



ODIHR LIMITED ELECTION OBSERVATION MISSION Ukraine – Local Elections, 25 October 2020

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

The 25 October 2020 local elections in Ukraine were particularly important following recent decentralization reforms that devolved significant powers and resources to local governments. The elections were conducted under a substantially revised legal framework which, despite some improvements, requires further refinement to address remaining shortcomings. The Central Election Commission administered the elections professionally and efficiently, despite the challenges posed by the COVID-19 pandemic, but the work of territorial commissions was often politicized and was negatively affected by frequent replacements of their members. Contestants were able to campaign freely, but cases of abuse of state resources and of office and widespread allegations of vote-buying were of concern. Private media failed to consistently provide unbiased and balanced coverage of electoral contestants, which detracted from the ability of voters to make a fully informed choice. In the limited number of polling stations visited by the ODIHR LEOM on election day, the process was generally calm, well-organized and transparent, and procedures were mostly followed.

The local elections were conducted under a substantially revised legal framework. In line with a long-standing ODIHR recommendation to consolidate several electoral laws, a new Election Code was adopted in December 2019, following an overall inclusive but politicized process. Subsequent amendments to the Code addressed some deficiencies that originated from its expeditious adoption while also introducing new substantive changes, including changes to the electoral system shortly prior to the elections, at odds with international good practice. The revised Code does not address a number of ODIHR's long-standing priority recommendations, and the law does not ensure the integrity of key components of the electoral process. Some changes were criticized by interlocutors for increasing party influence over local self-governance. Positively, the revised legal framework introduced an inclusive gender quota for candidate lists, revised sanctions for electoral offences, and facilitated the change of electoral address, which eased the participation of citizens unable to vote at their registered address, including economic migrants and internally displaced persons (IDPs). The manner in which election districts were determined did not follow legal requirements and international standards, and did not always guarantee the equality of the vote.

The elections took place in the context of ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean peninsula by the Russian Federation. No elections were held in the Crimean peninsula and in parts of the Donetsk and Luhansk *oblasts* (regions), including in 18 government-controlled territorial communities. The legal framework for the decisions to not hold elections lacked transparent criteria and did not provide sufficient safeguards for suffrage rights, which impacted public trust.

Overall, the Central Election Commission (CEC) met all legal deadlines and operated in an impartial, open and transparent manner. However, the substantive and ongoing legislative changes, the recent administrative-territorial reforms and the public health crisis created challenges to the election administration at all levels. Lower-level commissions implemented most procedures adequately and on schedule, but often lacked professionalism and at times took politically motivated decisions. The extensive replacement of commission members by their nominating party negatively affected the independence, impartiality and operations of Territorial Election Commissions (TECs) and diminished the value of trainings on complex electoral procedures. Not all commissions received sufficient funds to implement the anti-epidemic measures promulgated by

the government. Only 5 of 17 CEC members are women; women constituted a majority of lower commission members.

The State Voter Register is maintained by the CEC and regional maintenance bodies and its accuracy generally enjoyed confidence from stakeholders met by the ODIHR LEOM. Citizens declared incapacitated by a court on the basis of intellectual or psychosocial disability were not eligible to vote, at odds with international obligations. New legal provisions simplified the procedure for voters to change their electoral address, addressing previous ODIHR recommendations, but only 101,687 voters used this opportunity, and there were allegations of abuse. Concerns remain about the estimated 20,000–40,000 Roma citizens who are excluded from the voter register due to lack of identity documents.

Candidate registration was conducted in a largely inclusive manner, but TECs did not have a unified approach to registration documents and some rejections appeared politically motivated, contrary to OSCE commitments and international standards. Independent candidates could only stand for mayor, or for councilor in small communities, challenging OSCE commitments. Candidates from national minorities were nominated by the main national parties in addition to local parties. Positively, the new Election Code introduced stricter gender requirements for electoral lists in council elections, but due to a gap in its regulation, 977 lists were registered even though they did not comply with the gender quota.

The election campaign was generally calm and all contestants were able to campaign freely. However, the COVID-19 pandemic impacted the campaign environment and limited contestants' ability to conduct larger-scale campaign events, resulting in an extended use of social media and online advertising. The ODIHR LEOM noted cases of abuse of state resources and of office, including by *oblast* and city administrations, and received widespread allegations of vote-buying. President Volodymyr Zelenskyy introduced opinion polls at polling stations on election day, funded by his party and related to his administration's policy initiatives, which appeared to create an undue political advantage and blurred the separation of state and party.

The campaign finance regulatory framework does not ensure accurate reporting, timely disclosure, meaningful oversight, or accountability for irregularities. Campaign materials often lacked required information, which prevented traceability of related expenditures. ODIHR LEOM interlocutors pointed to the frequent use of charity funds and NGOs affiliated with candidates for campaign purposes, which is prohibited by law. Donation limits could be easily circumvented and the absence of campaign expenditure ceilings provided no safeguards against excessive spending, at odds with international good practice. TECs must receive, analyze, and publish contestants' campaign finance reports but did not generally possess the required capacity or expertise. Not all TECs or local party organizations published interim reports as required by law, reducing transparency. The oversight role of the National Agency for Prevention of Corruption was limited due to an overall lack of capacity and the absence of regional offices, which undermined effective oversight.

The media landscape is diverse but characterized by a high concentration of politically vested ownership at both national and regional levels, which contributes to the political polarization of reporting and lack of trust in the media sector. The Constitution guarantees the freedom of expression and prohibits censorship, and the legal framework provides for general media freedoms and conditions for equitable and unbiased coverage of electoral contestants. The new Election Code failed to expand the enforcement tools of the media regulator as previously recommended by ODIHR. Private media monitored by the LEOM failed to consistently comply with legal obligations for unbiased and balanced coverage of electoral contestants, which together with a high volume of

unmarked promotional materials in broadcast media detracted from the ability of voters to make a fully informed choice.

Mechanisms for electoral dispute resolution are in place, but lack of transparency, public distrust in the judiciary, and inconsistent implementation of law reduced its effectiveness. Concurrent jurisdiction of courts and election commissions for most complaints allows applicants' discretion, and voters' legal standing in election-related disputes is limited to protection of individual rights, contrary to international good practice and long-standing ODIHR recommendations. Courts generally adhered to expedited deadlines for election dispute resolution. However, strict admissibility requirements for complaints resulted in the dismissal of most complaints by the CEC, limiting effective legal redress. Police initiated many criminal cases concerning alleged vote-buying, candidate bribery and obstruction of voting rights, a majority of which did not reach courts prior to election day.

The Election Code provides for citizen and international election observation. In addition to recognized citizen observer organizations, the large majority of registered national organizations appeared to be linked to political parties or candidates, contradicting principles for non-partisan citizen election observation. Citizens of countries determined by the parliament to be aggressor or occupying states are prohibited from registering as international observers, contrary to OSCE commitments.

In line with ODIHR methodology, the ODIHR LEOM did not observe election-day proceedings in a systematic or comprehensive manner. In the limited number of polling stations visited, the voting process was generally calm, well-organized and transparent, and prescribed procedures were mostly followed. Mitigating measures against COVID-19 were in place, but social distancing was not always respected, and personal protective equipment was not consistently used. The vote counts observed were often lengthy, but mostly orderly and transparent, with procedures generally followed. In the few cases observed, the initial stages of the tabulation process were mostly assessed as organized and calm. Party observers participated in the counting process in several cases. Voter turnout, as announced by the CEC on election night, was 36.99 per cent.

PRELIMINARY FINDINGS

Background and Political Context

The *Verkhovna Rada* (parliament) on 16 July 2020 called local elections for 25 October. The elections were held to elect councils and mayors within a new structure of administrative-territorial division adopted a few months prior to the elections.¹

The 2019 presidential and parliamentary elections resulted in a change of political landscape and the dominance of President Volodymyr Zelenskyy and his Servant of the People (SP) party in national politics.² The political context of these elections was widely seen as a continued effort by SP to consolidate power and establish a significant presence in local self-government bodies, while other parties aimed to preserve their positions in the regions and challenge the dominance of the

¹ According to [Resolution of the Parliament No. 807-IX "On Rayons Formation and Liquidation"](#) of 17 July 2020, the previous 490 districts (*rayons*) subordinated to regions (*oblasts*) were consolidated into 136 *rayons*.

² In the current composition of the *Verkhovna Rada*, out of a total of 423 seats, SP have 246, Opposition Platform for Life – 44, European Solidarity – 27, Fatherland – 24, For the Future – 24, Trust – 24, Voice – 19, non-affiliated – 19. Women deputies account for 87 members, or some 20 per cent.

ruling party. The ongoing decentralization reform included discussions over the division of powers between central and local authorities. The increased authority at local levels, including the transfer of ownership of public land and the introduction of taxation authority, was expected to increase competition among political and business elites in the elections.

The elections took place in the context of ongoing armed conflict and other hostilities in the east of the country and the illegal annexation of the Crimean peninsula by the Russian Federation. Despite a nominal ceasefire that has been in effect for five years, the situation in conflict-affected parts of eastern Ukraine remains tense and volatile and is characterized by persistent attacks on fundamental freedoms and a deteriorating humanitarian situation.³ No elections were held in the Crimean peninsula and in certain parts of the Donetsk and Luhansk *oblasts* (regions) which have been declared by the parliament as temporarily occupied territories.⁴ Based on information received from the respective civil-military administrations in government-controlled areas affected by the conflict, on 8 August, the CEC announced that local elections will not be held in 18 territorial communities in Donetsk and Luhansk *oblasts*⁵, which effectively disenfranchised some 500,000 voters.⁶ The recommendations and decisions by the respective authorities not to hold elections lacked transparent criteria, which undermined public trust in the process, in particular with respect to decisions not to organize elections in certain communities where the 2019 elections were held. The legal framework, as currently implemented, did not provide sufficient safeguards for suffrage rights, and constitutional limitations on derogation were not adhered to, which raised public concerns about the legitimacy of the decisions.⁷

Legal Framework and Electoral System

The local elections were conducted under a substantially amended legal framework that includes the Constitution, the new Election Code, the Law on the Central Election Commission and the Law on the State Voter Register, and is supplemented by regulations of the CEC.⁸ The constitutional

³ See previous [UN Office of the High Commissioner for Human Rights reports on Ukraine](#).

