MANUAL

For Members of Precinct Election Commissions for Election of the President of Ukraine on March 31, 2019
MANUAL

For Members of
Precinct Election
Commissions for
Election of the
President of Ukraine
on March 31, 2019
### LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>CEC</td>
<td>Central Election Commission</td>
</tr>
<tr>
<td>DEC</td>
<td>District Election commission</td>
</tr>
<tr>
<td>PEC</td>
<td>Precinct Election commission</td>
</tr>
<tr>
<td>CMU</td>
<td>Cabinet of Ministers of Ukraine</td>
</tr>
<tr>
<td>EP</td>
<td>Election precinct</td>
</tr>
<tr>
<td>TED</td>
<td>Territorial election district (the territory covered by a DEC)</td>
</tr>
<tr>
<td>LU</td>
<td>Law of Ukraine</td>
</tr>
<tr>
<td>MM</td>
<td>Mass Media</td>
</tr>
<tr>
<td>SVR</td>
<td>State Voter Register</td>
</tr>
<tr>
<td>NAM</td>
<td>Mark Certifying the Voter is Unable to Move Without Assistance</td>
</tr>
<tr>
<td>VOTE-COUNTING PROTOCOL</td>
<td>Precinct election commission protocol at the election precinct</td>
</tr>
</tbody>
</table>

**N.B.**

The text of this manual is based on Ukrainian legislation. Articles referenced in the text (for example, P. 10 Art. 36) are those of the Law of Ukraine “On the Election of the President of Ukraine”, unless otherwise explicitly specified in the text of the manual.
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Preparation and administration of the election of the President of Ukraine are regulated by the Constitution of Ukraine, the Law of Ukraine “On the Election of the President of Ukraine,” the Law of Ukraine “On the Central Election Commission,” the Law of Ukraine “On the State Voter Register” and other legislative acts adopted in accordance with the Law of Ukraine “On the Election of the President of Ukraine”. PEC members should familiarize themselves with this legal framework.

→ LAWS OF UKRAINE

- Law of Ukraine “On Election of the President of Ukraine”

→ CODES OF UKRAINE

- Code of Administrative Adjudication (Art. 273-279)
- Code of Ukraine “On Administrative Offenses” (Art. 2127-21220)
- Code of Labor Laws of Ukraine (Art. 119)
- Criminal Code of Ukraine (CCU) (Art. 157-160)

→ CENTRAL ELECTION COMMISSION (CEC) RESOLUTIONS


- CEC Resolution No. 31 of March 4, 2014, “On Requirements Regarding Premises of District and Precinct Election Commissions for Election of the President of Ukraine and Premises for Voting, Standards for Providing Election Commissions for Election of the President of Ukraine with Vehicles, Means of Communication, Equipment, Implements, Office Machines, Other Material Asserts, and Types of Services that Election Commissions Can Purchase at the Expense of Ukraine’s State Budget Funds”
- CEC Resolution of March 28, 2014, No. 114 “On the Procedure for Consideration of Complaints by the Election Commissions for the Election of the President of Ukraine” (with amendments)


- CEC Resolution No. 218 of April 7, 2014, “On the Forms of Protocols and Other Election Documents of Election Commissions for Election of the President of Ukraine Relating to Vote Counting at Election Precincts”

- CEC Resolution No. 226 of April 8, 2014, “On the Procedure for Remuneration for Work of Members of District and Precinct Election Commissions for the Election of the President of Ukraine” (as amended by CEC Resolution No. 261 of December 27, 2018)

- CEC Resolution No. 227 of April 8, 2014, “On the Procedure for Providing Transport Services to District and Precinct Election Commissions for the Election of the People’s Deputies of Ukraine, the President of Ukraine and to District and Precinct Election Commissions on All-Ukrainian Referenda” (as amended by CEC Resolution No. 62 of April 3, 2017)

- CEC Resolution No. 276 of April 15, 2014, “On Clarification of the Procedure for Checking that a Voter Is Temporarily Unable to Move without Assistance in the Election of the President of Ukraine at Voters’ Place of Stay”

→ CABINET OF MINISTERS (CMU) RESOLUTIONS

- CMU Resolution No. 966 of July 28, 2004, “On Terms of Remuneration for Work of Members of Election Commissions and Commissions on All-Ukrainian Referenda” (with amendments)
• CMU Resolution No. 1177 of September 8, 2004, “On the Procedure of Compensation for Damage Caused to the Life, Health, or Property of a Member of a District or Precinct Election Commission Involved in Preparation and Administration of the Election of the President of Ukraine, in Connection with Performance of the Duties of Election Commission Members” (with amendments).
SYSTEM OF ELECTION COMMISSIONS: PEC AND ITS MEMBERS
TYPES OF ELECTION PRECINCTS (EP)

During election of the President of Ukraine, the preparation, organization, and conduct of voting and counting of votes involve the use of Art. 20.

- Regular election precincts;
- Special election precincts operating on a permanent and temporary basis;
- Out-of-country election precincts.

Special EPs are established for organization and administering voting:

- at inpatient healthcare institutions
- at Ukraine’s polar station
- on ships sailing on the day of the election under the national flag of Ukraine
- at penitentiary institutions and pretrial detention centers and other places of temporary stay of voters with restricted mobility

Election Precincts differ by size:
- **Small EP** – up to 500 voters.
- **Medium EP** – between 500 and 1,500 voters.
- **Large EP** – more than 1,500 voters.

Depending on election precinct size, norms are determined for providing the PEC with premises, booths for secret voting and ballot boxes.
ELECTION COMMISSION STATUS AND SYSTEM

Election commissions are *collegial* bodies authorized to organize preparation and administration of the election of the President of Ukraine and to ensure compliance with and uniform application of Ukrainian legislation on election of the President of Ukraine (P. 1, Art. 22).

<table>
<thead>
<tr>
<th>№</th>
<th>NAME OF ELECTION COMMISSION</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Central Election Commission</td>
<td>Territory of Ukraine</td>
</tr>
<tr>
<td>2</td>
<td>District Election commissions</td>
<td>Territory of an Election district</td>
</tr>
<tr>
<td>3</td>
<td>Precinct Election commissions</td>
<td>Territory of an Election precinct</td>
</tr>
</tbody>
</table>
Is at the top of the system of election commissions and is a higher-level commission to district and precinct election commissions (P. 2, Art. 22).

Is a higher-level commission supervising PECs in an election district in matters relating to the election of the President of Ukraine. A DEC is a legal entity (P. 4 Art. 22).

Is not a legal entity; but, regulates the electoral process and has the right to petition, within limits of its authority, state executive bodies, state bodies of the Autonomous Republic of Crimea and local government bodies, enterprises, establishments, institutions and organizations, their officials and executives. A PEC has its own seal that should be approved by the CEC (P. 5 Art. 22).
ESTABLISHMENT OF A PEC

A PEC is established by the District Election commission

**NO LATER THAN 18 DAYS BEFORE ELECTION DAY (P. 1 ART. 24)**

→ **ITS MEMBERS ARE:**

<table>
<thead>
<tr>
<th>CHAIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPUTY CHAIR</td>
</tr>
<tr>
<td>SECRETARY</td>
</tr>
<tr>
<td>OTHER COMMISSIONERS</td>
</tr>
</tbody>
</table>

If the number of voters at the election precinct is no more than 50 persons (P. 1 Art. 24)

→ **A PEC CONSISTS OF**

the chair, the secretary and 2-4 members

→ **A DEC may be comprised of:**

citizens of Ukraine with the right to vote (who have attained the age of 18 as of the day of the election and who have not been declared incapacitated by decision of a court) (P. 9 Art. 24).

A citizen of Ukraine can be a member of only one election commission (P. 9 Art. 24).
A PEC may not include (P. 10 Article 24):

- candidates for President of Ukraine;
- authorized representatives of candidates for President of Ukraine;
- proxies of candidates for the President of Ukraine;
- officials and executives of state executive bodies, state bodies of the Autonomous Republic of Crimea and local government bodies;
- citizens who are detained at penitentiary institutions or pretrial detention centers or have a criminal record for a grave crime, a crime against citizens’ electoral rights, or a corruption-related crime, unless such record has been cleared or canceled in accordance with the procedure established by the law.

The PEC of a special election precinct may not include employees of the establishment or institution in which the election precinct has been created.

If another election is conducted simultaneously with the election of the President of Ukraine, the PEC may not include candidates running in that election, their proxies, authorized agents of parties that are subjects of the electoral processes, or official observers for candidates in the election.
The status of PEC members is determined by Article 29.

A PEC member must familiarize himself/herself at the first meeting of the election commission in which he/she is taking part with the content of Parts 5-8 of Article 29, namely:

<table>
<thead>
<tr>
<th>A PEC MEMBER HAS THE RIGHT TO: (P. 5 ART. 29)</th>
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<tr>
<td>![Document Icon]</td>
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<tr>
<td>![Speech Bubble Icon]</td>
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<tr>
<td>![Eye Icon]</td>
</tr>
<tr>
<td>![Money Icon]</td>
</tr>
<tr>
<td>A PEC MEMBER IS OBLIGED TO: (P. 6 ART. 29)</td>
</tr>
<tr>
<td>Execute decisions of the PEC and perform responsibilities entrusted to him/her in accordance with the distribution of responsibilities in the commission</td>
</tr>
<tr>
<td>Participate in meetings of the election commission</td>
</tr>
</tbody>
</table>

| OTHER RIGHTS AND DUTIES (P. 7 Art. 29) | A member of an election commission has other rights and duties pursuant to the Law of Ukraine “On the Election of the President of Ukraine” and other laws of Ukraine |

| PROHIBITIONS FOR A PEC MEMBER (P. 8 Art. 29) | When performing his/her duties, an election commissioner is prohibited from campaigning for or against candidates for the office of President of Ukraine, as well as from assessing in public the activities of candidates for the office of President of Ukraine and of parties that are electoral subjects. |
After familiarizing himself/herself with the content of Parts 5-8 of Article 29, the member of a PEC takes the following OATH:

I, ___________________________________________________________,
(last name, first name and patronymic)

Undertaking the powers of a member of the election commission and understanding my high responsibility to the Ukrainian people, I do swear that I will abide by the Constitution of Ukraine and the Laws of Ukraine, exercise my duties honestly and in good faith, based on the principles of the rule of law, legality, objectivity and impartiality, ensure the exercise and protection of the electoral rights of the citizens of Ukraine.

_________________________________________  __________________________________________
(date) (signature)

Cut off the text of the oath from the Manual, make photocopies for all the members of the PEC and present copies to them during the first meeting of the election commission. You will save time because PEC members will only have to enter their last name, first name and patronymic; the date of their oath; and, then sign the oath.

The signed oath is an indispensable part of the commission’s documentation.
IMPORTANT!

Refusal to take the oath means **REFUSAL** to be a commission member.
After a PEC member in a **regular election precinct** has taken the oath, an election commissioner’s ID approved by the CEC and signed by the DEC Chair, will be issued to that member:

![ID card template](image)

After a member of a PEC for the election of the President of Ukraine in a **special election precinct** has taken the oath, an election commissioner’s ID approved by the CEC and signed by the DEC Chair, will be issued to that member.

![ID card template](image)
TERMINATION OF THE POWERS OF A PEC MEMBER

Powers of a PEC member are terminated simultaneously with the termination of powers of the election commission (Art. 30).

A DEC can make a decision on EARLY termination of the powers of a PEC member (Article 30), in connection with

- a personal letter of resignation from the commissioner;
- his/her death;
- coming into legal force of a court judgment finding him/her guilty of a grave crime, a crime against citizens’ electoral rights, or a corruption-related crime commission;
- termination of his/her Ukrainian citizenship;
- his/her being declared incapacitated or missing;
• systematic or gross violation by the commissioner of Ukraine’s election legislation, established by a court judgment or by decision of a higher-level election

• two or more failures to attend meetings of the election commission without good cause;

• failure to attend a meeting of the election commission on the day of voting;

• submission seeking replacement of the member of the election commission from a candidate for the office of President of Ukraine;

• the PEC member joining another election commission of any level which is involved in preparing and administering election of the President of Ukraine, as well as of the election of the People’s Deputies of Ukraine, deputies of the Supreme Council of the Autonomous Republic of Crimea, deputies of local councils and villages and settlements and town/city mayors, if these elections are conducted simultaneously with election of the President of Ukraine;
• cancellation of registration of the candidate for President of Ukraine who nominated the PEC member to the election commission;

• registration of the PEC member as:

1. a candidate for the office of President of Ukraine, a Ukrainian MP candidate, a candidate to the Autonomous Republic of Crimea’s Supreme Council, a candidate for local council and a candidate for village, settlement, or town/city mayor, if these elections are conducted simultaneously with the election of the President of Ukraine;

2. representative of a candidate for the office of President of Ukraine to the CEC;

3. proxy of a candidate for the office of President of Ukraine, as well as an authorized agent of a Ukrainian MP candidate or a candidate to the Autonomous Republic of Crimea’s Supreme Council, a candidate to a local council, or a candidate for village, settlement, or town/city mayor, if these elections are conducted simultaneously with the election of the President of Ukraine.
**PEC AUTHORITY**

The authority of a PEC is **set out in Article 27**.

Below is a list of what a PEC can and is required to do:

1. Supervise compliance with and uniform application of legislation on election of the President of Ukraine;

2. Receive the voter list from the State Voter Register maintenance body or the Ministry of Foreign Affairs, make it accessible to the public and amendments it in cases provided for by law;

3. Create conditions for voters’ familiarization with information about all candidates and their election programs and decisions of the CEC and relevant DEC;

4. Present (send) personal invitations to voters in a timely manner;

5. Provide for the preparation of the premises for voting and the ballot boxes;

6. Amend the ballot paper, based on a CEC decision, in cases provided for by law;

7. Organize voting at the election precinct;

8. Count votes cast at the election precinct, draw up the vote-counting protocol and send it to the relevant DEC;

9. Invalidate voting results at the election precinct in cases provided for by law;
10. Consider appeals, applications and complaints regarding amendments to the voter list, organization and administration of voting, counting votes at the election precinct, and adopting decisions on contested votes;

11. Exercise authority pursuant to the laws of Ukraine.

**PEC authority** take effect from the moment **when the oath has been taken by a majority of its membership** at its creation at a meeting of the commission which is conducted **no later than on the second day** after the day when the decision on its **creation** was taken. The meeting is called by the PEC Chair (P. 2 Article 27).

**TERMINATION OF PEC AUTHORITY**

Authority of a PEC **is terminated** after the day of the official **announcement** by the CEC of **results** for election of the President of Ukraine (P. 3 Art. 27). The PEC terminates its activities simultaneously with the termination of its authority (P. 4 Art. 27).

The authority of all PEC members can be terminated **early** by the DEC that created it on the DEC’s own initiative or on the basis of a court decision if the commission has violated the Constitution of Ukraine, the Law of Ukraine “On the Election of the President of Ukraine,” or other laws of Ukraine (P. 2 Art. 30).

**Early termination** of authority for **all members** of an election commission **does not amount to liquidation** of that particular commission (P. 2 Art. 30).
1. The authority of a PEC covers:
   a) whole territory of Ukraine;
   b) territory of the relevant election district;
   c) territory of the election precinct.

2. When performing his/her duties, an election commissioner:
   a) is prohibited from campaigning;
   b) is prohibited from campaigning for candidates other than those nominating him to the PEC;
   c) is not prohibited from campaigning.

3. The first PEC meeting is called:
   a) on the day of its creation;
   b) no later than the second day after the day when the decision on its creation was taken;
   c) no later than five days before the day of voting.

4. If a PEC has 22 members, what is the minimum number of members that must take the oath at its first meeting for PEC authority to take effect?
5. The DEC can make a decision on early termination of the powers of a PEC member if:

a) the PEC member has failed to attend one meeting of the PEC;

b) the PEC member repeatedly expresses a dissenting opinion at PEC meetings and the opinion is presented in writing and appended to the minutes of the PEC meeting;

c) the PEC member has been registered as a proxy of a candidate for the office of President of Ukraine.

6. Can a doctor working at an inpatient healthcare institution where a special election precinct has been created become a member of the PEC?

a) yes;

b) no.
PEC WORKFLOW MANAGEMENT
PEC MEETING

The main form of PEC work is its meeting (P. 1 Art. 28). At a meeting, PEC members consider issues within the competence of the commission and make collective decisions. A PEC meeting is called with mandatory notification of all its members about the time and place of the meeting and its agenda (P. 5 Art. 28). The first meeting of the election commission is called no later than on the second day after the day of its creation; and necessary for future subsequent meetings. (P. 3 Art. 28).

A PEC meeting is called by:

1. the commission chair,

2. the deputy chair of the commission,

3. the secretary of the commission,

4. based on a DEC decision.

if the chair is absent,

if the chair and deputy chair are absent,

if necessary,

On written request of one third of PEC members, the chair of the commission or the deputy chair must call a meeting of the commission no later than the next day after receiving such a request.

! Administering voting is not a PEC meeting!
CHAIR OF A PEC MEETING

A PEC meeting is chaired by (P. 7 Art. 28):

Chair of the commission,  →  Deputy Chair of the commission,  →  Chair of the meeting is designated by the PEC from among its members.

or

If they do not perform that function,

If the chair, deputy chair, or secretary fail to perform their duties, the PEC can file a motivated decision on his/her/their replacement with the DEC. Such decision must be supported by votes of no less than two thirds of all PEC members (P.8 Art.30).

Such a decision must be considered within the timeframe specified in P. 7 Art. 30. A PEC decision is no basis for terminating authority of commission members (P. 8 Art. 30).

A PEC meeting is competent if attended by more than half of all the members of the commission (P. 4 Art. 28, p. 2.20 Res. No. 350).
MATERIALS FOR A PEC MEETING

Materials for issues on the agenda of a PEC meeting consist of (p. 2.7 Res. No. 350):

- the agenda;
- draft decisions (resolutions, protocol decisions);
- attachments to draft decisions, if these are mentioned in the text of the decision (appeals, applications, clarifications, plans, lists, reports and references);
- if necessary, memoranda from PEC members preparing issues for consideration by the commission.

Preparation of materials for the meeting of the commission is to be ensured by the PEC Secretary (p. 2.1 Res. No. 350).

