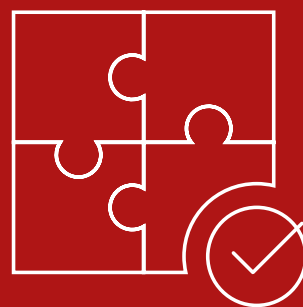


ELECTORAL SYSTEMS FOR GEORGIA'S REPRESENTATIVE BODIES:

Existing Problems and the Ways of Their Resolution



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Executive Summary

The policy document analyzes electoral systems for three levels of representative bodies in Georgia – the Parliament of Georgia, Supreme Council of the Autonomous Republic of Adjara, and Municipal Councils - their advantages, remaining/ensuing shortcomings and the ways for their resolution.

Adopting a fully proportional electoral system for the election of the Parliament of Georgia is an important step forward for the country. However, enacting the 5%-threshold, in light of the prohibition of the electoral blocs, creates the risks of increasing the disproportionality between the received votes and the seats and the number of wasted votes. Thus, it is important to establish a 2-3 percent threshold instead of 5% for the subsequent three elections.

The election of the Supreme Council of the Autonomous Republic of Adjara through a fully proportional electoral system must also be welcomed. However, a small number of its deputies causes a high natural threshold, resulting in a high disproportionality. To meet the challenge, it is advisable to start the discussion regarding the aptness of the approximation of the size of the Supreme Council to the optimal representation number, as well as carrying out the elections with a natural threshold.

Although, compared to the previous model, the current parallel-type mixed-member electoral system for the election of municipal councils is an improvement, it does not allow converting the votes into seats with minimal disproportionality. Accordingly, it is advisable to replace the current parallel-type mixed system with 1) Mixed-Member Proportional electoral system; or 2) open list proportional system, provided that the initiative groups will be entitled to submit the lists as well.

Key Words: Electoral systems, elections, representative bodies, electoral threshold, disproportionality, wasted votes. .

Introduction

Discussions regarding the electoral system in Georgia have not lost their relevance in the political, academic and professional circles since 1990. The elaborated/existing electoral systems for different levels and types of elections have been amended from elections to elections during the entire period of post-Soviet democratization. From 2024, the Parliament of Georgia, as well as the Supreme Council of the Autonomous Republic of Adjara, will be elected based on a fully proportional system for the first time, which will end the 30-year tradition of using the mixed electoral system for the election of the high representative bodies. In 2021, the local self-government's electoral system was also amended. Amongst others, the ratio between the majoritarian and proportional components in Municipal Councils was altered to favor the latter, creating the premise for transforming votes into seats more proportionally.

Adopting an electoral system that would ensure a fairer distribution of seats among the electoral subjects based on the received votes has been the demand of the majority of the Georgian political parties and civil society for many years. At the same time, despite the various important steps toward improving the electoral systems for the state, regional, and local self-government bodies, some unresolved problems remain regarding their possible negative effects on the allocation of seats in the existing representative bodies.

The present policy document reviews the electoral systems for three levels of representative bodies in Georgia, specifically their advantages and remaining/ensuing shortcomings. In response to these problems, the document presents the possibilities for their resolution and the vision for the optimal transformation of the electoral system in the context of the Georgian political system

1 | The Electoral System for the Parliament of Georgia

According to the current version of the Constitution of Georgia, from 2024, the election of all 150 members of the Parliament of Georgia will be based on the electoral system of the list proportional representation (List PR). As for the legal electoral threshold for the political parties, it will be increased from 1% used in 2020 to 5%. At the same time, unlike the latest elections, the Constitution does not allow the possibility of forming electoral blocs for the parliamentary elections. Distribution of the seats based on a fully proportional system ensures a more accurate representation of the voters' attitudes in the highest representative body than the previous mixed-parallel electoral system. Moreover, given the party pattern¹ revealed during the latest elections, the electoral fragmentation of the forces taking third or subsequent places, and the prohibition of the formation of the electoral blocs in the future, the enactment of the 5% legal threshold from the next elections may result in:

1. Party pattern evaluates the number of parties on the basis of the election results. Multiple repetitions of the same type of party pattern create the party system. As a result of the 2020 elections, seven political parties and electoral blocs (including 5 electoral subjects with less than 5% of the votes and seats) obtained no less than 2% of the votes and parliamentary seats (minimal number of votes and seats for the relevant party). However, amongst them, the electoral subjects taking first and second places obtained 75.4% of the number of votes and 84% of the number of seats in total. The winning party, „Georgian Dream- Democratic Georgia“, managed to enter the Parliament with 60% of the seats. According to the classification by Alan Siaroff, such a pattern is assessed as highly multi-party, although, at the same time, the predominant superior party is also revealed. see.: Siaroff, Alan. 2019. Comparative European party systems: An analysis of parliamentary elections since 1945 (2nd ed.). London and New York: Routledge. pp: 74-86

- A sharp decrease in the parliamentary parties;
- A significant increase in the number of wasted votes;
- A high level of disproportion between the votes received by the political parties and their seats

The results of the latest Parliamentary elections clearly show that overcoming the 5% threshold will be a hard task for most relevant political parties. Before the 2020 elections, the legal threshold was decreased from 5 % to 1% under the agreement² between the political parties.³ Under a significantly reduced electoral threshold, the fragmentation of votes of the subjects taking third or subsequent places was revealed in the latest elections. Even though 9 political parties and electoral blocs managed to obtain the right to enter the parliament, only two received at least 5 % of the votes. At the same time, every fourth voter who went to the elections voted for the electoral subject receiving less than 5% support. Under the circumstances of such distribution of the votes, if the seats were allocated only among the parties receiving the support of 5 % or more, the Gallagher LSq Index of Disproportionality⁴ would be five times higher than the index of disproportionality between the votes and the seats in case of 1% threshold (see table 1).

