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Elections in Ukraine

May 25 Early Presidential Election

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Central Election Commission of Ukraine as of May 19, 2014, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

Why is the presidential election happening now?

In November 2013, in response to a decision of the government led by President Viktor Yanukovich not to proceed with an association agreement with the European Union, Ukrainians took the streets in protest. The protests quickly developed into a general rejection of the corruption and lackluster performance of the Yanukovich government and of the political class more generally. In February 2014, the standoff between the protesters and the authorities escalated into violent clashes in which more than 100 people lost their lives. President Yanukovich fled the country and a new, reformist government came to power. Among the first acts of the new government was to schedule early presidential elections for May 25.

In addition to the presidential election, a number of local council and mayoral elections, as well as a parliamentary by-election are to be held on May 25.

Why is this presidential election so important?

This presidential election will give Ukrainians the first opportunity to express their democratic will since the fall of Viktor Yanukovich. Of particular importance is the question of Ukraine's foreign policy and, especially, its relationships with Russia and the European Union. The election will also confer legitimacy on the new Ukrainian authorities, who are currently being led by Acting President Oleksandr Turchynov, a former Member of Parliament appointed by Parliament.

What is the role of the President in Ukraine?

Under Ukraine's Constitution, the President is the Head of State and guarantor of State sovereignty and territorial indivisibility of Ukraine. However, day-to-day executive power is in the hands of the government, which is led by a Prime Minister appointed by Parliament. The President represents the nation in international relations, conducts negotiations and concludes international treaties, and is also Commander-in-Chief of the Ukrainian Army. The President also nominates the Defense and Foreign Affairs Ministers. In order to secure a balance between State bodies, the President has veto power right after Parliament passes any law.

Ukraine has had four Presidents since 1991. Ukrainian Presidents are limited to two consecutive terms, but there is no limit on the number of nonconsecutive terms. The term of office of a President is five years.

Which institutions will administer this election?

The election will be administered by a three-level election management system consisting of the Central Election Commission (CEC), 213 District Election Commissions (DECs), and more than 32,000 Precinct Election Commissions (PECs).

The CEC has overall authority for planning, regulating and overseeing the election. It is composed of 15 members, who were appointed at different times based on nominations of leading political parties.

DECs are responsible for organizing elections in their districts, including by creating PECs, registering official observers, distributing the ballot papers to the PECs, responding to complaints about violations of the electoral rules and tabulating the results from the PECs in their district. DECs are comprised of between 12 and 19 members based on the nominations of candidates in the presidential election. Each candidate may nominate one member of each DEC.

PECs are created no later than 18 days prior to the election (i.e. May 6). They are responsible for establishing and running polling places on Election Day. They carry out voting, count ballots and send results protocols to the DECs. Like DECs, PECs are comprised of between 9 and 19 members based on the nominations of candidates in the presidential election. Each candidate may nominate one member of each PEC.

If a second round of presidential elections takes place, new DECs and PECs will be formed with an equal number of members being nominated by each of the two final candidates. The second round election, if necessary, will be held on June 15 with DECs being formed June 4 and PECs being formed by June 9.

Who will observe the presidential elections?

Ukrainian law allows for observation of elections by both domestic civil society organizations and international organizations.

Ukrainian Civil Network OPORA will again lead a large mission consisting of roughly 2,000 short-term observers. OPORA has a strong record of impartial and professional observation. The well-known Ukrainian Committee of Voters of Ukraine (CVU) will also be carrying out a nationwide election observation effort.

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) will lead an international observation mission which was officially invited to observe by the government in March 2014. OSCE/ODIHR has deployed a core team of experts as well roughly 100 long-term observers, and closer to the election, OSCE/ODIHR expects to deploy roughly 900 short-term observers, making this one of the largest observation missions of its kind.

In addition to the OSCE/ODIHR mission, a number of other international groups will be sending election observation missions, including the European Network of Election Monitoring Organizations (ENEMO), and Canadian Election Observation Mission (CANEOM), an election monitoring mission funded by the Canadian government.

A full list of Ukrainian and international observers can be found on the CEC [website](#).

How will disputes be adjudicated?

