

**ELECTORAL SYSTEM REFORM: POSSIBLE EFFECTS FOR KHARKIV REGION**

*The perspectives of adoption the proportional representation system with open regional lists for parliamentary election in Ukraine are investigated. The strategies of main political actors and deputies in Kharkiv region regarding electoral reform are analyzed. In the empirical part of the study the modeling of mandates distribution under a new electoral system was conducted. The modeling was based on the data of sociological surveys and the results of recent elections to the regional council.*

**Key words:** electoral system, electoral code, electoral threshold, open lists, distribution of mandates, neopatrimonial regimes.

АВКСЕНТЬЕВ А.О.

**РЕФОРМА ВИБОРЧОЇ СИСТЕМИ: МОЖЛИВІ ЕФЕКТИ  
ДЛЯ ХАРКІВСЬКОЇ ОБЛАСТІ**

*Досліджуються перспективи прийняття пропорційної виборчої системи з відкритими регіональними списками для проведення парламентських виборів в Україні. Аналізуються стратегії ключових політичних акторів і народних депутатів від Харківської області щодо електоральної реформи. В емпіричній частині дослідження проводиться моделювання розподілу мандатів за новою виборчою системою на підставі даних соціологічних опитувань і результатів останніх виборів до обласної ради.*

**Ключові слова:** виборча система, виборчий кодекс, прохідний бар'єр, відкриті списки, розподіл мандатів, неопатримоніальні режими.

АВКСЕНТЬЕВ А.А.

**РЕФОРМА ИЗБИРАТЕЛЬНОЙ СИСТЕМЫ: ВОЗМОЖНЫЕ ЭФФЕКТЫ ДЛЯ  
ХАРЬКОВСКОЙ ОБЛАСТИ**

*Исследуются перспективы принятия пропорциональной избирательной системы с открытыми региональными списками для проведения парламентских выборов в Украине. Анализируются стратегии ключевых политических акторов и народных депутатов от Харьковской области в отношении электоральной реформы. В эмпирической части исследования производится моделирование распределения мандатов по новой избирательной системе на основании данных социологических опросов и результатов последних выборов в областной совет.*

**Ключевые слова:** избирательная система, избирательный кодекс, проходной барьер, открытые списки, распределение мандатов, неопатримониальные режими.

In 2019 the next parliamentary election will be held in Ukraine, but the question of which electoral system would be chosen is still debatable. At the same time the electoral formula alongside with voters' preferences determines the final result. For understanding the electoral systems' role it is enough to think of the Ukrainian parliamentary elections in 2012, where more votes were given for the so-

called parties of «democratic coalition», but the parliamentary majority was formed by the Party of Regions and the communists because of the introduction of the parallel system a year earlier.

In November 2017 Verkhovna Rada adopted in the first reading the Draft of Electoral Code (Проект Виборчого кодексу України, 2015), which provides the introduction of a proportional representation system with open regional lists. The final decision was frozen because of the presence of 4 thousand deputy amendments (Відкриті списки, 2018), while

the main players calculate the possible layouts and choose the most beneficial format of the electoral model.

In this article the problem of choosing the optimal electoral system in Ukraine is explored from the point of view of power strategies for the elections 2019. In the second part of the article, the focus is shifted to Kharkiv regional level – how can the reform of the electoral system affect the electoral landscape of the front-line region and is it really contrary to the interests of acting deputies of Kharkiv region?

The issue of the study of elections and their influence on the political process is of particular importance in modern political science. The undoubted classic in this area is M. Duverger (Дюверже 2000); besides him, among the list of researchers, it is possible to allocate such names as S. Lipset, K. Arrow, A. Lijphart, S. Rokkan, G. Sartori and more others. Among the Ukrainian researchers, in the first place, it is worth noting such names as Y. Shveda,

A. Romanyuk, O. Fisun, V. Fesenko, Y. Levenets, T. Bevz, I. Polischuk, O. Romanyuk and others.

**Majority component and its significance.**

Since the first parliamentary elections in the independent Ukraine, diametrically opposed electoral models have been tested – a pure majority system (1994), a parallel system (1998, 2002, 2012, and 2014), list proportional representation (PR) with closed national lists (2006, 2007). The process of changing the electoral formula was often characterized by:

(1) the closeness to the date of the next election;

(2) the opportunistic calculation in terms of electoral expectations of players.

