



CONSTITUTIONAL REFORMS ON ELECTORAL SYSTEM FOR CONSOLIDATION OF PARLIAMENTARY DEMOCRACY IN GEORGIA¹

Malkhaz Nakashidze², Davit Sirabidze³

Batumi Shota Rustaveli State University, Batumi, Georgia
E-mails: nakashidze.bsu@gmail.com; sirabidzedavit@gmail.com

Received: 5 April 2020; accepted: 4 June 2020

DOI: <http://dx.doi.org/10.13165/j.icj.2020.06.002>

Abstract. The article presented deals with the analysis of electoral reform in Georgia. As a result of the 2017–2018 constitutional reform Georgia has fully shifted to parliamentary system of government, and the process of choosing an electoral system is currently under discussion. Since the restoration of independence, Georgia’s electoral system has undergone many changes, with a consistently mixed electoral system being used during this period. This system has consistently ensured the creation of a strong one-party parliamentary majority, often a supermajority. This article discusses the electoral history of Georgia and the main positive and negative aspects of the current system. Significant attention is paid to the ongoing discussions between the government and the opposition in Georgia, and the main useful arguments of the proportional electoral system. The article finally presents some conclusions about the changes in the electoral system.

Keywords: constitution, parliament, electoral systems, democracy, political parties

Introduction

Today the main challenges of the Georgian state are developing the democracy of the country and ensuring the well-being of its citizens. The fulfilment of these tasks is closely connected with integration into the country’s Euro–Atlantic structures and the establishment of Western-style state institutions, which is the preference of the Georgian people and is defined in the Constitution of Georgia. Georgia has made significant progress over the past three decades and has become one of the leading states in terms of building democratic institutions in the post-soviet space.

Since the adoption of the Constitution in 1995, Georgia has gone through important stages in terms of the development of the system of governance, from the Presidential Republic to the parliamentary government. As a result of the constitutional reform implemented in the country in 2017–2018, the system of governance in the country has changed and parliamentary governance has been established. Such a change was due to the need to create a European-style parliamentary system of government, which would guarantee the integration of Georgia into the European Union and the further development of democratic governance by European standards. The parliamentary system is the form of governance of the majority of EU countries and is based on a proportional, fair electoral system that ensures proportional representation of all groups in society, creating an accountable (often coalition) government and minimizing the possibility of authoritarian rule.

¹ Acknowledgement: This paper reflects some of the findings of a study conducted by Malkhaz Nakashidze during his visit to the Faculty of Law at the University of Latvia in 2019, within the framework of the Latvian State Research Scholarship and David Sirabidze’s bachelor’s thesis conducted in 2019 under the supervision of Prof. Malkhaz Nakashidze. Later, according to the changes taking place in Georgia, this paper was completed as a final scientific product.

² Associate professor, Faculty of Law and Social Sciences, Batumi Shota Rustaveli State University, Georgia.

³ Bachelor of Law (2019), Faculty of Law and Social Sciences, Batumi Shota Rustaveli State University, Georgia.

Many reforms have been implemented in Georgia to finally establish parliamentarism, but one of the main issues on the country's political agenda today is the electoral system. To strengthen parliamentary democracy, it is necessary to adopt an electoral system that ensures maximum fair representation in parliament. Currently, Georgia has a mixed electoral system that has had some changes at different times. Today, 77 members of the country's unicameral parliament are elected by a proportional electoral system and 73 by a majoritarian system, which has many disadvantages.

According to the latest constitutional amendments adopted by the Parliament of Georgia, the transition to a fully proportional system in the country is set for the 2024 parliamentary elections, and the holding of parliamentary elections in 2020 is still expected to use a mixed electoral system. However, there is currently a discussion around changing it to a proportional system by 2020, and constitutional changes have been initiated in accordance with the agreement between the opposition and the government. Following the constitutional reform, various models of the proportional electoral system have been actively discussed with the participation of international organizations, non-governmental organizations, the government, and the opposition. As well as this, the so-called 'German election model' has become interesting to parliament after the parliamentary majority rejected the bill on the transition to a proportional system.

1. Which Electoral System is Suitable for Georgia?

There are a myriad of different electoral systems in the modern world. According to scholars, two common criteria for categorization exist: whether the system is designed to produce one winner or multiple winners; and whether the system is designed to produce results that are roughly proportional to the vote share of each party or the system is based on the 'winner takes all' approach (Shahandashti, 2016, p. 79). Electoral systems may have a huge influence on: the shape of the party system; the nature of government (coalition or single party); the kind of choices facing voters at elections; the ability of voters to hold their representative(s) personally accountable; the behaviour of parliamentarians; the degree to which a parliament contains people from all walks of life and backgrounds; the amount of democracy and cohesion within political parties; and of course the quality of government, and hence the quality of life of the citizens ruled by that government (Table 1; Gallagher & Mitchell, 2018, p. 24).

Table 1. Categories of Electoral System

Broad Category	Specific Types	Country Examples
Single-seat constituency systems	Single-member plurality (also known as first past the post or FPTP)	Canada, India, United Kingdom, United States
	Alternative vote (AV)	Australia
	Two-round system (2RS)	France
Mixed-member systems	Mixed-member proportional	Germany, New Zealand
	Mixed-member majoritarian	Hungary, Japan, Russia, Thailand
Closed-list systems	—	Israel, South Africa, Spain
Preferential list systems	Open list	Chile, Denmark, Finland
	Flexible list	Austria, Belgium, Netherlands
PR-STV	—	Ireland, Malta

Source: Gallagher & Mitchell, 2018, p. 24

The classification of electoral systems depends on many components, including: district magnitude; ballot structures; effective thresholds; malapportionment; assembly size; and open/closed lists, but the most important variations concern electoral formula. Electoral formula determines how votes are counted to allocate seats. There are four main types: 1) Majoritarian formulas (including plurality, second ballot, and alternative voting systems); 2) Semi-proportional systems (such as the single transferable vote, the cumulative vote, and the limited vote); 3) Proportional representation (including open and closed party lists using largest remainders and highest averages

formulae); 4) Mixed systems (like the Additional Member System combining majoritarian and proportional elements; Norris, 1997, p. 299).

Although the mixed electoral system has been operating in Georgia since the restoration of independence, there have been discussions about changing the electoral system. In the main body of the article, we will discuss the ongoing debates and the reform process around the electoral system in Georgia in recent years.

Depending on the specifics of the research topic, both quantitative and qualitative research methods of comparative-legal, descriptive, and critical analysis of sources will be used. Qualitative research of various legislative acts will be used for the research, which includes the study of the constitutions of Georgia and other countries, the election legislation and other legislative bases, and the electoral and constitutional systems. Election models and election results will be studied, and the data will be processed on the basis of different electronic databases. The statistical analysis method will also be used for this purpose.

2. Changes to the Electoral Legislation

In 1995, Georgia adopted a mixed electoral system based on the constitution, which consisted of 150 proportional members elected to parliament and 85 elected by a majoritarian system. Political parties and election blocs could run in the elections with an electoral threshold of 5% (Constitution of Georgia, 1995). The first amendment to the Constitution of Georgia was adopted in 1999 and it applied to the electoral system, in the form of increasing the electoral threshold to 7% (Constitutional Law, 20 July 1999). In 2005, a constitutional amendment was made to define the composition of the parliament by 100 members elected by the proportional system and 50 by the majoritarian system (Constitutional Law, 23 February 2005), based on the results of a 2003 referendum to reduce the number of members of parliament from 235 to 150 (Decree of the President of Georgia 2428, 2 September 2003).

The number of members of parliament and the change of the electoral system took place again in 2008, when it was determined that parliament should consist of 75 members elected by the proportional system and 75 members elected by the majoritarian system (Constitutional Law, 12 March 2008). The proportion of members of parliament under the electoral system was changed once again in 2011, when it was determined that parliament should consist of 77 members elected by the proportional system and 73 members elected by the majoritarian system (Constitutional Law, 27 December 2011). The last constitutional amendments to the electoral system were made in 2017, when it was determined that the next parliament (elected in 2020) will consist of 73 members of parliament elected majoritarian and by 77 by proportional electoral systems. At the same time, a unified 3% threshold was set for political parties and election blocs (Constitutional Law, 13 October 2017).

