STATE FUNDING OF POLITICAL PARTIES IN UKRAINE AND SOME EU COUNTRIES: CONDITIONS FOR PROVISION, AMOUNT AND CALCULATION PROCEDURE

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Annotation. The article examines the legal regulation of state funding of political parties in Ukraine, with a particular focus on the financing of their statutory (non-electoral) activities, and compares the Ukrainian model with selected approaches applied in Poland, Germany, Latvia and Bulgaria. Drawing on formal-dogmatic, comparative and systemic analysis of national legislation and Council of Europe standards, the author clarifies the conditions under which public subsidies may be granted to political parties, the minimum thresholds of electoral support and the main methods for calculating the amount of funding. It is shown that in Ukraine the annual volume of state funding is determined by the number of votes cast for all parties participating in parliamentary elections, but is distributed only among those political forces that have passed the 5 per cent electoral threshold, which reinforces the asymmetry of resources between parliamentary and extra-parliamentary parties and objectively narrows the space for political pluralism. Special attention is paid to the mechanism whereby part of the funds is allocated taking into account the gender composition of parliamentary factions. In contrast, in most of the EU states analysed, at least partial budgetary funding is provided for parties that are not represented in parliament but reach a lower threshold of voter support; degresive "price-of-vote" schemes, matching of public funds with small private donations and both absolute and relative caps on subsidies are used. On this basis, the article argues for extending eligibility for state funding in Ukraine to extra-parliamentary parties, adjusting the distribution formula and strengthening incentives for a more diversified structure of party incomes, while at the same time preventing excessive dependence on the state budget.

Key words: state funding of political parties, political finance, electoral threshold, public subsidies, formula for calculating state funding, political pluralism, gender equality.

1. Introduction.

One of the key preconditions for the genuine realisation of political pluralism and fair competition between political forces is the proper legal regulation of the sources and procedures for financing political parties. State funding of parties is regarded as an instrument for reducing their dependence on large private donors, limiting political corruption and levelling the playing field between participants in the electoral process. At the same time, poorly designed rules for the distribution of budgetary resources among parties may, on the contrary, entrench the monopoly of parliamentary forces and narrow the space for the participation of new or small political actors.

In Ukraine, over the last decade, a specific model of state funding of political parties has been formed, combining reimbursement of campaign expenditure and the financing of their statutory (non-electoral) activities. The normative design of the relevant institutions laid down in the Law of Ukraine "On Political Parties in Ukraine" and electoral legislation has been amended on several occasions, which is due both to internal political factors and to Ukraine's external commitments in the context of European integration. The current model combines a relatively high threshold of electoral support required to acquire the right to receive budgetary subsidies with a rigidly fixed "price of a vote" and with the calculation of the overall amount of funding taking into account the votes cast for those parties that do not ultimately receive state support.

In these circumstances, it becomes particularly important to clarify the extent to which the existing Ukrainian approach to the conditions, amount and calculation of state funding corresponds to European standards and best practices of democratic states, and whether it ensures a balance between the need to support institutionally consolidated political forces and the task of preserving genuine political pluralism.

2. State of research.

The legal regulation of state funding of political parties in Ukraine in the context of countering political corruption, democratising the political process and approximating European standards has in recent years been examined by a number of Ukrainian scholars, in particular V. Oliinyk, M. Antonenko, D. Kalmykov, D. Ruden, S. Kustova, I. Shchebetun, O. Polishchuk, O. Kotsuruba, S. Okhonko, T. Kizyma, O. Hazylyshyn, O. Sharandin and others. These studies analyse the introduction of the institution of state funding, its anti-corruption potential, its compliance with European approaches and the main trends in the reform of national legislation. At the same time, the conditions for granting state funding specifically for the statutory activities of parties, the formula and algorithm for calculating its amount, their impact on political pluralism and the comparative features of the Ukrainian model in relation to the approaches of certain EU Member States remain only fragmentarily addressed, which determines the focus of this research.

