



Caucasus Institute for Peace, Democracy and Development

**Electoral System and Process in Georgia:
Possible Means for Improvement**

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Policy Paper

December 2011

This policy paper was written within a project Developing a Policy Agenda for Democratic Reform

With generous support of the National Endowment for Democracy, US

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Introduction

Everyone recognizes that democracy is not yet consolidated in Georgia. However, there is considerable difference of opinion over the efficacy of the path of development taken by the country over the past few years and the nature of the challenges and obstacles it faces. Despite these differences, it is widely accepted that one of the key contributory factors to the Georgian democratic deficit is the issue of elections. This is the case for both general and specific reasons. General, in that democracy is obviously impossible without elections, and specific, in that the electoral system in Georgia has not yet been fully developed. This is manifested in the fact that this issue is at the centre of political discussion in the country. The years 2012, 2013 and 2014 will be election years in Georgia, when parliamentary, presidential and local elections will take place. This means that this period will be especially important. These elections will be the first to take place after the passing of significant constitutional changes, which brings Georgia's political system closer to the parliamentary model. These changes increase the importance of the parliamentary elections. These elections also coincide with the end of President Mikheil Saakashvili's final term in office, which brings up the subject of a transfer of power.

This report does not aim to study the defects of the electoral system or irregularities in elections conducted in the past. There have been many reports dedicated to the issue by international organizations and local observers.¹ This report is a partial analysis of the democratic deficit in Georgia and of possible means to rectify the situation. For this reason, the report aims to cover the main issues related to the improvement of the electoral system and process.

The report is based on the latest research material, information from the media, formal and informal discussion as well as meetings and interviews on the subject conducted as part of the project.

The report is divided into several sections. The report starts by briefly highlighting the importance of elections to democratization and outlines the different aspects of elections – institutions, process and environment. The second part of the report is dedicated to a brief evaluation of the Georgian electoral system based on the generally accepted methods used by Freedom House. The third section will focus on the main issues related to the electoral system, process and environment such as the electoral system family, electoral districts, electoral rolls, political party financing, electoral administration, the voting process, monitoring of the use of administrative resources and the media. Finally, the conclusion sums up the main points of the report.

¹ e.g. Georgia, Municipal Elections, 30 May 2010, OSCE/ODIHR Election Observation Mission Report, Warsaw, 30 Sept. 2010 <http://www.osce.org/odihr/elections/71280>. Georgia, Parliamentary Elections, 21 May 2008, OSCE/ODIHR Election Observation Mission Final Report, Warsaw, 9 Sept. 2008. <http://www.osce.org/odihr/elections/georgia/33301>.

The importance of elections and their monitoring

Elections are vital to modern democratic states. Elections have both normative and pragmatic functions. Normatively, elections base power on the popular will. In other words, elections confers popular legitimacy on governments. In pragmatic terms, elections form sets the framework for the playing out of political interests and ambitions. Inside this framework, political players no longer constitute a threat to the political system as they have a feel of ownership of the system and do not see politics as a zero-sum game.

However, regular elections are not sufficient to ensure the smooth functioning of a liberal democracy. Indeed, an analysis of elections held between 1946-2000 showed that nearly half of all elections took place in authoritarian states.² The analysis showed that elections in authoritarian countries do not merely serve as a facade and often have other political functions. Elections also differ in the extent to which they are competitive. Despite this, while elections are the main indicator of democracy, the manner in which elections are held are not the only way in which to identify an authoritarian regime. While the existence of elections is less important in dictatorships, democracy cannot exist without them. A democratic political system without a popular mandate for government or a limitation of its time in power is a contradiction in terms. Elections are the minimum, fundamental principle of democracy.

In addition, the modern world includes myriad different political systems which cannot be called either authoritarian or democratic. These are the so-called hybrid regimes, where elections are held which have an effect on politics.³ In other words, elections in such countries are generally competitive and are a basis for political legitimacy. However, due to various shortcomings, elections in these places do not enjoy the levels of trust or recognition that are characteristic of consolidated democracies.

Various methods are used to measure the quality of elections. One of the most detailed surveys classifying countries by the quality of their election is that conducted by Freedom House. This organization is especially focussed on the study of former Communist states in Eastern Europe and the former USSR. The general profile of the country is put together through the analysis of the electoral system, process, civil society, media, national and local government, the judiciary (specifically the courts) and corruption. Points are awarded in different categories, from which a total national score is calculated. These scores are taken and allow for us to classify states according to the manner in which elections are held. The following picture emerges as a result:⁴

² Matt Golder, "Democratic Electoral Systems around the World 1946-2000", *Electoral Studies* 24 (2005):103-121.

³ David Collier and Steven Levitsky, "Democracy with Adjectives: Conceptual Innovation in Comparative Research," *World Politics* 49 (1997): 430-451.