For the 2024 parliamentary elections, it was decided that the parliament would consist of 150 members of parliament elected by a proportional system in a single multi-member constituency. Alongside these changes, the election threshold was set at 5% and participation in the elections was determined by the election blocs. With these changes, for the first time, the formula for the distribution of mandates and also the rules for the distribution of unallocated seats were determined on the basis of the Constitution. Earlier, these rules were established by law (Constitutional Law, 23 March 2018).

The Parliament of Georgia has been composed of one chamber since 1995, which is elected by a mixed electoral system. However, the Constitution of Georgia contains a provision that defines the enactment of a bicameral parliament in the future.⁴ In particular, after the full restoration of Georgian jurisdiction over the entire territory of

⁴ Currently, the Georgian government is unable to exercise jurisdiction over two regions of Georgia: the Autonomous Republic of Abkhazia and Tskhinvali Region, the territory of the former South Ossetian Autonomous Oblast, which has been declared by the Georgian government to be a territory occupied by the Russian Federation.

Georgia, the Parliament will have two chambers: the Council of the Republic and the Senate. The Council of the Republic consists of members elected by proportional representation. The Senate consists of members elected in the Autonomous Republic of Abkhazia, the Autonomous Republic of Adjara, other territorial units of Georgia, and 5 members appointed by the President of Georgia. The composition, powers, and rules of election to the chambers shall be determined by organic law (Constitution of Georgia, 24 August 1995).

3. Parliamentary Election Results (1990–1999)

The history of parliamentary elections in Georgia dates back to 1919 when, after the declaration of independence on 26 May 1918, the elections of the Constituent Assembly of Georgia were held on 14–16 February 1919, based on the Regulations of the Constituent Assembly adopted on 22 November 1918. According to the legislation, 130 members of the Constituent Assembly were elected by party lists.

Unfortunately, due to the occupation of Georgia by Soviet Russia on 21 February 1921, the next democratic elections were held only on 28 October 1990. These elections were held under a mixed electoral system, where 125 deputies were elected on the basis of a proportional electoral system and 125 deputies were elected on the basis of a single-member constituency under the majoritarian electoral system with a 4% electoral threshold. Fourteen political parties ran in the elections of 28 October 1990. Only two parties, the Round Table–Free Georgia and the Communist Party of Georgia, crossed the threshold and received seats under the proportional system, and as a result of the election, the Round Table–Free Georgia party came to power (Georgia – History of Election, 1999–2010, n.d.).

Unfortunately, the parliament elected in 1990 failed to fulfil its mandate due to the military coup in Georgia, when power was taken over by a temporarily created military council which was later transformed into a state council. The new parliamentary elections were held on 11 October 1992, with a mixed system where 75 deputies (from single-member constituencies) were elected on the basis of a majoritarian electoral system and 150 deputies (multi-mandate constituencies) were elected by proportional system under a 2% electoral threshold. In the proportional system, voting was done by a three-point system (each voter had 3 votes). Quotas were set and votes counted at the multi-member constituency level, with the remaining votes being preferentially distributed at the overall national level. 36 election subjects participated in the elections, 24 of whom crossed the threshold (Table 2). This parliament completed its work in 1995 with the adoption of the Constitution of Georgia.

Table 2. Political Parties in the Parliament of Georgia (1990–1995)

Political parties/Blocs	No. of seats (% of seats/No. seats/Majoritarian)	
	1990	1992 ⁵
Round Table–Free Georgia	81/54%/74	
Communist Party of Georgia	44/29.6%/20	
All-Georgian Rustaveli Society	2.4%/1	
People’s Front	1.9%/12	
Democratic Georgia Bloc	1.8%/4	
Liberation and Economic Revival Bloc	1.5%/1	
Peace bloc		29/20.4%/6
11th of October bloc		18/ 10.7%/1
Unity bloc		14/7.4%/1
National–Democratic Party of Georgia		12/ 8.2%/2
Georgian Party of Greens		11/4.4%
Democratic Party		10/6.3%
“Charter-91”		9/4.3%/1
Union of Georgian Traditionalists		7/4.9%/1
Ilia Chavchavadze Society		7/2.7%

⁵ In addition, 6 political parties received 0.4-0.8% and 6 seats respectively, while 5 parties received 0.8-0.9% and two seats in parliament.

Merab Kostava Society		5/2.5%/2
National Independence Party		4/2.4%
Socialist Party of the Workers of Georgia		4/2.1%
Georgian Union of National Agreement and Renaissance		4/1.9%/1
Independents	9	60

Source: Made by Malkhaz Nakashidze based on <http://cesko.ge> and <http://archive.ipu.org>

4. Parliamentary Election Results (1995–2020)

Following the adoption of a new constitution in Georgia in 1995, parliamentary elections are held under a mixed electoral system. If we look at the election history of Georgia, Georgia is almost always characterized by a single party parliamentary majority and a single party government. The peculiarity of Georgia is that after almost every parliamentary election, one political party won not just a simple majority in parliament, but a supermajority. The mixed electoral system, on the other hand, ensured that one party won as many seats as it did in proportion to the number of votes it actually received. This result was ensured by mechanical summing up of the results of the proportional and single-member constituencies.

It should also be noted that in 1995–2004, Georgia was a presidential republic, and since 2004 (Nakashidze, 2016) a semi-presidential republic⁶ where, according to the constitution, the president had a strong formal constitutional power. In addition, the president was the leader of the party, and their party had a parliamentary majority. Accordingly, the formation of the government was also done by the President's party. Georgia did not have the experience of a coalition parliamentary majority and government, except in 2012 when a pre-election coalition of several parties won the election and formed a government. However, this situation was changed again in the 2016 elections when the coalition was dissolved and the Georgian Dream party took part in the elections independently, even winning a supermajority (Table 3). Thus, one of the main challenges for Georgia today is to create a fair, proportional electoral system.

Table 3. Political Parties in the Parliament of Georgia (1995–2020)

Political parties/Blocs	No. of seats in parliament (% of seats/No. seats/Majoritarian)					
	1995 ⁷	1999	2004 ⁸	2008 ⁹	2012	2016 ¹⁰
Citizens' Union	23.71/90/17	41.85/85/36				
National Democratic Party	7.95/31/3					
All-Georgian Union of Revival	6.84/25/6	25.65/51/7				
National Movement–Democrats			66.24/135			
Alliance of Patriots of Georgia						5.01/6/0
Industry Will Save Georgia		7.80/14				
United National Movement				59.18/48/71	40.34/33/32	27.11/27
Right Opposition			7.56/15			
The Joint Opposition				17.73/15/2		
Christian–Democrats				8.66/6		
Shalva Natelashvili–Labor Party				7.44/6		

⁶ According to the amendments to the Constitution of Georgia in 2017, the President of Georgia will no longer be directly elected, as in the parliamentary republics. In this regard, Georgia has moved to a parliamentary government, although the current president was elected in 2018 directly by the people, which is characteristic of a semi-presidential republic. From 2024, the president will be elected by the board of trustees.

⁷ Political parties received 1–5 seats: Progress bloc (0%/0/4), Socialist Party of Georgia (3.79%/0/4); Tanadgoma (Solidarity) bloc (0%/0/3); Union of Georgian Traditionalists (4.22%/0/2), Reformers Union of Georgia-National Concord (2.89%/0/2), United Republican Party (0%/0/1), State Justice Union (0%/0/1), Lemi Organisation (0%/0/1), Abkhazian Deputies (12).

⁸ A new election was scheduled for 28 March 2004. Elections were held only proportionally, as the Supreme Court of Georgia annulled the results of the November 2003 elections only by a proportional system, and the results of the majoritarian elections were upheld by the court.

⁹ Republican Party received (3.78%/0/2).

¹⁰ Industry Will Save Georgia received (0.78/0/1).

Georgian Dream Coalition			54.97/44/41	48.68/44/71
Non-partisan/Independents/Others	29	17		2

Source: Made by Malkhaz Nakashidze based on <http://cesko.ge> and <http://archive.ipu.org>

5. Constitutional Reforms on Electoral System

The Georgian Dream coalition talked about the injustice of the electoral system in Georgia and the need to change it in the pre-election period of 2012. At that time, there was a mixed electoral system in which 73 deputies were elected to a 150-member parliament in a single-member constituency, while the remaining 77 seats were divided proportionally between parties that exceeded the 5% threshold. The Georgian Dream's election program stated: 'Georgia has a de facto one-party parliament, which is an obedient executor of the will of a small ruling political team. One of the main reasons for this is the unfair electoral system' (Georgian Dream, 2012).

