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October - November 2020

International Election Observation Mission
Ukraine Local Elections
October–November 2020

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The English version of this report is the only official document of ENEMO IEOM.

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I. EXECUTIVE SUMMARY

A total of 1,421 mayoral positions and 43,492 local council seats were contested during the 2020 Local Elections, and voters were offered a genuinely pluralistic political choice. However, these elections were particularly challenging in light of the worldwide COVID-19 pandemic and fairly late electoral reforms, leaving space for improvement.

With regard to the ongoing conflict in a number of Eastern Ukrainian territories and the prevailing security risk posed by holding elections in those areas, elections were not conducted in 18 communities (hromadas) in Donetsk and Luhansk oblasts. As a consequence of this decision, which was upheld by the Ukrainian government, nearly half a million voters could not exercise their franchise and were deprived of their constitutional right to vote.

The 2020 Local Elections were the first to be held under a new Election Code, adopted in December 2019, which unified the electoral legal framework and introduced significant amendments to the Ukrainian electoral system. Improvements to the Code included the introduction of open party lists for oblast, rayon, city district councils and councils in cities, villages and settlements with 10,000 or more voters; limiting the possibility for parallel systems of election dispute resolution; simplified procedures for voters to change electoral address and thereby facilitate voter registration; and a mandatory gender quota, which was a significant step forward in increasing gender representation.

Changes to the Election Code were largely positive and ENEMO also positively assessed their implementation by election management bodies (EMBs), including the Central Election Commission (CEC), allowing the 2020 Local Elections to take place in an overall free environment largely in line with international standards. The Election Days during both the first and second rounds were generally orderly and peaceful, despite some shortcomings observed by the mission.

However, numerous challenges were also noted, including the enactment of new electoral legislation relatively late in the process; a complex new electoral system, which complicated the work of the local election administration; the problem of holding polls in the midst of the COVID-19 pandemic and the concurrent need to ensure PPE (personal protective equipment) at polling stations; frequent replacement of election commission members, which negatively impacted the effectiveness of some local commissions; and the late announcement of first round results, leading to delays in conducting the second rounds in some areas.

The election campaign was fairly low-key due to the limitations imposed by the pandemic, but was inclusive despite the lack of possibility for independent candidates to run. However, the campaign was frequently marred by abuse of incumbency (a recurring shortcoming of the electoral process in Ukraine), allegations of vote buying, negative campaigning, disinformation in some media, and a lack of transparency in political finance. All of these factors are important and need to be addressed through further reform.

ENEMO therefore assessed that the newly adopted Election Code, while generally improving the framework for conducting local elections in Ukraine, did not fully address a number of previously identified gaps, such as the ineffectiveness and lack of enforcement of campaign financing regulations; the abuse of state resources; political parties struggling to meet the new gender requirement during the candidate registration process; the constant replacement of members of Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs); confusing procedures for promulgating results; and inconsistent provisions related to the holding of run-off rounds.

The ENEMO International Election Observation Mission for the 2020 Local Elections in Ukraine concludes that international standards were mostly met. However, in order to further strengthen the electoral framework and process for Local Elections in Ukraine so as to fully meet international standards, ENEMO recommends that poor and illicit practices must be addressed, and further reforms should be undertaken to address observed shortcomings in the Election Code. Necessary reforms and improvements include, but are not limited to, enhanced training and preparation of election commission members; ensuring the gender quota is met during the process for both the nomination and confirmation of candidates; ensuring the timeframe for campaigning is the same for all and campaign finance requirements are more transparent; streamlining the complaints and appeals period so as to ensure synchronized dates for holding second rounds; and enhanced education of voters and commission members with regards to the electoral system per se. It is important that all necessary reforms are undertaken in good time before the next election.

II. INTRODUCTION AND ACKNOWLEDGMENTS

On 7 October 2020, the European Network of Election Monitoring Organizations (ENEMO) officially announced the deployment of an International Election Observation Mission (IEOM) to Ukraine to observe the 25 October 2020 Local Elections and subsequent second rounds for the mayoral run-offs. This was ENEMO's fourteenth mission to Ukraine. ENEMO has already gained considerable experience through observing elections in the country since 2004.

The mission was composed of nine Core Team members and 48 remote Long-Term observers (LTOs)¹. Due to the context of the COVID-19 pandemic, only three of the Core Team were based in Ukraine, the remainder worked and conducted meetings remotely, as did all of the 48 LTOs. The mission did not deploy short-term observers (STOs) and did not comprehensively observe the process at polling stations on Election Day, although virtual observers followed this aspect of the process remotely as well (see *Election Day* section).

After observing the pre-election period and preparations for the holding of the election, the mission issued its first Statement of Preliminary Findings and Conclusions after the first round on 27 October². The mission also followed the second rounds where required, which were held in various areas on 15, 22, 29 November and 6 December. The IEOM issued a second Statement of Preliminary Findings and Conclusions on 24 November³, following the conduct of most second rounds on 15 and 22 November. Both statements are available in English and Ukrainian at: <http://www.enemo.eu/en/missions/ukraine-local-elections-2020/>.

Over the duration of the mission, ENEMO remote long-term observers conducted 1727 online meetings with key electoral stakeholders, including election management bodies, political parties and candidates, state officials, media, civil society organizations and other interlocutors, in addition to remotely observing 60 campaign activities (meetings or rallies) with the help of their local assistants.

Additionally, the Core Team observed Central Election Commission sessions and conducted meetings with international and domestic stakeholders at the central level. The mission monitored and assessed the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equity, Election Day developments, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the national legal framework of Ukraine.

¹Due to the context of COVID-19, most of the Core Team, including analysts, as well as the mission's 48 long-term observers were conducting remote observation from their home countries. They were assisted by local staff in Ukraine (assistants) who helped them schedule online meetings with election stakeholders (including but not limited to: election management bodies, electoral contestants and political party representatives, oversight bodies, media, civil society organizations, local self-government bodies, courts, police, etc.) and gather the necessary information for analyzing all key aspects of these elections. Additionally, although most Core Team members were working remotely, three CT members were on the ground in the capital Kyiv, to help steer the mission and coordinate remote observers and assistants.

²http://enemo.eu/uploads/file-manager/Preliminary_Statement_in_English.pdf

³<http://enemo.eu/uploads/file-manager/ENEMOStatementSecondroundUkraineLocalElections2020.pdf>

This final report is based on the findings of ENEMO observers and Core Team, interviews with stakeholders, and analysis of the legal framework and other documents. The report also includes recommendations to key-election stakeholders with the aim of addressing observed shortcomings and improving aspects of the electoral process in Ukraine.

ENEMO would like to express its gratitude to all interlocutors, representatives of public institutions; electoral management bodies, especially the Central Election Commission; election contestants; civil society; media; international community; and all other organizations, institutions, and individuals in Ukraine for their cooperation and support throughout the duration of the IEOM.

The International Election Observation Mission of ENEMO to Ukraine for the 2020 Local Elections was made possible thanks to the generous support of USAID through the National Democratic Institute (NDI).

III. BACKGROUND

On 15 July 2020, the *Verkhovna Rada* of Ukraine adopted a decision to hold local elections, on 25 October 2020. Local elections are held every five years, to elect mayors of cities, villages and settlements, as well as members of local councils, at *oblast*, *rayon*, city, city district, village and settlement levels. A total number of 1,421 mayoral positions and 43,492 local council seats were contested. These local elections were the first to be held under the new Election Code, adopted in December 2019, which brought significant changes to the Ukrainian electoral system.

The ambitious decentralization process, initiated in 2014, considerably increased the power and financial resources of local governments, markedly raising the stakes of these elections. The reforms modified the territorial administration of Ukraine, including a reduction in the number of districts by almost two-thirds.

The local elections were held in the context of the global COVID-19 pandemic, which brought some unexpected challenges for all stakeholders involved in the process. EMBs had to adapt to new working conditions in the context of a health crisis, while political parties and candidates had to find new ways of conveying their message to the electorate, despite restrictive measures aimed at mitigating the risks for public health.

Due to the annexation of the Autonomous Republic of Crimea by the Russian Federation, in 2014, and the on-going conflict in the Donbas region, no elections were held in the territories that are not currently under governmental control. Following a decision from the Central Election Commission, no elections were held in 18 communities (*hromadas*) of Donetsk and Luhansk oblasts, due to security concerns. This decision disenfranchised almost 480,000 citizens of the right to vote, damaging the inclusiveness of the election and depriving a considerable number of potential voters from their constitutional right to vote.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. Legal framework

Local Elections in Ukraine are primarily regulated by the Constitution and the Election Code. Additionally, certain aspects of elections are regulated by other laws such as: the Law on the Central Election Commission; Law on State Voters' Register; Law on Political Parties; Code of Administrative Proceedings; Code of Administrative Offenses; Criminal Code of Ukraine. In addition, the CEC adopted a series of resolutions regulating the process.

The Election Code of Ukraine was adopted in December 2019. Unification of the electoral legal framework in Ukraine has been a crucial recommendation of observers, election experts and other stakeholders. Therefore, adoption of the law is considered an important step towards implementing reforms to further strengthen the electoral process.

The Election Code was further amended in June, July and September 2020. In July 2020, the Verkhovna Rada adopted an amendment to the Election Code, the Criminal Code and the Code on Administrative Offenses in order to ensure proportionate sanctions for election-related fraud and also reduced the monetary deposit for contesting local elections. Other positive features of the newly adopted changes included the introduction of open electoral party lists for oblast, rayon, city district councils and councils in cities, villages and settlements with 10,000 or more voters; limitation of parallel systems of election dispute resolutions; easier procedures for voters to change their electoral address; and a mandatory gender quota, which was a significant step forward in increasing gender representation.

However, the newly adopted Electoral Code did not fully address a number of shortcomings such as the ineffective legal framework related to campaign financing, abuse of state resources and election campaigning, registration of candidates, constant replacement of members of TECs and PECs, confusing procedures of promulgation of results, and inconsistent provisions related to second rounds.

ENEMO notes that the primary legal framework, including the electoral system, was changed significantly less than a year before the elections, which is contrary to international good practice⁴. ENEMO observers were informed that the complexity of the new Election Code and its last-minute amendments led to misinterpretation of some provisions and confusion among commission members and other stakeholders. Several ENEMO interlocutors mentioned that the newly introduced preferential voting system complicated the process of counting of votes and was time-consuming for commission members as the system was rather complicated and commissioners did not have enough time to get familiar with it.

Changes to the legal and regulatory framework should not be undertaken less than a year prior to election day, to avoid uncertainty and a lack of awareness among stakeholders.

Many TEC members expressed concern that some of the procedures introduced in the new election code seemed to be too complex and difficult to adhere to. Although the TECs devoted more time and effort to familiarize themselves with the new procedures, it was also noted that

⁴2002 Venice Commission Code of Good Practice: "The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law."

voting and in particular counting procedures proved to be too complicated and this affected the timely completion of the process.

Furthermore, the legal framework does not provide clear provisions on the official announcement of election results. A significant amount of time elapsed between the official establishment of the TEC election results and their publication by the CEC. The drawn-out and complex process of tabulation and establishing results in some TECs, led to inconsistencies that could create mistrust and also inequality among candidates regarding the duration of election campaigns in different constituencies.

Clearer rules for election management bodies are necessary to overcome the difficulties and challenges of tabulation and the establishment and announcement of election results. Legal provisions in this regard should be clear to facilitate transparency and credibility of the process.

Most legal provisions of the Election Code are to be applied in the same way for the run-off rounds as for the first round of elections, though some differences existed in terms of design of the ballot papers, voter registration and funding of electoral contestants. Moreover, the second round of elections was scheduled for different dates, which could have led to confusion among voters and undermined consistency of the process and legal certainty.

Ideally, second run-off rounds should be held at the same time across the country, as for the first round, in order to ensure equality for electoral contestants and enhance voter understanding and participation.

In addition, there was criticism of the failure to introduce procedures aimed at safeguarding the conduct of elections during the COVID-19 pandemic. Due to an outbreak of COVID-19 in Parliament, the *Verkhovna Rada* failed to adopt draft law #4117 regulating the electoral process during the pandemic. These gaps in the legislation were somewhat compensated for by the Resolution of the Cabinet of Ministers. However, ENEMO deems that the legal framework failed to promptly address the challenges and uncertainty caused by the COVID-19 pandemic.

ENEMO notes that overall the existing legal framework for the 2020 Local Elections provided sufficient ground for the conduct of elections in line with international commitments and standards, although there remains scope for further improving the framework by taking into consideration observer recommendations from previous missions as well as the current mission.

B. Electoral System

On July 17, 2020, the *Verkhovna Rada* adopted resolution #807-IX and changed the administrative division of the country, as a part of the country's decentralization and administrative-territorial reform which had begun in 2014. The country consists of 24 oblasts, one autonomous republic (Crimea), and two cities with "special status" (Kyiv and Sevastopol). Each oblast is further divided into rayons (districts). In the framework of the recent decentralization process, the number of rayons has been reduced from 490 to 136. Similarly, 10,900 entities representing the lowest administrative division (settlements, villages and municipalities) have been gathered into a total of 1,470 new united territorial communities (*hromadas*).

Local Elections for deputies of the Supreme Council of Crimea, deputies of local councils and rural, city mayors in the temporarily occupied territories of Crimea, the city of Sevastopol, in certain areas, cities, towns and villages of Donetsk and Luhansk regions did not take place due to the Russian annexation of Crimea and the ongoing conflict in eastern Ukraine.

The major difference from the previously used electoral system was the use of open party lists of candidates in the proportional elections (see below). Some interlocutors mentioned there could be confusion among voters as the system requires an extensive information campaign for voters, which was not forthcoming. Significantly, unlike the 2015 local elections, when a gender quota was introduced but without an enforcement mechanism, the newly adopted Election Code established a mandatory gender quota for candidate lists, as an essential precondition for registration of a party list for the local elections.

The electoral system under which elections of members of city, village or settlement council or city mayor are held, is determined by the number of registered voters who have the right to vote in the respective local elections.

Mayoral Elections

For the mayoral elections, two systems - a system of relative majority and a system of absolute majority - were used depending on the number of registered voters of the relevant territory.

The system of relative majority, so called **First Past the Post system (FPTP)**, was used for the election of a village, settlement or city mayor with less than 75,000 voters. Under this system a candidate requires only a relative majority of votes to be elected.

The election of village, settlement or city mayors with more than 75,000 voters was held based on an **absolute majority system**, a two rounds system (TRS). The winning candidate requires an absolute majority of votes for victory in the first round. If no candidate received more than 50 per cent of the valid votes cast, the two candidates receiving the largest number of votes in the first round contest a second run-off round.

