



EXPERIENCE OF
VISEGRAD COUNTRIES
AND GEORGIA ON THE
DEVELOPMENT
OF THE ELECTORAL
SYSTEM AND
ENHANCING
PARTICIPATION
OF CITIZENS
IN THE ELECTIONS

2020
FEBRUARY

CONTENT

EVOLUTION OF THE PARTY SYSTEM IN THE CZECH REPUBLIC AND ITS CONNECTION TO THE SUPPORT OF CIVIC PARTICIPATION IN ELECTIONS

KLARA CHMOLIKOVA COZLOVA (EXPERT, CZECH REPUBLIC)	5
---	---

THE ELECTORAL SYSTEM AND POST-1989 EVOLUTION OF THE PARTY SYSTEM IN POLAND

KATARZYNA ZIELINSKA (EXPERT, POLAND)	17
--------------------------------------	----

ELECTION SYSTEM IN SLOVAKIA /RECENT SITUATION AND EXPERIENCES/

PETER GURAN (EXPERT, SLOVAKIA)	28
--------------------------------	----

IMPORTANCE OF POLITICAL TRUST OF VOTERS TO PROVIDE GOOD GOVERNANCE AND STABLE DEMOCRATIC DEVELOPMENT

EKATERINE GAMAKHARIA (EXPERT, GEORGIA)	39
--	----

ASSUMED ELECTORAL MODELS OF THE 2020 PARLIAMENTARY ELECTIONS (PROJECTS OF THE GOVERNMENT AND OPPOSITION)

LELA KHATRIDZE (EXPERT, GEORGIA)	51
----------------------------------	----

INTRODUCTION

2020 is a year of parliamentary elections in Georgia. Preparation for the elections will start soon. A part of the voters already knows who they are going to vote for, which political party expresses its will. Though, the number of people who are lost in a political labyrinth is not small. It is quite important to become aware of the electoral programs and identify what makes one party better than others, which party provides equal social opportunities, what are the criteria for election, etc.

Everybody seems to be aware of the election concept. According to its definition, “Elections are a process that aims to elect the public authorities and officials”.

In a democratic state, elections must be based on the people’s will. The government bodies elected through the elections must serve the interests of the population. Though, it is still a desire and goal to be achieved for Georgia. Therefore, sharing the electoral experience is of vital importance.

The collection of these policy papers prepared within the framework of the project “Online Voting-O-Meter for the Parliamentary Elections of 2020” supported by the International Visegrad Foundation and implemented by the Fund “Sukhumi” serves this aim. The five analytical articles presented in this publication offer the readers information about the topical issues on the political agenda.

Experts from the Visegrad countries (Czech Republic, Slovakia and Poland)- Klara Cozlova, Peter Guran and Katarzyna Zielinska share the experiences of their respective countries on formation and development of electoral system, and describe the level of citizens participation in elections and political process in general. The papers give information about the role of “Voter Advice Applications” (Online Vote-O-Meter), the online platform widely employed in Europe, including the Visegrad countries in informing the voters before the elections and enhancing their participation. This platform integrates the program directions and priorities of the political parties running in the elections. The application itself allows voters to identify which political party is closest to their views and priorities, and raises awareness of population and their chances to make a well-thought and informed decision at the elections. Based on the lessons learnt in their countries, Visegrad experts offer specific recommendations on how this application could be better and efficiently replicated by Georgia.

In this context, the policy papers of Georgian experts Ekaterine Gamakharia and Lela Khatridze on the importance of political trust and assumed electoral models of the parliamentary elections of 2020 deserve interest.

The policy papers represented by them analyze the importance of political and public trust for the sustainable development of democracy in Georgia. They draw attention on the key factors which make an impact on political trust and analyse the effect of public distrust toward the political institutions and development of the country. They suggest recommendations on practical ways to enhance public trust. Besides, the models of assumed electoral systems for the parliamentary elections of 2020 proposed by the main political parties in Georgia are discussed in the papers. The work thoroughly analyses the possible scenarios and impact of those models on the political landscape of Georgia and political development and assesses the compliance of these models with the Constitution of Georgia.

After reading the collection of analytical papers, readers can understand the importance of the elections, which is even greater than any of us can imagine. Putting stress on political parties and electing MPs determines the future of the country, stability and well-being of our families. Therefore, the citizens' active participation in the pre-election campaign and voting for the proper candidate is very important.

We will reiterate the opinion expressed in one of the papers, which has not lost its relevance/actuality for centuries:

“Government should provide with sufficient food, sufficient armament, and sufficient confidence of the people.” He was asked: “Forced to give up one of these, which would you abandon first?” Confucius said, “I would abandon the armament.” and “Forced to give up one of the remaining two, which would you abandon first?” Confucius said, “I would abandon food. There have been deaths from time immemorial, but no state can exist without the confidence of the people.”

CZECH REPUBLIC

EVOLUTION
OF THE PARTY SYSTEM
IN THE CZECH REPUBLIC AND
ITS CONNECTION
TO THE SUPPORT
OF CIVIC PARTICIPATION
IN ELECTIONS

KLARA CHMOLIKOVA COZLOVA

Gender Studies, o.p.s.

ACRONYMS AND TRANSLATIONS

ANO 2011 – Aktivita nezávislých občanů - “YES 2011” – mainly based on the “Association of Independent Citizens”

ČSSD - Česká strana sociálně demokratická – “Czech Social Democratic Party”

Defenestrace 2010 – “Defenestration 2010”

HD - Hnutí důchodců za životní jistoty – “Pensioners’ Movement for Life Security”

HSD - Hnutí za samosprávnou demokracii – Společnost pro Moravu a Slezsko – “Movement for self-governing democracy - Society for Moravia and Silesia”

KDU-ČSL- Křesťansko-demokratická unie - Československá strana lidová – “Christian-Democratic Union - Czechoslovak People’s Party”

KSČ – Komunistická strana Čech, Moravy a Slezska – “Czech Communist Party”

ODA - Občanská demokratická alliance - “Civic Democratic Alliance”

ODS - Občanská demokratická strana – “Civic Democratic Party”

OF - Občanské fórum - “Civic Forum”

ROI - Romská občanská iniciativa - “Roma Civic Initiatives”

VV - Věci veřejné – “Public Affairs”

VAA - Voting Advice Application

Volební kalkulačka - “Voting Calculation Application”

Inventura hlasování – “Reflection of voting”

1. EXECUTIVE SUMMARY

The report deals with the evolution of the party system in the independent Czech Republic. To do so, it also provides a general overview of the history of Czechoslovakia after Velvet revolution and its impact on the evolution or re-establishing of the party system in the area.

The report identifies five main periods of evolution which have had impact on the present state of politics and party system. The main topics of the report connected with the representation of the will of citizens include: the possibility to affect the system, the representation of women in policy-making and among politicians, and also populism on the rise.

These topics are used to show also the limitations of direct democracy – or its unexpected effects. As shown on the Czech case, preferential votes as a representation of individual choices and possibility for voters to choose from the candidates' lists may lead to the rise of “stronger personalities”, which is usually connected with populism, as these are the candidates who were able to promote themselves to gain public support.¹ The effect was not stronger civil society awareness, but the opposite: it has contributed to the decrease of importance of political identities such as class, socio-economic status, gender etc. that have traditionally affected the affiliation to political parties. Instead, personalization – a strong leader, became the main factor.

After this short overview, the report focuses on different Voting advice applications which are available online in the Czech context. Four main approaches are identified and described briefly: data journalism as a base for creating widely accessible voting information for the public; “interactive candidate lists” that enable you to select the criteria which interest you most concerning the candidates (such as age, gender, education) and show you which candidate list matches your criteria the most; “Inventura hlasování” as the tool which matches your opinion on different subjects discussed in the parliament with the votes of the members of the parliament (according to their names, not their party membership), and finally, the examples of VAA similar to Vote-O-Meter in the Czech context. Different applications are used at national and regional levels.

¹ Jan Červenka . 2011. Stranický systém v restrukturalizaci? Volby 2010 v kontextu percepce politiky a politických stran českou veřejností. Naše společnost 9 (2): 44-59.

2. INTRODUCTION

The aim of this text is to analyse and assess the evolution of the party system in the Czech Republic after 1989. The report will cover not only the years of the revolution, but also further evolution and stabilization in the country as well as the current trends. The focus will be on the aspects concerning interaction between citizens and parties and the possibility to influence policies/political representation. Activities such as Voting Advice Application will be discussed. The role of citizens and their activity in the public sphere will be outlined. Special attention will be paid to the topic of gender issues in the party system and issues connected with representation of women.

The final section of the report will present general recommendations, identified challenges and the description of the lessons learnt. The identification of the main messages for the Georgian context was based on the workshop in Kutaisi 24.-25.11.2019 where the draft report was presented.

3. METHODOLOGY AND LIMITATION OF THE STUDY

Methodologically the report is based on the findings of the desk research. It was conducted as a secondary analysis of the existing sources. The analysis itself uses the study of documents as the main method. It focuses on the analysis of sources such as books, articles, brochures, project reports as well as studies of policy research papers and methods of questions in the Voting Advice Applications and presentation of the application in the online format. Information from the internet and from journals of various NGOs working in the field in the Czech Republic was used.

This analysis was accompanied by the study of existing trends in the Voting Advice Application and Data Journalism in the Czech Republic. To understand the operation of the application fully and to formulate the recommendations well, an individual interview with a responsible actor of Voting Advice Application was held in October 2019. The interview was based on semi-structured open questions and was 1.5 hours long. The main research questions were: how is VAA designed in terms of the questions it consists of? How is it promoted in wider public as well as among the parties? Are the questions “agenda setting” or just reacting? What is the general feedback and lessons learned from Czech experience?

However, to tackle the problem of the evolution of the party system in the independent Czech Republic, it is necessary to note the former history of predecessors of the Czech Republic (officially established in 1.1.1993): Czech and Slovak Federative Republic

(1990 - 1992), Czechoslovak Socialist Republic (the period between 1948 and the Velvet Revolution in 1989) and Czechoslovakia (1918 till World War II, and the changes in 1948). This has to be mentioned as there are links to which party system is/was/could be connected to the past history of the state.

4. FINDINGS

To trace the evolution of the party system we will use the division into the following periods:

1. “Period of laying the basis of the system” – it covers the period from „Velvet Revolution“ in November 1989 till the first free elections in June 1990² when the main focus was on the transition to the democratic society and establishing of Občanské fórum (Civic Forum) as the main opposition movement to the former National Front and namely Communist Party. These aims were achieved successfully in the first free elections. Československá strana lidová (Czechoslovak People’s Party) and Hnutí za samosprávnou demokracii – Společnost pro Moravu a Slezsko (Movement for self-governing democracy - Society for Moravia and Silesia) participating in the elections independently were also successful.

2. “Period of system formation” – June 1990 - June 1992³. During this period a lot of new parties as well as re-established parties **left the Civic Forum** and chose individual approach to elections. For example, Hnutí důchodců za životní jistoty (Pensioners’ Movement for Life Security) Romská občanská iniciativa (Roma Civic Initiatives), etc. were established. Civic Forum was generally an umbrella organization for many left as well as right-wing thinkers and also newly established and re-established parties. As Václav Havel states: “The Civic Forum was not created to overtake the power in the state, but to articulate public will and the desire to change the circumstances ...”⁴. Thus, this fragmentation lead to the future breakup of the party in February 1991. The following parties evolved from the Civic Forum: Občanská demokratická aliance (Civic Democratic Alliance), Občanské hnutí (Civic Movement) a Občanská demokratická strana (Civic Democratic Party).

2 Fiala, Petr, Mareš, Miroslav, Pšeja, Pavel. 2000. Systém politických stran v letech 1989 - 1998. In: Marek, Pavel a kol. (eds.): Přehled politického stranictví na území českých zemí a Československa v letech 1861-1998. Gloria: Rosice u Brna.

3 Fiala, Petr, Mareš, Miroslav, Pšeja, Pavel. 2000. Systém politických stran v letech 1989 - 1998. In: Marek, Pavel a kol. (eds.): Přehled politického stranictví na území českých zemí a Československa v letech 1861-1998. Gloria: Rosice u Brna

4 Havel, Václav. 2006. Prosím stručně. Gallery, Praha.

3. „**Period of stabilization of the system**“ – June 1992 - June 1998⁵ is best viewed in the context of separation of Czech and Slovak republics, which generally speaking, didn't bring any changes into the established party system on the Czech side. Some parties responded to this situation and thus, targeted this issue during the elections. However, no major impact was observed. Until the 1996 elections, the number of parliamentary parties changed, often independently of the results of the parliamentary elections⁶.

4. Relative **stabilization of the existing opposition (left-right) party system** – 1998-2010 – where relatively strong parties on the left and right wing had support of smaller parties (Občanská demokratická strana - Civic Democratic Party – on the center-right wing and Česká strana sociálně demokratická - Czech Social Democratic Party – on the center-left wing). The cooperation between the two strongest parties was established in 1998 with so called Opoziční smlouva – Opposition Agreement, a kind of cartel agreement between these two big parties in the Czech Republic.

5. Changes towards **charismatic leaders, individual choices and populism** - 2010-present. In 2010 two parties - TOP 09 and Věci veřejné (Public Affairs), which could not be considered as relevant actors of the system due to their absence in any parliamentary elections held before, gained relatively important positions in the newly elected Chamber of Deputies and later became government parties. To the system, which seemed to be relatively settled and stabilized, it represented a shock that severely affected virtually all established parties⁷. And this could be considered to signify the start of the epoch of weakening of the two dominant poles of the system – Czech Social Democratic Party and Civic Democratic Party⁸. This new trend was also confirmed in the 2013 elections, where ANO 2011 (“YES 2011” – mainly based on the Association of Independent Citizens) as a new political subject got support of the voters to become the second strongest party in the parliament and thus, participated in forming the government.

Věci veřejné (Public Affairs) represented a completely new phenomenon in the Czech political environment. It was presenting itself as a bottom-up practical model of “direct democracy” and a center- or center-right political entity. It appears to be a grouping fully

5 Fiala, Petr, Mareš, Miroslav, Pšeja, Pavel. 2000. Systém politických stran v letech 1989 - 1998. In: Marek, Pavel a kol. (eds.): Přehled politického stranictví na území českých zemí a Československa v letech 1861-1998. Gloria: Rosice u Brna

6 Marek, Jakub. 2006. Vývoj československých a českých politických stran po roce 1989 – Diplomová práce. S. 29 https://is.muni.cz/th/idxin/Diplomova_prace.pdf

7 Jan Červenka . 2011. Stranický systém v restrukturalizaci? Volby 2010 v kontextu percepce politiky a politických stran českou veřejností. Naše společnost 9 (2): 44-59.

8 Vladimír Hanáček. 2010. Typologie českého stranického systému po roce 1989. <http://www.e-polis.cz/clanek/typologie-ceskeho-stranickeho-systemu-po-roce-1989.html>

tied to business activities and firms around the founder of the ABL security agency, Vít Bárta, his associates and business partners.⁹ Similar situation than is in the context of **the ANO 2011**, where the crucial role is played by Andrej Babiš, as an owner of Agrofert Holding as well as the main representative of the party. **Both of the new parties are representatives of an ambitious, generously funded, and consistently marketing-driven project.** Andrej Babiš is the Prime-Minister of Czech Republic today.

Some of the analysis offers interesting insight into this change towards much more populist lead agenda of newly established parties with un-clear definition of their party's nature:

1. The general public express the distrust to the parties and politicians and thus, the doors are opened for the newly established parties, who usually claim their distance "from former parties"¹⁰. Thus, the elections in 2010 are seen as a newly established behavior of voters to "punish" the politicians with whom they have been deeply dissatisfied.¹¹
2. A lot of minor parties who didn't cross the 5% level for entering to the parliament¹² were supported.
3. Preferential votes were used widely and it could have affected the strong and "personalized" vision of party leader.

