate the use of public officials by the ruling party for electoral purposes and are inconsistent with the principle of separation between party and administrative resources.

#### **The Mobilization of Administrative Resources by the “Georgian Dream” for their Counter-Demonstration**

On 29 April 2024, the “Georgian Dream” organized a counter-demonstration in support of the so-called “Russian Law”, during which individuals employed in budgetary institutions were mobilized from various regions of the country.<sup>340</sup>

Despite the fact that the party leaders openly urged public officials to participate in the protest, various media outlets and social networks disseminated how local public servants were being forced into participating in the protest and sharing pro-government posts.<sup>341</sup> Among them, so-called “Facebook chat screenshots” were disseminated showing that Mamuka Gogberishvili, representative of Mayor of Terjola to Tuzi Administrative Unit, “categorically” required public servants to attend the rally.<sup>342</sup> Furthermore, the Director of the N(N)LE Association of Kindergartens of the Telavi Municipality, Tamuna Maisuradze, urged teachers to share pro-government posts. She also required them to attend the “Georgian Dream” supporting protest on 29 April and the “Family Purity Day” - 17 May.<sup>343</sup>

#### **Meeting with “Georgian Dream” Supporters in Telavi**

On 2 June 2024, another party event of “Georgian Dream” took place in Telavi, attended by the MPs, as well as the leaders of local Kakheti organizations and party activists.<sup>344</sup> Among the attendees, there was a head of Kakheti Police Department, Teimuraz Kalandadze, in

<sup>339</sup> The Organic Law of Georgia “Election Code”, Article 49(1(a)).

<sup>340</sup> “More than 100,000’ - Mdinardze says the number of participants in the ‘Dream’ rally will ‘exceed expectations”, Information Portal “Radio Tavisupleba”, 28.04.2024, available at: <https://www.radiotavisupleba.ge/a/32923980.html>, updated: 15.11.2024.

<sup>341</sup> Odikadze N. and others, , the Long-Term Observation Mission of the 2024 Parliamentary Elections, I Interim Report, Georgian Young Lawyers’ Association, available at: <https://gyla.ge/post/saiam-2024-tslis-archevnebis-sadamkvirveblo-misia-shualeduri-angarishi-da-siskhlis-samartlis-saqmeebis-monitoringis-proeqti-tsaradgna>.

<sup>342</sup> “Someone hacked my FB – The representative of Mayor of Terjola regarding the photo materials”, Information Portal “netgazeti.ge”, 22.04.2024, available at: <https://netgazeti.ge/news/719147/>, updated: 15.11.2024.

<sup>343</sup> Odikadze N. and others, , the Long-Term Observation Mission of the 2024 Parliamentary Elections, I Interim Report, Georgian Young Lawyers’ Association, available at: <https://gyla.ge/post/saiam-2024-tslis-archevnebis-sadamkvirveblo-misia-shualeduri-angarishi-da-siskhlis-samartlis-saqmeebis-monitoringis-proeqti-tsaradgna>.

<sup>344</sup> Remarks of Garibashvili, 02.06.2024, available at:

<https://www.facebook.com/GaribashviliOfficial/videos/1370609583634820>, updated: 15.11.2024.

civilian clothes.<sup>345</sup> When asked why he was attending the party meeting, he responded that he was “maintaining the public order”. The Election Code of Georgia prohibits individuals employed within the Ministry of Internal Affairs of Georgia from participating in pre-election campaigns.<sup>346</sup> Although this rule applies formally to the pre-election campaign period, the election process covers a much broader period and the established standard should also apply to the pre-election period, especially when the ruling party began its election campaign eight months prior to the election.

GYLA has the information that the same event was attended by the Director of the N(N) LE Association of Kindergartens of the Telavi Municipality, Tamuna Maisuradze, the deputy Mayor, heads of Administration and various institutions.

### **Mobilization of Individuals Employed in Budgetary Institutions for the Regional Events of the “Georgian Dream”**

On 21 August 2024, the pre-election event of the “Georgian Dream” took place in Mtskheta.<sup>347</sup> Media outlets released footage showing how public officials and teachers had been gathering to attend it. As per the information disseminated by “TV Pirveli”, teachers were summoned by the principals and requested to participate in the event.<sup>348</sup> Similarly, individuals employed in municipal N(N)LEs actively urged those under their professional supervision to participate.<sup>349</sup>

On 31 August, the “Georgian Dream” held another regional event in Ozurgeti.<sup>350</sup> Once again, media outlets broadcasted reports where employees of the Lanchkhuti Municipality Cleaning Service spoke about receiving instructions from their superior to participate in the “Georgian Dream” party event,<sup>351</sup> their transportation was also organized by the same body.<sup>352</sup> According to these individuals, the Lanchkhuti Cleaning Service was fully represented at the protest.<sup>353</sup> In relation to this incident, GYLA filed a complaint with the Lanchkhuti District Election Commission for action, however, the commission did not uphold the complaint. As indicated in their letter, the district commission contacted the Lanchkhuti Municipality

<sup>345</sup> “We are maintaining the public order” | The Head of Kakheti Police Department attended Garibashvili’s meeting with activists of ‘Georgian Dream’ in Telavi”, the Official Facebook Page of Mtavari Arkhi, 02.06.2024, available at: <https://www.facebook.com/watch/?v=364448699561558>, updated: 15.11.2024

<sup>346</sup> The Organic Law of Georgia “Election Code”, Article 45(4).

<sup>347</sup> “Georgian Dream’ Election Campaign Event in Mtskheta”, the Official Facebook Page of the “Georgian Dream”, 21.08.2024, available at: <https://www.facebook.com/GeorgianDreamOfficial/posts/pfbid0D8fXvDPFUksZwf9px-PqDnrfQcRHXKXQ2F9JC352Y657NpHEa4QbchRp4edgrvE4ul>, updated: 15.11.2024.

<sup>348</sup> “Mobilization of public servants in Mtskheta – ‘Georgian Dream’ accused of the misuse of administrative resources”, the Official Webpage of “TV Pirveli”, 22.08.2024, available at: [https://tvpirveli.ge/ka/siaxleebi/politika/78294-sajaro-mokheleebis-mobilizeba-mtskhetashiotsnebas-administratsiulieresursis?fbclid=IwY2xjaWwFARWdleHRuA2FlbQlxMAABHeYX2gGYwk73UfHG22wH4Zux1l8BhJ464v8QAua5lr9vK7bl1dx5m7iEw\\_aem\\_dAFPV44lmp0NqeZucjZbMg](https://tvpirveli.ge/ka/siaxleebi/politika/78294-sajaro-mokheleebis-mobilizeba-mtskhetashiotsnebas-administratsiulieresursis?fbclid=IwY2xjaWwFARWdleHRuA2FlbQlxMAABHeYX2gGYwk73UfHG22wH4Zux1l8BhJ464v8QAua5lr9vK7bl1dx5m7iEw_aem_dAFPV44lmp0NqeZucjZbMg), updated: 15.11.2024.

<sup>349</sup> *ibid.*

<sup>350</sup> “Regional Event of the ‘Georgian Dream’ Election Campaign in Ozurgeti”, the Official Facebook Page of the “Georgian Dream”, 31.08.2024, available at: <https://www.facebook.com/GeorgianDreamOfficial/posts/pfbid02QTLtPARies6JNPUSrFwjQr5RAK7qaDoZ3aNpTXfP38WbHFAqzez9LB9PTQcpofAl>, updated: 15.11.2024.

<sup>351</sup> “The cleaning service insisted we attend; if we hadn’t, we would probably have been fined” - Who did “Dream” mobilize for the party gathering?”, the Official Webpage of “TV Pirveli”, 31.08.2024, available at: <https://tvpirveli.ge/ka/siaxleebi/sazogadoeba/79037-dasuptavebam-tsamogvikvana-rom-ar-tsamovsulikavit-albat-jarima-ignebeda-vin>, updated: 15.11.2024.

<sup>352</sup> *ibid.*

<sup>353</sup> *ibid.*

and the Center for Public Amenities and Services, but they denied urging their employees to attend the event.<sup>354</sup> According to them, the event was held on a non-working day, and anyone was free to attend.<sup>355</sup>

On 8 September, the ruling party held the next event in Akhaltsikhe.<sup>356</sup> A so-called “screenshot” was shared from the local Facebook group “This is Samtskhe-Javakheti”, where a student of Samtskhe-Javakheti State University accuses the university’s management and lecturers of mobilizing students for the party event.<sup>357</sup> Students were required to create a list with their personal information and confirm whether they would be able to attend the event. GYLA has referred the case to the Prosecutor’s Office. The Samtskhe-Javakheti Prosecutor’s Office has launched an investigation, which is currently ongoing.

On 19 September, a pre-election regional event of the “Georgian Dream” took place in Rustavi. Similar to other events, party leaders addressed the population of Kvemo Kartli.<sup>358</sup> Information spread on social networks and online media that on 19 September, 2024, kindergartens in the territories of Marneuli and Tsalka closed earlier than usual - at 1:00 PM in Tsalka and at 2:00 PM in Marneuli. According to an anonymous post published in the Facebook group “Tsalkalebi”, children were released from the kindergartens at 1:00 PM because the caregivers and teachers were being taken them to the “Georgian Dream” regional event in Rustavi.<sup>359</sup> While in Marneuli, different reasons were cited for the early closure of the kindergartens, such as water supply issues, training sessions, and so on.<sup>360</sup> In relation to this incident, GYLA sent a letter to the Tsalka Municipality City Hall and the Marneuli Municipality Kindergarten Association. The Tsalka Municipality City Hall informed the organization in response that on 19 September, the kindergartens had not closed earlier than usual.<sup>361</sup> According to the Marneuli Municipality Kindergarten Association (Preschool Education Center), the kindergartens closed at 5:30 PM instead of 6:00 PM on 19 September 19 due to scheduled sanitation work.<sup>362</sup>

In Rustavi, another alleged instance of voter mobilization was also recorded, when Tamar Tomashvili, the coordinator of District №4 and an employee of the N(N)LE “Rustavi Building” under the Rustavi City Hall, was calling upon so-called building chairpersons to attend

<sup>354</sup> The Letter N 61/28, 3 October 2024, of Lanchkhuti District Commission N61.

<sup>355</sup> *ibid.*

<sup>356</sup> “Regional Event of the ‘Georgian Dream’ Election Campaign in Akhaltsikhe”, the Official Facebook Page of the “Georgian Dream”, 08.09.2024, available at: [https://www.facebook.com/GeorgianDreamOfficial/posts/pfbid025QMe33JF6ApTRzFWJ1XGz4gH9Q54drhA5mQ4hK3pcJNKJWz9jrfjY35ff1eidVap?locale=ka\\_GE](https://www.facebook.com/GeorgianDreamOfficial/posts/pfbid025QMe33JF6ApTRzFWJ1XGz4gH9Q54drhA5mQ4hK3pcJNKJWz9jrfjY35ff1eidVap?locale=ka_GE), updated: 16.11.2024.

<sup>357</sup> Odikadze N. and others, the Long-Term Observation Mission of the 2024 Parliamentary Elections, III Interim Report, Georgian Young Lawyers’ Association.

<sup>358</sup> “Regional Event of the ‘Georgian Dream’ Election Campaign in Rustavi”. the Official Facebook Page of the “Georgian Dream”, 19.09.2024, available at: <https://www.facebook.com/GeorgianDreamOfficial/posts/pfbid0TZeijE2tRrJyRcxj8YmFFEh86T6q5HarMnihKNVkBtbgMExT6HzvXFpv73te5GI>, updated: 15.11.2024.

<sup>359</sup> “Mobilized Administrative Resources and People Transported from Regions: ‘Dream in Rustavi’”, Information Portal “QvemoQartli.ge”, 20.09.2024, available at: <https://qvemoqartli.ge/%E1%83%9B%E1%83%9D%E1%83%91%E1%83%98%E1%83%9A%E1%83%98%E1%83%96%E1%83%94%E1%83%91%E1%83%A3%E1%83%9A%E1%83%98-%E1%83%90%E1%83%93%E1%83%9B%E1%83%98%E1%83%9C%E1%83%98%E1%83%A1%E1%83%A2%E1%83%A0%E1%83%90/>, updated: 15.11.2024.

<sup>360</sup> “There will not be water, we have trainings – Visit of Ivanishvili to Rustavi and Early Closing of Kindergartens in Marneuli”, Information Portal “Radio Marneuli”, 19.09.2024, available at: <https://www.marneulifm.ge/ka/marneuli/article/87686--tssyalir-iqneba-treningebi-gvaqvs-ivanishvilis-viziti-rusthavshi-da-marneulis-baghebis-droze-adre-daketva>, updated 15.11.2024.

<sup>361</sup> Letter N118-118242708, 26 September 2024, of Tsalka Municipality City Hall.

<sup>362</sup> Letter №13-322427883, 4 October 2024, of the Kindergarten Association (Preschool Education Center) within the territory of Marneuli.

the event and to bring along two additional individuals.<sup>363</sup> For this purpose, she requested personal information of the participants – their full name, personal identification number, and phone number.<sup>364</sup>

On 28 September 2024, the “Georgian Dream” held a regional campaign event in Telavi, where party leaders addressed the gathered people.<sup>365</sup> GYLA’s election observation mission was informed that the attendees included kindergarten and school teachers, as well as employees of the city council (Sakrebulo) and the City Hall. According to GYLA, the manager of a kindergarten in Telavi urged the teachers in a so-called “Facebook group chat” to attend the rally and take a group photo as proof of their presence, which was to be submitted to Tamuna Maisuradze, Director of the N(N)LE “Agency for the Management of Kindergartens of Telavi Municipality”.<sup>366</sup>

On 15 October 15, 2024, the “Georgian Dream” conducted a regional campaign event in Zugdidi.<sup>367</sup> Based on information received by the GYLA’s observation mission through monitoring, mobilization of attendees was planned not only from Zugdidi but from all municipalities across the Samegrelo region. Village representatives were tasked with mobilizing 50 people each; however, when unable to gather that many, they attempted to bring 20, then 10 people. In addition, GYLA’s information also confirms that employees of city halls, municipal councils, municipal LEPLs, school principals, teachers, and kindergarten staff were present at the event.

A vivid example of this concerning trend is the final pre-election party event held by “Georgian Dream” in Tbilisi on 23 October. Throughout the day, numerous videos and audio recordings circulated in the media allegedly showing coercion of participation, involvement of public servants during working hours, ending working hours early at public offices,<sup>368</sup> and manipulative mobilization of citizens.<sup>369</sup> Specifically, the following facts during the event were recorded:

On 23 October, the Information Portal “Tabula” published a recording in which Manoni Meurmishvili, manager of Kindergarten No. 25 in Rustavi, obliges teachers from both her own and Kindergarten No. 33 to attend the event.<sup>370</sup> In addition, she is threatening them that failure to comply, even for legitimate reasons, would result in denial of leave.<sup>371</sup>

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<sup>363</sup> “Mobilized Administrative Resources and People Transported from Regions: ‘Dream in Rustavi’”, Information Portal “QvemoQartli.ge”, 20.09.2024, available at: <https://shorturl.at/FMVRV>, updated: 25.09.2024.

<sup>364</sup> Odikadze N. and others, the Long-Term Observation Mission of the 2024 Parliamentary Elections, I Interim Report, Georgian Young Lawyers’ Association.

<sup>365</sup> “Regional Event of the ‘Georgian Dream’ Election Campaign in Telavi”, the Official Facebook Page of the “Georgian Dream”, 28.09.2024, available at: <https://www.facebook.com/GeorgianDreamOfficial/videos/873040654930386>, updated: 17.10.2024.

<sup>366</sup> The Information Source in communication with GYLa prefers to stay anonymous.

<sup>367</sup> “Regional Event of the ‘Georgian Dream’ Election Campaign in Zugdidi”, the Official Facebook Page of the “Georgian Dream”, 15.10.2024, available at: <https://www.facebook.com/GeorgianDreamOfficial/videos/904029234414102>, updated: 17.10.2024.

<sup>368</sup> “Due to ‘Georgian Dream’ party’s event, public services are emptied in Guria”, Information Portal “Tabula”, 23.10.2024, available at: <https://tabula.ge/ge/news/724667-kartuli-otsnebis-partiuli-ghonisdziebis-gamo>, updated: 23.04.2024.

<sup>369</sup> “I am working and it was said that it is necessary, the Government is this now, and they need this... say that you are following your child”, Facebook Page of “TV Pirveli”, 23.10.2024, available at: <https://www.facebook.com/tvpirveli.ge/videos/2252837511755560>, updated: 23.10.2024.

<sup>370</sup> “Tabula was provided with an audio recording”, Information Portal “Tabula”, 23.10.2024, available at: <https://www.facebook.com/reel/2018143081938423>, updated: 23.10.2024.

<sup>371</sup> *ibid.*

Full mobilization was announced in the Kakheti region. Media reports indicate that public school teachers, municipal agency staff, and N(N)LE employees were transported by special buses to Tbilisi to attend the event.<sup>372</sup> According to the same reports, the duration of school lessons was reduced from 45 to 30 minutes.<sup>373</sup> In addition, employees of the Lagodekhi Municipal Council travelled to the event, leaving the building entirely empty during work hours. According to TV channel Mtavari, a minibus en route from Akhmeta to the event had an accident.<sup>374</sup>

Reports also emerged of public servants and other budgetary organization employees being mobilized in Gori. Notably, Gori City Hall employees reportedly took leave on 23 October to attend the event without obstacles.<sup>375</sup> Minibuses from Gori's bus station<sup>376</sup> were used for transportation.<sup>377</sup>

Gori's transportation also serves Kareli, where, according to media, the municipal N(N)LEs<sup>378</sup> finished working early.<sup>379</sup>

Voter mobilization was also recorded in all 12 municipalities of the Imereti region.<sup>380</sup> According to media sources, public sector employees were coerced into attending the rally, with threats of dismissal for noncompliance.<sup>381</sup> In addition, the information was also spread that employees of Kutaisi's kindergarten union were asked to fill out forms providing personal data to confirm their attendance at the event.<sup>382</sup> Apart from personal data, these forms also included space for listing personal needs, which officials promised to fulfil should "Georgian Dream" win the election. The most common requests included medical services and access to medications.<sup>383</sup>

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<sup>372</sup> "Public Servants are also transported from Kakheti to attend the event of 'Dream'", TV "Formula", 23.10.2024, available at: <https://www.youtube.com/watch?v=kAK4Qslf4yE>, updated: 28.11.2024.

<sup>373</sup> *ibid.*

<sup>374</sup> "According to the information of 'Mtavari', a mini-bus travelling to the rally of the 'Dream' had an accident | 1 person was injured", TV "Mtavari", 23.10.2024, available at: [https://www.facebook.com/story.php?story\\_fbid=944483494400988&id=100065180380404&rdid=23brY1hGDr1R1VnE](https://www.facebook.com/story.php?story_fbid=944483494400988&id=100065180380404&rdid=23brY1hGDr1R1VnE), updated: 28.11.2024.

<sup>375</sup> "For the tomorrow's event of the 'Dream', the employees of Gori City Hall took the leaves", Information Portal "Mozaikanews", 22.10.2024, available at: <https://mozaikanews.ge/2024/10/22/%e1%83%9d%e1%83%aa%e1%83%9c%e1%83%94%e1%83%91%e1%83%98%e1%83%a1-%e1%83%ae%e1%83%95%e1%83%90%e1%83%9a%e1%83%98%e1%83%9c%e1%83%93%e1%83%94%e1%83%9a%e1%83%98-%e1%83%90%e1%83%a5%e1%83%aa%e1%83%98/>, updated: 28.11.2024.

<sup>376</sup> The Bus Station of Gori Municipality is owned by LLC "Buko 777".

<sup>377</sup> "Mobilization of party activists in Gori – Part of mini-buses were not filled", Information Portal "Mozaikanews", 23.10.2024, available at: <https://mozaikanews.ge/2024/10/23/%e1%83%9e%e1%83%90%e1%83%a0%e1%83%a2%e1%83%90%e1%83%a5%e1%83%a2%e1%83%98%e1%83%95%e1%83%98%e1%83%a1-%e1%83%9b%e1%83%9d%e1%83%91%e1%83%98%e1%83%9a%e1%83%98%e1%83%96%e1%83%94%e1%83%91%e1%83%90-%e1%83%92/>, updated: 28.11.2024.

<sup>378</sup> Including N(N)LE Amenity Center.

<sup>379</sup> "Mobilization of party activists in Gori – Part of mini-buses were not filled", Information Portal "Mozaikanews", 23.10.2024, available at: <https://mozaikanews.ge/2024/10/23/%e1%83%9e%e1%83%90%e1%83%a0%e1%83%a2%e1%83%90%e1%83%a5%e1%83%a2%e1%83%98%e1%83%95%e1%83%98%e1%83%a1-%e1%83%9b%e1%83%9d%e1%83%91%e1%83%98%e1%83%9a%e1%83%98%e1%83%96%e1%83%94%e1%83%91%e1%83%90-%e1%83%92/>, updated: 28.11.2024.

<sup>380</sup> "Georgian Dream" is taking public servants from also Imereti", Information Portal "infoimereti", 23.10.2024, available at: <https://infoimereti.ge/%e1%83%a5%e1%83%90%e1%83%a0%e1%83%97%e1%83%a3%e1%83%9a-%e1%83%9d%e1%83%aa%e1%83%9c%e1%83%94%e1%83%91%e1%83%90%e1%83%a1-%e1%83%90%e1%83%a5%e1%83%aa%e1%83%98%e1%83%98%e1%83%a1%e1%83%97%e1%83%95/>, updated: 28.11.2024.

<sup>381</sup> *ibid.*

<sup>382</sup> "Fulfilling wishes to receive votes for 'Georgian Dream'", Information Portal "Formulanews", 23.10.2024, available at: [https://www.youtube.com/watch?v=U\\_2YhPvnmG4](https://www.youtube.com/watch?v=U_2YhPvnmG4), updated: 28.11.2024.

<sup>383</sup> *ibid.*

Media reports further indicate that public institutions across all three municipalities of the Guria region were emptied to ensure attendance at the event.<sup>384</sup>

It is noteworthy that various locations throughout Tbilisi were closed for the day. On Freedom Square, commercial establishments, cafes, restaurants, and shops were closed.<sup>385</sup> Med footage also shows cash being handed out to event participants.<sup>386</sup>

## Summary

Although the official pre-election period starts 60 days prior to the elections and some of the aforementioned events formally occurred outside this window, election campaigning activities often extend beyond the legally defined timeframe and include actions taken by government representatives in support of or against candidates, parties, or coalitions. This is particularly concerning given that the ruling party announced its campaign eight months before the elections. Therefore, mobilizing public sector employees for party events and their alleged manipulation to ensure their participation, including shortly before elections, constitutes a harmful practice, blurs the line between state and party, and undermines the to process equal and fair elections. Moreover, requiring participation in party events of those persons employed within public services and mobilizing voters by public officials may amount to abuse of official position. Therefore, such actions have the signs of misuse of administrative resources by the ruling party and violate the principle of separation between party and administrative resources.

**GYLA considers that, in accordance with the law, the political neutrality of persons employed in the budgetary institutions must be upheld, and their financial dependency on their roles should not be exploited for electoral purposes. While public officials are not prohibited from participating in political events outside of work hours, government agencies must refrain from encouraging, coercing, or intimidating employees to participate in such events. The CEC should study such cases thoroughly and impartially and ensure effective resolution.**

## 4. Unlawful Campaigning during the Pre-Election Period

During the pre-election period, there were also instances of unauthorized individuals engaging in election agitation. Article 45(4) of the Election Code lists individuals who are prohibited from conducting pre-election campaigning. Among the most common forms of illegal campaigning is when a public official engages in campaign activities during working hours or while fulfilling their official duties, either in favour of or against a specific electoral subject. It is important to note that, for electoral purposes, the term “public servant” is interpreted broadly. In addition to the restrictions established by the Election Code, public servants are also bound by the principle of political neutrality, as defined by the Law on Public Service.

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<sup>384</sup> “Due to the event of the “Georgian Dream” party, public institution buildings in Guria were emptied”, Information Portal “Tabula”, 23.10.2024, available at: <https://tabula.ge/ge/news/724667-kartuli-otsnebis-partiuli-ghonisdziebis-gamo>, updated: 28.11.2024.

<sup>385</sup> “After blocking the roads’ due to the rally of the ‘Dream’, café-bars, restaurants and shops are also closed on Freedom Square”, TV “Mtavari”, 23.10.2024, available at: <https://mtavari.tv/news/167874-gzebis-chaketvis-shemde-otsnebis-aktsiis-gamo>, updated: 28.11.2024.

<sup>386</sup> *ibid.*

During the pre-election period, GYLA submitted six complaints concerning violations of campaign regulations.

### Sharing of Party Posts on Social Media by Unauthorized Individuals

On 30 August, during the pre-election period, the official Facebook page of the LEPL “State Educational Center of Physical Education and Sport of Georgia” published a photo of Vladimir Bozhadze along with a supporting post.<sup>387</sup> On 23 August, “Georgian Dream” had nominated Bozhadze as a delegate for Tbilisi.<sup>388</sup> Notably, the election monitoring organization “Fair Elections” filed a complaint with the CEC requesting the initiation of administrative proceedings. However, the CEC rejected the complaint, citing that at the time of the post, the party’s official candidate list had not yet been registered with the Commission.<sup>389</sup>

On 26 September, the Deputy Mayor of Telavi, Pikria Kushitashvili, shared a post in support of the ruling party during working hours, with the post also featuring the party number of “Georgian Dream”.<sup>390</sup> Although political officials such as deputy mayors are not explicitly prohibited from campaigning, such actions are still forbidden during working hours.<sup>391</sup> Regarding this fact, GYLA submitted a complaint to the Telavi District Election Commission, however, it was dismissed. According to their official letter, the Deputy Mayor provided a written explanation stating that the post had been shared by her spouse from a home computer using her account.<sup>392</sup>

On 8 October, media sources reported that in Baghdati, members of precinct election commissions selected by the district commission on a professional basis were sharing pro-“Georgian Dream” posts on their personal social media accounts.<sup>393</sup> According to election legislation, among others, members of election commissions are prohibited from participating in pre-election campaigning.<sup>394</sup> Despite the complaint submitted by GYLA, the Baghdati District Election Commission did not satisfy the request. The commission cited explanations from the commission members, who claimed their Facebook accounts had been “hacked” and that banner in support of the “Georgian Dream” had been shared on behalf of them. Based on this explanation, the Chairperson of the district commission ruled that no violation of election law had occurred.<sup>395</sup>

<sup>387</sup> Official Facebook page of the University of Sport, August 29, 2024. Available at: <https://www.facebook.com/photo.php?fbid=1034848498432694&set=pb.100057226609550.-2207520000&type=3>, updated at: 16.10.2024.

<sup>388</sup> “Georgian Dream Presented Delegates in Tbilisi Districts,” news portal Radio Tavisupleba, August 23, 2024. Available at: <https://www.radiotavisupleba.ge/a/33089621.html>, updated at: 16.10.2024.

<sup>389</sup> Letter №01-02/1422, 14 September 2024, of the Central Election Commission.

<sup>390</sup> Odikadze N. and others, the Long-Term Observation Mission of the 2024 Parliamentary Elections, III Interim Report, Georgian Young Lawyers’ Association.

<sup>391</sup> *ibid.*

<sup>392</sup> The Decision N 17/36 of the Telavi N17 District Commission.

<sup>393</sup> “Baghdati Precinct Commission Members are violation the law”, Information Portal “cnews.ge”, 08.10.2024, available at: [https://cnews.ge/home/news\\_description/92049/%E1%83%91%E1%83%90%E1%83%A6%E1%83%93%E1%83%90%E1%83%97%E1%83%98%E1%83%A1%E1%83%A1%E1%83%90%E1%83%A3%E1%83%91%E1%83%9C%E1%83%9D%E1%83%A1%E1%83%90%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%9D%E1%83%99%E1%83%9D%E1%83%9B%E1%83%98%E1%83%A1%E1%83%98%E1%83%98%E1%83%A1%E1%83%AC%E1%83%94%E1%83%95%E1%83%A0%E1%83%94%E1%83%91%E1%83%98%E1%83%99%E1%83%90%E1%83%9C%E1%83%9D%E1%83%9C%E1%83%A1%E1%83%90%E1%83%A0%E1%83%A6%E1%83%95%E1%83%94%E1%83%95%E1%83%94%E1%83%9C](https://cnews.ge/home/news_description/92049/%E1%83%91%E1%83%90%E1%83%A6%E1%83%93%E1%83%90%E1%83%97%E1%83%98%E1%83%A1%E1%83%A1%E1%83%90%E1%83%A3%E1%83%91%E1%83%9C%E1%83%9D%E1%83%A1%E1%83%90%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%9D%E1%83%99%E1%83%9D%E1%83%9B%E1%83%98%E1%83%A1%E1%83%98%E1%83%98%E1%83%A1%E1%83%AC%E1%83%94%E1%83%95%E1%83%A0%E1%83%94%E1%83%91%E1%83%98%E1%83%99%E1%83%90%E1%83%9C%E1%83%9D%E1%83%9C%E1%83%A1%E1%83%90%E1%83%A0%E1%83%A6%E1%83%95%E1%83%94%E1%83%95%E1%83%94%E1%83%9C), updated: 16.10.2024.

