



ENEMO International Election Observation Mission

Early Parliamentary Elections - Ukraine 2019

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

July 23rd 2019

Elections were held in a competitive and generally peaceful environment, despite tight deadlines and remaining shortcomings in the legislation. Election administration functioned in an overall transparent and efficient manner. However, ineffective oversight and sanctioning mechanisms for election campaigning and financing, as well as media conduct, were often misused by candidates and parties to influence voters' support. Involvement of state officials in campaigning, alleged pressure on voters and a high number of initiated cases on vote buying were reported, especially in favor of candidates in single-mandate constituencies.

On June 7th the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission to Ukraine to observe the early parliamentary elections.

In addition to the twelve Core Team members based in Kyiv, ENEMO has accredited and deployed 40 Long term observers (LTOs) and 76 Short term observers (STOs) in teams of two to all regions (*oblasts*) of Ukraine. The Mission is headed by Dr. Zlatko Vujovic.

This statement is based on ENEMO mission observations and findings during the pre- election period and on election day. ENEMO stresses that this statement is preliminary in nature, as the official results are yet to be announced and submitted complaints are still to be addressed. This mission recognizes that it will be the people of Ukraine who will ultimately determine the credibility and legitimacy of these elections. ENEMO will continue to follow the election process and will issue additional statements as needed.

ENEMO is a network of 21 leading election monitoring organizations from 18 countries of Europe and Central Asia, including two European Union member states. For more information on ENEMO, please visit <http://www.enemo.eu/>.

In total, over a period of 4 weeks, 20 teams of ENEMO long-term observers conducted 1,817 meetings with various interlocutors, attended 90 DEC sessions, reported on 104 campaign events and covered all DEC in Ukraine.

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Preliminary conclusions

Following the March and April 2019 Presidential elections, Ukrainian voters were called again to the polls for the July 21st early parliamentary elections to determine the new composition of the *Verkhovna Rada*. The CEC announced that the voter turnout was 48,84 %, with preliminary estimates indicating broad support for President Zelensky's party "Servant of the People" both in the nation-wide constituency and in single-mandate districts (over half of the seats required for majority). Preliminary results indicate that 5 parties are expected to obtain seats in the new Parliament.

Despite ongoing challenges due to the hybrid-war with the Russian Federation in the East of the country, ENEMO notes that the Election Day took place in an overall calm and peaceful environment. Minor procedural mistakes and violations on the day of voting do not appear to have affected the legitimacy of the process.

ENEMO observed that the election administration faced considerable challenges due to short deadlines and a strenuous calendar for holding the election. These short time frames also affected other election stakeholders, including parties and candidates who had less time for campaigning.

The process of candidate registration revealed issues, particularly the five-year residency requirement, registration/deregistration of candidates, and late inclusion of parties in the race, resulting in numerous court cases and additional pressure on the CEC.

ENEMO highlights the professionalism of the CEC and timely management of the electoral process, given the challenges faced regarding procurement and candidate registration. While the CEC generally operated in a transparent manner, preparatory meetings were only open to observers upon request.

DECs were formed by the May 31st deadline. However, a high number of DEC member replacements occurred (including management positions), with approximately 56% of DEC members having been replaced, while some positions were left vacant. Many of these changes occurred after trainings for DECs had been conducted.

DECs also struggled to find sufficient PEC members due to a deficit in number of PEC nominations by parties, in addition to multiple replacements in PEC members. Replacement issues did not seem to significantly impact the professionalism of PEC members on Election Day, though ENEMO observed that some PEC members were not fully familiar with counting procedures.

The campaign was most visible during the last two weeks before the polls, with numerous events held particularly by candidates in single-mandate constituencies, television advertisements, and digital campaigning on social media and messaging applications.

Although the campaign was genuinely competitive, ENEMO observed that early campaigning, different campaign violations and non-compliance with campaign financing rules are not properly sanctioned within the law, resulting in loopholes abused by candidates and parties to circumvent

principles of fair campaigning. 605 cases related to vote buying were reported to the police (out of which 111 criminal investigations were initiated), with additional 20 cases from Election Day classified as possible vote buying under Article 116 of the Criminal Code.

ENEMO notes the lack of effective and dissuasive sanctions to candidates and parties for campaign financing violations and discrepancies between reported funds and levels of campaign activity, in particular digital campaigning.

Observers reported cases of involvement of mayors actively supporting candidates in single-mandate constituencies through campaign videos or campaign events. In several cases, allegations of billboard space purchased in excess by parties to deny visibility to other parties or candidates were also mentioned.

ENEMO observed that the presidential administration put significant effort into influencing the campaign by proposing to expand laws on lustration and the need to remove discredited politicians from power. This was illustrated by frequent visits of President Zelensky to the *oblasts* and applying pressure on local officials regarding under-achievements under their mandates.

ENEMO observed that campaigning was ongoing on the "day of silence" (twenty-four hours before the day of voting) and on Election Day with cases of newly replaced billboards (with improper information), open campaigning on digital platforms, and in isolated cases signs of campaigning and campaign materials inside or in the vicinity of polling stations.

Media played a key role during these elections. Contestants spent more than two-thirds of their election funds on TV advertisements and paid outreach through social platforms. Voters had the possibility to obtain information about the election contestant's campaigns, bearing in mind the diversity of media outlets and the level of usage of social media platforms.

However, equal and impartial treatment by the media was not sufficiently insured, due to centralized media ownership and strongly influenced editorial policies. The principles of fairness, balance, and impartiality in the coverage of election campaigns lack effective control mechanisms and oversight. In addition, the public broadcaster is not provided with sufficient funding to counterbalance politicized private media reporting, limiting the possibility of voters to make an informed choice.

ENEMO deployed 58 observer teams to follow the process of preparation and opening of polling stations, the voting and counting process, as well as the transfer and intake of election materials by DEC. Observation teams, composed of the 40 Long Term observers and 76 Short Term observers, monitored the opening procedures in 58 polling stations, voting in 763 polling stations, and closing and counting in 58 polling stations. Besides, ENEMO observed the intake of election materials and tabulation of results in 57 district election commissions.

All observed polling stations were equipped with all essential materials needed for the voting at the moment of opening. However, some PECs were provided with fewer ballot papers than the number of voters in the rolls. In 96.6% of observed polling stations, the opening procedures were assessed positively.

ENEMO observers monitored the environment around polling stations and the voting process in 763 polling stations, throughout 118 constituencies. The environment around polling stations was assessed as orderly in 99.3% of observed polling stations, with the exception of a few cases,

in which organized transportation of voters or presence of campaign materials at the entrance of polling stations was observed. Presence of unauthorized and/or unidentified persons inside the polling station was noticed in 5.9% of the observed polling stations, including police officers at 3,7%, local authorities at 2,9%, and others.

Secrecy of the vote was respected in most of the polling stations that ENEMO observed. However, several cases of more than one individual in the voting booth, voters revealing their vote, voters not being able to vote in secrecy due to improper set up of the booths or transparent curtains, and breach of the rules for assisted voting, as well as one case of a voter taking a photo of a marked ballot paper were reported. The overall assessment of the voting process was positive in almost all polling stations ENEMO observed.

All polling stations, that ENEMO observed closed in time and no voters in queue were reported in any of the polling stations at the moment of closing. In almost all observed polling stations counting procedures were followed properly. In 94.4% of the observed polling stations, the protocols were promptly posted in the polling station premises and provided to all persons entitled to receive them, except for three polling stations, in which protocols were not provided to ENEMO observers.

The transfer of materials was done in an orderly manner and following the procedures in all polling stations in which ENEMO observed this process. ENEMO observers assessed that 96.5% of observed DEC's were acting transparently and straightforwardly, whereas the work of DEC's was assessed as disorganized and confusing in only two DEC's. The evaluation of the work of the DEC's by ENEMO observers was positive in almost all the observed DEC's.

ENEMO noted that problems related to adjudication of electoral disputes remain unsolved, although the right to an effective remedy is guaranteed in the legislation. Regulations on electoral disputes are unnecessarily restrictive, as illustrated by a large number of submitted complaints that were returned to the complainants without consideration by the CEC.

ENEMO notes that there is no publicly available registry of all submitted complaints at any level of election administration, which limits the transparency of the process. Although a high number of complaints are reported to the police, the majority are not classified as a crime, nor an offence and are still pending, which may limit effective legal remedy.