2. Civil.ge. 08.03.2020. 120/30 – The opposition and the ruling team agreed on the reform of the electoral system. Accessed on February 7, 2023. <https://civil.ge/ka/archives/341390>.

3. The threshold for the electoral blocs was determined in accordance with the respective percentage of the number of entering parties

4. The least-square (LSq) index of disproportionality elaborated by Michael Gallagher is the most widespread measurement of the difference between the share of the votes received by the electoral subjects and the share of the seats obtained. It amounts to zero if the shares of votes and seats obtained by every party participating in the elections are equal. However, in practice, such a case does not exist

Table 1. Hypothetical distribution of votes in the proportional component under the 5% threshold according to the results of the 2020 elections

| Electoral subject | Share of the votes | 1% threshold | | % threshold | |
|--|--------------------|--|--------|--|--------|
| | | Distributed seats ^a quantity | hare | Hypothetical distribution of votes quantity | hare |
| Georgian Dream – Democratic Georgia | 48.22% | 61 | 50.83% | 77 | 4.17% |
| United National Movement – united opposition “Strength is in Unity” | 27.18% | 35 | 29.17% | 43 | 35.83% |
| Other electoral subjects | 24.59% | 24 | 20% | 0 | 0% |
| Disproportionality (LSq) Index ^b | | 2.58 | | 13.90 | |

Note: a) Counting of the seats is based only on the allocation of 120 seats of the proportional component and does not take into consideration the compensating (locking) mechanism based on the results of the single-member districts as a result of which one mandate was deducted from “Georgian Dream” and transferred to the electoral bloc “United National Movement – united opposition “Strength is in Unity”;

b) “Gallagher disproportionality Index (LSq)” is calculated according to the following formula:

$$LSq = \sqrt{\frac{1}{2} \sum_{i=1}^n (s_i - v_i)^2}$$
, where s_i is the share of the seats received by every party/bloc participating in the elections, whereas v_i is the percentage of the votes received by each party/bloc ($i=1...n$).⁵

On April 19, 2021, under the agreement reached between the Georgian political parties (“A Way Ahead for Georgia “)⁶ with the mediation of the president of the European Council – Charles Michel, the Parliament of Georgia prepared a draft Constitutional law to reduce the legal threshold to 2% for the subsequent two elections.⁷ The parliament adopted the draft law in September 2021 in the first hearing. However, by

5. Gallagher, Michael. 1991. “Proportionality, Disproportionality and Electoral Systems”. *Electoral Studies* (10): 33–51.

6. The European External Action Service (EEAS). 20.04.2020. Georgian political leaders sign agreement on “A way ahead for Georgia” as part of EU mediated political dialogue. Accessed on February 8, 2023. https://www.eeas.europa.eu/delegations/georgia/georgian-political-leaders-sign-agreement-%E2%80%9Cway-ahead-georgia%E2%80%9D-part-eu-mediated_en

7. The Parliament of Georgia. The draft. “Constitutional Law of Georgia regarding the amendment to the Constitutional Law of Georgia “On Amendments to the Constitution of Georgia”. Accessed February 6, 2023. <https://info.parliament.ge/file/1/BillReviewContent/278611>

the decision of the parliamentary majority, the remaining two hearings required for the final adoption of the Constitutional amendment were not held. On July 7, 2022, the chair of the ruling party, Irakli Kobakhidze, stated that the Parliament of Georgia would adopt the Constitutional amendment no later than one month after the European Union granted Georgia the candidate status. Moreover, as an argument favoring the 5% threshold, he referred to the existence of the same threshold in numerous EU countries.⁸

The optimal electoral threshold should be selected given the party system/patterns in the particular country, and there is no uniform optimal level for all countries. The European Court of Human Rights has a similar view, according to which the effects of the electoral threshold may vary from country to country. The Court has clarified that “a low threshold excludes only tiny groupings, which makes it more difficult to form stable majorities, whereas in cases where the party system is highly fragmented, a high threshold deprives many voters of representation”.⁹ Unlike Georgia, in established multi-party democracies, raising the threshold within the range of 1 to 5 percent would not generally result in the minimization of the number of political parties in the parliament and an unreasonable increase in the number of wasted votes.

Whereas in Georgia’s latest elections, political parties could create electoral blocs even in light of the low threshold, revocation of this right from 2024 may deepen the negative effects of the threshold even further. On June 19, 2017, the Venice Commission stated in its opinion on the draft Constitutional law, “Whatever the reasons for the abolishment of political blocs, this amendment will prevent small parties from overcoming the 5% party threshold and risks increasing the number of lost votes”.¹⁰

8. Georgian Public Broadcaster. 07.07.2022. GD Chair promises fully proportional elections with 2% threshold one month after Georgia gets EU candidate status. Accessed on February 8, 2023. <https://bit.ly/3NY0rdt>.

