



International Foundation
for Electoral Systems

Elections in Ukraine

2020 Local Elections

Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

2011 Crystal Drive | Floor 10 | Arlington, VA 22202 | www.IFES.org



Canada



October 8, 2020

Frequently Asked Questions

When is Election Day?.....	1
Why are these elections important?	1
What is the legal framework governing these elections?	1
What electoral systems are used for the local elections?	2
Who administers the elections?	2
What are the rules for drawing constituency boundaries?	4
Who are citizens voting for on Election Day?	4
Who can vote in these elections?	4
How do citizens register to vote?	5
Who can run as a candidate?	6
What is the process for candidate nomination and registration?	6
What provisions are in place to promote the equal participation of women as candidates?	7
What is the campaign process?	7
What are the rules for campaign finance?	7
What are the rules governing the media?	8
What does the ballot look like? How do voters cast their ballots?	9
Will there be run-off elections?	10
What provisions are in place to guarantee equal access to the electoral process for people with disabilities?	10
Who can observe on election day? How do they get accredited?	11
What are election authorities doing to safeguard the elections and voters during the COVID-19 pandemic?.....	11
When will official results be announced?	12
How will election disputes be adjudicated?	12
Resources	13
IFES in Ukraine	13

Disclosure:

These FAQs reflect decisions made by the Ukrainian elections authorities as of October 8, 2020, to the best of our knowledge. This document does not represent any International Foundation for Electoral Systems (IFES) policy or technical recommendations. It was made possible by the generous support of the American people through the United States Agency for International Development (USAID), the support of Global Affairs Canada (GAC) and UK aid funding from the UK government. The contents are the responsibility of IFES and do not necessarily reflect the views of USAID, GAC or the governments of the United States, Canada or the UK.

When is Election Day?

The 2020 local elections in Ukraine will take place on Sunday, October 25, 2020.

Why are these elections important?

The 2020 local elections will mark the completion of a decentralization reform process that began in 2015, and that saw the merger of villages and settlements into larger territorial communities. In July 2020, the Soviet-era district (*rayon*) structure was abolished, and the previous 490 districts were consolidated into 136 new, enlarged rayons, 119 of which are located in government-controlled areas of Ukraine. These new entities will hold the first elections to their self-government bodies concurrently with regular local elections of other local councils and mayors on October 25.

Local elections are an essential way for citizens to shape decision-making in their immediate communities. These are the first nationwide local elections to be held following President Volodymyr Zelenskyy's transition of power in 2019, and the early parliamentary elections later that year that gave his Servant of the People party a majority in Parliament and government. Particularly noteworthy is the fact that these local elections will be held under new electoral systems and legislation.

What is the legal framework governing these elections?

Ukraine is a party to major international and regional instruments relating to the holding of democratic elections, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights and other regional and international documents. Ukraine is a participating State of the Organization for Security and Co-operation in Europe and a member of the Council of Europe.

The recently adopted election code, in part, harmonizes the relevant legal framework. Overall, elections in Ukraine are governed by the following laws:

- Election Code (adopted on December 19, 2019)
- Law on the Central Election Commission (June 30, 2004)
- Law on the State Register of Voters (February 22, 2007)
- Law on Political Parties in Ukraine (April 5, 2001)
- Law on Local Self-Governance in Ukraine (May 21, 1997)
- Law on the Status of Local Councilors (July 11, 2002)
- Code of Administrative Adjudication (July 6, 2005)
- Criminal Code of Ukraine (adopted on April 5, 2001)
- Code of Administrative Offense (adopted on December 7, 1984)

The most recent amendments to the election code and other laws governing local elections were adopted on July 16, 2020.

What electoral systems are used for the local elections?

The upcoming 2020 local elections significantly differ from the last local elections in 2015, as new electoral systems apply, and the different election systems used will depend on both the level of office and the size of the constituency.

An open list proportional representation (PR) system will be used for elections to the oblast, rayon, city and city rayon councils and councils in villages and settlements with 10,000 or more voters. For elections in smaller territorial-administrative units (i.e., to the village, settlement and city councils in communities with fewer than 10,000 voters), a plurality (majoritarian) electoral system will be used — essentially a single non-transferable vote system (SNTV).