The ENEMO mission will continue to monitor the post-electoral environment, in particular the complaints and appeals process, since several parties and candidates have already announced their intention to contest results in some of the single-mandate constituencies.

Early parliamentary elections were held on July 21st, 2019. Parliamentary elections were initially scheduled for October 27th, 2019. However, after Volodymyr Zelensky's landslide victory against Petro Poroshenko in the presidential election on April 21st, *Verkhovna Rada (parliament)* was dissolved and snap elections were called on May 21st¹. Constitutionality of the President's decision to dissolve parliament due to an absence of the majority coalition was challenged by 62 MPs in the Constitutional Court. However, on June 20th the Court ruled that the decree was in line with the Constitution, enabling the elections to take place as announced.

Although on July 11th the *Verkhovna Rada* adopted a new electoral code, streamlining the provisions for presidential, parliamentary, and local elections and providing for fully proportional "open" party lists, the 2019 elections were held under the mixed member majoritarian system and essentially the same legal framework as in 2014. The new electoral code is expected to fully enter into force in 2023.

Due to the Russian Federation's annexation of the Crimea in March 2014, as well as the ongoing occupation of parts of the territories in Donetsk and Luhansk *oblasts*, only 423 mandates in the Verkhovna Rada were elected in 2014 parliamentary elections. In the 2019 elections, 424 seats will be attributed, with 225 elected through party lists in the nation-wide constituency and 199 elected in single-mandate districts.

The electoral process, administered by the Central Election Commission (CEC), was primarily regulated by the 2011 "Law on the Election of People's Deputies of Ukraine" (hereinafter parliamentary elections law). Expectations of Ukrainian citizens in this election were high regarding the new composition of the Parliament, in continuation of the trends observed during the presidential elections held earlier this year. Presidential elections 2019 showed that many citizens hope for advancement of the reform agenda, fight against corruption, and renewal of the political elite².

Although the overall conditions for holding democratic and fair elections are present in Ukraine, ENEMO notes that elections continue to be held in a tense and challenging security environment due to the hybrid-war with the Russian Federation in the East of the country. In addition, these elections were conducted under short and strenuous deadlines and issues in the legal framework that remained unaddressed since 2014.

Despite these ongoing challenges, the Election Day took place in an overall calm and peaceful atmosphere. The preliminary voter turnout as announced officially by the CEC was 48,85 %, with expected considerable support to presidential party "Servant of the People". Preliminary results indicate that 5 parties in total are expected to obtain seats in the new Parliament.

¹ Decree of the President of Ukraine No. 303/2019 "On early termination of powers of the *Verkhovna Rada* of Ukraine and the appointment of early elections".

² For instance, 59 % of citizens declared being "definitely in favor" of the dissolution of Parliament in May 2019 (*source: "Rating" polling group, "Monitoring Ukraine's electoral mood" (May 16th-21st)*).

A. Legal Framework

The legal framework for the parliamentary elections in Ukraine is complex. They are primarily governed by the Constitution and the parliamentary elections law,³ which covers the work of the election administration, pre-election campaign, financial activity with electoral purposes, and election dispute resolution. At the same time, certain segments of elections are regulated by the Law on the Central Election Commission;⁴ Law on State Voter Register;⁵ Law on Political Parties;⁶ Code of Administrative Proceedings;⁷ Code of Administrative Offenses;⁸ and the Criminal Code.⁹

Existing legal framework, specifically parliamentary elections law was adopted prior to the 2012 parliamentary elections and was substantially amended ahead of the 2014 early parliamentary elections (more recent amendments were made in 2016 and February 2019, in particular with regard to political finance transparency and accountability). However, the vast majority of the provisions needs to be updated according to other existing legislation. For instance, existing legal terms and procedures for public procurement exceed the terms of the election process since the Law on Public Procurement does not consist any exceptions for the election procedures. Consequently, according to the head of the CEC, the commission is not able to properly hold tender procedures for the production and distribution of ballot papers, protocols, acts, and other documents under the current legislation.¹⁰

ENEMO further notes that many of the concerns regarding the legal framework which were raised in 2014 have not yet been addressed, including limitations regarding the five-year residency requirement, exclusion of candidates which have a criminal record, rules of formation and composition of DEC and PECs, enfranchising of IDPs and enforcing rules on early campaigning.

Notwithstanding the fact that substantial recommendations issued by international and domestic observers remain unaddressed, existing legal framework provides sufficient grounds for the conduct of democratic elections.

B. Electoral System

The *Verkhovna Rada* is elected for a five-year term through a mixed majoritarian system that combines list proportional system with system of relative majority in single-member constituencies. Candidates can be elected either through party lists in a nation-wide constituency, or in single-mandate constituencies either by being nominated by a political party or through self-nomination.

³ No. 4061-VI, dated November 17, 2011 (amended in 2019)

⁴ No. 1932-IV, dated June 30, 2004; amended in 2018

⁵ No. 698-V, dated February 22, 2007; amended in 2016

⁶ No. 2365-III, dated April 28, 2001; amended in 2017

⁷ No. 2747-IV, dated July 6, 2005; amended in 2018

⁸ No. 8073-X, dated December 7, 1984; amended in 2019

⁹ No. 2341-III, dated April 5, 2001; amended in 2019

¹⁰ Statement made by the head of the CEC: https://www.cvk.gov.ua/news/news_27052019_1.htm

The *Verkhovna Rada* counts 450 seats, with 225 members of Parliament elected through a single nation-wide closed party-list proportional system with a 5% electoral threshold. The other 225 seats are elected through a single round first-past-the-post majoritarian system (the candidate with the highest total number of votes wins) in single-mandate constituencies.

However, due to the annexation of Crimea in March 2014 by the Russian Federation, as well as the ongoing occupation of parts of the territories in Donetsk and Luhansk *oblasts*, only 424 seats were contested in these elections: 225 through party lists in the nation-wide constituency, and 199 in single-mandate districts.

Election Administration

Parliamentary elections in Ukraine are administered using a three-tier hierarchy of electoral commissions: the CEC which is a permanent body composed of 17 members nominated for a seven year renewable term¹¹, 199 District Election Commissions (DECs) counting 18 members each, and nearly 30,000 Precinct Election Commissions (PECs) counting from 10 to 18 members depending on the number of registered voters and size of polling stations.

Since Crimea is annexed by Russia and certain areas of the Donetsk and Luhansk *oblasts* are out of effective control of Ukraine, 12 DECs in Autonomous Republic of Crimea and in Sevastopol, 9 out of 21 DECs in Donetsk and 5 DECs out of 11 in Luhansk were not formed.

Out of 29,885 PECs, the CEC established 102 polling stations for voting abroad (voters at foreign polling stations may vote only in the nation-wide proportional constituency), and 1,146 special polling stations (for prison, military, and health facilities)¹².

A. Central Election Commission (CEC)

ENEMO notes that the CEC worked promptly and efficiently in organizing the process under a strenuous agenda and difficult deadlines. Its sessions were mostly open to the public, accessed by registered observers, and live-streamed by local civil society organizations. Official resolutions taken by the CEC were posted on their website in a timely manner.

The CEC operated in an overall transparent manner. ENEMO observed however that in several cases, the CEC was holding preparatory sessions not publicly announced and not accessible to the public and journalists. ENEMO observers were allowed to observe those sessions, but only upon request.

The CEC encountered a high level of challenges in these elections. Due to lack of provisions within the Law on Public Procurement regarding adequate timeframes for holding early elections, the

¹¹ Currently only 16 members are nominated due to disagreement between the former President and Parliament on nomination of one member in September 2018.

¹² <https://www.cvk.gov.ua/pls/vnd2019/wp001>

CEC sought a solution by appealing to Parliament and the Ministry of Economic Development and Trade, which the latter issuing an order simplifying procurement procedures to hold elections on time.

The CEC also faced challenges due to the high number of candidate and party registration requests during the last few days before the legal deadline. In addition, a significant number of requests denied by the CEC were challenged in court, resulting in uncertainties which risked compromising deadlines of the electoral administration (for example, printing and delivery of ballot papers on time).