The PEC Chair must familiarize himself/herself with prepared materials. If there is no need to amend the text, the chair writes a relevant endorsement on the draft decision proposed for adoption (p. 2.10 Res. No. 350):

As a rule, materials are presented to PEC members no later than on the last day prior to the day of the commission’s meeting, unless otherwise required by the law, but no later than the beginning of the meeting (P. 6 Art. 28, p. 2.8 Res. No. 350).
PEC MEETING AGENDA

A PEC meeting is conducted in line with the agenda approved by the commission and recorded in the minutes of the meeting.

<table>
<thead>
<tr>
<th>BY WHOM?</th>
<th>DRAFT AGENDA</th>
<th>DRAFT AGENDA</th>
<th>DRAFT AGENDA</th>
<th>THE NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PREPARED</td>
<td>AGREED UPON</td>
<td>BROUGHT TO</td>
<td>of media, persons who have the right to participate in the meeting and who have been invited to the meeting</td>
</tr>
<tr>
<td></td>
<td>by the PEC secretary in accordance with the work plan and on instructions from the PEC chair and with consideration for PEC members’ proposals</td>
<td>with the PEC chair</td>
<td>of PEC members – by the commission secretary</td>
<td></td>
</tr>
<tr>
<td>WHEN?</td>
<td>no later than 1 day before the meeting</td>
<td>—</td>
<td>as a rule, no later than the last day before the day of the meeting, on the day preceding the day of the election and on election day</td>
<td>as a rule, no later than the last day before the day of the meeting</td>
</tr>
<tr>
<td>DETERMINED</td>
<td>p. 2.4 Res. No. 350</td>
<td>p. 2.5 Res. No. 350</td>
<td>p. 2.5 Res. No. 350</td>
<td>p. 2.6 Res. No. 350</td>
</tr>
</tbody>
</table>
DISCUSSION OF THE PEC AGENDA

The draft agenda is discussed at the beginning of the commission’s meeting. At that point, an issue put on the agenda, can be removed on commissioners’ initiative which requires a separate decision (p. 2.15 Res. No. 350). Based on PEC members’ proposals and the commission’s decision, the draft agenda can be supplemented with other issues during its discussion (p. 2.16 Res. No. 350).

The PEC also can take a decision on postponing consideration of the additionally proposed issues to subsequent meetings of the commission (p. 2.18 Res. No. 350). The draft agenda is approved or dismissed after its collective discussion by a commission decision (p. 2.17 Res. No. 350).

SPECIMEN OF THE AGENDA OF THE PEC’S FIRST MEETING

AGENDA:

1. On taking the oath by members of the Precinct Election Commission for election of the President of Ukraine of election precinct No. _ TED No. _.
2. On distribution of responsibilities among members of the Precinct Election Commission for the election of the President of Ukraine of election precinct No. _ TED No. _.
3. On the exercise by members of the Precinct Election Commission for election of the President of Ukraine of election precinct No. _ TED No. _ of their authority on a paid basis
4. On approving the working schedule of the Precinct Election Commission of election precinct No. _ TED No. _.
PEC DECISIONS

As a rule, a PEC adopts decisions in the form of resolutions (p. 2.2 Res. No. 350); a PEC can adopt protocol decisions on issues pertaining to its internal activities (p. 2.3 Res. No. 350):

A PEC draws up acts and protocols. A commission’s act certifies a certain fact or event discovered and established by the commission. A commission’s protocol establishes results of certain actions implemented by the commission. A PEC adopts decisions by open vote, by a majority of all commission members (P. 13 Art. 28).

SPECIFICS OF PEC’S DECISION-MAKING

• A PEC decision adopted within its competence is binding (P. 17 Art. 28).
• No one has the right to intervene in the activities of election commissions, except in cases specified by law (P. 17 Art. 28).
• A vote-counting protocol is compiled without any decisions taken by the PEC (p. 2.21 Res. No. 350).

REVOKING PEC DECISIONS

An election commission’s decision contravening the law or taken in excess of its authority can be revoked by a higher-level election commission or a court (P. 18 Art. 28).

In such case, the higher-level election commission is entitled to make a decision on the merits.

WHO MAKES A DECISION IN CASE OF A PEC’S INACTION?

In case of a PEC’s inaction, a higher-level commission is authorized to take a decision on the merits of an issue falling within the PEC’s competence. On the day of voting, such issues are to be considered by the higher-level commission immediately (P. 18 Art. 28).
EXECUTION OF PEC DECISIONS

Decisions adopted at a PEC meeting must be duly executed (p. 4.1 Res. No. 350).

A COMMISSION’S DECISION MUST SPECIFY (P. 2.9 RES. NO. 350):

• the name of the commission;
• the title of the decision.

The title of a commission’s decision must be concise and reflect its main content. If a commission’s decision concerns several issues, the title can be generalized.

• the time, date, and place of adoption;
• the decision’s serial number;
• the rationale, or reasoning;

The decision’s reasoning must contain reference to circumstances necessitating consideration of the issue, reference to provisions of normative legal acts or decisions (decisions’ provisions) of the CEC, DEC and court judgments that the PEC was guided by when making its decision.

• the substance of decision

The substance of decision consists of enumerated paragraphs and subparagraphs; it must contain the decision of the commission presented in the form of a conclusion, with tasks and measures aimed at exercise of the commission’s powers regarding the issue under consideration.

If required, this element may contain instructions as to bringing the content of the decision to the notice of subjects to which the decision applies, the implementers, the persons entrusted with supervising the implementation of the decision and the timeframe for its implementation and attachments.
RIGHT TO ATTEND A PEC MEETING

Except for PEC members, the following persons can attend a commission meeting during vote counting, and can also be present at the precinct on the day of the election or on the day of repeat voting.

**WITHOUT PERMISSION or INVITATION (P. 9 Art. 28):**

<table>
<thead>
<tr>
<th>WHO CAN BE PRESENT?</th>
<th>QUANTITATIVE RESTRICTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>CEC members</td>
<td>without restriction</td>
</tr>
<tr>
<td>DEC members</td>
<td>without restriction</td>
</tr>
<tr>
<td>Candidates for the office of President of Ukraine</td>
<td>without restriction</td>
</tr>
<tr>
<td>Proxies of candidates for the office of President of Ukraine</td>
<td>no more than 1 person from 1 candidate</td>
</tr>
<tr>
<td>Official observers from candidates for the office of President of Ukraine</td>
<td>no more than 2 persons from 1 candidate</td>
</tr>
<tr>
<td>Official observers from political parties that are electoral subjects*</td>
<td>no more than 2 persons from 1 political party</td>
</tr>
<tr>
<td>Official observers from nongovernmental organizations</td>
<td>no more than 2 persons from 1 organization</td>
</tr>
<tr>
<td>Official observers from foreign countries</td>
<td>without restriction</td>
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<td>Official observers from international organizations</td>
<td>without restriction</td>
</tr>
<tr>
<td>Media representatives</td>
<td>no more than 2 persons from 1 news organization</td>
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</tbody>
</table>

* political party nominating a candidate for the office of President of Ukraine (Art. 12).
REGISTRATION OF THOSE PRESENT

Before the meeting, the PEC secretary prepares and presents to the chair of the PEC a list of invited persons (p. 2.1 Res. No. 350), with:

- last names, first names, patronymics,
- titles of the positions of the invited persons,
- official names of the bodies they represent or the persons they represent,
- agenda issues for consideration relevant to why they were invited.

At the beginning of the meeting or at the beginning of consideration of the issue, the PEC chair announces the number of PEC members present, the list of invited persons and other persons authorized to be present without the commission’s permission or invitation and the presence of media representatives (p. 2.14 Res. No. 350).

→ WHAT IF THOSE PRESENT INTERFERE WITH THE CONDUCT OF THE MEETING? (P. 11 Art. 28)

The PEC can adopt a decision to deprive the following persons of the right to attend its meeting:

- a candidate for the office of President of Ukraine,
- a proxy of a candidate for the office of President of Ukraine,
- an official observer,
- a media representative,
- a person invited by the PEC to the commission’s meeting

UNLAWFULLY INTERFERING with the conduct of the meeting.
HOW ABOUT THE POLICE?

The police officers are allowed to perform their duties on the day of voting and during vote counting outside the premises for voting only.

In case of violation of law and order, the PEC chair, deputy chair, or secretary of can call them to restore law and order and only for the time required for such actions (P. 11 Art. 28).
TESTS FOR THE SECTION

Test yourself by choosing one correct answer:

1. Who can revoke a PEC decision?

   a) a PEC decision cannot be revoked, because the PEC is a collegial body;
   b) the DEC or the CEC;
   c) a higher-level commission or a court.

2. How many official observers from foreign countries can simultaneously be present at a PEC meeting?

   a) two;
   b) unlimited number;
   c) any number, as long as they do not create physical obstacles for PEC members.

3. Can an issue be removed from the agenda of a PEC meeting?

   a) yes, during the discussion of the agenda at the beginning of the meeting;
   b) no, it must necessarily be considered by the commission;
   c) yes, by the decision of the PEC head or deputy head.

4. In what forms can a PEC decision be taken?

   a) resolutions and protocol decisions;
b) resolutions, acts and protocols;

c) resolutions, acts, protocol decisions and protocols

5. Which resolution regulates paper work in election commissions and commissions on referenda?

a) CEC Resolution No. 218 of April 7, 2014;

b) CEC Resolution No. 143 of October 10, 2018;

c) CEC Resolution No. 350 of September 15, 2010.

6. When is the first PEC meeting called?

a) no later than the second day after the day of the PEC’s creation;

b) no later than the fifth day after the PEC’s creation;

c) no later than five days before the day of the election.

7. The PEC chair or the PEC deputy chair is obliged to call a meeting of the PEC at the written request of one third of the PEC members:

a) immediately;

b) no later than on the next day after receiving such request;

c) no later than two days after receiving such request.

8. The draft agenda of a PEC meeting is prepared by:

a) the PEC chair or deputy chair;

b) the PEC secretary;
c) a PEC member designated by a PEC decision.

9. A PEC is made up of 18 members. How many votes are required for adoption of a PEC decision?

a) 9;
b) 10;
c) 16;
d) 18.

10. Law enforcement officers can perform their duties on the day of voting and during the counting of votes:

a) exclusively within the premises for voting;
b) with no restrictions established by the law;
c) only outside the premises for voting.

11. What should the PEC chair do after preliminary familiarization with meeting materials if there is no need to amend the texts?

a) write the instruction “To be agreed upon”;
b) write the instruction “For consideration at the meeting of the commission”;
c) take note of the materials.
DOCUMENTING PEC ACTIVITIES

The responsibility for the organization and state of paper work in the commission is vested in

The preparation of materials for a PEC meeting, the execution and finalization of the documents adopted at its meeting, and the veracity of documenting the commission’s meeting is ensured by

the chair of the PEC
(p. 1.4 Res. No. 350).

the secretary of the PEC
(p. 2.1 Res. No. 350).

Resolutions and protocol decisions adopted by the commission and the acts and protocols drawn up by the commission must be appropriately enumerated (p. 4.7 Res. No. 350).

THAT IS,

If the PEC gets together for its third meeting, then, accordingly, number “3” will be assigned to the minutes of the PEC meeting. If the PEC adopted six resolutions at its previous two meetings, then the number of the first resolution adopted at the third meeting will be “7”; of the next one, “8,” etc.

The minutes of the meeting, the PEC resolutions, the attachments to a resolution or a protocol decision adopted at the PEC meeting are signed by (p. 4.7 Res. No. 350):

• the PEC chair or the chair of the meeting,
• the PEC secretary or the secretary of the PEC meeting.
MINUTES OF A PEC MEETING

Discussion of issues and decisions considered and adopted at a PEC meeting is recorded in the minutes of the commission’s meeting which is prepared on the basis of records made during the meeting by the secretary of the commission, or the meeting’s secretary (p. 3.1 Res. No. 350).

The minutes are appended with attachments consisting of the originals of the documents adopted at the meeting, as well as with written dissenting opinions of PEC members who participated in the commission’s meeting and disagreed with the final decision.

For purpose of familiarization, no later than at the next meeting of the commission, minutes of its meeting (P.12 Art.28)

must be presented
to the commissioners (at their request).

can be presented
to voters, election commissions, candidates for the office of President of Ukraine, parties nominating candidates for the office of President of Ukraine, official observers from a political party that is an electoral subject, from a candidate for the office of President of Ukraine or from a nongovernmental organization (at their request).

IMPORTANT!

A commission member has the right to sign the minutes of the PEC meeting.
HOW TO DRAW UP MINUTES OF A PEC MEETING

A blank form of the minutes of a PEC meeting can be printed from Attachment 1 to CEC Resolution No. 350 of November 15, 2010.

1. Enter the name and date of the election:
   “Regular election of the President of Ukraine on March 31, 2019.”
2. Assign a number to the minutes and enter the name of the commission. Specify the date and place of the meeting.
3. Specify in the minutes the number of commission members actually present at the meeting.
4. If the commission has invited other persons for resolving issues on the agenda, enter their positions, last name and initials, or write “according to the list appended hereto” and add the registration form.
5. If the meeting is attended by persons who have the right to be present at a meeting of the commission without permission or invitation pursuant to law, enter their positions, last name and initials, or write “according to the list appended hereto” and add the registration form.
6. In the section “AGENDA”, write, in the nominative case, all issues to be considered by the commission.
7. For each of the issues on the agenda, complete a section consisting of three parts beginning with the words:
   “Heard” (specify the position, last name and initials of the reporter and a summary of the report or proposal).
   “Speakers” (provide a summary of other reports and the last name and initials of the speakers on the issue)
   “Decided (resolved)” (specify content of the decision that the commission voted for).
8. Count and enter in the minutes the number of commissioners voting for, against, and abstaining.
9. Execute the decision in the form of a resolution or a protocol decision and specify in the minutes of the meeting. Append the minutes with attachments consisting of originals of all the documents adopted at the meeting.
10. The commission chair (or the chair of the meeting) and the commission secretary are to sign the minutes and affix them with a seal.
Червоні Вибори Президента України
(ніч виборів, референдуму)
31 березня 2019 року
(дата проведення виборів, референдуму)

ПРОТОКОЛ № 1
засідання Дільницької виборчої комісії № 631089 у виборах Президента України
територіального виборчого округу № 179
(назва виборчої комісії)

"19" березня 2019 року
(дата проведення)
м Київ
(місце проведення – назва населеного пункту)

Усіх членів комісії: 13 осіб.

Присутні на засіданні члени комісії: Андріївська О.О., Іванова І.І., Бандура А.С., Герась І.Л., Крук О.М., Шивко К.Т., Середа Г.В., Максименко З.С., Вінгер Р.М., Власів С.С., Березовця В.П., Гнат О.Л.
(підписи, ініціали)

Запрошені на засідання: не запрошувалися.
(посада, прізвище, ініціали або інше, що зазначається)

Присутні на засіданні: Олійникова І.І., офіційний спостерігач від кандидата в Президенти Іванова Сергія Олександровича.
(посада, прізвище, ініціали або інше, що зазначається)

ПОРЯДОК ДЕННИЙ:

1. Внесення змін до графіку чергування членів ДВК виборчої дільниці № 631089 у приplashені виборчі дільниці
(попередній папір порядку денного)

1. Слухати: голову дільничної виборчої комісії Андрієвську О.О. про необхідність внесення змін до графіку
чергування ДВК № 631089 у приляжені виборчі дільниці у зв'язку із стаючим здоров'ям члена ДВК Голова
І.Л., який не може чергувати у приляжени виборчій дільниці 22 березня 2019 року.
(зміст питання та посада, прізвище, ініціали доцільних)

Виступили: Заступник голови ДВК Іванова І.І. запропонувала внести зміни до графіку чергування ДВК № 631089
у приляжени виборчі дільниці 22 березня 2019 року.
(підписи, ініціали доцільних, короткий зміст питання виступу)

Вирішили (постановили): внести зміни до графіку чергування у приляжені виборчі дільниці 22 березня 2019 року
у ДВК № 631089.
(підписи, ініціали доцільних, короткий зміст постанови)

За це рішення проголосували:
За 13 (найменувати)
(ініціали, прізвище)
Проти 0 (голосів)
(ініціали, прізвище)
Утрималися 0 (голосів)
(ініціали, прізвище)

Рішення (постанова, протокольне рішення) № 6 додається.

Голова дільничної виборчої комісії
(підпис)

Андрієвська О.О.
(підпис, ініціали)

Іванова І.І.
(підпис, ініціали)
PEC PROTOCOL DECISION

A PEC can adopt protocol decisions on **issues pertaining to its current activities**; the content of such decisions is entered in the minutes ("protocol") of the meeting of the election commission and is **not presented as a separate document**.

**SPECIMEN FROM THE MINUTES OF A PEC MEETING**

**Heard:** PEC Chair O.O. Andriievska spoke about the necessity to appoint from among the PEC members the secretary of the meeting, since PEC secretary I.P. Ivanova is entrusted with drawing up the vote-counting protocol.

**Speakers:** PEC secretary I.P. Ivanova proposed that PEC member O.M. Kruk be entrusted with responsibility to keep the minutes of the PEC meeting, noting that O.M. Kruk has experience of working as a PEC secretary at the early election of the President of Ukraine in 2014.

PEC member O.M. Kruk said he was ready to assume the responsibility of keeping the minutes of the meeting during counting of votes.

**Decided (resolved):** To entrust PEC member O.M. Kruk with the responsibility to keep the minutes of the PEC meeting.

Votes for this decision:

- For 12 (twelve)
- Against 0 (none)
- Abstained 0 (none)
PEC RESOLUTION

The decision of an election commission on an issue it considered is **executed** in writing, **in the form of a resolution** which must contain (p. 2.9 Res. No. 350):

- the name of the commission;
- the title of the resolution;
- the time, date and place of adoption;
- a serial number;
- a statement of reasons, with reference to circumstances requiring consideration of the issue at the meeting of the commission;
- a reference to specific provisions of normative legal acts or resolution of a higher-level election commission or court judgments the PEC was guided by when adopting the resolution;
- disposition.

The resolution **is to be signed** by the chair of the commission (or designated chair of the meeting) and secretary of the commission (or designated secretary of the meeting) (p. 4.7 Res. No. 350). The signatures are affixed with the PEC seal.