In all local council elections under the open list PR system, a five percent threshold applies. Any party that receives five percent of the vote in a territorial district as a whole will participate in the allocation of council seats. On each party list for that territorial district, one seat is reserved for one top candidate. The remaining seats are distributed to the candidates who received the most votes. Candidates placed in lower positions on the party list for the territorial district will have an opportunity to be elected under the open list PR system if a sufficient number of voters cast a preferential vote in their favor to enable them to move up the list.

Under the SNTV system applied in smaller territorial-administrative units, all seats are allocated to the candidates who receive the most votes. The election will take place in multi-member constituencies, where both candidates nominated by a party and self-nominated (independent) candidates can participate. Independent candidates are barred from participation in elections under the open list PR system unless they are accepted on the list of one of the parties competing in the elections.

Candidates for mayor of cities with 75,000 or more voters will need to secure more than 50 percent (an absolute majority) of votes to be elected, either in the first round or in a run-off election between the top two candidates from the first round. In cities with fewer than 75,000 voters, a first-past-the-post system is used — that is, mayors need only a plurality of votes (a relative majority) to be elected, without the need for a second round.

Who administers the elections?

The election management structure for local elections in Ukraine is complex and decentralized. The Central Election Commission (CEC) functions as an upper-level election commission for all lower-level election commissions in local elections, but unlike in presidential or parliamentary elections, the CEC's involvement in local election preparations is limited. Instead, territorial election commissions (TECs) created at each level of self-governance are directly responsible for local elections at their respective levels. TECs at the lower level form and oversee the work of precinct election commissions (PECs). PECs are responsible for preparing and managing the 29,084 polling stations on Election Day. They administer and supervise voting, conduct the vote count in polling stations and send result protocols to the TECs. The number of PEC members depends on the number of voters assigned to the election precinct and ranges from 10 to 18.

The CEC establishes the upper- and mid-level TECs (at the oblast, rayon and city levels). These TECs, in turn, form the lower-level TECs (at the village, settlement and city district levels). All TECs are formed on an *ad hoc* basis for local elections and consist of between nine and 18 members, who are nominated by political parties.

The right to nominate members to TECs belongs to registered local branches of:

- Parties that created their party faction in the *Verkhovna Rada* (currently there are five such parties in the Rada);
- Parties that signed agreements on political cooperation with registered groups of members of Parliament (currently there are two such groups in the Rada); and
- Other parties — that is, those without representation in the national legislature.

The formation of PECs for local elections generally follows the same principle as the formation of TECs. The right to nominate members to PECs belongs to the registered local party branches of all parties mentioned above under the formation of TECs; in addition, contestants in the respective territorial district, including self-nominated (independent) candidates for council membership or for mayor, as well as parties that nominated candidates locally, have the right to nominate members to PECs.

All of the nominating entities listed above have the right to nominate one member to each election commission; parties with their own factions in the Rada may nominate two members each to both TECs and PECs. Nominating entities are free to withdraw and replace their TEC or PEC member by notifying the appointing election commission of the change. All TECs must be formed so that the chair, deputy chair and secretary of the commission are nominees of different political parties (party branches). However, unlike in parliamentary elections, there is no provision that those nominated receive a proportional share of these positions. Executive positions on PECs must also be staffed with nominees from different nominating entities (parties or independent candidates).

If the number of commission members proposed to a TEC or PEC exceeds the maximum 18 required, the election commission in charge of appointment must draw lots. In the case of a TEC, lots are drawn among the nominees for commission membership proposed by parties without representation in the Rada. In the case of a PEC, lots are drawn among the nominees for commission membership proposed by self-nominated candidates and by other parties that registered candidates for elections locally.

Nominees for commission membership proposed by the parties with factions in the Rada, and by parties that signed agreements on cooperation with Rada member of Parliament groups have guaranteed representation on the election commissions and are exempt from the lottery. Their nominees must be appointed to the relevant election commission if they meet the requirements of the code and are proposed in time by their party (party branch). If the number of nominees for election commission membership is fewer than required — nine for TECs or 10 for PECs — the upper-level election commission in charge of appointment is entitled to appoint members to fill in vacant positions in the commission.

What are the rules for drawing constituency boundaries?

The boundaries of election districts (constituencies) are determined by the relevant territorial election commission (TEC) at the very beginning of the election process based on updated data on registered voters received from the respective State Voter Register maintenance body. It is especially important that the boundaries of multi-member election constituencies in elections under the single non-transferable vote system (in communities with fewer than 10,000 voters) and in elections under the open list PR system comprise an approximately equal number of voters in order to ensure compliance with the principle of the equality of the vote. In mayoral elections at the village, settlement or city level, the relevant local territory is made up of a single election district (constituency) where the power of the vote of each voter is equal.

