



## "German Model" Does Not Contradict the Constitution of Georgia

Since the constitutional draft law, initiated for complete shift to the proportional elections in the Parliament of Georgia by 2020, has failed to be adopted, the protesters in Georgia demanded a modification of the current mixed electoral system according to the "German model". As a response to this initiative, the ruling party stated that this option is not consistent with the Georgian Constitution. We would like to emphasize that the revised version based on the principle of the "German model" does not contradict the Constitution of Georgia for the following reasons:

Pursuant to the Constitution, the Parliament elected for the next elections will be composed of 77 proportional and 73 majoritarian MPs.

The Constitution only defines number of proportional and majoritarian mandates. It

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does not specify whether the proportional and majoritarian components of mixed election system are parallel, or the proportional list depends on the results received in majoritarian districts. The rule of distributing the seats in both components is contemplated under the Election Code of Georgia, which, as per the current edition covers the distribution of the seats in proportional component independently from the majoritarian system. This circumstance makes it possible to introduce a modified version of the so-called "German model" of the mixed electoral system, by proposing amendments to the Electoral Code, so as not to change the constitutional proportionality of the proportional and majoritarian seats in the entire Parliament.

The "German model" of a mixed electoral system is a type of the mixed-member proportional electoral system. This allows voters to elect both a majoritarian MP and a party list. The seats among the parties/election blocs in the parliament are distributed based on a proportional voting system.

The classic "German model" compensates the disproportion of the votes and mandates revealed in the majoritarian component, with the proportional lists, for which compensation mandates are used, and thus, the full composition of the legislative body is not specified. The Constitution of Georgia stipulates 150 MPs in the Parliament of Georgia. However, imbalances in the mandates caused by the majoritarian component can be balanced even in case of defined total number of mandates. This factor may complicate the perfect distribution of mandates, but in any case the so-called "German model" will give us a more proportional and fair balance than the current electoral system of Georgia.

Considering the existing situation, replacing of current electoral system with the modified so called  Model A will improve the election environment in the country and ensure fairer distribution of the Parliament mandates for 2020 elections.

*International Society for Fair Elections and Democracy (ISFED)*

*Transparency International - Georgia (TI)*

*Georgian Young Lawyers' Association (GYLA)*

*Human Rights Education and Monitoring Center (EMC)*

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