In other words, the reform of the electoral system has been carried out on the eve (sometimes less than 1 year) before the next elections, based not on the objective comparison criteria, but on potential benefits for influential participants of the electoral process.

Year	System	Parties represented		Result (%) of party-winner	Amount (%) of votes for failed parties	Average result (%) of winners in constituency	I <sub>1+2</sub> (%)
		Prop.	Total				
1994	Majority	-	15	-	-	-	-
1998	Parallel	8	18	24,65	32,24	30,19	34,05
2002	Parallel	6	10	23,57	24,28	35,68	43,55
2006	List PR	5	5	32,14	22,27	-	54,43
2007	List PR	5	5	34,37	11,42	-	65,42
2012	Parallel	5	9	30	6,88	45,32	55,54
2014	Parallel	6	10	22,14	22,53	36,62	43,96

\*I<sub>1+2</sub> - the amount (%) of votes scored by the two most popular parties

Source: data from CEC (Позачергові вибори, 2014).

Special attention should be paid to the existing mixed parallel system, the majoritarian component of which is a traditional instrument

for strengthening the disproportionality in parliament to the favor of the presidential party.

Year	Party	% of PR part	% seats in VR
2014	Petro Poroshenko's Block	21,82%	34,2%
2012	Party of Region	30%	41,3%
2002	For United Ukraine	11,77%	22,4%

Source: data from CEC (Позачергові вибори, 2014).

In the theory the relationship of various types of parties to majority systems is limited by two criteria:

- Firstly, «majoritarian component» is favourable to «large» parties (> 20-25% of the national rating) and is unfavourable to «small»

ones because of the very high «actual threshold»;

- Secondly, «majoritarian component» is favourable to parties with a geographically heterogeneous electoral base and is unfavourable to «homogeneous» parties.

However, in the context of neopatrimonial post-Soviet regimes, the presidential party is the main beneficiary of the majoritarian component of the electoral system. It was the «majoritarian component» that has helped Leonid Kuchma, Viktor Yanukovich and Petro Poroshenko significantly increase the size of their own fractions inside the parliament in comparison with the percentage that the party of power has got under the proportional component of the elections.

And that is not only «Ukrainian know-how» – for example, after the United Russia won less than 50% of the votes in elections to State Duma in 2011, Vladimir Putin has also decided to return the mixed system with the majoritarian component, and 343 of the 450 deputies were elected from the presidential party as a result of the elections 2016.

It was the dissatisfaction with the «majoritarian component» from the side of civil activists, individual politicians and Western partners of Ukraine that had launched the process of electoral reform in the autumn of 2017.

The main directions for criticism of «majoritarian component» are the following:

- (1) it creates non-competitive advantages for the party of power;
- (2) it preserves the parliament, is opposing to the emergence of new politicians inside Verkhovna Rada;
- (3) it increases disproportionality and the number of «discarded votes»;
- (4) it promotes the growth of electoral corruption (direct and indirect bribery, administrative resources, etc.).

As a result, in Ukrainian politics, there is a situation where criticizing of «majoritarian component» has become the rule of good tone for most public politicians, whereas its repeal de facto is unfavourable for everyone. The draft of Election Code was unexpectedly supported by 226 votes in the first reading (Верховна рада ухвалила 2017), it in part happened because of public «stigmatization of majoritarian component» and, to a greater extent, because of external pressure from Western partners.

*Thus, at the moment, the following scenario has developed in relation to the Electoral Code.*

1. The bill was passed in the first reading, and more than 4 thousand deputy amendments were submitted to it and, according to the prediction of one of the co-authors of the Code, Alexander Chernenko, its consideration will be prolonged until the middle of summer.

2. Since the introduction of a List PR with open lists was stated in the «coalition

agreement» (Відкриті партійні списки 2018), and the head of the EU Delegation in Ukraine, Hugues Mingarelli, pointed out clearly that «electoral reform is one of the main elements of the EU-Ukraine Association Agenda» (Мінгареллі закликав 2018), the government cannot openly oppose to the adoption of the Code in the second reading.