International organizations have also stated that Georgia's electoral system does not fully comply with European standards, as inequality between single-seat constituencies has not been eliminated, violating the principle of equality of votes which undermines the principle of equality (Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, 2012). Georgia's OSCE and the European Union have also called for a change in the electoral system. Addressing remaining shortcomings in the legislative framework and in the administration of elections, as identified by the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) before the start of the cycle leading to the next parliamentary elections in 2016 (European Commission, 2015), opposition parties in Georgia and other non-governmental organizations (NGOs) have argued that the current political system has put political forces in a precarious position (ISFED, 2015).

5.1. 2013–2016 Constitutional Reform

In 2013, the Parliament of Georgia established the State Constitutional Commission (Resolution of the Parliament of Georgia, 4 October 2013) and approved the statute (The Resolution of the Parliament of Georgia 27 December 2013). There was an expectation that one of the main reforms – the change of the electoral system – would be implemented at that time. However, it should be noted that the sitting of this commission was not very active, the term of office was extended three times, and three sessions of the commission were held in two years (IDFI, 2015). Later, the leader of the ruling party blamed the failure of the commission's work on the chairman of the parliament, Davit Usupashvili, who was also the chairman of the commission (Medianews.ge, 2016). Usupashvili himself said that the State Constitutional Commission was unable to reach a decision because, first of all, it was declared a de facto boycott by the United National Movement, as well as the Georgian Dream, which postponed the constitutional issues. The coalition does not have a common position on any of the key issues, which in turn results in the fact that most of the coalition partners are waiting for the position of the Georgian Dream party which, in turn, is not formed on almost anything (Medianews.ge, 2016).

Indeed, the amendment required two-thirds` of the votes of the members of parliament, and without the support of the National Movement – the great opposition party – these changes would not have been possible, although it was clear that the ruling coalition itself had not agreed on positions on the changes. It transpired that the four parties in the Georgian Dream coalition – the National Forum, the Conservatives, the Republicans, and the Industrialists – which were actively seeking the abolition of the majoritarian elections before 2012 supported the 2016 parliamentary elections by a majoritarian system (ISFED, 2015). Finally, on 6 June 2015, it was announced that the government had refused to abolish the existing, mixed-type electoral system and instead postponed it until 2020.

5.2. 2017–2018 Constitutional Reform

Georgia had its second attempt to change the electoral system after the 2016 parliamentary elections. On 15 December 2016, parliament created the State Constitutional Commission to revise the constitution. The main goal of the Commission was to draw up the draft law on the revision of the Constitution of Georgia (Resolution of the Parliament of Georgia, 15 December 2016). On 22 April 2017, the State Constitutional Commission adopted the Draft of Revision of the Constitution (The State Constitutional Commission, 22 April 2017). The State Constitutional Commission comprised 72 members, including representatives of both the parliamentary majority and the minority, constitutional bodies, experts, NGOs, and representatives of political parties who received at least 3% of the vote in the last parliamentary elections. The ruling party held a majority on the commission. The presidential administration refused to work with the Commission because, in the president's opinion, the procedure for setting up the Commission lacked political legitimacy and was not based on a wide consensus (Civil Georgia, 2016). Two days before the vote on the constitutional draft, the opposition parties left the Commission. Fifteen opposition parties announced that the ruling majority had not considered any of their proposals and accused the ruling party of amending the constitution to suit themselves.

The opposition demanded a fully proportional parliamentary election during the last elections. At the start of the work of Constitutional Commission the ruling party supported this proposal, but then proposed a 5% threshold with undistributed votes below the threshold being allocated to the winning party. At the same time, the draft banned electoral blocs. With weak party structures and financial resources, the opposition fear that the election process will not be equal, given they will have to compete against the Georgian Dream, which is backed by billionaire Bidzina Ivanishvili. The percentage of undistributed votes could range from 20% to 60%, meaning that the first-place party is likely to receive a bonus of 30 or more seats in parliament. It seems that, after abolition of the majoritarian system, the ruling party still hoped to create a majority in parliament using these amendments. This is indisputably an unfair electoral system and will most likely create a strong one-party majority in the future.

The amendments relating to the electoral system were strongly criticized by international organizations, Georgian NGOs, and the Venice Commission. The Venice Commission noted that:

The replacement of the current proportional/majoritarian election system by a proportional election system is, without doubt, a positive step forward aiming at increasing pluralism in Parliament. However, this positive step forward is limited by three mechanisms: the 5% threshold rule in legislative elections is maintained; the undistributed votes below the 5% threshold are allocated to the winning party, and electoral coalitions (party blocks) are abolished. While the 5% threshold is perfectly in line with European standards and does not as such expose itself to criticism, taken together, these three mechanisms limit the effects of the proportional system to the detriment of smaller parties and pluralism and deviate from the principles of fair representation and electoral equality to a larger extent than seems justified by the need to ensure stability (European Commission for Democracy through Law, 2017a).

Unlike in 2012, the Georgian Dream coalition of several parties dissolved before the 2016 elections. Georgian Dream participated independently, winning 48.67% of the proportional vote and 44 seats in the legislature, and 70 of the 73 seats in the majoritarian constituencies. So, with less than 50% of the vote, the party won 150 seats, a supermajority in parliament, and was able to change the constitution without the participation of the other parties in parliament. On 26 September 2017, Parliament approved the amendments to the Constitution at the third reading supported by 117 votes, while 2 MPs voted against. According to the amendments, the proportional electoral system will begin in 2024, while the 2020 elections will still be held under the existing mixed electoral system and with a one-time 3% election threshold. Thus, the reform process ended with the rejection of a fully proportional electoral system for 2020 parliamentary election, which was the main demand of the opposition political parties.

Keeping the mixed system for the 2020 parliamentary election could be considered a strategic goal of the ruling party in its attempt to maintain power. Allowing party blocks and reducing the election threshold to 3% was a last-

minute change in the face of strong criticism from the international and domestic community. Nonetheless, the Venice commission noted that the postponement of the adoption of a proportional election system to October 2024 is both highly regrettable and a major obstacle to reaching consensus (European Commission for Democracy through Law, 2017b). The ruling party announced that they could not make any fundamental changes to the constitution during its third hearing, and that a new draft of the constitutional amendment will be initiated during next parliamentary session. The Venice Commission noted that they expect this step not only to be considered, but immediately adopted (European Commission for Democracy through Law, 2017b).

5.3. Anti-Occupation Protests and Electoral System Change Initiative

On 19 June 2019, the 26th General Assembly of the Inter-Parliamentary Assembly of the Orthodox Church (I.A.O) opened in Tbilisi. The I.A.O. is an inter-parliamentary body formed under the initiative of the Greek Parliament in 1993. The arrival of the Russian I.A.O. delegation to the plenary hall of the Georgian Parliament – and the decision to let a Russian lawmaker, Sergei Gavrilov, temporarily sit in the chair of the speaker – caused widespread protest in Georgia. Protests continued in Georgia's capital, Tbilisi, over the next few weeks. This act was considered very insulting by Georgian opposition members and the public at large, as the Russian Federation has occupied 20% of the territory of Georgia and Georgia does not have diplomatic relations with Russia. The opposition MPs protested the appearance of the Russian MP in the Parliament of Georgia. MPs from the 'United National Movement' (UNM) and 'European Georgia' gave the government half an hour for all Russian MPs to withdraw, saying that 'if the government did not withdraw these people from the parliament building, they would start mobilizing and bringing people to the Parliament Hall' (JAM News, 2019). The government was forced to suspend the assembly and remove the Russian MPs from the Parliament building.

The government used tear gas and rubber bullets against the protesters to no avail. Finally, with the use of water cannons, the protest was disbanded. However, police pursued assembly participants after the end of the protest, chasing them on various streets and using force. Ultimately, several hundred people were injured as a result of the violent dispersal, including policemen, journalists, and peaceful protesters. Three participants lost their eyesight after being hit by rubber bullets. Though the Georgian authorities succeeded in violently dispersing the demonstration, the citizens' protest was not over. On the second day of the demonstration, protesters raised three demands. They demanded the resignation of the Interior Minister, the adoption of proportional representation for the next parliamentary elections, and the immediate release of the detainees (Liberal, 2019).