The PEC resolution **is posted in public view** on a presentation stand for the commission’s official materials which is arranged in the commission’s premises in a place freely accessible to visitors:

- no later than on the morning of **the next day** after the day of its adoption;
- if adopted on the eve of the day of voting or during the counting of votes, **no later than 4 hours** after conclusion of the meeting of the election commission.

**A copy of the resolution**, certified by the chair of the PEC or the deputy chair and the PEC secretary and affixed with the PEC seal, is to be issued to **an electoral subject** whom the resolution concerns, at his/her request

- **no later than 4 hours after its adoption**;
- **immediately**, if adopted on the eve of the day of voting or on the day of voting (P. 16 Art. 28).
HOW TO EXECUTE A PEC RESOLUTION?

A blank form of a PEC resolution can be printed from Attachment 2 to CEC Resolution No. 350 of November 15, 2010.

1. Enter the name and date of the election:
   “Regular election of the President of Ukraine on March 31, 2019.”
2. Enter the name of the commission, specify the election district, its number, and the name of the region.
3. Specify the date and place of the meeting and also assign a number to the resolution.
4. Enter the title of the resolution – remember that it must be concise and reflect the main content of the resolution.
5. Complete the statement of reasons, which must contain reference to the circumstances necessitating consideration of the issue at the meeting of the commission, reference provisions of normative legal acts or decisions of the CEC or of the relevant election commission or court judgments the PEC was guided by when adopting the resolution.
6. Enter the name of the Precinct Election Commission.
7. Complete the “substance” element of the decision, which must contain the PEC decision, presented in the form of a conclusion, with indication of tasks and measures aimed at the exercise of the commission’s authority regarding the issue under consideration; and if required, instructions as to the necessity for bringing the content of the resolution to the notice of the subjects to which it applies, the implementers, the persons entrusted with supervising the document’s implementation, the timeframe for its implementation and attachments.

Remember the “substance” element must consist of enumerated paragraphs and subparagraphs!

8. Append the resolution with all necessary attachments (if any).
9. The chair of the commission (the designated chair of the meeting) and the designated secretary of the commission (the secretary of the meeting) are to sign the resolution and the attachments and affix them with the PEC’s seal.
Regular election of the President of Ukraine

(name of election)

on March 31, 2019

(date of the election)

Precinct Election Commission for the election of the President of Ukraine of election precinct No. 631089

(city of Kyiv)

(name of the commission, indication of the election district and its number, name of the region)

territorial election district No. 170, Kharkiv oblast

(indication of the election district and its number, name of the region)

RESOLUTION

(city of Kharkiv)

(place of adoption – name of locality)

“20th” of March, 2019

19 hours 30 minutes

(час, дата прийняття)

On Making Changes to the Duty Schedule for the Premises of the Precinct Election Commission for the Election of the President of Ukraine of election precinct No. 631089, territorial election district No. 170

(name)

Since PEC member I.D. Helesh will not be able to be on duty in the premises of the Precinct Election Commission for the election of the President of Ukraine of election precinct No. 631089, TED No. 170, on March 22, 2019 for medical reasons, after considering proposals from PEC members, and in accordance with P.1 Art. 32 of the LU “On the Election of the President of Ukraine,”

(statement of reasons)

the Precinct Election Commission for the election of the President of Ukraine of election precinct No. 631089, territorial election district No. 170,

(name of the election commission, commission on referendum)

HOLDS THAT:

1. Changes will be made in the duty schedule on the premises of the Precinct Election Commission for the election of the President of Ukraine of election precinct No. 631089, TED No. 170, and PEC member S.S. Vlasov will be entrusted with being on duty. PEC member S.S. Vlasov must be immediately notified of this information.

2. This resolution will be posted on the stand for official materials

PEC Chair ________________ O.O. Andriievska
PEC Secretary ________________ I.D. Ivanova

STAMP HERE
**DISSENTING OPINION OF A PEC MEMBER**

A PEC member who takes part in its meeting and disagrees with a decision adopted by the commission has the right, within 2 days after the meeting at which the decision was adopted, to express, in writing, his/her dissenting opinion, which will be appended to the minutes of the meeting of the election commission (P. 15 Art. 28).

**PEC ACTS AND PROTOCOLS**

A PEC draws up “acts” and “protocols”.

An act of a commission certifies a certain fact or event discovered and established by the commission.

For example,

“ACT on Mismatch between the Counted Number of Ballot Papers and the Number Specified in the Excerpt from the Protocol of the District Election Commission on Transfer to Precinct Election Commissions of Ballot Papers for the Election of the President of Ukraine”

A protocol of a commission establishes the results of certain actions implemented by the commission.

For example,

“Vote Counting Protocol of the Precinct Election Commission for the Election Precinct in the Territorial Election District”

Acts and protocols of an election commission are drawn up in cases specified by law, in accordance with forms approved by the CEC and in the number of copies established by law (p. 4.3. Res. № 350).

An act or protocol of a commission is to be signed by all members of the election commission present at the meeting; their signatures are to be affixed with the election commission’s seal.

The right to sign the first copy of an act or protocol is granted to candidates for the office of President of Ukraine, their proxies, authorized representatives of candidates for the office of President of Ukraine to the Central Election Commission, and official observers present at the meeting.
REGISTRATION OF DOCUMENTS, APPLICATIONS AND COMPLAINTS

The right to accept documents and appeals received by the PEC is granted to the chair of the commission, the deputy chair of the commission, its secretary, or other commissioners specified by the commission (p. 5.2. Res. No. 350).

AN APPLICATION (p. 5.3, 5.4 Res. No. 350)

- can be ORAL (presented by a citizen and recorded by the chair, deputy chair, secretary, or member of the commission during a personal reception)
- can be WRITTEN (presented to the commission personally or through an authorized person, if his/her authority is registered pursuant to the legislation of Ukraine, or sent by mail, telegraph, fax, or email)

Documents, Applications, Complaints ARE REGISTERED on the day of receipt

- in the book of registration of personal reception of citizens
- in the book of registration of documents, applications and complaints

The commission does not register anonymous, personal, or greeting letters, or invitations received by the commission.

In the right bottom part of the 1st page of a document, application, complaint, or in some other part of that page where there is no text (except for the place designated for binding), the registration (entry) number and the date of receipt are indicated; the number must match the serial number of the entry in the book of registration of documents, applications and complaints (p. 5.5 Res. No. 350). The person filing documents with the PEC must draw up a note in which he/she specifies his/her last name, first name, patronymic, and provides a brief description of the documents being filed, with the number of pages and of the date and time of filing. The note will be stored with the filed documents.
* The pages of the book are enumerated; the book is bound and affixed with the seal of the commission.
* When incoming correspondence is registered, columns 1, 5, 10, and 11 are to completed.
* The pages of the book are enumerated; the book is bound and affixed with the commission’s seal.

**ЖУРНАЛ**
обліку особистого прийому громадян у виборчій комісії та комісії з референдуму

Чергові вибори Президента України 31 березня 2019 року
(назва і дата проведення виборів)

(назва комісії, номер виборчого округу, назва регіону)

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1. The minutes of a commission’s meeting are presented to PEC members for familiarization purposes:

   a) immediately;
   
   b) no later than the next day;
   
   c) upon finalization.

2. An act drawn up by a PEC:

   a) establishes results of certain actions implemented by the commission;
   
   b) records the agenda of the PEC meeting;
   
   c) certifies a fact or event discovered and established by the commission.

3. A voter’s application can be presented:

   a) orally and in writing;
   
   b) orally;
   
   c) in writing.

4. What is the timeframe for a PEC member who took part in its meeting and disagrees with a decision adopted by the commission has the right to express a dissenting opinion?
53

5. What book is used for registering personal or greeting letters received by the commission?

- a) in the book of registration of documents, applications and complaints;
- b) in the book of registration of personal reception of interested citizens;
- c) greeting letters are not registered.

6. A PEC resolution is posted in public view:

- a) on the stand for official materials of the PEC;
- b) on the stand for official materials of the DEC;
- c) on the CEC website.
VOTER LISTS
TYPES OF VOTER LISTS

Preliminary and updated voter lists for regular and special election precincts established at penitentiary institutions are maintained by State Voter Registry (SVR) maintenance bodies (P. 1 Art. 31, P. 3 Art. 36).

The voter list at an election precinct includes citizens of Ukraine who have attained the age of 18 as of the day of the election, who have the right to vote and whose voting address, according to SVR data, is assigned to that election precinct.

A voter can be included in a voter list for only one election precinct.

Voter lists are compiled in accordance with the form established by the CEC in two paper copies. Each page of a voter list is to be signed by the head of the SVR maintenance body whose signature is certified with the seal of that body.

A list has continuous numbering of voters and its pages are enumerated. Voters are included in the list in such a way that information on voters with the same residential address is placed side by side (P. 4 Art. 31).

The procedure for compiling and transferring voter lists for regular election precincts differs from that for special election precincts, except for special election precincts established at penitentiary institutions.
RECEPTION OF A PRELIMINARY VOTER LIST AT A REGULAR ELECTION PRECINCT

The SVR maintenance body must, no later than

8 DAYS BEFORE ELECTION DAY (P. 6 ART. 31)

transfer to the PEC, on the premises of the SVR maintenance body, one copy of the preliminary voter list and printed personal invitations (the second copy of the preliminary voter list is stored at the SVR maintenance body).

The preliminary voter list must be received, on behalf of the PEC, by no less than three members of that commission who are authorized by its decision to do so. One of these three PEC members must be the chair of the PEC; and, if that is impossible, the deputy chair or the secretary of the commission.

The transfer of the preliminary voter list to the PEC is certified by an act in two copies. One copy of the act is stored at the SVR maintenance body; the other copy is stored at the PEC.
VOTERS’ FAMILIARIZATION WITH THE PRELIMINARY VOTER LIST

On the next day after the reception of the preliminary voter list, the PEC must post it in public view in the PEC premises (P. 1 Art. 32), that is, it must provide each citizen with the opportunity to familiarize himself/herself with the voter list in the PEC premises and check the accuracy of the information about him/her entered on the list (P. 3 Art. 32).

Should a citizen discover inaccuracies made when compiling the preliminary voter list or non-inclusion/incorrect inclusion/exclusion of himself/herself or other persons from the voter list, or faults regarding presence or absence of marks indicating the voter’s permanent inability to move without assistance, the citizen is entitled to apply to

the relevant PEC $\rightarrow$ the court with territorial jurisdiction over the election precinct of the SVR maintenance body

or

Examples of inaccuracies in a preliminary voter list: A typo in the last/first name/patronymic; incorrect address; incorrect mark on a permanent inability to move without assistance (its absence in case of a person permanently unable to move without assistance, or, its presence in the case of someone who is able to move without assistance).
VOTER’S APPEAL REGARDING INACCURACIES IN THE PRELIMINARY VOTER LIST

A citizen who wants to appeal to the PEC in connection with inaccuracies he/she has discovered, including cases of non-inclusion, incorrect inclusion or exclusion, and the presence or absence of marks indicating the voter’s permanent inability to move without assistance, must,

NO LATER THAN 5 DAYS BEFORE ELECTION DAY
(P. 5 Art. 32) file an in-person written appeal with the PEC or the SVR maintenance body (P. 4 Art. 32)

An appeal is to be appended with documents (copies of documents) certifying the information specified in it; for example, a passport copy (if name spelling inaccuracies have been discovered in the list) or a medical institution certificate confirming the voter is permanently unable to move without assistance.

IMPORTANT!

If a citizen is unable, for health reasons, to submit an application personally, the Precinct Election Commission must, in response to his/her appeal, provide for reception of his/her application in other way.

The PEC is obliged to consider an appeal within one day (P. 5 Art. 32) and adopt a decision on delivering the appeal to the SVR maintenance body and immediately send the decision, along with the voter’s appeal and documents (copies of those documents) appended to it, to the relevant SVR maintenance body (P. 6 Art. 32). The decision must, no later than the next day after the day of its adoption, be issued to the applicant, and also be sent to the person whom this decision concerns if that person is not the applicant (P. 6 Art. 32).
EXAMPLE OF A RESOLUTION ON VOTERS’ APPEALS

Regular election of the President of Ukraine on March 31, 2019
Precinct Election Commission for the election of the President of Ukraine of election precinct No. 631089
territorial election district No. 170, Kharkiv oblast

RESOLUTION

city of Kharkiv

“20th” of March, 2019

On appeal from voter Nataliia Serhiivna Onishchuk to correct the preliminary voter list

On March 24, 2019, citizen N.S. Onishchuk filed an appeal with the Precinct Election Commission for the election of the President of Ukraine of election precinct No. 631089, TED No. 170, seeking correction of the voter list for election precinct No. 631089, namely, her inclusion in the voter list for that election precinct. The permanent registration address specified in the passport of citizen of Ukraine presented by N.S. Onishchuk is: 67B, Peremohy Avenue, Kharkiv, Kharkiv oblast. Voters with that voting address are to be included in the preliminary voter list for election precinct No. 631089, but citizen N.S. Onishchuk is not present in the voter list.

In view of the above, in accordance with Part six, Article 32 of the Law of Ukraine “On the Election of the President of Ukraine,” the Precinct Election Commission for the election of the President of Ukraine of election precinct No. 631089, TED No. 170,

HOLDS THAT:

1. The appeal from citizen N.S. Onishchuk, with a copy of the passport issued for Nataliia Serhiivna Onishchuk, which is appended to it, will be delivered to the State Voter Register maintenance body of Kyivskyi rayon of the city of Kharkiv.

2. This resolution will immediately be delivered to the State Voter Register maintenance body of Kyivskyi rayon of the city of Kharkiv.

3. This resolution must be issued to N.S. Onishchuk before March 26, 2019.

PEC chair ________________ O.O. Andriievska
PEC secretary ________________ I.D. Ivanova

STAMP HERE
WHAT IF A VOTER TURNS TO A COURT ABOUT INACCURACIES IN THE PRELIMINARY VOTER LIST?

If a citizen files a lawsuit to a court against inaccuracies, non-inclusion, incorrect inclusion or exclusion and the court ruled for that voter, then

→ THE COURT DECISION

to make amendments to the voter list must be filed by the voter with the respective SVR maintenance body

**NO LATER THAN 5 DAYS BEFORE THE DAY OF VOTING**
(P. 10 Art. 32)

A voter can also submit the court’s decision to the PEC, which must immediately forward it to the SVR maintenance body.

**IMPORTANT!**

After that deadline (that is, later than 5 days before the day of voting), the voter can submit the court’s decision only to the PEC (P. 10 Art. 32).
HOW CAN PEC MEMBERS CAST BALLOTS?

A PEC member who wants to vote at the election precinct in whose territory he/she will be working on the day of the election must submit,

**NO LATER THAN 5 DAYS**
before the day of voting (P. 3 Art. 34)

to the SVR maintenance body with jurisdiction over the relevant PEC or over his/her voting address an appeal for a temporary change of place of voting without changing the voting address.

PERSONAL INVITATIONS

The PEC must send or deliver in some other way to each voter in a regular election precinct a personal invitation received (during the transfer of the preliminary voter list) (P. 6 Art. 31) from the SVR maintenance body,

**NO LATER THAN 5 DAYS**
before the day of voting (P. 2 Art. 32)

The invitation must mention the voter’s inclusion in the preliminary voter list, the address, telephone number, and work schedule of the PEC, the time and place of voting, as well as the possibility to vote at the place of one’s stay for voters who have that right.
RECEPTION OF THE UPDATED VOTER LIST

THE SVR MAINTENANCE BODY TRANSFERS,

NO LATER THAN 2 DAYS
before the day of voting (P. 6 Art. 34)

to the PEC one paper copy of the updated voter list in the premises of the SVR maintenance body (the second copy of the updated voter list is to be stored at the SVR maintenance body).

The updated voter list must be received, on behalf of the PEC, by no less than three members of that commission who are authorized by its decision to do so. One of these three PEC members must be the chair of the PEC; and if that is impossible, the deputy chair or the secretary of the commission.

The transfer of the updated voter list to the PEC is certified by a relevant act in two copies. One copy of the act must be stored at the SVR maintenance body; the other copy must be stored at the PEC.
MAKING CHANGES TO THE UPDATED VOTER LIST AT A REGULAR ELECTION PRECINCT

Changes to the updated voter list at a regular election precinct are made (P. 1 Art. 35)

by the PEC chair, or deputy chair, and secretary

on the basis of (P. 2 Art. 35):
- a court decision,
- a notification from the relevant SVR maintenance body about eliminating multiple* inclusion of a voter in the voter list for that election precinct.

IF A VOTER MUST BE INCLUDED

67. Skilbida, Ivan Stepanovych
68. Skulbida, Mariia Viktorivna
69. Tarasenko, Lidiia Petrivna
70. Tarasenko, Andrii Petrovych
71. Tomenchuk, Larysa Andriivna

Voter-related information required by the voter list form is entered at the end of the voter list. In such case, the date and number of the court decision must be specified in the column “Notes” (P. 4 Art. 35)
IF A VOTER MUST BE EXCLUDED

Information on a voter groundlessly included in the corrected list is to be **stricken** from the voter list.

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>67.</td>
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</tr>
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</tr>
<tr>
<td>69.</td>
<td>Tarasenko, Lidiia Petrivna</td>
</tr>
<tr>
<td>71.</td>
<td>Tarasenko, Stepan Olehovych</td>
</tr>
<tr>
<td>70.</td>
<td>Tarasenko, Andrii Petrovych</td>
</tr>
</tbody>
</table>

In the column “Notes”, the word “Excluded” must be written; the PEC chair and secretary append their signatures. The date and number of the court decision or of the notification from the SVR maintenance body are written in the column adjacent to the voter’s last name (P. 5 Art. 35).

When changes are made to the voter list at a regular election precinct, the PEC of the regular election precinct must **immediately** provide the relevant SVR maintenance body with information on voters included in the voter list or those excluded from it (P. 7 Art. 35).

**IMPORTANT!**

On the day voting, no changes can be made to the updated voter list (P. 3 Art. 35).