3. Aim of the article.

The aim of the article is to identify the key problems in the legal regulation of the conditions under which political parties acquire the right to receive state funding for their statutory activities, as well as in the formula and algorithm for calculating the amount of such funding, and to develop proposals for their improvement by analysing the current legislation of Ukraine and conducting a comparative legal analysis of the approaches applied in Poland, Germany, Latvia and Bulgaria.

4. Presentation of the main material.

In Ukraine, the procedure and grounds for state funding of political parties are regulated by Section IV-1 of the Law of Ukraine "On Political Parties in Ukraine" [1]. Article 17-1 provides for two forms of state funding of political parties: (1) funding of the statutory activities of political parties not related to their participation in elections of the People's Deputies of Ukraine, elections of the President of Ukraine or local elections; and (2) reimbursement of political parties' expenses related to the financing of their election campaigning during regular and early elections of the People's Deputies of Ukraine.

Issues related to the funding of political parties' participation in elections are regulated primarily by electoral legislation [1; 2]. Therefore, within the scope of this article, the mechanism for reimbursing political parties for expenses related to financing their election campaigns during parliamentary elections will not be examined. The focus will be on the regulatory framework for state funding of the statutory activities of political parties.

The Law of Ukraine "On Political Parties in Ukraine" lays down several conditions, the fulfilment of which enables a political party to acquire the right to participate in the distribution of the total amount of state funding for the statutory activities of political parties. The first condition is that a party must obtain the minimum required percentage of votes from the total number of votes cast for all electoral lists of candidates for the People's Deputies of Ukraine in the nationwide multi-member electoral district at the last regular or early elections of the People's Deputies of Ukraine [1]. At present this threshold is 5 per cent, which coincides with the electoral threshold for entering parliament [2]. It should also be noted that this percentage has been amended by the legislature several times and, following the next parliamentary elections, the conditions for acquiring the right to participate in the distribution of the total amount of state funding for statutory activities will again change. This right will be acquired by political parties that receive 3 per cent or more of the votes [3], while the minimum 5 per cent level of support required to participate in the distribution of parliamentary seats will remain unchanged [2].

A number of international bodies and organisations have also drawn attention to certain aspects of state funding of political parties in their acts. For example, the PACE Recommendation on the financing of political parties stresses that state funding should, on the one hand, be determined on the basis of objective criteria such as the number of votes cast or seats won in parliament, and, on the other hand, should give new parties the opportunity to enter the political arena and compete on fair terms with more established parties [4]. The Venice Commission, in its Guidelines on the Legal Regulation of Political Parties [5], notes that in countries where a certain minimum level of support is required in order to receive state funding, setting an unreasonably high threshold may have negative consequences for political pluralism and the activities of small parties. As a minimum, state budget funds should be available, at least to some extent, to all parties represented in parliament. However, in order to strengthen political pluralism, state funding should cover not only parliamentary parties but also all parties that have a certain minimum level of popular support and nominate candidates in elections. This approach is particularly important for new parties, which should be given a legal opportunity to compete with existing organisations [5].

The main provisions of the legislation governing state funding of political parties in selected EU countries may be outlined as follows.

In Poland, the procedure for state funding of political parties is laid down in the Law on Political Parties [6]. Article 29 provides that a political party is entitled to a subsidy from the state budget if it has received at least 3 per cent of the votes in parliamentary elections, either independently or as part of an electoral coalition of political parties that has received at least 6 per cent of the votes [6]. In addition, political parties that receive at least 5 per cent of valid votes nationwide and coalitions of political parties whose lists receive at least 8 per cent of valid votes nationwide participate in the distribution of seats in constituencies [7].

