Possible dates for establishment and promulgation of final election results, for first plenary meeting of Verkhovna Rada and for the installment of new coalition and Cabinet of Ministers
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Background

By July 24, District Election Commissions (DECs) had processed results from 99.64 percent of the polling stations and transmitted them electronically to the CEC. This prompt tabulation of election results by the DECs has triggered speculation about the possible date when election results could be established and promulgated, as well as about the possible date for the first plenary meeting of the Ukrainian Parliament, Verkhovna Rada. During this first meeting, the new MPs will take the oath and start to exercise their powers.

President Zelenskyi has already commented publicly that August 24, 2019, Ukraine’s Independence Day, could be a possible date for the first meeting of the new Rada. This document analyzes when the CEC would likely be able to establish the election results, when the first meeting of the new Rada can be realistically held, and when the new coalition and Cabinet of Ministers can be installed.

Possible dates for establishment and promulgation of the election results

The Parliamentary Election Law requires the CEC to establish the election results no later than August 5, 2019, and officially promulgate them within five days after the day when the election results for the nationwide election constituency and for all 199 single-mandate constituencies have been established.

The DECs have processed the Precinct Election Commission (PEC) protocols in expedited manner: as of July 25 almost 100 percent of the PEC protocols have been accepted end electronically delivered to the CEC, while the CEC has already accepted tabulation protocols from 41 DECs. Therefore, if there are no major complaints pending in courts or election commissions and if the DEC delivers protocols quickly to the CEC, the realistic earliest timing for the establishment of final results by the CEC would be between July 30-31, 2019.

If any complaints or lawsuits regarding violations committed by DECs during vote tabulation are filed and the courts launch administrative adjudication proceedings, or if a high number of DEC protocols are filed with technical errors in numbers (the latter would lead to rejection of the respective protocols which must be then sent for corrections to the DECs in question), the establishment of the final results would then fall closer to August 5, 2019, as foreseen in the Parliamentary Election Law.

Any CEC actions and decisions related to the establishment of final results for any constituency, be it a nationwide consistency for the party list contest or a single-member district (SMD), can potentially be a subject to judicial review by the Supreme Court of
Ukraine in the first instance. Given that all the parties that nominated their lists for July 21 early elections seem to have accepted the exit poll and parallel vote count results announced on July 21-22, it is not expected that any party would challenge the nationwide district results at the Supreme Court. However, lawsuits against the CEC are not entirely impossible with respect to the SMD results.

Regardless of the date when the CEC establishes the election results, it will wait for the expiration of a five-day deadline for challenging the establishment of the election results by the CEC at the Supreme Court by parties or candidates. If no lawsuits have been filed within five days after the establishment of the election results for the SMDs and nationwide district, the CEC will promulgate the official election results on the day when the deadline for filing the respective lawsuits expires. **If the CEC establishes the election results on July 30 or 31, the earliest date when the results for all the districts (nationwide and SMDs) could be promulgated would be August 4 or 5. If the CEC establishes election results on August 5, the earliest day when they could be promulgated would be August 10.**

If any lawsuits against the CEC’s establishment of the election results are filed, consideration of a lawsuit and subsequent appeal could take up to six days. An appeal against the Supreme Court’s decision in the first instance is filed to the Grand Chamber of the Supreme Court. Given that the lawsuits themselves can be filed within five days following the day when the CEC established the election results, the time period for initiating the case, consideration of the case by the first instance court, filing an appeal and considering the appeal could be as long as 11 days. **Therefore, the latest dates for the CEC to promulgate the election results if there are legal actions regarding alleged violations by the CEC while establishing the election results would be August 11 or 12 if election results are established on July 30-31 and a lawsuit against the CEC is filed on the fifth day following the establishment of the election results, or August 17 if the election results are established on August 5 and a lawsuit against the CEC is filed on the fifth day following the day when the election results are established.**

**In summary, the possible dates for when the election results for the nationwide constituency and all 199 SMDs can be established range from July 30 to August 5, while the date for when the election results could be promulgated range from August 4-5 until August 11-12 or even August 17 (the latest possible dates, which in both cases depend on when the results were established and when the lawsuits against CEC actions related to establishment of the election results were filed with the Supreme Court).**

**Possible dates for the first meeting of the new Rada**

The winter session of the outgoing Verkhovna Rada officially closed on July 8, 2019. **Under the Constitution of Ukraine, the autumn plenary session of the Rada will open on the first Tuesday of September: September 3, 2019. The first plenary meeting of this session would very likely be the first meeting of the newly elected Rada, during which the new MPs would take the oath and start to exercise their powers.**

