



EPDE Policy Alert - Electoral Reform in Ukraine #15

EPDE welcomes that the profile committee of Ukraine's Parliament yesterday held an additional meeting to discuss a set of problematic provisions in the draft Electoral Code. The parliamentary vote on the draft planned for this week has been postponed. Earlier, EPDE members Civic Network OPORA and the Committee of Voters of Ukraine raised serious concerns about some provisions of the draft Electoral Code and pointed to a number of shortcomings resulting from last minute amendments to the draft. The positive reaction of the Verkhovna Rada committee to public criticism is an important step towards the continuation of an inclusive reform process involving all stakeholders.

Yesterday's positive reaction of the committee on State Building, Local Governance, Regional and Urban Development to public criticism is a major achievement of Ukraine's civil society and an important step towards the continuation of an inclusive reform process involving all stakeholders. Although the final text of the draft Electoral Code has not been published yet, provisions concerning the protection of voting rights of persons with disabilities are said to have been reinstated, training of leading election commissioners at the level of a district became again mandatory and the problematic provision for the Central Election Commission to exclude candidates from an election based on suspicions (e.g. for involvement in separatist acts) has been removed.

In a detailed [statement](#), OPORA earlier this week pointed to several improvements the draft Electoral Code has undergone since its last parliamentary reading in July 2019 and the following veto by President Zelenskyi. These improvements include that the draft Electoral Code now guarantees the right of internally displaced persons and labor migrants to vote. OPORA also sees important improvements regarding internal reforms of the Central Election Commission, the professionalization of election management in Ukraine, and partially the regulation of election advertising and campaign financing.

However, OPORA pointed in its statement also to several problematic provisions in the previous final version of the draft. The draft, inter alia, provided for an excessive expansion of possibilities to exclude candidates from an election based on suspicions, suspending the principle of the presumption of innocence. The draft Electoral Code also ignored previous remarks on the protection of voting rights of persons with disabilities. Moreover, the draft provided for a gender quota that parties must adhere to on their electoral lists in parliamentary and local elections. However, the draft did not provide for sanctions for violations of the gender quota. Furthermore, according to OPORA the draft Electoral Code created legal uncertainties regarding the powers of the Central Election Commission, it had several shortcomings regarding the professionalization of election commissioners on regional and local levels, and it continued to have restrictions on certain rights of election observers during the electoral process. The Committee of Voters of Ukraine criticized insufficient regulations of the campaign financing and highlighted the deficiencies regarding the future design of the ballots under the proportional system with open candidates lists.

EPDE members OPORA and CVU pointed to the worrying fact that the initial last version of the revised draft Electoral Code was finalized by the responsible Verkhovna Rada committee in a non-transparent manner without conclusive joint discussions within the intersectoral



working group composed of Members of Parliament, members of the CEC and representatives of national and international organizations. This procedure plainly contradicted the previous and very reasonable approach in which all stakeholders were involved in the discussion about the revision of the draft Electoral Code. In the light of the above-mentioned shortcomings of the final version of the revised draft Electoral Code, OPORA therefore called for a further meeting of the Verkhovna Rada Committee on State Building, Local Governance, Regional and Urban Development before the consideration of the code in the parliament. This meeting was finally held on December 4.

The EPDE urges the relevant Verkhovna Rada committee to present the amended final draft Electoral Code to the public in a timely manner in order to ensure transparency and its in-depth consideration by the parliament ahead of the December Verkhovna Rada session. This shall safeguard the timely adoption of the Electoral Code before the 2020 local elections even if some further amendments will be needed with regard to the ongoing decentralization reform.

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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. You can find recent issues of the Policy Alert [here](#).

EPDE is financially supported by the European Union and the Federal Foreign Office of Germany. The opinions expressed here do not necessarily reflect the opinions of the donors.

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