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THE CANADA UKRAINE FOUNDATION
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REPORT #1
GERRYMANDERING OF SINGLE-MANDATE DISTRICTS

24 July 2012

Gerrymandering of single-mandate districts in Ukraine

Summary

Before the official parliamentary election campaign has started, there have already been several indications of violations of democratic electoral practice. One especially worrying violation is the gerrymandering of 12% of the electoral districts, representing about 19 of the 225 constituency seats. This has occurred especially in the Donetsk, Dnipropetrovsk, Kyiv and Luhansk oblasts.

Report

During the era of President Kuchma, before the Orange Revolution, officials in the presidential administration estimated that they could vary the results of elections by 10% to 15% through the use of “administrative measures”. It was through the use of these “measures” to try to assure the victory of Viktor Yanukovich in the presidential elections of 2004 that the Orange Revolution broke out. The person who won the largely and fair free run-off election in 2005, Viktor Yushchenko, together with his ally, Yuliya Tymoshenko, who became his prime minister, adopted the policy, which they may not always have observed themselves, of putting an end to the use of “administrative measures”. Because in the parliamentary elections, constituency elections were easier to fix than proportional elections, Yushchenko and Tymoshenko abolished the system of having half the deputies elected by constituencies and half proportionately. Instead, in the revised election law, they had all the deputies elected proportionally.

In 2011 however, President Yanukovich who had been elected in the presidential election of 2010, persuaded the Ukrainian parliament to adopt a new parliamentary election law reverting to the old system of mixed proportionally and directly elected deputies. The opposition largely accepted the return to the old system in return for other concessions in the elections act.

While the new electoral law introduced some major improvements, several changes have been the object of criticism by Ukrainian and international experts, since the modifications opened the door to gerrymandering. In particular, a joint legal opinion issued by Venice Commission (European Commission For Democracy Through Law) and OSCE/ODIHR (the Organization for Security and Cooperation in Europe/ Office for Democratic Institutions and Human Rights)¹, [criticized](#) the law, when it was still a draft, for not setting out any criteria for the Central Electoral Commission (CEC) to apply in drawing up the boundaries of electoral districts. The legal opinion recommended that, under the law, the boundaries of electoral

¹ Joint Opinion on The Draft Law on Election Of People’s Deputies of Ukraine// European Commission For Democracy Through Law (Venice Commission) and OSCE/ODIHR. Adopted 13 October 2011 (entered 19.07.2012) <http://www.osce.org/odihr/84126>

districts should be drawn up on the basis of the administrative-territorial divisions of the country. The Ukrainian parliament, however, did not follow this recommendation.

Without any clear guidelines, the CEC ignored major international standards and best practices in delimiting some of the electoral boundaries. While, according to the Committee of Voters of Ukraine (CVU), the majority of electoral districts are compact, contiguous and follow the existing administrative boundaries, a significant minority do not. There is the worrying problem of districts with numerous enclaves. The CVU report² [finds that](#), while some of non-contiguous enclaves evidently resulted from a desire to follow administrative boundaries that include enclaves, many of the enclaves appear to have no administrative or geographical justification. Twelve percent or about 19 seats of the 225 electoral districts have in effect been gerrymandered.

The most outrageous examples of non-transparent boundary delimitations are found in the Kyiv, Dnipropetrovsk, Donetsk and Luhansk oblasts.

In the Kyiv oblast, there has been a substantial departure of the electoral district boundaries from the administrative ones. According to the CVU report, some artificial enclaves can be found in the Kyievo-Sviatoshynskiy and Pereiaslav-Khmelnyskiy rayons (map. 1). In the city of Kyiv, the boundaries of district No.221, which is divided by the territory of the district No.211, have no geographical or administrative basis (map.2).

The Donetsk oblast has a complicated territorial and administrative structure, therefore many of the enclaves can be justified. Nevertheless, along with these enclaves, a number of artificial enclaves have been created. The districts Nos. 50, 52, 53, 55 and 61 are clearly examples of gerrymandering (map 3). District No. 52 has been changed significantly, which apparently is in the interest of the Party of Regions MP and major businessmen in this region Ihor Shkyrya. As CVU reports³, images of Shkyrya indicating the communities to be transferred to his district have been published in March 2012, when the decision on boundary delimitation had not yet been reached officially. In the same manner, the enclave of Torez city has been created and assigned to the district No. 53, but surrounded completely by the district No.54. The town of Snizhne is surrounded by the enclave of Torez and the district No. 54, but is assigned to the completely separated district No.61.