HOWEVER, on Election Day, the PEC chair, deputy chair, or secretary are empowered to correct inaccuracies and technical errors in the updated voter list, such as an incorrectly written last name, first name, patronymic, date of birth, building number, apartment, place of residence, providing that despite of such technical errors, it is clear that the voter that came to the EP for voting is the one included in the voter list. Such correction is to be certified by the signature of the PEC Chair or deputy Chair or secretary in the column “Notes” (P. 8 Art. 35).
COMPILING A PRELIMINARY VOTER LIST
AT A SPECIAL ELECTION PRECINCT

PRELIMINARY VOTER LISTS ARE COMPILED

at special election precincts (except for precincts at inpatient healthcare institutions) established in the institutions in which the voters with restricted mobility temporarily stay

at special election precincts established at inpatient healthcare institutions

NO LATER THAN 15 DAYS
before election day (P. 1 Art. 36)

NO LATER THAN 7 DAYS
before election day (P. 2 Art. 36)

based on information provided by the directors of the respective institutions, ship captains, commanders of military units where election precincts are created.

based on information provided by the directors of the inpatient healthcare institutions.

In the event of creation of a new inpatient healthcare institution, penitentiary, or other establishment in which voters with restricted mobility temporarily stay, unforeseen sea duty of a a ship under the National Flag of Ukraine, or on the territory of a military unit (formation), upon a submission from the relevant District Election Commission or the Ministry of Defense of Ukraine, or creation of a special election precinct in an exceptional case (P. 10 Art. 20), the voter list is compiled by the PEC no later than seven days before election day based on information provided by the head of the respective establishment, institution, ship captain, or commander of a military unit (formation). When the voter list has been compiled, the PEC immediately provides information on the voters included in that list to the SVR maintenance body with territorial jurisdiction (P. 15 Art. 36).
• On the next day after compiling the voter list, the PEC of a special election precinct posts one copy of it in public view at the PEC premises (P. 4 Art. 36).

• After compiling the voter list at a special election precinct, the PEC immediately provides information on voters included in it to the SVR maintenance body with territorial jurisdiction (P. 5 Art. 36).

• A person included in the voter list at a special election precinct established at an inpatient healthcare institution is immediately notified in writing about such inclusion (P. 2 Art. 36)

**IMPORTANT!**

Voters who must leave the healthcare institution before the day of the election are not included in the submission and in the voter list for such a precinct (P. 2 Art. 36)
CORRECTION OF THE VOTER LIST AT A SPECIAL ELECTION PRECINCT IN A HEALTHCARE INSTITUTION

If a voter has come to an inpatient healthcare institution later than 10 days before the day of voting, but earlier than three days before the day of voting,

the respective PEC is to correct the voter list by including that voter in the voter list based on information immediately provided by the head of the relevant institution, whose signature is to be certified by the institution’s seal. (P. 6 Art. 36).

If a voter has come to a healthcare institution in the same locality where he/she resides later than three days before the day of voting, he/she can apply to the election commission of the regular election precinct where he/she is included in the voter list, asking to be provided with the opportunity to vote at the place of his/her stay in accordance with procedure and within the timeframe specified by law. In such case, he/she will not be included in the voter list at the special election precinct (P. 7 Art. 36).

Voters have the right to file an appeal with the PEC of a special election precinct or file a lawsuit to the court regarding inaccuracies that were made when the preliminary voter list was being compiled (P. 9 Art. 36).

Such appeal is to be submitted to the PEC personally (P. 9 Art. 36) no later than three days before the day of voting (P. 10 Art. 36). An appeal submitted to the election commission after that deadline will not be considered.

An appeal submitted in a timely manner is to be considered by the election commission immediately. Based on the result of consideration of the appeal, the PEC is obliged to adopt a decision on making a change to the voter list or a motivated decision to dismiss the appeal. A copy of the decision is to be issued to the voter on the day of its adoption (P. 10 Art. 36).
When making changes to a voter list, the PEC of a special election precinct immediately provides information on voters included in the voter list or excluded from the list to the relevant SVR maintenance body (P. 12 Art. 36).

This must be done to eliminate multiple inclusion of a voter at two election precincts simultaneously. Thus, after receiving information on the inclusion of a voter at a special election precinct, the SVR maintenance body must notify the PEC of the regular election precinct where the voter is included in the voter list about his/her multiple inclusion and the PEC of the regular election precinct must exclude the voter in accordance with the procedure specified law.

If the SVR receives such information later than five days before the day of voting and discovers multiple inclusion of a voter, i.e. his/her inclusion in the voter list at another election precinct, the SVR maintenance body must immediately report this to the respective PEC (P. 13 Art. 36).

**HOW CAN A PEC MEMBER OF A SPECIAL ELECTION PRECINCT CAST A BALLOT?**

The PEC members of a special election precinct are included in the voter list for that election precinct based on the decision of the election commission to establish the PEC of that special election precinct (P. 14 Art. 36).
APPLICATIONS FOR VOTING AT THE PLACE OF STAY AND EXCERPT FROM THE VOTER LIST

A voter who is temporarily unable to move without assistance submits by mail or through other persons to the PEC of a regular election precinct

**NO LATER THAN 20:00, MARCH 29, a personally written application** (together with a certificate from the medical institution) asking to be provided with the opportunity to vote at the place of his/her stay, **with indication of the voter’s place of stay** (P. 5 Art. 77).

At **special election precincts** established at inpatient healthcare institutions, voting at a voter’s place of stay is administered **on the basis of an application personally written** by the voter asking to be provided with the opportunity to vote at the place of his/her stay **in connection with the necessity to be confined to bed** (P. 7 Art. 77).

**An application** from a voter wishing to vote at the place of stay **is registered** by the PEC in the registration book (P. 8 Art. 77).

To organize place-of-stay voting for voters unable to move without assistance, the PEC will, on the last day before election day (P. 2 Art. 77).

**THAT IS, ON SATURDAY, MARCH 30, prepare at its meeting an excerpt from the voter list.**

Immediately after such an excerpt has been compiled, it will be posted in public view at the PEC premises.
The excerpt from the voter list is to include (P. 3 Art. 77):

- **without the commission’s decision** – a voter who is permanently unable to move without assistance and of whom a relevant mark is specified in the voter list, if such voter has not notified the relevant PEC, in writing or personally, **before 12 PM of the last Saturday before the day of the election** about his/her wish to vote in the premises for voting;

- **by the decision of the PEC** - a voter who is temporarily unable to move without assistance, **based on his/her application and health certificate from a medical institution**.

**IMPORTANT!**

Before inclusion of the voter to the excerpt from the voter list, the PEC members are obliged to check the fact of the voter’s temporary inability to move without assistance. If this fact is not confirmed, the PEC adopts a decision refusing to provide that voter with the opportunity to vote at the place of his/her stay (P. 4 Art. 77).

When a voter is included in the excerpt from the voter list for voting at the place of his/her stay, the PEC **secretary** writes “**voting at the place of stay**” **in the column “voter’s signature”** in the voter list for the election precinct.
Repeat voting is sometimes also called the second round of the election (runoff election). This is voting for candidates for the office of President which is called by the CEC if two or more candidates were included in the ballot paper for the first round, but none of them was elected by an absolute majority of the votes cast. In case of repeat voting, two candidates that received the highest number of votes as a result of voting on election day are included in the ballot paper.

I.

To administer repeat voting, the voter lists produced by the SVR maintenance bodies are handed over to the PECs of election precincts

NO LATER THAN 2 DAYS
before the day of repeat voting (P. 1 Art. 36)

II.

Voter lists for repeat voting at special election precincts other than election precincts established at penitentiary institutions are produced by the relevant PECs

NO LATER THAN 2 DAYS
before the day of repeat voting (P. 3 Art. 36)

based on information provided by the directors of the relevant institutions.
The voter lists for repeat voting are to include citizens of Ukraine who have attained or will have attained the age of 18 by the day of the repeat voting (P. 4 Art. 36).

That is, if a voter did not vote in “the first round” because he/she had not attained 18 years as of the day of the election, he/she will necessarily be included in the voter list for repeat voting if he/she will have attained the age of 18 as of the day of the repeat voting.

PERSONAL INVITATIONS TO REPEAT VOTING

The PEC of a regular election precinct will send or deliver in other manner a personal invitation to each voter

NO LATER THAN 3 DAYS before the day of repeat voting (P. 5 Art. 36)
TESTS FOR THE SECTION

Test yourself by choosing one correct answer:

1. The preliminary voter list must be received by on behalf of the PEC by:

a) no less than 3 members of that commission authorized by its decision to do so;

b) no less than 2 members of that commission authorized by its decision to do so;

c) no less than 3 members of that commission from different nominating entities.

2. The PEC of a regular election precinct is to send or deliver in some other way a personal invitation to each voter:

a) no later than 2 days before the day of the election;

b) no later than 3 days before the day of the election;

c) no later than 5 days before the day of the election.

3. Voters who must leave the medical institution before the day of the election:

a) are included in the submission and the voter list for such precinct;

b) are not included in the submission and the voter list for such precinct;

c) this is considered by the medical director.
4. The PEC compiles the excerpt from the voter list:

a) in accordance with the receipt of application;

b) on the last day before the day of the election;

c) two days before the day of the election.

5. If it is necessary to include a voter in the voter list, the voter-related information required by the voter list form is:

a) entered at the end of the voter list;

b) entered in the notes to the voter list;

c) such information is not entered at all.

6. Are changes made to the updated voter list on the day of voting in the election of the President of Ukraine?

a) yes;

b) no;

c) yes, if there is a court decision to that effect.
BALLOT PAPERS FOR VOTING
IN THE ELECTION OF THE PRESIDENT OF UKRAINE
BALLOT PAPERS

Ballot papers are formal, accountable documents (P. 2 Art. 71). The form, color and text of the ballot paper for voting on the day of the election of the President of Ukraine, as well as the form of the ballot paper for repeat voting are approved by the CEC no later than 22 days before the day of the election. The text of the ballot paper for repeat voting is approved by the CEC no later than 10 days before the day of repeat voting.

The protection levels of the ballot papers are established by the Central Election Commission.

The CEC provides for centralized production of ballot papers of the established form and transfers them to the DECs (p. 12 P. 2 Art. 25).

TRANSFER OF BALLOT PAPERS

No earlier than three days, but no later than 24 hours before the day of the election or the day of repeat voting, a DEC transfers, at its meeting, all ballot papers, packaged by the manufacturer, to the PECs (P. 3 Art. 73).

On behalf of each PEC, the ballot papers are received by no less than three members of the PEC authorized by its own decision (P. 3 Art. 73).

With ballot papers, representatives of each PEC that received the ballot papers are presented with an excerpt from the DEC protocol on transfer of ballot papers to the PEC, which is signed by the chair and secretary of the DEC and the three PEC members who received the ballot papers and certified with the DEC seal (P. 5 Art. 73).
Acceptance of ballot papers by the PEC takes place at a meeting of the PEC immediately after the arrival of the members of the election commission who received the ballot papers (P. 10 Art. 73).

The secretary of the PEC opens up the manufacturer’s package and affixes the PEC seal in designated places on each ballot paper.

Another PEC member, identified by a commission decision, counts the received ballot papers, checking accuracy of the district number and the election precinct number indicated on the ballot papers.

IMPORTANT

During the vote counting, it is prohibited to divide the commission into several groups so that each group will count a segment of the ballot papers.
In case of a mismatch between the number of ballot papers established by the counting and the number specified in the DEC protocol on the transfer of ballot papers, the PEC develops a relevant act in two copies in accordance with the form established by the CEC with reference to the reason for the mismatch established by a PEC decision.

One copy of the act is delivered to the DEC and the second one is filed at the PEC.

![Diagram showing the flow from DEC to PEC]

In case of a mismatch between the number of ballot papers counted by the PEC and the number specified in the excerpt, the number of ballot papers received by the PEC is the number established during counting of ballot papers at the PEC meeting and recorded the decision on the mismatch.

**IMPORTANT!**

Ballot papers for each election precinct are produced in a number that exceeds by 0.5 percent the number of voters included in the voter list for the election precinct, with possible deviation from the number resulting from the multiplicity of ballot papers being printed on a printing sheet (P. 7 Art. 73).

Ballot papers are stored in PEC premises, inside a closed safe (metal case) which is sealed with tape bearing the signatures of all those present at the meeting of the commission as well as the seal of the commission and is permanently (before Election Day) protected by a police officer (P. 11 Art. 73).
Test yourself by choosing one correct answer:

1. **Ballot papers must be received on behalf of a PEC by:**
   - a) no less than 3 members of that commission authorized by its decision to do so;
   - b) no less than 2 members of that commission authorized by its decision to do so;
   - c) no less than 3 members of that commission from different nominating entities.

2. **How many PEC members can count the received ballot papers?**
   - a) one PEC member, determined by a decision of the PEC;
   - b) two PEC members, determined by a decision of the PEC;
   - c) four PEC members, determined by a decision of the PEC.

3. **Who opens up the manufacturer’s package and affixes the seal in designated places on each ballot paper?**
   - a) the chair of the PEC;
   - b) the deputy chair of the PEC;
   - c) the secretary of the PEC.
4. If there is a mismatch between the number of ballot papers counted by the PEC and the number specified in the DEC protocol on transfer of ballot papers to the PEC, the number of ballot papers received by the PEC is?

a) the number specified in the DEC protocol;

b) the average between the counted number and the number specified in the DEC protocol;

c) the number actually established during the counting of ballot papers at the PEC meeting and recorded in the act on the mismatch.

5. The ballot papers are transported in the presence of a police officer:

a) yes, necessarily so;

b) no, not necessarily so.
VOTING PREMISES
VOTING PREMISES

Voting is conducted in specially allocated and equipped premises in which booths (rooms) are arranged for secret voting and places are designated for the issuance of ballot papers and installation of ballot boxes (P. 1 Art. 74).

The equipment of the premises for voting is entrusted to the PEC

Executive bodies of local government or other bodies (officials) performing their duties in accordance with the law provide the EPs with the necessary premises for voting that are suitable to the requirements of the Law of Ukraine “On the Election of the President of Ukraine” and in line with the standards established by the CEC.

<table>
<thead>
<tr>
<th>EP SIZE</th>
<th>AREA of the premises for voting</th>
<th>NUMBER OF BOOTHS (ROOMS) for secret voting</th>
<th>NUMBER OF LARGE (STATIONARY) BALLOT BOXES</th>
<th>NUMBER OF SMALL (MOBILE) BALLOT BOXES</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMALL (up to 500 voters)</td>
<td>no less than 50 sq. m.</td>
<td>no less than 2</td>
<td>no less than 2</td>
<td>no less than 2</td>
</tr>
<tr>
<td>MEDIUM (from 500 to 1,500 voters)</td>
<td>no less than 75 sq. m.</td>
<td>no less than 4</td>
<td>no less than 3</td>
<td>no less than 2</td>
</tr>
<tr>
<td>LARGE (more than 1,500 voters)</td>
<td>no less than 90 sq. m.</td>
<td>no less than 6</td>
<td>no less than 4</td>
<td>no less than 3</td>
</tr>
</tbody>
</table>

If no premises with the required area are available, it is possible to use, as an exception, less spacious premises, provided that they are no more than 50 percent smaller than required.
Inside the premises for voting or directly in front of it, the PEC must place posters:

1. clarifying the procedure for voting and the liability for violating the legislation on election of the President of Ukraine,

2. of candidates for President of Ukraine, to be placed in alphabetical order (in accordance with the procedure for listing candidates in the ballot paper, P. 5 Art. 74).

When preparing premises for voting, the PEC must plan as follows:

• places for issuance of ballot papers. Also, entrance to and exit from booths for secret voting and the ballot boxes must be within plain view of the PEC members and persons who are legally authorized to be present in the premises for voting;

• ballot boxes are established on the premises for voting in such a way that voters approaching them can go to the booths for secret voting;

• provide for the voting of citizens with limited physical abilities, one booth is set up for secret voting with an entrance width of 110 cm; inside it, a table or shelf is set up, no more than 75 cm, with a space of no less than 67 cm below it to accommodate a wheelchair;

• small mobile ballot boxes are placed in the premises for voting with slots for ballot papers downward in plain view of members of the commission and other persons present at the election precinct during the voting pursuant to law.
1. Who is entrusted with responsibility for equipment of PEC premises?
   a) the DEC;
   b) the PEC;
   c) the institution’s administration in which the premises for voting is located.

2. Information posters of candidates for the office of President of Ukraine are placed:
   a) in alphabetical order;
   b) in random order.

3. Within plain view of the PEC members and the persons legally authorized to be present in the premises for voting are:
   a) the ballot boxes and the entrance to and exit from the booths for secret voting;
   b) the places for issuance of ballot papers, the entrance to and exit from the booths for secret voting and the ballot boxes;
   c) the places for the issuance of ballot papers and the ballot boxes.

4. Small (mobile) ballot boxes are placed in the premises for voting:
   a) with the slots for ballot papers downwards;
b) with the slots for ballot papers upwards;

c) with the slots for ballot papers on the side.

5. **A large election precinct must have:**

a) no less than 6 booths for secret voting and 6 large ballot boxes;

b) no less than 4 booths for secret voting and 6 large ballot boxes;

c) no less than 6 booths for secret voting and 4 large ballot boxes.

6. **To provide for the voting of citizens with disabilities, one booth for secret voting must have:**

a) an entrance width of 110 cm;

b) an entrance width of 60 cm;

c) an entrance width of 80 cm.
PREPARATION FOR VOTING ON ELECTION DAY
PREPARATORY MEETING ON ELECTION DAY

On the day of the election (and on the day of repeat voting), no earlier than 45 minutes before the start of the voting, that is, no earlier than 7:15, the PEC conducts a meeting (P. 4 Art. 75) at which:

1. the safe (metal case) with the ballot papers is opened;

a. After the opening of the safe, the PEC chair announces the number of ballot papers received by the PEC, based on the DEC protocol on the transfer of ballot papers to the PEC, or the act on the mismatch between the counted number of ballot papers and the number specified in the the DEC protocol (P. 10 Art. 73), or the act on damage to the tape sealing the safe (P. 5 Art. 75).

b. The PEC secretary enters the announced number of ballot papers in paragraph 1 of the PEC protocol on the counting of votes at the election precinct. If any such acts have been drawn up, they must be appended to the PEC protocol on vote counting at the election precinct.

