

**INTERIM REPORT**  
**11 June – 3 July 2019**

**8 July 2019**

**I. EXECUTIVE SUMMARY**

- President Volodymyr Zelenskyy, on 20 May, the day of his inauguration, announced his intention to dissolve parliament and call early parliamentary elections. The elections will take place on 21 July following the Constitutional Court's ruling which quashed a challenge brought by 62 members of parliament (MPs). Elections will be held under a mixed electoral system with 225 MPs elected from closed party lists in one nationwide constituency with a five per cent threshold, and the remaining 199 MPs elected in single-mandate election districts (SMDs).
- The electoral legal framework remains largely unchanged since the last parliamentary elections, with the exception of campaign finance reform. A number of draft laws are pending in parliament. Several ODIHR recommendations have yet to be addressed, including the adoption of a unified election code.
- The Central Election Commission (CEC) is active in making preparations for the elections; it is exempt from certain lengthy procurement procedures which has allowed it to meet legal deadlines despite the tight timeframe. Since 31 May, the deadline for their appointment, around one third of District Election Commission (DEC) members have been replaced so far.
- There are some 35.6 million registered voters. Voters can check their records online and request amendments with the Register Maintenance Body at their current residence. For these elections, the CEC has aimed to facilitate the process of temporary change of voting location by easing procedures. Concerns about the high number of voters without a voting address and challenges in obtaining one have been raised by ODIHR EOM interlocutors.
- Candidate lists of 22 political parties were registered for the proportional component of the elections, while over 3,000 candidates will contest the 199 SMDs. The Central Election Commission (CEC) rejected over 400 nominees, often for minor omissions in their documentation. Thirteen out of 22 party lists comply with the legally required quota of 30 per cent for women candidates.
- Although it was off to a slow start, the campaign is visible in most districts visited by the ODIHR EOM, with the west part of the country seeing the most activity. Messages focus on the difficult economic situation, resolving the conflict in the east and combatting corruption. The distribution of financial and material incentives to voters has been observed by the ODIHR EOM in several districts.
- This will be the second election in which an enhanced framework for campaign finance will be applied. Legal amendments in 2015 partly addressed some prior ODIHR and Council of Europe's Group of States against Corruption recommendations. All campaign donations and expenditures must pass through dedicated bank accounts, and political parties and candidates must submit interim and final campaign finance reports.
- The media landscape is diverse, but marked by dependence of media outlets on political interests. Journalists' safety remains a major concern. The election law stipulates that public and private

media shall offer balanced and unbiased coverage of contestants. On 2 July, in line with the law, the CEC allocated free airtime to all contestants on public media.

- The Constitution guarantees the equality of all citizens, and guarantees the use of national minority languages, while rendering Ukrainian the state language. The legislation does not contain any explicit prohibition on political party activity based on a linguistic or ethnic basis. Some national minority representatives highlighted a need to revise boundary delimitation of some SMDs to meet the interests of minority communities.
- Courts have received a relatively high number of complaints and appeals related to the parliamentary elections, mainly concerning candidate registration and membership to election commissions. The CEC has thus far received 4, 367 complaints and applications. The police has registered some 929 possible offences, mostly on campaign violations and vote buying and initiated investigations on 44 criminal cases.
- The ODIHR Election Observation Mission opened on 11 June, with a 19-member core team in Kyiv, and 96 long-term observers deployed across the country.

## **II. INTRODUCTION**

Following an invitation from the Ministry of Foreign Affairs of Ukraine, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 11 June.<sup>1</sup> The mission, led by Ambassador Albert Jónsson, consists of a 19-member core team based in Kyiv and 96 long-term observers (LTOs) deployed on 18–19 June to 31 locations around the country. Mission members are drawn from 32 OSCE participating States. ODIHR has requested participating States to second 750 short-term observers to observe election day proceedings.

## **III. BACKGROUND AND POLITICAL CONTEXT**

On 20 May, on the day of his inauguration, President Zelenskyy announced his intention to dissolve parliament and call early elections. The presidential decree issued on 21 May set the elections for 21 July, some four months ahead of the expiration of the current parliament's term.

The President used his power to dissolve parliament on the grounds that the ruling coalition did not have the support of the majority in the parliament. A constitutional challenge was filed against the Presidential Decree by 62 members of the parliament (MPs).<sup>2</sup> On 20 June, the Constitutional court ruled in favour of early elections.<sup>3</sup> At the same time, the President dismissed 18 out of 24 Heads of Regional State Administration and a number of other state officials, including those in the security services.

Since President Zelenskyy's inauguration, tensions have been visible in the relationship between the institution of the parliament and that of the office of the president. On 22 May, the president submitted draft amendments to the election law and to the public procurement regulations which the parliament

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<sup>1</sup> See previous [ODIHR election reports on Ukraine](#).

<sup>2</sup> The plaintiffs claimed that the ruling coalition ceased to have the majority in the parliament on 17 May 2019, when the People's Front (PF) withdrew; that the legal deadline of a month for the parliament to form a new coalition would expire on 27 May and that the President dissolved the parliament before the expiration of this deadline.

<sup>3</sup> The Constitutional Court decision on 20 June 2019 stated that the issue of the ruling coalition is not regulated by the Rules of Procedure of the parliament and that the people of Ukraine are sovereign to resolve the constitutional conflict through early elections.

refused to discuss at the extraordinary session on 22 May.<sup>4</sup> In addition, on 29 May he requested the urgent adoption of a draft law lifting the immunity of MPs and submitted a draft law on the impeachment of the president.<sup>5</sup> Neither of these were included in the parliament's agenda. Notwithstanding, on 6 June the outgoing parliament adopted a different law envisaging procedure for president's impeachment.<sup>6</sup>

The upcoming elections are widely perceived as a continuation of the March 2019 presidential race which resulted in Mr. Zelenskyy's landslide victory.<sup>7</sup> The result has been described as an expression of voters' disillusionment with the current political establishment and a desire to break with the "old system" in which state institutions enjoy little trust, corruption is perceived to be rampant and powerful economic interests of wealthy businessmen (known as "oligarchs") impact political and decision-making processes.

