

GEORGIA'S PARLIAMENTARY ELECTORAL SYSTEM:

OPTIONS FOR ADVANCING VOTER EQUALITY



CONCEPT PAPER

Georgia's Parliamentary Electoral System: Options for Advancing Voter Equality

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Introduction

The term 'electoral system' is used to describe the structure by which votes cast in an election result in legislative seats (or executive offices) won by political parties and candidates. The most common methods used in elections for legislatures are plurality/majority, proportional representation or mixed systems.

The International Institute for Democracy and Electoral Assistance (International IDEA) begins its handbook for electoral system design as follows¹:

The choice of electoral system is one of the most important institutional decisions for any democracy. In almost all cases the choice of a particular electoral system has a profound effect on the future political life of the country concerned. Electoral systems, once chosen, often remain fairly constant as political interests solidify around and respond to the incentives presented by them. Conscious design has become far more prevalent recently. However, traditionally it has been rare for electoral systems to be consciously and deliberately selected. Often the choice was essentially accidental, the result of an unusual combination of circumstances, of a passing trend, or of a quirk of history, with the impact of colonialism and the effects of influential neighbors often being especially strong.

Under Georgia's current legal framework, the 150 members of the national parliament are elected with half from a single national constituency based on proportional representation to allocate mandates from political party candidate lists, and half from single-mandate constituencies based on plurality outcomes. This system is clearly a product of some of the historical factors described in the quotation above, particularly a post-Soviet model. The result is an electoral system that provides neither equality in the 'weight' and influence of each citizen's vote nor fair distribution of parliamentary seats to competing political movements in Georgia. The following paper is intended to assist ongoing discussions of electoral reforms in Georgia, by exploring concepts for revising Georgia's electoral system and introducing some new ideas and perspectives for consideration.

One Person, One Vote, One Value

The principle of each qualified voter having a vote of equal weight and effect, and resulting in equal representation in a legislative body, is one of the most sacred principles within international standards for fair elections and good governance. The standard is sometimes called 'one person, one vote, one value'.

The Code of Good Practice in Electoral Matters by the Parliamentary Assembly of the Council of Europe in 2003 observes (p. 4): "Equal suffrage ... must comprise equal voting rights, equal voting power and equality of opportunity." Accordingly, Article 4 (Basic Principles of Elections) of the Election Code of Georgia states: "Elections in Georgia shall be held on the basis of universal, equal and direct suffrage, by secret ballot." Article 6(1) (Equal Suffrage) of the Electoral Code of Georgia states: "Voters take part in elections based on equal grounds."

It is evident, however, that the promise of the Election Code of Georgia that citizens shall enjoy equal voting rights is not honored by the use of the old Administrative Districts as single-mandate constituencies for the 75 members of the parliamentary assembly elected in that manner. These districts vary radically in the number of persons/voters who reside in them. (See: APPENDIX ONE). As in almost every other country in the world, these types of old political sub-divisions and administrative districts often trace their origins to historical notions of ethnic community or determinations based on physical features of the topography. They may continue to serve well as the basis for local self-government. But these districts are simply not

¹ Electoral System Design: The New International IDEA Handbook, Stockholm (2008), p.1. [This quotation was slightly edited to facilitate translation.] http://www.idea.int/publications/esd/upload/ESD Handb low.pdf

reasonably suited for use as single-mandate constituencies. They are deserving of respect and preservation in designing multi-mandate constituencies, however, as this concept paper will explore at length later.²

The use of Georgia's Administrative Districts as the mechanism for single-mandate elections was strongly criticized in the *Joint Opinion on the Election Code of Georgia* issued by the 'Venice Commission'³:

... [The Electoral Code of Georgia] does not provide criteria to be used in forming single-mandate election districts and it does not require that those districts be of equal or comparable size, thus failing to guarantee one of the main principles of electoral rights – equality of the vote [footnote omitted]. In fact, in the May 2008 parliamentary elections, the number of voters in election districts ranged from 6000 to 140,000 voters. Such large differences in voting populations deny the equality of the vote. Thus, using the wide variances from 2008, it would be possible for one candidate to be elected by 1,800 votes where another candidate might require 70,000 votes.

