



Report: results of the long-term election monitoring of the local elections in Ukraine on 25 October 2020

CONCLUSIONS

1. **The CVU believes that the Electoral Code of Ukraine make it generally possible for the local elections to be held in accordance with international standards, although it contains a number of significant drawbacks and deficiencies.** The CVU is quite critical of the practice of making amendments to the election legislation a short time before the election. It not only gives the subjects of the election process insufficient time to get familiarized with the election legislation, but it is also a cause of errors and shortcomings in the text of the act.
2. **The CVU believes that the Electoral Code of Ukraine should be substantially revised after the end of the local election campaign.** In the opinion of the Committee of Voters, it is necessary to abandon the proportional electoral system in smaller communities and provide the residents of such communities with the right to self-nominate.
3. **Although the law has provided citizens with ample opportunities to change their voting address, only a relatively small number of voters have taken advantage of the procedure.** In total, 100,081 voters have changed their voting address. This is less than 2% of the number of citizens who could have used such a procedure. It is estimated that 5.5 to 6 million people in Ukraine do not reside at their place of registration.
4. **The CVU believes that the public authorities have made inadequate arrangements for holding elections at the time of the pandemic.** The decisions relevant for the organization of elections during the pandemic were belated and made during the election process. The Government had not allocated funds to provide the election commissions with the necessary personal protection equipment. The CVU believes the decision that such measures should be financed from the contingency funds of the local budgets to be conceptually wrong and not conducive to protecting the subjects of the election process during the pandemic.
5. **The CVU is generally positive about the activities of the Central Election Commission as regards the organization and conduct of the local election.** Despite the fact that the main powers in local elections are exercised by the local election commissions, the CEC has performed its control and organizational functions in a proper manner. The CVU welcomes the CEC's publication of comments for the controversial provisions of the Electoral Code, which has contributed to the uniform application of the electoral legislation.
6. **The territorial election commissions were formed on time and in compliance with the requirements of the election law.** However, the frequent changes in their personal composition have become a challenge in their work. By the 19th of October, 4,749 members of the territorial election commissions were replaced (including 321 TEC



heads, 275 TEC deputy heads, and 342 TEC secretaries). Also, such replacements in the composition of commissions started to take place, in fact, right after their establishment and continued until the day of voting. Thus, the CEC formed the TECs on the 10th of September, and on the 14th of September, the first replacements were already made. After that, the replacements took place on an almost weekly basis.

7. **The activities of some TECs were fraught with problems.** As a result, the CEC decided to terminate early the election commissions that had grossly violated the election laws. In particular, the powers of the entire TECs were terminated in Ivano-Frankivsk Oblast, Odessa City, Berdyansk City, Vasylkiv City, Kaharlyk City, and Rubizhne City.
8. **In some communities, there were problems with the drawing of the election districts.** The Electoral Code only establishes a general approach to determining the number and requirements to the constituencies, whereas their exact number is to be decided by the TECs (within the confines outlined by the Code). As a result, political parties often sought to use this rule to their advantage, demanding that TECs form a different number of districts (political parties with more support demanded a maximum number of districts, while those who had less of it wanted a minimum number). The formation of districts presented a challenge in the city of Kyiv where due to political speculations and obfuscated election legislation, the decision was made quite late.
9. **The TECs set up precinct election commissions mostly on time and in accordance with the requirements of the Electoral Code.** At the same time, a significant number of potential commissioners refused to work because the elections were held under a new legislation and against the backdrop of the pandemic. This situation has been observed in all regions of Ukraine. As a result, the composition of PECs was re-formed on the request of TEC heads. A common problem for the vast majority of PECs was inadequate provision of antiseptics and PPE (e.g. facemasks, disinfectants, and protective shields to be worn when tending to voters at their homes).
10. **The CVU notes an increase in the number of political parties participating in the local elections.** A total of 194 political parties declared they would participate in the elections (as compared to 140 parties in 2015). Also, more than a quarter of a million candidates, i.e. 275,000 people, registered to run. Most candidates run for members of oblast and rayon councils, as well as village, settlement, and city councils with 10,000+ registered voters, i.e. 227,405 candidates. On average, there are 7 contenders for the positions of mayors.
11. **In the mayoral elections in 24 cities, there are clone candidates, i.e., persons with the same last names.** Clones candidates have been registered in such cities as Uzhgorod, Uman, Nizhyn, Verkhnodniprovsk, Rakhiv, Energodar, Boryspil, Tetiiv, Kreminna, Svatovo, Starobilsk, Hlynyany, Voznesensk, Artsyz, Bolgrad, Tatarbunary, Reshetylivka, Kostopil, Beryslav, Kakhovka, Oleshky, Kherson, Uman, and Vashkivtsi. As a rule, it means two or three people with the same last name. Sometimes, in addition to the last name, the first names of the candidates are identical. A record number of



clone candidates has been registered in the city of Kreminna, Luhansk region: three pairs of clones.