⁴ See Freedom House, Nations in Transit <http://www.freedomhouse.org/template.cfm?page=17>

1. In a **consolidated democracy**, the authority of government is based on universal and equal suffrage as expressed in regular, free, and fair elections conducted by secret ballot. Elections are competitive, and power rotates among a range of different political parties (scores between 1-2.99).
2. In a **semi-consolidated democracy**, the authority of government is based on universal and equal suffrage as expressed in regular elections conducted by secret ballot. While elections are typically free, fair, and competitive, irregularities may occur. Power rotates among a range of different political parties (scores between 3-3.99).
3. In a **transitional or hybrid regime**, elections are regular and competitive, but substantial irregularities may prevent them from being free and fair. Government pressure on opposition parties and candidates may be common (scores between 4-4.99).
4. In a **semi-consolidated authoritarian regime**, while national elections may be held at regular intervals and contested by opposition parties and candidates, they are marred by irregularities and deemed undemocratic by international observers. Public resources and state employees are used to guarantee incumbent victories. Political power may change hands, yet turnovers in the executive are well orchestrated and may fail to reflect voter preferences (scores between 5-5.99).
5. In a **consolidated authoritarian regime**, elections serve to reinforce the rule of dictators who enjoy unlimited authority for prolonged periods of time. Pro-governmental parties and candidates dominate elections, while an independent opposition is typically barred from seeking office. Rotations of executive power are unlikely absent death or revolution (6-7 points).

According to this scale, Georgia has consistently fallen within the category of transitional or hybrid regime, scoring between 4 and 4.99.

Diagram 1: Georgia's democracy score



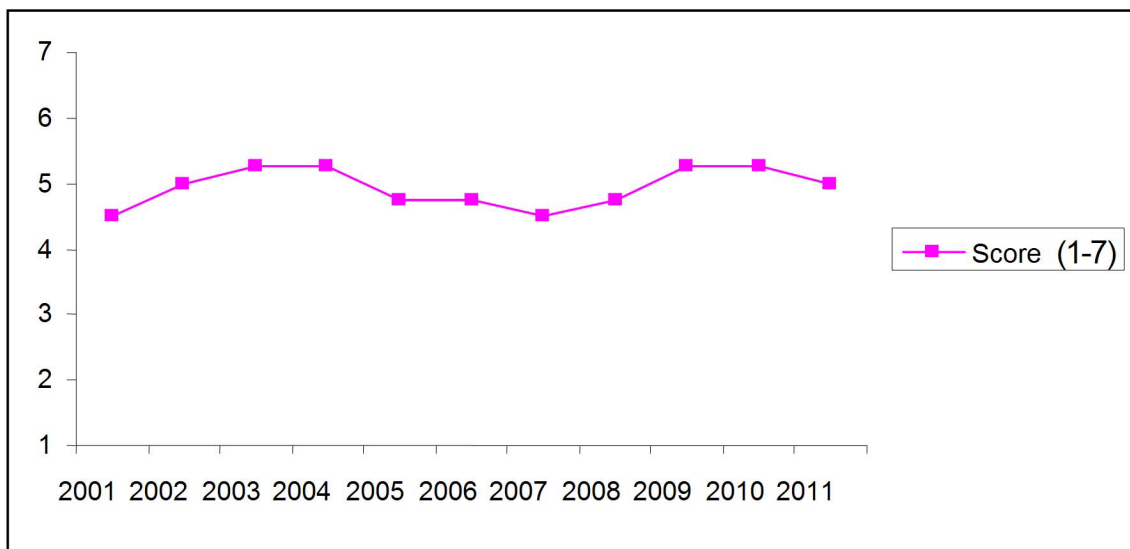
Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Points	4.33	4.58	4.83	4.83	4.96	4.86	4.68	4.79	4.93	4.93	4.86

Source: Freedom House, Nations in Transit, <http://www.freedomhouse.org/template.cfm?page=17>

(Note: The scores reflect the situation in the previous year as the analysis encompasses information gathered over the course of the year)

It is also interesting to see the score awarded on the basis of the electoral system and process specifically. As has already been outlined, the categorization of a country is defined by the total average score across the survey (this is the so-called Democracy score). Georgia's score for its electoral system and process looks like this:

Diagram 2: Georgia's electoral system score



Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Score	4.5	5.00	5.25	5.25	4.75	4.75	4.5	4.75	5.25	5.25	5.00

Source: Freedom House, Nations in Transit, <http://www.freedomhouse.org/template.cfm?page=17>

(Note: The scores reflect the situation in the previous year as the analysis encompasses information gathered over the course of the year)

As we can see, Georgia’s average score for its electoral system puts it closer to a semi-consolidated authoritarian system. To clarify this, it should be said that Freedom House only reassesses electoral scores in election years. Freedom House guidelines specify that electoral rules and electoral practice be assessed separately – i.e. the existence of institutional and legal channels and rules as well as the operation of these rules in practice. Scores are awarded in these areas in the following way:

4	There are rules and policies which are in line with most standards in terms of human rights, individual liberty, democratic norms and the rule of law.	There are practices which are in line with most standards in terms of human rights, individual liberty, democratic norms and the rule of law.
5	There are rules and policies which are in line with most standards in terms of human rights, individual liberty, democratic norms and the rule of law.	There are a lack of practices which are in line with most standards in terms of human rights, individual liberty, democratic norms and the rule of law.