<sup>394</sup> The Organic Law of Georgia “Election Code”, Article 73(5(a)).

<sup>395</sup> The Decision N 52/50 of the Baghdati N52 District Commission.

Another case of unlawful campaigning was recorded in the United States, involving Nino Sakhvadze, Chairperson of the precinct election commission in New York City<sup>396</sup>. Namely, during the pre-election period, she actively shared and personally published posts in support of “Georgian Dream” on social media.<sup>397</sup> Sakhvadze repeatedly violated campaign regulations, as evidenced by her Facebook profile. GYLA, also regarding this issue, submitted a complaint to the CEC, requesting an examination and appropriate response. The CEC did not satisfy the complaint and accepted Sakhvadze’s explanation that the Facebook account of the Chairperson of the precinct election commission had been “hacked” during the pre-election period and that the posts had not been shared by her.<sup>398</sup>

### **Campaigning by an Unauthorized Person during the Event of the Party**

On 10 October 2024, a regional campaign event of “Georgian Dream” took place in Batumi, where party leaders addressed the public.<sup>399</sup> As reported by one of the TV channels, public officials, school teachers, and others were present at the event during working hours.<sup>400</sup> In the same video, Sul Khan Dumbadze, Chief of Staff to the Chairperson of the Supreme Council of the Autonomous Republic of Adjara, is answering the questions of journalists.<sup>401</sup> As it is seen in the video, he is campaigning for the “Georgian Dream”, disseminating their narrative.<sup>402</sup>

It is noteworthy that the Chairperson’s Office is one of the structural units within the Supreme Council,<sup>403</sup> supporting the activities of Council members and officeholders.<sup>404</sup> The Chief of Staff is a public official,<sup>405</sup> employed under an administrative contract by the Chairperson of the Council.<sup>406</sup> For electoral purposes, the Chief of Staff is considered a public servant and is subject to the same election-related restrictions as others. Accordingly, the individual is prohibited from engaging in election campaigning.

### **Unlawful Campaigning by Unauthorized Individuals at Publicly Funded Events**

On 13 October, a publicly funded event titled “Day of Gori 2024” was held in the city of Gori.<sup>407</sup> According to disseminated information, representatives from “Georgian Dream’s” electoral party list - Vladimer Khinchegashvili, Giorgi Sosiashvili, and Geno Petriashvili - ap-

<sup>396</sup> New York City N 87.06 Election Precinct.

<sup>397</sup> Official Facebook Page of Nino Sakhvadze, available at: <https://www.facebook.com/ninkasakh>.

<sup>398</sup> The Decision №01-02/1964, 29 October 2024, of the Central Election Commission of Georgia.

<sup>399</sup> Regional Event of the ‘Georgian Dream’ Election Campaign in Batumi”, the Official Facebook Page of the “Georgian Dream”, 10.10.2024, available at: <https://www.facebook.com/GeorgianDreamOfficial/videos/1104742667905818>, updated: 17.10.2024.

<sup>400</sup> ‘I want to listen to the programme’, ‘I am interested about the event’, ‘I am having fun’ – mobilization of public servants to meet Ivanishvili in Batumi”, Official Facebook Page of “TV Pirveli”, 10.10.2024, available at: <https://www.facebook.com/watch/?v=3914959395406390&rdid=XUOi7eFE5P66Tgm9>, updated: 17.10.2024.

<sup>401</sup> *ibid.*

<sup>402</sup> *ibid.*

<sup>403</sup> Article 7 and Article 11 of the Statute of Staff of the Supreme Council of the Autonomous Republic of Adjara.

<sup>404</sup> Article 148(2) of the Rules of Procedures of the Supreme Council of the Autonomous Republic of Adjara

<sup>405</sup> Article 7 and Article 11 of the Statute of Staff of the Supreme Council of the Autonomous Republic of Adjara.

<sup>406</sup> Article 149(8) of the Rules of Procedures of the Supreme Council of the Autonomous Republic of Adjara.

<sup>407</sup> “In Gori, public event “Day of Gori 2024” is being celebrated”, the Official Facebook Page of Gori Municipality City Hall, 13.10.2024, available at: <https://www.facebook.com/watch/?v=1184857312576171>, updated: 18.10.2024.

peared on stage constructed for the event.<sup>408</sup> Furthermore, it is reported that both Khinche-gashvili and Petriashvili addressed the audience with speeches during the event.<sup>409</sup>

On 19 October, instead of 27 October, Teacher's Day was celebrated in Gardabani Municipality.<sup>410</sup> The municipality presented symbolic gifts and so-called "commemorative cards" to the assembled teachers. These cards included congratulatory messages from Giorgi Shinjikashvili, Deputy Governor of Kvemo Kartli, and Savalani Mirzoev, an incumbent Member of Parliament and candidate on the party list of "Georgian Dream". The commemorative card also featured "Georgian Dream's" election number - 41.<sup>411</sup> The Mayor of Gardabani Municipality, Davit Kargareteli, also referred to the event via a social media post.<sup>412</sup>

## Summary

The unlawful campaigning incidents discussed above, violate the principle of separation between the state and political parties and reveal political bias within public institutions. Particularly alarming are cases of campaigning involving election administration officials, whose fundamental duty - as the body responsible for conducting fair elections - is to uphold political neutrality and impartiality. Furthermore, campaigning shall be interpreted broadly, covering all aspects of public engagement of public servants, including social media. The CEC's failure to respond appropriately to unlawful campaigning and avoidance of relevant accountability further fuel cases of partisan campaigning by public servants and encourage it.

**According to GYLA, the legal framework concerning the use of administrative resources shall be again reviewed, eliminating existing error gaps, and aligning more closely with international standards.**

**GYLA recommends that it is essential that unauthorized individuals for campaigning adhere to the principle of political neutrality. Additionally, legislation should include effective mechanisms against online campaigning. Specifically, the definition of campaigning should be clarified to include the dissemination of political messaging via personal social media accounts.**

**The election administration must interpret the law consistently and accurately when resolving disputes, considering each case fully and impartially, without attempting to justify**

<sup>408</sup> "The statements of candidates of 'Dream' on the 'Day of Gori' outlines the fine up to 4 000 GEL", Information Portal "Mozaika", 14.10.2024, available at: [https://mozaikanews.ge/2024/10/14/%e1%83%9d%e1%83%aa%e1%83%9c%e1%83%94%e1%83%91%e1%83%98%e1%83%a1%e1%83%99%e1%83%90%e1%83%9c%e1%83%93%e1%83%98%e1%83%93%e1%83%90%e1%83%a2%e1%83%94%e1%83%91%e1%83%98%e1%83%a1%e1%83%92%e1%83%9d/?fbclid=IwY2xjawF8fsJleHRuA2FibQIxMAABHarU8MU2VRdmPKFG\\_hHTZ\\_AQqbHaNNQroQm7RcYuEX-eCpKQzcsL5\\_lfIQ\\_aem\\_bF\\_OnYw5wu\\_MPFwFY0b5aQ](https://mozaikanews.ge/2024/10/14/%e1%83%9d%e1%83%aa%e1%83%9c%e1%83%94%e1%83%91%e1%83%98%e1%83%a1%e1%83%99%e1%83%90%e1%83%9c%e1%83%93%e1%83%98%e1%83%93%e1%83%90%e1%83%a2%e1%83%94%e1%83%91%e1%83%98%e1%83%a1%e1%83%92%e1%83%9d/?fbclid=IwY2xjawF8fsJleHRuA2FibQIxMAABHarU8MU2VRdmPKFG_hHTZ_AQqbHaNNQroQm7RcYuEX-eCpKQzcsL5_lfIQ_aem_bF_OnYw5wu_MPFwFY0b5aQ), updated: 18.10.2024.

<sup>409</sup> *ibid.*

<sup>410</sup> "In Gardabani, teachers along with presents were handed out cards with '41' on it", Information Portal "QvemoQartli.ge", 22.10.2024, available at: [https://qvemoqartli.ge/%e1%83%92%e1%83%90%e1%83%a0%e1%83%93%e1%83%90%e1%83%91%e1%83%90%e1%83%9c%e1%83%a8%e1%83%98%e1%83%9b%e1%83%90%e1%83%a1%e1%83%ac%e1%83%90%e1%83%95%e1%83%9a%e1%83%94%e1%83%91%e1%83%9a%e1%83%94%e1%83%91/?fbclid=IwY2xjawGENI5leHRuA2FibQIxMAABHXNCz0fIS8QaBUjzTmKgMff87ONEc00CPo-SPUedjJKRaaBDchvpq1ScoHg\\_aem\\_FdaG22515T3U8ejjug4rZQ](https://qvemoqartli.ge/%e1%83%92%e1%83%90%e1%83%a0%e1%83%93%e1%83%90%e1%83%91%e1%83%90%e1%83%9c%e1%83%a8%e1%83%98%e1%83%9b%e1%83%90%e1%83%a1%e1%83%ac%e1%83%90%e1%83%95%e1%83%9a%e1%83%94%e1%83%91%e1%83%9a%e1%83%94%e1%83%91/?fbclid=IwY2xjawGENI5leHRuA2FibQIxMAABHXNCz0fIS8QaBUjzTmKgMff87ONEc00CPo-SPUedjJKRaaBDchvpq1ScoHg_aem_FdaG22515T3U8ejjug4rZQ), updated: 22.10.2024.

<sup>411</sup> *ibid.*

<sup>412</sup> The Official Facebook Page of Davit Kargareteli, 20.10.2024, available at: <https://www.facebook.com/GDDavitKargareteli/posts/pfbid02HFIC3sVRYVb3W8E4fwwNmLCyuQkzb3mQP5XxqYdEGijNhVQqTfoQkVvjF5jnidnLI>, updated: 22.10.2024.

**the actions of violators through artificial reasoning. Furthermore, the CEC must be actively involved in examining such cases and should not rely solely on the explanations provided by the individuals involved.**

## **5. Alleged Vote Buying**

During the pre-election period for the 26 October parliamentary elections, GYLA identified several cases of possible vote buying. It is noteworthy that according to the Criminal Code of Georgia, offering, promising, handing over any benefit for election purposes constitutes vote buying.<sup>413</sup>

One case of alleged vote buying was reported at Samtskhe-Javakheti State University, where a professor promised students bonus academic points in exchange for attending a regional campaign event of “Georgian Dream” in Akhaltsikhe. Namely, GYLA learned that the professor warned students that their participation (or lack thereof) would directly impact their university scores.<sup>414</sup>

Another possible vote buying case came to light through media reports. An administrator at the private security company “Army Security” reportedly instructed employees to vote for “Georgian Dream”.<sup>415</sup> In addition, he/she requested ID numbers, dates of birth and addresses of the employees,<sup>416</sup> as well as information regarding their family members.<sup>417</sup> Moreover, employees were assured they would be shielded from any consequences if they had physical altercations.<sup>418</sup> In addition to immunity from prosecution in case of committing crimes, employees were allegedly promised money, fuel vouchers, and other material benefits.<sup>419</sup>

These incidents should have prompted investigative authorities to launch an investigation based on the media reports.

**It is essential that competent agencies become actively involved in investigating vote buying allegations and ensure an efficient, swift, and transparent investigation process, keeping the public informed of progress. Political parties, in turn, should support fairness and equality in the electoral process and reject unfaithful benefits from unethical practices within vote buying.**

## **6. Alleged Voter Intimidation**

An instance of alleged voter intimidation was reported in Kutaisi from the Head of the State Service for Veterans Affairs, Koba Kobaladze. On August 10, during a meeting with veterans in Kutaisi, Kobaladze made remarks implying “whom they should vote for” and “what decisions they should make”.<sup>420</sup> Kobaladze, as the Head of the State Service for Veterans

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<sup>413</sup> Article 164<sup>1</sup> of the Criminal Code of Georgia.

<sup>414</sup> Odikadze N. and others, the Long-Term Observation Mission of the 2024 Parliamentary Elections, III Interim Report, Georgian Young Lawyers’ Association.

<sup>415</sup> “Members of Security Service are forced to vote for Dream”, Youtube Page of TV Pirveli, 12.10.2024, available at: <https://www.youtube.com/watch?v=ISleOqpJCb4>, updated: 17.10.2024.

<sup>416</sup> *ibid.*

<sup>417</sup> *ibid.*

<sup>418</sup> *ibid.*

<sup>419</sup> *ibid.*

<sup>420</sup> Interview conducted by GYLA.

Affairs, is obliged under the ethical standards governing public service conduct to perform his duties independently of party affiliation and personal political beliefs.<sup>421</sup> While exercising his official duties, he shall refrain from those actions, that might be perceived as serving interests of a particular political party.<sup>422</sup>

During the meeting, one veteran voiced protest with regards to Kobaladze's requests, stating they were not involved in politics and that "nothing has been done for veterans". According to this individual's statement to GYLA, the day after the meeting, they received a threatening message on social media from Kobaladze.<sup>423</sup> He was demanding to know why the veteran had left the meeting and stated that the Service had not done anything for him. Kobaladze also threatened to "shoot him in the legs." The message was deleted the same day. Furthermore, the veteran stated that in the days following the incident, unidentified individuals visited their home, called them by phone, and requested in-person meetings.<sup>424</sup> In response to a broadcast by Mtavari TV, Kobaladze's agency posted a denial on its Facebook page, claiming not only that no intimidation took place, but also that the 10 August meeting in Kutaisi never occurred.

Koba Kobaladze's political messaging to veterans, given the nature of this service, can be considered an attempt to manipulate voter will by the public official. In GYLA's view, this case may be classified as a violation of the principle of political neutrality by a public servant (public official). The case also reveals the elements of crime, which should have been in the interests of the relevant authorities. To date, according to GYLA's information, no investigation has been launched.

**GYLA calls on law enforcement agencies to investigate all alleged cases of intimidation and coercion and to take appropriate legal action based on the relevant investigation.**

## **7. Other Instances of Misuse of Administrative Resources**

### **Party Campaigning by Municipality City Hall Employees in Kharagauli**

During the pre-election period, instances were recorded where employees of budgetary institutions were handing out campaigning materials of the ruling party while performing their official duties. Specifically, in N(N)LE Cultural and Arts Center of Kharagauli Municipality, an employee of the mobile library – who is an employee of the library – was distributing campaign materials of "Georgian Dream" alongside books. These included party newspapers featuring the honorary chairman of the party, Bidzina Ivanishvili.<sup>425</sup>

The Kharagauli Municipality City Hall announced an investigation into the matter and potential legal liability for those involved.<sup>426</sup> GYLA requested information from relevant agencies regarding this issue, but no response has been received to date.

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<sup>421</sup> Ordinance №200 of the Government of Georgia on determining the rules for ethical standards governing public service conduct, Article 6(2).

<sup>422</sup> *ibid*, Article 3.

<sup>423</sup> This message was not available to the GYLA's observation mission.

<sup>424</sup> "According to veteran soldier, Koba Kobaladze threatened him with liquidation", the Official Facebook Page of TV "Mtavari", 13.08.2024, available at: <https://www.facebook.com/TvMtavari/videos/1569480963924774>, updated: 16.11.2024.

<sup>425</sup> "In Kharagauli, library courier brought newspapers featuring Bidzina Ivanishvili photo to people alongside the books, the City Hall denies a partisan request", Official Webpage of TV "Mtavari", 10.07.2024, available at: <https://mtavari.tv/news/160767-kharagaulshi-bibliotekiskurierma-cignebtan-ertad>, updated: 16.11.2024.

<sup>426</sup> *ibid*.

Although these actions occurred before the official pre-election period, this is a poor practice that negatively impacts the overall electoral environment. Therefore, while formal restrictions come into force during the campaigning period (two months before elections), employees of budget-funded organizations are expected to maintain political neutrality and restraint for a broader period. Moreover, the principle of separating administrative and political resources prohibits the use of public institutions for party purposes, as well as conducting political, partisan or campaigning activities while performing their official duties, *inter alia*, distributing electoral materials for or against a particular party.

### **Mass Registration of Residents in “Dream Town”**

Following the distribution of apartments to residents in Batumi’s “Dream City”, there was an intensive registration of new apartment owners and residents still living in so-called “bar-racks” (who had not yet received housing) in their actual addresses.<sup>427</sup> As disseminated, this mass registration was organized by coordinators of the ruling party, who provided transportation to the House of Justice and collected personal documents from citizens received from the House of Justice afterwards.<sup>428</sup> As a result of this process, the number of voters at Precinct №58 in Batumi significantly increased. After adding about 900 new voters, it was necessary to divide the precinct.<sup>429</sup>

GYLA reckons that in the close period prior to the election, the registration of hundreds of residents in new flats, as well as, registering thousands of persons awaiting the housing, and organization of these processes by the coordinator of the ruling party, and the collection of state-issued documentation from citizens are deeply problematic. This could constitute electoral manipulation, exploiting the vulnerable socioeconomic conditions of citizens for political gain and exerting undue influence through party coordinators.

### **Request from N(N)LE “Rustavi Building” Employee to Building Chairpersons**

According to GYLA, “Rustavi Building” N4 District Coordinator Tamar Tomashvili, who was actively involved in voter mobilization for a regional event in Rustavi, asked building association chairpersons in a shared group chat on 27 September 2024, to mobilize 15 individuals who would vote for the ruling party.<sup>430</sup> She described this as their “new assignment”, and the lists were to be submitted to the head of “Georgian Dream’s” campaign headquarters.<sup>431</sup>

### **Disaster Relief Compensation Programme by Khashuri Municipality City Hall**

On 7 October 2024, the Government of Georgia allocated 794 000 GEL from the state’s reserve fund to compensate households affected by a natural disaster in Khashuri Muni-

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<sup>427</sup> “Coordinator of the ‘Dream’ regarding the new scheme – Who and why are transported from the ‘Dream City’ to the Public Registry”, Information Portal “Batumelebi”, 06.09.2024, available at: <https://batumelebi.netgazeti.ge/archevnebi/543449/>, updated: 16.11.2024.

<sup>428</sup> *ibid.*

<sup>429</sup> *ibid.*

<sup>430</sup> Odikadze N. and others, the Long-Term Observation Mission of the 2024 Parliamentary Elections, III Interim Report, Georgian Young Lawyers’ Association.

<sup>431</sup> *ibid.*

pality.<sup>432</sup> It shall be outlined that the disaster had occurred back in the beginning of February 2024 in Gori and Khashuri Municipalities.<sup>433</sup> In Khashuri Municipality, around 200 houses were flooded.<sup>434</sup> The Khashuri Municipality announced the compensation programme via their Facebook post.<sup>435</sup> The post listed the required documents and procedures.

With regards to this, GYLA addressed the Khashuri Municipality City Hall asking why the aid had been issued approximately eight months after the disaster and why funds from the reserve budget were not immediately allocated. According to the municipality, until that time, the affected population had been recorded, as some affected homes by disaster were closed and until September it was impossible to assess their damage.<sup>436</sup> As per the information of the City Hall, 397 families will receive (2 000 GEL each) based on the Decree of the Government.

Response to the disasters, as well as financial and other assistance of those injured, is a duty of the state, as well as the local governments. However, in this case, it is questionable why the funds had not been allocated in-advance and why it had only been distributed from the funds right before the elections. This case can be an example of the possible misuse of public funds for electoral gain and influencing people based on the used administrative resources.

**According to GYLA, it is important for state and local authorities to refrain from prolonging the duration of the projects artificially. The public resources shall not be spent for narrow interests of the party, while in the public services, the beneficial context of a party shall not be mentioned. may cause voters to associate it with a particular party. In addition, the aid should be provided within a reasonable time, and it should not coincide with the election period, which may cause voters to associate it with a particular party.**

**It is essential to have a functional, prompt and effective mechanism to respond to the abuses of administrative resources.**

## **VIOLATIONS RELATED TO THE FREE ENVIRONMENT OF ELECTION CAMPAIGNING**

During the pre-election period, the instances of violation of campaign conduct by election subjects were recorded, including, interference with the campaign, acts of violence, damage to property or campaign materials of others. GYLA identified similar cases through its long-term observation.

### **1. Obstruction of Campaigning and Civil Activism**

Within this reporting period, GYLA's long-term monitors identified following instances of obstruction of pre-election campaigning:

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<sup>432</sup> Decree N1439, 7 October 2024, of the Government of Georgia.

<sup>433</sup> "The disaster damaged Gori and Khashuri", Information Portal "Radio Tavisupleba", 07.02.2024, available at: <https://www.radiotavisupleba.ge/a/32809016.html>, updated: 17.11.2024.

<sup>434</sup> *ibid.*

<sup>435</sup> Facebook Post of Khashuri Municipality City Hall, 10.10.2024, available at: <https://www.facebook.com/KhashuriCityHall/posts/pfbid033Nr26ywgA7PiN5Fdf1s7776N8f3yG2NCtggfngry42fpiQF52eKYxKgKUnSGgNAQI>, updated: 17.11.2024.

<sup>436</sup> Letter N84-8424318143, 13 November 2024, of the Khashuri Municipality City Hall.

On 3 August 2024, the leader of party “For Georgia”, Giorgi Gakharia was verbally assaulted during his party meeting in Batumi by Manuchar Rizhvadze, who is a “Georgian Dream” activist, an employee of Adjara’s Environmental Protection Division, and a relative of Tornike Rizhvadze.<sup>437</sup> In addition to this, other activists of the “Georgian Dream” also interfered with the meeting. Although the confrontation was only verbal, a hostile environment was created preventing the meeting to be held freely.

On 13 September 2024, the “Georgian Dream” was holding a meeting with the public in the Auto Factory settlement in Kutaisi, when an activist of the “United National Movement” arrived at the meeting and protested the ruling party’s “propaganda”.<sup>438</sup> His appearance was followed by a verbal confrontation between the representatives of the parties.

On 15 September 2024, civic movement “Vote for Europe” was prevented from engage in activism in Rustavi. Representatives of the movement intended to distribute their flyers and engage with the public at the “Rustavi Mall” shopping centre; however, the security of the centre did not allow them to do so, citing that it was private property.<sup>439</sup> Following this incident, members of the Movement relocated to Rustavi Central Park, but there they were met by representatives of the Rustavi City Sakrebulo, who also denied them the opportunity to meet with the public.<sup>440</sup>

On 12 October 2024, during an election campaign event held in the village of Ksani by Shalva Kereselidze, a candidate of “Gakharia for Georgia” party, and party member Lia Kochishvili, the majoritarian MP of the Ksani-Tsikhisdziri District, Gia Jikia, and the representative of the same village, Giorgi Alaverdashvili, began mobilizing “Georgian Dream” activists and surveillance of the event.<sup>441</sup> As Shalva Kereselidze wrote in his Facebook post, after the meeting, “Georgian Dream” activist Giorgi Murjikneli followed Lia Kochishvili’s car at high speed and attempted to crash into it. According to her, Lia Kochishvili had repeatedly exposed the individuals mentioned above for corruption and criminal activity.<sup>442</sup> As per the post by Kereselidze, a member of the “Gakharia for Georgia” party responded in a timely manner - otherwise, Kochishvili’s life would have been in danger. Afterward, Murjikneli got out of his car and threatened Lia Kochishvili.<sup>443</sup>

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<sup>437</sup> “Natia Mezvrishvili – ‘Georgian Dream’ has begun to carry out the threat announced by the Chairperson of Parliament on 26 July and is now obstructing the election campaign - it is troubling to witness how ‘Dream’ is employing the tactics of the ‘United National Movement’”, Information Portal “Interpressnews”, 06.08.2024, available at: <https://www.interpressnews.ge/ka/article/808262-natia-mezvrishvili-ocnebam-parlamentistavmjdomaris-mier-26-ivliss-daanonsebuli-mukaris-realizeba-da-saarchevno-kampaniis-xelsheshla-daicqo-mzimesanaxavia-rogor-iqenebs-ocneba-nacmozraobis-metodebs/>, updated: 17.11.2024.

<sup>438</sup> “According to the ‘Georgian Dream’, the head of the zone of the ‘United National Movement’, Dimitri Kvantaliani was trying to disrupt a meeting of the ruling party in the Auto Factory settlement in Kutaisi”, Information Portal “Interpressnews”, 14.09.2024, available at: <https://www.interpressnews.ge/ka/article/812103kartuli-ocnebis-inpormacii-ertiani-nacionaluri-mozraobis-zonis-uprosi-dimitri-kvantaliani-kutaisshiavtokarxis-dasaxlebashimmartveli-partiis-shexvedris-chashlas-cdilobda/>, updated: 17.11.2024.

<sup>439</sup> “Attack on civil activists - members of ‘Vote for Europe’ were met by public servants”, Youtube Page of “TV Pirveli”, 16.09.2024, available at: <https://www.youtube.com/watch?v=qlxxcmc-ilw>, updated: 17.11.2024.

<sup>440</sup> *ibid.*

<sup>441</sup> Official Facebook Page of Shalva Kereselidze, 12.10.2024, available at: <https://www.facebook.com/Kereselidze-Shalva/posts/pfbid02rZCQrNcfyBpwaaYFG2u1nzKTPKy3P7m1qNT1ZkBQRyxEcUw3yvrz1sf9G9vUm5I>, updated: 15.10.2024

<sup>442</sup> *ibid.*

<sup>443</sup> *ibid.*

Giorgi Murjikneli also responded to the incident on social media, stating that the information shared by Kereselidze is merely a defamation.<sup>444</sup> He referred to Lia Kochishvili as someone who is “would do anything” and “unacceptable to the village”.<sup>445</sup> According to the MIA, this incident was not classified as an act of violence, and no investigation had been launched.<sup>446</sup>

12 On 12 August 2024, starting at 7 a.m., representatives of the political party “Unity - National Movement” were present in Vake Park, Tbilisi, to prepare the area for a public meeting scheduled for 8 p.m. the same day.<sup>447</sup> As stated by one of the party leaders, Irakli Nadiradze, the Security Service of the City Hall obstructed them from bringing in equipment, a generator, and other necessary items to set up a stage.<sup>448</sup> He stated that the party had sent a letter to the City Hall related to the event and had received an official approval from them.<sup>449</sup> Nevertheless, representatives from City Hall hindered their preparations.<sup>450</sup> As outlined by the representatives of the City Hall, the generator exceeded the permitted weight standard and it would damage the ground in the park.<sup>451</sup> When asked by members of the political unity what the permitted weight limit was, they received no answer.<sup>452</sup> In addition, City Hall’s security service then redirected the “National Movement” representatives to the Greening Service, stating that the generator’s emissions could pose a threat to the greenery of the park.<sup>453</sup> Once the Greening Service found no issue in this regard, other City Hall officials still continued to prevent the delivery of equipment and materials for approximately another three hours.<sup>454</sup>

The pre-election campaign is a key component of fair and equal elections. It allows political parties to gain voter support through healthy competition and achieve relevant results. The ability to conduct a campaign must be guaranteed for all electoral subjects. Any interference significantly undermines the principle of an equal election environment. As a result, certain political parties are prevented from presenting their programmes, meeting with citizens, etc.

**GYLA reckons that political parties shall promote the peaceful conduct of the election campaign, call on their party activists not to interfere with the activities of their competitors. In cases where such incidents do occur, the relevant authorities must respond effectively and take appropriate measures to prevent such actions.**

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<sup>444</sup> Official Facebook Page of Goga Murjikneli, 12.10.2024, available at: <https://www.facebook.com/goga.murjikneli.5/posts/pfbid02FbVYtCp56SSKgtB6s4wBp21BcJEGkuVBRwcP9YKm7oL58Tv4PQCWgTGzwbCZju6cl>, updated: 15.10.2024.

<sup>445</sup> *ibid.*

<sup>446</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>447</sup> “Irakli Nadiradze: which elections are we even talking about, they are not allowing us to bring the equipment”, Youtube Page of “TV Pirveli”, 12.10.2024, available at: <https://www.youtube.com/watch?v=fqm7H83ZA7k>, updated: 15.10.2024.

<sup>448</sup> *ibid.*

<sup>449</sup> *ibid.*

<sup>450</sup> *ibid.*

<sup>451</sup> Telephone Interview with Irakli Nadiradze, 17 October 2024.

