

Electoral Reform in a Post-Soviet Republic: the case of Georgia

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Abstract

The paper aims to contribute to the comparative electoral studies in post-soviet sphere, with particular focus on Georgia. Specifically, I tried to examine the major features of the recent electoral reform in Georgia in line with the "theory of post-soviet regime change" and analyzed the extent of the reform's trustworthiness in terms of holding free and fair competitive elections in Georgia. The summary of conclusions drawn from the analysis shows that this particular case of electoral reform can be adequately explained by the theory on post-soviet regime change.

Introduction

Holding free and fair competitive elections (Lipset and Lakin 2004, 19), guaranteeing peaceful and constitutional transfer of power, is yet unachievable for Georgia. The absence of such independent electoral system poses serious problems to further democratization process in country and continues to be a major source of political and social unrest. Between 2008 and 2009, large-scale anti-government demonstrations were unleashed in Georgia's capital Tbilisi largely due to the disputed extraordinary presidential and parliamentary elections held in 2008.

According to the official results on these controversial elections, Mikheil Saakashvili won the presidential elections with minor advantage garnering just 53.41 per cent (Civil Georgia 2008) of votes from 56.18 per cent of voter turnout. As for the 2008 parliamentary elections, despite a low voter turnout of 53.9 per cent (Civil Georgia 2008), the ruling (UNM) United National Party, receiving 59.31 per cent of votes, ensured 119 of the 150 parliamentary seats. Due to such unequal configuration of the parliamentary seats, strongly favorable to the ruling party, Georgia once again ended up with one-party rule.

Incurring severe criticism domestically and internationally, the government of Georgia was forced to make significant efforts to restore its shattered image and prove its commitment to democratic credentials. As a result, it introduced the direct election of the

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mayor, yet applicable only for Tbilisi, by amending the Electoral Code of Georgia in December 2009 (Transparency International Georgia 2010, 3). Moreover, important attempts were made to hold 30 May 2010 municipal elections in accordance with legal procedures.

However, despite these steps to improve the electoral system and its legal framework over the past years, serious deficiencies yet remain. As a result, public trust toward electoral administration continues to be low and divided. Based on the CRRC's Caucasus Barometer 2010 survey results, only 5 per cent of the households in Georgia disagree completely with the statement that election administration is politically biased. Whereas, 29 per cent agreed somewhat that election administration is politically biased. However, one third of respondents did not know the answer regarding this statement (Caucasus Research Resource Centers 2010).

Moreover, based on the interim and final reports prepared by competent local and international observer organizations, serious legal and procedural deficiencies were detected during the 2010 local self-government elections in Georgia, risking further deterioration of the confidence of voters in the electoral process (The Congress of Local and Regional Authorities of the Council of Europe 2010).

For example, the EU mission reported that specific legal and procedural violations were identified in relation to the protracted vote counting process and doubtful practices of voter mobilization and control (The Congress of Local and Regional Authorities of the Council of Europe 2010). Furthermore, the mission indicated that the pre-election period was not free from intimidation and bullying tactics. Significant shortcomings also were detected with respect to misuse of administrative resources and the appeal procedure (The Congress of Local and Regional Authorities of the Council of Europe 2010).

In addition, based on the final report on the monitoring results of the May 30 municipal elections, the Transparency International Georgia points that creating unequal conditions for the political contestants (Transparency International Georgia 2010) during the pre-election period in favor of the ruling party remains to be subject of serious concern. Specifically, allocation of budget funds for the election campaign purposes, illegal use of human and material resources of the government agencies during the campaign and pressure on political opponents and voters aggravates the idea to establish truly

competitive level playing field for all participants (Transparency International Georgia 2010).

Most recent demonstration of such power abuse from the government of Georgia was measures taken against the Georgian billionaire Bidzina Ivanishvili, who recently announced his intention to enter into Georgian politics with the aim to challenge Saakashvili's regime in forthcoming elections. Faced with such strong opponent, the government turned to the drastic actions by stripping Ivanishvili of his Georgian citizenship (The Economist 2012), under the pretext that he was at the same time holder of French and Russian citizenships.

