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# **Elections in Georgia**

## *2017 Municipal Elections*

### Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

2011 Crystal Drive | Floor 10 | Arlington, VA 22202 | [www.IFES.org](http://www.IFES.org)

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## Frequently Asked Questions

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### *Disclosure:*

*These FAQs reflect decisions made by the Georgian elections authorities as of October 21, 2017 to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## Who will Georgians elect on October 21, 2017?

On October 21, Georgians will go to the polls to elect their municipal government representatives. Across Georgia, citizens will elect 2,058 council members to 64 local councils (*sakrebulos*) of self-governing cities/communities. In addition, the mayor of Tbilisi as well as mayors of four self-governed cities and 59 mayors of self-governing communities will be elected directly. Each local self-government representative is elected for a four-year term.

*Sakrebulos* are elected through a mixed-voting system, which relies on a combination of single-mandate districts determined by first-past-the-post rules (i.e., winner takes all), and a proportional system based on party lists. Mayors are elected by a 50 percent plus one majority of voters. If no candidate receives 50 percent plus one of all votes cast in the first round, then a second round is held between the top two contestants. This is the second time that mayors outside of the capital<sup>1</sup> will be directly elected.

## Why are municipal elections important? What is at stake?

Municipal elections represent a continuation of Georgia's shift toward a more decentralized governing structure, which was launched in 2014. The passage of Election Code amendments on June 26, 2017 called for directly elected mayors in five self-governing cities (including Tbilisi) and 59 self-governing communities. Under the amended code, the number of proportionally awarded party-list seats in all municipalities remains 15, with one member elected through the majoritarian electoral system from each community and city comprised by that self-governing community.

Within the administrative center of the self-government community, where the number of voters is more than 4,000 but does not exceed 10,000, two members of the *sakrebulo* shall be elected through the majoritarian electoral system. Within the administrative center of the self-government community, where the number of voters is more than 10,000, but does not exceed 20,000, three members of the *sakrebulo* shall be elected through the majoritarian electoral system. Within the administrative center of the self-government community, where the number of voters is more than 20,000, but does not exceed 35,000, four members of the *sakrebulo* shall be elected through the majoritarian electoral system. Within the administrative center of the self-government community, where the number of voters is more than 35,000, five members of the *sakrebulo* shall be elected through the majoritarian electoral system.

For political parties, the local self-government elections have particularly high stakes, since the results of the *sakrebulo* party-list races will be used to determine parties' eligibility for state funding and access to television air time in the next parliamentary elections, which are expected in 2020. With the threshold for gaining a seat in the *sakrebulo* being four percent of the total vote, and the threshold to qualify for state funding at three percent, the competition between Georgia's many smaller political parties and blocs will be intense. Access to state funding can be highly advantageous to a smaller political party in a crowded

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<sup>1</sup> In 2014 direct elections were held for mayor in 12 cities, including the capital Tbilisi and 59 *gamgebelis* (city managers).

election environment. In an effort to exceed the three and four percent thresholds, some [parties created political blocs](#) for the local self-government elections.

It is important to view the local self-government elections in the context of the most recent parliamentary elections. The October 2016 parliamentary elections were widely considered a milestone for Georgia's democratic trajectory. Factors such as increased political competition and citizen participation; improved election management body administration; heightened trust in the voter list; and a proactive civil society contributed to the continuation of the achievement that marked the country's first-ever peaceful transition of power through the ballot box.

Georgia's recent electoral experience demonstrates the viability of participatory democracy as a vehicle for change. Georgian institutions charged with administering the electoral process, namely the Central Election Commission, gained increased legitimacy and the confidence of voters due to their professional, impartial and equitable administration of elections. Civil society, which had been struggling to reassert itself in post-Rose Revolution Georgia, is emerging as a competent and increasingly reliable partner in ensuring accountability.

## **What are the changes to the municipal elections of 2017?**

On June 26, 2017, the Georgian Parliament adopted an election-related package of bills that affects the administration of the October 21 municipal elections.

