



**UKRAINIAN WORLD CONGRESS
INTERNATIONAL ELECTION OBSERVATION MISSION
TO UKRAINE'S 2020 LOCAL ELECTIONS**

**INTERIM REPORT
Ukrainian World Congress International Election Observation Mission
to Ukraine's Local Elections
25 October, 2020**

October 19, 2020

A. ABOUT THE UWC AND UCCA MISSIONS

The Ukrainian World Congress (UWC) is the international coordinating body for Ukrainian communities in the diaspora representing the interests of over 20 million Ukrainians. The UWC has a network of member organizations and ties with Ukrainians in over 60 countries. Founded in 1967, the UWC was recognized in 2003 by the United Nations Economic and Social Council as a non-governmental organization with special consultative status and obtained in 2018 participatory status as an international non-governmental organization with the Council of Europe.

On 11 July 2019, the Prosecutor General of the Russian Federation declared the UWC to be an undesirable organization, that constitutes a threat to the constitutional framework and security of the Russian Federation.

Since 1999, the UWC deployed election observation missions to monitor all Presidential and Parliamentary Elections in Ukraine. In 2020 the UWC has deployed its mission to observe local elections.

The Ukrainian Congress Committee of America (UCCA), the national umbrella organization in the United States representing the interests of Americans of Ukrainian descent for 80 years has been conducting comprehensive civic education programs in Ukraine to teach citizens the benefits of democracy and free market economic reforms since 1991. A large part of the UCCA's Civic Education work has included hosting delegations of international election observers to monitor Ukraine's

presidential and parliamentary elections. UCCA Delegations have monitored every election held in Ukraine since 1991.

In 2004, during the historic Orange Revolution, the UCCA's delegation, which numbered 2,408 individuals, was the largest delegation of International Election Observers ever registered by Ukraine's Central Election Commission, surpassing the OSCE's delegation by almost 1,000 observers.

The Central Election Commission has accredited 12 official observers from the Ukrainian World Congress and 14 official observers from the Ukrainian Congress Committee of America (UCCA) to monitor local elections on October 25, 2020 (CEC resolutions № 294 of September 24, 2020, № 313 of September 29, 2020, and № 384 of October 15, 2020):

<https://act.cvk.gov.ua/acts/pro-akreditatsiyu-ofitsiynih-sposterigachiv-vid-svitovogo-kongresu-ukraintsiv-na-mistsevih-viborah-25-zhovtnya-2020-roku.html>

<https://act.cvk.gov.ua/acts/pro-akreditatsiyu-ofitsiynih-sposterigachiv-vid-yevropeyskoi-merezhi-organizatsiy-z-monitoringu-viboriv-ukrainskogo-kongresovogo-komitetu-ameriki-slovatskoi-respubliki-ta-korolivstva-ispaniya-na-mists.html>

<https://act.cvk.gov.ua/acts/pro-akreditatsiyu-ofitsiynih-sposterigachiv-vid-komitetu-za-vidkritu-demokratiyu-natsionalnogo-demokratichnogo-institutu-mizhnarodnih-vidnosin-mizhnarodnogo-fondu-za-krashhe-upravlinnya-svitovogo-ko.html>

The 2020 local elections in Ukraine are taking place at a time when Ukraine is facing challenges to its territorial integrity; the military occupation and the illegal annexation of Crimea and the ongoing military aggression in its eastern territories. This situation also makes Ukraine vulnerable to potential foreign interference in the electoral process.

On Sunday, October 25, Ukrainians will vote for deputies of local councils, from village to regional level. According to the new election legislation, more than 43,000 deputies and more than 1,400 mayors of city, settlement, and village communities will have to be elected. These elections are particularly important as the role of local councils has been expanded through recent decentralization reforms.

Therefore, it is extremely important that Ukraine ensures free, fair and transparent local elections in 2020 for its citizens, who, like all other free people, have the right to express their opinion while electing local council deputies and local community leaders during the democratic process without foreign intervention.

Thus, on October 1, 2020, the Ukrainian World Congress (UWC) has announced the launch of the UWC and UCCA Election Observation

Missions to Ukraine's 2020 Local Elections to monitor and protect democracy in Ukraine.

<https://ukrainianworldcongress.org/news.php/news/2126>

"These elections are unlike any other in Ukraine's history, not only because of the challenges posed by the pandemic but because local governments now have a greater say in their local affairs, which is a long overdue and welcome departure from the legacy of the highly-centralized, Soviet past," stated Paul Grod, UWC President, "UWC remains committed to supporting transparency and fairness of electoral processes, even during these challenging times."

"Safeguarding fair and transparent elections in Ukraine not only secures the democratic future of Ukraine and her people; Ukraine is on the frontline of a continental struggle for democratic values and human rights," stated Borys Wrzesnewskyj, Head of UWC Election Observation Mission.

The Mission will observe the local elections scheduled for October 25, 2020 and will focus on the following:

- commenting on the legal framework of the electoral process, particularly on Ukraine's domestic legislation and legal norms, as well as Ukraine's commitments to the Organization for Security and Co-operation in Europe and the Council of Europe, as well as other international standards for democratic elections; and in the context of other international standards of democratic elections;
- evaluating Ukraine's preparedness to ensure democratic elections and to counteract possible foreign interference, including cyberattacks, manipulations, and violations of the electoral process;
- monitoring media to identify any attempts to undermine Ukraine, including the integrity of its electoral processes and the legitimacy of democracy in Ukraine; and
- observing the election process in the days leading up to and on election day, as well as the process of counting of votes and announcements of the election results.

The purpose of the UWC and UCCA Election Observation Missions is to support an open and transparent electoral process in Ukraine. The UWC and the UCCA support Ukraine's commitment to OSCE standards for free and fair elections, which reflect the will of the electorate and do not support any candidate, political party or a bloc. The UWC and the UCCA will announce their findings during a virtual post-election press conference.

Due to the global pandemic and travel restrictions, the Election Observation Missions consist mainly of expats who are already in Ukraine.

The UWC Mission has mobilized a group of experts and observers to conduct media monitoring. Observers monitor information in the media for any evidence of disinformation. Online information is checked for accuracy and classified according to sources and topics.

On election day, the election process will be observed by **12 official observers from six countries of the world, namely Canada, USA, Denmark, Switzerland, Great Britain and France.**

The UWC Mission works closely with the observation mission of its member organization, the Ukrainian Congress Committee of America (UCCA) which has delegated **14 official observers**. Combined the two missions employ **26 official observers from six countries**.

The reports of both Missions will be presented in the Final Report of the UWC Mission.

By its composition and scope, the UWC and UCCA Election Observation Missions are unique in that they:

- consist of a majority of Ukrainian-speaking observers who are knowledgeable about the situation in Ukraine;
- include long-term observers who will carry out media monitoring outside Ukraine and
- include short-term observers who will monitor the electoral process.

The official UWC-UCCA observers will attend training in person on October 22, 2020.

The UWC Mission plans to issue four (4) reports:

I. INTERIM REPORT Of The UWC International Observation Mission to Ukraine's Local Elections on October 25, 2020

Issue date - October 19, 2020

II. PRELIMINARY OBSERVATIONS Of The UWC International Observation Mission to Ukraine's Local Elections on October 25, 2020 – the day after the elections

Issue date – October 26, 2020

III. INTERIM REPORT Of The UWC International Observation Mission to Ukraine's Local Elections on Media Monitoring

Tentative issue date of the report is November 23, 2020

IV. FINAL REPORT Of The UWC International Observation Mission to Ukraine's Local Elections in the Fall of 2020

Tentative issue date - December 29, 2020

The UWC and UCCA Election Observation Missions' core team includes:

Borys Wrzesnewskyj, former Member of the Parliament of Canada – Head of UWC Mission, Co-Chair of the UWC-UCCA Election Observation Mission;

Andrew Futey, President of the Ukrainian Congress Committee of America (UCCA) – Head of UCCA Mission, Co-Chair of UWC-UCCA Election Observation Mission;

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Natalia Nemyliwska, Director of the UWC Economic Prosperity and Investment Committee – UWC Chief Observer;

Reno Domenico, long-term international observer – UCCA Chief Observer;

Tamara Olexy, UWC Regional Vice President and UCCA Executive Director - Mission Coordinator;

The UWC mission is completely independent and does not receive government funding.