The CEC issued bi-laws and resolutions in order to compensate for the gaps in the legal framework. By doing so, the Commission took liability upon itself and was exposed to legal proceedings, as shown by the considerable number of court cases initiated against its decisions.

As of July 21st, the CEC adopted a total of 879 regulatory acts since the start of the electoral process. Most of the resolutions were related to registration or refusal of registration for candidates and party lists, formation of electoral commissions, procurement, approval of DEC decisions, registration of representatives of political parties, approval of form, text and color of the ballot papers, approval of forms for financial reports on the receipt and use of funds of election funds of political parties and candidates, and DEC member nominations and replacements.

B. District Election Commissions (DECs)

ENEMO notes that despite constraining timeframes, the CEC formed all 199 DEC by the May 31st deadline. Each DEC counted 18 members nominated by six political parties having mandates in the current Parliament ("Fatherland", "People's Front", "Self-Reliance", "European Solidarity", "Radical Party of Oleg Lyashko", "Opposition Block") and by any of the 29 political parties which had lists competing in the 2014 parliamentary elections. Each entity had the right to submit one candidate per DEC. All DEC were established with full-membership, composed of 3,582 members in total, and the CEC posted the list of DEC and their compositions on their website in a timely manner.

In total, 5,756 candidates were proposed - 4,577 nominated by 25 out of the 29 political parties from previous elections and attributed through the drawing of lots (one per DEC), and 1,179 members included from the 6 parliamentary factions (which all used their right to nominate members). ENEMO notes that overall the principle of proportionality was respected in accordance with the law. It should be noted that political parties which are newcomers in this election were not entitled to nominate candidates for DEC membership, whereas some parties had two DEC members following the lot-drawing process.

As of June 20th, according to CEC data, there were a total of 3,549 DEC members (33 members less than required for full composition of 18 members), implying that some DEC member positions were still vacant on the eve of the elections. Some members were dismissed close to Election Day, and 23 DEC were not operating under full membership composition (but had enough members nominated to operate, with no DEC having less than 14 members).

Approximately 59% of DEC members were women, 49 % of DEC chairs were women, 55% Deputy Chairs and 67% of Secretaries.

A high number of DEC member replacements occurred (including management positions), with approximately 56% of DEC members having been replaced, in addition to some positions which were left vacant. This high rate of membership turnover is problematic since trainings for DEC members were conducted from June 20th to June 27th and a significant number of changes occurred after those dates.

An estimated 600-700 DEC members were replaced after June 27th, implying that those new members in fact did not undergo DEC trainings, resulting in varying level of preparedness of commission members for these elections. The law does not provide for any legal deadline after which replacements of DEC members are no longer allowed. In addition, ENEMO observers also reported on significant variances in the levels of past experience of DEC members.

The highest number of changes were made by parties “5.10”, “Self-Reliance”, and “Opposition Bloc”, but all parties entitled to nominate DEC members replaced at least one and most replaced several.

Up until Election Day, changes in DEC composition occurred, for instance in districts #70 and #79, and in PEC composition in district #94, with new nominations by political parties. The election administration faced the issue of one DEC Head (district #94) which refused to hold a meeting of the commission on considering changes in PEC composition in that district. The CEC issued a regulatory act ordering the DEC to hold a meeting to consider replacements of PEC members requested by nominating parties in line with the law. ENEMO observers reported that the DEC was not operating on Election Day due to this conflict and lack of quorum.

ENEMO preliminarily assesses that requests for changes in the composition of electoral commissions at the district and precinct level on the eve of the elections and on Election Day additionally challenged the work of some of the electoral commissions.

C. Precinct Election Commissions (PECs)

Though PECs were mostly formed by the July 5th deadline, ENEMO observers noticed that in many cases first meetings and official working sessions of PECs began only on July 8th. Insufficient number of candidate submissions was a challenge and considerable difficulties arose with regard to finding sufficient number of PEC members. ENEMO observers frequently reported on cases of closed, non-operating PECs during the period from their formation up until Election Day.

PECs faced the same challenge concerning replacement of members as DEC members. In many cases, lack of nominations by electoral subjects forced DEC members to find additional members, occasionally resulting in delays and PECs operating without full composition. This also created significant discrepancies in the level of experience of PEC members. Reasons invoked for insufficient members were lack of payment, members refusing to take oath, incorrect documents submitted for nominations, nominees unaware of their nomination by a party, cases of double-nominations,

long travel distances and nominees living in different parts of the country, and unavailability due to summer vacation season. PECs also reported additional difficulties due to a lack of material and financial support, and in some cases mentioned a lack of adequate premises.

Also, in isolated cases, ENEMO observers reported allegations by that some commission members nominated by less influential political parties or candidates were selling their loyalty to leading political parties.

Registration of Candidates

Candidate registration began on May 24th. The deadline for submission of documents was June 20th. Documents for registration of political party lists in the nation-wide constituency were submitted from June 12th to June 20th. The deadline for registration of candidates by the CEC was June 25th. The deadline for withdrawal of candidacies was July 8th.

After the deadline for registration of candidates and appeals, the CEC registered 22 political parties in the nation-wide proportional constituency. According to the CEC, 5,966 candidates were registered for the elections, of which 3,220 candidates in the majoritarian single mandate constituencies (1,404 nominated by political parties, 1,680 self-nominated, 136 deregistered), and 2,746 candidates included in the party lists for the nation-wide constituency¹³. The largest number of candidates were on the lists of “Servant of the People”, “Fatherland” (*Batkyvschyna*), “Opposition Bloc”, and “Svoboda” (over 200 candidates).

Only slightly over half of the parties with lists in the nation-wide district included 30% of women candidates (13 out of 22 parties), despite the legal obligation enshrined in the Law on Political Parties. For party lists, approximately 31% of candidates included were women. In total, approximately 22,5% of candidates in the election were women (significantly lower in single-mandate constituencies). The highest number of women candidates were in nation-wide constituency lists of parties “Social Justice” (44%), “Power of People” (43%) and the “Radical Party of Oleg Lyashko” (41%).

The CEC adopted 128 resolutions on refusal of candidates, mostly due to failure to comply with the 5 year residency requirement, lack of mandatory documents, and non-payment of the financial deposit¹⁴. In several cases the CEC’s refusal to register candidates because they did not meet the 5 year residency requirement was followed by a Court order to the CEC to reconsider candidate applications. Difficulties in obtaining residency data and public protests led to successive registration and deregistration of candidates during the days following the Court order, which created uncertainties in the process.

¹³ <https://www.cvk.gov.ua/pls/vnd2019/wp001#>

¹⁴ Equal to 1,000 times the minimum salary for parties with lists in the nation-wide constituency, and 10 times the minimum salary for candidates in single-mandate constituencies.

ENEMO notes the considerable challenges faced by the CEC with regard to the high number of registration requests over the last few days of the process. In addition, the CEC attempted to compensate for the shortcomings in the laws by adopting resolutions, exposing itself to legal complaints. This resulted in inclusion of parties and candidates on the ballot through court decisions after the registration deadline, and after partial printing of ballot papers.

ENEMO also noted the issue of “clone” candidates and organizations (i.e. candidates or organizations bearing the same name as other, more prominent ones, and hoping to benefit from their popularity). As a result of complaints on “clone” candidates by political parties, the CEC provided clarification on June 11th that name changes of candidates should be mentioned in their registration documents. Concerns should be raised with regard to name changes of candidates in bad faith with the intention of confusing voters. ENEMO notes that recent name changes of candidates were not mentioned as such on the ballots.

In nearly one third of single-mandate constituencies, self-nominated candidates appeared with a mention that they were affiliated to variations of the name “Servant of the People”, even though there were other officially nominated candidates by the party in the respective district. Additional concerns should be raised by candidates using names and branding of political parties to wrongly induce additional support from voters.

As of July 20th, 136 single mandate constituency candidates had been deregistered in 86 electoral districts¹⁵. Among deregistered, 27 were “clone” candidates in districts situated in Kyiv, Dnipropetrovsk, Zakarpattia, Kirovograd, Chernihiv, Odessa, Kharkiv, Donetsk, and Luhansk *oblasts*. Out of 136 deregistered candidates, 43 were nominated by political parties and 93 were self-nominated candidates.