Thus, interestingly the push for individual choices and more responsibility of the voters to choose from the candidate lists prevalent in the public space before elections (as an active citizens' initiative Defenestrace 2010 – "Defenestration 2010")¹³ has had this unexpected effect in the nomination of stronger personalities who were able to use the media and marketing of their own personalities and thus, politics nowadays is **becoming more and more personalized**. And it contributes to the decrease of importance of political identities such as class, socio-economic status, gender etc. that have traditionally affected the affiliation to political parties.¹⁴

9 Jan Červenka . 2011. Stranický systém v restrukturalizaci? Volby 2010 v kontextu percepce politiky a politických stran českou veřejností. Naše společnost 9 (2): 44-59.

10 LADISLAV CABADA Český stranický systém v roce 2016: personalizační tendence, populismus a antipolitické přístupy. In: POLITICS IN CENTRAL EUROPE 12 (2016) 2S. P: 67-76.

11 Jan Červenka . 2011. Stranický systém v restrukturalizaci? Volby 2010 v kontextu percepce politiky a politických stran českou veřejností. Naše společnost 9 (2): 44-59.

12 Jan Červenka . 2011. Stranický systém v restrukturalizaci? Volby 2010 v kontextu percepce politiky a politických stran českou veřejností. Naše společnost 9 (2): 44-59.

13 Jan Červenka . 2011. Stranický systém v restrukturalizaci? Volby 2010 v kontextu percepce politiky a politických stran českou veřejností. Naše společnost 9 (2): 44-59.

14 LADISLAV CABADA Český stranický systém v roce 2016: personalizační tendence, populismus a antipolitické přístupy. In: POLITICS IN CENTRAL EUROPE 12 (2016) 2S. P: 67-76.

PARTICIPATION IN ELECTIONS

The level of the election participation was the highest in 1990 with 95% of voter turnout. In 1992 the turnout was 85 %, in 1996 it fell to 76%, and in 1998 to 74%. 2002 elections had the lowest level of voter turnout at only 58 % and in 2006 it was 64%.¹⁵

Interestingly, during the evolution of the Czech state the representation of women slowly rose. In the Parliament CZ since 1990 it has steadily been about 15 to 22 %, at the level of government of the Czech Republic it varies from 0 to 23,5 %.¹⁶ When in 1992 the share of women in the Parliament fell to 8,6 %, it was a big surprise as this could only be compared to the situation 40 years before (the share of women was similar in the period of 1946-1948).¹⁷

There is also different percentage of women in different political parties: in the biggest one their share is from 30 to 50 %. However, their representation in the management and among the leading politicians is nearly the same in both small as well as bigger parties – the ratio of women leaders is ¼ on average. And interestingly, in the top management of the parties with the biggest share of women (Czech Communist Party; KDU-ČSL) there are nearly no women.¹⁸

The potential of preferential votes which was used in 2010 and was mentioned in the previous chapter has a positive effect on women candidates. The share of women among the members of the parliament rose to 22 %.¹⁹ However, this was not a predictor of a positive trend, as in the following regional elections there was a decrease in women's share. This decrease is the result of a combination of factors including institutional barriers for women entering politics, selection of candidates for candidate lists of the political parties and generally, the election system itself.²⁰

15 Linek, Lukáš. Volební systém, stranický systém a parlament. In: Pšeja, Pavel (ed.). Stranický systém České republiky. Politické strany a jejich vývoj 1989-1998. P. 43

16 Adamusová, Marcela a kol. Politická angažovanost žen v České republice.

17 Havelková, Hana. 2006. Jako v loterii. Politická reprezentace žen v ČR po roce 1989. In: Hašková, Hana, Křížková, Alena a Linková, Marcela (eds.). Mnohohlasem. Sociologický ústav Akademie věd: Praha. 25-42. P. 29

18 Havelková, Hana. 2006. Jako v loterii. Politická reprezentace žen v ČR po roce 1989. In: Hašková, Hana, Křížková, Alena a Linková, Marcela (eds.). Mnohohlasem. Sociologický ústav Akademie věd: Praha. 25-42. P. 34

19 Adamusová, Marcela a kol. Politická angažovanost žen v České republice. P. 88

20 Rakušanová, Petra a Lenka Václavíková Helšusová. 2006. Ženy v mužské politice. In: Hašková, Hana, Křížková, Alena a Linková, Marcela (eds.). Mnohohlasem. Sociologický ústav Akademie věd: Praha. 43-60. P. 44

5. LESSONS LEARNT

The short historical overview of the evolution of party system in Czech Republic was presented in the previous chapter. Questions concerning the possible negative impact of greater choice for the voters in the voting system were also raised. These factors could be used by populists very successfully.

To be able to offer recommendations or to summarize lessons learnt it is also necessary to analyze the Voting Advice Applications in the Czech context and their implication for Czech voters. To do so, desk research of existing applications was carried out. It was accompanied by a semi-structured interview.

Desk research identified at least four examples of a very interesting practice in the field. (1) **Interactive candidate lists**, which in 2017 allowed the voters to sort the candidate lists of each party in the election according to the criteria such as age, gender, education of the candidates, as well as regions where they ran for the election. Afterwards the application allows you to list the parties accordingly. (2) Thanks to “**data journalism**” the overall statistics was published in the media. It summarized the characteristics of the candidates and thus, made it possible – and very useful - to medialize those outcomes. For example, it was used in the article in 2017 which summarized:

„Women are, for example, more often presented on the candidate list of left parties than on the candidate lists of right wing parties. The most balanced share of men and women is in the ČSSD list, namely on the candidate list in the region Královohradecký there are women out-numbering men (but they are presented mainly at the bottom of the lists).”²¹

In the last decade **Volební kalkulačka - the “Voting Calculation Application”** has also been applied (3), which allowed the voters to match their own opinion on the listed questions with those of parties’ representatives. It aims to give the voters a chance to make informed choices. (4) There is also possibility to match the existing votes of Parliament members on legislation proposals with the view of the potential voters – it is called “**inventura hlasování**”.

There are at least three providers of VAA and namely Volební kalkulačka - the Voting Calculation Application in the Czech Republic. 1) Euandi.cz – the result of international cooperation, the VAA for European Parliament elections in 2019. It was run internationally

21 Boček, Jan a Jan Pospíšil. 2017. Interaktivní kandidátky: seřadíte si strany podle vzdělání, věku nebo podílu žen. Zdroj: https://www.irozhlas.cz/volby/interaktivni-kandidatky-seradte-si-strany-podle-vzdelani-veku-nebo-podilu-zen_1709191033_jab

and organized by experts also from the Czech context. Software was created by xUperry Ltd. based Zurich under the name “Societyly”.²²

2) Aktualně.cz -the web server offering the news, it is an online media platform which offers its own system of VAA.

3) Finally, a civic association Kohovolit.eu which has operated in the field since 2006 and runs not only a Czech version but also a Slovak version of the “Voting Calculation Application”. The strongest side of this option is its link with data journalism – they are able to create various cartograms and graphs based on the publicly available sources connected with elections; they provide the election analysis; and last but not least, they offer also the 4th identified good practice in the field. They focus on “inventura hlasování”, so that they make the politicians’ work visible and enable the voters to check if the politicians are working in the Parliament according to their promises. The application connects the previous votes of each member of the Parliament on legislation issues. It operates on the similar bases as the Voting Calculation Application – the person answers a question if he/she would agree with the agenda and this is matched with actual votes of members of the Parliament.

Another advantage of the Kohovolit.eu association is that they have long and successful history of VAA in the Czech Republic and as a result, they have a very good insight into the methodology²³. They are very open to share it, it is also available on their websites to the public, so the transparency of the activity is persuasive.

It has to be mentioned that they had big success in 2013 when over 1 000 000 voters participated in VAA in the Czech context (it is about 20 % of the voters)²⁴. During their existence, they have created over 30 Voting Calculation Applications, some of them at the national level, some of them for the use at regional election level.

22 <https://euandi2019.eu/CZ/default/CES/pages/o-kalkulacce>

23 <https://docs.google.com/document/d/1JRCRWKQKCHnTCPfzSeeHsSAdEkHMga-vwpppYThA1j4/pub>

24 <http://kohovolit.eu/cs/>

6. RECOMMENDATIONS

After this short overview of the evolution of the party system and possibility to promote more involvement of the public in the elections and voting, also by using various voting advices applications, it is necessary to summarize further recommendations. These are also based on the topics discussed in the workshop held in Kutaisi in 24.-25.11.2019 where presentations on the experience of the participant countries were made.

Based on these experiences, the individual interview with the representative of the VAA Kohovolit.eu and feedback from the workshop the following recommendations were formulated:

1. In creation of the question set - do cooperate with wider expert network: NGO's, professional associations connected with legislation/law/politology/politics/sciences/sociology etc.; civil society organizations. Let them propose the questions they think should be asked. However, keep in mind that the final product is your responsibility and thus, it is your responsibility which questions will be finally chosen.
2. Create longer question set – some questions will be dropped (the ones that will not be answered, or which you will realize are not good enough).
3. Try to ask the parties to fill in their position and why they choose YES/NO/.
4. Persuade the parties that it is in their own interest to be presented in the VAA system. Otherwise, it will be stated on the websites that they didn't reply to the questionnaire and thus, they will not appear to potential voters.
5. Use your knowledge of the voters to clarify internally first the potential ethical problems you can face. Create a common approach and then state it externally (make it transparent).
6. For future steps and PR of VAA do use the existing network of experts from NGOs and professional association as well as various online media (or online version of printed media); offer them to use the VAA customized to their visual needs, or link to your webpages.
7. Be aware that you will not have a representative sample of the users of VAA. However, work with the preliminary results. Mainly, when running the VAA customized to the websites of special media newsletters, you are able to say that the application users mostly match their readership. This will make you attractive also to other media and will bring the attention to VAA itself.

7. BIBLIOGRAPHY

Adamusová, Marcela a kol. Politická angažovanost žen v České republice.

Boček, Jan a Jan Pospíšil. 2017. Interaktivní kandidátky: seřadte si strany podle vzdělání, věku nebo podílu žen. Zdroj: https://www.irozhlas.cz/volby/interaktivni-kandidatky-seradte-si-strany-podle-vzdelani-veku-nebo-podilu-zen_1709191033_jab

Cabada, Ladislav. 2016. Český stranický systém v roce 2016: personalizační tendence, populismus a antipolitické přístupy. In: POLITICS IN CENTRAL EUROPE 12 (2016) 2S. P: 67-76.

Červenka, Jan. 2011. Stranický systém v restrukturalizaci? Volby 2010 v kontextu percepce politiky a politických stran českou veřejností. Naše společnost 9 (2): 44-59.

Fiala, Petr, Mareš, Miroslav, Pšeja, Pavel. 2000. Systém politických stran v letech 1989 - 1998. In: Marek, Pavel a kol. (eds.): Přehled politického stranictví na území českých zemí a Československa v letech 1861-1998. Gloria: Rosice u Brna

Vladimír Hanáček. 2010. Typologie českého stranického systému po roce 1989. <http://www.e-polis.cz/clanek/typologie-ceskeho-stranickeho-systemu-po-roce-1989.html>

Havel, Václav. 2006. Prosím stručně. Gallery, Praha.

Havelková, Hana. 2006. Jako v loterii. Politická reprezentace žen v ČR po roce 1989. In: Hašková, Hana, Křížková, Alena a Linková, Marcela (eds.). Mnohohlasem. Sociologický ústav Akademie věd: Praha. 25-42.

Linek, Lukáš. Volební systém, stranický systém a parlament. In: Pšeja, Pavel (ed.). Stranický systém České republiky. Politické strany a jejich vývoj 1989-1998.

Marek, Jakub. 2006. Vývoj československých a českých politických stran po roce 1989 – Diplomová práce. S. 29 https://is.muni.cz/th/idxin/Diplomova_prace.pdf

Rakušanová, Petra a Lenka Václavíková Helšusová. 2006. Ženy v mužské politice. In: Hašková, Hana, Křížková, Alena a Linková, Marcela (eds.). Mnohohlasem. Sociologický ústav Akademie věd: Praha. 43-60. P. 44

E-sources:

<https://docs.google.com/document/d/1JRCRWKQKCHnTCPfzSeeHsSAdEkHMgavwpppYThA1j4/pub>

<https://euandi2019.eu/CZ/>

<http://kohovolit.eu/cs/>

POLAND

THE ELECTORAL
SYSTEM AND
POST-1989
EVOLUTION
OF THE PARTY SYSTEM
IN POLAND

KATARZYNA ZIELINSKA

Prof. UJ, Dr hab.

Institute of Sociology, Jagiellonian University

"Notes from Poland" Foundation

As a result of the democratic post-communist transformation starting in 1989, a bicameral parliament was established in Poland. The Sejm (lower chamber) holds the main prerogatives and power in the process of policy and law making, whereas the Senate (upper chamber) mainly approves, amends or rejects legislation which is passed by the Sejm. It also has its own legislative initiatives. Executive power lies in the hands of the government formed by the party or coalition winning the general election. The Prime Minister is appointed by the President, with the approval of the Sejm.

Different electoral systems are in place for electing the candidates for the two chambers. In the case of elections to the Sejm, a party-list proportional representation system is in place. This means that voters vote for the list of candidates proposed by electoral committees formed by a political party, coalitions of political parties or voters. The threshold to enter the Sejm is 5% for a single party and 8% for an electoral coalition of parties at the national level. Altogether there are 460 seats in the Sejm, and a number of seats is allocated to each party passing the threshold using the D'Hondt method (prioritising bigger parties) (Jaskiernia 2017, 230). In the Senate, the elections take place with the use of a majoritarian system, so the candidate winning in a given constituency is elected. There are 100 seats in the Senate.

From the point of view of gender equality, the proportional system seems friendlier to women, especially if a gender quota system is in force. This is the case in Poland, where a quota system regarding the electoral lists has been in place since 2011. As a result, every electoral list needs to include at least 35% of representatives of each gender. The introduction of the gender quota led to the rise in number of female candidates on the electoral lists and has also translated to a steady increase in the number of women elected as MPs (23% in 2011-2015 term, 27% in 2015-2019, and 28.47% in the last election in 2019).¹ The Senate, with a majoritarian voting system, has had a much smaller number of female senators in recent years (in 2015 the figure was 13%), but in the 2019 election this number also increased, to 24%. This may mark a change in social attitudes towards female candidates as well as growing interest of women in becoming involved in political parties and in formal politics (Zielińska 2018).

The party system in Poland has evolved significantly since 1989. Initially, it was highly fragmented. The main lines of division related to history. Post-communist parties tended to have a more positive attitude towards the communist past, and accepted liberal social values, secularism and opposition toward the public role of religion. The other side, post-

¹ Scholars point out that despite the increased number of candidates, the rise of elected women was not very dramatic. This initiated further research on how the effectiveness of gender quotas is modified by the institutions and preferences of political parties (Gwiazda 2017).

Solidarity parties, had strong anti-communist sentiments and supported the Solidarity movement, conservative social values and engagement of the Roman Catholic Church in public life (Grabowska 2004, 272–73). From the mid-2000s, we can see that solidarity and social versus liberal agenda become the main line of division between the political parties. The former is best represented by the Law and Justice party (PiS), in power in the previous (2015-2019) and current terms. Civic Platform (PO), the ruling party from 2007 to 2015 and the main opposition party since then) is seen as representing the latter agenda (Markowski 2006; Szczerbiak 2007; Gwiazda 2015, 8).

TRUST, REPRESENTATIVENESS AND VOTING TURNOUT IN POLAND

Research seems to suggest that political trust is linked to political participation. It stimulates voter turnout because distrusting citizens are less inclined to be involved in voting. However, low level of political trust may translate to populist voting (Hooghe and Marien 2013) or may mobilise non-institutional political involvement (Hooghe 2018). In Poland, trust in political parties has remained at a very low level since 1989. Public polls show that the majority of Poles do not trust political parties (65% in 2001, 76% in 2010 and 65 in 2016) (CBOS), rarely get involved in political parties, and even consider their activity as destructive (Sobolewska-Myślik 2017, 127; Paczeński and Winclawska 2017, 8). This has led to generally low electoral turnout in parliamentary elections (the average for 1989-2011 was 49.46%, including the semi-free elections of 1989) (Gwiazda 2015, 73), showing much worse performance of Poland in comparison to other Central and Eastern European democracies (Gwiazda 2015, 73; Musiał-Karg 2011, 82). This low turnout has been attributed to the lack of stable party preference among voters, but also to the instability of the supply side, with political parties continuously changing their manifesto premises and following them only loosely when in government (Markowski 2007, 46). In recent elections we can see an increase in turnout in parliamentary elections (50.92% in 2015 and 61.74% in 2019).² Scholars also point to the stabilisation of political preferences and the party system in Poland (Markowski and Stanley 2016).