Furthermore, the government initiated the draft law that envisaged further restriction of the rules regarding the party financing by empowering the Chamber of Control (Georgia's internal auditing agency) to oversee the processes. As a result, the Chamber of Control launched "widespread questioning of opposition party members and supporters throughout Georgia" (Amnesty International 2012) that ended up with "the selective examination of only opposition party members and presumed supporters" (Amnesty International 2012).

However, sensing strong backlash as from international as well as from local civil society organizations regarding these draconian and politically motivated moves, aimed only to intimidate opposition groups, the government started to reconsider the motions.

In this article, firstly I intend to discuss major features of recent electoral reforms in Georgia. Secondly, I want to analyze to what extent these reforms are trustworthy in terms of holding free and fair competitive elections and ensuring government's accountability in Georgia.

Briefly on electoral systems

As for electoral systems and their basic functions, they can be defined as "the means by which votes are translated into seats in the process of electing politicians into office" (Farrell 2006, 3). Hence, the design of the electoral system largely determines how easier or difficult it would be for a concrete politician or party to win mandates (Farrell 2006, 3). For their part, corresponding electoral laws regulate the electoral systems.

It is noteworthy also to mention that electoral systems in general are designed to perform a number of contradictory functions such as reflect voters' wishes, form a strong

and stable government and elect qualified cadres for offices (Farrell 2006, 3). Correspondingly, the central concern of a debate on electoral systems usually focuses on which type of system to choose one that produces strong and stable government or one that ensures "the inclusion of minority voices" (Norris 1997, 5) in legislature.

Given that, classification of electoral systems, despite their diverse nature, is possible based on what results a particular electoral system brings in the process of transforming "votes into seats" (Farrell 2006, 4). Consequently, two types of electoral outcomes, proportional or non-proportional (Farrell 2006, 4), can be observed.

If the main distinguishing characteristic of the PR system is "the proportionality of votes to seats" (Norris 1997, 7), in contrast, non-proportional systems tend to ensure any particular party with clear majority of parliamentary seats facilitating the party to form strong and stable government. While PR system in most cases produces coalition government, non-proportional system, on the other hand, usually generates single-party governments.

Apart of electoral outcomes, comparison and classification of electoral systems can be also achieved through identification and examination of their major elements, which in turn are the mechanisms responsible for translating votes into seats. Hence, based on the research results of leading political scientists in this area of study, three main electoral variables can be highlighted: electoral formula, district magnitude and ballot structure (Lijphart 1990, 3).

Speaking about electoral formula, it is a mechanism, which translates votes into seats. On its part, there are various forms of plurality, PR and mixed systems. With regard to district magnitude, firstly, it implies to what magnitude certain electoral district has, based on the registered voters, and secondly, how many representatives a district will have in legislature. Hence, district magnitude has substantial influence on the proportionality of electoral outcomes, implying that the greater the electoral magnitude the more proportionally are votes reflected in seats (Farrell 2006, 6). Lastly, the ballot structure defines "whether the voter votes for a candidate or a party and whether the voter makes a single choice or expresses a series of preferences" (Reynolds, Reilly and Ellis 2008, 5).

Concerning the dilemma of which electoral system to choose specifically by a post-soviet country such as Georgia, among most countries in Latin America, Southern Europe

and later East and Central Europe, almost none of them selected plurality/majority systems. Instead, their growing sympathy was showed towards mixed electoral systems, which represent some combinations of plurality/majority and proportional systems (e.g. the German model).

Electoral system in Georgia: some basic aspects

According to the existing Electoral Code of Georgia, "elections in Georgia shall be held on the basis of universal, equal and direct suffrage by secret ballot". As for the voting rights, based on the electoral code, every citizen of Georgia from the 18 years of age has the right to vote (The Electoral Code of Georgia 2005). Georgia, under the current Constitution, is the presidential state with unicameral parliament (Parliament of Georgia n.d.). Accordingly, the President of Georgia is elected for a five-year term "by absolute majority vote through a two-round system" (International Foundation for Electoral Systems (IFES) 2012).