The last parliamentary elections were also held early and took place on 26 October 2014. Following the elections, a government was formed by a five-party coalition between Petro Poroshenko Bloc (PPB, 146 seats), People's Front (PF, 83), Self Reliance (*Samopomich*, 32), Fatherland (*Batkivshchyna*, 19) and Radical Party (RP, 22).<sup>8</sup> The ruling coalition fractured in February and March 2016, leaving only two of the original 2014 coalition parties – the PPB and the PF – supporting the government. On 17 May 2019, PF announced their departure from the coalition. Women are underrepresented in public office, holding 12 per cent of seats in the outgoing parliament and only 4 out of 198 seats in single-mandate districts (SMDs). Six of the 24 ministerial posts, one permanent and four interim of the 24 Heads of Regional State Administration positions are held by women.<sup>9</sup>

The elections take place against the backdrop of continuous challenges to Ukraine's territorial integrity in the context of ongoing armed conflict in the east of the country and the illegal annexation of the Crimean peninsula by the Russian Federation. Although a nominal ceasefire has been in effect for four years, the situation in conflict-affected parts of eastern Ukraine remains tense and volatile and is characterized by persisting attacks on fundamental freedoms and a deteriorating humanitarian situation.

#### IV. ELECTORAL SYSTEM

The parliament is composed of 450 members elected for a five-year term, on the basis of a mixed proportional-majoritarian electoral system. One half of the MPs are elected in SMDs under a plurality system in a single round (first-past-the-post). The other half of the MPs are elected on the basis of a proportional system with closed party lists in one single nationwide constituency. Political parties must receive at least five per cent of all votes cast in order to participate in the distribution of mandates of the proportional component. In case of an uncontested district, the candidate has to obtain the majority of votes cast to be elected. Election coalitions of parties are not allowed.

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<sup>4</sup> The draft amendments included abolishing the majoritarian component of the electoral system and switching to fully proportional one, lowering the threshold to three per cent for party lists to take part in seat distribution and speeding up the procurement process in order allow the Central Election Commission to meet legal deadlines.

<sup>5</sup> The pending draft law on lifting the immunity of MPs was submitted by President Poroshenko in 2017. There were two draft laws on the same issue submitted in 2012 and 2017.

<sup>6</sup> The president had a 15 day deadline to sign the law "On temporary investigatory commission and temporary special commissions of the Verkhovna Rada" or send it back for reconsideration. Neither happened within the deadline.

<sup>7</sup> In the second round, Mr. Zelenskyy won 73.22 per cent of votes cast. Voter turnout was announced at 62.1 per cent.

<sup>8</sup> The remaining parliamentary seats were distributed among the Opposition Bloc (40), the Revival (19), People's Will (19) and non-affiliated members (43).

<sup>9</sup> Ukraine has ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). The periodic report of Ukraine Concluding observations of the Committee on the Elimination of Discrimination against Women was published in [March 2017](#).

Elections will be held only in 199 of the 225 SMDs.<sup>10</sup> The Central Election Commission (CEC) is required to publish information on the districts, including the boundaries and number of registered voters in each district, at the latest 175 days prior to the elections. There is no legal requirement to regularly review district boundaries, which were last reviewed in 2012. The number of registered voters in each district may not deviate by more than 12 per cent from the average number of voters of 161,140. The number of registered voters in SMDs ranges from 129,668 to 200,070 with significant deviations of up to 23.91 per cent from the established average.<sup>11</sup> In addition, a number of SMDs in the conflict-affected parts of eastern Ukraine have a much smaller number of registered voters.<sup>12</sup> See also section on *National Minorities*.

## V. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the 1996 Constitution (amended in 2019), the 2011 Law on the Election of People's Deputies (hereinafter, election law, amended in 2019) and CEC Regulations.<sup>13</sup> The legal framework remains largely unchanged since the last parliamentary elections in 2014, with the exception of the 2015 campaign finance reform. In addition, in 2015, communist and national-socialist (Nazi) parties were banned along with the registration of candidates nominated by such parties.<sup>14</sup> These bans were assessed as not fully in line with international obligations and standards.<sup>15</sup> Additional amendments concerned the procedure for candidate and observer registration and the replacement of candidates on party lists after the elections. The latter were ruled unconstitutional.<sup>16</sup> Stricter disclosure requirements for the finances of civil society organisations introduced in 2017 were also ruled unconstitutional in June 2019 and were criticized as undue restrictions of the freedom of association.<sup>17</sup> In April 2019, a new law prescribed that all election materials should be in Ukrainian.<sup>18</sup>

In 2013 and 2014, some prior ODIHR recommendations were addressed. Namely, legal amendments prescribed criteria for the delimitation of SMDs taking into consideration the interests of national

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<sup>10</sup> Elections will not be held in 26 SMDs in areas not under Ukrainian government control and declared by the parliament as “temporarily occupied territories”, namely in the 12 SMDs in the Autonomous Republic of Crimea and the city of Sevastopol (Crimea), in 9 of the 21 SMDs in Donetsk *oblast* and 5 of the 11 SMDs in Luhansk *oblast*. Subsequently, only 199 of the 225 majoritarian seats will be filed in the new parliament which will be composed of a total of 424 members. See also the 2014 Law of Ukraine “On citizens' rights, freedom assurance, and legal regulations on temporarily occupied territory of Ukraine”, the 2014 Law of Ukraine “On special procedure of local self-government in some districts of Donetsk and Luhansk regions”, the 2018 Law “On the peculiarities of State Policy on ensuring Ukraine's state sovereignty over temporary occupied territories in Donetsk and Luhansk regions”.  
<sup>11</sup> SMD 207 in Chernihiv *oblast* has the smallest number of registered voters whereas SMD 95 in Kyiv *oblast* has the largest.

<sup>12</sup> For instance, SMDs 45 (41,543), 51 (2,698) and 52 (62,560) in Donetsk *oblast* and 105 (9,162), 112 (64,458) in Luhansk *oblast*.

<sup>13</sup> Other pertinent legislation includes the following laws: on the CEC (2004, amended in 2018), on the State Voter Register (2007, amended in 2016), on Political Parties (2001, amended in 2017). Applicable provisions are included in the Criminal Code (2001, amended in 2019), the Code of Administrative Offences (1984, last amended in 2019) and the Code of Administrative Proceedings (2005, amended in 2018).