<sup>452</sup> *ibid.*

<sup>453</sup> *ibid.*

<sup>454</sup> *ibid.*

## 2. Politically Motivated Violence

On 1 June 2024, the central office of party “United National Movement” was attacked in Tbilisi.<sup>455</sup> According to the party, the attack lasted about half an hour, and as a result, the facade, windows and inventory of the office were damaged.<sup>456</sup> As stated by the MIA, the investigation was launched under Article 187(2(c)) of the Criminal Code.<sup>457</sup> As part of the case, investigative/procedural actions were carried out, witnesses were questioned, and forensic examinations were appointed.<sup>458</sup> It is noteworthy that, according to the MIA, party members did not cooperate with the investigation and refused to participate in the investigative actions.<sup>459</sup>

On 8 June 2024, the office of the “Unity - National Movement” party in Zestaponi was burglarized.<sup>460</sup> Various types of electronic devices were stolen from the office.<sup>461</sup> According to party representatives, it was carried out by individuals affiliated with the authorities.<sup>462</sup> The MIA stated that an investigation was initiated under theft,<sup>463</sup> certain investigative actions have been conducted, and the investigation is still ongoing.<sup>464</sup>

On 11 August 2024, Nika Melia, a co-chair of party “Ahali”, was attacked and physically assaulted in Samtredia.<sup>465</sup> During the opening of the party office, Nika Melia was responding to journalists’ questions, when a young man struck him in the face and swore at him.<sup>466</sup> According to media reports, the attacker is an activist of the “Georgian Dream”.<sup>467</sup> While an investigation was launched under Article 126 of the Criminal Code, violence, the MIA has stated that the perpetrator could not have been yet identified. As per the updated information, Nika Melia has not appeared before investigative authorities, and as a result, a final decision in the case has not been made.<sup>468</sup>

On 8 September 2024, representatives of the “Strong Georgia” coalition were attacked in Kareli while holding a pre-election meeting with the population.<sup>469</sup> According to coalition

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<sup>455</sup> “According to the ‘United National Movement’, the party’s central office was attacked”, Information Portal “1TV.ge”, 01.06.2024, available at: <https://1tv.ge/news/nacionaluri-modzraobis-ganckhadebit-partiis-centralur-ofis-tavs-daeskhnen/>, updated: 17.12.2024.

<sup>456</sup> *ibid.*

<sup>457</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>458</sup> *ibid.*

<sup>459</sup> *ibid.*

<sup>460</sup> “United National Movement Office Robbed in Zestaponi,” news portal infoimereti.ge, June 8, 2024. Available at: <https://infoimereti.ge/%e1%83%96%e1%83%94%e1%83%a1%e1%83%a2%e1%83%90%e1%83%a4%e1%83%9d%e1%83%9c%e1%83%a8%e1%83%98%e1%83%9c%e1%83%90%e1%83%aa%e1%83%98%e1%83%9d%e1%83%9c%e1%83%90%e1%83%9a%e1%83%a3%e1%83%a0%e1%83%98/>, updated on: 17.11.2024.

<sup>461</sup> *ibid.*

<sup>462</sup> *ibid.*

<sup>463</sup> *ibid.*

<sup>464</sup> *ibid.*

<sup>465</sup> “Nika Melia was attacked in Samtredia”, Information Portal “Interpressnews”, 11.08.2024, available at: <https://www.interpressnews.ge/ka/article/808788-samtrediashi-nika-melias-tavsdaeskhnen>, updated: 17.11.2024.

<sup>466</sup> *ibid.*

<sup>467</sup> “The attack on Nika Melia in Samtredia is the kind of behavior typical of declining regimes”, Information Portal “Radio Tavisupleba”, 12.08.2024, available at: <https://www.radiotavisupleba.ge/a/%e1%83%9c%e1%83%98%e1%83%99%e1%83%90%e1%83%9b%e1%83%94%e1%83%9a%e1%83%98%e1%83%90%e1%83%a1%e1%83%a1%e1%83%90%e1%83%9b%e1%83%a2%e1%83%a0%e1%83%94%e1%83%93%e1%83%98%e1%83%90%e1%83%a8%e1%83%98%e1%83%97%e1%83%90%e1%83%95%e1%83%a1%e1%83%93%e1%83%90%e1%83%94%e1%83%a1%e1%83%ae%e1%83%9c%e1%83%94%e1%83%9c/33075900.html>, updated: 17.11.2024.

<sup>468</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>469</sup> “According to Grigol Gegelia, a representative of ‘Strong Georgia’ was attacked in Kareli”, Information Portal “Radio Tavisupleba”, 08.09.2024, available at: <https://www.radiotavisupleba.ge/a/33111613.html>, updated: 17.11.2024.

member Grigol Gegelia, during the meeting, unidentified individuals initially verbally assaulted them and later physically attacked them. Another member of the coalition, Lana Galdava, stated that the police were present at the scene, but no effective action was taken by them.<sup>470</sup> As outlined in the information provided to GYLA by the MIA, an investigation into the incident was launched under Article 126 of the Criminal Code, and it is still pending.<sup>471</sup> However, it is noteworthy that the victim declined to undergo a forensic medical examination, and it was not possible to determine the severity of the injuries sustained.<sup>472</sup>

On 16 September 2024, according to a statement by the “Unity – National Movement”, party member Zurab Abaev was violently assaulted and beaten by the police in Tbilisi.<sup>473</sup> As stated by the lawyer and eyewitnesses, the police first beat Abaev and then arrested him.<sup>474</sup> The police stopped him for search, which he resisted.<sup>475</sup> Abaev was arrested for petty hooliganism and non-compliance with the police. While according to the lawyer of the victim, the confrontation began when Abaev was taken a photo.<sup>476</sup> The lawyer has called on the Special Investigation Service to respond to the incident. While in communication with GYLA, the Special Investigation Service noted that they had not received information regarding the fact.<sup>477</sup> Under Article 100 of the Criminal Procedure Code, an investigation must be launched upon receiving information about a crime. GYLA’s correspondence legally constitutes such a notification, and the relevant authority may also receive such information from media. GYLA has formally requested information from the relevant agencies but has not received a response as of yet.

On 19 September 2024, ‘Unity – National Movement’ member Ana Tsitlidze was attacked while conducting a pre-election campaign in Zugdidi.<sup>478</sup> As stated by Tsitlidze, she was also verbally assaulted. Beka Fartsvania, a member of the party’s youth wing in Zugdidi, was injured.<sup>479</sup> David Kodua, a Zugdidi delegate from “Georgian Dream”, claimed that Tsitlidze and other party members themselves insulted internally displaced persons who had gathered at the meeting.<sup>480</sup> According to the MIA, the investigation was launched on charges of

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<sup>470</sup> “According to ‘Strong Georgia’, in Kareli, an employee of an N(N)LE and the deputy governor’s spouse attacked the party’s activist”, the Webpage of Shida Kartli Information Center, 08.09.2024, available at: <https://www.qartli.ge/ge/akhaliambebi/article/21803--dzlieri-saqarthvelos-cnobith-qarelshi-aipis-thanamshromeli-dagameblismoadgilis-meughle-aqtivistebis-thavs-daeskhnen>, updated: 17.11.2024.

<sup>471</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>472</sup> *ibid.*

<sup>473</sup> “The ‘United National Movement’ claims that their party members were assaulted by the police”, Information Portal “Radio Tavisupleba”, 16.09.2024, available at: <https://www.radiotavisupleba.ge/a/33121886.html>, updated: 17.11.2024.

<sup>474</sup> “The Case of the Detention of a ‘United National Movement’ Member”, Youtube Page of TV “Formula”, 17.09.2024, available at: <https://www.youtube.com/watch?v=U1JEjKCwF1Y>, updated: 17.11.2024.

<sup>475</sup> “According to the MIA, Zurab Abaev, a member of the ‘United National Movement’ Nadzaladevi headquarters and an election commission member, was stopped for search purposes, during which he resisted the police”, Information Portal “Interpressnews”, 16.09.2024, available at: <https://www.interpressnews.ge/ka/article/812352-shss-s-inpormaciitnacionaluri-mozraobis-nazaladevis-shtabisa-da-aseve-komisiis-cevri-zurab-abaevigadamocmebismiznit-sheacheres-ra-drosac-man-policielebs-cinaagmdegoba-gaucia>, updated: 17.11.2024.

<sup>476</sup> “Why did the police assault Zurab Abaev, and why were they in civilian clothing during the arrest? | The police are unable to answer Khabeishvili’s questions”, TV “Mtavari Arkhi”, 16.09.2024, available at: <https://mtavari.tv/news/165053ratom-idzalada-politsiam-zurab-abaevze-ratom>, updated: 17.11.2024.

<sup>477</sup> Letter N SIS 7 24 00018427, 2 October 2024, of the Special Investigation Service

<sup>478</sup> “According to Ana Tsitlidze, she was attacked by ‘Georgian Dream’ activists in Zugdidi”, Information Portal “Radio Tavisupleba”, 19.09.2024, available at: <https://www.radiotavisupleba.ge/a/33126756.html>, updated: 17.11.2024.

<sup>479</sup> *ibid.*

<sup>480</sup> Official Facebook page of Davit Kodua, 19.09.2024, available at:

<https://www.facebook.com/GDDavitKodua/videos/1299078917724581>, updated: 17.11.2024.

violence committed by a group.<sup>481</sup> As part of the investigation, forensic examinations have been ordered and individuals questioned; however, no one has been officially recognized as a victim or been charged.<sup>482</sup>

On 6 October 2024, according to “Unity – National Movement”, their leaders were attacked during a meeting with locals in the village of Kardenakhi, Gurjaani.<sup>483</sup> Television footage shows both physical and verbal altercations between “Unity - National Movement” party members and individuals who attacked them.<sup>484</sup> According to the party, Levan Metreveli, the Secretary for Healthcare Policy of the “Unity – National Movement”, was physically assaulted and subsequently taken to New Hospital, where he underwent a computed tomography scan.<sup>485</sup> Metreveli reported exhibiting all symptoms of a concussion, including hematomas and asymmetry on the right side of his head.<sup>486</sup> The attack on a representative of a political organization contains elements of a crime, specifically harm to health. According to the MIA, an investigation has been launched under Article 162<sup>1</sup>(1) of the Criminal Code, individuals have been questioned, and Levan Metreveli has been granted a victim status.<sup>487</sup> However, the political unity has stated that they have no confidence in the investigation.<sup>488</sup>

On 13 October 2024, in the morning, the “Unity – National Movement” office in Varketili was vandalized.<sup>489</sup> The office windows were smashed, paint-filled bottles were thrown inside, and as a result, the furniture, walls, and floors were stained.<sup>490</sup> The party representatives stated that this had been done by individuals sent by the “Georgian Dream”.<sup>491</sup> Specifically, Irakli Nadiradze claimed that the perpetrators acted with the support of the SSS, the MIA and other authorities.<sup>492</sup> Nadiradze also stated that the party did not report the incident to the MIA, as the case was already publicly known. In addition, he believes that there was no point to addressing them, because the party did not have an expectation that this case would be investigated. It is noteworthy that several surveillance cameras were installed in the surrounding area. Despite the cameras and the public dissemination of infor-

<sup>481</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>482</sup> *ibid.*

<sup>483</sup> “According to the UNM, their leaders were attacked in Kardenakhi”, 06.10.2024, Information Portal “Netgazeti”, available at: <https://netgazeti.ge/news/745459/>, updated: 09.10.2024.

<sup>484</sup> “In Kardenakhi, following a meeting between ‘United National Movement’ and their voters, ‘titushky’ attacked UNM leaders. Levan Metreveli sustained physical injuries”, 06.10.2024, TV Formula, available at: <https://www.facebook.com/watch/?v=3487341451562767>, updated: 10.09.2024.

<sup>485</sup> “According to the UNM, their leaders were attacked in Kardenakhi”, 06.10.2024, Information Portal “Netgazeti”, available at: <https://netgazeti.ge/news/745459/>, updated: 09.10.2024

<sup>486</sup> “Levan Metreveli: I have a concussion and a serious facial hematoma. As for possible skull fractures, I am still awaiting results”, Information Portal “frontnews.ge”, 06.10.2024, available at: <https://frontnews.ge/levan-metreveli-maqvs-tvinis-sherqheva-aseve-seriozuli-hematoma-sakhis-areshi-rats-sheekheba-qala-dzvlebis-motekhlobas-velodebi-pasukhs/>, updated: 10.09.2024.

<sup>487</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>488</sup> “Giorgi Baramidze: For 12 years, the ‘United National Movement’ has been persecuted, we’ve been arrested, shot at, and beaten. But they have not been able to break our team, and they won’t intimidate us now either”, 06.10.2024, Interpressnews, available at: <https://www.interpressnews.ge/ka/article/815101-giorgi-baramidze-12-celica-dia-nacionalur-mozraobas-devnian-da-gvapetimreben-gvesvrian-gvcemen-magram-veraperi-uknes-chvens-gunds-verc-axla-shegvashineben>, updated: 10.09.2024.

<sup>489</sup> “The office of ‘Unity – National Movement’ in Varketili was vandalized | Irakli Nadiradze”, Mtavari Arkhi, 13.10.2024, available at: <https://mtavari.tv/news/167140-varketilshi-ertianoba-natsionaluri-modzraobis>, updated: 15.10.2024.

<sup>490</sup> “The office of ‘Unity – National Movement’ in Varketili was vandalized”, TV Pirveli, 13.10.2024, available at: [https://www.youtube.com/watch?v=eRf0\\_gBfSz8](https://www.youtube.com/watch?v=eRf0_gBfSz8), updated: 15.10.2024.

<sup>491</sup> *ibid.*

<sup>492</sup> *ibid.*

mation through various sources, law enforcement agencies have not contacted the political organization nor initiated an investigation.

On 23 October 2024, in the village of Rike, Zugdidi, a representative of the “Unity – National Movement” was attacked.<sup>493</sup> According to media reports, representatives of “Georgian Dream” were allegedly pressuring opposition-supporting voters in the village not to participate in the elections, some were reportedly having their identification documents confiscated, while others were being offered money.<sup>494</sup> To verify this information, a representative of the opposition coalition travelled to the village but was attacked by individuals affiliated with “Georgian Dream”, they verbally assaulted the representative and smashed the windows of their car. According to the MIA, the investigation is still ongoing.<sup>495</sup>

### 3. Damage to Property on Political Grounds

On 8 September 2024, the car of the “United National Movement” representative, Beso Kartvelishvili, was damaged in Ambrolauri.<sup>496</sup> The party members suspect that “Georgian Dream” was behind the incident.<sup>497</sup> The MIA stated that an investigation had been launched and is still ongoing.<sup>498</sup>

On 15 September 2024, in the village of Lesicheni, Chkhorotsku, the car of the “Georgian Dream” member and the head of local campaign headquarters, Jumber Izoria, was damaged.<sup>499</sup> Izoria himself was not present at the scene and did not witness the incident. According to the MIA, the investigation was launched under Article 187 of the Criminal Code, which pertains to damage to another person’s property, and several individuals have been questioned.<sup>500</sup> The investigation revealed that the car was deliberately damaged by a member of the “Ahali” party, who has been charged and has been imposed bail as a measure of restraint.<sup>501</sup> The investigation remains ongoing.<sup>502</sup>

### 4. Damage to Campaign Material

As pursuant to Article 46(7<sup>1</sup>), removal, tearing off, covering, or damaging campaign materials, unless they are located in a forbidden place, is prohibited. The Code prescribes any material on which an electoral subject/candidate for electoral subject and/or his/her sequence

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<sup>493</sup> “In the village of Rike, Zugdidi, individuals affiliated with ‘Georgian Dream’ attacked a representative of the ‘Unity - National Movement’”, Official Facebook page of TV “Mtavari”, 23.10.2024, available at: <https://www.facebook.com/watch/?v=910162924370870>, updated: 28.11.2024.

<sup>494</sup> *ibid.*

<sup>495</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>496</sup> “Pavlenishvili: a car of the member of ‘Unity – National Movement’ was damaged in Ambrolauri”, the webpage of TV “Formula”, 08.09.2024, available at: <https://formulanews.ge/News/116667>, updated: 17.11.2024.

<sup>497</sup> “In Racha, a car of the member of UNM was damaged”, Information Portal “newspost.ge”, 08.09.2024, available at: <https://newposts.ge/news/politica/rachashi-enm-stsevs-avtomobili-dauzianes>, updated: 17.11.2024.

<sup>498</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>499</sup> “According to ‘Georgian Dream’, in Chkhorotsku, a member of the ‘Coalition for Change’ smashed the car of the head of the local ‘Georgian Dream’ election headquarters with stones”, Information Portal “Interpressnews”, 16.09.2024, available at: <https://www.interpressnews.ge/ka/article/812310-kartuli-ocnebis-informaciitchxorocqushi-koaliciacvilebistvis-cevrma-kartuli-ocnebis-adgilobrivi-saarchevno-shtabisxelmzgvanels-avtomankana-kvebit-daumtvria/>, updated: 17.11.2024.

<sup>500</sup> Letter N MIA 7 24 03052970, 4 October 2024, of the Ministry of Internal Affairs of Georgia.

<sup>501</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

<sup>502</sup> *ibid.*

number is displayed as campaign material.<sup>503</sup>

During the reporting period, a video was circulated in the media clearly showing individuals wearing clothing with the symbols of “New Unity - Gvaramia-Melia” damaging posters belonging to “Georgian Dream - Democratic Georgia”.

In Zugdidi, campaign materials of the “Strong Georgia” coalition were covered with posters of the political party the “Voice of God and the Voice of the Nation”.<sup>504</sup> It was revealed that the posters were placed by a representative of that same party, who stated that they simply did not like the named coalition.

On 9 October 2024, at around 19:00, activists from the “For Georgia” party were placing their campaign materials - election posters - on a designated spot on a street wall on Amaghleba Street in Tbilisi, when, as stated by them, they were approached by individuals believed to be “Georgian Dream” activists, referred to as so-called “zonders”, who tore down the newly posted materials.<sup>505</sup> The incident escalated into a verbal confrontation. Namely, one of the “zonders” from “Georgian Dream” snatched posters from the hands of a “For Georgia” activist and verbally and physically abused them.<sup>506</sup> According to “For Georgia” activists, they asked the “Georgian Dream” supporters to explain their actions, to which they responded with various remarks, including that they “did not like Gakharia’s party” and that “Gakharia belongs in the political garbage bin”.<sup>507</sup> Party members also noted that the patrol police were present at the scene.

It is noteworthy that the party submitted an official request to the Special Investigation Service with a request to open an investigation into the incident under Article 162<sup>1</sup> of the Criminal Code, which prescribes violence during canvassing or election campaign that has resulted in intentional infliction of minor harm to health. GYLA requested official information regarding the Service’s response; however, as of 5 March, no reply had been received.

On 16 October 2024, the members of the “United National Movement”, Khatia Dekanoidze and Gigi Ugulava, painted over the part of a “Georgian Dream” banner that displayed the phrase “No to War” in Kutaisi using white paint.<sup>508</sup> According to the Executive Secretary of the “Georgian Dream”, Mamuka Mdinaradze, the actions taken by Ugulava and Dekanoidze constitute a crime.<sup>509</sup> An investigation was indeed launched into damage of an election banner by a group, with various steps taken, however, it is still pending.<sup>510</sup>

<sup>503</sup> Article 2(Z<sup>7</sup>) of The Organic Law of Georgia “Election Code”.

<sup>504</sup> The Facebook page of Tenglo Kochua, 03.10.2024, available at: [https://www.facebook.com/permalink.php?story\\_fbid=8681471885208415&id=100000370684188&rdid=UHOuMIKVLbNGONF1](https://www.facebook.com/permalink.php?story_fbid=8681471885208415&id=100000370684188&rdid=UHOuMIKVLbNGONF1), updated: 17.11.2024.

<sup>505</sup> “Gakharia’s party claims that their representatives were attacked in the street”, Information Portal “Radio Tavisupleba”, 09.10.2024, available at: <https://www.radiotavisupleba.ge/a/33152700.html>, updated: 10.10.2024.

<sup>506</sup> “During the election campaign, ‘Georgian Dream’s ‘zonde’ activists attacked our party representatives”, the Official Facebook page of party “For Georgia”, 09.10.2024, available at: <https://www.facebook.com/ForGeoGe/videos/1245475566643760/>, updated: 10.10.2024.

<sup>507</sup> *ibid.*

<sup>508</sup> The video of the Official Facebook page of Khatia Dekanoidze, 16.10.2024, available at: <https://www.facebook.com/reel/1067361321661975>, updated: 27.11.2024.

<sup>509</sup> “Mdinaradze: Dekanoidze and Ugulava committed a crime”, Information Portal “Formulanews”, 15.10.2024, available at: <https://formulanews.ge/News/118470>, updated: 27.11.2024.

<sup>510</sup> Letter N MIA6 25 00059145, 13 January 2025, of the Ministry of Internal Affairs of Georgia.

## DISMISSALS FROM JOBS ON POLITICAL GROUNDS

In the period leading up to the elections, GYLA's observation mission recorded several possible cases of politically motivated dismissals. Some of these involved public officials being dismissed due to their political views, while others concerned the dismissal of public-school principals based on their political affiliation.

### 1. The Case of Cleopatra Karumashvili

Cleopatra Karumashvili had been working as a specialist in the evaluation and support of extracurricular activities at the N(N)LE Skills Agency Georgia.<sup>511</sup> Following the initiation of the so-called "Russian Law", management of the Agency requested her to remove from the work program the section related to cooperation with non-governmental organizations and the implementation of joint projects.

After that, according to Karumashvili, the head of the Skills Agency Georgia, Irina Marghishvili, 'advised' her to write a resignation letter. During the conversation, Marghishvili focused on critical opinions of Karumashvili regarding personnel changes implemented in the agency, as well as posts she had shared on social networks against the "Russian Law" and generally political opinions of Karumashvili. Indeed, Marghishvili emphasized Karumashvili's professionalism but added that she needed "complete loyalty" in the organization. It is noteworthy that despite the request, Karumashvili did not leave the job on her initiative. Several days after the meeting, Subsequently, a few days later, a reorganization was announced in the Agency and Karumashvili was dismissed from her position.

The stated reason for the reorganization was the restructuring of the program, positions, and sub-programs in line with new priorities. However, Cleopatra Karumashvili contends that the true motivation behind the announcement was the dismissal of an individual with differing views.

### 2. Dismissal of Acting Principals of Public Schools

At the end of August 2024, the authorities of several acting principals of public schools were terminated. They attribute this to their political views.

The rules for appointing a public-school principal are prescribed by the Law of Georgia "on General Education". Firstly, there is a relevant competition – examination, and then a candidate has an interview with a special commission. Afterwards, if successful, the Ministry presents a candidate to the Board of Trustees, which makes a final decision.<sup>512</sup> If the Board of Trustees fails to elect a principal under the election procedures for the public-school principals, the Ministry is authorised to appoint a school principal within its discretionary powers. It is noteworthy that that in schools where the Board of Trustees was unable to elect principals, appointments made at the Minister's discretion were not uncommon.<sup>513</sup> As prescribed by Article 42(1) of the Law of Georgia "on General Education", the Ministry shall select a

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<sup>511</sup> "I was fired due to political opinions" - former employee of the Skills Agency Georgia", Information Portal "Netgazeti", 07.08.2024, available at: <https://netgazeti.ge/news/735182/>, updated: 18.11.2024.

<sup>512</sup> Law of Georgia "on General Education", Article 42.

<sup>513</sup> "In schools, where principals have not been selected yet, a new competition will be announced – the Minister", Information Portal "netgazeti.ge", 12.12.2023, available at: <https://netgazeti.ge/news/701442/>, updated: 18.11.2024.

candidate for the position of a principal in compliance with principles of transparency, fair competition and equality, which itself prohibits the discrimination from the Ministry, including, on political grounds. It is also a direct legal requirement that the state must ensure the political independence of public schools.<sup>514</sup> It should also be noted that despite the widespread practice, and following the inability to elect principals in approximately 1000 schools in 2023, the Minister of Education announced a new competition for 2024. The Minister also assured the public that discretionary powers would be used only in exceptional cases and that he would not “impose his personal preferences” on schools.<sup>515</sup> Accordingly, a new competition for school principals was announced in 2024.

Within the framework of its monitoring, GYLA examined several cases of principal dismissals. Three of the individuals involved attributed their dismissal to their political views or their critical stance toward the authorities.

Among them is the acting principal of the public school in the village of Nokalakevi, Senaki Municipality, Shorena Shamatava, who had led the school for many years and, according to her, was widely respected and loved by students and parents. On 26 August, the Minister of Education appointed Nana Jgerenaia as principal in her place, resulting in termination of Shamatava’s authority on 30 August. It is noteworthy that Shamatava Notably, Shamatava successfully passed the initial stage of the competition but did not advance beyond the interview phase, which she believes was due to her political affiliation. The proposed candidate, Nana Jgerenaia, had been rejected by the Board of Trustees on 19 June session. Following that, Shamatava continued serving as an acting principal until her dismissal.

As Shorena Shamatava states in her conversation with GYLA, the outcome of her dismissal had been predetermined, and the head of the Senaki Resource Center had warned her about it. She believes the real reason behind her dismissal was her political views. She had participated in an event organized by the party “Gakharia for Georgia”. Local government officials regularly commented on political position of the principal.

Under the Minister’s discretionary authority, the acting principal of the public school in the village of Namashevi, Khoni Municipality, Mindia Gvelebiani, was also dismissed. He had worked at the school as a teacher since 1995 and as a principal since 2004. Gvelebiani learned of his dismissal from the newly appointed principal and officially received the order on 30 August.

Mindia Gvelebiani is an active member of the “Gakharia for Georgia party” at the municipal level in Khoni. He had also participated in a party meeting on 21 August, shortly before being notified of his dismissal.

Gvelebiani did not apply for the 2024 principal competition, stating that “there was no point in applying”, as he knew in advance he would not be selected. Hence, the Minister appointed Khatuna Kharabadze in his place - a candidate previously rejected by the Board of Trustees.

Mindia Gvelebiani has taken his case to court, where GYLA is representing him. Notably, the Samtredia District Court initially refused to accept the lawsuit, a decision that was appealed

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<sup>514</sup> Law of Georgia “on General Education”, Article 3(2(b)).

<sup>515</sup> “In schools, were principals have not been selected yet, a new competition will be announced – the Minister”, Information Portal “netgazeti.ge”, 12.12.2023, available at: <https://netgazeti.ge/news/701442/>, updated: 18.11.2024.

through a private complaint. The case is currently at the admissibility stage before the Samtredia District Court.

Another case of dismissal of a public-school principal during the pre-election period was reported. In their communication with GYLA, an individual prefers to remain anonymous, however, according to them, the dismissal was again politically motivated, specifically due to their critical stance on the so-called “Russian Law” and related developments. This individual was rejected during the interview stage of the selection process. The candidate subsequently proposed for the position was not approved by the Board of Trustees. Nevertheless, the Minister exercised discretionary authority and appointed the same candidate as the new principal.

**GYLA reckons that the termination of acting principals during the pre-election period may raise suspicions of political discrimination - particularly in cases where the dismissed individuals were critical of the ruling party or affiliated with opposition parties. Such practices undermine public trust in the education system and heighten the risk of its excessive politicization.**

## **INTERFERING WITH THE ACTIVITIES OF ELECTION ADMINISTRATION**

During the pre-election period, instances of interference in the work of various levels of the election administration were observed. These facts include interference with the activities of commission members appointed by parties.

### **1. Interference with the Work of Opposition Members of the Isani and Mtatsminda District Election Commissions**

On 14 September 2024, opposition members of the Isani and Mtatsminda District Election Commissions were denied access to a training session for Chairpersons of Precinct Election Commission by the commissions’ respective chairpersons.<sup>516</sup> In the Isani District Commission, representatives of “European Georgia”, “United National Movement”, and “Strategy Aghmashenebeli” were asked by the chairperson to leave the training room. While the chairperson of Mtatsminda District Commission expelled “United National Movement” member Akaki Ebralidze from the room. As per argumentation of the chairpersons, members appointed by the opposition parties did not have the right to attend the training.<sup>517</sup> However, according to those members, the chairpersons did not cite any legal provision that prohibited their participation. They further emphasized that attending such training sessions is important, as every commission member has the right to know what is being taught to Precinct Election Commission chairs. Also, such trainings could potentially relate to election manipulation or processes surrounding upcoming elections.<sup>518</sup>

GYLA considers that the Georgian model of election commission, which combines professional and party-appointed members within commissions, is designed to ensure that all

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<sup>516</sup> “Opposition members were denied access to training sessions in the Isani and Mtatsminda District Election Commissions”, Information Portal “Mtavari Arkhi”, 14.09.2024, available at: [https://mtavari.tv/news/164883-isnisa-mtatsminda-saolko-saarchevno-komisiebsshi?fbclid=IwY2xjawGAnilleHRuA2FlbQlxMAABHVnZqvztzagK5x9Csd4a8889NMIq-yLGCokXTsIRjZC0q8euubIW3zNw\\_aem\\_JzEksX9nL4zH1HdiMB\\_vPA](https://mtavari.tv/news/164883-isnisa-mtatsminda-saolko-saarchevno-komisiebsshi?fbclid=IwY2xjawGAnilleHRuA2FlbQlxMAABHVnZqvztzagK5x9Csd4a8889NMIq-yLGCokXTsIRjZC0q8euubIW3zNw_aem_JzEksX9nL4zH1HdiMB_vPA), updated: 27.11.2024.

<sup>517</sup> *ibid.*

<sup>518</sup> *ibid.*

members can fully engage in commission activities. This includes the right to attend trainings and other events organized by the commission's professional members, including the chairperson. Therefore, restricting party-appointed members from attending such sessions is forbidden. Beyond obstructing the effective functioning of the commission, itself, such actions also cast doubt on the lawfulness and integrity of the professional members' conduct.