9. European Court of Human Rights. Updated on 31 August 2022. Guide on Article 3 of Protocol No. 1 to the European Convention on Human Rights: Right to free elections. p. 19. Accessed February 6, 2023. https://www.echr.coe.int/Documents/Guide_Art_3_Protocol_1_ENG.pdf

10. Venice Commission. 19.06.2017. Georgia: Opinion on the draft revised constitution. CDL-AD(2017)013. Strasbourg

The Venice Commission, together with the Office for Democratic Institutions and Human Rights of the OSCE (OSCE/ODIHR), also reviewed the prohibition of electoral blocs in 2013 while assessing the draft electoral law of Ukraine. According to their joint opinion, unless there is a legitimate reason for banning the formation of electoral blocs and due to the 5% threshold for mandate allocation, consideration should be given to allowing political parties to form electoral blocs to present candidates in the elections.¹¹

To circumvent the possible negative consequences outlined above, the legal electoral threshold for the subsequent three elections should not exceed 2-3%. The stability of a party pattern in three elections is what researchers identify as an essential minimal prerequisite for the party system. Moreover, according to the condition set forth by Alan Siaroff, the period between the first and the last elections should comprise at least 10 years.¹² The subsequent increase in the threshold to up to 5 % should be carried out in light of the electoral sustainability of political parties and the stable identification of at least four parties with the ability to overcome the given level of the electoral threshold. Political parties should also enjoy the right to join the electoral blocs. Moreover, the potential detrimental effects of the frequent formation of blocs on the political system may be prevented by establishing a higher threshold for the blocs.¹³

11. Venice Commission and OSCE/ODIHR. 17.06.2013. Joint opinion on the draft amendments to the laws on election of People's Deputies and on the Central Election Commission and on the draft law on repeat elections of Ukraine. CDL-AD(2013)016. Strasbourg.

12. Siaroff, Alan. 2019. *Comparative European party systems: An analysis of parliamentary elections since 1945* (2nd ed.). London and New York: Routledge; Sartori, Giovanni. 1976. *Parties and party systems: A Framework for analysis*. Cambridge and New York: Cambridge University Press.

13. Narsia, Shota. June, 2022. Given the restriction on pre-electoral blocs, what are the risks of applying a 5% legal threshold to the 2024 Parliamentary elections? Accessed on February 8, 2023. <https://isfed.ge/eng/politikis-dokumentebi/ra-safrtkheebsh-sheitsavs-2024-tslis-saparlamanto-archevnebis-vis-tsinasaarchevno-blokebis-akrdzalvis-pirobebshi-5-iani-barieris-gamokeneba->

2 | The Electoral System for the Supreme Council of the Autonomous Republic of Adjara

The Supreme Council of the Autonomous Republic of Adjara comprises 21 deputies elected by Georgian citizens eligible to vote and registered in the autonomous republic. According to the amendments to the law of the Autonomous Republic of Adjara in 2020,¹⁴ from the next elections, instead of the mixed electoral system, the Supreme Council will be elected through a fully proportional system. In light of the existence of the small representative bodies, the non-compensatory mixed electoral system, and the threshold, which is high (5%) in the given context, the disproportionality between the votes and the seats can be high. Transitioning to a fully proportional system will reduce the level of disproportionality only insufficiently, which can be said based on the small size of the representative body and the level of the existing threshold.

The size of the Supreme Council, comprised of 21 members, is insufficient to adequately represent the region's population. Notably, at the moment, the abovementioned number of seats does not exceed the number of members of any of the Municipal Councils within the region. Under the Taagepera Cube Root Law,¹⁵ the optimal composition of a representative body equals the cube root from the population, which, according to the population of the

14. The highest representative body of the Autonomous Republic of Adjara. 08.08.2020. 134-U.S.R.S. „Regarding the elections of the Supreme Council of the Autonomous Republic of Adjara” on the amendments to the law of the Autonomous Republic of Adjara.

15. Taagepera, Rein. 1972. “The size of national assemblies”. *Social Science Research* (1): 385-401

Autonomous Republic in 2022 (355.5 thousand)¹⁶, equals 71. Thus, the current size of the Supreme Council is 3.38 times smaller than the optimal number.

For information, the composition of the representative body of the Autonomous Republic was close to the optimal number during the early post-Soviet period. In 1991-1996 it was composed of 80 seats, divided evenly among the proportional and majoritarian components. The tendency to reduce the composition of the representative body started in 2001 and reached minimal representation in 2004 after the change in the Government of Adjara.

Table 2. The composition of the Highest Representative Body of the Autonomous Republic of Adjara from 1991 until today

| Elections | Name | Number of Seats | Proportional Seats | | Majoritarian Seats | |
|-----------|-------------------------------------|-----------------|--------------------|-------|--------------------|-------|
| | | | quantity | share | quantity | share |
| 1991 | Supreme Council (Uzenaesi Sabtcho) | 80 | 40 | 50% | 40 | 50% |
| 1996 | Supreme Council (Uzenaesi Sabtcho) | 80 | 40 | 50% | 40 | 50% |
| 2001 | Parliament ^a | 45 | 35 | 77.8% | 10 | 22.2% |
| 2004 | Supreme Council (Umaghlesi Sabtcho) | 30 | 18 | 60% | 12 | 40% |
| 2008 | Supreme Council (Umaghlesi Sabtcho) | 18 | 12 | 66.7% | 6 | 33.3% |
| 2012 | Supreme Council (Umaghlesi Sabtcho) | 21 | 15 | 71.4% | 6 | 28.6% |
| 2016 | Supreme Council (Umaghlesi Sabtcho) | 21 | 15 | 71.4% | 6 | 28.6% |
| 2020 | Supreme Council (Umaghlesi Sabtcho) | 21 | 18 | 85.7% | 3 | 14.3% |

Note: In the 2001 elections, the high representative body of the Autonomous Republic of Adjara, Parliament, consisted of two chambers. 45 members were apportioned in the lower chamber – Republican Council, whereas 7 members elected in the single-member districts were apportioned in the upper chamber – Senate.