The UWC mission also employs Ukrainian electoral experts:

Yaroslav Sydorovych – head of the expert group.

The UWC and UCCA Election Observation Missions consists of volunteers committed to Ukraine's democratic progress.

Role of long-term observers (Itos) in the local elections

Disinformation in the weeks approaching the local elections in Ukraine has been identified as one of the most serious threats to a free and unobstructed democratic electoral process without foreign interference. Media experts and think tanks continue to warn about the dangers of fabricated and false information, which is intended to influence the opinion of voters and cause confrontation and conflict. The disinformation campaign is not limited to Ukraine's infospace, but spreads throughout world in order to mislead Ukraine's allies.

The UWC Mission has organized a team of observers who work remotely from their countries of residence and monitor the global media space for misinformation.

Monitoring activities began in September 2020 and will continue until the end of local elections.

B. DOMESTIC AND INTERNATIONAL OBSERVERS

The deadline for non-governmental organizations (NGOs), whose statutory activities include electoral process and observation, to apply to the Central Election Commission for permission to have their official observers participate in local elections is no later than forty days before election day - September 14, 2020.

The Central Election Commission (CEC) has authorized **116 NGOs** to have official observers during the October 25, 2020 local elections. This includes 85 nationally registered organizations and 31 registered in specific regions of Ukraine.

The deadline for submission to the Central Election Commission of proposals for the accreditation of official observers from foreign states and

international organizations is no later than ten days before election day - October 14, 2020.

According to Article 58 of the Electoral Code of Ukraine, **an official observer shall not be:**

- 1) a person who is a citizen (subject) of a state recognized by the Verkhovna Rada of Ukraine as an aggressor state or an occupying state;
- 2) a person whose candidacy had been nominated or submitted by a state recognized by the Verkhovna Rada of Ukraine as an aggressor state or an occupying state.

Such rule has affected the work of the UWC Mission, as it has excluded citizens of the Russian Federation representing UWC member organizations from participating in the UWC Mission.

The Central Elections Commission has accredited **312 official observers to monitor local elections on October 25, 2020 including 41 – from six foreign states and 271 – from nine international organizations.**

Combined, the UWC and UCCA Election Observation Mission is the fifth largest international observation mission.

Information¹ on official observers from foreign countries

Country	Number of observers
Republic of Hungary	<u>19</u>
Slovak Republic	<u>6</u>
Republic of Kazakhstan	<u>5</u>
Federal Republic of Germany	<u>5</u>
Kingdom of Spain	<u>4</u>
Czech Republic	<u>2</u>
Total number of observers	41

¹ According to the reports posted on cvk.gov.ua (https://www.cvk.gov.ua/vibory_category/mistsevi-vibori/vibori-deputativ-verhovnoi-radi-avtonomnoi-respubliki-krim-oblasnih-rayonnih-miskih-rayonnih-silskih-selishhnih-rad-25-10-2020.html)

Information on official observers from international organizations

Name of an organization	Number of observers
Office for Democratic Institutions and Human Rights (OSCE/ODIHR)	<u>88</u>
European Network of Election Monitoring Organizations (ENEMO)	<u>62</u>
National Democratic Institute for International Relations (NDI)	<u>35</u>
"International Community for Human Rights" NGO	<u>27</u>
Committee for Open Democracy	<u>24</u>
Ukrainian Congress Committee of America	<u>14</u>
Ukrainian World Congress	<u>12</u>
International Non-Governmental Organization "Coordination Resource Center"	<u>5</u>
International Foundation for Better Governance	<u>4</u>
Total number of observers	271

C. BACKGROUND

The 2020 Local Elections in Ukraine are taking place at a time when for the seventh consecutive year the country has been struggling with the military aggression of the Russian Federation against Ukraine's sovereign territory including the illegal annexation of Crimea and the occupation of parts of Donbas after the Revolution of Dignity.

In 2014, the people of Ukraine opposed the authoritarian regime of Viktor Yanukovich during the Revolution of Dignity, which ended with sniper fire and the deaths of more than a hundred peaceful Ukrainian demonstrators on February 18-20, 2014 in Kyiv.

Following the Revolution of Dignity, the Russian Federation invaded and illegally annexed Ukraine's Crimean Peninsula and launched a military aggression in the eastern territories of Ukraine.

The military aggression of the Russian Federation has impacted nearly 2 million people in Crimea, as well as 4.4 million people in eastern Ukraine.

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As a result of the military aggression of the Russian Federation in Donbas, more than 13,000 people have been killed, and 30,000 wounded. As of September 1, 2020, 2,984 Ukrainian service members have been killed and 12,464 wounded. According to the Unified Information Database on Internally Displaced Persons (IDPs), 1,458,977 IDPs from the temporarily occupied territories of Donetsk and Luhansk regions and the Autonomous Republic of Crimea were registered as of October 18, 2020.

Since the beginning of the military aggression, more than 2,500 people have been killed by exploding landmines, including more than 240 children; 1.9 million people continue to live in areas contaminated by landmines, 3.4 million people need humanitarian assistance, 2.2 million require medical aid and 1.2 million experience food shortages.

More than 120 political prisoners and over 130 hostages continue to be illegally detained in the Russian Federation and in the occupied territories of Donbas.

The human rights situation in the occupied Crimean Peninsula continues to deteriorate, and the Russian Federation blocks access into the area by international humanitarian and human rights organizations.

The OSCE Special Monitoring Mission to Ukraine (SMM) records daily ceasefire violations in Donetsk and Luhansk oblasts², particularly, report N^o 228/2020 of September 24, 2020, indicated 80 ceasefire violations in the Donetsk oblast and one violation in Luhansk oblast on September 23, 2020. During the previous reporting period, the SMM recorded 157 ceasefire violations in Donetsk oblast and did not record any violations in Luhansk oblast.

The SMM report N^o 246/2020 of October 15, 2020, indicated 1 ceasefire violation in Donetsk oblast and did not record any violations in Luhansk oblast. During the previous reporting period, no ceasefire violations were reported in either oblasts.

<https://www.osce.org/uk/special-monitoring-mission-to-ukraine>

The fact that the Russian Federation is waging a hybrid military aggression against Ukraine has been widely acknowledged and repeatedly condemned by the international community, which provides military, financial and humanitarian assistance to Ukraine.

Since the Revolution of Dignity in 2014 the following landmark events have occurred:

- The coming into force of the EU-Ukraine Association Agreement, as well as the Deep and Comprehensive Free Trade Area;
- The adoption of a visa-free regime for Ukrainian citizens travelling into Schengen countries;
- The signing and coming into force of the Canada-Ukraine Free Trade Agreement;

² Oblast or a region is one of Ukraine's 24 primary territorial administrative units.

- The granting of a Tomos of autocephaly to the Orthodox Church of Ukraine;
- The adoption of constitutional amendments reflecting Ukraine's strategic goal of becoming a full member of the North Atlantic Treaty Organization and the European Union;
- The holding of presidential and early parliamentary elections in 2019;
- The adoption of the Electoral Code of Ukraine – the act of harmonization of electoral law according to Articles 4 and 6 of the Ukraine-EU Association Agreement.

