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# **Elections in Ukraine**

## *October 26 Early Parliamentary Election*

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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# Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by Central Election Commission of Ukraine as of October 17, 2014, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Why are parliamentary elections happening now?**

The current Parliament, or *Verkhovna Rada*, was elected in October 2012 and the next regularly scheduled election would not have taken place until 2017. However, in August, a number of parties withdrew from the governing coalition, which led to President Petro Poroshenko's decision to dissolve Parliament and call for early elections.

The current Parliament is deeply unpopular. According to the International Foundation for Electoral Systems' (IFES) latest public opinion survey in Ukraine, conducted from September 5-13, 2014, only 3 percent of Ukrainians expressed any degree of confidence in the Parliament, the lowest level of confidence of all the institutions asked about in the survey. This is partially a result of the fact that many of the members of Parliament are associated with the former President Viktor Yanukovich, and their support for undemocratic legislation such as the so-called "dictatorship laws" – an attempt earlier this year to suppress the *Euromaidan* protests. Early parliamentary elections also were, and remain, a key demand of the *Euromaidan* movement and a campaign promise of President Poroshenko.

## **Why are these elections so important?**

The election of a new Parliament and formation of a ruling majority is seen as an important step in the transformation of Ukraine following the ouster of former President Viktor Yanukovich. It is likely that the new Parliament will bring many fresh faces to Ukrainian politics, including a number of leaders from the *Euromaidan* movement and civil society in general. Since the fall of President Yanukovich, hopes for reforms to address problems of political corruption, weak rule of law and economic stagnation have been high. However, little progress has been made to date, in part because of weak support for reform in the current Parliament. A new Parliament may be more proactive in moving ahead with much needed, but politically difficult, reforms.

## **What are the most important issues in this election?**

Elections in Ukraine have historically been less about issues or ideology and more centered on the personal popularity of political leaders. While party leadership continues to be an important factor in political loyalties, this election, more than any other in Ukraine's recent history, is about issues.

While economic issues and corruption have historically been the primary concerns for Ukrainians irrespective of political leadership, foreign policy and security issues are an important factor for this year's election. The IFES September 2014 survey in Ukraine shows that the majority of Ukrainians outside Donbas are primarily concerned with the possibility of war with Russia. Related to this issue, the conduct and effectiveness of the Anti-Terrorist Operation (ATO) in Donbas is also an issue that is of high concern to the public in Ukraine outside Donbas. Relations with Europe and future foreign policy orientation of the country are also issues of significant concern for Ukrainians. As mentioned above, corruption and economic issues remain among key issues of concern to Ukrainians.

## **What institutions will administer this election?**

The election will be administered by a three-level election management system consisting of the Central Election Commission (CEC), 213 District Election Commissions (DECs) and more than 32,000 Precinct Election Commissions (PECs).

The CEC has overall authority for planning, regulating and overseeing the election. It is composed of 15 members, who were appointed at different times based on nominations of leading political parties. Five members, including one of two Deputy Chairs and a Secretary, are women.

DECs are responsible for organizing elections in their districts, including by creating PECs, registering official observers, distributing the ballot papers to the PECs, responding to complaints about violations of the electoral rules and tabulating the results from the PECs in their district. DECs are comprised of between 12 and 18 members based on the nominations of parties whose factions are registered in the legislature and parties whose candidate lists were registered in the previous (i.e., 2012) parliamentary elections. Each party may nominate one member of each DEC. In the previous elections, around half of all DEC members were women.

PECs are created no later than 15 days prior to the election (i.e., October 10, 2014 for this election). They are responsible for establishing and running polling places on Election Day. They carry out voting and then count ballots and send results protocols to the DECs. The number of PEC members depends on the number of voters assigned to the election precinct. At small precincts (less than 500 voters), PECs are comprised of between 10-14 members, while at large precincts (1,500-2,500 voters) PECs include 14-18 commissioners. The right to suggest names of the PEC commissioners is granted to the parties whose factions are registered in the Parliament, the parties whose candidates are registered in the nationwide district and single-mandate district candidates. Each party or candidate may nominate one member on each PEC. Traditionally in Ukraine, a majority of PEC members have been women.

## **Who will observe the parliamentary elections?**

Ukrainian law allows for observation of elections by both domestic civil society organizations (CSOs) and international organizations.

The Ukrainian CSO OPORA will lead a large mission consisting of roughly 2,000 short-term observers. OPORA has a strong record of impartial and professional observation. The well-known Ukrainian CSO Committee of Voters of Ukraine (CVU) will also be carrying out a nationwide election observation effort.

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) will lead an international observation mission, which was officially invited to observe by the government in September 2014. The OSCE/ODIHR mission will include 90 long-term observers, and closer to the election, expects to deploy roughly 600 short-term observers, making this one of the larger observation missions of its kind.

