

## **Peculiarities of the 2015 Local Elections in Lviv Region**

The paper focuses on the peculiarities of the law on local elections of the year 2015 and their representation in the election process in Lviv region. The results of fielding candidates for the elections to Lviv regional council, namely party and gender frames have been analyzed. The consequences of the received results in comparison with the 2014 elections to the Verkhovna Rada of Ukraine and the local elections in Ivano-Frankivsk and Ternopil regions have been outlined. The impact of the local elections on formation of the regional/local politics has been determined.

*Keywords: local elections, election process, subject of the election process, local politics.*

## **Особливості місцевих виборів 2015 року у Львівській області**

Розглянуто особливості закону про місцеві вибори 2015 року та їх вияв у виборчому процесі у Львівській області. Проаналізовано результати висунення кандидатів до Львівської обласної ради, зокрема партійний та гендерний формат. Окреслено наслідки отриманих результатів у порівнянні з виборами до Верховної ради України у 2014 році та щодо виборів у Івано-Франківській та Тернопільській областях. Визначено вплив результатів місцевих виборів на формування регіональної/місцевої політики.

*Ключові слова: місцеві вибори, виборчий процес, суб'єкт виборчого процесу, місцева політика.*

The 2015 local elections as well as any other elections always have their own historical and political context. Concerning the elections of the year 2015, firstly, they were to complete a full cycle of the presidential and parliamentary elections, which took place after the Revolution of Dignity and were aimed at final “reset” of authorities in Ukraine; secondly, as contrasted with the early presidential and parliamentary elections, the 2015 local elections were regular; thirdly, these elections took place under the condition of the decentralization process beginning, when the practical stage of new communities’ formation has been launched, what additionally placed greater focus on the issues of the role of local governance

in Ukraine; fourthly, they were carried out in accordance with the new electoral legislation, which presupposed considerable changes in comparison with the previous electoral laws; fifthly, local elections took place within a year of the early parliamentary elections and there was concern that at this elections the opposition to the current authority would gain revenge, at least in eastern and southern regions of Ukraine. In the paper the author focuses on the analysis of the regional council elections in Lviv region, as all categories of local elections (mayoral and head elections, the elections of deputies of city, district, town and village councils), have their own peculiar features and require specific analysis.

The new Law “On Local Elections” № 595 – VIII, d.d. July 14, 2015<sup>1</sup> introduced a number of innovations, which fundamentally have changed the “rules of the game”. Transformation of the key provisions was mainly stipulated by powerful public pressure and previous promises/obligations made by the leading political actors during the Revolution of Dignity, concerning the necessity of electoral system changing and “introduction” of “open lists”. Among the most important new provisions of the law are:

- In towns and villages with a population below 90 000 people the elections must be conducted in accordance with the relative plurality voting system;
- Elections to the district councils, city councils and regional councils must occur according to the system of proportional representation in the multi-mandate electoral district on the basis of electoral lists of political parties’ local organizations, whereas candidates must be assigned to their territorial electoral districts, which constitute a multi-mandate electoral district;
- Mayors of the cities with a population over 90 000 people must be elected by absolute majority (50% + 1 vote). If a candidate does not get this result, the second round of elections is to be conducted;
- The prohibition to become a subject of the election process has been put on the political parties’ local organizations/parties, which fall within a state policy, concerning public registration of legal bodies, registration (legalization) of citizens’ unities, civil communities and other civil organizations, conducted by the central executive body, appropriately adopted by the Cabinet of Ministers of Ukraine as to non-conformity of the party in general or its activity in particular, its name or/and its marks to the Law of Ukraine “On the Conviction of the Communist and National and Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Their Marks Propaganda”<sup>2</sup>;
- Party blocs have been banned from participation in the elections;

<sup>1</sup> Law of Ukraine “On Local Elections” [Electronic resource]: – Access mode: <http://zakon5.rada.gov.ua/laws/show/595-19>

<sup>2</sup> On April 9, 2014 the Verkhovna Rada of Ukraine adopted the law “On the Conviction of the Communist and National and Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of Their Marks”. The President of Ukraine signed the law on May 15, 2015. The Communist Party of Ukraine tried to appeal against the decision of banning and participate in the 2015 local elections. However, on October 13, 2015 Kyiv County Administrative Court dismissed the CPU’s claim, concerning their participation in the elections. Thus, the CPU was not the subject of the electoral process.