Who are citizens voting for on Election Day?

Ukraine's local self-government structure includes the Autonomous Republic of Crimea; two cities with a special status (Kyiv and Sevastopol); 24 oblasts at the regional level; rayons; cities subordinated to oblasts; and villages, settlements and cities subordinated to rayons at the local level. According to this structure, in the upcoming local elections, the following positions will be elected: members of oblast councils; rayon councils (in newly enlarged rayons); city councils; rayon in city councils (where applicable); village and settlement councils; and village, settlement and city mayors.

However, due to the ongoing conflict in Donbas and the illegal annexation of Crimea by the Russian Federation, no local elections — at any level — will take place in Crimea. In Donetsk and Luhansk oblasts, no local elections will take place in non-government-controlled territories; nor will elections to the oblast councils be held in 2020. However, lower-level local elections will take place in most government-controlled areas of Donetsk and Luhansk oblasts, except local elections in some communities located close to the contact line that are holding elections for the first time. The CEC cancelled the elections in 18 such communities for security reasons based on authoritative opinions from the civil-military administrations in Donetsk and Luhansk oblasts.

Local self-governance councils have between 22 members (at the village level) and 120 members (in Kyiv city council). The size of council membership is determined by the election code and corresponds to the number of voters registered in a territorial-administrative unit.

According to data provided by the Central Election Commission, 370 mayoral seats of all levels – cities, settlements and villages – are being contested. As many as 1,421 city, village and settlement councils varying in size from 22 to 120 deputies in each, 119 rayon councils and 22 oblast councils will be elected.

Who can vote in these elections?

The Constitution of Ukraine grants all citizens who are 18 years of age as of election day the right to vote, except those who have been disenfranchised by a court decision.

The right to vote in a specific local election depends on where the voter resides. A voter's electoral address determines the territorial community to which that person belongs. Each voter has the right to

elect deputies to their respective village, settlement or city council, and to elect the mayor at the corresponding level and deputies to the rayon and oblast council in the rayon and oblast to which their territorial community belongs. The same applies to voters residing in larger cities that have the right to elect deputies to the city council and the city mayor as well as to the rayon in city councils (where applicable).

Citizens of Ukraine who live abroad or serve in the military; other service personnel on duty away from their place of residence; and citizens who are imprisoned by a court sentence are not considered to belong to a territorial community and therefore do not have the right to vote in local elections. As a consequence, out-of-country voting and prison voting is not conducted for local elections. Military service members on duty near their place of residence must be granted at least four hours of leave during voting hours on Election Day.

Importantly, for the first time, citizens who have been internally displaced by conflict, and internal migrants, will be able to vote in local elections where they actually live, potentially enfranchising millions of new voters locally.

How do citizens register to vote?

Voter registration in Ukraine is passive and continuous. The State Register of Voters is a database that is updated monthly and that contains election-related personal data of all registered voters in the country. It is unified for the entire country and administered by the Central Election Commission at the central level, by oblast administrators at the regional level and by State Voter Register maintenance bodies at the local level.

In local elections, the right to vote is restricted to citizens who are members of the relevant territorial community as determined by their registered (*de jure*) place of residence. The election code has opened a new opportunity for internally displaced persons and other Ukrainian citizens to register to vote at their actual (*de facto*) residence, including in local elections.

Voters can now apply for a change of electoral address in person or online using an electronic signature and no longer have to provide any documentation as proof of residing at their chosen electoral address. The change of electoral address is permanent and valid for all future elections. As a safeguard against electoral address changes for illicit purposes, voters must apply to change their electoral address before the start of candidate registration, and they cannot register a different electoral address within one year after the previous change. This new procedure also applies to persons without any registered place of residence, who can register an electoral address at their *de facto* residence, thereby enabling them to vote in local elections.

As of September 31, 2020, there were 32,010,554 registered voters in Ukraine, excluding the Autonomous Republic of Crimea, city of Sevastopol and the foreign election district. However, 1,896,070 voters in Donetsk and 1,400,607 voters in Luhansk oblast - the non-government-controlled territories – will not vote in the upcoming elections. As a result, a total of 28,713,877 voters will be eligible to participate in the 2020 local elections.