Any political party, candidate, domestic observer or voter can register a complaint with either an election commission or courts. Complaints to election commissions may concern actions, inaction and/or decisions of lower-level election commissions and their members, candidates, their proxies, and parties that are subjects of the election process, as long as they can demonstrate that their electoral rights were violated. Appeals of decisions of District Election Commissions and Precinct Election Commissions can be filed with higher-level election commissions or with the corresponding, relevant court. The Higher Administrative Court of Ukraine hears appeals to Central Election Commission decisions.

Election commissions are required to investigate the circumstances alleged in each formal complaint and answer, in writing, within two days, but no later than the day before Election Day. The complaints that concern actions, inaction and/or decisions during voting shall be examined after voting concludes but before votes are counted.

In practice, the system of dual jurisdiction for electoral complaints has led to confusion and ineffective responses to electoral violations in previous elections.

What type of electoral system will be used in the May 25 election?

The President is elected directly by eligible voters through a two-round majoritarian system, with no minimum voter turnout requirements. The election is conducted in one electoral district comprised of the entire territory of Ukraine and voters abroad. A candidate must receive a majority of the vote in order to be elected.

If no candidate receives a majority of the vote in the first round of voting on May 25, a second round will be held on June 15 between the two candidates that received the most votes.

What is the legal framework for elections in Ukraine?

The legal framework for elections in Ukraine consists of Constitution of Ukraine, the Law on Election of the President of Ukraine adopted in March 5th, 1999 (as amended), the Law on the Central Election Commission and the Law on the State Voter Register, all of which have been recently amended.

Who is eligible to vote?

The constitution provides for universal, equal, direct suffrage by secret ballot to all individuals 18 years of age or older. The Law on Presidential Elections states that voting for President is a voluntary right, and no influence can be exerted upon citizens to have them participate or not participate in the election. It also stipulates that Ukrainian citizens, living outside of the country, maintain their right to vote and all other electoral rights granted to citizens.

Citizens do not need to register to vote as they are automatically included in the State Register of Voters.

Who can be a candidate?

Anyone 35 years of age or older who has permanently resided within Ukraine for the 10 years preceding the election can seek election for President.

Exceptions to this, outlined in the constitution, include persons who have served as President of Ukraine for the two previous terms and persons “recognized by court as legally unfit, as well as citizens kept in places of confinement by a court sentence.”¹

The Law on Election of the President of Ukraine further prohibits individuals who are citizens of another country from being registered as candidates. Persons holding a public office are permitted to run for President and are not required to resign their office, but they are prohibited from using their position to campaign.

Candidates can be nominated by political parties that are entitled to take part in elections, or can self-nominate. According to current law, a candidate must submit a comprehensive set of registration documents and forms, together with a document certifying that he or she has paid the deposit amount of UAH 2.5 million (roughly US\$ 250,000).

What are the rules on campaigning?

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

A candidate may start campaigning the day after he or she has been registered. The campaign ends at midnight on the Friday before Election Day (23 May for this election). Campaigning is prohibited during the 24 hours preceding Election Day.

The election law contains provisions aimed at ensuring equal campaign opportunities for all contestants, including access to campaign premises and designated places for political advertising.

¹ The Constitution of Ukraine, Chapter 5: The President of Ukraine,
<http://www.president.gov.ua/en/content/constitution.html>

The constitution declares freedom of the media and prohibition of censorship. It also states that “propaganda or campaigning inciting social, racial, national or religious hatred and strife is impermissible. Propaganda of social, racial, national, religious or language superiority is forbidden.”²

What are the rules governing the media?

The election campaign in the media can be held in the form of public debate and discussion, round table discussions, press conferences, interviews, speeches, political advertising, TV ads, videos and other publications and reports on the candidate for President of Ukraine, the party that nominated candidates, and other forms that do not contradict the laws and Constitution of Ukraine.

Candidates receive free television, radio and print media campaign advertising from State-funded media outlets. Candidates and political parties receive 30 minutes of campaign advertisements from every State-funded television and radio station (this time should be divided into two equal parts). State-funded newspapers (“Golos Ukrainy” and “Uryadoviy Kuryer”) are required to print free election platforms of the candidates for President of Ukraine in a special edition.