The Dnipropetrovsk oblast is the one that departs the most from the principle of contiguity (map.4). Even though the majority of those cases can be justified, yet several districts have been created artificially. For example, city of Dnipropetrovsk was separated from its district and included in the district No.27. Further unjustified delimitations can also be found in the districts Nos.34 and 36.

² 2012 Parliamentary Elections Boundary Delimitation Summary and Analysis//Joint publication of IFES, CVU and USAID, May 2012 (entered 19.07.2012) http://www.ifes.org/Content/Publications/Reports/2012/~media/Files/Publications/Reports/2012/Ukraine_2012_Boundary_Delimitation_Eng.pdf

³ Report on Long-Term Monitoring on Preparations For Parliamentary Elections in Ukraine 2012, June 2012 (entered 23.07.2012) <http://electioninfo.org.ua/index.php?i=692>

In the Luhansk oblast, the delimitation of the boundaries of districts Nos. 107, 108, 110, 111 and 112 also provide examples of gerrymandering (map. 5). According to the CVU report, “configuration of election district Nos. 106 and 112 is favourable for Olexiy Kunchenko and Yuliy Ioffe, who can be nominated in different districts and do not compete with each other. For Ioffe, is important not to be nominated in Stakhanov city, as according to some sources, he does not have high enough rate there. For Kunchenko, village precincts of Popasnyansk rayon are favorable as it is possible to use administrative resource there.”⁴ Further similar cases refer to the city of Alchevsk, which is assigned to the district No.110, but located within the territory of the district No.108. The city of Krasnyj Luch and its suburbs are separated from the rest of the territory of its district No.108. These examples have no conceivable justification in administration, or geography. The CVU raises the possibility that the political considerations played a part in the boundary delimitation.

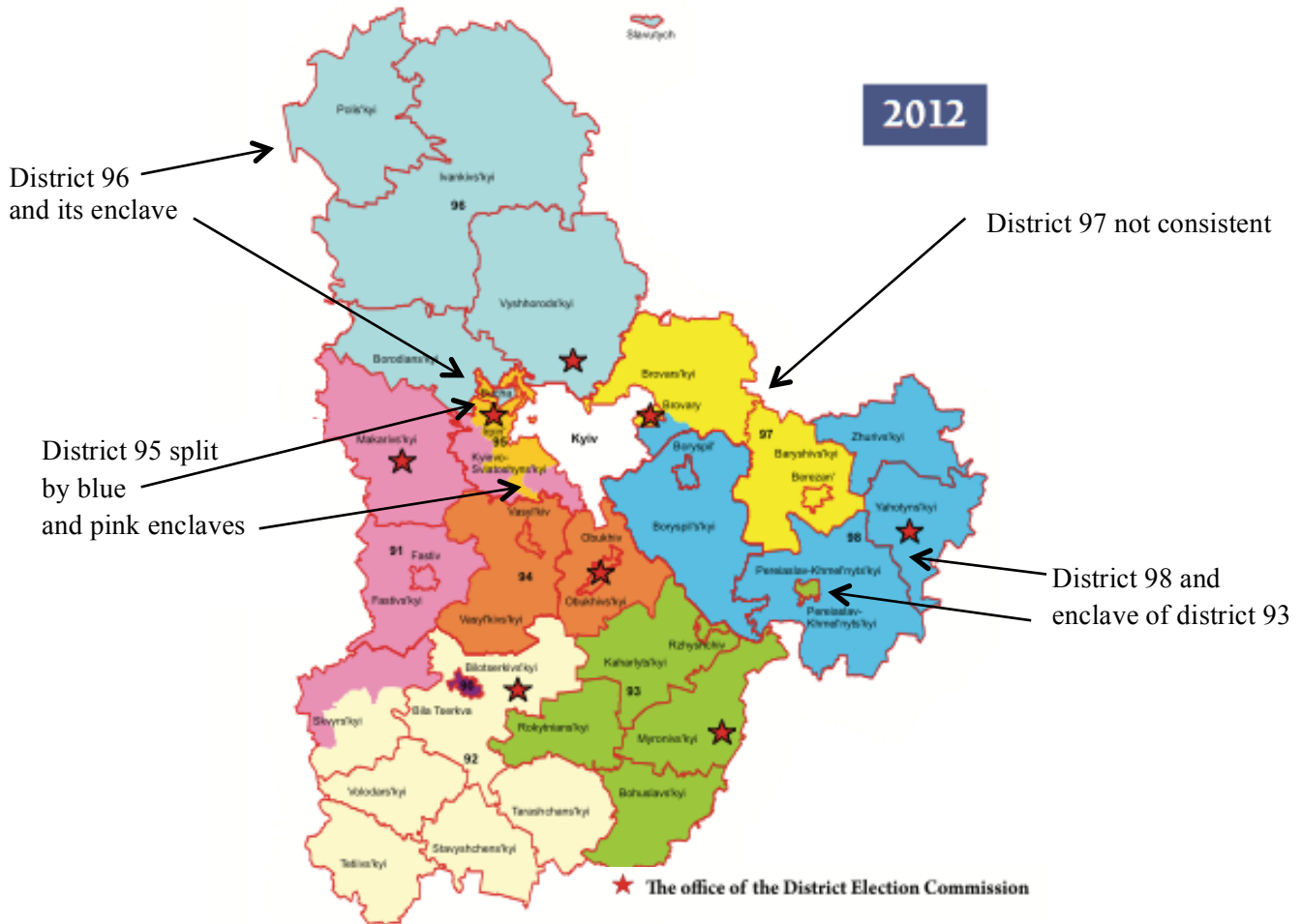
In subsequent reports we will consider whether administrative measures are being brought to bear in other aspects of the campaign.