However, the bill No. 7366 on introducing a pure majority system (Проект Закону про вибори, 2017), registered in December 2017 by Oleg Barna («Petro Poroshenko's Block» fraction) suggests that it is the acting system that could be set as a «compromise» in the end. And under the guise of a «reform», point corrections would be implemented to the current law, for example, the tightening of responsibility for bribery or the limitation of public advertising, which de facto would only strengthen the non-competitive advantages for the party of power.

The only question is who would be this party of power at the time of the parliamentary elections. In the case of Petro Poroshenko failure during the presidential election (if they do not occur simultaneously with the parliamentary elections), many deputies, who were elected under «majoritarian component» and are oriented to him now, would certainly move to the winner's team, so canceling the «majoritarian component» could be considered as an «insurance», i.e. as a compromise «minimax» strategy of the president.

3. Despite the large-scale campaign (Акція за Велику політичну реформу, 2017) to promote the list PR with open lists and the «stigmatization of the majoritarian component» in the media, there is parity in the Ukrainian society concerning the choice of the electoral model. Thus, according to the results of a survey conducted on September 22-27, 2017 by the sociological service Razumkov Center (Українці підтримують, 2017), the total number of respondents who argue for the implementation of a list PR with open lists (34%) is balanced by supporters of the current system (17%) and a pure majority system (16%).

Let's move from the Ukrainian level to the regional level further, and model possible scenarios and strategies for key regional players in the context of the possible adoption of electoral reform.

Electoral reform for Kharkiv region. It has been predictable that for the most part deputies from Kharkiv have not supported the draft of the electoral system reform – none of the 14 deputies who were elected under «majoritarian

component» voted for it. Only 6 of the 23 acting deputies, who represents Kharkiv region, voted for the draft of Electoral Code. In this case, the absence of votes «against» should not be confusing– there were only three of them for the whole parliament – the options «did not vote»

or «absent» allow adjusting the position before the second reading with less image costs.

Deputy	Fraction / group	Voting for the Code
Kobtsev Mykhailo	Petro Poroshenko's Block	For
Trygubenko Sergii	Petro Poroshenko's Block	Absent
Belovol Oleksandr	Vidrozhennia	Did not vote
Katsuba Volodymyr	Vidrozhennia	Did not vote
Mysyk Volodymyr	Vidrozhennia	Did not vote
Ostapchuk Victor	Vidrozhennia	Absent
Pysarenko Valeriy	Vidrozhennia	Did not vote
Svyatash Dmytro	Vidrozhennia	Absent
Khomutynnyk Vitaliy	Vidrozhennia	Did not vote
Denysenko Anatoliy	Non-fractional	Did not vote
Muraev Yevgen	Non-fractional	Absent
Girshfeld Anatoliy	Volya Narodu	Did not vote
Feldman Oleksandr	Volya Narodu	Did not vote
Gerashchenko Anton	Narodnyi Front	For
Yefremova Iryna	Narodnyi Front	For
Kirsch Oleksandr	Narodnyi Front	Did not vote
Dobkin Dmytro	Oppositionnyi Bloc	Absent
Dobkin Mykhailo	Oppositionnyi Bloc	Absent
Rabinovich Vadym	Oppositionnyi Bloc	Absent
Shentsev Dmytro	Oppositionnyi Bloc	Did not vote
Kosheleva Alena	Liashko's Radical Party	For
Markevich Yaroslav	Samopomich	For
Semenukha Roman	Samopomich	For

Source: website of Verkhovna Rada of Ukraine ( Проект Виборчого кодексу України, 2015)

But is the fear of the deputies who were elected under «majoritarian component» of Kharkiv region justified before the new system? In order to understand, we are modeling the distribution of the deputy mandates from Kharkiv region with the implementation of a list PR with open regional lists.

However, in our opinion, the relevant electoral context both at the Ukrainian and Kharkiv regional levels differs greatly from October 2014, so we are making two versions of the modeling, which are based, first, on the results of the elections to Kharkiv regional council in 2015, and, second, on the latest sociological research (winter 2017-2018).