Key changes to the Election Code include:

- Only mayors will be directly elected for the first time in all municipalities – the *gamgebeli* office does not exist anymore and was renamed to mayor;
- The number of cities granted self-governing status has decreased from 12 to five<sup>2</sup>;
- The minimal threshold for electing mayors in the first round of voting remains at 50 percent;
- The number of self-governing municipalities was decreased from 71 to 64; and
- Independent candidates are no longer prohibited from running for mayor.

New mechanisms for election management body (EMB) composition have been introduced. The eligibility to appoint EMB members shall depend on the number of votes received and not based on the level of state funding of a political party. EMB membership will depend on the results of parliamentary elections only and not both parliamentary and municipal as it is now. This provision will come to force right after the publication of the official results of the municipal elections.

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<sup>2</sup> The seven other self-governing cities were: Telavi, Mtskheta, Gori, Akhaltsikhe, Ambrolauri, Ozurgeti and Zugdidi. The five original self-governing cities are: Tbilisi, Kutaisi, Rustavi, Batumi and Poti.

The composition of EMBs will decrease from 13 to 12 members right after the publication of the official results of the municipal elections.

Apart from these changes, the overall system of electing *sakrebulo* representatives will remain the same.

## **What is the current political situation in Georgia?**

Over the course of the recent elections in 2016, the Georgian Dream coalition (GD) has gained constitutional majority in the Parliament and is represented with 115 mandates out of the total of 150, leaving three political parties in the opposition – European Georgia with 21 mandates, United National Movement with six and Alliance of Patriots with also six mandates; one member of Parliament is independent.

GD was active right after their election in exercising its constitutional majority and conducting a significant constitutional reform, imposing indirect elections of the president by an electoral college, and changing the parliamentary electoral system to proportional but with bonuses for the winning party, among other reforms. The reform process has faced significant criticism, mainly from the opposition.

## **What is the state of political parties in Georgia?**

Georgia has a multi-party system composed of over a dozen active political parties. These parties compete in parliamentary and municipal elections (some as part of electoral blocs) to gain representation in the respective legislatures, which are determined by a mixed-system of direct and proportional voting. Additionally, many parties nominate a candidate to run for president.

Currently, there are two major political entities that dominate the political landscape in Georgia: the Georgian Dream coalition (GD), which currently controls the Parliament and the executive branch, and the United National Movement (UNM), which controlled Parliament from 2004-2012 and the presidency from 2004-2013 and is now the largest opposition force in the country. The third political party that is also considered a relatively a strong player is the European Georgia – a party established by individuals who quit UNM to form their own party.

There are also a host of other smaller political parties that are competing in the local self-government elections. Some parties chose to unite to form political blocs, which nominate a joint candidate. In order for political parties to gain access to state campaign finance funding, they must become “qualified” by winning a certain percentage of all votes cast in the most recent elections. For the local self-government elections, parties or blocs that receive three percent or more of votes in the proportional *sakrebulo* elections will become “qualified” for the next parliamentary elections in 2020 and therefore eligible for state funding and free television air time.

## When will the results be announced?

The Central Election Commission (CEC) will summarize the election results [no later than 19 days after Election Day](#). Due to the large number of ballot papers (three per voter, as compared to one in previous elections), it is anticipated that counting procedures will require more time than was the case during last year's parliamentary election. Interim and final results are published on the CEC's website.

If no candidate attains more than 50 percent of all votes cast to be elected a mayor, then a run-off will be held within 25 days after Election Day.