According to the Electoral Code of Ukraine, the Local Elections on October 25, 2020 will be based on four local electoral systems:

1. A majority system of relative majorities in multi-member electoral districts (communities with population less than 10,000 voters) is used to elect deputies of village, settlement, and city councils. The voters are expected to elect **785 deputies of village, settlement, and city councils using this system;**
2. A system of proportional representation using open electoral lists of deputy candidates in multi-member electoral districts is utilized for the election of members of the Verkhovna Rada of the Autonomous Republic of Crimea as well as members of the oblast, raion³, raion in a city, city, village, settlement councils (applicable in communities with a population of 10,000 or more voters) from regional organizations of political parties. The voters are expected to elect deputies of **22 oblast councils; 119 raion councils; 636 city, settlement, and village councils; and 15 raion in city councils;** A total of **218,770 candidates for 25,952 seats** have been registered in the electoral lists of **792 local councils**, whose deputies will be elected by a proportional representation system;
3. A majoritarian system of relative majority plurality in a single village, settlement, or city electoral district is used for the election of village, settlement, city mayors in communities with populations of less than 75,000 voters. The voters are expected to elect **333 city mayors, 428 settlement mayors, and 623 village mayors** using this system;
4. A majoritarian system of absolute majority plurality in a single city electoral district regulates the election of mayors in communities with 75,000 or more voters. This system will be utilized to elect **mayors of 37 large cities.**

Overall, it is expected that 1,780 deputies of oblast councils and Kyiv city councils will be elected, 5,366 deputies of raion councils, 11,124 deputies of city councils, 562 deputies of raions in city councils (where cities are subdivided into raions), 10,284 deputies of settlement councils, 14,006 deputies of village councils, 370 city mayors, 428 village mayors, 623 village mayors.

Residents of such cities as Kropyvnytskyi, Poltava, Kherson and Kryvyi Rih will receive the largest number of ballots - 5 each (oblast council, raion

³ Raion is a territorial administrative unit of Ukraine. As of July 2020, Ukraine has 136 raions.

council, city mayor, city council, raion in a city council). Residents of the capital will receive the smallest number of ballots - only two (Kyiv mayor, Kyiv city council).

To hold local elections **1,660 territorial election commissions** have been formed. Nominations for candidates to the territorial election commissions were submitted by **261 political parties through their local organizations**.

Innovations introduced for the 2020 local elections:

- implementation of a mechanism to collect votes from internally displaced persons and internal labor migrants
- introduction of innovative electronic services to change election addresses.

Almost 92,000 voters changed their voting address to participate in the local elections.

194 political parties' local organizations are participating in the local elections of October 25, 2020.

Gender quota

The Electoral Code of Ukraine introduced **gender representation** during the formation of single and territorial electoral lists, provisioning the inclusion of at least two candidates of each gender in every consecutive set of five candidates (at least two male/female candidates among the first five candidates numbered first through fifth on a list, then the next set of five and so on.)

Cash Deposit Requirement

On August 26, 2020, the Verkhovna Rada of Ukraine (Ukrainian parliament) set the minimum wage in the amount of UAH 5,000 effective September 1, 2020. This decision led to a 5.9% increase in cash deposits required for all candidates running in local elections.

For the election of deputies to village, settlement, raion, raion in a city, as well as city (communities with less than 10,000 voters) councils - 20% of the minimum wage; (UAH 1,000)

For the election of village, settlement, city mayors (less than 75,000 voters) - one minimum wage; (UAH 5,000)

For the election of deputies to the city (communities with 10,000 and more voters), and oblast councils, candidates for city mayors (communities with 75,000 or more voters) - four minimum monthly wages in the amount established on the day of the election, for every 90,000 voters.

D. LEGAL FRAMEWORK

The legal framework governing elections in Ukraine is based upon the following laws: a) Constitution of Ukraine; b) Election Code of Ukraine; c) Law on the State Register of Voters of Ukraine; d) Law of Ukraine on the Central Election Commission; e) Code of Administrative Proceedings; f) Code of Administrative Offences; g) The Criminal Code of Ukraine; and h)

Code of Criminal Procedures. Below are excerpts from salient provision of these laws:

CONSTITUTION OF UKRAINE

Article 38. Citizens have the right to participate in the administration of state affairs in All-Ukrainian and local referendums, to freely elect and to be elected to bodies of state power and bodies of local self-government.

Article 69. The expression of the will of the people is exercised through elections, referendums and other forms of direct democracy.

Article 70. Citizens of Ukraine who have attained the age of eighteen on the day of elections and referendums have the right to vote in the elections and referendums. Citizens deemed by a court to be incompetent do not have the right to vote.

Article 71. Election to bodies of state power and bodies of local self-government are free and are held on the basis of universal, equal and direct suffrage, by secret ballot. Voters are guaranteed the free expression of their will.

ELECTION CODE OF UKRAINE:

THE ELECTORAL RIGHTS OF THE CITIZENS AND THE WAYS OF EXERCISING AND PROTECTING THEM

(Article 48 of the Election Code of Ukraine)

Ukrainian citizens who have the right to vote shall be the voters. A voter may exercise his or her right to vote in the election, provided he or she is included in the voter list for the respective election precinct.

According to the Election Code of Ukraine (ECU) the right to vote:

in the election of deputies of the Autonomous Republic of Crimea may be exercised by voters whose electoral address is assigned to the territory of the Autonomous Republic of Crimea;

in the election of deputies of village, settlement or city council and village, settlement or city mayor may be exercised by voters whose electoral address is assigned to the respective territorial community;

in the elections of deputies of a raion council may be exercised by voters whose electoral address is assigned to one of the territorial communities of the respective raion;

in the election of deputies of an oblast council may be exercised by voters whose electoral address is assigned to the territory of the territorial communities of the respective oblast;

in the election of deputies of a city raion council (in cities with a raion division, in which city raion councils are formed) may be exercised by voters

whose electoral address is assigned to the territory of the respective city raion.

Military servicemen, citizens of Ukraine who reside abroad, as well as persons declared legally incapacitated by a court, and citizens of Ukraine who are detained in penitentiary institutions by a court sentence shall be deemed such that do not belong to any territorial community and do not have the right to vote in local elections.

Voters shall have the right to:

- 1) participate as members of election commissions which organize the preparation for and conduct of the respective local election;
- 2) receive and disseminate the information related to the preparation for and conduct of the respective local election;
- 3) participate in election campaigning in the respective local election;
- 4) observe the conduct of the respective local election;
- 5) appeal against violations of their own electoral rights, other personal rights and legitimate interests related to participation in the election process.

According to **Article 194** of the Election Code of Ukraine local elections may be ordinary, extraordinary, repeat, by-elections, supplementary or first.

Ordinary local elections are called at the expiry of the term of office of local councils, village and settlement mayors elected in the previous ordinary local elections.

Ordinary local elections are held simultaneously throughout Ukraine on the last Sunday of October of the fifth year of the term of office of the councils and mayors elected in the previous ordinary local elections.

Ordinary elections of rayon in city councils (in case they are created) are held simultaneously with other ordinary elections on the entire territory of Ukraine within the time limits and in accordance with the provisions of the Election Code of Ukraine.

The decision to call ordinary elections of members of oblast, raion, city, raion in a city, village or settlement councils and village, settlement or city mayors is made by the Verkhovna Rada of Ukraine.

The decision to call ordinary elections of members of the Verkhovna Rada of the Autonomous Republic of Crimea is made by the Verkhovna Rada of the Autonomous Republic of Crimea in accordance with the Constitution of Ukraine.

Extraordinary local elections are called by the Verkhovna Rada of Ukraine in case of early termination of powers of the Verkhovna Rada of the Autonomous Republic of Crimea, an oblast, rayon, city, rayon in city, village

or settlement council or village, settlement or city mayor, as well as in other cases provided by the laws of Ukraine.

Repeat local elections are appointed by the territorial election commission in the case of respective local elections being deemed as not having taken place according to the procedures established by the ECU.

By-elections of a member of a village, settlement or city council (of a territorial community with up to 10,000 voters) are called in the respective multi-member electoral district because of early termination of the powers of a member of the respective council elected in that electoral district.

Supplementary elections of members of village and settlement councils from a territorial community that has joined another territorial community are appointed by the Central Election Commission in accordance with the procedure established by the ECU.

First elections of members of village, settlement or city councils or village, settlement or city mayors are appointed by the Central Election Commission upon the respective request from an authorized body.

First elections of members of oblast and raion councils are appointed by the Central Election Commission upon the respective request of an authorized body based on the decision to form oblast and raion councils.

First elections of members of city raion councils (in case they are created) are appointed by the corresponding city council based on the decision to form city raion councils.

No by-elections are called or held in the year of ordinary local elections; the first local elections are called and held simultaneously with the ordinary local elections.