## **2. Interference with the Work of District Commission Members in Ozurgeti**

On 11 October 2024, the chairperson of the Ozurgeti District Election Commission, Berdia Lomidze, expelled two members appointed by the "Unity – National Movement" from the commission building and told them they could "work under the walnut tree outside".<sup>519</sup> Later, David Mzhavanadze, head of the "Unity – National Movement" Ozurgeti office, attempted to clarify the situation but was not allowed to enter the district commission building.<sup>520</sup> There was a verbal confrontation between Mzhavanadze and Lomidze.<sup>521</sup> Lomidze explained that the members were asked to leave the building because training sessions were being held there, and there was no space available for members.<sup>522</sup>

GYLA believes that it is essential for district commission members to be allowed to freely enter the district building and be able work there. Other activities, such as trainings, must be organized in a manner that does not hinder the work of commission members.

## **3. Drafting Voter List by Ozurgeti Precinct Election Commission and Physical Violence against Opposition Members**

On 16 October 2024 "TV Pirveli" aired a report stating that the members of the "Unity – National Movement" found out that the Chairperson of one of the precincts in Ozurgeti, professional members and representatives of the "Georgian Dream" regional office were drafting voter lists to identify "Georgian Dream" supporters, and determine payment issue and target individuals for intimidation/pressure.<sup>523</sup> The arrival of the "Unity – National Movement" irritated those in the room, who attempted to hide the lists, and physically and verbally abused persons who entered.<sup>524</sup> Despite the request to the law enforcement, GYLA remains unaware of how the police responded to this.

### **Summary**

The election administration, as the body responsible for the proper management of elections, is obligated to ensure the lawful, effective, and orderly functioning of election commissions. Proper functioning includes equal access for all commission members—including those appointed by opposition parties—to their legal powers, active involvement in commission activities, and participation in decision-making processes. Proper functioning of the

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<sup>519</sup> "Noise and Confrontation in Ozurgeti's one of the election districts", Youtube Page of TV Pirveli, 12.10.2024, available at: <https://www.youtube.com/watch?v=ClIxHb2HXgY>, updated: 15.10.2024.

<sup>520</sup> *ibid.*

<sup>521</sup> *ibid.*

<sup>522</sup> *ibid.*

<sup>523</sup> "Scandal-linked Chairperson of the Precinct Election Commission and Attackers who remained unpunished", TV "Pirveli", 16.10.2024, available at: <https://www.youtube.com/watch?v=Ffpj3TIJxEw>, updated: 28.11.2024.

<sup>524</sup> *ibid.*

commissions includes equal access for all commission members, including those appointed by opposition parties, to their authorities, involvement activities, and participation in decision-making processes. Interference, obstruction or exclusion from process of certain members whether by professional staff or members appointed by the ruling party constitutes a violation, and superior commissions must respond appropriately.

**GYLA calls on election commissions to carry out their duties in full compliance with legal requirements and to ensure a working environment that enables the effective participation of opposition-appointed members. It is essential that decisions are made collegially, and no member should be excluded from the process. Furthermore, GYLA believes that superior commissions must respond promptly and effectively to such violations and fix the delayed process.**

## **THE DECISIONS OF THE NATIONAL COMMUNICATIONS COMMISSION OF GEORGIA**

### **1. During the Pre-Election Period, Featuring Hate Speech against LGBTQ+ Individuals in the “Georgian Dream” Political Advertisement**

TV channels “Formula” and “TV Pirveli” did not air a political advertisement submitted by political party “Georgian Dream” in their broadcast;<sup>525</sup> as a result, on 13 September 2024, the National Communications Commission found “Formula” and “TV Pirveli” in violation of Article 186(5) of the Election Code.<sup>526</sup>

According to the complaint of the “Georgian Dream”, the political advertisement was sent to the broadcasters in compliance with legal requirements. The party requested that the Communications Commission review the matter and oblige the broadcasters to air the advertisement.<sup>527</sup>

As stated by “Formula”, the part of the advertisement that accuses certain groups of contributing to the moral degradation of society is incompatible with legislation. Furthermore, the video features images of individuals who are not participating in the elections.<sup>528</sup> The TV channel argues that the disputed advertisement promotes hatred or incites violence against people who express differing views.<sup>529</sup> In addition, “Formula” outlined that some provisions of the Law “On Advertising”<sup>530</sup> were also violated, as at least one person featured in the ad, Eka Gigauri, had not given consent for her image to be used in the advertisement.<sup>531</sup>

In the Decision of the court in this case, according to the position expressed during the hearing by the representative of the Communications Commission, the political advertisement submitted by “Georgian Dream” did not contain hate speech or incitement to violence, nor did it include calls for violence.<sup>532</sup> According to the Commission’s explanation, the broadcaster did not have the right to assess the advertisement in terms of its compliance with the requirements of the Law “On Advertising” in this particular case. The court ruling stat-

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<sup>525</sup> *ibid.*

<sup>526</sup> The Decision №8-24-04/1991 of the Communications Commission, 13 September 2024.

<sup>527</sup> *ibid.*

<sup>528</sup> Letter N552 of TV “Formula”, 9 September 2024.

<sup>529</sup> *ibid.*

<sup>530</sup> Particularly, it refers to Article 4(9) and (11) of the Law of Georgia “On Advertising”.

<sup>531</sup> Letter N552 of TV “Formula”, 9 September 2024.

<sup>532</sup> The Decision of the Tbilisi City Court, N 4/6951-24, 15 September 2024, para. 3.1.



ed that the provisions of the Law “On Advertising” do not apply to political advertisements.<sup>533</sup> The court also drew attention to a provision of the Law of Georgia “On Broadcasting” and a related interpretation by the Supreme Court, which states that the law does not unconditionally exclude a broadcaster’s discretion in deciding whether to air political advertisements of any content.<sup>534</sup> According to the standard cited from the cassation court decision, the Constitution of Georgia outlines general principles that are further specified by current legislation, and it is those principles that broadcasters must follow when assessing advertisements.<sup>535</sup> The City Court referred specifically to Chapter VI of the Law “On Broadcasting”.<sup>536</sup> According to one of the provisions in that chapter, it is prohibited to broadcast advertisements that contain hate speech or promote violence, and the law specifies the grounds on which such conduct is prohibited.<sup>537</sup> This includes gender, gender identity, and sexual orientation. It is noteworthy that the representatives of “Formula” also emphasized this particular provision. Despite this reasoning, the court did not assess the visual, graphic, and audio components of the video as a whole in its decision.

Indeed, the phrase “Say no to moral degradation of the society and choose traditional values” taken in isolation may not constitute incitement to hatred, however, it is essential to assess the advertisement within its full context. At the moment when the phrase “no to moral degradation” appears and is heard in the audio, images of three LGBTQ+ activists are shown on screen. Later, when the phrase “choose traditional values” is spoken, the screen displays graphic representations of a woman, children, a man, and a dog, creating the perception of a “traditional” family. Therefore, the context of this portion of the advertisement must be evaluated as a whole. In combination, these visual elements, specifically, on the one hand, the images of Tamar Jakeli (Head of Tbilisi Pride), Ana Subeliani (Tbilisi Pride staff member), and Giorgi Tabagari (LGBTQ+ activist) alongside the caption suggesting they are involved in moral degradation, and on the other hand, the depiction of a traditional family, and featuring these photos next to one another, incite hatred based on sexual orientation and gender identity. Homosexuality is portrayed as moral degradation, something the voter is urged to reject. The court, however, did not assess the visual aspect of the advertisement and focused solely on the phrase in question.

Hate speech does not always come in direct statements, sometimes it is harder to detect, but equally damaging.<sup>538</sup> According to the Guide of the Council of Europe for Assessing and

<sup>533</sup> *ibid*, para. 6.4. Article 2(5) of the Law of Georgia “On Advertising”.

<sup>534</sup> The Decision of the Tbilisi City Court, N 4/6951-24, 15 September 2024, para. 6.4.

<sup>535</sup> *ibid*.

<sup>536</sup> *Ibid*.

<sup>537</sup> The Law of Georgia “On Broadcasting”, Article 55<sup>2</sup>(1).

<sup>538</sup> Council of Europe, COMBATING HATE SPEECH IN THE MEDIA IN THE REPUBLIC OF MOLDOVA GUIDE FOR ASSESSING AND PROCESSING HATE SPEECH CASES, 2022, 18. <https://rm.coe.int/guide-combating-hate-speech-in-the-media-in-moldova-coe-9-1680a9303d>, updated: 08.10.2024.

Processing Hate Speech Cases, for example, a clear example of hate speech would be expressing that members of the LGBTQI+ are “sick and deranged”, however, hate speech can also be expressed in the context of talks which include references to “attacks” towards the religious and moral values.<sup>539</sup> Hate speech does not exist in vacuum, and it is often a symptom of a pre-existing systematic inequality.<sup>540</sup> Therefore, it is important to assess the existing context.

**It is also important to highlight that, according to the Guiding Principles developed by the Communications Commission itself, for an expression to be considered as containing hate speech, it must incite violence or hatred against an individual or group of individuals.<sup>541</sup> In this regard, context plays a particularly significant role in determining whether a given expression qualifies as hate speech, which means that consideration must be given to the subject matter of the programme/advertisement, whether the topic is of public importance, sensitive or controversial, whether it falls within the scope of public interest, the time and circumstances under which it was disseminated, etc.<sup>542</sup> Also, the speaker’s position and social status must be taken into account, especially how the individual or organization is perceived by the audience targeted by the expression<sup>543</sup>, as well as the extent of the expression’s dissemination.<sup>544</sup>**

In this context, it is important to note that incitement of hatred toward the LGBTQI+ community by the ruling political party through both rhetoric and actions, and using such negative attitudes for political purposes is not a new phenomenon. This is evidenced by the Law of Georgia “On the Protection of Family Values and Minors”, adopted in its third reading by the Parliament of Georgia on 17 September 2024, along with the associated legislative package, which contradict both national and international human rights standards and result in the unjustified restriction of fundamental rights, including freedom of expression and freedom of assembly.<sup>545</sup> The ruling party has also initiated a package of constitutional amendments with similar content.<sup>546</sup> Notably, throughout the public discourse surrounding these legislative proposals and the so-called “Russian Law”, the ruling party has actively employed hate-based narratives related to sexual orientation and gender identity, including against the civil society.<sup>547</sup>

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<sup>539</sup> *ibid.*

<sup>540</sup> OHCHR, Hate speech and incitement to hatred in the electoral context, 3, <https://www.ohchr.org/sites/default/files/2024-05/information-note-hate-speech-incident-hatred-in-electoral-context.pdf>, updated: 08.10.2024.

<sup>541</sup> Guiding Principles for the Enforcement of Article 55<sup>2</sup> and of Article 56<sup>1</sup>(3) of the Law of Georgia “on Broadcasting”, issued by the Georgian National Communications Commission, Communications Commission, 2024, 12 <https://comcom.ge/ge/regulation/mediamomsaxureba/broadcasting/broadcasting-sakonsultacio-dokumentebida-sxva-masalebi/mediashi-sidzulvilis-enis-terorizmsken-mowodebisa-da-uxamsobis-regulirebis-shesaxeb-saxelmdzgvanelo.page>, updated: 08.10.2024.

<sup>542</sup> *ibid.*, 13-14.

<sup>543</sup> *ibid.*

<sup>544</sup> *ibid.*

<sup>545</sup> GYLA, The Georgian Young Lawyers’ Association responds to the legislative changes that undermine human rights, democracy, and protections against discrimination, <https://gyla.ge/en/post/saqartvelos-akhalgazrdaiurista-asociacia-diskriminaciul-adamianis-uflebebis-da-demokratiis-tsinaaghmdeg-mimartul-sakanonmdbloblilebebs-ekhmaureba>, updated: 08.10.2024.

<sup>546</sup> *ibid.*

<sup>547</sup> BMG, “The timing is ideal for initiating laws concerning LGBT propaganda and NGOs – Ivanishvili”, 29.04.2024, <https://bm.ge/news/lgbt-propagandisa-da-ngo-ebis-shesakheb-kanonebis-initsiirebistvis-idealuri-droa-scherchuli-ivanishvili>; Interpressnews, “Prime Minister: When the public knows who is funding a particular organization, it will be harder for that organization to engage in activities such as revolutionary movements, inciting unrest in the country, LGBT propaganda, attacks on the Orthodox Church, and drug promotion”, 10.05.2024,

Although political expression enjoys a high level of protection, it is not absolute.<sup>548</sup> Regarding the use of xenophobic hate speech during the pre-election period, the European Court has stated that while political parties enjoy broad freedom of expression in the electoral context, the use of racist and xenophobic language in such settings becomes even more harmful and it contributes to intolerance and fuels hatred.<sup>549</sup>

According to GYLA's assessment, both the inaction of the court and the misclassification of the case are problematic. An audio-visual analysis of the submitted advertisement reveals that the advertisement contains hate speech motivated by sexual orientation and gender identity, against activists and representatives of civil society, in addition, it further incites hatred against LGBTQI+ individuals. The court did not take into account the broader context in which the advertisement was aired; especially, during a period when anti-LGBTQI+ legislation was under discussion in the legislative body, and a constitutional amendment - being reviewed. While the restriction of rights for members of this community was in fact declared a campaign promise.<sup>550</sup> Despite this, the court assessed the case in isolation from these developments and, in GYLA's view, reached an incorrect conclusion. Therefore, the decision by TV "Formula" was consistent with the law.

## 2. Placement of Election Advertisement that Serves the Campaign of Another Electoral Subject

On 13 September 2024, the Communications Commission found four broadcasters – the Public Broadcaster, "Mtavari Arkhi", "TV Pirveli" and "Formula" – in violation of specific provisions of the Election Code. Namely, this refers to the violation of the provision which stipulates it inadmissible for an electoral subject to place an advertisement on the broadcaster that serves the agitation goals of another electoral subject within the advertising time.<sup>551</sup> According to the Commission's decision, the political parties "European Georgia", "Yes to Europe", and "Citizens" aired free pre-election advertisements on these channels that served the campaigning interests of another electoral subject.<sup>552</sup>

On 13 September 2024, the Communications Commission submitted an administrative offence report and related materials to the Chamber of Administrative Cases of the Tbilisi City Court regarding the alleged violation of a provision of the Election Code by TV "Formula".<sup>553</sup> The court upheld the decision of the Communications Commission. In the reasoning, the court noted that video recordings had been presented in the case, showing public statements made by political unions announcing that, in the 2024 elections, they would unite

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<https://www.interpressnews.ge/ka/article/798866-premeri-roca-sazogadoebas-ecodineba-vin-apinansebs-ama-tu-im-organizacias-shesabamis-organizacias-gauchirdeba-chaertos-iset-aktivobebshi-rogoricaa-revoluciuri-procebebi-areulobis-shemotana-kveqanashi-lgbt-propaganda-martlmadidebel-eklesiaze-tavdasxma-narkotikebis-propaganda/>, updated: 08.10.2024.

<sup>548</sup> *Sanchez v. France*, no. 45581/15, European Court of Human Rights, 15.05.2023, § 148.

<sup>549</sup> *Féret v. Belgium*, no. 15615/07, European Court of Human Rights, 16.07.2009, § 76.

<sup>550</sup> "We have not even heard of any gay couple" – What are people living in Kaspi promised and what they want", Information Portal "Radio Tavisupleba" 19.09.2024, available at: <https://www.radiotavisupleba.ge/a/%E1%83%A0%E1%83%90%E1%83%A1-%E1%83%B0%E1%83%9E%E1%83%98%E1%83%A0%E1%83%93%E1%83%94%E1%83%91%E1%83%98%E1%83%90%E1%83%9C-%E1%83%93%E1%83%90-%E1%83%A0%E1%83%90-%E1%83%A3%E1%83%9C%E1%83%93%E1%83%90%E1%83%97-%E1%83%99%E1%83%90%E1%83%A1%E1%83%9E%E1%83%94%E1%83%9A%E1%83%94%E1%83%91%E1%83%A1/33126680.html>, updated: 08.10.2024.

<sup>551</sup> The Decision №8-24-04/1989 of the Communications Commission, 13 September 2024.

<sup>552</sup> Article 186(18) of The Organic Law of Georgia "Election Code".

<sup>553</sup> The Decision of the Tbilisi City Court, №4/6953-24, para. 1.

with other political parties.<sup>554</sup> The court explained that, under these circumstances, where “European Georgia”, “Yes to Europe”, and “Citizens” had publicly declared their intention to unite with other parties, the advertisements they aired supported those other parties, thereby violating Article 186(18) of the Election Code.<sup>555</sup> However, this assessment by the court was not based on conclusive facts and relied solely on certain public statements. At the time the advertisements were broadcast, the named political parties had only made verbal declarations. They were not officially united, in one case - with “Unity – National Movement”, and the other with the coalition “Strong Georgia – Lelo, For People, For Freedom”. Thus, the court’s position was based on a hypothetical future scenario. Also, according to the position of “Formula”, the mentioned political subjects had until 26 September 2024, to make a final decision on whether to present joint party lists.<sup>556</sup> Therefore, at the time the pre-election advertisements were aired, they were not officially part of the referenced coalitions. Additionally, the broadcaster asserted that it relied on the official list of electoral subjects published on the webpage of the CEC.<sup>557</sup> Therefore, it could not make decisions based on hypothetical assumptions or future possibilities. Another detail requires attention. The content and visuals of the pre-election advertisements aired by the above-mentioned political parties clearly indicate that each ad was made on behalf of “European Georgia”, “Yes to Europe”, and “Citizens”, respectively. The video clips include each party’s number, name, and a written call on voters to support that specific party. Hence, no other political party or coalition is mentioned in the advertisements, for whom the voter should vote. **Accordingly, there is no evidence of a violation of Article 186(18) of the Election Code. Neither the Commission nor the court should have found a violation in this case.**

### 3. Recognition as a Qualified Electoral Subject

On 16 September 2024, “Gakharia for Georgia” party submitted a request to TV “Formula”, seeking recognition as a qualified electoral subject and requesting allocation of free airtime for political advertising.<sup>558</sup> “Formula” relied on the provision of the Election Code, which authorized a broadcaster to recognize a political party as a qualified electoral subject, which, according to public opinion polls conducted in accordance with the conditions set forth in this article, enjoys the support of at least 4% of voters in accordance with the results of at least 5 polls or and the results of research 1 month before the elections.<sup>559</sup> The broadcaster based its decision on polls conducted by Edison Research and, on that basis, decided to grant the party the status of a qualified electoral subject and allocate free airtime for political advertising.<sup>560</sup> Furthermore, The Election Code also sets requirements for the types of public opinion survey that may serve as the basis for such a decision by a broadcaster.<sup>561</sup>

As stated by the Communications Commission, the broadcaster was responsible for inde-

<sup>554</sup> The Statements of the “European Georgia” and “Yes to Europe” outlining that they are uniting with “Unity – National Movement”, while “Citizens” – with coalition “Strong Georgia – Lelo, For People, For Freedom”, The Decision of the Tbilisi City Court, №4/6953-24, para. 6.21.

<sup>555</sup> The Decision of the Tbilisi City Court, №4/6953-24, para. 6.22.

<sup>556</sup> *ibid*, para. 4.1.

<sup>557</sup> *ibid*.

<sup>558</sup> The Letter of “Formula” to the Chairperson of the National Communications Commission, N567, 30 September 2024.

<sup>559</sup> *ibid*.

<sup>560</sup> *ibid*.

<sup>561</sup> The Organic Law of Georgia “Election Code”, Article 186(12).

pendently verifying that the survey it relied on was in compliance with the requirements of the Election Code.<sup>562</sup> In response, the broadcaster submitted a letter to the Commission detailing how the survey met the legal criteria.<sup>563</sup> The Commission reiterated that the broadcaster was obligated to verify the compliance of the survey with the requirements and added that no documentation had been submitted to confirm such verification.<sup>564</sup> “Formula”, in turn, explained that the surveys conducted by Edison Research met legal requirements and constituted reliable and verified data for the broadcaster.<sup>565</sup> The broadcaster additionally submitted a letter from Edison Research describing their work, along with technical documentation related to the survey.<sup>566</sup> Eventually, the Commission did not accept the position of the broadcaster and issued a report.<sup>567</sup>

The case continued in the City Court. The court found “Formula” an offender.<sup>568</sup> The court outlined that the broadcaster had recognized the party as a qualified electoral subject in violation of Article 186(9) of the Election Code.<sup>569</sup> The court drew attention to Article 194(2) of the Election Code, the final sentence of which places responsibility on the broadcaster for failure to comply with other obligations established under Article 186 of the Code.

According to Article 186(9), the broadcaster shall be authorised to recognise a political party as a qualified electoral subject, which, according to public opinion polls conducted in accordance with the conditions set forth in this article, enjoys the support of at least 4% of voters in accordance with the results of at least 5 polls or and the results of research 1 month before the elections.<sup>570</sup> GYLA believes that the court misinterpreted the content of this provision. The norm does not establish an obligation for the broadcaster to verify the substance of the poll or assess its compliance with the legal requirements in terms of content. The court also misinterpreted the final sentence of Article 194(2). The term “obligation” mentioned in this provision does not refer to the specific provision cited in Article 186, as that particular provision is not mandatory in nature. As a result of this misinterpretation, the court imposed an obligation on the broadcaster to examine and verify whether the conducted poll complied with legal requirements.<sup>571</sup> This, in practice, amounts to requiring the broadcaster to carry out an entirely new poll, which constitutes an unjustifiably burdensome requirement. Moreover, such an obligation does not stem from a systematic or purposive interpretation of the norms cited by the court. **Therefore, GYLA considers the court’s decision to be unsubstantiated, its reasoning inconsistent with methods of legal interpretation, and, hence, the fine imposed on “Formula” is also unlawful.**

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<sup>562</sup> The Letter N 8-24-04/2199 of the Communications Commission, 1 October 2024.

<sup>563</sup> The Letter of “Formula” to the Chairperson of the National Communications Commission, N569, 2 October 2024.

<sup>564</sup> The Letter N 8-24-04/2236 of the Communications Commission, 4 October 2024.

<sup>565</sup> The Letter of “Formula” to the Chairperson of the National Communications Commission, N575, 5 October 2024.

<sup>566</sup> *ibid.*

<sup>567</sup> The National Communications Commission of Georgia, Administrative Offence Report N 000078 against TV Formula.

<sup>568</sup> The Decision of the Chamber of Administrative Cases of the Tbilisi City Court, N 4/7654-24, 13 October 2024, para. 7.

<sup>569</sup> *ibid.*, para. 7.2.

<sup>570</sup> The Organic Law of Georgia “Election Code”, Article 186(9).

<sup>571</sup> The Decision of the Chamber of Administrative Cases of the Tbilisi City Court, N 4/7654-24, 13 October 2024, para. 7.2.

## THE DECISIONS OF THE ANTI-CORRUPTION BUREAU

During the election year and pre-election period, the Anti-Corruption Bureau activated one of the key mechanisms used to restrict civic activism and political engagement. Specifically, through its decisions, the Bureau significantly hindered the civic activities of the movement “Vote for Europe”, as well as the work of the non-governmental election monitoring organization “Transparency International Georgia”.

### 1. Revocation of the registration of Political Party “Conservative Movement”

On 8 April 2024, the National Agency of Public Registry revoked the registration of “Conservative Movement” party based on the request of the Anti-Corruption Bureau.<sup>572</sup> The stated reason for the revocation was a procedural error during the registration process in December 2021. After the Public Registry identified an error in the party’s registration documents, the party was given the opportunity to correct the issue, which it successfully did. Following the submission of the corrected documentation, the party was registered by the decision of the Public Registry. In April 2024, another issue was discovered in the documentation. Specifically, when registering the party, its charter must be approved by the party congress. In the case of the “Conservative Movement”, the Charter was submitted with only the signature of the party chairperson, Konstantine Morgoshia. This technical error served as the basis for the Anti-Corruption Bureau’s request and the Public Registry’s subsequent decision.

The party’s leaders connected the reactivation of this procedural error during the election year and the subsequent revocation of the party to their registration for participation in the elections. According to them, they had successfully registered to take part in the 2024 parliamentary elections, but due to the revocation of their registration, they were barred from participating.

Following the dissolution of their party, the “Conservative Movement” was gifted a new party.<sup>573</sup> Nevertheless, based on the request of the Public Registry, the CEC terminated the party’s registration procedures.<sup>574</sup> Despite claims by “Alt-Info” leader Giorgi Kardava that the political union “Georgian Idea” had no legal irregularities, they were unable to participate in the 2024 parliamentary elections.<sup>575</sup>

Although “Alt-Info” party is a party with radical right-wing ideology, with its leaders being known for anti-Western rhetoric, homophobic statements, and the dissemination of hate speech, the revocation of a political party’s registration by the National Agency of Public Registry on the basis of discovery of document flaws from years prior sets an alarming precedent. There are doubts that the “Georgian Dream” is unfairly employing its influence in administrative bodies to create artificial barriers for its electoral rival, undermining the integrity of a free and democratic electoral process.

<sup>572</sup> Decision #P24000027/0-1 of the National Agency of Public Registry, Decision “on the annulment of the registration decision #P21000039/0-1 (07/12/2021)”,

<sup>573</sup> Political Union of Citizens – “Georgian Idea”.

<sup>574</sup> The Agency notified the CEC that they have a claim in their proceedings pertaining to the compliance of the “Georgian Idea’s registered data with the Georgia’s legislation. “CEC’s Statement Regarding Political Association of Citizens ‘Georgian Idea’, the official Webpage of the CEC, available at: <https://cesko.ge/en/siakhleebi/pres-reelizebi/singleview/11033390-tseskos-gantskhadebampg-is-kartuli-idea-shesakheb>, updated: 12.12.2024.

<sup>575</sup> “The CEC suspended the electoral registration of ‘Alt-Info’s new party”, Information Portal “Radio Tavisupleba”, 26.04.2024, available at: <https://www.radiotavisupleba.ge/a/32921684.html>, updated: 12.12.2024.

## 2. Case of Civic Movement “Vote for Europe”

On 6 September 2024, the Anti-Corruption Bureau submitted a motion to the Tbilisi City Court requesting information on transactions carried out through both active and closed bank accounts belonging to the N(N)LE civic movement “Vote for Europe” and its founders. The same motion obligated all licensed commercial banking institutions in Georgia to provide the Bureau with this information. The Bureau cited Article 34<sup>1</sup>(2<sup>1</sup>) of the Organic Law of Georgia “on Political Associations of Citizens” (“the organic law”) as the legal basis for its request. This provision grants the Bureau the authority to request any type of information from any person (excluding state secrets protected by Georgian legislation) for the purpose of monitoring the financial activities of a political party or any entity with declared electoral goals.

In its justification, the Bureau focuses on the assets of the political party, specifically donations and the associated restrictions. Furthermore, it effectively qualifies the activities of “Vote for Europe” as “pre-election political actions aimed at discouraging support for a particular political party”.<sup>576</sup> Therefore, it extends existing legal regulations on donations to the revenues of the civic movement “Vote for Europe”, arguing that the organization is conducting a campaign aimed at discouraging support for a particular political party.<sup>577</sup> The Bureau interprets the relevant legal provision to mean that donations include funds received by an N(N)LE that are used for a campaign against a particular party. Hence, it obliges the recipient of such donations to report them to the Anti-Corruption Bureau within five days of receipt.<sup>578</sup> Additionally, in its motion, the Bureau cites the legal prohibition on receiving donations from legal entities registered either in Georgia or abroad. The court, in its order, largely accepted the Bureau’s arguments and granted the motion.<sup>579</sup> The court, in its order, substantively accepted the Bureau’s arguments and granted the motion.

As prescribed by Article 34<sup>1</sup>(4) of the Organic Law, the Anti-Corruption Bureau is required to submit a substantiated motion, and the court is obligated to provide a substantiated decision.

Particularly, the Bureau was required to determine whether civic movement “Vote for Europe” fell within the scope and subject group regulated by the legal provisions it cited. The fact that the Bureau initiated monitoring of the organization directly, without first making such a determination, notifying the party involved, or giving it an opportunity to present its arguments, may restrict the concerned party’s rights to participation, appeal, and, *inter alia*, access to a court. Accordingly, both the Anti-Corruption Bureau and the court reviewing the motion should have examined whether civic movement “Vote for Europe” was indeed subject to the regulatory framework of the relevant articles of the Organic Law.

Furthermore, it is noteworthy that, within the framework of its monitoring, the Anti-Corruption Bureau requested information on the bank accounts and transactions of the movement’s founding individuals for the period from 1 January to 26 July, 2024, even though the movement was officially established only on 11 July 2024. It remains unclear why information regarding the natural persons in that period was necessary or relevant for the purposes of monitoring. Moreover, the distinction between the civic movement as a legal entity and

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<sup>576</sup> The motion by the Anti-Corruption Bureau of Georgia requesting information necessary for monitoring the party’s financial activities, 6 September 2024.

<sup>577</sup> *ibid*, Article 25(4).

<sup>578</sup> *ibid*, Article 27<sup>1</sup>(1).

<sup>579</sup> *ibid*, Article 26(1).

its founders as private individuals is blurred. The Bureau appears to treat both the organization and its founders as a single subject of monitoring. Consequently, it was essential for the Bureau to substantiate not only why the information was being requested but also the necessity and scope of the requested data.