<sup>14</sup> The law on “condemnation of communist and national-socialist totalitarian regimes and prohibition of propaganda of their symbols” was adopted in 2015. Subsequently, article 60 of the election law was amended. Constitutional challenges to this law filed by the banned Communist Party in 2016 and by a group of MPs in 2017 are still pending, in spite of the six-month legal deadline for review.

<sup>15</sup> See the Opinions of the European Commission for Democracy Through Law (Venice Commission) on [“The Law on condemnation of communist and national socialist \(Nazi\) regimes and prohibition of propaganda of their symbols”](#) and [“On the Amendments to the Law on Elections regarding the Exclusion of Candidates From Party Lists”](#).

<sup>16</sup> The amendments allowed parties to replace candidates elected on the party lists after election day and before the CEC decision on results.

<sup>17</sup> See [ODIHR and Venice Commission Joint Opinion](#).

<sup>18</sup> The law “On ensuring the functioning of the Ukrainian language as a State language” replaced the 2012 law on Principles of the State Language Policy which was declared unconstitutional in February 2018.

minorities, provided for the right to correct mistakes in candidate registration documents, reduced the maximum number of voters assigned to each polling station, decreased electoral deposits for candidate registration and enhanced sanctions for election-related criminal offenses.

However, a number of prior ODIHR recommendations remain unaddressed. These include an overarching recommendation to harmonize the fragmented electoral framework by adopting a unified election code regulating all types of elections. Other outstanding recommendations concern undue restrictions on candidate eligibility and the limitations on the right of elected deputies to remain in office, the appointment and replacement of election commission members, simplification of the complaints and appeals process, and facilitation of voter registration for internally displaced persons (IDPs). A number of draft laws are pending in parliament, including a unified election code and draft laws aimed at facilitating voter registration for IDPs, particularly from territories not under government control, labour migrants, and voting for persons with disabilities, as well as strengthening sanctions for electoral offences.

## VI. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-tiered administration system comprising the Central Election Commission (CEC), 199 District Election Commissions (DECs) and some 30,000 Precinct Election Commissions (PECs).

The CEC is a permanent body composed of 17 members appointed by parliament on the basis of presidential nominations with renewable seven-year terms.<sup>19</sup> Nine members are women, including the chairperson and secretary. The current CEC was formed in September 2018, with one seat remaining vacant.<sup>20</sup> Some ODIHR EOM interlocutors have questioned its impartiality. On 1 July, the CEC Chairperson announced to the press that some political forces have tried to influence the work of the institution and discredit its members. She stated that the body will continue to work in an independent manner and that instances of pressure on the CEC will be reported to law enforcement agencies. Twenty two representatives of political parties with the right to a consultative vote were registered by the CEC.<sup>21</sup> CEC sessions are open to the public and streamed online by Civil Network OPORA. Resolutions are published on the CEC website in a timely manner so far.

The CEC informed the ODIHR EOM that the 2016 Law on Public Procurement does not contain special provisions for procuring assets and services required for the implementation of early elections. Timeframes set in the law resulted in obstacles for the election administration to meet legal deadlines pertaining to key activities.<sup>22</sup> Consequently, the Ministry of Economic Development and Trade was

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<sup>19</sup> Presidential nominations are based on proposals of parliamentary factions and groups. The current CEC composition includes members nominated by: PBB (5), People's Front (3), *Batkivshchyna* (1), Revival Party (1), the Radical Party (1), *Samopomich* (1), People's Will (1). One member was not formally nominated by a party. The two members remaining from the previous composition had been nominated by the Ukrainian Democratic Alliance for Reforms (UDAR, now part of PPB) and the Freedom Party (no longer represented in parliament).

<sup>20</sup> The Law on the CEC was amended in September 2018 to increase the number of CEC members from 15 to 17. Political actors and civil society criticized its hasty adoption and circumvention of parliamentary rules of procedure, claiming the change was intended to benefit the incumbent president. The Opposition Bloc, which argues that it is entitled to two seats on the CEC, is not represented in the current composition; the members it proposed were not put forward by then sitting president when the CEC was formed,

<sup>21</sup> By law political parties, which registered their candidates in the nationwide constituency race have the right to nominate one representative to the CEC.

<sup>22</sup> On 24 May the CEC adopted a Resolution No.897 appealing to the president, the parliament and the cabinet of ministers regarding regulations on issues of public procurement for the proper organization of, and preparations for, the conduct of elections. The resolution highlighted a number of problematic issues and conflicting deadlines including those for the printing of ballots. Adherence to the Law on Public Procurement would require at least 48 days for the process of ballot printing while the actual content of the ballot paper would not be known until 25 days before election day.

compelled to agree with the CEC special conditions and exemptions from some of the procurement procedures.<sup>23</sup> In addition, certain responsibilities were transferred from the CEC to DEC.<sup>24</sup>

The CEC formed 199 DECs by the legal deadline of 31 May. All DECs were composed of 18 members nominated by political parties represented by a faction in parliament and parties that contested the last parliamentary elections.<sup>25</sup> Executive positions in DECs must be proportionally assigned by the CEC either through the unified information and analytical system (UIAS) “*Vybory*” or manually. Since the initial appointments, the CEC has replaced up to one third of DEC members, including those in executive positions based on requests from nominating parties.<sup>26</sup> By law, nominating subjects are free to recall their nominees from commissions up to and after election day; a practice which ODIHR has previously recommended be reviewed to enhance the independence and impartiality of the commissions.<sup>27</sup> Women are well-represented at the DEC level, where they account for 59 per cent of all members.

The CEC provided training to the DEC members and support staff on election procedures and procurement. Although the trainings observed by the ODIHR EOM were overall positively assessed the majority were attended by only half of the expected participants. There has not been any systematic voter education to date. DECs resolutions are published on the CEC website through the “*Vybory*” system serving as a communication tool between commissions. Security of this system is ensured by special working groups created at the central and regional levels.