As to the supreme legislative body of Georgia, the parliament, composed of 150 seats, is elected in every four year. Besides, Georgia elects its parliament through "mixed" electoral system (Inter-Parliamentary Union 2011), implying that 75 members from 150 are elected through "a closed-list proportional system" (International Foundation for Electoral Systems (IFES) 2012), while the other 75 members are elected "by majority vote in single-member constituencies" (International Foundation for Electoral Systems (IFES) 2012).

To win parliamentary seats under the proportional system, the parties should surpass 5 percent threshold (Inter-Parliamentary Union 2011). However, in case of electing parliamentary members by majority vote, if none of the candidate gathers "30 percent of valid vote" (International Foundation for Electoral Systems (IFES) 2012), second round of voting will be scheduled "between the two leading candidates" (International Foundation for Electoral Systems (IFES) 2012). Furthermore, based on both systems, voting will not be considered valid, unless "at least 50 percent of the registered electors" (International Foundation for Electoral Systems (IFES) 2012) vote for the poll. Besides, voting is not compulsory in Georgia (Inter-Parliamentary Union 2011).

It is notable to emphasize that the legislative power of the Georgian parliament is limited by the parliaments of the Georgia's Autonomous Republics of Adjara and Abkhazia. Correspondingly, the Supreme Council of Adjara (parliament) is also elected by mixed electoral system (Muskhelishvili and Jorjoliani 2006, 5). Prior to the constitutional

changes in 2005, the parliament of Georgia consisted of 235 delegates, from which 150 were elected through a proportional system and 85 through majority/plurality system.

Moreover, municipal elections in Georgia occur in every four years based on mixed electoral system. While, regional representative bodies are elected "by a plurality/majority multi-member system" (Muskhelishvili and Jorjoliani 2006, 5), Tbilisi *Sakrebulo* (City Council), consisting of 50 seats, are elected by means of mixed system. Unlike Tbilisi, where "the threshold in the PR tier is 4 percent" (International Foundation for Electoral Systems (IFES) 2012), in other parts of Georgia, it is 5 percent. Additionally, except of Tbilisi, "mayors in other cities are not directly elected" (International Foundation for Electoral Systems (IFES) 2012).

Most expert around the world agree that for building truly democratic country it is essential for elections to be free, fair and competitive to ensure that its result are recognized as by political contestants as well as by voters. Considering this, some politicians from both government and opposition groups with support of local and international civil society organizations decided to start negotiations with the aim to improve further the existing electoral system of Georgia.

However, to carry out truly efficient and meaningful electoral reforms in any particular country factors such as political system, societal structure, ethnic, religious and language diversities should be taken into account. Hence, speaking on Georgia's political system, specifically on the party system in Georgia, serious challenges can be detected. Many experts in Georgia characterize the existing party system as a weak or a loose multiparty system dominated by one party rule. Despite large number (about 180) of political organizations registered in Georgia, only a very few of them are actively participating in Georgia's political life.

Therefore, the problems faced by Georgia's party system are as follow. First, it is a weak institutionalization of parties, meaning that in successive elections parties change dramatically, hence every new election brings new types of parties and blocs. Moreover, parties in Georgia fail to be closely connected to the social groups they represent, which results in their very low mandate of legitimacy. Second, the public in Georgia usually grants low credibility to parties, and their preferences during the elections are largely determined by the party leaders and personalities rather than their programs. Third, usually

opposition parties are largely fragmented but ideologically polarized. The ways of their cooperation are limited with creation of election blocs, common fractions usually in parliament and tactical alliance on concrete issues. Besides, cleavages between the ruling party and opposition can escalate to personal attacks and violent scuffles.