It must also be noted that in consolidated and semi-consolidated democracies (scoring between 1-4.99), there is an additional requirement that rules and policies be fit for purpose and that implementation be ideal or almost impeccable. On the other hand, in semi-consolidated and consolidated authoritarian regimes (scoring between 5-7), the quality of the political framework is far worse and formal policy and actual electoral practice diverge widely from each other.

As we can see, in the case of Georgia, reports by Freedom House show that while the country faces challenges in terms of its policies (i.e. formal regulations and rules), the main problem is with practical implementation. Notably, Georgia’s score deteriorated to a score of over 5 in 2004 and 2009 (which reflect the 2003 and 2008 elections). It should also be noted that in both these years, the country’s score was 5.25 (no elections were held in 2009 and consequently this score did not change in 2010). As a result, in Freedom House’s Freedom in the World survey for 2009, Georgia was categorized as a non-electoral democracy.⁵ However, after the 2006 and 2010 local elections, Georgia’s score improved which was reflected in the 2007 and 2011 scores.

Elections in Georgia: Past experiences, problems and resources for progress.

Since 2004, analysis of Georgian elections has been constantly focussed on a number of key issues. These include the electoral roll, the use of administrative resources (such as high level officials conducting campaigning for the ruling party), unequal access to the media, cases of pressure on opposition candidates and supporters, violations on election day (multiple voting, ballot stuffing, expulsion of observers from polling stations and violations during the count) as well as violations in the appeal process (including when this is taken to the courts).⁶ In this analysis of the problems facing the electoral system, we will return to some of these issues.

⁵ Freedom in the World 2009, Georgia <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7612>
⁶ See Freedom House, Nations in Transit, 2005, 2006, 2007, 2008, 2009, 2010, 2010. <http://www.freedomhouse.org/template.cfm?page=17>

Elections have been held in Georgia since 1990. The elections most relevant to this report are those which took place after 2004 (after the 2003 Rose Revolution). Since then, four elections have been held (not including by-elections held when a majoritarian seat becomes vacant) – the 2006 local election, the January 2008 presidential election, the May 2008 parliamentary election and the May 2010 local election.

Table 1: Elections and electoral systems used in Georgia since 2004

Year	Type of election	Electoral system
2006	Local	Mixed
2008	Presidential	
2008	Parliamentary	Mixed
2010	Local	Mixed

Source: *Georgian elections 1990-2010* <http://www.cec.gov.ge/files/1LEVANI/ARCHEVNEBI%202010/geo.pdf>

Below, the experience of Georgia and the problems relating to its electoral system and process that are most often discussed in society will be analyzed as well as the resources available to achieve an improvement in the situation.

Trust in the electoral system

The issue of public trust can be divided into two component parts which are strongly interrelated. The first is public trust towards elections and the second is the attitude towards the system exhibited by the political actors themselves and the extent to which the results it produces are accepted by them. These two factors are closely interrelated as politicians' assessment of election results strongly influence public perceptions and vice versa – politicians are sensitive to the opinions of their electorate. Recent turnout figures are one means with which to assess trends in public perception:

Table 2: Election turnout since 2004

Election year	Type of election	Turnout
2006	Local	48.2 %
2008	Presidential	56.2 %
2008	Parliamentary	53.4 %
2010	Local	49.1%