- The right to set up a candidate to deputies of regional, district, city councils is executed by voters in corresponding multi-mandate electoral districts via parties' local organizations. At the same time the right to nominate candidates to deputies of town and village councils is realized by voters in single mandate electoral districts via parties' local organizations or by self-nomination;
- If a party gets 5% of votes, the number of its candidates, who enter the council, is determined by the number of votes, cast for a concrete deputy in a separate district;
- Date of parties' registration does not influence its participation in the elections;
- Delegation of the same-sex candidates in the lists of the deputies to local councils in multi-mandate electoral districts must be not less than 30% of the general number of candidates in the electoral list.

Among the peculiarities of the electoral law one can name the provision of article 15, p.1, which states that the electoral process starts 90 days before the elections. As this provision was connected with the process of the official candidate registration and setting up the electoral account, a real start of candidates' representation and agitation begins even later<sup>3</sup>, that in general stipulated a short time term for candidates' work with potential voters. This programmed the 2015 local elections as one of the shortest as to previous local and parliamentary elections. However, despite the strictly fixed time-frames, the law itself gave a possibility to avoid them. In particular, potential candidates to the mayor's position, deputies of all councils, who at that time had already had a deputy's status, in fact had been conducting their electoral campaign since the spring 2015. Technically, it was qualified as the deputy's work with voters. Therefore, during the official electoral campaign candidates were in a position of inequality.

Quite unexpected results have been caused by the provision of article 17, p. 7 of the Law on elections. According to this provision in order to conduct the elections of deputies to regional councils, the corresponding territorial electoral commission had to establish territorial electoral districts, where the number of voters had to be approximate to the average number of voters in the territorial electoral district of the corresponding multi-mandate district, on the territory of each district of a regional city. Thus, a formally standard provision led to considerable differences. In particular, relying on the following claim of the abovementioned article of the law, concerning the fact that on the territory of each district of a regional city there is one territorial electoral district for electing deputies to regional councils or several territorial electoral districts for electing deputies to regional councils with almost the same number of voters, territorial commissions set up electoral districts with great disproportions as to the number of voters. Thus, the general number of voters, in accordance with the specified lists in Lviv region equaled 1 938 674. There were created

<sup>3</sup> According to article 54, paragraph 2 candidates have the right to start their election campaign starting with the next day after the day on which the corresponding electoral commission takes the decision, concerning the candidates' registration.

84 single-mandate districts to the regional council. But in the region there was a considerable disproportion as to the number of voters. The biggest district was in Halych district of city Lviv, which enlisted 45 561 voters, whereas the least one was in town Morshyn and equaled 3 821 voters<sup>4</sup>. That is, the difference was in 11.92 times. The most populated were all 16 districts in Lviv, while the least populated were the electoral districts in Truskavets (16 670), Peremyshliany and Sambir districts, where a little more than 16 000 voters were enlisted. This factual gerrymandering did not contradict the legislation, though led to a great disproportion as to voters' representation by deputies in the regional council.

Some problems were caused by article 70 of the law, which regulated the course of creation and functioning of parties' local organizations' and candidates' electoral funds. Thus, local party's organization, whose candidates for deputy are registered in a multi-mandate electoral district, candidates for deputies in a single-mandate electoral district, candidates for the village head, town and city mayor can open accounts for their own electoral funds. At the same time, the electoral fund of local party's organization, whose candidates for deputies are registered in a multi-mandate electoral district, must have one savings account to receive money for financing the election campaign, as well as current accounts which are used to finance the election campaign. As during the previous elections candidates in single-mandate districts had rights to open their electoral accounts themselves, a large number of candidates at the 2015 elections started opening accounts individually. Banks provided information about candidates' open accounts to the territorial electoral commission, the latter demanded from the campaign offices of parties' local organizations to bring the situation into agreement with the law, and this caused additional waste of time on the side of the candidates/their offices. Moreover, many candidates functioned via the system of the party's local organization's electoral funds not so quickly, as in case of their own electoral funds.