In addition to the OSCE/ODIHR mission, a number of other international groups will be sending election observation missions, including the European Network of Election Monitoring Organizations (ENEMO), and the Canadian Election Observation Mission, an election monitoring mission funded by the Canadian government.

A full list of Ukrainian and international observers can be found on the CEC [website](#).

## **How will disputes be adjudicated?**

Any political party, candidate, domestic observer or voter can register a complaint with either an election commission or court. While most complaints can be heard by the courts, the Precinct Election Commissions (PECs) can only consider complaints against violations committed by observers, candidate

agents and authorized representatives of political parties during voting at the election precincts. While PEC decisions and actions (and inactions) can be appealed to the District Election Commissions (DECs), the actions and decisions of the DECs, as well as DEC members, can only be challenged in court. The Higher Administrative Court of Ukraine hears appeals to Central Election Commission decisions related to the establishment of election results.

In practice, the system of dual jurisdiction for electoral complaints has led to confusion and ineffective responses to electoral violations in previous elections.

## **What type of electoral system will be used in the October 26 election?**

Parliamentary elections use a parallel electoral system under which 50 percent of members are elected through closed party list proportional representation (PR) in a single nationwide constituency and 50 percent are elected in first-past-the-post (FPTP) elections in single-member districts. In order to win seats in the nationwide PR contest, a party must receive no fewer than 5 percent of votes cast.

Voters are given two ballots, one for the PR race and one for the single-member district race, except for voters living outside Ukraine and internally displaced voters who are only eligible to vote in the nationwide PR contest.

## **Who is eligible to vote?**

The Constitution provides for universal, equal, direct suffrage by secret ballot to all individuals 18 years of age or older. Citizens do not need to register to vote but are automatically included in the State Register of Voters. Under the Parliamentary Election Law, voting is voluntary, and no influence can be exerted upon citizens to have them participate or not participate in the election.

Voters who have applied for the temporary right to vote outside their home district will only have the opportunity to vote in the PR contest, not the single-member district. To address the problem of internally displaced persons (IDPs) from war-affected regions of Donetsk and Luhansk, along with Crimea, IDPs will not need to show documentation proving their need to vote outside their home district, per a special decision from the Central Election Commission in October. The law also stipulates that Ukrainian citizens living outside of the country maintain their right to vote in the PR contest, but not in the single-member district elections.

## **Who can be a candidate?**

Any citizen 21 years of age or older who has permanently resided within Ukraine for the five years preceding the election can run for office, except, according to the Constitution, those who are “recognized by court as legally unfit, as well as citizens who have criminal records, unless the record has been cleared or settled.”

Persons holding a public office who stand as candidates are not required to resign their office, but they are prohibited from using their position to campaign.

Candidates can be nominated by political parties that are entitled to take part in elections, or can self-nominate. According to current law, a candidate or party that nominates candidate(s) in the nationwide or single-mandate district(s) must submit a comprehensive set of registration documents and forms,

together with a document certifying that the election deposit has been paid. For candidates nominated in the single-mandate districts, the amount of deposit to be paid is 10 minimum monthly salaries (roughly \$1,000 [USD]), while the parties must pay a deposit as high as 1,000 minimum monthly salaries (\$100,000 [USD]) to have their candidate lists registered in the nationwide election district. Controversially, those deposits are only returned to candidates and parties that actually win seats.

## **What are the rules for the election campaign?**

Under the Parliamentary Election Law, any citizen who has reached the age of 18 is entitled to participate in election campaign activities, including organizing and taking part in demonstrations, marches and rallies. Parties and candidates are free to organize such events, as long as they provide reasonable advance notice to local authorities to allow them to make necessary preparations. The Parliamentary Election Law contains provisions aimed at ensuring equal campaign opportunities for all contestants, including access to campaign premises and designated places for political advertising.

Officially, a candidate may not start campaigning until the day after he or she has been registered, while the party may start campaigning the day after its candidates have been registered by the Central Election Commission. In practice, however, campaigning often starts as soon as an election is called. The campaign ends at midnight on the Friday before Election Day (October 24, for this election). Campaigning is prohibited during the 24 hours preceding Election Day.

The Constitution guarantees freedom of the media and prohibition of censorship. It also states that “propaganda or campaigning inciting social, racial, national or religious hatred and strife is impermissible. Propaganda of social, racial, national, religious or language superiority is forbidden.”

## **What are the rules governing the media?**

Parties and candidates receive free television, radio and print media campaign advertising from State-funded media outlets. Political parties receive 30 minutes of campaign advertisements from every national State-funded television and radio station and 20 minutes of campaign advertisements from every regional State-funded television and radio station. Candidates receive 20 minutes of air time for campaigning at the respective State-funded television and radio station. State-funded newspapers (*Golos Ukrainy* and *Uryadoviy Kuryer* and regional newspapers in each region) are required to print free election platforms of the parties, while single-mandate candidates may print their platforms in one of the regional or local State-funded newspapers free of charge.