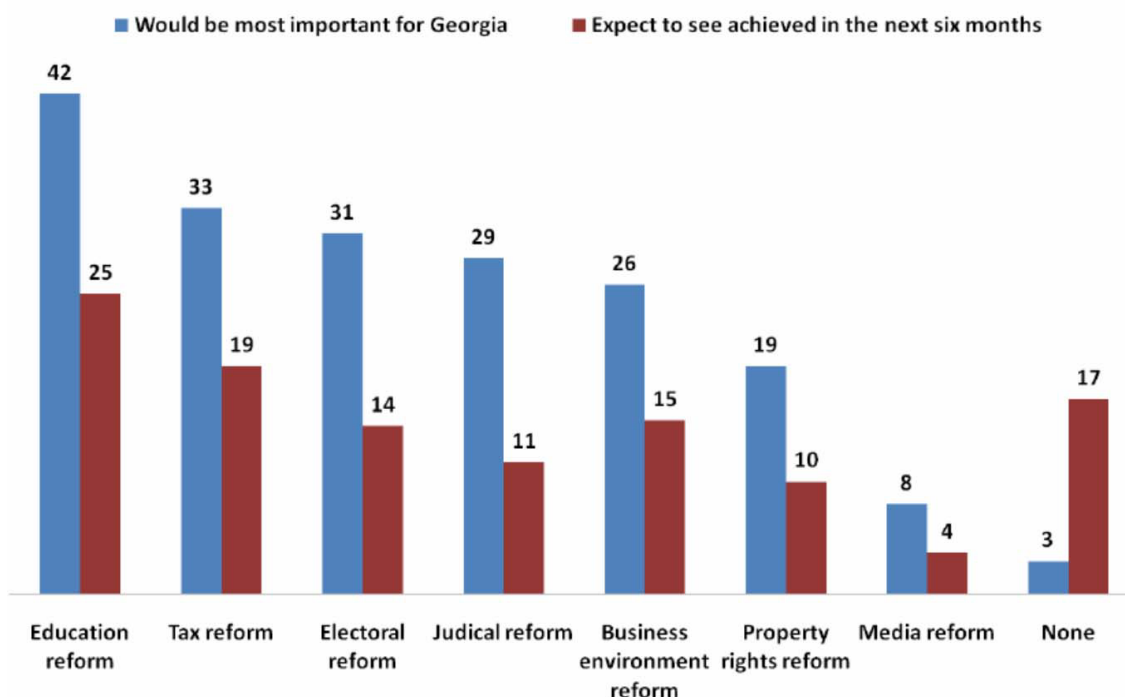
Source: *Georgian elections 1990-2010* <http://www.cec.gov.ge/files/1LEVANI/ARCHEVNEBI%202010/geo.pdf>

These figures do not differ especially from those in democratic states. So we cannot conclude that political apathy is particularly widespread in Georgia. However, opinion polls suggest that the Georgian public would like to see an improvement in the electoral environment.

For example, polls conducted by the US National Democratic Institute (NDI) in 2011 show that the electoral system comes in third place in terms of institutions that require reform. It should be noted that in 2010, the same poll revealed that 37% of respondents said this, putting electoral reform place behind the independence of the judiciary and property rights.

Diagram 3: Public opinion on reforms by sector

**Which political reforms would be most important for Georgia/
do you expect to see achieved in the next six months? (q11-12)**



Source: *Public Attitudes in Georgia, March 2011*, commissioned by NDI

http://www.civil.ge/files/files/March%202011%20Media%20Geo_vf.pdf

<http://www.ndi.org/files/Georgia-Survey-Results-0411.pdf>

For this reason, the public welcomes consultations between political parties aimed at improving the electoral system (however, we can also see that there is scepticism at the results of these talks).

Consultation between political parties began in 2009 and restarted after the 2010 local election. Opposition parties organized themselves into what was called the Group of Eight for the purposes of negotiation with the ruling party, although, by March 2011, these talks had become deadlocked. In June 2011, the talks ended when the ruling party came to an agreement with two of the eight parties (the Christian Democratic Movement and the New Rightists) and an interparty group was created. The other six parties did not sign up to the deal and formed a new coalition called For Free Elections.

Consultations and talks are important for the building of trust towards the electoral system as agreement between the main political protagonists on the rules of the game positively affects public perceptions and, in most cases, turnout. Also, despite the fact that Georgian legislation theoretically guarantees the conduct of free and fair elections, a significant problem that remains is the **frequent changes in electoral laws**. The rules of the game change before practically every election. This is usually the result of the interests of a variety of political forces, but it is also the result of the ruling party changing the rules to suit itself. The most obvious example of this was the 2008 parliamentary election when, just before the election, it was

decided that an equal number of MPs would be elected from single member “majoritarian” constituencies as from proportional lists. It was decided that of the 150 seats in parliament, 75 would be allocated to majoritarians and 75 to national party lists. While it is true that the ruling party justified this decision by arguing the importance of representation for every municipality, but it was also clear that this system was to the advantage of the ruling party. Indeed, in 2008, the ruling party won 71 of the 75 single mandate seats against a divided opposition.⁷

Obviously, agreement was not reached on every subject. Such an agreement is almost always precluded by the nature of the political process. But it is desirable that there be as much common ground as possible and that this encompass the most important issues. But it is even more crucial that electoral reform ends a sufficient time before the elections themselves and that are not sudden, unexpected changes. The fact that the political parties aimed to finish talks on electoral reform before October 2011 is something that should be welcomed.

It should also be noted that a number of NGOs expressed an interest in participating in these talks.⁸ These organizations were involved in the electoral reform discourse during 2010-11. Such participation has the doubtless potential to bring positive results in terms of public awareness. However, if we take into account the general nature of political negotiations into account, it is possible that negotiations conducted in public would make the achievement of concrete results less likely. So it is important that an intelligent balance be achieved between public participation and creating an environment in which results are more likely.

The agenda of political negotiations: possible areas for improvement of the electoral system

The analysis in this section will cover the issues to be discussed by the interparty group. These issues are similar to those being discussed by the public. Also, the fact that these issues are on the agenda is a sign that it is on these issues that there exists real potential for progress. Despite this, other issues that have been left out of the consultation meetings and those that have not fully reflected in the agenda of these meetings will also be discussed here.