⁴ See the [15 July 2020 Resolution no. 795-IX](#), which explicitly excluded elections in Crimea and in certain parts of Donetsk and Luhansk regions (*oblasts*), which are declared by the parliament as temporarily occupied territories.

⁵ *Rayon*-level elections were conducted, but voters from these areas did not participate, as the polling stations were not established. See CEC Resolution no. 176 of 14 August, and Articles 205 and 255 of the Election Code.

⁶ See [Resolution no. 161](#). The CEC published on its website the reports it received from the civil-military administrations of [Donetsk oblast](#) and [Luhansk oblast](#). The CMA's reports do not contain the criteria and methodology under which the security situation was assessed, or its dynamics since the 2019 elections. The conduct of local elections is contingent on the implementation of conditions stipulated in the Law on Interim Local Self-government Order in Certain Areas of Donetsk and Luhansk Regions, including non-interference of military groups into the electoral process and consultations with representatives of these communities; the latter condition is currently substituted by the assessments of CMAs.

⁷ Article 4(1) of the 1966 International Covenant on Civil and Political Rights ([ICCPR](#)) allows for derogation from human rights “[i]n time of public emergency [...] the existence of which is officially proclaimed”; paragraph 25.1 of the [1990 OSCE Copenhagen Document](#) requires that “measures derogating from [international human rights] obligations must be taken in strict conformity with the procedural requirements laid down in those instruments”, see also paragraph 25.2. See also article 15 of the [1950 European Convention on Human Rights](#).

⁸ The reform affected the entire legal framework relevant to elections, including the Law on Political Parties, the Code of Administrative Offenses, and the Criminal Code, as well as the anti-corruption legal framework and regulations on the territorial and administrative division of the country, local self-government, and civil-military administrations (CMAs) in Donetsk and Luhansk *oblasts*. Draft laws pending in parliament extend the grounds for forming CMAs where elections could not be organized and concern competences of *rayon* and *oblast* councils and city mayors.

guarantees of suffrage, political participation and association remain subject to limitations.⁹ Electoral reform has been conducted concurrently with constitutional¹⁰ and administrative¹¹ reforms, affecting the systems of local government and their respective electoral processes. The reforms were criticized by many ODIHR LEOM interlocutors for promoting centralization of political powers and discouraging grassroots political activity due to limitations on independent candidatures and the blurred competences of rayon-level local self-government. Interlocutors also noted a top-down approach to the reform process, which failed to genuinely reflect the will of local communities.

In line with a long-standing ODIHR recommendation to consolidate regulations for all types of elections, a new Election Code was adopted in December 2019, following an overall inclusive but politicized process. Subsequently, the legislation was changed to address deficiencies originating from the expeditious adoption of the Code, but these changes also altered fundamental elements of the electoral system, which ODIHR LEOM interlocutors attributed to political interests.¹² In July 2020, in a vast number of communities the electoral system was changed and the possibility for independent candidatures was eliminated, at odds with international good practice requiring stability of fundamental elements of the electoral system.¹³ Some aspects of candidate nomination were further amended after the registration process had started. The parliament's attempts to further amend the Code throughout the electoral process were stalled by COVID-19 related interruptions in its work.

Despite revision, the new Election Code does not address a number of ODIHR's long-standing priority recommendations, including those related to the appointment and replacement of election commission members, transparency and clarity of dispute-resolution mechanisms, meaningful campaign finance oversight, and media regulations. The law does not ensure the integrity of key components of the electoral process, including delineation of electoral districts, candidate nomination, counting and tabulation, necessitating clarifications by the CEC, which at times

⁹ The Election Code restricted the nomination of candidates in line with provisions of the Law on Condemnation of Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibition of their Symbols, which have been [assessed](#) by ODIHR and the Council of Europe's European Commission for Democracy Through Law (Venice Commission) as not being fully in line with regional and international human rights instruments. The laws on the status of the occupied territories and their local administration, as well as the respective resolutions by the *Verkhovna Rada* (parliament) and the CEC, allowed only first-time elections in some territories.

¹⁰ Since the 2019 presidential election, eight proposals for constitutional amendments were submitted to the parliament by the president. Some of them were criticized for lack of inclusive consultations and for potentially creating a disbalance of power by strengthening the presidential office and were subsequently revoked. Some amendments, including on a decrease in the number of MPs and a change to the proportional system in parliamentary elections, have received preliminary approval by the parliament, despite Constitutional Court conclusions against a reduction in the number of MPs. Amendments introduced into the Constitution in 2016 and 2019 *inter alia* granted individuals the right to address the Constitutional Court and limited the immunity of MPs.

¹¹ The decentralization reform was to be finalized with the adoption of the Law on the Foundations of the Administrative Division of Ukraine that was withdrawn twice from parliamentary procedure, in January and September 2020. The administrative division was finalized by resolutions of the Cabinet of Ministers, borders of *hromadas* were delineated in July 2020, which led to several amendments of [CEC Resolution no. 117](#) on polling stations.

¹² Paragraph 58 of the [2016 Venice Commission Rule of Law Checklist](#) states "[...]the law must, where possible, be proclaimed in advance of implementation and be foreseeable as to its effects: it must also be formulated with sufficient precision and clarity to enable legal subjects to regulate their conduct in conformity with it".

¹³ Paragraph II.2.b of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) states that "the fundamental elements of electoral law, in particular the electoral system, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendments less than one year before an election".

provided contradictory instructions.¹⁴ Positively, the revised legal framework introduced an inclusive gender quota for candidate lists, facilitated the change of electoral address, enfranchising internally displaced persons (IDPs) and other groups of voters, and introduced more proportionate sanctions for electoral offences.

Most ODIHR LEOM interlocutors opined that the convoluted and complicated legislation does not ensure general understanding of the electoral system and procedures, thus undermining public trust in the process. The late adoption, gaps and ambiguous formulations of the Election Code resulted in inconsistent implementation.¹⁵ The unfinished reform of the electoral legal framework limited legal certainty and the predictability of applicable legislation, at odds with international standards and good practice. Five days prior to the elections, an MP of the ruling party, without general party support, introduced a draft law which would amend the parliamentary resolution calling the elections to cancel the conduct of the second round due to COVID-19; the draft law was eventually withdrawn, but created some legal uncertainty in the days prior to the first round.

Local self-government bodies are directly elected for a five-year term. Mayors are directly elected under a one-round plurality system in administrative units with fewer than 75,000 voters, and absolute majority was required in 37 cities with 75,000 and more voters, with a second round if no candidate wins in the first. Councilors in communities with fewer than 10,000 voters are elected in a relative majority system in which two to four councilors are elected from each multi-member constituency; the candidates with the highest numbers of votes receive seats until all seats are filled. The Election Code determines the number of councilors in relation to the size of the respective electorate.¹⁶

Councilors in *oblasts*, *rayons*, cities, and city *rayons* with 10,000 or more voters are elected under a proportional representation system with open lists in multi-member constituencies. Political parties compete by putting forward a unified candidate list for the entire district, as well as additional lists of designated candidates drawn from the unified lists for each territorial constituency within the district. Parties that receive 5 per cent of valid votes participate in the distribution of mandates. The mandates are distributed under the *Hare-Niemeyer* method of largest remainder. The open list system only applies to candidates who achieve 25 per cent of the electoral quota (i.e. the 'cost' of a mandate). In case the number of mandates won by a party per territorial district is higher, the remaining mandates are distributed according to the order of candidates on the territorial and unified lists, as determined by the party. In addition, parties determine the heads of the lists, who are guaranteed a seat, irrespective of the outcome on the open lists.

¹⁴ In the absence of legal amendments, the CEC adopted additional regulations regarding the validity of ballots, admissibility of identity documents and acceptable discrepancies in electoral and registered addresses of voters for voting, as well as a request for governmental agencies to adopt and implement measures for ensuring epidemiological safety during the elections. The [CEC Resolution no. 204](#) of 28 August extended the list of criteria for delineation of electoral districts beyond the scope of the Election Code; see also Resolutions no. 193 of 21 August on financial deposits for local elections and no. 258 of 14 September on indirect vote-buying.

¹⁵ Including implementation of rules on delineation of electoral districts in communities with a proportional representation system, assessment of candidate nominations by election commissions (see *Candidate Registration*), electoral dispute resolution, in particular with respect to admissibility criteria (see *Complaints and Appeals*).

¹⁶ The composition of local councils varies from 22 councilors in communities below 10,000 voters to 120 councilors in communities with over 2 million voters. The system allows substantial difference in representation of similar-sized communities (e.g. in communities with 249,000 and 251,000 voters the difference in representation would constitute 12 mandates, while communities with some 50 per cent difference in the number of voters will be represented by the equally numbered councils).

The formation of electoral districts affords vast discretion to the TECs and, in light of TECs' political nomination, did not enjoy public trust and led to disputes (see *Complaints and Appeals*). Delineation of electoral districts by politically nominated bodies is not in line with international good practice. For elections of upper-level councils and in locations with 10,000 or more voters, the Election Code recommends electoral districts to be aligned with territorial-administrative units and allows a two district deviation.¹⁷ The Code requires that equality of the vote be retained across constituencies in the same district, in relation to the number of mandates per constituency, with a maximum deviation of 15 per cent from the average number of voters per mandate for the council elections in locations with up to 10,000 voters.¹⁸ Many of these electoral districts failed to ensure equal suffrage, at odds with paragraph 7.3 of the 1990 OSCE Copenhagen Document and international good practice.¹⁹

Parties' influence on local councils was further strengthened with the 17 July amendments to the Law on the Status of Councillors that entitled political parties to trigger the imperative mandate mechanism, at odds with international standards.²⁰ Thus, nominating parties can initiate the recall of elected deputies by signature collection for, *inter alia*, their failure to duly implement party programmes.