The organization and procedures to hold local elections are regulated by **the Constitution of Ukraine, ECU, laws of Ukraine “On the Central Election Commission”, and “On the State Register of Voters”**, other laws of Ukraine, as well as acts of the Central Election Commission and other legislative acts.

Citizens of Ukraine participate in the respective local elections on an equal basis. Each voter has one vote in each local election in which he or she is eligible to participate. In case several local elections are held simultaneously a voter may exercise his/her right to vote in only one electoral precinct, common to all local elections held simultaneously.

Voters elect deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of the local councils, and village, settlement or city

mayors by voting for candidates (electoral lists of candidates) registered in accordance with the procedure established by the ECU.

Participation of citizens of Ukraine in the election is voluntary. Citizens of Ukraine are provided with conditions for the free formation of their will and its free expression when voting. Voting in elections in Ukraine is conducted by secret ballot. Each voter votes in person.

A citizen of Ukraine who has the right to vote in accordance with Article 70 of the Constitution of Ukraine and does not have a criminal record for committing a grave or especially grave crime or a crime against citizens' electoral rights or a corruption crime, which have not been lifted or expunged pursuant to the procedure established by the Law, may be elected as an MP, a local council member or a village, settlement or city mayor.

Citizens of Ukraine who are eligible to vote have the right to nominate candidates in the respective local elections through local organizations of political parties or by self-nomination in the manner identified in the ECU.

Any direct or indirect privileges or restrictions on the voting rights of citizens of Ukraine on the grounds of race, skin color, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, disability and health, language or other signs are prohibited.

Violence, threats, fraud, bribery or any other actions interfering with the free formation and expression of a voter's will are also prohibited.

To protect their voting rights citizens can appeal to the election commissions according to the ECU, to the court according to the Code of Administrative Procedure of Ukraine, to law enforcement agencies in cases where the law provides administrative or criminal liability for violations of citizens' voting rights.

Law on the State Register of Voters of Ukraine

How include yourself and other voters in the State Register of Voters.

According to the Law on the State Register of Voters of Ukraine each voter has the right to file a statement with the respective body of the State Register of Voters (hereinafter - the body maintaining the Register) about illegal inclusion (non-inclusion) in the State Register of Voters (hereinafter – the Register) of themselves or other persons, or records about themselves or other persons, or in order to correct incorrect information in the Register about themselves or other persons (paragraph 5 of the first part of Article 10 of the Law On the State Register of Voters of Ukraine).

Article 19 regulates the procedure for a person who is eligible to vote or has the right to vote but not found in the Register to apply to the body

maintaining the Register at its place of residence on the territory of Ukraine to be included in the Register.

Such a person submits a written application in a form approved by the Central Election Commission to the body maintaining the Register and presents an ID confirming the voter's identification and citizenship - a passport of a citizen of Ukraine or a temporary identity card of a citizen of Ukraine (if the person has recently acquired Ukrainian citizenship) attaching a copy of such document to the application. Such an application may be submitted to the body maintaining the Register in person or through an authorized person whose powers were duly certified in accordance with the law.

A person may send an application in electronic form with a signature, which, according to the law, is considered an equivalent of a handwritten signature, using the Internet in the manner stipulated by the Register Administrator (Resolution № of the Central Election Commission as of June 25, 2020, "On the Procedure for Sending Applications requests stipulated in Articles 19 - 21 of the Law of Ukraine "On the State Register of Voters", using the Internet).

An application sent using the Internet must contain the return e-mail address of the applicant. Information about the permanent physical disability of a voter (if there are such grounds) should be indicated in the application, which is submitted together with the document (copy of the document), which confirms such disability. The format of a person's application to be included in the Register was established by resolution № 96 of the Central Election Commission on June 2, 2020.

Procedures that verify a voter's registration in the State Register of Voters

A voter has the right to inquire about his/her inclusion (non-inclusion) or inclusion (non-inclusion) of other persons in the Register (paragraph 2 of part one of Article 10 of the Law of Ukraine "On the State Register of Voters").

According to Article 21 of the Law, a voter, upon presenting a passport of a citizen of Ukraine or a temporary identity card of a citizen of Ukraine (if the person has recently acquired the citizenship of Ukraine) is entitled to personally inquire in writing of any body maintaining the Register about the content of his personal data in the Register, as well as surnames, first names, patronymics, dates of birth of all voters entered in the Register at his or her own electoral address. A voter who has a permanent physical disability may authorize another person whose powers have been duly certified in accordance with the law to submit a written inquiry.

A voter may also submit an inquiry to the body maintaining the Register in electronic form with a signature, which is equal to a handwritten signature according to the Law of Ukraine “On Electronic Trust Services”, using the Internet in the manner stipulated by the Register administrator (Resolution № 121 On the Procedure for Sending Voters' Applications and Inquiries stipulated in Articles 19-21 of the Law of Ukraine “On the State Register of Voters”, while using the Internet). Such an inquiry must include a return email address. The response containing a qualified electronic signature of the head of the body maintaining the Register is sent in electronic form to the e-mail address indicated by the voter.

A voter can verify whether he or she had been included into the Register by using the electronic service of the Register (Voter's Personal Account) on the official website of the Central Election Commission (www.cvk.gov.ua).

The possibility and procedures for voters to verify whether they or other voters have been included in voter lists at a regular polling station

Procedure to familiarize voters with the preliminary voter lists at regular election precincts and to correct inaccuracies in voter lists

The election commission of a regular voting station makes the preliminary list of voters available for public review the day after receiving it.

A voter has the right to review the preliminary list of voters on the premises of the precinct election commission and verify the correctness of the information it includes.

A voter may submit an application to the precinct election commission or directly to the body maintaining the State Register of Voters requesting to clarify the preliminary voter list, to include or exclude himself/herself or others from the list, as well as to notify about the presence or absence of a note indicating that the voter is permanently incapable of independent mobility.

A voter shall personally submit an application indicating the particular circumstances to the precinct election commission or directly to the body maintaining the State Register of Voters. Should a voter not be able to submit an application personally due to health reasons (due to disability, temporary health disorder, age), the precinct election commission shall, upon application of such voter, provide for the receipt of the application from such voter in another manner. Such an application may also be submitted to the body maintaining the State Register of Voters through electronic services in accordance with the procedure established by the Central Election Commission (Resolution № 201 of the Central Election Commission Resolution as of August 25, 2020 “On the Procedure for Submitting an Application using the Internet).

The application shall have the attached documents (copies of documents) certifying the information presented therein.

An application for clarification of the voter list may be filed no later than five days prior to the day of the voting and shall be considered by the election commission within one day of receipt. An application submitted after the expiry of the aforementioned term shall not be considered.

An administrative claim requesting a correction of a voter list may be filed with a court in accordance with the procedure stipulated in the Code of Administrative Adjudication of Ukraine.

A court decision on the amendments to the voter list shall be submitted by the voter no later than five days before the day of the voting to the respective body maintaining the Register or to the respective precinct election commission for immediate delivery to such body; or to the precinct election commission after the the above deadline.

The possibility and procedures for voters to verify whether they or other voters have been included in voter lists at a special polling station

According to Article 45 of the ECU, a voter has the right to personally apply to the precinct election commission of a special polling station or directly to the court for clarification of the voter list.

An application for clarification of the voter list may be submitted to the respective precinct election commission no later than two days before election day. The application submitted to the election commission after the deadline shall not be considered.

An administrative claim to clarify the list of voters may be filed in court in the manner and within the terms established by **the Code of Administrative Procedure of Ukraine**.

Members of the precinct election commission of a special polling station who have the right to vote in the respective election shall be included in the list of voters at this polling station per decision of the respective election commission responsible for establishing a precinct election commission at this special polling station.

Location of respective election commissions and voting premises, as well as the procedure and deadlines for applying to precinct election commissions, in particular,

ADDRESSES OF PRECINCT ELECTION COMMISSIONS AND POLLING STATIONS FOR LOCAL ELECTIONS

[\(Resolution № 117 of the Central Election Commission “On the establishment of regular and special polling stations on a permanent basis” as amended on June 25, 2020.\)](#)

THE GROUNDS AND PROCEDURES FOR AN OPPORTUNITY TO VOTE AT A PLACE OF STAY

Article 249 of the ECU determines the procedure for organizing the voting of voters at their place of stay.