16. National Statistics Office of Georgia. Regional Statistics: Population and Demographics. Accessed on February 6, 2023. <https://www.geostat.ge/ka/modules/categories/93/regionuli-statistika>

In the 2020 elections, the ratio of majoritarian seats was reduced to the historical minimum - 14.3. However, the 5% electoral threshold was retained in the proportional component. As a result, only two electoral subjects managed to obtain the seats. In contrast, the number of votes received by the political parties and electoral blocs that could not get any seats exceeded 20%. Because the representatives of one political party won in all three single-member districts and a high number of wasted votes in the proportional component, the total level of disproportionality, according to the “LSq Index of Disproportionality,” reached 15.5.

Table 3. Allocation of the votes and the seats of the proportional component as a result of the 2020 election of the Supreme Council of the Autonomous Republic of Adjara

| Party | Share of the votes | Number of the seats | Share of the Seats | Difference |
|--|--------------------|---------------------|--------------------|------------|
| Georgian Dream – Democratic Georgia | 45.86% | 11 | 61.11% | 15.25% |
| United National Movement – united opposition “Strength is in Unity” | 33.96% | 7 | 38.89% | 4.93% |
| Other parties | 20.18% | 0 | 0% | -20.18% |

The level of disproportionality between the votes and the seats is further increased by the low number of deputies to be elected in the Supreme Council of Adjara. According to the findings of the electoral research, the district magnitude and the legal and effective threshold are strongly correlated with the level of disproportionality. The lower the number of multi-member districts, the higher the effective threshold is. Consequently, these two factors and the legal threshold create the premise for a more disproportional conversion of votes into seats.¹⁷ Hence, the transition to the

17. Jones, Mark P. 1993. “The political consequences of electoral laws in Latin America and the Caribbean”. *Electoral Studies* (12): 59-75; Lijphart, Arend. 1994. *Electoral systems and party systems: A study of twenty-seven democracies, 1945-1990*. Oxford: Oxford University Press; Rae, Douglas W. 1969. *The Political Consequences of Electoral Laws*. New Haven: Yale University Press; Sartori, Giovanni. 1986. “The influence of electoral systems: Faulty laws or faulty method?” In *Electoral laws and their political consequences*, by Bernard Grofman & Arend Lijphart, 43-68. New York: Agathon Press, 1986; Taagepera, Rein and Shugart, Matthew Soberg. 1989. *Seats and votes: The effects and determinants of electoral systems*. New Haven: Yale University Press; Lijphart, A. 1997. “The difficult science of electoral systems: A commentary on the critique by Alberto Penadés”. *Electoral Studies* (16): 73-77

proportional electoral system, even in case of a decrease in the legal threshold, cannot ensure the proper reduction in disproportionality.

For the Supreme Council of Adjara to be more representative of the number of citizens registered in the region and for the allocation of the seats in the representative body to be more approximated to the distribution of votes, its composition should not be so gravely behind the optimal size. Moreover, for the reasonable limitation of the disproportionality between votes and seats, the legal threshold should be equated to the natural threshold – the respective percentage of the votes required to obtain one seat in the representative body.