PECs for regular and special polling stations, as well as for polling stations abroad, must be formed no later than 5 July. The CEC will open 102 out-of-country polling stations in 72 countries.<sup>28</sup>

## VII. VOTER REGISTRATION

Citizens 18 years of age by election day are eligible to vote, unless declared mentally incapacitated by a court decision. Voter registration is passive and continuous. It is based on the centralized State Voter Register (SVR) administered by the CEC and updated monthly. It is maintained continuously by 27 Registration Administration Bodies and 759 Register Maintenance Bodies (RMBs), based on information provided by the local branches of state institutions including on voters’ civil status, registration, and citizenship.<sup>29</sup>

According to the SVR office, the total number of registered voters as of 30 June is 35,550,528.<sup>30</sup> Most

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<sup>23</sup> The Ministry of Economic Development and Trade issued an order allowing the CEC to break up large purchases into several smaller ones thereby allowing the CEC to bypass the formal tendering procedure.

<sup>24</sup> For example, DECs will be printing informational posters of candidates registered in SMDs.

<sup>25</sup> Of the 29 parties that contested the 2014 parliamentary elections, 25 exercised their right to nominate DEC members. Parties represented by a faction in parliament are guaranteed representation in DECs. The remaining seats are filled by drawing lots which resulted in some political parties having two members in more than half of the DECs.

<sup>26</sup> According to information distributed by the CEC at its briefing on 26 June most of DEC member replacements were requested by the political parties which nominated them.

<sup>27</sup> Section II.3.1.77 of the 2002 Venice Commission Code of Good Practice in Electoral Matters, recommends 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...”

<sup>28</sup> No changes were introduced to the CEC resolution on the establishment of the polling stations on a permanent basis abroad regarding the polling stations in the Russian Federation which were abolished before the 2019 presidential election upon the request of the Ministry of Foreign Affairs of Ukraine, on grounds of the presence of risks and threats to elections there and the need to guarantee the security of Ukrainian citizens. Voters residing in the Russian Federation are offered to vote in Finland, Georgia and Kazakhstan.

<sup>29</sup> Eighty-two RMBs located in territories outside government control, including Crimea, are currently not functioning. According to the SVR, this impacts 4,635,770 voters.

<sup>30</sup> This figure includes voters residing in Crimea Donetsk and Luhansk *oblasts* and those residing abroad.

ODIHR EOM interlocutors expressed confidence in the overall accuracy of the voter lists, although some raised concerns about the high number of voters without a registered address, and difficulties for IDPs and internal migrants to change their registration address.<sup>31</sup> The Law on SVR provides an opportunity for RMBs to establish a voting address for those who do not have one. However, it does not list the grounds for taking such a decision and leaves it to the discretion of the RMBs.<sup>32</sup> According to the figures in the SVR for 2019, so far, 2,668 such voters were assigned a voting address.<sup>33</sup>

Voter lists are extracted from the SVR and compiled separately for each polling station. Preliminary voter lists, together with voter invitation cards, are transferred by the respective RMB to regular polling stations, no later than ten days before election day. PECs should display voter lists the day after receiving them, to allow voters to verify their records and request amendments if necessary.<sup>34</sup>

The election law allows all eligible voters to change, on a temporary basis, their voting address, without changing their permanent registration. Requests must be filed personally by the voter no later than five days before election day to the RMB either where the voter is registered or intends to vote.<sup>35</sup> Voters who temporarily transfer their voting address outside their respective SMD are only entitled to the proportional ballot. Some ODIHR EOM interlocutors consider this requirement negatively impacts IDP voters and internal migrants.

In May 2019, the CEC simplified the procedure for submission of requests for changing one's voting address – such requests no longer require the voter to provide proof of absence from their place of permanent registration.<sup>36</sup> Thus far, 39,128 voters submitted such requests, mostly outside of their district.<sup>37</sup>

## VIII. CANDIDATE NOMINATION AND REGISTRATION

Candidate registration lasted from 24 May to 25 June. The CEC had to decide on more than 6,300 registration requests within five days of receiving a nomination, with the vast majority of documents submitted three days prior to the deadline. A total of 5,942 candidates were registered: 2,760 candidates on 22 party lists and 3,182 candidates in SMDs of whom 1,444 were fielded by parties and 1,735 self-nominated.

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<sup>31</sup> As of 30 June, 1,005,048 voters had deregistered from their voting address without registering anew. According to [UNCHR](#), as of 13 June there is a total of 1,385,062 IDPs registered with the Ministry of Social Policy.

<sup>32</sup> The Draft Law No. 6240 on the voting right of IDPs and other mobile groups is pending in parliament since 2017. It aims to lift barriers to IDP enfranchisement imposed by the residence registration system, which will also benefit internal migrants and other mobile groups of citizens.

<sup>33</sup> On 20 June, a number of non-government organizations (NGOs) addressed the CEC on the issue of the high number of voters who fall within this category. The CEC reasserted provisions in the Law on SVR – namely that it does not list the grounds for taking such a decision and leaves it to the discretion of the RMB – and that the mechanism for establishing a voter's registration should be simplified in the future.

<sup>34</sup> Voters can also check their records, including their respective polling station, online or at the RMBs where they are registered. Voters may request amendments and corrections to their records with RMBs up to five days before election day, and local courts of general jurisprudence up to two days before election day. On election day only technical corrections of the voter lists are allowed.

<sup>35</sup> The law does not provide voters with disabilities with an opportunity to submit a request through a proxy. Some RMBs met by the ODIHR EOM had a varied understanding about whether or not this category of voters can be represented by a proxy.

<sup>36</sup> In May 2019, a group of eleven NGOs submitted their proposal on simplifying the procedure for temporary change of the voting address to facilitate voting rights of IDPs and other mobile groups. Of the eight proposals, only the one no longer requiring proof of absence was accepted by the CEC.

<sup>37</sup> Kyiv oblast received the majority of requests. The main reasons for requesting a change were: registration in the parts of the territories of Donetsk and Luhansk oblast not under government control (33 per cent), actual residence in a different location (30 per cent), holidays and/or travelling (13.5 per cent), and registration in Crimea (1.6 per cent).

