



Global Expertise. Local Solutions.  
Sustainable Democracy.

# **Elections in Ukraine**

## *2019 Presidential Election Run-Off*

Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

2011 Crystal Drive | Floor 10 | Arlington, VA 22202 | [www.IFES.org](http://www.IFES.org)

April 12, 2019

## Frequently Asked Questions

Who will Ukrainians elect on April 21? .....	1
What are the key dates associated with the presidential election?.....	1
What is the role of the president? .....	1
How many candidates registered to compete in the first round and how many ran for office?.....	1
Who are the candidates in this run-off? .....	1
What is the electoral system used in this run-off? .....	2
How are elections administered for the run-off? .....	2
How will voters cast their ballots? .....	3
Will there be out-of-country voting? .....	3
How are voter lists compiled? .....	4
What are the rules on campaigning?.....	4
What are the rules governing the media? .....	5
What are the rules for campaign finance? .....	5
How will disputes be adjudicated? .....	6
Resources .....	7

*Disclosure:*

*These FAQs reflect decisions made by the Ukrainian elections authorities as of April 12, 2019, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Who will Ukrainians elect on April 21?**

On April 21, 2019, Ukrainian voters will vote in the second round of the election to elect the president of Ukraine from among two candidates who received the highest numbers of votes in the first round.

## **What are the key dates associated with the presidential election?**

The first round took place on March 31. The run-off, or second round, is scheduled for April 21. The Central Election Commission must announce the official results within 10 days after Election Day but no later than three days after receiving all tabulation protocols from District Election Commissions. Thus, the final results of the presidential election are expected no later than May 1. Please see this [timeline](#) for additional key dates.

## **What is the role of the president?**

Under the Constitution of Ukraine, the president is head of state and guarantees the state sovereignty and territorial integrity of Ukraine. The president is also guarantor of compliance with the Constitution, and for upholding human rights and freedoms of Ukraine's citizens. Under a recent amendment, the president is charged with implementing a strategic path toward full membership in the European Union and North Atlantic Treaty Organization.

Day-to-day executive power is in the hands of the cabinet ministers of Ukraine, led by a prime minister appointed by Parliament. The president represents the nation in international relations, conducts negotiations and settles international treaties, and he is the commander-in-chief of the Ukrainian Army. The president nominates the defense and foreign affairs ministers. In order to secure a balance between state bodies, the president has veto power immediately after Parliament passes legislation.

Ukraine has had five presidents since 1991. The presidency is limited to two consecutive terms of five years, but there is no limit on nonconsecutive terms.

## **How many candidates registered to compete in the first round and how many ran for office?**

A total of 44 candidates obtained registration to compete in the presidential election. Five candidates withdrew their candidacy. The final list of 39 candidates competing in the first round was comprised of 35 men and four women. As none of them achieved more than 50 percent of the vote in the first round on March 31, the Central Election Commission on April 7 called a second round between the top two candidates on April 21. The voter turnout in the first round was 63.48 percent.

## **Who are the candidates in this run-off?**

The second round will be between Volodymyr Zelenskyi ("Servant of the People" Party), who received 30.24 percent of the vote in the first round, and incumbent President Petro Poroshenko (independent), who received 15.95 percent. Yuliya Tymoshenko (Batkivshyna) came third with 13.40 percent of the vote.

## **What is the electoral system used in this run-off?**

The president is elected directly by eligible voters in a two-round plurality system without any voter turnout requirement. The election is conducted in two electoral constituencies – the nationwide electoral district comprising the entire territory of Ukraine and the foreign electoral district for voters abroad. A candidate must receive an absolute majority of the entire vote to be elected.

## **How are elections administered for the run-off?**

Presidential elections are administered by a three-tiered system of election commissions that have organizational, institutional and financial independence and comprises the Central Election Commission (CEC), 199 District Election Commissions (DECs) and 29,806 Precinct Election Commissions (PECs).

Under law, the CEC has 17 members appointed for renewable seven-year terms by Parliament based on presidential nominations following consultations with Parliament. The current composition of the CEC was renewed in September 2018 and there is still one vacant seat on the commission.

The CEC has the overall authority for planning, regulating and overseeing the election. The CEC's duties include establishing territorial election districts and election precincts; maintaining the State Register of Voters; appointment of member to DECs; the adoption of the form and text of the ballot papers; the printing ballots and the establishment of the election result. The CEC issues regulations and clarifications in order to implement the election laws and considers complaints against DEC decisions, actions and inactions; the actions or inactions of DEC members; actions of presidential candidates and their proxies in the nationwide election district; and actions of political parties that nominated the candidates. The CEC acts as the DEC for organizing the out-of-country vote and appoints members of PECs abroad and tabulates the result of the out-of-country vote. DECs are responsible for organizing the elections in their districts, including by appointing members to PECs; registering official observers; distributing ballot papers to PECs; reviewing complaints on decisions, actions or inaction of a PEC, its members or the actions of a candidate proxy. Following the vote count in polling stations, the DEC tabulates the results from the PECs in their district.