## What laws regulate the self-government elections in Georgia?

There are seven key documents regulating local self-government elections in Georgia:

- Constitution of Georgia
- Election Code of Georgia
- Law on Political Unions of Citizens
- Central Election Commission Regulations
- Criminal Code of Georgia
- Code of Administrative Offenses of Georgia
- Local Self-Government Code of Georgia

The Local Self-Government Code that passed on February 5, 2014 combines several legislative acts that previously regulated self-governance in Georgia. Upon its enactment, the following laws were repealed:

- The Organic Law of Georgia on the Local Self-Government
- The Law of Georgia on the State Supervision over Activities of Local Authorities
- The Law of Georgia on the Capital of Georgia – Tbilisi
- The Law of Georgia on the Property of a Self-Governing Unit

## Who is eligible to run for mayor or *sakrebulo* member?

There are two different sets of criteria that mandate who can run for the positions of mayor or *sakrebulo* member.

A citizen of Georgia who has attained the age of 21 by Election Day and has resided in Georgia for at least five years may be elected as a member of a *sakrebulo*.

A citizen of Georgia from the age of 25 with the right to vote who has resided in Georgia for at least five years may be elected as the mayor of a self-governing city/community.

## What political parties are registered for the 2017 municipal elections?

Twenty-two political parties, five election blocs and one initiative group are [registered for the 2017 municipal elections](#). The parties and election blocs are:

- New Rights (Political Union)
- Patriot Order – Samshoblo (Political Union)
- Party of Georgian Unity and Development (Political Union)
- Georgian Dream – Democratic Georgia (Political Union)
- Movement State for People (Political Union)
- Alliance of Patriots of Georgia (Political Union)
- Labour Party of Georgia
- Union of Georgian Traditionalists (Political Union)
- United Democratic Movement (Political Union)
- Union Recovery Justice Voice of the People: The Lord Our Righteousness (Political Union)
- Tavisufleba – Zviad Gamsakhurdias Gza (Political Union)
- Unified Communist Party of Georgia
- Socialist Workers Party (Political Union)
- Sakartvelo
- Merab Kostava Society
- Republican Party of Georgia
- Progressive- Democratic Movement (Political Union)
- National Forum (Political Union)
- Left-Wing Alliance (Political Union)
- New Christian-Democrats (Political Union)
- Tamaz Mechiauri for United Georgia (Political Union)
- National Democratic Movement (Political Union)
- Bakradze, Ugulava-European Georgia (Election Bloc)
- Giorgi Vashadze - Unity New Georgia (Election Bloc)
- United National Movement" (Election Bloc)
- Dimitri Lortkipanidze, Kakha Kukava - Democratic Movement Free Georgia (Election Bloc)
- Peoples' Unanimity (Election Bloc)

## Who is running to be the next mayor of Tbilisi?

Thirteen candidates are [registered](#) to run for the office of mayor of Tbilisi in the 2017 elections:

- Elene Khoshtaria (Bakradze, Ugulava-European Georgia)
- Kakha Kukava (Dimitri Lortkipanidze, Kakha Kukava – Democratic Movement Free Georgia)
- Zaal Udumashvili (United National Movement)
- Irma Inashvili (Davit Tarkhan-Mouravi, Irma Inashvili – Alliance of Patriots of Georgia)

- Giorgi Gugava (Shalva Natelashvili – Labour Party of Georgia)
- Davit Shukakidze (National Democratic Movement)
- Giorgi Liluashvili (Sakartvelo)
- Nikoloz Saneblidze (Traditionalists)
- Tengiz Shergelashvili (Movement for Development)
- Giorgi Vashadze (Giorgi Vashadze – Unity New Georgia)
- Lasha Sturua (Progressive – Democratic Movement)
- Kakha Kaladze (Georgian Dream – Democratic Georgia)
- Aleksandre Elisashvili (Initiative Group)

## **What is the election management body? What are its powers?**

The Central Election Commission (CEC) of Georgia is the country's supreme election management body. The CEC is principally responsible for ensuring preparation and conduct of presidential, parliamentary and municipal elections, as well as referenda and plebiscites. The CEC is also tasked with ensuring that eligible Georgian citizens have the right to vote and run for office in Georgia.

In its activities, the CEC is guided by the Constitution of Georgia, the Election Code of Georgia and other laws that pertain to elections. The CEC is headquartered in Tbilisi and is held accountable by the Parliament of Georgia.