Negotiation failure to reach broad consensus on electoral matters

Due to growing interest displayed by Georgian public towards the upcoming parliamentary (October 2012) and presidential elections (October 2013), the representatives from the ruling party and several opposition parties initiated series of negotiations over the electoral related issues. Particularly, among those parties that participated in this negotiation process, the ruling National Movement party expressed the government's position, whereas the coalition of eight opposition parties (e.g. Christian-Democratic Movement (CDM), New Rights, National Forum, Our Georgia Free Democrats (OGFD), Conservative Party, Republican Party, Georgia's Way and Party of People) exhibited alternative views.

As a result, through these negotiations, along with many other pressing issues, two major problems were highlighted with regard to Georgia's electoral system. Hence, the first problem is that the principle of equality is violated and the second is that the election outcomes are not proportional. In case of first problem, pertaining to "to undermining the principle equality of the vote" (Venice Commission and OSCE/ODIHR 2011, 7), the existing wide disparity among the constituencies in Georgia results in unequal distribution of voting population. For instance, the voter population in Georgia's smallest single-mandate electoral district is about 6000, whereas "over 150 000 voters in the largest one" (Civil.ge 2012).

As for the second problem related to the proportionality of electoral outcomes, under the current system a party winning 30 or 35 percent of votes can form "a constitutional majority in parliament" (Transparency International Georgia 2011). Given that, the current electoral system in Georgia fails to ensure that the votes garnered by any political party at the national level will be reflected proportionally in parliamentary seats won by party.

Considering these shortcomings in the current electoral system, the coalition of eight opposition parties, with the aim to address these issues, put forward their proposals.

Based on the first proposal, the changes will apply only to the single-member majority vote system. Namely, those electoral districts with more voting population will be allowed to choose several parliamentary members (Transparency International Georgia 2011). At the same time, the number of electoral districts will be reduced by merging those "historically/geographically related" (Transparency International Georgia 2011) districts with less dense voting populations.

After the ruling National Movement party's strong disapproval of the proposal, the opposition's Group of Eight presented its final vision on electoral reform. According to the "new package of reforms" (Rousseau 2011), the current Georgia's electoral system should be replaced by the new one, more resembling to the "German model" (Rousseau 2011). In particular, 100 out of 150 parliamentary seats will be elected by closed-list proportional system, while the remaining 50 seats according to majority vote. Hence, contrary to the "winner takes all" (Reynolds, Reilly and Ellis 2008, 14) approach of the current electoral system, the major principle of this proposed model is to reflect more proportionally electoral votes in parliamentary seats. For example, in the last parliamentary elections, the ruling National Movement party won 59 percent of votes that translated into 119 seats, instead of 89 seats, as the German model would have suggested.

Additionally, the project proposed by the opposition group envisaged increase of the electoral threshold from 30 to 50 percent. Such proposition can be explained by the idea that the 50 percent barrier would induce MPs "to be more accountable to a greater majority of the voting public" (Rousseau 2011). Moreover, based on this proposed package, the number of constituencies will be reduced from 75 to 50. It should be noted, however, that the government in 2005, adopted the system similar to final proposal offered by the Group of Eight, but it was replaced by the existing system in 2008 (Transparency International Georgia 2011).

Apart of severe criticism of the recommendations offered by the coalition, the governing party responded by its own package of electoral reform. Namely, according to this bid, in largest constituencies, with more than 100 000 voting population, "the number of majoritarian MPs" (Transparency International Georgia 2011) would increase from one to two. Consequently, such changes, all things being equal, will increase the share of majoritarian MPs from 75 to 83, subsequently reducing the number of MPs elected

"through the proportional party list system" (Transparency International Georgia 2011) from 75 to 67.

With respect to the negotiations process, it was not without interruptions and it disrupted several times especially at the end of the process, due to disagreements over such important issues as the introduction of biometric ID cards. As a result, the representatives from both sides often accused each other in thwarting negotiations by resorting to the language of ultimatums. However, the debates on the electoral matters that lasted ten months, suddenly was suspended in June 2011.