Of these 136 candidates, 129 candidates withdrew from the race and 7 registrations were cancelled by the CEC¹⁶. Candidates which decided to withdraw of their own will did so by submitting a statement refusing their participation in the election, 3 candidates were found to have violated the five year residency requirement, 3 candidates were deregistered following complaint from a political party (“Voice”, “Strength and Honor”, and “European Solidarity” parties), and in one case a candidate was deregistered for being registered in more than one district.

Registration of Voters

As of June 30th, according to the CEC and State Registry of Voters (SRV), there were a total of 32,739,179 eligible voters (this figure excludes voters on the lists in the Autonomous Republic of Crimea and Sevastopol), with 29,527,744 voters on the lists and eligible to vote in single-mandate constituencies¹⁷. Close to 55 % of voters are women.

¹⁵ <https://www.cvk.gov.ua/pls/vnd2019/wp001>

¹⁶ <https://www.cvk.gov.ua/pls/vnd2019/wp403pt001f01=919.html>

¹⁷ <https://www.cvk.gov.ua/pls/vnd2019/wp030pt001f01=919.html>

Due to the annexation of Crimea and the ongoing conflict in the Eastern *oblasts* of Donetsk and Luhansk, a considerable number of Internally Displaced Persons (IDPs) were not entitled to participate in electing single-mandate constituency candidates, as they are still electorally registered to those territories (approximately 4% of Ukrainian voters).

Though registration at a temporary place of voting without changing electoral address allows voters to vote in the nation-wide district, IDPs have not yet been fully enfranchised and are excluded by residency requirements to participate in electing candidates for the single-mandate districts. ENEMO notes that the procedures for temporary registration have been simplified, requiring only national passport or temporary identity document with Ukrainian citizenship.

According to data from the CEC, 280,922 voters used this opportunity to register in these elections. Over 200,000 voters registered in the last few weeks leading to Election Day. The highest number of changes requested were in Donetsk *oblast* (34,840), Kyiv city (31,547), Kyiv *oblast* (18,964), and Odessa *oblast* (18,906).

Voters had the opportunity to register at a temporary place of voting no later than 5 days before the day of voting (July 15th, inclusive). The CEC also called upon voters not to delay doing so, in order to avoid long queues in voter registration bodies. Voters were also provided with the opportunity to verify their information online, but could modify their information only upon visiting voter registry offices.

According to ENEMO observers, the last few days of registration saw considerable queues and lines at voter registration offices due to the high increase in requests. Though voters were able to register in time in most cases, premises were not always accessible to persons with disabilities.

The SRV transferred the preliminary voter lists to PECs by July 10th deadline. ENEMO notes that the CEC mobilized additional efforts to inform voters about the election and motivate citizens to participate through voter education campaigns and public service announcement videos (including sign language for people with disabilities). No major concerns need to be raised with regard to the accuracy of voter lists, aside from minor mistakes which were mostly corrected in time for the elections.

A. Electoral Campaign

ENEMO observers in nearly all *oblasts* reported that billboards and campaign materials were visible before the official start of the campaign period, and in some cases reportedly even before the start of the electoral process itself. These materials could not have been paid from the official campaign funds of candidates and parties, and were thus issued and published in violation of the law. ENEMO notes that the issue of early campaigning has not been resolved and remains unsanctioned within the legal framework.

ENEMO also observed that campaigning was ongoing on the “day of silence” (twenty-four hours before the day of voting) and on Election Day with cases of newly replaced billboards (with improper information), open campaigning on digital platforms, and in isolated cases signs of campaigning and campaign materials inside or in the vicinity of polling stations.

ENEMO observers noted that the campaign was off to a slow start in most *oblasts* due to ongoing registration of party lists and candidates, and because of the uncertainties on the constitutionality of the presidential decree calling elections. The visibility of the campaign increased in July, though large-scale campaign events were seldom observed up until the last week ahead of voting.

ENEMO observed a higher level of active campaigning by majoritarian single-mandate district candidates, with the visibility of campaigning at the local level surpassing campaigning on the national scale. Festivals, concerts, sports events and other gatherings were frequently observed, directly or indirectly supported by political contestants in the election, as well as tents, billboards, door-to-door campaigns, and distribution of leaflets and newspapers. In contrast with its slow start, the campaign considerably intensified during the last weeks leading up to Election Day, with the number of billboards, campaign materials, and door-to-door activities greatly increasing.

The most visible parties campaigning with such methods were “Servant of the People”, “Opposition Platform-For Life” and “Opposition Bloc”, “Voice”, “Fatherland”, and “European Solidarity”. Depending on the region and with variances, parties “Ukrainian Strategy of Groysman”, “*Svoboda*”, “Self-Reliance”, and to a lesser extent “Civic Position” were also conducting visible campaigns in the *oblasts*. Campaigning in smaller settlements and in Eastern parts of the country was less visible than in the rest of the territory.

A considerable amount of campaigning was conducted through social networks ads and messaging applications. Parties “Servant of the People”, “Opposition Platform - for Life”, “Party of Shariya”, “European Solidarity” and “Voice” were the most visible parties in online outlets.

The 22 political parties competing in the nationwide constituency offered political diversity for Ukrainian voters to choose from, with different political views on tackling the challenges ahead. Despite various political standpoints, the major ideological divide remains between pro-Western and pro-Russian positions.

The elections were overall competitive, and candidates were generally free to campaign without major obstacles. However, several instances of violence against candidates and campaigners were reported, along with defacement or destruction of campaign materials. Additionally, cases of

campaign materials (billboards, leaflets) containing hate speech were noticed in several *oblasts*. ENEMO also raised concern with regard to the considerable number of illegal campaign materials (improperly branded, often lacking information on source of funding, entity responsible for publication, etc.), which were observed in most *oblasts*. Observers also reported on cases of campaign materials placed in local public authorities' premises or placed in public transport, isolated cases of minors campaigning, as well as the involvement of mayors actively supporting candidates in single-mandate constituencies through campaign videos or campaign events. In several cases, allegations of billboard space purchased in excess by parties to deny visibility to other parties or candidates were mentioned.

Concerns should be raised with regard to the considerable amount of allegedly "clone" candidates (i.e. candidates bearing the same name as others), especially in single-mandate constituencies, with several cases reported. ENEMO preliminarily assesses this phenomenon as a considerable risk potentially confusing voters and affecting their will, and a circumvention by candidates of the principles of fair campaigning.

ENEMO observed that main campaign themes emphasized lack of reforms and the need to initiate new policies on economic and social issues; future alliances with NATO, the EU, or the Russian Federation; establishment of new rules for the political life of the country; the fight against corruption and oligarchs; raising pensions and improving public services; and improving accountability of Parliament.

However, ENEMO also noticed that the presidential administration put significant effort into influencing the campaign by proposing to expand laws on lustration and the need to remove discredited politicians from power. This was illustrated by frequent visits of President Zelensky to the *oblasts* and applying pressure on local officials regarding under-achievements under their mandates, and can be interpreted as an additional signal sent to the public on the will of the President to hold early local elections before the October 2020 term.

B. Campaign Finance

Political parties were required by law to submit interim financial reports five days before Election Day (July 15th), covering the period of opening of their electoral funds until ten days before Election Day¹⁸. Single mandate constituency candidates were obliged to submit their financial reports eight days before Election Day.

ENEMO notes that interim financial reports do not cover the last week of campaigning, where a considerable level of campaign expenses incurred given the observed increase in campaigning. If financial reports aim at informing voters by providing them access to information on campaign finance, then that time frame is too short both for analysis of reports by the CEC and NAPC, and for voters to familiarize themselves with reporting and expenditures of candidates and parties.

Several parties and candidates began early campaigning in May, well before they were officially registered by the CEC, and the law does not contain any provisions to sanction this violation.

¹⁸ Final financial reports should be published 15 days after elections.

Since their registration up until July 10th, parties received over 622 million UAH donations to their official campaign accounts, mostly from the parties themselves. Remaining funding was collected from donations from legal entities, and to a lesser extent individuals.

With regard to spending of campaign funds up until July 10th (the date until which interim financial reports were required to cover expenses), political parties spent over 550 million UAH¹⁹. Most of these funds were used on television advertisement (over 70%). The parties which spent the most on television expenses were the “Radical Party of Oleg Lyashko”, the “Agrarian Party of Ukraine”, the “Power of Law”, and “Fatherland” parties. Remaining funds were used for outdoor campaigning, printing of campaign materials, radio advertisement, and holding of concerts and festivals. ENEMO notes that many parties did not report any expenses specific to the Internet and social media advertising, or at times reported underwhelmingly low amounts of spending for that category of expense.