Election Administration

The local elections were administered by the CEC, 1,642 Territorial Election Commissions (TECs) corresponding to the new territorial-administrative divisions, and 29,084 Precinct Election Commissions (PECs).²¹ In the election administration, only 5 of 17 members of the CEC are women; women constituted a majority of lower commission members.²² The CEC in its current composition was appointed in October 2019; the previous CEC was dismissed before the expiration of its mandate following the 2019 parliamentary elections.²³ According to media reports which were partially corroborated by the CEC chairperson, the president's office unsuccessfully pressured the

¹⁷ The territory of the community electing the council is divided into constituencies. The number of constituencies is determined by dividing the number of councilors by the quotient of 3 for communities with less than 10,000 registered voters, or by 10 for communities with 10,000 or more registered voters. The TECs have discretion to divide the territory of the community into the exact number of districts, plus or minus two districts.

¹⁸ See also section I.2.2.vii. of the [2002 Code of Good Practice](#) and paragraph 17 of its Explanatory Report which recommend reconsideration of election districts boundaries outside election period in a non-partisan process and allows a 10 per cent deviation within the electoral districts. See also the [2017 Venice Commission Report on Constituency Delineation and Seat Allocation](#).

¹⁹ For example, discrepancies were identified in 50 districts in Dnipropetrovsk oblast, 29 districts in Odesa oblast, 26 districts in Volyn oblast, and 34 in Zaporizhzhia oblast. In paragraph 7.3 of the [1990 OSCE Copenhagen Document](#), OSCE participating States committed themselves to "guarantee universal and equal suffrage to adult citizens".

²⁰ Paragraph 7.9 of the [1990 OSCE Copenhagen Document](#) commits OSCE participating States to "ensure that candidates who obtain the necessary number of votes required by law are duly installed in office and are permitted to remain in office until their term expires or is otherwise brought to an end in a manner that is regulated by law in conformity with democratic parliamentary and constitutional procedures". See also Article 3 of Protocol 1 to the [ECHR](#), the [2009 Venice Commission Report on the Imperative Mandate and Similar Practices](#) and the [2019 Venice Commission Amicus Curiae Brief for the Constitutional Court of Ukraine on Draft Law 1027 on the Early Termination of the Deputy's Mandate](#).

²¹ Including 928 special polling stations established in hospitals in inpatient care facilities handling COVID-19 cases.

²² Some 74 per cent of all TEC members in the first-level commissions (532 TECs) were women. Some 67 per cent of chairpersons, 75 percent of deputy chairpersons, and 82 per cent of secretaries of TECs were women.

²³ The CEC is appointed by parliament on the basis of nominations by the president.

CEC chairperson and three members to resign ahead of the elections, raising concerns about attempts to undermine the independence of the election administration.²⁴

Overall, the CEC met all legal deadlines, operated with impartiality and openness, and enjoyed a high level of trust among most ODIHR LEOM interlocutors. Most CEC decisions were posted on its website, enhancing transparency. Sessions of the CEC were streamed on the commission's website and later uploaded to its YouTube channel. The CEC also launched extensive voter education campaigns, including on its social media and its educational online platform (*Prosvita*) with trainings for election commissioners and voters.²⁵ However, the CEC's formal sessions often lacked substantive debate, which took place at working sessions without public attendance, detracting from the overall transparency of its work.

TEC and PEC members were nominated by local organizations of political parties with a faction in the *Verkhovna Rada* or those with a declared political co-operation with a group of MPs, as well as by local organizations of non-parliamentary parties registered in the respective administrative subdivision.²⁶ PEC members could also be nominated by independent candidates. ODIHR LEOM interlocutors criticized the nomination process for election commissions, particularly the lack of required professional criteria and the broadened possibility for politicization of commissions by allowing MP groups to nominate TEC and PEC members. The ODIHR LEOM received allegations and observed politicization and personal conflicts within election commissions and lack of professionalism of commissions, including TEC members' non-participation in sessions and other obligations.²⁷ PECs were established on schedule, but some TECs reported to the ODIHR LEOM that PEC members lacked knowledge and experience. Many party nominees refused to serve as PEC members, and some appointed PEC members later resigned, for various reasons including fear of COVID-19, low salaries, complexity of the electoral procedures, and long travel distance to PECs.

On 14 September, the Cabinet of Ministers approved Resolution no. 846, which identified anti-epidemic measures to be implemented during the conduct of elections and assigned the related

²⁴ See the [14 August media report](#), the [presidential administration's response](#), and the [response of the CEC chairperson](#).

²⁵ The CEC used TV and Internet, including Facebook and YouTube, for its information campaign.

²⁶ [CEC Resolution no. 156](#) of 1 August 2020 acknowledged that the administrative-territorial reform created gaps and challenges in the application of the Election Code and partially clarified, based on guidance from the Ministry of Justice, certain conditions for nominations from local party organizations. If members of an election commission are nominated by more than one organization of the same political party, the candidacy submitted by the higher-level party organization shall be taken into account. On 10 August, the CEC established the composition of 532 TECs of regions, districts, cities of *oblast* significance, and Kyiv and its districts; these TECs subsequently established the TECs for remaining cities and smaller communities. All TECs established the respective PECs by 9 October.

²⁷ Vasytkiv city TEC (*Kyiv oblast*), Rubizhne city TEC (*Luhansk oblast*), Odesa city TECs and Tairove settlement TEC (*Odesa oblast*), Berdyansk city TEC (*Zaporizhzhia oblast*), Kaharlyk TEC (*Kyiv oblast*), Lviv city TEC (*Lviv oblast*) and the Ivano-Frankivsk *oblast* TEC were dissolved and re-established by the CEC for failure to fulfil their mandate; the Mykolaiv city TEC became dysfunctional following an internal political conflict. ODIHR LEOM LTOs received complaints by TEC chairpersons about continuous absence of some members in Voronkivi village TEC (*Chernihiv oblast*), Myronivka and Kaharlyk city TECs and the Kalyta settlement TEC (*Kyiv oblast*), Kovel city TEC (*Volyn oblast*), and several *rayon* and city TECs in Kherson and Odesa *oblasts*. In Mohyliv-Podilskyi city TEC the ODIHR LEOM observed attempts by TEC members to disrupt the session, and internal conflicts in the TEC led to the dismissal of several TEC members.

expenditures to the budgets of local administrations.²⁸ Specifically, this resolution extended mobile voting to voters with symptoms of respiratory diseases, allowed commissions to conduct health-assessment procedures on voters, and established protective measures for election administration members and the organization of voting and commission premises. Some crucial issues were regulated and implemented with a significant delay, including the procurement of personal protective equipment, undermining the efficiency and effectiveness of preparations. On 22 October, the CEC adopted a resolution further specifying anti-epidemic measures. Several TECs informed the ODIHR LEOM of inadequate or late receipt of funds to implement anti-epidemic measures, while others found the funding sufficient.²⁹

Several issues remained challenging for the election administration, including those connected to the complex electoral system and the reformed territorial-administrative system (such as the number of elections, complexity of the ballot, establishing new electoral districts) and the lack of sufficient human and technical capacity at TEC and PEC level. The planned establishment of CEC regional offices did not take place prior to the elections. The CEC's 'Vybory' information system, used in previous elections for the tabulation and transmission of results, could not be used due to lack of time and funds to update the software to accommodate the complicated electoral system.³⁰ The CEC issued several resolutions and prepared manuals to clarify procedures related to voting, counting and transmission of results.³¹

The CEC conducted 462 online trainings for 8,968 TEC members and 366 trainings for PEC members.³² Several ODIHR LEOM interlocutors raised concerns about reduced interactions and attendance in non-mandatory online training compared to in-person trainings, and stressed that online trainings were particularly challenging for commission members in rural areas due to technical capacities. As in previous elections, a significant number of TEC and PEC members were replaced late in the process, mostly by their nominating party.³³ This practice, which ODIHR has previously recommended to address, negatively affected the independence and impartiality of TECs and the continuity of their operations, and also diminished the value of trainings.³⁴ At a majority of the 383 TECs met by the ODIHR LEOM, administrative preparations were implemented adequately

²⁸ Article 142 of the Constitution states that expenditures of bodies of local self-government that arise from decisions of bodies of state power shall be compensated by the state. On 10 October, the CEC applied to the Cabinet of Ministers and other relevant central and local bodies to urgently address the issue of creating appropriate conditions for the implementation of anti-epidemic measures during the organization and conduct of the elections.

²⁹ These interlocutors explained complications related to the allocation of local funds for this purpose, and that the resolution particularly affected smaller communities with smaller budgets.

³⁰ The CEC with the OSCE Project Co-ordinator in Ukraine launched a 'TEC Electronic Cabinet', an online resource for TECs to enter and process data from PECs. On 2 October, CEC Resolution no. 331 clarified that information entered and posted in the software is preliminary, without any legal consequences. TECs were instructed to send candidate registration, results data and other information to the CEC through the State Voter Register (SVR) information system.

³¹ For instance, on 10 October, the CEC adopted two resolutions on the procedures regarding marking the ballot and distribution of ballots by PEC members to voters.

³² Some international organizations and political parties also conducted trainings for TEC and PEC members.

³³ By law, nominating subjects are free to recall their nominees from commissions up to and after election day. By 25 October, the CEC had replaced 5,067 members of higher-level TECs. Of these, 337 are TEC chairpersons, 294 deputy chairpersons, 353 secretaries, and 4,083 members. ODIHR LEOM interlocutors described high rates of replacements of members of lower-level TEC and PEC members by the respective higher-level TECs.

³⁴ Section II.3.1.77 of the explanatory report of the [2002 Code of Good Practice](#) states that "bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable...".

and on schedule. However, several TECs complained that continuous procedural changes and lack of clarity on some issues of the electoral process negatively affected their work.³⁵

Voters who cannot independently cast their ballot could request assistance from another voter of their choice.³⁶ No assistive tools or technologies were provided in polling stations to enable voters with visual impairments to vote autonomously, but the Election Code mandates that informational materials should be produced in accessible formats for use before and on election day, taking into account requirements established by the CEC. ODIHR LEOM interlocutors noted that the complexity of the electoral system and of the territorial constituency ballots created particular challenges for voters with visual impairments and those with intellectual disabilities who retain voting rights.³⁷ In December 2019, the CEC created a working group on the electoral rights of persons with disabilities, with the participation of disabled persons' organizations. However, organizations met by the ODIHR LEOM explained that further efforts are required to enable the autonomous participation of voters with various kinds of disability, including legislative amendments to adjust national norms and standards to the requirements of universal design, which are beyond the CEC's mandate to implement.