Beginning the week of October 13, a series of debates between 28 of the 29 parties registered will take place on the First National TV station, and will also be available with live English translation at [www.campus30.org](http://www.campus30.org).

## **What are the rules for campaign finance?**

The Parliamentary Election Law requires each party to maintain two designated campaign bank accounts: an election funds account and an election expenditures account. A single-mandate district candidate only opens an election expenditures account.

All contributions to the party campaign must be deposited into the electoral fund account and all expenditures must be made by bank transfer from the expense account. A political party is allowed to

spend 90,000 minimum monthly salaries (\$8,300,000 [USD]) on its campaign and a candidate is allowed to spend 4,000 minimum monthly salaries (\$370,000 [USD]) for her campaign.

An election campaign can be financed from:

- The candidates' private funds (unlimited);
- Individual donations from physical persons (limited only by the spending limit for party or candidate, i.e. by 90,000 minimum monthly salaries for parties and 4,000 minimum monthly salaries for candidates); and
- Funds from the party that nominated the candidates in the nationwide election district (unlimited).

Donations from foreign citizens, anonymous sources and legal entities are forbidden. Candidates file financial disclosure forms in the prescribed form with the District Election Commissions no later than 20 days before the elections (interim reports) and 10 days after Election Day (final reports). Parties competing in the nationwide election district file financial disclosure forms, in the format prescribed by the Central Election Commission (CEC), with the CEC no later than 20 days prior to the Election Day and no later than 15 days after Election Day. All the interim and final reports filed by parties and candidates are subject to mandatory publication on the CEC website. IFES and others have criticized the current system of campaign finance regulation as inadequate on a number of grounds and have advocated significant reform to create transparency in political finance and to limit the role of private money in politics.

## **Who are the registered parties for the October 26 elections?**

Twenty-nine political parties have registered party lists in the nationwide election district and more than 3,300 candidates have been registered in the 213 single-mandate election districts. In total, the Central Election Commission has registered more than 6,600 candidates for these elections.

According to recent opinion polls, the following parties have a reasonable chance to pass the 5 percent electoral threshold:

- The Poroshenko Bloc (affiliated with incumbent President Petro Poroshenko);
- Radical Party of Oleh Lyashko (led by Member of Parliament Oleh Lyashko);
- The People's Front (led by Prime Minister Arseniy Yatseniuk);
- Batkivshchyna (led by the former Prime Minister Yulia Tymoshenko);
- Strong Ukraine (led by former Vice Prime Minister, under Yanukovich rule, Serhiy Tihipko).
- Civic Position (led by former Defense Minister Anatoliy Hrytsenko);
- Svoboda (right-wing nationalist party led by Oleh Tyahnybok); and
- Samopomich (a new party led by Lviv Mayor Andriy Sadoviy).

For the 2014 early parliamentary elections, the former ruling Party of Regions will not participate. Many leading political figures and financial backers of the party will run in the party "Opposition Bloc," while others (closely associated with former Vice Prime Minister Serhiy Tihipko) will be running with the Strong Ukraine party. Other former members of Party of Regions are running instead on various party lists and in the single-member districts. While polls show that "Opposition Bloc" and the Party of Regions' former ally, the Communist Party of Ukraine, have small chances to win any seats under the national proportional contest, there are still many voters in their traditional stronghold regions who have not yet declared a preference.

## **What is the gender balance amongst candidates for Parliament?**

Current legislation fails to provide any specific measures to ensure better representation of women in the Parliament. According to the Law on Political Parties, parties are required to ensure representation for women on their party lists in the parliamentary elections, but there are no specifics as to how much representation, nor any mechanisms in place to enforce this requirement. Overall, in the upcoming election almost 26 percent of all candidates on the party lists are women. When measured as the first 30 candidates on the list (i.e., candidates in a more winnable position), this number drops to 20 percent. The most gender-equitable party is arguably Samopomich, with 5 of the first 10 candidates being women, and 37 percent women among the first 30 candidates. Around 15 percent of candidates in single-member districts are women.

## **How are voters registered to vote?**

There are 36,514,491 registered voters in Ukraine.

Voter lists are based on residency data and citizens are not required to register themselves, only to verify their information. Voter lists will be prepared by the State Voter Register and will be posted in polling stations on October 15-16, 2014, so the public can verify the information on the list. To ensure the integrity of the voter list, Precinct Election Commissions will not be allowed to make any changes to the voter lists on the Election Day, except under a court order.



## Resources

- IFES 2014 Parliamentary Election Bulletins ([Link](#)).
- IFES September 2014 Public Opinion in Ukraine ([English](#)) ([Ukrainian](#))
- Key Finding from the IFES September 2014 Public Opinion in Ukraine ([English](#)) ([Ukrainian](#))
- Central Election Commission ([Link](#))
- Central Election Commission on Parliamentary Elections ([Link](#))