Concerns may be raised with regard to these discrepancies, and to the fact that many of these expenses are not covered within the reports submitted to the CEC. Given the levels of activity in terms of social media advertising during the last week of campaigning, a considerable amount of costs were incurred during the week leading up to the day of the election (and thus not covered in interim financial reports). In addition, due to the ongoing registration process, short campaign period and unsanctioned early campaigning, and “hidden advertising” (*jeansa*), ENEMO preliminarily assesses that a non-negligible amount of expenses were not reported upon, even though the law does not distinguish political advertising on the Internet as a separate form of campaigning.

Many single-mandate constituency candidates did not systematically report in time on their expenses to DEC²⁰. In addition, particularly in single-mandate districts, some candidates were reported engaging in various forms of “charitable” activities, mainly through the provision of goods and services, community repairs, and free concerts or festivals. These charity organizations often had recognizable names, either of candidates, or identifying to a particular party. According to Ukrainian law, this type of practice may constitute indirect vote buying, or illegal expenditures from electoral funds. This concern is increased by the fact that a considerable number of these activities were ongoing even before the registration of candidates and lack any form of regulation²¹.

Improperly marked campaign materials were noticed by ENEMO observers in all *oblasts*, more specifically without mention of financial origin. Allegations of vote buying and misuse of administrative resources were mentioned particularly in rural areas, taking the form of school buses used for transportation of children and school teachers to campaign events, forced “volunteers” from universities and schools for distributing campaign materials (in exchange for remuneration, in violation of the law), and self-nominated candidates directly or indirectly buying votes of state-employees (from hospitals or public institutions for instance). Allegations of bribing of voters in exchange for remuneration (direct vote buying) or goods and services (indirect vote buying) were mentioned by ENEMO observer interlocutors from most *oblasts*.

¹⁹ <https://www.cvk.gov.ua/pls/vnd2019/wp082pt001f01=919pkindrep=1.html>

²⁰ <https://www.cvk.gov.ua/pls/vnd2019/wp083pt001f01=919.html>

²¹ Article 68 of the law only stipulates that election campaigning should be considered as any activity which encourages voters to vote or not to vote for a certain candidate of party subject of the electoral process.

605 cases related to vote buying were reported to the police (out of which 111 criminal investigations were initiated), with an additional 20 cases from Election Day classified as vote buying under Article 116 of the Criminal Code.

ENEMO notes the lack of effective and dissuasive sanctions to candidates and parties for campaign finance violations and discrepancies between reported funds and levels of campaign activity, in particular digital campaigning.

Complaints and Appeals

The Constitution guarantees the right to challenge the decisions, actions, or inactivity of state or local authorities and their officials in courts. The majority of election-related complaints can be brought to the election administration or the courts, or to both, that may create double jurisdiction. The right to seek legal remedy is granted to parties and candidates and their proxies, official observers, election commissions and voters when their personal rights are violated.

A. Election related disputes (Administrative cases)

From the beginning of the election campaign up to July 20th the CEC received 10 293 applications/information requests and 148 complaints related to the electoral process. Among 148 complaints, 97 were returned to the complainants without consideration because, according to the CEC, the complainants did not fulfill formal requirements. However, the complaints returned to the complainants are not publicly available, which significantly limits the transparency of the process. From the 69 complaints considered by the CEC, six were partially satisfied, 45 were not satisfied and 18 were left without consideration.

The high number of rejected and returned complaints has frequently been attributed to the complexity of the process, as the complainant should fulfill several different criteria and attach multiple copies of evidences and documents in order to qualify for consideration by an election commission.

On Election Day some DEC reported receiving written complaints. However, registration process of formal complaints on DEC and PEC lack transparency since there is no registry of complaints available publicly at any level of election administration. Moreover, several ENEMO interlocutors stated that DEC are reluctant to accept or consider formal complaints.

In addition, since the beginning of the election campaign the courts have received around 120 complaints related to candidate registrations. The last decision of the Supreme Court on registration of candidate was made in the early morning on July 21st election day.²²

Several judgments shows that the courts canceled the CEC resolutions about refusal of registration of candidates based on excessive formalism in submitted documents like technical inaccuracies related to figures, dates, biography details etc. The sixth appellate court or Supreme

²² The Supreme Court upheld the CEC appeal and canceled a decision of the Sixth Administrative Court of Kyiv, which ordered the CEC to register Oleksandr Onyshchenko in election district #93.

Courts were considering such decisions as excessive formalism and obliged the CEC to register the candidates.²³

ENEMO notes that the Supreme Court lacked a uniform approach towards obligation of the CEC to register candidates. On June 18th, in the case No. 855/150/19, the Supreme Court canceled the first instance court decision which obliged the CEC to register a candidate stating that the court does not have the authority to oblige the CEC to register a candidate, but can only instruct the CEC to reconsider the issue of registration of a candidate. This legal reasoning was changed ten days later by the same court in the case No. 855/157/19, where the Supreme Court directly obliged the CEC to register a candidate.

It should be also noted that in some cases when the courts only obliged the CEC to reconsider the documents, the Commission again took the same decisions about rejection of candidates.

Several complaints alleging violations of campaign rules were rejected by local administrative courts. However, in some instances court decisions appeared to lack sufficient legal reasoning. For example, Administrative court of Chernihiv rejected a candidate's complaint about an opposing candidate's failure to include legally-mandated information on the campaign materials,²⁴ stating that the materials were produced by a company and not the candidate himself.

B. Criminal and administrative offences

Since the beginning of the election campaign, the police received 7,308 complaints about violation of electoral legislation.²⁵

Among reported cases about 3,500 complaints are related to illegal campaigning; 605 cases relates to bribing of voters and 148 cases are reported about hooliganism. Among them the police drew up 1,016 administrative protocols and initiated 273 criminal investigations. It should be noted that majority of the cases are declined or are still pending because police did not find sufficient evidence, or no signs of offences were revealed.

Majority of the administrative protocols (643) draw up related to making or distributing printed materials of pre-election campaign that do not contain information about the entity that published them, their quantity and information about the persons responsible for the issue.²⁶

A 162 administrative protocols are related to violation of the order of placing campaign materials or political advertising or placing them in prohibited places.²⁷

A decision was taken on 55 protocols. In total 5,457 UAH were imposed as a sanction for 14 individuals and 5 individuals received warnings for distribution of illegal campaign materials, while 4 administrative protocols were left without consideration.

²³ See cases # 855/213/19; # 855/196/19; #855/204/19; #855/198/19

²⁴ Law of Ukraine on Election of the People's Deputies of Ukraine article 69 on Information Posters and Election Campaign Materials, paragraph 7.

²⁵ Majority of complaints were reported to the police in Kyiv, Donetsk oblast, Zaporozhye oblast; Kharkiv oblast; Dnipropetrovsk oblast; Odessa oblast; Luhansk Oblast and Kirovograd oblasts.

²⁶ Article 21213 of the law on administrative offences.

²⁷ Article 21214 of the law on administrative offences.

Out of 273 criminal investigations, 111 cases are related to bribing of voters²⁸; 88 - Interference with the exercise of the right to vote or work of election commission²⁹; 39 - cases related to hooliganism³⁰.

On Election Day the police received 2,660 complaints. out of which 131 cases are the subjects of criminal investigation while in 41 cases police draw up administrative protocols. Rest of the complaints are not classified yet.

The mission is still processing the Election Day and post-election complaints.

Media

A. Traditional media

Media played a dominant role during these elections as the contestants mainly focused their campaign on television, online media, social networks and messaging applications. Candidates spent more than two thirds³¹ of the total election funds on TV advertisements and paid outreach through social platforms. Considering the diversity of media outlets, voters had a possibility to obtain all necessary information about election contestant's campaigns. However, ENEMO observers noted that equal and impartial treatment by media for all contestants was not sufficiently insured, neither the principles of fairness, balance and impartiality in the coverage of election campaigns, due to deep polarization and politicization of media.