Voter Registration

Citizens who were at least 18 years old on election day were eligible to vote, except those declared incapacitated by a court on the basis of intellectual or psychosocial disability.³⁸ Deprivation of the right to vote on the basis of disability is at odds with international obligations.³⁹ In addition, military conscripts and citizens living abroad or serving a prison sentence may not vote in local elections.

Voter registration is passive and continuous and voter lists for each precinct are extracted from a permanent State Voter Register (SVR). Amendments in July 2020 to the Law on the CEC liquidated the SVR Administration and shifted its authority to a new department within the CEC secretariat. The SVR is maintained by 27 Registration Administration Bodies (RABs) and 759 Register Maintenance Bodies (RMBs).⁴⁰ It is updated monthly based on data from different state institutions, and, as of 30 September, contained the records of 35,265,503 voters.⁴¹ Of these, 28.6 million voters had the right to vote and were registered in localities where the local elections took place. The publication of disaggregated registration statistics on the SVR website contributed to its transparency.

³⁵ Expected issues were related to election-day procedures, including filling out the ballot, determination of ballot validity, managing anti-epidemic procedures, and homebound voting for COVID-19 patients.

³⁶ The Election Code mandates that informational materials should be produced in accessible formats for use before and on election day, taking into account requirements established by the CEC.

³⁷ Articles 12 and 29 of the [2006 UN Convention on the Rights of Persons with Disabilities](#) (CRPD) require that "States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity" and ensure that "voting procedures, facilities and materials are appropriate, accessible and easy to understand and use".

³⁸ According to the CEC, this limitation affected 36,600 voters.

³⁹ Paragraph 9.4 of the [2013 CRPD Committee's Communication No. 4/2011](#) provides that "an exclusion of the right to vote on the basis of a perceived or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability". See also paragraph 48 of [2014 CRPD Committee's General Comment No. 1 to Article 12](#).

⁴⁰ Transitional provisions of the Election Code which did not apply to the local elections subsume the responsibilities of RABs and RMBs to the regional and territorial bodies of the CEC, once established.

⁴¹ Including the Civil Register Office, the Ministries of Defense and of Health, *rayon* courts, penitentiary institutions.

ODIHR LEOM interlocutors did not raise major concerns regarding the accuracy and inclusiveness of the SVR. However, interlocutors estimated that 20,000–40,000 Roma citizens remain excluded from the voter register due to lack of identity documents. International organizations have previously expressed concern about prevailing barriers to the access of personal documents for Roma citizens.⁴²

In line with 2020 amendments to the Law on the State Voter Register, the CEC simplified the procedure for voters to change their electoral address by abolishing the requirement to submit supporting documentation. This policy addressed previous ODIHR recommendations and was welcomed by most stakeholders as facilitating the participation of IDPs, economic migrants, and other citizens without a registered address. However, only 101,687 voters requested a change of their electoral address before the legal deadline of 10 September.⁴³ In several precincts, unusually high numbers of address change requests were observed.⁴⁴ The CEC published a list of PECs for which the number of requested changes exceeded 15 per cent of the total number of voters registered at that precinct, and called on citizen observers and party representatives to closely monitor the elections in these specific polling stations. The CEC also appealed to law enforcement bodies to investigate instances of a high number of such requests from identical IP addresses requesting a change of electoral address to the same households, in three communities in Odesa *oblast*. In the days prior to election day, citizen observer organizations reported high numbers of electoral address changes to small communities in Dnipro, Khmelnytsky, Kyiv, Lviv, and Odesa *oblasts*. The National Police declared that they were investigating cases of manipulation of voter registration data in Odesa, Ternopil and Zhytomyr *oblasts*.

Some RMBs and TECs met by the ODIHR LEOM reported initial confusion regarding the territory for which they were responsible following the territorial-administrative reform. The CEC adopted a clarifying resolution which linked each TEC to a specific RMB. Voter lists were compiled by RMBs for each election precinct under their responsibility and displayed at PEC premises for public review. Voters could request corrections until 20 October, including electronically, though few changes were requested. RMBs sent the updated voter lists to PECs by 23 October.

The SVR includes a special note for entries of voters with a permanent disability that affects their mobility (1.56 per cent of voters for these elections). Based on this information, PECs prepared and publicly displayed voter list extracts for the organization of mobile voting. ODIHR LEOM interlocutors criticized this lack of protection of voters' private data and the automatic assignment of mobile voting as stigmatizing for persons with disabilities.⁴⁵

⁴² See paragraph 15 of the [2020 UN Committee on Economic, Social and Cultural Rights' Concluding observations on the seventh periodic report](#), paragraph 12 of the [2013 UN Human Rights Committee \(CCPR\) Concluding observations on the seventh periodic report](#), and paragraphs 35 and 40 of the [1990 OSCE Copenhagen Document](#).

⁴³ According to civil society interlocutors and the head of the SVR Administration, the procedure was estimated to potentially enfranchise 3.5 million economic migrants, 1 million citizens without a registered address in the SVR, and 1.2 million IDPs whose residential address lies in temporarily occupied territories.

⁴⁴ According to the CEC, civil society organizations and ODIHR LEOM observations, unusual increases were registered in precincts in the following *oblasts (rayons)*: Cherkasy (Chyhyryn), Chernihiv (Chernihiv), Chernivtsi (Chernivtsi), Dnipropetrovsk (Kryvyi Rih, Synelnykove), Donetsk (Mariupol), Kherson (Skadovsk), Khmelnytsky (Slobidka-Kulchievetska), Kirovohrad (Kropyvnytskyi), Kyiv (Bila Tserkva, Boryspil, Brovary, Bucha, Fastiv, Obukhiv), Lviv (Drohobych, Lviv, Stryi), Odesa (Bilgorod-Dnistrovskyi, Odesa), Zakarpattia (Uzhhorod), and Zaporizhzhia (Shyrokyne, Zaporizhzhia).

⁴⁵ According to Article 29 of the [2006 CRPD](#), state parties shall “promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others”.

Candidate Registration

Citizens with the right to vote may be elected as a local council member or a village, settlement or city mayor, excluding persons stripped of legal capacity due to intellectual or psychosocial disabilities, at odds with international obligations. Citizens who have been convicted of a grave or especially grave crime, a crime against citizens' electoral rights, or a corruption crime, may not be elected, unless this record has been lifted or expunged; however, prospective candidates are not obliged to submit any documentation related to a criminal record. There is no requirement for residency within a respective community in order to stand for local office.

Candidate lists for council elections and mayoral candidates could be nominated by local branches of political parties in the corresponding election district.⁴⁶ Self-nomination of candidates was possible only for mayoral elections and for council elections in communities with fewer than 10,000 voters, challenging OSCE commitments.⁴⁷ A person may be nominated (by the same entity) or self-nominated as a candidate in a multi-member district in up to two different levels of local councils, or as mayor in addition to one local council. ODIHR LEOM interlocutors noted that the nomination process for partisan candidates is highly decentralized and often inextricably linked to local business interests, with various combinations of parties' pre-electoral alliances across regions.

Recent amendments to the Election Code generally reduced the amount of the financial deposit required for all contestants, but also introduced a deposit for elections in smaller communities, where no deposit was previously required.⁴⁸ ODIHR LEOM interlocutors did not raise major concerns related to the deposits; however, many noted that women are more affected by financial barriers to candidacy, and local councilors do not receive monetary compensation. In addition, some candidates from minority communities reported difficulties in personally paying the deposit introduced in smaller communities where there is no party structure.

TECs registered 278,859 candidates for council members (227,943 in proportional lists and 50,916 in multi-member constituencies) and 2,936 mayoral candidates. The CEC informed the ODIHR LEOM that 828 candidates from proportional council lists and 27 mayoral candidates withdrew or were deregistered. A long-standing issue of 'technical' candidates with identical names, a tactic used by some contestants to confuse voters, presented a challenge for some TECs.⁴⁹ In 11 cases, law-enforcement bodies initiated criminal proceedings involving potential 'technical candidates'.⁵⁰

Candidate registration was conducted in a largely inclusive manner. However, in some instances, TECs did not have a unified approach to candidate registration concerning possible inaccuracies

⁴⁶ While a clarification about nominations by parties was made by the CEC in Resolution No. 156, and ODIHR LEOM interlocutors opined that in practice the higher-level party organizations made most decisions about nominations at lower levels, the legal framework failed to address which party organization is entitled to nominate if several party branches represent the same administrative-territorial level within newly formed administrative divisions.

⁴⁷ Paragraph 7.5 of the [1990 OSCE Copenhagen Document](#) commits participating States to "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination".

⁴⁸ The amount of the deposit depends on the number of voters registered in the respective community and ranges from 20 per cent of the minimum monthly salary in communities with up to 10,000 registered voters, to four minimum monthly salaries per 90,000 voters in communities with more than 75,000 voters. The current minimum monthly salary is 5,000 Ukrainian *Hryvnia* (UAH; approximately 150 Euros, "EUR").

⁴⁹ For instance, the Uman city (Cherkasy *oblast*) TEC registered the current mayor and two namesakes of his, who both officially changed their names close to the elections, in June and July 2020. Similar cases were observed in Chernihiv, Dnipropetrovsk, Kherson, Luhansk, Odesa, and Zakarpattia *oblasts*.

⁵⁰ Amendments to the Criminal Code in July 2020 established criminal liability for offering or accepting a bribe to register as a candidate.

and shortcomings in the submitted documents.⁵¹ In some cases, TECs experienced confusion regarding the level of party organization which can submit the deposit on behalf of a candidate. The restrictive interpretation and inconsistent implementation of candidate registration rules hindered the right to stand for candidates on an equal basis in several instances, contrary to OSCE commitments and other international obligations and standards.⁵² In some instances observed by the ODIHR LEOM, including in Dnipro, Kaharlyk, Khmelnytsky, Kropyvnytsky, Mikolayiv, and Odesa, TEC decisions on registration of certain candidates and party lists appeared politically motivated and aimed at excluding certain political forces from participating in the elections.⁵³

The new Election Code introduced stricter gender requirements for electoral lists in council elections. Each gender must be represented by at least 40 per cent of candidates on party lists for local councils of communities of 10,000 or more voters (with no less than two candidates of each gender in each group of five candidates on the list), and 30 per cent in smaller communities. Several ODIHR LEOM interlocutors, including the CEC, raised concerns regarding noncompliance, as the law requires that the quota be met only during nomination and does not regulate the process after registration, such as when candidates withdraw. The CEC informed the ODIHR LEOM that 977 out of 7877 lists were registered despite not complying with the gender quota. After the close of registration, women comprised some 45 per cent of candidates in electoral lists and some 16 per cent of mayoral candidates.

