



EDPE Policy Alert – Electoral Reform in Ukraine #6

The European Platform for Democratic Elections (EPDE) monitors the progress of electoral reform in Ukraine. Issue no. 6 of the “EPDE Policy Alert - Electoral Reform in Ukraine” concerns the establishment of a working group to prepare for the second reading of the draft Electoral Code and the appointment process of new members of the Central Election Commission.

On 4 April 2018, the Parliamentary Committee on Legal Policy and Justice confirmed the composition of a **working group assigned to prepare the second reading of the draft [Electoral Code No. 3112-1](#)**. The draft Electoral Code was approved by the Ukrainian Parliament in the [first reading in November last year](#). It advocates a proportional system for parliamentary elections with open regional party lists. Beyond provisions of the law on the elections 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 Voters’ Register. The newly established working group consists of two experts and 22 acting MPs who represent all factions and groups of the Ukrainian Parliament. Among the working group’s members are lawmakers who co-authored the draft Electoral Code or introduced amendments to the draft, but also deputies who have not yet dealt with electoral reform.

Since the first reading of the draft Electoral Code in November 2017, about 4,400 amendments to the draft were proposed by lawmakers of the Ukrainian Parliament. The task of the working group is now to review all these amendments and to forward a finalized draft to the Legal Policy and Justice Committee. Once the committee approves this finalized version, the draft will be considered in the Ukrainian Parliament for the second reading. However, during this second reading, MPs whose amendments were rejected by the committee can initiate voting on each of those amendments. As a result, those amendments which are rejected by the committee can be again included into the draft Electoral Code by reaching a simple majority of at least 226 votes. The working group is supposed to meet on a weekly basis. During its first meeting on 16 April, only five out of 24 members were present. They were able to review approximately one hundred amendments.

Although the establishment of the working group is a necessary step towards a comprehensive reform of Ukraine’s electoral legal framework, it is unlikely that the Electoral Code will be—if at all—approved in due time before the next parliamentary elections. Parliamentary elections are expected to be held in October 2019. The [Code of Good Practice in Electoral Matters](#) of the Venice Commission recommends that “fundamental elements of electoral law, in particular the electoral system proper, (...) should not be open to amendment less than one year before an election.” As a result, both factors—the very high number of proposed amendments, and the fact that parliamentary rules of procedure do not specify deadlines for the consideration of the draft by either the committee or the Parliament—play de facto into the hands of the anti-reformists. However, the civil movement “Chesno”, several political parties, civic activists and individual lawmakers have called for a [nationwide protest](#) with a central rally to be held in Kyiv in front of the Verkhovna Rada on 17 May. The protest alliance demands the immediate adoption of the Electoral Code and the introduction of a proportional electoral system for parliamentary elections with open regional party lists.

Recently, some progress has been made with regard to **the appointment of new members of the Central Election Commission (CEC)**. On 5 February, President Poroshenko finally registered a list of nominees for the CEC in the Verkhovna Rada. On 18 April, the parliamentary Committee on Legal Policy and Justice considered the President’s slate and recommended the Parliament to take its vote on it. Furthermore, the committee decided to recommend the Parliament to dismiss 13 acting members of the CEC whose term expired already in June 2014. It is expected that voting in the Parliament will take



place in the second half on May. Whether the CEC will, in the end, be renewed by 13 new commissioners will remain an open question until the Parliament holds the vote on the nominees.

The president's slate includes 14 nominees and, therefore, one candidate more than there are expired seats in the CEC. Thus, it is expected that the Parliament will hold a two-round vote: first on each of the 14 candidates and then, in a second voting, on each of the remaining 13 candidates who received the most votes the first time around. Nine of the 14 candidates were nominated by the ruling coalition (six by the *Bloc Petro Poroshenko* and three by the *People's Front*). The opposition parties *Batkivschyna*, *Samopomich*, *Liashko's Radical Party*, and the *Vidrodzhennia* group, as well as the *People's Will* group, nominated one candidate each. However, the slate does not entirely incorporate the November 2017 recommendation by the G7 Ambassadors in Support of Electoral Reform that calls for a "political balanced election commission." First, it does not include a candidate from the *Opposition Bloc*, currently the third biggest faction in the Parliament. Second, the ruling coalition could, in the end, control up to 10 of 15 seats in the CEC (NB: one acting CEC commissioner, whose term ends in 2021, was originally nominated by the *UDAR* party, which is now part of the *Bloc Petro Poroshenko*).

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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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