Council Elections

An open list PR electoral system was used for electing members of oblast, rayon, rayon in city, city, village, settlement councils with 10,000 or more voters. Under this system, a party which receives at least 5 per cent of votes participates in the distribution of seats in respective councils. Under the open list proportional representation system, parties are represented with a list of candidates for multi member districts, where voters vote for both a party and candidate from the party list. The TEC establishes the order of candidates in each territorial electoral list of each party organization based on the voting results. The candidates, who meet or exceed 25 percent of the amount of the electoral quota are placed at the beginning of the territorial electoral list. Thus voters could influence the sequence of the candidates by their individual preferences. No self-nominated candidate was allowed. Independent candidates could only run for mayoral elections and for council elections in communities with up to 10,000 voters.

For the election of council members in settlements up to 10,000 voters, a **relative majority (first-past-the-post)** system was used. No less than two and no more than four council members should be elected in each of the election districts. Under this system both independent (self-nominated) and party-nominated candidates could participate. The territory of the respective community is divided into multi-member constituencies. In order to maintain equality of votes, the Election Code establishes that the deviation of the number of voters in a multi-member election district established within the territory of a village, settlement or city may not exceed 15 percent of the approximate average number of voters in the district. However, the mission was informed of discrepancies in some districts (for instance, Odessa and Dnipropetrovsk, among

others), at odds with the principle of equal suffrage enshrined in the Copenhagen Document and the Code of Good Practice in Electoral Matters⁵.

Political parties were required to ensure that both men and women (no less than two candidates of each gender) should be present in each five candidates (places from the first to the fifth, from the sixth to the tenth and so on) in the electoral lists. No less than 40 percent of each gender should be nominated. However, in smaller communities (villages and settlements of less than 10,000 voters), parties were required to ensure the nomination of no less than 30 percent of persons of each gender, in the total number of candidates for the respective council.

⁵I.e the relative weight of votes in different areas should be more or less equal, or reasonably so. See 1990 Copenhagen Document point 7.3, and 2002 Venice Commission's Code of Good Practice in Electoral Matters paragraph 2.2.

V. ELECTION MANAGEMENT BODIES

Election administration in Ukraine for local elections is structured in a three-tiered system: Central Election Commission (CEC), Territorial Election Commissions (TEC) and Precinct Election Commissions (PEC).

On 10 August 2020, according to the legal deadline, the CEC formed 22 oblast (except for Donetsk and Luhansk), 119 rayon (except for certain areas of Donetsk and Luhansk oblasts, and the AR of Crimea), 381 city election commissions and 10 district election commissions in Kyiv. District election commissions formed village and settlement election commissions in line with the 25 August deadline. Precinct election commissions were formed on 9 October.

A. Central Election Commission (CEC)

The CEC is the highest-level election commission for all election commissions for the entire territory of Ukraine. It comprises 17 members and is a permanent body. The tenure of a member of the Commission is a renewable seven-year term. The current composition of the CEC was established in October 2019 and of the 17 members five are women.

Throughout the electoral process, the CEC demonstrated a high level of transparency and professionalism, including the holding of daily meetings in order to provide adequate and prompt responses to all the challenges it faced. CEC sessions were publicly announced on the CEC website, live-streamed, recorded and all decisions were available to the public in a timely manner, usually published right after the session. ENEMO interlocutors expressed trust in the integrity and professionalism of the CEC. Interlocutors also emphasized and commended the CEC's inclusion of civil society organisations during the electoral reform process.

The CEC conducted electoral preparations according to the legal deadlines even while encountering many difficulties. However, one major challenge it faced was insufficient budgetary support necessary for ensuring implementation of protective measures to enable it to conduct safe elections in the midst of the COVID-19 pandemic⁶.

In order to ensure the conduct of elections in a safe environment in the midst of the pandemic, the CEC addressed an urgent request⁷ on 6 November toward public authorities and local government bodies for the preparation of the second round. Due to the increase in the incidence of COVID-19 in Ukraine, the CEC requested the Cabinet of Ministers to ensure and approve standards for providing election commissions with PPE. According to domestic observers and noted by ENEMO, the Ministry of Health made no efforts to issue additional instructions on the protection measures during the second round, which may have additionally affected the turnout of voters confused by a weekend quarantine decision which coincided with the polls.

⁶CEC Resolution No.158 on the Proposals of the working group to develop recommendations and measures to prevent the spread of acute disease, 4 August 2020; The CEC Resolution No. 257 about Proposals on legislative regulation of peculiarities of organization of preparation and holding of elections during the period of quarantine established for the purpose of prevention of distribution on the territory of Ukraine of especially dangerous and dangerous infectious diseases, and improvement of separate provisions of the election legislation, 14 September 2020.

⁷The CEC Resolution No. 364 - October 10; The CEC Resolution No. 450 "On urgent measures to create appropriate conditions for the safe organization and conduct of repeat voting in the local elections of 25 October, 2020 and certain issues of implementation of anti-epidemic measures during its organization and conduct" on 6 November.

Although the CEC was criticized by some for exceeding its mandate, it had to overcome some shortcomings in the legal framework and legal lacuna by providing additional instructions and clarifications, in particular regarding Election Day procedures.

The CEC was continuously burdened with frequent requests for replacement of TEC members⁸ due to various reasons – political party initiative⁹, illness of the members or revoking of the powers of the TECs due to serious violations of the Election Code¹⁰. Given the difficult working conditions during the pandemic, the CEC made further efforts in order to provide additional support and overcome insufficient training of PEC and TEC replacement members, by organizing further “refresher sessions”¹¹ and issuing supplementary clarifications and instructions on procedures of counting, transfer of materials, tabulation of results and anti-epidemic measures.

Despite previously formulated recommendations, ENEMO notes that the issue of frequent replacement of election commission members, including between the two rounds and on Election Day, has not been addressed. The legislation should be amended to include timely mandatory training and certification of a sufficient number of prospective TEC members to increase their levels of preparedness and professionalism and limit risks in case of late replacements.

The legal deadline for announcement of the final results after the first round of elections was 6 November. However, due to numerous difficulties, this deadline was not always met. The CEC was under public scrutiny and even some pressure¹² regarding the delayed announcement of the final results¹³. Although the CEC was criticized for delays in the announcement of the final results, according to the Election Code the CEC is not authorized to receive operational information on voter turnout in local elections during Election Day nor final results. Such information is organized and provided by the PECs and submitted to each respective TEC. ENEMO notes that the Election Code does not regulate terms and conditions for providing the information on final results to the CEC.

The Election Information and Analysis System, which could automatically transmit all the data to the CEC, has not been established at the TEC level due to limited funding caused by the pandemic.

In order to avoid delays in publication of the preliminary results and increase transparency, the Election Code should be amended to enable the CEC to receive information on final results from the TECs. In addition, supplementary funds for establishment of the election information system should be allocated.

Mistakes in the ballots, with candidates either not included or included twice, were also noted. It should be emphasized that although some of these reported allegations and omissions seemed significant in some instances, complaints on these cases were generally addressed by the competent authorities and did not undermine the process overall.

⁸As of 9 December, the CEC terminated the powers of 5,588 members of TECs, 393 – TEC chairmen, 326 – TEC deputy chairmen, 389 – TEC secretaries and 4,480 – TEC members.

⁹The Code of Good Practice of the Venice Commission, point II.3.1.77, recommends that “bodies that appoint members to electoral commissions should not be free to recall them, as it casts doubt on their independence. Discretionary recall is unacceptable...” As this was the case during the entire process, an evident example was noted on 29 November when the CEC received information from the TEC Chernivtsi on proposals from several local organizations of political parties for early termination of powers of members of precinct election commissions a day before the repeated elections for the City Mayor.

¹⁰The CEC Resolutions on 6 November: Odessa oblast - Karolino-Buhaz, Dnipropetrovsk oblast – Marganets, Kyiv oblast - Vasylkiv; Kherson on 12 November.

¹¹The trainings were organized by the CEC in cooperation with the International Foundation for Electoral Systems in Ukraine (IFES Ukraine) and the Center for Management of Electoral Process Participants at the CEC (Training Center).

Consideration should be given to strengthening the oversight of the CEC of ballot printing and accuracy of the ballot papers. While ballot printing in local elections remains the competence of TECs, ENEMO deems the CEC should not be excluded from this crucial process.

The CEC approved the additional explanation on the procedure and process for completing ballot papers. However, given the extent of the changes to the electoral legislation and the introduction of a new electoral system for local elections, additional efforts in terms of voter education are necessary.

Voter education on how to complete ballot papers, notably for the open list component, should be more comprehensive and conducted earlier to increase voter awareness of the implications of the various electoral systems for voting.

B. Territorial Election Commissions (TECs)

The TECs are established by the CEC and are directly responsible for the conduct of local elections in their respective area. All TECs are formed on an ad hoc basis and consist of nine to 18 members nominated by political parties. Local branches of political parties with representation in Parliament, parties who signed political cooperation agreements with registered groups of MPs, and registered branches of other parties without parliamentary representation had the right to nominate TEC members.

It was noted that during these elections, frequent replacement of commissioners and lack of quorum due to the illness of members caused interruptions of TEC meetings which affected the efficiency of the TEC work in general. The process for tabulating and announcing final results was hindered by the numerous replacements of TEC members which resulted in setting different dates for the second rounds. In addition, the results process during the first round was also hampered by mistakes in protocols and improperly packed materials, which required additional efforts to resolve the issues. Problems with the information system and frozen servers due to the overload of data, and sometimes poor internet connection, also prolonged announcement of the results.

Delays in the publication of the results for the first round led to widespread accusations of electoral fraud from several of the main political parties¹⁴. While only a limited number of cases of manipulation of ballots and falsification of protocols were actually documented by political party representatives or by domestic observers, the atmosphere in the lead-up to the run-offs was marked by strong criticism towards the work of the EMBs and questioning of their impartiality by some parties.

In order to increase the level of transparency and trust of electoral contestants and citizens in the election process, an efficient, open data - results management system at the TEC level should be established.

¹²On 11 November, Secretary of the National Security and Defense Council of Ukraine drew the attention of the Central Election Commission to the need to take immediate measures to establish the results of the local elections on October 25, 2020 and publish them promptly on the CEC official website.

¹³On 11 November, Secretary of the National Security and Defense Council of Ukraine drew the attention of the Central Election Commission to the need to take immediate measures to establish the results of the local elections on October 25, 2020 and publish them promptly on the CEC official website.

¹⁴European Solidarity strongly criticized the process as a whole, on repeated occasions, without providing any evidence to substantiate their claims. Fatherland, Voice and Opposition Platform – For Life denounced some alleged cases of fraud and manipulation occurring in specific oblasts (Kyiv, Zaporizhia, Kharkiv, Rivne, Mariupol), a limited number of which were also reported by domestic observers.

¹⁵Odessa, Lutsk, Kramatorsk, Kherson, Sumy, Kamianets-Podilskyi and Ukrainka (Kyiv oblast).

¹⁶Lviv, Berdyansk, Dnipro, Drohobych, Poltava, Mykolaiv, Sloviansk, Nikopol, Rivne, Uzhhorod, Cherkasy.

According to ENEMO observers, the second round held on 15 November in seven cities¹⁵ and the second round held in eleven cities on 22 November¹⁶ were calm, with a low voter turnout and without any serious issues regarding the counting and tabulation procedures. The major concern was the problem TECs had in ensuring a quorum due to the illness and frequent replacement of TEC members.

Domestic observers emphasized the lack of PPE during the second round held on 15 November. However, during the second round, held on 22 November, ENEMO observers noted there was a significant improvement regarding the PPE which was provided on time and in accordance with epidemiological recommendations in most of the TECs.

C. Precinct Election Commissions (PECs)

PECs are responsible for the conduct of polling, counting and compiling results from protocols at polling stations. PECs receive voter lists and display them for familiarization by voters at the premises and distribute invitations to voters. They also consider complaints regarding the voter list, voting and vote count, and display information posters regarding candidates and their programs. PECs are composed of between ten to 18 members, depending on the number of registered voters. PEC members are appointed the same way as TEC members.

During the first round held on 25 October, a number of issues influenced and prolonged the process of counting. The number of ballots that needed to be counted, the complexity of filling the protocols, and some interference by political party observers, especially regarding the determination of invalid ballots, all unduly impacted on the timely completion of the process. The level of tiredness of PEC members during the lengthy procedures caused many mistakes and omissions during the counting procedures. In addition, some PECs were confused regarding transportation and the process for transferring materials to the TECs.

Insufficient training, unclear guidelines and lack of experience of PEC members affected the procedures and work of PECs in general during both rounds. As reported by ENEMO observers, logistical arrangements were inadequate and impacted the work of PECs. EMB members mentioned the lack of hard copies of handbooks and hard copies of the Election Code and said that they were directed to materials and additional instructions available online, though many PECs did not have access to the internet, especially in rural areas.

The second round of elections, held on 15 and 22 November, was assessed as calm and with only minor procedural irregularities, such as the issuing of a ballot paper without a voter showing a passport as ID and some voters photographing their ballot paper. During the second round, PECs did not experience problems with counting procedures, due to the fact that they were dealing with only a single election and managed to deliver election materials to the TECs without any delays.

In order to ensure consistent application and efficient finalization of results, training for electoral officials at TEC and PEC levels should be further enhanced to ensure full awareness of all aspects of the respective electoral systems, notably as they relate to the counting, tabulation and mandate allocation phases.

¹⁷The Register of Voters is managed by the CEC as the Administrator, the State Register of Voters Maintenance Bodies and the Regional Administration Bodies of the State Register of Voters.

¹⁸UNHCR Ukraine, 20 July 2020.

¹⁹Resolution No. 103 about the Procedure for determining the electoral address of a voter who does not have a registered place of residence, 11 June 2020.

VI. REGISTRATION OF VOTERS

The State Register of Voters (SRV) is an automated system created to officially keep records on the citizens of Ukraine eligible to vote (all citizens who will be 18 years of age on the day of the elections, except for the persons who are revoked of legal capacity by a court decision due to intellectual or psychosocial disability). Voter registration is passive and voter lists are extracted from a centralized State Register of Voters. Voter data is updated on a monthly basis and publicly available on the SRV website. As of 31 October, 35 237 938 voters were included in the lists.

Universal suffrage and the right to vote are generally provided for in Ukraine. However, nearly half a million Ukrainian voters were disenfranchised in these elections, due to the decision of the CEC not to conduct elections in 18 communities in Donetsk and Luhansk oblasts, on account of security concerns caused by the ongoing conflict in eastern Ukrainian territories and the Autonomous Republic of Crimea.