3 | The Electoral System for Municipal Councils

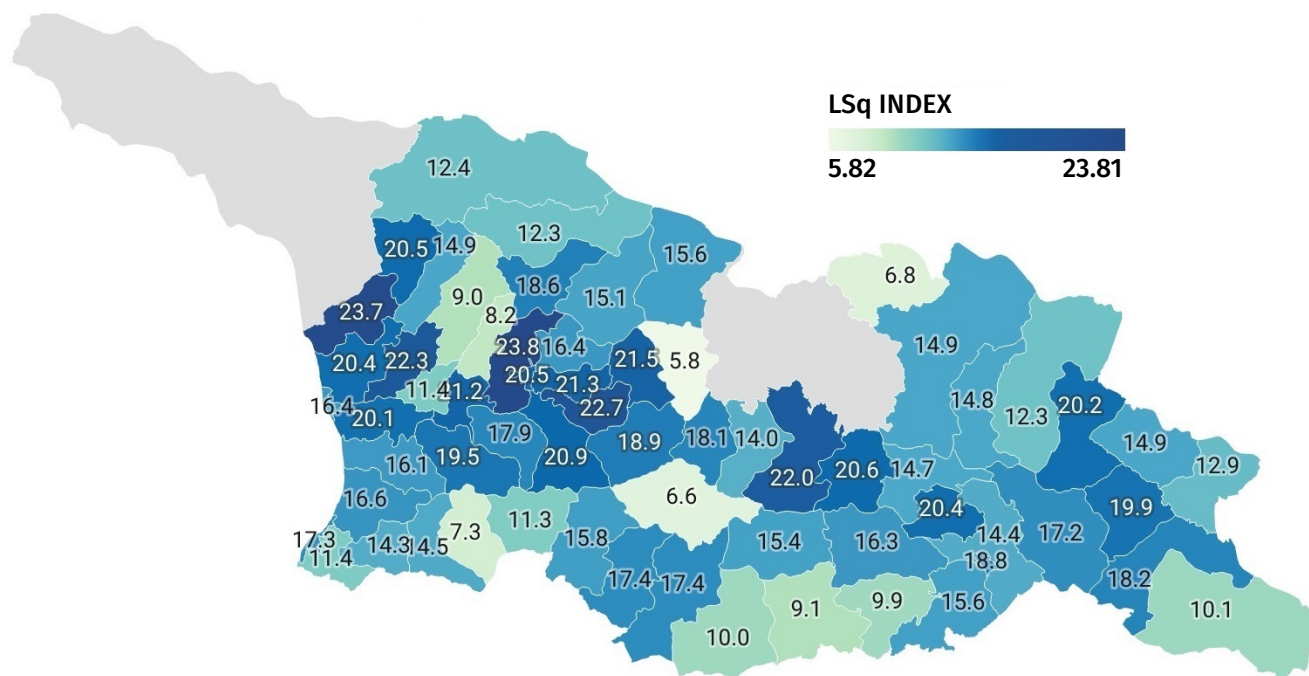
The citizens of Georgia registered in Georgian Municipalities elect a representative body of the self-governing unit –Municipal Council (Sakrebulo), with the parallel type mixed-member electoral system. Participation of the candidates in single-member districts ensures their direct connection with the voters of the local territorial units. The legislation also envisions the possibility for the initiative groups to nominate independent candidates. However, at the same time, in most cases, the majoritarian component determines the significant disproportionality in allocating the votes and the seats.

As a result of the electoral reform implemented before the Municipal Elections in 2021, the share of the proportional seats in self-governing cities (Tbilisi, Batumi, Kutaisi, Rustavi, Poti) increased up to 80%, whereas in self-governing communities (59 Municipalities) up to 2/3 (66.7%). The pre-existing legal threshold of 4% in the proportional component was also reduced. In Tbilisi, 2.5% and in other municipalities, 3% electoral thresholds were established.

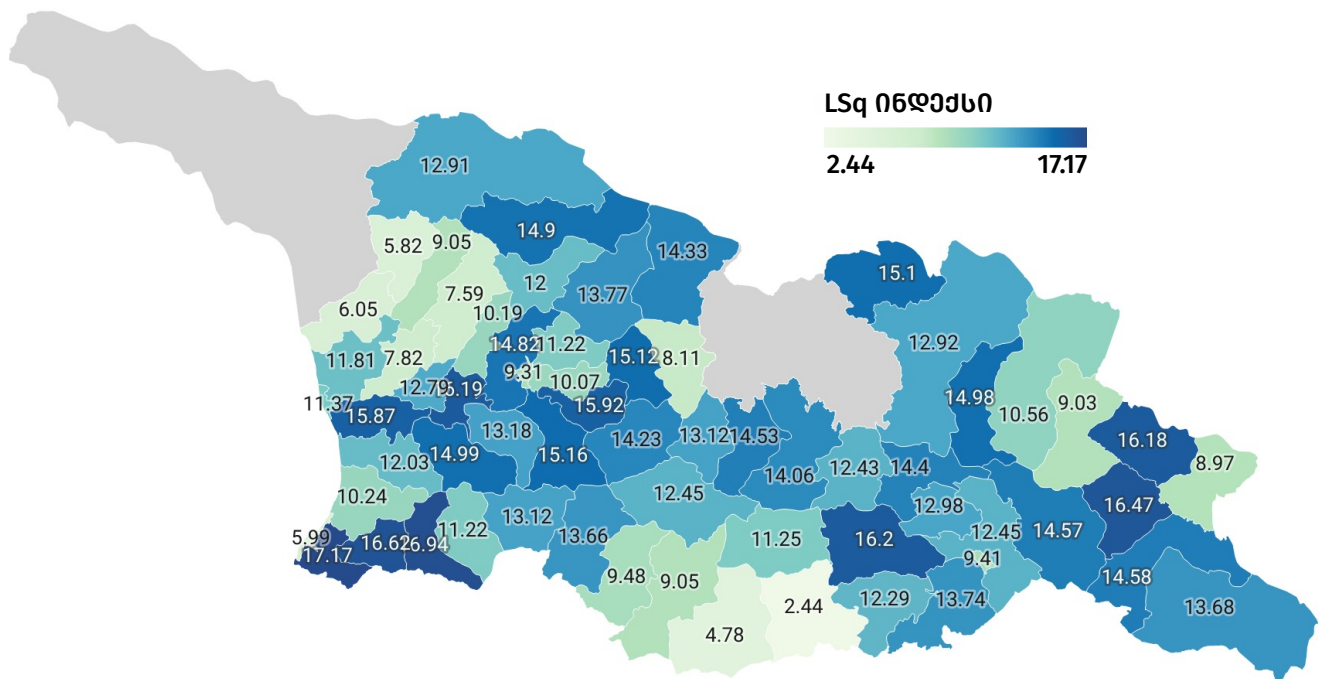
Compared to the previous elections, in the 2021 elections, the average Disproportionality Index (LSq) between the votes and seats in the Municipalities was reduced. Moreover, while the average level of disproportionality was almost twice less in self-governing cities, in self-governing communities, its level remained high (see Table 4). Among the self-governing communities, the level of disproportionality was most reduced in the municipalities of Zugdidi and Tsalenjikha. In these municipalities, the