Who can run as a candidate?

Any citizen who has the right to vote in local elections has the right to run as a candidate for the post of mayor or for a seat on a local council. In line with international standards, residency is not a requirement for passive suffrage in local elections.

Persons with a criminal record for committing a grave or especially grave crime, a crime against citizens' electoral rights or a crime connected to corruption cannot stand for elections unless their criminal record has been lifted or expunged pursuant to the procedure established by law.

What is the process for candidate nomination and registration?

The process for candidate nomination begins 40 days before election day and ends 10 days later. In elections held under the open list proportional representation system, only local party branches have the right to nominate candidates; candidacy by self-nomination is not permitted. Thus, independent candidates may run only in mayoral elections and elections to the village, settlement or city council levels in local communities with fewer than 10,000 voters. A total of 204,799 candidates and candidate lists are contesting the 2020 local elections.

Parties nominating candidates, as well as independent candidates, must all pay electoral deposits. The July 2020 amendment to the election code significantly reduced the size of the electoral deposit for most offices; it now constitutes some 10 percent of what was initially proposed. Under the previous regulations, in Kyiv city, for instance, the electoral deposit for a candidate for mayor of Kyiv would have been higher than that of a candidate for president of Ukraine. The lowering of these deposits is a positive development, as it makes it likely that more people will be able to compete as candidates in local communities. The July 2020 amendments introduced an electoral deposit in elections in smaller communities whereby candidates for council and mayor now have to pay a symbolic deposit, where no deposit was required before.

Candidates are registered by the territorial election commission (TEC) at the relevant level of local self-government. The deadline for applications for registration of candidates ends 30 days prior to election day, and the relevant TEC has five days to consider the registration. In contrast to previous elections, candidates may now apply for registration electronically. The registered candidate may begin campaigning on the day following their registration. Rejected candidates and the parties that nominated them have the right to appeal the decision to deny them candidacy.

Several parties have voiced difficulties in identifying enough qualified candidates for all local contests. As a consequence, a new rule allows for the same individual to be nominated and registered as a candidate in more than one local election contest:

- A candidate for local council may also run for a seat in another council at a different level of local self-governance (for example, a candidate could run for both a local village council and a rayon council);
- A candidate for mayor of a village, settlement or city (in communities with up to 75,000 voters) may additionally run for up to two council seats — one seat either in a multi-member

constituency or a territorial constituency at the same level of self-governance where they run for mayor, plus one seat in the oblast council; and

- A candidate for mayor of a city with more than 75,000 voters may additionally run for a seat in the corresponding city council.

Both party and self-nominated (independent) candidates are entitled to run for multiple local offices. The same individual, however, cannot be nominated by different nominating entities to different local offices. The election code further specifies that a candidate for mayor of one community is not allowed to run for mayor of another community. The code also regulates what happens if a candidate wins two seats and must relinquish one.

What provisions are in place to promote the equal participation of women as candidates?

One of the welcome innovations in the new election code is mandatory gender quotas. A 40 percent gender quota applies to local elections held under an open list proportional representation system. It requires that at least two women be included in each group of five candidates on any type of political party list. This quota is enforceable: Failure to comply with it will result in the rejection of the entire party list of candidates.

There is also a gender quota for local elections held under the single non-transferable vote system to councils in cities, settlements or villages with fewer than 10,000 voters, requiring political parties to include at least 30 percent of women on their party lists of candidates to these councils. However, the party is not obliged to place women in winnable positions on their candidate lists.

What is the campaign process?

The campaign for local elections does not begin on a specific day; a party or candidate may begin campaigning on the day following the decision to register a candidate or party list of candidates. The local election campaign ends at midnight on the last Friday before the Sunday election day.

Campaigning may take many forms: rallies; meetings of voters; canvassing; public debates or discussions; distribution of election leaflets, posters and other printed campaign materials; placement of political advertising outdoors; print or broadcast media; etc. Compared to the previous legislation, the election code better defines what constitutes campaigning and the restrictions on campaigning, including what constitutes hidden political advertising (*jeansa*) in print and broadcast media. It also strengthens the requirements for publication of opinion polls, including on the internet and during televised talk shows.

What are the rules for campaign finance?