The change of the algorithm of the vote counting in accordance with the claims of article 86 of the law caused transformation of the electoral behavior of a candidate simultaneously within a single-mandate electoral district and within each party. As the right to divide deputies' mandates in a corresponding multi-mandate electoral district was granted only to the candidates for deputies, included into the electoral lists of their parties' local organizations who gained 5 and more percent of votes, in regard to the total number of votes given to the parties' local organization, thus every candidate was interested in achieving the highest result to help their party to overcome the electoral threshold. On the other hand, as deputies' mandates in a multi-mandate electoral district were divided between the candidates for deputies, included into the lists of parties' local organizations, who received the right to participate in deputies' mandates division in this district proportionally

<sup>4</sup> Regulation № 6 of Lviv Regional Electoral Commission of September 15, 2015 "On Formation of Territorial Electoral Districts for Conducting Regular Elections of Lviv Regional Council Deputies on October 25, 2015" [Electronic Resource]: – Access mode: [http://galinfo.com.ua/news/perelik\\_terytorialnyh\\_vyboriv\\_deputativ\\_lvivskoi\\_oblasnoi\\_rady\\_206176.htm](http://galinfo.com.ua/news/perelik_terytorialnyh_vyboriv_deputativ_lvivskoi_oblasnoi_rady_206176.htm)

to the number of votes for the candidate, it caused a substantial inter-party competition. Comprehension of this demand made some candidates to behave more selfishly towards the candidates from their own party structure in the course of the whole campaign. At the same time the level of intensity between the candidates from different parties, within the majority constituency lowered essentially.

In the elections to Lviv regional council participated 17 political parties (as of the year 2015 in the region were registered 123 regional organizations of various political parties). As we can see from Table 1, only 7 parties managed to represent their candidates in all 84 electoral districts. At the same time, 5 regional party offices adhered to the provision of article 37, paragraph 3 of the Law on elections, according to which “the number of candidates for deputies, enlisted to the electoral list of the parties’ local organization cannot exceed the number of deputies of the corresponding council plus one” and registered 84 + 1 candidate. Moreover, we may argue that the “Democratic Alliance”, “United Center” and “Oppositional Bloc” just nominally participated in the elections, as they registered 3, 7 and 4 candidates respectively.

It is rather necessary to describe the implementation of the provision of article 4, paragraph 3 of the law, concerning representation of single-sex candidates for deputies to the local councils in multi-mandate electoral districts in the electoral lists. The provision established the threshold of not less than 30 percent of the general number of candidates in the electoral list. This demand created certain problems for the heads of the campaign offices. Subsequently, it was much easier for active women to become candidates than for men. As Table 1 shows, in general the absolute majority of parties’ local organizations, which participated in the elections, managed to stick to the abovementioned norm. The exception is the “Our Land”, where women-candidates constituted only 11.6% and the “Oppositional Bloc”, where among 4 candidates there were no women at all. At the same time, it should be noted, that the abovementioned standard concerning gender equality did not give the expected results. As the findings show, see Table 1, only the Union “Self-Reliance” included 35.7% of women, and the rest of parties, which entered Lviv regional council, had rather a symbolic representation of 1-2 deputies, and the social movement “People’s Control” did not comprise a woman among its deputies. Therefore, it is not enough just to fix the representation standard of 30% to guarantee a real equal representation.

Another characteristic of the elections was a high level of non-party politicians among candidates. To some degree, it shows a limited number of fully trained, ambitious and promising candidates among party members. On the other hand, it testifies the fact, that parties must search authoritative people, capable of achieving their best. Moreover, the presence of non-party members in the lists proves their parties credibility, citizens’ readiness to join them.