It shall be outline that, under the Organic Law, restrictions and monitoring related to financial activities do not apply to freedom of expression and civic activism.<sup>580</sup> Nevertheless, based on the case materials provided to GYLA, neither the Anti-Corruption Bureau nor the court assessed whether this exemption applied to the activities of civic movement “Vote for Europe”.

The authority to conduct financial monitoring in relation to the transparency of legally permitted income must not serve as a tool for restricting the activities of civic movements (civic activism) or the freedom of expression.<sup>581</sup> Freedom of expression is a vital right in a democratic society, as it allows the public to strengthen accountability and responsibility (in a broader sense) of the Government through public debate.<sup>582</sup> According to the Venice Commission, freedom of expression encompasses the expression of any opinion of a political nature.<sup>583</sup> All state institutions are obliged to respect this right. Therefore, in the case at hand, the court was obligated to examine the issue also within the context of freedom of expression.

Instead of having applied the restrictions imposed by the Organic Law to the civic movement, the court should have first evaluated the case through the lens of freedom of expression and determined whether “Vote for Europe” was operating within the scope of this right. The court did not substantiate whether the civic organization’s activities were protected by freedom of expression and whether the monitoring process ensured the unhindered exercise of this right. This risk has been safeguarded by the legislature with the mandatory court review. Despite this, the court did not assess the justification provided by the Anti-Corruption Bureau and relied solely on the Bureau’s arguments. “Vote for Europe” appealed the City Court’s decision, by the ruling was upheld by the Court of Appeals.

Therefore, GYLA states that the Anti-Corruption Bureau had an obligation to substantiate its request not only in terms of the information sought, but also in relation to the potential restriction of the organization’s rights. The same obligation applies to the court, which serves as a safeguard of individual rights and must protect individuals from possible arbitrary interference by the state. It is important to note that the reasoning provided by the court essentially mirrors the Bureau’s request and does not much develop its assessment.

### **3. The Case of Observer Organization “Transparency International – Georgia”**

Another attempt by the Anti-Corruption Bureau to discredit an observer organization was its decision to designate “Transparency International – Georgia” and its Executive Director, Eka Gigauri, as entities with a “declared electoral purpose”.<sup>584</sup> According to the Bureau’s argu-

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<sup>580</sup> The Organic Law of Georgia “on Political Association of Citizens”, Article 26<sup>1</sup>(6).

<sup>581</sup> *ibid.*

<sup>582</sup> Amicus Curiae Brief for the Constitutional Court of Georgia on the Question of the Defamation of the Deceased, The Venice Commission, CDL-AD(2014)040, 12-13 December, 2014, 19.

<sup>583</sup> *ibid.*, 21.

<sup>584</sup> The Decision of the Head of the Anti-Corruption Bureau, №03/028-24, 24 September 2024, available at: <https://acb.gov.ge/ka/news/antikoruftsuli-biuros-ufrosis-2024tslis-24-sektembris-gadatsqveteleba>.

mentation, the organization and its executive director were allegedly conducting an electoral campaign against one political party and using material resources for that purpose. Based on these arguments, the Bureau extended the regulatory framework governing entities with declared electoral purposes to them.

It is important to note that “Transparency International – Georgia” and its Executive Director had made no statement of intent to seek political office, which is a necessary element for qualifying an entity’s activities as having an electoral purpose. Nevertheless, the Anti-Corruption Bureau relied on the incorrect legal standard established by the Court of Appeals in the “Vote for Europe” case and arbitrarily interpreted the term “declared electoral purpose”.

The organization appealed this decision to the City Court on 26 September, requesting its annulment.<sup>585</sup> It also requested the court to issue a suspensive relief against the Anti-Corruption Bureau’s decision, pending the court’s final judgment. The City Court rejected the motion in its ruling, outlining the unconvincing nature of the factual circumstances and the presented evidence.<sup>586</sup> Following this decision, the organization announced that, under these conditions, it would no longer be able to observe the 26 October 2024 elections.<sup>587</sup>

Eventually, on 1 October, Prime Minister Irakli Kobakhidze called on the Anti-Corruption Bureau to reconsider, within the scope of its discretion, its decision to designate “Transparency International – Georgia” and its Executive Director, Eka Gigauri, as entities with a “declared electoral purpose”.<sup>588</sup> He also urged the Bureau to refrain from assigning such status to observer organizations during the pre-election period. In response to the Prime Minister’s call, the Head of Bureau, Razhden Kuprashvili, revoked the 24 September 2024 decision.<sup>589</sup>

According to GYLA, the decision of the Anti-Corruption Bureau to designate “Transparency International – Georgia” and its Executive Director, Eka Gigauri, as entities with a “declared electoral purpose” was unlawful, as it did not meet the definition set out in the Organic Law “on Political Associations of Citizens”.<sup>590</sup> **In the organization’s view, such an interpretation of the law sets a dangerous precedent for the disproportionate restriction of freedom of speech and expression, particularly when it concerns an election observer organization.**

Furthermore, the Prime Minister’s call on the Anti-Corruption Bureau and interference with its work outline the institution’s, as an independent body, weak level of independence and the high degree of politicization.

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<sup>585</sup> “Transparency International - Georgia has appealed the decision of the Georgian Dream’s Anti-Corruption Bureau in court”, the Official Webpage of the “Transparency International – Georgia”, 26.09.2024, available at: <https://transparency.ge/en/post/transparency-international-georgia-has-appealed-decision-georgian-dreams-anti-corruption-bureau>, updated: 12.12.2024.

<sup>586</sup> The Decision of the Chamber of Administrative Cases of the Tbilisi City Court, №3/796-24, 27 September 2024.

<sup>587</sup> “TI Georgia: We are no longer able to observe elections as an organization, but individual struggle to protect votes continues”, the Official Webpage of the “Transparency International – Georgia”, 30.10.2024, available at: <https://transparency.ge/en/post/ti-georgia-we-are-no-longer-able-observe-elections-organization-individual-struggle-protect>, updated: 12.12.2024.

<sup>588</sup> The Official Facebook Page of the Government of Georgia, 01.10.2024, available at: <https://www.facebook.com/GeorgianGovernment/posts/pfbid0ddgXjN36XYzTqVVig1eNC8t7BfXqdfZ9kHQdqYKf1zZZbPXzt26hzVngudsafszyl>, updated: 12.12.2024.

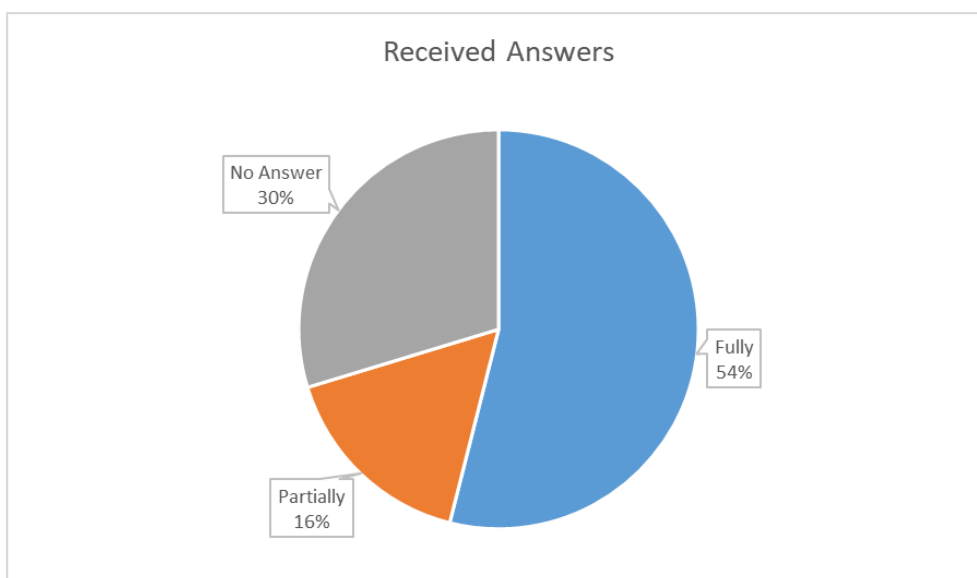
<sup>589</sup> The briefing of the Head of the Anti-Corruption Bureau, Razhden Kuprashvili, the Official Facebook page of the Anti-Corruption Bureau, 02.10.2024, available at: <https://www.facebook.com/100090428315724/videos/3859307714285208>, updated: 12.12.2024.

<sup>590</sup> “GYLA and ‘Fair Elections’ consider the decision of the Anti-Corruption Bureau unlawful”, the Statement of GYLA and Fair Elections, Official Webpage of GYLA, 24.09.2024, available at: <https://gyla.ge/ge/post/saia-da-samartliani-archevnebi-miichneven-rom-antikoruftciuli-biuros-gadatsyvetilebaukanonoa#sthash.TRmTGxrt.dpbs>, updated: 12.12.2024.

## RESTRICTED ACCESS TO PUBLIC INFORMATION DURING THE MONITORING

For the purpose of long-term election observation, GYLA submitted 165 requests to various public institutions before, during, and after the election period, asking public information in accordance with the General Administrative Code of Georgia. In 49 cases, the public institutions did not respond at all. Among those that did not provide any information were the Ministry of Foreign Affairs, the Ministry of Education and Science, the Special Investigation Service, the National Communications Commission, Batumi State University - in one case, Municipal Councils (Sakrebulo) – in 14 cases. In addition, 24 Municipality City Halls did not provide answers. An overall analysis of the responses revealed several trends regarding access to public information:

- Cases when the public institutions did not provide any answer;
- Institutions respond within the legal timeframe, indicating the need to use the 10-day period, but do not provide the requested information to the organization after the deadline;
- Responses are incomplete and do not provide comprehensive answers to the questions posed;
- Some institutions, including the Administration of the Government of Georgia, outlined that the requested information was available on the Legislative Herald or another official webpage; however, in many cases, no specific link was provided, which constitutes a violation of the right to access public information, especially when the information requested via letter differs in form and content from what is available online. Overall, such an approach restricts the observer organization's right to obtain public information, and hinders the effective implementation of long-term election observation.



GYLA calls on the state and local self-government institutions to ensure timely and comprehensive provision of public information to election observer organizations, so that they can effectively monitor the electoral environment.

## PART III – ELECTION DAY

### AMENDMENT REGARDING THE LOT CASTING PROCEDURE

By the Ordinance adopted on 16 August 2024, the CEC changed the deadline for conducting the Lot Casting Procedure: whereas previously, the drawing to allocate the functions of Precinct Election Commission members was held on election day, under the new regulation, it was required to take place no later than seven days prior to election day. In accordance with this amendment, the precinct election commissions scheduled the procedure uniformly for 18 October 2024, at 12:00 p.m. GYLA's election observation mission received this information only on the previous evening to the Lot Casting Procedure, on 17 October at 20:27.<sup>591</sup>

Despite the limited time, GYLA managed to observe the Lot Casting Procedure at 18 precincts. It shall be outlined that, at approximately 30% of these precincts, the procedure either started earlier or later than the scheduled time. For example, in Precinct №9 of the Chughureti District, the procedure had already been completed by the time GYLA's observer arrived at 12:00 p.m. Similar instances were recorded at Precinct №1 of the Mtatsminda District and Precinct №2 of the Batumi District. In contrast, due to the late arrival of commission members, the procedure started about 15 minutes late at Precinct №15 of the Kutaisi District. A delay was also observed at Precinct №7 of the Batumi District. It is also worth noting that the Lot Casting Procedure held one week before election day was conducted in the absence of several commission members, including party-appointed members.

As part of its monitoring, GYLA submitted one complaint to a Precinct Election Commission regarding the selection of a commission member responsible for mobile ballot box. Specifically, at Precinct №19 of the Nadzaladevi District, the commission chairperson assigned the mobile ballot box duty to a party-appointed member without holding a lot, selecting the only party representative who was present at the time (it needs to be highlighted that only one party-appointed member was present). Following the complaint, the violation was corrected, and the chairperson conducted a new lot casting procedure to determine who would be responsible for the mobile ballot box.

It is also noteworthy that at Precincts №5, №57, and №52 abroad, the lot casting procedure was not conducted no later than seven days before election day (on 19 October), as required; instead, the distribution of functions among commission members took place on 26 October, the day of the election. GYLA observers made a note regarding this violation. According to the CEC, the lot casting procedure for allocating functions among Precinct Election Commission members at polling stations opened abroad was conducted on election day due to difficulties in convening the commission in advance.<sup>592</sup>

On 20 August 2024, GYLA submitted *Amicus Curiae* regarding the Complaint of political party "Lelo for Georgia", which related to the Decree №32/2024 of the Central Election Commission.<sup>593</sup>

<sup>591</sup> "The Decree №32/2024 of the Central Election Commission, 16 August 2024, titled "On Defining Certain Electoral Procedures and Deadlines for the 26 October 2024 Elections," was supported by 12 members of the CEC, namely: 1. Giorgi Kalandarishvili; 2. Giorgi Sharabidze; 3. Giorgi Javakhishvili; 4. Archil Anasashvili; 5. Nino Basilaia; 6. Maia Zaridze; 7. Ivane Norakidze; 8. Gia Tsatsashvili; 9. Giorgi Dzaganian; 10. Giorgi Tchikaberidze; 11. Dimitri Javakhadze; 12. Levan Jgerenaia. The Letter №01-01/1607 of the Central Election Commission, 28 September 2024.

<sup>592</sup> The Letter №01-02/2380 of the Central Election Commission, 30 December 2024.

<sup>593</sup> "GYLA presented *Amicus Curiae* regarding the amendment to the Lot Casting Procedure by the CEC", available at: <https://www.gyla.ge/post/ceskos-mier-tsilisyris-proceduris-cvlibebastan-dakavshirebit-saiam-sasamartlo-megobris-mosazreba-amicus-curiae-tsaradgina?fbclid=IwY2xjawl02cNleHRuA2FlbQlxMAABHSuiy8Vm8vw1y->

According to GYLA's assessment, the CEC misinterpreted its authority granted under the Organic Law and adopted the disputed Decree without adequately justifying the need for the change or providing a legitimate legal basis. The amendment resulted in a deterioration of the electoral legal framework, created additional obstacles for observer organizations, and made the process less transparent.

**The Lot Casting Procedure, given its significance, shall be conducted on the Election Day.**

## PREPARING AND OPENING OF POLLING STATIONS

### 1. Opening of the Polling Station

According to the current legislation, the polling station opens at 06:45 of the Election Day.<sup>594</sup> At the majority of polling stations where GYLA had observers, the stations opened on time and without any significant violations.

A few polling stations opened earlier than the prescribed time. Notably, at one of the early-opened stations, a "Georgian Dream" video camera had already been installed. In another case, by 06:33 a.m., the commission had already begun implementing procedures that are meant to be conducted between the opening of the polling station and the start of voting. As a result, the observer was not able to fully monitor the opening of sealed packages, activation of equipment, and sealing procedures.<sup>595</sup>

Some polling stations, however, opened later than the prescribed time. GYLA observers recorded delayed openings at 12 polling stations.<sup>596</sup> The reasons for the delays included insufficient knowledge of roles and responsibilities by commission members, late arrival of commission members, technical delays in preparing and activating verification and ballot-counting devices, and prolonged drafting of the handover-acceptance act for election materials. The delayed opening of Precinct №27 of Didube District and Precinct №28 of Isani District led to queues and voter dissatisfaction. In both cases, the delays were primarily due to commission members' inadequate understanding of their functions. GYLA's representative filed a complaint regarding the delayed opening of Precinct №28.

### 2. Improper Arrangement of the Polling Room

No later than one day prior to election day, the Precinct Election Commission is responsible for setting up the polling station using the materials received from the District Election Commission, without activating the electronic devices.<sup>597</sup> It is essential to arrange the polling station in a way that ensures the secrecy of the ballot.<sup>598</sup> To achieve this, it is important that the open side/entrance of the voting booth faces a wall of the room.<sup>599</sup> In the polling station,

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<sup>594</sup> The Organic Law of Georgia "Election Code", Article 61(1).

<sup>595</sup> The following polling stations were opened earlier: Saburtalo №1; Nadzaladevi №33, №41, №27 and Didube №12.

<sup>596</sup> The following polling stations were opened later: Didube №27, №28; Gldani №39, №47, №69; Nadzaladevi №8, №13, №18, №64; Lagodekhi №16; Akhaltsikhe №9; Zestaponi №6.

<sup>597</sup> Manual for Precinct Election Commission Members.

<sup>598</sup> The Organic Law of Georgia "Election Code", Article 58(4(a)).

<sup>599</sup> Manual for the Members of the Precinct Election Commission.

public versions of lists of voters shall be posted in a visible place,<sup>600</sup> as well as, procedures for filling out a ballot paper established by the CEC.<sup>601</sup> At polling stations where electronic technologies are used for voting, verification machines synchronized via an internal network cable must be placed on the registration tables. Additionally, non-transparent boxes must be provided for storing the printed receipts from these devices. The main ballot boxes should be positioned in a visible area to ensure unobstructed access for voter. On election day, the Precinct Election Commission must also receive from the District Election Commission the necessary ink, special tools for checking the ink, and all other required materials.

GYLA's election observation mission recorded instances of improper arrangement of polling rooms. In most cases, following verbal or written notes from the organization's observers, election administration representatives attempted to correct the deficiencies.

At Precinct №21 of Krtsanisi District, which was equipped with electronic voting technology, both sets of instructions for filling out the ballot, those intended for electronic and non-electronic polling stations, had been posted. The latter incorrectly instructed voters to circle their preferred candidate instead of filling the selection. Following a verbal remark by GYLA's observer, the instruction intended for non-electronic polling stations was removed.

At several polling stations, violations were observed regarding the arrangement of voting booths intended to ensure ballot secrecy. For instance, at Precinct №70 of Kutaisi District, the front of the voting booths was completely closed, violating the regulation that requires the booth to be partially open at the front in a way that prevents voters from photographing marked ballots. A similar issue was observed at Precinct №2 of Khoni District and Precinct №15 of Gldani District; however, the problem was corrected following remarks from GYLA observers. At Precinct №48 of Gardabani District, in response to the improper arrangement of voting booths, a GYLA observer urged the commission chairperson to contact the higher-level commission and address the issue. However, the chairperson refused to correct the violation and declined to accept GYLA's complaint. The observer returned to the precinct several hours later, at which point the issue had been resolved.

Some polling stations, such as Precinct №70 of Vake District, were located in small rooms, which hindered the protection of ballot secrecy. Due to the limited space, overcrowding was observed at the polling station, creating chaos.

In certain polling stations, the layout of registration tables was also problematic. In some cases, tables were arranged in a way that made it impossible for observers to properly monitor the verification process. For example, at Precinct №4 of Baghdati District, a GYLA observer filed a complaint regarding this issue.

At Precincts №19 in Nadzaladevi, №61 in Gldani, and №3 in Baghdati, the demonstration protocol had not been completed. GYLA observers informed the commission chairs and requested to solve this problem. In all three cases, the demonstration protocol was subsequently completed.

A written remark was submitted at Precinct №11 in the Saburtalo District, where the unified voter list was posted only inside the polling station.

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<sup>600</sup> The Organic Law of Georgia "Election Code", Article 58(4(d)).

<sup>601</sup> Manual for the Members of the Precinct Election Commission.

## VOTING PROCESS

### 1. Delayed Start of Voting

Polling starts at 8:00 a.m.<sup>602</sup> At some precincts where GYLA representatives were present, the start of the voting process was delayed by a few minutes.<sup>603</sup> Due to technical issues, the opening of Precinct №43 in Kutaisi was delayed. The verification machines could not be synchronized at the polling station. A technician had to be called from the District Election Commission, and with their assistance, the issue was resolved.

At the polling stations abroad, №15 and №19, the voting process began with a 20-minute delay due to the fact that ultraviolet lamps used to check markings did not have batteries. According to the Chairperson of Precinct №19, they did not receive batteries from the CEC.

### 2. Admission of Voters to the Polling Station, Inking Procedure

According to the legislation, inking of voters shall be conducted in every electoral precinct, which implies applying special liquid on the voter's right thumb nail or forefinger nail.<sup>604</sup> A flow controller shall illuminate the place for inking with a special device and after making sure that a voter has not been inked before, he/she shall grant the voter the right to enter the polling station.<sup>605</sup> The inking procedure also applies to voters using the mobile ballot box.<sup>606</sup>

GYLA observers recorded multiple violations of inking procedures across several precincts. In some cases, the flow controller allowed voters into the polling station without checking for ink. In others, responsible officials did not adequately examine for traces of ink. While some of these violations were corrected due to observer intervention, this was not possible in all cases.

At Precinct №27 of Nadzaladevi District, a voter was allowed to enter without undergoing the ink check. Although the observer directed the voter to return, the flow controller failed to notice how the individual again appeared at the polling station, as there were many people gathered at the entrance. The commission chairperson issued a verbal warning to the flow controller in response to the incident.

An alleged case of already-inked voters casting a vote was recorded at Precinct №13 of Saburtalo District. Two voters showed visible traces of ink, but claimed it resulted from due to having eaten mandarins. The registrar found their explanation convincing, after which both individuals successfully passed the verification procedure and were allowed to vote. Similar incidents were observed at various other precincts.<sup>607</sup> GYLA observers submitted complaints in all such cases.<sup>608</sup>

At Precinct №34 of Batumi District, supporters of "Georgian Dream", who were transported by minivans, had ink marks. These individuals acted aggressively and demanded to be allowed to enter the polling station. Following pressure on the Chairperson of the Commission, some of them were permitted to vote despite visible traces of ink.

<sup>602</sup> The Organic Law of Georgia "Election Code", Article 61(11).

<sup>603</sup> Following Precincts: Gldani №22; Chiatura №37; Khoni №17.

<sup>604</sup> The Organic Law of Georgia "Election Code", Article 64(1).

<sup>605</sup> The Organic Law of Georgia "Election Code", Article 64(2).

<sup>606</sup> The Organic Law of Georgia "Election Code", Article 66(7).

<sup>607</sup> Following Precincts: Nadzaladevi №15; Krtsanisi №10; Samgori №32; Nadzaladevi №22; Batumi №33 and №38.

<sup>608</sup> The incident at Krtsanisi District №10 Precinct was also appealed to the District Election Commission.

Additionally, at several precincts, there were alleged attempts by already-inked voters to vote again.<sup>609</sup> However, during the times when GYLA observers were present, these individuals did not manage to vote.

At some polling stations, registrars were not consistently checking the ink,<sup>610</sup> and GYLA's observers issued verbal notes.

At Precinct №73 of Gldani District, the flow controller was checking only voters' thumbs. Additionally, the flow controller referred to representatives of civil society organizations as "spies" [agents]. The GYLA's observer addressed the Chairperson of the Commission, and the flow controller responsibility was reassigned to another individual. This incident was recorded in the logbook. This fact was recorded in the logbook.

At Precinct №65 in Nadzaladevi, the ultraviolet lamp used for checking ink was not functioning at the time the mobile ballot box was returned. Initially, it was said that the device had not worked from the beginning, but after questions posed by GYLA's observer, it was clarified that the device had malfunctioned toward the end of election day.

According to GYLA's observer at Precinct №57 in Gldani, the battery of ultraviolet lamp died quickly and emitted a very weak light.

At Precinct №73 in Gldani, in the presence of GYLA's observer, another observer, who had already voted at the same precinct, conducted an experiment by attempting to re-enter both Precinct №73 and Precinct №74 to see if the flow controllers at either station would detect the ink mark. Neither of the flow controllers identified the mark. The observer voiced a protest to the chairperson of Precinct №73, who responded that it was not a serious issue since the verification device would still prevent a second vote. Additionally, at Precinct №33 in the same district, the ink mark was no longer detectable under ultraviolet light after just three hours. GYLA's observer filed a complaint, and, as a result, the commission replaced the marking ink.

At Precinct №26 in Batumi District, a registrar forgot to apply the marking ink. A GYLA observer recorded a note about the incident in the election day logbook. At Precinct №3 in Kutaisi, a voter was not marked after completing the verification process. Following a verbal note from GYLA's observer, and by decision of the Chairperson of the Commission, the voter was marked after voting.

At Precincts №8 in Vake, №28 in Saburtalo, and №21 in Gardabani, voters were being marked only on their left hand. This practice was corrected after verbal remarks by observers.

**According to GYLA's observation, during the 2024 Parliamentary Elections, the number and scale of violations related to voter inking significantly exceeded similar violations recorded in previous elections. It is important that, in addition to verifying the quality of marking ink, ultraviolet lamps, and other essential materials for the smooth operation of the election process, the CEC also ensures a high level of integrity among commission members and that procedures are carried out precisely and in accordance with the law. Otherwise, the CEC is obligated to take appropriate measures against violator.**

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<sup>609</sup> Following Precincts: Krtsanisi №22; Batumi №34; Batumi №65 and Samgori №33.

<sup>610</sup> Following Precincts: Saburtalo №33; Sagarejo №19; Kvareli №22.

### 3. Multiple Voting/Verification

On the election day, GYLA's observers identified cases of double verification, multiple voting or attempts thereof.

An attempted double verification was detected at Precinct №78 in Gori. In this case, the voter was not allowed to cast a ballot.

At Precinct №27 of Vake District, a voter inserted a ballot into the vote-counting machine, which then displayed the message: "Ballot is jammed in the receiving section". The voter was issued a new ballot and allowed to vote using another machine. However, after a technician opened the device, it was revealed that the supposedly "jammed" ballot had actually already been placed in the ballot box. As a result, two ballots marked by the same voter ended up in the box. GYLA submitted a notice regarding this incident.

At Precinct №35, where elections were held without electronic technologies, in Marneuli District, Abbas Huseinov, a representative of "Georgian Dream", inserted two ballots into the box. GYLA filed a complaint regarding this violation, but no action was taken in response.

At Precinct №29 of Rustavi District, the verification device indicated a double verification for one voter, despite the fact that ultraviolet lamp did not identify ink marking. The voter and accompanying family members insisted that they had arrived at the polling station together and that it was impossible for the voter to have already cast a ballot. The incident caused a disruption in the election process. Based on the decision of the Precinct Election Commission, the voter was not allowed to vote.

### 4. Violation of Ballot Issuance Procedures

Throughout the day, GYLA observers identified several instances of violations related to the ballot issuance procedures.

At Precinct №38 of Batumi District, one registrar systematically issued two ballots to a single voter. Despite GYLA's observer urging them to stop, the registrar continued the practice; hence, the organization filed a complaint. At Precinct №5 in Tslenjikhka, a registrar gave a voter two ballots. Upon entering the voting booth, the voter noticed the mistake and reported it. The Chairperson of the Commission chairperson issued a verbal warning to the registrar. Similar incidents were recorded at Precincts №13 in Poti, №8 in Nadzaladevi, and №13 in Gldani.<sup>611</sup> At Precinct №17 of Kutaisi District, a registrar provided voters with more than one ballot on several occasions. Despite the intervention of the GYLA's observer, the chairperson of the Commission did not take any action. GYLA submitted a complaint regarding the incident. At Precinct №40 in Isani, a voter was also issued two ballots. One of the unused ballots was taken back, while the ballot that had already been marked by the voter was returned to the latter. As a result, the secrecy of the ballot was violated, since commission members saw the voter's selection.

At Precinct №12 of Saburtalo District and Precinct №44 in Kutaisi, registrars themselves were filling the sample circle on the ballot.<sup>612</sup> At Precincts №75 in Gldani, №4 in Khoni, №43

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<sup>611</sup> At Precinct №13 in Gldani, a voter approached the ballot box with two ballots, but only one of them had a marked choice. The Chairperson considered both ballots damaged and issued a new ballot to the voter.

<sup>612</sup> At Precinct №12 in Saburtalo, the issue persisted despite the observer's remarks, and a formal complaint was filed.

in Rustavi, and №4 and №32 in Samgori, some registrars were not instructing voters to fill the sample circle at all. Instead, they offered the option to do so only if the voter expressed interest.

## **5. Voting with Improper Identification Documents**

During the 26 October Elections, voter identification could be completed using an electronic ID card, a non-electronic Georgian citizen ID card (in limited cases), or a passport. According to electoral legislation, it is prohibited to vote using someone else's identification document.

At Precinct №12 in Khoni, a father voted using his child's ID card. Later, the child arrived at the precinct with the same ID, but the verification device did not accept it. An employee called in from the District Commission stated that the son would be allowed to vote using the father's ID. As a result of this incident, the precinct election commission members were instructed to write explanatory notes.

At Precinct №39 of Sagarejo District, a man attempted to enter and vote using his wife's ID. Similarly, a man tried to vote using a woman's ID card at Precinct №9 in Zugdidi, as well.

Additionally, at Precinct №11 of Zugdidi District, a person attempted to vote using someone else's ID, but the commission prevented it.

At Precinct №39 of Nadzaladevi District and Precinct №55 of Isani District, voters cast their ballots using expired ID cards. At Precinct №55 in Isani, neither the Chairperson nor the registrar responded to the violation, therefore, GYLA's observer to file complaints both at the precinct and district levels. In contrast, at Precincts №27 of Gardabani and №23 of Saburtalo, GYLA observers documented voters attempting to vote with expired ID cards, but the commissions did not allow them to vote.