A citizen of Ukraine over the age of 21 on election day with voting rights and residence in the country for the five years prior to election day can run for parliament. The right to stand is denied to individuals with a non-expunged criminal record for an intentional crime, regardless of its severity. Candidates contesting in SMDs can be nominated by political parties or stand independently. Parties are entitled to submit electoral lists of no more than 225 candidates for the nationwide constituency and one candidate per SMD.<sup>38</sup>

The election law stipulates numerous requirements for submission of nomination applications, including a plethora of documents and a financial deposit.<sup>39</sup> While parties are responsible for submitting documents on behalf of candidates on their proportional lists or in the SMD, self-nominated candidates are required to submit their documents in person. The CEC developed several templates for applications, however it did not provide clear instructions on how to complete them.

The legislation states that errors or omissions detected in documents submitted by candidates for registration shall be subject to correction and shall not be a reason for refusing to register a candidate. It does not define what is considered an error or omission, and leaves it to the CEC's discretion. The CEC considered nomination documents that did not contain all required data as missing and rejected some 180 candidates on this ground. While in some cases both the Supreme Court and the Sixth Administrative Court of Appeal in Kyiv upheld the CEC's position, in at least four appeals the courts stated that inaccurately filled documents should be subject to correction, and cannot be considered as not-submitted.

Moreover, the legal framework does not include a notification mechanism to ensure that prospective candidates are informed of errors or omissions to allow them to make timely corrections and the CEC did not notify candidates about these in a consistent manner, leaving them at times unable to correct mistakes.<sup>40</sup>

Overall, 487 nominees, including lists of 3 political parties, were not registered, mostly on the grounds that necessary documents were not submitted.<sup>41</sup> Many of them were rejected for minor omissions. While following the 2015 amendments to the election law, the need to provide the party charter was abolished, in one case, the CEC considered the decision of the congress of the political party *Rukh Novykh Syl* (led by Mikheil Saakashvili) as not being in line with its charter and rejected the whole list of the party as well as its majoritarian candidates. This decision was overruled by both the Sixth Administrative Court of Appeal and the Supreme Court on appeal.

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<sup>38</sup> A person can be nominated either on a party list or in one SMD, but not both. Coalitions or blocs of parties cannot contest and independent groups of voters cannot nominate candidate lists for the proportional component of the election.

<sup>39</sup> The electoral deposit is calculated based on the minimum salary and equals 1,000 minimum salaries (approx. EUR 136,000) for party lists and 10 minimum salaries (approx. EUR 1,360) for candidates in SMDs. In January 2019, the minimum monthly salary was set at UAH 4,173 (EUR 141). Currently, 1 EUR equals approximately UAH 30.

<sup>40</sup> 14 candidates were not registered due to non-compliance with the residency requirement. 106 rejections were due to missing data in the autobiography, some 60 candidates were rejected due to lack of data about their social work, failure to provide a photo or telephone number, or other minor issues. 15 candidates were rejected due to failure to declare their willingness to resign from activities incompatible with an MP's status if elected. More than 20 candidates were rejected as the financial deposit was not paid by them personally which was considered as non-payment.

<sup>41</sup> Two cases concerned: the Communist Party was denied registration for failing to comply with the requirements set by the law on "condemnation of communist and national-socialist totalitarian regimes and prohibition of propaganda of their symbols", as well as the election law; the party of the Union of Left Forces did not fulfill the requirements on electoral deposit. Both parties unsuccessfully appealed their non-registration to the courts.



Some 70 CEC decisions were appealed to the Sixth Administrative Court of Appeal in Kyiv with the majority subsequently to the Supreme Court; ultimately, 1 out of 3 parties and 25 SMD candidates were registered based on court decisions.

Based on candidates' data available on the CEC website on 28 June, only 12, or some 0.4 percent of all the self-nominated candidates, in 6 SMDs had identical names. In an attempt to address the longstanding issue of candidates using names and surnames identical or similar to those of more well-known candidates, the CEC amended its regulation on 11 June by adding a requirement that a change to candidate's name must be reflected in the registration documents. In addition, in just over one quarter (51 of 199) of SMDs, some 72 self-nominated candidates, provided in their biographies data on their place of employment. The ODIHR EOM noted that the names of the employment places of candidates were identical or similar to that of the name of the party *Sluha Narodu* (Servant of the People).<sup>42</sup> Information on the place of employment is included in the ballot paper and this can therefore potentially mislead the voters.

On 30 June, following a complaint by party Servant of the People, the Sixth Administrative Court of Appeal obliged the CEC to amend the text of the ballots in nine SMDs to exclude references to the affiliation of certain self-nominated candidates with the party of Servant of the People. In addition, the Ministry of Interior initiated actions related to the issue based on a complaint filed by a representative of Servant of the People. See also section on *Complaints and Appeals*.

Equal rights between men and women, including in public and political life, are guaranteed by the Ukrainian legislation. The Law on Political Parties stipulates that a 30 per cent quota requirement for either gender on electoral lists be written into party statutes. There is no mechanism to sanction parties whose lists do not comply with the quota requirement.

For these elections, 13 of the 22 parties, submitted candidate lists comprising at least 30 per cent of women candidates. Of the total number of registered candidates, 23 per cent are female, while women representation in the nationwide constituency lists is at 30 per cent. However, the average representation of women candidates in the first 10 positions is 27 per cent.<sup>43</sup> This figure rises to 34 per cent for women candidates placed in the last 10 positions.<sup>44</sup> The lowest representation of women is among candidates contesting SMDs, only 16 per cent. Just over half of the women contesting in SMDs are self-nominated.

## IX. CAMPAIGN ENVIRONMENT

Candidates can launch their official campaigns a day after the CEC has issued a decision on their registration. The official campaign ends at midnight on the Friday before election day (19 July). The election law contains provisions aimed at ensuring equal campaign opportunities for all contestants, including access to campaign premises, outdoor and media advertisement as well as designated places for political advertising. Campaign and campaign finance regulations only apply after the registration of candidate or party list. Vote buying and misuse of state resources are defined within the legal framework and prohibited. The campaign in practice commenced between 6 and 10 of June when political parties held their conventions. It has visibly intensified after the Constitutional Court's

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<sup>42</sup> In each of ten SMDs, there are two to four candidates with such a registered workplace. Work place information is included in the ballot paper and this can therefore potentially mislead the electorate. There are at least 44 registered legal entities whose general name comprises the words "*Sluha Narodu*".