## **How many precinct election commissions are there and how are its members trained?**

For the October 21 municipal elections, 47,147 workers will be deployed to staff Georgia's 3,634 precinct election commissions (PECs). Each PEC is composed of 13 members, of which seven are appointed by political parties and six are nonpartisan members elected by the corresponding district election commission (DEC). In order to prepare the election workers for duty, the Center for Electoral Systems Development, Reforms and Trainings (Training Center) conducted a four-stage training process, including an Election-Day simulation, for all precinct-level officials. The Training Center is an independent legal entity under Georgian law, however it is accountable to the CEC. The Training Center is responsible for training the staff of DEC and PECs ahead of elections.

## **How many people are registered to vote on Election Day?**

The [Central Election Commission announced](#) that there is the total of 3,442,455 voters registered to vote in the October 21 municipal elections. This is a decrease from the 3,472,772 Georgians registered for the 2016 parliamentary elections.



Kutaisi and Tbilisi's Samgori district contain the largest constituencies (152,561 and 136,355 voters), while the smallest constituencies are the mountainous Kazbegi district in Mtskheta-Mtianeti region and Lentekhi district in the mountainous Racha-Lechkhumi region (5,317 and 5,861 voters).

## **Is out-of-country voting allowed?**

Out-of-country voting is not allowed for the 2017 municipal elections.

## **How many ballot papers will voters receive on Election Day?**

Each voter will receive three ballot papers, one for each of the following:

- Mayor
- *Sakrebulo* member, party list (proportional system)
- *Sakrebulo* member, majoritarian (single-mandate system)

## **What are the rules governing the rights of local and international observers?**

According to Articles 39-42 of the Election Code of Georgia, registered local and international observers, media, and party proxies may observe sessions of the election commissions and be present at the polling place at any time during polling day. They may move freely within the precinct territory and observe all stages of the polling process from any point of the precinct in an unhindered manner, as long as they do not disrupt the voting process.

An observer may take part in the inspection of ballot boxes before they are sealed and after they are opened. They may also observe registration of voters; issuance of ballot papers and special envelopes; and certification, again, as long as they do not disrupt the voting process. Observers are prohibited from interfering with the functions and activities of the election commissions. They may not exert undue influence upon the free expression of the will of voters, wear symbols or signs of any candidate or party, nor may they breach other requirements of the Election Code.

Local observer organizations must register with the Central Election Commission if they plan to observe in multiple election districts, or with the appropriate district election commission if they plan to observe only one election district. The registration deadline for local observer organizations was October 16. The registration deadline for international observer organizations was October 17.

## **What is the legal process for electoral dispute adjudication?**

The electoral legislation indicates which body has jurisdiction over certain types of complaints. Precinct election commissions (PEC), district election commissions (DEC) and the Central Election Commission

(CEC) are [responsible for addressing violations of electoral legislation](#).<sup>3</sup> The law also clearly provides the right to appeal to the upper election commission (DEC or CEC) or to the courts (district/city courts and courts of appeal). The Georgian National Communications Commission (GNCC) is responsible for addressing some election-related media violations as specified in the Election Code and in GNCC regulations, and the district or city court will rule on an administrative violation protocol issued by the GNCC.<sup>4</sup> The GNCC has the power to investigate violations on its own initiative or on the basis of complaints received. The State Audit Office of Georgia (SAOG), through its Financial Monitoring Service department, has been mandated to adjudicate violations related to campaign finance. Its powers were reduced by a May 8, 2012 amendment that removed its sanctioning power. Only the administrative courts can decide to sanction based on the protocol of administrative violation filed by the SAOG to the city or district court.<sup>5</sup>

The administrative courts have the jurisdiction to hear appeals on alleged election violations and specific deadlines for this process are specified in the Election Code and in the Code of Administrative Offenses of Georgia. The criminal courts can also be involved in an election case that amounts to a crime. It should be noted that the CEC and the SAOG refer criminal cases, such as vote buying, to the prosecutor's office. The Constitutional Court hears complaints related to breaches of the Constitution with regard to elections.