Regarding participation rights and disenfranchisement of voters in a number of Eastern territories of Ukraine, ENEMO recommends that clear, transparent and tangible criteria should be used to assess whether elections can be held or not in those communities. These criteria should be publicly disclosed, as they require broad social consensus and expert review.

There are 1,450,320 million internally displaced persons (IDPs)¹⁸ registered in Ukraine, mostly displaced from Crimea, Donetsk and Luhansk Oblasts, which represents approximately 4% of all voters in Ukraine. Positively, in order to ensure inclusion of IDPs but also economic migrants and citizens without registration (approximately 5.5 million voters in total), the CEC made necessary changes in order to ensure inclusion of these groups of voters and simplify registration procedures¹⁹. For the first time, a voter's official domicile address and electoral address did not need to correspond for the purposes of voting. Such groups of voters had an opportunity to change their electoral address through an online application or in person (or by authorizing another person). By 10 September 2020, some 100,000 voters had changed their voting address.

However, it should be noted that while simplifying procedures for changing the electoral address may facilitate participation, it also increases the potential for abuse and manipulation. Despite improving voter inclusiveness in principle, this left space for multiple registration of voters at the same address, or electoral contestants mobilizing voters to change their addresses in view of gathering additional support. The CEC appealed to the National Police regarding a significant number of changes in electoral addresses in certain territorial communities to verify compliance with the law. Police have responded to reported cases of such malpractices and criminal proceedings are ongoing.

Positively, additional steps were taken by the CEC regarding the conditions for voters in quarantine or self-isolation to exercise their right to vote. The CEC upheld the right to vote²⁰ for voters certified as having COVID-19 and voters in quarantine or self-isolation, who had the opportunity to request homebound voting until the last Friday before Election Day in both rounds.

¹⁸UNHCR Ukraine, 20 July 2020.

¹⁹Resolution No. 103 about the Procedure for determining the electoral address of a voter who does not have a registered place of residence, 11 June 2020.

²⁰Resolution No. 158 - 4 August, Resolution No. 257 - 14 September, Resolution No. 364 - 10 October.

The introduction of a simplified procedure for voters to change their electoral address is generally commended, though some cases of abuse of the system were reported²¹. For instance, voters in some districts were mobilized and transported in order to support particular candidates, also cases of multiple registration of voters at the same address were reported²². Police responded to reported cases of such malpractices and criminal proceedings were initiated.

Praise should be given to the simplified procedures for voter registration allowing IDPs to register more easily in elections. The principle remains a positive step forward. However, to limit space for abuse, reinforcing training of competent authorities such as the national police should be conducted, and possible fraudulent attempts investigated. Election administrators must also undertake reasonable checks to ensure this procedure is not abused.

Voters who registered for a change of voting address by 10 September were able to exercise their voting right in the second round without the need for additional registration. The change of voter address remains permanently recorded in the voter register until the voter submits a new request for change for the next election.

Voters who turned eighteen years of age between two rounds were included in the voters register automatically²³.

ENEMO interlocutors assessed the work of the State Register of Voters as transparent and professional and there were generally no complaints regarding the Register.

²¹Odessa, Zakarpattia, Khmelnytskyi, Kyiv, Zhytomyr, Zaporizhia, Ternopil, Kirovohrad, Dnipropetrovsk, Lviv.

²²Sumy, Odessa, Kirovohrad.

²³According to the SRV, 1,600,000 citizens could exercise their voting right on November 15 and were included to the voters lists, on November 2,754,100 voters could exercise their right to vote.

VII. CANDIDATE NOMINATION AND REGISTRATION

The legal framework generally provides for the right to stand for election and freedom of association in Ukraine. Overall, the process of candidate nomination and registration proceeded smoothly, was mostly inclusive, and generally in line with international standards despite excessive restrictions for independent candidates. A total of 194 political parties registered throughout the country. There was an average of six candidates competing for each elective seat, making the election process overall competitive and allowing the voters to choose between a wide-range of political options.²⁴ However, the process shed light on the lack of understanding of the new Election Code, of both political parties and EMBs. TEC decisions often lacked consistency, and, in some cases, suspicions that decisions to reject candidates were politically motivated arose.

Ukrainian citizens with the right to vote can stand as a candidate, with the exception of citizens who have a criminal record for committing a grave crime, a crime against citizens' suffrage rights or for corruption. The Election Code only allows for independent candidates to stand for the mayoral races, and for city, village and settlement councils of up to 10,000 voters; in elections held under the open-list proportional representation system, only local party branches have the right to nominate candidates. This restriction on independent candidacies is at odds with international standards, and was criticized by a number of ENEMO interlocutors.²⁵

Independent candidates should be allowed to run for elections at all levels of local councils, in line with international obligations and standards.

The new Election Code brought some significant changes in the candidate nomination process, stipulating that the oblast branches of a political party are responsible for the nomination of all candidates running in the respective oblasts, for all levels of elections. Other party branches (at district, city, or lower levels if they exist) can only intervene in case the oblast level decides not to present any nominees. ENEMO interlocutors from civil society organizations believed that such centralization of the nomination process was done purposefully by the main political parties with parliamentary representation, which often lack an extensive network of local branches.

The candidate nomination process for the 2020 local elections took place between 14 and 24 September 2020. The Election Code stipulates that political parties should inform the TECs and the media of the date and location of the nominations events, and publish this information on their website. However, domestic observers noted that a number of events were held behind closed doors; the notification requirement was not always respected by political parties²⁶, and in some cases, observers and journalists were not allowed to attend the nomination events.²⁷ The lack of transparency diminished the legitimacy of the candidates lists and created suspicions regarding a biased distribution of places on the political party lists.²⁸

²⁴A total of 271,362 candidates were registered nationwide, for a total of 43,492 elective seats. According to calculations made by OPORA, the largest number of candidates were nominated by Servant of the People (10.9 percent of all candidates), Batkivshchyna (10.5 percent), For the Future (9.8 percent), European Solidarity (8.4 percent), and Opposition Platform - For Life (7.1 percent). The vast majority of mayoral candidates ran independently (37.1 percent).

²⁵Paragraph 7 of the Copenhagen Document guarantying the right of citizens to seek political or public office individually or as representatives of political parties or organizations, without discrimination

²⁶OPORA observers noted that the political parties Victory of Palchevsky, Voice and Proposition did not respect the notification requirement to the TECs. Approximately 50 percent of all nomination conferences were not announced in the media on the eve of their holding, as prescribed by the Election Code.

²⁷In 10% of cases observed, journalists and observers were not allowed to attend the nomination events.

²⁸According to a study undertaken by the Razumkov Center in February 2020, more than 70% of surveyed citizens expressed distrust towards political parties.

Political parties must respect the requirement for notification of TECs during the procedure for nomination of candidates for party lists, to ensure transparency and accountability of the process.

Political parties and candidates had to submit an extensive list of documents, as well as a financial deposit. This process was described by some stakeholders as complicated and burdensome, and easily leading to technical mistakes for candidates not used to completing such administrative procedures. A number of lists were indeed rejected on technical grounds (e.g. missing signatures or documents), with candidates not always given the opportunity to correct such mistakes, and having to appeal to the court. Stakeholders welcomed the law simplifying the registration procedures, adopted in September, which lifted the obligation of presenting a criminal record certificate, as the document became difficult (and sometimes, costly) to obtain.²⁹

The financial deposit that had to be paid varied depending on the race and the size of the community.³⁰ Amendments to the Election Code adopted in August 2020 included a considerable reduction in the amount of such deposits, which was welcomed by ENEMO interlocutors. However, the Election Code introduced a deposit for candidates running for member of settlements, villages and city councils with less than 10,000 voters. Some ENEMO interlocutors considered this new provision excessive, possibly impeding the candidacy of minor candidates and some political parties.

Consideration could be given to exempting candidates running in small communities (less than 10,000 voters) from paying a financial deposit. The financial deposit could be replaced by the collection of a reasonable number of signatures .

The new mandatory gender quota provision generated confusion, among both political parties and TECs.³² A number of political parties presented lists that did not comply with the quota requirements, though, notably, some lists were still accepted by the TECs, while others were rejected. Furthermore, TECs interpreted the possibility of correcting political party lists differently when the gender quota provision was not respected. Some TECs provided parties with the possibility to amend the lists, while others did not. Among the lists that were rejected, the majority was then registered after a court decision, even though they did not comply with this legal requirement.³³

Observers noted several cases of lists being rejected by TECs without specific grounds, which was seen as a sign that the TECs concerned were acting in a partial manner, guided by political interests. The refusal to register a candidate from For the Future, with no valid grounds, led to the dismissal of the TEC in Vasylkiv (Kyiv oblast). A similar situation occurred in Sokyriany (Chernivtsi oblast), where the City TEC refused to register the party list from Fatherland, for unspecified reasons. The court upheld an appeal from Fatherland, which led to the resignation of all TEC members.

²⁹Law n° 3995 “On Amendments to the Electoral Code of Ukraine to Simplify the Conditions for Registration of Candidates for Deputies in Local Elections”

³⁰Financial deposits range from 20 percent of the minimum wage (candidates running for settlement, village, or city council in communities with less than 10,000 voters) to 4 minimum wages per 90,000 voters (candidates running for council of oblast, rayon, city rayon, cities with more than 10,000 voters, and Mayors of cities with more than 75,000 voters).

³¹The Code of Good Practice of the Venice Commission (point I.1.3) stipulates that law should not require collection of the signatures of more than 1% of voters in the constituency concerned.

³²The gender quota requires that each gender be represented by at least 40 percent of candidates on party lists for local councils of communities of 10,000 or more voters (with two candidates of each gender in each group of five candidates on the list), and 30 percent in communities with less than 10,000 voters.

³³For instance, the Opposition Platform - For Life list in Ivano-Frankivsk was rejected by the TEC for not complying with the gender quota requirement, and then registered by court decision ; a similar situation occurred with the list presented by European Solidarity in Kremenchuk.

The phenomenon of so-called “clone candidates”, widespread in other elections (particularly during the 2019 parliamentary elections), was also noted, but to a lesser extent than previously. “Clone candidates” adopt the name of other candidates or renowned public figures, with the intention of misleading voters and manipulating the election results.³⁴ According to domestic observers, 24 cities had such candidates during the local election process³⁵, with the most peculiar case reported in the city of Uman (Cherkasy oblast), where two candidates registered with the same name and surname as the incumbent mayor, while the mayor himself was, at first, denied registration on technical grounds.³⁶ It should be noted that in some cases, TECs refused to register such candidates³⁷, or the CEC intervened promptly to de-register them³⁸, even though there are no clear legal grounds to take such actions. Amendments to the Criminal Code, adopted in July 2020, allowed the law enforcement authorities to open criminal proceedings when such cases were reported; eleven such investigations were initiated during this election process. Positively, a draft law was introduced on 30 November 2020, proposing to amend the Election Code in order to combat the practice of ‘clone candidates’, by requiring that candidates disclose any change of name that took place six months before an election process.³⁹

Further steps should be taken to prevent the practice of so-called “clone candidates”. The law could be amended to enable TECs to reject candidacies with the same name, patronymic and surname as other political figures, when it can be established that such candidacies’ sole purpose is to confuse voters and manipulate the election results.

³⁴In the city of Odessa, for example, 5 candidates registered under the name “Filimonov” (which is the name of the candidate from Servant of the People), two candidates registered under the name “Zelensky”, and one under the name “Saakhashvili”.

³⁵CVU noted the presence of such “clone candidates” in the cities of Uzhgorod, Uman, Nizhyn, Verkhniodniprovsk, Rakhiv, Energodar, Boryspil, Tetiiv, Kreminna, Svatovo, Starobilsk, Glyniiany, Vosnesensk, Artsyz, Bolgrad, Tatarbunary, Reshetylivka, Kostopil, Berislav, Kakhovka, Oleshky, Kherson, and Vashkivtsi.

³⁶The incumbent mayor of Uman, Oleksandr Tsebri, was finally registered as a candidate by the TEC, after a decision from the CEC ruling in his favor. Two other candidates were registered with the same name, patronymic and surname.

³⁷For example, the city TEC of Chuhuviv (Kharkiv oblast) refused to register a candidate with the same name as the incumbent mayor; the case was reported to the Police, who opened a criminal investigation.

³⁸In Odessa, all ‘clone candidates’ were unregistered by the TEC, following a decision from the CEC.

³⁹The draft law n° 4440, “On Amending the Election Code in Ukraine” stipulates that voter documents must now contain information about any name change of a candidate in the last six months before election day. Candidate biographies for local council and mayor must report a name change if that change occurred in the past five years. This information must also be included on the websites of territorial election commissions and the CEC.

VIII. ELECTORAL CAMPAIGN AND CAMPAIGN FINANCE

A. Electoral Campaign

Candidates running in the 2020 local elections could campaign freely and without undue restrictions to fundamental freedoms. However, the election campaign was considerably hindered by the restrictions linked to the prevailing public health crisis. The COVID-19 pandemic, which worsened throughout the duration of the campaign, limited public gatherings, the organization of campaign rallies and direct communication between candidates and their electorate. As a consequence, the campaign migrated towards social media, where it generally lacked substantive content and turned acrimonious, especially during the runoffs for mayoral elections. Most candidates and political parties showed little respect for campaign rules; separation of official duties and campaigning activities was limited; and several cases of direct and indirect voter bribery were reported.

According to the Election Code, the election campaign could officially start after the registration of political parties and candidates at TEC level (between 15 and 24 September 2020), and should have ended at midnight on the Friday before Election Day, (23 October 2020). However, a wide range of political parties started campaigning before the registration of their candidates.⁴⁰ “Early campaigning” was reported from June 2020 onwards, with political parties campaigning on social media, through billboards and advertising. The practice of early campaigning resulted in an uneven playing field, and compromised the requirement for the proper and full reporting of campaign expenses.

To ensure equality of opportunities, the law should establish an equal campaign period for all contestants, which should be of a sufficient duration to allow all candidates to properly present their platforms to the electorate. Political parties and candidates must refrain from campaigning outside of the official campaign period. Their activities should be closely monitored by competent bodies, and appropriate sanctions should be applied in case of violations of the law.