Though concerned about the high tensions, the government struggled to place political responsibility. Ultimately, at a session of the ruling Georgian Dream coalition, Irakli Kobakhidze resigned from the position of Speaker of Parliament. His resignation was not enough to calm the protesters, however, who maintained their other political demands, including the adoption of proportional representation for the 2020 parliamentary elections. On 24 June 2019, a few days after the demonstration was dissolved, the Georgian Dream coalition announced that the 2020 parliamentary elections will be conducted through a proportional system under an electoral threshold of zero (First Channel, 2019a).

This unexpected proposal on the electoral system change was considered as a victory for the protesters, but many activists remained suspicious of the annulment of the electoral threshold. Election observer organizations also commented on the abolition of the threshold which currently, in accordance with the constitution of Georgia, is set at 3% for the 2020 elections. On the one hand, the abolition of the electoral threshold was useful for the ruling party, but on the other hand it could pave the way for different nationalist, pro-Russian, or fascist groups. The opposition feared that the ruling party, which had the most financial resources, might facilitate the creation and purchase of various satellite parties and thus try to gain a majority in parliament (Moestrup, 2019).

It was realistic that the government had taken such a step because of the mass protests. However, the ruling party said that the proportional system better responds to multiparty, pluralistic political representation in the European standard, but it would be better to introduce in 2024 because time was still required to strengthen political parties.

The ruling party also noted that the current mixed electoral system is absolutely democratic, and held and tested in many traditional democracies, but society is demanding change and the party's initiative is the basis for large-scale political change. The party said it wanted the youth to be actively involved in governing the country, and that the party had decided to give up the initial advantage that the Georgian Dream would naturally have under a mixed electoral system (First Channel, 2019a).

In fact, by putting forth such a proposal, the ruling party acknowledged that the majoritarian system was an advantage for the ruling party, and if the 2020 parliamentary elections were held in a mixed system then the Georgian Dream would most likely win almost all majoritarian constituencies. Another motive for wanting a fully proportional electoral system was that the ruling party had growing political and economic challenges, both global and local, facing the country that would increasingly need to be addressed by the broad public and political consensus, unity, and shared responsibility that are exclusively expected of a pluralistic environment (First Channel, 2019a).

Finally, the constitutional amendment was initiated in Parliament by the ruling party, and public meetings were held in the regions of Georgia for a month. At the same time, the opposition parties submitted a draft constitutional amendment, collecting the signatures of more than 200,000 citizens. According to this initiative, the proportional system of parliamentary elections should be held at a 3% threshold and should not prohibit the creation of election blocs. On 3 September 2019, the Parliament of Georgia established the Public Review Commission (Resolution of the Parliament of Georgia 3 September 2019), and on 11 September 2019, the Organizing Committee started the public discussion on the draft constitutional law related to the transition to the proportional electoral system (Parliament of Georgia, 2019a). This draft provided for the proportional representation of the full composition of the Parliament of Georgia only in a proportional manner, with a 3% national threshold and both parties and blocs being allowed to participate in the elections.

5.4. Rejection of Initiated Electoral System Change

In order to change the constitution of Georgia during one parliamentary session, the bill must achieve the support of three-quarters of the Members of Parliament; in the absence of such support, the initiative should be considered by the next elected legislature. The initiative was put forward by both the opposition and the ruling party, went through all necessary procedures, and was set to be voted on by parliament on 14 November 2019. Parliament did not support the opposition's proposed bill, but expectations were high that the parliamentary majority would adopt a draft pledged by the ruling party in June. The poll found that 101 lawmakers voted in favour of the amendment, 3 opposed it, 113 votes were essential for decision, and parliament rejected a proportional system (Parliament of Georgia, 2019b).

The parliamentary outcome has drawn widespread criticism from opposition parties, civic activists, and NGOs: it was considered a failure by the ruling party to fulfil its promise in June and that the ruling party's chairman, Bidzina Ivanishvili, should take the blame for the failure. The day before the parliamentary debate on the constitutional amendments, the majoritarian MPs opposed the amendments. For example, Dimitri Khundadze said that the proportional system is dangerous for the country (Kapanadze, 2019). Kakha Okriashvili said that the proportional system threatens the stability of the country and cannot support it despite the party leader's pressure to change their decision (Interpress News, 2019). The majoritarian MPs, who were never active in parliament, were opposed to the proportional electoral system, but their independence was questionable. Much of the public is convinced that the ruling party used majoritarian MPs to reject the proportional system (Nakashidze, 2019).

Majoritarian MPs opposed the shift to a proportional system in 2018 as well, and it was even considered to be a situation manipulated to maintain a mixed electoral system. The Parliament of Georgia, where 77 members are elected proportionally and 73 are majoritarian, has an advantage for the ruling party in forming a parliamentary majority in a situation where it has low proportional representation. This is what happened in the 2016 election,

when the Georgian Dream, with 48% support, won 73 majoritarian constituencies and thus formed a majority in parliament. That is why the opposition is calling for a fair electoral system in the form of a proportional system where the ruling party has no advantage.

Senior officials have responded to the denial of the constitutional amendments. Bidzina Ivanishvili, the chairman of the ruling party himself, said: 'I am disappointed that ultimately, our initiative to hold the 2020 parliamentary elections on a proportional basis with zero electoral thresholds failed to come to fruition'. Unfortunately, the Parliament of Georgia rejected this initiative due to opposition from one part of the deputies of the Georgian Dream, most of whom are majoritarians (First Channel, 2019b). The country's prime minister said that:

A proportional electoral system is a step forward in our democratization. This is the decision we made and we want it to be implemented. I would like to emphasize that we will fulfil this promise and that we will fulfil this promise in the Constitution. Let's not forget that the talk was about 2020. However, we must also remember that the country will have a proportional system as it has in the Constitution from 2024 (Parliament of Georgia, 2019).

Officials said that they have done everything they could to introduce a proportional electoral system, but failed to agree with the majoritarian MPs and other members of the team. They think this is part of inter-party democracy and there are different opinions. At first glance it is possible that in this opinion there is nothing unusual, but it is the position on the constitutional changes – which were under consideration for a month in the regions then went through all of the normal procedures, and was also signed majoritarian MPs who did not express different positions and only during the polling day opposed the ruling party – which is not reliable. Along with the statements of the ruling party leaders, the vice Speaker of the Parliament of Georgia, Tamar Chugoshvili, and 11 MPs left the Georgian Dream ruling party after the rejection of the bill. In addition, several members of parliament said that they needed time to consider whether to remain in the parliamentary majority (Agenda.ge, 2019).

In such a political situation, as constitutional amendments could not be adopted quickly, the opposition suggested the so-called German electoral model by adoption of changes to the election code. This was not a purely German model, although it was somewhat close to the German mixed system. If we look to international practice, it is known that, since 1989, the German electoral system has become increasingly popular among countries reforming their own electoral systems. For example, Albania, Bolivia, Hungary, Lesotho, Mexico, New Zealand, Romania, and Venezuela have introduced mixed compensatory electoral systems for their national elections (Bochsler, 2012). Despite the quick spreading of mixed electoral systems, we know fairly little about their outcomes in practice. Regarding their impact on the party system, previous studies found that they have an impact somewhere in between PR and plurality/majority vote, although without a much more precise specification (Bochsler, 2007). This shows that proportional outcomes under positive vote transfer systems tend to be the exception rather than the rule, and that the very same electoral system can lead to very different outcomes (Bochsler, 2014). Thus, the German electoral system is characterized by many peculiarities, and in the next part of the article we will discuss what the proposed new mixed system in Georgia actually means.

5.5. Multilateral Agreement on Electoral System Change

When the Georgian Dream's promise to the public to run the 2020 election under a proportional system failed, a new wave of protests across the country began. After the ruling party did not accept the constitutional amendments in parliament due to disagreements between the majoritarians, the opposition parties decided to offer a model to the government that did not meet the constitutional majority in the parliament, and could be adopted by ordinary law. One of such options, as mentioned above, was the so-called German electoral model. Representatives of almost all opposition parties agreed and demanded from the government the acceptance of the so-called German model (Opposition calls for German elections, 2019). This was not exactly the German mixed electoral model that operates in Germany, but was as close as possible to the German system in the reality of Georgia.