At Precinct №86 in Saburtalo District, a voter had their spouse's ID card, which had been placed inside their own ID. The ID card of their spouse accidentally fell out during the verification procedure. The incident was recorded in logbook as a note.

GYLA's long-term monitoring mission received reports of voters having been allegedly registered for mobile ballot boxes without legitimate need in villages in Zugdidi and Tsalenjikha. According to GYLA, this involved activists from both "Georgian Dream" and "Unity – National Movement", who reportedly visited residents, collected their ID cards, and promised to register them for the mobile ballot box list.

## **6. Presence of Unauthorized Individuals at Polling Stations**

The following individuals shall have the right to stay at a polling station: members of the CEC, District and Precinct Election Commissions; representatives of the CEC and District Election Commissions; a representative of an electoral subject registered with a respective Precinct Election Commission; representatives of the press and media registered with the respective commissions, and observers.<sup>613</sup> Everyone authorised to stay at a polling station shall carry a badge (certificate) indicating his/her identity and title.<sup>614</sup> Only one observer from a domestic observer organisation is allowed to be present at the polling station.<sup>615</sup>

<sup>613</sup> The Organic Law of Georgia "Election Code", Article 8(16).

<sup>614</sup> The Organic Law of Georgia "Election Code", Article 8(17).

<sup>615</sup> The Organic Law of Georgia "Election Code", Article 8(15).

On election day, various cases were identified involving the presence of unauthorized individuals at polling stations. At Precinct №1 of Saburtalo District, three individuals entered the station at different times without identification documents and filmed the interior using cameras and photo equipment. GYLA's observer informed the Chairperson, who responded that these individuals were representatives of the Ministry of Finance and that their presence had been "pre-agreed" with the Chairperson.

At Precinct №1 of Sagarejo District, party agitators were present inside the polling station. The request of the GYLA's observer to make them leave the premises was not accepted by the Chairperson, resulting in a verbal altercation. Eventually, the unauthorized individuals left the station and relocated to the outer perimeter.

At some precincts, two representatives of "Georgian Dream" were present simultaneously.<sup>616</sup> Following a warning by a GYLA observer to the Chairperson, one of the representatives left. However, at Precinct №77 in Gori, when the mobile team observer returned, the previously expelled individual was once again inside the station. A complaint was filed regarding this incident.

At Precinct №61 in Samgori, two observers from the non-commercial legal entity "Professional Union of Education" were present simultaneously. Following an appeal from GYLA's observer to the Chairperson, one of the observers was asked to leave the polling station. At Precinct №43 in Marneuli, there were three observers from the "Observatory of Politics and Law". GYLA's representative filed a complaint regarding the incident.

At Precinct №39 in Chiatura, a sociological survey (Exit Poll) was being conducted inside the polling station with the flow controller. Following a comment from GYLA's observer, the individuals conducting the poll exited the station.

At Precinct №16 in Khoni, the flow controller allowed an unauthorized person to enter the polling station. The observer immediately reported the violation to the Chairperson, who then instructed the individual to leave.

At Precinct №40 in Vake, a woman remained inside the polling station for 20 minutes without any visible identification or badge indicating her identity or title. That person had no right to be present at the station. She was frequently talking on her phone. At the request of GYLA's observer, that person was asked to leave.

At Precinct №3 of Ozurgeti District, an individual who was not registered at the precinct entered with the aim to assist a voter. Following a verbal remark by GYLA's observer, the chairperson instructed the person to leave the station.

At Precinct №1 of Vani District, an unauthorized individual without an identification badge was filming inside the polling station. The individual had been present since 10:00 a.m., the chairperson responded only after GYLA's observer raised the issue, at around 14:35. The person subsequently left the precinct.

At Precinct №39 in Gldani, a representative of "Georgian Dream" remained at the station for approximately 30 minutes without a proper badge. The Chairperson issued a warning and expelled the person, but later the same individual returned wearing the appropriate identification badge.

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<sup>616</sup> Following Precincts: Gori №77; Vake №58; Gldani №20; Saburtalo №72; Nadzaladevi №64; Chugureti №33.

## 7. Queues at Polling Stations

The delayed opening of Precincts №27 in Didube and №28 in Isani resulted in long queues and voter dissatisfaction.

On the election day, queues were also reported at polling stations abroad. At Precinct №1 of District №87 abroad, only two registrars were assigned to 1 574 voters through a lot casting procedure, which led to significant delays and disrupted the voting process.

Various media outlets covered the situation at polling stations abroad. For example, queues at the London polling station were reportedly caused by technical malfunctions.<sup>617</sup> Long lines were also observed at polling stations in Vienna, Barcelona, New York, Prague, and Frankfurt.<sup>618</sup>

It is important to note that long queues at polling stations delayed and impeded the voting process.

## 8. Deficiencies related to Electronic Technologies

During the 26 October Parliamentary Elections approximately 90% of voters cast their ballots using electronic technologies.<sup>619</sup> A total of 2 263 polling stations equipped with such technology.

At polling stations, voter identification was carried out through synchronized (interconnected without internet) verification devices containing the unified voter list.<sup>620</sup> According to general regulations, at least one verification device was allocated for every 700 voters.<sup>621</sup> The number of devices provided was based on the number of registered voters at each polling station.

Each polling station was equipped with no fewer than two main ballot boxes, each fitted with a special electronic vote-counting machine.<sup>622</sup>

In those polling stations where elections were conducted using electronic technologies and the number of registered voters exceeded 2700, it was possible to use up to five verification

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<sup>617</sup> "Voter Queues at the London Polling Station | Citizens Unable to Vote Due to 'Technical Malfunctions'", Information Portal "Mtavari", 26.10.2024, available at: <https://mtavari.tv/news/168166-amomrchevlis-rigebi-londonis-saarchevno-ubnebtan>, updated: 03.02.2025.

<sup>618</sup> "The first half of Election Day has already passed, with voter turnout being observed, along with some violations in certain areas", Information Portal "Voice of America", 26.10.2024, available at: <https://www.amerikiskhma.com/a/half-of-election-day-in-georgia-is-over/7840152.html>, updated: 03.02.2025.

<sup>619</sup> "Nearly 90% of Voters Will Vote in The 2024 Parliamentary Elections Using Electronic Technologies", the Official Webpage of the CEC, 06.02.2023, available at: <https://cesko.ge/en/siakhleebi/pres-relizebi/singleview/11031836-2024-tslis-parlamentis-archevnebshi-amomrchevelta-titkmis-90-khmas-elektronuli-teknologiebis-gamoqenebit-mistsems>, updated: 07.03.2025.

<sup>620</sup> The voter list was activated in devices designated for specific precinct stations. See, the Response of the CEC to GYLA - №01-01/1607, 28.09.2024.

<sup>621</sup> Decree №07/2023 of the Central Election Commission of Georgia, 6 February 2023, "on Defining the Rules and Conditions for Conduction Elections with Electronic Means", Article 4(1(b)), available at: <https://cesko.ge/ge/kanonmdebloba/tsekossamartlebrivi-aqtebi/dadgenilebebisadasd21/singleview/11031834-dadgenileba-072023-06022023>, updated: 07.03.2025.

<sup>622</sup> Decree №07/2023 of the Central Election Commission of Georgia, 6 February 2023, "on Defining the Rules and Conditions for Conduction Elections with Electronic Means", available at: <https://cesko.ge/ge/kanonmdebloba/tsekossamartlebrivi-aqtebi/dadgenilebebisadasd21/singleview/11031834-dadgenileba-072023-06022023>, updated: 07.03.2025.

devices and three electronic vote-counting machines.<sup>623</sup>

From the opening of the polling station until the start of voting, an initial report was printed from each verification device, confirming that no voter had yet been verified through the machines. Following this, the Chairperson of the Commission printed the voter lists, which were displayed in a visible area along with the demonstration report. For identification, voters could use an electronic ID card, which the registrar would place into a special reader, or, in limited cases, a non-electronic Georgian ID card (in limited cases) or passport, in which case the registrar would manually input the voter's information into the system. Before voting, each voter would go through the inking procedure and sign a receipt printed by the device. These receipts were placed in a sealed, non-transparent box located on the registration desk.

After handing over the ballot and the frame-envelope, the registrar explained to the voter how to fill them out and use them. The registrar also had the voter colour the designated test circle on the same ballot paper.

After receiving the ballot and the special frame-envelope, the voter entered the voting booth and filled out the ballot using a special marker.<sup>624</sup> Once the ballot was marked and placed inside the frame-envelope, the voter proceeded to the main ballot box and inserted the ballot with the frame-envelope into the machine fixed on the ballot box, ensuring the front side of the ballot faced downward.<sup>625</sup> If the voter was unable to insert the ballot into the machine using the frame-envelope, assistance could be provided by the Chairperson of the precinct election commission or by the designated person supervising the proper use of frame-envelopes.<sup>626</sup>

In cases where the ballot was returned from the machine due to incorrect insertion angle or any other reason, it was possible to reinsert the ballot into the device. If the ballot was returned again, it was considered damaged.<sup>627</sup> It is noteworthy that when a ballot was returned by the vote-counting machine, it often came out without the protective frame-envelope, making it possible to identify the marked choice.

After the voting procedures were completed, the final report on the number of voters who came to vote was printed from the verification device.

Following the printing of preliminary results from the electronic vote-counting machines, precinct election commissions manually recounted the ballots, based on which the summary protocols were completed. The consolidated preliminary results report, as well as the

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<sup>623</sup> *ibid*, Article 12.

<sup>624</sup> Decree №07/2023 of the Central Election Commission of Georgia, 6 February 2023, "on Defining the Rules and Conditions for Conduction Elections with Electronic Means", Article 6(2(e)) of the Annex.

<sup>625</sup> According to the Annex approved by the Decree №28/2024 of the Central Election Commission of Georgia, 10 July 2024, titled "On the Approval of the Instruction Manual for Precinct Election Commission Members for Implementing Certain Election Procedures by Electronic Means for the 26 October 2024 Parliamentary Elections of Georgia", the following instruction is provided regarding the procedure for a Precinct Election Commission member supervising the ballot box and the special electronic vote-counting device, explaining to the voter how to insert the ballot into the device: "Place the ballot in the machine through the special frame-envelope in such a way that the side of the ballot with the test circle faces downward. Hold the frame-envelope lightly so that the machine can easily accept the ballot. Wait until the message 'Your vote has been received' appears on the machine's screen, and only then leave the voting area."

<sup>626</sup> Decree №07/2023 of the Central Election Commission of Georgia, 6 February 2023, "on Defining the Rules and Conditions for Conduction Elections with Electronic Means", Article 5(4) of the Annex.

<sup>627</sup> *ibid*.

summary protocols, were submitted directly to the CEC, instead of the district election commission, via tablet computers.

On election day, GYLA observers identified errors made during the election preparation and planning stages, as well as technical problems with electronic devices, deficiencies in voter information, and issues related to the training of precinct election commission members.

### *8.1. Deficiencies of the Verification Devices*

At Precinct №33 in Vake, the verification device malfunctioned after printing the voter list. At Precinct №23 in Saburtalo, the verification device was printing receipts with the incorrect date (27.10.2024). In both cases, the problems could not be resolved on-site and required the involvement of a technical support team. A problem related to the printing of the list also occurred at Precinct №1 in Chiatūra. In this case, the voter list printed from the verification device included only surnames. At Precinct №18 in Didube, due to insufficient power supply, the verification devices were operating with interruptions. A technical team was called to the precinct. The precinct suspended the admission of voters for five minutes. The technician requested that individuals present at the precinct refrain from using the available power outlets to charge their mobile phones.

According to the observation mission of GYLA, at Precinct №55 in Isani, a voter cast a vote using an expired identity card.<sup>628</sup> It is noteworthy that the electronic verification device failed to recognize the aforementioned expired document, which raises questions related to a systemic issue. GYLA submitted a complaint regarding this violation to the District Election Commission.

At Precinct №28 in Rustavi, the special MRZ (Machine-Readable Zone) of one of the verification devices failed to read electronic identity cards, and registrars had to manually enter voter information to identify them. GYLA's observer addressed the issue with the technical staff, who explained that the problem would likely resolve automatically after manually entering data for several voters. After entering the identity information of approximately 15 individuals manually, the issue was resolved. Similar types of problems were observed at several other precincts. In some cases, the issue was partially resolved, while in others, registrars had to manually input data throughout the entire day.<sup>629</sup>

At Precinct №13 in Baghdati, an incident was reported where the verification device emitted a special signal indicating a double verification attempt. According to GYLA's observer, a commission member mistakenly printed a blank verification receipt during the registration process, which was then discarded. The commission member then attempted to re-verify the same voter, but the device refused the action, stating that the person had already been registered. The voter claimed that they had not voted and, upon inspection, showed no trace of the required ink marking. A representative from the higher election commission intervened in the process and explained that a technical error had occurred. They assisted the commission members in resolving the issue, after which the voter was allowed to cast their vote.

At Precinct №57 in Nadzaladevi, a case was reported where the verification device printed

<sup>628</sup> The Official Webpage of the Georgian Young Lawyers' Association, 26.10.2024, available at: [https://www.facebook.com/watch/?extid=MSG-UNK-UNK-COM\\_GK0T-GK1C&v=478246511887329](https://www.facebook.com/watch/?extid=MSG-UNK-UNK-COM_GK0T-GK1C&v=478246511887329), updated: 31.01.2025.

<sup>629</sup> Following Precincts: Zestaponi №1; Khelvachauri №24; Vake №63; Nadzaladevi №5 and Gldani №69.

the verification receipt twice. The voter signed the first receipt, marked their choice, and inserted the ballot into the vote-counting device. Afterwards, the verifier printed another verification receipt for the same individual, which was kept by the secretary of the commission. According to the commission chairperson, the incident was caused by a technical malfunction. At the same polling station, when placing an ID card into the device's reader, the verifier emitted an error sound. However, when the same identification information was entered manually, the voter was successfully verified. Based on the observation of the GYLA's representative, the individual displayed on the document and on the verifier's screen were identical. Additionally, at Precinct №4 in Baghdati, one of the verification devices was functioning with delays. As a result, voters were either redirected to another registrar or the registrar had to manually input the data.

According to GYLA's observer, at polling stations №18 in Ozurgeti, №59 in Kutaisi, and №3 in Khobi, incidents were recorded where voters were unable to cast their votes due to errors with the verification devices or inaccuracies in the voter lists. At Precinct №18 in Ozurgeti, for two voters who showed no trace of ink marking, the device indicated a double verification. It was not possible to verify their data manually or using another device.<sup>630</sup> At Precinct №59 in Kutaisi, one voter was incorrectly flagged by the device<sup>631</sup> as being registered at a different polling station, although database verification confirmed their registration at Precinct №59.<sup>632</sup>

The problems related to the verification device were also recorded at Precinct №64 in Nadzaladevi<sup>633</sup> Precinct №15 in Didube<sup>634</sup>.

## *8.2. Deficiencies of the Vote-Counting Devices*

In several precincts in Tbilisi, the electronic vote-counting device malfunctioned. At Precinct №34 in Nadzaladevi and Precinct №44 in Isani, the voting process continued using only one device. At precinct №26 in Isani, the issue was resolved promptly, and the device resumed operation. In none of these cases was the voting process interrupted. At precinct №56 in Kutaisi, the vote-counting device malfunctioned at 08:20; according to information provided by GYLA's observer, the malfunctioning device was replaced with another one. Similarly, one of the two vote-counting devices malfunctioned at precincts №21 in Kutaisi, №12 in Mtatsminda, and №43 in Batumi.

At Precinct №3 in Khashuri, both vote-counting devices were out of order for over an hour. Due to the delay, some voters left the polling station without casting their votes, and others left the queue outside the precinct. The technical team restored the equipment at 13:47. According to election legislation, in the event of a technical failure or device malfunction, the voting process may continue using traditional (manual) methods,<sup>635</sup> however, the commission did not use that opportunity.

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<sup>630</sup> The device also detected the time, when the person had been verified.

<sup>631</sup> The device emitted a special signal.

<sup>632</sup> The registrar redirected the voter to the Chairperson of the Commission, who, after verifying the information in the database, asked the voter to visit the District Election Commission to resolve the issue. The voter left the polling station and later returned, but was still unable to cast their vote.

<sup>633</sup> The verification device was not turned on in a timely manner.

<sup>634</sup> The consumption of thermal paper caused a disruption in the verification process.

<sup>635</sup> Decree №07/2023 of the Central Election Commission of Georgia, 6 February 2023, "on Defining the Rules and Conditions for Conduction Elections with Electronic Means", Article 7, available at: <https://www.matsne.gov.ge/ka/document/view/5713266?publication=0>, updated: 28.01.2025.

At Precinct №13 in Gldani, the electronic vote-counting device experienced issues receiving ballots. Even after a second attempt, the device would not accept the ballot, after which it was considered damaged. Similarly, at Precinct №16 in Khoni, the vote-counting device repeatedly rejected the ballot, leading to the voter being issued ballots three times; however, the device continued to reject them. As a result, the voter was unable to cast their vote. After the voter left the precinct, the Chairperson of the Commission attempted to insert the ballot into the device themselves. During the ballot rejection process, the secrecy of the ballot was violated, and GYLA's observed filed a complaint.

Additional issues related to ballot counting devices were also reported at Precinct №18 in Nadzaladevi<sup>636</sup> and at Precinct №43 in Rustavi<sup>637</sup>.

### *8.3. Transmission of Information to the CEC*

At Precinct №37 in Chiatura, the commission was unable to transfer the preliminary results to the designated flash drive and send the information to the CEC. According to GYLA's observer, a software error was identified.

To ensure an effective response to cases of misuse of electronic technologies of elections, accountability provisions for public officials and representatives of the election administration must be established. Clear and adequate sanctions should be defined both in the Election Code and in the Criminal Code.

## **CONTROL OVER THE VOTER'S WILLINGNESS**

On election day, the control over voters' willingness was primarily exercised through the positioning of ruling party supporters both inside and in the vicinity of polling stations. These individuals monitored the turnout of declared supporters by collecting voters' personal data ("tracking of voters") and, in some cases, applied pressure through phone calls ("improper pressure").

In the Georgian context, where state institutions are effectively captured by the ruling party, such practices serve as a mechanism of voter control. This significantly reduces the likelihood of citizens making an independent and free electoral choice and instils a fear of retaliation.

According to GYLA's observation, efforts to influence voters' choices inside polling stations were made not only by party-affiliated observers but also by commission members who clearly represented political party interests and potentially influenced voters as they arrived to cast their ballots.

At Precinct №1 in Khobi, a representative of "Georgian Dream" entered the voting booth together with a voter and instructed them on how to vote. A corresponding remark was made in the logbook regarding this incident. In addition, at Precinct №63 in Zugdidi, the Chairperson of the Commission and a registrar instructed a drunk voter to fill in number 41

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<sup>636</sup> Due to a malfunction in the ballot scanner, the precinct opened with a several-minute delay.

<sup>637</sup> A ballot became jammed in the optical scanner's intake slot. With the assistance of district election commission representatives and under video recording, the ballot box was opened. After the issue was resolved, it was resealed with a new seal. The voting process then continued using the same device.

in their presence. GYLA's observer intervened, but their remarks had no effect. The organization filed a complaint with the Zugdidi District Election Commission.

At Precinct №64 in Kutaisi, the "Georgian Dream" representative was taking ID cards from voters, for which that person was expelled from the station. Additionally, at Precinct №47 in Kutaisi, individuals wearing observer badges were accompanying voters into the station. The Chairperson failed to take any specific action until GYLA's observer issued a verbal remark. In some cases, observers attempted to follow voters into the voting booth, but GYLA observers prevented such actions. Also, Throughout the day, at Precinct №28 in Telavi, the "Georgian Dream" representative was repeatedly exiting the polling station and returning with several voters.

At Precinct №10 in Nadzaladevi, at around 13:00, GYLA's observer witnessed a member of the election commission and two representatives of "Georgian Dream" discussing the need to call and mobilize voters. The observer overheard phrases such as "Go ahead, call them, tell them to come", "Make them mark 41", etc. At Precinct №10 in Martvili, an elderly woman returned to the station a few minutes after casting her vote and demanded to vote again, claiming she had voted incorrectly and feared she would "lose her pension" as a result.

At Precinct №14 in Gurjaani, a person with a disability ("PWD") was accompanied by another individual who was clearly instructing them to vote for number 41. The commission allowed the accompanying person to enter the voting booth. When GYLA's observer attempted to record this incident in the official logbook, commission members responded with verbal abuse. The commission stated that the observer was being instructed by GYLA to file excessive complaints. In the end, the observer was not allowed to register the remark.

At Precinct №27 in Gardabani, a number of voters were accompanied into the voting booth under the ground of illiteracy. Many of these voters had numbers such as 41 or 5 visibly written on their palms.

At Precinct №50 in Marneuli, an individual named Iman Ismailov, who lacked proper badge and was present with an unclear status, was actively instructing voters to choose the last-listed subject on the ballot, effectively a vote for the ruling party. The commission chairperson failed to react, and GYLA's observer filed a complaint.

At Precinct №21 in Krtsanisi, a voter who was speaking Azerbaijani was talked from outside the voting booth by an observer.

At Precinct №20 in Lentekhi, the registrar<sup>638</sup> marked the ballot outside the voting booth. The Commission member publicly, in full view of others, marked the number of the ruling party. At the same station, a representative of the "Georgian Dream" openly marked their ballot outside the booth, also voting for "Georgian Dream".

At Precinct №35 in Martvili, the voting booths had numbers of different unities written with a marker. One booth displayed the number "41", while another had "5" written. The commission covered the markings using sheets of paper.

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<sup>638</sup> The Electoral Administration officers who are unable to vote in the elections on the polling day according to their place of registration because of their engagement in the election commissions are entered into the special list of voters. See, the Election Code of Georgia, Article 32(1(a)).

## 1. Campaigning at the Polling Station

It is prohibited to conduct election campaign at the polling station on polling day.<sup>639</sup> The violation of requirements of this provision carries a fine in the amount of 2 000 GEL.<sup>640</sup>

At Precinct №51 in Nadzaladevi, an incident containing signs of campaigning was observed, resulting in the verbal warning of GYLA's observer. A voter loudly announced the number 41, which was clearly audible to others. The chairperson did not respond to the situation. At Precinct №16 in Gldani, a voter was actively campaigning in favour of the ruling party. The chairperson gave the individual a verbal warning.

At Precinct №15 in Nadzaladevi, a representative of the election observer organization, "Association of Khashuri Women Entrepreneurs"<sup>641</sup>, Paata Jangidze, who is affiliated with the ruling party, was engaged in campaigning. He was seen bringing voters from outside the precinct, maintaining active communication with them, and urging them to cast their vote through patting them on the shoulder. After the unsuccessful calls on the Chairperson, the GYLA's observer recorded the incident in the logbook.

## 2. Tracking of Voters inside the Polling Stations

At Precinct №4 in Samgori, an unidentified individual was observed recording the names of voters on a sheet of paper through the voters' list. The observer addressed the chairperson regarding this, and the person left the station. At Precinct №20 in Chiatara, a representative of an observer organization (who also serves as an acting representative of the village), was seen allegedly marking down voters' information. He/she was standing close to the voting booth. Following a remark from the GYLA's observer, the individual changed the location.

At Precinct №15 in Vake, GYLA's observer noticed that the Deputy Chairperson of the Commission was writing down voters' names and surnames. GYLA's observer issued a warning towards that person, and the Deputy Chairperson responded that they were only noting the names of acquaintances. The observer reported this to the Chairperson, who issued a verbal warning, after which the same incident did not occur.

At Precinct №27 in Didube, one of the observers was standing behind the registrar with a phone in hand, positioned in a way that the personal data of the voters could have been processed and photos -taken. GYLA's observer addressed the Chairperson several times, and eventually the issue was resolved.

At Precinct №12 in Khoni, a party coordinator asked from outside the polling station whether specific voters had already arrived to vote. The representative of the "Georgian Dream" responded with the information, after which that individual left the territory.

At Precinct №30 in Tetritskaro, an unauthorized individual was present inside the polling station, tracking voters using a photo-based voter list, thereby creating an atmosphere of pressure. Despite being urged by the GYLA's observer, the person refused to exit the building. As a result, a formal complaint was filed at the precinct regarding the incident.

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<sup>639</sup> The Organic Law of Georgia "Election Code", Article 45(11).

<sup>640</sup> *ibid*, Article 79(1).

<sup>641</sup> Nodar Meladze Saturday, the Youtube Page of "TV Pirveli", 02.11.2024, available at: <https://www.youtube.com/watch?v=hnwPc-Br0Dc>, updated: 28.01.2025.

At Precinct №35 in Marneuli, an election commission member was providing personal data to a person who was likely a representative of a political party. GYLA filed a complaint.

At Precinct №35 in Marneuli, the Secretary of the Commission was allegedly sharing voter turnout data with representatives of the “Georgian Dream”. This created reasonable suspicions regarding the impartiality of the commission member. It is noteworthy that the commission member was using the mobile phone of a “Georgian Dream” representative to provide this information. The GYLA’s observer made a remark in the logbook regarding the incident.

Incidents of tracking of voters were also reported at the following precincts: Samgori №15, №28 and №32; Mtatsminda №24; Nadzaladevi №25; Chiatura №1 and №24; Zestaponi №6; Kutaisi №47, Marneuli №59 and Ozurgeti №20.

### 3. Pre-marked Ballots

GYLA observers identified instances of pre-marked ballots at various polling stations. At Precinct №33 in Chugureti District, a ballot was marked in advance next to the “Georgian Dream” party number. However, the Chairperson of the Commission decided not to replace the ballot. As a result, GYLA filed a formal complaint with the District Election Commission, requesting disciplinary action against the chairperson. At Precinct №2 in Gldani and Precinct №1 in Poti, the incidents when ballots had markings next to the ruling party’s number were also recorded, while at Precinct №1 in Zestaponi, a dot was placed next to the number of one of the opposition parties. In these cases, the ballots were declared void.

### 4. Cameras at the Polling Stations

According to the current legislation, individuals authorized to be present at the polling station are permitted to conduct photo-video recording, provided that it does not interfere with the voting process.<sup>642</sup> This includes, *inter alia*, recording the electronic vote-counting device installed on the main ballot box and the process of inserting ballots into it, from various angles. Within the polling station, such recording is only allowed from a location specifically designated by the Chairperson of the Commission.<sup>643</sup> The minimum distance for photo-video recording must be no less than 3 meters from the subject/object being filmed, unless the building makes this impossible.<sup>644</sup> In which case, the Chairperson determines the appropriate location.

On election day, starting from the opening of polling stations (06:45 a.m.), video cameras were widely installed by representatives of the “Georgian Dream” party or affiliated individuals. In some cases, existing cameras inside the buildings were left unsealed. Video cameras were installed by the “Georgian Dream” party at the polling stations in a way that in some cases they faced the registrars’ tables and verification devices, and in others, the voting booths and main ballot box.<sup>645</sup> Specifically, GYLA’s observation mission observed in total 97

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<sup>642</sup> Decree №42/2012 of the Central Election Commission of Georgia, 24 September 2012, “On Defining Certain Electoral Procedures,” Article 2.

<sup>643</sup> *ibid*, paragraph 1.

<sup>644</sup> *ibid*, paragraph 2.

<sup>645</sup> “Assessment of the Parliamentary Election Voting Day on 26 October 2024”, 27.10.2024, the Official Webpage of GYLA, available at: <https://gyla.ge/en/post/gancxadeba-27octomberi-11saati>, updated: 18.02.2025.

cases of installation of video cameras.<sup>646</sup> The large-scale placement of video cameras was confirmed both by reports from other election observation organizations and by numerous video recordings disseminated through various media outlets.<sup>647</sup>

## 5. Violations in the Perimeter of Polling Stations

GYLA's observers identified numerous violations of perimeter regulations on Election Day, to which the response by law enforcement authorities was ineffective. In none of these cases were offenders held administratively liable. Often, they would request that potential offenders temporarily leave the area, but in most cases, voter tracking, obstruction, and gathering of people resumed shortly after they left.

According to the legislation, canvassing material may not be placed at a distance of 25 meters from the entrance of the polling station, and within the distance of 100 meters, it is forbidden to physically obstruct voters, track them, or gather groups of people.<sup>648</sup> The violation of these provisions would result in a fine amounting to 2000 GEL.<sup>649</sup>

Any form of voter tracking, including through publicly displayed voter lists, is used by political parties as a means of exerting pressure and controlling the voter's free will.

During both rounds of the election, GYLA repeatedly notified the "112" about violations of perimeter regulations. However, in many cases, the police either left the scene without taking action or limited their response to verbal warnings. In some instances, they temporarily asked suspected offenders to leave the area, but in others, they failed to detect at all instances of voter tracking, obstruction, or gathering of people altogether.