Finally, an Inter-Agency Task Force (IATF) was established in May 2012 to encourage dialogue between the relevant stakeholders and to issue recommendations related to alleged violations of the law during the election cycle.<sup>6</sup> Governmental officials, representatives of political parties, NGOs and members of the international community participated in the dialogue. However, the task force does not have any sanctioning power, and its decisions are not binding, meaning the IATF has a mediatory function, but not an adjudicatory function.

The Election Code requires all complaints regarding violations of polling procedures to be filed at PECs on Election Day. Polling day complaints must be "resolved immediately" by the PEC, while complaints related to the vote counting process are to be forwarded to DEC's within two days. The application/complaint must be registered and addressed within one day of registration at the DEC level. DEC-level decisions may be appealed to the relevant court or the CEC. The decision of the court may be appealed within one day of its delivery to the Court of Appeals.<sup>7</sup> Decisions by the Court of Appeals are final.

## What are the rules that govern the media?

Article 44 of the Election Code of Georgia covers the rules that govern the media.

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<sup>3</sup> *Election Code*, art. 77, art. 14 § 1 (j,u).

<sup>4</sup> *Election Code*, arts. 51 § 15, and 77 § 5<sup>1</sup>; Georgian National Communications Commission. *Regulation no.9*, art. 9.

<sup>5</sup> The Organic Law of Georgia on Law on Political Unions of Citizens [hereinafter, *Law on the Political Unions of Citizens*] (Nov. 1997), Parliamentary Gazette, #45, 21 Nov. 1997, art. 34<sup>1</sup> and 34 § 2 (11-13).

<sup>6</sup> *Election Code*, art. 48 § 9.

<sup>7</sup> See Article 77 of the Election Code.

The rules regulating the media's role in reporting on elections are governed by the Central Election Commission (CEC) and media outlets must apply to the CEC for accreditation.

Media representatives have the right to observe the election process, including the time before, during and after Election Day, in a free and unhindered manner. Specific rights afforded to accredited media representatives include attending election commissions' meetings, being present at polling station and being able to move freely within the precinct territory. No more than three representatives from an accredited media organization can be present at an election precinct at the same time.

Media representatives are not entitled to interfere with the functions and activities of the election commissions or bias voters by campaigning for a candidate or wearing a candidate's symbol or signs. A media decree adopted by the CEC for the 2012 parliamentary elections, and then further amended during the 2013 presidential elections, incorporated regulations on media activities. Persons authorized to be present in the polling place can without hindrance record the voting process of high-profile voters (officials holding political positions, leaders of election subjects and political unions, and religious leaders), after which photo and video cameras shall be taken outside of the polling place. Further, one media company is entitled to conduct photo and video recording in one polling place once and for not more than 10 minutes. If the representative wants to conduct photo and video recording for more than 10 minutes, s/he must do so from a special place. The precinct election commissions are responsible for monitoring and enforcing the time limits on media recording.

In the course of the pre-election campaign, a broadcaster must remain fair and impartial, pursuant to the Law of Georgia on Broadcasting, the Code of Conduct of Broadcasters.

The rules governing the accreditation and rights of media representatives can be found on the CEC website (see the Resources section).

## **Who is eligible to vote?**

Georgian citizens who are 18 years old by Election Day can vote in the 2017 municipal elections. Voter eligibility is restricted for Georgian citizens who are currently serving a prison sentence for a crime more severe than a misdemeanor (up to three years) and for the beneficiary of support if he/she is placed at an inpatient psychiatric facility under the Law of Georgia on Psychiatric Assistance.

## **How will persons with disabilities cast their vote?**

The Central Election Commission (CEC) actively works to ensure an equal electoral environment for all voters, including voters with disabilities.