According to this model: the parliament will again have 150 deputies (elected by the proportional system – 77 and elected by the majoritarian system – 73); the 3% threshold will be in place; the party/bloc will receive seats for the party list only if it exceeds the 3% threshold; the party/bloc will receive seats in a single-member constituency even in the case that they are not be able to overcome the barrier; and single-mandate constituencies will be merged into 6–8 mandated constituencies (respectively, voters will elect 6–8 majoritarian MPs). The voter casts their first ballot for the first majoritarian candidate, and the second ballot for one party or electoral bloc. After the election, the number of votes cast for the majoritarian candidates will be calculated first and the winners will be announced. Then, how many voters voted for this or that party or bloc will be calculated. For the fairness of the distribution of mandates, the formulas will be applied at different stages: $M_i = N_i \times (150 - P)$: the whole part of the number N ; and $M_k = N_k \times (150 - P - P_1)$: the whole part of the number N . In this formula: M_i is the number of seats in the party / electoral bloc that has crossed the electoral threshold; N_i is the number of votes received by the party / election bloc; N is the sum of the votes received by such parties/election blocs; P is the number of "independent" candidates and the winning majoritarian parties/blocs who failed to cross the electoral threshold; M_k is the number of seats owned by a party / election bloc; N_k is the recount of votes received by this party / election bloc. (Kunchulia, 2019).

According to the model, a particular party/bloc can get the maximum number of seats it deserves from the proportional system (party list), and the party/bloc (proportional and majoritarian system) will not receive more than it deserves from the proportional system (party system) in the elections. If a majoritarian party/bloc candidate, overall, gained the same or more than a mandate than this party/bloc list deserved, they will not receive additional mandates (Kunchulia, 2019).

However, in response to the opposition, former Parliament Speaker Irakli Kobakhidze said that the so-called German model does not comply with the constitution, as the constitution states that 77 MPs will be elected by proportional system and 73 by majoritarian system (IMEDI News, 2019). However, this statement likely stemmed from more political motivations, as experts (Open Society Foundation, 2019) and leading NGOs (NGOs on German Model, 18 November 2019) believed that this model was in full compliance with the constitution of Georgia. Nothing was later stated on the unconstitutionality of the bill in OSCE/ODIHR report, which was prepared at the request of the opposition (OSCE Office for Democratic Institutions and Human Rights, 2020). In addition, the party said that, given the situation in the parliamentary majority, there are no resources to mobilize 113 votes to get a constitutional amendment, thus the issue is closed and the mixed electoral system will be maintained in 2020 (Radio Free Europe/Radio Liberty, 2019).

In parallel with the government's position, protests by opposition parties and civil activists outside official buildings, including the picketing of the parliament building, intensified in the country. All the opposition parties have managed to revolt around the demand for a change in the electoral system, which has been unprecedented in the history of Georgia. At the same time, the positions of Georgia's international partners towards the Georgian leadership have become extremely critical. Representatives of the European Union, the US Congress, and officials from other countries have criticized the Georgian government and called for a change in the electoral system for the 2020 elections. For Georgia, this could have been responsible, to some extent, for blocking international aid and setting certain conditions for their admission to the European Union and NATO, thus hindering that which is a priority for the country's foreign security.

Amid political pressure and protests, the government's position was gradually weakening, although it clung on the electoral system to the end. The Georgian Dream proposed that the number of deputies elected by the proportional system for the next parliamentary elections be increased from 77 to 100, and that the number of majoritarian deputies be reduced from 73 to 50 (Radio Free Europe/Radio Liberty, 2020). The opposition did not agree with the proposal and demanded a ratio of 130 proportional representation to 20 majoritarian, which the opposition said

would ensure substantial proportionality in the election, and a party that failed to win the support of a majority of voters would not allow it to come to power. This meant that elections under a majoritarian system would not be crucial to creating a majority. However, the opposition stopped talking to the authorities on 10 February 2020, after the Supreme Court found one of the leaders of European Georgia, a former mayor of Tbilisi, guilty of misappropriating money from one of the funds during his mayorship and sentenced him to two months in prison (IMEDI News, 2020). Opposition groups called for the release of all political prisoners and detained political prisoners, but the government denied any such demand. Later, Giorgi Rurua, a shareholder of one of Georgia's main opposition television networks – Mtavari TV – was arrested in Tbilisi on 18 November 2019 for the illegal purchase, storage, and carrying of firearms. On 25 July 2019, Irakli Okruashvili, the leader of the Victorious Georgia party, was arrested because of the violation of the law which prohibited the organization of, leadership of, or participation in group violence during the mass protests in June 2019.

After long-term multi-party and international talks through the mediation of foreign diplomats, the Georgian Dream and opposition parties reached an agreement on 8 March 2020. According to this agreement, 120 deputies will be elected by a proportional system and 30 by a majoritarian system in 2020, with a 1% electoral threshold. A party with less than 40% of the vote cannot form a parliamentary majority. The parties signed a memorandum (US Embassy in Georgia, 2020b) of understanding and released a joint statement (US Embassy in Georgia, 2020a). This agreement consisted of two parts: the electoral system and the politicization of Georgia's judiciary. In this joint statement, it was noted that: 'we agree on the importance of upholding and striving for the highest standards in the functioning of Georgia's judicial system. While differences remain, we all agree on the necessity of addressing actions that could be perceived as inappropriate politicization of Georgia's judicial and electoral processes and of avoiding any such actions in the future' (US Embassy in Georgia, 2020a).

In order to implement this agreement, on 17 March 2020 the Parliament of Georgia established another Commission for Constitutional–Public discussion and launched the process of constitutional amendments (Resolution of the Parliament of Georgia, 17 March 2020). According to this model, elections will be held in 30 single-member majoritarian constituencies within the administrative boundaries. To determine the number of seats won by a political party or bloc, the number of actual votes shall be multiplied by 120 and divided by the total number of real votes received by all political parties/blocs that have exceeded the electoral threshold. Undistributed mandates will be distributed in sequence to the largest remaining parties/blocs (Resolution of the Parliament of Georgia, 17 March 2020).

In order to independently exclude the forming of the parliamentary majority, and therefore a government, by a party/bloc with less than 40% support, the bill provides requirements on the margin of total seats received by a political party or bloc in a proportional and majoritarian system. The margin is the sum of the percentage of real votes received by the party and one quarter of this share in the total number of actual votes received by the political parties and electoral blocs in the proportional system. This limit avoids the formation of a one-party parliamentary majority if the winning party or electoral bloc receives less than 40.54% of the vote under the proportional system. In case of exceeding the above-mentioned margin, the party or the electoral bloc will be deprived of the mandates from the proportional electoral list, which will be proportionally distributed on the electoral lists submitted by other political parties and electoral blocs that have exceeded the relevant electoral threshold (Resolution of the Parliament of Georgia, 17 March 2020). In addition, in case of early elections by 2024, the provisional electoral system established by the proposed constitutional bill will be effective. However, early elections in 2024 are not allowed.

Despite the agreement, the second part of the text of the later agreement became the basis for a different interpretation between the opposition and the ruling party. After the signing of the agreement, the opposition claimed that the two issues had been agreed upon, the electoral system and the release of political prisoners, and that the second part of the agreement referred to this issue (Datishvili, 2020). There is no record of political prisoners in the agreement with the opposition, but there is a record that justice should not be done by any party

and should not be used for political motives as noted by the speaker of the parliament of Georgia (Georgian Dream, 2020). On 11 May 11, in his official briefing, the speaker of the parliament said that the ruling team did not promise to release the prisoners in any way. The opposition's demand means that the ruling party should instruct three independent constitutional institutions – the president, the court, and the prosecutor's office – to release three people convicted and charged with serious crimes. To complete any speculation and ensure the implementation of the agreement, we ask the facilitating ambassadors of the negotiations to shed light on the content of the agreement. He also said that if the constitutional amendments were not adopted, it would be solely and exclusively the responsibility of the radical opposition (Georgian Dream, 2020).

To respond to this statement, the opposition has issued a joint statement stating that they will not support constitutional changes unless the authorities comply with both clauses of the March 8 agreement and release political prisoners (Civil Georgia, 2020). At the same time, the facilitating ambassadors issued a joint statement that read:

We note that this agreement is composed of two parts – one focused on the election system and the other on addressing the appearance of political interference in the judicial system. We call upon all sides to uphold the letter and spirit of both parts of the agreement with a view to its successful implementation (US Embassy in Georgia, 2020c).

It was clear that the government was not going to fulfil the second part of the agreement because it meant recognizing the arrest of people on political grounds. On the other hand, it was also clear that the agreement signed with the participation of diplomats could not directly affect political prisoners, and there was a corresponding reference to this issue. The involvement of diplomats in this agreement became necessary because the party, which controls all branches of state power, has repeatedly violated the promises made to the opposition and the Georgian people to change the electoral system, and people had no effective mechanism to impact the government.