### *5.1. Violation of the Prohibition on Placement of Campaign Materials Within a 25-Meter Radius*

At the perimeter of Precincts №20 and №21 in Krtsanisi, "Georgian Dream" flags were placed within 25 meters of the polling station entrance. GYLA's observer reported the inci-

<sup>646</sup> The cameras were installed directly next to the vote-counting device in the following precincts: Krtsanisi №9; Kutaisi №44 (the GYLA's observer made a remark in the logbook); Telavi №2; Ozurgeti №27; Rustavi №19 (remark was recorded), Rustavi №15 (remark was recorded), Rustavi №19; Samgori №59; Kutaisi №43; Telavi №28; Khashuri №3. Also, continuous video recording was carried out from various points within the polling station, including in the direction of the vote-counting device: Chughureti №25; Zestaponi №1; Zestaponi №9 (installed by the "Observatory of Politics and Law"), Zestaponi №5 (installed by the N(N)LE "International Observatory of Attorneys and Lawyers"); Chughuteri №33; Batumi №89; Mtskheta №31; Ozurgeti №3; Gldani №10; Keda №9; Chiatura №37 (installed by the N(N)LE "International Observatory of Attorneys and Lawyers"); Ozurgeti №43; Kobuleti №1, №2, №3, №7, №8, №9, №10, №52, №31, №37, №53, №55, №46, №35, №51, №45, №47, №48, №49, №50, №56, №41, №42, №43, №44, №33, №5; Shuakhevi №1, №4, №14, №20 and №32; Khelvachauri №5, №19, №20, №21, №22, №38, №27, №28, №25, №26, №24, №10, №11, №12, №13, №14, №15, №1, №3, №29, №30, №31, №32, №34 and №2; Lagodekhi №30; Ozurgeti №27; Baghdati №3; Vake №16; Kutaisi №70, Mtskheta №1; Nadzaladevi №81; Sighnaghi №7; Sachkhere №3; Samgori №61 and №62; Mtatsminda №23; at Nadzaladevi №71 the precinct, the members of the district commission arrived and the camera was inspected and found to be capturing voters' faces, which led to a complaint being filed regarding this incident. As a result, the cameras were repositioned to a lower angle.

<sup>647</sup> See, Georgia, Parliamentary elections 26 October 2024, ODIHR Election Observation Mission Final Report, (Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2024), available at: <https://www.osce.org/odihr/elections/georgia/584029>, updated: 18.02.2025.

<sup>648</sup> The Organic Law of Georgia "Election Code", Article 45(12).

<sup>649</sup> *ibid*, Article 80(2).

dent to the police. One hour after the police were called, the flags remained in the same location. After a period of time, they were eventually removed. It is noteworthy that when the observer returned to the precinct later, the party symbols were in the same place. Similarly, “Georgian Dream” campaign materials were displayed on the facade of the party’s office located within 20 meters of Precinct №1 in Chokhatauri. GYLA’s observer called the patrol police to take appropriate action. Additionally, near Precinct №47 in Gardabani, several vehicles were stationed displaying “Georgian Dream” logos and the party’s electoral number.

### *5.2. Violation of the 100-Meter Radius Rule: Obstruction of Voters, Tracking, and Gathering*

On election day, the obstruction of voter movement, gathering of individuals, and tracking of voters within the distance of 100 meters was also problematic.<sup>650</sup> Groups of people gathered near polling stations were tracking arriving voters, creating an atmosphere of surveillance for those coming to vote, creating the destabilization and undermining the integrity of the electoral environment.

Primarily, violations of perimeter regulations manifested as voter tracking. Party activists were positioned near precincts with voter lists, writing down individuals who had participated in the voting. In some cases, voters would first go to these coordinators stationed outside the precinct before proceeding to cast their ballots. These individuals often reacted aggressively toward GYLA’s observers, denying them the ability to take photos/videos. Moreover, in several instances, the people gathered near precincts engaged in campaigning and accompanied voters to the polling stations. Frequently, these individuals ignored the instructions of commission members and observers, refusing to leave the area. Their behaviour was often disrespectful and included verbal abuse and threats directed at observers.

On election day, due to repeated violations of the 100-meter perimeter regulation, GYLA’s observers addressed the patrol police multiple times. However, in three cases, despite several calls, a patrol unit never arrived at the scene. In one instance, an unidentified individual in civilian clothing appeared instead, who failed to respond effectively to the situation. As a result, the GYLA’s observer contacted the patrol police again to clarify who had been dispatched and also submitted the information to the General Inspection of the MIA; nevertheless, they have not responded. The final outcome of the incident remains unknown.

Another case is interesting, when a polling station was located in a small space within a privately-owned building. The part of the building which had been rented by the CEC was still managed by the owner. The owner was seen moving in and out of the building, engaging in conversations with various individuals, and not leaving the precinct perimeter. He claimed that his presence within his private property was lawful.

It is noteworthy that approximately 40 meters from one of the polling stations, party coordinators were mobilized. They were had voter lists, which, in addition to voters’ names, included the designation of a “responsible person” next to each name. The GYLA’s observer addressed the Chairperson of the Precinct Election Commission to respond to this voter tracking activity. As a result, the individuals gathered outside the station hid the lists.

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<sup>650</sup> The similar incidents were recorded at the following precincts: Mtatsminda №31; Vake №58; Saburtalo №34, №35; Krtsanisi №21; Samgori №33; Isani №20, №21; Chughureti №9, №30; Nadzaladevi №24, №25, №36, №61; Gldani №60, №61, №73, №74; Sagarejo №19; Lagodekhi №2; Marneuli №66; Tetrtskaro №23; Gori №24, №95; Khashuri №8, №22; Sachkere №3, №5; Zestaponi №6, №14; Baghdati №5; Vani №1; Kutaisi №10, №14, №36, №53; Akhlatsikhe №17; Ninotsminda №3; Martvili №6, Senaki №15, Zugdidi №2, №9 and Chokhatauri №26.

During the pre-election period, GYLA, along with other election observer organizations, expressed concern over media reports indicating multiple instances of unlawful processing of voters' personal data, as well as the confiscation of identity documents.<sup>651</sup>

**The ability of voters to make their choices freely and in a peaceful environment is vital. To address this issue, it is essential to ensure the effective implementation of established regulations, the identification of offenders, and the imposition of appropriate sanctions.**

**The practice of voter tracking by unauthorized individuals, whether inside the polling station or outside, including through the use of public voter lists must be entirely prohibited. Law enforcement agencies shall respond effectively to violations of the restrictions set forth in Article 45(12) of the Election Code of Georgia (the rules related to the polling station perimeter).**

**It is important to maintain statistical data regarding such incidents in order to provide the public with comprehensive information about violations detected around polling station perimeters on election day. Additionally, the quality of institutional responses to each case must be subject to assessment.**

**To prevent undue influence on voters on election day, it is essential to designate the day preceding the elections as a Day of Silence.**

## **6. Abuse of Observer Mandates by Election Observer Organizations**

For the 26 October 2024 Parliamentary Elections and the By-Elections of Representative Bodies of Municipalities – Sakrebulo, 101 local observer organizations were registered with the CEC.<sup>652</sup> According to GYLA's information, some of these organizations were presumably affiliated with the ruling party.<sup>653</sup> Such organizations are often known as "government-friendly" or "zombie" observers.<sup>654</sup> Their objective is not to detect violations or promote a healthy electoral environment. Rather, such so-called observer organizations are primarily deployed to increase the presence of supporters of a particular political party at polling stations, thus giving the party an unfair advantage over its competitors.

One incident was observed at Precinct №1 in Didube, where an individual introduced himself/herself to international observers as a GYLA representative, although he/she was representing GYLA. This act served to discredit credible organizations and mislead international missions by providing inaccurate information.

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<sup>651</sup> "Local Monitoring Organizations' Statement Regarding Instances of Alleged Illegal Processing of Voters' Personal Data and the Confiscation of Identity Cards", the Official Webpage of the Georgian Young Lawyers' Association, 18.10.2024, available at: [https://gyla.ge/en/post/sadamkvirveblo-organizaciebis-gancxadeba-6879?fbclid=IwY2x-jawIOM-FleHRuA2FibQixMAABHUySvH4X\\_VzFPX903PY1peWcBV1yjtJ5fGfgKG82QoZVw4KSkoF1qKQmdA\\_aem\\_IGCeEfBRyed1q6l53Sba5w](https://gyla.ge/en/post/sadamkvirveblo-organizaciebis-gancxadeba-6879?fbclid=IwY2x-jawIOM-FleHRuA2FibQixMAABHUySvH4X_VzFPX903PY1peWcBV1yjtJ5fGfgKG82QoZVw4KSkoF1qKQmdA_aem_IGCeEfBRyed1q6l53Sba5w), updated: 18.02.2025.

<sup>652</sup> The local observer organizations registered within the CEC, available at: <https://cesko.ge/ge/archevnebi/2024/parlamentis-archevnebi-2024/damkvirveblebi-da-media-2024-oktomberi-/singleview/11033817-tseskoshi-registrirbuli-adgilobrivi-damkvirvebeli-organizatsiebi>, updated: 27.01.2025.

<sup>653</sup> For example, such organizations are allegedly following: N(N)LE "International Observatory of Attorneys and Lawyers", N(N)LE "Observation of Politics and Law", N(N)LE "Association of Khashuri Women Entrepreneurs".

<sup>654</sup> VENICE COMMISSION, REPORT ON ELECTION OBSERVERS AS HUMAN RIGHTS DEFENDERS, Approved by the Council for Democratic Elections at its 81st meeting (Venice, 5 December 2024), para 62.

According to GYLA, observer organizations affiliated with the ruling party “Georgian Dream”<sup>655</sup> were actively involved both inside and outside polling stations, engaging in the mobilization of so-called “informal authorities” to help identify “Georgian Dream” voters and create an environment of surveillance.

## INTERFERENCE WITH THE ACTIVITIES OF OBSERVERS

On election day, observers are entitled to the rights defined by the Election Code. Among these rights, an observer may be present in the polling station at any time during election day, move freely within the vicinity of the polling place, monitor all stages of the election process freely without interference from any location, observe voter registration, submit a statement (complaint) to the Chairperson of precinct election commission, challenge the actions of the election commission, and attend the vote counting and tabulation.<sup>656</sup> The observer also has the right to photograph and video film the voting building, except in a polling booth and the voters’ table list, without obstructing the electoral process.<sup>657</sup>

On election day, a number of GYLA observers were not able to fully exercise their rights. This was expressed, on the one hand, through the interference from election commissions (aggressive attitude and verbal abuse,<sup>658</sup> unjustified removal from the precinct,<sup>659</sup> denial of access to procedures,<sup>660</sup> and interference with submitting complaints and taking photos<sup>661</sup>),<sup>662</sup> and, on the other hand, through inaction, when GYLA observers were subjected to pressure from political party representatives, affiliated observer organizations, or other individuals,

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<sup>655</sup> Namely, “Observation of Politics and Law”, “Association of Khashuri Women Entrepreneurs”, and others.

<sup>656</sup> The Organic Law of Georgia “Election Code”, Article 41(1).

<sup>657</sup> *ibid*, Article 8(25).

<sup>658</sup> At Precinct №60 in Gldani, one individual (Shako Kuchashvili) displayed aggressive behavior toward a GYLA observer after noticing GYLA’s badge. This person was verbally insulting the observer. At Precinct №74 in the same district, a commission member representing the “Georgian Dream” party also acted aggressively toward an observer; similarly, at Precinct №10 in Martvili, the Chairperson of the Commission treated representatives of observer organizations with particular hostility.

<sup>659</sup> At Precinct №81 of the Saburtalo district, the chairperson of the precinct election commission threatened the GYLA’s observer with expulsion from the polling station. The observer attempted to file a complaint, but it was not registered, and the observer was forced to leave the station. GYLA subsequently filed a complaint with the Saburtalo District Election Commission. At Precinct №22 in the Marneuli district, the commission expelled a “Civil Unity” observer, and the GYLA’s observer filed a complaint.

<sup>660</sup> At Precinct №11 of the Krtsanisi district, the observer was denied access to the results of the lot casting procedure and the official logbook. A complaint was filed regarding this incident.

<sup>661</sup> At the Saburtalo District Election Commission, GYLA’s observer was obstructed in the performance of their duties. Specifically, the observer attempted to respond to an unsealed logbook that had been submitted to the district commission and sought to take a photograph of it. However, the chairperson of the district commission ordered the observer to leave the territory. The observer filed a complaint regarding the incident. At Precinct №6 in Isani, the observer was not allowed to photograph a remark made in the logbook. Similarly, at Precinct №11 in the same district, the observer’s access to the logbook and ability to photograph it were restricted; at Precinct №34 in Nadzaladevi, the observer was not permitted to photograph the zero printouts or record a remark in the logbook until the commission clarified the matter with a higher-level commission.

<sup>662</sup> At precinct №65 in Zugdidi, representatives of observer missions (including GYLA’s representative) were denied the opportunity to file complaints, were subjected to verbal abuse, and were threatened with expulsion from the precinct if they attempted to “interfere,” move around, or speak. At Precinct №14 in Gurjaani, a person with disabilities arrived accompanied by another individual who instructed them to vote for number 41. The commission permitted the accompanying person to enter the voting booth. GYLA’s observer attempted to record a remark about the incident in the logbook, but was met with verbal abuse from commission members. The commission claimed that the observer had been instructed by their organization to file many complaints. Eventually, the observer was not allowed to document the remark.

while Chairpersons of Commissions failed to take appropriate measures to prevent unlawful actions.<sup>663</sup>

Instances of aggressive behaviour and verbal abuse by precinct commission chairpersons and members toward GYLA observers were reported at Precincts №15 in Vake, №60, №73, and №74 in Gldani, №49 in Kutaisi, and №10 in Martvili. At Precinct №73 in Gldani, the flow controller referred to representatives of non-governmental organizations as “spies” [agents].

A case of threatening by a commission chairperson toward an observer was recorded at Precinct №10 in Nadzaladevi, where, in an overall aggressive environment, the chairperson at one point reminded the GYLA observer about having a “sharpened knife” in the car. This incident is unethical and indicative of pressure on the observer.

On the election day, GYLA’s observers were either expelled or threatened with expulsion at Precincts №81 in Saburtalo, №22 in Marneuli, №49 in Kutaisi and №65 in Zugdidi. In most cases, the reason for expulsion was the observer’s attempt to submit a complaint or a remark, which triggered particularly aggressive reactions from commission members.

In several instances, GYLA’s observers were not provided with full access to observe electoral procedures. Specifically, at Precinct №11 in Krtsanisi, the observer was denied access to the logbook and the list of assigned functions determined by lot casting procedure. At Precinct №55 in Samgori, the observer was included in the lot casting procedure for mobile ballot box despite their objection.<sup>664</sup>

Although observers are permitted to take photos/videos within the commission premises, there were cases in which this right was restricted. Specifically, in the Saburtalo District Election Commission, as well as at Precincts №6 and №11 in Isani, and №34 in Nadzaladevi, observers were not allowed to photograph various documents that are legally permitted to be captured. At Precinct №34 in Nadzaladevi, permission to photograph the zero printout was granted only after communication with the District Election Commission.

At the following precincts: Gurjaani №2 and №14, Gardabani №26, Kutaisi №49, and Zugdidi №65, GYLA’s observers were not allowed to submit notes or complaints regarding violations discovered on Election Day. In most instances, these restrictions were preceded by verbal abuse and threats against the observers by commission members.

Although, the observers are permitted to move freely around any territory of the polling station, the chairpersons of Precincts of Mtatsminda №27, Krstanisi №21 and Gurjaani №21, restricted the observers’ right to move. This significantly interfered with the observation process by the observers.

In addition to commission members, instances of interference with observers’ work were also recorded from party representatives, observers of so-called election observer organizations likely affiliated with the ruling party, and other mobilized individuals. In such cases, the chairpersons of precinct election commissions either failed to respond appropriately or were unable or unwilling to take action. Specifically, individuals at Precincts №26 in Mtats-

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<sup>663</sup> At Precinct №26 in Mtatsminda, inappropriate remarks were directed at the observer, including: “Let’s throw this one out of the precinct”. At the same precinct, the observer was harassed by an unidentified individual without a badge, who temporarily left the precinct but later returned and approached the GYLA observer with an angry expression and clenched fists. For safety reasons, the observer had to leave the precinct.

<sup>664</sup> Eventually, as a result of a lot casting procedure, that person was not selected to follow the mobile ballot box.

minda, №9 in Chughureti, №44 in Marneuli, and №9 in Zugdidi displayed particular aggression toward GYLA observers. These individuals made insulting and threatening remarks. In the cases of Chughureti, Marneuli, and Zugdidi, observers called the police, but no effective action was taken in response.

Eventually, the aggression, verbal abuse, and intentional disruption by commission members or other individuals resulted in observers having to leave Precincts №26 in Mtatsminda, №2 in Gurjaani, №49 in Kutaisi, №81 in Saburtalo, and №9 in Zugdidi.

Overall, these incidents hindered the observation mission from conducting comprehensive monitoring and created a hostile and tense environment at the polling stations.

## **VIOLATION OF THE SECRECY OF THE BALLOT**

According to Article 37 of the Constitution, the Members of Parliament are elected on the basis of universal, free, equal and direct suffrage, by secret ballot. Accordingly, for elections to be legitimate, they must be held in full compliance with these five principles. During the 26 October 2024 Parliamentary Elections, the state failed to ensure the systemic protection of secrecy of ballot. On election day, GYLA's observers documented numerous violations at polling stations involving ink leakage on the ballot. As a result, when placed into the vote-counting device fixed on the ballot box, the ink marks became visible, thereby violating the principle of secrecy of ballot. To insert the ballot into the ballot box, the voter was instructed to align the front of the ballot with the slot of the optical scanner, which then mechanically moved the ballot inside the device. During this process, part of the ballot would remain outside the frame-envelope (gradually).

Throughout election day, the mission also received reports about the placement of cameras at polling stations and specific incidents of ink leakage through to the reverse side of ballots. GYLA documented ink leakage incidents at a total of 22 precincts across various districts in Georgia.<sup>665</sup>

### **1. Systemic Violation of Secrecy of Ballot – “Leakage” of Marker’s Ink**

By the end of election day, when the vote-counting process concluded, it became evident to the organization that the issue of secrecy of ballot constituted a systemic problem.

The protection of the principle of secrecy of ballot significantly depends on the preparation and planning phases of the election. An essential component of election preparation is the printing of ballot papers, for which the election administration is responsible. The administration is obligated to take all necessary measures throughout this process to ensure the fundamental protection of electoral principles.

According to the Election Code, the form, text and procedures for filling up the ballot paper, the type of the ballot box and special envelopes, and the form and type of the excerpt of the preliminary results, the summary protocol of the polling results and those of other documents necessary for the conduct of elections shall be determined by the Central Election

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<sup>665</sup> The following precincts: Mtatsminda №1; Vake №70 and №58; Saburtalo №27; Isani №18; Samgori №28 and №4; Nadzaladevi №22 and №26; Gldani №13, №15, №61, №56, №57, №59, №74; Chiatura №29; Khoni №17; Khobi №1; Ozurgeti №6 and Poti №16.

Commission (“CEC”).<sup>666</sup> Ballot papers are printed under a CEC ordinance and according to the sample established by the CEC.<sup>667</sup>

For the 26 October elections, the printing of ballot papers was carried out by printing houses selected by the CEC, using printing paper supplied by the CEC itself.<sup>668</sup> Accordingly, the ballots used throughout the entire territory of Georgia were of a uniform quality standard.

The state authority responsible for administering elections must ensure conditions in which voters are not required to undertake efforts that go beyond the instructions provided by the election administration or to take additional, individualized measures to protect the secrecy of their vote. The secrecy of the ballot must be an inherent and automatic feature of the electoral process, not something that requires further active effort on the part of the voter. Unfortunately, the CEC failed to administer the 26 October 2024 elections in accordance with this standard, instead placing the responsibility for the systemic breach of secrecy of ballot on individual voters.<sup>669</sup> Such positioning by CEC representatives was unfaithful, given that individual voter behaviour was shaped by the instructional videos disseminated by the election administration itself.<sup>670</sup>

To ensure the secrecy of the vote, the Decree of the CEC stipulated that the voter must insert the ballot into the vote-counting device fixed to the main ballot box using a special frame-envelope, in such a way that the front side of the ballot faces downward.<sup>671</sup> The purpose of defining the procedure in this manner was precisely to safeguard the secrecy of the voter’s choice. However, it is evident that this procedure could not achieve its intended goal if the voter’s mark on the ballot were visible from both sides, thereby making it possible to identify the voter’s intent.

The frame-envelope was designed to cover only the part of the ballot where the list of electoral subjects was printed. The upper part of the ballot (where the test circle was located) was not covered by the frame-envelope. This is also confirmed by the video and audio materials produced and disseminated by the CEC for the purpose of informing voters.<sup>672</sup>

At the beginning of the reform, GYLA pointed out the serious challenges related to the secrecy of the ballot to the electoral administration. Following the 2021 local self-government elections, during which electronic technologies were piloted in the Krtsanisi District, the organization noted that “due to the marker ink leakage through to the other side of the paper,

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<sup>666</sup> The Organic Law of Georgia “Election Code”, Article 76<sup>5</sup>.

<sup>667</sup> The Organic Law of Georgia “Election Code”, Article 63(1).

<sup>668</sup> The Election Administration Clarifies Details Related to the Ballot Papers, the Official Webpage of the CEC, available at: <https://cesko.ge/en/siakhleebi/pres-relizebi/singleview/11035076-saarchevno-administratsia-biuletenebtan-dakavshirebuldetalebs-ganmartavs>, updated: 07.03.2025.

<sup>669</sup> “Statement Regarding the Disinformation Disseminated About the Voting Process”, 30.10.2024, the Official YouTube page of the CEC, available at: <https://www.youtube.com/watch?v=VksC31npTmE&t=199s>, updated: 07.03.2025.

<sup>670</sup> “Videocast - What You Need to Know About the New Procedure of Ballot Completion”, 03.07.2024, the Official YouTube page of the CEC, available at: <https://www.youtube.com/watch?v=eZmJUN8XUhc&t=8s>, updated: 22.11.2024. “Remember not to fold #ballot”, 17.10.2024, the Official Facebook page of the CEC, available at: <https://www.facebook.com/CentralElectionCommissionOfGeorgia/videos/528676463327295>, updated: 07.03.2025.

<sup>671</sup> “Videocast - What You Need to Know About the New Procedure of Ballot Completion”, 03.07.2024, the Official YouTube page of the CEC, available at: <https://www.youtube.com/watch?v=eZmJUN8XUhc&t=8s>, updated: 22.11.2024. “Remember not to fold #ballot”, 17.10.2024, the Official Facebook page of the CEC, available at: <https://www.facebook.com/CentralElectionCommissionOfGeorgia/videos/528676463327295>, updated: 07.03.2025.

<sup>672</sup> «Voting Procedure Using Electronic Technologies», September 22, 2023, official Facebook page of the CEC. Available at: <https://www.youtube.com/watch?v=H73jjSPiqiY>, updated on: 07.03.2025.

it was more or less possible to identify the vote during the insertion of the ballot into the device, or if the device returned the ballot for any reason”.<sup>673</sup>

The issue of ballot secrecy being violated due to the marker’s ink leakage through to the reverse side was also observed by GYLA’s monitoring mission during the 2 April 2022 by-election for the Batumi City Council, and the organization reflected this in its official report.<sup>674</sup>

GYLA identified similar violations during the 1 October 2023 by-elections for the majoritarian MP in Gori-Kaspi and for the Mayor of Gurjaani. In its assessment, the organization stated: “[t]his kind of practice posed a significant risk in terms of violating secrecy of ballot and required an appropriate response from the CEC”.<sup>675</sup>

GYLA, prior to the publication of its reports, proactively shared its findings and opinions with the CEC, indicating that the CEC was aware of the identified flaw in advance. The organization had detected the risks to secrecy of ballot before the 2024 elections during the CEC’s educational-informational sessions, and formally addressed the CEC to take appropriate steps to address the issue. With its Letter №01-01/1607<sup>676</sup> of 28 September 2024, GYLA was informed that “the ballot used at the meetings is a test version and accordingly the quality of the ballot used on the voting day will be different, which ensures the protection of secrecy”.<sup>677</sup>

It is important to note that during the introduction of electronic technologies, the Venice Commission explicitly advised the Election Administration of Georgia of the necessity to take all measures required to ensure the secrecy of the ballot.<sup>678</sup>

Overall, based on the documented cases observed by election observers on election day, as well as publicly circulated and citizen-submitted information, the organization initiated legal proceedings concerning the violation of one of the core electoral principles – secrecy of the ballot.

For this purpose, the organization filed complaints with all (73) District Election Commissions, requesting the annulment of Summary Protocols from all precincts where elections were conducted using electronic technologies (a total of 2 263 precincts). None of the complaints were upheld at the district level. Hence, GYLA appealed the decisions of the district election commissions to all (24) city/district courts across Georgia, considering their jurisdiction, while the decisions of these first-instance courts - to the Tbilisi and Kutaisi Courts of Appeal. It shall be noted that, with the exception of the Tetrtskaro District Court, none of the courts or instances shared GYLA’s argument.

Later, GYLA filed a complaint with the CEC, requesting the annulment of the summary protocols of results issued by the District Election Commissions. After the CEC rejected the

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<sup>673</sup> Latsabidze M., and others, Monitoring Report of the Pre-Election Environment, Election Day, Post-Election Period and By-Elections of the 2021 Local Self-Government Elections, 29-30, (Tbilisi, Georgian Young Lawyers’ Association, 2022).

<sup>674</sup> *ibid.*

<sup>675</sup> Odikadze N., “Georgian Experience and Perspectives of Implementing Electronic Election Technologies”, (Tbilisi, Georgian Young Lawyers’ Association, 2024).

<sup>676</sup> The Response of the CEC to GYLA’s question related to the Quality of the Ballot, [https://admin.gyla.ge/uploads\\_script/uploads/files/pasuxi-cesko.pdf](https://admin.gyla.ge/uploads_script/uploads/files/pasuxi-cesko.pdf), updated: 07.03.2025.

<sup>677</sup> *ibid.*

<sup>678</sup> Venice Commission, OSCE/ODIHR, Joint opinion on draft amendments to the Election Code and the Law on Political Associations of Citizens, CDL-AD(2022)047 (Strasbourg: Council of Europe, 2022), available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)047-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)047-e), para. 41, updated: 22.11.2024.

complaint, GYLA appealed this Ordinance to the Tbilisi City Court and, later, to the Court of Appeals.

On 18 November 2024, GYLA filed a lawsuit requesting the annulment of the summary protocol of the 26 October 2024, parliamentary elections. This claim was also rejected by the Court of Appeals.

The violation of the secrecy of the ballot was brought before the Constitutional Court by the President of Georgia and several members of Parliament. The authors sought to have the disputed legal provisions governing the elections, as well as the final results of the 26 October 2024 parliamentary elections, declared unconstitutional on the grounds of violations of the principles of universality and secrecy. However, on 29 November 29, the Constitutional Court found the complaints inadmissible.

**According to GYLA's assessment, the large-scale violation of secrecy of the ballot could be regarded as a fundamental violation that may have altered the percentage of votes received by candidates and, consequently, the final outcome of the election. When ballot secrecy issues during the voting process are complex and severe, they significantly undermine public trust in democracy. The state body responsible for administering elections must organize the process in such a way that voters are not required to exert additional individual effort or take extraordinary measures beyond the official instructions to protect the secrecy of their choices.**

**To ensure the effective and fair adjudication of election disputes, the High Council of Justice and the High School of Justice must facilitate the enhancement of judges' qualifications, particularly in matters related to the use of electronic technologies in elections.**

## **2. Violation of the Rules for Storing Damaged Ballots**

According to the law, in the event a ballot is deemed damaged, the Chairperson of the Commission must, in the presence of the voter, fold the ballot in such a way that the selected electoral subject is no longer visible, secure it with a metal clip, cut off a corner, write "Damaged" on it, and sign the ballot. The damaged ballot must then be stored separately.

According to GYLA's observers, the procedure for storing damaged ballots was violated multiple times at Precincts №1, №8, and №9 in Chughureti, as well as Precinct №49 in Rustavi. In these cases, ballots were not secured with a metal clip, and in Chughureti, the chairperson's signature was also missing from the damaged ballots.

At Precinct №26 in Rustavi, a voter who had marked the wrong circle and requested a replacement was instructed by the commission to mark additional circles on the same ballot and then insert it into the device. The damaged ballot was later annulled. This procedure violated the legal rules for storing damaged ballots. GYLA's observer submitted a written remark regarding the incident.

## **3. Other Cases of Violations of Secrecy of the Ballot**

In addition to the systemic violation of the principle of secrecy of the ballot, GYLA's election observation mission documented various other types of violations of the secrecy of ballot on election day. These included the presence of unauthorized individuals in the vot-

ing booth,<sup>679</sup> photographing ballots inside the booth, and instances of family voting.<sup>680</sup> The secrecy of the ballot was violated either due to negligence or deliberate actions by precinct election commission members.<sup>681</sup> At certain precincts, some voters had difficulty placing the ballot into the vote-counting device independently and regularly required assistance from commission members, during which the secrecy of the ballot was breached.<sup>682</sup>

At Precinct №42 in Zugdidi and №2 in Martvili, during the ballot insertion, voters were assisted not only by the designated supervising commission member but also by other members of the commission.<sup>683</sup> In several instances, commission members physically took the ballot from voters and inserted it into the vote-counting machines themselves, thereby violating the secrecy of the ballot.<sup>684</sup> Numerous unauthorized individuals gathered around the vote-counting devices,<sup>685</sup> increasing the risk of violating both the secrecy of the ballot and the principle of free expression of the voter's will. The secrecy of the ballot was violated during the invalidation of ballots by commission members.<sup>686</sup>

At Precinct №16 in Oni, №1 in Tkibuli (in three instances), №13 in Martvili and №20 in Lentekhi, individuals affiliated with the ruling party were observed demonstratively and publicly marking their ballots.<sup>687</sup>

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<sup>679</sup> At precinct №28 in Kutaisi, an observer witnessed a case where a woman with the observer status entered the voting booth with a voter and instructed them for whom to vote. The ballot in question was declared damaged, and the voter was issued a new one. The observer filed a formal complaint regarding the incident.

