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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**COMPARATIVE TABLE
WITH ADDITIONAL PROPOSALS ON AMENDMENTS
TO THE LAW OF UKRAINE
“ON ELECTION OF PEOPLE’S DEPUTIES OF UKRAINE”***

**Letter sent by the Ministry of Justice of Ukraine on 15 May 2013,
received by the Venice Commission on 27 May 2013*

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**Comparative table
with additional proposals on amendments to the Law of Ukraine “On Election of People’s Deputies of Ukraine”**

Current wording	Proposed wording
Law of Ukraine “On Election of People’s Deputies (Members of Parliament) of Ukraine”	
<p>Article 48. Electoral Funds of Parties, MP Candidates in Single-Mandate Election Districts</p> <p>...</p> <p><u>6. No later than on the next business day following the day of opening of the accumulation or current account of the electoral fund of a party or MP candidate in a single-mandate election district, the banking institution shall notify the Central Election Commission in writing of the opening of the respective account and its details.</u></p> <p>...</p>	<p>Article 48. Electoral Funds of Parties, MP Candidates in Single-Mandate Election Districts</p> <p>...</p> <p>6. No later than on the next business day following the day of opening of the accumulation or current account of the electoral fund of a party, the banking institution shall notify the Central Election Commission in writing of the opening of the respective account and its details.</p> <p>No later than on the next business day following the day of opening of the accumulation or current account of the MP candidate in a single-mandate election district, the banking institution shall notify the respective district election commission in writing of the opening of the respective account and its details.</p> <p>...</p>
<p>Article 49. Managers of an Electoral Fund</p> <p>...</p> <p>4. A banking institution at which the accumulation or current account of an electoral fund has been opened shall, on a weekly basis or upon request of the manager of the resources of the respective electoral fund, provide the latter with information on the amounts and sources of donations transferred to the</p>	<p>Article 49. Managers of an Electoral Fund</p> <p>...</p> <p>4. A banking institution at which the accumulation or current account of an electoral fund has been opened shall, on a weekly basis or upon request of the manager of the resources of the respective electoral fund, provide the latter with information on the amounts and sources of donations transferred to the</p>

accounts of the electoral fund, as well as with information on the flow of resources and on the remaining resources.

5. The manager of the current account of an electoral fund shall keep records of the use of the funds in the respective current account of the electoral fund.

No later than on the seventh day following the day of voting, the manager of the current account of a party's electoral fund shall submit to the manager of the accumulation account of the party's electoral fund a financial report on the use of resources in the respective current account of the electoral fund.

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accounts of the electoral fund, as well as with information on the flow of resources and on the remaining resources.

5. The manager of the current account of an electoral fund shall keep records of the use of the funds in the respective current account of the electoral fund.

The manager of current account of the electoral fund of the party shall be obliged to file in thirty days prior to the day of voting to the manager of accumulation account provisional financial report on the use of resources from the respective current account of the electoral fund.

No later than on the seventh day following the day of voting, the manager of the current account of a party's electoral fund shall submit to the manager of the accumulation account of the party's electoral fund a financial report on the use of resources in the respective current account of the electoral fund.

6. The manager of the accumulation account of the party's electoral fund shall be obliged to file in twenty days prior to the day of voting to the Central Election Commission provisional financial report on the receipt and use of resources of the electoral fund (on paper and electronic media), which shall be made public on the official website of the Central Election Commission.