Strongly influenced editorial policies, shaped by the owner's interest and connections with certain candidates, with continuous process of media ownership centralization³², has increased biased reporting and continues to be one of the main obstacles for the fulfillment of election law provisions, which stipulates that both public and private media should offer balanced and unbiased coverage of all contestants. Polarized and biased reporting was also officially confirmed by the monitoring results of the media regulatory authority-National Council for Television and Radio Broadcasting.³³

Additionally, numerous EOM interlocutors noted that media coverage of the elections in general, as well as of contestants and their programs lacked analytical and investigative reporting which, altogether, may have limited voters' ability to make a truly informed choice.

CEC timely allocated free airtime and print space to all contestants, in national and regional public media and ENEMO observers reported that most candidates used this platform for promotion. UA:PBC provided candidates with a platform to present their programs in specialized political TV

²⁸ Article 160 of the criminal code

²⁹ Article 157 of the criminal code

³⁰ Article 296 of the criminal code

³¹ Interim financial reports of contestants published by the CEC have showed that contestants have spent more than 16 mil EUR on media advertisements or 84% of total election funds.

³² Centralization of media ownership is additionally strengthened by creation of the new media holding company "News", comprised of 112, NewsOne and ZIK TV channel and owned by "Opposition Bloc" politician Mr. Taras Kozak.

³³ NTRBC noted that 61% of the airtime on "1 + 1" was devoted to the party "Servant of the people", "Channel 5" 68% to "European solidarity", "Inter"; and "112 Ukraine" 61% to "Opposition platform - for life, "Direct" 43% "European solidarity", TV channel "NewsOne" 79% for "Opposition platform - For life" etc.

shows but almost did not cover elections in the news or other program formats³⁴, which is why most of the EOM interlocutors noted that UA: PBC did not fully use its public service role in order to counterbalance biased private media reporting by providing fair, objective and balanced information to voters. On the other hand, it should be noted that UA:PBC remains considerably underfunded with only half of the amount granted by the Parliament for the second consecutive year in contrary to the provisions of the Law³⁵.

As of July 19th, NTRBC recorded more than 100 different media irregularities,³⁶ such as incorrectly marked and hidden advertisement, inadequately marked public opinion polls, campaign materials in news programs, biased reporting, etc. However, the media regulatory authority does not have any effective sanctioning powers or mechanisms to enforce legal provisions and to adequately respond to and prevent media violations in the pre-election period.

ENEMO observers in nearly all oblasts noted that media advertisement of certain contestants started before the official start of the campaign period. ENEMO notes that early campaigning remains the long standing unresolved and unsanctioned issue due to the inadequate legal framework. Also, ENEMO observers reported biased media reporting, a high number of black PR cases, intensification of harsh rhetoric of contestants, especially within the last two weeks before the E-day, as well as a high volume of visible *jeansa*³⁷. According to the Institute of Mass Information (IMI)³⁸ 46% of this unmarked advertisement materials, in online media, is connected with the "Opposition platform – For Life".³⁹

Additionally, ENEMO notes that concerns should be raised with regard to the reported cases of issuing of journalist accreditations to third parties. Misuse of the rights of journalists to access polling stations by political parties is violating and undermining the role of media and should be sanctioned, as it was pointed out by the National Union of Journalists of Ukraine.⁴⁰

During the pre-election period case of grenade launcher attack on the premises of 112 TV Channel was reported. ENEMO condemns this attack and calls for Ukrainian authorities to thoroughly investigate this case and create a climate where freedom of expression could be freely exercised and journalists are protected. In addition, there were three physical attacks on reporters from the beginning of the campaign period and ENEMO observers reported on several cases of alleged intimidation and threats against journalists. ENEMO notes that violence against journalists remains a reason for concern.

³⁴ Monitoring results of the of media coverage of the parliamentary elections in Ukraine conducted by group of domestic NGOs supported by COE, for the period of 22 June – 12 July 2019 <https://www.coe.int/en/web/kyiv/-/jghk>

³⁵ Law on Public TV and Radio Broadcasting, article 14.3 envisage no less than 0,2% of the expenditures of the State Budget of Ukraine for the previous year for UA:PBC.

³⁶ <https://www.nrada.gov.ua/monitoringom-natsionalnoyi-rady-zafiksovano-majzhe-100-vypadkiv-politychnoyi-agitatsiyi-v-novynah-teleradioorganizatsij/>

³⁷ Disguised and unmarked paid-for political propaganda material.

³⁸ Data showed that the largest number of *jeansa* stories was found on the website of [112 Channel](#). 93% of these stories supported the "Opposition Platform - For Life" party and its representatives. Also, the websites of [Znaj.ua](#) and [NewsOne](#) published 48 *jeansa* stories each. NewsOne's website mostly promoted the "Opposition Platform - For Life" party, while Znaj.ua mostly supported President Zelenskyy and his "Servant of the People" party, Anatoliy Hrytsenko and his "Public Position" party, and the "Opposition Platform - For Life" party.

³⁹ <https://imi.org.ua/en/monitorings/most-of-unmarked-campaigning-in-online-media-flattered-medvedchuk-s-party-imi-research/>

⁴⁰ <http://nsju.org/index.php/article/view/8097>

B. Social media

Social network and messaging applications were widely used by all contestants during the electoral campaign, especially Facebook, YouTube, Viber and Telegram. ENEMO observers were informed by a number of contestants that these platforms were dominantly used to create smear campaigns against their opponents, through online black PR tactics and comments by “troll farms” (paid campaigners). Facebook’s rules for political advertising and open add library increased the overall transparency to some extent, by providing information on the total amount spent by specific contestant and number of paid ads.

ENEMO observers reported contestants’ active campaigning on social platforms during the silence period. ENEMO notes with concern that lack of regulations allows contestants to carry out direct or indirect campaigning beyond the legally prescribed timelines.

Election Day

On Election Day, ENEMO deployed 58 multinational teams of observers to follow the process of preparation and opening of polling stations, the voting and counting process, as well as the transfer and intake of election materials by DECs. Observation teams, composed of the 40 Long Term observers and 76 Short Term observers, monitored the opening procedures in 58 polling stations, voting in 763 polling stations, and closing and counting in 58 polling stations. Besides, ENEMO observed the intake of election materials and tabulation of results in 57 District Election Commissions.

Election Day was, overall, calm and peaceful. The management of the polling and conduct of PECs and DECs was assessed positively in the majority of the cases, with some procedural violations, that are assessed not to have affected negatively the legitimacy of the overall process.

A. Opening procedures

ENEMO observed the preparatory meeting and the opening procedures in 58 polling stations.

The preparatory meeting started on time (7:15 AM) in 94.8% of the observed polling stations, while in 3.6%, it started with delays of up to 30 minutes, and in one polling station, it started earlier than 7:15. All observed polling stations opened on time (08:00 AM) or very few minutes before or after 8:00 AM⁴¹ and in the presence of the minimum number of PEC members required by the law⁴².

All observed polling stations were equipped with all essential materials needed for the voting at the moment of opening⁴³. However, ENEMO notes that some PECs were provided with fewer ballot papers than the number of voters in the rolls 22.9% of the observed polling stations had

⁴¹ Up to five minutes delays or early opening were observed in a limited number of polling stations.

⁴² ENEMO observers noticed the absence of one or more PEC members during the opening procedures in 34.5% of the observed polling stations.

⁴³ Ballot papers, voting booths, ballot boxes, PEC stamp, protocol, voter lists, and seals.

received fewer ballot papers for the nationwide constituency than voters on the voter list⁴⁴, while the 37.9%⁴⁵ of the polling stations received fewer ballot papers for the single-mandate constituency than the eligible number of voters in the relevant polling stations⁴⁶.

The procedure of sealing stationary and mobile ballot boxes was followed properly in all observed polling stations. However, ENEMO noted the sealing ballot boxes with sheets of paper stamped with the stamp of the PEC, instead of using the plastic seals⁴⁷.

The arrangement of the premises of polling stations was assessed as adequate in 94.8% of the observed polling stations, while in three, the observers assessed that the arrangement was inadequate⁴⁸.

ENEMO observers were able to properly monitor the opening procedures in all observed polling stations, except for one, where they were not allowed to enter during the preparatory meeting⁴⁹. No complaints related to the opening were reported from any of the observed polling stations.