Both approaches have both obvious advantages and disadvantages, but in any way they will allow not only to show how the list

PR with open regional lists works, but also to predict possible changes in the electoral landscape of Kharkiv region when the Code is adopted.

I. Modeling that is based on the results of the elections to Kharkiv Regional Council in 2015. Let us take the consolidated results for all regional councils (Місцеві вибори в Україні, 2015) (in order to «cut off» the parties that did not overcome the threshold) and the results of voting specifically in Kharkiv region ( Обрані на відповідних виборах, 2015) as an empirical basis for the research. That is the last election that was held in the whole region, and the party Vidrozhennia, which has been dominated across Kharkiv region, has already taken part in it.

Party	Votes	%	M (5%)	M (4%)	M (3%)	M (2%)	M (1%)	M (0%)*
Vidrozhennia	320895	35,47%	14	14	13	13	13	11
Petro Poroshenko's Block	126776	14,01%	5	5	5	5	5	4
Oppositionnyi Bloc	122673	13,56%	5	5	5	5	5	4
Samopomich	77618	8,58%	3	3	3	3	3	2
Nash Krai	72359	8,00%	0	3	3	3	2	2
Batkivshchyna	47551	5,26%	2	2	2	2	1	1
Volunteer party	26507	2,93%	0	0	0	0	0	0
Liashko's Radical Party	24278	2,68%	1	1	1	1	0	0
Ukrop	20685	2,29%	0	0	0	0	0	0
Nova Derzhava	20422	2,26%	0	0	0	0	0	0
Svoboda	15481	1,71%	0	0	0	0	0	0
DarthVader'sBlock	8830	0,98%	0	0	0	0	0	0
Syla liudei	8781	0,97%	0	0	0	0	0	0
Socialists	6041	0,67%	0	0	0	0	0	0
Sylna Ukraina	5913	0,65%	0	0	0	0	0	0
TOTAL	904810	100%	30	33	32	32	29	24
Quota (number of votes /% required to receive 1 mandate)			21410	22648	23561	24491	24491	27619
			2,37%	2,50%	2,60%	2,71%	2,71%	3,05%

\* in the absence of a formal threshold (and periodically there is the appeal to abolish the threshold), the actual (natural-arithmetic) threshold will be  $1/450 = 0.22\%$  (there will be votes which party should obtain for guaranteed 1 mandate); M (N%) – number of mandates at the threshold in N%

Source: modeling based on the CVC data (Обрані на відповідних виборах, 2015).

Let us start with more general comments to the model (true for any values of party support), and then go directly to the results of the distribution of mandates for a given electoral input variable.

First, we should pay attention to how the «quota» is formed – the number of votes/percent that the regional party list must get for obtaining one mandate. The «quota» is calculated as a quotient from dividing the sum of all the votes (over all in Ukraine) that were given for the parties overcoming the threshold, for the number of mandates distributed (in our case, it is 450).

Taking into account that the quota increases with the lowering of the formal threshold, parties regional lists would become harder to receive mandates with a lowering (or abolition) of the threshold. Accordingly, a greater number of mandates would be distributed among closed national lists (the so-called «compensatory level» of the electoral system). In other words, it turns out a paradoxical situation, in which a possible lowering of the formal threshold would weaken the role of open regional lists.

At the same time, long before the elections, it is possible to predict the range of values in which the «quota» appears – in our modeling party should get from 21.4 to 27.6 thousand votes (2-3%) to obtain one mandate. Oleksandr

Feldman, for comparison, won in the single-member district No.174 (Відомості про підрахунок голосів, 2014) with a result of 47.7 thousand at the parliamentary elections in 2014. That is, with a 5% barrier, and being nominated from the «passing» party, his personal support only in the territory of district No. 174 would be enough to obtain two mandates. Approximately «one and a half mandates» within one «base district» have deputies Vladimir Mysik (district №172 - 36 thousand votes) and Dmitry Shentsev (district No. 176-34.3 thousand votes). The least of the «personal votes» in 2014 had Anatoly Hirschfeld (county No. 179 - 15.8 thousand), Alexander Kirsh (district No. 169 - 18.6 thousand) and Vitalyi Homutynnik (district No. 171 - 19.6 thousand) - their personal support in their districts is less than the «quota».