According to paragraph 18 of the German Political Parties Act [8], the criteria for the distribution of public funds are not only the level of electoral success achieved by a party in elections to the European Parliament (EP), the Bundestag and the state parliaments, but also the amount of contributions made by its members and elected representatives and the volume of donations it has collected. Accordingly, political parties that received at least 0.5 per cent of the votes in the last Bundestag or EP elections, or at least 1 per cent of the votes in the last elections to a Land parliament, are eligible for state funding [8]. As a general rule, a party may participate in the distribution of seats in the Bundestag only if it has received at least 5 per cent of the second votes (Zweitstimmen) throughout Germany [9], whereas no restrictive provisions of this kind apply to the distribution of seats in the European Parliament [10].

In Latvia, the procedure for state funding of parties is regulated by the Law on the Financing of Political Organisations (Parties) [11]. State budget funding is provided to political parties that received more than 2 per cent of the votes in the last elections to the Saeima [11]. To be eligible for the distribution of seats in the Saeima, a party must again receive at least 5 per cent of the votes cast [12].

In Bulgaria, the mechanism of state funding is determined by the Law on Political Parties. State subsidies are provided to political parties that received at least 1 per cent of the valid votes cast in the country and abroad in the last parliamentary elections, and to coalitions that received at least 4 per cent of such votes [13]. The electoral threshold for entering parliament is 4 per cent [14].

In Ukraine, the second condition relates to the need for a political party that meets the first criterion to comply with several additional requirements. In particular, such a party must open a separate account in the national currency of Ukraine with a Ukrainian bank in order to receive funds from the state budget allocated for the state funding of its statutory activities, and the party leader or another person authorised by the party must submit to the National Agency on Corruption Prevention (NACP) a certificate from the bank confirming the opening of such an account. If these conditions are met, the NACP, within five days of the official announcement of the results of the elections of the People's Deputies of Ukraine, adopts a decision on the provision of state funding to the political party for its statutory activities [1].

A similar requirement is imposed on political parties in Latvia, where they must submit a written application to the Corruption Prevention and Combating Bureau within 20 days of the announcement of the election results, indicating the name, registration number and account number of the political party [11]. Obviously, this requirement is intended to facilitate state control over the targeted use of public funds.

In Ukraine, the basis for calculating the amount of state funding for the statutory activities of specific political parties during the year is the determination of the relevant annual amount using the formula laid down in the law, which is as follows: $A = 0.01 \times M \times V$, where A is the annual amount of state funding for the statutory activities of political parties; M is the minimum wage set on 1 January of the year preceding the year of allocation of state budget funds; and V is the total number of voters who participated in voting in the nationwide multi-member electoral district in the last regular or early elections of the People's Deputies of Ukraine [1].

In other words, the total annual amount of state funding for the statutory activities of all political parties takes into account both the number of votes cast for parties that will receive state funding and the number of votes cast for parties that participated in the elections but will not be represented in parliament and will not receive such funding. In addition, the conditional "price per vote" is uniform and clearly defined, with the possibility of adjustment through changes in the minimum wage.

The algorithm for calculating the amount of state support for parties in Poland [6], Bulgaria [13] and Latvia [11] does not provide for the calculation of a single total annual amount, since state funding for each party is calculated individually in accordance with statutory requirements, as discussed below. However, in Latvia the legislator has set a maximum possible annual level of state support that may be allocated to a single political organisation (party), namely 1,600 minimum monthly wages [11].

In Germany, the procedure for calculating the amount of partial state funding for political parties likewise does not require the determination of an overall annual amount to be distributed among the parties. However, German legislation employs the concepts of an "absolute limit" and a "relative limit" of partial state funding. The "absolute limit" refers to the maximum annual amount of public funds that may be paid to all parties in a given year. As of 2018, this amount was EUR 184,793,822 and must be reviewed annually, taking into account inflation indicators, in accordance with a legally established formula [8]. In 2025, this amount was increased to EUR 225,383,763 [15]. In addition, federal law establishes a "relative limit", meaning that the amount of partial state funding received by a party may not exceed the amount of that party's income from self-financing and private funding [8].

