

EPDE Policy Alert - Electoral Reform in Ukraine #14

On 13 September 2019, the Ukrainian Parliament, following a request from President Zelensky, dismissed all acting commissioners of the Central Election Commission. The decision was taken with a vast majority of 341 votes. Due to the lack of objective grounds, the dissolution of Ukraine's key electoral management body is assessed as politically motivated and has provoked harsh criticism. Election observers and independent experts call for a transparent process in forming a new CEC.

On 13 September, the Ukrainian Parliament followed a petition from President Zelensky and dissolved the Central Election Commission (CEC), which was [appointed less than a year ago for a seven-year term](#). Prior to the voting in the Verkhovna Rada, President Zelensky issued a motion to the Parliament in which he accused the CEC of lacking political independence. Allegedly, the CEC had refused to admit several candidates from Zelensky's party in the past Parliamentary elections for political reasons. Besides several independent deputies, the dissolution of the CEC was supported by 341 deputies from President Zelensky's Servant of the People faction, the faction of the Opposition Platform – For Life, and the Batkivshchyna faction. Both the Opposition Platform – For Life and Batkivshchyna previously expressed dissatisfaction with the CEC. It is, however, likely that both parties primarily calculate that the support of the President's motion to dissolve the CEC will give them preferential treatment in the forthcoming renewal of the CEC commissioners. Meanwhile, the factions of Holos and European Solidarity (former Bloc Petro Poroshenko) voted against the decision to dismiss the CEC.

The dissolution of the CEC, whose activities in the course of the recent Parliamentary and Presidential elections have been overall assessed positively by international observers and local stakeholders, has provoked harsh criticism in Ukraine. The EPDE member Civil Network OPORA unequivocally made clear that there was no viable justification to dissolve the CEC. OPORA sees, on the contrary, [political motives in the dissolution of the CEC that call the political independence of the institution into question](#): *"We want to emphasize that [the] politically motivated rotation of CEC members is against international election administration standards and that the Ukrainian legislation has established a seven-year term of office for CEC members. While there are legal possibilities to dissolve the CEC earlier, its political independence and stability are in question. Political motives in the use of legislation gaps are obvious now and have been repeatedly demonstrated in previous rotations of the CEC."* This view is echoed by the EPDE member Committee of Voters of Ukraine (CVU), which also believes that there are [no objective grounds for dismissing the members of the CEC](#): *"The decision to dismiss the CEC should be based on objective facts, indicating serious disruptions to the CEC. However, no such facts could be identified by the Committee of Voters of Ukraine. While observing the previous Presidential and Parliamentary elections, CVU observers did point out several problems related to the work of the CEC, but these problems were rather technical and were not the result of illegal or biased actions of the members of the CEC."*

The dismissal of the CEC heralds the process of forming a new CEC, whose members will be appointed by the Parliament based on a proposal by the President. The President's candidate list must consider recommendations from all factions and groups in the Verkhovna Rada. It is, however, not clear as to how these consultations should commence. International actors should encourage the President and all political parties to elaborate a balanced and inclusive proposal of candidates. A politically balanced composition of the CEC is vital in order to not further damage confidence in the CEC and the institution of elections as a whole among voters and all political stakeholders. As the Parliamentary Assembly of the Council of Europe (PACE) emphasized back in January 2018, the composition of Ukraine's CEC should be [balanced by proportional representation of all parliamentary political factions](#). This view echoes the Venice Commission's "Code of Good Practice in Electoral Matters", which states that "[\[political parties must be equally represented on electoral commissions \[...\]. Equality may be constructed strictly or on a proportional basis.](#)"

Author:

Steffen Halling

This issue is part of a series of EPDE Policy Alerts to inform relevant stakeholders and decision makers in Ukraine, the European Union, and globally about reforms in the field of electoral legislation, the composition and performance of the election administration, and the positioning of the main political forces in Ukraine. Please feel free to forward and share our analysis. You can find recent issues of the Policy Alert [here](#).

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