<p>The manager of the accumulation account of a party's electoral fund shall, no later than on the fifteenth day following the day of voting, submit to the Central Election Commission a financial report on the receipt and use of the resources of the electoral fund, <u>which shall be made public on the official website of the Central Election Commission.</u></p> <p>The manager of the current account of the electoral fund of an MP candidate in a single-mandate district shall, no later than on the tenth day following the day of voting, submit to the <u>Central Election Commission</u> a financial report on the receipt and use of the resources of the electoral fund.</p>	<p>The manager of the accumulation account of a party's electoral fund shall, no later than on the fifteenth day following the day of voting, submit to the Central Election Commission a financial report on the receipt and use of the resources of the electoral fund (on paper and electronic media), which shall be made public on the official website of the Central Election Commission.</p> <p>The manager of the current account of the electoral fund of the MP candidate in a single-mandate election district shall be obliged to file in twenty days prior to the day of voting to the district election commission provisional financial report on the receipt and use of resources of the electoral fund (on paper and electronic media).</p> <p>District election commission not later than the following day of the receipt of the provisional financial report on the receipt and use of resources of the electoral fund of the MP candidate in the single-mandate district shall submit its copy (on paper and electronic media) to the Central Election Commission which shall make it public on its official website.</p> <p>The manager of the current account of the electoral fund of an MP candidate in a single-mandate district shall, no later than on the tenth day following the day of voting, submit to the district election commission a financial report on the receipt and use of the resources of the electoral fund (on paper and electronic</p>
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<p><u>7. The financial reports shall be analyzed by the Central Election Commission. Should any signs of violations of the requirements of this Law be discovered in the course of the analysis of the financial reports, the Central Election Commission shall report this fact to the relevant law-enforcement bodies, which shall hold an inquiry and react in accordance with the law.</u></p>	<p>media).</p> <p>District election commission not later than the following day of the receipt of the financial report on the receipt and use of resources of the electoral fund of the MP candidate in the single-mandate district shall submit its copy (on paper and electronic media) to the Central Election Commission which makes it public on its official website.</p> <p>7. The analysis of financial reports provided for in parts 5 and 6 of this Article shall be carried out by election commission to which they were submitted. Should any signs of violations of the requirements of this Law be discovered in course of the analysis – the Central Election Commission or respective district elections commission shall notify thereon competent law-enforcement bodies to carry out a check and to react in accordance with the law.</p>
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<p>Article 50. Formation of an Electoral Fund and Use of Its Resources</p> <p>...</p> <p>2. A voluntary donation to the electoral fund of one party shall not exceed four hundred minimum salaries, while a voluntary donation to the electoral fund of an MP candidate in a single-mandate election district shall not exceed twenty minimum salaries. <u>There shall be no limit on the amount or number of transfers that parties or MP candidates in single-mandate election districts may make to their own electoral funds from their own resources.</u></p> <p>3. Voluntary donations to the electoral fund shall not be made by:</p> <ol style="list-style-type: none">1) foreign citizens and individuals without citizenship;2) anonymous donors (without indicating in the payment document the information specified by Part four of this Article). <p>...</p> <p>7. The manager of the respective electoral fund account shall reject a donation from a natural person who under this Law has no right to make a voluntary donation, within three days following the day when the manager becomes aware thereof.</p>	<p>Article 50. Formation of an Electoral Fund and Use of Its Resources</p> <p>...</p> <p>2. A voluntary donation or the overall amount of voluntary donations of one single person to the electoral fund of one party shall not exceed four hundred minimum salaries, while voluntary donation to the electoral fund of an MP candidate in a single-mandate election district shall not exceed twenty minimum salaries.</p> <p>Voluntary donations and own resources of the party, MP candidate in the single mandate election district, which are transferred to the respective account shall not be subject to any limitations upon the amount (within the limits of electoral fund of the party, MP candidate provided for in part one Article 48 of this Law) and upon the number of transfers.</p> <p>3. Voluntary donations to the electoral fund shall not be made by:</p> <ol style="list-style-type: none">1) foreign citizens and individuals without citizenship;2) persons under pseudonym and anonymous donors (without indicating in the payment document the information specified by Part four of this Article). <p>...</p> <p>7. The manager of the respective electoral fund account shall reject a donation from a natural person who under this Law has no right to make a voluntary donation, within three days following the day when the manager becomes aware thereof.</p>
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Based on the manager's application rejecting the donation for such a reason, the banking institution in which the respective account of the electoral fund has been opened shall transfer such voluntary donation to the State Budget of Ukraine.

Based on the manager's application rejecting the donation for such a reason, the banking institution in which the respective account of the electoral fund has been opened shall transfer such voluntary donation to the State Budget of Ukraine.

The manager of the respective account of the electoral fund shall be obliged to refuse of the resources received to the electoral fund, MP candidates from which are registered in the nationwide election district, either of the MP candidate in the single-mandate election district provided for in Part one Article 48 of this Law, within three days from the date of his/her becoming aware of that. Based on the application from the manger on the refuse of resources on this reason the banking institution in which relevant account of the electoral fund, shall return these resources to the respective party which made such transfer, or to the natural person at the account of these resources and in case of impossibility to do such return – shall transfer them to the State Budget of Ukraine.

