

Summary to Roundtable Discussion

Implementation of Electoral Reform: Improvements and Persisting Challenges

September 7, 2021

The [International Society for Fair Elections and Democracy](#) and the [European Platform for Democratic Elections](#) hosted a roundtable discussion on the status of implementation of the electoral reform ahead of Georgia's local self-government elections to be held on October 2, 2021. All participants agreed that the upcoming local elections are no ordinary election and will be an indicator of Georgia's reform progress and future foreign policy orientation, and determine whether authoritarian trends will be cemented or reversed. Despite generally positive assessments of recent changes to the Election Code, it was noted that the quality of these elections must be judged on how the law is being implemented, as there is still a serious issue concerning the political will of the government and other institutions to implement these changes according to the spirit of the law. Most relevant changes in the Election Code concern the composition of the election administration, campaigning, tabulation on election day, election disputes and how the election administration receives consultation on this.

These elections follow a period of political crisis after the 2020 parliamentary elections, which international actors attempted to deescalate through the so-called Charles Michel agreement of the 19th of April 2021. This agreement did allow for all MPs elected in the parliamentary elections to enter parliament after long weeks of the opposition boycotting the parliament. Although the agreement was reached through a multiparty consensus, it did not help ameliorate the **political polarization** in the country, which still remains high and has impacted the pre-election environment. According to one participant, the delayed signing of the agreement by the largest opposition party has made it easier for the ruling Georgian Dream party to step back from the agreement ahead of the elections. The agreement provided for new parliamentary elections if Georgian Dream does not achieve a minimum result of 43% of the vote during the local elections. Despite these issues surrounding the agreement, it does envision further reforms to consolidate Georgia's democracy and therefore acts as a roadmap for key reforms, including justice and electoral reform, and provisions from the agreement have made it into the new Election Code.

The general assessment of the new Election Code is good and changes have brought it closer in line with international standards, which included recommendations by international institutions and Georgian civil society. However, "some OSCE ODIHR and Venice Commission recommendations remain unaddressed and transitional provisions with temporary rules may take away some of the welcome effects of recent amendments," stated one participant.

Key changes in the Election Code concern:

- The election administration and its composition

After the previous election in 2020, the independence of the election administration was a key concern. This was present on all levels, from the Central Election Commission (CEC) down to the Precinct Election Commissions (PECs), and was especially evident when it came to the response of the election administration to electoral disputes. The main goal of the electoral reform was therefore to remove the dominance of the ruling party in election administration and have a more balanced political representation, which has been partially achieved. However, some election observers criticize that the selection of the CEC Chairperson and two further CEC members was again done without the necessary broad support of different political parties and civil society, which means that the independence of the election administration and low public trust in it remain to be problematic in this election.



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- Campaigning

A positive step has been taken in broadening the group of persons that is banned from campaigning on behalf of a political party, including public officials and representatives of educational institutions. However, bad practices still continue with such persons going to campaign events during working hours, for example. Campaigning within 100 meters of a polling station has also been prohibited, however, the Election Code is vague on the fines that could be issued for violating this and there is a question about who will be policing this around polling stations.

- Election Day

Amendments here mostly relate to result tabulation. In the last election, the correction of protocols at district level commissions, which was done in accordance with legislation at that time, was a main issue. This has now been prohibited by the new amendments to the Code. Procedures for recounting votes were also amended, with a new provision stating that this needs to be done no later than six days after Election Day, but criteria for when a recount can be done are still not concrete enough and do not meet the OSCE ODIHR recommendation on this. The criteria with which the CEC will select its sample of up to 10% of polling stations where a recount will be done is also not clearly defined, which may lead to the CEC selecting only polling stations where no problems are likely to be found.

- Election disputes

Here a very positive change was introduced which allows for an electronic submission of election complaints online. Given the short time frames when this can be done, this is a very welcome change.

Participants added in relation to this that the independence of the judiciary remains to be of great concern. This was also an issue during the previous elections, where election observers criticized the justice system for lacking neutrality when adjudicating election disputes.

- Advisory group to the election administration

Another change that was intended to improve the process of election disputes was to be the introduction of an advisory group to the election administration. This group was supposed to be composed of CSOs and independent individuals who would consult on election disputes, but independent domestic election observers have criticized that the selected persons and organizations are not likely to garner much public trust. It is therefore expected that this group will neither be very active nor provide tangible recommendations to the election administration.

Despite the above-described issues, participants concluded that these amendments are a step in the right direction and that with this legislation it is possible to hold high standard democratic elections in Georgia, but that the quality of elections is down to the **political will** of the ruling party to implement the changes according to the spirit of the law.

Other aspects that are likely to influence the quality of the elections involve recurring issues in Georgian elections, including the misuse of administrative resources and blurring of the line between the ruling party and such resources, intimidation of voters, and an imbalance of donations to political parties and campaigns and the excessively high spending limits.

Concerning the **misuse of administrative resources**, it was highlighted that the methods involved in this



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are sophisticated and that there have been several observed cases where someone with a public office or position of power intimidated persons from supporting or standing for a certain party during these elections or for becoming members of an election commission in support of the opposition. Some participants criticized the relevant authorities for not investigating these cases of **intimidation** and, in some cases, serious threats against voters and potential candidates.

The **hostile environment toward CSOs** was also addressed by participants, who stated that there have been targeted discreditation campaigns by the ruling party and its affiliated media against several CSOs, including domestic independent election observers, which could impact the public's trust in their independent observation.

The **media environment and safety of media representatives** was also noted as an area of concern requiring special attention. On the 5th of July, 53 journalists were injured in attacks, which has “set the tone” for this election campaign. Participants criticized the lack of will by the government and other relevant institutions to investigate these attacks. To ensure that the elections are free and fair, it is of utmost importance that the rights and safety of journalists are respected and protected.

The great significance of these elections for Georgia was made clear by all participants and that they will demonstrate the status of Georgia's democratic progress. The international community is therefore likely to pay very close attention to them.

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