In 82.7% of polling stations observed, only authorized persons were present while opening procedures were being carried out. In 10.3% of the observed polling stations, observers noticed the presence of police officers inside the polling stations and in 8.6% the presence of other unauthorized persons⁵⁰.

Procedural violations were noticed in two observed polling stations during the opening⁵¹. However, in 96.6% of observed polling stations, the opening procedures were assessed positively (very good or good). In only two of the observed polling stations, observers assessed the opening procedures as bad, due to negligence of PEC members.

B. Voting process

ENEMO observers monitored the environment around polling stations and the voting process in 763 polling stations, throughout 118 constituencies⁵².

The environment around polling stations was assessed as orderly in 99.3% of the observed polling stations, with the exception of a few cases, in which it was observed or reported organized

⁴⁴ The difference was significant in only one polling station out of 11 (difference higher than 50 ballot papers).

⁴⁵ The number of ballot papers that the polling stations should have received for single-mandate constituencies is calculated as a sum of the number of voters on the list and number of requests for temporary voting.

⁴⁶ The difference was significant (higher than 50 ballot papers) in 5 polling stations out of 22.

⁴⁷ Reportedly, this was due to a shortage of seals received by the PEC in most polling stations.

⁴⁸ In two of the three polling stations assessed as inadequate, the reason was that the arrangement of the polling station could, potentially, jeopardize the secrecy of the vote.

⁴⁹ With the claim that the meeting had already started, although the observers were present at the polling station before 7:15 AM.

⁵⁰ For example, directors of schools in which polling stations were located, firefighters, or voters before the voting had started.

⁵¹ In one polling station, the PEC did not announce out loud the serial numbers of the seals and in one they did not recount the received ballot papers.

⁵² In all 24 oblasts where elections were held and in Kyiv City.

transportation of voters⁵³, or presence of campaign materials at the entrance of polling stations, which is in violation of the legal framework⁵⁴.

All observed polling stations were operating with at least the minimum number of PEC members required by the law⁵⁵. Women were well represented in the precinct election commissions, with over three fourth of PEC members in the observed polling stations being women⁵⁶, including in leadership positions⁵⁷.

Presence of unauthorized and/or unidentified persons inside the polling station was noticed in 5.9% of the observed polling stations, including police officers at 3,7%, local authorities at 2,9%, and others⁵⁸.

97.5% of the observed polling stations were assessed to have an adequate arrangement for voting, while at 2.5 % observed assessed the arrangement as not adequate, mainly due to inadequate premises, which sometimes led to overcrowding, potential to jeopardize the secrecy of the vote, or impossibility for all PEC members and observers to have a clear view of the entire voting process⁵⁹. Polling stations' accessibility for persons with mobility disability was assessed as suitable in 46,8% of the observed polling stations⁶⁰ and as requiring assistance or completely inaccessible in 53.2%.

Essential materials for the conduct of voting were present in all observed polling stations. However, in line with the trend mentioned above, of providing polling stations with fewer ballot papers than eligible voters, 14% of the observed polling stations received fewer ballots for the nationwide constituency than voters in the voter list and 33,7% received fewer ballot papers for the single-mandate constituency than eligible voters. In addition, 61,2% of the observed polling stations used fewer stationery ballot boxes and 23.2% fewer mobile ballot boxes⁶¹, while 34,7% had fewer voting booths than required by the law⁶².

Information materials on voting procedures and candidates were present at 97% of the observed polling stations. At 2.5%, the information on voting procedures was missing while at four of the observed polling stations, information on candidates was missing or not posted on the walls of the precinct.

⁵³ Observers reported that in one polling station, in DEC 85, the Chairperson informed them that the local administration had organized transportation for voters. In another polling station, ENEMO observers noticed a van transporting voters to the polling station.

⁵⁴ In two polling stations were noticed campaigning posters near the entrance of the polling station.

⁵⁵ However at 32.2% of polling stations during the moment of observation, not all PEC members were present

⁵⁶ 77.7%.

⁵⁷ 78.1% of the PECs had a woman Chairperson, 77.3% woman Deputy Chairperson, and 89% woman Secretary.

⁵⁸ Firefighters, director of schools where the polling station was located, or representatives of the media not accredited or not wearing their accreditation badge visibly.

⁵⁹ Too small polling station and/or polling station located in hallways, ballot boxes located too close to observers or ballot booths.

⁶⁰ Were equipped with ramps and/or other facilities.

⁶¹ Small election precincts should have no less than two stationary and two mobile ballot boxes, medium precincts no less than four stationary and two mobile ballot boxes, and large precincts no less than six stationary and two mobile ballot boxes.

⁶² Small election precincts should have no less than two, medium precincts no less than four, and large precincts no less than six voting booths.

Observers didn't notice any breach of the secrecy of the vote in 96.5% of the observed polling stations. However, several cases of more than one individual in the voting booth⁶³, voters revealing their vote⁶⁴, voters not being able to vote in secrecy due to improper set up of the booths or transparent curtains⁶⁵, and breach of the rules for assisted voting⁶⁶, as well as one case of a voter taking a photo of a marked ballot paper were reported. Serious concerns can be raised about secrecy of voting for homebound voters (mobile voting). Based on reports from two STO teams that followed mobile voting procedures, secrecy of voting was seriously violated for almost all homebound voters in those particular polling stations.

In 93.8% of the observed polling stations, observers did not notice nor were reported cases of voters not included in the voter list, while at 5.1% of polling stations they have observed or have were reported about voters not finding their names on the list. Voters for whom the information in the voters' list was inaccurate was noted at 1% of the observed polling stations, and at two polling stations, observers were reported the presence of deceased persons included in the voter list.

ENEMO observers were able to observe properly in 98.6% of the visited polling stations⁶⁷, while in 1.3%, the observation was difficult due to the improper arrangement of the polling station, small premises of the precinct, or overcrowded polling stations⁶⁸.

ENEMO observers noted the presence of candidate and party observers in 99,3% of the polling stations⁶⁹, while in 42.3% of the polling station were present citizen or international observers. Concerning the conduct of domestic observers, at three polling stations, ENEMO observers noticed that party or candidate observers were not acting following the law⁷⁰, and at three polling stations they were wearing t-shirts that could be perceived as affiliated with a political contestant⁷¹.

In 97.9% of observed polling stations, observers indicated that no formal complaints had been filed. In 1.6% there were minor complaints and in two polling stations the PEC had received substantial complaints.

95.3% of the observed polling stations were assessed to be functioning and managed properly by PEC members, whereas 2.6% were somewhat crowded, but still managed adequately. At 5 polling stations, ENEMO observers assessed the process as disorganized and confusing. The overall

⁶³ In seven polling stations.

⁶⁴ In six polling stations.

⁶⁵ In nine polling stations.

⁶⁶ Two cases.

⁶⁷ It should be noted that ENEMO observers reported several cases of police officers requesting to take pictures of their accreditation, a provision which is not specified in any law.

⁶⁸ In one polling station, ENEMO observers were not allowed to observe in a team, reportedly due to lack of knowledge of the legal provisions by the Chairperson of the PEC, who claimed that only one observer per organization was allowed at the polling station at the same time (a provision about domestic observers, but not international ones).

⁶⁹ On average, there were six observers by election contestants per polling station, with most polling stations having four observers.

⁷⁰ Observers were instructing voters on voting procedures.

⁷¹ Observers were obliged by the police, behind the request of PEC members and other observers, to hide the logo on their t-shirt, to be able to continue to observe inside the polling station.

assessment of the voting process was positive (very good⁷² or good⁷³) in almost all polling stations observed (98,4%). In 12 of the 763 observed polling stations, the observers assessed the process as bad, due to negligence.

C. Counting process

ENEMO followed the closing and vote-counting procedures in 58 polling stations. All observed polling stations closed in time and no voters in queue were reported in any of the polling stations at the moment of closing.

Procedures that precede the counting process were followed properly in 93.1% of the observed polling stations, while in four of them were noticed some deviations from the procedures⁷⁴.

In almost all observed polling stations counting procedures were followed properly⁷⁵, at only one polling station ENEMO observers noted that two valid ballot papers were deemed invalid. In four polling stations there were some deviations in the procedures for filling in the protocol. However, observers assessed that these deviations did not appear to damage the legitimacy of the process or affected the results in these locations. In one polling station, observers reported that there was chaos and tensions during the process of filling in the protocols, due to claims of party observers and PEC members that the Chairperson was attempting to manipulate the election results. An official complaint was filed with the police on the case, however, the process of completion of protocols was completed and materials sent to the DEC. No other formal complaints on the counting process were recorded in the observed polling stations.