...

9. Control of the receipt, accounting, and use of the funds of the electoral funds shall be exercised on a selective basis by the Central Election Commission in accordance with the procedures approved by the Central Election Commission jointly with the National Bank of Ukraine and a specially authorized central executive body in the area of telecommunications no later than eighty-three days prior to the day of voting.

...

9. The Central Election Commission shall carry out selective control over the receipt, accounting and use of resources of the parties' electoral funds. District election commissions shall carry out selective control over formation and use of resources of the electoral funds of the MP candidates in respective single-mandate districts.

...

Selective control over the receipt, accounting and use of

	<p>resources of electoral funds shall also be carried out by banking institutions in which accounts of the electoral fund are opened. Banking institution in which an account of the electoral fund is opened shall provide respective election commission with information on receipt and use of resources of the electoral fund.</p> <p>Selective control over the receipt, accounting and use of resources of electoral funds shall be carried out under the procedure established by the Central Election Commission jointly with the National bank of Ukraine and central executive power body ensuring the formation of the state policy in the sphere of provision of postal services, not later than in eighty three days prior to the day of voting.</p> <p>...</p>
<p>Article 61. Warnings and Cancellation of Registration of MP Candidate(s)</p> <p>...</p> <p>2. A warning shall be issued if:</p>	<p>Article 61. Warnings and Cancellation of Registration of MP Candidate(s)</p> <p>...</p> <p>2. A warning shall be issued if:</p> <p>...</p> <p>6) violating the terms provided for in part one Article 48 of this Law for opening or failure to open by the party, candidate from which are registered in nationwide election district, MP candidate in the single-mandate district of the accounts of their election funds;</p> <p>7) violating the terms provided for in part six Article 49</p>

	<p>of this Law for submission or failure to submit to the respective election commission by the manager of resources of the accumulated account of the electoral fund of the party, manager of the current account of the electoral fund of the MP candidate in the single-mandate district of the financial report on the receipt and use of resources of the electoral fund (including provisional);</p> <p>8) entering by the manager of the resources of the accumulated account of the electoral fund of the party, by the manager of the current account of the electoral fund of the MP candidate in the single-mandate district into the financial report on the receipt and use of resources of the electoral fund (including provisional) of invalid data.</p>
<p>Article 68. Forms and Means of Election Campaigning</p> <p>...</p> <p>6. Election campaigning shall be paid for from the resources of the State Budget of Ukraine allocated for support for election campaigning in accordance with this Law and from the electoral funds of parties and MP candidates in single-mandate election districts. MP candidates registered in the nationwide election district may carry out election campaigning only at the expense of the resources of the electoral fund of the party that nominated them. The use of those <u>MP candidates' own funds or funds derived from other sources to carry out election campaigning</u>, including on the voters' initiative, shall be prohibited.</p> <p>...</p>	<p>Article 68. Forms and Means of Election Campaigning</p> <p>...</p> <p>6. Election campaigning shall be paid for from the resources of the State Budget of Ukraine allocated for support for election campaigning in accordance with this Law and from the electoral funds of parties and MP candidates in single-mandate election districts. MP candidates registered in the nationwide election district may carry out election campaigning only at the expense of the resources of the electoral fund of the party that nominated them. The use of own funds of the parties, MP candidates from other sources to carry out election campaigning, including on the voters' initiative, shall be prohibited.</p> <p>...</p>

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<p>Article 71. General Procedure for Using Mass Media</p> <p>...</p> <p>8. Prices per unit of printed space and air time for conducting election campaigning shall not be changed during the election process. A media organization shall not be allowed to grant discounts, or introduce extra charges, to parties that have registered MP candidates in the nationwide election district or to MP candidates in single-mandate districts.</p> <p>...</p>	<p>Article 71. General Procedure for Using Mass Media</p> <p>...</p> <p>8. Prices per unit of printed space and air time for conducting election campaigning shall not be changed during the election process. A media organization shall not be allowed to grant discounts, or introduce extra charges, to parties that have registered MP candidates in the nationwide election district or to MP candidates in single-mandate districts.</p> <p>Election campaigning in mass media of all ownership patters at the account of electoral funds of the parties, MP candidates in single-mandate districts shall be carried out only after appropriate pay of printed space or air time from respective accounts of electoral funds.</p> <p>...</p>
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