In other words, for deputies who were elected under «majoritarian component», who are confident in their supporters, the new electoral system is not a threat, but an opportunity to convert their rating into receiving 2 or more mandates. Although, of course, under such an electoral model, the deputy who was elected under «majoritarian component» is less autonomous (in particular, he/she cannot be self-nominated) and can become a hostage of party support on the nationwide level.

Secondly, as for the actual results of modeling at the indicated number of votes, which different parties could get, then, Kharkiv region would receive 30-33 mandates with a plausible formal threshold of 3-5%. At the moment the region is represented by 23 deputies in Verkhovna Rada. The system works in such a way that the region gets the more mandates, the less votes are cast in it for the party that has not overcome the threshold.

II. Modeling that is based on the results of sociological research. The main advantage of modeling that is based on the results of sociological research is the more relevant values of the level of support for parties. On the other hand, there is the problem of insufficiently large sample within a separate region, the need to «re-weigh» the results (proportionally distributing «those who found it difficult to answer» so that the amount of meaningful alternatives would be 100%), as well as the reliability of published researches in open access.

To illustrate these methodological problems, let's consider the last two publications of the results of sociological research (for 2018), that were conducted in Kharkiv and the region.

•February 2018, sociological service «Ukrainskyi nastup» (Соціологічна служба 2018): «Zazhyttia» – 11%, «Christian Sotsilists» – 9%, «Oppositionnyi Bloc» – 8%, «Batkivshchyna» – 4%, «Vidrodzhennia» – 4%, «Petro Poroshenko's Block «Solidarity»» – 3%, NashKrai – 2%, Liashko's Radical Party – 2%, Samopomich – 2%, «Hromadianska pozytsiia» – 1%, «I will not vote» – 33%, «It is hard to answer» – 25%.

It is difficult to believe for locals that the current rating of «Vidrodzhennia» is only 4% - it is probably the mistake of the drafters of the questionnaire who put the name of Victor Bondar, and not Gennady Kernes (that Kharkiv residents associate with him this political party) near the name of the party in the brackets.

• January 20-26, 2018, the Sofia Center: «Oppositionnyi Bloc» is leading with a large

margin in the electoral sympathies of Kharkiv residents» (В электоральных симпатиях 2018). The survey is notable for the fact that the drafters of the questionnaire «forgot» to include «Vidrodzhennia». The website of the «Oppositionnyi Bloc» is regularly quoted by the president of the Sofia center, Andrii Yermolayev, who has been cooperating with Sergiy Levochkin for a long time.

Regarding these disadvantages pointed out of the two most recent studies, let us turn to a survey conducted by sociologists from the «Slobozhansky rating» organization in December 2017. The research (СМІ опублікували результати 2018), the results of which we take as a basis for modeling, is also, to put it mildly, not ideal. First, nothing is known about its authors from the «united pool of sociological services of Kharkiv region «Slobozhanskyi rating»». Secondly, the sum of all the alternatives in the question of party preferences is 105%, which, however, can be explained by the «rounding effect» (all results are given in whole numbers). Thirdly, the research was held in December 2017, and because of this, Mykhailo Dobkin's fresh party project «Christian Socialists» is not present in the questionnaire.

Nevertheless, it was stated in the information about the research that the survey was conducted on the territory of the whole region, and not only in Kharkiv, with the representative sample of 1856 respondents, which distinguishes the poll from the previous two surveys.

To calculate the «quota» we use the value of the turnout in Kharkiv region at the level of voter turnout during the parliamentary elections in 2014, which was 45.32%. As for the amount of votes won by the parties that overcame the threshold, we are taking the average for all parliamentary elections in Ukraine – 76% (that is, on average, 24% of the votes are collected by parties that do not pass to the parliament). With such parameters, the quota value  $Q = 26\ 633$  votes (or 2.78%).