This opens a more general question about the representativeness of the political parties. Political parties are considered as a core element of the democratic system, crucial for the function of representation and for a representative parliament (Gwiazda 2015, 69; Szymanek 2015, 38). Representation is usually understood in descriptive and substantive terms. The latter refers to who representatives are, and has a largely

² Data are available at <https://www.idea.int/data-tools/country-view/242/40>.

symbolic importance. The former focuses on what the representatives do and who they act for (Celis and Childs 2008). In terms of descriptive representation, the research conducted in Poland shows that with time the mainstream parties serve as the main means of representation, whereas “narrow-interest” (i.e. women’s or minority parties) tend to be unsuccessful (Gwiazda 2015, 69). The Polish parliament is seen as representing divergent social groups well, but it is not a proportional reflection. In fact, research proves that over time it has become “more elitist in terms of education and occupation”, yet improving the descriptive representation of women and minorities (Gwiazda 2015, 68). The substantive representation is more difficult to grasp. The public polls showing a large group of population over years distancing themselves or feeling not represented by the existing parties shed some light. These polls have shown a relatively high number of people who do not feel represented by existing political parties (50% in June 2008, 56% in January 2013, 45% in February 2019) (Pankowski 2019, 2). At the same time, it seems that women (53% did not identify with any political party in 2019) and young people (65% of 18-25 year-olds did not feel attached to any of the political parties) seem to be particularly distanced. This may show that these groups do not feel represented or attached to the programmes offered by the political parties. In explanation of the youth’s passiveness in voting and detachment from politics, a few arguments are usually offered. Firstly, in recent years young Poles have been socialised to extensive individualism and lacked political education and socialisation to political culture. Secondly, young people are disenchanted with the existing political parties, which do not offer an attractive product to them. They are therefore particularly likely to vote for new political parties, offering a new “product” or contesting the existing order (Messyasz 2015, 77).

Gender issues have never been at the centre of political parties’ agenda in the Polish context. However, traditionally left-wing parties have been more supportive of the women’s rights agenda (e.g. reproductive rights, gender equality). In recent years, this agenda has gained partial support from the centre-right Civil Platform. While in power, the party introduced various gender equality legislations and women-friendly policies (e.g. supporting the building of nurseries, pre-schools, alternative systems of support for women with children), mostly in line with the neo-liberal agenda of reconciling work and life duties. They also introduced policies aiming to prevent gender-based violence as well as subsidising in-vitro fertilisation procedures. However, Civic Platform resisted demands to liberalise the existing, restrictive abortion law. Right-wing parties usually have a conservative agenda and are reluctant to promote women’s rights. They focus on the “traditional family”, thereby defining women mainly through their role as mothers. This is particularly visible in the

agenda of the ruling Law and Justice party. They also support introduction of further restrictions on access to legal abortion in Poland³ (Zielińska 2018).

The existing research also points to a democratic deficit within political parties. They are dominated by the party elites from central office and from public office. The power to decide about the party profile and activities lies in the hands of elites determined to win elections and gaining power. There are not many mechanisms enabling members to express their views and opinions. This has translated to the detachment from the parties' grassroots and to leadership-dominated parties (Chmaja, Waszak, and Zbieranek 2011, 112).

VOTING ADVICE APPLICATIONS IN POLAND

Voting advice applications (VAAs) have become more and more popular in various countries. On the one hand, the availability of the internet, and on the other hand, the blurring of traditional socio-economic divisions in Western societies, have contributed to this popularity (Lorenz 2019). The objective of such applications is to facilitate voters' political decisions. Beyond their construction lies the assumption that casting a vote relies on the similarity of the candidate's views and proposals to the views of a voter. Therefore, their aim is to help to collect such information for the voters (Witkowski 2018, 16).

VAAs have been present in Poland for over a decade, becoming more and more popular. Such applications have been created for different types of elections i.e. local, presidential, national and European Parliament. They have been prepared by different organisations or scientific centres and use different methodologies (Gagatek 2018, 8). The oldest one, "Latarnik Wyborczy", was created by the Centre for Civic Education (Centrum Edukacji Obywatelskiej), offering an application for all type of elections (<https://latarnikwyborczy.pl/>). They construct their application by collecting information (via a survey) from the registered election committees. The response from users is compared with the results received from the committees. If the committee does not provide answers, they are constructed based on the political program of the party by a team of experts working for Latarnik.pl. Another interesting initiative is the project

3 Since 1993 legal abortion in Poland may only be granted under three conditions: when the pregnancy poses a threat to the life or health of the pregnant woman; when medical and prenatal tests indicate that there is a high probability of a serious and irreversible foetal defect or incurable illness that threatens the foetus's life; and when the pregnancy is the result of a crime. The text of the act is available at <http://prawo.sejm.gov.pl/isap.nsf/download.xsp/WDU19930170078/U/D19930078Lj.pdf>.

“Candidates” run by Association of 61 (https://mamprawowiedziec.pl/o-nas#tab_pills-archive). Before each election, they survey candidates to check their views, and later they also check the consistency of declared views with candidates’ practices when in office. This initiative therefore goes beyond the format of a VAA and allows people to identify how close their views are to the views of different candidates, but also helps to hold candidates accountable. Other types of applications address only one specific election (Polish versions of pan-European applications for elections to the European parliament, “EU Vox” and “euandi”, but also those prepared in Poland, My-Candidate.eu, Barometer wyborczy 2014 for local elections) (Gagatek 2018, 8; Agnieszka Hess, Kasproicz, and Słupek 2018).

Another interesting initiative was the eco-VAA created by the “ekopatrioci” (ecopatriots) organisation.⁴ Its aim was to help voters to find a party which matched their views on the environment and ecology. The popularity of VAAs in Poland is not very high (Latarnik Wyborczy was used by 4.5 million people between 2005 and May 2019⁵), but it is growing.

The evaluation of the impact and relevance of VAAs in Poland is ambiguous. The existing research does not provide a clear answer to this, but points to some potential benefits. VAAs may have an educational value allowing citizens to learn about political parties and candidates at a relatively low cost with minimal involvement (yet at the cost of oversimplification) (Mayer and Wassermair 2010). At the same time, this educational element may reduce the impact of “poor understanding” of the election on non-participation and therefore boost the involvement in the formal political activities (i.e. voting) (Dziewulska 2010).

In the Polish context there is no research that can be used to evaluate the impact of the existing VAAs. One attempt was made by Latarnik.pl, which conducted a survey in 2014 among its users to evaluate its impact. The received data is not representative or complete, but offers some general information on the impact of this application on users.⁶ The results showed that most users know who they want to vote for before using the application (63.3%), whereas about 20.5% did not and 16.2% mostly did not know who to vote for. The tool proved effective especially in the case of those who were undecided who to vote for, but not so much for those who were decided about their voting preferences.

4 <https://ekopatrioci.pl/nawigator-wyborczy/>.

5 <https://www.rmfm24.pl/raporty/raport-wybory-do-parlamentu-europejskiego/fakty/news-wystartowal-latarnik-wyborczy-ale-bez-koalicji-europejskiej,nId,2981309>.

6 The survey was displayed to one in ten users.

LESSONS FROM POLAND AS POTENTIAL GUIDELINES FOR GEORGIA

Researchers and commentators analysing the Polish case point to potential advantages and disadvantages of VAAs. They could serve as potential guidelines to be taken into consideration while preparing/constructing similar tools in Georgia.

Advantages and potential of VAAs:

1. **Reduction of information**

In times when the political system and messages of political parties becomes more and more complex, it is difficult for a voter to find a party/a candidate that represents the views acceptable to him/her. The reduction of information and clarity of presentation offered by VAAs helps to decide (Matynia 2018, 235), even if this sometimes happens at the cost of simplification of the political standpoints offered by parties. This, in the longer run, may help to stimulate a better electoral turnout and promote political literacy among the wider population.

2. **Specialisation of VAAs**

Building of specialised VAAs, focusing on one issue (e.g. environment, women's rights) may help the voters interested in these topics to compare the stance of each party and as a result to find the one best representing the voters' views. The aforementioned VAA produced by "ekopatrioci" could serve as a good example. It potentially has a narrower scope as it is addressed to a particular group of people, but at the same time it may help to identify a political party which would strengthen the substantive representation of such issues in the political milieu.

3. **Coalition making and promotion of political views**

A VAA can be used to match individual preferences with a relevant party. It may serve as a platform for building coalitions of people sharing similar political views. It may also help to promote certain political ideas.

The researchers point to a few potential problems.

1. **Cooperation from the parties**

For the information on the party to be adequately and aptly represented in an application, it is important that parties taking part in the elections cooperate and provide relevant information regarding their position on various points. In the past, for the VAA used for European Parliament elections some parties ignored the requests sent from VAAs, or took a long time to provide answers. Occasionally, the committees refused to provide answers because in their opinion VAAs simplify complex political issues and therefore, do not reflect them adequately (Witkowski 2018, 27). Such reluctance may also stem from the still relatively low popularity of VAAs in Poland. As such, they are not seen by political parties as an important source of information or tool for voters' mobilisation (Rozbicka 2018, 211–12). Furthermore, the parties may try to avoid offering a clear standpoint, especially on issues seen as potentially controversial for the voters the party aspires to attract. A possible illustration of this is Law and Justice's refusal in 2015 to provide a clear position on the question regarding introduction of further restriction to the abortion law. By providing ambiguous answers, the party aimed to distinguish itself from more liberal parties and to keep promises to its conservative constituency, while at the same time avoiding putting more liberal voters off (Witkowski 2018, 37). Such dynamics need to be taken into consideration when building VAAs.

2. **Discrepancies between “self-descriptions” provided by parties and the picture constructed by coders analysing party manifestos**

It may result from the fact that party activists delegated to cooperate with VAAs may have limited experience with operationalisation of the party's programme. Another potential explanation is the relatively general nature of questions, which is not able to grasp the differences between parties (Rozbicka 2018, 112). The divergence may be particularly problematic in the case of new parties or social movements whose political programmes are not yet fully crystallised. The experience of “euandi” and “Barometr wyborczy” illustrates the case very well. Using two different methods to describe the newly emerged “Kukiz” social movement, the VAA teams received different answers (Witkowski 2018, 36).

3. **Integrity and accountability of the political parties**

Some research also indicates problems of building VAAs using only declarations or programmes of parties or candidates, while not considering the previous actions of these parties. This is well illustrated by Michal Škop in his comparison of two

different VAAs existing in Czechia. While one of the applications bases its questions on what the party proposes to do, the other is based on the former voting of the party in the parliament –offering a “retrospective” VAA (Škop 2010). The potential way of coping with shortcomings of both VAAs would be a sort of integration of both approaches. The “Candidates” project described above somehow applies such a strategy.

4. **Availability and visibility of VAAs**

Despite the growing number of people in Poland using VAAs, their popularity is still low, because people are not aware of such tools. On the other hand, the experience of other countries where there are many applications available at the same time shows that it may also be problematic (Rozbicka 2018, 111). The cooperation with various types of mass media may help to distribute the information on the availability of such tools.

5. **Accessibility of VAAs**

A VAA is internet-based application which can be widely and freely used. However, this can also prove to be a limitation of the use of VAAs. Internet usage is also age-related. Younger people are usually called “digital natives”, whereas the older cohorts may have problems with using such application. It is also sometimes the case that internet access may be constrained for certain, underprivileged or socially or digitally excluded groups. These are further potential limitations for the educational, informative or mobilising functions of VAAs.

REFERENCES:

- Celis, Karen, and Sarah Childs. 2008. ‘Introduction: The Descriptive and Substantive Representation of Women: New Directions’. *Parliamentary Affairs* 61 (3): 419–25. <https://doi.org/10.1093/pa/gsn006>.
- Chmaja, Marek, Marcin Waszak, and Jarosław Zbieranek. 2011. ‘Wnioski’. In *O Demokracji w Polskich Partiach Politycznych*, 110–14. Warszawa: Instytut Spraw Publicznych.
- Dziewulska, Agata. 2010. ‘The Use of Voter Advice Application in Poland – Glosuje. Com.PI’. In *Voting Advice Applications in Europe. The State of the Art*, edited by Lorella Cedroni and Diego Garzia, 217–46. Napoli: Scripta Web.
- Gagatek, Wojciech. 2018. ‘Wstęp’. *E-Politikon*, NAWIGATORY WYBORCZE W POLSCE GENEZA – METODY – ZASTOSOWANIE, XXV: 5–13.

Grabowska, Mirosława. 2004. *Podział Postkomunistyczny. Społeczne Podstawy Polityki w Polsce Po 1989 Roku*. Warszawa: Scholar. <http://www.ibuk.pl/fiszka/2209/podzial-postkomunistyczny.html>.

Gwiazda, Anna. 2015. *Democracy in Poland: Representation, Participation, Competition and Accountability Since 1989*. Routledge.

Hess, Agnieszka, Dominika Kasprowicz, and Lucyna Słupek. 2018. "Barometr Wyborczy 2014" w Procesie Pozyskiwania Danych Na Temat Lokalnegokomunikowania Politycznego'. *E-Politikon*, NAWIGATORY WYBORCZE W POLSCE GENEZA – METODY – ZASTOSOWANIE, XXV: 54–85.

Hooghe, Marc. 2018. 'Trust and Elections'. *The Oxford Handbook of Social and Political Trust*, March. <https://doi.org/10.1093/oxfordhb/9780190274801.013.17>.

Hooghe, Marc, and Sofie Marien. 2013. 'A Comparative Analysis of the Relation Between Political Trust and Forms of Political Participation in Europe'. *European Societies* 15 (1): 131–52. <https://doi.org/10.1080/14616696.2012.692807>.

Jaskiernia, Jerzy. 2017. 'The Development of the Polish Party System: A Perspective of the Parliamentary Elections Results'. *Polish Political Science Yearbook* 2 (46). <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-5c3898ba-4f56-403e-af84-2b6ace8f4d44>.

Markowski, Radosław. 2006. 'The Polish Elections of 2005: Pure Chaos or a Restructuring of the Party System?' *West European Politics* 29 (4): 814–32. <https://doi.org/10.1080/01402380600842452>.

———. 2007. 'Polish Society, Politics and Elections'. *The Analyst - Central and Eastern European Review* 3: 35 – 48.

Markowski, Radosław, and Ben Stanley. 2016. 'Rozłamy socjopolityczne w Polsce: iluzja czy rzeczywistość?' *Studia Socjologiczne*, no. 4(223): 14–40. <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-d1ba0e2f-0e06-4608-b699-c3ef66b376d8>.

Matynia, Tomasz. 2018. 'Zmiany w Obszarze Zachowań Wyborczych a Powstanie i Funkcjonowanie Nawigatorów Wyborczych'. *E-Politikon*, Nawigatory wyborcze w Polsce. Geneza-metody-zastosowanie, XXV: 223–41.

Mayer, Christine, and Martin Wassermair. 2010. 'Wahlkabine.at: Promoting an Enlightened Understanding of Politics'. In *Voting Advice Applications in Europe. The State of the Art*, edited by Lorella Cedroni and Diego Garzia, 173–86. Napoli: Scripta Web.

Messyasz, Karolina. 2015. 'Postawy Polityczne Młodej Polskiej W Wietle Bada Empirycznych'. *Władza Sdzenia* 7 (1).

Musiał-Karg, Magdalena. 2011. 'Metody zwiększania frekwencji wyborczej. Polska a doświadczenia innych państw'. *Środkowoeuropejskie Studia Polityczne*, no. 2. <https://doi.org/10.14746/ssp.2011.2.05>.

Pacześniak, Anna, and Maria Winclawska. 2017. 'Czy współczesne partie potrzebują jeszcze członków? Wnioski z badań empirycznych w polskich partiach politycznych'. *Political Preferences*, no. 17: 7–26. <https://doi.org/10.6084/m9.figshare.5708278>.