It was unexpected that the ruling party continued to interpret and detain people on political grounds even after this statement. Such actions of the Georgian Dream were followed by a very critical response from Georgian partners in the European Parliament and the US Senate (Republican Sen. James Risch, chairman of the US Senate Foreign Relations Committee, and Democrat Gene Shakin, leader of the European and Regional Security Subcommittee) in a statement posted on the official website of the US Senate:

The United States looks forward to seeing fully free and fair elections in Georgia this fall, and I commend all parties for making the difficult compromises needed to move Georgian democracy forward. Additionally, I applaud the promise made in the joint statement on Sunday to address actions that could be perceived as inappropriate politicization of Georgia's judicial and electoral processes, and expect to see the release of politically-motivated detainees imminently' noted (US Senate Committee on Foreign Relations, 2020);

with Republican Adam Kinzinger, co-chair of the Friends of Georgia group at the US House of Representatives (Kinzinger, 2020). Statements on the need to implement the agreement were made by MEPs Andrius Kubilius (2020), Michael Galler (2020), and Viola von Kramon (2020). Similar statements have been made by members of the US Congress and the European Parliament since November last year, and they have called on the government to fulfil its promise to change the electoral system.

Suddenly, on 15 May 2020, the President of Georgia Salome Zurbishvili issued a pardon act to Gigi Ugulava, one of the leaders of 'European Georgia', and Irakli Okruashvili, the leader of 'Victorious Georgia'.¹¹ The president said that she did not pardon political prisoners, and she assumes full responsibility for stating that there

¹¹ The third detainee could not be pardoned by the President because his case is currently under trial and has not been sentenced. The opposition hopes the court will release or the president will later pardon him.

are no political prisoners in Georgia. A politician who is serving a sentence for a serious crime is not called a political prisoner, but just a guilty politician. Zurabishvili stated that she cannot allow new polarisation and controversy to prevent the agreement recognised by the international community from being implemented (Official website of the President of Georgia, 2020).

It should be noted that on the same day, shortly after the pardon, a letter from US Senators Ted Cruz and John Corinne, and Congressmen Jody Arrington and Marquine Mullin, to US Secretary of State Mike Pompeo and US Treasury Secretary Stephen Mnuchin became known. They expressed concern about the deterioration of good governance in Georgia, the launch of American companies from the port of Anaklia, the avoidance of sanctions by Iranian businessmen in Georgia, and the ruling party's leader Bidzina Ivanishvili's possible connection of the Russian government (The letter of the US Senators Ted Cruz, John Corinne, and Congressmen Jody Arrington and Marquine Mullin to US Secretary of State Mike Pompeo and US Treasury Secretary Stephen Mnuchin, 2020). It seems that such clear and very critical positions of senior US officials for supporting Georgian democratic development have influenced the decision to pardon opposition leaders.

Although the president said it was her independent decision to issue these pardons, the ruling party said that it had no contact with the president and did not agree with her decision, but it is clear that the Georgian Dream made the decision and asked the president to issue an act of pardon. Zurabishvili became the president with the support of the Georgian Dream party after a highly controversial 2018 election, and has not yet made any independent decisions. Thus the unified, principled position of the opposition parties and the support of Georgia's international partners laid the groundwork for change in the electoral system. Final implementation of this initiative will depend on the vote in the parliament, where three-quarters of the votes and, consequently, the support of the opposition will be necessary. Hopefully, this time the implementation of constitutional changes will not be delayed.

5.6. Actors and Motivations of Electoral System Change

The main reason why changing the electoral system has been on the agenda before each for the last 25 years election was the disproportionate reflection of the votes in the seats, which gave preference and more power to one political party. As we have already seen above, the mixed electoral system in the history of Georgia has always ensured the creation of a strong single party majority. Many political parties had less opportunities to enter parliament. That is why political parties have always demanded the abolition of the majoritarian part of the electoral system.

As in other countries, different actors assessed the change in the electoral system differently. Practice confirms that this system has always been acceptable to a large party already in power, as they had a better chance of winning in the single-member constituencies with the resources at their disposal – administrative, financial, and otherwise. If the political party failed to get the required number of votes in a proportionate system, it could form a parliamentary majority if it won in a majority of majoritarian constituencies.

Such an advantage was due to the fact that majoritarian elections were held in single-member constituencies, and the number of votes received by the party in a proportional system did not affect the number of seats. The number of proportional and majoritarian seats was automatically summarized. Such a rule was favourable for large parties, i.e. the ruling party, although the opposition constantly demanded a change in the system. On the other hand, the expectations of the opposition parties were different. Political parties in Georgia are not well institutionalized, there are many small parties that are mainly formed or united before elections. The proportional electoral system has always been more acceptable to these parties, giving them more opportunities to compete with the larger parties and more chances to get into parliament.

If we look at the recent changes, the Georgian Dream party, which was originally in opposition, was motivated to win the election and defeat the larger National Movement, and therefore supported the introduction of a fully

proportional electoral system in the country before the 2012 election. At the time, the party's pre-election campaign was largely based on criticisms of the ruling United National Movement's strong one-party power and the threat of a constitutional majority in parliament, and therefore proportional elections were considered a significant mechanism for winning the election. However, after the Georgian Dream came to power and gained a constitutional majority in parliament (with the help of a majoritarian system), the party was less motivated to move to a fully proportional system, arguing that the country was not ready for a multi-party system.

It has been suggested that the ruling party may be motivated by the introduction of a fully proportional electoral system in its second term. The party, whose political rating and support has fallen sharply, is motivated to support a proportional electoral system as the parliamentary system will have the opportunity to form a coalition majority with other smaller parties. For example, the ruling party's proposal to move to a fully proportional electoral system with a 0% threshold and then a 1% electoral threshold means that the system will pave the way for many small political parties, including new parties backed by the ruling party. After the elections, the ruling party will have the opportunity to form a government with junior partner parties.

International organizations and national non-governmental organizations play an important role in the process of electoral change. At all stages of the development of Georgia's electoral system, the participation of international organizations such as the Council of Europe's Venice Commission or the OSCE/ODIHR was important. Georgia, as a member of the Council of Europe, has been cooperating with the Venice Commission since the 1990s and has been drafting amendments to the commission for expertise. Georgia follows the Election Code under Parliamentary Assembly of the Council of Europe. The recommendation of the Venice Commission that the difference between the constituencies should not exceed 10% and in 'special cases' 15% (European Commission for Democracy through Law, 2002) was important for Georgia in the process of electoral reform. The OSCE Office for Democratic Institutions and Human Rights periodically monitors all levels of elections in Georgia and makes recommendations to the Georgian government on both election violations and the improvement of the electoral system. Almost all election reports contain recommendations for improving Georgia's electoral system. As we have seen in the previous paragraph, parliaments of partner countries which support the process of Georgia's democratic development also play an important role in the process of electoral change in Georgia.

Both the Court of General Jurisdiction and the Constitutional Court played a role in the process of changing the electoral system. For example, The Constitutional Court of Georgia has declared unconstitutional the rule of forming majoritarian constituencies based on the borders of municipalities – because it violates the principle of equality of the vote – and called for minimizing voter inequality between constituencies (Decision of the Constitutional Court of Georgia, 28 May 2015). Following this decision of the Constitutional Court, significant amendments were adopted to the electoral legislation.

Conclusions

Global practice confirms that there is no ideal and universal electoral system, and each country individually makes its choices based on its national context. In this case, it is crucial to satisfy the main actors of the electoral system, whether the main goal is to have more representation in parliament or to create a relatively strong, stable parliamentary majority and government. One of the main tasks for Georgia today is the equal and fair representation of all parties in parliament, which has not been achieved in the last 20 years. This is why a proportional system can perform such a task.

The mixed electoral system that has been operating in Georgia since 1995 is not perfect, and its replacement has always been on the agenda prior to every round of elections. Although the mixed electoral system operates in many democracies, the biggest disadvantage of the Georgian system is that the proportional and majoritarian mandates of the parties are mechanically summed up. For example, if the party won 40% of the vote (about 30 seats) and 50 of the 73 majoritarian constituencies won, the party won a total of 80 seats in parliament. Thus, the

current majoritarian system gives one party more chance to form a majority in the parliament, and in Georgia, where democratic institutions are weakly developed, this always works in favour of the ruling political party.