The electoral system and electoral districts

The interparty agreement does not envisage a fundamental change in the electoral system (the way votes are reflected in parliamentary seats) and remains a mixed system.⁹ The decision to increase the number of MPs from 150 to 190 remains a subject of debate. A referendum held in 2003 (which was itself of debatable legality) resulted in the reduction of the size of the Georgian parliament from 235 to 150 MPs. Georgian law (the Law on Referenda) does not

⁷ Final protocol of the 21 May 2008 Georgian parliamentary election http://www.cec.gov.ge/index.php?lang_id=GEO&sec_id=19&info_id=5165

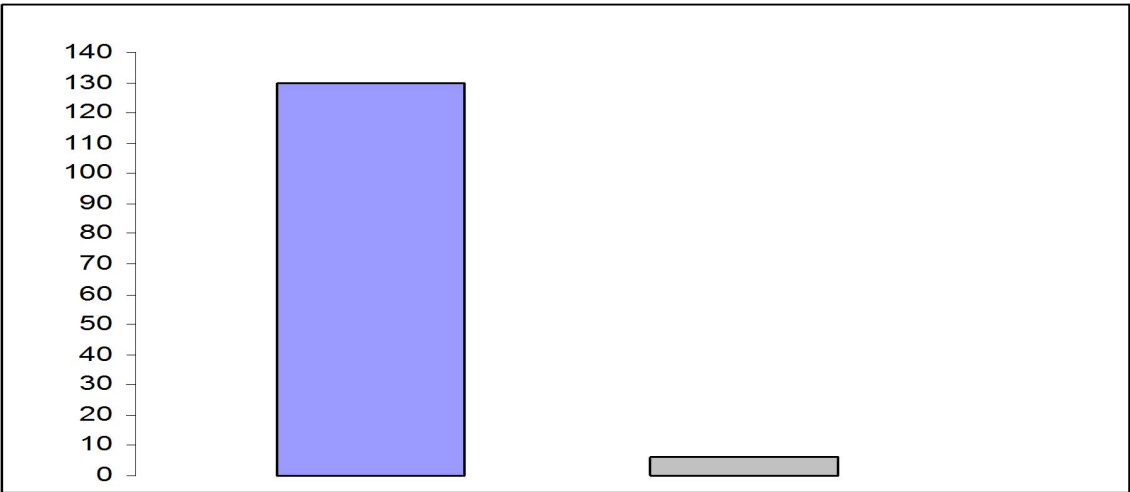
⁸ Observers want participation in interparty group on electoral code, Civil Georgia, 11.07.2011. <http://www.civil.ge/geo/article.php?id=24330&search>

⁹ For the full text see “Full text of electoral deal” Civil Georgia, 27.06.2011 <http://www.civil.ge/geo/article.php?id=24248&search=>

allow parliament to decide to reverse a decision made by referendum. However the signatory parties to the agreement believe that since the referendum itself was held in contravention of the constitution, the results do not have legal force.¹⁰

The decision to increase the size of the next parliament, a result of an increase in the number of single mandate constituencies, was made to ensure equal representation. This is because electoral districts in Georgia vary hugely in population. For example, the Gldani single-mandate constituency has a population of 132,000 while Kazbegi has a population of under 6,000 – both constituencies elect a single MP.

Diagram 4: An illustration of the huge difference in the number of voters in Gldani (blue) and Kazbegi (gray). The scale is in thousands of voters.



Source: CEC -The total number of voters in Georgia and in each electoral district http://www.cec.gov.ge/index.php?lang_id=GEO&sec_id=22&info_id=1316

In theory, equality of representation would be guaranteed by a fully proportional system or one that is conducted through regional party lists. Another way would be to simply equalize the size of constituencies. However, in practice, it is almost impossible to ensure that every vote has equal weight (the number of votes are needed to elect an MP) as if this were the case, Tbilisi would (due to its high population) easily dominate national politics at the expense of the regions. In 2008, 75 MPs were elected from single mandate constituencies – of which 10 were from Tbilisi and 65 from the regions (one of whom represented Akhagori and another the Georgian villages of Liakhvi Gorge in South Ossetia – both of which were subsequently occupied by Russia). If constituency sizes had been equal, Tbilisi would have elected 21 MPs, with 54 coming from the other 65 municipalities. Of these 54, many MPs would be elected from other cities in Georgia while municipalities and districts with populations of less than 40,000 would not have their own representatives in parliament.