Between the session that closed on July 8 and the new session on September 3, the incumbent Speaker Parubiy can call for an extraordinary meeting of the new Rada at which the new MPs would take the oath. The next question is whether such a meeting is possible before September 3 if the election results are officially promulgated between August 4 to August 17.
To hold an extraordinary meeting, two preconditions must be met: the new MPs must be registered by the CEC (at least two thirds of those elected must be registered according to Article 82 of the Constitution; the Rada can exercise its powers if no less than 300 MPs are elected) once preparations for the first meeting of the Rada are finalized. Preparations for the first meeting can start immediately after the promulgation of the election results and, in absence of a new Speaker, they would be led by incumbent Speaker Parubiy and the Rada’s Secretariat. During preparation for the meeting, the new MPs/future faction leaders would have to agree on the date of the first meeting, who would open the first meeting of the new Rada and preside over the meetings before the new Chair/First Deputy Chair/Deputy Chair is appointed, how the MPs will be seated in the session hall, how many committees the new Rada will have and how the composition of the committees will be established. Given that the Servant of the People will have an absolute majority of the seats in the new Rada, preparations for the first meeting may not take much time to finalize and can be conducted in parallel to registration of the newly elected MPs, starting from the day when the election results have been promulgated by the CEC.

According to the Parliamentary Election Law, twenty days following the promulgation of the election results, an MP-elect must file a written document proving termination of any professional activities incompatible with the MP mandate. According to Article 78 of the Constitution, MPs cannot have any other representative mandate (for instance, holding office as a local councilor or mayor), hold any other paid posts or conduct any other paid activities including entrepreneurial activities, or be members of the governing board/supervisory board of a business enterprise. This term cannot be shortened; moreover, it can be even further extended if an MP-elect for compelling reasons cannot terminate their activities incompatible with the MP mandate within the 20-days following the promulgation of the election results.

Once a documents proving the termination of activities incompatible with the MP mandate are filed, the CEC registers MPs and issues them temporary MP IDs within seven days following their registration.

Therefore, registration of the elected MPs by the CEC can take between one week (if they have already started to terminate activities incompatible with the MP mandate) to 20 days after the promulgation of the election results. More specifically, if the election results are promulgated on August 4, MPs would be registered between August 12-26; if the results are promulgated on August 17, the new MPs would be registered between August 24-September 6.

If the election results are established and promulgated promptly and MP-elects are able to terminate activities incompatible with the MP mandate extremely quickly, it is possible to hold the first meeting of the Rada on August 24th; however, a more realistic date would be September 3.

**Possible dates for institutionalization of the majority and appointment of the new Cabinet**

The Constitution of Ukraine makes it clear that the new coalition in the Rada must be established within one month following the first meeting of the new Rada, when the term in office of previous MPs expires and the new MPs assume their office by taking an oath. Depending on the date of the first meeting of the new Rada (possible dates can range from
August 24 to September 3), the deadline for the establishment of the new coalition would vary from September 24 to October 3, 2019. Given that the Servant of the People received 254 seats in the new Rada, the coalition could be established solely by the Servant of the People, without engaging any independent MPs or MPs from other factions.

Article 90 of the Constitution of Ukraine makes it clear that the new Cabinet of Ministers must be appointed 60 days following the acceptance of resignations from the previous Cabinet of Ministers by the Rada. Prime Minister Hroisman has already filed his resignation statement to the current Rada, but it has not yet been considered and accepted. It is very likely that the resignation of the Hroisman Cabinet will be accepted at the first meeting of the Rada between August 24 and September 3. The new Cabinet is therefore likely to be appointed by the ruling coalition/Servant of the People between October 24 and November 3 at the latest. In the current political environment, with the domination of the Servant of the People in the Rada, one can expect that the new members of the Cabinet, including the Prime Minister, would be appointed quickly, likely in September 2019.

**Conclusion**

The possible dates for when the election results for the nationwide constituency and all 199 SMDs can be established range from July 30 to August 5. The date when the election results can be promulgated range from August 4-5 (the earliest possible date) to August 11-12 or even August 17; the latest possible dates depend on when the results were established and when lawsuits against CEC actions related to establishment of the election results were filed with the Supreme Court.

While holding the first meeting of the Rada is possible on August 24 if election results are established and promulgated promptly and MP-elects are able to terminate activities incompatible with the MP mandate extremely quickly, September 3 seems to be more realistic date.

The deadline for the establishment of the new coalition depends on the date of the first meeting of the Rada, and varies from September 24 to October 3, 2019. In the new Rada, the coalition can be entirely formed by only one party, the Servant of the People, which is represented in Parliament by 254 MPs, an absolute majority. The appointment of the new Cabinet, while it could take place in late October or even early November 2019, can be expected in September 2019.

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