The PACE Recommendation on the financing of political parties emphasises that state funding should be determined in proportion to the political support enjoyed by a party [4]. The Venice Commission's position on this issue is that there is no universal system for the distribution of state funds: the allocation of financial resources may be based either on complete equality or on the principle of proportionality, i. e. on the results obtained by parties in elections or on the proven level of support they enjoy among citizens [5].

In Ukraine, funds allocated from the state budget to finance the statutory activities of political parties are distributed among them by the NACP in two stages. At the first stage, the possibility of distributing 10 per cent of the annual amount of state funding for statutory activities equally is verified in accordance with the formula: $G = (A \times 0.1) / X$, where G is the share to be paid to each party that meets the following requirements; A is the annual amount of state funding for the statutory activities of political parties; and X is the number of parties that have obtained the right to state funding and for which the number of representatives of one gender among the elected People's Deputies of Ukraine who have assumed their powers does not exceed two-thirds of the total number of People's Deputies of Ukraine elected from that political party. If none of the political parties meets these requirements, no state budget funds are allocated for such funding, and the NACP adopts a decision to that effect [1].

This provision of the Law of Ukraine "On Political Parties in Ukraine" is obviously due to the legislator's attempt to take into account the requirements of a number of international legal acts on equal rights for women and men and the prohibition of discrimination in any form [16; 17; 18; 19; 20]. In Recommendation Rec (2003)3 of the Committee of Ministers of the Council of Europe to member states "On the balanced participation of women and men in political and public decision-making", member states are, inter alia, encouraged to consider the possibility of state funding for political parties that promote gender equality [21]. As the Venice Commission has noted, the allocation of additional funds to support parties from which women candidates are nominated cannot be classified as a discriminatory measure [5].

At the second stage of distribution, either 100 per cent or 90 per cent of the annual amount of state funding for the statutory activities of political parties is subject to allocation, depending on whether

the distribution of 10 per cent of the annual amount took place at the first stage. The calculation of the amount of state funding at this stage may be expressed by the following formula: $B = (A - (G \times X)) \times V_n / V_\Sigma$, where B is the amount of state funding for the statutory activities of a particular political party; A is the annual amount of state funding for the statutory activities of political parties; X is the number of parties that participated in the distribution of 10 per cent of the annual amount at the first stage; V_n is the number of valid votes cast by voters in favour of the party concerned; and V_Σ is the total number of valid votes cast in favour of all parties that have obtained the right to state funding [1].

Thus, the Ukrainian system of distributing state funding for parties is based on a calculation method that is, to some extent, inequitable: the annual amount is determined on the basis of the total number of votes cast for all parties that participated in the elections, while this amount is distributed only among those parties that participated in the distribution of parliamentary seats, in proportion to the number of votes cast in their favour.

In Poland, the amount of annual funding for parties from the state budget is determined by the formula $S = W1 \times M1 + W2 \times M2 + W3 \times M3 + W4 \times M4 + W5 \times M5$, where S is the amount of annual subsidies; W1–W5 are the numbers of votes; and M1–M5 are the amounts paid per vote according to the following criteria: up to 5 per cent – PLN 5.77 per vote; from 5 to 10 per cent – PLN 4.61 per vote; from 10 to 20 per cent – PLN 4.04 per vote; from 20 to 30 per cent – PLN 2.31 per vote; and over 30 per cent – PLN 0.87 per vote [6].

In other words, the law provides for gradual degression [22, p. 85]. This degression rule means that the subsidy is lower than the election result expressed in percentage terms: the differences in the level of party funding through subsidies are smaller than the differences in their electoral support. For example, if a party received 6 per cent of the votes, the rate of PLN 5.77 is multiplied by the number of votes corresponding to 5 per cent of all valid votes, and the rate of PLN 4.61 is applied to the remainder corresponding to 1 per cent of all valid votes. The subsidy is the sum of these two products [23, p. 17].