... Some deviation in the number of voters in each election district may be unavoidable due to geographic or demographic factors. ... The Venice Commission Code of Good Practice in Electoral Matters stipulates that the maximum permissible departure from the distribution criterion should seldom exceed ten per cent, and never 15 per cent, except in very exceptional circumstances. The Venice Commission and OSCE/ODIHR recommend that the Code be amended to require singlemandate election districts to be of equal or similar voting populations. The Code should specifically address how election districts are to be established in all types of elections [footnote omitted]. The Election Code should require that those responsible for creating electoral boundaries should be independent and impartial. The delimitation process should be transparent and involve broad public consultations. The Code should also foresee periodic review of boundaries taking into account population changes. [Emphasis omitted.]

² Proponents of maintaining the current system in Georgia may argue that each Administrative District deserves its own representative. This notion of territorial representation – regardless of its impact upon equality of representation of people – is not consistent with the role of a general 'house of representatives'. Territorial representation is better suited to an 'upper house', such as the Bundesrat in Germany or the Regional Representative Assembly in Indonesia, each of which has a much more limited role in the legislative process than the democratically elected 'lower house'.

³ As amended though March 2010, Organization for security and Cooperation in Europe (OSCE/ODIHR) and the Council of Europe, Strasbourg/Warsaw (2010), p. 5.

⁴ It should also be noted that cities like Tbilisi and Kutaisi are grossly under-represented in Georgia's parliament.

The *Joint Opinion* correctly diagnoses the problem with the reliance of Georgia's current system upon Administrative Districts in Georgia as single-mandate constituencies for electing half of the parliament. From this international perspective, the resulting inequality of the vote among Georgia's citizens is unjustifiable.

But frankly, the proposed cure for this problem offered by the *Joint Opinion* is completely impractical for application in Georgia. New boundary delimitation for single-mandate constituencies in Georgia, as suggested in the *Joint Opinion*, would be extremely difficult to implement from technical and political perspectives, particularly in time for 2012 parliamentary elections. (Boundary delimitation for single-member constituencies is discussed below). Moreover, it would cause enormous social confusion and distress to create 75 entirely new constituencies for parliamentary elections in Georgia of approximately the same quantity as existing Administrative Districts, but based upon wholly different boundaries.

Parallel 'Mixed Member Proportional' Electoral Systems

The electoral system adopted in Georgia uses the 'parallel' form of 'mixed member proportional' (MMP) voting – half of the members are elected through party list proportional representation and the other half are elected in single-mandate election constituencies. Unlike other 'mixed member' systems, however, the 'parallel' system is essentially two simultaneous elections for parliament, with the results of each ballot having no relationship or impact upon the distribution of seats to parties and candidates from the other.

In Germany, by contrast, the lower house of the parliamentary assembly (the *Bundestag*) is elected through an MMP system, also based upon a 50-50 split between members elected in single-mandate constituencies and by a national constituency based upon proportional representation for allocation of seats from political party candidate lists. However, Germany's system is integrated, not 'parallel', to ensure that the political parties receive their share of the total seats in the assembly based upon their share of the voting on the proportional representation (political party) ballot. That proportion is first calculated from the national constituency vote. The mandates won by parties in the majoritian single-member constituencies are then taken into account when distributing the other half of the seats.

Thus, a political party that has won 25% of the vote in the national constituency based upon proportional representation, and has won 40% of the seats in the majoritarian constituencies (20% of total seats in the assembly) will receive additional seats from the half reserved to the national constituency in an amount only necessary to bring its total seats in the parliamentary assembly up to the 25% total it won in the political party national voting. In this way, the mandates in the national constituency are related to and 'compensatory' towards the outcomes in the single-mandate majoritarian constituencies. This particularly benefits those political parties with widespread support that nevertheless did not win 'winner-take-all' majoritarian seats outright (but perhaps were second or third in such voting). This system emphasizes fair proportionality, and minimizes the 'wasted votes' that accompany reliance on majoritarian 'winner-take-all' voting.

