



Roadmap for Electoral Reform in Ukraine - 2023 Wartime Edition

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Russia's full-scale invasion of Ukraine brought about significant security, social, economic, and demographic challenges in all aspects of Ukrainians' lives. The war will also impact Ukraine's first post-war elections. Below, we offer steps that Ukraine can take now to respond to those challenges and sustain its progress in holding democratic elections.

Ukraine is no stranger to Russian aggression and occupation, but this has not stopped the nation from moving even further toward the European family of democracies – toward setting an example for democratic progress in the region and beyond. Among its broader pre-war electoral reform successes, Ukraine's peaceful and well-administered transitions of power – parliamentary and presidential elections in 2019, and local elections in 2020 – were regarded by international observation missions as demonstrating considerable progress. Moreover, these elections were recognized by the European Parliament, Freedom House, and The Economist's annual Democracy Index as core indicators of the nation's democratic advancement.

From 2020-2021, the Working Group of the Verkhovna Rada's Committee on State Building, Local Governance, Regional and Urban Development prepared comprehensive changes to electoral laws based on recommendations from observer groups and lessons learned from previous elections.

While Russia's all-out war of aggression continues and martial law is in force, holding elections in Ukraine is not allowed by its legislation and presently unfeasible. Legislative prohibitions in the Constitution of Ukraine, the Law of Ukraine "On the Legal Regime of Martial Law," and the Election Code, as well as other practical realities related to security, inclusivity and political competition, led over 100 civil society organizations to issue a joint [statement](#) in favor of postponing elections.

However, though elections are on hold, electoral reform should advance as soon as possible. Considering the scale of the challenges for Ukraine's next elections, the Verkhovna Rada and other parties involved in decision-making should re-start the inclusive format of expert work on finalizing reforms and develop the necessary draft laws in a timely manner. According to recommendations of the Council of Europe's Venice Commission, or VC, and the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights, or ODIHR, significant changes to electoral laws should be adopted no later than one year before the date of the next election in Ukraine.

The International Foundation for Electoral Systems (IFES) in Ukraine and Civil Network OPORA offer this roadmap for the consideration of legislators, election management bodies, other election-related institutions, and all stakeholders to remind them of the need for and guide the process of electoral law reform, taking into account the urgent priorities stemming from war and other more long-term electoral reform priorities, some of which have already been mentioned in the reports of international election observation missions.

Along with electoral reform priorities, it is crucial to complete the reform of the Constitutional Court as soon as possible and renew its composition. This should lead to an independent and effective court that can deliver important decisions on electoral challenges including, for example, on establishing the date of the first nationwide post-war elections.

In parallel, Ukraine should consider introducing a transitional period of at least six months between the conclusion of martial law and the start of the first electoral process. This will allow the Central Election Commission (CEC) and other electoral stakeholders to prepare for the post-war elections, including an update of the State Voter Register, addressing challenges related to destroyed voting infrastructure and organizing comprehensive voter education outreach to millions of forcibly displaced persons in Ukraine and abroad. This period would also allow for a period where free political speech, debate, and media access are fully restored, critical to any election.

The list below is not exhaustive, it does however prioritize issues based on critical, timely needs and the potential sequencing of future elections. For additional recommendations, please see ODIHR recommendations for [presidential](#), [parliamentary](#), and [local](#) elections. The Rada is urged to continue its good practice of sharing significant draft changes to electoral legislation with the VC and ODIHR for their review and comment.

1. Address electoral challenges created or deepened by the war, potentially through a separate draft law:

- **Decide on the model and rules under which elections will be organized and administered for Ukrainian citizens forcibly displaced in Ukraine and abroad.**
 - The existing system for organizing out-of-country voting led to long delays for voters prior to Russia's full-scale invasion. This challenge will now be deepened given that there are more than six million Ukrainians who were forcibly displaced since the full-scale invasion began. Moreover, the current election system creates barriers to vote for Ukrainians displaced within Ukraine. Reforms must be accompanied by a large-scale information and awareness campaign for all who are forcibly displaced, and by an independent audit of the State Voter Register to be carried out in accordance with international standards. National legislation should be amended and international agreements should be concluded to prevent and ensure accountability for electoral offenses abroad.
- **Safeguard the political rights of all voters and candidates, including women and military personnel.**
 - According to the existing legislation, millions of women who have been forced to stay abroad for more than 90 days formally lose the right to run in national elections. It is necessary to make legal changes so that living abroad in connection with martial law will not be grounds for depriving someone of their right to stand in elections. The CEC already developed corresponding [changes](#) and submitted them to the relevant Rada committee in September 2022. Legislative and practical security measures should be taken to fully ensure the rights of military personnel to vote and run for office.