votes and seats were allocated in close proportion, both in proportional and majoritarian components. However, in the municipalities where the larger electoral difference was revealed between the political parties taking first and second place, the disproportionality still reached a high level. For instance, in Kazbegi Municipality, where all majoritarian seats were obtained by the party taking the first place, the disproportionality index doubled compared with the previous elections (see Annex 1)

| Municipality Type | Average LSq | | Maximum LSq | | Minimum LSq | |
|----------------------------|-------------|-------|-----------------------|-------------------------|---------------------|-------------------|
| | 2017 | 2021 | 2017 | 2021 | 2017 | 2021 |
| Self-governing cities | 18.67 | 9.81 | 20.45 (Kutaisi) | 12.98 (Tbilisi) | 16.44 (Poti) | 5.99 (Batumi) |
| Self-governing communities | 15.67 | 12.45 | 23.81 (Tskhaltubo) | 17.17 (Khelvachauri) | 5.82 (Sachkhere) | 2.44 (Dmanisi) |



Picture 1. Gallagher Disproportionality Index (LSq) of the votes and seats in the Municipalities according to the 2017 Municipal Council elections



Picture 2. Gallagher Disproportionality Index (LSq) of the votes and seats in the Municipalities according to the 2021 Municipal Council elections

Considering the existing problems and specificity of local self-governance, the electoral system used for electing local representatives must incorporate the following principles:

- Ensuring the individual connection between the voters and the elected representatives;
- Allocation of the seats with the closest proportionality possible to the votes;
- Existence of the minimal level of the number of wasted votes;
- Permitting non-party, independent actors to get involved as election candidates

To uphold the above principles, the allocation of the seats according to the Mixed-Member Proportional system (MMP) or fully open list proportional representation system, instead of a parallel system, may be considered optimal. In addition, in the case of using the latter system, the initiative groups should be entitled to present the list of candidates as well.

In the Mixed-Member Proportional electoral system (MMP), in the election of the local representative bodies, the voters still elect the majoritarian deputies and the party lists. However, by conferring the compensatory character to the latter, the seats between the political parties and the electoral blocs will be allocated according to the votes they receive in the proportional component. From party lists, the subjects that overcame the threshold will add/receive as many majoritarian mandates as they may need to complete the entitled number of seats based on the proportional rule. Two versions of the allocation of seats in Tbilisi City Council based on the 2021 elections are presented below. As a result of using the current, parallel type mixed electoral system, the party taking the first place obtained 17.6% more seats in the City Council than the share of the received votes. Whereas, as a result of the MMP electoral system, the seats would be allocated amongst the political parties more fairly, following the voters' will.

Table 5. Allocation of seats in Tbilisi City Council as a result of the 2021 election according to the current (parallel) and compensatory (mixed-member proportional, MMP) type of the mixed electoral system

| Party | Share of the Votes | Majoritarian Seats | Proportional Seats | | Total seats | | Share of the Seats | |
|--------------------------|--------------------------|--------------------|--------------------|-----------|-------------|-----------|--------------------|-------------|
| | | | Parallel | MMP | Parallel | MMP | Parallel | MMP |
| Georgian Dream | 40.40% | 10 | 19 | 13 | 29 | 23 | 58% | 46% |
| United National Movement | 27.96% | 0 | 13 | 16 | 13 | 16 | 26% | 32% |
| For Georgia | 8.89% | 0 | 4 | 5 | 4 | 5 | 8% | 10% |
| Lelo | 3.63% | 0 | 2 | 2 | 2 | 2 | 4% | 4% |
| Girchi – More Freedom | 3.30% | 0 | 1 | 2 | 1 | 2 | 2% | 4% |
| For People | 2.58% | 0 | 1 | 2 | 1 | 2 | 2% | 4% |
| total | 6.76%¹ | 04 | 0 | 40 | 50 | 50 | 100% | 100% |

| Municipal Council Elections | | |
|---|---|---|
| Color the column of your preferred list and the candidate | | |
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| <input type="radio"/> List #4 <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი | <input type="radio"/> List #5 <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი | <input type="radio"/> List #6 <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი |
| <input type="radio"/> List #7 <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი | <input type="radio"/> List #8 <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი | <input type="radio"/> List #9 <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი <input type="radio"/> გვარი სახელი |

Picture 3. The sample structure of the ballot paper for the open list proportional system

While using the open list proportional representation electoral system, apart from voting for the desired party, the voters will be able to elect the candidates from its list. Unlike the closed list proportional representation which is currently used to partially allocate the seats in the local representative bodies, candidates' position in an open electoral list is determined by the voters instead of a political party/electoral bloc. The voters may vote for one or more candidates from the desired party. If there is a rule for voting for more than one candidate, the voters should determine the sequence of the candidates according to their preferences. They should write "1" beside the most preferred candidate, "2" - beside the next preferred candidate, etc. Compared to the closed list ballot, open list ballot increases the individual connection between the voters and the candidates and the degree of their involvement in the electoral districts and the campaign.¹⁸

18. Hangartner, Dominik, Ruiz, Nelson and Tukiainen, Janne. 2019. "Open or closed? How list type affects electoral performance, candidate selection and campaign effort". VATT Institute for Economic Research Working Papers. Accessed February 13, 2023. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3418767

If the seats are distributed through a fully proportional system, the initiative groups should also be entitled to present the electoral lists to preserve the right of the local activists to be elected in representative bodies. Such a possibility is envisioned in the electoral systems for the self-government of Poland and Estonia, the examples of which are given below.