A candidate or a local party branch that nominated a list of candidates may (but is not obliged to) open a campaign account. Parties and candidates may use their own funds for local election campaign purposes on the condition that the money is transferred to and spent from their campaign accounts. Parties must open an accumulative account (for donations and other income) and a current account (for all

expenses); individual candidates, including self-nominated (independent) candidates, are only required to open a current account for all such purposes. All transactions on campaign accounts must be cashless. Parties and candidates are obliged to appoint account managers if they open campaign accounts. Only account managers are authorized to make transactions on behalf of the party or candidate. Candidates nominated on party lists are entitled to open individual campaign funds.

There is no limit (ceiling) on a party's or a candidate's use of their own money for local election campaign purposes. In reports on Ukraine, the Council of Europe's Group of States Against Corruption has criticized this lack of a ceiling. The lack of such a limit means that voters will not have information about the source of a party's campaign income until after local elections, since parties only report their financial income four times per year.

In local elections, candidates and parties may receive donations but only from individuals (physical persons); businesses and enterprises (legal persons) are not allowed to make donations to candidates' campaign funds. The overall value of donations from one individual to the campaign fund of a candidate must not exceed the equivalent of 10 months' salary, or 47,230 UAH (approximately \$1,700 USD). The same individual is entitled to make donations to multiple candidates or parties. Individuals can only make donations by appearing in person in a bank; online donations, which are now possible in other nationwide elections, have not been extended to local elections.

Election fund managers are obliged to report income and expenses both prior to election day and post-election by submitting preliminary and final financial reports on all donations and expenses on their campaigns' accounts. All reports must be submitted in hard-copy format to the relevant territorial election commission (TEC), which must publish the reports on its own website or on the website of the relevant local council. The TEC is also in charge of analyzing the reports and must report any detected inconsistencies or violations of campaign finance rules to the National Agency for Corruption Prevention and potentially also to the National Police. Oversight with campaign finance is a shared responsibility of the Central Election Commission and National Agency for Corruption Prevention.

What are the rules governing the media?

The election code upholds the principle of equal access to media in local elections and provides for equal conditions for candidates and parties in terms of the cost of purchasing airtime or print space. Free airtime on the national public broadcaster is not provided to candidates competing in local elections. The media must provide coverage of the election process and election-related activities and events in a reliable, complete, accurate, objective and impartial manner. Importantly, media outlets are legally barred from withholding information that is deemed "socially important" when covering the election process, to avoid misinformation and to rely on primary sources. Media outlets cannot refuse to offer airtime or print space to some candidates if they offer them to other candidates. The only exemption from this rule is for media outlets owned by a political party itself, such as a party newspaper.

The election code brings more clarity to the rules governing the media, gives certain autonomy to the media as to the amount of airtime devoted to coverage of the election process and protects media

freedom. For instance, it is no longer possible to temporarily suspend the licenses of broadcasters and print media for violations of campaign provisions in elections. The media is obliged to give objective and correct information about parties and candidates and must provide candidates the opportunity to respond to information they consider false or distortions of fact. The media outlet must publish such refutation in the same manner as the initial publication. The code also provides guidance and requirements as to the format and conditions for equal access — for instance, if a broadcast media plans to air debates and include candidates or party representatives as participants.

The National Television and Radio Broadcasting Council is the regulatory body that monitors the campaign in broadcast media. It has no record of taking a proactive approach in issuing sanctions for violations in traditional and online media, partly because it lacks sufficient funding to fully implement its mandate. Another state body oversees print media.

What does the ballot look like? How do voters cast their ballots?

The Central Election Commission determines the form of all ballots used in local elections, while the territorial election commissions approve the text and security features of the ballots. Each ballot is printed on a single sheet of paper and contains text only on the front side. The transfer of ballots from the printing house and the handover to the election commission is subject to strict regulations. Ballots arrive at the polling station in booklet form; each ballot has a control counterfoil that the precinct election commissioner removes when issuing the ballot to the voter.

In local council elections under the open list proportional representation (PR) system, voters receive a ballot on which they can vote for both a party and for an individual candidate of that party. The sequence of parties on the ballot is determined by the lottery. The ballot presents two boxes next to each party — one to vote for the party and the other for the preferential vote for an individual candidate. To guide voters, local party candidates are listed next to the boxes, with a number assigned to each. The voter must mark the first box with a plus, cross or other mark and write the number corresponding to their preferred candidate in the second box.