<sup>43</sup> Women placed in the first 10 positions in national lists range from none for Freedom Party and the Opposition Bloc to 60 percent for Self-Reliance Party.

<sup>44</sup> Female candidates placed in the lowest 10 positions in party lists vary from 90 per cent for the Independence Party to none in the lists of the Social Justice Party and the Agrarian Party.

decision (20 June) which ended the period of uncertainty by confirming the constitutionality of the presidential decree to dissolve parliament and call early elections.

Contestants extensively use television, online and social media platforms for campaign purposes. Other popular methods of campaigning include billboards, posters, and to a lesser extent erecting tents to distribute campaign materials. A growing number of public campaign events have been observed, mostly in the Western part of the country.<sup>45</sup> ODIHR EOM observers reported that different candidates are offering free concerts as a campaign method.<sup>46</sup> Contestants' political platforms focus on the economic situation, the fight against corruption and conflict resolution. Several instances of pre-term campaigning were reported.<sup>47</sup> The campaign has generally been peaceful although one violent incident was noted.<sup>48</sup>

According to police, 12 criminal proceedings on bribery of voters have been initiated so far. ODIHR EOM has observed a public event in Mykolaiv city where self-nominated candidate was distributing monetary awards to the winners of competitions.<sup>49</sup> Distribution of gifts and food has been observed during rallies in the cities of Dnipro, Mariupol, Poltava, and Kyiv oblast. Several ODIHR EOM interlocutors have alleged vote-buying and bribery of voters.<sup>50</sup> Instances of the use of public sector premises for campaigning have been reported to the ODIHR EOM.<sup>51</sup>

## X. CAMPAIGN FINANCE

Campaign finance is regulated by the election law and the Law on Political Parties.<sup>52</sup> Legal amendments in 2015 partly addressed some prior ODIHR and Council of Europe's Group of States against Corruption (GRECO) recommendations, including by making campaign finance reports easily accessible to the public, harmonizing campaign finance rules in all types of elections and general party finances, regulating in-kind contributions, introducing independent auditing of party and campaign finances, strengthening oversight and sanctions.<sup>53</sup>

Parties and majoritarian candidates contesting in SMDs are required to receive all incomes and incur all expenditures through dedicated bank accounts (electoral funds). Whereas they are allowed to start campaigning on the day following their registration by the CEC, they have an additional ten days to open bank accounts. A political party may spend up to UAH 370 million (approximately EUR 12.6 million) whereas a majoritarian candidate up to UAH 16 million (approximately EUR 564,000).<sup>54</sup>

Political parties and majoritarian candidates may use their own funds, without a limit, and private donations. An individual may donate up to UAH 1.6 million (approximately EUR 56,400) to a party or

<sup>45</sup> So far, the ODIHR EOM has observed a total of 28 rallies.

<sup>46</sup> Observed by the ODIHR EOM in Kharkiv, Lutsk, Mykolaiv, Rivne, Sumy and Uzhgorod. Concerts of the *Okean Elzy* band have been advertised in social media as part of the Voice political party's rallies. Also ODIHR EOM has received reports of voters being offered free concerts by the candidates in Kropyvnytskyi, Poltava and Mykolaiv.

<sup>47</sup> The ODIHR EOM has received allegations on pre-term campaigning in Chernivtsi, Odesa, Sumy and Dnipro.

<sup>48</sup> The ODIHR EOM was informed by Freedom Party that its member and self-nominated SMD candidate in Sumy (electoral district 160) was severely beaten. The Freedom Party leadership considers that the attack could be politically motivated.

<sup>49</sup> UAH 5,000 were awarded by the candidate to winners of break dancing and graffiti competitions that took place within the city's Youth day celebrations. The event was opened by the mayor of Mykolaiv and sponsored by a local businessman.

<sup>50</sup> The ODIHR EOM has received allegations of vote bribery in Chernihiv, Dnipro, Kharkiv, Kropyvnytskyi, Mariupol, Severodonetsk and Vinnytsia.

<sup>51</sup> For example in Zaporizhia city, ODIHR EOM has received allegations of an Opposition Bloc candidate holding meetings in the premises of the public hospital with entrepreneurs and hospital staff.

<sup>52</sup> Applicable provisions are also included in the Criminal Code and the Code of Administrative Offences.

<sup>53</sup> See [Second Compliance Report on Ukraine on "Transparency of Party Funding"](#) and the [Addendum](#).

<sup>54</sup> These amount to 90,000 and 4,000 times the minimum salary, respectively.

a candidate whereas a legal entity may donate twice as much.<sup>55</sup> There is a ban on donations from foreign and anonymous sources, unregistered civil society, charitable and religious organizations, other political parties, individuals and legal entities with public procurement contracts or with tax debts as well as state and public administration bodies and legal entities owned by them or affiliated with state or local administration officials. In addition, for the first time, parties are entitled to reimbursement from the State Budget of their actual campaign expenditures, provided that they obtain at least five per cent of the votes cast nationwide.

Political parties and majoritarian candidates are required to submit campaign finance reports to the CEC and the DEC respectively, as well as to the National Agency for the Prevention of Corruption (NAPC).<sup>56</sup> The interim reports of parties and candidates are due five and eight days prior to the election day respectively, whereas their final reports are due 15 and 7 days after election day.

These reports are to be published on the CEC, NAPC and party websites, as well as on DEC information stands, within a day of receipt. The CEC and NAPC conclusions on the interim and final reports are to be published at the latest five days before and 30 days after election day respectively. The CEC and the DEC are required to verify these reports, identify violations and notify the NAPC and the competent law enforcement bodies. Possible sanctions include fines ranging from UAH 1,200 – 6,770 (EUR 40 – 227) and suspension of public funding, including reimbursement of campaign expenditures.