Pankowski, Krzysztof. 2019. 'Struktura Sceny Politycznej: Partie bliższe i dalsze'. 37. Warszawa: CBOS.

Rozbicka, Patrycja. 2018. 'Nawigatory Wyborcze: Czy Możemy Mówić o Ich Użyteczności w Badaniach Empirycznych?' *E-Politikon*, Nawigatory wyborcze w Polsce. Geneza – metody – zastosowanie, XXV: 203–22.

Škop, Michal. 2010. 'Are the Voting Advice Applications (VAAs) Telling the Truth? Measuring VAAs' Quality. Case Study from the Czech Republic'. In *Voting Advice Applications in Europe. The State of the Art*, edited by Lorella Cedroni and Diego Garzia, 199–216. Napoli: Scripta Web.

Sobolewska-Myślik, Katarzyna. 2017. 'Niepartyjne inicjatywy polityczne jako nowy sposób politycznego zaangażowania obywateli?' *Studia Środkowoeuropejskie i Bałkanistyczne* 2016 (Tom XXIV): 121–32. <https://doi.org/10.4467/2543733XS SB.16.008.6250>.

Szczerbiak, Aleks. 2007. "'Social Poland" Defeats "Liberal Poland"? The September–October 2005 Polish Parliamentary and Presidential Elections'. *Journal of Communist Studies and Transition Politics* 23 (2): 203–32. <https://doi.org/10.1080/13523270701317463>.

Szymanek, Jarosław. 2015. 'Rola partii politycznych w redefiniowaniu stosunku przedstawicielskiego'. *Studia Politicae Universitatis Silesiensis* 15. <http://yadda.icm.edu.pl/yadda/element/bwmeta1.element.ojs-issn-2353-9747-year-2015-volume-15-article-5440>.

Witkowski, Jędrzej. 2018. 'Latarnik Wyborczy'. – *E-Politikon*, Nawigatory wyborcze w Polsce. Geneza – metody – zastosowanie, XXV: 14–53.

Zielińska, Katarzyna. 2018. 'Gender Mainstreaming in Local Decision-Making in Poland'. <https://ruj.uj.edu.pl/xmlui/handle/item/71168>.

SLOVAKIA

ELECTION SYSTEM
IN SLOVAKIA
/RECENT
SITUATION AND
EXPERIENCES/

PETER GURAN

PhDr. PhD.

Universitas Tyrnaviensis Trnava

INTRODUCTION

ACTUAL STRUCTURE OF POLITICAL SYSTEM IN SLOVAKIA:

President of Slovak Republic: Zuzana Čaputová

Speaker of Parliament: Andrej Danko

Prime Minister: Peter Pellegrini

POLITICAL PARTIES IN PARLIAMENT

Coalition: Smer – Sociálna demokracia (Direction – Social Democracy), SNS (Slovak National Party), Most – Híd (Bridge – Híd) – Slovak – Hungarian party

Opposition: SaS, OĽaNO – NOVA, ĽSNS, SME RODINA

ELECTIONS IN SLOVAKIA AFTER 1989

- presidential elections: 1993, 1999, 2004, 2009, 2014, 2019
- parliamentary elections: 1990, 1992, 1994, 1998, 2002, 2006, 2010, 2012, 2016, 2020
- district elections (self-government): 2001, 2005, 2009, 2013, 2017
- community elections: 1990, 1994, 1998, 2002, 2006, 2010, 2014, 2018
- European parliament elections: 2004, 2009, 2014, 2019
- Referendums: 1994, 1997, 1998, 2000, 2003, 2004, 2010

(Only Referendum 2003 on accession to the EU was valid and successful, with more than 50% voter turnout)

In the field of foreign policy Slovakia is a member of International organisations: EÚ, NATO, UN, CoE (Council of Europe), WTO, OECD, OSCE, Visegrad group.

The Slovak Republic is a parliamentary democracy based on three pillars of governmental power: elected parliament, independent jurisdiction and executive role of government.

Slovak parliament is a unicameral parliament consisting of 150 deputies elected directly during a parliamentary election.

ROLE OF THE PRESIDENT

The President and his/her office play mainly a formal, representative role, but in recent years the President's role has become important in forming public opinion on the political culture and atmosphere in the state. President is elected directly. Depending on the political will, the President can influence the political life in the country through various competencies. The president is responsible for nomination of judges, structure of constitutional court, has to undersign all the new laws approved by the parliament. If the President does not sign it, the law is returned to the Parliament to be discussed two more times.

The Presidential election was held in March 2019. Incumbent President Andrej Kiska did not run for the second term.

Fifteen candidates contested the first round on 16 March 2019. Zuzana Čaputová of the Progressive Slovakia Party finished ahead of the other candidates receiving 40,6% votes, but not receiving the necessary threshold of 50% + 1 vote from all registered voters.

Maroš Ševčovič, the Vice-President of the European Commission for the Energy Union was supported by Direction – Social Democracy (Smer – SD) and received 18,7% of the vote.

In the second round on 30 March, Zuzana Čaputová was elected with 58,4% of vote to Ševčovič with 41,6%.

Zuzana Čaputová became the first woman to be elected to the presidency and the youngest one.

She is a judge and a former activist in the field of environment and human rights protection. She is very popular. In regards to the next parliamentary election (February 2020), she refused to sign a new bill proposed by the parliament to extend the ban on publishing opinion polls before elections from existing 2 weeks to 50 days. She was successful and on 18.12. 2019 the constitutional court agreed with the President's arguments, finding the proposal unconstitutional - because it limits people's access to objective information before the elections.

PARLIAMENTARY ELECTIONS

The election system is defined in the Constitution of the Slovak Republic, art. 30/3, law n. 180/2014.

Elections to the Parliament are general, direct, equal and secret. They are held every four years, during one day (Saturday). 150 deputies are elected as the representatives of political parties and one election district (whole Slovakia)

For each political party the electoral threshold for entering the Parliament is 5% of all votes in the specific election. In the case of a coalition composed of 2-3 political parties the threshold is 7%, for a coalition of 4 and more political parties it is 10%.

The amendment to election law in 2006 introduced a requirement for each political party willing to participate in elections – they must make a deposit in the amount of 17 000 €. Only on receiving more than 2% votes this financial guarantee is refunded.

A very important change in this amendment to the law in 2006 was introduction of “active election right” – the possibility to vote for all citizens of the Slovak republic including those staying abroad. These citizens can participate in parliamentary elections by sending their voting preferences via post. In Slovakia active election right is a widely discussed issue, especially in cases when this right is not implemented – the most recent examples being the presidential elections and elections to the European parliament. Slovakian people living or staying abroad complained against current legislation which did not allow them to participate in presidential and EU elections. The possible changes are supported by the President and parliamentary opposition.

EUROPEAN PARLIAMENT ELECTION

European Parliament election in Slovakia took place on 25 May 2019. Thirty-one parties featured on the electoral list. The election was won by the alliance of Progressive Slovakia and Together – Civic Democracy. Progressive Slovakia is a former party of the current President Zuzana Čaputová and it was the first time since 2006 that an election was won by a party other than SMER (governmental party). That was an important sign of pro-democratic change in our society. The second positive change was the increasing number of voters – more than 1 million. The percentage is still low – 22,7%, but it is more than the last time and it is especially important that the participation of young people was doubled. Slovakia has 14 seats in the new European Parliament.

MEASURES FOR ACTIVATING THE CITIZENS' VOTING PARTICIPATION

1. One of the most popular measures of citizens' participation in elections are the results of public opinion polls mapping the election preferences. The current discussion in Slovakia was based on arguments of the governmental party (→ the results of existing polls are manipulated) and the opposition arguments (→ the results of polls are needed to correct the information for the population). Thanks to the activities of the President, the time for publishing results of public opinion polls will remain 2 weeks before election - as is standard in the EU countries.

There are five most important research agencies working in the field of investigating the pre-election political preferences in Slovakia. They are AKO.sk, s.r.o., Polis, s.r.o., MVK, s.r.o., Median.sk, s.r.o., FOCUS, s.r.o.

All these agencies are private and professional, using similar methodology. During the pre-election period they publish their results regularly. People can compare the results, many discussion take place in the mass media, the representativity, credibility, reliability of the dates is controlled and widely discussed. The issue of manipulation is always discussed. According to the results of the last pre-election polls, in November - December 2019 no significant and important differences were found between the results of these agencies. All polls showed that the leader was SMER-SD, current governmental party, but with decreasing votes during the year, the party with most increasing votes was PS- Spolu – New Liberal Party.

Focus, s.r.o.

Party	%
SMER-SD	19,6
ĽSNS	11,8
PS -Spolu	10,3
Za ľudí	9,2
OĽaNO	8,0

Polis, s.r.o.

Party	%
SMER - SD	20,1
ĽSNS	11,1
Za ľudí	10,3
PS - Spolu	10,1
SNS	7,0

AKO.sk, s.r.o.

Party	%
SMER - SD	18,4
Za ľudí	12,5
PS - Spolu	12,4
ĽSNS	10,4
OĽaNO	7,6

2. The second important measure for supporting electoral participation are so called “pre-elections or a simulated elections” organised in various types of the high schools and focused on students aged 16 – 19. Low level of young people’s participation in the elections in the past was a long-standing problem in Slovakia. In the last 2 - 3 years NGO-s (especially Helsinki Committee in Slovakia) with the support of EU Commission organised these activities.

The discussions with students are organised by human rights activists and specialists in politology. More than 3 000 students participated in this project this year. The results of student preferences in this pre-election are widely discussed in mass media, published and well-received by young generation. One of the first results of this project was the high turnout of the young people (especially first-time voters) in the presidential election in March 2019 and then in EU election in May 2019. The participation of young people was twice as high as in the EU election 4 years ago.

Generally speaking, young people are more active, influencing parents, family members, friends...

In the current parliamentary election campaign that started in November 2019 VAA have not been used yet, but various other interactive measures supporting active participation in elections have been used.

There are 19 political parties registered. Most of them, including current leading parties, have declared clear pro-European orientation. On the other hand, there are 2-3 parties that are strongly nationalistic, with extremist values against migrants, human rights, LGBT, with quite high percentage of potential votes – 10 - 15%.

The young people play a very important role at this time. They can sensitize public opinion, open the discussion on the future of democracy and the EU as well as positively influence the still undecided part of Slovak population.

3. Interactive information page on 2020 parliamentary elections:

- web page: <https://volby.sme.sk/parlamentne-volby/2020>

1. timing: date of elections: 29.2. 2020

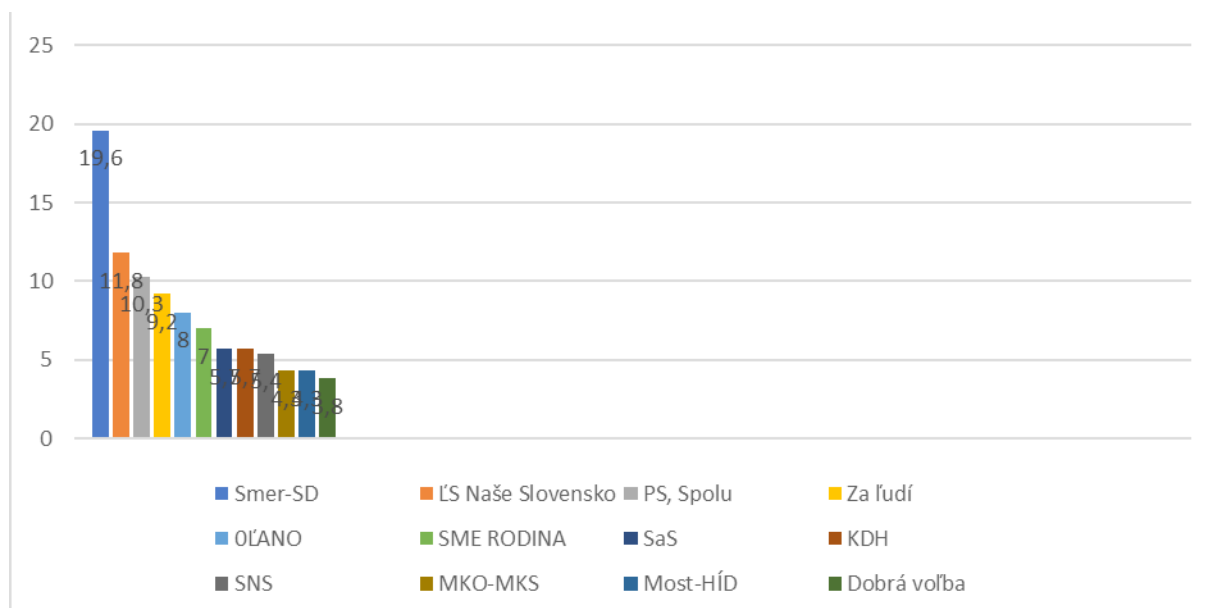
Electronic watch: informing continuously how much time remains till the election begins:

Days	Hours	Minutes	Seconds
↓	↓	↓	↓
....

2. Candidate list:

- 1 Slovenská ľudová strana Andreja Hlinku
- 2 DOBRÁ VOĽBA
- 3 Sloboda a Solidarita
- 4 SME RODINA
- 5 Slovenské Hnutie Obrody
- 6 ZA ĽUDÍ
- 7 MÁME TOHO DOSŤ !
- 8 Hlas pravece

- 9 Slovenská národná strana
- 10 Demokratická strana
- 11 OBYČAJNÍ ĽUDIA a nezávislé osobnosti (OĽANO), NOVA, Kresťanská únia (KÚ), ZMENA ZDOLA
- 12 Koalícia Progresívne Slovensko a SPOLU - občianska demokracia
- 13 STAROSTOVIA A NEZÁVISLÍ KANDIDÁTI
- 14 99% - občiansky hlas
- 15 Kresťanskodemokratické hnutie
- 16 Slovenská liga
- 17 VLASTĽ
- 18 MOST - HÍD
- 19 SMER - sociálna demokracia
- 20 SOLIDARITA - Hnutie pracujúcej chudoby
- 21 HLAS ĽUDU
- 22 Magyar Közösségi Összefogás - Maďarská komunitná spolupatričnosť
- 23 Práca slovenského národa
- 24 Kotlebovci - Ľudová strana Naše Slovensko
- 25 Socialisti.sk

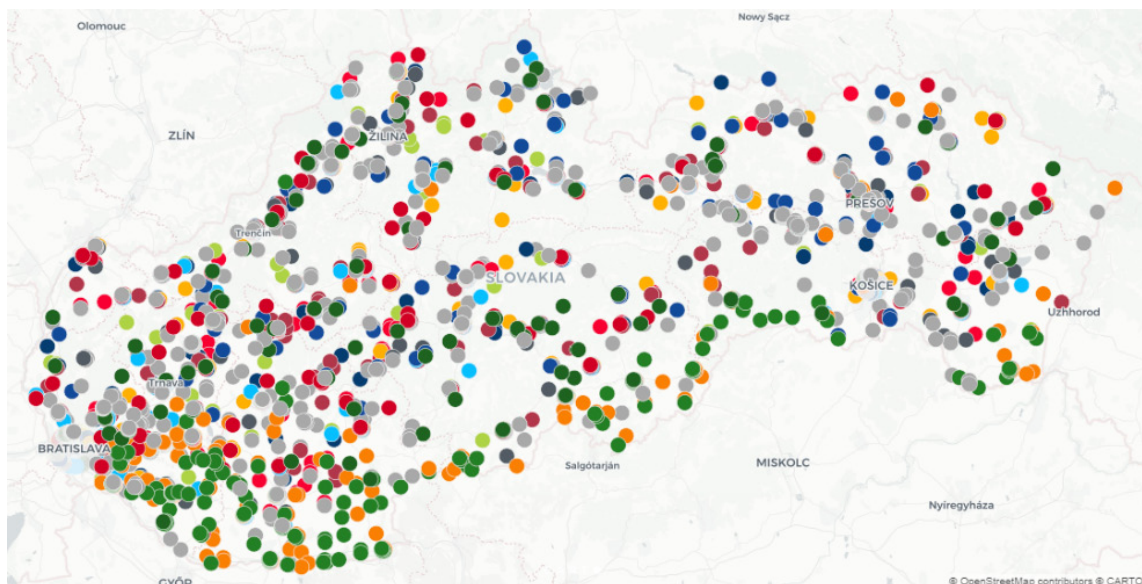


3. Political party preferences: results of the latest election poll

- December 2019
- Research agency – FOCUS

The graphs show all political parties with more than 3% preference for participating in 2020 elections.