The preferential vote for a candidate is optional; a vote is considered a valid vote for the party (party list of candidates) if the voter marks only the box for the party. If the voter additionally writes in the number assigned to a candidate, this is counted as a vote for that candidate. Ballots without any marks or containing no mark next to the name of the party, or ballots marked for more than one party are deemed invalid.

Under the single non-transferable vote system, a voter receives a ballot with the list of candidates registered in the relevant multi-member constituency and must choose only one candidate (by making one mark on the ballot). In mayoral races, similarly, only one vote for a preferred candidate is cast.

One significant improvement resulting from the July 2020 amendments to the election code is a more voter-friendly ballot design, which is more suitable to open list elections: The box to vote for a candidate is not placed at the bottom of the ballot, as previously, but next to the corresponding party's box.

However, the design of the ballot for the open list PR system remains problematic, as it is inaccessible for voters with visual disabilities and generally needs improvement in the future.

Will there be run-off elections?

Run-off elections will occur in the following scenarios:

- When no candidate for mayor in communities with more than 75,000 voters receives an absolute majority of votes in the first round. The two top candidates in the first round would then compete in a second round of voting.
- When two or more candidates for mayor of a village, settlement or city are tied for the highest number of votes.
- When two or more candidates competing for a council seat in a multi-member constituency under the single non-transferable vote (SNTV) system who are entitled to claim the last remaining seat receive an equal number of votes.

The date for the second round (also called repeat voting) is not a fixed day; the election code states that this vote must be conducted on a Sunday within three weeks after a territorial election commission (TEC) adopts the decision to call for a second round of voting.

Additionally, if the number of elected candidates under the SNTV system is fewer than the number of seats to be filled in the multi-member constituency, the relevant TEC will call repeat elections for the vacant seats in this constituency. Repeat elections are also envisaged for other scenarios, including when the vote is tied in a run-off election. Repeat elections require that the entire election process be repeated. Repeat elections are held on the last Sunday within 60 days after they are determined to be necessary and subsequently called.

What provisions are in place to guarantee equal access to the electoral process for people with disabilities?

Voters with disabilities can cast their ballots either in person at the polling station to which they are assigned or at home through mobile balloting teams. Voters with a permanent disability that affects their mobility, and some voters with other disabilities, are automatically assigned the status of at-home voters by State Voter Register maintenance bodies. The disability community has criticized this process as having the effect of isolating and further stigmatizing voters with disabilities. These voters need to apply to change their status if they prefer to vote in person. At the polling station, they are entitled to request assistance to complete their ballots and cast their votes in the ballot box on election day, as long as that assistant is not a member of an election commission or any of the other people who are authorized to be present in the polling stations during voting. This avoids the possibility that the same individuals will assist multiple voters.

In addition, the new election code requires that voter awareness materials be placed in the polling station in a way that they can be easily accessed by voters with disabilities. A person assisting an election commissioner with disabilities has the right to be present at commission meetings without prior

notice. The election code encourages candidates to use accessible formats, such as larger fonts and braille in their print political advertising, although it is not mandatory. The code lists the accessibility requirements for voting premises and states that these arrangements are subject to audit. However, new provisions fail to fully enfranchise voters with psychosocial and intellectual disabilities; this is a violation of international election standards.

Who can observe on election day? How do they get accredited?

Local elections can be observed by both national and international observers. Their rights and obligations are regulated in the election code and further clarified in Central Election Commission (CEC) instructions. Political parties, as well as candidates in local elections, can register national observers to follow the preparation for and conduct of elections at the relevant level of the election administration, including in polling stations on election day. National civil society organizations (CSOs) that list election observation as an activity in their charters can also register and field observers. In contrast to previous elections, CSOs now have the right to observe at the CEC level (a maximum of two observers per organization) in all elections, including local ones.

International observation can be bilateral (from a foreign state) or multilateral (from an international organization). The election code prohibits the registration of international observers from the Russian Federation, even if they are members of observer delegations or missions of multilateral organizations to which Ukraine is a party, such as the Organization for Security and Co-operation in Europe or the Council of Europe.

International observers can request accreditation from the CEC directly or via the Ministry of Foreign Affairs no later than 10 days prior to election day. CSOs need to apply to the CEC for permission to accredit observers no later than 40 days prior to election day. After permission is granted, CSO observers may apply for individual registration to the relevant territorial election commission. Observers from political parties and candidates apply for accreditation to the election commission in the election district where their party or candidate is running.