**Table 1.** Characteristics of political parties' candidates and deputies of the 7th convocation of Lviv regional council<sup>5</sup>

	Names of political parties	Number of candidates/ non-party	Number of women	Results %	Number of deputies	Number of women deputies
1	P. Poroshenko Bloc "Solidarity"	84+1/66	20	21,29	20	2
2	Political Party "Volia"	84+1/70	30	2,36		
3	All-Ukrainian Unity "Fatherland"	84+1/14	25	9,21	9	1
4	All-Ukrainian Unity "Svoboda"	84+1/24	25	12,1	12	2
5	Social movement "People's Control"	54/31	17	5,19	5	-
6	Political Party "Civil Position"	72/62	30	8,05	8	2
7	Political Party "Democratic Alliance"	3/1	2			
8	Political Party "United Centre"	7/7	2	0,45		
9	Political Party "The People's Movement of Ukraine"	79/35	22	5,01	5	1
10	Political Party "Our Land"	77/73	9	2,94		
11	Union "Self-Reliance"	84+1/57	26	14,61	14	5
12	Political Party "Oppositional Bloc"	4/0	-	1,04		
13	Political Party "People's Power"	42/8	14	1,15		
14	Political Party "Ukrainian Halych Party"	41/13	14	3,19		
15	Political Party UKROP	84/51	27	6,23	6	1
16	Radical Party of Oleh Liashko	84/45	27	6,23	6	1
17	Ukrainian Republican Party	42/23	16	0,55		

Voting turnout is an important index of citizens' political participation. We can argue that there is a tendency when at the local elections voting turnout is considerably lower than at the parliamentary or presidential ones. An average voting turnout across Lviv region equaled 52,85 %, that was 17,15 % less, than at the parliamentary elections of 2014 (70,0 %). At the same time, the voting turnout level during the local elections in 2010 and 2015 do not fundamentally differ. We suppose, that such low voting turnout level can be explained by the following: 1) due to the high level of citizens' politicization, population do not perceive regional and local levels of political life as a peer to a national one, but conceive them rather as secondary; 2) comprehension of the fact, that regional and local levels of decision making highly depend on the

<sup>5</sup> List of deputies in Lviv regional council [Electronic resource]: – Access mode: [http://www.oblrada.lviv.ua/index.php?option=com\\_content&view=article&id=7511&Itemid=1179](http://www.oblrada.lviv.ua/index.php?option=com_content&view=article&id=7511&Itemid=1179)

official Kyiv's position. At great length of time experience has proven that electoral programs of various parties and candidates of local and regional levels have not been executed because "Kyiv" has not appropriate money for them. The program of decentralization that is just begun, has not demonstrated any positive results yet.

Discussing the received findings, first of all it is necessary to state, that in comparison with the 2010 local elections, when deputies to regional councils were elected on the basis of the mixed electoral system, the number of parties, which entered the council, has considerably shrunk<sup>6</sup>. Secondly, deputies' affiliation with parties has profoundly changed. Only the All-Ukrainian Unity "Svoboda" and the "National Movement of Ukraine" managed to seat their candidates and once again formed their party factions. The "People's Front" and "UDAR" preserved their party representation to some extent, as they received quotas as a part of Petro Poroshenko Bloc "Solidarity". Thirdly, it should be mentioned, that level of support to the main political parties has profoundly changed during the year after the parliamentary elections of 2014. Despite the formally high results of Petro Poroshenko Bloc "Solidarity" in 2015, we must acknowledge an essential rating downgrade of the pro-presidential political force in comparison with the previous year. The reason is that though the "People's Front" did not participate in the elections individually, but in fact it delegated its representatives to the "Solidarity". Thus, the results achieved in 2015 must be compared with the results received in 2014 by these two parties. Support level of the Union "Self-Reliance" has also lowered a bit. At the same time, the All-Ukrainian Unity "Fatherland", All-Ukrainian Unity "Svoboda" and "Civil Position" doubled their results. To our mind, the reason for such success was their effective positioning. They do not set themselves up as the representatives of the opposition like the "Oppositional Bloc", moreover the All-Ukrainian Unity "Fatherland" was and still is a member of the governmental coalition, and simultaneously they criticize the government's actions. Fourthly, summarizing the results of the 2015 local elections it can be stated that in comparison with the combined data across Ukraine regional level of support of the Union "Self-Reliance" and the "Civil Position" became extremely higher. Especially it is subject to the latter one, which gained the highest level of support in Lviv region and not bad results in three regions of Western Ukraine and a low support level in other regions and this put a number of difficult questions at the level of the central office.