Table 6. Electoral systems for local representative bodies in Estonia and Poland

Estonian example

The results of the elections for the local representative body are determined on the basis of the principle of proportionality. Political parties, as well as electoral coalitions (*valimisliit*) and independent candidates, can participate in the election of the Municipal Council. The voters may vote either for the list of candidates or the individual candidates (if any). Whereas the seats among them (provided that the 5% threshold is overcome) are allocated in proportion to the received votes.

Electoral coalition is a civil law partnership created on the basis of the written agreement of the Estonian and EU citizens with the voting rights, which aims at expression of the political interests of its members and supporters at the level of local self-government. The name of the electoral coalition should not be insulting. The use of the name of the political party, other electoral coalition or other confusing name of similar kind is prohibited. If more than half of the members of the electoral coalition were present in the coalition participating in the previous election as well, it is allowed to use the name registered during the previous election.

The political parties and electoral coalitions may register the list composed of multiple candidates, as well as only a single candidate in the electoral districts. In case of submission of more than one candidate, the sequence of the candidates in the electoral list is determined by the political parties and electoral coalitions that submitted the list.

Polish example

The seats in the local representative bodies in Poland are allocated on the basis of the list proportional representation electoral system at all three levels (except for the supervising official).¹⁹ The lists for the elections of the representative body at the respective level are submitted by the electoral committees that represent political parties as well as party-less candidate groups.

As the practice shows, the more the level of local self-governance is reduced, the more the frequency of submission of the list of independent candidates in the representative body increases, and the higher the share of the elected partyless deputies becomes; At the regional level, the political parties are the dominant players. For instance, while in the 2018 elections, 73% of the electoral committees submitted in the municipalities with up to 20 thousand residents were partyless lists, 88% of the committees participating in regional (Voivodeship) assembly elections were from political parties.²⁰

19. The chairs of the local executive bodies at the level of the Municipality (*Gmina*) and *Powiat* are elected directly, on the basis of the relative majority majoritarian system, who are, at the same time, the members of the representative bodies. Large city *Gminas*, that enjoy the *Powiat* rights as well, elect the President of the City; The executive branches of the small town *Gminas* are chaired by the mayor; Whereas *wójt*s are elected in rural municipalities.

20. Czyżniewski, Marcin. 2019. "Nonpartisan Electoral Committees in Local Government Elections in Poland in 2018". *Polish Political science Yearbook* (48): 624

Conclusion and Recommendations

The stability of the electoral system plays an important role in establishing the party system. Moreover, the current electoral systems for the representative bodies in Georgia should be modified so that it optimally corresponds to the historical and cultural characteristics of the country and equally resolves the problems faced by the political system.

While allocating seats in the Parliament of Georgia, the electoral system should promote fair representation of the voters' will in the highest representative body and reasonable limitation of wasted votes. The existence of a 5% threshold and prohibition of electoral blocs, against the background of enacting a fully proportional electoral system in 2024, hinders the proper achievement of these aims.

The Supreme Council of the Autonomous Republic of Adjara should properly represent the region's population. At the same time, when electing the Supreme Council, similar to the national elections, the number of wasted votes and the disproportionality revealed while converting the votes into seats should be minimized. The small size of the representative body of the Autonomous Republic and the existence 5% threshold makes it difficult to follow the above principles.

While electing local representatives, it is important to maintain the balance between ensuring the connection between voters and elected representatives (party and independent deputies) on the one hand and accurately representing the voters' will on the other. The current mixed electoral system at the local level fails to address the disproportionality issue properly.

To resolve the abovementioned problems of electoral systems for the representative bodies, the following amendments to the Constitutions of Georgia and the Autonomous Republic of Adjara, the Election Code and the law of the Autonomous Republic of Adjara "on the Elections of Supreme Council of Autonomous Republic of Adjara" should be considered, prepared and enacted

:

1. For the election of the Parliament of Georgia:

- ▶ Instead of a 5% threshold, a 2 or 3 percent threshold should be introduced for the subsequent three elections.

2. For the election of the Supreme Council of the Autonomous Republic of Adjara:

- ▶ A discussion regarding the aptness of the closer approximation of the number of the members of the Council to the optimal representation number should commence;

- ▶ The election should be held with a natural threshold.

3. For the elections of the Municipal Councils:

- ▶ The current parallel type mixed system of elections should be replaced by: 1) a Mixed-Member Proportional electoral system; or 2) an open list proportional representation system, provided that the initiative groups will be entitled to submit the lists as well.