- **Assess the security situation in communities for timely and smooth transition of power from civil-military administrations (CMAs) to elected civilian authorities.**
 - At the legislative level, criteria for an objective assessment and a transparent, effective mechanism for postponing elections should be developed in territories where administering elections will, for a certain period, pose a security threat or will be impossible for other war-related reasons. These procedures should be regulated in law, taking into account the previous [recommendations](#) of the VC and ODIHR. In 2020, local elections were not held in 18 communities – *hromadas* – in the east of Ukraine which deprived almost half a million Ukrainian citizens of the opportunity to elect local councils and mayors. Although the formal decision to cancel the election was made by the CEC, it was based on a binding opinion of the civil military administrations, or CMAs, which cited security risks. That decision was criticized at both international and national levels for not observing Ukrainian citizens’ constitutionally guaranteed electoral rights in direct conflict with the interests of CMAs which remained in power as a result of cancelling the elections. The CEC has already developed and sent to the Verkhovna Rada a draft law that can become the basis for further work on this electoral challenge.
 - **Ensure availability of adequate financial and organizational resources for conducting elections and restoring damaged or destroyed election infrastructure must be ensured.**
 - A comprehensive audit of existing and required logistical support for post-war elections should be carried out. This should take into account the new challenges and circumstances caused by the war, including significant damage or destruction of election infrastructure. The audit should be accompanied by a financial calculation of required state budget resources. Election organizers at all levels should receive adequate training on the security of organizing post-war elections.
 - **Ensure inclusiveness and accessibility of elections.**
 - Conditions for accessibility of voting for persons with disabilities should be fully implemented, especially considering the increase in the number of voters who are wounded war veterans. This can be done in line with the Cabinet of Ministers [criteria](#) for accessibility of polling stations.
- 2. Address pending recommendations to continue Ukraine’s electoral progress:**
- **Strengthen the open-list proportional system for parliamentary elections by:**
 - Ensuring equality of candidates in parliamentary elections by canceling the provision on the guaranteed mandates to the first nine candidates on a political party’s nationwide list. This will close a potential loophole for political corruption.
 - Strengthening voters’ influence in determining the sequence for distribution of mandates between candidates by reducing the minimum number of votes a candidate must receive to advance on the regional list in parliamentary elections or on the territorial list in local elections – from 25 percent to 10 percent of the electoral quota.

- Establishing rules for ensuring representation of electoral regions in the Rada in compliance with international standards. The level of representation should be proportional to the number of voters registered in the region or district rather than to voter turnout. Under conditions of large-scale voter movement, the “turnout-based” principle provided for by the Election Code will significantly distort the balance of representation of regions in the next Verkhovna Rada, leaving affected regions with a minimum number of mandates, while inflating representation of the forcibly overpopulated oblasts.
- Making changes to the threshold that determines which electoral system applies – in elections to local councils, an open-list proportional system shall be used in communities with 50,000 or more voters, instead of 10,000 voters; and, for the purpose of unification, in elections of a city mayor, an absolute majority electoral system shall be used in communities with 50,000 or more voters, instead of a 75,000-voter threshold.
- Taking legislative measures to comply with gender quotas at all stages of the electoral process. The experience of the 2020 local elections revealed major gaps in enforcement of gender quotas and the practice of replacing female candidates, upon their nomination by political parties, with male candidates. To regulate the obligation to adhere to the quota principle at the nomination stage and subsequent stages of the electoral process, the Working Group of the Verkhovna Rada’s Committee on State Building, Local Governance, Regional and Urban Development developed amendments to legislation for extensive discussion and registration in the Rada.
- **Strengthen the administration of the electoral process by:**
 - Professionalization of election administration by limiting opportunities for political parties and candidates to replace election commission members at their request and introducing a mandatory training requirement for certain commission positions. Legislative changes that are awaiting registration in the Verkhovna Rada.
 - Increasing transparency and accountability of election campaign financing. This includes the need to correct the practice that allows political parties to hide sources of contributions to a candidate's campaign through a party's account until after the elections are over; setting limits on expenses in presidential and parliamentary campaigns to limit the amount of personal resources that a candidate can transfer to their election fund; requiring political parties submit their reports exclusively in electronic form to a special register; and, publishing information on receipts and expenses of election funds during the election campaign. Legislative changes were developed and discussed with stakeholders and are awaiting registration in the Verkhovna Rada.
 - Strengthening legislation around media and election campaigning. Changes are [registered](#) in Draft Law Number 8310 titled, “On Amending the Electoral Code of Ukraine to Improve the Regulation of Information Support for Elections and Election Campaigning.” The Draft Law is awaiting the first reading in the Rada.

- **Safeguard the mandate of the CEC by:**
 - Protecting the CEC’s mandate by excluding the possibility of early termination of the powers of the entire CEC at once. This will mitigate the possibility of terminating the full CEC’s mandate for political expediency. This will mitigate the possibility of terminating the CEC’s mandate for political expediency.
 - **Update legislation on political parties in compliance with international standards by:**
 - Adopting a new political party law. The 2001 Law of Ukraine “On Political Parties in Ukraine” currently in force does not correspond to present-day realities of political party activities, nor does it comply with international standards. After three years of inclusive expert discussions, including consideration of the joint [Opinion](#) of the Venice Commission and OSCE/ODIHR on the bill’s compliance with international standards, a new version of the Law of Ukraine “On Political Parties in Ukraine” was prepared. Roadmap authors urge legislators to finalize and adopt it as soon as possible.
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