## XI. MEDIA

The overall media landscape is diverse, but marked by a lack of autonomy vis-à-vis political interests. Five major private media groups owned by a handful of wealthy individuals have a combined audience share of more than 70 per cent.<sup>57</sup> The editorial policy and political agenda promoted by these private media outlets, both at national and regional level, exclusively serve the economic interest of their owners.

The Constitution guarantees freedom of speech and prohibits censorship, and the legal framework provides for general media freedom. Yet, journalists' safety remains a major concern as they face the threat of violence and intimidation by a variety of actors.<sup>58</sup> Most recently, a prominent investigative journalist known for reporting on corruption died after a violent attack on 4 May 2019 in Cherkasy and another journalist was brutally attacked while performing his activities in Kharkiv on 7 June.<sup>59</sup>

Private television is the primary source of information, followed by online websites, social media and newspapers.<sup>60</sup> On 14 June a new media holding company "News" was created by Mr. Taras Kozak

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<sup>55</sup> This is 400 and 800 times the minimum monthly salary, respectively.

<sup>56</sup> The NAPC was established on 18 March 2015 under the Law on Prevention of Corruption. It currently has three members instead of five, as prescribed by law. The members are nominated by the Prime-Minister and appointed by the Cabinet of Ministers for a four year term. One member was appointed in 2015 and a further two in 2018.

<sup>57</sup> The five major media groups are Star Light Media, 1+1 Media, Inter Media, Media Group Ukraine and *Novyny News*.

<sup>58</sup> See the [26<sup>th</sup> report of the United Nations High Commissioners for Human Rights \(OHCHR\)](#).

<sup>59</sup> The OSCE Representative on Freedom of the Media strongly condemned the attacks. See statements from [6 May 2019](#), [11 June 2019](#) and [20 June 2019](#).

<sup>60</sup> The 2016 law "On reforming the state and municipal print media" provides for 760 communal and state-owned media to finalize the privatization process by the end of 2018. To date, according to the State Committee of Television and Radio, 593 print media completed the transformation procedures.

after the purchase of *ZIK* channel. A number of *ZIK* channel top managers and journalists promptly announced their resignation fearing political interference in their work.<sup>61</sup>

The Ukrainian Public Broadcasting Company (UA: PBC), established in 2017, remains severely underfunded, with its annual budget reduced for the second consecutive year. In the run-up to the presidential election, the chairperson of the UA:PBC was dismissed from his position, prompting public criticism that his dismissal was politically motivated. On 19 June, a district court of Kyiv revoked the dismissal of the chairperson. While the Board had one month to appeal the court's decision, it decided on 27 June to withdraw its original decision to terminate the chairperson's contract.

The conduct of the media during the campaign is regulated by the election law, which stipulates that both public and private media shall offer balanced and unbiased coverage of contestants. Paid political advertising has to be clearly marked as such and is allowed on public and private media after the registration of the candidate by the CEC. On 2 July, in line with the law, the CEC allocated free airtime to all contestants on public national and regional media.<sup>62</sup>

Media compliance with legal requirements, including ensuring that the language quota is respected in the media, is monitored by the National Council for Television and Radio Broadcasting (NCTRB) which is currently not fully operational due to an inability to meet the a six-member quorum for decision-making.<sup>63</sup> On 27 June 2019 the NCTRB announced on its website that all campaign materials broadcast by TV and radio, placed on billboards, disseminated in the form of leaflets or newspapers or placed on the internet should be produced in the Ukrainian language, effective from 16 July.

On 20 June, the ODIHR EOM commenced its media monitoring activities of prime-time broadcasts of six TV Channels with a quantitative and qualitative analysis of their political and election coverage.<sup>64</sup>

## XII. NATIONAL MINORITIES

The Constitution guarantees the equality of all citizens and provides for for full political, civil, and social rights for national minorities and guarantees all citizens the right to vote and to stand for elections, regardless of ethnic background, race, religion, or language.<sup>65</sup> It also guarantees the use of the national minority languages, while rendering Ukrainian the state language.<sup>66</sup>

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<sup>61</sup> Mr Taras Kozak is an MP, currently running in 10<sup>th</sup> position on the party ticket of Opposition Party for Life and the owner of *Channel 112* and *News One* purchased in 2018. Combined with the newly purchased *Zik Channel*, they form the new media group *Novyny* (News). The group has five per cent of total viewership in the broadcasting sector according to Big Data UA rating agency.

<sup>62</sup> A CEC resolution defines the modalities for allocating free airtime and space in public and state broadcast and print media through a lottery system. Contestants will receive up to 60 minutes in the national public media divided in two blocks of 30 minutes each. Allocation of free airtime in the regional public media will be decided locally by UA: PBC local branches.

<sup>63</sup> The NTRBC consists of eight members appointed for five-year terms which can be renewed once. Parliament and the President each appoint four members. The inability to form the quorum is due to the absence of some of the members and to political disagreements concerning the appointment of the Head of the NTRBC.

<sup>64</sup> The ODIHR EOM will monitor six TV channels with nationwide coverage during prime time (18:00–24:00 hrs.): public *UA:Pershyi* and the five private channels *Ukraina TV*, *1+1*, *ICTV*, *112 Ukraina*, and *Priamyi*. The ODIHR EOM also follows election-related content in national and regional news websites and social media accounts of some of the contestants.

<sup>65</sup> According to the last census of 2001, the majority of citizens are Ukrainians (77.8 per cent), followed by Russians (17.3 per cent). Other national minorities include Belarusians, Moldovans, Crimean Tatars, Bulgarians, Hungarians, Romanians, Poles, Roma, Jews and other small numerous groups, who constitute the remaining five per cent.

<sup>66</sup> Other relevant laws include the Law on National Minorities which dates back to 1992, before the adoption of the current Constitution in 1996. Ukraine has ratified the Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages.

The legislation does not contain any explicit prohibition on political party activity based on linguistic or ethnic basis. However, the Law on Political Parties requires that political parties have a support base in two-thirds of Ukraine's regions and in two-thirds of the districts within those regions in order to be registered as a political party.<sup>67</sup> Taking into account the compact settlement of some national minority communities in Ukraine, establishing a nation-wide political party aiming to represent interests of a minority is a challenge.