The 'parallel' system now used in Georgia has been commonly employed in countries emerging from the former Soviet Union, including Russia itself. This system attempts to combine the advantages of both majoritarian and proportional representation systems (or, perhaps, lessen each system's disadvantages). In practice, however, such 'parallel' systems provide an inadequate level of proportionality in the political outcomes, require establishing single-mandate electoral districts and create two classes of parliamentary members with wholly different constituencies and political agendas. Instead of providing a good compromise between majoritarian and proportional representation systems, a 'parallel' electoral system may actually produce the 'worst of both worlds'. In addition to lacking any 'compensatory' feature in the proportional representation part (see: text box above), the current electoral system in Georgia has the fundamental flaw of single-mandate constituencies of drastically varying populations.

Single-Member Plurality/Majority Constituencies

Most countries arising from British historical traditions (e.g., the United Kingdom, the United States, Canada, and Australia)⁵ utilize some system of single-mandate plurality/majority constituencies in electing their parliamentary assemblies. A 'plurality' system is sometimes called 'first-past-the-post', since the candidate who receives the most votes wins the legislative seat, regardless of the extent of the percentage. Many countries, particularly multi-party systems, add the 'majoritarian' element of 'second-round' voting among the two candidates receiving the most votes in the first round, when no candidate has reached a threshold of 50% (or perhaps a somewhat lower percentage threshold).

However, democracies that utilize single-member plurality/majority constituencies must engage in the periodic and substantial task of 'boundary delimitation' (also called 'redistricting') to ensure that each constituency contains approximately the same number of people and, thus, provides equal representation to all voters. Political sub-divisions ranking below provinces or states or regions, such as municipalities or administrative districts (or, as in the United States, 'counties'), are based on historical boundaries unrelated to electoral constituency purposes and have widely varying populations, and are often the basis of local government. Thus, for example, electoral constituency boundaries for seats in the U.S. House of Representatives or in a state legislature in the United States combine, cross and divide among county boundaries. (See: APPENDIX TWO.)

In countries using plurality/majority systems, redoing boundary delimitation for electoral constituencies is often required following each national census of the population. The 'redistricting' process is technically difficult, requiring sophisticated mapping technology and population databases at relatively low political units ('townships', 'neighborhoods', 'villages', etc). This process can also be very politically contentious and a means of manipulation. An old expression called 'gerrymandering' refers to the drawing of constituency boundaries for political benefit, by which one party seeks to increase its chances of winning more seats and decrease the opportunities for its opponents. In the United States, particularly with the growing sophistication of mapping and database capabilities, the 'redistricting' exercise is not only used for political advantage but also 'incumbent protection' achieved through bi-partisan agreement. It is now sometimes said in the United States that, through boundary delimitation, 'the voters don't choose their representatives, the representatives choose their voters'.

lowa is one of the most progressive states in the United States in terms of its non-partisan and transparent system for boundary delimitation for seats in the U.S. House of Representatives and the two houses of the state legislature. **APPENDIX TWO** provides a map of constituencies for lowa's lower House of Representatives. This map illustrates the complexity of the redistricting process, even when conducted in a reasonable and fair manner, and the interaction and splitting of boundary lines with existing political subdivisions (counties) to accommodate legislative constituencies of equal population.

This discussion and illustration of the problems of redistricting may initially seem to encourage abandoning the standard of equality of the vote. However, as discussed above, such equality is one of the key principles for fair elections. Boundary delimitation for purposes of creating electoral constituencies of approximately equal numbers of people per elected representative is simply one of the responsibilities of impartial election administration, much like maintaining current and accurate voter registry lists or affording a process for adjudicating election complaints.

⁵ New Zealand converted to an MMP system for its parliamentary assembly in 1993.

Preliminary Conclusion

The clear inference at this stage of analysis of Georgia's electoral system is that the use of traditional Administrative Districts as single-member constituencies in parliamentary elections in Georgia presents an unacceptable conflict with the principle of equality of the vote, and unsustainable in a modern democracy. Moreover, there is no easy fix for this problem. Drawing entirely new boundaries for single-mandate electoral constituencies to achieve equality of the vote would be technically, politically and socially unacceptable in Georgia.

Thus, in the absence of any practical alternatives to the political units of Administrative Districts for single-mandate elections, the current MMP electoral system should not be maintained (regardless of whether it is 'parallel' or 'compensatory'). As discussed below, however, boundary delimitation of constituencies to guarantee equality of the vote is much less difficult in creation of multi-mandate electoral districts for all 150 parliamentary seats than for more numerous and smaller single-mandate constituencies.