Due to the COVID-19 pandemic, the campaign was very low-key, only slightly increasing in intensity during the last weeks before election day. Candidates relied mostly on social media (Facebook, Instagram, YouTube) and messaging applications (Viber, Telegram) to share their programmes, which raised concerns regarding voters who were not active users of digital platforms and thus received less information compared to previous election processes, limiting their ability to make an informed choice. Traditional means of campaigning were still used by most political parties, though in a more limited way than in previous elections. “Campaign tents”, distribution of leaflets, door-to-door canvassing, small gatherings, posters and billboards were observed, mostly in urban areas, with the most visible and active parties nationwide being Servant of the People, European Solidarity, Opposition Platform - For Life, Fatherland, For the Future, Our Land, Voice, Proposition, and additional regional parties active in different oblasts. It was noted that most campaign material (leaflets, posters, billboards) was not properly marked or identified.⁴¹

⁴⁰Most notably Servant of the People, European Solidarity, Fatherland, Opposition Platform - For Life, For the Future, Proposition. According to OPORA, 70 parties have been engaged in “early campaigning” activities throughout the country.

⁴¹Article 53 of the Election Code specifies that all election campaign material should be properly marked, containing information on the printing entity, or an indication that the printing was done using equipment owned by the respective candidate or a party that nominated a candidate, the number of copies, and information on the persons responsible for the publication, and the customer of such materials. The law enforcement authorities recorded 1222 cases of unmarked campaign material throughout the election process.

Campaign messages mostly focused on local issues, with emphasis on health issues, given the pandemic context. However, the campaign generally lacked substance; the campaign material (leaflets and newspapers) produced generally focused on a candidate's personality or previous accomplishments, with few concrete policy proposals. Before the second rounds, a number of candidates refused to participate in public debates with their opponents. Moreover, the tone of the campaign deteriorated considerably after the first round. ENEMO observers noted distribution of campaign material spreading false information about candidates and their programmes⁴²; so-called "black PR" was widespread on social media, together with numerous personal attacks among candidates, and several cases of Telegram or Viber channels spreading disinformation and hate speech were noted.⁴³ ENEMO interlocutors raised strong concerns regarding the possible impact of such widespread negative campaigning and dissemination of false information on voters, and consequently on election results.

While the political climate was calm during the first weeks of campaigning, it deteriorated considerably during the following weeks. A number of threats and violent attacks on candidates and supporters occurred⁴⁴, resulting, in one case, in the death of the candidate⁴⁵, and a number of cases of attacks on party headquarters and destruction of candidate vehicles were reported.⁴⁶ Destruction of campaign material (billboards, campaign tents) was widespread across the country and affected all major political parties.

The Election Code stipulates that members of state executive bodies and of local government are not allowed to campaign while performing their official duties. However, President Zelensky, together with several oblast governors, took an active role in promoting candidates from their party (Servant of the People) while participating in official events organized in August and September 2020⁴⁷, granting an undue advantage to said candidates and blurring the lines between state and party, challenging paragraph 5.4 of the 1990 OSCE Copenhagen Document.⁴⁸ Similarly, the last-minute announcement by President Zelensky of a nationwide survey, funded by his political party, to be conducted in front of polling stations on election day, was widely criticized by ENEMO interlocutors from both political parties and civil society organisations. The initiative had no legal grounds, and served as indirect campaigning, mobilizing Servant of the People supporters on Election Day. President Zelensky's decision to hold such a survey on Election Day was challenged in the Kyiv District Administrative Court, which refused to declare it illegal.

⁴²In Lviv, newsletters were distributed anonymously, indicating that the incumbent mayor, Andriy Sadovy, was planning on creating a Roma settlement in the city, purposely imitating the candidate's official campaign. In Lutsk, a newsletter containing almost only "black PR" and personal attacks against self-nominated candidate Shyba was widely distributed; similar practices were noted in Cherkasy and in Rivne.

⁴³In Lviv, Kherson and Sloviansk particularly, a very important number of Facebook posts denigrating candidates and spreading false rumors were reported by domestic observers. Rumors include candidates planning to destroy important city landmarks (Kherson), to cancel all social protection programmes, or allegedly drowning puppies (Sloviansk).

⁴⁴Attacks on candidates occurred in Dnipropetrovsk, Kivohograd, Kharkiv, Kherson, Kyiv, Lviv, Poltava and Sumy oblasts. Threats (including death threats) on candidates were reported in Kyiv, Khmelnytskyi, Kremenchug and Vinnytsia. The candidates affected by these incidents belonged to European Solidarity, Servant of the People, Opposition Platform - For life, Our Land and Shariy's Party.

⁴⁵In Transcarpathia oblast, Opposition Platform - For Life candidate Pavlo Sedlyar died, on 8 October, after being violently beaten by opponents.

⁴⁶Attacks on party headquarters were reported by Servant of the People (Chernivtsi oblast) and Opposition Platform - For Life (Kharkiv, Sumy and Zhytomyr oblasts). Destruction of candidate vehicles occurred in Kharkiv, Lviv, Mykolaiv, Odessa, Rivne, and Zaporizhzhya.

⁴⁷In August and September 2020, official events were organized in all oblasts of Ukraine (except for Kyiv, Donetsk, Luhansk and the Autonomous Republic of Crimea) to present the future regional development strategies. All events were attended by the President of Ukraine, government officials including, in most cases, the governor of the oblast, and were used as an opportunity to introduce the main candidates from Servant of the People, before the official start of the campaign period.

⁴⁸Paragraph 5.4 of the 1990 OSCE Copenhagen Document states that there should be "a clear separation between the State and political parties; in particular, political parties will not be merged with the State".

More than two-thirds of incumbents were running for re-election, and multiple cases of abuse of incumbency and misuse of administrative resources were reported during the campaign period. Social or infrastructure programmes funded with public resources were used by incumbent mayors as campaign tools⁴⁹; the organizing of social and cultural events (e.g. concerts, sports competitions) with municipal funds, used by incumbents for campaign purposes, was also observed in several cases⁵⁰. Incumbents used municipal information papers, websites or social media pages to promote their achievements and candidacy, and campaigned mainly on the achievements of the local administration⁵¹. Furthermore, a number of candidates reported not being granted equal access to public campaign facilities (e.g. billboards). Further, the mission received credible allegations of pressure put on civil servants either to openly support or to vote for an incumbent⁵².

The Election Code should be amended to include mandatory resignation of an incumbent who intends to run for re-election before the campaign starts. This could be combined with increased fines sanctioning misuse of administrative resources, followed by loss of the right to stand for election for repeat offenders. This additionally requires proper investigation and reinforced oversight by competent authorities such as the national police and finance oversight bodies.

The new Election Code contains a broad definition of voter bribery, forbidding all gifts (monetary or in-kind), from political parties, candidates, as well as charity organizations. The Criminal Code of Ukraine was recently amended, increasing the sanctions related to this type of violation. However, the improvement of the legal framework in this regard did not seem to result in a significant decrease of the practice. Several cases of voter bribery were reported by ENEMO and domestic observers, including the distribution of food packages, either directly by candidates or by charity organizations closely linked to political parties, and during campaign events.⁵³ Political parties and candidates adjusted to the pandemic context by distributing masks and hand sanitizers, and offering free health insurance or free medical consultation to potential voters. Before the runoffs, several large-scale voter bribery schemes, organized through messaging applications, were reported by ENEMO or domestic observers.⁵⁴ The practice of taking pictures of ballots, or marking them with special signs, which was noticed on Election Day in several cities, confirmed the suspicion of controlled voting. Positively, the law enforcement authorities acted promptly when vote-buying allegations were reported; 825 cases had been investigated or were under investigation as of December 2020.⁵⁵

⁴⁹A few examples include distribution of food or medicine packages to pensioners (Odessa); last-minute repair of streets, roads, playgrounds or public buildings (Cherkassy, Chernihiv, Chernivtsi, Kyiv, Lviv, Sumy, Zaporizhia oblasts) ; distribution of monetary subsidies to low income families (Kharkiv oblast); free medical check-ups (Zaporizhia oblast); widely publicised inaugurations of new public facilities (e.g. medical clinic in Odessa, swimming pool in Melitopol)

⁵⁰Reported in by ENEMO observers in Cherkassy, Chernivtsi, Ivano-Frankivsk, Kharkiv oblasts.

⁵¹Reported by ENEMO observers in Kirovohrad, Kyiv and Sumy oblasts during the first round of elections, and in the cities of Berdyansk, Cherkassy, Drohobych before the mayoral runoffs.

⁵²Such cases were reported in Dnipropetrovsk, Khmelnytsky, Ternopil, Sumy and Vinnytsia oblasts prior to the first round of elections. Before the runoffs, pressures on civil servants, teachers and/or hospital workers to vote for the incumbents were reported in Cherkasy, Dnipro, Drohobych, Lutsk and Sumy. In Cherkasy and Odesa, public sector employees were asked to announce their support for the incumbent on their personal social network pages.

⁵³Distribution of food or medicine packages, and other types of gifts (including city trips, hot air balloon rides or microwave ovens) were documented by ENEMO observers in Cherkassy, Chernivtsi, Kharkiv, Kherson, Mykolaiv, Odessa, Poltava, Ternopil,

⁵⁴Vinnytsia and Zaporizhia oblasts. On 14 October (Defender of Ukraine Day), a large number of candidates organized festive events, with distribution of food and alcoholic beverages. This practice was reported in almost every oblast.

⁵⁵In Dnipro, ENEMO observers documented the existence of a Viber group, with more than 16,000 subscribers, offering 1,500 grivnas to vote for one of the candidates. Domestic observers and local media confirmed the existence or additional groups on messaging applications aimed at vote-buying.

B. Campaign Finance

Political party and campaign finance are regulated by the Election Code, the Law on Political Parties, and the Law on the Prevention of Corruption. Regulations adopted since 2015, including the Political Finance Reform Law, have considerably improved the framework for campaign finance. However, in practice, transparency and accountability are considerably undermined by the insufficient respect of the provisions defined by the law, and the limited capacities of the oversight bodies.

The Election Code foresees three sources of funding for local election campaigns: contributions from political parties, from candidates, and donations from private individuals⁵⁶. Donations from foreigners, from legal entities (e.g. businesses) and anonymous donations are forbidden. However, several ENEMO interlocutors underlined that these provisions were easily circumvented during the election process, given that candidates and political parties could contribute to their campaign funds without any limits, and without having to disclose the origin of the funds⁵⁷. Due to the COVID-19 pandemic, the deadline for submitting political party quarterly financial reports to the NAPC was postponed, until the end of the quarantine measures⁵⁸. As a result, the origins of the funds of political parties and identity of the main donors is currently unknown. The Election Code does not foresee any ceiling for campaign expenditure; ENEMO interlocutors underlined that such a ceiling could help level the playing field.

Consideration could be given to establishing a reasonable ceiling for campaign expenditure, in order to promote a more level playing field between all contestants.

Local branches of political parties and individual candidates were required to open a dedicated bank account for campaign purposes, in case they foresee donations or campaign expenditure. ENEMO observers met with a significant number of candidates claiming to be running expenses-free campaigns, raising suspicions regarding “shadow funding”, with parties and candidates not opening bank accounts to escape the financial reporting obligations. A number of ENEMO interlocutors also described the procedure of opening a bank account as lengthy and complicated, delaying the possibility to start their campaign. In a similar vein, TECs reported a lack of cooperation from the banking institutions, which often did not report promptly about the opening of an account, as required by the Election Code.

The Election Code sets reporting obligations for local branches of political parties and candidates taking part in the election process: two financial reports must be presented to the TEC, containing all information regarding campaign income and expenditures. Interim financial reports had to be submitted to the respective TEC by 20 October, and final financial reports by 1 November. However, a significant number of political parties and candidates did not comply with their reporting obligations, with only a limited number of reports submitted by the deadlines⁵⁹.

⁵⁶While donations from private individuals are limited to 10 minimum salaries (approximately 47,000 UAH), candidates and political parties can contribute to their election fund without any limit.

⁵⁷A number of candidates admitted that private individuals made donations to their political party, who then transferred the donations to their electoral fund. This practice allowed for the donors to exceed the ceiling set by the Election Code.

⁵⁸On 2 April 2020, the Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine Aimed at Providing Additional Social and Economic Guarantees in Connection with the Spread of Coronavirus Disease (COVID-19)” came into force, which postponed the obligation of political parties to submit quarterly reports on assets, income, expenses and liabilities of a financial nature until the end of the quarantine measures for the prevention and spread of COVID-19.

⁵⁹Kyiv City TEC reported that out of the 2,400 registered candidates, more than 1,400 did not submit any information, and out of the 20 candidates running for city mayor, only eight submitted financial reports. OPORA studied the submission of financial reports in 15 major cities in Ukraine, and noted that only 13 percent of the registered organizations in Kamianets-Podilskyi submitted financial reports to the city TEC; only 21 percent submitted financial reports in Lviv, 30 percent in Poltava, and 37 percent in Mykolaiv.

Furthermore, out of the reports that were submitted, a number did not contain any financial information, allegedly because the candidates did not incur any expenses during the campaign, or because all expenses were paid for by their political party (either at city, oblast, or even central level). The lack of compliance with the reporting obligations limited transparency and accountability. Several interlocutors from TECs and CSOs underlined that the current sanctions for not respecting the reporting obligations are clearly insufficient and do not serve as an efficient deterrent⁶⁰.

Political parties must comply with prevailing campaign finance regulations, including the use of designated campaign bank accounts and submission of timely campaign finance reports. Consideration should be given to imposing proportionate and dissuasive sanctions for political parties that do not comply with the reporting requirement or for violating the legal provisions.

The TECs were responsible for scrutinizing the financial documents, and to notify the National Agency for the Prevention of Corruption (NAPC) or the police in case violations are noticed. Training programmes were undertaken to strengthen the capacity of TEC members in this regard, though with limited success, due to the high turnover among TEC members, and a general lack of interest in financial issues. Most TECs stressed that they would only start scrutinizing financial reports after completing all other Election-day procedures. On a positive note, ENEMO observers noted that some TECs were very proactive throughout the process, setting up ad-hoc committees to scrutinize all financial reports, and organizing consultations with political parties and candidates to assist them with the reporting process. However, most TECs stated that they will not examine the reports at all, given their lack of time and resources, and underlined that they did not have the capacity to check the accuracy of the expenses reported by candidates and political parties. Domestic observers reported several cases of financial reports containing obviously incorrect information (e.g. prices of billboards clearly undervalued), and still approved by TECs, who only performed a superficial analysis.

Mandatory publication of the financial reports was one of the notable improvements introduced in the new Election Code. However, online publication of financial reports remained very limited, due to the lack of online presence of most TECs. Domestic observers noted that only 55 percent of the interim reports and 45 percent of the final financial reports submitted in the major cities of Ukraine were made public (online or at the TEC premises), which considerably limits transparency and accountability.

The National Agency for the Prevention of Corruption (NAPC) is responsible for monitoring the timely submission of reports and the completeness and accuracy of the information provided in the reports. However, the agency remained passive during the election process; its limited human and financial capacities did not allow it to play a meaningful role.