IMPORTANT!

In discovery of damage to the tape sealing the safe or wrong signatures or seal on it, the PEC immediately reports this to the National Police and the DEC.

PEC members then re-count the ballot papers; to certify that fact and an act is developed which is to be signed by all those present in the PEC meeting and to be affixed with the PEC seal.

The number of ballot papers specified in the act is determined to be the number of ballot papers received by the PEC (P. 5 Art. 75).
Ballot boxes are examined (P. 10 Art. 75);

a. The PEC chair provides all ballot boxes available at the EP, one by one, to the PEC members, candidates for the office of President of Ukraine, their proxies, official observers, and media representatives for examination.

b. After examination of each ballot box, it is sealed or affixed with the PEC seal.

c. When the ballot box has been sealed (affixed with the seal), a CONTROL SHEET is dropped into it – one that specifies the TED number, the EP number, the time when the sheet was dropped into the ballot box, and bears the signatures of the chair, the deputy chair, the secretary and other members of the PEC, candidates for the office of President of Ukraine, their proxies, and official observers present at that point. The commission’s seal is affixed to the sheet. This procedure is repeated for each ballot box.

d. Small (mobile) ballot boxes are placed in the premises for voting with the slots for ballot papers downward within plain view of the members of the commission and other persons present at the election precinct during the voting in accordance with the Law.

The ballot papers are handed over to the PEC members who will issue them to the voters (P. 11 Art. 75);

a. The PEC chair distributes the necessary number of ballot papers to PEC members who will issue them to voters in the premises for voting and who will organize voting at voters’ place of stay.
The number of ballot papers received by PEC members for organizing voting at voter’s place of stay must be equal to the number of voters included in the excerpt from the voter list.

b. The transfer of ballot papers is registered in accordance with the form established by the CEC. Members of the PEC certify reception of the ballot papers by putting their signatures in the register and provide for their storage and for adherence to the procedure for their issuance to the voters.

Not a single ballot paper may remain in the safe (case).

b. The PEC chair hands over the voter list pages to the PEC members authorized to work with the voter list (P. 12 Art. 75);

a. The PEC chair distributes pages of the voter list to the PEC members authorized to work with the voter list on the day of the election. PEC members provide for their storage and adherence to the procedure for their use.

Before the start of the voting at 8:00, the PEC informs the DEC about (P. 13 Art. 75):

a. the number of voters included in the voter list at the election precinct, as of the beginning of voting;

b. the number of voters included in the voter list for voting at voters’ place of stay.
ORGANIZATION OF AND PROCEDURE FOR VOTING
ORGANIZATION OF AND PROCEDURE FOR VOTING

Voting is conducted on the day of the election and on the day of repeat voting, from 8:00 to 20:00.

The PEC is entrusted with organizing voting, maintaining order in the premises for voting and ensuring secrecy of expression of the voters’ will.

DOCUMENTS FOR VOTING

A voter wishing to receive the ballot paper for the election of the President of Ukraine must present to the respective PEC member one of the following documents certifying citizenship of Ukraine at regular and special election precincts:

1. passport of a citizen of Ukraine in the form of
   a passport booklet   or   an ID card

2. military service record card (exclusively for military conscripts);

3. temporary certificate of a citizen of Ukraine
At a special election precinct established at the penitentiary institution or pretrial detention center:

A card (certificate) from the penitentiary institution or pretrial detention center — for persons detained in penitentiary institutions or pretrial detention centers.

**CARD (CERTIFICATE)**

<table>
<thead>
<tr>
<th>Photo 3x4</th>
<th>(Last name)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(First name, patronymic name)</td>
</tr>
<tr>
<td>Signature and the seal</td>
<td>(Date, month, year of birth)</td>
</tr>
</tbody>
</table>

DEPARTMENT N°__

Articles: p 115, CC of Ukraine
Term: 15 years imprisonment
Start of the term: 24.10.2002
End of the term: 24.10.2017

The card (certificate) must specify:
1. last name, first name, patronymic;
2. date, month, year of birth,
3. citizenship,
4. person’s photo,
5. director’s signature and the seal of the institution.

At an out-of-country election precinct, as well as at a special election precinct established on a ship sailing on the day of the election under the National Flag of Ukraine, or at Ukraine’s polar station:

1. passport of citizen of Ukraine for travel abroad;
2. diplomatic passport;
3. service passport.
PROCEDURE FOR ISSUING A BALLOT PAPER TO A VOTER

During the voting, two members of the PEC provide voters with the possibility to vote; one of them checks the voter’s documents and presence on the voter list, while the other issues the ballot paper in the following sequence:

1. The voter must present one of the documents specified in P. 2 Art. 2 of the Law.

2. The PEC member working with the voter list checks the presence of the voter on the list and gives the list to the voter for signing.

3. The voter must put his/her signature in the voter list.

4. The PEC member issuing the ballot paper writes his last name and initials in the designated place on the counterfoil of the ballot paper, puts his/her signature, and enters the number under which the voter was included in the voter list.

5. The voter must put his/her signature on the designated place on the counterfoil of the ballot paper.

6. The PEC member working with the ballot papers must detach the counterfoil from the ballot paper and issue the ballot paper to the voter for voting.

7. The PEC member working with the ballot papers must keep the counterfoil of the ballot paper.
VOTER’S VOTING

After receiving the ballot paper, the voter must complete it personally in a booth for secret voting (P. 4 Art. 76). The voter can stay in the premises for voting for as long as is required for voting (P. 3 Art. 76).

IMPORTANT!

Apart from writing on the counterfoil the information required by law, PEC members are prohibited from making any other marks on the ballot papers.

A voter who, as a result of physical disabilities, is unable to complete the ballot paper without assistance has the right, with the knowledge of the chair or other member of the PEC, to use assistance of another voter, except for PEC members, candidates for the office of President of Ukraine, their proxies, or official observers (P. 4 Art. 76).

The voter drops the completed ballot paper into the ballot box, maintaining the secrecy of voting as he or she does so (P. 7 Art. 76).

IMPORTANT!

A voter who, as a result of physical disabilities, is unable to drop the ballot paper into the ballot box without assistance has the right, with the knowledge of the head or other member of the PEC, to ask some other person, except for PEC members, candidates for the office of President of Ukraine, their proxies, or official observers, to do so in the voter’s presence (P. 7 Art. 76).
WHEN A VOTER MAKES AN ERROR COMPLETING THE BALLOT PAPER

If a voter, when completing the ballot paper, makes an error, he/she has the right to immediately submit a written application to the PEC member that issued the ballot paper, asking for another ballot paper to be issued to him/her (P. 9 Art. 76).

The PEC member is to issue another ballot paper only in exchange for the spoiled one, putting a mark in the voter list next to the voter’s name and affixing his/her signature to certify that fact.

The spoiled ballot paper must immediately be invalidated as an unused one; an act to that effect is to be drawn up.

During the counting of votes, a spoiled and invalidated ballot paper is counted as an unused one and is packed together with the counterfoil into the package with unused ballot papers.

IMPORTANT!

It is prohibited to issue a ballot paper instead of an incorrectly completed one for a second time.
When a ballot paper is being completed, the following is prohibited:

- presence of other persons in the voting booth,
- any kind of photography
- any kind of photography
- sharing the ballot paper with other persons
- receiving a ballot paper from persons other than the PEC member authorized to issue ballot papers
- encouraging or forcing voters by means of bribery, threats, or in any other manner to hand the ballot paper over to other persons.
If a ballot box is damaged during voting, it is to be sealed by the chair and no less than three members of the PEC who represent different candidates for the office of President of Ukraine in such a way that it will be impossible to drop any ballot papers into it.

That ballot box is stored on the premises for voting, within plain view of PEC members and other persons present at the election precinct during the voting pursuant to the requirements of the law and is not used until the end of voting (P. 8 Art. 76).
ORGANIZATION OF AND PROCEDURE FOR VOTING AT THE PLACE OF VOTERS’ STAY

Voting at the place of voters’ stay is organized by no less than three PEC members, determined by decision of the election commission (P. 9 Art. 77).

Voting at voters’ place of stay is organized so that PEC members in charge of such voting will return to the premises for voting no later than one hour before the end of voting, that is, no later than by 19:00. (P. 10 Art. 77).

**Actions of the PEC chair when organizing voting at voters’ place of stay:**

1. The PEC chair announces that PEC members are to depart to administer voting at voters’ place of stay (P. 11 Art. 77).

2. The PEC chair issues to the PEC members an excerpt from the voter list.

3. The PEC chair presents to specified PEC members a ballot box, sealed or affixed with the seal, dropping a control sheet into it (in addition to the sheet that was dropped into it before the start of voting) (P. 11 Art. 77).

**IMPORTANT!**

On the control sheet, the following is specified: the number of the ballot box, the time of departure (hour and minutes) of the PEC members to administer voting at voters’ place of stay, the number of ballot papers they received, and the last names of the PEC members to whom the ballot papers were issued. The control sheet is to be signed by the election commissioners present, whose signatures are affixed with the PEC seal, and candidates for the office of President of Ukraine, their proxies, and official observers, should they wish to do so (P. 11 Art. 77).
Apart from the PEC members, the following persons have the right to be present when voting is conducted at voters’ place of stay (P. 12 Art. 77):

- candidates for the office of President of Ukraine,
- proxies of candidates for the office of President of Ukraine,
- official observers.

A voter or members of his/her family may not refuse the commission members administering the voting and official observers and candidates for the office of President of Ukraine and their proxies to be present at the voting.

Should the aforementioned persons be refused entry to the premises where the voter stays, he/she will be denied the opportunity to vote at his/her place of stay (P. 13 Art. 77).
During preparation of the excerpt from the voter list, PEC members must enter voters in the excerpt under the same number that is specified in the updated voter list.

**WHEN ORGANIZING VOTING AT VOTERS’ PLACE OF STAY (P. 14 Art. 77):**

- The voter must present one of the documents specified in P. 2 Art. 2 of the Law.
- The PEC member checks the presence of the voter in the excerpt from the voter list.
- The PEC member enters, in the designated place on the counterfoil of the ballot paper, his/her last name, initials, puts his/her signature and enters the voter’s number in the voter list.
- The voter puts his/her signature on the counterfoil of the ballot paper and in the excerpt from the voter list.
- The PEC member detaches the counterfoil and issues the ballot paper to the voter for voting.
- The voter completes the ballot paper, maintaining voting secrecy, without anyone’s presence and drops it into the ballot box.
PEC MEMBERS’ ACTIONS AFTER CONDUCTING VOTING AT VOTER’S PLACE OF STAY

After conducting voting at voters’ place of stay, the PEC member that issued the ballot paper to the voter administers the following adjacent to the voter’s last name on the voter list (P. 16 Art. 77):

- marks “voted at voter’s place of stay”,
- enters his/her last name,
- affixes his/her signature.

The excerpt from the voter list on the basis of which voting at voters’ place of stay was organized is appended to the voter list and becomes a part of the list.

The following documents are appended to the voter list and to the excerpt from the voter list (P. 17 Art. 77):

- voters’ written applications,
- certificates from medical institutions,
- copies of relevant decisions of the PEC.

IMPORTANT!

If a voter included in the excerpt from the voter list for voting at the place of stay comes to the precinct premises for voting after the PEC members have departed to organize voting at voters’ place of stay, the ballot paper may not be issued to such voter until the PEC members organizing voting at voters’ place of stay are back and it becomes clear whether or not that voter has voted at the place of his/her stay (P. 15 Art. 77).
<table>
<thead>
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<th>№ п/п</th>
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<th>Дата народження (число, місяць, рік)</th>
<th>Виборча адреса (без позначаючої поштового індексу і кількісних позначень)</th>
<th>Підпис виборці за отриманням виборчого бюлетеня</th>
<th>Примітки</th>
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<tr>
<td>1</td>
<td>Красневська Віра Павлівна</td>
<td>25.03.1974</td>
<td>м. Харків, вул. Ташкентська, 1 кв.1</td>
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<td>2</td>
<td>Бойдова Ірина Ігорівна</td>
<td>13.12.1967</td>
<td>м. Харків, вул. Ташкентська, 1 кв.2</td>
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<td>3</td>
<td>Бойдова Олександр Васильович</td>
<td>25.01.1987</td>
<td>м. Харків, вул. Ташкентська, 1 кв.2</td>
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<td>4</td>
<td>Бойдова Софія Олександрівна</td>
<td>02.03.1989</td>
<td>м. Харків, вул. Ташкентська, 1 кв.2</td>
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<td>5</td>
<td>Бойдова Євген Олександрович</td>
<td>24.04.1992</td>
<td>м. Харків, вул. Ташкентська, 1 кв.2</td>
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<td>6</td>
<td>Іванов Сергій Васильович</td>
<td>01.03.1923</td>
<td>м. Харків, вул. Ташкентська, 1 кв.3</td>
<td>голосував за місцем перебування</td>
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<td>7</td>
<td>Бойкінччи Наталя Вікторівна</td>
<td>02.02.1989</td>
<td>м. Харків, вул. Ташкентська, 1 кв.4</td>
<td></td>
<td></td>
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<td>8</td>
<td>Бойкінччи Микола Іванович</td>
<td>12.11.1981</td>
<td>м. Харків, вул. Ташкентська, 1 кв.4</td>
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Чергові вибори Президента України
(вибори Президента України)
31 березня 2019 року
(дата проведення виборів Президента України)

ВИЯТКІЗСПИСКУВИБОРЦІВ
на звичайні виборчі дільниці № 631089 територіального виборчого округу № 170

м. Харків, Харківська область
(місцезнаходження дільниці виборчої конотопи – село, селище, місто із зазначенням відповідно району, області, Автономної Республіки Крим)

для голосування за місцем реєстрації виборців, не здатних пересуватися самостійно

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<tr>
<th>№ з/п</th>
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<th>Вибірча адреса (без зазначення поштового індексу і країни проживання) або місце реєстрації</th>
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<th>Примітки</th>
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<tr>
<td>6</td>
<td>Іванов Сергій Васильович</td>
<td>01.03.1928</td>
<td>м. Харків, вул. Ташкентська, 1 кв.3</td>
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<td>105</td>
<td>Підлітків Іван Іванович</td>
<td>16.08.1927</td>
<td>м. Харків, вул. Ташкентська, 7 кв.24</td>
<td></td>
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</tbody>
</table>
END OF VOTING

At 5 minutes to 20:00, the PEC chair announces the end of voting and closing of the election precinct at 20:00.

Voters who have come to the precinct by 20:00 hours have the right to vote.

To provide for exercise of that voter’s right, one of the PEC members, acting upon instructions from the PEC chair, moves at 20:00 to the voting premises entrance, invites all voters who have not voted yet to enter and then closes the door.

After the last voter leaves the premises for voting, the premises are closed and only the PEC members and the persons who are legally authorized to be present at the meeting of the election commission remain inside (P. 10 Art. 76).
After the conclusion of voting, but **no later than 20 hours 30 minutes after voting**, the PEC provides the DEC with preliminary information on (P. 12 Art. 76).

1. the number of voters included in the voter list at the election precinct as of the conclusion of voting.

2. the number of voters who received ballot papers at the election precinct at the end of voting.
Test yourself by choosing one correct answer:

1. What documents can provide a ground for the issuance of a ballot paper at a regular election precinct?
   
a) passport of a citizen of Ukraine;

   b) passport of a citizen of Ukraine, temporary certificate of citizen, and permanent residence permit;

   c) passport of a citizen of Ukraine, military record service card, and temporary certificate of citizen of Ukraine.

2. How many PEC members provide a voter with the opportunity to vote in the premises for voting?
   
a) two – one checks the presence of the voter in the voter list, the other issues the ballot paper;

   b) one, who checks the presence of the voter in the voter list and issues the ballot paper;

   c) three – one checks the voter’s documents, the second checks the presence of the voter in the voter list, and the third issues the ballot paper.

3. If a voter makes an error when completing the ballot paper, does he/she have the right to ask the PEC member for another ballot paper?
   
a) yes;

   b) no.
4. In the event of damage to the ballot box during the voting, the ballot box is sealed by:

a) the chair, deputy chair and secretary of the PEC;

b) the chair and no less than 2 members of the PEC who are representatives of different candidates for the office of President of Ukraine;

c) the chair and no less than 3 members of the PEC who are representatives of different candidates for the office of President of Ukraine.

5. When does the PEC chair announce the end of voting and the closing of the election precinct?

a) 5 minutes to 20:00;

b) 30 minutes to 20:00.
VOTE COUNTING
A PEC **meeting** begins **as soon as** the voting is over.

At the EP, votes are counted **openly and transparently** by members of the PEC at its meeting, which is conducted in the same premises where the voting took place (P. 2 Art. 78).

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**DURING THE FINAL MEETING, 2 PROTOCOLS ARE KEPT**

![Diagram]

- **Protocol (Minutes) of the PEC Meeting**
  - (kept by a member of the PEC)

- **Protocol on the Counting of Votes at the EP**
  - (administered by PEC secretary)

---

At the final meeting, the PEC adopts a protocol decision entrusting the minute-taking at that meeting of the election commission to the deputy chair or another member of the PEC. At that meeting, the **PEC secretary** enters information in the **protocol on counting of votes at the EP**.

The meeting continues **without break and ends when the** vote counting protocol in the election precinct **has been drawn up and signed** (P. 2 Art. 78).

If necessary, at the beginning of the meeting, the PEC considers issues specified in P. 8 Art. 28 (P. 3 Art. 78).
The protocol on counting votes at the EP is developed by the PEC with copies exceeding by four the number of PEC members (P. 3 Art. 79).

Copies of the protocol are enumerated and have equal legal force.

The protocol on the counting of votes may not be completed with a pencil or amended without a decision by the PEC (P. 5 Art. 79).

Each copy of the protocol is to be signed by the chair, deputy chair, secretary and other members of the PEC present at the election commission meeting.

Failure or refusal to sign the protocol by some members of the PEC carries no legal consequences for the validity of the protocol.

In the absence of the signature of a PEC member in the protocol on the counting of votes, the reason for the absence of the signature is to be specified next to his/her last name (P. 4 Art. 79).