As can be seen, Polish legislation establishes a differentiated "price per vote" [22, p. 85] depending on the total number of votes cast, whereby the higher the percentage of votes received, the lower the "price" per vote. This practice has been criticised by some scholars, who argue that it violates the principle of the equality of votes [24, p. 249].

In Germany, the procedure for determining the amount of state funding for political parties is also quite complex. As already mentioned, the level of funding depends not only on the number of votes received by the party in the last election, but also on the amount of political donations it has collected. Parties receive annual state funding of EUR 0.83 for each vote obtained in elections and EUR 0.45 for each euro they receive in donations, with individual contributions not exceeding EUR 3,300 being taken into account. If a party has up to four million valid votes, it receives EUR 1 for each vote. Moreover, since 2017 the amount of funding per vote has been subject to annual review in accordance with the rules governing the revision of the "absolute limit" mentioned above [8]. As of 2025, parties receive EUR 1.21 per vote for the first four million votes and EUR 0.99 per vote for votes above that threshold [15].

The practice of linking the amount of state funding to the volume of donations is quite interesting and provides a significant incentive for political parties to attract as wide a range of private donors as possible who make small contributions.

In Latvia, in accordance with Article 7-1 of the Law on the Financing of Political Organisations (Parties), funding from the state budget during a calendar year is provided to political parties in the amount of 0.9 per cent of the minimum monthly wage for each vote received in the last elections to the Saeima; 0.1 per cent for each vote received in the last local council elections; and 0.1 per cent for each vote received in the last elections to the European Parliament. In addition, political parties that received more than 5 per cent of the vote in the last elections to the Saeima receive state budget funding in the amount of 200 minimum monthly wages during the calendar year [11].

The system of state funding for parties in Bulgaria is rather unusual. Its main feature is that the Bulgarian Law on Political Parties [13] defines only the formula for calculating the annual amount of state subsidies for each political party or coalition, but does not itself establish a fixed "price per vote". The annual amount of the state subsidy for each political party is determined by multiplying

the actual number of votes received by the respective party by the amount of the state subsidy per vote, the latter being determined each year by the State Budget Act of the Republic of Bulgaria [13]. In other words, actual state funding of political parties is fixed annually in the State Budget Act, which could potentially lead to abuses by political forces holding a majority in parliament.

5. Conclusions.

Unlike in many EU countries, the right to state support in Ukraine functions de facto as a privilege for parliamentary parties, which leads to a financial gap between them and non-parliamentary political forces, undermines the competitiveness of the latter in political competition and makes the algorithm for distributing budget funds appear rather unfair. A study of EU legislation shows that the right to state funding should be granted and maintained both for political parties that have participated in the distribution of parliamentary seats and for those that are not represented in the national parliament. Such an approach would be in line with the recommendations of authoritative international organisations and would allow new or small parties to compete with financially powerful political forces.

The procedure for the distribution of state funding also needs to be significantly revised. At a minimum, it is necessary either to calculate the annual amount of state funding for the statutory activities of political parties by reference only to the number of valid votes cast for those parties that have acquired the right to state funding, or to calculate the amount of state funding for each party in proportion to the number of valid votes cast for the lists of all political parties that participated in the elections.

The most appropriate option for optimising the algorithm for the distribution of funds could consist in the following legislative changes: abandoning the determination of a single total annual amount of state funding while retaining the calculation of a "price per vote"; introducing a distribution system based on the product of the number of votes received by a party and a fixed "price per vote"; and the gradual introduction of constraints such as the German "relative limit", combined with a matching mechanism whereby each hryvnia contributed by supporters is reflected in the calculation of state funding. The latter would encourage parties to seek small donations and prevent political forces from becoming dependent on budget funds. At the same time, the phenomenon of the degression of the "price per vote" and the establishment of a maximum amount of funds that may be provided to all political parties within the framework of state funding require further in-depth research.

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