Thus, a precinct election commissions shall ensure that voters who are included in the polling station voter list and are incapable of moving independently due to health disorder (due to disability, temporary health disorders or age) are able to vote at the place of their stay.

To facilitate the electoral right for those voters who are unable to move independently, the precinct election commission shall prepare an extract from the list of voters on the last day before the voting day in accordance with the form established by the Central Election Commission.

The following voters may be included in the extract from the voter list:

- 1) without commission's decision – a voter noted in the voter list as permanently incapable of moving independently, unless such voter notifies the precinct election commission, in writing or in person, **by 12:00 noon on the last Saturday** prior to the day of the voting of his or her wish to vote at the polling station;
- 2) upon a decision of the precinct election commission - a voter who is temporarily incapable of moving independently per their application and a health certificate issued by a medical institution.

A voter who is temporarily incapable of moving independently **shall file**, by mail or through a third person, a handwritten application requesting that he or she be provided with an opportunity to vote at the place of his or her stay, with an indication of their place of stay. Such an application shall be submitted, along with a voter's health certificate issued by a medical institution, to the precinct election commission **no later 20:00 of the last Friday** before the day of the voting.

Voting at special polling stations set up in inpatient health care facilities shall be conducted on the basis of a voter's handwritten application requesting that he or she be allowed to vote at his or her place of stay, in view of their need to be confined to a bed.

An extract from the voter list shall be made available to the public immediately upon its creation on the premises of the precinct election commission.

PROCEDURE FOR VOTING IN LOCAL ELECTIONS

Voting shall be held on the day of voting from 8 am to 8 pm without any breaks.

To receive ballot papers for the election of deputies of oblast, raion, city, raion in cities, village, settlement councils, village, settlement, city mayors (hereinafter - the ballot paper) one shall submit to a member of the

precinct election commission one of the following documents that confirm identity and citizenship of Ukraine:

- 1) passport of a citizen of Ukraine (in the form of a passport or card);
- 2) temporary ID of a citizen of Ukraine (for persons who recently became citizens of Ukraine).

Upon presenting one of the above documents, a voter, provided that he/she is listed in the voter list at the respective polling station, shall put his/her signature in designated place on the ballot counterfoil in the voter list. A member of the precinct election commission then shall release the ballot paper to the voter to vote in the respective local elections.

It shall be prohibited to receive the ballot papers from a person other than the member of the election commission in charge of handing over the ballot papers, as well as to encourage or force voters, by means of bribery, threats, or in any other manner, to hand their ballot papers over to other persons.

A voter shall have no right to transfer his/her ballot papers to other persons.

A voter shall fill out the ballot paper personally, in a booth for secret voting. The presence of other persons in the booth for secret voting, any photo and video recording during the time when a voter fills out the ballot paper shall be prohibited. A voter who is unable to fill out the ballot paper on his/her own due to health issues (physical disability, temporary health disorder, age) has the right, with the consent of the chair or a member of the precinct election commission, to use the assistance of another voter other than a member of the election commission, candidate for a deputy, candidate for the position of village, settlement, city mayor, authorized representative of a candidate, authorized representative of a political party, or an election observer.

A voter shall be allowed to stay at the polling station only for as long as it is necessary for them to cast their vote.

During the election of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, of the oblast, raion, raion in a city, as well as deputies of the city, village, settlement council (territorial community with 10,000 or more voters), a voter shall identify the local organization of the political party that he/she wants to vote for in the ballot paper and enter a "plus" symbol (+) or any other mark, that clearly indicates the result of the expression of his/her free will, and in the square with a stencil for writing the number of the candidate shall enter the ordinal number corresponding to a candidate he/she supports.

If a voter in a square with a stencil for indicating the number of a candidate for a deputy made a mark not directly on the stencil, but from which it is

possible to establish the true will of a voter, it shall be assumed that the voter supports the candidate whose number is indicated.

If the entry (mark) in the square with the stencil for writing the number of the candidate supported by a voter is made in the column of a political party that was not supported by a voter, it is considered that such voter supports the entire territorial list of candidates from the local political party without supporting any particular candidate.

In the ballot for the election of deputies of the city, village, settlement council (territorial community with the number of voters up to 10 thousand), or village, settlement, city mayor, a voter shall put a "plus" (+) symbol or any other mark indicating his/her will, in the square right next to the name the candidate for whom he/she votes.

A voter may vote only for one local organization of a political party, one candidate for deputies, one candidate for the position of village, settlement, city mayor.

A voter shall personally drop the completed ballots paper into the ballot box.

A voter with health issues (due to physical disability, temporary health disorder, age) is unable to place the ballot paper into the ballot box, has the right to request another voter to do so in his/her presence and per consent of the chairman or a member of the precinct election commission. Seeking such assistance from a member of the election commission, a candidate for deputy, a candidate for the position of village, settlement, city mayor, an authorized representative of a candidate, a representative of local organization of a political party, or an official observer is prohibited.

If a voter makes a mistake when filling out the ballot paper, he/she shall have the right to immediately address the election commission member who handed over the ballot paper with a written request to provide another one.

Another ballot paper is issued only in exchange for a spoiled one and only once.

Repeated handover of a ballot paper instead of a second spoiled one is not allowed.

At 5 minutes to 8 pm, the chair of the precinct election commission shall announce that the voting will end, and the election precinct will be closed at 8 pm. Voters who have come to the polling station on or before 8 pm for voting shall have the right to vote. To ensure that those voters' rights are exercised, one of the election commission members shall, per instructions from the chair of the precinct election commission, approach the entrance

to the polling station and invite all voters who have not yet voted to come inside to cast their vote and shall close the door.

THE RIGHT TO FILE A COMPLAINT AGAINST VOTING RIGHTS VIOLATIONS AND METHODS OF EXERCISING SUCH RIGHT

The issue of filing a complaint against decisions, actions or inactivity related to the local election process is regulated by Section XI of the ECU and by the Procedure for Reviewing Complaints by the election commissions on elections of the President of Ukraine, people's deputies of Ukraine, and local elections, that has been approved by resolution № 192 of the Central Election Commission on August 21, 2020.

Decisions, actions, or inactivity related to the election process may be contested by filing a complaint to a court or to an election commission.

Filing a complaint against decisions, actions or inactivity related to the local election process with the respective election commission, reviewing of cases and adoption of a decision by the election commission shall be carried out in accordance with the procedure established by the ECU.

The review of complaints not regulated by the ECU by election commissions shall be determined in accordance with the Procedure for Reviewing Complaints by the election commissions on elections of the President of Ukraine, people's deputies of Ukraine and local elections, that has been approved by the resolution № 192 of the Central Election Commission on August 21, 2020.

According to part one of Article 65 of the ECU, a complainant addressing a local election commission with a complaint related to the election process may be:

1) A deputy candidate to the Verkhovna Rada of the Autonomous Republic of Crimea, a deputy candidate to an oblast, raion, city, raion in a city, settlement and village council or a candidate for village, settlement or city mayor, registered to participate in the respective local elections.

A candidate's agent or representative may be also a complainant filing a complaint on behalf of a candidate.

2) A local organization of a political party participating in the local election process represented by its leader, or a representative of the local organization of a political party in the election commission of the Autonomous Republic of Crimea, oblast, raion, raion in a city as well as city, village, settlement (territorial community with 10,000 and more voters) election commission, an authorized person of a local political party organization in a single multi-member territorial constituency or another

person authorized by a decision of the governing body of a local political party organization.

3) An official observer from a deputy candidate of the village, settlement, city council (territorial community with up to 10,000 voters) in a multi-member constituency, a candidate for the position of village, settlement, or city mayor, a local political party organization that nominated deputy candidates for local elections, representative of an NGO - to the territorial election commission on the territory of the respective constituency for the respective local elections.

4) A voter whose electoral rights or legally protected interests as to participation in the local election process have been violated by a decision, action or inactivity of a respondent.