INTERACTIVE MAPS



A popular tool for improving people's interest in the next parliamentary election is interactive maps. Journal N published on its website a map of candidates of 12 most important political parties. This map allows us to see regional distribution of candidates of these parties over the whole of Slovakia.

It is possible to receive various kinds of information according to personal interest, for example:

- which party has the most candidates in capital Bratislava,
- what position in the candidate list the candidates from various regions have,
- percentage of candidates per 10 thousand population in a certain region,
- map of candidates, your 'neighbour' candidates, etc...

4. The most recent results of political preferences:

- click → results of all election polls

5. How the next government could be composed:

There are windows of political parties ranked according to the number of seats in the future parliament, there are results of December election polls. Each person can create his “ideal government”, clicking the windows. It’s possible to see a number of seats in the future parliament, ratio of coalition and opposition, etc...

4. Results of simulated elections to the European Parliament

On 2-7 May, 2019 the so called simulated elections to the EU parliament took place in 42 high schools in Slovakia.

Before this activity the students prepared various kinds of information campaigns, discussions with students and parents, peer to peer discussions, etc.; the responsible NGO-s (Helsinki Committee for Human Rights in Slovakia, AI NOVA) organised informative discussions with teachers and students from January 2019.

The participation in this simulated election was 42,4% of all students with active voting right (18 years old and older). The students voted for the existing political fractions in the European parliament (not political parties in Slovakia).

The results were the following:

1. The Greens/European Free Alliance / Greens	– 23,2%
2. Alliance of Liberals and Democrats for Europe /ALDE	– 19,8%
3. European People’s Party / EPP	- 14,6%
4. Progressive Alliance of Socialists and Democrats /S&D	- 12,7%
5. Europe of Nations and Freedom /ENF (nationalistic p.)	- 8,7%
6. Europe of Freedom and Direct Democracy /EFDD(eurosceptical p.)	- 7,2%
7. European Conservatives and Reformists /ECR (eurosceptical p.)	- 6,5%
8. European United Left /NGL (communists)	- 5,1%

The results showed the democratic orientation of the young voters in Slovakia for the future of our country, as well as the whole European Union. The situation regarding Brexit were widely discussed, the reasons and consequences were evaluated, discussed and finally, the majority of the young generation voted for the EU with democratic and liberal orientation, for the EU with respect for human rights.

The results of this project were published and widely discussed before the real election to the European Parliament and they positively influenced the participation as well as voter preferences.

RECOMMENDATIONS

- the access to the information about the ideological background of the parties needs to be guaranteed, followed by the discussion with the public participation:

- the results of empirical research related to the elections have to be regularly published, discussed in the objective manner. The issue of moratorium is important.

- all the additional methods of free discussion about elections are very useful, such as simulated elections held in schools, communities etc...

- the opinion of the young generation needs to be published, discussed; young people have better access to the electronic media; they are provided with more information based on personal experience, as well as their peers traveling abroad.

- all interactive websites are important, giving people personal experience with the possibilities of future government, the composition of the government, political affiliation to the official fractions in the European Parliament...

BIBLIOGRAPHY

- Law n. 180/2014 – about condition of exercise of election right
- Dančišin, V. – O nedokonalosti volebných procedúr. Prešov, Reproma Prešov 2005, ISBN 80-967170-8-1
- <http://www.ainova.sk>
- <http://m.facebook.com/helcom.sk>
- <https://preferencie.teraz.sk/>
- <https://volby.sme.sk/parlamentne-volby/2020>
- <http://www.minv.sk/?nr20-kandidati3>
- <http://www.focus-research.sk/>
- <https://dennikn.sk/1696628/najviac-bratislavska-je-kandidatka-ps-spolu-najmenej-kdh-mapa-kto-z-vasich-susedov-kandiduje/?ref=tema>
- <https://tema.aktuality.sk/prieskum/>

GEORGIA

IMPORTANCE
OF POLITICAL TRUST
OF VOTERS TO
PROVIDE GOOD
GOVERNANCE AND
STABLE DEMOCRATIC
DEVELOPMENT

EKATERINE GAMAKHARIA

Fund “Sukhumi”

"Government should provide with sufficient food, sufficient armament, and sufficient confidence of the people." He was asked: "Forced to give up one of these, which would you abandon first?" Confucius said, "I would abandon the armament." and "Forced to give up one of the remaining two, which would you abandon first?" Confucius said, "I would abandon food. There have been deaths from time immemorial, but no state can exist without the confidence of the people."

Confucius quote

INTRODUCTION

Population political trust in government and political parties is the main indicator which reflects the attitude of citizens to government and the country's political spectrum generally. Besides, it demonstrates the degree of participation of citizens in decision-making process of the country's most important issues. Political trust also shows how close the population is to the government and how it believes in those institutions and political figures who are responsible for public welfare and country's stable development. So, it is political trust that creates the desire of citizens to fulfill their collective obligations and observe laws, as well as their willingness to be engaged in political decision-making process.¹ Citizens with low confidence in political institutions are less likely to get engaged in institutionalized forms of political participation and are mainly aimed at system change.² As a result, it makes a negative impact on stability of democratic governance, public order and welfare. Therefore, political trust, which has a vital importance from the point of view of political participation and law-abidance, can be considered to be legitimacy indicator in democratic regimes.³

1 Marien, S. (2011). Measuring Political Trust Across Time and Space; In: Hooghe M., Zmerli S. (Eds.), Political Trust. Why Context Matters. (pp. 13-46). Colchester: ECPR Press.

2 Hooghe, M, Marien, S., A comparative analysis of the relation between political trust and forms of political participation in Europe. *European Societies*. 2013;15(1)pp.131-152.

3 Levi, M., Stoker, L., Political trust and trustworthiness. *Annual Review of Political Science*. 2000;3:475-507.

According to the above stated, it is remarkable and somehow alarming, that nowadays public confidence in political parties and ongoing political processes declines from year to year. According to the Caucasus Barometer data comparison, from 2012 to 2017, trust indicator in political parties in Georgia decreased from 21% to 8% and distrust indicator raised from 22% to 43% (see diagram 1).⁴

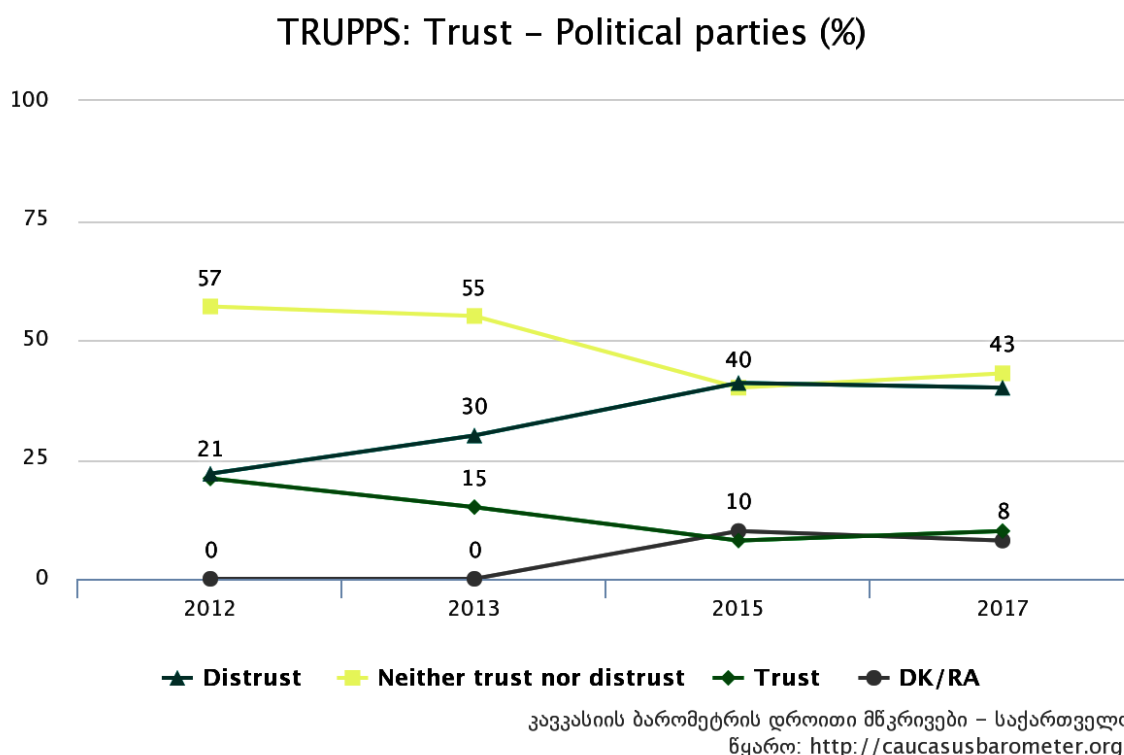


Diagram 1

High level of distrust of Georgian voters towards political parties is very well demonstrated by electoral volatility indicator at the elections. It shows how firm is the decision of voters. According to the Pedersen index (it measures electoral volatility), in 2008-2012 electoral volatility comprised 55, 8% and in 2012-2016 it showed 23%. It means that approximately a fifth of the population (23%) was not sure of its choice. It is a quite high level of distrust in political players. High statistics of floating voters is confirmed by the final data of the CRRC Georgia survey ordered by NDI (report of July 2019). According to it, if the political elections were held tomorrow, 41% of the population would not go to vote. 59% of the polled would participate in the elections, but 57% of

⁴ The Caucasus Research Resource Centers (2017). "Caucasus Barometer time-series dataset Georgia". Available at: <https://caucasusbarometer.org/ge/cb-ge/TRUPPS/>

them have not made a decision for whom to vote for.⁵ It clearly demonstrates a high level of public distrust in the current political spectrum.

High statistics of political distrust corresponds to the attitude and perception of democracy level of citizens in the country. According to the Caucasus Barometer, from 2012 to 2017, population perception of Georgia as undemocratic country nearly increased twice. While in 2012, only 7% of the population considered Georgia to be undemocratic country, by 2017 the indicator had reached 13%. It is significant, that the position of those who emphasized the democratic nature of the country is not definite. Dissatisfaction with democracy level is clearly shown in the answers, as the majority of citizens (44%) who considered Georgia to be a democratic country, noted, that democracy is characterized by “big problems”.⁶

All the above mentioned demonstrate how big is the impact of the population political trust level on democratic development. On the one hand, the lack of public confidence can be caused by weak democratic institutions or on the contrary, it might make a negative effect on the democratic state development perspective. Both phenomena are very closely inter-connected and somehow mutually dependent on each other.

Unfortunately, the importance of political trust for a country's democratic development, for creation of strong democratic institutions and public welfare is not properly understood and assessed in Georgia. Nowadays, the causes of a high level of public distrust are not thoroughly studied and realized, and most importantly, no necessary and complex measures are undertaken to decrease year-over-year growing statistics of political distrust of population.

It is clear, that loss of population's trust would result in citizens' passiveness, nihilism, hopelessness and low turnout and lack of participation in political processes in general. It is obvious that nihilist and a hopeless person will not take part in the development and decision-making processes, and will not be able to properly control the fulfillment of the promises given by the government. Consequently, it makes a negative impact on the level of government accountability to the population, decreases motivation to

5 <https://on.ge/story/43514-%E1%83%AE%E1%83%95%E1%83%90%E1%83%9A-%E1%83%A0%E1%83%9D%E1%83%9B-%E1%83%A1%E1%83%90%E1%83%9E%E1%83%90%E1%83%A0%E1%83%9A%E1%83%90%E1%83%9B%E1%83%94%E1%83%9C%E1%83%A2%E1%83%9D-%E1%83%90%E1%83%A0%E1%83%A9%E1%83%94%E1%83%95%E1%83%9C%E1%83%94%E1%83%91%E1%83%98-%E1%83%98%E1%83%A7%E1%83%9D%E1%83%A1-%E1%83%9B%E1%83%9D%E1%83%A1%E1%83%90%E1%83%AE%E1%83%9A%E1%83%94%E1%83%9D%E1%83%91%E1%83%98%E1%83%A1-41-%E1%83%9E%E1%83%A0%E1%83%9D%E1%83%AA%E1%83%94%E1%83%9C%E1%83%A2%E1%83%98-%E1%83%90%E1%83%A0-%E1%83%AC%E1%83%90%E1%83%95%E1%83%98%E1%83%93%E1%83%9D%E1%83%93%E1%83%90-ndi>

6 The Caucasus Research Resource Centers (2017). “Caucasus Barometer time-series dataset Georgia”. Available at: <https://caucasusbarometer.org/ge/cb-ge/CNTRDEM/>

fulfill promises and generally reduces the perspective of the country's democratic development. Citizens' involvement and participation in political processes are key to participatory democracy which provides politics based on population's interests and needs, and ensures healthy development of the society and brings well-being to citizens.

This policy paper aims to analyze the factors and causes which make an impact on a political trust of population and suggests specific recommendations to decrease political distrust of citizens and increase accountability of the political actors to their constituency. The paper is based on the studies of the international and local organizations, reviews of the analytical works, corresponding political documents and other articles.

As this analysis is not based on large-scale research which specifically explored the political trust of the population, thus it naturally limited the author to write in-depth analysis on the given topic. However, existing data from studies of credible international organizations on attitude of population, allows to track the certain trends of the problems and challenges for increase of political trust and provides the specific recommendations and strategies to fill the gaps.

CITIZENS' POLITICAL TRUST AND THE FACTORS AFFECTING IT

Trust, to some extent, is formed in the context of ambiguity and insufficient information. A person trusts others when he/she is not exactly aware of the feasible results and his/her trust is caused by faith, that a person either meets his/her expectations or not. Respectively, trust is a psychological condition which allows a person to trust his/her well-being and vulnerability to others and expect some positive behaviour from them.⁷ Consequently, it increases the vulnerability of the person and creates risk, that his/her expectation might not be met. **Political trust** means strive of people to follow specific political leaders in society. According to some authors, political trust is demonstrated by the attitude of individuals to politicians and the policy run by them⁸. Political trust can be also considered as a faith of citizens in abilities of political leaders and success to meet their expectations, act according to their interests and priorities⁹. Political trust is

7 Burg, A.,(2005); "Creating trust? A critical perspective on trust-enhancing efforts in public services"; Public Performance & Management Review, Vol. 28, No. 4.

8 Masoomah PIRYAEI*, Fatemeh AKHLAGHI, Mehdi SAEED (2015) „An Investigation into the Factors Affecting People's Trust in Government Performance“, available at: <https://pdfs.semanticscholar.org/be94/e0e207b1cb075e5f44a0b26840e1a03bf9df.pdf>

9 Hetherington, M. J.,(2000); "The political relevance of political trust"; American Political Science Review 92.

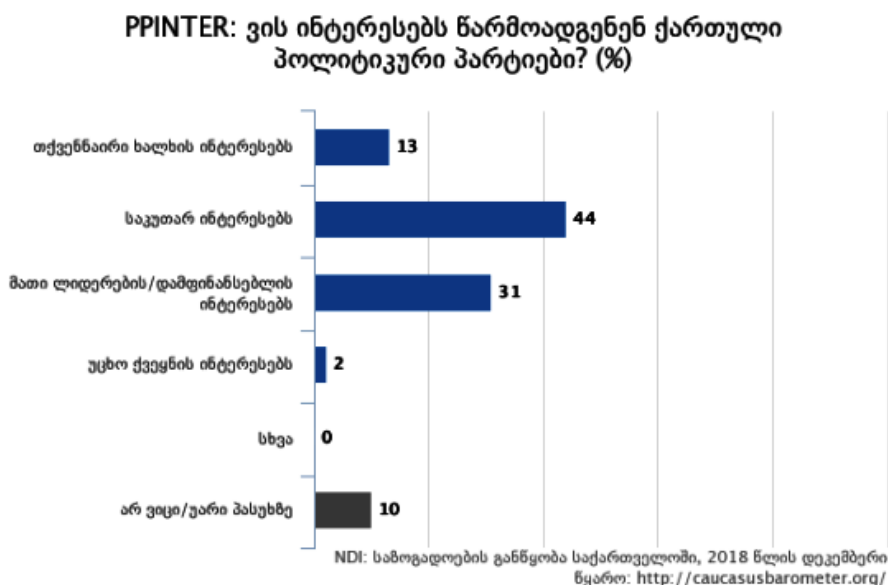
also dependent on the past work experience of politicians and the progress made in fulfilling their pre-election pledges. Besides, the citizens' political trust could be reflected in population's attitude to the work of political institutions (e.g. political party, parliament, government, court, etc).

