

## EPDE Policy Alert - Electoral Reform in Ukraine #12

*The European Platform for Democratic Elections (EPDE) monitors the progress of electoral reform in Ukraine. Issue no. 12 of the “EPDE Policy Alert - Electoral Reform in Ukraine” summarizes recent developments regarding the (non)reform of Ukraine’s electoral legal framework ahead of the early parliamentary elections scheduled for July 21, 2019.*

On May 22, the Ukrainian Parliament refused to vote on changes to the electoral law as they were proposed on the same day by President Zelenskiy. The President’s draft (Draft Law [No. 10319](#)) advocates lowering the threshold for political parties to enter the parliament from five to three percent, abolishing single-member electoral districts and introducing a pure proportional electoral system in a nationwide constituency with closed party lists. Zelenskiy has hitherto stated that he supports the abolishment of the current mixed electoral systems and the introduction of a proportional system with open party lists. Most recently, he addressed the deputies of the Verkhovna Rada during his inauguration speech on May 20 with a request to approve the “[long-awaited Electoral Code and open-lists.](#)” After the failed voting at the extraordinary parliamentary session on May 22, the President and parliamentary lawmakers accused each other of breaking agreements allegedly made during consultations between the President and heads of parliamentary factions and groups on May 21.

Majority voting in single-member constituencies, and proportional voting with closed party lists in a nationwide constituency, are both known to have numerous shortcomings in Ukraine. Majority voting in single-member electoral districts in the past proved to be highly vulnerable to vote buying and the use of administrative resources. At the same time, the proportional system based on closed party lists has proven to facilitate political corruption through selling and buying mid-range positions on party lists.

On May 21, President Zelenskiy issued decree No. [303/2019](#), which orders the dissolution of the parliament and the holding of snap parliamentary elections on July 21. The decree was published in the government newspaper *Uriadovy Kuryer* on May 23 and thereby entered into force. However, it is an open question whether the presidential decree is in line with the Constitution of Ukraine. The Chairman of the Verkhovna Rada, Andriy Parubiy, claims that the dissolution of the parliament is illegal, and has announced that lawmakers will challenge the decree in the Constitutional Court. A motion on this issue was submitted to the Constitutional Court by Members of Parliament from the People’s Front faction on May 24. It is, however, uncertain whether there will be a court decision on the issue before the July 21 early elections.

During the parliamentary debate on May 22, Oleksandr Chernenko (Bloc Petro Poroshenko) requested the deputies of the Verkhovna Rada to pass Draft Electoral Code No. [3112-1](#) in the second reading, instead of voting for the President’s draft law. Chernenko is co-author of the Draft Electoral Code, which aims to introduce a proportional electoral system with open regional party lists and to harmonize Ukraine’s electoral legal framework. Both are in line with long-standing recommendations of international organizations, above all the Venice



Commission of the Council of Europa and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The reform is also a long-lasting demand of Ukrainian civil society organizations such as the EPDE member Civil Network OPORA and the Committee of Voters of Ukraine. The Draft Electoral Code was approved by the Ukrainian Parliament in the [first reading](#) in November 2017. In March 2019, a [working group](#) of the Parliamentary Committee on Legal Policy and Justice finished the consideration of more than 4,000 proposed amendments. Once the Committee on Legal Policy and Justice approves a finalized version of the Draft Electoral Code, the draft can be submitted to the Parliament for the second reading.

In the meantime, however, Tetyana Slipachuk, chairwoman of Ukraine's [Central Election Commission](#) (CEC), [announced](#) on May 23 that the election process for early parliamentary elections will begin one day after the presidential decree enters into force, i.e. on May 24. Once the elections process started, it became impossible to alter the electoral system. This means that snap elections on July 21 will be held under the existing Law on the Election of Deputies of the Verkhovna Rada of Ukraine. Adopted in 2011 under President Yanukovich, the law provides for a mixed electoral system with half of the deputies of the Ukrainian Parliament elected by majority voting in single-member constituencies, and the other half by proportional voting with closed party lists. At the same time, certain legislative changes are necessary in order to properly conduct early elections on July 21. Slipachuk stated, for instance, that the current legal terms and procedures for public procurement exceed the terms of the upcoming election process. Therefore, the CEC would not be able to properly hold tender procedures for the production and delivery of ballot papers, protocols, acts, and other documents under the current legislation. Moreover, during the CEC press conference Slipachuk pointed to certain technical provisions of the current Law on the Election of Deputies of the Verkhovna Rada of Ukraine which are outdated or in contradiction with other current legal provisions.

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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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