In order to increase transparency and accountability, consideration should be given to transferring the oversight responsibility to an independent body, with sufficient investigative powers and human capacity to conduct meaningful analysis of all financial reports, and ensure their online publication on a centralized electronic register.

⁶⁰Sanctions for not complying with the reporting obligations range from 5,100 to 6,800 hryvnias (approximately 180\$ to 250\$).

IX. MEDIA

The Constitution guarantees freedom of expression, right to information, prohibits censorship, and defamation is a civil offence. The legal framework provides the general preconditions for media freedoms and free and fair reporting, while media conduct during election campaigns is regulated by the Election Code, which envisages equal and impartial treatment for all candidates. Additionally, the Election Code prescribes that media outlets shall independently determine the amount of airtime to be allocated to the coverage of the election process, with the limitation that only candidates or parties can purchase political advertising to be aired by television and radio broadcasting organizations. Paid campaign advertising is allowed on public and private media and must be clearly marked.

The media landscape is pluralistic and comprises a large number of registered media outlets. However, the actual diversity is limited due to the substantial concentration of media ownership and economic and political interests of their owners, considerably influencing traditional media editorial policies, both at the national and regional level, thus limiting diversity of viewpoints in the media and affecting the ability of voters to make a truly informed choice. Due to a lack of trust in traditional media, largely partisan reporting and the campaign limitations due to COVID-19, Ukrainian citizens were increasingly turning to the Internet as their major source of news and information.

Media reporting on the elections, both at the national and regional level was limited and lacked general content on elections, contestants or their programs. Analytical and investigative reporting was noticeably absent, and, as was pointed out by several ENEMO interlocutors, the media did not fulfil its informational and educational role. ENEMO assessed that voters were not provided sufficient information on the importance of these local elections, adequate technical information on how to vote, or information on measures to protect citizens on Election Day amid the COVID-19 crisis. These factors may have contributed to a lower turnout and limited the ability of voters to make a truly informed choice.

Media reporting was highly partisan and did not provide balanced coverage to all candidates, as confirmed by the National Television and Radio Broadcasting Council (NTRBC) in several instances. Hidden political advertising remained one of the key challenges, both in national and regional media, notably in print media and these issues were not adequately addressed. In addition, paying for favorable news coverage, a practice known as “jeansa”, was highly prevalent during the campaign period, particularly in regional media. Monitoring conducted by the Institute of Mass Information (IMI)⁶¹ showed that 80 percent of news with signs of being ordered contained a positive tone towards politicians and officials. On the other hand, its survey of reporters showed that a high percentage believed their media would not be able to survive without selling favorable coverage.

Recognizing the on-going practice of “jeansa”, ENEMO notes that the current legislation does not sufficiently define and introduce effective mechanisms for sanctioning cases of hidden advertising and paid materials in printed media. Additionally, there is no Code of Conduct or any other relevant document which could provide essential principles to guide actions of media and journalists during the election period, and that there is lack of effective self-regulation.

⁶¹IMI report on jeansa in mass media, September 30, 2020. Link: <https://imi.org.ua/en/monitorings/37-of-jeansa-in-regional-26-online-media-ordered-by-local-politicians-imi-research-i34731>

ENEMO recommends that additional effort should be made towards strengthening journalist associations and self-regulation of printed media for securing higher standards of journalism in Ukraine.

The Ukrainian Public Broadcasting Company (UA PBC), although informative and balanced, was not seen as an adequate counterweight to privately owned media, primarily due to its low ratings. The UA PBC organized debates for mayoral candidates during the second round, but a number of candidates refused to participate. As a result, social networks were, for the first time, the main source of information for voters, while the levels of trust in both national and regional media decreased in all media categories in comparison to previous years.

In order to support UA PBC's mission as the public service broadcaster and its indispensable role in providing reliable information to citizens during the election period, and especially having in mind the deep polarization and politicization of privately-owned media, as well as the rise of social media networks as a main source for political news, additional efforts are required to find an adequate model of financing which will be stable and will not depend on political will or ruling majority.

The NTRBC, as the regulatory body for broadcast media, supervises compliance of media with the Code and adjudicates media-related complaints. It established a Working Group to monitor implementation of election legislation by broadcasters during the local election campaign. The Working Group analyzed information disseminated by electronic media related to the election campaign, based on the results of the in house media monitoring, and considered appeals and complaints from legal entities and individuals regarding violations. ENEMO notes that the NTRBC was proactive, and used all legally prescribed mechanisms on recorded media violations in a timely manner.

NTRBC recorded a number of violations, noticeably related to hidden campaigning and the placement or dissemination of campaign materials which were not marked in accordance with the requirements of the Code. They conducted several unscheduled inspections and drew protocols on administrative violations for several broadcasters for both rounds. The regulator took note of the results of the inspection, and announced it had sent the protocols on the administrative offense to the court, and information on violations to the CEC. However, writing administrative protocols in response to violations was generally ineffective, due to a lack of subsequent action by the judiciary or law enforcement.

ENEMO notes that the existing legal framework could be improved to support the NTRBC to adequately respond to and prevent media violations in the pre-election period, by clearer sanctioning mechanisms, as well as with clear definitions of media violations. Also, complaints by all stakeholders should be filed and reviewed within shorter timeframes.

Social media were a dominant communication platform between the candidates and voters, and was used extensively for campaigning by the majority of candidates, with contestants mostly using Facebook and closed messaging groups such as Telegram and Viber for direct communication with voters. Online campaigning started significantly before the official beginning of the election campaign. Social networks continue to transform the traditional conduct of political campaigning in Ukraine, while efforts to fight disinformation campaigns and ensure transparency regarding sources of paid advertisements have so far been insufficient. Disinformation campaigns remained a dangerous threat without proper institutional solution, as it was pointed out by the majority of interlocutors, and NGO Detektor Media and StopFake

reported that several political parties even promoted pro-Russian disinformation campaigns.⁶² Facebook removed accounts engaged in coordinated, inauthentic behavior and announced that they had taken down 46 profiles, 44 pages, one group, and three Instagram accounts with a total of 800,000 people subscribed to these profiles.⁶³

Several interlocutors raised the question of unregistered and unverifiable expenditure of parties and candidates on social networks. Between them, it is estimated that parties and candidates spent some 4.73 million dollars⁶⁴ on Facebook advertisements, yet there is no legal obligation for them to report these expenses. On 1 October, the CEC adopted a Resolution on forms of the financial reports on receipt and use of means of election funds, compelling parties and candidates to report Internet expenses. However, considering the lack of legal regulation of political advertising, as well as the lack of obligation that expenses must be justified with invoices obtained from social networks, all interlocutors pointed out that this requirement would probably not properly be fulfilled by contestants.

Having in mind that voters are turning to social media for political news where they are highly exposed and unprotected against existing disinformation campaigns and malign foreign influence, ENEMO notes that mutual cooperation between key stakeholders and most influential social networks would be positive, in order to connect voters to authoritative information, by clearly labeling unconfirmed and untrue information which could undermine and delegitimize the election process. Also, strengthening media literacy (as in the ability to identify different types of media and understanding their messages) is one of the most important steps in protection against disinformation and should be additionally supported. The decision of the Ministry of Culture and Information Policy to make media literacy a priority for the next year is an important step but to be effective, it needs to be inclusive and ensure the participation of all important stakeholders.

⁶²Council of Europe: Does the media manipulate while covering the 2020 local elections in Ukraine:<https://www.coe.int/en/web/kyiv/-/do-the-media-manipulate-while-covering-the-2020-localelections-in-ukraine-results-of-two-monitori-1>

⁶³OPORA:<https://www.oporaua.org/en/article/vybory/disinformation/21666-facebook-vidaliv-merezhu-storinok-ta-feikovikhoblikovikh-zapisiv-iaku-ranishe-identifikuvala-opora>

⁶⁴<https://www.chesno.org/post/4364/>

X. GENDER REPRESENTATION

Positively, the Election Code introduced a mandatory gender quota, requiring that each gender be represented by at least 40 percent of candidates on party lists for local councils of communities of 10,000 or more voters (with two candidates of each gender in each group of five candidates on the list), and 30 percent in communities with less than 10,000 voters. This mandatory gender quota represented a significant step forward towards better representation of women in local politics.

It was noted that for these polls, 44.82 percent of candidates registered on electoral lists for local councils were women. However, ENEMO observed that a number of party lists did not comply with the gender requirement, and were still registered either by TECs, or by a court decision following their rejection by TECs (see Complaints and Appeals). Moreover, the Election Code does not specify whether the gender quota requirement should be met once the candidate registration process is completed, or only after the nomination process. A number of ENEMO interlocutors shared concerns regarding the inclusion of women as so-called “technical candidates” on party lists, with women either withdrawing their candidacies after the completion of the registration process, or intentionally providing insufficient documentation so as to be rejected by the TECs.⁶⁵ Some cases of women included on party lists without their knowledge or consent, in order to fulfill the gender quota, were also reported.

The Election Code should be amended to clarify the gender quota requirements, in order to ensure that the gender quota is met after completion of the candidate registration process (and not only after the nomination phase).

The proportion of women in local councils rose to 35.9 percent, which represents a substantial increase. However, according to calculations made by OPORA, most women were elected to lower-level councils: they represent 41.9 percent of council members in communities with less than 10,000 voters, but only 28.2 percent in oblast councils (which still represents a considerable improvement, compared to the previous 15 percent). Women remained largely under-represented in the mayoral races, amounting to 16.42 percent of candidates, and 16.8 percent of the newly elected mayors. No women were elected mayor of any major city of Ukraine.

Considering that the gender requirement is mandatory, an obligation should be introduced that in cases where an elected council member stands down, he or she is replaced by a councilor of the same gender.

ENEMO also notes that gender issues were mostly absent from campaign messages and candidates’ platforms. “Black PR” targeting female candidates and misogynistic messages were reported by several ENEMO observers.⁶⁶ Hate speech targeting the LGBTQ+ community was also noted.⁶⁷

⁶⁶Misogynistic messages targeting female candidates were noted in Kyiv, Khmelnytsky and Ivano-Frankivsk oblasts.

⁶⁷Reported in Zakarpattia oblast.

XI. NATIONAL MINORITIES

Ukraine is a multi-ethnic country.⁶⁸ However, the current legislation does not provide any special measures to promote the representation of national minorities in political life. Tensions have been rising recently due to a number of newly adopted laws, that some representatives of national minorities consider restrict their fundamental rights. The laws in question are the laws on “Education”⁶⁹, “Ensuring the functioning of the Ukrainian language as a State language” and the current decentralization reform.

The law “On ensuring the functioning of the Ukrainian language as a State language” makes Ukrainian the only language for the conduct of elections. All official election materials (including ballot papers, voter education material, etc.) are produced in Ukrainian language only. ENEMO observers reported several protests organized against this law, including calls to partially boycott the election process, from members of the Romanian community⁷⁰. Representatives of national minorities also argued that the decentralization reform, by enlarging the size of the districts, makes it more difficult for members of their communities to gain political representation at that level.⁷¹

Despite the law, national minorities used their language during the campaign period. ENEMO observers reported a number of campaign events and campaign materials produced in Russian (in Chernihiv, Kharkiv, Kirovohrad, Odessa, Vinnytsia, Zaporizhia, Zhitomyr oblasts), Hungarian (in Zakarpattia oblast), and Romanian (in Chernivtsi oblast).

During the election process, a number of Hungarian politicians and officials, including the Minister of Foreign Affairs, openly campaigned for the pro-Hungarian party (KMKS - Party of Hungarians of Ukraine) in Zakarpattia oblast, leading to a diplomatic incident between the two countries⁷².

⁶⁸According to the national 2001 census (the most recent census undertaken), Ukrainians represent 77,8 percent of the total populations. Ethnic minorities include mainly Russians (17.3 per cent), but also Belarusians (0.6 per cent), Moldovans (0.5 per cent), Bulgarians (0.4 per cent), Crimean Tatars (0.5 per cent), Hungarians (0.3 per cent), Romanians (0.3 per cent), and Poles (0.3 per cent). While Ukrainian is the State language, and the native language of 67,5 percent of the population, Russian is the native language of 29.6 percent of the population. 2,9 percent of the population have other native languages.

⁶⁹The law ‘On Education’, adopted in 2017, stipulates that the language of the educational process is the state language. It has been considered as restricting the rights of national minorities.

⁷⁰In Chernivtsi oblast, the Interregional Union “Romanian Community of Ukraine” called for a partial boycott of the local elections, in a communiqué released on 14 October 2020.

⁷¹In Chernivtsi oblast, members of the Romanian population represent approximately 10% of the total population, primarily living in communities located in 4 of the former rayons. Representatives have argued that the decentralization process, which reduced the number of rayons, makes it more difficult for them to gain representatives.

⁷²Cf. Statement of the Foreign Ministry Spokeswoman on the political agitation of Hungarian officials in Transcarpathia

XII. INCLUSION OF PERSONS WITH DISABILITIES

Ukrainian electoral legislation guarantees the right to vote for persons with disabilities (PWD) and for persons with temporary health disorder and the elderly. Such voters have the right to be provided with reasonable support in accordance with individual needs to ensure their unimpeded participation in the election process. Prior to Election Day, each PEC had the obligation to assign duties to members of the commission to ensure the right to vote for such voters, as well as other voters with low mobility⁷³.

On 9 October 2020, the Cabinet of Ministers of Ukraine approved a resolution on accessibility for persons with disabilities and other low-mobility groups to premises provided for polling⁷⁴. In order to ensure equal access to the election process for all participants and at all stages, the CEC decided that information posters should contain (in the lower right corner) a matrix two-dimensional QR-code for the transition from mobile devices to available formats of posters for people with disabilities, providing translation of the information displayed on the poster into Ukrainian sign language, reproduction of information in audio format and a special text digital format accessible to the visually impaired. Such measures are innovative and ENEMO assessed them positively.

However, observer reports showed that election-related premises, including TECs and PECs as well as SVR offices, often remain difficult to access for PWDs. Although the Electoral Code provides clear instructions for PWDs, such as applying to the head of the election commission with a preliminary request for voting at the polling station, in many instances PWDs faced difficulties while accessing polling stations in order to vote. In some polling stations, infrastructure was poor and conditions for PWDs were insufficient, and they often had to be carried with their wheelchair on stairs to the polling station by random people who happened to be there as well, which was extremely unfortunate. According to mission interlocutors, the timeframe was limited to fully implement the decision of the Cabinet of Ministers and the CEC and to thereby ensure adequate voting rights for PWDs, notably in terms of accessibility.