Party	Re-weigh %*	Votes*	M1*	M2*	M3*
Vidrodzhennia	39,47	378071	14,20	14	0
Za zhyttia	15,79	151228	5,68	5	5
Oppositionnyi Bloc	13,16	126024	4,73	4	4
Batkivshchyna	7,89	75614	2,84	2	2
Petro Poroshenko's Block	5,26	50409	1,89	1	1
Samopomich	3,95	37807	1,42	1	1
Hromadianska pozytsiia	2,63	25205	0,95	0	0
Nash Krai	2,63	25205	0,95	0	0

Liashko's Radical Party	1,32	12602	0,47	0	0
Svoboda	1,32	12602	0,47	0	0
Narodnyi Front	1,32	12602	0,47	0	0
Spravedlyvist	1,32	12602	0,47	0	0
Rukh Novykh Syl	1,32	12602	0,47	0	0
Ukrop	1,32	12602	0,47	0	0
Your option	1,32	12602	0,47	0	0
TOTAL	100	957779	35,96	27	13

\* in the second column, the “re-weighted” percentages of party support are given (i.e., the category of «it is hard to answer» is proportionally distributed among all meaningful alternatives, so that their sum is 100%), in the third – is the number of votes that parties could get for a given support and turnout at 45.32%, in the fourth – is the share of mandates that parties could get, in the fifth – is the whole values of the received mandates by parties, in the sixth – is the whole numbers of mandates according to the data of Ukrainian sociology (Результаты социологических опросов, 2018).

Source: modeling that is based on the results of the survey of the «Slobozhanskyi rating» (СМІ опублікували 2018).

As we see in the second version of the modeling, in the case of the failure of «Vidrozhennia» to enter the parliament, Kharkiv region risks to be underrepresented and receive only 13 mandates (representative, that is proportional to the number of voters, it would be according to the current system 27 mandates and to the new one - 31-32). It should be noted that the current sociology does not take into account the electoral strategy of the Petro Poroshenko's Block «Solidarity», the result of which would obviously be higher than the sociological predictions in the elections.

As for the electoral landscape of the region as a whole, we are analyzing it in the traditional binary optics of dividing parties into two camps – the so-called «pro-Maidan» and «anti-Maidan». According to the results of the parliamentary elections in 2014, these two camps have got approximately the same amount of votes on a proportional basis, but in the single-member districts the result was 13 out of 14 (except Oleksandr Kirsch, the nominee of “People Front”) elected deputies who have represented the «anti-Maidan» block.

Relevant sociology indicates a change in the balance of party support in favor of the «anti-Maidan» block of the electoral successors of Party of Regions – Vidrozhennia, Za Zhyttia, Oppositionnyi Bloc and Nash Krai have rating of about 70% in total. At the same time, the balance 70/30 is not converted even in 30% of the mandates for the parties of the «pro-Maidan» block, when we are modelling M1 («Vidrozhennia» overcomes the threshold) the «pro-Maidan» camp receives only 15% of the mandates (4) due to the splitting of the electoral field by a large number of parties.

Therefore, we obtain the following layouts for key players and acting deputies based on the results of the modeling.

1. When we are talking about the electoral dominant of the region – the party «Vidrozhennia» – one can come to the conclusion that the new electoral system would open new opportunities for Kharkiv political party: now there are 7 Kharkiv citizens in their parliamentary fraction, and 13-14 members of «Vidrozhennia» from Kharkiv region would take seats in Verkhovna Rada at the result of 35% according to proportional model. However, this all would happen in case when the threshold is overcome at the national level and in other regions (with the exception of Dnepropetrovsk region and Transcarpathia) the party has rather weak positions. Based on these risks and prospects, the Kharkiv group of the party «Vidrozhennia» may be interested in adopting the Electoral Code with lowering of the threshold to at least 3%.

The second way is to unite with any party that overcomes the threshold at the national level. The most likely and organic partner is «Za Zhyttia». It is possible that the party of Mykhailo Dobkin «Christianski Socialisty» (if Vadym Novynskyi does not join the project with his resources) would be absorbed by the party «Za Zhyttia» on the eve of the parliamentary elections, and the presence of his own party project would strengthen Mikhail Dobkin's position in the negotiation process. In this case, «Za Zhyttia» could become a «party of the Kharkiv Party of Regions» that won the competition for the electoral legacy of Party of Region from the «Oppositionnyi Bloc», and

Kharkiv region would become the base region for this political force.