DECs are formed anew for the second round and comprised of 14 members who are appointed based on nominations by the two second-round candidates. Each candidate has the right to appoint half of the DEC commissioners; if a candidate fails to submit enough nominations, the CEC chair will fill the vacant seats and nominate the remaining members of the commission to reach 14. Candidates may replace their commissioners once appointed. PECs are responsible for administering the vote in the election precinct on Election Day. They facilitate the voting process in the polling stations, arrange voting for voters who cannot leave their homes, count the votes and transfer the results protocol to the DEC after completing the count. PECs also review complaints on violations that took place during voting committed by a proxy of a presidential candidate in their precinct.

PECs are comprised of 12, 14 or 16 members depending on the number of voters registered to vote at the polling station. Like DECs, these appointments are based on nominations of the two second-round candidates, each of which has the right to nominate half of the total membership. If a candidate fails to

submit enough names of nominees, the DEC chair can fill the gap and nominate the remaining members. Candidates have the right to replace their nominees at will.

The CEC has a legal obligation to ensure that each candidate for the second round has an equal number of executive positions – chairpersons, deputy chairpersons and secretaries – on DECs across Ukraine and that the chair and secretary position in a commission are nominees of different candidates. Likewise, the DECs are obliged to ensure that the same principles are followed at when the two candidates appoint nominees to the executive positions on DECs. This is to ensure checks and balances on each election commission for the second round.

For the second round, the CEC appointed DECs on April 10. The CEC decided not to appoint any deputy head of DECs. While Poroshenko proposed nominees to all 199 DECs, Zelenskyi only submitted names for 197 DECs. The CEC chairperson nominated the members of the remaining two DECs, numbers 57 and 58, both located in Mariupol, Donetsk, oblast.

## **How will voters cast their ballots?**

Citizens will vote using paper ballots. Voters will place a “plus” sign (“+”) on the ballot or another mark that indicates their will in the square box next to the surname of the presidential candidate for whom they are voting. A voter may only vote for one candidate.

Each voter will cast a ballot individually at their assigned polling station. A voter who is included in the list of voters on the polling station but due to his or her age, disability or health is not able to move independently will have the option of voting at the place of his or her residence. Voting will be conducted in 30,090 polling stations – 29,989 in Ukraine and 101 abroad. Polls will be open on Election Day from 8:00 a.m. to 8:00 p.m.

## **Will there be out-of-country voting?**

Out-of-country voting will be conducted in 101 permanent polling stations in 72 countries. A full list of polling stations abroad can be found on the Ministry of Foreign Affairs [website](#). In the first round, some 434,930 voters were registered to vote abroad, of which 54,931 cast their ballots. The final number of voters on the voter list for the second round will be known after April 16, when the deadline to temporarily change voting address expires (see below). Voting abroad will be conducted from 8:00 a.m. to 8:00 p.m. local time.

Some Ukrainian voters will have to travel to another country to cast their ballot. On December 31, 2018, the Central Election Commission (CEC), based on a request from the Ministry of Foreign Affairs of Ukraine, closed the polling stations in Ukraine’s diplomatic missions in the Russian Federation and assigned some 50,000 registered voters to out-of-country polling stations in Finland, Kazakhstan and Georgia. The CEC cited the ongoing conflict with Russia, the government’s inability to ensure the integrity of Ukrainian elections in Russia, and the security of Ukrainian voters in Russia as reasons for its decision.

## **How are voter lists compiled?**

Voter registration in Ukraine is passive and continuous. The Central Election Commission (CEC) is responsible for maintaining a centralized State Register of Voters that receives monthly updates from over 20,000 public authorities, which are processed by 761 Voter Register Maintenance Bodies (RMBs) across the country.

In the first round, 30,047,302 voters were on the voter list in polling stations on March 31. The final number of voters on the voter list for the second round will be known after April 16, when the deadline to temporarily change voting address expires.

Voters will be given less time to review the voter list in the second round. In contrast to the first round, there will be no preliminary voter list display, but voters can still check their registration online. Voters can file a lawsuit regarding inaccuracies until April 18, which is the same day that the Precinct Election Commissions (PECs) will receive the final voter list from the RMB. Thus, unlike the first round, challenges alleging inaccuracies are dealt with only by courts, not by RMBs or PECs. No changes to the voter lists (except correcting spelling mistakes) or registration of votes can be made on Election Day.

Voters who are away from their home precinct on Election Day have the right to temporarily change their place of voting without changing their voter address. This is the only way that internally displaced persons (IDPs) or citizens with a voting address in temporarily occupied territories can take part in the election and vote at their current location. In addition to IDPs, internal migrants such as labor migrants and students, as well as PEC and DEC members who are serving in a different location, must register a temporary place of voting to take part in the election at their current location.