Campaign Environment

The election campaign was generally calm, but was marked by allegations of abuse of state resources and isolated instances of violence.⁵⁴ Contestants could begin campaigning on the day following their registration by the respective election commission and were obliged to cease campaign activities one day prior to election day, though the ODIHR LEOM observed several breaches of the silence period. Although the law prohibits early campaigning, many ODIHR LEOM interlocutors noted that several parties engaged in *de facto* campaigning prior to the registration of candidates, such as with the placement of billboards across the country.⁵⁵

⁵¹ According to data from the Unified Register of Judicial Decisions, as of 15 October, 296 cases related to candidate registration were examined on merits by courts countrywide. The ODIHR LEOM noted that common grounds for refusal of registration were technical deficiencies in nomination documents submitted to the TECs (i.e. unsigned or unduly drafted nomination statements, unsigned or unstamped certificates), late submission of documents, and failure to comply with gender quota and financial deposit requirements. In a number of cases, applicants claimed the TECs failed to timely notify them of deficiencies in nomination documents, which could otherwise be eliminated.

⁵² Paragraph 15 of the [1996 UN CCPR General Comment No. 25 to Article 25 of the ICCPR](#) states that “any restrictions on the right to stand for election ... must be justifiable on objective and reasonable criteria”. Paragraph 24 of the [1990 OSCE Copenhagen Document](#) provides that any restrictions on rights must be “strictly proportionate to the aim of the law”. See also the [2009 Additional Protocol to the European Charter of Local Self-Government](#) on the right to participate in the affairs of a local authority.

⁵³ On some occasions, including in Dobrovelychkivka and Kaharlyk, the CEC suspended TECs’ activities due to their refusal to register candidates, and candidate registration was completed after re-establishment of these TECs.

⁵⁴ For instance, in Lozova (Kharkiv *oblast*), police opened investigations into the arson of cars of ES and SP mayoral candidates. In Kharkiv city, an SP campaigner was assaulted; the case was reported to police. In Dnipro city, the incumbent mayor from Proposition was sprayed with ammonia during an electoral meeting. In Odesa, police opened an investigation after a Fatherland city council candidate was injured in a car explosion. The cars of an FF candidate in Izmail (Odesa *oblast*) and of an SP candidate in Rivne city were set on fire.

⁵⁵ For instance, billboards of European Solidarity, For the Future, Kernes Bloc, OPFL, Proposition, Servant of the People, Victory of Palchevsky, Voice, and UDAR.

During the campaign period, fundamental freedoms of expression and assembly were generally respected, and contestants were able to campaign freely. However, the COVID-19 pandemic and the ongoing adapted quarantine impacted the campaign environment and limited contestants' ability to conduct large-scale campaign events. Government regulations required the use of personal protective equipment for campaigning in public areas and limited participation in mass events to 50 people. The volume and nature of campaign activities varied from region to region but intensified closer to election day. The distribution of party newspapers and leaflets, street tents, as well as small-scale meetings with voters prevailed among other means of traditional campaigning.⁵⁶

The ODIHR LEOM received many allegations of abuse of state resources by *oblast* and city administrations, and numerous instances were observed and verified, including public events at which state or city officials supported certain candidates.⁵⁷ Incumbent Kyiv City mayor Vitaly Klitschko, who was running for the Ukrainian Democratic Alliance for Reforms (UDAR), and other incumbent mayors from Dnipro, Kharkiv, Khmelnytsky, Odesa, and Vinnytsia supplemented highly visible campaigns with well-publicized official duties, such as inaugurating new infrastructure projects. On 13 October, President Zelenskyy announced that he would ask Ukrainians to answer five questions during an 'opinion poll' that would be held on election day. The poll referenced policy initiatives of the presidential administration, but was funded by Servant of the People Party; in announcing the poll the president cited the party's electoral slogan. Meanwhile, the Minister of Internal Affairs and the Head of the National Police pledged to prevent interruption of the conduct of the poll. The organization of such a poll was heavily criticized by civil society and political parties and was challenged in the courts, on the basis of contradicting the Election Code and falling outside the scope of presidential powers (see *Complaints and Appeals*).⁵⁸ Generally, its implementation appeared to create an unfair political advantage on election day and blurred the separation of state and party.⁵⁹

The main national parties as well as strong local parties represented in big urban centers extensively used outdoor advertising to promote their candidates and party brands. Among them, SP, For the Future, European Solidarity, Victory of Palchevskiy, Proposition, Oppositional Platform for Life, and Our Region were the most visible. A few instances of billboards and posters being damaged or

⁵⁶ The ODIHR LEOM attended and reported on 45 campaign events conducted by 24 contestants. The number of attendees varied from 7 to 1,500.

⁵⁷ For instance, in Chernivtsi city, a SP candidate joined President Zelenskyy at a press conference at the state university building. In Odesa city, the city administration distributed bags with medicine in colours of the Trust in Deeds party. In Rivne city, a SP candidate name and party colours were observed on communal service posters, and an information centre of the City Council conducted a survey about satisfaction in the work of the incumbent mayor. In Dnipro city, a TV channel belonging to the city administration ran a programme featuring colours, name, and logo similar to the Proposition party. In Cherkasy city, a SP candidate was invited to a public event organized by the oblast administration. In Lozova (Kharkiv *oblast*), the city council webpage posted pictures of a public event with Svitlichna's Bloc – Together names and logos. In Kamianske (Dnipropetrovsk *oblast*), logos of Bee party were placed on public transport. In Ivanivka and Henichesk (Kherson *oblast*) campaign materials of SP were observed inside the state building. In Khmelnytsky city, the city council placed billboards with achievements of the incumbent mayor in his party's colours.

⁵⁸ Article 106 of the Constitution contains a closed list of presidential powers that do not provide for the organization of opinion polls. In September, draft law no. 4043 amending the Law on the CEC was lodged in parliament, which would grant authority to the CEC to conduct opinion polls upon the initiative of the Cabinet of Ministers, concurrently with local or national elections, excluding questions pertaining to the status of the occupied territories and elections therein, and placed the financial aspect of the regulations on the local authorities. The draft was highly contested and was subsequently not adopted.

⁵⁹ Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) committed participating States to ensure "a clear separation between the State and political parties; in particular, political parties will not be merged with the State".

stolen were reported.⁶⁰ In some localities, contestants were obstructed in placing billboards.⁶¹ Instances of negative campaigning increased closer to election day.⁶² The ODIHR LEOM received many allegations of vote-buying, including distribution of food packages and provision of free-of-charge COVID-19 tests, and observed and verified several cases.⁶³

Many contestants made extensive use of social media and online advertising to reach out to the electorate, by targeting a regional audience through Facebook, YouTube, and Instagram.⁶⁴ Candidate platforms mainly aligned with party lines but also reflected issues related to the constituencies the candidates were running in. Candidates' campaign messages mainly focused on measures related to combatting the COVID-19 pandemic, the fight against corruption, the economy, social assistance, security, and local development, including issues of infrastructure, city management, and regional projects.

Several women candidates featured prominently in the campaign, by leading their party lists or contesting mayoral races. However, ODIHR LEOM interlocutors described prevalent patriarchal attitudes and discriminatory stereotypes against female candidates and elected officials.⁶⁵ Monitored national and regional channels allocated disproportionately less airtime in its primetime news

⁶⁰ In Kherson *oblast*, billboards of the Bloc of Volodymyr Saldo, Our Region, OPFL, Radical Party, and We Live Here were vandalized. In Mariupol, OPFL and Boychenko's Bloc billboards were vandalized with paint. In Kyiv *oblast*, campaign materials of SP were damaged. In Kyiv city, campaign tents and posters of Fatherland and OR were damaged. In Dnipro city, campaign materials of OPFL and Sharia were damaged by the National Corps party. In Sumy, Vinnytsia and Zhytomyr cities, posters of OPFL were vandalized. In Vinnytsia city, posters of the Voice party were stolen. In Khmelnytsky city, two billboards of For Real Deeds were painted.

⁶¹ For instance, in Dnipro, Kharkiv, Kryvyi Rih, and Odesa cities several candidates had difficulties purchasing billboard space due to advertising agencies allegedly being under the control of local city administrations. In Petropavlivska-Borshchahivka (Kyiv *oblast*), several candidates were blocked from placing billboards by the city administration.

⁶² For instance, fake ads targeting SP candidates appeared in Kryvyi Rih. In Zhytomyr city, posters against SP appeared a few days prior to election day. In Rivne city, negative material appeared in newspapers and on television, targeting mayoral candidates. In Kropyvnytskyi city, leaflets were distributed with harsh content against OPFL and SP candidates. In Kramatorsk (Donetsk *oblast*), the presence of negative campaigning were also noted. In Chervonohrad (Lviv *oblast*), three billboards against the incumbent mayor were observed. In Kharkiv *oblast*, a negative poster targeted the Svitlychna Bloc. In Lutsk, negative campaigning was featured on TV channel 12.

⁶³ In Khmelnytskyi city, FF candidates distributed food bags with campaign leaflets. In Odesa city, representatives of Fatherland donated medical equipment to a regional laboratory. In Dergachi (Donetsk *oblast*), a SP mayoral candidate organized free of charge COVID tests for voters. In Kreminna (Luhansk *oblast*), police detained a storage with food packages prepared by a mayoral candidate for distribution to voters. In Poltava city, a mayoral candidate from FF distributed stationary sets in party branded bags. In Odesa, police detained a PEC chairman for organized vote-buying and confiscated USD 45,000. In Bahmut (Donetsk *oblast*), one political party proposed UAH 300 per vote; the case is under police investigation. In Konstantinovka (Donetsk *oblast*), an independent candidate paid dental costs for elderly people. In Mykolaiv city, OR distributed free medicine; police started investigation. In Chernivtsi oblast, a candidate for village council proposed UAH 16,000 for votes.