2. Equally, new opportunities are opening up for Kharkiv Petro Poroshenko's Block «Solidarity», which could bring 5 deputies if it repeats its result of 2015 (14.01%) or 2014 (15.17%). In addition, someone from Kharkiv (perhaps the head of the Presidential Administration, Igor Rainin) could pass through a closed national list (there are still about 10-15 seats on this list).

Let's compare this perspective with the chances under the current system. If the pass-through part of the list of Petro Poroshenko's Block included the 63 of first numbers of the list in 2014, – then it is likely to shrink to ~ 40-45 in 2019. What kind of quota for Kharkiv residents in this TOP-40 list could Igor Rainin hope for? It is unlikely that more than 2-3 places, including him. How many single-member districts could candidates from the Petro Poroshenko's Block «Solidarity» win? At the moment, the deputy of the Regional Council Anatoliy Rusetskyi (district No. 178) has quite a high chance of winning, where his opponents are likely to be the acting deputy Dmytro Dobkin and businessman Valery Dema. In 10 out of the remaining 13 districts chances are extremely little (it is more realistic to succeed over the acting deputies in districts No. 169, No. 175, No. 179).

In the case of Petro Poroshenko's victory in the presidential election, the option of co-opting the acting deputies who were elected under «majoritarian component» in the Petro Poroshenko's Block «Solidarity» team opens, but the level of their loyalty not to the first president in their deputy's career would not be so high. The most possible candidate for such «co-optation» is Anatoliy Hirschfeld (district No. 179, a victory with the result of 24.2%): territorially the core of his electorate is the residents of Lozova, whose mayor (Sergey Zelenskyi) has already been co-opted into the local team of Petro Poroshenko's Block «Solidarity».

However, the amount of mandates for the current Kharkiv team of the President from the involvement of Anatoliy Hirschfeld or someone else would not increase. Thus, for the Kharkiv group Petro Poroshenko's Block «Solidarity» if «electoral machines» function effectively on the principle of the techniques tested in the united territorial communities, the new electoral system rather opens up opportunities than creates obstacles.

3. For Kharkiv organizations of other «pro-Maidan» parties – they are «Samopomich»,

«Hromadianska pozytsiia», Liashko's Radical Party – it is favourably to reject the majority component, where they almost have no chances for mandates. An exception could only be «Batkivshchyna», if Yulia Tymoshenko wins the presidential election.

Thus, the current members of Verkhovna Rada and the active deputies of the regional/city councils could fully hope for the mandates under the new system and the successful electoral dynamics of their party brand at the Ukrainian level. In general, Kharkiv activists of the liberal democratic camp are interested in the new system with open lists, since their recognition is quite equally distributed throughout Kharkiv territory (rather than concentrating in one district, as in many acting deputies who were elected under «majoritarian component»). At least, the results would not be worse than in 2014, when activists tried to get votes under «majoritarian component», but have got 3-4% in the districts.

#### **General conclusions.**

I. «Euro-reforms» in the different spheres of Ukraine's public policy unites the need for voting for the relevant decisions in Verkhovna Rada. Consequently, the prospects for all reforms depend on the principles of forming the parliament, and, in this case, the changing of the electoral system is the basic «euro-reform». The combination of closed national lists and single-member districts strengthen patronage-client networks, contributing to the reproduction of the neo-patrimonial regime. The main beneficiary of a mixed parallel system is traditionally the presidential party that is co-opting deputies who were elected under «majoritarian component».

The necessity of electoral reform has been repeatedly emphasized by Ukraine's western partners, which link the renewal of the political class with the changing in the law on elections. Consonant ideas were put in the basis of the action «For a great political reform!», due to which the Draft of Electoral Code appeared on the parliamentary agenda in November 2017.

II. After a quite unexpected adoption of the electoral code in the first reading by 226 votes, the electoral reform has been «paused» – more than 4,000 deputy amendments were submitted to the bill, which would be considered until the summer as Oleksandr Chernenko (the draft co-author) has predicted. The registration in Verkhovna Rada the bill of Oleg Barna with co-authors on the implementation of a pure majority system reduces the chances for the adoption of the electoral code in the second reading, «shads» the current system and



presents it as a «compromise». Taking into account the external and internal pressures, as well as the inability to openly sabotage the electoral reform by the authorities, the option with a «quasi-reform» is possible— the system is still old, but some «anti-corruption» changes are made in it (may include campaign financing, advertising, responsibility for bribery, falsification, etc.).