¹⁰ Legal hurdles to increasing the size of parliament, Civil Georgia, 11.06.2011. <http://www.civil.ge/geo/article.php?id=24256&search=>

This issue is directly linked with that of local government reform, which envisages the creation of larger, economically self-sufficient regional units but also has to take into account traditional boundaries and characteristics. The current plan is for all existing municipalities to retain their MPs (only Akhgori and Liakhvi – for obvious reasons – will no longer be electing an MP) while all electoral districts whose population is over 100,000 will be divided into two smaller constituencies. This will mean the creation of an additional 10 single mandate constituencies (Saburtalo, Isani, Samgori, Nadzaladevi, Gldani, Rustavi, Gori, Kutaisi, Zugdidi and Batumi). This means that there will be a total of 83 MPs elected from single mandate constituencies in the next parliament, while 107 will be elected from national party lists. The increase in the number of party list MPs to 107 is taking place to balance the increase in single mandate constituencies.

It is clear that this change will not fully iron out the imbalances in the weight of votes cast in different parts of the country, although it is still a step forward. Opposition parties are also demanding that candidates must win at least 50% of the vote in single mandate constituencies to avoid a second round (this threshold is currently 30%) which would reduce the chance of a final result in the first round and, as is the received wisdom, enhance the chances of opposition candidates. A number of political parties have also pushed for the introduction of the regional-proportional list system to replace the single mandate constituencies, although the introduction of such a system is currently off the agenda (see below).

The electoral roll

The electoral roll is a problem in every Georgian election. In the 2003 parliamentary election, this was a major factor in the subsequent Rose Revolution. This problem manifested itself in two ways. While in some places, many people did not find their names in the electoral roll, in other places the appearance of “unknown” and deceased people in the roll prompted debate and appeared to inflate the number of voters, allowing the electoral authorities room to manipulate the results.

The current agreement between the ruling party and a number of opposition parties states that a mechanism be instated to monitor and improve the electoral role. This will come in the form of a special committee which will be chaired by a representative of the opposition and will be made up of representatives of the ruling party, opposition parties and the NGO sector on a parity basis. Membership of the commission is only open to signatories of the deal. The commission will work from 1 October 2011 to 1 July 2012. The commission will have its own office and will be financed from the state budget. Any “legally evidenced proposals” will have to be considered by the Central Electoral Commission.

Before the 2010 elections, a number of opposition parties received state funds to check the electoral roll. A total of 1.2 million lari was allocated from the state budget for this purpose, which was distributed to 12 political parties (in the end only 11 parties took part). The monitoring revealed certain discrepancies but due to the

lack of both sufficient funding and cooperation between the parties, the results of this activity were limited.¹¹ For this reason, it should be welcomed that this time a more effective mechanism has been introduced. A more detailed action plan will also have to be drawn up, especially with regard to so-called “risk groups” (e.g. IDP populated areas, citizens living abroad and prisoners), the relationship between the commission and other state institutions and the question of financing. Opposition parties proposed the use of biometric ID cards but this proposal was rejected by the government (see below).

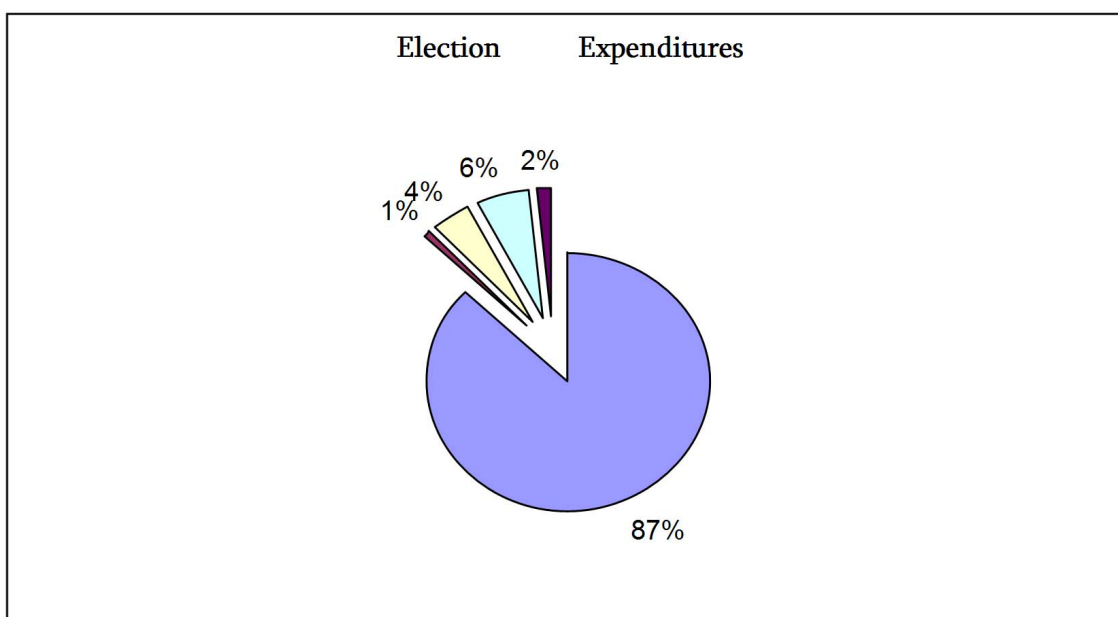
The financing of political parties during elections

The strengthening of political parties is vital not only for the electoral system but for the development of the entire political system. It is widely perceived that underdeveloped political parties and associations – the so-called intermediate institutions – are one of the main challenges to Georgian democratization. The existence of funds are an important but not sufficient condition for the development of parties.

