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# **Elections in Georgia**

## *October 1 Parliamentary Elections*

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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## Table of Contents

Who will Georgians elect on October 1, 2012? .....	1
Why are these parliamentary elections important?.....	1
What is the current political situation in Georgia?.....	1
When will the results be announced? .....	2
Who will monitor the elections?.....	2
Who will observe the elections?.....	3
What bodies have legal and political authority in Georgia? .....	3
What is the legal process for electoral dispute adjudication?.....	4
What laws regulate the parliamentary elections in Georgia? .....	4
What are the rules that govern the media? .....	4
Who is eligible to vote?.....	5
Who is not eligible to vote? .....	5
Who is eligible to run for office?.....	5
What is the state of political parties in Georgia? .....	5

### *Disclosure:*

*These FAQs reflect decisions made by the Georgian election authorities as of September 27, 2012, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Who will Georgians elect on October 1, 2012?**

Georgians will elect representatives to the Parliament of Georgia (*Sakartvelos Parlamenti*). Seventy-seven members are elected through a closed-list proportional representation (PR) system to serve four-year terms. The remaining 73 members are elected by majority vote in single-member constituencies to serve four-year terms.

However, if no candidate secures 30 percent of the valid vote in a single-member constituency, a run-off election is held between the two leading candidates. The threshold is 5 percent in the PR tier. If no party, bloc or pre-election coalition achieves 5 percent of votes, new elections are held. Parties that pass the 5 percent threshold will automatically receive six seats, which will allow them to form a parliamentary faction.

## **Why are these parliamentary elections important?**

The stakes are high for Georgia and the politicians and parties battling for spots in the country's 150-seat parliament. The to-be-elected parliamentarians and legislatively-appointed prime minister will be endowed with increased powers – compliments of constitutional amendments that will come into force two months after the next presidential election scheduled for October 2013.

Once these amendments come into force in December 2013, the balance of power will shift in favor of the new parliament and prime minister, and away from the president. While the president will remain the head of state, he or she will lose control of policymaking in certain areas, among other responsibilities, to the parliament and prime minister. The intention of the changes was to promote more of a balance of power between the branches of government and limit the possibility of a president exceeding his or her authority.

The lawmakers voted into office this October will be responsible for selecting the prime minister in December 2013. According to Georgian law, newly-elected parliamentarians will conduct their first session in Kutaisi, where the government has relocated the parliament from the capital city of Tbilisi.

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

The pre-election campaign period in Georgia has been extremely active and, at times, contentious. The ruling United National Movement (UNM) has been governing the country since Georgia's 2003 Rose Revolution and currently holds 119 of the 150 seats in parliament. After nearly a decade of political dominance in legislative and executive branches, the UNM faces a significant challenge by billionaire businessman-turned-opposition leader Bidzina Ivanishvili, his Georgian Dream political party and the Georgian Dream Coalition (GD).

Ivanishvili entered politics in late 2011 and quickly raised the coalition's profile on the national stage. Ivanishvili and GD contend they have been unfairly targeted by the government, citing steep fines levied

against Ivanishvili, members of the coalition and related businesses by the State Audit Office of Georgia, and concerns of state resource abuse and pressure against GD supporters.

Mikheil Saakashvili, president of Georgia since 2003 and leader of the UNM, is barred from running for a third term as president in 2013, but has pledged that the upcoming October 2012 parliamentary elections will be the “most democratic in Georgia’s history.” The pre-election environment notwithstanding, whether or not these elections will be a step forward for Georgian democracy will be determined on October 1 and thereafter.

## **When will the results be announced?**

The Georgian Central Election Commission (CEC) has 19 days from Election Day to announce official results. After polls close, precinct election commissions (PECs) protocols are finalized and sent to the CEC; The protocols are to be made available on the CEC’s website ([www.cec.ge](http://www.cec.ge)) upon receipt from PECs.

## **Who will monitor the elections?**

There are currently 50 civil society organizations registered with the Central Election Commission to monitor the upcoming elections. As of September 21, 2012, the following organizations were registered:

- Anti-Corruption Union – Protecting the Rights of Legal Entities and Physical Persons
- Association of Free Development and Rights Protection
- Association of Independent Journalists – Free Press
- Caucasian Synergy
- Center for Strategic Researches of State Administrative-Territorial Arrangement
- Center of Democracy
- Center of Democracy and Freedom
- Centre for Protection of Rights
- Choice of the Future
- Civil Initiative – Legal Elections
- Civil Society and Democracy Development Center
- Democracy Network
- Dialog Centre of Caucasus
- Election Environment Development Centre
- Eurasian Institute of Conflict Analysis and Management
- Former Political Prisoners for Human Rights
- Free Choice
- Free Choice for Civil Society
- Georgian Democratic Principles and Human Rights Defense Union
- Georgian Media Club
- Georgian Professional Educational and Qualification Staff Trade Union of Workers and Students
- Georgian Young Lawyers’ Association (GYLA)