Level of public trust in political institutions in Georgia

Public trust in political institutions on a large scale depends on how they assess the **work of the political institutions** in the country, as well as whether they believe, that political entities serve **their interests and priorities** and think, that **priorities of population are reflected in the political platforms and programs of political actors**.

It is noteworthy, that according to the survey results of National Democratic Institute published in 2019, the population is not satisfied with the **work of political institutions** in the country. For example, 60% of the polled evaluate government work as “bad” or “very bad”, while only 31% think that the government works well.¹⁰ 42% of the population is not satisfied with the work of Georgian parliament, 39% think, that their work is more or less satisfying, while 8% think that parliament works “well”. It should also be noted, that the population is quite sceptical about **political parties**. Their majority (44%) thinks, that Georgian political parties serve their interests, while for 31%, they serve interests of their leaders or/and donors (see diagram 2). Such level of distrust demonstrates that communication between voters and political parties is ineffective and linkage between them is quite weak.

Diagram 2

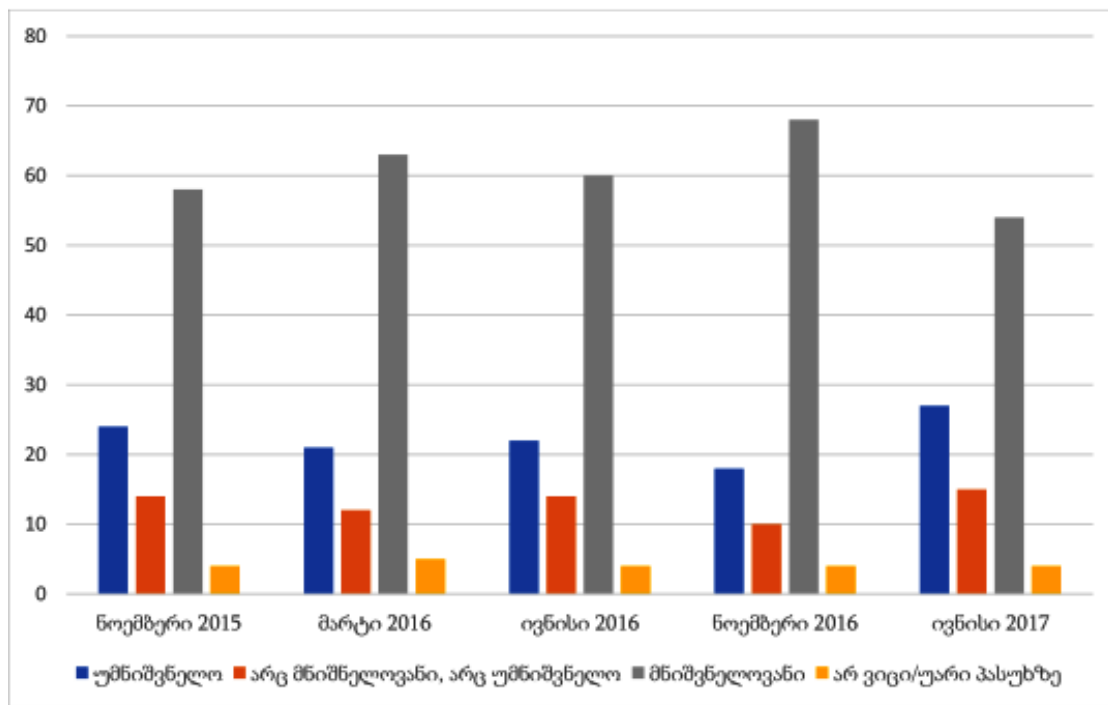


¹⁰ NDI: Public attitudes in Georgia, July, 2019, available at: <https://caucasusbarometer.org/ge/nj2019ge/RATEGOV4/>

It should be considered, that a part of the population (49%) is quite **critical about the qualification and professionalism of the Members of Parliament**. They think that the majority of them do not have appropriate qualification, which naturally leaves no room for political trust.¹¹

Interestingly these surveys showed how important is for Georgian voters **pre-election pledges and political programs of political parties**(see diagram 3)¹².

Diagram 3



At the same time, it is very interesting how population assessed the work of their representatives in the legislative branch and how evaluates fulfillment of **pre-election pledges** of the political, which naturally has great impact on political trust of voters.

Unfortunately, people`s attitude to this issue is quite sceptical and critical. For example, 62% of the respondents do not agree with the opinion, that the majority of parliament members work hard for the country, while 12% refused to answer the

¹¹ NDI: Public attitudes in Georgia, December, 2018 , available at: <https://caucasusbarometer.org/ge/nd2018ge/MPQUALIF/>

¹² Kakhishvili, L., (2019) “Decreasing level of trust in Georgian political parties: What does it mean for democracy and how to avoid negative consequences?” Policy Brief #17, p.7, Georgian Institute of Politics (GPI), available at: <http://gip.ge/decreasing-level-of-trust-in-georgian-political-parties-what-does-it-mean-for-democracy-and-how-to-avoid-negative-consequences/>

question. Furthermore, 55% do not agree/or partly disagree with the statement, that parliament members consider people's point of view, only 8% think, that people's opinion is important for Members of Parliament.¹³ Only 16% of the population think, that there is no corruption in the parliament, while 44% think vice versa. Nearly the same is the attitude to the political parties (there is corruption -46%; there is no corruption -14%). The clear indicator of the people's distrust is their assessment of the course of the country carried out by the government, which also does not look promising. For 49% the course of the country's development is not right. Only 18% evaluate it in a positive way.¹⁴

Such a critical attitude to political figures of the country is quite alarming and on the one hand, it shows a lack of collaboration between population and political actors, what is proved by the poll results. For example, the majority of voters (71%) do not even know their majoritarian name¹⁵ and even in case of their will to meet them in the Parliament, they think, they would not manage it - 57%.

The level of distrust is also raised by voters' unawareness of work of political parties and the priorities of their political programs. To some extent, it might be caused by the insufficient work of political parties with the voters and at the same time, by the passivity of the voters themselves to demand from political parties meeting their pre-election pledges and promises.

It is also clear, that while voting, the past activities of their representatives will be considered by voters, which might predetermine the final results. Five different opinion polls conducted by the NDI in 2015-2017 show, that past performance of the political parties is more important for the voters than pre-election promises. For 65%-74% of the respondents, past activities of political parties are more important, than promises given before the elections.¹⁶

Importance of population's political trust and consequences of public distrust

Trust is an important basis for **legitimacy and stability of political system**. The government politically trusted by the population performs freely, efficiently and without coercion. The higher the confidence is, the higher the efficiency and effectiveness of government activities are.

13 NDI: Public attitude in Georgia, December, 2018, Available at: <https://caucasusbarometer.org/ge/nd2018ge/PARLMEMB/>

14 NDI: : Public attitude in Georgia, 2019, Available at: https://www.ndi.org/sites/default/files/NDI%20July%202019%20poll-Issues_GEO_For%20distribution_VF.pdf

15 NDI: Public attitude in Georgia, December, 2018, Available at: <https://caucasusbarometer.org/ge/nd2018ge/MAJNAME/>

16 ibid p. 8

Public trust provides the government with possibility to implement the long-term **structural reforms**. Success and stability of every reform depend on wide public political consensus and support, which mainly require rejection of short-term profit for the sake of long-term achievements. Consequently, in the environment of high public confidence where population trusts in the suggested course of decision-makers, it is possible not only to plan and implement reforms correctly but also to ensure long-term achievements and specific outcomes and their sustainability.¹⁷

Trust is an important prerequisite for public **law-abidance, observance of rules and regulations**, what is also connected to the issue of government legitimization. Law-abidance mainly depends on the public trust and belief, that existing laws serve the well-being of the country. Consequently, it increases their implementation perspective (for example, paying taxes and observing road rules). Level of the public trust in decision-makers and legislature corresponds to the population will to observe and carry out regulations voluntarily in a daily life.¹⁸

It should also be noted, that trust in political institutions will support making such economic decisions as investment attraction, which is a **prerequisite of economic growth**. Growth of public trust also promotes productivity, which is a stimulator of economic progress.¹⁹ As a result, it broadens the horizon of economic planning and increases economic dynamism.

Population's political trust is very important in **critical and crisis situations**, like natural disasters, economic or political crisis. Government ability to manage critical situations, carry out successful response strategies and most importantly, to involve the population which will trust them, in this process, is a prerequisite for their stay in the state power. Lack of trust after natural disasters can impede the emergency situation and restoration process. As a result, it will make a negative effect on the society and hinder the government to implement proactive actions.

In spite of the fact, that building trust takes much time, it is quite easy to lose it. Therefore, it is important not only to discuss the effect of trust on government's efficiency and activity but realize the results of distrust too. Distrust causes lack of public law-abidance, passivity during the crisis and tax evasion, which can have the high cost

17 Györffy, D. (2013), *Institutional Trust and Economic policy*, Central European University Press, Budapest.

18 Marien, S. (2011). *Measuring Political Trust Across Time and Space*; In: Hooghe M., Zmerli S. (Eds.), *Political Trust. Why Context Matters*. (pp. 13-46). Colchester: ECPR Press.

19 Dasgupta, P. (2009), "A Matter of Trust: Social Capital and Economic Development", prepared for presentation at the Annual Bank Conference on Development Economics (ABCDE), Seoul, June.

for the government. Public distrust also promotes a brain drain from the governmental institutions or hampers the ability to attract the professionals.²⁰

Conclusion and recommendations – strategies to increase political trust

In terms of a low level of public trust towards political institutions, it is very important to carry out actions aiming at strengthening and increasing the political trust, as political trust makes people perform their collective obligations, promotes their law-abidance and willingness to be involved in the political decision-making process. It is clear, that loss of public trust makes people passive, nihilist, hopeless and they try to avoid participation in political processes. Therefore, it impedes the democratic development of the country.

To plan and implement efficient strategies to increase trust in state and political institutions, it is important to consider main strategies which represent expectations of the population from political institutions and entities.

Organization for Economic Cooperation and Development (OECD) recommends some important strategies, which would support growth of public political trust:

Provision of reliability by the government – is a government ability to decrease public unawareness of their economic, social and political activity and act in a consistent and predictable way. In this context, one of the best practices in many European countries are a providing population with the information about programs and main priorities of the political parties, which increases accountability and responsibility of political actors to the population. For example, a widely spread online platform in European countries is –Voter Advice Application. It involves programs and priorities of the political parties participating in the elections. By answering the application questions, voters can get aware of the priorities and views of the political party closer to them. On the one hand, it raises population awareness and a chance to make a well-thought and informed decision at the elections. On the other hand, it strengthens accountability. It is one of the important prerequisites of reliability.

Openness, transparency and inclusiveness are also very important prerequisites for strengthening the political trust. It means running a policy by political actors, in which the population is engaged in decision-making and monitoring process. Besides, they are provided with information and accountability is ensured. This strategy is very closely connected with reliability. It is of vital importance, that the information available for the citizens to be clear and useful. For example, there is a very interesting practice in **Brazil**,

20 OECD, Government at a Glance, (2013), OECD, p. 23, available at: http://dx.doi.org/10.1787/gov_glance-2013-en

where with the help of special transparency portal, publishing the public spending data allows population to track how the government is spending taxpayers' money. Therefore, it increases the public control on government tax spending process and enables the population to get any kind of information about the state expenses.

To increase population participation, there is a very interesting practice carried out in Madrid. The platform called "Decide Madrid" allows citizens to set budget priorities for EUR 100 million budget. With the help of this platform, the population can determine the needs and priorities of the city, suggest the government not only specific programs but also to monitor their progress.

Sensitivity to the population needs and ability to respond to them means providing the population with service which is accessible, effective and focused on their needs and expectations. The population has a need not only to be heard by government and political entities but it also has the expectation, that its needs and priorities will be responded. The absence or lack of policy responsive to the population's priority needs leads to decrease of political trust. Therefore, it is crucially important to involve the population in the process of devising the priorities and at the same time to respond to their problems.

Honesty and integrity are one of the most important components to gain the trust. To be recognized as fair and transparent actors, Government and political institutions should comply with the broader principles and general standards of conduct. It will contribute to safeguarding the public interests and while preventing corruption. For example, citizens of Georgia use a budget monitor platform, which was jointly developed by the State Audit Office of Georgia and civil society. It enables the population to control spending of state funds online, report cases of corruption and identify which government agencies they would like to be audited by the Audit office.

Policy and approaches focused on strengthening political trust will add a new perspective to public governance. Raising public trust will strengthen the concept of social contract between the society and the government. Citizens will be considered not only to be tax payers and enforcers of the law but the direct participants defining the state policy, who collaborate with the state in the process of policy-making and the implementation. To gain support and public trust, it is crucially important for all political actors, government representatives and political parties to be as much inclusive, transparent, sensitive to the priority needs of the population as possible and be responsive and attentive to them. Recognition and better understanding of the importance of public trust, and taking the effective steps aimed at its strengthening will promote good governance and help government to implement long-term and result-oriented reforms.