⁴ Report on Long-Term Monitoring on Preparations For Parliamentary Elections in Ukraine 2012, June 2012 (entered 23.07.2012) <http://electioninfo.org.ua/index.php?i=692>

Annex: Maps⁵

Map.1.

The Single-Member Election Districts Kyiv region



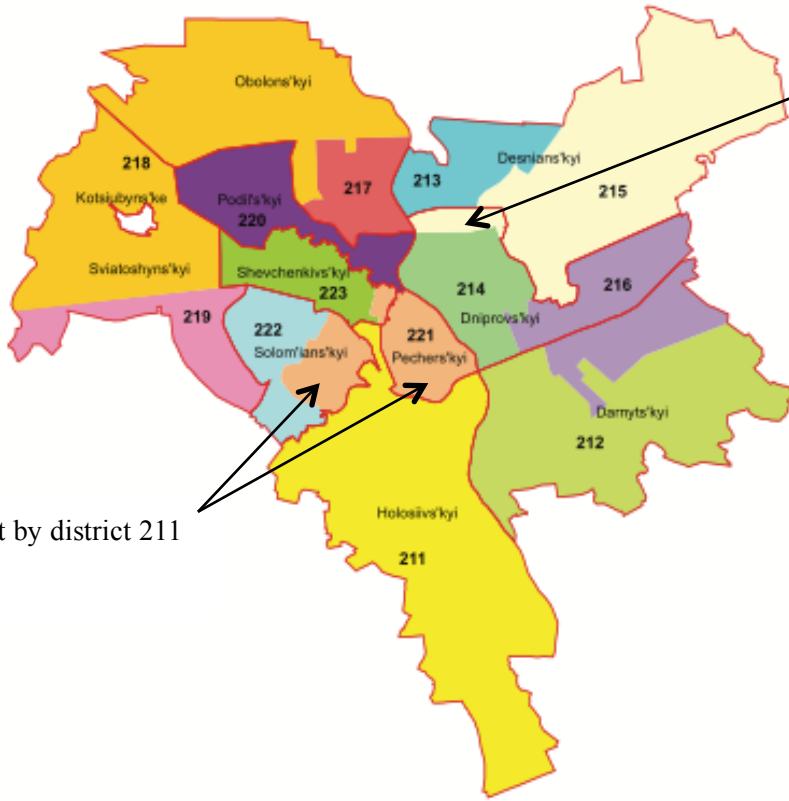
⁵ 2012 Parliamentary Elections Boundary Delimitation Summary and Analysis//Joint publication of IFES, CVU and USAID, May 2012 (entered 19.07.2012)
http://www.ifes.org/Content/Publications/Reports/2012/~media/Files/Publications/Reports/2012/Ukraine_2012_Boundary_Delimitation_Eng.pdf

Map.2.