The protocol is signed and affixed with the PEC seal only when it has been fully completed, with indication of the date and time (hour and minutes) of its signing (P. 4 Art. 79).

If a commission member disagrees with results of the counting of votes recorded in the protocol, he/she signs the protocol with the note “With dissenting opinion.” A written account of the dissenting opinion is appended to the protocol on the counting of votes (P. 4 Art. 79).
COUNTING OF VOTES at the EP (actions before opening ballot boxes)

1.1

The PEC establishes the number of voters at the election precinct on the basis of the voter list.

That number is announced and entered in page 2 of the protocol on the counting of votes at the election precinct by the PEC secretary.

1.2

The PEC establishes the number of voters at the election precinct who were included in the excerpt from the voter list for voting at the place of their stay by comparing the voter list and the excerpt from the voter list.

That number is announced and entered on page 3 of the protocol on counting of votes at the election precinct by the PEC secretary.

IMPORTANT!

If amended, the voter list for the election precinct is to be signed by the PEC chair and secretary and affixed with the seal of the commission (P. 5 Art. 78).
The PEC counts **unused ballot papers** and establishes their number as a sum of ballot papers that remained unused after the conclusion of voting and were invalidated; of spoiled ballot papers, in which the voter made an error when completing them; and, ballot papers that were amended without a CEC decision or in a way which is at odds with such decision.

That number is announced and entered on page 4 of the protocol on the counting of votes at the election precinct by the PEC secretary.

The PEC **invalidates** unused ballot papers by cutting off the bottom right corner of the ballot paper.

The invalidated unused ballot papers, together with the ballot papers spoiled by voters, are packed (P. 7 Art. 78). On the package, the inscription “**Unused Ballot Papers**” is made. It also bears:

1. the TED number,
2. the EP number,
3. the number of packed ballot papers,
4. the date and time of packing,
5. the signatures of the PEC members present,
6. the commission seal.
The PEC counts the number of voters who received ballot papers for voting on the commission premises based on voters’ signatures in the voter list.

That number is announced and entered on page 5 of the protocol on the counting of votes at the election precinct by the PEC secretary.

The PEC counts the number of voters who received ballot papers for voting at voters’ places of stay based on signatures in the excerpt from the voter list and marks “voted at voters’ place of stay” in the voter list.

That number is announced and entered on page 6 of the protocol on the counting of votes at the election precinct by the PEC secretary.

The PEC counts the number of counterfoils of ballot papers with voter signatures and the PEC members who issued them.

That number is announced and if it matches the sum of the number of voters who received ballot papers for voting on the premises for voting and the number of voters who received ballot papers for voting at the place of their stay, it is entered on page 7 of the protocol on vote counting by the PEC secretary.
If the number of counterfoils **does not match** the number of signatures in the voter list put by voters who received ballot papers:

1. An ACT is drawn up, with indication of the reason for that mismatch established by a decision of the PEC.

2. The ACT is to be signed by the PEC members present and by candidates, their proxies and official observers present (if they wish). The signatures are affixed with the commission seal.

3. The commission adopts a decision on establishing the total number of voters who received the ballot papers.

4. That number is announced and entered on page 7 of the protocol on counting of votes at the election precinct. (P. 11 Art. 78).

To be packed in a separate package are (P. 12 Art. 78):
- the voter list,
- the voter list excerpt,
- applications on the basis of which the excerpt from the voter list was compiled,
- the court decision on amending the voter list,
- report of the SVR maintenance body.

On the package, the inscription **“Voter list”** is made; it also bears:

1. the TED number,
2. the EP number,
3. the date and time of packing,
4. the signatures of the PEC members present,
5. the seal of the commission.

If the number of counterfoils **does not match** the number of signatures on the voter list put by voters who received ballot papers:
1. An ACT is drawn up, with indication of the reason for that mismatch established by a decision of the PEC.

2. The ACT is to be signed by the PEC members present and by candidates for the office of President of Ukraine, their proxies and official observers present (if they wish). The signatures are affixed with the seal of the commission.

3. The commission adopts a decision on establishing the total number of voters who received the ballot papers.

4. That number is announced and entered on page 7 of the protocol on the counting of votes at the election precinct. (P. 11 Art. 78).

The counterfoils of ballot papers are packed. On the package, the inscription “Counterfoils” is made; it also bears:

1. the TED number,
2. the EP number,
3. the number of packed counterfoils,
4. the date and time of packing,
5. the signatures of the PEC members present,
6. the seal.

**IMPORTANT!**

If the sum of the number of unused ballot papers and the number of voters who received ballot papers does not match the number of ballot papers received by the PEC,

1. An ACT is drawn up, with indication of the reason for that mismatch established by a decision of the PEC.

2. The ACT is to be signed by PEC members present and by candidates for the office of President of Ukraine, their proxies and official observers present (if they wish). The signatures are affixed with the seal of the commission (P. 14 Art. 78).
The PEC checks whether the sum of the number of unused ballot papers and the number of voters who received the ballot papers equals the number of ballot papers received by the PEC.

**COUNTING OF VOTES at the EP (actions during and after opening of the ballot boxes)**

The PEC checks the integrity of the seals or tape on the ballot boxes.

The PEC opens all ballot boxes, **one by one**.

- **First**, mobile ballot boxes are opened.
- **Second**, stationary ballot boxes are opened.
- **Third**, ballot boxes with damaged tape or seals and other impairments discovered during the voting, if any, are opened.

**IMPORTANT!**

In the event of damage discovery to the tape or seal or any other damage indicating that the integrity of the ballot box has been violated (P. 16 Art. 78),

1. An ACT is drawn up, with indication of the character of the damage.
2. The ACT is to be signed by PEC members present and by candidates, their proxies, official observers present (if they wish). Signatures are affixed with the commission seal.
• When an **undamaged** ballot box is opened, its **contents are emptied** on the table at which the PEC members are sitting; at this point, presence of a control sheet in the ballot box is checked.

• For an undamaged mobile ballot box, **two control sheets.**

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• When a **damaged** ballot box is opened, the ballot papers are taken out one by one without mixing them.

• In such case, the PEC **counts** the ballot papers contained in that ballot box and checks the presence in that ballot box of a control sheet (for a mobile one, **two control sheets**), which should be taken out last (P. 19 Art. 78).
• The PEC counts the number of ballot papers that are not subject to counting (if any)*.

*Ballot papers from ballot boxes are not subject to counting when establishing the total number of voters who took part in the voting and when counting votes in such cases.

1. In the absence of a control sheet in the ballot box – the PEC draws up, in accordance with the procedure established by Art. 78, an ACT on the absence of a control sheet in the ballot box, the number of ballot papers in that box (P. 20 Art. 78).

2. After the opening of a mobile box, it is found that it contains more ballot papers than specified in the control sheet from that box, – the PEC draws up an ACT on such a mismatch, specifying the number of ballot papers in that box (P. 21 Art. 78).

3. If there are any doubts as to authenticity of the control sheet and in other doubtful cases – based on the decision of the PEC on recognizing ballot papers in the ballot box as not subject to counting (P. 22 Art. 78).

The number of ballot papers that are not subject to counting is announced and entered on page 8 of the protocol on counting votes at the election precinct by the PEC secretary.

Ballot papers not subject to counting when establishing the total number of voters who took part in the voting and when counting votes are packed. On the package, the inscription “Ballot Papers Not Subject To Counting” is made. It also bears:
1. the TED number,
2. the EP number,
3. the number of packed counterfoils,
4. the date and time of packing,
5. the signatures of the PEC members present,
6. the commission seal.

The PEC counts the total number of ballot papers, except for ballot papers that are not subject to counting.

The number established as a result of the counting is the number of voters who voted. The number is announced and entered on page 9 of the protocol on the counting of votes at the election precinct by the PEC secretary.

IMPORTANT!

When counting ballot papers, one PEC member determined by the election commission verbally counts the ballot papers.

When opening the ballot boxes and counting the number of ballot papers, PEC members can find items.

All items that are not ballot papers of the established form are separated and not counted.

If there are any doubts as to whether the item is a ballot paper, the PEC resolves the issue by voting.
In such case, each PEC member has the right to personally examine an item. While it is being examined, the counting of ballot papers is suspended. Control sheets are also classified as items.

Items that are not ballot papers are packed into a separate package. On the package, the inscription “Items” is made. It also bears:

1. the TED number,
2. the EP number,
3. the date and time of packing,
4. the signatures of the PEC members present,
5. the commission seal.

The PEC places ballot papers on places marked with special plates bearing, on both sides, the last name and initials of candidates for the office of President of Ukraine, as well as on the place marked with a plate bearing the inscription “Invalid”.

When sorting out the ballot papers, one PEC member determined by the election commission shows each ballot paper to all members of the commission, announcing the result of the expression of the voter’s will.
If there are any doubts as to the contents of a ballot paper, the election commission resolves the issue by voting.

In such case, each PEC member has the right to personally examine the ballot paper.

While the ballot paper is being examined, work with other ballot papers is suspended.

The PEC counts invalid* ballot papers separately.

The number of invalid ballot papers is announced and entered in page 10 of the protocol on counting votes at the election precinct by the PEC secretary.

*A ballot paper is recognized as invalid if:

1. it is not affixed with the PEC stamp;
2. the number of the territorial election district or of the election precinct specified on the ballot paper does not match the number of the territorial election district or election precinct at which counting votes was conducted;
3. the ballot paper was amended by using the stamp “Withdrawn” without a CEC decision on cancellation of the registration of the candidate for the office of President of Ukraine or if it was amended in a way that is at odds with the CEC decision;
4. more than one mark was placed next to the last name of candidates for the office of President of Ukraine;
5. no mark was placed;
6. the counterfoil was detached;
7. it is impossible for other reasons to establish the result of the expression of the voter’s will.
If there are any **doubts** as to the **validity** of the ballot paper, the PEC resolves the issue **by voting**.

In such case, each PEC member **has the right to personally examine the ballot paper. While the ballot paper is being examined**, counting other ballot papers **is suspended**.

Invalid ballot papers **are packed**. On the package, the inscription “**Invalid Ballot Papers**” is made. It also bears:

1. the TED number,
2. the EP number,
3. the number of packed ballot papers,
4. the date and time of packing,
5. the signatures of the PEC members present,
6. the commission seal.

The PEC counts the of ballot papers cast for each candidate for the office of President of Ukraine.

The results of counting votes at the election precinct are announced and entered on page 11 of the protocol on the counting of votes at the election precinct by the PEC secretary.

**IMPORTANT!**

When votes are being counted, each member of the commission has the right to check or re-count specific ballot papers (P. 29 Art. 78).
Ballot papers with votes cast for each of the candidate for the office of President of Ukraine are packed separately. The packages bear:

1. the **last name and initials** of the respective candidate,
2. the TED number,
3. the EP number,
4. the number of packed ballot papers,
5. the date and time of packing,
6. the signatures of the PEC members present,
7. the commission seal.

**IMPORTANT!**

When counting votes at the election precinct, the PEC is obliged to check whether the number of voters who participated in the voting at the election precinct is equal to the sum of the number of invalid ballot papers at the election precinct and the number of ballot papers with votes cast for each candidate (P. 30 Art. 78).

<table>
<thead>
<tr>
<th>P. 4 of the protocol (number of unused ballot papers)</th>
<th>+</th>
<th>P. 7 of the protocol (total number of voters who received ballot papers)</th>
<th>=</th>
<th>P. 1 of the protocol (number of ballot papers received by PEC)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>P. 11 of the protocol (number of votes for each candidate)</th>
<th>+</th>
<th>P. 10 of the protocol (number of invalid ballot papers)</th>
<th>=</th>
<th>P. 9 of the protocol (total number of voters who voted on EP)</th>
</tr>
</thead>
</table>
In case of data mismatch, the PEC:

1. draws up an ACT with reason for the mismatch established by a decision of the PEC.

2. The ACT is to be signed by the PEC members present and by candidates for the office of President of Ukraine, their proxies and official observers present (if they wish). The signatures are affixed with the commission seal.

Each copy of the protocol on counting votes at the election precinct is to be signed by the chair, deputy chair, secretary and the other members of the PEC. A PEC member disagreeing with the vote counting results entered in the commission’s protocol is to sign the protocol with the note “With Dissenting Opinion”; the opinion, in writing, will be appended to the protocol.

First and second copies of the protocol on counting of votes and copies of the protocol marked “Corrected”, if any, are packed. On the package, the inscription “Vote Counting Protocol” is made. It also bears:

1. the TED number,
2. the EP number,
3. the date and time of packing,
4. the signatures of the PEC members present,
5. the commission seal.

IMPORTANT!

First and second copies of the PEC protocol on counting votes at the election precinct are packed and delivered to the DEC.

The third copy of the PEC protocol on counting votes at the election precinct is stored by the secretary of the PEC.
The fourth copy is immediately posted by the PEC for public review in the PEC premises.
All other copies of the protocol are issued to the PEC members, one copy for each member.

Copies of the protocol on the counting of votes at the EP are to be immediately issued, upon request, to candidates for the office of President of Ukraine, their proxies, official observers present during the counting of votes at the election precinct.

IMPORTANT!
Copies of the protocol on counting votes issued to the aforementioned persons are signed by the chair and the secretary of the PEC and are also affixed with the commission seal (P. 8 Art. 79). Each candidate and each official observer can receive only ONE copy of the protocol on counting votes.

An ACT is drawn up to certify issuance of copies of the protocol on vote counting (Attachment 5 to Res. CEC No. 218). The act contains:

1. the list of persons who received copies of the protocol,
2. the number of the copy,
3. the date and time when the copy was received,
4. the signatures of these persons.

The act is to be signed by the PEC chair and secretary and affixed with its seal.

IMPORTANT!
The act is packed into a package with the first and second copies of the PEC protocol on counting votes (P. 9 Art. 79).
The PEC can declare voting at the EP **invalid** if it has established there have been violations of requirements of law that make it impossible to determine the results of the expression of voters’ will (P. 1 Art. 80):

<table>
<thead>
<tr>
<th>GROUNDS FOR DECLARING VOTING INVALID</th>
<th>NUMBER OF CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>cases of illegal voting</td>
<td>more than 5 percent of the voters who took part in the voting at the election precinct (P. 1 P. 1 Art. 80)</td>
</tr>
<tr>
<td>• a ballot paper dropped into the ballot box by another person, except cases provided for by P. 7 Art. 76 of the Law;</td>
<td></td>
</tr>
<tr>
<td>• voting by persons not entitled to vote;</td>
<td></td>
</tr>
<tr>
<td>• voting by persons not included in the voter list for the election precinct or groundlessly included in it;</td>
<td></td>
</tr>
<tr>
<td>• multiple voting by a person.</td>
<td></td>
</tr>
<tr>
<td>discovery in ballot boxes of more ballot papers than the number of voters who took part in the voting at the precinct</td>
<td>exceeding by more than 10 percent of the number of voters who took part in the voting at the election precinct (p. 2 P. 1 Art. 80)</td>
</tr>
<tr>
<td>destruction of or damage to the ballot box (boxes), which makes it impossible to establish the content of the ballot papers involved</td>
<td>the number of ballot papers exceeds by 5 percent the number of voters who participated in voting at the the election precinct (p. 3 P. 1 Art. 80).</td>
</tr>
</tbody>
</table>

**IMPORTANT!**

The PEC draws up a relevant ACT which is signed by **all PEC members present** and affixed with the commission seal. Such act/acts is/are a ground for considering the issue of declaring the voting invalid (P. 2 Art. 80).
In the event of adoption of a decision to declare voting at the election precinct invalid, the PEC protocol on counting votes must contain the following information:

1. the number of ballot papers received by the PEC;
2. the number of voters included in the voter list at the election precinct (as of the conclusion of voting);
3. the number of voters included at the election precinct in the excerpt from the voter list for voting at voters’ place of stay;
4. the number of unused ballot papers;
5. the number of voters who received ballot papers in the premises for voting;
6. the number of voters who received ballot papers at voters’ place of stay;
7. the total number of voters who received the ballot papers;
8. the number of ballot papers that are not subject to counting;
9. the number of voters who took part in voting at the election precinct;
10. the number of ballot papers declared invalid.

The “other information” filed is crossed out. Protocols are drawn up in accordance with the procedure established by Art. 79 of the Law (P. 3 Art. 80).

The ballot papers are packed. On the package, the inscription “Ballot papers” is made. The package bears the following (P. 4 Art. 80):

1. the TED number,
2. the EP number,
3. the number of packed ballot papers,
4. the date and time of packing,
5. the signatures of the PEC members present,
6. the commission seal.
The PEC decision declaring the voting invalid and the act on the basis of which that decision was adopted are appended to the vote counting protocols (P. 5 Art. 80).

TESTS FOR THE SECTION

Test yourself by choosing one correct answer:

1. What is the status of ballot papers from an opened mobile box that contains more ballot papers than specified in the control sheet from that box?

   a) they are declared invalid;
   b) they are counted as valid;
   c) they are recognized as not subject to counting.

2. The control sheets are packed into a separate package together with:

   a) unused ballot papers;
   b) items (e.g. empty sheets of paper, other documents that are not ballot papers etc.);
   c) vote counting protocols.

3. If a voter, when completing the ballot paper, makes an error, does he/she have the right to ask a PEC member for another ballot paper to be issued to him/her:

   a) yes;  b) no.
4. If a ballot box is damaged during the voting, the ballot box is sealed:

a) by the chair, deputy chair and secretary of the PEC;

b) by the chair and no less than two members of the PEC who are representatives of different candidates for the office of President of Ukraine;

c) by the chair and no less than three members of the PEC who are representatives of different candidates for the office of President of Ukraine.