⁶⁴ For example, the official party accounts of OPFL, ES, Fatherland, Sharia, FF, SP, Freedom and UDAR were highly active on Facebook. In addition, many candidates were active on the platform through their personal and regional party accounts. Paid online advertising by many contestants was highly visible, including by ES, FF, OR, Proposition, Sharia, SP, UDAR, targeting wide audiences including Dnipro, Kyiv, Lviv, Odesa and Poltava *oblasts*.

⁶⁵ Paragraph 26 of the [2017 UN Committee on the Elimination of Discrimination Against Women \(CEDAW\) Concluding observations on the eight periodic report](#) raised concern about "the persistence in political discourse, in the media and in society of deep-rooted patriarchal attitudes and discriminatory stereotypes [...] which perpetuate women's subordination within the family and society and are reflected in, among other things, women's educational and professional choices, their limited participation in political and public life...". See also Paragraph 27.

programmes to women candidates compared to the percentage of those registered.⁶⁶ Women's rights organizations described numerous instances of sexist rhetoric during the campaign.

Candidates representing minority communities, including Roma, were nominated by national parties as well as by local parties in areas where minorities are concentrated.⁶⁷ Political parties representing national minorities which live compactly in small communities raised concerns about the recent enlargement of *rayons* (districts), as the new territorial-administrative boundaries may challenge their ability to win seats in councils.⁶⁸ At the same time, the formation of territorial communities (*hromadas*) allowed some minority groups to be better represented at this level in the areas of their compact settlement.⁶⁹ In October, the Hungarian Secretary of State Árpád János Potápi visited Zakarpattia *oblast* and campaigned in support of the Hungarian minority party; the visit was criticized by the Ministry of Foreign Affairs and civil society organizations as contrary to the Election Code.⁷⁰

Campaign Finance

Campaign finance is regulated by the Election Code, the Law on Political Parties, and the Law on the Prevention of Corruption and supplemented by the Code on Administrative Offenses, the Criminal Code, and by CEC regulations. The regulatory framework does not ensure accurate reporting, timely disclosure, meaningful oversight, or accountability for irregularities. Notably, the period before candidates are registered is inadequately regulated.

All campaign transactions should be made by bank transfer, through dedicated bank accounts to be opened once a contestant is registered.⁷¹ Political parties and candidates cited procedural obstacles by the banks that delayed the opening of accounts, leaving earlier campaign incomes and expenditures unreported or preventing them from promptly launching their campaign.⁷² Several ODIHR LEOM interlocutors alleged widespread use of undeclared funds for political advertisement prior to candidates' registration, which, along with the postponement of submission of political parties' quarterly financial reports, raised concerns about unreported incomes and expenditures and further reduced transparency.⁷³ Banks are required to inform TECs on the opening of electoral fund accounts, which according to several TECs was not done in a timely or consistent manner and deterred oversight.

Donations from individuals are limited to ten minimum monthly salaries, while donations from anonymous sources, foreign donors or legal entities are prohibited.⁷⁴ There is no limit on the use of

⁶⁶ With the exception of *Priamyi* which allocated 55 per cent of its total coverage of candidates to Maryna Poroshenko.

⁶⁷ For instance, 45 candidates representing the Crimean Tatar minority ran on the ticket of 10 different parties, 10 candidates representing Roma community ran on the ticket of 8 parties.

⁶⁸ Such concerns were raised by the Hungarian Party of Ukraine in Zakarpattia *oblast*, from Romanian community representatives in Chernivtsi *oblast*.

⁶⁹ For example, ODIHR LEOM interlocutors noted the ethnic-Hungarian majority population in some territorial communities, and in Chernivtsi *oblast*, an ethnic-Romanian majority in some territorial communities.

⁷⁰ See the [20 October statement of the Ministry of Foreign Affairs](#). The Election Code prohibits the involvement of foreign state officials in the election campaign.

⁷¹ Pursuant to Article 213 of the Election Code, contestants are entitled to establish an electoral fund in order to finance their campaign.

⁷² Although the Election Code requires bank accounts to be available to contestants on a regular basis, and allows banks to charge fees for such services, banking institutions applied different procedures for the opening of the accounts. The CEC addressed a letter to the National Bank of Ukraine on 5 October on this issue.

⁷³ The deadline for submission of political parties' regular quarterly financial reports has been postponed until the fortieth day after the end of adapted quarantine measures related to COVID-19, i.e. until after the elections.

⁷⁴ The current minimum month salary is UAH 5,000 (roughly EUR 150).

the party's or candidates' own funds, which allows for circumvention of the bans and limits on donations.⁷⁵ The law prescribes for printed campaign materials to contain imprints with information on the number of copies, the publisher and payer; however, many campaign materials were lacking such information, which prevents traceability of these expenditures.⁷⁶ Although campaigning through such organizations is technically prohibited by law, ODIHR LEOM interlocutors pointed to the use for campaign purposes of charity funds and NGOs affiliated with candidates.⁷⁷ In addition, the absence of campaign expenditure ceilings provides no safeguards against excessive spending and is at odds with international good practice.⁷⁸ The ODIHR LEOM observed significant disparity in the expenditures of contestants.

The law establishes campaign finance reporting obligations and provides for publication of interim and final campaign finance reports.⁷⁹ The CEC in consultation with the National Agency for Prevention of Corruption (NAPC) developed a reporting template for contestants. The respective TECs were responsible to receive, analyze, and publish contestants' campaign finance reports. The awareness and preparedness amongst the TECs contacted by the ODIHR LEOM to perform this duty varied significantly, and they generally did not possess the necessary capacity or expertise.⁸⁰ Moreover, their political composition raised concerns about potential conflicts of interest with regard to their oversight of party finances. TECs were neither able nor required to detect unreported incomes and expenditures, which coupled with the absence of centralized review did not provide for meaningful oversight.⁸¹ Despite a legal requirement, several TECs did not publish interim campaign finance reports within the prescribed timeframe, and several political parties' local organizations also failed to do so on their respective websites or otherwise, further reducing transparency.⁸²

Due to limited capacity and resources, including a lack of regional offices, the NAPC limited its scope of oversight activities despite broader legal authority, such as by providing clarifications on possible conflicts of interest of officials who were also candidates. The NAPC can draw administrative protocols in case of violations reported by TECs upon analysis of campaign finance reports, but received none prior to election day, in the limited time following the interim reporting deadlines.⁸³ The Agency can only monitor the timely submission and accuracy of the information provided in campaign finance reports through the respective TECs, further limiting oversight.

⁷⁵ The annual donation limit to political parties is UAH 2,000,000 (roughly EUR 60,000 for individuals and unlike with electoral funds, legal entities may donate to political parties up to UAH 4,000,000 (roughly EUR 120,000).

⁷⁶ The ODIHR LEOM observed such cases in Dnipro city (Dnipropetrovsk *oblast*), Kherson city (Kherson *oblast*), Kramatorsk (Donetsk *oblast*), Khmelnytsky city (Khmelnytsky *oblast*), Lviv *oblast*. In the period of 1–23 October, National Police received over 300 reports of such irregularities.

⁷⁷ ODIHR LEOM interlocutors reported such cases from Khmelnytskiy *oblast*, Rivne *oblast*, Lutsk (Volyn *oblast*).

⁷⁸ See Article 9 of the [2003 Council of Europe Recommendation Rec \(2003\)4 of the Committee of Ministers on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns](#). See also paragraphs 195 and 196 of the [2010 ODIHR and Venice Commission Guidelines on Political Party Regulation](#). Interim and final reports are submitted five days prior to and seven days after election day, respectively.

⁸⁰ Several TECs contacted were not prepared to perform this duty while others had designated staff for this task.

⁸¹ TECs and banking institutions perform only selective control over receipt, accounting and use of resources of an electoral fund.

⁸² The ODIHR LEOM is aware of at least 30 TECs at the *rayon* level and 40 TECs at the city level that did not publish interim reports. Paragraph 194 of the [Guidelines on Political Party Regulation](#) states that “[t]ransparency in party and campaign finance, as noted above, is important to protect the rights of voters and to prevent corruption. Transparency is also important because the public has the right to be informed. Voters must have relevant information as to the financial support given to political parties in order to hold parties accountable”; see also paragraph 200.

⁸³ The Election Code does not provide for a timeframe for the analysis of reports by TECs.

Media

The media landscape is diverse but characterized by a high concentration of politically vested ownership at both national and regional levels.⁸⁴ This characteristic contributes to the political polarization of reporting and lack of trust in the media sector. By 2020, social networks have become the main source of news information for citizens, followed closely by television and news websites, while regional media have a smaller audience than in previous years.⁸⁵ Although journalists have some specific legal protections, there have been instances of violence against journalists in recent years and impunity remains an issue in practice.⁸⁶ The General Prosecutor's Office on 17 September established an inter-agency working group to coordinate investigation of criminal offences committed against journalists.

The Constitution guarantees the freedom of expression and prohibits censorship, and the legal framework provides for general media freedom, as well as conditions for equitable and unbiased coverage of electoral contestants.⁸⁷ The conduct of the media during an election campaign is regulated by the Election Code, which requires both state and private media to offer unbiased and balanced coverage of electoral contestants. The new Election Code abolished previous provisions on free airtime for all elections, and requires all political advertising to be paid from contestants' electoral funds.⁸⁸ Paid advertising published in broadcast, but not print, media must be clearly marked with the identity of the sponsoring party or candidate. The ODIHR LEOM observed that this requirement was frequently ignored, especially in regional media. Several ODIHR LEOM interlocutors noted that political parties and candidates often preferred to use advertisement in social networks to circumvent campaign finance requirements, online political advertisement is not regulated. The Election Code requires media outlets to publish price lists for political advertising in advance of the campaign period, but not all broadcasters did so. Several interlocutors complained to the ODIHR LEOM that prices for airtime are established by media outlets on an arbitrary and unclear basis, and that paid airtime was generally overpriced, negatively affecting the ability of some candidates to address the electorate through the media.⁸⁹

The National Television and Radio Broadcasting Council (NTRBC) is the regulatory body for broadcast media which is tasked to oversee broadcasters' compliance with the legal framework, including during an election period, and has the power to impose fines in case of breaches of the law.⁹⁰ Since the start of the official election campaign, the NTRBC registered a number of

⁸⁴ ODIHR LEOM interlocutors stated that the ownership of several media outlets in the largest regional cities changed just before the inception of the election campaign.