<sup>680</sup> At Precinct №22 in Terjola, a voter's spouse entered the voting booth without any verified justification. Despite being asked to leave, the individual refused to exit the booth. The observer made an official remark.

<sup>681</sup> At precinct №28 in Kvareli, a registrar explained the ballot-marking procedure to a voter and then suggested they mark the desired electoral subject on the spot. Although the GYLA's observer protested the incident, the voter openly marked the ballot before the Chairperson of the Commission responded. The registrar received a verbal warning; At precinct №27 in Khelvachauri, commission members took a completed ballot from a voter at the counting device, opened the frame-envelope, examined the mark, and only then inserted it into the vote-counting machine; At precinct №16 in Khoni, the vote-counting machine repeatedly rejected the ballot, resulting in the voter being issued three new ballots. However, the vote-counting device still did not accept it. After the voter left the precinct without voting, the commission chairperson attempted to insert the ballot. When the ballot was being returned, the secrecy of the ballot was violated, and GYLA's observer filed a complaint; At Precinct №46 in Gldani, a commission member was standing behind the voting booth. Following the observer's intervention, the issue was resolved; At Precinct №40 in Isani, a voter was mistakenly issued two ballots. The unused one was retrieved, and the already marked ballot was returned to the voter. This led to a violation of the secrecy of the ballot, as commission members saw the voter's choice.

<sup>682</sup> At Precinct №2 in Vani; At Precinct №20 in Krtsanisi, two voters folded their ballots into quarters, after which commission members unfolded the ballots themselves and placed them into the vote-counting device.

<sup>683</sup> At Precinct №2 in Martvili, two ballot boxes were positioned with two individuals standing next to them at all times. One of them was not an authorized official but a commission member who did not hold any special authority.

<sup>684</sup> At Precinct №8 in Nadzaladevi, a commission member assisted a voter by taking the ballot, removing the frame-envelope, and inserting it into the vote-counting device. At Precinct №57 in the same district, when a voter was about to cast a vote, commission members were observed taking ballots from voters and inserting them into the vote-counting machines themselves. The same incident was recorded at Precinct №3 in Gldani. A verbal remark regarding the issue was made by the GYLA's observer.

<sup>685</sup> At Precinct №10 in Chughureti.

<sup>686</sup> At Precinct №13 in Baghdati, the voter's choice became visible during the handling of a damaged ballot. At Precinct №15 in Vake, voter requested a replacement ballot due to markings on the back side of the ballot. During the process of damaging the original ballot, the voter's marked choice was exposed.

<sup>687</sup> At Precinct №16 in Khoni, as well as at Precinct №1 in Tkibuli, voters filled out their ballots in the presence of the registrar, who failed to react. In Khoni, the registrar reacted aggressively to the observer's remark and stated that the voter had the right to do so. A similar incident occurred three times at Precinct №1 in Tkibuli. After the observer protested, the registrar publicly marked a ballot. All three votes were cast in favor of "Georgian Dream". The observer recorded a note regarding the incident. At Precinct № 13 in Martvili, the deputy representative of the village publicly marked the ballot in favor of a candidate. At Precinct №20 in Lentekhi, the registrar was observed

At Precinct №27 of Tetrtskaro District, a member of the precinct election commission appointed by “Georgian Dream” repeatedly looked into the voting booth, observing voters during the process of marking their ballots. He ceased this behaviour only after being warned by the Chairperson of the Commission.

At Precinct №12 in Marneuli, an observer documented systematic violations of ballot secrecy. The observer was initially prevented from filing a complaint and was only able to do so after a representative of the CEC arrived and assessed the situation. The Commission members were stationed near the vote-counting devices, took ballots directly from voters, removed them from their frame-envelopes, and then inserted them into the machines, making it possible to identify the voters’ choices. Additionally, a video camera installed by “Georgian Dream” at the same precinct captured the moment the ballot was inserted into the vote-counting device.

At the polling station, individuals without badges claimed they were present as voters. These individuals repeatedly entered the voting booth and assisted voters in filling out their ballots. It is noteworthy that four observers from the so-called observer organization “Law Observer” were also registered at the precinct<sup>688</sup>, and were seen entering the booth with voters during secret voting. Despite the observer raising the issue with the Chairperson of the Commission, these individuals were not leaving the precinct premises.

According to election legislation, photo-video recording inside the voting booth is strictly prohibited.<sup>689</sup> On election day, GYLA documented 17 instances of taking photos of ballots inside the booth. While some voters ceased the violation upon being addressed by the observer, others continued to photograph their marked ballots. At Precinct №63 in Nadzaladevi, a representative of observer organization “Association of Freedom Generation” photographed a voter’s ballot. At the same precinct, during the final hours of voting, the number of voters photographing their ballots increased notably. The Chairperson of the Commission issued verbal warnings to those involved, and the observer recorded eight such incidents.

At Precinct №81 in Saburtalo, a commission member<sup>690</sup> was taking pictures of the voter’s ballot. The voter personally warned the commission member to cease this behaviour; however, despite the warning, the commission member still took the photo. At Precinct №11 in Kutaisi, a representative of one of the political parties was continuously recording videos of voters during the moment they were placing their ballots. The observer initially addressed the issue with the precinct commission chairperson, and when no appropriate action was taken, the observer filed a formal note of complaint.

## **VIOLENT INCIDENTS AND DISRUPTIONS AT POLLING STATIONS**

On election day, various polling stations across Georgia witnessed violent incidents, attempts to disrupt the voting process, and instances of damage to election materials.

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filling out a ballot outside the voting booth. A commission member openly circled the number of the ruling party in full view of others. Additionally, at the same precinct, a “Georgian Dream” representative publicly marked a ballot outside the voting booth.

<sup>688</sup> According to the election legislation, no more than one observer from a local election observer organization is allowed to be present inside the polling station at any given time.

<sup>689</sup> *ibid.*

<sup>690</sup> Tamta Arghviani.

At Precinct №5 in Marneuli, a member of the precinct election commission and an unidentified individual outside the polling station physically assaulted Giorgi Gotsiridze, a staff member/observer from GYLA. The police were called to the scene, and an investigation was launched under Article 126 of the Criminal Code. The observer was questioned, but it remains unknown whether any further investigative actions have taken place.

At Precinct №23 in Baghdati, a man entered the polling station and damaged the electronic equipment for voting. As a result, police were called to the location. As a result, Chairperson of the precinct commission required emergency medical assistance. The voting process was temporarily terminated but later resumed using the traditional (non-electronic) method once the situation was stabilized.

A case of disruption of order inside the polling station was also observed at Gldani Precinct №19. An individual was staging provocations and creating an unstable environment and disorder. At Precinct №6 of the same district, noise, arguments, and attempts to create chaos were also observed, which hindered the peaceful conduct of the elections. The Chairperson of the Commission was unable to manage the situation and avoided addressing the conflict. In connection with this, GYLA's observer submitted a remark.

An incident was reported at Precinct №9 in Zugdidi, where a representative of "Georgian Dream" verbally and physically assaulted an observer from one of the election observer organizations. According to GYLA's observer, the police did not draft any official legal document on the spot. The police expelled the observer from the precinct, while merely urging the "Georgian Dream" representative to calm down. Additionally, the ruling party's representative was systematically exerting influence over the chairperson of the precinct election commission during the voting process, calling on them to prevent GYLA's observer from taking photos and to have them expelled from the polling station. Due to the hostile environment created at the precinct, GYLA had to replace its observer. At the same precinct, activists affiliated with "Georgian Dream" allegedly attacked family members of a representative from the "Coalition for Change".<sup>691</sup> The same individuals also physically assaulted other observers and members of the district election commission.<sup>692</sup> The organization formally requested information regarding the response from the Ministry of Internal Affairs, but as of 5 March, no response had been received from law enforcement authorities.

At Precinct №14 in Kutaisi, a verbal altercation occurred between observers of the "Georgian Dream" and "United National Movement".

On election day, the media also reported various instances of violent conduct. These incidents involved acts of aggression against observers, media representatives, and political party members. Specifically, at Precinct №60 in Gldani, a confrontation occurred between a member of the "Georgian Dream" youth wing, present at the precinct in the capacity of an "observer", and a representative of "Unity – National Movement". Also present at the precinct were so-called "informal authorities".<sup>693</sup>

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<sup>691</sup> "At Precinct №9 in Zugdidi, the representative of the family members of the 'Coalition for Change' were attacked", available at: <https://mtavari.tv/news/168117-zugdidsi-me-9-ubanze-koalitsia-tsvilebistvis>, updated: 22.01.2025.

<sup>692</sup> "Tsitlidze: In Zugdidi, a 'Georgian Dream' zonder physically assaults observers and members of the district election commission", available at: <https://formulanews.ge/News/119007>, updated: 22.01.2025.

<sup>693</sup> "Observer' Kuchashvili and SSS-controlled 'informal authorities' in Gldani | Confrontation reported at a Precinct", available at: <https://mtavari.tv/news/168087-damkvirvebeli-kuchashvili-sus-mier-martuli-kuchis>, updated: 22.01.2025.

At Precinct №51 in Isani-Samgori, individuals arrived without identification documents and carrying cold weapons.<sup>694</sup> The representatives of opposition parties requested to see their IDs, which was followed by a verbal and physical altercation. During the confrontation, one of the individuals (an activist of “Georgian Dream”) who had entered the polling station without proper identification, dropped a cold weapon. In video footage captured by the media, it is clearly visible that, instead of sealing the item as evidence, a police officer attempted to hide it. GYLA formally requested information regarding the authorities’ response to this incident; however, as of now, no reply has been received.

At Precinct №17 in Batumi, coordinators affiliated with “Georgian Dream” confronted a journalist after the journalist inquired about a minibus parked near the polling station, in which passengers were cross-checking the names of arriving voters against pre-prepared lists. One of the party coordinators exited the polling station, removed the so-called badge, and verbally confronted members of the press.<sup>695</sup>

In Telavi Municipality, near Precinct №16 in the village of Kvemo Khodasheni, the film crew of “Mtavari Arkhi” was confronted by party activists. Individuals present at the scene seized equipment from the journalist and cameraman and attempted to forcefully remove the media representatives from the area. The Chairperson of the precinct election commission did not respond to the incident, while the police limited their action to stating that the case had been referred to a special unit.<sup>696</sup>

**It is essential to maintain a peaceful electoral environment both at and around polling stations, ensuring that voters are able to freely express their will. The aforementioned violent incidents significantly deteriorate such an environment. Firstly, political parties must refrain from mobilizing so-called “party activists” and from exerting pressure on voters. Secondly, law enforcement agencies must exercise effective oversight and prevent such acts of violent.**

## DEFICIENCIES IN THE VOTERS’ LIST

On election day, the GYLA’s observation mission identified the following issues related to the unified voters’ list:

At Precinct №1 in Baghdati, a voter discovered that they were included in the special list without their knowledge. It is noteworthy that the individual did not fall into the category of persons eligible for inclusion in the special list. The voter was unable to cast their vote.

At Precinct №29 in Rustavi, although a married couple had obtained identification documents at the same time for persons without a registered address, only one of them was listed in the voters’ list.

At Precincts abroad, namely, №5, №13<sup>697</sup>, №19, №50, №51, cases were identified where

<sup>694</sup> “Citizens Carrying Cold Weapons at the Isani-Samgori Election Precinct”, available at: <https://formulanews.ge/News/119050>, updated: 22.01.2025.

<sup>695</sup> “Incident in Batumi | “Georgian Dream” coordinator verbally confronts media representatives”, available at: <https://mtavari.tv/news/168112-intsidenti-batumshi-otsnebis-koordinatori-mediis>, updated: 22.01.2025.

<sup>696</sup> “Near Kvemo Khodasheni Election Precinct, Individuals Mobilized by the SSS Confronted Mtavari Arkhi’s Film Crew”, available at: <https://mtavari.tv/news/168109-kvemo-khodashenis-sarchevno-ubantan-mtavari>, updated: 22.01.2025.

<sup>697</sup> The person received a notification regarding consular registration on 13 September.

voters were registered with the consulate but were not included in the voters' list, which prevented them from participating in the elections.<sup>698</sup>

At Precinct №74 in Gldani, according to a voter, unknown individuals were registered at their address, although such persons had not been associated with this address prior to election day.

At Precinct №19 in Gldani, a citizen discovered their deceased brother listed in the voters' list.

At Precinct №4 in Chughureti, a voter was unable to vote at the precinct where they were registered because they had not been removed from the special list of imprisoned persons. A GYLA observer made a remark about this incident.

At Precinct №3 in Khoni, three voters were not listed in the voters' list and were therefore unable to vote. According to the CEC's voter registry, these individuals were not found in the list of any precinct. The voters had recently obtained new identification cards, which may have caused their exclusion from the list.

At Precinct №3 in Khobi, a case was reported where five voters were unable to complete the verification process, neither through the device nor by manually entering their data. These voters were not allowed to vote because their information could not be found in the database. The reason, as it turned out, was the delayed issuance of their identification cards, therefore, their data could not be found.

The OSCE/ODIHR Election Observation Mission negatively assessed the removal of individuals with expired ID cards from the voters' list during the 26 October elections, considering it contrary to international standards.<sup>699</sup>

## **VIOLATION OF MOBILE BALLOT BOX VOTING PROCEDURES**

On election day, a citizen informed GYLA about an abandoned mobile ballot box on Sarkineti Street in Tbilisi. The video footage clearly shows that there were no commission members in the vicinity of the box, while ballot papers were already placed inside.<sup>700</sup>

At Precinct №72 in Saburtalo, the mobile ballot box was returned unsealed. As a result, the commission declared the ballots inside the box invalid. Mobile ballot boxes were also returned unsealed at Precinct №51 in Gardabani and Precinct №13 in Rustavi. In the Rustavi case, a complaint was filed. At Precinct №24 in Tskaltubo, the returned mobile ballot box was sealed only at the slot, with no seal numbers affixed on the sides. The incident was appealed to the District Election Commission.

At Precinct №35 in the Marneuli District, the mobile ballot box arrived at the polling station with a delay, which prompted the observer to submit a written remark. A remark was made at Precinct №35 in the Nadzaladevi District, where the commission forgot to attach the

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<sup>698</sup> At Precinct №5 - 4 cases; At Precinct №13 - 1 case; At Precinct №19 - 3 cases; At Precinct №50 - 1 case; At Precinct №51 - 4 cases.

<sup>699</sup> Georgia, Parliamentary elections 26 October 2024, ODIHR Election Observation Mission Final Report, (Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR), 2024), available at: <https://www.osce.org/odihr/elections/georgia/584029>, updated: 31.01.2025.

<sup>700</sup> The Official Facebook Page of the Georgian Young Lawyers' Association, 26.10.2024, available at: [https://www.facebook.com/watch/?extid=MSG-UNK-UNK-UNK-COM\\_GK0T-GK1C&v=515392554701353](https://www.facebook.com/watch/?extid=MSG-UNK-UNK-UNK-COM_GK0T-GK1C&v=515392554701353), updated: 31.01.2025.

metal fasteners for the mobile ballot box. The chairperson instructed the process to continue without them. At Precinct №68 of the same district, the mobile ballot box was returned unsealed, which was also documented in a written remark by the observer. At Precinct №3 in the Vake District and Precinct №68 in the Nadzaladevi District, the mobile ballot box was returned without a seal on the ballot slot. At Precinct №89 in the Saburtalo District, the mobile box was returned without side seals. In all three cases, the observers submitted written remarks.

At Precinct №43 in the Gldani District, 5 ballots were issued to commission members responsible for the mobile ballot box, but only 4 were returned to the precinct, indicating that 1 ballot went missing. GYLA recorded a remark about this incident in the logbook. Two ballots went missing at Precinct №21 in the Isani District. Particularly, 65 ballots were issued for mobile voting, 48 voters cast their votes, and 15 unused ballots were returned instead of the expected 17. A written remark was submitted regarding this as well.

At Precinct №17 in the Telavi District, the mobile ballot box was taken out of the polling station without being accompanied by an observer selected through the lot casting procedure. The Chairperson of the Commission lacked precise information about who accompanied the ballot box and was unable to contact the commission members, who followed the mobile ballot box. A complaint was filed concerning this matter.

At Precinct №30 in the Kharagauli District, the commission members responsible for the mobile ballot box mistakenly took the wall list instead of the mobile box voter list. As a result, the official mobile voting list was posted on the wall. The voters were unable to sign in the appropriate section.

According to the electoral legislation, the number of voters included in the mobile ballot box list must not exceed 3% of the total number of voters registered in the unified voter list at a polling station. However, at Precinct №1 in the Vani District, the number of voters assigned to the mobile ballot box constituted 3.31% of the voters registered at the precinct. According to the Chairperson of the Precinct, this was permitted by the District Election Commission.

## **COUNTING AND TABULATION**

### **1. Invalidity/Validity of the Ballots**

Under the current legislative framework, the voter is required to fill or mark the inner space of the circle placed in front of the name of only one political party using a special marker. A ballot is deemed invalid: more than one circle in front of political party names is filled/ marked in any way; no circle is filled/ marked in front of the name of any political party. Ballots filled in violation of this rule and placed in the ballot box must be considered invalid by law, while the election commission, when counting votes, has no discretion to deviate from the procedure defined under Ordinance №230/2024 of the CEC.

During the 26 October elections, despite the direct approach of the electronic vote-counting machines (which accepted a vote only if the circle was correctly shaded), in multiple instances, precinct election commissions gave consideration to the intent of the voter during manual counting. In such cases, ballots were marked in ways that were recognizable to a human (e.g., shading outside the circle or making alternative markings), but not readable by the machines — leading the machine to automatically invalidate them. These discrepancies

underscore a tension between strict technical criteria and the practical assessment of voter intent. In these cases, the primary reason for the ballot being rejected by the vote-counting device was the incorrect marking of the circle on the ballot paper, outlining the circle from the outside, or another form of expressing the voter's intent that did not conform to the strictly recognizable marking pattern required by the machine.

At Precinct №15 in Ozurgeti District, the election commission counted a ballot as valid during the manual counting process, despite it being previously deemed invalid by the vote-counting device. As a result, "Georgian Dream" received one additional vote. A complaint was submitted by the GYLA observer regarding this incident. Also, the commission also considered a ballot valid at Precinct №21 in Isani District, that had no shaded circle but had a mark next to the circle. Additionally, at Precinct №22 in Tetrtskaro District, a ballot that had been marked as invalid by the vote-counting machine was also accepted as valid by the commission. In both instances, formal complaints were submitted.

Moreover, at Precincts №2 and №26 in Ninotsminda District, ballots initially invalidated by the vote-counting machine (4 and 6 ballots respectively) were subsequently added to "Georgian Dream" through manual counting.

**It is important that precinct election commission members strictly adhere to the requirements of the law and refrain from using their discretion to determine the validity or invalidity of ballots at polling stations equipped with electronic technologies. Otherwise, the CEC is obligated to take appropriate measures against commission members who violate the rules.**

## **2. Violation of the Rules for Sealing Electoral Documentation**

The proper handling of electoral documentation posed a challenge. In some cases, documentation was sent from precinct election commissions to district commissions without being properly sealed.<sup>701</sup>

At Precinct №65 in Saburtalo District, the logbook was sent directly to the storage facility instead of the district election commission. In all such instances, the organization filed official complaints.

### **OTHER CASES OF IMPROPER PERFORMANCE OF DUTIES BY THE COMMISSION MEMBERS**

At some precincts observed by GYLA's representatives, signs of disorganization and lack of professionalism were evident among members of the Precinct Election Commission while performing their responsibilities. Commission members struggled to conduct the process efficiently and consistently, which hindered the voting process.

At Precinct №27 in Mtatsminda, a registrar was scanning ID cards in the verification device's reader upside down, causing the device to function with delays and, in most cases, fail to read the documents.

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<sup>701</sup> The logbook for Election Day was submitted in an unsealed condition to the following district election commissions by following precincts: Krtanisi №3; Isani №24; Gldani №6; Kaspi №24; Kobuleti №13; Marneuli №22, №74, №13, №73, №35, №44, №36, №67, №24, №66, №10, №32, №7, №33, №62, Saburtalo №2, №3, №4, №10, №14, №15, №22, №27, №32, №33, №36, №46, №48, №52, №62, №68, №69, №70, №72, №77, №81, №91, Chughureti №2, №8, №11, №26, №28, №39, №53.

At Precinct №25 in the Chokhatauri District, the Chairperson of the Commission filled out the Summary Protocol of the Election Day based on the data printed from the vote-counting device, rather than using the manually recounted vote totals. It is noteworthy that the data differed slightly. GYLA's observer filed a complaint regarding this matter.

At Precinct №25 in the Kvareli District, a registrar explained the procedure for marking the ballot to a voter and additionally suggested that the voter mark the preferred electoral subject on the spot. GYLA's observer protested the incident; however, before the Chairperson of the Commission chair reacted, the voter had already openly marked the ballot. The registrar received a verbal warning.

At Precinct №17 in the Khoni District, a commission registrar did not have their identification card on hand during the process of signing the record book. Upon the observer's request, the registrar left to and brought it.

At Precinct №2 in the Vake District, a CEC representative was not wearing a badge indicating their name and title. Following a request from GYLA's observer, the representative put on the identification badge.

At Precinct №57 in Nadzaladevi, when voters were trying to insert their ballot into the vote-counting device, commission members were taking the ballots from voters and placing them into the device themselves. Similar incidents were observed at Precinct №3 in Gldani. GYLA's observer issued a verbal remark. According to a commission member, they were instructed during training to assist voters with this process.

At Precinct №5 in Sachkhere, a voter initially made an error while marking the ballot and requested a replacement. However, a commission member denied the request. In the meantime, the Chairperson of the Precinct inserted the ballot into the machine. It is important to note that under Georgian electoral legislation, if a voter marks the ballot incorrectly, prior to placing it in the ballot box, they have the right to request a replacement from the Chairperson of the Precinct Election Commission.<sup>702</sup> The chairperson is obliged to replace a ballot.<sup>703</sup> Furthermore, the chairperson acted arbitrarily by placing the ballot in the vote-counting device without the voter's consent.

At Precinct №12 in Isani District, upon the observer's arrival at 06:45, the ballot box was already sealed. The request of the observer to unseal the box and verify whether it was empty was rejected. The Chairperson of the precinct explained that the commission had prepared everything in advance. This incident was formally challenged with the Isani District Election Commission. According to electoral legislation, ballot boxes must be sealed in the presence of authorized individuals on election day, after the precinct is opened and before voting begins.<sup>704</sup> Conducting this procedure in advance is not permissible.

At Precinct №22 in Saburtalo, the election commission had not entered information in the logbook regarding the absence of commission members. After the observer issued a verbal remark, the commission made the appropriate correction in the logbook.

At Precinct №67 in Gori District, even two hours after the opening of the precinct, the seal numbers of the ballot boxes had not been recorded in the logbook. According to the com-

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<sup>702</sup> See, the Annex to Ordinance №230/2024 of the CEC.

<sup>703</sup> *ibid.*

<sup>704</sup> Manual for the Members of the Precinct Election Commission (for the next elections of the Parliament of Georgia on 26 October 2024).

mission, the reason was a mismatch between the number of fields available in the logbook and the number of seal numbers to be recorded.

At Precincts №8 in Gurjaani, №38 and №41 in Saburtalo, commission members were switching roles without reflecting this information in the logbook. Following verbal remarks from GYLA observers, precinct chairpersons addressed and resolved the issue.

At Precinct №72 in Saburtalo District, the flow controller was unable to properly carry out their responsibilities, resulting in overcrowding and chaos within the precinct.

At Precinct №11 abroad, the commission chairperson had difficulty fulfilling their duties, which were performed by other commission members. According to the chairperson, commission members had not received the appropriate training and had to “study on their own.”

At Precinct №43 in Kutaisi District, the registrar failed to explain the voting procedures to the voter. The voter was not instructed to mark the sample circle on the ballot and proceeded to place the ballot into the box without doing so. In response, the GYLA’s observer filed a complaint; however, without success. As a result, a subsequent complaint was submitted to the Kutaisi District Election Commission.

At Precinct №23 in Saburtalo, three registrars did not arrive, therefore, other commission members performed registrar responsibilities, but this change was not initially recorded in the logbook. Following a verbal remark from the observer, the information was updated.

At Precinct №9 in the Krtsanisi District, within two hours of the start of voting, 3 out of 4 registrars were replaced. The change was not due to any force majeure circumstance. The observer issued a verbal remark to the Precinct Chairperson, but the issue was not solved. Of the three replaced registrars, two later returned to their assigned duties, while one did not. GYLA filed complaints regarding both incidents.

At Precinct №42 in the Gori District, a commission member representing the “Strategy Agh-mashenebeli” party refused to wear the official uniform designated for commission members, while at Precinct №3 in the Rustavi District, a commission member refused to wear their identification badge.

At Precinct №15 in the Samgori District, a registrar arbitrarily and without justification refused to perform their duties.

At Precinct №34 in the Vake District, due to the shortage of thermal paper in the verification device, voters were unable to sign the corresponding verification receipt. Although the commission inserted paper into the device, the receipt still did not print. The commission drew up an act and made a copy of the voter’s identification document, which the voter signed. Eventually, instead of the act, the copy of the identification was placed into the box, and the act was stored separately.

Precinct №30 in the Kharagauli District, the control sheet was filled out in violation of procedures, and an explanatory note was drafted.

At Precinct №21 in the Kvareli District, party representatives were not wearing badges, which they only put on following the observer’s remarks.

At Precinct №14 in the Mtatsminda District, during the registration of a voter, the printed verification receipt was discarded into the trash bin without the voter’s signature.

At Precinct №26 in the Kvareli District, after the completion of the vote-counting process,

the memory card was found in the pocket of a representative of “Georgian Dream”. The Chairperson of the Commission explained that it was handed “for security reasons”.

At Precincts №26 in Gardabani and №47 in Gldani, commission members consumed alcohol.

At Precinct №24 in the Saburtalo District, despite the observer’s request, the copy of the Summary Protocol was not stamped or signed. A complaint was filed regarding this issue.

At Precinct №41 in the Saburtalo District, a voter placed their ballot into the vote-counting machine and then claimed that they had not marked it and requested the opportunity to vote again. Initially, the commission granted this request; however, after an oral remark from the GYLA’s observer, the voter was no longer allowed to cast another vote.

At Precinct №50 abroad, during the sealing process of the voter lists, it was discovered that the registrar commission members had not signed in the designated fields of the lists.

At Precinct №9 in the Zugdidi District, the chairperson did not stamp the summary receipt printed from the vote-counting machines. After multiple requests, the observer filed a formal complaint.

#### **INTERFERENCE OF UNAUTHORIZED INDIVIDUALS IN THE WORK OF THE COMMISSION**

At Precinct №2 in the Didube District, the flow controller commission member was replaced by a technician from the district commission who was not a member of the precinct commission. This change was not recorded in the logbook by the commission secretary. The GYLA’s observer submitted a written remark regarding the issue.

At Precinct №15 in the Samgori District, a technician was involved in assisting voters. At Precinct №2 in Zugdidi, an observer, whose badge was hidden, approached and assisted with the machine, despite the presence of commission members, and was only given a verbal warning. At Precinct №49 in the Rustavi District, a representative of the “Georgian Dream” party interfered in the commission’s work by checking whether a voter was registered at the given precinct. At Precinct №39 in the Saburtalo District, the GYLA’s observer noticed that a “Free Vote” observer was involved in the ballot placement process, assisting voters with the technical procedure. The GYLA’s observer requested the precinct chairperson to issue a warning. At Precinct №33 in the Nadzaladevi District, a representative of the “Georgian Dream” party was giving directives to the chairperson, including phrases such as: “Aren’t we taking the mobile ballot box anymore? Prepare it and take it, what are you waiting for?”

At Precinct №52 in the Kobuleti District, observers interfered in the functions of commission members, directed voter movement, and instructed voters on how to behave at the polling station, causing additional noise and disrupting the voting process. At Precinct №23 in the Gldani District, commission members were also unable to effectively carry out their duties due to interference from observers and party representatives, who were giving instructions to voters. In both cases, a written remark was submitted.

At Precinct №14 in the Khashuri District, violations were observed during the manual counting of ballots. Specifically, members of the commission who had not been selected through lot casting procedure were directly involved in the process of counting. Despite verbal warnings, the Chairperson of the precinct failed to correct the irregularity, resulting in the submission of a formal complaint.