In order to make polling stations accessible, the CEC will be distributing accessible voting booths for wheelchair users. Tactile ballots in a "frame/form" style will allow blind voters to cast their ballot independently. The CEC will distribute handheld magnification devices to each election precinct that will enable voters with low vision to mark their ballots independently. The CEC will also distribute videos on election participation for voters with hearing disabilities on Election Day.

Mobile ballot boxes will also be utilized during the October 21 municipal elections between 9:00 a.m. and 7:00 p.m., which will allow voters unable to reach polling stations to exercise their right to vote.

## **What, if any, role does the state play in campaign finance?**

The State Audit Office of Georgia (SAOG) is responsible for carrying out oversight of campaign finance.

All contestants must submit three financial reports to the SAOG covering three-week periods at dates determined by the Law on Political Unions of Citizens.

The schedule for candidates to submit financial reports is as follows:

- Activity period covering August 22 – September 11
- Activity period covering September 12 – October 2
- Activity period covering October 3 – October 21

Georgian law restricts campaign contributions from: physical and legal entities of foreign countries; international organizations and movements (except when lectures, workshops and other public activities are held); state agencies and organization and legal entities or enterprises with state shares (except when otherwise prescribed by the Law on Political Unions of Citizens); non-profit legal entities and religious organizations (except when lectures, workshops and other public arrangements are held); stateless persons; and anonymous donors.

The total amount of money donated by each citizen to a political party should not exceed 60,000 GEL (\$24,300 USD) per year, and the total amount of money donated by a legal entity should not exceed 120,000 GEL (\$48,600 USD). The membership fee for party members should not exceed 1,200 GEL (\$485 USD) per year. In-kind donations are permitted and the legislation allows parties to receive loans for election campaigning of up to \$1,000,000 GEL (\$405,000 USD). However, the process of obtaining loans and subsequent reporting lack sufficient safeguards and regulation. The law does not place restrictions on political parties for types of expenditures.

Candidates must establish an elections campaign fund, from which all campaign expenses must be charged. The rules regulating election campaign funds apply to political parties/blocs, initiative groups, and individuals. The use of unauthorized or undocumented funds is prohibited.

## **What language will ballot papers be printed in?**

The ballots will be printed in Georgian throughout the entire country. Additionally, ballots will be available in Azerbaijani and Armenian. These provisions are detailed in Article 63 of Georgia's Election Code.

## **What is the gender balance within candidate lists?**

Women in Georgia comprise 53 percent of eligible voters, but only 16 percent of elected politicians. Barriers to women's representation in Georgia are many, spanning from societal perceptions of gender roles (i.e., that politics is for men), to legal and political frameworks.<sup>8</sup>

In Tbilisi, the distribution of women and men in party lists is approximately 46 percent to 54 percent, with 459 female and 535 male candidates out of 994. However, the proportion of women candidates competing for Tbilisi's majoritarian seats is only 29 percent, with 73 female and 176 male candidates out of 249. As for Tbilisi mayoral candidates, only two out of 14 candidates are female (14%).

Statistics and the breakdown of candidates by gender for the local self-government by election district can be found on the CEC website.

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<sup>8</sup> During the last local election in 2014, women represented 33.11 percent in the proportional party lists and only 14.92 percent out of majoritarian candidates.

## Resources

- Central Election Commission ([English](#), [Georgian](#), [Russian](#))
  - Frequently Asked Questions ([English](#))
  - Gender Statistics for the 2014 Municipal Elections ([English](#))
  - Midterm Report on Activities to Simplify Electoral Processes for Voters with Disabilities ([English](#))
  - Regulations ([English](#))
- Constitution of Georgia ([English](#))
- Criminal Code of Georgia ([English](#))
- Election Code of Georgia ([English](#))
- Election Results ([Georgian](#))
- Law on Political Unions of Citizens ([English](#))
- Schedule of Electoral Activities ([English](#))
- State Audit Office of Georgia ([English](#))