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# **Elections in Ukraine**

## *October 28 Parliamentary Elections*

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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### *Disclosure:*

*These FAQs reflect decisions made by the Ukrainian election authorities as of October 25, 2012, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Who will Ukrainians elect on October 28, 2012?**

At stake in these elections are 450 seats in the national legislature, the *Verkhovna Rada*. In December 2011, the Law on the Election of People's Deputies of Ukraine came into effect, changing Ukraine from a closed-list proportional representation (PR) system to a parallel system.

Under the new system, 225 members of parliament, or deputies, will be elected by a first-past-the-post system in single-member constituencies, and 225 deputies will be elected by the closed-list PR system, each for a five-year term. A political party must obtain at least 5 percent of the national vote in order to win seats in the nationwide PR constituency. Unlike in previous elections, electoral blocs will not be allowed to contest the 2012 elections.

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

These elections will be a critical test for Ukrainian democracy and will take place in a highly polarized atmosphere. While parliamentary elections in 2006 and 2007 and the presidential election in 2010 were viewed as largely credible by international election observation delegations, the more recent October 2010 local elections – the first held under the Viktor Yanukovich administration – were marred by a number of irregularities.

A recent IFES survey on public opinion in Ukraine found that there is little confidence in most official institutions and most political leaders, including President Viktor Yanukovich and most opposition figures. Further, these parliamentary elections will be held without the participation of Yulia Tymoshenko and Yuriy Lutsenko, two opposition leaders who remain in prison after trials that many consider unjust. Their fate, and that of others deemed subject to politically motivated persecution, has been a focus of the international community and has placed a considerable cloud over the October 28 parliamentary poll.

## **What is the current political situation in Ukraine?**

The current political situation in the country remains polarized, similar to the past several years, though with some changes. The current ruling party, the pro-presidential Party of Regions, shows the highest level of support of any one party among the electorate. However, other forces, old and new, are also capable of garnering significant support and seats in the new parliament. The advent of 225 races in the single-member districts makes the overall composition of the new parliament more difficult to predict than in previous elections. There have been efforts by parties, particularly by some opposition parties, to strategically contest the districts by agreeing to support certain parties' candidates while withdrawing other serious candidates so as not to split the electorate.

The situation is further complicated by the high number of candidates running in single-member districts and by the emergence of many independent candidates who prefer not to disclose their true political allegiances. These independents have the potential to split the vote with technical candidates and viable

candidates appealing to the same electorate, and the sheer number of undecided voters will make the parliament not only difficult to forecast, but potentially even less cohesive and stable than in the past.

## **When will results be announced?**

The Central Election Commission (CEC) is required by law to establish the election results no later than the 15th day after the day of voting and then officially publish them within five days.

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

As of October 22, 2012, there were 3,134 individuals from 29 international organizations and 26 national governments registered as international observers with the Ukrainian Central Election Commission to observe the parliamentary elections.<sup>1</sup>

This includes, among others, representatives from the OSCE/ODIHR; NATO Parliamentary Assembly; governments of the United States, Canada and the United Kingdom; European Network of Election Monitoring Organizations; and Commonwealth of Independent States Election Monitoring Organization.<sup>2</sup>

Additionally, 8,844 individuals from 68 non-governmental organizations in Ukraine have been registered to observe the elections. There will also be official observers from candidates and parties participating in the elections.

## **Who is responsible for administering the elections?**

The elections are administered by a three-tiered system of election commissions, namely the CEC, 225 district election commissions (DECs) and roughly 33,750 precinct election commissions (PECs). The Ministry of Foreign Affairs also assists in the establishment of 116 polling stations in diplomatic institutions for voters residing abroad.

## **What is the legal process for electoral dispute adjudication?**

Violations of the Election Law can be dealt with in two ways:

- **By filing a complaint with an election commission.** Election commissions are able to address problems expediently, including problems on Election Day. They are particularly useful in addressing problems related to the polling station's administration of the elections or the behavior of candidates, observers, representatives and others. However, election commissions have no power to impose sanctions on election participants who have violated the rules, beyond the CEC's power to issue formal warnings.

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<sup>1</sup> <http://www.cvk.gov.ua/pls/vnd2012/wp001>

<sup>2</sup> <http://www.cvk.gov.ua/pls/vnd2012/wp041?PT001F01=900>

- **By filing a lawsuit with a court (typically an administrative court).** While the courts have greater powers to impose sanctions on parties that have broken the law, the court process is more complicated, takes longer and generally requires expert legal representation.

## **What laws regulate the parliamentary elections in Ukraine?**

The October 28 parliamentary elections will be largely governed by the following legislation:<sup>3</sup>

- The Ukrainian Constitution
- Law on the Election of People's Deputies of Ukraine (known as the "Election Law")
- The Law on the State Voter Register
- The Law on the Central Election Commission

## **What are the rules that govern the media?**

The Election Law requires the media to provide unbiased, unprejudiced, balanced, reliable, complete and accurate reporting of information on the elections. Media organizations are also required to provide election participants with equal opportunity to buy advertising at set rates. Media representatives are entitled to attend election commission meetings, as well as polling sites on Election Day. Electoral subjects are entitled to a small amount of publically funded print and broadcast time in the private media.

While the legal framework for media coverage of elections is generally in line with international standards, there is reason to be concerned by the recent trend toward concentration of media ownership by a small number of businesses, many with supposed ties to the government. Civil society groups also say it is becoming increasingly common for journalists to accept money in return for writing news stories with a particular bias.

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

According to Article 70 of the Ukrainian Constitution, all citizens of Ukraine who are 18 years or older on the Election Day have the right to vote.<sup>4</sup> Article 2, Section 2 of the Election Law states that all voters may exercise their right to vote as long as their names are included in the voter lists for their respective election precincts.

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<sup>3</sup> <http://www.osce.org/odihr/91151>

<sup>4</sup> [http://static.rada.gov.ua/site/const\\_eng/constitution\\_eng.htm#c2](http://static.rada.gov.ua/site/const_eng/constitution_eng.htm#c2)

## **Who is not eligible to vote?**

According to Article 2, Section 9 of the Election Law, only citizens who have been deemed incompetent by a court shall not have the right to vote.<sup>5</sup> A recent Constitutional Court decision invalidated portions of the Election Law relating to the inclusion of voters abroad in single-member districts. As a result, voters abroad will be able to vote only in the nationwide PR constituency.

## **Who is eligible to run for office?**

To be eligible to run for office in Ukraine, candidates must be at least 21 years old on Election Day and must have resided in Ukraine for at least five years.<sup>6</sup> Citizens who have been convicted of committing a deliberate crime may not be nominated, unless their criminal record has been erased. This latter provision prevented Yulia Tymoshenko from contesting the 2012 parliamentary elections.

## **What political parties are contesting the elections?**

While there are 21 parties contesting the proportional list representation seats, only a handful are expected to pass the 5 percent electoral threshold. The ruling Party of Regions enjoys the most popular support, while Batkivshchina-United Opposition and Ukrainian Democratic Alliance for Reform, the party of boxing superstar Vitali Klitschko, both have significant support, according to current polls.

The Communist Party of Ukraine and Svoboda are two other parties expected to clear the threshold, according to polls. Another party, Ukraine Forward, will likely garner modest support but fall short of the 5 percent barrier, according to recent polls. The remaining parties are polling at insignificant amounts and are highly unlikely to win seats.

Over 66 parties are contesting the single-member district seats, along with many independent candidates.

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<sup>5</sup> <http://www.osce.org/odihr/84126>

<sup>6</sup> <http://www.osce.org/odihr/84126>