Annex

Annex 1. Disproportionality Index (LSq) of the results of the 2017-2021 Municipal Council elections

| # | Municipality | 2017 | 2021 | Variation compared to the previous elections |
|----|----------------|-------|-------|--|
| 1 | Tbilisi | 20.41 | 12.98 | -7.43 |
| 2 | Batumi | 17.29 | 5.99 | -11.30 |
| 3 | Kutaisi | 20.45 | 9.31 | -11.14 |
| 4 | Rustavi | 18.77 | 9.41 | -9.36 |
| 5 | Poti | 16.44 | 11.37 | -5.07 |
| 6 | Telavi | 20.17 | 9.03 | -11.14 |
| 7 | Sagarejo | 17.22 | 14.57 | -2.65 |
| 8 | Gurjaani | 19.85 | 16.47 | -3.38 |
| 9 | Sighnaghi | 18.18 | 14.58 | -3.60 |
| 10 | Dedoplistskhvo | 10.06 | 13.68 | +3.62 |
| 11 | Lagodekhi | 12.93 | 8.97 | -3.96 |
| 12 | Kvareli | 14.86 | 16.18 | +1.32 |
| 13 | Akhmeta | 12.27 | 10.56 | -1.71 |
| 14 | Gardabani | 14.41 | 12.45 | -1.96 |
| 15 | Marneuli | 15.61 | 13.74 | -1.87 |
| 16 | Bolnisi | 9.91 | 12.29 | +2.38 |
| 17 | Dmanisi | 9.06 | 2.44 | -6.62 |
| 18 | Tsalka | 15.43 | 11.25 | -4.18 |
| 19 | Tetritskao | 16.31 | 16.20 | -0.11 |
| 20 | Mtskheta | 14.69 | 14.40 | -0.29 |
| 21 | Dusheti | 14.92 | 12.92 | -2.00 |

Annex 1. Disproportionality Index (LSq) of the results of the 2017-2021 Municipal Council elections

| # | Municipality | 2017 | 2021 | Variation compared to the previous elections |
|----|--------------|--------|-------|--|
| 22 | Tianeti | 14.83 | 14.98 | +0.15 |
| 23 | Kazbegi | 6.79 | 15.10 | +8.31 |
| 24 | Gori | 21.96 | 14.06 | -7.90 |
| 25 | Kaspi | 20.63 | 12.43 | -8.20 |
| 26 | Kareli | 14.02 | 14.53 | +0.51 |
| 27 | Khashuri | 18.12 | 13.12 | -5.00 |
| 28 | Borjomi | 6.62 | 12.45 | +5.83 |
| 29 | Akhaltzikhe | 15.84 | 13.66 | -2.18 |
| 30 | Adigeni | 11.29 | 13.12 | +1.83 |
| 31 | Aspindza | 17.44 | 9.48 | -7.96 |
| 32 | Akhalkalaki | 17.37 | 9.05 | -8.32 |
| 33 | Ninotsminda | 10.03 | 4.78 | -5.25 |
| 34 | Ambrolauri | 15.07 | 13.77 | -1.30 |
| 35 | Oni | 15.58 | 14.33 | -1.25 |
| 36 | Tsageri | 18.58 | 12.00 | -6.58 |
| 37 | Lentekhi | 12.26 | 14.90 | +2.64 |
| 38 | Kharagauli | 18.87 | 14.23 | -4.64 |
| 39 | Terjola | 21.27 | 10.07 | -11.20 |
| 40 | Sachkhere | 5.82 | 8.11 | +2.29 |
| 41 | Zestaponi | 22.70 | 15.92 | -6.78 |
| 42 | Baghdati | 20.88 | 15.16 | -5.72 |
| 43 | Vani | 17.89- | 13.18 | 4.71 |

Annex 1. Disproportionality Index (LSq) of the results of the 2017-2021 Municipal Council elections

| # | Municipality | 2017 | 2021 | Variation compared to the previous elections |
|----|--------------|-------|-------|--|
| 44 | Samtredia | 21.17 | 16.19 | -4.98 |
| 45 | Khoni | 8.22 | 10.19 | +1.97 |
| 46 | Chiatura | 21.47 | 15.12 | -6.35 |
| 47 | Tkibuli | 16.43 | 11.22 | -5.21 |
| 48 | Tskaltubo | 23.81 | 14.82 | -8.99 |
| 49 | Ozurgeti | 16.10 | 12.03 | -4.07 |
| 50 | Lanchkhuti | 20.09 | 15.87 | -4.22 |
| 51 | Chokhatauri | 19.46 | 14.99 | -4.47 |
| 52 | Zugdidi | 23.65 | 6.05 | -17.60 |
| 53 | Abasha | 11.35 | 12.79 | +1.44 |
| 54 | Senaki | 22.25 | 7.82 | -14.43 |
| 55 | Martvili | 8.96 | 7.59 | -1.37 |
| 56 | Khobi | 20.40 | 11.81 | -8.59 |
| 57 | Tsalenjikha | 20.45 | 5.82 | -14.63 |
| 58 | Chkhorotsku | 14.85 | 9.05 | -5.80 |
| 59 | Mestia | 12.38 | 12.91 | +0.53 |
| 60 | Kobuleti | 16.60 | 10.24 | -6.36 |
| 61 | Khelvachauri | 11.35 | 17.17 | +5.82 |
| 62 | Keda | 14.28 | 16.62 | +2.34 |
| 63 | Shuakhevi | 14.46 | 16.94 | +2.48 |
| 64 | Khulo | 7.32 | 11.22 | +3.90 |