Candidates and parties (party branches) may additionally register agents and authorized persons to represent their interests in the relevant constituency or in courts. Agents and others authorized by candidates may also act as official observers on election day.

What are election authorities doing to safeguard the elections and voters during the COVID-19 pandemic?

In mid-September, the Cabinet of Ministers issued a resolution on COVID-19 measures during the elections. Substantively, the recommendations include guidance and a list of preventive measures to be taken by local authorities and election commissions, at polling stations and while assisting self-isolated voters voting at home via mobile boxes. These measures include requiring voters to wear masks at the polling station, limiting the number of people inside a polling station at one time to avoid overcrowding and observing social distancing of one meter in queues.

When will official results be announced?

In local elections, territorial election commissions (TECs) are the bodies responsible for determining the results of the voting and announcing election results. For open list proportional representation elections to local councils (in communities with more than 10,000 voters), TECs should determine the results of the voting no later than 12 days after election day. In elections to local councils under the single non-transferable vote system (in communities with fewer than 10,000 voters), as well as in mayoral elections in cities, settlements and villages, the voting results should be determined on election day. TECs must officially publish local election results in local print media no later than five days after the results of the voting were established and on the official website of the commission or the respective local council. Due to the complexity of the number of electoral systems used, as well as the introduction of new ballot designs, it is likely that the counting of votes will take longer than in previous elections.

How will election disputes be adjudicated?

Complaints and appeals in the local election process can be filed either to an election commission or to a court, depending on the nature of the complaint. Voters, candidates, political parties and official observers whose electoral rights or legitimate interests were violated can file complaints with a territorial election commission or the Central Election Commission; complaints against decisions, actions or inactions related to the electoral process are filed with a local court. The court may consider complaints contesting the decisions, actions or inactions of election commissions; decisions of political parties; and actions or inactions of candidates, authorized persons, observers and the media.

The election code regulates the adjudication procedure for complaints handled by election commissions and specifies the applicable timelines and the review procedure; defines requirements to evidence; and lists the possible consequences of the result of the review. Meanwhile, court adjudication applies in an exclusive manner to limited cases defined by the electoral code, and the Code of Administrative Adjudication regulates the applicable procedure in detail.

It is noteworthy that the July 2020 changes to the election code and other laws strengthened electoral justice, providing for more proportionate, effective and dissuasive sanctions for electoral violations.

Resources

- [Constitution of Ukraine](#), Chapters III, IX
- [Election Code](#), as amended on July 16, 2020, and other laws listed above as legal framework (see pages 1-2)
- [Central Election Commission COVID-19 Prevention Recommendations](#), issued July 4, 2020
- [Central Election Commission Website](#)
- [IFES Ukraine Election Bulletins](#)

IFES in Ukraine

Since 1994, the International Foundation for Electoral Systems (IFES) has played a key role in the emergence and modernization of democratic electoral processes and institutions in Ukraine. During this period, IFES has developed a reputation as a reliable source for impartial analysis and high-quality technical assistance in the fields of electoral and political finance reform, social inclusion and gender equality, election administration, civil society capacity-building, civic education and public opinion research. Currently, IFES is implementing the following projects in Ukraine: 1) the “Ukraine Responsive and Accountable Politics Program” (U-RAP), funded by the United States Agency for International Development, 2) “Ensuring Meaningful Engagement through Reform for Gender Equality” (EMERGE), funded by Global Affairs Canada and 3) the “Electoral and Legal Enhancements Through Civic Engagement and Technical Assistance Program” (ELECT), funded by UK aid.

IFES implements a wide range of programming in Ukraine. IFES’ efforts have resulted in the continued enhancement of electoral administration, consensus-based electoral law reform discussions and implementation, improved cooperation on political finance oversight between government and civil society, the strengthening of Ukraine’s cybersecurity resilience, increased capacity of key civil society actors to act as partners and monitors, as well as the growth of engaged and informed civic and voter participation across the country. Inclusion and gender equality are mainstreamed throughout IFES’ programming to promote structural reforms that will benefit all citizens of Ukraine. In addition to policy analysis, capacity building and work with electoral management, IFES partners with Ukrainian civil society organizations to develop and promote measures that address women’s underrepresentation in Ukrainian politics and inclusion of minority populations in electoral and political processes.