BIBLIOGRAPHY

1. The Caucasus Research Resource Centers (2017). "Caucasus Barometer time-series dataset Georgia"
2. NDI:Public attitudes in Georgia, (2019), available at: <https://caucasusbarometer.org/ge/nj2019ge/RATEGOV4/>
3. NDI: Public attitudes in Georgia (2018) available at: <https://caucasusbarometer.org/ge/nd2018ge/MPQUALIF/>
4. OECD, Government at a Glance 2013, OECD, page 23 available at: http://dx.doi.org/10.1787/gov_glance-2013-en
5. Burg A.(2005); "Creating trust? A critical perspective on trust-enhancing efforts in public services"; Public Performance & Management Review, Vol. 28, No. 4.
6. Dasgupta, P. (2009), "AMatter of Trust: Social Capital and Economic Development", prepared for presentation at the Annual Bank Conference on Development Economics (ABCDE), Seoul, June.
7. Gyorffy, D. (2013), Institutional Trust and Economic policy, Central European University Press, Budapest.
8. Hetherington M. J.(2000); "The political relevance of political trust"; American Political Science Review 92,
9. Hooghe M, Marien S. A comparative analysis of the relation between political trust and forms of political participation in Europe. European Societies. 2013;15(1):131–152. doi: 10.1080/14616696.2012.692807.
10. Kakhishvili, L., (2019) "Decreasing level of trust in Georgian political parties: What does it mean for democracy and how to avoid negative consequences?" Policy Brief #17, p.7, Georgian Institute of Politics (GPI), available at: <http://gip.ge/decreasing-level-of-trust-in-georgian-political-parties-what-does-it-mean-for-democracy-and-how-to-avoid-negative-consequences/>
11. Levi M, Stoker L. Political trust and trustworthiness. Annual Review of Political Science. 2000;3:475–507. doi: 10.1146/annurev.polisci.3.1.475.
12. Marien, S. (2011). Measuring Political Trust Across Time and Space. In: Hooghe M., Zmerli S. (Eds.), Political Trust. Why Context Matters. (pp. 13-46). Colchester: ECPR Press.
13. MasoomehPIRYAEI,*,FatemehAKHLAGHI,MehdiSAEED(2015),„AnInvestigation into the Factors Affecting People’s Trust in Government Performance“, available at <https://pdfs.semanticscholar.org/be94/e0e207b1cb075e5f44a0b26840e1a03bf9df.pdf>
14. Murphy, K. (2004), "The role of trust in nurturing compliance: A study of accused tax avoiders", Law and Human Behavior, Vol. 28(2), pp. 187-209

GEORGIA

ASSUMED ELECTORAL
MODELS OF THE 2020
PARLIAMENTARY
ELECTIONS
(PROJECTS
OF THE GOVERNMENT
AND OPPOSITION)

LELA KHATRIDZE

Fund "Sukhumi"

Abbreviations:

CEC - Central Election Commission

UNM – United National Movement

Venice Commission- European Commission for Democracy Through Law

ODIHR – The OSCE Office for Democratic Institutions and Human Rights

OSCE - Organization for Security and Co-operation in Europe

1. INTRODUCTION

Georgia is in expectation of the parliamentary elections, which might be not only the main political event of 2020 but of the next four years. Till the coming elections of the supreme national legislative branch, it must balance political forces, their influence and spread of political power. Electoral system¹, as a main rule for the parliament formation and allocation of seats, is a cause of heated debates, since it determines how the population`s will expressed at the elections, affects the number of mandates awarded to the political forces. The importance of electoral system was also emphasized by the decision of the Constitutional Court of Georgia: “Election system determines correlation between votes and corresponding mandates..., regulates transformation of received votes into the mandates.”² Consequently, this issue is of vital importance to gain political power. Besides, the importance of the electoral system is proved by the fact that the elections held with the participation of the same political entities, with the same support of voters and held by the different electoral systems, have different political results.³

There are many variants of majoritarian, proportional and mixed elections. It is obvious that there is no perfect electoral system and every model has its advantages and

1 Authors` collective, edited by Demetrashvili, A., - “Textbook on Constitutional Law“, p.: 158
- <https://bit.ly/378iPYE>

2 Decision of the Constitutional Court of Georgia on “Citizens of Georgia - Ucha Nanuashvili and Mikheil Sharashidze v. the Parliament of Georgia”, II.16 -
<http://www.constcourt.ge/ka/judicial-acts?legal=969>

3 Authors` collective, edited by Demetrashvili, A., - “Textbook on Constitutional Law“, p: 172; and, Electoral systems and the result change see: The Parliament of Georgia – “Electoral Systems“, p.: 3-30
- http://www.parliament.ge/files/1055_16721_957521_saarchevno_sistemebi.pdf

disadvantages. Within the respect of the electoral principles⁴, the Venice Commission gives preference to none of the electoral systems.⁵ However, given the specific political context, it is possible to identify an adequate and relatively fair model in response to the local challenges.

Change of the electoral system has been a hot issue for a long time. Political forces and civil society have always appealed to deficiencies of the existing system, since the present mixed model does not provide fair transformation of the voters' votes into the parliamentary mandates.⁶ In the framework of the implemented constitutional reforms, in 2018, the government responded to a long-standing demand and established a fully proportional system⁷, however, did not apply it to the 2020 elections. The civil society evaluated establishment of the proportional system positively, but its delay negatively.⁸

Recently, the issue of the electoral model has especially become acute, as after the events of June 20, the parliament failed to implement the promised constitutional changes to held the 2020 parliamentary elections by a fully proportional electoral system.⁹ Accordingly, existing mixed type of the electoral model established by the interim constitution provisions stayed in force.

The existing rule is unacceptable for the oppositional spectrum. Failure to pass promised constitutional amendment that would switch Georgia to fully proportional electoral system from 2020, was followed by the protest actions and heated debates. The diplomatic corps made the initiative to promote the dialogue between parties and by their organization, parties started talks. Two proposals are represented in this format: project offered by the opposition – the so-called “German Model” and the ruling party initiative on – reduction of majoritarian mandates.

Considering the current situation, three possible developments are being actively discussed: remaining the existing model in force, the opposition project – the so-called

4 European Commission for Democracy through Law (Venice Commission) – Code of Good Practice in Electoral Matters, Guidelines And Explanatory Report, I. Principles of Europe's electoral heritage - [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e)

5 *ibid*, II. Conditions for implementing these principles, para. 4

6 “Address of the NGOs and political parties to the Parliament of Georgia regarding the reform of the electoral system”- <http://old.isfed.ge/main/904/geo/>

7 Constitution of Georgia, para.: 37.2 - <https://matsne.gov.ge/ka/document/view/30346?publication=35>

8 Statement of the NGOs- <https://emc.org.ge/ka/products/saarchevno-sistemaze-mmartveli-partiis-gadatsqveteleba-miughebelia>

9 Information on the balloting results - <https://bit.ly/2SxFiKL>

Draft Law on: “Amendments to the Constitution of Georgia” on “Amendments to the Constitutional Law of Georgia” - <https://info.parliament.ge/#law-drafting/18526>

“German Model” and the government initiative on reduction of majoritarian mandates. These projects, which are the most possible scenarios of the 2020 parliamentary elections, are matters of discussion of this policy paper which aims to evaluate the represented initiatives in respect of constitutionality and adequate response to the existing political challenges. Therefore, in the framework of the desk study current political situation, CEC data, legal frame, academic and research literature on this issue have been analyzed.

2. MODELS OF THE ELECTORAL SYSTEM TO BE DISCUSSED FOR THE 2020 PARLIAMENTARY ELECTIONS

2.1. The existing electoral model

Considering the current political debates and difficulty to reach any agreement between the government and opposition, the existing mixed model might stay in force for the 2020 elections. According to it, the parliament consists of 77 members elected by the proportional system and 73 ones elected by the majoritarian system.¹⁰

The electoral system was the issue of discussion even in 1995, in the period of the Constitution adoption. Eventually, the mixed model was preferred. According to the initial norm, the number of proportional mandates greatly prevailed over the majoritarian ones (150/85).¹¹ Correspondingly, the failure of party support from the political forces was not compensated by the majoritarian mandates. Every legislative branch of independent Georgia has always been elected by the mixed system.

According to the existing system, proportional (77) and majoritarian (73) quotas are almost equal.¹² To determine the number of seats received by the party, results of the proportional and majoritarian voting are separately counted and summed up. Consequently, even the party of low electoral legitimization can gain the majority and govern the country. Therefore, NGOs and the majority of the political spectrum have been discussing the disadvantages of the existing system and the necessity of transition

10 Constitutional law of Georgia «Amendments to the Constitution of Georgia» on «Amendments to the Constitutional Law of Georgia», para.: 1.2 - <https://matsne.gov.ge/ka/document/view/4110673?publication=0>

11 Babek, V., (1993-1995)- Drafting and Adoption of the Constitution in Georgia p.: 109-111 <http://dspace.nplg.gov.ge/bitstream/1234/203880/1/KonstituciisShemushavebaDaMigebaSaqtartveloshin.pdf>

12 According to the constitutional changes of 2008 which were abolished in 2011, the number of proportional and majoritarian mandates was equal. see.: Constitutional Law of Georgia on “Amendments to the constitution of Georgia”, para.: 1.1. <https://matsne.gov.ge/ka/document/view/20692?publication=0>

to the fully proportional system for a long time.¹³ Disproportion between the received votes and allocated mandates are almost always in favor of the ruling party. At the elections of 2008 and 2016, the disproportion between votes and mandates comprised more than 20% and in both cases in favor of the ruling party. At the parliamentary elections of 2008, the UNM received 59% of the votes by the proportional elections, but by adding the majoritarian mandates, it won 79% of seats in –the constitutional majority the legislative branch (118 seats from 150). In 2016, the Georgian Dream party won 77% of the mandates (115 seats from 150) with the help of 49% of the electoral support and by adding majoritarians.¹⁴

The main disadvantage of the existing system is a fact that the support of voters is not fairly reflected on parliamentary mandates allocated to the parties and respectively on their political power. Owing to this model power of political entities does not correspond to their electoral support. Thanks to this system, political authority gained by the ruling party (“Georgian Dream” now and formerly UNM) always prevails over the one they should get according to the party support. This model is favorable for the government and leaves a little chance to the relatively small parties. It is natural that the present opposition while being the ruling party could not easily cede this rule for distribution of seats.

The number of majoritarian and proportional mandates is almost equal. In case of the majoritarian component growth the principle of proportional representation is less observed. Due to a big share, existing electoral system has other disadvantages too. For example: it does not promote representation of women¹⁵; balance of the ruling power; decrease of the voters’ lost votes, etc.

The Venice Commission always considers the local specification while assessing the electoral system, as it should be discussed in the context of political tradition and party system of a specific country and not separately.¹⁶

In our reality, like many other post-Soviet countries, to balance great power of

13 «Address of the NGOs and political parties to the Parliament of Georgia regarding the reform of the electoral system» - <http://www.isfed.ge/main/904/geo/>

14 Assessment of the Constitutional Commission- Address of the NGOs to the Venice Commission, p.: 7 - <http://old.isfed.ge/main/1222/geo/>

15 European Commission for Democracy through Law (Venice Commission) – Compilation of Venice Commission Opinions And Reports concerning Electoral Systems, (CDL-AD(2009)029 - Report on the Impact of Electoral Systems on Women’s Representation in Politics (para. 111)), p. 22 – [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2019\)001-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2019)001-e)

16 *ibid*, (CDL-AD(2017)012 Republic of Moldova – Joint Opinion on the draft laws on amending and completing certain legislative acts (electoral system for the election of the Parliament - para. 26), p.4

the ruling party, implement more pluralism in a sharply polarized environment and strengthen parties is a big challenge, which is not met by the existing electoral model. Based on the experience of the post-Soviet countries, in terms of weak political parties, use of the mixed electoral system is problematic, as adding majoritarian mandates to the proportional ones provides the ruling party to gain majority (possibly constitutional majority too) in a legislative branch.¹⁷

Local experts share the position of the Venice Commission too. While discussing the constitutionality of a specific rule, the practice of using it should be taken into account. The existing model, in terms of dominant ruling party, leads to unfair results, since the party, as a rule, wins the elections in a whole majoritarian district, or almost in all districts. Correspondingly, the rule of mechanical addition of majoritarian and proportional mandates puts the ruling party in a favorable condition.¹⁸

2.2. Opposition initiative – the so-called “German Model”

The initiative suggested by the opposition - “German Model” is a type of Mixed-member proportional, electoral system. This model maintains not only the majoritarian but the proportional type of elections too; however, distribution of the parliamentary mandates is based on the share of the proportional representation (votes received by the proportional system). The initiative envisages holding the 2020 parliamentary elections according to the so-called “German Model”, taken from German practice and modified to the specifics of Georgia.¹⁹ With the help of this model, the initiators try to provide their main task - holding fair elections.²⁰ According to the explanatory notes to the draft law, electoral legislation reform is a prerequisite to represent the will of the Georgian voters fairly and distribute the mandates proportional to their will.²¹ This model envisages representing all the parties in the parliament based on the share of their received votes (the rule for distribution of seats is being changed, but it must comply with the electoral

¹⁷ Kiguradze, K., «Electoral Systems - International Experience»

<https://emc.org.ge/ka/products/saarchevno-sistemebi-saertashoriso-gamotsdileba>

¹⁸ Loladze, B., (2019), “German Model and its Implementation in Georgia (analysis), Fund of Open Society, p.:14 - <https://bit.ly/2Q0VeDE>

¹⁹ Draft Law of the opposition, see.: “Draft Organic Law on “Amendments to “The Organic Law of Georgia” on “The Electoral Code of Georgia” - <https://info.parliament.ge/file/1/BillReviewContent/238094?>

²⁰ Statement of Davit Usupashvili- <https://bit.ly/2tV6U2i>

²¹ Explanatory Note on «The Organic Law of Georgia» on Amendments to the Draft Law on “The Electoral Code of Georgia”, p.: 1 <https://info.parliament.ge/file/1/BillReviewContent/238095?>

system established by the paragraph 9 of the article 2 of the constitutional law adopted on October 13, 2017.)²²

The first key point of this model is its compliance with the constitution, what is a subject for interpretation. Both positions have their supporters. Based on the constitution, there is a mixed electoral system in the country. According to the rule for distribution of parliamentary mandates of this model, there are mixed-member majoritarian and mixed-member proportional electoral systems, which are not directly determined by the constitution.

According to the authors, the initiative does not comply with the constitution and only electoral code is necessary to change for its implementation. If the proportion set by the constitution is maintained, the proportional rule for distribution of mandates may refer not only to 77 but all the 150 mandates.²³ Opposition thinks that the represented model is not perfect, but is the optimal solution to the political crisis without a change of constitution.

The main argument of the government against the model proposed by the opposition is that this model contradicts the Georgian Constitution. According to the applicable rule set by the constitution, the parliament consists of 77 members elected by the proportional system and 73 members elected by the majoritarian system. As for a specific rule for distribution of seats, it is defined by the organic law – Election code of Georgia.²⁴ According to the government point of view, based on the linguistic definition of the constitution on the rule for proportional distribution of mandates, it refers only to 77 mandates and not to all the enlisted MPs. The government emphasizes the historical and linguistic notes of the constitution, according to which law drafters envisaged mixed-member majoritarian electoral system in which majoritarian and proportional mandates are distributed separately.

According to the teleological definition which covers the approach of the provision of law to legal security, equality and principles of appropriateness, it should be identified whether the perceptions of a legislator, which were the basis for the adoption of the rule,

22 The initiative suggested by the opposition envisages establishment of multiple mandate majoritarian districts. Though this initiative is not unconstitutional, it was still opposed by the government. Based on the limited format of this document, see it in details in: Explanatory Note on “The Organic Law of Georgia” on Amendments to the Draft Law on “The Election Code”, p.:3
<https://info.parliament.ge/file/1/BillReviewContent/238095?>

23 Debates between Irakli Kobakhidze and Davit Usupashvili on air of TV «Imedi», 10-43 min. -
<https://www.youtube.com/watch?v=xUTsxQnxd38>

24 The rule of parliament election is defined by the electoral code, see: Article XII -
https://matsne.gov.ge/ka/document/view/1557168?publication=56#part_106

comply with its practical use.²⁵ Considering the current political context and applied unfair rule for distribution of parliamentary mandates, the supporters of the so-called “German Model” think that the suggested variant violates none of the imperative directives and it is possible to be implemented.

Leading NGOs in Georgia, working on the issue of elections, think that the “German Model” electoral system lines in with the constitution, as it does not change the mandate proportion strictly set by the law. The constitution does not determine whether the proportional and majoritarian components of the existing system are parallel or distribution of the proportional list depends on the results of the majoritarian districts. Thus, in case of the electoral code change, a modified variant of the so-called “German Model” of the mixed electoral system can be implemented.²⁶

Another disputable issue is a distribution of the mandates. The main characteristic which makes the Georgian variant different from the classical German one²⁷ is taking the maximum amount of mandates set by the constitution into account. This model implies three different variants of the majoritarian and proportional mandates to be distributed by the parties. When according to the proportional rule, the majoritarian mandates allocated to the party are more than seats entitled to them, distortion of the voter’s support proportion arises some problems in the composition of enlisted members.²⁸ In such case, (also, when an independent candidate or one represented by the parties/blocks which were left behind the election threshold) the amount of proportional mandates to be distributed is decreased, since the constitution of Georgia imperatively sets the maximum number of MPs unlike the organic law of Germany. German legislation distributes the overhang mandates received through the proportional support to other parties by the so-called “compensatory mandates” (Ger.Ausgleichsmandate). It increases the total number

25 Legal dictionary- <http://gil.mylaw.ge/ka/term/879.html>

26 Statements of the NGOs - <https://bit.ly/2Mwrf4o>

27 Basic Law for the Federal Republic of Germany does not set the maximum number of the enlisted members of the legislative branch, see: Basic Law for the Federal Republic of Germany, Article 38.1,3 - <https://www.btg-bestellservice.de/pdf/80201000.pdf>

28 The rule applied in Germany was about the same as in the so-called «German Model». The constitutional court of Germany discussed the issue of the allocation of mandates, considered it to be unconstitutional and noted that when mandates won by an entity through the majoritarian elections prevail over its electoral support, the principle of the votes’ proportional reflection is distorted. On the one hand, it fails to provide the equality of vote and on the other hand political influence proportional to the parties’ support. see: Provisions of the Federal Electoral Act from which the effect of negative voting weight emerges unconstitutional –

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2008/bvg08-068.html>;
New procedure for allocating delegates’ seats in the German Bundestag unconstitutional
<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2012/bvg12-058.htm>

of MPs, to make the votes received by the parties proportionally transformed into the mandates and give each mandate equal electoral power.²⁹ The initiative offered by the opposition (as they could not neglect the imperative law of constitution because of lack of the necessary resource) is an attempt to implement the principle of proportionality in the framework of the constitution by the electoral code change.