According to the election law, 'where possible' the SMD boundaries should be established with the consideration of the interests of national minorities residing in the respective territory.<sup>68</sup> However, some national minorities, claiming the current borders of SMDs in Zakarpattia and Chernivtsi *oblasts* were not aligned with legal requirements, have been unsuccessfully demanding the redrawing of the borders since 2012. The CEC informed the ODIHR EOM that the matter was not looked into since the last election due to the lack of time.

According to the law, Ukrainian is the sole language for the conduct of elections and referenda. All election materials, including ballot papers and voter lists are produced in the Ukrainian language. Campaign materials may be produced in Ukrainian and other languages in specific areas of the country.

### XIII. COMPLAINTS AND APPEALS

Complaints may be filed by election commissions, parties, candidates, observers, as well as by voters only on violations of their personal rights. Most types of complaints may be filed either to a higher election commission or a court, at the complainant's discretion. Complaints against the CEC are lodged to the Sixth Administrative Court of Appeal in Kyiv, and appeals to the Supreme Court's Administrative Cassation Chamber which also reviews complaints against the CEC decision on the election results. The law prescribes an expedited review process. Complaints and appeals are to be considered by both election commissions and courts in open sessions and decisions must be made public.<sup>69</sup>

As of 30 June, the ODIHR EOM has been made aware of some 55 complaints and appeals filed to courts, mainly on candidate registration and membership in election commissions. Some 4,367 complaints and applications were filed to the CEC as of 25 May.<sup>70</sup> The Police register possible election-related criminal and administrative offences on an interactive portal. It has registered some 929 possible offences, mostly on campaign violations and vote buying and initiated investigation into 44 criminal cases, as well as 79 administrative offences mostly linked to unmarked campaign materials. The Police have also opened a criminal investigation on the basis of a complaint filed by the party Servant of the People on the issue of candidates with employment places with names similar to the name of the party.

Some complaints on candidate and party registration were pending review by the courts after the deadline for registration. On complaints upheld, the court in some cases ordered the CEC to register the

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<sup>67</sup> In addition, the law also stipulated that signatures required for registration of a party must be collected in the cities of Kyiv and Sevastopol, and in no less than two-thirds of the districts of the Autonomous Republic of Crimea.

<sup>68</sup> The election law further stipulates that the cases when the number of the national minorities living in the territorial unit is higher than necessary for the creation of one single-mandate district, the districts should be delimited in a way that in one of the districts the national minority population constitutes the majority.

<sup>69</sup> The complainant, the respondent and other interested persons must be notified in advance of the time and place of the consideration of the complaint. They should also be provided with copies of the complaint and supporting documentation, latest at the beginning of the session on the complaint.

<sup>70</sup> No disaggregated information was provided on the topics of the complaints and applications. The CEC informed the ODIHR EOM that DEC's have not informed the CEC of any complaints as they are not required by law to do so.

nominees and parties denied registration whereas in other cases only to reconsider their applications.<sup>71</sup> In some cases of reconsideration, the CEC issued again the same decision as the one overturned by the court.<sup>72</sup>

#### XIV. CITIZEN AND INTERNATIONAL OBSERVERS

The law provides for observation of the electoral process by international and citizen observers, including non-governmental organizations (NGOs) whose statutes include election observation. In addition, each candidate in SMDs has the right to nominate proxies and observers to represent the candidate and observe the entire electoral process.<sup>73</sup> An amendment to the election laws adopted in February 2019 effectively prohibits citizens of the Russian Federation and persons whose nomination was initiated or submitted by the Russian Federation from observing elections in Ukraine.<sup>74</sup>

In total, of 170 NGOs which applied to the CEC, 163 were granted permission to have official observers.<sup>75</sup> Of these, 143 were registered to observe country-wide, while the rest will observe in particular regions or cities.<sup>76</sup> According to the state register of legal entities and public associations a number of these NGOs were only recently created. In a number of cases, their names are similar to those of several political parties. Some ODIHR EOM interlocutors raised concerns about their affiliation to particular parties or candidates. The CEC has thus far registered over 281 international observers from 8 organizations or foreign states.

#### XV. ODIHR EOM ACTIVITIES

The ODIHR EOM formally opened in Kyiv with a press conference on 11 June. The Head of Mission has met with the CEC Chairperson, the Deputy Minister of Foreign Affairs, the Prime Minister, the Minister for Internal Affairs, political party leaders and their representatives, media, civil society, and members of the diplomatic and international community. The ODIHR EOM has established regular contacts with the CEC, governmental institutions involved in the electoral process, electoral contestants' campaign offices, political parties, civil society, the media, and the diplomatic community.

The OSCE Parliamentary Assembly, the European Parliament and the NATO Parliamentary Assembly have announced that they will deploy observer delegations for election-day observation.

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

<sup>71</sup> For instance, the Sixth Administrative Court of Appeal ordered the CEC to register O.Onishchenko, Y.Polino and the Liberal Party of Ukraine whereas the same court ordered the CEC to reconsider the applications of A. Kornatsky, Y. Plastun, O. Molodtsova, A. Yevlakhov and the political party *Rukh Novykh Syl* (Mikheil Saakashvili).

<sup>72</sup> Article 113.7 stipulates that “the election commission shall adopt a decision in accordance with the court’s judgment [...] may not issue, may not adopt a decision essentially repeating the one found by the court to be illegal, unless the previous decision was invalidated for formal reasons”.

<sup>73</sup> DEC’s accredit individual domestic observers put forward by candidates and parties, and those put forward by NGOs registered by the CEC to observe. Domestic observers for observation in polling stations abroad are registered by the CEC, in its capacity as the DEC for out-of-country voting.

<sup>74</sup> The amended legislation bans “participation of the nominees or citizens of the aggressor state or the occupying power, as determined by the Verkhovna Rada”.

<sup>75</sup> Seven were rejected by the CEC on the grounds of late submission of documents or lack of election observation activities listed in their statutes. None of them appealed the decision.

<sup>76</sup> The accreditation of non-partisan citizen observers and candidate observers is done by DEC’s until 15 July. So far, a total of the following observers were accredited: 2, 622 non-partisan citizen observers, 1,540 party, and 94 for SMD candidates.