The above continues to be at odds with Ukraine's international commitments, in particular the Convention on the Rights of Persons with Disabilities (CRPD) ratified by Ukraine in 2010⁷⁵.

Further steps need to be taken to ensure that polling places are selected and established taking full account of the need to provide appropriate access for PWDs.

⁷³Article 247; Paragraph 2 subparagraph 7 of the Election Code.

⁷⁴<https://www.kmu.gov.ua/news/uryad-zatverdiv-kriteriyi-dostupnosti-viborchih-dilnic-dlya-malomobilnih-grup-naselennya>

⁷⁵2006 UN Convention on the Rights of Persons with Disabilities: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

XIII. COMPLAINTS AND APPEALS

The Constitution of Ukraine guarantees the right to challenge the decisions, actions, or inactivity of state or local authorities and their officials in courts. The right to seek legal remedy on election related violations is granted to parties (party organizations), candidates and their agents, official observers from a candidate or party (party organization), official observers from local accredited organizations, election commissions and voters when their personal rights are violated. Decisions, actions or inactions relating to the election process may be contested by filing a complaint to a court or to an election commission.

According to the new Election Code the jurisdiction of election administration over the resolution of election complaints has been limited, as the election commissions only have the right to consider complaints submitted against lower-level commissions and their members.

In line with international standards, the potential for the parallel submission and consideration of complaint is now limited, as the court with which a lawsuit has been filed should immediately notify the respective election commission, a higher-level election commission, the CEC or the SRV. If the same complaint is submitted to the election commission, the respective commission should terminate consideration of the complaint.

Election related complaints submitted to the court should be carried out in accordance with the Code of Administrative Adjudication, while complaints submitted to the election administration must be carried out in accordance with procedures established by the Election Code.

During the election period the CEC received some 585 complaints related to the electoral process, most of the complaints were rejected or left without consideration mostly because of missed deadlines, or the complaint was submitted by an unauthorized person, or the CEC was not a relevant body to consider the merits of the complaint. The high number of rejected complaints which missed the deadlines or for other procedural grounds demonstrates the complexity of the complaints system, affecting complainants' understanding of the dispute resolution process.

Legal provisions on the election dispute resolution are at times overly complicated and should be simplified and clarified in order for electoral contestants to seek legal remedy promptly and effectively.

ENEMO observers were informed that some TECs received written complaints. However, the registration process of formal complaints on TECs lacks transparency since there is no registry of complaints available publicly at any level of the election administration. Indeed, the CEC only publishes resolutions concerning complaints that are the subject of the collective consideration of the commission, thus information about rejected complaints or complaints returned to the complainants are not publicly available, resulting in a lack of transparency of the process.

In order to enhance transparency related to electoral complaints, the CEC should develop an online register for the publication of all complaints submitted to the election administration, indicating their status and outcome.

As of 27 October, the courts had received 1,548 election-related administrative claims. Among them 128 cases left without consideration; or most of the cases were resolved with accepted final decisions. Among them 42 percent (654) of complaints were related to clarification of the voter list, while 37 percent (576) were related to the nomination and registration of candidates. 433 claims were satisfied regarding the clarification of voters' lists and 244 regarding the registration of candidates. Other cases were related to the formation and composition of election commissions; election campaign and information support; as well as organization of voting and appeals against election results. In some cases, non-uniform approaches of the courts related to application of gender quota requirements to the political party lists were observed. Practice regarding the consideration of cases related to party compliance with the gender quota was different and the decisions of the courts in similar cases differ⁷⁶. It should be noted that in isolated instances some TECs refused to acknowledge court decisions⁷⁷ and the CEC had to apply to the police to verify the circumstances of the cases, resulting in the dissolution of non-compliant TECs.

ENEMO observers were informed about a high number of complaints related to recounts from the first round that led to delays in establishing results. According to the court registry of Ukraine, a significant number of complaints were returned to the plaintiff due to missed deadlines or lack of legal grounds. ENEMO interlocutors noted that even though electoral contestants actively used these means for legal remedy, some complaints and appeals submitted to the courts lacked legal grounds and relevant evidence. OPORA also reported that several political groups disseminated false information about the responsibility of the CEC for determining the results of local elections.

Criminal and Administrative Offences

Most election-related violations were reported to the police, even when the issues raised by complainants were not within the competence of the police. During both rounds of the election period, the police recorded notifications pertaining to the electoral process. A majority of these cases remain unaddressed, as the police categorized them as either "unclassified" or "other".

Since the beginning of the election campaign, the police recorded 16,728 complaints about violation of the electoral legislation. Among them the police drew up 2,433 administrative protocols and initiated 1,161 criminal investigations, among them 744 criminal cases were related to the electoral process and 417 voting procedures. It should be noted that the majority of the criminal cases are still pending and there are no final decisions made.

⁷⁶In some cases the court agreed with political parties' arguments about technical errors in compiling lists and canceled TEC decisions to deny registration, while in others took the opposite position and ruled that election commissions' non-registration of party lists were legal. For example, the Kremenchug City TEC decision was cancelled twice by the Court. However the TEC did not register the European Solidarity party list for not meeting legal requirements for gender quota (Article 219.9) and minimum number of five candidates required for each territorial candidate list (Article 219.5). Moreover, the TEC was dismissed in the Tairovskaya settlement by the CEC, as the TEC refused to enforce the court decision to register a candidate from the party Trust in Deeds.

⁷⁷This was the case for example Karolino-Bugaz TEC. a separate decision of the Fifth Administrative Court of Appeals dated November 3, 2020 in case #420/11492/20 notes that "the newly formed TEC did not eliminate any violation of citizens' voting rights, did not comply with court decisions and the election took place in the absence of court decisions on the existence of violated rights of the plaintiff, who was not included in the ballot. CEC called the TEC to comply with the court decision and call for the repeat elections. Case # 160/13769/20 regarding the Marhanets City TEC of the Nikopol District of the Dnipropetrovsk Region; Case # 540/3489/20 regarding the Kherson Oblast TEC;

XIV. ELECTION DAY(S)

ENEMO did not conduct a systematic observation throughout the country on Election Day on 25 October, as the mission did not deploy short-term observers (STOs) due to the context of the COVID-19 pandemic. However, the mission's 48 virtual LTOs conducted remote online observation of the polling process. LTOs followed publicly available sources and spoke online with a number of interlocutors taking part in the electoral process (including EMBs, local observers, parties, candidates, media, police and courts). Additionally, a number of Core Team members visited a few polling stations in Kyiv to observe the voting process in the first round. Likewise for the second rounds, held on 15, 22, 29 November and 6 December, ENEMO did not conduct a systematic observation. However, the mission's 48 remote long-term observers (LTOs) conducted online observation of the polling process on 15 November and 22 November, while LTOs and Core Team experts continued to follow the second round held in Chernivtsi (29 November) and Kryviy Rih (6 December) after the publication of the mission's statement of preliminary findings and conclusions on 24 November.

A. First round (25 October)

The first round of elections on 25 October was generally assessed as calm and peaceful, although media and observers reported some allegations and violations in certain localities⁷⁸, and the environment on the day of voting was considerably affected by the COVID-19 context. Management of the process at the polls was assessed positively overall by interlocutors of the mission as well as by ENEMO observers⁷⁹. However, it appears that COVID-19 prevention measures were followed with a considerable degree of variation and with uneven levels of preparedness and equipment⁸⁰.

At some polling stations observed in Kyiv, a considerable number of voters were not properly folding their ballot papers upon casting them in the ballot box, possibly due to the sheer size of the ballot, therefore rendering their marked ballot somewhat visible.

Several allegations of vote-buying and intimidation of voters were reported by media sources and domestic observers⁸¹, with concerns reinforced by the fact that voters were reportedly taking pictures of their ballots in several polling stations. Several cases of organized transportation of voters were mentioned to ENEMO observers⁸². A number of political parties were reported campaigning on Election Day, including on social media.

Additionally, domestic observers and media reported a number of incidents throughout the day, including tearing up of ballot papers, voters allowed to vote without proper identification⁸³ and illegal election commissions formed as some communities rejected the redrawn administrative boundaries (reported in Sumy and Mykolaiv).

⁷⁸In total, 70 incidents were reported to LTOs by interlocutors during E-Day.

⁷⁹In some cases however, lack of election material was reported (insufficient number of ballot papers, copies of protocols, ballot boxes, polling booths and informative posters). Regarding incidents and violations in general, the police were generally informed in a timely manner on irregularities, and cases investigated.

⁸⁰In Kyiv, some but not all polling stations were equipped with electronic thermometers, a special booth for voters with temperature exceeding 37.2 degrees and dedicated ballot box for those voters, while some commission members were equipped with face shields and others only with masks. In the oblasts, ENEMO observers reported a considerable number of technical issues, such as deficiency of protective equipment, long queues and disrespecting of social distance.

⁸¹In Chernivtsi, Dnipropetrovsk, Kirovohrad, Kyiv, Odessa and Poltava oblasts.

⁸²In Chernivtsi, Kharkiv, Khmelnytskyi, Kyiv, Odessa and Zhytomyr oblasts.

⁸³For instance, reported in Kyiv, Lviv, Mykolaiv, Vinnytsia and Zakarpattia oblasts.

B. Second round (15 and 22 November)

In order to limit the spread of COVID-19 during the second round of voting on 15 and 22 November, the CEC made additional efforts by approving supplementary text in personal invitations⁸⁴ sent to voters during the quarantine period. Personal invitations contained a warning and recommendations for voters regarding their obligation to wear a protective mask during the voting and to bring their own pen.

The polls on both 15 and 22 November were held in a generally peaceful and calm environment. Commission members professionally conducted the process overall, while counting and tabulation was generally timely and well organized. However, as in the first round, observers reported uneven application of PPE and COVID-19 prevention measures at polling stations, especially during the voting on 15 November.

Some minor technical mistakes were reported pertaining to sealing of ballot boxes or missing materials, although they did not seem to affect the legitimacy of the process. A few complaints on Election Day were formally filed, and included cases of missing ballots, missing election stamps, or ballot forgery⁸⁵. However, several cases of violation of the secrecy of the vote were observed by domestic observers, which reported on cases of voters photographing their ballots⁸⁶. Additionally, as in the first round, PEC members did not seem to instruct voters to fold the ballot paper, meaning at times their vote was visible when casting their ballots.

In order to further prevent violation of the secrecy of the vote, ENEMO recommends that election commission members should be clearly instructed by the CEC to inform voters at the polling station to properly fold their ballot papers before casting them.

Some instances of voter intimidation or intimidation of PEC and TEC members were reported to the mission on Election Day⁸⁷, as well as some instances of vote-buying in the vicinity of polling stations⁸⁸.

⁸⁴CEC Resolution No. 471 of 12 November.

⁸⁵Reported in Ukrainka (Kyiv oblast).

⁸⁶Sumy, Khmelnytskyi, Poltava, Cherkassy, Dnipropetrovsk, Dnipro, Sloviansk, Lviv, Mykolaiv, Cherkassy.

⁸⁷In Odesa region on 15 November, for instance, the entrance to the premises of the Odesa city TEC was blocked by a group of young people (allegedly, members of a sports group). In Poltava on 22 November, a group of people in front of a polling station wearing intimidating outfits were discouraging voters from entering polling stations, claiming that voting during COVID-19 is too dangerous. Another case in Poltava included PEC members receiving text messages from an unknown sender instructing them not to go to the polling station.

⁸⁸Poltava, Dnipro.

XV. OBSERVERS

The rights of domestic and international observers are stated in Articles 58 to 60 of the Electoral Code, and additionally in Article 239. Domestic observers include official observers from candidates and parties that are electoral subjects, and from nongovernmental organizations.

In total, the CEC accredited 116 domestic non-governmental organizations to observe in these elections, including some organizations affiliated to political parties. ENEMO raised concerns regarding the possibility of politically biased conclusions and observations by NGOs clearly and publicly affiliated to political parties.

ENEMO noted that requests for accreditation were rejected for six NGOs. In particular, four NGOs were rejected for not meeting the application deadline, while two NGOs had charters which did not include elections or monitoring electoral processes.

The Code enshrines two legal limitations regarding domestic observation groups and their right to observe: formal limitations (only NGOs with involvement in monitoring the election process specified in their charter have the right to observe), and a ban on citizens from aggressor states. The ban on citizens from aggressor states continues to affect the work of ENEMO, which due to this ban cannot include observers with Russian citizenship from its member organization GOLOS⁸⁹. This restriction continues to be at odds with the spirit of Article 8 of the 1990 Copenhagen document, which states that the presence of observers from participating states, both foreign and domestic, can enhance the electoral process and should be invited from any other participating state⁹⁰.

In total, the CEC registered 271 international observers from nine organizations⁹¹. Additionally, 41 international observers were registered from six countries⁹². Possibilities to deploy international election observation missions to Ukraine were considerably limited for these elections due to the COVID-19 pandemic, limiting opportunities to increase the transparency of the process.

The 116 domestic observation organizations accredited before the first round of elections remained accredited for the mayoral run-offs and repeated elections⁹³. Likewise, the 271 international observers from the nine organizations mentioned above from the first round remained accredited in the second rounds.

It should be noted that while the CEC website discloses the total number of international observers accredited by each organization, information on the number of domestic observers accredited by each organization or the total number of domestic observers are not indicated.

⁸⁹Members of GOLOS as political dissidents and human rights activists face double-discrimination: in their home-country in their struggle with the Russian government on one hand, and cannot be part of ENEMO's IEOM in Ukraine on the other.

⁹⁰<https://www.osce.org/files/f/documents/9/c/14304.pdf>

⁹¹ENEMO, OSCE-ODIHR, the Ukrainian Congressional Committee of America, the National Democratic Institute, Committee for Open Democracy, World Congress of Ukrainians, Public Association International Community for Human Rights, International NGO Coordination Resource Center, and International Foundation for better Governance.

⁹²Slovakia, Hungary, Czech Republic, Germany, Spain, and Kazakhstan.

⁹³In line with Article 58 paragraph 4 of the Election Code.

⁹⁴A political party observer in Poltava had his tires cut near a polling station, while some civil society observers had their car damaged while observing at the polling station (Mykholaiv).

In order to increase transparency and accountability, consideration should be given to publicly disclosing the number and names of election observers accredited per each domestic observation organization.

Domestic observers reported on some cases of obstruction to their work, including obstructing their access to polling stations on Election Day. A few cases of intimidation of political party observers were reported as well . Concerns should be raised regarding any form of pressure on election observers, which is at odds with international standards and best practices.