The Single-Member Election Districts

City of Kyiv

2012

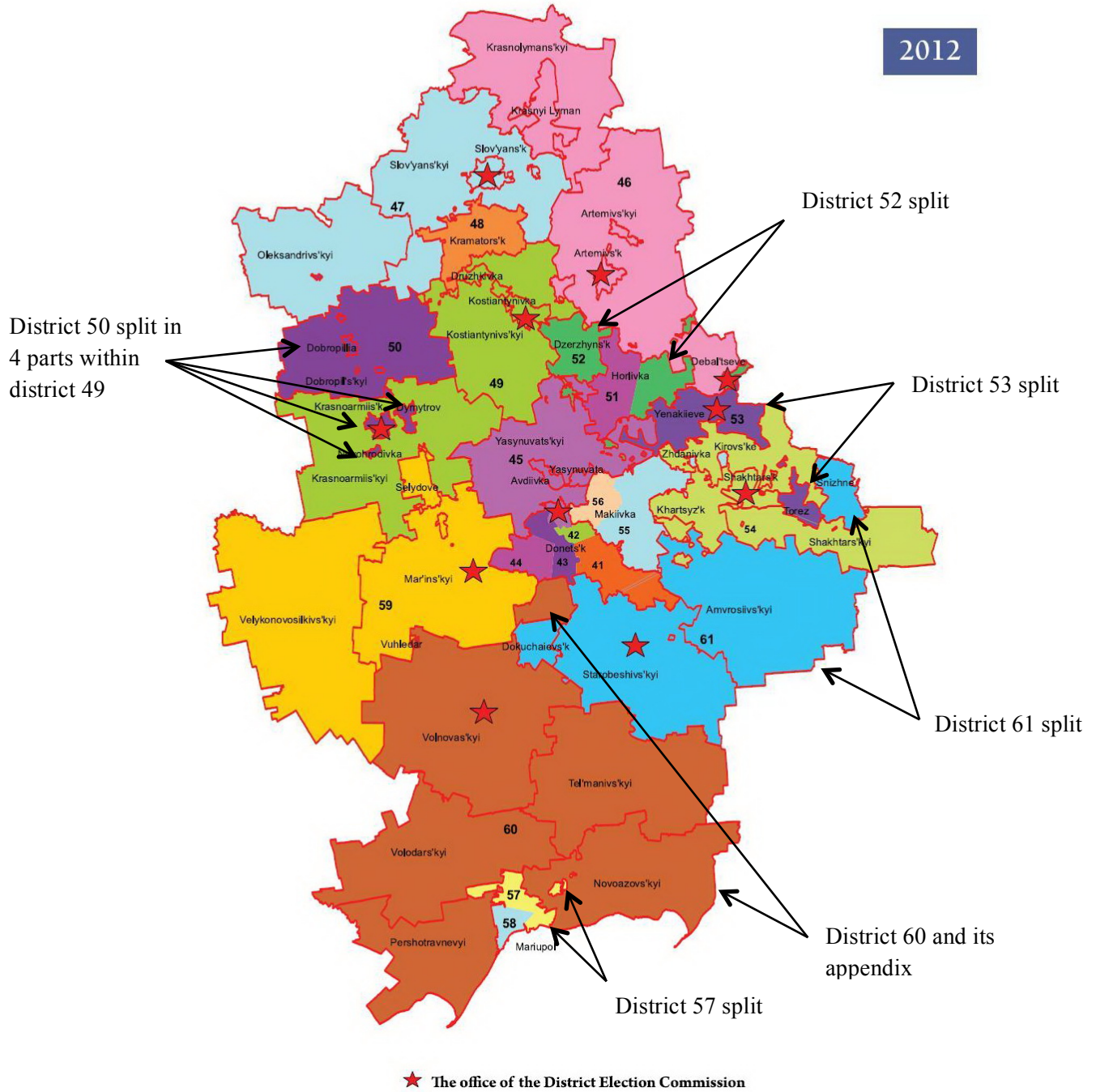


District 215 and its appendix between 213 and 214

District 221 split by district 211

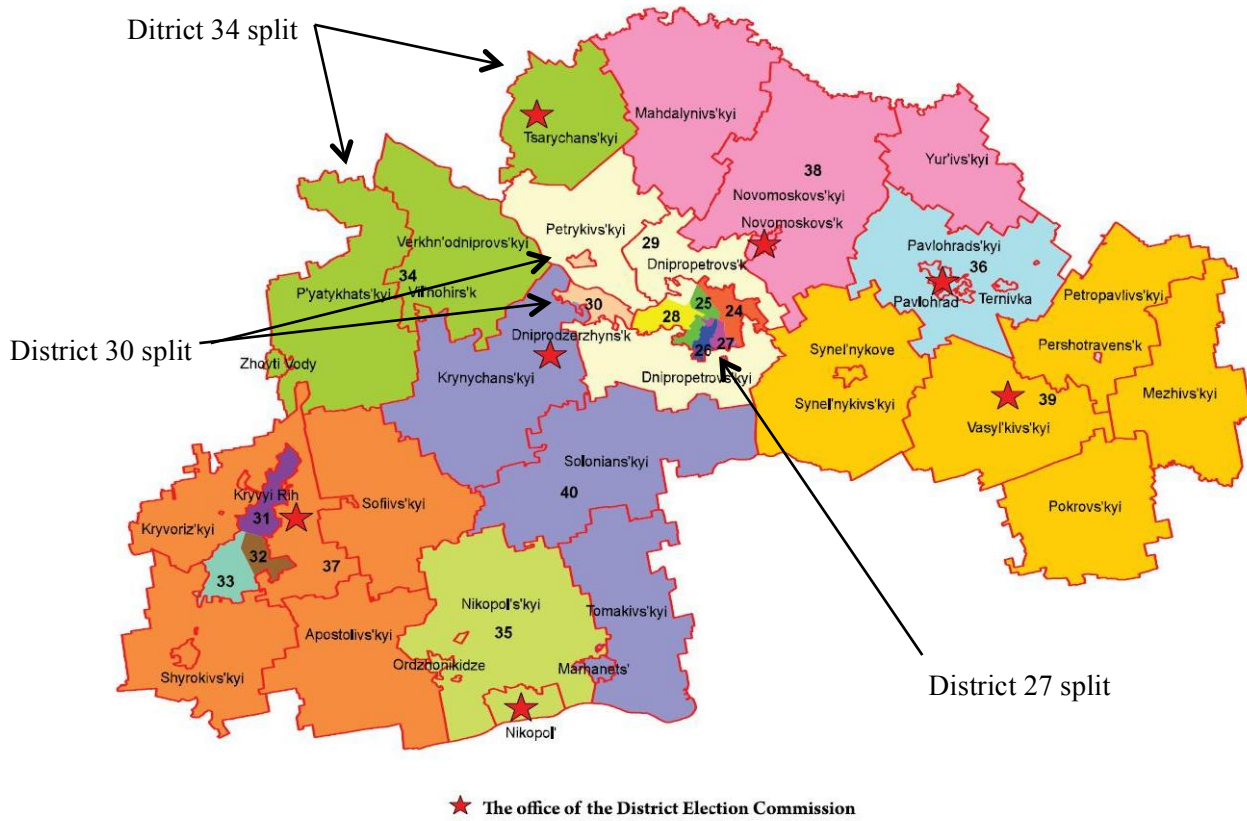
Map. 3.

The Single-Member Election Districts Donetsk region



Map.4.

The Single-Member Election Districts Dnipropetrovsk region



Map. 5.

The Single-Member Election Districts Luhansk region