The interparty agreement contains a number of notable changes in this respect. Firstly, the maximum limits for donations from individuals and corporations have been increased (to 60,000 lari and 200,000 lari respectively – double the previous limits). It should also be noted that the lion's share of donations at election time are to the ruling party (see diagram 5). However, it is also important for opposition parties, as it is now possible for them to get larger lump sums from what are a more limited number of donors. It should be noted that this change applies to both the party itself and the party's electoral fund, which means that this is in practice not a twofold but a fourfold increase in the limit.

¹¹ Results of monitoring , Central Election Commission http://www.cec.gov.ge/index.php?lang_id=GEO&sec_id=62&info_id=6425)

Diagram 5: Election spending: National Movement – 87% (14 million lari), Industrialists 6% (958,000 lari of which 750,000 is indirect funding), Christian Democratic Movement 4% (683,500 lari), National Council 2% (260,000 lari), Alliance for Georgia 1% (136,600 lari).



Source: Civil Georgia – Election campaign spending – 15 June 2010

<http://www.civil.ge/geo/article.php?id=22854&search>

Also the budgets of electoral funds are listed on the Central Election Commission's website

http://www.cec.gov.ge/index.php?lang_id=GEO&sec_id=67

The allocation of one million lari of state funds to political parties that break the 5% barrier is also interesting to opposition parties. These parties also get funds of either 50 or 100 lari for each representative on district and precinct election commissions. This financing is to be welcomed, but a more effective accounting system should be implemented to ensure that state funds are not misspent. In this respect the accounting mechanisms (time limits, forms etc) as well as the means of accountability and the prerogatives of state oversight institutions should be improved.

Mechanisms for monitoring the electoral environment

The improvement of the electoral environment is also an important challenge for Georgia. A healthy electoral environment means the existence of free media, the lack of pressure on opposition groups and the effective limitation of the misuse of administrative resources.

The creation of the Interagency Coordination Council on 1 July 2012 is envisaged as part of political consultations. The council's role is to monitor the use of administrative resources and respond to violations of campaigning rules. As parliamentary elections are scheduled for autumn 2012, July gives ample time to monitor the election campaign.

Monitoring of the media is also important. According to the agreement, media monitoring is to begin the day after the declaration of the election with the Central

Election Commission hiring a “competent foreign or international company” for this purpose.

The interagency group existed before previous elections as well (during the 2008 presidential and parliamentary polls and the 2010 local election). NGOs have recommended that the group’s mandate be clearly defined.¹² In this respect, it should be noted that the agreement states that the mandate of the group be defined by legislation. Both effective monitoring and response mechanisms to its findings are taken into account.

Issues related to the administration of the electoral process

The agreement on the improvement of the electoral environment also envisages the reorganization of some areas of electoral administration. These changes are aimed at boosting the independence of the electoral administration and the increase of political party participation in its work.

Specifically, the placement of polling stations in building belonging to local government or local governors has been banned. Also, the chairman of the precinct electoral commission no longer has the right to unilaterally expel representatives from polling stations. Now, such decisions require a majority of commission members. The functions of party representatives in the registration of complaints and the counting of ballots on election day have been increased. Specifically, a random draw will select a party representative who will participate in this process alongside the relevant committee member.

Changes in legislation are also planned to increase the role of participants in elections, to allow complaints to be filed in court up to four days after the election, as opposed to the previous limit of two days. Many thought that two days was not enough time to prepare a well-evidenced and well-argued case. This change will solve this problem.

Other issues

Despite the fact that the aforementioned agreement creates solid grounds for the improvement of the electoral system and process, it will be interesting to consider the issues that have been discussed over the past years, but never became part of the agreement itself. The issues we refer to here may be partially related to what I have already discussed above, but the details are different.

A group of nongovernmental organizations came up with a number of recommendations in May 2011.¹³ Regarding the electoral roll, these suggested that a responsible state agency be tasked with formulating the rules by which the lists should be

¹² Local NGO opinions on the improvement of the electoral environment, Tbilisi, 02.05.2011 http://transparency.ge/sites/default/files/post_attachments/Press%20Statement%20of%20four%20NGOs_Geo_0.pdf

¹³ Ibid

amended. It can be assumed that the multi-party commission will have this function, at least partially.

The NGO recommendations also state that the CEC must take decisions on crucial issues with at least a 2/3 majority. Many opposition parties supported this model on the grounds that the non-party members of the CEC tend to be loyal to the ruling party and, therefore, a simple majority of votes is always controlled by the ruling party (under the current model, 6 of the 13 members of the CEC, including the chairman, are appointed for their expertise; while the remaining 7 members represent the various political parties, including the United National Movement).