XVI. RECOMMENDATIONS

A. Priority Recommendations

1. The Election Code should be amended to include previously formulated and new recommendations from election stakeholders, including domestic and international observers. This could be achieved through a comprehensive and inclusive process of electoral reform, involving political parties and civil society representatives. The timing of such a reform process is critical and changes to the legal and regulatory framework should not be undertaken less than a year prior to the Election Day, to avoid uncertainty and a lack of awareness among stakeholders.
2. Clearer rules for election management bodies are necessary to overcome the difficulties and challenges of tabulation as well as the establishment and announcement of election results. Legal provisions in this regard should be clear to facilitate transparency and credibility of the process.
3. Ideally, second run-off rounds should be held at the same time across the country, as for the first round, in order to ensure equality for electoral contestants and enhance voter understanding and participation.

B. Other Recommendations

To the Verkhovna Rada of Ukraine

4. Despite previously formulated recommendations, ENEMO notes that the issue of frequent replacement of election commission members, including in-between the two rounds and on Election Day, has not been addressed. The legislation should be amended to include timely mandatory training and certification of a sufficient number of prospective TEC members to increase their levels of preparedness and professionalism and limit risks in case of late replacements.
5. In order to avoid delays in publication of the preliminary results and to increase transparency, the Election Code should be amended to enable the CEC to receive timely information on final results from the TECs. In addition, supplementary funds for establishment of the election information system should be allocated.
6. Consideration should be given to strengthening the oversight of the CEC of ballot printing and to enhance the accuracy of the ballot papers. While ballot printing in local elections remains the competence of TECs, ENEMO deems the CEC should not be excluded from this crucial process.
7. Independent candidates should be allowed to run for elections at all levels of local councils, in line with international obligations and standards.
8. Consideration could be given to exempting candidates running in small communities (less than 10,000 voters) from paying a financial deposit. The financial deposit could be replaced by the collection of a reasonable number of signatures.
9. To ensure equality of opportunity, the law should establish an equal campaign period for all contestants, which should be of a sufficient duration to allow all candidates to properly present their platforms to the electorate. Political parties and candidates must refrain from

campaigning outside of the official campaign period. Their activities should be closely monitored by competent bodies, and appropriate sanctions should be applied in case of violations of the law.

10. The Election Code should be amended to include mandatory resignation of an incumbent who intends to run for re-election before the campaign starts. This could be combined with increased fines sanctioning misuse of administrative resources, followed by loss of the right to stand for election for repeat offenders. This additionally requires proper investigation and reinforced oversight by competent authorities such as the national police and finance oversight bodies.
11. Further steps should be taken to prevent the practice of so-called “clone candidates”. The law could be amended to enable TECs to reject candidacies with the same name, patronymic and surname as other political figures, when it can be established that such candidacies’ sole purpose is to confuse voters and manipulate the election results.
12. Consideration could be given to establish a reasonable ceiling for campaign expenditure, in order to promote a more level playing field between all contestants.
13. In order to increase transparency and accountability, consideration should be given to transferring financial oversight responsibility to an independent body, with sufficient investigative powers and human capacities to conduct meaningful and timely analysis of all financial reports and ensure their online publication on a centralized electronic register.
14. ENEMO notes that the existing legal framework could be improved to support the NTRBC to adequately respond to and prevent media violations in the pre-election period, by clearer sanctioning mechanisms, as well as with a clearer definition of what constitutes a media violation.
15. Legal provisions on the election dispute resolution are at times overly complicated, and should be simplified and clarified in order for electoral contestants to seek legal remedy promptly and effectively.
16. The Election Code should be amended to clarify the gender quota requirements, in order to ensure that the gender quota is met after completion of the candidate registration process (and not only after the nomination phase).
17. Considering that the gender requirement is mandatory, an obligation should be introduced that in cases where an elected council member stands down, he or she is replaced by a councilor of the same gender.

To the Central Election Commission

18. In order to increase the level of transparency and trust of electoral contestants and citizens in the election process, an efficient, open data - results management system at the TEC level should be established.
19. In order to ensure consistent application and efficient finalization of results, training for electoral officials at TEC and PEC levels should be further enhanced to ensure full awareness of all aspects of the respective electoral systems, notably as they relate to the counting, tabulation and mandate allocation phases.
20. Voter education on how to complete ballot papers, notably for the open list component, should be more comprehensive and conducted earlier to increase voter awareness of the implications of the various electoral systems for voting.

21. In order to enhance transparency related to electoral complaints, the CEC should develop an online register for the publication of all complaints submitted to the election administration, indicating their status and outcome.
22. Further steps need to be taken to ensure that polling places are selected and established taking full account of the need to provide appropriate access for PWDs.
23. In order to prevent violation of the secrecy of the vote, ENEMO recommends that election commission members should be clearly instructed by the CEC to inform voters at the polling station to properly fold their ballot papers before casting them.
24. In order to increase transparency and accountability, consideration should be given to publicly disclose the number and names of election observers accredited per each domestic observation organization.

To Political Parties and Candidates

25. Political parties must respect the requirement for notification of TECs during the procedure for nomination of candidates for party lists, to ensure transparency and accountability of the process.
26. Political parties must comply with prevailing campaign finance regulations, including the use of designated campaign bank accounts and submission of timely campaign finance reports. Consideration should be given to imposing proportionate and dissuasive sanctions for political parties that do not comply with the reporting requirement or for violating the legal provisions.

To the Government and Other Institutions involved in the Electoral Process

27. Regarding participation rights and disenfranchisement of voters in a number of Eastern territories of Ukraine, ENEMO recommends that clear, transparent and tangible criteria should be used to assess whether elections can be held or not in those communities. These criteria should be publicly disclosed, as they require broad social consensus and expert review.
28. The introduction of simplified procedures for voter registration allowing IDPs to register more easily in elections is a positive step forward. However, to limit space for abuse, reinforcing training of competent authorities such as the national police should be conducted, and possible fraudulent attempts investigated. Election administrators must also undertake reasonable checks to ensure this procedure is not abused.
29. ENEMO recommends that additional effort should be made towards strengthening journalist associations and enhancing self-regulation of print media in order to raise the standards of journalism in Ukraine.
30. In order to support UA:PBC's mission as the public service broadcaster and its indispensable role in providing reliable information to citizens during the election period, additional efforts are required to find an adequate model of financing which will be stable and which will not depend on political will or ruling majority.

XVII. ABOUT ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 34 international election observation missions to ten countries: Moldova 2020, Presidential elections; Ukraine 2020, Local elections; Montenegro 2020, Parliamentary elections; Serbia 2020, Parliamentary elections; Moldova 2019, Local elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early parliamentary elections; Moldova 2016, Presidential elections; Ukraine 2015, Regular Local elections; Ukraine 2014, Parliamentary elections; Ukraine 2014, Presidential elections; Ukraine 2013 – re-run of Parliamentary elections 2012 in 5 DEC's; Kosovo 2013, Local elections, first round; Ukraine 2012, Parliamentary elections; Kosovo 2011, Re – run of Parliamentary elections; Kosovo 2010, Parliamentary elections; Kyrgyzstan 2010, Parliamentary elections; Ukraine 2010, Presidential elections, second round; Ukraine 2010, Presidential elections, first round; Kosovo 2009, Local elections; Moldova 2009, Parliamentary elections; Georgia 2008, Presidential elections; Kyrgyzstan 2007, Parliamentary elections; Ukraine 2007, Parliamentary elections; Ukraine 2006, Local elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary elections; Kazakhstan 2005, Presidential elections; Albania 2005, Parliamentary elections; Kyrgyzstan 2005, Presidential elections; Kyrgyzstan 2005, Parliamentary elections; Ukraine 2004, Presidential elections, second round re-run; Ukraine 2004, Presidential elections.

ENEMO member organizations are: Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; In Defense of Voters' Rights 'GOLOS', Russia; Gong, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; PromOLEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.

XVIII. LIST OF ABBREVIATIONS

CEC: Central Election Commission

CRPD: Convention on the Rights of Persons with Disabilities

CSO: Civil Society Organization

CT: Core Team

ENEMO: European Network of Election Monitoring Organizations

ICCPR: International Covenant on Civil and Political Rights (1966)

LTO: Long-Term Observer

NAPC: National Agency for Prevention of Corruption

NGO: Non-Governmental Organization

PEC: Precinct Election Commission

PS: Polling Station

PwDs: Persons with Disabilities

STO: Short-Term Observer

SRV: State Registry of Voters

TEC: Territorial Election Commission

ANNEX I: FINAL RESULTS OF LOCAL ELECTIONS 2020

Final results for elected councilors in local councils⁹⁵:

Name of the region	Regional councils		District		City councils		District in the cities		Settlements		Rural		ALL	
	Elected	Selected	E	S	E	S	E	S	E	S	E	S	E	S
Vinnitsia region	84	84	274	274	560	559			548	541	522	484	1988	1942
Volyn region	64	64	176	176	330	323			428	421	558	545	1556	1529
Dnipropetrovsk region	120	120	350	350	658	656	258	258	602	598	914	904	2902	2886
Donetsk region			246	238	618	613			188	185	202	193	1254	1229
Zhytomyr region	64	64	180	180	368	368			528	500	708	701	1848	1813
Transcarpathian region	64	64	248	248	334	334			440	440	806	790	1892	1876
Zaporozhye region	84	84	232	232	442	440			398	394	804	786	1960	1936
Ivano-Frankivsk region	84	84	240	240	462	462			554	548	540	528	1880	1862
Kiev region	84	84	318	303	728	683			570	535	512	494	2212	2099
Kirovograd region	64	64	176	176	340	339	80	80	384	377	466	456	1510	1492
Luhansk region			172	172	112	112			270	265	66	65	620	614
Lviv region	84	84	316	316	1132	1131			380	377	424	424	2336	2332
Mykolaiv region	64	64	180	180	290	290			344	343	642	623	1520	1500
Odessa region	84	84	308	307	568	568			598	586	1086	1010	2644	2555
Poltava	84	84	192	192	472	471	110	110	476	466	536	524	1870	1847
Rivne region	64	63	176	176	342	342			310	305	880	867	1772	1753
Sumy region	64	64	214	214	446	442			342	337	466	450	1532	1507
Ternopil region	64	64	150	150	492	492			388	386	462	455	1556	1547
Kharkiv region	120	120	332	332	568	568			652	650	290	282	1962	1952
Kherson region	64	64	210	209	286	286	114	114	410	403	514	510	1598	1586
Khmelnitsky region	64	64	148	148	382	382			516	510	558	549	1668	1653
Cherkasy region	64	64	180	180	452	452			240	237	900	881	1836	1814
Chernivtsi region	64	64	134	130	298	297			166	166	772	741	1434	1398
Chernihiv region	64	64	214	214	444	444			552	540	378	371	1652	1633
Kyiv city					120	120							120	120
ALL	1660	1659	5366	5337	11244	11174	562	562	10284	10110	14006	13633	43122	42475

⁹⁸Data (and all tables below) collected in accordance with CEC data as of January 2021: <https://cvk.gov.ua/pls/vm2020/wm001pt001f01=695.html>

Name of the political party which nominated the candidate or self-nomination	Number of elected councillors	%
Self-nomination	6612	15.57
POLITICAL PARTY "SERVANT OF THE PEOPLE"	6391	15.05
Political party All-Ukrainian Association "Batkivshchyna"	4458	10.50
POLITICAL PARTY "OPPOSITION PLATFORM - FOR LIFE"	4204	9.90
FOR THE FUTURE POLITICAL PARTY	4064	9.57
EUROPEAN SOLIDARITY POLITICAL PARTY	3903	9.19
OUR LAND Political Party	1898	4.47
Political party All-Ukrainian Union "Freedom"	891	2.10
POLITICAL PARTY "UKRAINIAN GROISMAN'S STRATEGY"	680	1.60
Oleg Lyashko's Radical Party political party	582	1.37
POLITICAL PARTY "PROPOSITION"	574	1.35
Political party "Power and Honor"	573	1.35
DOVIRA POLITICAL PARTY	458	1.08
NATIVE HOUSE POLITICAL PARTY	440	1.04
POLITICAL PARTY "KERNES BLOCK - SUCCESSFUL KHARKIV!"	433	1.02
NATIVE TRANSCARPATHIA POLITICAL PARTY	354	0.83
Political party All-Ukrainian Association "CHERKASHCHANY"	343	0.81
VOICE Political Party	335	0.79
POLITICAL PARTY "BLOCK OF LIGHT TOGETHER!"	320	0.75
Agrarian Party of Ukraine	313	0.74
POLITICAL PARTY "FOR SPECIFIC AFFAIRS"	307	0.72
POLITICAL PARTY "BLOCK VILKULA" UKRAINIAN PERSPECTIVE "	272	0.64
Hometown Political Party	224	0.53
SAMOPOMICH Association Political Party	223	0.53
TRUST AFFAIRS Political Party	222	0.52
Political party "Ukrainian Galician Party"	219	0.52
ALL-UKRAINIAN ASSOCIATION "PLATFORM OF COMMUNITIES" POLITICAL PARTY	216	0.51
Political party "Igor Kolykhaev's party" WE LIVE HERE! "	215	0.51
OPPOSITION BLOC political party	206	0.48
Political party "People's Movement of Ukraine"	198	0.47
ANDRIY BALOGY TEAM POLITICAL PARTY	193	0.45
Vitali Klitschko's UDAR (Ukrainian Democratic Alliance for Reforms) political party	183	0.43
People's Power Political Party	152	0.36
POLITICAL PARTY "ORDER"	137	0.32
Civic Position Political Party	135	0.32
"KMKS" Party of Hungarians of Ukraine	128	0.30
POLITICAL PARTY "PUBLIC MOVEMENT" PEOPLE'S CONTROL "	79	0.19
UNITED ALTERNATIVE POLITICAL PARTY	74	0.17
SIMCHYSHYN TEAM POLITICAL PARTY	74	0.17
POLITICAL PARTY "VLADIMIR BURYAK'S PARTY" UNITY "	62	0.15

