



EPDE Policy Alert - Electoral Reform in Ukraine #2

The European Platform for Democratic Elections (EPDE) monitors the progress of electoral reform in Ukraine. The second issue of the “EPDE Policy Alert - Electoral Reform in Ukraine” analyzes the outcomes of the rally for reform in Kyiv and the rejection of three draft laws on electoral legislation in the Verkhovna Rada.

In October 2017, various opposition forces and civil society activists rallied in front of Ukraine’s Parliament in Kyiv for one of the largest anti-government demonstrations since the Euromaidan 2014. With the rally for “[Big Political Reform](#),” protestors called for the abolition of parliamentary immunity, the creation of an anticorruption court, and the reform of Ukraine’s electoral legislation.

Substantial success, from the perspective of the rally’s organizing committee, was reached only with regard to the issue of parliamentary immunity. In this matter, the Parliament decided to submit to the Constitutional Court of Ukraine draft laws providing amendments to the Constitution of Ukraine that would abolish immunity for members of the Ukrainian Parliament. In the case that the Constitutional Court of Ukraine approves the suggested draft amendments, the amendments are then subject to further vote by the constitutional majority of members of the Parliament in order to be adopted.

With regard to the electoral reform, three draft laws on the parliamentary elections, registered in the Parliament in December 2014, have finally been added to the agenda of the Parliament for the first reading on Thursday, October 19, 2017. However, all three initiatives on the reform of Ukraine’s electoral legal framework failed to receive necessary support in the Parliament. In addition, the Parliament did not vote for further revision of these draft laws, either by the relevant Parliamentary Committee or by the authors of the draft laws.

Two of the three draft laws (i.e. draft law No. [1068](#), initiated by *Opposition Bloc* faction deputy Yuriy Miroshnychenko, and draft law No. [1068-1](#), initiated by *Batkivschyna* party leader Yulia Tymoshenko and other MPs of this faction), foreseeing a proportional electoral system in a nationwide constituency with closed party lists, received less than 100 votes. Draft law No. [1068-2](#) (initiated by Viktor Chumak and several other members of the Parliament), which advocates for a proportional electoral system with open regional lists, received more support in the Ukrainian Parliament (169 votes). Nevertheless, the draft law lacked about 60 votes to be further considered by the Parliament.

Members of the ruling coalition (*Blok Petro Poroshenko* and *People’s Front*) immediately blamed members of the Parliament who were elected by majority voting in single-member constituencies for failing to support the draft law No. 1068-2. However, this draft law was supported only by a minority of MPs from the ruling coalition factions: 57 out of 138 MPs from *Blok Petro Poroshenko* faction, and 38 out of 81 from *People’s Front* faction.

After the defeat of the three draft laws, the organizing committee of the “Big Political Reform” rally underlined that public protest, at least, succeeded in exerting pressure on the authorities to finally return election legislation reform to the Parliament’s agenda. The organizers also expressed the demand that the Parliament should continue work on electoral reform without further delay.

According to the Speaker of the Parliament, Andriy Parubiy, the Parliament will continue considering electoral legislative initiatives (draft electoral codes) during the next plenary week, starting November 7, 2017. These two draft electoral codes (No. [3112](#) and No. [3112-1](#)) were registered in the Parliament in the fall of 2015. The draft electoral code No. 3112, initiated by *Vidrodzhennia* group



deputy Valeriy Pysarenko, advocates for a proportional electoral system with closed party lists. The draft electoral code No. 3112-1, co-authored by the Speaker of the Parliament Andriy Parubiy, provides for a proportional electoral system with open regional lists. It corresponds with the draft law No. 1068-2, but it also covers presidential and local elections.

With last week's protests, electoral reform is back on the Parliament's agenda. Thursday's vote, however, blatantly demonstrated that a fully-fledged parliamentary debate on electoral reform is still absent. Considering the missing consensus in the Verkhovna Rada, *Blok Petro Poroshenko's* faction leader Artur Gerasimov claimed that the Parliament is now obliged to set up a working group comprised of all political forces to draft a new parliamentary elections law. An official working group, composed of leading specialists and representatives of all parliamentary factions and groups, is a long-standing demand from election experts and civil society organizations in order to ensure an inclusive dialogue on electoral reform among all national stakeholders.

However, the Civic network "OPORA" pointed out that there is still a risk that further debates within the Parliament will amount to a mere simulation of electoral reform. To avoid this outcome, such debates within the Parliament should take the form of an open and inclusive dialogue, with participation of election experts and representatives of civil society.

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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