Moreover, we propose to compare the results across Lviv region with the results received in the neighboring Ivano-Frankivsk and Ternopil regions. The appropriateness of such comparison is rather obvious as electorate in these regions traditionally vote very similarly. The local elections of 2015 became the first one, when the differences in support level of various political parties were rather noticeable. The following elections must show, whether present

<sup>6</sup> In 2010 Lviv regional council consisted of 116 deputies. The All-Ukrainian Union "Svoboda", "Front of Changes", "Party of Regions", "National Movement of Ukraine" and "Our Ukraine" entered the council according to the party list representation system. Besides, in the council there were representatives (elected on the basis of plurality voting system) of 10 political parties, which could not overcome the electoral threshold.

results should be interpreted as a separate chance event or as the beginning for the subsequent separation of political support among the voters of these regions.

**Table 2.** Comparative results on the basis of the state electoral district at early elections of national deputies of Ukraine of October 26, 2014<sup>7</sup> and combined data across Ukraine concerning the 2015 local elections<sup>8</sup> (in %)

Names of political parties	Results in Ukraine		Ivano-Frankivsk region		Lviv region		Ternopil region	
	2014	2015	2014	2015	2014	2015	2014	2015
"People's Front"	24,14		37,48		33,03		36,5	
"Petro Poroshenko Bloc"/ BPP "Solidarity"	21,82	19,4	18,25	27,38	20,42	23,81	19,73	28,13
Union "Self-Reliance"	10,97	6,3	14,69	9,52	18,78	16,67	11,3	9,38
Radical Party of Oleh Liasenko	7,44	6,7	4,85	4,69	5,35	5,95	6,59	7,81
All-Ukrainian Union "Fatherland"	5,68	12,0	6,19	21,43	4,73	10,71	6,31	15,63
All-Ukrainian Union "Svoboda"	4,71	6,7	8,81	19,05	6,19	14,29	8,18	20,31
Civil Position	3,10	1,0	2,58	4,16	4,43	9,52	3,68	6,25

Summing up the results of the 2015 local elections to Lviv regional council we can state that the introduction of the new electoral legislation has contributed to: 1) shortening of the number of political parties in the regional council. We suppose that the fewer number of party factions will promote agreement between parties in the process of "majority" formation; 2) factual component of the plurality voting system in the parties' lists on the one hand presupposed the fact that regional offices searched/hunted for authoritative candidates, capable of receiving the maximal result, on the other hand, affiliation of these candidates with the parties' factions must contribute to development of the inner-party democracy, as the newly elected deputies are grateful not to their party leader, but to themselves and thus they must be more independent in their deputy and party positioning/activity; 3) absence of the personalized struggle between candidates from different parties within one electoral district at the early local elections must be positively displayed on personal relationship between deputies from different parties. Moreover, another additional integral factor is the necessity to solve mutual regional problems. To our mind, one general presupposition is the fact that the new electoral law and the process of decentralization in total must promote strengthening of regional organizations in national party structures and gradual formation of political life/political process at the national level, which, in its turn, would differ from the national one.

<sup>7</sup> Results of early elections of national deputies of Ukraine, d.d. October 26, 2014 [Electronic Resource]: – Access mode: <http://www.cvk.gov.ua/pls/vnd2014/vp302:PT001>

<sup>8</sup> Combined data of information and analytical center "RATING Pro" [Electronic Resource]: – Access mode: <http://www.pravda.com.ua/news/2015/11/9/7088039>