- Healthy World
- House of Kutaisi Youth Organizations
- Human Rights Centre
- Institute for Democracy and Business Development
- Institute for Refugee and Minority Problems
- International Association Women's Movement for Equality
- International Center for Civic Culture
- International Foundation - Women's Political Resource Center
- International Organization of Defense of Truth and Right of Oppressed and Prisoners and Social Maintenance
- International Society for Fair Elections and Democracy (ISFED)
- Movement "Save the Life"
- New Generation for Democratic Georgia
- new Generation – new Initiative
- Public Advocacy
- Public Movement "Multinational Georgia"
- Public Movement "Solidarity"
- Research Center of Election Systems
- Society for Democracy and Legal Development
- League of Voters
- Terjola Civic Culture Centre +
- Transparency International – Georgia
- Union for Children's Rights and Civic Education Children – Future of Georgia
- Union for Constitution Protection
- Union for Fighting against Economic Crime, Corruption and Smuggling
- Union of Assistance of Single Persons, Single Invalid Pensioners and Single Mothers of Georgia
- Women and Decisions
- Youth for Future
- Young European Democrats

## **Who will observe the elections?**

There are currently 61 international delegations registered to observe the upcoming elections. This includes the OSCE Office for Democratic Institutions and Human Rights, the Embassy of the United States of America in Georgia and the British Embassy in Georgia.

## **What bodies have legal and political authority in Georgia?**

The elections are administered by the Central Election Commission (CEC) of Georgia, an independent body operating at three levels. These three levels consist of the CEC, 73 district election commissions

(DECs) and, at the time of writing, 3,768 precinct election commissions (PECs). This includes 49 PECs operating outside of the country.

Commissions at each level have 13 members, of which six members are appointed by the upper level commission (or by parliament, in case of the CEC) and seven are appointed by parties eligible for state funding.<sup>1</sup> The CEC and DEC are permanent bodies, while the PECs only function during election periods.

The new election code of Georgia, adopted December 2011, includes changes such as the transfer of primary authority over campaign finance regulation from the CEC to the State Audit Office of Georgia, voter registration to the Voters' List Verification Commission and media monitoring to the Georgian National Communications Commission. The CEC remains responsible for comprehensive election administration duties, including election dispute adjudication and training of commission members.

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

The new election code requires all complaints regarding the violation of polling procedures and counting of votes filed at precinct election commissions on Election Day to be forwarded to district election commissions (DEC) within three days.<sup>2</sup> The application/complaint must be registered and addressed within one day of registration at the DEC level. DEC-level decisions may be appealed to the relevant court or Central Election Commission. The decision of the court may be appealed within one day of its delivery to the Court of Appeals.<sup>3</sup> Decisions by the Court of Appeals are final.

## **What laws regulate the parliamentary elections in Georgia?**

There are five key documents regulating parliamentary elections in Georgia:

- Constitution of Georgia
- Election Code of Georgia
- Law on Political Unions of Citizens
- Central Election Commission Regulations
- Criminal Code of Georgia

## **What are the rules that govern the media?**

Under the Election Code, "qualified"<sup>4</sup> electoral subjects are authorized to receive 90 seconds free of charge for every three hours of broadcasting on private broadcasters and 60 seconds per hour on public television.<sup>5</sup>

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<sup>1</sup> See Articles 12, 13 and 24 of the Election Code.

<sup>2</sup> See Articles 73 and 74 of the Election Code. Applications/complaints may also be filed directly at the district election commission level.

<sup>3</sup> See Article 77 of the Election Code.

<sup>4</sup> "Qualified" electoral subjects are parties, heads of election blocs and/or candidates of parties that received at least four percent of votes under the proportional representation system in the last parliamentary elections or at least three percent of votes

Beyond this, general broadcasters must transmit pre-election debates in a non-discriminatory manner and with the participation of all qualified election subjects in the course of the pre-election campaign within its coverage zone. All transmission of pre-election campaign advertising by TV or radio is prohibited on Election Day.<sup>6</sup>

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

Any citizen of Georgia 18 or older on Election Day is eligible to vote.

Article 104 of the Georgian Constitution states that “persons, born and permanently residing in Georgia during the last five years and holding citizenship of the Member State of the European Union by the entry into force of this Article, together with citizens of Georgia – from the appropriate age – shall also have the right to run for or vote in the parliamentary and presidential elections prior to January 1, 2014.”

## **Who is not eligible to vote?**

Any citizen declared incapable by the court or a citizen who is placed in prison or a penitentiary institution in accordance with a court judgment for committing a grave crime is ineligible to vote.

## **Who is eligible to run for office?**

Any citizen 21 or older who is eligible to vote may be elected a member of parliament. Article 104 of the Georgian Constitution states: persons, born and permanently residing in Georgia during the last five years and holding citizenship of the Member State of the European Union by the entry into force of this Article, together with citizens of Georgia – from the appropriate age – shall also have the right to run for or vote in the parliamentary and presidential elections prior to January 1, 2014.

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

There are 14 political parties registered for the upcoming parliamentary elections and two party blocs: the Christian Democratic Union and the Georgian Dream Coalition.

The Georgian Dream Coalition is made up of a party by the same name and five additional opposition parties: Conservative Party, Industry Will Save Georgia, Republican Party, Our Georgia – Free Democrats and National Forum. The parties within the Georgian Dream Coalition vary across the political spectrum.

The second party bloc consists of opposition parties Christian-Democratic Movement and the European Democrats of Georgia.

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in the last local elections. “Unqualified” electoral subjects must demonstrate public support through public opinion polls in order to enjoy free airtime/space.

<sup>5</sup> See Article 51.4-6 of the Election Code for rules concerning “qualified” candidates.

<sup>6</sup> See Article 51.16 of the Election Code.