

The Republic of Georgia: A Commission in Transition

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Georgia, the first Soviet republic to secede from the USSR, held its first presidential election in May 1991 and endured instability due to violent secessionist conflicts until 1995. Between 1995 and 2001, the Citizens' Union of Georgia (CUG), headed by President Eduard Shevardnadze, held a majority in the Parliament. By mid-2001 the CUG had begun to break apart. By 2002 no clear majority existed, and the Parliament's ability to pass timely legislative initiatives suffered.

After 1991, the state and the registered political parties, using various formulas, determined the membership of the Central Election Commission (CEC). In 2003, due to flaws in previous elections and distrust of past commissions, interlocutors expressed concern that unless the CEC changed questions over the fairness of the upcoming parliamentary elections could cause instability and violence. Consequently, in August 2003, the Parliament passed transitional provisions for the Unified Election Code (UEC) which reallocated CEC member appointments and required that the chair be nominated by the Organization for Security and Co-operation in Europe (OSCE) and appointed by the president of Georgia.

Many observer groups felt that the November 2003 parliamentary election fell short of international standards. Flaws in the electoral registers disenfranchised many voters, and differences between the parallel vote tabulation and the official results led to allegations of fraud. Public protests, known as the Rose Revolution, lasted two weeks and culminated in the resignation of President Shevardnadze. Following the revolution, the Parliament amended the UEC on 29 November 2003 to authorize the president to appoint the CEC chair unilaterally.

The Legislative Framework

The 1995 constitution establishes the election systems used for presidential and parliamentary elections, sets the minimum age for candidacy, and specifies how political parties and candidates can register to stand for election. It also guarantees freedom of association and the right to create political parties.

The 2001 UEC establishes the composition and formation of the different levels of election administration, contains detailed provisions for the election of the president, the Parliament and the local self-governance bodies, and requires that the preparation and conduct of elections be transparent and that domestic and international observers must be accommodated.

The UEC establishes the CEC as the supreme election body in Georgia and authorizes it to pass decrees and ordinances that become secondary legislation. The CEC is independent, within the limits of its authority, from other government agencies.

Institutional Structure

Election administration in Georgia is a centralized system composed of three tiers: the CEC; district election commissions (DECs), one for each electoral district; and precinct election commissions (PECs) whose number in each electoral district varies according to district size. The CEC and DECs are permanent bodies while the PECs only perform their duties during an election period.

The CEC is composed of seven members – the chair and six others. Their term of office is six years. No later than 60 days before the expiration of their term, the president issues an order to hold a competition for the positions. From a shortlist of candidates vetted by presidential staff, the president chooses one name for chair and two names for each of the six other seats on the CEC, and these names are presented to the Parliament for a roll-call vote on each position.

Each DEC is composed of five members. Their terms of office are also six years. No later than 60 days before the expiration of their term, the CEC issues a decree on holding a competition for the positions in each of the 75 electoral districts. After the deadline for DEC candidacy has passed, the CEC selects the members of DECs by voting on each candidate individually.

One of the qualifications for CEC and DEC candidates is that the candidates must be fluent in the Georgian language. This has the effect of excluding significant numbers of Armenians and Azerbaijanis who grew up in regions where there are no schools with Georgian as the language of instruction.

Each PEC is composed of a maximum of nine members. Three are elected by its DEC. The remaining members are appointed by the three political parties who won the most votes in the last parliamentary elections, each appointing two members.

CEC members and the chairs of the DECs are paid salaries for their entire term of office. Other members of the DECs and all PEC members are paid for their duties when performed. Employees of the CEC are civil servants.

Since the Rose Revolution, the CEC has worked hard to increase the skills and professionalism of election officials by creating new organizational structures, setting standards and adopting assessment methods, training and testing. The administrative structure has been developed to enable the CEC to do this. The CEC is able to enter into bilateral agreements with donors to enhance technological development, staff training and civic education.

Powers and Functions

The CEC undertakes the conduct of elections and referendums, and guarantees the uniform application of the electoral legislation. It determines and monitors the rules for participation in electoral events and the use of governmental and non-governmental mass media during elections. It defines electoral district boundaries, allocates funds to DECs and PECs, and determines the content, design and production of all election material.

The CEC has extensive powers relating to the registration of political parties, party alliances and candidates, and is responsible for compiling the electoral registers and the processing and announcement of election results.

Financing

The CEC submits its budget for annual expenditures to the Parliament. Once approved, this forms part of the state annual budget. The CEC submits its expenses and spending plan for

an electoral event to the Ministry of Finance 55 days before polling day, and the ministry is responsible for transferring funds to the CEC within ten days. If the funds are not transferred, the CEC can file a claim before the Supreme Court. For the November 2003 election, the government was slow in releasing the funds, but this situation improved during the April 2004 election.

Accountability

The CEC is accountable to the Parliament. Within 60 days after the end of an election it must submit a report outlining alleged electoral offences, offending public officials, cases referred to the prosecutor-general, complaints filed by the CEC in the courts, and related court judgements.

A temporary parliamentary commission is given the authority to review the activities of the CEC and its subordinate commissions. Any electoral offences are dealt with in the general court, while criminal activities are referred to the prosecutor-general.

Relations with the Media and Other Institutions and Agencies

For elections, the UEC stipulates that state television and radio must provide two hours daily of free air time for election campaigning, and political advertising for at least 15 days prior to an election. The time must be allocated equally among election parties and/or candidates. No broadcaster is permitted to allocate more than 15 per cent of its air time to political campaigning. Newspapers can also allocate free space. Any party or candidate that uses the free advertising must report to the CEC the equivalent cost of paid time/space. The CEC requires each broadcaster to submit a weekly chart of time allocated for political advertising and tariffs.

During the most recent elections the CEC held frequent media briefings to inform the public about the campaign, upcoming events and important deadlines. As a result, the CEC has developed and maintained a good working relationship with the media.

The CEC has good relations with civil society/NGOs, international observer groups and donor agencies. However, there is a lack of separation between the CEC, political party functionaries and the government administration – particularly at the regional and district levels, where some governors and local officials try to influence the decisions of the DEC.

Electoral Reform Management

The CEC has the authority to approve regulations by decree, but can only make recommendations to the Parliament regarding amendments to the UEC.

The CEC may seek to continue its structural review, develop its corporate services and expand its policy and planning operations. To continue the strides forward taken by the CEC since the Rose Revolution, the Parliament could bring into force a number of general provisions of the Unified Election Code that are not yet operative.

The CEC's ability to develop as an independent agency with public confidence in its integrity may be limited by the political process of shortlisting candidates and the political composition of the PECs.