12. **Every second mayor of a big city has changed his/her political party affiliation as compared to 2015.** Of the 22 mayors of large cities (oblast capitals and the city of Kyiv), twelve mayors have changed their nominators as compared to the 2015 elections. Only 5 mayors did not change the political party. Another 5 mayors are not running again this time. The mayors of Ternopil, Ivano-Frankivsk, Sumy, Odessa, and Lviv did not change their political party loyalty.
13. **In general, the CVU notes that the nomination and registration stage was quite problematic.** This has happened due to the amended election legislation, the practical application of which has led to conflicts between potential candidates and members of the election commissions. This has resulted in a significant number of complaints and court proceedings. The CVU notes the problems with the observance of the gender quotas that surfaced in the political parties during registration of their electoral lists. In general, the jurisprudence regarding the parties' compliance with the gender quotas is different and the decisions of the courts in similar cases may vary. Among the most common issues that arose during the registration of candidates, in addition to compliance with the gender quotas, were breaches in the procedure for making monetary deposits and membership of candidates in two political parties at the same time.
14. **One of the challenges of the election process has been the widespread instances of an early start of campaigning by unregistered candidates.** By CVU estimates, as of early August, more than 16 political parties were actually conducting premature campaigning. This contributes to the significant expansion of informal election financing, as the spendings on political advertising with the badges of campaigning before the official start of the election campaign are not reflected in reality. One of the reasons for the significant amount of early campaigning is the short election campaign. Officially, candidates in the local elections had just over a month for the campaign.
15. **The CVU observers noted high activity of the so-called regional political parties.** These are the political parties whose activities are concentrated exclusively within one or more oblasts, and sometimes within one city. This is especially true for Transcarpathia, Odessa, Kharkiv, Cherkasy, Poltava, and Kherson oblasts. In general, in a third of oblasts, regional political parties have campaigned more vigorously than the all-Ukrainian parties. Worthy of note is also the regional activity of the newly formed parties that took part in the local elections for the first time.
16. **The CVU notes a generally a low level of campaign content in the local elections.** Despite the elections being local, the themes of the campaign are mostly all-Ukrainian. Political parties and candidates tend to focus on national issues without going directly to the local ones. These include promises to establish peace, improve the economy, and protect the state sovereignty. Such promises do not align with the powers of local governments. The CVU gives a negative assessment of the fact that the Electoral Code



of Ukraine does not require that the candidates for the positions of village, settlement, and city mayors submit their election programs. Among the most common forms of campaigning are placement of campaign materials on outdoor advertising media (billboards, city lights), setting up campaign tents, and publishing materials in the mass media. The CVU notes an increase in the use of the Internet and social media for campaigning purposes in comparison to the previous local elections.

17. **The commonest violation has been non-compliance with the requirements of the Electoral Code of Ukraine for conducting campaigns.** In particular, it was the distribution of campaign materials without any indication of their source and the campaigning in locations where it is not allowed. Cases of illegal canvassing have been observed all around Ukraine without fail. The CVU observers reported involvement of incumbent mayors or councilors who used municipal resources for political purposes.
18. **Voter bribery has occurred in a third of the oblasts.** As a rule, it took place in the form of giving the voters household goods, food packs, facemasks or disinfectants. The technology of 'good deeds' was actively used. Oftentimes, involved in such activities were charitable foundations affiliated with certain candidates. Another feature of the campaign was the frequent distribution of coronavirus protection items (facemasks, disinfectants, medicines) to the voters. Despite the clear legal prohibition, political parties and candidates, handed out the traditional food packs to voters as they had done during the previous election campaigns.
19. **One of the unfair technologies used in the local election and having signs of voter bribery was the technology of 'election tourism'.** It means widespread instances of changing the electoral address of the voters in exchange for monetary remuneration from certain stakeholders. Such facts took place in Odessa, Transcarpathian, Khmelnytsky, Kyiv, Zhytomyr, Zaporizhia, Ternopil, and Kirovohrad oblasts. Most of the time, the technology was used in well-to-do rural communities with a small number of voters. According to the CVU, in view of a low turnout, such changes in the number of voters might significantly distort the outcome of the election. The use of 'electoral tourism' technology has become possible due to the amendments to the Electoral Code of Ukraine which simplified the procedure for changing the electoral address.
20. **The problem of the advantages of incumbency in local elections was showing, in particular, in the activities of the President of Ukraine.** Mr. Zelenskyi, the head of state, has actually used his business trips to the regions of Ukraine to campaign for the political party Servant of the People. Such activities were actively carried out in August-September. It is worth emphasizing that these were the President's working trips to the regions of Ukraine. According to Ukrainian law, the President of Ukraine may engage in political activity while in office, however the CVU believes that such activity should not be combined with the President's exercising his powers, and it should not result in using his presidential status and powers to endorse any given political force.
21. **The CVU notes the facts of the electoral process going criminal in some communities.** Assaults and beatings of candidates have been documented in some



communities. A number of political parties have made public statements regarding provocations against their political forces. The facts of damaging campaign materials of the candidates and political parties were recorded en masse. Such cases have taken place in most oblasts of Ukraine. Another problem was the increase in the use of black PR technologies on the eve of the election day.