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Elections in Ukraine

2019 Early Parliamentary Elections

Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Ukrainian elections authorities as of July 10, 2019, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

Elections for the *Verkhovna Rada*, the Ukrainian parliament, are held regularly in October during the fifth year of the terms of members of Parliament. However, Parliament may be dissolved early by the president, based on several factors such as a lack of a majority coalition. Citing an alleged lack of a sufficient coalition, on May 21, 2019, President Volodymyr Zelenskyy issued a decree to dissolve the Parliament and called for early parliamentary elections to be held on July 21. This decree (No. [303/2019](#)) was based on the alleged expiry of the one-month deadline for forming a new coalition in the Parliament after the termination of the previous coalition.

Why are these elections important?

The parliamentary elections are taking place during a time of significant political transition in Ukraine. In the recent presidential election this spring, Ukrainians elected Volodymyr Zelenskyy – a relative newcomer predominately known for his career as a comedian – as their new president over then-incumbent Petro Poroshenko. The parliamentary elections, now called three months early, will demonstrate how Ukrainians want to shape their future moving forward. With an ongoing conflict in the East as well as Russia's illegal annexation of Crimea and the public increasingly less tolerant of corruption, Ukrainians will now decide who will represent them to shape critical domestic and international issues.

Were these elections called in compliance with the Constitution of Ukraine?

On June 20, the Constitutional Court [ruled](#) the presidential decree calling for early parliamentary elections to be constitutional. The decision was the result of a petition filed by 62 members of Parliament (MPs) on May 24 opposing the president's decree.

The court ruled the procedure for terminating a governing coalition in the *Verkhovna Rada* is not specified in the Rada's Rules of Procedure as required by the Constitution. The court said that, in the absence of a legal framework governing termination of coalitions, the people of Ukraine are the sole source of authority and that the only solution to the ongoing constitutional conflict is early parliamentary elections as called for in the president's decree. The lack of a ruling coalition in the current Rada was indirectly confirmed on June 19, when, in a [separate case](#), the Kyiv District Administrative Court requested a list of MPs who signed the 2014 Coalition Agreement. Because a list was not provided to the court, it determined there was no ruling coalition in Parliament. The Constitutional Court gave the president the benefit of the doubt as Parliament did not establish a clear procedure for entering and exiting a ruling coalition and hence deemed his decree constitutional.

What is the role of the *Verkhovna Rada*?

The *Verkhovna Rada* of Ukraine is a unicameral Parliament composed of 450 deputies, who are presided over by a chairperson, or speaker. The *Verkhovna Rada* is the sole body of legislative power. According to the Constitution, it determines the principles for domestic and foreign policy, proposes amendments to the Constitution, adopts laws, approves the state budget, schedules elections, can impeach the

president, declares war and peace, appoints the prime minister, appoints or confirms certain officials, appoints one-third of the Constitutional Court, ratifies and denounces international treaties and exercises certain controls.

What is the legal framework governing these elections?

Ukraine is party to major international and regional instruments relating to the holding of democratic elections, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights and other international documents.

The legal framework for parliamentary elections in Ukraine consists of:

- The Constitution of Ukraine;
- The Law on Election of the Peoples' Deputies (the parliamentary election law);
- The Law on the Central Election Commission (CEC);
- The Law on the State Register of Voters;
- The Law on Political Parties in Ukraine;
- The Law on Television and Radio Broadcasting;
- The Law on Printed Media in Ukraine;
- The Law on Public Service Broadcasting;
- The Law on National Broadcasting Council of Ukraine;
- Provisions in the Code of Administrative Adjudication;
- Provisions in the Code of Administrative Offenses;
- Provisions in the Criminal Code; and
- Regulations, decrees and resolutions adopted by the CEC, and other secondary legislation.

What is the electoral system?

Parliamentary elections take place using a parallel electoral system, in which half of the 450 seats in the *Verkhovna Rada* are allocated based on a proportional representation system and the other half are allocated based on a first-past-the-post plurality (majoritarian) system. The terms of members of Parliament (MPs) expire in October of the fifth year of their term. However, as Parliament was dissolved earlier than October 2019 by a presidential decree, the terms of the current Parliament will be shorter than five years.