Private and State broadcasters can organize candidate debates before the first round; State broadcast media are obliged to organize a debate between the two candidates contesting a possible second round.

What are the rules for campaign finance?

The Presidential Election Law requires each candidate to maintain two designated campaign bank accounts: an election funds account and an election expenditures account.

All contributions to the campaign must be deposited into the electoral fund account and all expenditures must be made by bank transfer from the expense account. There are no limits to campaign spending.

A presidential campaign can be financed from:

- The candidates’ private funds (unlimited)
- Individual donations from physical persons (not more than 400 minimum salaries – some UAH 490,000 – roughly US\$ 49,000);
- Funds from the party that nominated the candidate (unlimited)

² The Constitution of Ukraine, Chapter 5: The President of Ukraine,
<http://www.president.gov.ua/en/content/constitution.html>

Donations from foreign citizens, anonymous sources and legal entities are forbidden. Candidates file financial disclosure forms in the prescribed form with the Central Election Commission no later than 15 days after Election Day. The International Foundation for Electoral Systems and others have criticized the current system of campaign finance regulation as inadequate on a number of grounds and have advocated significant reform to create transparency and impose democratically agreed upon limits on the role of private money in politics.³

Who are the registered presidential candidates for the May 25 election?

The Central Election Commission (CEC) registered 23 candidates:

- Olha Bogomolets, self-nominated;
- Yuriy Boyko, self-nominated;
- Mykhailo Dobkin, self-nominated (supported by the Party of Regions);
- Andriy Hrynenko, self-nominated;
- Anatoliy Hrytsenko, nominated by the Civil Position Party;
- Oleksandr Klymenko, nominated by the Ukrainian People's Party;
- Valery Konovalyuk, self-nominated;
- Nataliya Korolevska, self-nominated;
- Vasil Kuybida, nominated by the People's Movement of Ukraine;
- Renat Kuzmin, self-nominated;
- Oleh Lyashko, nominated by the Radical Party of Oleg Lyashko;
- Mykola Malomuzh, self-nominated;
- Petro Poroshenko, self-nominated (supported by the Ukrainian Democratic Alliance for Reforms – UDAR);
- Vadym Rabyнович, self-nominated;
- Volodymyr Saranov, self-nominated;
- Zoryan Shkiryak, self-nominated;
- Petro Symonenko, nominated by the Communist Party of Ukraine;
- Serhiy Tihipko, self-nominated;
- Oleh Tsaryov, self-nominated;

³ Ohman, Magnus. Regulations of Parliamentary Campaign Finance in Ukraine. Rep. International Foundation for Electoral Systems, Aug. 2012. Web.
http://www.ifes.org/~media/Files/Publications/Reports/2013/Ukraine_Report%20on%20Campaign%20Finance%20Regulation%20August%202012_Final.pdf

- Vasil Tsushko, self-nominated;
- Oleh Tyahnybok, nominated by the All-Ukrainian Union Svoboda;
- Yulia Tymoshenko, nominated by Batkivshchyna;
- Dmitro Yarosh, self-nominated (supported by the Right Sector Party)

On May 2, 2014, the CEC adopted resolutions, which cancelled the registration of presidential candidates Nataliya Korolevska and Oleh Tsaryov, based on their written applications to withdraw from the race. After May 2, further withdrawals are not allowed. Therefore, it is expected that a total of 21 candidates will compete in the forthcoming elections.

How are voters registered to vote?

There are 35,500,913 registered voters in Ukraine.

Voter lists are based on residency data and citizens are not required to register themselves, only to verify their information. Voter lists were prepared by the State Voter Register and was posted in polling stations on May 8-9, 2014, so the public could verify the information on the list.

Resources

- The Constitution of Ukraine, Chapter 5: The President of Ukraine ([Link](#))
- Law “On Election of the President of Ukraine,” March 5th, 1999 (with amendments from February 28th, March 13th, April 8th and May 6th, 2014); ([Link](#)) (in Ukrainian)
- Law “On the Central Election Commission,” June 30th, 2004 ([Link](#))
- Law “On the State Voter Register,” February 22, 2007 ([Link](#)) (in Ukrainian)
- CEC Website ([Link](#))
- CEC Website on Presidential Elections ([Link](#))