In 94.4% of the observed polling stations, the protocols were promptly posted in the polling station premises and provided to all persons entitled to receive them, except for three polling stations, in which protocols were not provided to ENEMO observers.

All ENEMO observers could observe the counting procedures properly. In 96.5% of the observed polling stations, only authorized people were present during the counting procedures, whereas in two polling stations police officers were inside the polling station during the counting.

The overall assessment of the counting procedures by ENEMO observers was positive (very good or good) in 84.5% of the observed polling stations and in 15.5%, the counting process was assessed as bad. However, all cases of negative evaluation were attributed to negligence. In general, the process of counting and filling in the protocols was very slow in almost all observed polling stations⁷⁶.

⁷² 56,1%.

⁷³ 42.3%.

⁷⁴ In two polling stations, the PEC did not count the unused ballot papers, in one they did not announce the number of voters that had voted based on number of signatures, and in one did not announce the number of unused ballots.

⁷⁵ in 98.3%.

⁷⁶ In one case, the counting process finished at 9:00 AM on the next day (22 July)

D. Transfer of materials to district election commissions (DEC) and DEC activity

ENEMO observers monitored the transfer of election materials and respective intake in 57 DECs⁷⁷. The transfer of materials was done in an orderly manner and following the procedures in all polling stations in which ENEMO observed this process.⁷⁸

The observers assessed that 96.5% of observed DECs were acting transparently and straightforwardly, whereas the work of DECs was assessed as disorganized and confusing in two DECs. Most of the observed DECs did not receive any official complaints, except for two, in which complaints, deemed as non-substantial by the observers, were filed. In 89.5% of the observed DECs, most protocols were processed under 30 minutes, whereas in six of them, most protocols were processed between 30 and 60 minutes.

DEC premises were assessed as spacious and adequate for the delivery of election materials in 89.5% of the observed DECs, whereas six DECs were assessed as overly overcrowded. In all DECs authorized observers were able to observe properly.

The evaluation of the work of the DECs by ENEMO observers was positive (very good or good) in almost all the observed DECs. Only one DEC was assessed as bad, due to negligence.

Observers

In accordance with the Ukrainian legislation⁷⁹ both domestic and international organizations can observe the election process. All observer organizations are accredited by the CEC, provided that they fulfill the accreditation requirements by officially being registered, and having election-related activities and election observation in their statutory documents.

Deadline for accreditation of domestic organizations expired on May 31st, whereas the deadline for international organizations was July 13th.

A. Domestic Observers

The CEC has accredited 163 domestic observer organizations for the early parliamentary elections. Accreditation of individual observers was conducted by DECs.⁸⁰

Based on ENEMO's analysis, out of the 163 organizations accredited, 105 do not have an existing web site or social media page and a number of these NGOs were only recently created. Out of these 163, only 87 NGOs have accredited observers. The total number of accredited domestic observers was 27,901.

⁷⁷ DEC 94 did not operate on Election night due to a lack of quorum (see the Section on District Election Commissions, in this Statement).

⁷⁸ In 3 polling stations, the transfer of materials was made the next day due to the DEC schedule for the intake of materials.

⁷⁹ Article 77 and 78 of the Law on parliamentary elections

⁸⁰ [List of accredited domestic organizations](#)

Among the registered NGOs, only two accredited domestic observers' organizations – OPORA and Committee of Voters of Ukraine (CVU) are members of the Global Network of Domestic Election Monitors and signatories of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations. These two organizations are also member organizations of ENEMO network.

The organization with the biggest number of accredited observers is OPORA with more than 5,500 registered observers. The next one is All-Ukrainian NGO "Leading Legal Initiatives"/Всеукраїнська громадська організація "Передові Правові Ініціативи", with 3,954 accredited observers. CVU is fourth on the list with 1,738 registered observers.

ENEMO observers have raised some concerns on the existence of clone NGOs⁸¹, previously accredited NGOs now running as political parties⁸², as well as heads of accredited organizations appearing on party lists in addition to being also donors for the same party.⁸³

The three NGOs with the highest presence of observers on Election Day were the Civil Network Opora⁸⁴, the Committee of Voters of Ukraine⁸⁵, and the Centre for Professional and Vocational Rehabilitation of Disabled Persons of the Judiciary System⁸⁶.

⁸⁷ENEMO also notes that the legislation does not provide sufficient prerequisites to ensure observers adhere to internationally recognized principles of election observation.

B. International Observers

The CEC has accredited 21 international organizations with 1,602 observers, as well as 117 observers from 12 foreign countries.⁸⁸

Citizens of the Russian Federation are still prohibited from observing elections in Ukraine based on the amendment to the election laws adopted in February 2019. ENEMO reiterates that the decision negatively affects the work of ENEMO as one of its member organizations GOLOS is not allowed to send its members for the ENEMO EOM in Ukraine. Members of GOLOS are human rights defenders and political dissidents from the Russian Federation.

⁸¹ In Dnipro, some organizations register themselves using the organization and name "Sluha" (e.g. in DEC 37 there are 5 such organizations).

⁸² "Power of Law" that was registered for Presidential elections as an NGO observing the elections now is registered as a political party with the same name and the head of NGO's regional office Michail Grek is in the party list now (Sumy).

⁸³ One of them is Public Community Organization Ukrainian Strategy "Ukrainian Strategy"/ ГРОМАДСЬКА ОРГАНІЗАЦІЯ "ГРОМАДСЬКИЙ РУХ "УКРАЇНСЬКА СТРАТЕГІЯ" that has the same name as the Ukrainian Strategy party led by V. Hroysman and is the third organization with the biggest number of accredited observers (total of 1899). The Head of the Organization is in the party list of Hroysman's party under the number 29.

⁸⁴ 6,2 percent of the polling stations.

⁸⁵ 3.9 percent of the polling stations.

⁸⁶ 3% of the polling stations. However, the only available information on the organization is their registration as observers by the CEC for these elections and Presidential 2019. They do not have a website or Facebook page

⁸⁷ Only 37 domestic organizations were accredited in 2014

⁸⁸ [List of official observers from foreign states and international organizations](#)

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 18 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 of 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 27 international election observation missions to eight countries: Armenia (2018), Albania (2005 parliamentary elections), Georgia (2008 early presidential elections), Kazakhstan (2005 presidential elections), Moldova (2009 parliamentary elections, 2016 presidential elections and 2019 parliamentary elections), Kosovo (2009 municipal elections; 2010 parliamentary elections, 2013 municipal elections), Kyrgyzstan (2005 presidential elections; 2005 parliamentary elections; 2007 early parliamentary elections; 2009 presidential elections and 2010 parliamentary elections), and Ukraine (2004 presidential elections; 2006 parliamentary elections; 2006 mayoral elections in Chernihiv, Kirovograd and Poltava; 2007 parliamentary elections; 2010 presidential elections, 2012 parliamentary elections, 2013 parliamentary repeat elections in 5 districts, 2014 early presidential elections, 2014 early parliamentary elections, and 2019 presidential elections).

ENEMO member organizations are: Centers for Civic Initiatives - Bosnia and Herzegovina, Center for Democratic Transition - Montenegro, Center for Free Elections and Democracy - Serbia, Center for Monitoring and Research CeMI - Montenegro, Coalition for Democracy and Civil Society - Kyrgyzstan, Committee of Ukrainian Voters - Ukraine; Election Monitoring Center - Azerbaijan, GONG - Croatia, ISFED - Georgia, It's your choice - Armenia, Citizens Association MOST - Macedonia, Republican Network of Independent Monitors - Kazakhstan, Golos - Russia, ObcianskeOko - Slovakia, Belarusian Helsinki Committee - Belarus, Society for Democratic Culture - Albania, Promo LEX - Moldova, KRIIK - Albania Association, Foundation for Support of Civic Initiatives - Kazakhstan; Kosovo Democratic Institute - Kosovo, Transparency International Center TIAC - Armenia.

The English version of this report is the only official document. An unofficial translation is available in Ukrainian.

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