The main advantage of the proportional electoral system is that the fair representation of various political parties in parliament is ensured. In this system, the number of seats won by the party is proportional to the number of votes received, and it is virtually impossible for a party that receives half of the votes to enter the parliament with a constitutional majority, as has happened in Georgia many times. At the same time, the number of 'lost' votes is very small in the proportional system, and the system forms a more multi-party parliament. Georgia has been ruled by a one-party majority and a one-party government since 1995, and this change towards a proportional system is very significant for the development of Georgia's parliamentary democracy.

There are two main challenges in Georgia: first – to overcome the strong one-party majority; and second – to avoid high fragmentation. Therefore for Georgia, given the occupation and external threats, it is important to maintain stability but ensure multilateralism as well. One of the mechanisms for preventing political instability is the electoral threshold. In developed democracies, where two or three strong parties participate in elections (for example, Germany), the threshold does not have a significant impact on representation, although for the so-called new democracies, the electoral threshold is important, and is generally around 3–5%. Thus, Georgia's electoral system must ensure a multi-party parliamentary system and avoid high political fragmentation at the same time.

To further strengthen parliamentary democracy, the issue of the barrier to access is important and its use in political manipulation is unacceptable. The zero electoral threshold proposed by the government allows many political actors to enter into Georgian parliament without exceeding the 5% threshold. In this case, given the number of voters, a party with more than 0.67% of the total number of votes will have at least one member of parliament. Therefore, such a threshold, which serves the narrow party interest in the short-term, could be a major threat to governmental stability. Therefore, in future it is necessary to determine the electoral threshold adopted in international practice and not to change it for the next elections.

Parliamentary elections in Georgia have always been held in single-member constituencies since 1995. If we look at the practice of some other countries, for example Latvia and Estonia, the parliament is elected in a fully proportional system but in multi-member constituencies. Elections in such constituencies often led to the disregard of the will of the majority of voters, inequality, and the establishment of a strong one-party system. If multi-member constituencies are adopted, these threats will be less likely and will contribute to the formation of multi-party representation. Georgia's 2024 parliamentary elections are scheduled to elect members of parliament in a proportional system in a single multi-member constituency, and this is a positive improvement.

Finally, the implementation of the agreement reached between the government and the opposition on the electoral system depends on the completion of the situation created due to COVID-19. The Georgian parliament has already initiated constitutional changes and the draft has been published for public discussion, although a state of emergency has been in place in Georgia since 21 March 2020. Thus, the discussion of the constitutional amendments was stopped and the public hearings will be held after the abolishment of the state of emergency on 22 May 2020. Implementation of the proposed changes is strategically important for parliamentary democracy in Georgia and depends on the mutual responsibility of ruling party and opposition.

References

- Agenda.ge. (2019, November 15). *Conservatives leave ruling party, cite rejected election bill as reason*. <https://agenda.ge/en/news/2019/3090>
- Bochsler, D. (2007). How proportional are mixed compensatory electoral systems? Determining the necessary share of compensation mandates in mixed systems. *Symposium: Democracy and its development 2005–2011*. <https://escholarship.org/content/qt7t30r2gc/qt7t30r2gc.pdf>

- Bochsler D. (2012). A quasi-proportional electoral system ‘only for honest men’? The hidden potential for manipulating mixed compensatory electoral systems. *International Political Science Review*, 33(4), 401–420. <https://doi.org/10.1177%2F0192512111420770>
- Bochsler D. (2014). Which mixed-member proportional electoral formula fits you best? Assessing the proportionality principle of positive vote transfer systems. *Representation*, 50(1), 113–127. <https://doi.org/10.1080/00344893.2014.902222>
- Civil Georgia. (2016, December 12). *President’s administration boycotts planned constitutional reform commission*. <http://civil.ge/eng/article.php?id=29687>
- Civil Georgia. (2020, May 13). *The opposition will not support constitutional changes without the release of political prisoners*. <https://civil.ge/ka/archives/351631>
- Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee). (2012, January 26). *Honouring of obligations and commitments by Georgia*. http://assembly.coe.int/CommitteeDocs/2012/amondoc24rev3_2011.pdf
- Constitution of Georgia, 24 August 1995. <https://matsne.gov.ge/ka/document/view/30346?publication=0>
- Constitutional Law of Georgia on Amendments to the Constitution of Georgia, 20 July 1999. <https://matsne.gov.ge/ka/document/view/16294?publication=0>
- Constitutional Law of Georgia on Amendments to the Constitution of Georgia, 23 February 2005. <https://matsne.gov.ge/ka/document/view/30862?publication=0>
- Constitutional Law of Georgia on Amendments to the Constitution of Georgia, 12 March 2008. <https://matsne.gov.ge/ka/document/view/20692?publication=0>
- Constitutional Law of Georgia on Amendments to the Constitution of Georgia, 27 December 2011. <https://matsne.gov.ge/ka/document/view/1556256?publication=0>
- Constitutional Law of Georgia on Amendments to the Constitution of Georgia, 13 October 2017. <https://matsne.gov.ge/ka/document/view/3811818?publication=1>
- Constitutional Law of Georgia on Making Amendments to the Constitutional Law of Georgia on Amendments to the Constitution of Georgia, 23 March 2018. <https://matsne.gov.ge/ka/document/view/4110673?publication=0>
- Datishvili, S. (2020, March 9). *Opposition groups called for the release of all political prisoners*. Radio Free Europe/Radio Liberty. <https://bit.ly/3bBzrdf>
- Decision of the Constitutional Court of Georgia, Citizens of Georgia – Ucha Nanuashvili and Mikheil Sharashidze v. Parliament of Georgia, No. 1/3/547, 28 May 2015. <https://matsne.gov.ge/ka/document/view/2867512?publication=0>
- Decree of the President of Georgia, No. 2428, 2 September 2003, on the appointment of a referendum. <https://matsne.gov.ge/ka/document/view/33940?publication=0>
- European Commission. (2015). Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Implementation of the European Neighbourhood Policy in 2014. http://eeas.europa.eu/archives/docs/enp/pdf/2015/georgia-enp-report-2015_en.pdf
- European Commission for Democracy through Law (Venice Commission). (2002). *Code of good practice in electoral matters, guidelines and explanatory report, adopted by the Venice Commission at its 51st and 52nd sessions (Venice, 5–6 July and 18–19 October 2002)*. <https://rm.coe.int/090000168092af01>
- European Commission for Democracy through Law (Venice Commission). (2017a). Opinion on the draft revised Constitution, adopted by the Venice Commission at its 111th Plenary Session (Venice, 16–17 June 2017), CDL-AD(2017)013-e Georgia. [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)013-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)013-e)
- European Commission for Democracy through Law (Venice Commission). (2017b). Draft opinion on the draft Constitution of Georgia as adopted in the second reading in June 2017, Strasbourg, 22 September 2017. Opinion 876/2017, CDL-PI(2017)006. [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2017\)006-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2017)006-e)
- First Channel. (2019a, June 24). *Georgian Dream initiates 2020 parliamentary elections to be held under a proportional system, with zero election threshold*. <https://bit.ly/2LAzKKL>
- First Channel. (2019b, November 14). *Statement from Bidzina Ivanishvili regarding the Parliament’s decision*. <https://bit.ly/3c3pMND>
- Gallagher M., & Mitchell, P. (2018). Dimensions of variation in electoral systems. In E. S. Herron, R. J. Pekkanen, & M. S. Shugart (Eds.), *The Oxford handbook of electoral systems*. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780190258658.013.4>
- Galler, M. [@gahler_michael]. (2020, 13 May). *All parties should adhere to the text and spirit of the 8 March agreement. It is a litmus test for Ivanishvili’s and Georgian dream’s true intentions* [Link attached] [Tweet]. Twitter. <https://bit.ly/2TdmZKC>
- Georgian Dream. (2012). *Founding declaration of the Georgian Dream political coalition, Tbilisi, 21 February 2012*. <http://www.ivote.ge/images/doc/pdfs/ocnebis%20saarchevno%20programa.pdf>