5. Which of the ballot papers listed below is invalid?

a) a ballot paper with more than one mark next to the last names of candidates for the office of President of Ukraine;

b) ballot paper filled out with red ink;

c) a ballot paper with the mark “–” in the box next to the last name of a candidate for the office of President of Ukraine.
TRANSPORTING AND DELIVERING DOCUMENTS TO THE DEC

**Items**
- TED # 170 EP #631089 March 31, 2019 21:45
- TED # 170 EP #631089 Number - 43 March 31, 2019 21:50
- TED # 170 EP #631089 Number - 1065 March 31, 2019 20:45

**Invalid Ballot Papers**
- TED # 170 EP #631089 Number - 43 March 31, 2019 21:50

**Unused Ballot Papers**
- TED # 170 EP #631089 Number - 1065 March 31, 2019 20:45

**Ballot Papers**
- Tedarchuk S.P. TED # 170 EP #631089 Number - 1065 March 31, 2019 20:45

**Voter list**
- TED # 170 EP #631089 Number - 1065 March 31, 2019 21:05
TRANSPORTING DOCUMENTS TO THE DEC

Immediately at the conclusion of the commission’s meeting at which votes were counted, the PEC delivers to the DEC (P. 10 Art. 79):

- the package with the protocol on the counting of votes at the election precinct;
- ALL packages with ballot papers,
- the package with the counterfoils,
- the package with the items (e.g. blank sheets of paper, the papers other than ballots, counterfoils, including fake ballots etc.),
- the package with the voter lists,
- the package, if any, with written dissenting opinions of PEC members, acts, applications, complaints and decisions adopted by the PEC.

Transporting is performed by at least three PEC members (P. 1 Art. 81) by:

- the PEC chair OR deputy chair,
- TWO other members of the commission,
- other members of the PEC, candidates for the office of President of Ukraine, their proxies and official observers who wish to do so

IMPORTANT!

Transporting must be performed under protection and in the presence of police officers and, if necessary, on application from the CEC, by officers from the Security Service of Ukraine (P. 1 Art. 81).

Other persons are prohibited from providing protection for the transportation of such documents.

During the transportation of documents, it is prohibited to unseal the packages with the ballot papers and other documentation.
Unused blank forms of the protocol on vote counting are invalidated and packed only after the DEC has received election documentation, in particular, the protocol on counting votes at the EP (P. 1 Art. 81).

They are to be transferred to archive institutions along with other election documentation after termination of the PEC’s authority.

During transportation of election documentation, the safe (metal case) at the PEC premises is used for the storage of:

- the PEC seal,
- blank forms of PEC protocols on counting votes at the election precinct (unless they were used for drawing up protocols marked “Corrected”).

Unused blank forms of the protocol on vote counting are invalidated and packed only after the DEC has received election documentation, in particular, the protocol on counting votes at the EP.

They are to be transferred to archive institutions along with other election documentation after termination of the PEC’s authority.

If other elections are conducted simultaneously with election of the President of Ukraine, election documentation of the other elections is transported to the relevant election commission by PEC members who do not take part in the transportation of election documentation for the election of President of Ukraine to the DEC.
If, at the point of receiving election documents from the PEC, the DEC discovers in the protocol on counting votes any corrections, errors or inaccuracies that can be eliminated without recounting votes, it adopts a decision obliging the PEC to correct the discovered faults by drawing up a protocol marked “CORRECTED”.

The PEC is obliged, within the time frame specified by the DEC, to consider amending the protocol without recounting ballot papers. PEC members that transported election documentation must return to the PEC premises and with other members of the PEC, draw up and sign a protocol on the counting of votes at the EP with the mark “Corrected”.

The protocol with the mark “Corrected” is to be transported and transferred to the DEC in accordance with the procedure established by Article 81 of the Law.

While the PEC is considering that issue, copies of the protocols on counting votes at the election precinct submitted to the DEC, the ballot papers and other election documents delivered to the DEC remain on the DEC’s premises (P. 7 Art. 82).
The DEC can decide to **recount votes** at the election precinct if there are any (P. 8 Art. 82):

1. **complaints, applications and duly executed acts,**
   
   drawn up by candidates for the office of the President of Ukraine, their proxies, or official observers, regarding violations of the requirements of the Law during the voting and/or counting of votes at the election precinct that raise doubts about results of counting votes at that precinct;

2. **acts or written applications from persons specified in Part one of Article 81**
   
   about violations of legal requirements during transportation of protocols on counting votes and other documents to the DEC.

If there are clear signs the packages with the packed documents have been unsealed, the DEC is obliged to adopt a decision on recounting votes at the EP.

Recounting votes at the election precinct is performed by **the DEC with mandatory participation of PEC members** who delivered the election documentation; this is done when protocols and other documents from all PECs have been reviewed and accepted.

All members of the PEC have the right to take part in recounting votes by the DEC. **Candidates, their proxies and official observers can also be present** (P. 11 Art. 82).
TESTS FOR THE SECTION

Test yourself by choosing one correct answer:

1. When must the PEC deliver documents to the DEC after counting votes at the election precinct?

a) immediately after the PEC meeting at which the votes were counted;

b) no later than the next day after the PEC meeting at which votes were counted;

c) no later than two days after the PEC meeting at which votes were counted.

2. Where are the PEC seal and the unused blank forms of protocols on counting votes at the election precinct stored during the transportation of the documentation by PEC members to the DEC?

a) with the secretary of the PEC;

b) in the safe (metal case) on the premises of the PEC;

c) they are transported along with other documents to the DEC.

3. If, at the point of receiving election documents from the PEC, the DEC discovers in the protocol on counting votes at the election precinct any corrections, errors, or inaccuracies that can be eliminated without recounting votes, the DEC adopts a decision:

a) to oblige the PEC to correct the discovered faults by drawing up a protocol marked “Corrected”;
b) to correct discovered faults on its own, by drawing up a protocol marked “Corrected”;

c) in such a situation, the votes are to be recounted.

4. Recounting votes at the election precinct is administered:

a) by the DEC, with mandatory participation of all members of the PEC;

b) by the DEC, with mandatory participation of the PEC members that delivered the election documentation;

c) solely by the DEC.

5. Does the PEC secretary take part in the transportation of the election documentation to the DEC?

a) yes;                                b) no.
COMPLAINTS CONSIDERATION
COMPLAINTS CONSIDERATION

A complaint should mean an appeal that contains information on a violation of the legislation of Ukraine on the election of President of Ukraine and a demand to provide for the exercise and protection of electoral rights and legitimate interests of electoral subjects to restore the violated rights.

WHAT CAN ONE COMPLAIN ABOUT TO THE PEC?
Complaints to a PEC challenge violations which were committed during voting by the presidential candidate’s proxy in the respective TED.

No other complaints can be considered by a PEC!

WHO CAN FILE A COMPLAINT?

• a candidate for the office of President of Ukraine;

• an authorized representative of a candidate to the CEC on behalf of the candidate for the office of President of Ukraine;

• a proxy of a candidate in the election district on behalf of the candidate for the office of President of Ukraine;

• a party that is an electoral subject (acting through its head or other person authorized by the decision of the party’s central governing body);

• an official observer who is an electoral subject;

• a voter whose electoral rights or legally protected interests regarding participation in the electoral process were violated by a decision, action or inaction of the respondent.
FORM AND SUBSTANCE OF A COMPLAINT

A complaint is to be submitted to the election commission in writing (P. 1 Art. 95).

The complaint must contain:

- name of the election commission to which it is submitted;
- last name, first name and patronymic of the complainant, his/her place of residence (postal address) and communication means – telephone number, email, if any;
- last name, first name and patronymic (name) of the respondent, his/her place of residence (postal address), and also communication means – telephone number, email, if known;
- the essence of the issue raised, with an account of the circumstances and reference to evidence, which are used by the complainant to justify his/her demands;
- clearly formulated demands, with decision requested from the election commission;
- a list of appended documents and materials;
- a list of interested persons the complainant believes should be engaged in the consideration of the complaint (if any);
- signature of the complainant (or of a representative of the complainant if the latter is a legal entity), with indication of the date of signing.

- The complaint is appended with copies – evidence referred to in the complaint, with the number of copies equaling the number of respondents and interested persons mentioned in the complaint.
WHO MUST SIGN A COMPLAINT?

A complaint must be signed by the person submitting it.

A COMPLAINT ON BEHALF OF A CANDIDATE FOR THE OFFICE OF PRESIDENT OF UKRAINE, SUBMITTED BY HIS/HER authorized representativeto the CEC OR a proxy in the relevant TED

must also contain the last name, first name and patronymic, the place of residence or stay (postal address), the type and number of the communication means of the candidate for the office of President of Ukraine and a document certified with requirements of the legislation which certifies the authority of the person submitting the complaint (P. 3 Art. 95).

A COMPLAINT ON BEHALF OF A POLITICAL PARTY THAT IS AN ELECTORAL SUBJECT SHOULD BE SIGNED

by the chair of that party with certification of signature by the party’s stamp OR by another person,

The chair of a political party acts as representative of the party without additional authorization. authorized by decision of the party’s central governing body; the original or a duly certified copy of that decision should be appended to the complaint.
DEADLINE FOR SUBMITTING COMPLAINTS

A complaint can be submitted within 5 days after the day of adoption of a decision, commission of an action, or inaction*, but no later than 22 hours on the day preceding the day of the election.

* Inaction that can be appealed pursuant to this Law is deemed to have been committed on the last day of the period when the action should have been taken, but failed to be taken (P. 2 Art. 94).

The calculation of the period for appeal begins from the next day following the day when the decision was adopted or action was taken or inaction occurred.

IMPORTANT!

The deadline for submitting a complaint may not be extended or renewed,

except for resubmission of a complaint after correction of its defects no later than the next day after the day of its return by the PEC without consideration.

A change or correction of the complainant’s demands during the consideration of the complaint in the election commission proceeding from newly discovered circumstances that the complainant was unaware of is not deemed to be a new complaint and is not subject to the established limitation.

A COMPLAINT ABOUT A VIOLATION COMMITTED DURING THE VOTING

can be submitted to the relevant PEC no later than by conclusion of voting.
**DEADLINE FOR SUBMITTING COMPLAINTS**

The day of submission of a complaint is deemed to be the day when the body of considering the complaint actually received the complaint (P. 2 Art. 96).

**A COMPLAINT IS CONSIDERED BY THE PEC**

| If it concerns violations occurring during voting | Immediately after the conclusion of voting |

**PROCEDURE FOR CONSIDERATION OF COMPLAINTS**

Complaints being submitted to the PEC are accepted and registered in the book of registration of documents, applications and complaints.

The right to accept a complaint is vested in (p. 5.2. Res. No. 350):
- chair of the commission;
- deputy chair of the commission;
- secretary of the commission;
- another PEC member determined by a decision of the commission.

After registration of the complaint, the PEC chair, and in his/her absence, the deputy chair must (p. 5.8 Res. No. 350):
- tentatively review the complaint;
- write an instruction as to its execution.
Consideration of the complaint by the PEC involves mandatory timely notification by a registered telegram, telephoned telegram, fax, or email **about the time and place of the consideration of the complaint**:  
1. of the complainant,  
2. of the respondent,  
3. of other interested persons.  

**The failure** of persons duly notified of the hearing **to attend** it does not preclude consideration of the complaint.

Copies of the complaint and appended documents **are issued** to the respondent and the interested persons **in advance**; and if that is not possible, then **no later than the beginning** of consideration of the complaint.

The respondent has the right to provide a **written explanation** on the merits of the complaint, which the PEC takes into account.

→ **CONSIDERATION OF COMPLAINTS ON THE MERITS**

**IMPORTANT!**

Before considering a complaint on the merits, the election commission must establish whether the complaint was submitted by an eligible complainant, whether consideration of the complaint falls within the competence of the PEC and whether the complainant has met the deadline for appealing set out by the Law.
When considering a complaint regarding action (or inaction) of the respondent on the merits, the election commission decides (p. 9.6 Res. No. 114):

1. whether the appealed action (or inaction) of the respondent took place;
2. whether the appealed action (or inaction) was taken/occurred on legal grounds;
3. whether the claims stated in the complaint are confirmed by the presented evidence;
4. what legal norms should be applied to the case;
5. whether each of the claims of the complainant should be satisfied or dismissed fully or in part;
6. whether the violated rights or legitimate interests of the complainant should be restored and how they should be restored;
7. what decisions should be required or what actions should be taken based on finding the appealed action or inaction illegal.

→ EVIDENCE DURING CONSIDERATION OF COMPLAINTS

When considering a complaint, the PEC adopts a decision based on the following types of evidence:

- written documents and materials (including electronic) containing information on circumstances relevant to the consideration of the complaint;
- written explanations provided by electoral subjects, officials and executives from executive bodies, state bodies of the Autonomous Republic of Crimea, local government bodies, enterprises, establishments and institutions and organizations received on demand from election commissioners in compliance with the authority of the commission;
- written and material evidence;
- opinions provided by experts in writing at the request of the election commission considering the complaint, the complainant, or the respondent.

Evidence can be presented to the election commission by the complainant, respondent, and interested persons. A PEC can request additional evidence on its own initiative or on application from the complainant, respondent, or interested parties.
If, when considering a complaint, the PEC finds it necessary that law enforcement bodies check circumstances stated in the complaint, the relevant law enforcement bodies, acting at the request of the PEC, check these circumstances and take appropriate actions to stop violation of the legislation within 3 days from the day of reception of the PEC’s request; and immediately, if they received such a request less than 3 days before the day of voting, on the day of voting, or on the next day after it. The relevant bodies report results of the checking and measures taken by the election commission that appealed to them.

1. RETURN OF THE COMPLAINT WITHOUT CONSIDERATION
   An unduly executed complaint is to be returned BY THE CHAIR or DEPUTY CHAIR OF THE PEC TO THE COMPLAINANT no later than the next day after the day of receipt of the complaint.

2. An unduly executed complaint that was submitted on the eve of the day of voting, on the day of voting, or on the next day, IS TO BE RETURNED BY THE CHAIR or DEPUTY CHAIR OF THE PEC TO THE COMPLAINANT immediately.

A complaint may not be returned to the complainant without consideration on any grounds other than those established by law.

IMPORTANT!

When a complaint is returned without consideration, an exhaustive list of complaint defects precluding the consideration of the complaint must be specified, with indication of the possibility to resubmit the complaint, if it is executed in accordance with requirements of law within the time frame specified by it (P. 3 Art. 96).
DISMISSING A COMPLAINT WITHOUT CONSIDERATION ON THE MERITS

The PEC can adopt a decision dismissing a complaint without consideration on the merits in the following cases:
• if it was submitted by an ineligible complainant,
• if it was submitted to a body without jurisdiction over the complaint,
• if it was submitted upon expiration of the deadline for appealing.

If a complaint is resubmitted with uncorrected defects or with new defects, the election commission adopts a decision to dismiss it without consideration on the merits.

DECISIONS BASED ON THE RESULT OF CONSIDERATION OF COMPLAINTS

The decision of the election commission based on results of consideration of the complaint must be legitimate and motivated.

When considering a complaint on the merits, the PEC can (P. 1 Art. 98):
• satisfy the complaint fully;
• satisfy the complaint partially;
• dismiss the complaint.

SATISFACTION OF A COMPLAINT BY THE PEC

The election commission adopts a decision to satisfy a complaint if it has established that the decision, action, or inaction of the respondent does not comply with legislation on the election of the President of Ukraine.
In such case, the election commission can adopt a decision (p. 9.9 of “The Procedure for Consideration of Complaints by the Election Commissions for the Election of the President of Ukraine” approved by CEC Resolution No. 114 of March 28, 2014 with amendments):

1. to find the respondent’s decision or some of its provisions, actions or inaction fail to comply with requirements of the legislation on the election of the President of Ukraine, violate the electoral rights of citizens and the rights and legitimate interests of an electoral subject;

2. to revoke the decision;

3. to oblige the respondent to take actions provided for by legislation regulating organization and the procedure for conduct of the election of President of Ukraine;

4. to oblige the respondent to abstain from taking certain actions;

5. to restore in some other way violated election rights of citizens and rights and legitimate interests of an electoral subject;

6. to oblige the respondent to take actions provided for by the legislation regulating the organization and procedure for conduct of the election of the President of Ukraine, actions necessitated because the decision was revoked, that challenged actions or inaction were found illegal.

**REJECTION OF A COMPLAINT BY THE PEC**

The PEC rejects a complaint if (p. 9.11 of “The Procedure for Consideration of Complaints by the Election Commissions for the Election of the President of Ukraine” approved by CEC Resolution No. 114 of March 28, 2014 (with amendments):

1. the appealed actions or inaction were committed in accordance with the law and within the authority provided for by law and do not violate the electoral rights of the complainant;
2. the complainant failed to prove the respondent violated the legislation on the election of the President of Ukraine; and the evidence included in the complaint file is insufficient to establish the fact of violation by the body which considered the complaint;

3. by the moment of consideration of the complaint by the respective commission, the respondent has taken necessary actions, cancelled the decision being challenged or restored the complainant’s rights by other means.

A copy of the decision of the election commission is issued or sent no later than the next day after adoption of the decision; and immediately if adopted on the eve of the day of voting, on the day of voting, or on the day after voting (P. 5 Art. 98):

• to the complainant,
• to the respondent,
• to interested persons,
• to another subject mentioned in the decision.
PEC’S ACTIONS IN CASE OF RECEIPT OF A COMPLAINT: STEP-BY-STEP INSTRUCTIONS

1

• the complaint is registered;

• the completeness and integrity of the appended documents are checked (if something is missing, the complaint is not registered until the complainant provides the entire necessary set).

2

• the complaint is checked for presence of requisites established by Art. 95 the Law;

• if at least one of the necessary requisites is missing, the complaint is returned to the complainant without its consideration at the PEC meeting, along with an accompanying letter with an exhaustive list of defects.

3

• the complaint is considered at the PEC meeting;

• the identity of the complainant is checked; it is clarified whether that subject has the right to file a complaint with the PEC. If the complaint was submitted by undue complainant, such a complaint is not considered on the merits.
• it is checked whether the PEC has the right to consider such a complaint;

• if the complaint was submitted before the day of voting, then at that stage such a complaint must automatically remain without consideration on the merits.

• compliance with the time frame for appeal is checked – on the day of voting a complaint can be submitted before the conclusion of voting;

• if the complaint is submitted after 20:00, then such a complaint remains without consideration on the merits.

