



EPDE Policy Alert – Electoral Reform in Ukraine #4

The European Platform for Democratic Elections (EPDE) monitors the progress of electoral reform in Ukraine. The fourth issue of the “EPDE Policy Alert - Electoral Reform in Ukraine” analyzes the controversial Draft Law No. 7366 which advocates to replace the current mixed electoral system with a fully majoritarian system.

On December 6, 2017, Member of Parliament Oleh Barna (*Bloc Petro Poroshenko*) registered [Draft Law No. 7366](#), which advocates to replace the current mixed electoral system with a fully majoritarian system. Two days later, the draft law was withdrawn. However, on December 18, 2017, a slightly revised version of the draft was submitted to the Parliament. The revised draft law is authored by several Members of Parliament from the *Blok Petro Poroshenko* faction, the *People’s Front* faction, the faction of the *Radical Party of Oleh Lyashko*, and from the parliamentary groups *The People’s Will* and *Renaissance*.

The introduction of an exclusive first-past-the-post voting system, as proposed in Draft Law No. 7366, would fundamentally contradict the goals of Ukraine’s Revolution of Dignity and the commitments of the ruling coalition. It would also oppose the will of the majority of Ukrainians, who, according to a recent poll conducted by the [Razumkov Centre](#), are in favor of a fully proportional electoral system with open party lists for parliamentary elections. Moreover, a proportional system with open party lists in regional constituencies is long-since recommended by the Venice Commission, the Parliamentary Assembly of the Council of Europe, and the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

After the registration of this controversial bill, seven alternative drafts were registered in the Parliament. Three of these draft laws—[No. 7366-2](#), authored by Members of Parliament Leonid Yemets (*People’s Front*), Hanna Hopko, Nataliia Veselova, and Ostap Yednak; [No. 7366-3](#), authored by Members of Parliament Victor Chumak (not affiliated with any faction), Serhii Leshchenko (*Blok Petro Poroshenko*), Ihor Popov (*Oleh Liashko’s Radical Party*); and [No. 7366-4](#), authored by several members of the faction *Self-Help (Samopomich)*—propose the introduction of a proportional electoral system with open party lists in regional constituencies. In this regard, all three drafts do not fundamentally differ from the respective paragraphs of the [Electoral Code No. 3112-1](#), which was approved by the Parliament on November 7, 2017, in the first reading. However, Draft Law No. 7366-2 includes several amendments that were earlier submitted to the Parliament after the first reading of the Draft Electoral Code. These amendments include a 40% gender quota for party lists, and a distribution of parliamentary seats between multi-member constituencies based on the number of registered voters rather than on the turnout.

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) which do not adequately match either the recommendations of international organizations or the expectations of Ukrainians themselves.

The alternative draft laws, which were sent to the Parliament in order to prevent the promotion of a fully majoritarian system, nevertheless entail certain pitfalls for the pursuit of electoral reform. First and foremost, the chance to find a consensus among all relevant stakeholders is likely to decrease with every new bill registered in the Parliament. Therefore, bringing up a draft law that



fundamentally contradicts the earlier decisions of the Parliament does not necessarily aim to get the Verkhovna Rada actually to adopt this law. Registering Draft Law No. 7366 rather seems to serve those who oppose a full-fledged reform of the electoral legislation as a red herring in order to spoil any reform progress. This concerns, first of all, the draft electoral code which was earlier approved by the Parliament and which still needs substantial improvement. With the looming specter of a fully majoritarian system, the needed revision of the draft code for the second reading is likely to be defocalized and, therefore, further delayed.

Electoral reform and the introduction of a fully proportional, open-list system for parliamentary elections is beyond doubt a key pillar for a strong and sustainable democracy in Ukraine. Moreover, electoral reform is tightly intertwined with anti-corruption policies. With the recent setbacks to the anti-corruption efforts, it should be highlighted that in Ukraine the current mixed electoral system promotes corruption. This applies to majority voting in single-members constituencies, which is highly vulnerable to vote buying, and proportional voting with closed party lists, which facilitates business lobbying and the maximization of oligarchic influence in politics.

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.

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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