Taking into account the provisions of parts 1, 5, 13, 14, of Article 236 of the ECU, the complaint signed by a representative of the local political party organization in the election commission of the Autonomous Republic of Crimea, oblast, raion, raion in a city, as well as within the city, village, settlement (with the number of voters 10,000 and more) election commission may only be submitted to the respective election commission. An authorized person of a local political party organization in a single multi-member, territorial constituency may submit their complaint to the territorial election commission on the territory of the respective constituency for the respective local elections.

A voter may file a complaint with the respective election commission against decisions, actions or inactivity of the respondents if such decisions, actions or inactivity violate his or her personal voting rights or legally protected interests while participating in the election process. This includes participation in the work of an election commission, or acting as an observer, or presence at the meeting of an election commission in cases specified in the the ECU, during the voting process in accordance with the ECU, or failure to provide conditions for access of voters with health issues (due to physical disability, temporary health disorder, age) to the election process as established by the ECU.

A candidate registered to participate in the respective elections (hereinafter - the candidate) and an authorized person on his or her behalf can file a complaint with the respective election commission regarding the decisions, actions or inactivity of the respondents, if such decisions, actions or inactivity concern the respective oblast, raion where this candidate is registered to run in the election.

According to parts three and four of Article 65 of the ECU, the following complaints may be filed:

1) to the Central Election Commission regarding the inactivity of the territorial election commission, which establishes the results of the respective local elections;

2) to the territorial election commission, which establishes the results of the relevant local elections regarding:

- decisions, actions or inactivity of the lower level territorial election commission, which establishes the results of voting in the relevant local elections;

- decisions, actions or inactivity of the precinct election commission, which ensures the organization and conduct of the respective local election (if the results of voting in the respective local election are not established);

3) to the territorial election commission, which establishes the results of the voting in the respective local elections (if the results of such local elections are established by the higher-level territorial election commission), against the decisions, actions or inactivity of the precinct election commission that ensures the organization and conduct of the respective local elections;

4) to the territorial election commission that established the respective precinct election commission against actions or inactivity of a member of such a precinct election commission.

The deadlines for filing a complaint regarding the local election process with the respective election commission are stipulated in Article 66 of the ECU.

The requirements for the form and content of a complaint submitted to the election commission are stipulated in Article 67 of the ECU.

The complaint may be filed against a decision, action or inactivity related to the election process to a court in accordance with the procedure established by the **Code of Administrative Procedure of Ukraine**.

The following shall be contested exclusively by filing a statement of claim to court in a manner stipulated by the **Code of Administrative Procedure of Ukraine**:

1) decisions, actions, inactivity of the Central Election Commission;

2) actions or inactivity of a member of the Central Election Commission;

3) decisions or actions of the territorial election commission, except for the cases referred to in parts two and four of Article 65 of the ECU;

4) actions or inactivity of a member of the territorial election commission;

5) actions or inactivity of a candidate;

6) decisions or actions of a local political party organization, NGO, their officials or authorized representatives with regards to the electoral process, except for those decisions or actions which belong to their internal activity or exclusive competence, in accordance with the Law or their charter (regulations), ;

7) actions or inactivity of an authorized representative of a candidate, authorized person of the local political party organization;

8) actions or inactivity of an official observer from a candidate, a local political party organization that are electoral subjects in the respective election process, or a non-governmental organization;

9) decisions, actions or inactivity of the executive bodies, bodies of the Autonomous Republic of Crimea, local self-government bodies, enterprises, institutions, establishments or organizations and their officials;

10) decisions, actions or inactivity of mass media, news agencies, their owners, officials and creative staff members.

Decisions, actions or inactivity of election commissions for local elections and their members, as defined in Article 65 of the ECU, may also be contested by filing a statement of claim with a court.

The court reviews and rules on the cases contesting decisions, actions or inactivity regarding the election process in the local elections following the procedure established by the Code of Administrative Procedure of Ukraine.

LIABILITY FOR VIOLATING THE LEGISLATION ON LOCAL ELECTIONS

Persons guilty of violating the election legislation, electoral rights of voters, candidates, local political party organizations – participants of the election process, shall be prosecuted in the criminal, administrative or other court in accordance with the procedure established by the Law (part three of Article 19 of the ECU).

Articles 157 - 160 of the Criminal Code of Ukraine establish liability for criminal offenses against violations of the electoral rights of citizens, particularly for:

- obstruction of a voter's free exercise of his / her electoral right, or activity of another subject of the electoral process, member of an election commission or an official observer while exercising his / her powers or exercising his / her rights combined with deception or coercion, is punished by the restriction of liberty order for up to three years of imprisonment for the same term (part one of Article 157);

- illegal interference of an official in the activities of an election commission or a member of an election commission while using his/her official position to influence their actions or decisions is punished by imprisonment for a term of five to ten years with restrictions to occupy certain positions or engage in certain activities for up to five years (part four of Article 157);

- evasion of a member of an election commission from performing his / her duties in the work of the commission without valid reasons, which led to inactivity of the election commission on election day, and/or failure to count votes at the polling station, or establish the results of voting in the constituency is punished with restriction of liberty order for up to three years or same term imprisonment, with restrictions to occupy certain positions or engage in certain activities for up to five years (part five of Article 157);

- intentional submission to the State Register of Voters of false information about voters, intentional entry of false information into the database of the State Register of Voters, unauthorized actions regarding information contained in the database of the State Register of Voters, or other unauthorized interference with the database of the State Register is punished with imprisonment for a term of two to four years with restrictions to occupy certain positions or engage in certain activities for a term of five years (part one of Article 158);

- handing over or receiving a ballot paper by a person who has no right to hand over or receive it, or providing a voter with a filled out ballot paper, or casting more than one vote, illegal submission of a ballot paper into the ballot box is punished with a fine in the amount of one hundred to three hundred non-taxable minimum incomes or three years of correctional (community) service, or imprisonment for up to two years. (part one of Article 158¹);

- theft, damage, concealment or destruction of a ballot paper is punished with a fine of two hundred to four hundred non-taxable minimum incomes or up to two years of correctional (community) service, or restriction of liberty order for up to three years, or imprisonment for up to two years (part second article 158²);

- Unlawful destruction or damage of election documentation in archival institutions or in the Central Election Commission after the election is punished by the restriction of liberty order from three to five years or two to four years of imprisonment (part one of Article 158²);

- signing by the chairman, deputy chairman, secretary, other member of the election commission of the protocol on vote count at the polling station, the protocol on the results of voting within the respective constituency or on the election results before the final completion of the protocol, and signing such protocol not during the election commission

meeting is punished with two to six year of imprisonment with restriction to occupy certain positions or engage in certain activities for a term of five years (part one of Article 158³);

- forgery or illegal production of election documentation, use or storage of illegally produced or forged election documentation, as well as inclusion in the election documentation of knowingly false information is punished with three to seven years of imprisonment with restriction to occupy certain positions or engage in certain activities for a period of five years (part two Article 158³);

- theft, damage, concealment, destruction of the election commission seal, ballot box, voter list or the protocol on the vote count, on the results of voting within the respective election constituency, on the election results is punished with five to seven years of imprisonment with restrictions to occupy certain positions or engage in certain activities for a period of five years (part three of Article 158³);

- intentional violation of the voting secrecy during the election, which was expressed in the disclosure of the content of a voter's will is punished with a fine of three hundred to five hundred non-taxable minimum incomes or by restriction of liberty order for up to three years, or up to two years of imprisonment (part one of Article 159);

- submission of knowingly false information in the financial report on the receipt and use of the election fund of the local party organization, or a candidate is punished with a fine of one hundred to three hundred non-taxable minimum incomes or correctional (community) service for up to two years, or restriction of liberty order for the same period, with restriction to occupy certain positions or engage in certain activities for a period of five years (part one of Article 159);

- acceptance of a proposal, promise or receiving any illegal benefit by a voter, member of an election commission, official observer whether for himself or a third party for committing or failing to commit any actions related to the direct exercise of his or her voting rights is punished with a fine of three hundred to four hundred non-taxable minimum incomes of citizens or with correctional (community) service for up to two years, or imprisonment for the same term (part one of Article 160);

- proposal, promise or granting illegal benefit to a voter, candidate, member of the election commission for committing or failing to commit any actions related to the direct exercise of his / her voting right is punishable with the restriction of liberty order for up to three years or by two to six years of imprisonment, with restriction to occupy certain positions or engage in certain activities for a period of five years (part two of Article 160);

- providing voters, legal entities with illegal benefits, accompanied by promotional campaign while mentioning the name of a candidate, the name of a political party that nominated the candidate in the election, or using the image of the candidate, the symbols of the political party that nominated the candidate in the election is punishable with the restriction of liberty order for two to five years or imprisonment for two to six years with restriction to occupy certain positions or engage in certain activities for a term of five years (part three of Article 160).