⁸⁵ See the [2020 USAID – Internews Media Consumption Survey](#).

⁸⁶ On 11 June 2019, the [OSCE RFoM condemned the attack](#) on cameraman Vadim Makaryuk in Kharkiv. On 20 June 2019, the OSCE [RFoM issued a statement condemning](#) the fatal attack of the journalist and vlogger Vadim Komarov in Cherkasy and called on the Ukrainian authorities to investigate the incident.

⁸⁷ The legal framework does not contain quantitative requirements for airtime of coverage of contestants or for paid political advertisement.

⁸⁸ Paragraph 5 of Article 55 also prescribes that upon the written inquiry of the CEC, a TEC, or the NTRBC, media outlets shall inform them on the allocation of airtime for election campaigning and, if required, provide copies of the respective contracts, payment documents and audio or video recordings of such programs.

⁸⁹ Paragraph 8.8 of [PACE Resolution 2254\(2019\)](#) recommends authorities to ensure “where political parties and candidates have the right to purchase advertising space for election purposes, equal treatment in terms of conditions and rates charged”.

⁹⁰ The NTRBC consists of eight members appointed (four each by the *Verkhovna Rada* and by the president) for five-year terms, renewable once. Paragraph 8.11 of [PACE Resolution 2254\(2019\)](#) recommends states “to enhance the operational capacities of media regulators which must be independent of the political and economic powers;” including by ensuring “that the composition of these bodies is politically neutral and based on media expertise and competence”.

violations by national and regional media outlets.⁹¹ The new Election Code failed to expand the enforcement tools of the NTRBC, contrary to previous ODIHR recommendations. However, the legal framework does not provide the regulator with any effective sanctioning powers to perform its mandate in a timely manner during an election period, despite previous ODIHR recommendations.

The government initiated a new Law on Media in November 2019 with the stated aim to ensure the freedoms of expression and thought, the right to impart information, the protection of national interests and of media users' rights, the stimulation of a competitive media environment, and media independence.⁹² However, the draft law was criticized by media experts and practitioners due to the possibility of a broad application of powers by the NTRBC, was amended several times and remains under revision by various parliamentary committees.⁹³

ODIHR LEOM media monitoring showed that of the ten monitored national and regional channels,⁹⁴ only public *UA:Pershyi* provided mostly neutral coverage and achieved virtually equal coverage of various political forces. The remaining national private and regional channels allocated a substantial amount of positive coverage to political forces associated or directly affiliated with the channels' owners. Thus, apart from the president, government and local government, in their primetime political coverage: *I+I* predominantly featured positive coverage of the For the Future party affiliated with Ihor Kolomoiskyi (17 per cent of news programmes, whereas coverage of other parties ranged from 1 to 7 per cent); *NewsOne* – the Opposition Platform for Life affiliated with Viktor Medvedchuk (49 per cent); *Ukraine 24* allocated 12 per cent to SP and 11 per cent to the Radical Party supported by Rinat Akhmetov, and only between 1 and 4 per cent to all other parties; and *Priamyi* allocated most of its airtime to the European Solidarity led by Petro Poroshenko (57 per cent).

The primetime political news of monitored regional channels also featured imbalanced coverage of parties: *Dnipro 34* allocated 51 per cent to SP and 20 per cent to the Proposition party, most of which was positive or neutral in tone, while coverage of other parties ranged from 2 to 8 per cent; *Simon* (Kharkiv) covered predominantly the Oppositional Platform for Life (16 per cent with mostly positive tone), while SP received 14 percent of political coverage which was mostly neutral or negative in tone; *NTA* (Lviv) allocated more time to the European Solidarity and the Freedom Party (25 and 10 per cent, respectively) than to other parties, and its coverage of the Self-Reliance party was mostly negative. *Reporter* (Odesa) allocated 81 per cent, in a predominantly positive tone, to the Ukrainian Maritime Party of mayoral candidate Serhii Kivalov (combined coverage of all other contestants totaled only 16 per cent), and *Uzhhorod 21* devoted a plurality of its political news coverage (37 per cent) to the For the Future Party, while coverage of other parties ranged from 1 to 9 per cent.

⁹¹ National media *Espresso*, *Inter*, *NewsOne* and *ZIK*, as well as regional media *Simon*, *V*, *TTV*, *Chernivetskyi Promen*, *TRK TVA*, *TK Kyiv*, *VTV Plus*, *Radio 106.1 FM*, *Z* and *Misto TB*. *Espresso*, *Simon*, *TRK TVA*, *TK Kyiv*, *V* and *ZIK* did not comply with the requirements for presentation of sociological surveys; *Inter*, *Z* and *ZIK* were allegedly campaigning in a hidden form for the Oppositional Platform – For Life; a *NewsOne* TV presenter was allegedly agitating during his program; *TTV* allegedly created a negative portrayal of a candidate; *Chernivetskyi Promen*, *TRK TVA* and *Misto TB* allegedly demonstrated imbalance in their media coverage by devoting several programs to one mayoral candidate. Radio 106.1 FM was allegedly agitating for a mayoral candidate in Zhytomir.

⁹² See the [March 2020 review of the draft law](#) by the OSCE Representative on Freedom of the Media (RFoM) and [OSCE RFoM statement of 2 March 2020](#).

⁹³ See the [text](#) of the draft law (in Ukrainian).

⁹⁴ The ODIHR LEOM followed primetime news coverage (17:00 to midnight) on public TV channel *UA:Pershyi* and four private channels *I+I*, *NewsOne*, *Ukraine 24* and *Priamyi* at the national level, and regional TV channels *Dnipro 34*, *Simon* (Kharkiv), *NTA* (Lviv), *Reporter* (Odesa) and *Uzhhorod 21*. The ODIHR LEOM also followed relevant content in online media and social networks.

Regional channels also lacked balance in the amount and tone of coverage of mayoral candidates in the respective cities. Specifically, in their coverage of mayoral contestants during primetime news programmes, *Simon* allocated 34 per cent, mostly neutral in tone, to incumbent mayor Hennadiy Kernes and 15 per cent, in a predominately positive tone, to Oleh Abramychyev; *NTA* allocated 65 per cent to Oleh Syniutka, mostly positive in tone, and only 14 per cent to incumbent mayor Andriy Sadovyi, which was mostly negative; *Dnipro 34* allocated 70 per cent to Serhii Ryzhenko and 17 per cent to mayor Borys Filatov; *Reporter* allocated 91 per cent to Serhii Kivalov, which was mostly positive; *Uzhhorod 21* allocated 96 per cent to a single mayoral candidate, incumbent mayor Bohdan Andriyiv.

Contrary to the election law, a large number of unmarked promotional materials (known as '*jeansa*') was present in the prime-time news of the majority of monitored regional and private national TV channels. This practice distorts a balanced presentation of political platforms to voters. ODIHR LEOM interlocutors noted that it is common practice for media to publish political content in exchange for payment and in many cases represents the only opportunity for regional media to earn income.

Complaints and Appeals

Mechanisms for election dispute resolution are in place, but an overall lack of transparency and inconsistent implementation of law reduce its effectiveness.⁹⁵ Several ODIHR LEOM interlocutors criticized these mechanisms for lack of sufficient safeguards against internal proliferation of conflicts of interests, political influence and corruption, and expressed lack of trust in law enforcement.

Depending on the nature of the alleged violation, standing to file complaints is granted to candidates, parties, accredited observers and voters. At odds with international good practice, voters may only file complaints related to their personal voting right.⁹⁶ Although the Election Code determines matters within exclusive judicial jurisdiction,⁹⁷ the concurrent jurisdiction of courts and election commissions for all other complaints allows applicants' discretion, contrary to international

⁹⁵ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Throughout the country, the implementation of rules on gender in candidate lists, the management of financial deposits, and the electoral districts delineation lacked consistency and led to multiple allegations of discrimination by parties and candidates. For example, complaints against candidate registration rejections for payment of deposits by a central party organization were granted by district administrative courts in Kyiv and Zakarpattia, while rejected by Ternopil district administrative court. Inconsistent approaches to registration of lists that did not comply with gender quotas was observed, including among the decisions by the Cherkasy, Kherson, Khmelnytskyi, Kyiv, Odesa, Rivne, Ternopil, and Zaporizhzhia.

⁹⁶ Paragraph 99 of the Explanatory Report of the [2002 Code of Good Practice](#) recommends that "[s]tanding in such appeals must be granted as widely as possible. It must be open to every elector in the constituency and to every candidate standing for election there to lodge an appeal. A reasonable quorum may, however, be imposed for appeals by voters on the results of elections".

⁹⁷ Matters within judicial jurisdiction include complaints against decisions, actions or inactions of the CEC or its members, TECs, candidates and their proxies, election-related activities or decisions of parties, public associations and their officials or proxies, of observers or NGOs accredited for the respective elections, local self-government bodies, institutions, enterprises and their officials, and of media and their owners.

good practice and a long-standing ODIHR recommendation.⁹⁸ Court fees remain high, although they can now be paid after submission.