The 225 proportional representation seats are allocated based on closed party lists in a single nationwide constituency. Parties must win at least 5 percent of valid votes in order to be allocated seats under this system. The 225 first-past-the-post seats are based on single-member constituencies, which are called majoritarian districts. Whichever candidate receives the most votes wins the seat based on a plurality.

Under the parliamentary election law, single-member constituencies, if possible, are to comply with the following requirements: each constituency must respect the administrative boundaries of the region (*oblast*) and subregion (*rayon*); national minorities must not be divided between several constituencies;

and the maximum deviation from the average number of voters in a constituency should not exceed 12 percent of the average number of voters in all the districts. Given that the current provisions for the delineation of election constituencies are not mandatory, they fail to reduce the risks of gerrymandering and potentially violate the principle of equality of the vote. The Central Election Commission (CEC) acts as the boundary commission but has not revised the constituencies for these elections. Due to the ongoing armed conflict in Donbas, several constituencies in the East are now fully or partly occupied. Five eastern constituencies will elect their MP with less than half the average number of eligible voters on the voter list, compared to other single-mandate constituencies.

Unlike presidential elections, the parliamentary elections are always conducted in a single round with no runoffs. However, due to the illegal annexation of Crimea by the Russian Federation and the occupation of parts of Donetsk and Luhansk regions, the CEC determined that elections can only be held in 199 of the 225 possible single-member constituencies. Specifically, elections cannot be held in 12 districts in Crimea and Sevastopol. In Donetsk, elections will not be held in nine of 21 districts; in Luhansk, elections will not be held in five of 11 districts. This means that instead of 450 possible MPs, there will be only 424 MPs. The conflict does not impact the number of MPs elected under the proportional system.

Who can run as a candidate?

A candidate running for a seat in Parliament must be an eligible voter, at least 21 years old and have resided in Ukraine for the last five years. The right to stand is denied to persons deemed “incapable” by a court decision or if they have a nonexpunged criminal record for committing an intentional crime.

Candidates can be nominated by a party to run in a single-member constituency or included by a party on their electoral list of candidates for the proportional seats. They can also run as self-nominated candidates (independents) but only in single-member constituencies.

What is the process for candidate and political party registration?

To register as a candidate, a political party or self-nominated aspirant must submit a copy of her or his passport, the resolution of the party, if nominated by one, a declaration of consent, financial statement of property and income (not submitted during the early elections), brief biography and mandatory deposit. Parties make a deposit of the equivalent of 154,100 USD when they submit their electoral lists for proportional representation seats; this deposit is returned if they pass the 5 percent threshold (thereby winning at least 12 seats). Candidates for single-member districts submit a deposit an equivalent of 1,541 USD; this deposit is returned if the candidate wins this seat. The same person can be placed on a party candidate list and contest a single-member district; if they win both, they will relinquish their place on the party list to the next candidate on the list.

According the Central Election Commission, as of July 10, 5,980 candidates are contesting 424 seats, of whom 22.5 percent are women, 3,220 are running in single-member constituencies and 2,760 are on party lists.

What is the campaigning process?

Political parties and candidates can begin campaigning the day after they are registered. The campaign period continues until midnight on the Friday before Election Day, when all campaign materials must be removed from official stands and boards. Public officials may not campaign during working hours; state institutions, local self-governance bodies, police and minors are not allowed to campaign.

Political party lists and lists of candidates for single-member districts are published in the official state press and campaign platforms are published in special edition central and regional press. As required by law, informational posters are displayed in every polling station with photos and biographies of the top five candidates on each political party list and of each single-member district candidate.

What are the rules governing the media?