The number of voters who requested to change their place of voting for the first round was 315,725. Changing the place of voting is a one-time exercise that must be repeated for each election event, including for the second round in presidential elections. Voters could file an application for changing their place of voting to the RMB beginning April 8 and until April 16, five days before the run-off. The CEC put in place a simplified procedure for IDPs and citizens with a voting address in temporarily occupied territories. These voters do not have to justify their application for a temporary change of place of voting.

Voters who reach the age of 18 between the first and the second rounds or on April 21 are entitled to vote in the run-off. They appear automatically on the final voter list at their registered place of residence (electoral address). First-time voters who are also IDPs in some cases faced difficulties in registering a temporary voting place due to the absence of residence registration or lack of proper documents.

## **What are the rules on campaigning?**

The Law on Election of the President of Ukraine states that any citizen who has reached the age of 18 is entitled to participate in election campaign activities, including organizing and taking part in demonstrations, marches and picketing. Reasonable and sufficient advance notice must be given to local authorities to allow them to make the preparations necessary for any public campaign event.

The campaign for the second round began on April 8, the day after the Central Election Commission scheduled the second round. The campaign ends at midnight on April 19. Campaigning is prohibited during the 24 hours preceding the run-off, as well as on Election Day.

The election law contains provisions aimed at ensuring equal campaign opportunities for all candidates, including access to campaign premises and designated places for political advertising. The Constitution guarantees freedom of the media and prohibits censorship. It further states that “propaganda or campaigning inciting social, racial, national or religious hatred and strife is impermissible. Propaganda of social, racial, national, religious or language superiority is forbidden.”

## **What are the rules governing the media?**

Campaigning in the media can take the form of a public debate or discussion, roundtable discussions, press conferences, interviews, speeches, political advertising, ads in broadcast media, videos and other publications and reports on candidates, the party that nominated a candidate, and other forms that do not contradict the laws and the Constitution of Ukraine.

Candidates receive 30 minutes of free airtime on television and radio on state-funded broadcast media, divided equally between the candidates. Additionally, they receive free print space in the state-funded newspapers, *Holos Ukrainy* and *Uryadoviy Kur'yer*, which are required to print their election platforms in a special edition free of charge.

The Presidential Election Law provides for one mandatory debate between the two presidential candidates in the run-off. This debate is funded from the state budget and broadcast live on Friday, April 19, between 7:00 and 10:00 p.m., with at least 60 minutes of uninterrupted broadcast time. If one candidate refuses to participate in the debate, the whole time slot allocated for the debate is given to the other candidate. No other sanctions are foreseen for failure to participate in the debate. The above provision does not prevent the candidates from arranging other debates; such debates must be funded from their respective campaign funds.

## **What are the rules for campaign finance?**

The Law on Election of the President of Ukraine requires each candidate to maintain two types of bank accounts for campaign funds. Candidates must open one electoral account in a bank located in Kyiv where all contributions and campaign donations are collected. Candidates must additionally open no more than one campaign expense account in each electoral district. Candidates must file financial disclosure forms in the candidate registration process.

All contributions to a campaign must be deposited in the account of the electoral fund and all expenditures must be made by bank transfer from the expense account. There is no ceiling on overall campaign spending. Donations from foreign citizens, the state, public funds, anonymous sources, and nonprofit and charitable organizations are prohibited.

A presidential campaign can be financed from:

- A candidate's private funds (unlimited);
- Individual donations from a citizen of Ukraine (the donation may not exceed USD 62,000);
- Donations from legal entities (the donation may not exceed USD 124,000); and
- Funds from the party that nominated the candidate (unlimited).

## **How will disputes be adjudicated?**

Presidential candidates, parties that nominated them, official observers and voters whose electoral rights or legitimate interests were violated can file complaints with the Central Election Commission (CEC), a District Election Commission (DEC) or Precinct Election Commission (PEC). The right to challenge specific violations in courts is granted for certain categories of complainants or plaintiffs.

Complaints over violations committed before April 21 must be filed to the relevant election commission within five days from the day the alleged violation happened, but no later than by 10:00 p.m. on April 20. If the violation happened on Election Day during the vote count or tabulation, the complaint must be filed within five days. Complaints about the voting process itself must either be filed before the end of voting or within two days depending on the nature of the complaint and the plaintiff and complainant.

PEC decisions can be challenged at the relevant DEC or local court. DEC decisions can be challenged at the CEC or respective district administrative court. The Sixth Administrative Court of Appeals located in Kyiv considers lawsuits against actions of presidential candidates and their proxies as well as against decisions, actions or inactions of the CEC and its members, except for when these are related to the election results, which are challenged at the Supreme Court.

## Resources

- [The Constitution of Ukraine](#), Chapter 5: The President of Ukraine
- [Law on Election of the President of Ukraine](#), March 5, 1999, with amendments (in Ukrainian)
- [Law on the Central Election Commission](#) (CEC), June 30, 2004 (in Ukrainian)
- [Law on the State Register of Voters](#), February 22, 2007 (in Ukrainian)
- [CEC Website](#)
- [CEC Website on Presidential Elections](#)
- [2019 Presidential Election Run-Off Timeline](#)