Jurisdiction on complaints against the CEC's decisions belongs to the Sixth Administrative Court of Appeal and the Supreme Court reviews the appeals.⁹⁹ Outside the electoral process, the first-instance review of CEC decisions belongs to the District Administrative Court in Kyiv.¹⁰⁰ Several complaints against the CEC's resolutions on first-time elections in newly formed territorial communities and not to conduct local elections in some areas of Donetsk and Luhansk *oblasts* were submitted to the District Administrative Court in Kyiv before the start of campaign but were not assessed on merits prior to election day, as some complaints were rejected for formal deficiencies or hearings were scheduled after the elections.¹⁰¹ At first instance, the court upheld the Kyiv city TEC's decision on electoral districts formation as lawful, dismissing six complaints by political parties and candidates.¹⁰² It also dismissed as unsubstantiated one of the three complaints submitted prior to election day that challenged legality of the opinion poll initiated by the president. The Supreme Court rejected a complaint by the Radical Party that alleged the opinion poll constituted unlawful campaigning.¹⁰³

Expedited deadlines for electoral disputes resolution were mostly adhered to by election commissions and courts. However, some deadlines are not aligned with the electoral process, which resulted in cases pending review after the corresponding stages of the electoral process had been finalized, undermining effective remedy.¹⁰⁴ Strict formal admissibility requirements for complaints further limited effective legal redress and led, *inter alia*, to only 24 of 299 complaints being examined on merits by the CEC prior to election day. In line with its competence, the CEC investigated some allegations raised in 41 of the dismissed complaints. In addition, several TECs were dismissed by the CEC for failing to abide by judicial decisions.¹⁰⁵ As of 24 October, of 613 election-related administrative judgments and decisions on appeals, 482 concerned candidate

⁹⁸ Election commissions shall terminate consideration of identical complaints upon notification from the court. Section II.3.3.97 of the [2002 Code of Good Practice](#) states that “the appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law, so as to avoid conflicts of jurisdiction (whether positive or negative). Neither the appellants nor the authorities should be able to choose the appeal body”.

⁹⁹ Besides some 40 complaints against CEC decisions, the Sixth Administrative Court of Appeal reviewed 72 decisions by district administrative courts in Chernihiv, Cherkasy and Kyiv *oblasts* and Kyiv city, 44 of which were upheld.

¹⁰⁰ The District Administrative Court in Kyiv reviews complaints against decisions of various state agencies located in Kyiv, but the CEC unsuccessfully challenged the court's jurisdiction to review its decisions to the Supreme Court. In 2019, a number of its judges were accused of corruption and abuse of power, and in July 2020 new charges were brought by the National Anti-Corruption Bureau, while a public petition forwarded to the president to dismiss the court was unsuccessful. The ODIHR LEOM was informed of cases of intimidation of journalists, activists and experts who initiated the petition.

¹⁰¹ Complaints against CEC decisions related to the electoral process but submitted prior to its start were exempt from expedited review.

¹⁰² As the Election Code allows discretion of commissions in forming electoral districts, some parties and candidates contested the implementation of the law by the Kyiv city TEC for not ensuring equality of the vote and balanced representation of districts in the city council. Their appeals were rejected by the Sixth Administrative Court.

¹⁰³ Another complaint submitted to the Supreme Court was forwarded to the Grand Chamber and was not reviewed prior to election day.

¹⁰⁴ For example, complaints and appeals regarding formation of electoral districts and candidate registration.

¹⁰⁵ These decisions were made as late as 12 and 13 October. For example, three TECs in Odesa, Kyiv and Zaporizhzhia *oblasts* were dismissed for failing to abide by judicial decisions and due to procedural violations, including on candidate registration. The Suvorovsky *rayon* TEC in Odesa was requested by the CEC to comply with judicial decisions without its dissolution.

registration, while others challenged the delimitation of electoral districts, the formation of election commissions, and alleged campaign violations.

In 2020, the regulation of electoral offences was revised to ensure correct qualification of unlawful actions and increase the dissuasive effect of sanctions, while the scope of offences was extended, particularly with regard to unlawful activities by election commissions. Some 166 criminal cases concerning alleged vote-buying and bribery of candidates were initiated by the police (out of 430 reported violations), while some 194 cases concerned obstruction of voting rights, including 11 cases related to impersonation of candidates by persons attempting to run under similar or identical names, that are under investigation.¹⁰⁶ Overall, the police reported 7,877 election-related violations, for which 622 criminal and 1,676 administrative cases were initiated.¹⁰⁷

Citizen and International Observers

The Election Code provides for citizen and international election observation and grants observers access to TECs and PECs as well as the right to receive copies of results protocols. The law bans citizens of countries recognized by the Ukrainian parliament as aggressor or occupying states from acting as official observers, which is at odds with paragraph 8 of the 1990 OSCE Copenhagen Document.¹⁰⁸ The CEC accredited 310 international observers nominated by nine organizations, including ODIHR, as well as six foreign states. Political parties and candidates were also able to nominate proxies and observers to TECs and PECs.

Civil-society organizations (CSOs) whose statute includes election observation could request permission from the CEC to deploy observers. Out of 122 applicants, the CEC registered 116 organizations, 85 with a national observation mandate and 31 with a regional one.¹⁰⁹ These registered organizations could request the accreditation of individual observers at TECs for the respective territorial district until 20 October. TECs had to decide on accreditation requests within three days of receipt. Among the registered CSOs were recognized organizations such as OPORA or the Committee of Voters of Ukraine who monitored all stages of the electoral process and published their findings on a regular basis. At the same time, at least 100 of the 116 registered organizations appeared to be linked to political parties or candidates. This practice can negatively

¹⁰⁶ Such cases concerned both registration of ‘clone’ candidates or the failure to register them. As of 17 October, 14 individuals were indicted in 11 criminal [cases](#), two of which concerned the mayoral elections in Uman city (Cherkasy *oblast*). In Kyiv, a candidate was deregistered upon a complaint by his ‘clone’ candidate for concurrent registration in Luhansk *oblast*. His candidature in Kyiv was reinstated upon appeal where he contested that the registration in Luhansk had been fraudulent and made without his consent. One candidate was detained for suspected bribery of a ‘clone’ candidate. In the absence of an effective preventive measure against deliberate impersonation, except for criminal persecution, the use of such impersonation does not prevent registration and does not lead to deregistration. The Ministry of Justice proposed to include the previous names of candidates on the ballot where applicable, but this was not implemented for the 2020 local elections.

¹⁰⁷ Most violations were reported in Kyiv, Dnipropetrovsk and Donetsk *oblasts* and the city of Kyiv. Some 5,501 reported cases concerned violations of campaign rules and the production and distribution of campaign materials, while 200 were about voter register maintenance (24 were reported as subject to criminal investigations).

¹⁰⁸ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) commits participating States to invite each other to observe their elections.

¹⁰⁹ The applications of six organizations were refused due to lack of election observation activities in their statutes or late submission of documents. None of them appealed the decision.

impact the perception of impartiality of citizen observers and their role in the electoral process and is contrary to principles of nonpartisan citizen election observation.¹¹⁰

Election Day

In line with ODIHR methodology, the ODIHR LEOM did not observe election-day proceedings in a systematic or comprehensive manner, but mission members visited a limited number of polling stations in the city of Kyiv and 21 of the 24 *oblasts*. In the polling stations visited by the ODIHR LEOM, the voting process was generally calm, well-organized and transparent. Prescribed voting procedures were mostly followed, and ODIHR LEOM observers reported only isolated problems. Party and candidate observers were present in almost all polling stations visited, while civil-society observers were noted less frequently. People working for President Zelenskyy's 'opinion poll' had a visible presence outside the majority of polling stations visited; their presence was in most cases passive, but in some cases they approached voters prior to voting.

Mitigating measures against COVID-19 were generally in place, and personal protective equipment (PPE) was available in most polling stations visited. However, social distancing was not always respected outside or inside voting premises, and some PPE such as face masks were often used incorrectly.

Although the Ministry of Communities and Territorial Development on 9 October approved new criteria for accessibility to polling stations for voters with reduced mobility, the structure and layout of many polling stations visited were not suitable for use by persons with physical disabilities.¹¹¹

Voter turnout, as announced by the CEC on election night, was 36.99 per cent. Since the CEC's 'Vybory' system could not be deployed for these elections, the CEC relied on turnout data from TECs, as collected by RMBs, and was unable to release turnout figures during the day.

The limited number of counts observed were generally assessed as orderly and transparent but often lengthy; procedures were generally followed, although some inconsistencies were noted, such as required steps not always being performed in the prescribed order. There were several cases of party observers participating in the vote count. In the few TECs where tabulation was observed, the initial stages of the process were mostly assessed as organized and calm, although it was not always possible to observe all stages. The ODIHR LEOM will continue observing the tabulation process in the coming days.

On election day, the police registered 4,375 election-related violations, compiled 224 administrative protocols and initiated 77 criminal proceedings. Cases concerned violations of the campaign silence, the secrecy of the vote, vote-buying, and destruction of electoral documentation. The CEC publicly announced that the reported violations did not significantly affect the results.

***The English version of this report is the only official document.
An unofficial translation is available in Ukrainian.***

¹¹⁰ Paragraph 8 of the [Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations](#) states that "No one should be allowed to be a non-partisan citizen election observer or monitor unless she or he is free from any political, economic or other conflicts of interest that would hinder that person from conducting her or his election observation and monitoring activities in a non-discriminatory, impartial, accurate and timely manner".

¹¹¹ The criteria provided for free parking spaces, ramps or lifting devices, and for roads leading to buildings and premises of polling stations to be equipped with means of orientation and information support.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Kyiv, 26 October 2020 – The assessment was made to determine whether the election complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, the handling of possible post-election day complaints or appeals, and the conduct of possible second-round elections. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

Ingibjörg Sólrún Gísladóttir is the Head of the ODIHR LEOM, deployed from 23 September. The ODIHR LEOM includes 16 experts in the capital and 66 long-term observers deployed throughout the country. In line with ODIHR methodology, on election day mission members visited a limited number of polling stations in 21 of the 24 regions and the city of Kyiv, but there was no systematic observation of the opening, voting, counting and tabulation of results.

The ODIHR LEOM wishes to thank the authorities for their invitation to observe the election, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties, candidates, media and civil society organizations, and international community representatives for their co-operation.

For further information, please contact:

- Ingibjörg Sólrún Gísladóttir, Head of the ODIHR LEOM, in Kyiv (+380 44 294 0019);
- Katya Andrusz, ODIHR Spokesperson, in Warsaw (+48 609 522 266), or Thomas Rymer, ODIHR LEOM Press Adviser, in Kyiv (+380 67 884 8907);
- Keara Castaldo, ODIHR Election Adviser, in Warsaw (+48 603 638 999).

ODIHR LEOM Address:

Hyatt Regency Kyiv, 4th floor
5, Alla Tarasova Street, 01001 Kyiv, Ukraine
tel.: +380 44 294 0019; email: office@odihr.org.ua