Palchevsky's Victory Political Party	62	0.15
VADIM BOYCHENKO BLOC POLITICAL PARTY	59	0.14
New Faces Political Party	53	0.12
POLITICAL PARTY "PARTY OF SHARIA"	52	0.12
Public Force Party	47	0.11
SERGIY MINK TEAM POLITICAL PARTY	46	0.11
VLADIMIR SALDO BLOCK POLITICAL PARTY	41	0.10
POLITICAL PARTY "SERGEY RUDIK'S TEAM. TIME FOR CHANGE!"	41	0.10
Political party "European party of Ukraine"	39	0.09
NOVA POLITIKA political party	39	0.09
BEE POLITICAL PARTY	34	0.08
POLITICAL PARTY "WARTA (ALL-UKRAINIAN ALLIANCE OF REGIONAL AND TERRITORIAL ACTIVISTS)"	33	0.08
Ukrainian People's Party	30	0.07
Political party "Local government party"	26	0.06
Green Party of Ukraine	24	0.06
Democratic Party of Hungarians of Ukraine	23	0.05
GOOD SAMARIAN POLITICAL PARTY	21	0.05
MYKOLA TOMENKO PUBLIC MOVEMENT POLITICAL PARTY "NATIVE COUNTRY"	20	0.05
UKRAINE SLAVETNA POLITICAL PARTY	20	0.05
BASIC POLITICAL PARTY	19	0.04
NATIONAL CORPS POLITICAL PARTY	18	0.04
POLITICAL PARTY "MAXIME YEFIMOV'S TEAM" OUR KRAMATORSK "	17	0.04
POLITICAL PARTY "PARTY OF ORDINARY PEOPLE SERGEY KAPLIN"	15	0.04
BEREZAN COMMUNITY POLITICAL PARTY	14	0.03
OLEKSANDR OMELCHENKO'S UNITY political party	14	0.03
POLITICAL PARTY "PARTY OF PEACE AND DEVELOPMENT"	14	0.03
CITY PERSPECTIVE POLITICAL PARTY	14	0.03
People's Party	13	0.03
Political party Congress of Ukrainian Nationalists	13	0.03
Left Opposition Political Party	13	0.03
Ukrainian party	12	0.03
POLITICAL PARTY "CIVIL MOVEMENT" CONSCIOUS "	11	0.03
MYKHAYLISHYN TEAM POLITICAL PARTY	11	0.03
TOGETHER PARTY "TOGETHER FORCE"	11	0.03
Republican Platform Political Party	11	0.03
WILL POLITICAL PARTY	10	0.02
White Church Together Political Party	9	0.02
Wave Civic Movement Political Party	9	0.02
COUNTRY POLITICAL PARTY	9	0.02
ACCENT Political Party	8	0.02
POLITICAL PARTY "PARTY OF COMMUNITY DEVELOPMENT"	8	0.02
Party of Pensioners of Ukraine	7	0.02

Justice Party	7	0.02
POLITICAL PARTY "PARTY OF VINNICHAN"	7	0.02
POLITICAL PARTY "PARTY OF NATIONAL SELFISHNESS"	7	0.02
RIVNE TOGETHER POLITICAL PARTY	7	0.02
Political Party "SELF-GOVERNING UKRAINIAN STATE"	7	0.02
Youth Party of Ukraine	6	0.01
Afghanistan Veterans Party	6	0.01
POLITICAL PARTY "SOCIAL AND POLITICAL MOVEMENT VALENTYN NALYVAYCHENKO" JUSTICE "	6	0.01
Political party IHOR SAPOZHKO'S TEAM - "UNITY"	6	0.01
OUR POLITICAL PARTY	6	0.01
Political party "Ukrainian Orthodox Assembly"	6	0.01
Mykolayivtsi political party	5	0.01
POLITICAL PARTY "PARTY OF YOUR CITY"	5	0.01
POLITICAL PARTY "ORDER. RESPONSIBILITY. JUSTICE"	5	0.01
REASONABLE FORCE political party	5	0.01
Party of Defenders of the Fatherland	4	0.01
POLITICAL PARTY "ALL-UKRAINIAN ASSOCIATION" PUBLIC CONTROL "	4	0.01
NEW COUNTRY political party	4	0.01
Ukrainian Republican Party	4	0.01
Christian Democratic Union Party	3	0.01
UNITED COMMUNITY POLITICAL PARTY	3	0.01
IDEA OF THE NATION POLITICAL PARTY	3	0.01
LEVCHENKO'S TEAM "POPULATION" POLITICAL PARTY	3	0.01
POLITICAL PARTY "PARTY OF CHERNIVTSI"	3	0.01
PATRIOT political party	3	0.01
Ukrainian Maritime Party of Serhiy Kivalov	3	0.01
Human Rights Party	2	0.00
Political party "COMMUNITY AND LAW"	2	0.00
RIGHT SECTOR political party	2	0.00
POLITICAL PARTY "REPUBLICAN PARTY"	2	0.00
Political Party "Solidarity of Women of Ukraine"	2	0.00
SOCIAL-DEMOCRATIC PARTY POLITICAL PARTY	2	0.00

Final results for elected mayors:

Name of the region	Cities with the number of voters 10 thousands and more		Cities with up to 10,000 voters		TOTAL	
	Elected mayors	Candidates for mayors	Elected mayors	Candidates for mayors	Elected mayors	Candidates mayors
Vinnytsia region	18	133			18	133
Volyn region	9	74	2	11	11	85
Dnipropetrovsk	19	173	1	13	20	186
Donetsk region	17	112	2	12	19	124
Zhytomyr region	12	114			12	114
Transcarpathian	10	78	1	4	11	82
Zaporozhye region	13	101	1	2	14	103
Ivano-Frankivsk region	15	119			15	119
Kiev region	24	244			24	244
Kirovograd region	10	59	2	15	12	74
Luhansk region	4	83			4	83
Lviv region	36	285	3	20	39	305
Mykolaiv region	9	68			9	68
Odessa region	18	128	1	11	19	139
Poltava	15	125	1	7	16	132
Rivne region	11	83			11	83
Sumy region	12	93	3	11	15	104
Ternopil region	18	132			18	132
Kharkiv region	17	116			17	116
Kherson region	9	83			9	83
Khmelnysky region	13	80			13	80
Cherkasy region	16	151			16	151
Chernivtsi region	8	51	3	22	11	73
Chernihiv region	14	85	2	11	16	96
Kyiv city	1	20			1	20
All	348	2790	22	139	370	2929

Name of the region	Urban communities		Settlement communities		Rural communities		All	
	Communities	Elected	C	E	C	E	C	E
Vinnitsia region	18	18	22	22	23	22	63	62
Volyn region	11	10	18	18	25	25	54	53
Dnipropetrovsk region	20	17	25	25	41	41	86	83
Donetsk region	19	17	8	8	9	9	36	34
Zhytomyr region	12	12	22	22	32	32	66	66
Transcarpathian region	11	10	18	18	35	35	64	63
Zaporozhye region	14	13	17	17	36	36	67	66
Ivano-Frankivsk region	15	15	23	22	24	24	62	61
Kiev region	24	21	23	23	22	22	69	66
Kirovograd region	12	12	16	16	21	21	49	49
Luhansk region	4	4	11	11	3	3	18	18
Lviv region	39	37	16	16	18	17	73	70
Mykolaiv region	9	8	14	14	29	29	52	51
Odessa region	19	18	25	25	47	46	91	89
Poltava	16	15	20	20	24	24	60	59
Rivne region	11	10	13	13	40	40	64	63
Sumy region	15	13	15	15	21	21	51	49
Ternopil region	18	18	16	16	21	21	55	55
Kharkiv region	17	17	26	26	13	13	56	56
Kherson region	9	8	17	17	23	23	49	48
Khmelnysky region	13	12	22	22	25	25	60	59
Cherkasy region	16	15	10	10	40	40	66	65
Chernivtsi region	11	10	7	7	34	34	52	51
Chernihiv region	16	15	24	24	17	17	57	56
Kyiv city	1	1					1	1
All	370	346	428	427	623	620	1421	1393

Party / Self-nomination	Number of favorites	%
Self-nomination	661	47.45
POLITICAL PARTY "SERVANT OF THE PEOPLE"	226	16.22
FOR THE FUTURE POLITICAL PARTY	92	6.60
Political party All-Ukrainian Association "Batkivshchyna"	53	3.80
POLITICAL PARTY "OPPOSITION PLATFORM - FOR LIFE"	53	3.80
OUR LAND Political Party	44	3.16
EUROPEAN SOLIDARITY POLITICAL PARTY	41	2.94
POLITICAL PARTY "UKRAINIAN GROISMAN'S STRATEGY"	28	2.01
DOVIRA POLITICAL PARTY	23	1.65
NATIVE HOUSE POLITICAL PARTY	19	1.36
Political party All-Ukrainian Union "Freedom"	18	1.29
POLITICAL PARTY "PROPOSITION"	18	1.29
POLITICAL PARTY "BLOCK OF LIGHT TOGETHER!"	12	0.86
POLITICAL PARTY "FOR SPECIFIC AFFAIRS"	12	0.86
POLITICAL PARTY "KERNES BLOCK - SUCCESSFUL KHARKIV!"	11	0.79
ALL-UKRAINIAN ASSOCIATION "PLATFORM OF COMMUNITIES" POLITICAL PARTY	9	0.65
NATIVE TRANSCARPATHIA POLITICAL PARTY	9	0.65
Political party All-Ukrainian Association "CHERKASHCHANY"	8	0.57
ANDRIY BALOGY TEAM POLITICAL PARTY	7	0.50
POLITICAL PARTY "BLOCK VILKULA" UKRAINIAN PERSPECTIVE "	4	0.29
POLITICAL PARTY "ORDER"	4	0.29
TRUST AFFAIRS Political Party	3	0.22
Political party "Igor Kolykhayev's party" WE LIVE HERE! "	3	0.22
Political party "Power and Honor"	3	0.22
People's Power Political Party	3	0.22
Agrarian Party of Ukraine	2	0.14
Civic Position Political Party	2	0.14
SAMOPOMICH Association Political Party	2	0.14
Oleg Lyashko's Radical Party political party	2	0.14
Hometown Political Party	2	0.14
Vitali Klitschko's UDAR (Ukrainian Democratic Alliance for Reforms) political party	2	0.14
"KMKS" Party of Hungarians of Ukraine	1	0.07
BEE POLITICAL PARTY	1	0.07
BEREZAN COMMUNITY POLITICAL PARTY	1	0.07
VADIM BOYCHENKO BLOC POLITICAL PARTY	1	0.07
WILL POLITICAL PARTY	1	0.07
MYKOLA TOMENKO PUBLIC MOVEMENT POLITICAL PARTY "NATIVE COUNTRY"	1	0.07
GOOD SAMARIAN POLITICAL PARTY	1	0.07
Political party "European party of Ukraine"	1	0.07
UNITED ALTERNATIVE POLITICAL PARTY	1	0.07
SERGIY MINK TEAM POLITICAL PARTY	1	0.07

POLITICAL PARTY "SERGEY RUDIK'S TEAM. TIME FOR CHANGE!"	1	0.07
New Faces Political Party	1	0.07
OPPOSITION BLOC political party	1	0.07
POLITICAL PARTY "VLADIMIR BURYAK'S PARTY" UNITY "	1	0.07
POLITICAL PARTY "PARTY OF NATIONAL SELFISHNESS"	1	0.07
Political Party "SELF-GOVERNING UKRAINIAN STATE"	1	0.07
Political party "Ukrainian Galician Party"	1	0.07

ANNEX II: ENEMO IEOM UKRAINE 2020 - COMPOSITION

Name	Position	Country
Zlatko Vujovic	Head of Mission	Montenegro
Pierre Peytier	Deputy Head of Mission	France
Mirjana Grbac	Election Administration Analyst/CEC Observer	Croatia
Beatrix Boonekamp	Election Campaign Analyst	France
Nino Rizhamadze	Legal Analyst	Georgia
Ana Nenezic	Media Analyst	Montenegro
Maja Milikic	Press and Logistics Officer	Montenegro
Teodora Gilic	Financial Officer	Montenegro
Kristina Kostelac	LTO Coordinator	Croatia

Long-Term Observers

LTO team	Area of Responsibility	Name	Country	Member organization
LTO 01	Kyiv City	Vladan Radunovic	Montenegro	CeMI
		Noemi Arcidiacono	Italy	
LTO 02	Kyiv Oblast	Boško Milović	Montenegro	CeMI
		Elena Veselovskaia	Moldova	Promo - LEX
LTO 03	Zhytomir	Myrzagul Kulmatova	Kyrgyzstan	Coalition
		Daniel Kerekeš	Slovakia	Obcianske Oko
LTO 04	Rivne	Marko Logar	Slovenia	
		Mladen Kobasevic	Croatia	GONG
LTO 05	Ivano-Frankivsk	Nikolina Stepanovic	Montenegro	CeMI
		Ditmar Mara	Albania	SDC
LTO 06	Volyn	Monica Luongo	Italy	
		Marsel Rexha	Albania	KRIIK
LTO 07	Lviv	Dusan Ivanovic	Serbia	CRTA
		Dunja Pejić	Croatia	GONG
LTO 08	Zakarpattia	Paulo Da Silva Ferreira	Portugal	
		Marija Latkovic	Montenegro	CeMI
LTO 09	Chernivtsi	Dijana Grdinic	Montenegro	CDT
		Nikola Lakić	Romania/Serbia	

LTO 10	Ternopil	Gazmend Agaj	Albania	SDC
		Kamran Mammadov	Azerbaijan	EMDSC
LTO 11	Poltava	Peter Novotny	Slovakia	Obcianske Oko
		Ion Ciobanu	Moldova	Promo-LEX
LTO 12	Odessa	Jelena Kilibarda	Montenegro	
		Artur Aghamalyan	Armenia	
LTO 13	Zaporozhye	Judith Kiers	Netherlands	
		Ermir Cota	Albania	SDC
LTO 14	Vinnytsia	Viktor Pruteanu	Moldova	Promo-LEX
		Aygul Jafarova	Azerbaijan	EMDSC
LTO 15	Dnipro	Dragan Nikodijevic	Serbia	CeSID
		Albion Jerasi	Albania	SDC
LTO 16	Mykolaiv	Shahnaz Hasanova	Azerbaijan	EMDSC
		Mihaly Szabo	Hungary	
LTO 17	Kherson	Talgat Otemis	Kazakhstan	FSCI
		Antuela Male	Albania	KRIIK
LTO 18	Cherkasy	Mariam Hoveyan	Armenia	TIAC
		Zoran Rakočević	Montenegro	
LTO 19	Kirovohrad	Elidon Lamani	Albania	KRIIK
		Simm Janno	Estonia	
LTO 20	Kharkiv 1	Peter Nemeth	Slovakia	Obcianske Oko
		Maja Bjelic	Montenegro	CeMI
LTO 21	Kharkiv 2	Monika Valecic	Croatia	GONG
		Momčilo Radulović	Montenegro	
LTO 22	Khmelnitskyi	Filip Korac	Croatia	GONG
		Katerina Koceva	Macedonia	
LTO 23	Sumy	Arnaut Nicolae	Moldova	
		Hergys Dividi	Albania	KRIIK
LTO 24	Chernihiv	Ivana Markovic	Serbia	CeMI
		Milan Soldatic	Croatia	GONG