Opponents of this model contended that having to attain a 2/3 majority for decision making significantly complicates the work of the election administration and that this institution can fall victim to political wrangling. The NGOs demanded greater public transparency concerning candidates for CEC membership who are elected by parliament. They propose that parliament (MPs approve candidates nominated by the president) should also have to achieve a 2/3 majority to appoint a CEC member.

Concerning the use of administrative resources, the NGOs demanded that partisan and state official activities be strictly divorced from each other and that tougher oversight should be exercised over government officials. Regarding electoral violations, they argued that the interagency group should become more effective and that violations should be thoroughly looked into; culprits should be brought to account and those involved in fraud should be barred from working in the electoral administration.

For their part, opposition parties (in the form of the Group of Eight) presented the ruling party with their proposals as early as October 2010.¹⁴ These proposals dealt with the electoral system, the makeup of the CEC, voter lists, election day procedures, the consideration of election disputes, the use of administrative resources and media monitoring. The parties proposed that in the 150-strong parliament, 75 members should be elected through national proportional lists and the remaining 75 through a regional proportional list system.

In both proposals, the election threshold was identified as 5 per cent (later on, the opposition Group of Eight came up with new proposals; specifically, if single mandate districts are to be preserved – and regional proportional lists not introduced- to win in the first round, candidates must win over 50 per cent of the vote, instead of the 30 per cent necessary today). According to the proposal, the CEC is staffed by 7 competent individuals and the president nominates the chairman from three candidates selected by the 7 individuals [subiekti] (today, on the other hand, the president nominates three candidates from whom the opposition members of the CEC elect the chairman). In January 2010, the opposition failed to agree on a candidate and the chairman was eventually elected by parliament.¹⁵ The makeup of district and precinct

¹⁴ Group of eight opposition parties offer to begin negotiations on electoral reforms with the ruling party, Civil Georgia 04.10.2010 <http://www.civil.ge/geo/article.php?id=23210>

¹⁵ CEC Chairman elected by Parliament, Civil Georgia 10.01.2011 <http://www.civil.ge/geo/article.php?id=22228&search=>

electoral commissions would not have been changed under the proposal but representatives of the parties would have got extended powers within electoral commissions. The formulation of the electoral roll and the voting process would have been conducted with biometrical ID cards (including fingerprints, biometric photos and electronic data). Video-cameras would have been installed in every polling station while ballot papers would be scanned and be accessible to all participants and observer organizations. The final body for the consideration of electoral complaints would be the Tbilisi Court of Appeals, which would consider appeals with a panel of one judge and four electoral adjudicators. These adjudicators would be selected by qualifying political parties and NGOs and would have the right to dismiss the judge.

As we can see, some of these proposals are on the agenda in the agreement but consensus could not be reached on many issues, which means that these proposals will not be implemented in the near future.

Conclusion

The years 2012-2014 will be an active electoral period in Georgia – parliamentary, presidential and local elections will be held one after another (elections in the Ajarian autonomous republic will also be held in 2012). This period will be central to the development of Georgia's political system, including in terms of democratization. This will be conditioned by two factors: the 2010 constitutional amendments will be enforced following the national elections and President Saakashvili's second presidential term will expire and a transfer of power will take place.

The CEC published its 2012-2015 strategic plan for public discussion.¹⁶ The plan envisages the drafting of a detailed action plan by the working group and the creation of a monitoring group, which will oversee its implementation. The commission is committed to ensuring that "the election is held in strict observance of the principle of justice and existing legislation and that voters and other interested individuals have full trust in the election."¹⁷

For this three tasks must first be fulfilled: the modernization of the electoral system; active cooperation with interested individuals and informing the public. The electoral administration must become more effective, competent and better equipped. It should use more effective communication instruments with interested individuals, including political parties and take their views into consideration. For the election to succeed it is important to inform the voters.

Here too, an emphasis is placed on the improvement of communication channels. Target groups include youth and ethnic minority groups. It should be noted that this is the first time the election administration has published its strategic plan and started preparing for the election cycle, which is an important prerequisite for boosting trust in the administration.

¹⁶ Central Electoral Commission, Strategic plan for the Georgian electoral administration 2011-2015 (draft) http://www.cec.gov.ge/index.php?lang_id=GEO&sec_id=13&info_id=7993

¹⁷ Ibid

Trust in the electoral system and process largely depends on the political system. The greater the extent to which the current consultations over the election system, electoral roll, election financing, election day and post-election process meet the following criteria, the more this will facilitate increased trust. Firstly, there must be agreement on as many issues as possible and it must be concluded by as many of the major parties as possible. The agreement must be concluded sufficiently early before the elections are held and these rules must not change during the election campaign. Additional legitimacy will be afforded by the submission of the draft electoral regulations to international scrutiny (in the form of the Venice Commission).

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