According to the NGO sector, the number of mandates strictly set by the constitution might make their ideal proportional distribution difficult. A disproportion of the mandates of the majoritarian component can also be balanced in case of a fixed total amount of mandates. So, based on the opinion of the organizations, replacement of the current electoral system with the modified version of the “German model” will significantly improve the electoral environment and allow fairer distribution of parliamentary mandates, than the existing electoral system.³⁰

Certainly, there is no perfect system which grants mandates to political parties according to the will of voters expressed in the elections; however, a fairer model is possible to be adopted. From the point of view of fair transformation of the voters` votes into the parliamentary mandates, the applied rule of distribution of seats is significantly unfair. It allows party to gain the majority by the support of less than 50%.³¹ When a party wins more mandates through the majoritarian way than it was entitled to based on the results of proportional elections, proportional transformation of the voter`s will into the mandates (what is the purpose of this initiative) can be essentially changed. Though, modelling the results of the parliamentary elections of 2016 according to the opposition project has demonstrated that “compensatory mandates” would not have essentially changed the reflection of the voters` will on the composition of enlisted members.³² At the same time, the distribution of the mandates granted to the parties would have been fairer. The winner political force could not have gained the constitutional majority, but even the majority of enlisted members and consequently it would have become more cooperative to the political spectrum.³³

Most importantly, the electoral system must not allow the transformation of the votes into mandates when a political party can gain majority or constitutional majority with

29 See: Loladze, B., p.: 2-4; and, German Bundestag–Election of Members and the allocation of seats - <https://www.bundestag.de/en/parliament/elections/arithmetic>

30 Statement of the NGOs - <https://bit.ly/2Mwrf4o>

31 Loladze, B., p.: 14

32 Table - The Results of the 2016 Parliamentary Elections According to the Georgian Variant of the German Model, see: Loladze, B., p.: 11

33 *ibid*, p.: 11-12

the support of less than 50% .This threatens the fairness and legitimacy of the election results, weakens the influence of people on the government, especially in the state of a parliamentary system, as in such case making an impact on the legislative branch means having influence on the government. Therefore, for the Federal Constitutional Court of Germany, the distribution of seats demand, according to the voter`s will, is based on the democratic principle.³⁴Taking all the above mentioned into account, the so-called “German Model” is not ideal but relevant way out from the given difficult situation.

2.3. Government initiative

Government initiates³⁵holding mixed system elections in which 100 MPs will be chosen by the proportional and 50 ones by the majoritarian rule³⁶. In these terms, the existing electoral model and the principle of allocation of mandates stay in force, however, the proportional share of the latter is increased up to 2/3.

The ruling party does not reject the rule for distribution of seats through parallel counting. As majoritarianism makes favorable conditions for the ruling party, the “Georgian Dream” party hopes to win most of the majoritarian mandates and increase the number of its members in the parliament. To reach the consensus, it is ready to lose 23 majoritarian mandates, which could have been won based on the experience from the previous elections and its resources.

If the elections of 2016 had been held by this model, taking the results into account³⁷, the ruling party would have won more mandates than provided by the party support. But in terms of 48, 68% rating, it would not have won proportionally half of 100 mandates and even in case of winning all the majoritarian districts it would not have formed the constitutional majority. Though, it would have won the majority and formed the government easily, unlike the estimated result of the so-called “German Model”. The same is foreseen to happen in case of holding the 2020 elections by to the same rule, as the principle of counting the proportional majoritarian mandates stays in force. Thus, by

³⁴ *ibid*, p. 13

³⁵ Initiative of Georgian Dream - <https://bit.ly/2rsd8pk>

³⁶ The government had a negative assesement of the suggestion of opposition on extention of the electoral districts which were to create the districts of the multiple mandates . Though, it will be inevitable in their model, since 50 out of 73 majoritarian districts must remain. It is just an idea and it is not clear how the electoral districts will be formed, what kind of «electoral geography» we get, as it makes a great impact on the electoral process.

³⁷ CEC final report on the proportional parliamentary elections of 2016 - <http://cesko.ge/res/docs/ShemajamebeliProporciuli2016.pdf>

this initiative, the government loses the chance to gain the majority, though the prospect of winning the majority remains.

It is noteworthy that by this initiative the share of proportional representation is increased. 23 parliamentary mandates which had to be allocated to the majoritarians are at a disposal of the parties. Consequently, it makes favorable conditions for the opposition. In fact, 23 guaranteed votes are lost by the ruling party. The proportional share of the “Georgian Dream” party of the enlisted members is increased, as the proportional mandates allocated to it are calculated from 100 instead of 77 ones, but it will be much less than 23. Accordingly, the model suggested by the government is fairer than the existing electoral system, since it provides for more proportional representation.

It is noteworthy, that constitutional changes are important for the implementation of this model as it provides for the change of mandate proportion (77/73) set by the organic law. The government no longer has the constitutional majority, thus the votes of the opposition will be necessary to implement the initiative. The main argument of the government against the so-called “German Model” is that constitutional changes are necessary for its implementation, which is impossible to do due to the lack of resources. Besides, it initiates the change of the organic law of the country.

The opposition has a negative assessment of the initiative offered by the government, since, for the proportional representation of political forces, 100/50 share makes no fundamental changes from the electoral point of view.³⁸ The idea of the proportional system abolishment established by the constitution was the subject to bitter criticism. According to it, the suggested model must be transitional and not a permanent rule.

The conclusion of the Venice Commission on the constitutional amendments on the transition to the fully proportional electoral system stated, that it corresponded to the long-term request of the Parliamentary Assembly of the Council of Europe, the Venice Commission, local civic society, the majority of the parties and the commission approved the change. Since the existing mixed system was characterized by the tendency of giving great preference to the ruling party.³⁹ By repealing the proportional electoral system, the government withdraws its implemented and approved reform.

38 Statement of Giorgi Vashadze- <https://bit.ly/2SulKXO>

39 Venice Commission – Opinions On The Draft Revised Constitution, 2017, para. 23, 27 -<https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282017%29013-e>

CONCLUSION AND RECOMMENDATIONS

At the given moment, further development of the events is not clear. If the parties fail to reach an agreement, existing regulation will stay in force. It is obvious that among the discussed assumed three models of the 2020 parliamentary elections, both suggested novelties are better than the existing system, since the remaining of the active model leads to the most inequitable result. In spite of some disadvantages of the so-called “German Model”, it is the closest to the principle of the proportional reflection of the voter`s will on the mandates.

Repeal of the fully proportional system will be the step back. It is noteworthy that even the constitution of 1921 determined to hold the proportional elections “The parliament of Georgia consists of deputies elected by general, fair, direct, secret and proportional rules.”⁴⁰ Elections of the constituent assembly of the first legitimate branch in the history of Georgia were held “according to the proportional representation rule” and “balance of the forces was maintained”⁴¹.

Two key points of the political dialogue between the government and opposition are: the issue of considering the principle of representation (characteristic for the proportional system) and the issue of stable governing opportunity (the advantage of majoritarianism.)⁴² Risks of political crisis and making obstacles to government formation must be taken into account, although it must not happen on the cost of voters` will neglecting and disproportion between party`s support and parliamentary mandates.

The Venice Commission and OSCE/ODIHR do not recommend any of the specific electoral systems. The state has a wide view in this case, as it is a political matter ⁴³ and also the sovereign decision of a specific country. However, the electoral system is supposed to express the will of people.⁴⁴ The existing mixed electoral model of Georgia does not provide a fair transition of the votes into the parliamentary mandates. Such unfairness is a problem and at the same time hampers establishment of the political pluralism.

Less than a year is left before the autumn of 2020 and implementation of large-scale

40 Constitution of Georgia of 1921, para.: 46 - http://constcentre.gov.ge/failebi/1921_clis_konstitucia_33442.pdf

41 Authors` collective- «Constitutional Law of Georgia» p.: 167 - https://www.tsu.ge/data/file_db/faculty_law/konst-2019.pdf

42 Venice Commission – Compilation of Venice Commission Opinions And Reports concerning Electoral Systems, (CDL-AD(2013)021 – Opinion on the electoral legislation of Mexico (para. 17), p.8

43 ibid, Joint Opinion on the Act on the Elections of Members of Parliament of Hungary (para. 21), p.5

44 ibid, Joint Opinion on the draft electoral code as of 18April 2016 (para. 27), p.4

changes in such a short period opposes good electoral practice.⁴⁵ It is necessary to find a way out from the given situation. Besides, parties must reach the consensus as soon as possible, since the stability of the electoral legislation is a prerequisite of the electoral process reliability, which is very important for democratic consolidation.

If the government is ready to get some resources for the constitutional changes, it would be more sensible to support a better reform, such as the implementation of the fully proportional system or classical “German Model”.

According to the above stated, it is necessary to suggest the following recommendations:

1) The government and opposition should consider the significance of fair transformation of the voters` will into the parliamentary mandates and try to reach a compromise since maintaining the existing model is the worst outcome;

2) The initiative suggested by the government envisages constitutional changes. In case of the available resource of support, parties would better discuss holding the 2020 parliamentary elections by the classical “German Model” or fully proportional system;

3) Government must maintain the progress, which means to ensure holding the fully proportional parliamentary elections constitutionally;

4) The negotiation process is better not to be delayed to let the political forces and voters to analyze the reform and prepare for the coming elections.

SOURCES:

Legislation, decisions of the court:

1. Constitution of Georgia

<https://matsne.gov.ge/ka/document/view/30346?publication=35>

2. Constitutional Law of Georgia on “Amendments to the Constitution of Georgia” on Amendments to the Constitutional Law of Georgia” - <https://matsne.gov.ge/ka/document/view/4110673?publication=0>

3. Constitutional Law of Georgia on “Amendments to the Constitution of Georgia” - <https://matsne.gov.ge/ka/document/view/20692?publication=0>

4. Organic Law of Georgia “ Election Code of Georgia“

<https://matsne.gov.ge/ka/document/view/1557168?publication=56>

⁴⁵ Venice Commission – Code of Good Practice in Electoral Matters, para. 65

5. Draft law on “ The Amendments to the Constitution of Georgia” on “The Amendments to the Constitutional Law of Georgia”

<https://info.parliament.ge/#law-drafting/18526>

6. Draft Organic Law of Georgia on “The Organic Law of Georgia on the Amendments to “The Election Code of Georgia”

<https://info.parliament.ge/file/1/BillReviewContent/238094?>

7. Explanatory note on “The Organic Law of Georgia” on Amendments to the Draft Law on “Election Code of Georgia”

<https://info.parliament.ge/file/1/BillReviewContent/238095>

8. CEC Summary protocol on the Proportional Parliamentary Elections of Georgia

<http://cesko.ge/res/docs/ShemajamebeliProporciuli2016.pdf>

9. Basic Law for the Federal Republic of Germany

<https://www.btg-bestellservice.de/pdf/80201000.pdf>

10. Constitution of the Democratic Republic of Georgia of 1921

http://constcentre.gov.ge/failebi/1921_clis_konstitucia_33442.pdf

11. Decision of the Constitutional Court of Georgia №1/3/547 on “Citizens of Georgia - Ucha Nanuashvili and Mikheil Sharasgidze v. the Parliament of Georgia” <http://www.constcourt.ge/ka/judicial-acts?legal=969>

12. European Commission for Democracy through Law (Venice Commission) – Code of Good Practice in Electoral Matters, Guidelines And Explanatory Report [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-e)

LITERATURE:

1. Authors` collective, edited by Demetrashvili, A., (2005) - “Textbook on Constitutional Law”, Centre of a Strategic Research of Constitutional Problems, Tbilisi.

<https://bit.ly/378iPYE>

2. Authors` collective: Gonashvili, V., Eremadze, K., Tevdorashvili, G., Kakhiani, G., Kverenchkhiladze, G., Chigladze, N., (2017)-”Constitutional Law of Georgia”, Faculty of Law of Ivane Javakhishvili Tbilisi State University, “Meridiani”, Tbilisi.

https://www.tsu.ge/data/file_db/faculty_law/konst-2019.pdf

3. Babek, V., (1993-1995) - Drafting and Adoption of the Constitution in Georgia (Results of the International Legal Aid in a Transforming State), the second Georgian edition, GIZ.

<http://dspace.nplg.gov.ge/bitstream/1234/203880/1/KonstituciisShemushavebaDaMigebaSaqartveloshin.pdf>

4. Parliament of Georgia - "Electoral Systems"
http://www.parliament.ge/files/1055_16721_957521_saarchevno_sistemebi.pdf
5. Loladze, B., (2019) "German Electoral Model and its Implementation in Georgia(analysis)", Fund of Open Society.
<https://bit.ly/2T9WW7I>
6. Kiguradze, K., - "Electoral Systems - International Experience"
<https://emc.org.ge/ka/products/saarchevno-sistemebi-saertashoriso-gamotsdileba>
7. Legal Dictionary
<http://gil.mylaw.ge/ka/term/879.html>
8. European Commission for Democracy through Law (Venice Commission) –
"Compilation of Venice Commission Opinions And Reports concerning Electoral Systems", Strasbourg, 2019 [https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2019\)001-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2019)001-e)
9. European Commission for Democracy through Law (Venice Commission) –
"Opinions On The Draft Revised Constitution", Strasbourg, 2017 <https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282017%29013-e>

INFORMATION RESOURCES:

1. Information on the Balloting Results on the Constitutional Amendments - <https://bit.ly/2MvJDdN>
2. "Address of the NGOs and Political Parties to the Parliament of Georgia regarding the Reform of the Electoral System"
<http://www.isfed.ge/main/904/geo/>
3. Assessment of the Constitutional Commission Work - Appeal of the NGOs to the Venice Commission - <http://old.isfed.ge/main/1222/geo/>
4. Statements of the NGOs- <https://bit.ly/2Mwrf4o>
5. Statements of the NGOs-
<https://emc.org.ge/ka/products/saarchevno-sistemaze-mmartveli-partiis-gadatsqveteleba-miughebelia>
6. German Bundestag–Election of Members and the allocation of seats-
<https://www.bundestag.de/en/parliament/elections/arithmetic>

7. New procedure for allocating delegates' seats in the German Bundestag unconstitutional-

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2012/bvg12-058.html>

8. Provisions of the Federal Electoral Act from which the effect of negative voting weight emerges unconstitutional -

<https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2008/bvg08-068.html>

9. Statement of Davit Usupashvili - <https://bit.ly/2tV6U2i>

10. Statement of Archil Talakvadze - <https://bit.ly/39iSYz6>

11. Statement of Archil Talakvadze- <https://bit.ly/350CckU>

12. Debates between Irakli Kobakhidze and Davit Usupashvili on air of TV “Imedi”, 10-43 min. - <https://www.youtube.com/watch?v=xUTsxQnxd38>

13. Initiative of Georgian Dream - <https://bit.ly/2rsd8pk>

14. Statements of Giorgi Vashadze - <https://bit.ly/2SulKXO>



CULTURAL-HUMANITARIAN FUND "SUKHUMI"

The publication was elaborated by

ALLA GAMAKHARIA

EKATERINE GAMAKHARIA

NINO NIJARADZE

LALI SHENGELIA

LIA KOSTAVA

Address:

Kutaisi, 6 Mgaloblishvili Street

Tel: (431) 27 13 68

597 40 51 46

E-mail: womansukhumi@gmail.com

Web-page: www.fsokhumi.ge

Facebookpage: www.facebook.com/fsokhumi/

Published with the support of Visegrad Fund

**Viewpoints expressed in the publication are not necessarily
to reflect the views of the donor organization**