• if the complaint passed through all preliminary stages and was not dismissed without consideration or was not dismissed without consideration on the merits, then the PEC must familiarize themselves with the complaint’s content;

• the PEC examines the evidence and adopts a decision on the complaint immediately after the conclusion of voting and before the beginning of counting votes.
Test yourself by choosing one correct answer:

1. A complaint on behalf of a candidate for the office of the President submitted by his/her authorized representative to the CEC or an authorized person must contain:

   a) The last name, first name, patronymic, place of residence, type and number of the communication means of the candidate for the office of President of Ukraine, and a document, certified in accordance with requirements of the legislation which certifies the authority of the person submitting the complaint;

   b) The last name, first name, patronymic, place of residence of the candidate for the office of President of Ukraine, and a document, certified in accordance with the requirements of the legislation, which certifies authority of the person submitting the complaint;

   c) A document, certified in accordance with the requirements of the legislation, which certifies the authority of the person submitting the complaint.

2. When considering a complaint on the merits, the PEC can:

   a) satisfy the complaint or dismiss it;

   b) satisfy the complaint fully or partially or dismiss it;

   c) satisfy the complaint fully or partially or dismiss it fully or partially.
3. When can the PEC dismiss a complaint without consideration on the merits?

a) the PEC is obliged to consider all complaints received;

b) if it was submitted by an undue complainant or to a body without jurisdiction over the complaint;

c) if it was submitted by an undue complainant or to a body without jurisdiction over the complaint, or if it was submitted with violation of the deadline for filing a complaint.

4. A copy of the decision of an election commission is issued or sent to the complainant, the respondent, interested persons and other subjects mentioned in the decision:

a) no later than two days after consideration;

b) immediately after consideration;

c) no later than the next day after consideration.
OFFICIAL OBSERVERS AND MASS MEDIA
During the election of the President of Ukraine, **official observers** can participate in the electoral process:

1. representing candidates for the office of President of Ukraine,
2. representing political parties that nominated candidates for the office of President of Ukraine,
3. representing nongovernmental organizations (NGOs) which are registered by procedure established by law and which were granted permission by the CEC to have official observers during the election of the President of Ukraine.

Also, the electoral process can be monitored **by official observers**:

4. representing foreign countries,
5. representing international organizations (IOs).

**The authority of official observers** takes effect from the day of their registration by the DEC or the CEC and are terminated after the CEC established the results of the election of the President of Ukraine (P. 2 Art. 68).

The election commission that registers an official observer issues a **certificate** to him/her (P. 8 Art. 69).

**The following persons may not be official observers:**

1. a member of the election commission;
2. an official of an executive body or a court, a law enforcement body, a state body of the Autonomous Republic of Crimea, or a body of local government;
3. a serviceperson;
4. a person performing alternative non-military service.
RIGHT TO BE PRESENT AT A PEC MEETING AND DURING THE COUNTING OF VOTES

Official observers have the right to be present at PEC meetings, in particular, during vote counting.

Requirements as follows:

<table>
<thead>
<tr>
<th>CATEGORIES OF OFFICIAL OBSERVERS</th>
<th>REGISTERED BY</th>
<th>RESTRICTIONS ON NUMBER OF THOSE PRESENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>official observers representing candidates for the office of President of Ukraine</td>
<td>DEC</td>
<td>no more than 2 persons from one candidate</td>
</tr>
<tr>
<td>official observers representing political parties that nominated candidates for the office of President of Ukraine</td>
<td></td>
<td>no more than 2 persons from one political party</td>
</tr>
<tr>
<td>official observers representing nongovernmental organizations</td>
<td></td>
<td>no more than 2 persons from one nongovernmental organization</td>
</tr>
<tr>
<td>official observers representing from foreign countries</td>
<td>CEC</td>
<td>no restriction</td>
</tr>
<tr>
<td>official observers representing international organizations</td>
<td></td>
<td>no restriction</td>
</tr>
</tbody>
</table>
The rights of official observers from candidates, political parties and nongovernmental organizations are denoted in P. 9 Art. 69, namely, they are entitled to:

- Be present with observance of requirements of the law, at PEC meetings, in particular, during counting of votes at the election precinct;

- Take photographs, shoot film and make audio and video recordings, provided they do not violate the secrecy of voting;

- Be present when ballot papers are issued to PEC members, in particular, when voting at voters’ place of stay is organized and administered;

- Submit an application or complaint to a PEC or a court, seeking elimination of violations of law in the case they are discovered;
draw up an act on discovery of a violation of law and submit it to the relevant election commission or court;

such ACT must be signed by the observer and no less than 2 voters who certify the fact of that violation with their last name, first name, place of residence and residential address.

take necessary measures, within the limits of legislation, to stop illegal actions during voting and counting votes at the EP;

receive copies of protocols on transfer of ballot papers, on counting votes and other documents in cases provided for by law;

exercise other rights granted to official observers by law.
unjustifiably interfere with work of the election commission, commit actions interfering with the legitimate course of the electoral process or illegally hinder performance of the duties of PEC members;

complete a ballot paper instead of a voter (in particular, when asked by the voter to do so);

be present when a voter is completing a ballot paper in a booth for secret voting or violate secrecy of voting in some other way.

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**IMPORTANT!**

If an official observer commits actions violating requirements the law, the PEC issues a warning to that official observer.

In the event of a repeat or gross violation, the PEC can deprive the observer of the right to be present at its meeting.

Such decision is adopted by no less than two-thirds of the votes of all the members of the commission and can be appealed by the official observer to court (P. 11 Art. 69).
The rights of official observers from foreign countries and international organizations are determined by P. 5 Art. 70; they are authorized to:

- be present, with observance of the requirements of the Law, at meetings and in the premises of the PEC, observe from any distance actions of PEC members, in particular, during issuance of ballot papers, counting votes, establishment of the results of voting without physically obstructing PEC members (p. 3 P. 5 Art. 70);

- take photographs, shoot film and make audio and video recordings, provided they do not violate the secrecy of voting (p. 4 P. 5 Art. 70);

- receive copies of protocols on transfer of ballot papers, on counting votes and establishment of results of voting and other documents in cases provided for by law (p. 7 P. 5 Art. 70);

- be accompanied by interpreter, including during the commission meetings, voting, vote counting and tabulation/establishment of the election results.

**IMPORTANT!**

The PEC must provide support to official observers from foreign countries and international organizations in the exercise of their authority (P. 7 Art. 70). Official observers from foreign countries and international organizations conduct observations independently and without assistance (P. 6 Art. 70). Official observers from foreign countries and international organizations are not authorized to use their status for activities unrelated to observation of the electoral process or to interfere with the work of the election commissions (P. 9 Art. 70).
INTERACTION WITH MEDIA

Media representatives can be present at meetings of election commissions and at election precincts on the day of the election and on the day of repeat voting without permission or invitation from the PEC, provided that one media outlet is represented by no more than two persons.

The PEC is obliged, within the limits of its powers and competence, to provide media representatives with the information they need on the preparation and conduct of the election (P. 4 Art. 13).

→ RIGHTS AND DUTIES OF MASS MEDIA

When exercising their powers, media representatives are entitled to:

• conduct observations of the electoral process, provided they do not interfere with the PECs work;
• make written records, audio and video recordings using necessary technical means (P. 1 Art. 25 of the Law of Ukraine “On information”);
• receive information on preparation and conduct of election of President of Ukraine (P. 4 Art. 13).

→ DOCUMENTS OF A MEDIA REPRESENTATIVE

ΠΡΕΣΑ
PRESS
A media representative must provide one of the following documents:

- editorial ID;
- journalist ID issued by the National Journalists’ Union of Ukraine;
- journalist ID issued by the media trade union;
- press pass from other organizations of journalists.

**IMPORTANT!**

The forms of such IDs are not established (they can be of an arbitrary form); therefore, attention should be paid to the period of validity of the ID. Moreover, an ID without a photo is only valid if a document identifying the person is presented, for example, a passport of citizen of Ukraine.

**TESTS FOR THE SECTION**

Test yourself by choosing one correct answer:

1. **Who cannot be an official observer?**

   a) a foreign citizen;

   b) an election commission member;

   c) a pensioner
2. If there is no photo in the form of a journalist, the media representative must provide:

a) a document certifying the person;

b) a passport;

c) a notarized copy of the MM registration certificate.

3. How many official observers from one nongovernmental organization can simultaneously observe how voters vote at the election precinct?

a) one;

b) no more than two;

c) no more than three.

4. Can media representative take photos and shoot videos in the premises of an election precinct?

a) no, he/she must not do that;

b) yes, he/she can make any videos and take any photos;

c) yes, provided that he/she does not violate the secrecy of voting.

5. If an official observer commits actions violating requirements of Ukrainian electoral law, the PEC can adopt, by votes of two thirds of all its members, a decision to:

a) issue a warning to the official observer;

b) expel the official observer;

c) the PEC is not entitled to adopt any decisions regarding official observers.
LIABILITY FOR VIOLATING LEGISLATION ON ELECTION OF THE PRESIDENT OF UKRAINE
LIABILITY FOR VIOLATING THE LEGISLATION ON THE ELECTION OF PRESIDENT

Persons guilty of violating legislation on the election of the President of Ukraine are subject to (Art. 105):

- criminal,
- administrative
- other liability

in accordance with the procedure established by the law.

→ CRIMINAL PROSECUTION

TYPES OF CRIMES AGAINST CITIZENS’ ELECTORAL RIGHTS:

- interference with the exercise of the right to vote, the work of an election commission, or the activities of an official observer (Art. 157 CCU);
- provision of false information to the SVR maintenance body or falsification of election documents, voting results, or SVR data (Art. 158 of the CCU);
- illegal use of a ballot paper and a voter’s multiple voting (Art. 158-1 of the CCU);
- illegal destruction of election documentation (Art. 158-2 of the CCU);
- violation of secrecy of voting (Art. 159 of the CCU);
- bribing a voter (Art. 160 of the CCU).

IMPORTANT!

Crimes against citizens’ electoral rights are punished by different terms of restriction or deprivation of liberty, in some cases with deprivation of the right to occupy certain positions for a certain period.
## ADMINISTRATIVE PROSECUTION

<table>
<thead>
<tr>
<th>NORM OF CURRENT LEGISLATION</th>
<th>CONTENT OF OFFENCE</th>
<th>PUNISHMENT FOR OFFENCE, AMOUNT OF FINE</th>
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<tbody>
<tr>
<td>Art. 212-8. of the Code of Ukraine on Administrative Offenses</td>
<td>Violation of citizen’s right for familiarization with the voter list</td>
<td>From 170 to 510 UAH</td>
</tr>
<tr>
<td>Art. 212-10. of the Code of Ukraine on Administrative Offenses</td>
<td>Election campaigning by a person whose participation in election campaigning is prohibited</td>
<td>For citizens: From 510 to 850 UAH. For officials: From 850 to 1360 UAH</td>
</tr>
<tr>
<td>Art. 212-17. of the Code of Ukraine on Administrative Offenses</td>
<td>Failure to provide a copy of an election protocol</td>
<td>From 340 to 1700 UAH</td>
</tr>
<tr>
<td>Art. 212-18. of the Code of Ukraine on Administrative Offenses</td>
<td>Not executing decisions of an election commission</td>
<td>For citizens: From 255 to 425 UAH. For officials: From 510 to 850 UAH</td>
</tr>
<tr>
<td>Art. 212-19. of the Code of Ukraine on Administrative Offenses</td>
<td>Refusal to release a member of an election commission from performing his/her duties related to job or position</td>
<td>From 340 to 850 UAH</td>
</tr>
<tr>
<td>Art. 212-19. of the Code of Ukraine on Administrative Offenses</td>
<td>Dismissal or demotion of an election commissioner on grounds related to performance of his/her duties on the election commission</td>
<td>From 1020 to 1700 UAH</td>
</tr>
</tbody>
</table>
Test yourself by choosing one correct answer:

1. Persons guilty of violating legislation on election of the President of Ukraine are subject to:

   a) administrative prosecution;
   
   b) criminal and administrative prosecution;
   
   c) criminal, administrative and other types of prosecution.

2. The form of punishment for crimes against citizens’ electoral rights consists of:

   a) different terms of restriction of liberty;
   
   b) different terms of restriction or deprivation of liberty;
   
   c) different terms of restriction or deprivation of liberty – in some cases with deprivation of the right to occupy certain positions for a certain period.

3. The punishment for violating procedure for publishing documents related to preparation and conduct of elections consists of a fine in the amount of:

   a) from 170 to 340 UAH;
   
   b) from 340 to 520 UAH;
   
   c) no fine can be imposed.
4. Falsification of election documents, voting results, or SVR data is a type of:

a) violation of public morals;

b) administrative offense;

c) criminal offense.

5. Can a PEC member be engaged in election campaigning?

a) no, campaigning is prohibited for election commission members;

b) yes, outside the premises of the election precinct;

c) yes, except on the day of voting.

6. The liability for administrative offenses is entrenched in:

a) the Criminal Code of Ukraine;

b) the Code of Ukraine on administrative offenses;

c) the Electoral Code of Ukraine.
REMUNERATION FOR THE WORK OF A PEC MEMBER AND ITS GUARANTEES
REMUNERATION FOR THE WORK OF A PEC MEMBER

Remuneration for the work of PEC members is performed at the expense of the State Budget of Ukraine allocated for preparation and administration of the election of the President of Ukraine, pursuant to unified estimated DEC expenditures approved by the CEC for preparation and administration of the election of the President of Ukraine.

The unified estimated DEC expenditures for preparation and administration of election of the President of Ukraine provide labor payment expenses, including:

- Payment for the work of election commission members on the day of voting and on the days when vote counting is conducted;
- Payment for work of election commission members performing their duties on a paid basis.

For work on the day of voting and on the days of establishing voting results, all PEC members can receive payment amounting to no more than 14% of the minimum subsistence level for able-bodied persons established as of January 1 of the calendar year, for each day worked, but no more than for 2 days (p. 3.1, p. 3.2 Res. No. 226).

No more than 3 members designated by a decision of the relevant PEC, which is subject to approval by the DEC, can perform their duties, as PEC members, on a paid basis throughout the entire period (or part of it) (P. 4 Art. 29). These are the chair, deputy chair, secretary, or other members of the PEC.

Designated persons are released, for the period of performance of their duties on a paid basis, from performing job- or position-related duties at the principal place of employment with preservation of the length of service.
To perform his/her duties **on a paid basis**, a PEC member must sign a **civil law contract** with the DEC in accordance with the form provided in Attachment 2 to CEC Resolution No. 226 and present to the DEC the following documents:

1. a copy of a passport of Ukraine;
2. a copy of a certificate on assignment of the registration number of the taxpayer’s account card (“identification number”).

**No civil law contract is concluded** with a PEC member released from performing his/her job- or position-related duties at the principal place of employment.

In such case, the PEC member presents to the DEC, a copy of his/her passport of Ukraine and a copy of the certificate on the assignment of the registration number of the taxpayer’s account card, a **certificate of release from performing job- or position-related duties** at the principal place of work and an **average salary certificate** from the principal place of work.

Such certificate must be presented by the PEC member to the DEC **within five days** from the day of approval by the DEC of the PEC decision authorizing performance of his/her duties in the election commission on a paid basis.

A one-time cash bonus is assessed and paid to PEC members **EXCLUSIVELY** when general payroll funds have been saved after the DEC has established the results of voting in the TED.

The one-time cash bonus is assessed and paid, in accordance to a decision adopted by the PEC, **to those members of the commission that were actively involved in its activities**, regardless of whether or not they worked in that commission on a paid basis.

The one-time cash bonus is not a mandatory payment.
SALARY MAINTENANCE GUARANTEES FOR A PEC MEMBER

SALARY OF A PEC MEMBER:

• no less than the average salary at the principal place of employment;  
If a PEC member was released from performance of his/her job- or position-related duties at the principal place of employment, the amount of remuneration for his/her work related to preparation and administration of the election of the President of Ukraine must not be lower than his/her average salary at the principal place of employment.

• no less than minimum salary;  
The amount of remuneration for the work of a PEC member who is a pensioner or a temporarily unemployed person must not be lower than the minimum salary amount established at the point of assessment of remuneration (p. 1.4 Res. No. 226).

• is not grounds for restricting pension paid to him/her;  
Remuneration for the work of election commission members who are pensioners may not be a ground for restricting the size of the pensions they receive.

• is not grounds for deregistration at the state employment service;  
If a PEC member is recognized as unemployed in accordance with the procedure established by the law, work in an election commission is not a ground for deregistering him/her at the state employment service where he/she is registered as a job seeker, or for stopping to pay unemployment allowance or other types of social aid to him/her.

• is not grounds for canceling/restricting/decreasing any types of social benefits.  
Remuneration for the work of PEC members may not be a ground for cancelling, restricting, or decreasing any types of social payments, pensions, subsidies to compensate for the cost of housing and public utility services that are paid to them and their family members living with them.
Test yourself by choosing one correct answer:

1. To perform his/her duties on a paid basis, a PEC member must sign a civil law contract and submit a package of documents to the DEC. Which of the below documents need not be presented?

   a) certificate of release from performing job- or position-related duties at the principal place of work;

   b) certificate of household composition;

   c) average salary certificate from the principal place of work.

2. For work on the day of voting and on the days of establishing voting results, all PEC members can receive payment amounting to:

   a) no more than 14 percent of the minimum subsistence level valid at the point of assessment;

   b) no more than 14 percent of the minimum subsistence level for able-bodied persons established as of January 1 of the calendar year, for each day worked; but no more than for 2 days;

   c) no more than 20 percent of the minimum subsistence level for able-bodied persons established as of January 1 of the calendar year, for each day worked; but, no more than for 2 days.
3. Remuneration of election commission members who are pensioners:
   a) may not be a ground for restricting the size of the pensions they receive;
   b) is a ground for restricting the size of the pensions they receive.

4. How many PEC members can perform their duties on a paid basis?
   a) one; b) two; c) three.

5. One-time cash bonuses to PEC members are assessed and paid:
   a) exclusively when some general payroll funds have been saved after the DEC;
   b) to PECs that were the first to bring protocols on counting votes to the DEC.
If you want to improve knowledge about the election process or to find answers to related questions, use a system of online trainings “VYBORKOM” vyborkom.org. The system includes:

1. **Online training module**, which allows to pass trainings online using video lectures, text instructions, infographics, and test yourself.
2. **Library**, which includes laws and regulations, as well as forms and samples of election commission’s documents.
3. **Subsystem “FAQ”**, which can be used in case you are dealing with a non typical situation.

The system is open to all users. Access to the system is free.