Proportional Representation Alternatives

Methodology:

The alternative concepts suggested below utilize regions and/or combinations of Administrative Districts to form proposed multi-mandate electoral constituencies for awarding parliamentary seats to political parties according to a proportional representation system. The development of these concepts follows a straightforward methodology for allocating the number of mandates to be elected per constituency.

The formula begins with establishing the total number of voters nationally. The total number of voters in Georgia used in this paper is derived from the information provided in **APPENDIX ONE**. For purposes of this paper, the numbers of voters listed for Akhalgori (#31), Liakhvi (#85) and Kodori (#86) have been subtracted from the total number of voters nationally since – for now – it is unlikely voting would take place in those districts in 2012 parliamentary elections. This produces a national total for voters of 3,573, 817.

The total number of voters nationally is then divided by the number of parliamentary seats to be elected (for these concepts, all 150 seats). That yields a voters-per-mandate 'quota' of 23,825.5. When the number of voters in a region and/or combination of Administrative Districts to be utilized as a constituency is divided by the 'quota', the number of mandates to be elected from the proposed multi-mandate electoral constituency is determined. This provides for equality of the 'weight' of each vote; voters would be represented in the parliament equally.

Thus, for example, the total number of voters in the Administrative Districts within the region of Kakheti is 313,432. When that sum is divided by the national mandate 'quota' of 23,825.5, the result is 13.155 mandates – 13 mandates. Combinations of Administrative Districts used in these concepts were occasionally chosen to avoid 'half mandate' outcomes (for example, 8.5 mandates), which are difficult to 'round' up or down. Remarkably few of the proposed constituencies in these concepts presented any problems of partial mandates exceeding '+/- .2' for purposes of rounding.

NATIONAL CONSTITUENCY

The simplest method for implementing proportional representation, and avoiding the need for any form of boundary delimitation for electoral constituencies, is to elect the entire parliament through a national constituency. Mandates would be allocated to candidates on the candidate lists of contesting political parties according to their party's share of the votes, as presently conducted in Georgia for half the seats.

The use of a national constituency for all seats in the parliament would necessarily elevate the importance of use of a vote percentage threshold for qualification of political parties to gain representation.

With regard to international practice, a 5% qualification threshold is employed in several countries that use proportional representation and is generally considered reasonable (e.g., in the proportional representation part of 'mixed systems' in Germany, New Zealand and Russia); legal thresholds range from 0.67 per cent in the Netherlands to 10 per cent in Turkey. Some European countries use three or four percent. As discussed below, several countries utilize regional electoral districts or other forms of constituencies with smaller 'district magnitudes' (number of seats elected per district) which effectively have much higher natural thresholds for political party representation per constituency.

The use of a national constituency for electing all members of a parliament has several disadvantages for political representation, however. The candidates at the top of the candidate lists of political parties – those most likely to be elected – would probably be mostly from (or at least residing in) Tbilisi. The interests of citizens throughout the remainder of the country would be given less representation and attention. Indeed, the current 'MMP' electoral system in Georgia combines two odd elements that disproportionately favor Tbilisi candidates (in the half of the parliament elected through the national constituency), and also disproportionately favor small populations in small Administrative Districts and discriminates against representation of urban areas (for the single-mandate voting).

REGIONAL CONSTITUENCIES

Another simple method for creating multi-mandate electoral districts in Georgia to implement proportional representation would be to designate the ten 'de facto' regions of Georgia (plus Tbilisi) as constituencies. (See: APPENDIX THREE.) Allocating the 150 seats in parliament among Georgia's regions would approximately result in the following distribution of mandates⁸:

Adjara	13	Racha-Lechkhumi and Kvemo Svaneti	2
Guria	5	Samegrelo-Zemo Svaneti	14
Imereti	24	Samtskhe-Javakheti	6
Kakheti	13	Kvemo Kartli	17
Mtskheta-Mtianeti	4	Shida Kartli [partial]	10

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⁶ Electoral System Design: the New International IDEA Handbook, Stockholm (2008), p. 83. http://www.idea.int/publications/esd/upload/ESD_Handb_low.pdf

⁷ Israel utilizes a national constituency to elect 120 members of the legislature with no threshold requirement, allowing very small political parties to win seats and often complicating formation of a government.

