



EDPE Policy Alert – Electoral Reform in Ukraine #9

The European Platform for Democratic Elections (EPDE) monitors the progress of electoral reform in Ukraine. Issue no. 9 of the “EPDE Policy Alert - Electoral Reform in Ukraine” outlines the status quo of the electoral reform process less than a year before the parliamentary elections in October 2019.

Less than a year before the parliamentary elections in October 2019, the outcome of the electoral reform process in Ukraine remains uncertain. After the "Revolution of Dignity" of 2014, the ruling coalition had announced its willingness to comprehensively reform Ukraine's electoral legislation and to introduce a proportional electoral system with open party lists for parliamentary elections. Such a reform of the electoral legislation is in line with long-standing recommendations of international organizations, above all the Venice Commission of the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). However, as the Code of Good Practice in Electoral Matters of the Venice Commission states, [fundamental elements of the electoral law, in particular the electoral system proper, should not be open to amendment less than one year before an election.](#)

Contrary to public assertions, however, the reform of the electoral legislation was not given priority in the Verkhovna Rada for a long time. This only changed last year in autumn, when various opposition forces and civil society activists [rallied](#) for one of the largest anti-government demonstrations since the Euromaidan 2014 and called for a substantial reform of Ukraine's electoral system. As a result, a year ago, on November 7, 2017, an [Electoral Code was surprisingly adopted in the first reading](#). This Electoral Code (No. [3112-1](#)) provides for the introduction of a proportional electoral system with open regional party lists for parliamentary elections. However, only in April this year a [working group](#) was set up by the Parliamentary Committee on Legal Policy and Justice to examine a total of more than 4,000 proposed amendments and to prepare a corresponding revision of the draft Electoral Code for the second reading. So far, this working group has reviewed about 60 percent of all proposed amendments. Ukraine's parliamentary rules of procedure do not specify any deadlines for the further consideration of the draft by either the committee or the Parliament.

Observers in Ukraine do not assume that there is currently a majority in the Parliament that supports the introduction of a proportional electoral system with open regional party lists. The completely open outcome of the upcoming presidential elections in March 2019 (presumably with a runoff election in April 2019) and the thereto related uncertainty among all political forces in Ukraine will further paralyze the reform process in the upcoming months. In this regard, and from the perspective of both opponents and supporters of the reform, a rejection of the Electoral Code by the Parliament during a second reading would have to be considered as a huge setback for the whole reform process. If, however, there is no second reading of the Electoral Code before the upcoming parliamentary elections, the draft would remain pending in the following legislative period. It should also be noted that [eight draft laws](#) that advocate altering Ukraine's electoral systems for parliamentary elections are still registered in Parliament. One of these draft laws (No. [7366](#)) advocates for replacing the current mixed electoral system with a fully majoritarian system. Three drafts (No. [7366-2](#), No. [7366-3](#), and No. [7366-4](#)) propose the introduction of a proportional electoral system with open party lists in regional constituencies. In this regard, none of the three drafts fundamentally differ from the respective paragraphs of the draft Electoral Code, which was approved by the Parliament in the first reading. The other four draft laws (No. [7366-1](#), No. [7633-5](#), No. [7633-6](#), and No. [7366-7](#)) propose a wide array of different electoral systems (mainly closed-list proportional systems or a mixed system as it currently exists). Regardless of contravening international recommendations, it cannot be ruled out that,



depending on the outcome of the presidential elections, there will be attempts from one side or the other to alter the electoral system next spring.

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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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