The Code of Administrative Offences of Ukraine regulates administrative liability for offences that infringe on the implementation of the people's will and stipulates its implementation (Articles 212⁷ - 212²⁴ of this Code).

Change of administrative-territorial structure

Resolution № 807-IX of the Verkhovna Rada of Ukraine “On the formation and liquidation of districts” issued on July 17, 2020 stipulates the liquidation of 490 districts (raions) and creation of 136 consolidated districts (raions) instead in all oblasts of Ukraine as well as in the Autonomous Republic of Crimea.

Calling Local Elections

The resolution of the Verkhovna Rada of Ukraine № 795-IX as of July 15, 2020 **“On calling regular local elections in 2020”** called for ordinary elections of the deputies of local councils as well as village, settlement, city mayors (except for those specified in paragraphs 2 and 3 of the Resolution) to be held on Sunday, October 25 2020.

Clause 2 of the Resolution stipulates that the elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of local councils and village, settlement, city mayors in the temporarily occupied territories of the Autonomous Republic of Crimea, Sevastopol and in certain raions, cities, settlements and villages of Donetsk and Luhansk oblasts shall not be called and held.

Clause 3 of the Resolution stipulates that due to the impossibility of representing the common interests of territorial communities of villages, settlements and cities of Donetsk and Luhansk oblasts, elections of deputies of Donetsk and Luhansk oblast councils shall not be called and held.

Clause 4 of the Resolution stipulates that elections of deputies to local councils and village, settlement, city mayors, that were not called in accordance with clauses 2 and 3 of this Resolution, shall be called within certain terms and follow procedures established by separate laws on the condition that the temporary occupation and armed aggression of the Russian Federation against Ukraine ceases, as a result of the following: withdrawal of all illegal armed formations, controlled commanded and financed by the Russian Federation, Russian occupation troops, and their

military equipment from the territory of Ukraine; restoration of Ukraine's complete control over the state border of Ukraine; disarmament of all illegal armed groups and mercenaries operating in the temporarily occupied territories of Ukraine; restoration of the constitutional rule of law and order in the temporarily occupied territories of Ukraine; ensuring the safety of citizens of Ukraine living in the respective territories of the Autonomous Republic of Crimea, Donetsk and Luhansk oblasts and the city of Sevastopol, following the completion of disarmament, demilitarization and reintegration procedures in accordance with the standards of the United Nations and the Organization for Security and Cooperation in Europe.

Case law

Case law of the Constitutional Court of Ukraine also plays an important role with respect to the electoral legislation of Ukraine (Article 147 of the Constitution of Ukraine)

Law of Ukraine on Judiciary and Status of Judges

Article 37 (5) 3. In the Administrative Cassation Court separate court chambers must be established. These chambers shall adjudicate cases on election process and referendum and protection of political rights of citizens.

Code of Administrative Procedure of Ukraine

Article 9 (1) 6. The jurisdiction of administrative courts extends to cases in public-law disputes, in particular disputes concerning legal relations related to the electoral process or the referendum process;

Article 20 (1) 2. The local general courts as administrative courts shall have jurisdiction in administrative cases related to the election process or the referendum process concerning: appeals against decisions, actions or inactivity of polling station election commissions, polling station commissions from the referendum, members of these commissions; clarification of the list of voters; appeals against acts or inactivity of mass media, news agencies, enterprises, institutions, organizations, their officials and officers, creative media workers and news agencies that violate election and referendum legislation.

Article 22 (2). The appellate administrative court in the district of appeal, which includes the city of Kyiv, as a court of first instance, has jurisdiction concerning appeals against decisions, actions and inactivity of the Central Election Commission (other than those specified in part four of this article), actions of candidates for the President of Ukraine, their trustees.

Article 22 (4). The Supreme Court as a court of first instance has jurisdiction for the establishment of the election results or an all-Ukrainian referendum by the Central Election Commission, a case regarding the pre-term termination of the powers of a people's deputy of Ukraine, as well as cases concerning the appeal of acts or omissions of the Verkhovna Rada of Ukraine, the President of Ukraine, the High Council of Justice, the High Qualifications Commission of Judges of Ukraine, the Qualification-Disciplinary Commission of Prosecutors.

Article 273 (6) Appeal statements regarding decisions, actions or inactivity of the election commission, referendum commission, members of these commissions may be filed with the administrative court within five days from the date of the decision, action or admission of inactivity.

Article 273 (9). The court shall decide on administrative cases, specified by this article, within two days after receipt of the statement of claim. Administrative cases on claims filed before the day of voting shall be settled by the court within two days, but not later than two hours before the beginning of the voting. Administrative cases on claims filed on election day are decided by the court before the end of voting. Administrative cases on claims filed on the day of voting, but after the end of voting, are resolved by the court within two days after receipt of the statement of claim.

Article 278. Features of court decisions on the consequences of the consideration of cases related to the election process or referendum and their appeal.

Article 278 (2). Appeal complaints against court decisions following the consequences of considering cases as defined in Articles 273-277 of this Code may be filed within two days from the date of their proclamation, and for court decisions made prior to the day of voting, no later than four hours before the poll starts.

Article 278 (4). The Court of Appeal considers the case within a two-day period after the expiration of the time limit for appeals against the notification of the participants of the case. An appeal against a court decision that was adopted before the day of voting shall be considered not later than two hours before the beginning of the vote.

International Law

Ukraine has also made commitments to the UN, OSCE and Council of Europe and is bound by other international standards for the democratic expression of will, specifically:

a) Universal Declaration of Human Rights adopted by the UN General Assembly:

Article 21. The will of the people shall be the basis of the authority of government; this will be expressed in periodic and genuine elections which shall be conducted by universal and equal suffrage and shall be held by secret vote or by other equivalent free voting procedures that guarantee freedom of the vote.

b) Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe:

5. They [participating states] solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

5.1. free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives.

c) Law of Ukraine on Implementing decisions and applying practices of the European Court of Human Rights

Article 17. Courts [of Ukraine] in hearing cases apply the Convention [Convention for the Protection of Human Rights and Fundamental Freedoms] and the practice of the Court [European Court of Human Rights] as the sources of law.

d) Law of Ukraine on The Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, First Protocol and protocols No. 2, 4, 7 and 11 of the Convention

Article 1. Ukraine fully recognizes on its territory article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 on the recognition of the competency of the European Commission for Human Rights to accept from any individual, non-governmental organization or group statements addressed to the Secretary General of the Council of Europe on violations by Ukraine of rights, as designated by the Convention, and article 46 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 on recognizing as mandatory and without the need for a special agreement the jurisdiction of the European Court of Human Rights in all questions related to interpreting and applying the Convention.

E. UKRAINE'S PREPAREDNESS FOR LOCAL ELECTIONS

Overcoming the challenges associated with the military aggression of the Russian Federation against Ukraine and illegal occupation of its territory

The 2020 local elections in Ukraine take place at a time while the country continues to combat the hybrid aggression waged by the Russian Federation on Ukrainian territory.

This, together with Russia's interference in the electoral process in other independent countries, has forced the Ukrainian authorities to closely monitor any potential threat of foreign interference in the electoral process.

Ukrainian authorities have assured of their readiness to act accordingly and respond to potential threats. While preparing to counter potential threats to the electoral process, the Ukrainian authorities sought cooperation with international partners to learn from past experiences and best practices.

Overcoming the challenges of the COVID19 pandemic

The Cabinet of Ministers of Ukraine has approved the Procedure for Implementing Anti-Pandemic Measures during the Elections.