⁸ Calculations for allocating seats used in this paper are based upon data on the number of voters in **APPENDIX ONE**. International practice generally favors utilizing population data rather than voter registration data for purposes of matching people per representative in boundary delimitation of constituencies. However, census data in Georgia dates back to 2002. And any perceived inaccuracies in the voter registration lists are probably evenly distributed among Administrative Districts and regions, permitting use of this data in assigning the relative number of mandates.

By this calculation, Tbilisi would be entitled to 42 seats in the national parliament (Tbilisi constitutes about 27% of the population of Georgia). The entire city of Tbilisi, as well as the regions of Imerti and Kvemo Kartli, would compose electoral constituencies with quite large numbers of voters, which would likely require use of a vote percentage threshold for awarding seats to political parties.

Unfortunately, under this proposal, the regions of Guria, Mtskheta-Mtianeti and Racha-Lechkhumi and Kvemo Svaneti would be allocated small numbers of mandates that are not well suited to proportional distribution of seats to political parties. International experience in proportional representation suggests that constituencies of five or fewer mandates do not facilitate adequate proportionality, and yield results that are somewhat closer to 'plurality' or 'bloc vote' outcomes for bigger political parties, with larger numbers of 'wasted votes' for unsuccessful parties. Also, of course, the location of these three regions (none are next to each other) does not permit combinations for purposes of electoral constituencies.

SUB-REGIONAL CONSTITUENCIES

Another approach would stay within traditional regional boundaries but divide regions into electoral constituencies with fewer mandates per constituency, utilizing the boundaries of Administrative Districts within each region. This method of boundary delimitation would produce more numerous constituencies with more manageable and consistent numbers of mandates per constituency. By creating more 'local' constituencies with elected representatives serving a smaller population, this approach has the advantage of greater representational values than using the entire region as a constituency. The map in **APPENDIX FOUR** illustrates this option, which produces the following sixteen multi-mandate electoral constituencies (and mandates therein):

Kakheti would be divided into <u>two</u> constituencies – 6 & 7 mandates.

Mtskheta-Mtianeti would remain as <u>one</u> constituency – 4 mandates.

Kvemo Kartli would be divided into two constituencies – 8 & 9 mandates.

Samtskhe-Javakheti would remain as <u>one</u> constituency – 6 mandates.

Adjara would be divided into two constituencies – 6 & 7 mandates.

Guria would remain as one constituency – 5 mandates.

Samegrelo-Zemo Svaneti would be divided into <u>two</u> constituencies – 6 & 8 mandates.

Racha-Lechkhumi and Kvemo Svaneti would remain as one constituency – 2 mandates.

Imereti would be divided into <u>three</u> constituencies – 7 (Kutaisi) & 7 & 10 mandates.

Shida Kartli [partial] would remain as <u>one</u> constituency – 10 mandates.

Tbilisi would be divided into five constituencies (based on combinations of the electoral districts currently used for single-mandate voting) – Mtatsminda, Vake + Krtsanisi = 8 mandates; Saburtalo + Didube = 8 mandates; Isani + Samgori = 11 mandates; Chughureti + Nadzaladevi = 8 mandates; Gldani = 7 mandates.

Also, under this approach, the regions of Guria, Mtskheta-Mtianeti and Racha-Lechkhumi and Kvemo Svaneti would still be allocated small numbers of mandates that are not well suited to proportional distribution of seats to political parties.

MODIFIED REGIONAL CONSTITUENCIES

The traditional division of Georgia into regions undoubtedly carries significant historical and social attachments. An effort to create more equivalent and uniform electoral constituencies for implementing proportional representation could be pursued that would impose minimal distortion upon the traditional arrangement of regions in Georgia, but would deviate from regional boundaries to some extent. Such an arrangement for the national parliament might serve as the basis for a greater sense of national unity, even as it facilitates local representation in constituencies and encourages fair allocation of parliamentary seats among competing political parties.

