



EPDE Policy Alert - Electoral Reform in Ukraine #3

The European Platform for Democratic Elections (EPDE) monitors the progress of electoral reform in Ukraine. The third issue of the “EPDE Policy Alert - Electoral Reform in Ukraine” analyzes the outcome of the recent approval of the draft Electoral Code (No. 3112-1) in the first reading and gives an outlook for the further pursuit of the reform

On Tuesday, November 7, the Ukrainian Parliament approved the draft [Electoral Code No. 3112-1](#) in the first reading with a majority of 226 votes. The draft Electoral Code, which was submitted in October 2015 by the Speaker of the Verkhovna Rada Andriy Parubiy and Members of Parliament Oleskandr Chernenko (*Bloc Petro Poroshenko*) and Leonid Yemets (*People’s Front*), advocates a proportional electoral system for parliamentary elections with open regional party lists. In this regard, the draft does not differ from bill [No. 1068-2](#), which [failed to receive necessary support in the Parliament](#) less than three weeks ago. Beyond provisions of the law on the election of people’s deputies, the draft Electoral Code combines provisions of the law on presidential elections, on local elections, on the Central Election Commission, and on the state register of voters.

Against the backdrop of the defeat of bill No. 1068-2 on October 19 and an overall prevailing reform fatigue among the elites in Ukraine, the positive voting on Tuesday was highly unexpected. Therefore, experts and journalists in Ukraine are still [wondering](#) whether the voting happened accidentally, i.e. because of a simple miscalculation among lawmakers and factions, and, moreover, which factors influenced the voting result.

Paradoxically, only 124 votes, i.e. slightly more than half of the 226 votes cast in favor of the draft Electoral Code in the first reading, came from the ruling coalition (*Blok Petro Poroshenko* and *People’s Front*). However, besides 20 positive votes from the *Self-Help (Samopomich)* faction—the only faction that unanimously supported bill No. 1068-2 in October—the Draft Electoral Code in the first reading was supported by 26 MPs from the *Opposition Bloc* faction, parts of the *Fatherland (Batkivshchyna)* faction (13), and the faction of the *Radical Party of Oleh Lyashko* (14). Moreover, one MP from the parliamentary group *Renaissance* and two MPs from *The People’s Will* voted in favor of the draft, although these groups are above all regarded as supporters of the majoritarian electoral system. Commenting on the results of the vote, some deputies stated off the record that they were sure there would not be enough votes to approve the draft Electoral Code. They voted in favor of the draft only to save face and avoid accusations of blocking electoral reform. It is thus very likely that the approval of the electoral code took place by accident and not because of a genuine support from the majority of deputies.

Nevertheless, attention should be given to the impact of the [rally for “Big Political Reform”](#) which started on October 17 in front of Ukraine’s Parliament. With this rally, organized by various opposition forces and civil society activists, protestors called for the abolition of parliamentary immunity, the creation of an anticorruption court, and reform of Ukraine’s electoral legislation. The protests were critical in exerting pressure on authorities and lawmakers to return election legislation reform to the Parliament’s agenda.

After the (apparently accidental) voting results on Tuesday, it is not entirely clear if and how electoral reform will further develop. On the one hand, it is becoming more and more difficult for the authorities to merely simulate electoral reform. On the other hand, the draft code still needs substantial improvement. The draft was registered in the Parliament in 2015. Accordingly, it does not consider certain relevant developments of the past two years (on this, see also the [recent statement of the Civil Network OPORA](#)).



Theoretically, the next vote on the Draft Electoral Code could take place as soon as two weeks from now. However, many “opportunities” for delaying the process remain, as well as the risk of a lack of sufficient support among deputies during the draft’s consideration in the second reading. Whether this can be avoided will greatly depend on the activity and alertness of civil society and political parties. As the practice in Ukraine shows over and over again, the active positions of these stakeholders can be an effective catalyst in the push for transparency, political consolidation, and necessary compromises.

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.

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