The decision, adopted at an extraordinary meeting of the Cabinet of Ministers of Ukraine on September 14, 2020, stipulates additional requirements for anti-epidemic measures during the organization and conduct of elections for the period of quarantine because of the spread of COVID-19 in Ukraine.

According to the document anyone entering a polling stations or the premises of the election commission will be subjected to temperature screening and asked questions about the presence of symptoms or respiratory diseases.

There shall be hand antiseptics made available at the entrance to the election commission premises and polling stations. There shall also be facilities equipped for centralized collection and disposal of personal protective equipment.

The premises shall be marked so as to maintain social distancing of at least 1 meter. Voters coming in shall be separated from those going out. In addition, it is recommended that the number of voters staying in the room at any given time does not exceed three people per one table that issues ballot papers.

Chairs, tables, furniture used by the election commission must be made of materials that can be effectively disinfected. The use of cloth on tables shall not be allowed.

Members of the election commission must follow social distancing rules – sitting at a distance of at least 1 meter from each other, or use physical barriers, such as transparent screens.

Door handles, handrails, seats, etc. should be treated with disinfectants at least once every two hours, while wet cleaning of the premises shall be conducted at least once every four hours. According to the guidelines it is also possible to treat individual parts of the ballot boxes with disinfectant, however it should be prevented from getting inside the ballot box.

Voters must follow the anti-epidemic measures, treat their hands with disinfectants before entering the premises, and wear a respirator or

protective mask. The members of the election commission, however, may request that voters temporarily remove their mask to confirm their identity.

It is recommended to use personal pen and not to take children to polling stations.

Voters who are in self-isolation can vote at their place of stay. To do this, they shall submit an application with a health certificate (stating that they are in self-isolation) no later than 8 pm on the last Friday before election day. On the day of voting, such voters must themselves present a document confirming their identity and citizenship of Ukraine to the members of the election commission without handing over the document. The members of the commission who facilitate the voting at the place of stay shall wear masks, gloves, and protective shield and after each visit dispose of this protective equipment.

All members of the election commission, official observers, police officers, employees of bodies, institutions, establishments that house polling stations and the election commissions shall have means of personal protection.

In case a member of the election commission had been diagnosed with COVID-19 all other members of the election commission may continue to perform their functions in the absence of symptoms of respiratory diseases. In case of direct contact with a patient without using personal protective equipment, such members of the election commission are sent to self-isolation as stipulated by the Law.

It is recommended that those members of election commissions, official observers, police officers who are assigned to work at the special polling stations established in inpatient health care facilities, penitentiary institutions, and pre-trial detention centers, are tested for COVID-19 using the PCR method no later than 72 hours before election day.

After counting votes, transfer of protocols and ballot papers the premises of the election commission and the polling stations shall be subjected to a final disinfection procedure.

In addition, the adopted document supplements the list of persons allowed to enter the territory of Ukraine during the quarantine period: official observers from foreign states and international organizations who will observe the election process in the respective elections.

F. THE UWC MISSION ACTIVITIES

Deployment of the UWC International Election Observation Mission in Ukraine. The official deployment of the UWC Mission took place in Kyiv on September 29, 2020.

The UWC mission held meetings with government officials, including **the Central Election Commission of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, the Hierarchs of the Ukrainian Churches**, senior leaders of other international and national observation missions in Ukraine, as well as civil society representatives in Ukraine that mostly engage in media-monitoring and communications.

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List of UWC and UCCA Election Observation Mission meetings on 01-16 October 2020:

- **Didenko Oleh**, Chairman of the Central Election Commission;
- **Plukar Vitaliy**, Deputy Chairman of the Central Election Commission;
- **Boyarchuk Oksana**, Member of the Central Election Commission;
- **Kostiv Oksana**, Head of the International Cooperation Department of the Secretariat of the Central Election Commission;
- **His Beatitude Sviatoslav Shevchuk**, Head of the Ukrainian Greek Catholic Church;
- **Aivazovska Olha**, "OPORA" Head of the Board, Political Programs Coordinator;
- **Hopko Hanna**, Chairman of the Board of "“ANTS” Network for the Protection of National Interests” NGO, ex-Head of the Committee on Foreign Affairs of the Verkhovna Rada of Ukraine;
- **Koshel Oleksiy**, General Director of Committee of Voters of Ukraine;
- **Vasylchenko Serhiy**, Chairman of the Board of the Ukrainian Center for Public Data;
- **Zagoruyko Alina**, Deputy Chairman of the Committee on the Organization of State Power, Local Self-Government, Regional Development and Urban Planning, Chairman of the Subcommittee on Elections, Referendums and Other Forms of Direct Democracy; People's Deputy of the Verkhovna Rada of Ukraine;
- **Dmytro Hurin**, Chairman of the Subcommittee on Local Self-Government and Bodies of Self-Organization of the Population of the Committee of the Verkhovna Rada of Ukraine on Organization of State Power, Local Self-Government, Regional Development and Urban Development, People's Deputy of the Verkhovna Rada of Ukraine;
- "“OPORA” Civil Network” experts.

Discussions focused on ensuring fair, transparent and democratic elections, taking into account the new significant changes in legislation, the challenging epidemiological situation in Ukraine, media space challenges, shortages of funding locally, low public awareness of the new election rules.

A substantial part of the meeting was dedicated to the discussion of cooperation in the analysis and implementation of the new election legislation, given that the elections will be held for the first time under the new law - the Electoral Code, adopted by the Verkhovna Rada of Ukraine.

Meeting participants also discussed critical issues in the organization of the electoral process, namely, conducting elections in the face of military aggression, large numbers of internally displaced persons and the coronavirus pandemic (Covid-19).

"The holding of successful democratic elections based upon new legislation and in the challenging conditions of Russian military occupations and ongoing aggressions is another difficult stage in Ukraine's formation; we believe that these elections will live up to international standards and will serve as further proof that Ukraine is a fully-fledged member of the democratic European family of nations, with the functional rule of law and

freedom of choice,"said Borys Wrzesnewskyj, Co-Chair of the UWC-UCCA Election Observation Mission.

"Close cooperation with the Central Electoral Commission of Ukraine, key authority for organizing, preparing and conducting elections in Ukraine, is an integral part of the work of the International Election Observation Mission. Discussing the areas for cooperation in these elections is the first important step in the work of the Election Observation Mission, "said Andrew Futey, Co-Chair of the Election Observation Mission.

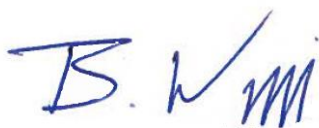
Following the discussion of problematic issues at the meetings with the CEC senior leadership, a number of leading NGOs that deal with the elections, after active monitoring of all events and news related to the local elections, **the Heads of the UWC and UCCA Election Observation Missions Borys Wrzesnewskyj and Andrew Futey** respectively sent a letter to **the President of Ukraine Volodymyr Zelensky** regarding the importance of holding transparent, democratic and fair elections in Ukraine and the need to ensure a range of anti-epidemic measures during the elections:

"This election process will take place in very difficult conditions of the new election legislation, a large number of internally displaced persons and military aggression in eastern Ukraine.

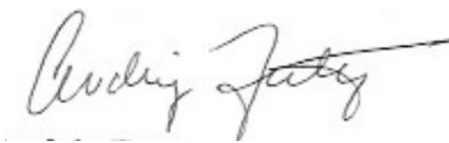
One of the main problems of this election campaign was the wide spreading of the coronavirus pandemic (Covid-19) in Ukraine. It is obvious that Ukrainian legislation cannot foresee these challenges that strongly influence the election process and in particular the participation of voters themselves, the work of election commissions and observers...

The successful resolution of this issue depends on the combined efforts of the authorities at all levels and the provision of resources at all stages of the election process.

We hope for a successful combination of efforts to ensure transparent, democratic and fair elections in Ukraine, and the appropriate recognition of these elections by the international community as a confirmation of the development of democratic processes in Ukraine."



Borys Wrzesnewskyj
Head of Mission
UWC International
Election Observation
Mission to Ukraine's
Local Elections 2020



Andrew Futey
Head of Mission
Ukrainian Congress
Committee of America