The main reason of such break up was the decision of two opposition parties, the Christian-Democratic Movement (CDM) and New Rights, to defect from the Group of Eight and sign the agreement with the ruling National Movement party (UNM) on the new project. It is also important to note that the author and initiator of these amendments is the governing party, and as to the amendments, they were adopted by the parliament in the last year's autumn.

Consequently, the newly adopted package envisages the following changes in the Georgia's current electoral system: first, increase of parliamentary seats from 150 to 190, from which 107 seats will be allocated to the MPs elected by the closed-list proportional system, whereas remaining 83 to the MPs elected through the single-member majority vote system. Second, the special commission will be established which will "oversee the compilation of voter lists" (Corso 2011). Moreover, an opposition party representative will chair the commission, which in turn will be composed of equal numbers of "UNM, opposition and non-governmental organization representatives" (Corso 2011). Third, those parties, which exceed the five percent threshold, will receive one million lari (about 595,000 USD). Finally, another commission will be set up "to monitor media election coverage and the use of administrative resources" (Corso 2011).

As a result, despite the above-mentioned electoral changes, the remaining six-opposition party (from the Group of Eight) and civil society representatives agree that these amendments are not sufficient for holding genuinely fair and democratic elections in Georgia. For instance, according to the Transparency International-Georgia, "the proposed changes fall short of substantive election reform" (Corso 2011). Moreover, the changes proposed by the ruling party fail to address the issue with regard to proportionality of votes to seats - "a system that will give a party more than 67 percent

representation in parliament with significantly less than 67 percent public support is a bad system" (Mullen 2011).

Given that, the final agreement cannot be regarded as the result of broad consensus among the ruling party, opposition and civil society groups but rather it more resembled to "a carter-like deal" (Gel'Man 2008, 7) that are quite common among those hybrid regimes in the post-soviet sphere, which are inclined more towards to the authoritarianism. Hence, in this particular case, after teen months of negotiations, the "deal" was closed between "the dominant actor" (e.g. UNM) and its "subordinated actors" (e.g. CDM and New Rights Party). Based on this theory, while the ruling party shared some of its powers with these two opposition groups, it retained "control over major decisions without constraints" (Gel'Man 2008, 7) from these actors.

Therefore, this type of agreement fails to ensure such competitive political environment that will conducive to truly fair and democratic elections in Georgia.

Conclusion

The Georgia's electoral dynamics of the past twenty years clearly showed that the current electoral system needs serious overhaul to pave the way for genuinely free, fair and competitive elections in Georgia. Although the ruling party, opposition and civil society representatives took a positive step in starting negotiations over the electoral matters, these efforts proved to be unsuccessful. Since, the agreement reached by the sides was not the outcome of the broad consensus but rather the "facade" that further undermined the credibility of the upcoming parliamentary and presidential elections in Georgia.

Besides, the outcome of the negotiation points to the fact that under the Georgia's current rule, characterized as a "semi-authoritarian" (Mitchell 2012) regime, the governing National Movement party is unwilling to enable the opposition groups to be more substantially involved in the Georgian politics. Consequently, to retain its current overwhelming power, as legislative as well as executive and judicial, the Georgia's current governing party shares insignificant resources with those parties loyal to the government. Given that, the electoral reform failed to end with tangible results beneficial to the Georgian public. It rather concluded as a cartel-like deal favorable only to the narrow part of the governing elite.

Even though fewer time has left before the upcoming parliamentary elections, still there is chance to bring the existing electoral system to more in line with the democratic standards and values. First, it is important to increase the threshold from 30 to 50 percent for the MPs elected through a single-member majority vote system. However, the degree of transparency, fairness and efficiency of the reform would largely depend on the government's willingness, opposition political parties' active engagement, civil society's productive involvement and the international community's sustainable support. Furthermore, the current media's role to cover the processes objectively must be also taken into consideration. Since today, the Georgian media, especially TV stations, experiences heavy political and economic pressure from the government.

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