During the campaign period local authorities must provide free stands and boards for printed campaign material as well as free airtime slots during prime time on state-funded central and regional media after July 8 based on lots drawn by the Central Election Commission (CEC). Public and private outlets must provide equal conditions and equal access to all contestants during the campaign and provide balanced coverage of the campaign. Media outlets that offer paid political advertisements must publish the price of airtime and print space before the beginning of the campaign period.

The National Broadcast Council is the oversight body mandated to monitor media compliance and imposes fines for violations by the media. However, due to weak enforcement mechanisms, politicization and other factors, including a lack of resources, the National Broadcasting Council faces significant challenges in effectively supervising media coverage of parties and candidates during the elections. Social media is also under-regulated.

What are the rules for campaign finance?

The Central Election Commission (CEC) and the National Agency for Prevention of Corruption oversee issues of campaign finance. Political parties and candidates must open a campaign fund no later than 10 days after their registration; only non-cash transactions are permitted. The ceiling for campaign expenditures is approximately 14.08 million USD for a political party and approximately 628,000 USD for individual candidates. Political parties must open an accumulation account for contributions and donations and a current checking account for expenditures, while single-member constituencies (SMC) candidates must open only a current account for all their campaign finance transactions.

Parties and candidates must both submit an interim financial report covering the beginning of their campaign through 10 days prior to Election Day, as well as a final report that includes all campaign transactions. Political parties submit these reports to the CEC, while candidates submit them to the relevant District Election Commission. Interim reports are made public at least four days before Election Day for parties and seven days for candidates. Final reports on current accounts are due seven days after Election Day and on cumulative accounts 18 days after Election Day.

A parliamentary campaign can be financed from:

- Funds from a political party that participates in the elections or nominates a candidate (unlimited);
- Private funds of SMC candidates (unlimited);
- Individual donations from citizens of Ukraine (cannot exceed 1,670,000 UAH or approximately 62,000 USD); and
- Donations from legal entities (cannot exceed 3,340,000 UAH or approximately 124,000 USD).

All funds and donations must be transferred to the party or SMC candidate's campaign account. Citizens must visit a bank in person and sign a statement to donate; transfers through e-banking and crowdfunding are not permitted. Donations from foreign citizens, the state, public funds, anonymous sources, and nonprofit and charitable organizations are prohibited.

Who administers the election?

Elections are administered by a three-tiered election administration body made up of a permanent Central Election Commission (CEC), 199 District Election Commissions (DECs) and 29,900 Precinct Election Commissions (PECs). DECs and PECs are created ad-hoc for each election based on nominations by political parties and candidates.

The CEC currently has 16 commissioners – nine women, seven men – and one vacancy. Commissioners are appointed by Parliament to seven-year renewable terms based on proposals by the president. In September 2018, 14 new members were appointed to the CEC, including current Chairperson Tetyana Slipachuk. The CEC oversees the technical and logistical preparations for the election, registers candidates, creates and trains the DECs, implements voter education programs on national TV and radio, approves ballot design and sensitive election material, accredits observer organizations, reviews complaints against election irregularities and releases final election results.

DECs are comprised of 18 members proposed by political parties. The six current parliamentary factions may each nominate a DEC member, and the 29 political parties that competed in the 2014 parliamentary elections, including parliamentary faction parties, may suggest nominees to fill the remaining seats. If there are more nominations than needed, the CEC draws lots to fill the remaining seats. DECs approve voting premises, form and train PECs, provide legal, technical and logistical support to PECs, register official observers from nongovernmental organizations and contestants in their district, distribute election materials to PECs, consider complaints against PECs and tabulate the results in their election districts.

Depending on the size of a polling station, PECs consist of 10 to 18 members similarly nominated by political parties or candidates for single-member constituencies competing in the elections. If more nominations are provided than needed, the DEC draws lots; if there are not enough nominations, the DEC fills any vacancies. PECs receive and display voter lists, distribute notifications, or invitations, to voters, conduct voting and count votes at the polling stations, consider complaints regarding the voting process, establish results for election precincts, compile results protocols and display information posters on candidates and political parties.

Who can vote in these elections?