The results of our conducted expert blitz-poll showed that Kharkiv experts do not believe in the adoption of the election code in the second reading: only 2 out of 24 respondents believe that the next parliamentary elections will be held on a list PR with open regional lists (16 chose the option «current system», 6 – «current with some changes»).

III. Despite the fact that the President demonstratively has stood out from the issue of choosing the electoral system, and has named it the competence of the parliament, de facto the prospects for electoral reform depend on the political will of Petro Poroshenko. And a list PR with open regional lists could be considered by him as a «minimax strategy» is favorable to him in case of failure in the presidential election in March 2019. Preservation of the current system is the «all-in-one game»: if all elections are held within the statutory deadlines, the «majoritarian component» in the autumn 2019 would help the winner of the spring presidential election to form a loyal parliament on patron-client principles. However, who would become this winner is an open question.

Focusing on Kharkiv regional level of politics, it should be noted that the negative attitude towards the electoral reform by the key players and acting deputies (only 6 out of 23 «Kharkiv deputies» supported the code in the first reading) is largely unreasonable. Due to the growth of electoral fragmentation on the Ukrainian level, the passing parts of the lists of parties would shrink, therefore, the electoral reform is rather favorable for the acting deputies who were elected under the «proportional component».

As for the 14 acting deputies who were elected under the «majoritarian component» from Kharkiv region, besides the negative in the form of the need to look for the «passing party», the reform has also a positive side— the opportunity to convert their support into several mandates by bringing «own people» in parliament. The «price of the mandate» varies from 21 to 28 thousand votes for different versions of the modeling, which would need to be collected throughout the region. In the election in 2014, 7 out of 14 Kharkiv deputies

who were elected under the «majoritarian component» won, have got more votes in just one district, that is, in 1/14 of the region. Electoral reform might be favorable to local organizations of the acting parties of power in Kharkiv region – «Vidrodzhennia» and Petro Poroshenko's Block «Solidarity», maximizing their representation in the new convocation of the parliament. Therefore, before taking a conservative stance on reform, Kharkiv politicians should evaluate more comprehensively the opportunities that the new system opens to them.

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### **ЗАСАДИ ФУНКЦІОНУВАННЯ ВИБОРЧОЇ СИСТЕМИ ЯК ЧИННИК КОНСЕНСУСУ В РОЗКОЛОТОМУ СУСПІЛЬСТВІ**

*Розглядається механізм функціонування виборчої системи з точки зору сприйняття її у якості інституту консолідації розколотого суспільства. Акцентується увага на необхідності забезпечення консенсусу не лише на стадії прийняття політичних рішень представницькими органами влади, але й на етапі їх формування. За допомогою міждисциплінарної аналогії з засадами оцінки прийнятності функціонування судових органів за усталеною міжнародною практикою показується важливість аспекту консолідуючої комплектації легіслатур для стабілізації суспільства.*

**Ключові слова:** виборча система, об'єктивна безсторонність, ідентичність, розколоте суспільство, консоціація.

**Попков Д. А**

### **ПРИНЦИПЫ ФУНКЦИОНИРОВАНИЯ ИЗБИРАТЕЛЬНОЙ СИСТЕМЫ КАК ФАКТОР КОНСЕНСУСА В РАСКОЛОТОМ ОБЩЕСТВЕ**

*Рассматривается механизм функционирования избирательной системы с точки зрения восприятия ее в качестве института консолидации расколотого общества. Акцентируется внимание на необходимости обеспечения консенсуса не только на стадии принятия политических решений представительскими органами власти, но и на этапе их формирования. С помощью междисциплинарной аналогии с принципами оценки приемлемости функционирования судебных органов согласно устоявшейся международной практике показывается важность аспекта консолидирующей комплектации легислатур для стабилизации общества.*

**Ключевые слова:** избирательная система, объективная беспристрастность, идентичность, расколотое общество, консоциация.