APPENDIX FIVE displays a map illustrating a division of Georgia into ten electoral districts (plus five in Tbilisi) that would produce electoral constituencies for purposes of allocating seats through proportional representation in a theoretically ideal range of mandates per constituency. This plan would create a sufficient number of mandates per constituency to permit a fair allocation of seats between competing political parties within a reasonably consistent range throughout the country. This 'Ten + Five Plan' would provide a range of 7 to 15 mandates for each constituency, with an average of 10 mandates per constituency (a feasible number for proportional representation). Again, however, this approach would require a willingness to combine Administrative Districts from across regional boundaries to accommodate the new electoral constituencies.

Conclusion

The 'parallel' MMP electoral system in the current legal framework for electing members of the national parliament of Georgia represents an historical relic of the breakup of the Soviet Union, and deserves serious re-consideration. Its primary weakness is the severe inequality in the 'weight' of votes cast by the citizens of Georgia in the half of the voting within the 75 single-member districts. The analysis in this paper recognizes that it is not possible to continue the 'mixed-member' electoral system and also remedy this problem of voter inequality without an extremely difficult process of boundary delimitation to create new single-member constituencies of equal population.

This paper instead presents three concepts for full proportional representation systems to fix the vote equality issue; two of these concepts involve creating multi-mandate electoral constituencies below the regional level which utilize existing Administrative District boundaries in their formation. It is hoped these new ideas will stimulate discussion and be useful to Georgia's policy-makers in their continuing dialogue regarding electoral reforms.

⁹ The range of number of mandates per constituency (including 5 constituencies in Tbilisi) would be as follows: 7 mandates - 1; 8 mandates - 3; 9 mandates - 4; 10 mandates - 2; 11 mandates - 2; 13 mandates - 2; 15 mandates - 1.

Data on the Number of Voters According to the Election Districts¹

Nº	District	Number
01	Mtatsminda	50,079
02	Vake	95,561
03	Saburtalo	125,400
04	Krtsanisi	44,964
05	Isani	113,861
06	Samgori	149,964
07	Chughureti	56,800
08	Didube	70,564
09	Nadzaladevi	136,260
10	Gldani	151,474
11	Sagarejo	44,811
12	Gurjaani	55,848
13	Sighnaghi	32,472
14	Dedoplistskaro	23,440
15	Lagodekhi	39,238
16	Kvareli	29,881
17	Telavi	57,375
18	Akhmeta	30,367
19	Tianeti	11,602
20	Rustavi	106,700
21	Gardabani	72,220
22	Marneuli	96,427
23	Bolnisi	57,454
24	Dmanisi	22,844
25	Tsalka	22,834
26	Tetritskaro	21,325
27	Mtskheta	43,030
28	Dusheti	26,542
29	Kazbeghi	6,117
30	Kaspi	40,525
31	Akhalgori	2,639
32	Gori	110,583
33	Kareli	37,978
35	Khashuri	50,409
36	Borjomi	27,873
37	Akhaltsikhe	36,439
38	Adigeni	15,966
39	Aspindza	9,870

Nº	District	Number
40	Akhalkalaki	41,293
41	Ninotsminda	22,719
43	Oni	7,083
44	Ambrolauri	12,628
45	Tsageri	12,577
46	Lentekhi	6,027
47	Mestia	8,523
48	Kharagauli	20,869
49	Terjola	34,884
50	Sachkhere	43,520
51	Zestaponi	57,670
52	Baghdati	23,747
53	Vani	27,494
54	Samtredia	48,927
55	Khoni	24,718
56	Chiatura	46,861
57	Tkibuli	24,971
58	Tskaltubo	55,259
59	Kutaisi	162,556
60	Ozurgeti	65,307
61	Lanchkhuti	30,475
62	Chokhatauri	19,109
63	Abasha	22,184
64	Senaki	42,832
65	Martvili	35,093
66	Khobi	30,042
67	Zugdidi	129,699
68	Tsalenjikha	32,296
69	Chkhorotsku	23,496
70	Poti	39,412
79	Batumi	105,369
80	Keda	15,699
81	Kobuleti	69,060
82	Shuakhevi	15,356
83	Khelachauri	66,708
84	Khulo	24,257
85	Liakhvi	3,264
86	Kodori	727

Total: 3, 580, 447

 $^{^{1}}$ Data from the CEC web page: $\underline{\text{www.cec.gov.ge}}$

IOWA HOUSE DISTRICTS

Effective Beginning with the Elections in 2002 for the 80th Iowa General Assembly