All Ukrainian citizens, including those residing abroad, who are 18 years old by Election Day may vote unless they have been declared “incapable” by a court decision. These decisions impact approximately 41,000 citizens, based on estimates by disability rights groups. In addition, mobile populations, voters abroad and the internally displaced – namely, voters who are not voting at their place of residential registration – are not able to vote for candidates in single-member districts and only receive ballots for political party lists.

What is the voter registration process?

As of the end of June, 35,550,428 voters are eligible to vote in these elections based on the State Register of Voters (SRV). Since the SVR contains the records of 4 million voters with an electoral address (residence registration) in temporarily occupied territories and more than 900,000 voters without an electoral address, it is expected that 30.5 million voters will be included in the voter lists for these elections. The voter registration process is passive and continuous, meaning that eligible voters are automatically added to or removed from the voter lists based on government data. The centralized SRV is overseen by the Central Election Commission (CEC). There are also 27 Regional Administrative Bodies and 756 Registration Maintenance Bodies (RMBs); RMBs compile the lists and print invitations to voters regarding their inclusion on voter lists.

The voter lists must be available in polling stations for public scrutiny no later than July 10. Voters can also check records online after July 10. Voters can file applications for corrections to the voter lists to the RMBs and Precinct Election Commissions (PECs) until July 15 and can appeal their decisions to local courts until July 19. Court decisions on voter list corrections or inclusions must reach the PEC before the opening of polls on Election Day. Political parties that have Parliament factions may access the voter list at the CEC premises. Registration on Election Day is allowed only based on a court decision, while spelling mistakes and typos on the lists may also be corrected.

The voter registration procedure is based on citizen registration (*propiska*), which can make it more difficult for transient populations and the internally displaced to register and vote as they must temporarily change their place of voting without changing their electoral address. As of July 10, more than 100,000 voters changed their voting place. Such voters only receive the proportional ballot.

How do voters cast their ballots?

Voters cast their ballot at their registered polling place by presenting their domestic passport to one of the Precinct Election Commission members, who check voters’ names against the voter list. Voters then receive two ballots: one list of political parties contesting proportional seats and one list of candidates contesting the majoritarian seat in that district. Voters mark their selections and place their marked ballots in transparent boxes in the polling stations. Voters who have limited mobility or a disability may have the option to vote using a “mobile ballot box.” Voters who are not permanently registered as being unable to leave their homes must ensure they are on the temporary mobile ballot voter list in advance of Election Day. Mobile balloting teams then travel to these voters’ residences with ballots to allow

these voters to vote from home; observers and political party agents can witness this process as well. Voting will be conducted in 29,798 polling stations in country and 102 polling stations abroad. Polls will be open on Election Day from 8:00 a.m. to 8:00 p.m.

Will there be out-of-country voting?

There will be out-of-country voting for Ukrainian citizens abroad at Ukrainian embassies and consulates in 102 permanent polling stations in 72 countries. A full list of polling stations abroad can be found on the Ministry of Foreign Affairs [website](#). In recent presidential elections 434,930 voters were registered to vote abroad, of whom 54,931 cast their ballots on March 31, 2019. As of July 1, there were 567,301 voters registered abroad. Voters can file applications for changes to the voter list, including for changing the place of voting without changing the voter's address and voting abroad, until July 15. Voting will be conducted from 8:00 a.m. to 8:00 p.m. local time.

Due to the illegal annexation of Crimea by Russia as well as the ongoing conflict in the East, out-of-country voting will not be conducted in the Russian Federation for this election. On December 31, 2018, the Central Election Commission closed polling stations in Ukraine's diplomatic missions in Russia, including at its embassy in Moscow and its five consulates in St. Petersburg, Nizhny Novgorod, Yekaterinburg, Rostov-on-Don and Novosibirsk. In a major national election year, this has been affecting more than 50,000 potential Ukrainian voters currently registered in Russia. Ukrainian citizens residing in Russia can travel to nearby countries to vote at embassies and consulates.

Who can observe on Election Day?