- Georgian Dream. (2020, May 11). *Statement of the Chairman of the Parliament of Georgia Archil Talakvadze*. <https://bit.ly/3dRbO1W>
- Georgia – History of Election, 1999-2010. (n.d.) <http://cesko.ge/files/TEA/archevnebisistoria/geohistory.pdf>
- Government of Georgia. (2019, November 15). *The Prime Minister met with members of the parliamentary majority regarding the 2020 budget* [Press release]. http://gov.ge/index.php?lang_id=GEO&sec_id=520&info_id=74224
- IMEDI News. (2019, November 16). *Kobakhidze: The German model is not compatible with the Constitution of Georgia*. <https://bit.ly/3b2U021>
- IMEDI News. (2020, February 10). *Gigi Ugulava was taken to the so-called Matrosov prison*. <https://bit.ly/3fd8K1A>
- Institute for the Development of Freedom of Information (IDFI). (2015, August 25). *How active is the state constitutional commission?*. <https://idfi.ge/ge/how-active-is-the-state-constitutional-commission>
- Interpress News. (2019, November 3). *MP Kakha Okriashvili: The chairman of the party attempted to pressure some MPs*. <https://bit.ly/2KY5x8o>
- ISFED. (2015, June 29). *Position of the ruling parties on the electoral system – before and after the elections*. <https://bit.ly/2z6L1zw>
- JAM News. (2019, June 20). *Scandal in the Parliament of Georgia: Russian MP in the Speaker of the Parliament*. <https://bit.ly/3fdAinn>
- Kapanadze, T. (2019, November 13). *Dimitri Khundadze: This system is dangerous*. Report.ge. <https://report.ge/en/politics/dimitri-khundadze-this-system-is-dangerous/>
- Kinzinger, A. [@RepKinzinger]. (2020, 11 May). *Perfectly said. It is imperative to finally implement this agreement and move on* [Link attached] [Tweet]. Twitter. <https://bit.ly/3fYIZmb>
- Kubilius, A. (2020, 7 May). *Statement of the MEP Andrius Kubilius on the implementation of the agreement reached with the opposition* [Status update] [Images attached]. Facebook. <https://bit.ly/3bCo8le>
- Kunchulia, L. (2019, November 25). *Dream and the so-called opposition's German electoral model*. Radio Free Europe/Radio Liberty. <https://bit.ly/2Ki0jE1>
- Liberal. (2019, June 21). *Protesters demand the resignation of Giorgi Gakharia*. <https://bit.ly/2zWeHOq>
- Medianews.ge. (2016, September 12). *Davit Usupashvili, as the Chairman of the Constitutional Commission, did not give a damn – Bidzina Ivanishvili*. <https://bit.ly/3fjCeL4>
- Moestrup, S. (2019, July 19). *Malkhaz Nakashidze – Anti-occupation protests in Georgia and the announced constitutional amendments*. Presidential Power. <https://presidential-power.net/?p=9887>
- Nakashidze, M. (2016). *Semi-presidentialism in Georgia*. In R. Elgie & S. Moestrup (Eds.), *Semi-presidentialism in the Caucasus and Central Asia*. Palgrave Macmillan.
- Nakashidze, M. (2019, November 18). *Rejection of the fully proportional electoral system and protest of opposition in Georgia*. Presidential Power. <https://presidential-power.net/?p=1066>
- Norris P. (1997). *Choosing electoral systems: Proportional, majoritarian and mixed systems*. *International Political Science Review*, 18(3), 297–312. OSCE Office for Democratic Institutions and Human Rights. (n.d.). *Elections in Georgia*. <https://www.osce.org/odihr/elections/georgia>
- Official website of the President of Georgia. (2020, May 15). *President of Georgia - I have made a decision to issue an act of pardon to Ugulava and Okruashvili* [Press release]. <https://bit.ly/3fX7vE9>
- On.ge. (2019, November 18). *The German model's electoral system does not contradict the constitution – NGOs*. <https://bit.ly/2KghbuJ>
- On.ge (2020, March 8). *Archil Talakvadze, Political prisoner, there is no such record in our agreement*. <https://bit.ly/2ZcvmKc>
- Open Society Foundation. (2019, December 8). *Besik Loladze, German Election Model and Its in Georgia, Implementation, Analysis*. <https://bit.ly/3aYvuiE>
- Opposition, demonstrators demand snap elections, transitional government <https://agenda.ge/en/news/2019/3087>
- OSCE Office for Democratic Institutions and Human Rights. (2020). *ODIHR Opinion on Draft Amendments to the Election Code of Georgia, OSCE Office for Democratic Institutions and Human Rights, Warsaw, 5 February 2020*. Opinion Nr. ELE-GEO/366/2020. <https://bit.ly/35AyHnu>
- Parliament of Georgia. (2016, September 13). *Davit Usupashvili met with the media about the activities of the Constitutional Commission* [Press release]. <https://bit.ly/35tC1Au>
- Parliament of Georgia. (2017, April 22). *The State Constitutional Commission supported the Draft of Revision of the Constitution* [Press release]. <https://bit.ly/2WpHGn3>
- Parliament of Georgia. (2019a, September 11). *Parliament to start public discussion of draft constitutional laws in Georgian regions* [Press release]. <https://bit.ly/2YvedLf>
- Parliament of Georgia. (2019b, November 14). *Voting on the draft law related to the election change was held at the plenary sitting of the Parliament* [Press release]. <https://bit.ly/2zWMf0L>

- Radio Free Europe/Radio Liberty. (2019, November 25). *Georgian Dream forms its position regarding the election system in 6 messages*. <https://www.radiotavisupleba.ge/a/30290510.html>
- Radio Free Europe/Radio Liberty. (2020, January 20). *Talakvadze: If the opposition does not agree with the new model, the elections will be held according to the existing system*. <https://www.radiotavisupleba.ge/a/30387167.html>
- Resolution of the Parliament of Georgia on the Establishment of the State Constitutional Commission and the approval of the Charter of the State Constitutional Commission, 15 December 2016. <https://matsne.gov.ge/ka/document/view/3472813?publication=0>
- Resolution of the Parliament of Georgia on the Establishment of the State Constitutional Commission, 4 October 2013. <https://matsne.gov.ge/ka/document/view/2039890?publication=0>
- Resolution of the Parliament of Georgia on the Publication of the Draft Constitutional Law of Georgia and the Establishment of the Organizing Commission for its Public Discussion on Amendments to the Constitutional Law of Georgia, 3 September 2019. <https://matsne.gov.ge/ka/document/view/4647824?publication=0>
- Resolution of the Parliament of Georgia on the publication of the draft constitutional law of Georgia and the establishment of the organizing commission for public discussion on Amendments to the Constitutional Law of Georgia, 17 March 2020. <https://matsne.gov.ge/ka/document/view/4824798?publication=0>
- Resolution of the Parliament of Georgia No. 1916-6b of 27 December 2013, On Approval of the Charter of the State Constitutional Commission. <https://matsne.gov.ge/ka/document/view/2169289?publication=0>
- Shahandashti, S. F. (2016). Electoral systems used around the world. In F. Hao & P. Y. A. Ryan (Eds.), *Real-world electronic voting: Design, analysis and deployment; Series in security, privacy and trust*. CRC Press.
- The letter of the US Senators Ted Cruz, John Corinne, and Congressmen Jody Arrington and Marquine Mullin to US Secretary of State Mike Pompeo and US Treasury Secretary Stephen Mnuchin, 15 May 2020. <https://bit.ly/3650MDs>
- US Embassy in Georgia. (2020a, March 8). *Joint Statement of Georgian Dream and opposition parties with the mediation of foreign diplomats*. <https://ge.usembassy.gov/wp-content/uploads/sites/165/8-March-2020-Statement.pdf>
- US Embassy in Georgia. (2020b, March 8). *Memorandum of Understanding. Agreement reached between Georgian Dream and opposition parties with the mediation of foreign diplomats*. <https://ge.usembassy.gov/wp-content/uploads/sites/165/GE-1202.pdf>
- US Embassy in Georgia. (2020c, May 11). *Joint Statement by the Facilitators of the Political Dialogue*. <https://bit.ly/2yVbLn5>
- US Senate Committee on Foreign Relations. (2020, March 10). *Risch, Shaheen praise Georgian agreement to amend electoral system*. <https://bit.ly/2Z9mchq>
- von Kramon, V. (2020, May 13). *Broken Promises in Georgia?!*. Viola von Krammon Blog. <https://bit.ly/3cD7YcE>

Copyright © 2020 by author(s) and Mykolas Romeris University
This work is licensed under the Creative Commons Attribution International License (CC BY).
<http://creativecommons.org/licenses/by/4.0/>

