

## EDPE Policy Alert – Electoral Reform in Ukraine #8

*The European Platform for Democratic Elections (EPDE) monitors the progress of electoral reform in Ukraine. Issue no. 8 of the “EPDE Policy Alert - Electoral Reform in Ukraine” concerns the increase of the composition of the Central Election Commission to 17 members and the appointment of 14 new commissioners.*

On 20 September 2018, the Ukrainian Parliament appointed 14 new members of the Central Election Commission (CEC) and, thus, all nominees proposed earlier by the President. At the same time, the Parliament dismissed 13 CEC commissioners whose terms formally expired already in 2014 (one member’s term ended in February 2017). The new CEC members are appointed for seven years. Five of the new CEC commissioners were nominated by Bloc Petro Poroshenko, three by the People’s Front and one commissioner each by Batkivshchyna, Oleh Lyashko’s Radical Party, Samopomich, People’s Will and Vidrozhennya. Another new commissioner, Oleg Konopolskiy, was formally not nominated by any party or group, but he is, however, affiliated with the ruling coalition. One seat which remains still vacant after today’s voting is supposed to be filled by a nominee of the Opposition Bloc, which was not represented on the President’s slate. In this case, each parliamentary faction or group will be represented in the new CEC by at least one commissioner.

Earlier, on 18 September 2018, the Parliament adopted in the first and final reading [Draft Law No. 9090](#), which has introduced amendments to Article 6 of the Law on the Central Election Commission to increase the composition of the CEC from 15 to 17 members. This draft law was registered in the Verkhovna Rada on 17 September by its Chairman Andriy Parubiy. 236 Members of Parliament from the factions Bloc Petro Poroshenko, People’s Front, Oleh Lyashko’s Radical Party as well as from the parliamentary groups Vidrozhennya and People’s Will supported the amendment bill. The factions of Opposition Bloc, Batkivshchyna and Samopomich abstained or voted against the draft. Several MPs stated that the hasty adoption of the draft law violated the Parliament’s Rules of Procedure because MPs were neither allowed to propose amendments to the draft nor to register alternative draft laws. However, [three draft resolutions to abolish Draft Law No. 9090](#) failed to reach a majority in the Parliament on 18 and 19 September.

[As reported earlier by EPDE](#), in recent weeks the renewal of the CEC reached a serious deadlock: In February 2018, President Poroshenko registered a list of nominees to replace those commissioners of the CEC whose terms expired. However, as the President’s slate included 14 nominees for only 13 expired seats in the CEC, the Parliament failed to renew the CEC before this year’s summer recess. Although all factions and groups of the Verkhovna Rada long-since stated that they demand the renewal of the CEC, the opposition believed that the list of nominees poses a grave threat to the political balance and independence of the CEC. At the same time, the coalition partner of Bloc Petro Poroshenko, the People’s Front Faction, also refused to support the President’s slate because they, until recently, feared that one of their three nominees on the slate could have fallen victim to a run-off vote in the Parliament.

By increasing the composition of the CEC from 15 to 17 members this deadlock was resolved. However, adapting the composition of a key state institution in electoral matters to ad hoc political need has been [criticized](#). Moreover, after today’s voting the ruling coalition will hold 10 of 17 seats in the CEC and, therefore, an absolute majority (one out of two acting CEC commissioners, whose terms end in 2021, was originally nominated by the UDAR party, which is now part of the Bloc Petro Poroshenko). This also implies that without the CEC members of the ruling coalition the CEC will not be able to constitute a quorum which requires at least two-thirds of the CEC members, i.e. 11 out of 17



commissioners. The proper functioning of the CEC, therefore, entirely depends on the ruling coalition. As the election watchdog [IFES states](#), the domination of the ruling parties might rise serious doubts about the independence and impartiality of the CEC as the key electoral management body. The CEC will manage the organization and the vote count of the presidential and parliamentary elections scheduled for next year.

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*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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