There will be different categories of observers monitoring the parliamentary elections process. Registered civil society organizations can field domestic observers and international organizations and foreign states can field international observers. International and domestic observers apply for accreditation to observe with the Central Election Commission (CEC), and the CEC registers international observers. District Election Commissions (DECs) register domestic observers, as well as observers from parties or candidates.

All observers and proxy representatives of political parties and trustees of self-nominated candidates in single-member constituencies have the right to be present at sessions of election commissions and during the voting and counting process in polling stations on Election Day. They have the right to observe the tabulation of results in the DEC premises in the election district where they registered as observers. Some domestic observer groups have fielded long-term observers throughout Ukraine and regularly report on the pace, progress and irregularities of the campaign and state of the preparations for the elections. Political parties additionally have the right to appoint an authorized representative to the CEC. The representative to the CEC has the right to take active part in all sessions of the CEC, but only has an advisory vote.

A full list of Ukrainian observers nominated by civil society organizations, political parties or candidates and a list of international observers can be found on the CEC [website](#). As of July 10, 17 international

organizations and 163 domestic organizations have been accredited to observe and registered 522 and 3,643 observers, respectively.

How will votes be counted, tabulated and reported?

After the end of the voting process, Precinct Election Commissions (PECs) will count the votes manually at the polling station and first compile a protocol with the result of the election in the nationwide constituency, followed by another for the results of the vote in the single-member constituency. Each member of the PEC signs the protocol. Hard copies of protocols and all sensitive election materials (ballots, voter lists, etc.) are transported to the District Election Commissions (DECs), where DEC members will validate them, tabulate district-level results and compile a DEC protocol. The results will also be entered into an electronic system and shared with the Central Election Commission (CEC). The preliminary results entered into this electronic system will be uploaded to the CEC website in real time. Vote counting and tabulation protocols will be placed in the premises of the respective commissions for public viewing, while candidates, their proxies and observers are entitled to receive a copy of the respective protocol.

The CEC establishes and announces the final results based on the hard-copy DEC protocols and the results of the out-of-country votes. The final election results must be announced by August 5 and published in state media within five days.

How will election disputes be adjudicated?

Political parties, self-nominated candidates, official observers and voters whose electoral rights or legitimate interests were violated can file complaints with the Central Election Commission (CEC), District Election Commissions (DECs) or Precinct Election Commissions (PECs). The right to challenge specific violations in courts is granted for specific categories of complainants or plaintiffs, depending on the case.

The topic of complaints can include the voting process, decisions of election commissions, actions or inactions of election commissions, the decision or actions of political parties or candidates as well as errors or omissions on the voter list and the actions of the media. Depending on the nature of the violation, complaints are either filed with the relevant election commission or a court; for some violations, jurisdictions on complaints overlap. The filing requirements for complaints are formal and detailed in the election code.

Complaints against violations committed before Election Day must be filed to the relevant election commission within five days from when the alleged violation was committed, but no later than by 10:00 p.m. of the last Saturday prior to Election Day. If the violation was committed on Election Day during the process of vote counting and vote tabulation, a complaint must be filed within two days. Complaints regarding the voting process at the polling stations must either be filed before the end of voting. All complaints must generally be considered and decided on within two days.

PEC decisions can be challenged at the relevant DEC or local court. DEC decisions can be challenged at the CEC or respective district administrative court. The Sixth Administrative Court of Appeals located in

Kyiv considers lawsuits against decisions, actions or inactions of the CEC and its members, except for when these are related to the election results, which are challenged at the Supreme Court. The actions of political parties, candidates and party agents can be challenged at the respective district administrative court.

Resources

- [The Constitution of Ukraine](#), Chapter 5: The President of Ukraine
- [Law on Peoples' Deputies of Ukraine](#), November 17, 2011, with amendments (in Ukrainian)
- [Law on the Central Election Commission](#) (CEC), June 30, 2004 (in Ukrainian)
- [Law on the State Register of Voters](#), February 22, 2007 (in Ukrainian)
- [CEC Website](#)
- [CEC Website on Parliamentary Elections](#)