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# **Elections in Ukraine**

## *2019 Presidential Election*

### Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

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## Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by the Ukrainian elections authorities as of March 22, 2019, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **When is Election Day?**

The presidential election in Ukraine will be held on March 31, 2019. Polls will be open from 8:00 a.m. to 8:00 p.m. If no candidate wins an absolute majority, a runoff between the top two candidates will be held on April 21, 2019.

## **Why is this election important?**

The presidential election will take place amid a difficult political, economic and security environment. The election takes place against the backdrop of continuous challenges to Ukraine's territorial integrity that began in 2014 with the illegal annexation of the Crimean Peninsula by Russia and continued with the temporary occupation of certain areas of Donetsk and Luhansk regions. This election will be an important test for Ukrainian democracy and the country's ongoing reform and modernization efforts. Of importance during this election is the question of Ukraine's foreign policy, particularly its relationships with the European Union and Russia.

## **What is the role of the president?**

Under the Ukrainian Constitution, the president is the head of state and the guarantor of state sovereignty and the territorial integrity of Ukraine. The president is also charged with observance of the Constitution of Ukraine, as well as the upholding of human rights and citizen rights and freedoms. However, day-to-day executive power is in the hands of the cabinet ministers of Ukraine, led by a prime minister appointed by Parliament. The president represents the nation in international relations, conducts negotiations and settles international treaties, and is also the commander-in-chief of the Ukrainian Army. The president also nominates the defense and foreign affairs ministers. In order to secure a balance between state bodies, the president has veto power immediately after Parliament passes legislation.

Ukraine has had five presidents since 1991. Ukrainian presidents are limited to two consecutive terms. The term of office of a president is five years.

## **What is the legal framework governing the elections?**

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

The legal framework for presidential elections in Ukraine consists of:

- The Constitution of Ukraine;
- The Law on Election of the President of Ukraine;
- The Law on the Central Election Commission (CEC);
- The Law on the State Register of Voters;
- The Law on Political Parties in Ukraine;
- Provisions in the Code of Administrative Adjudication;

- Provisions in the Code of Administrative Offenses;
- Provisions in the Criminal Code; and
- Regulations adopted by the CEC

## **What is the electoral system?**

The president is elected directly by eligible voters through a two-round majoritarian system, with no minimum voter turnout requirements. The election is conducted in one nationwide electoral district comprised of the entire territory of Ukraine and voters abroad. A candidate must receive an absolute majority of over 50 percent of the vote in order to be elected in the first round.

If no candidate receives an absolute majority of the vote in the first round of voting on March 31, a second round will be held on April 21 between the two candidates who received the most votes in the first round.

## **Who are the candidates?**

Presidential candidates in Ukraine must meet several requirements: they must be a citizen of 35 years of age or older; they must have permanently resided in Ukraine for the 10 years preceding the election; and they must have a command of the Ukrainian language. Candidates for president also may not have dual citizenship; be deemed incapacitated by the court; incite hate speech and question the territorial integrity of Ukraine in his or her pre-election campaign; or be nominated by a party that promotes communist or national-socialist (Nazi) totalitarian regimes. Persons holding public office are permitted to run for president without resigning their office, but they are prohibited from using their position to campaign.

Candidates can be nominated by political parties or can self-nominate. According to the current legal framework, a candidate must submit a comprehensive set of registration documents and forms, along with a financial document certifying that they have made a deposit of UAH 2.5 million (approximately USD 92,000).

The Central Election Commission registered 39 presidential candidates, which include four women and 35 men:

- Anatoliy Hrytsenko, nominated by the “Hromadyanska Pozitsiya” (Civil Position) Party
- Andriy Novak, nominated by the “Patriot” Party
- Arkadiy Kornatskiy, self-nominated candidate
- Gennady Balashov, nominated by the “5.10” Party
- Ihor Shevchenko, self-nominated candidate
- Ihor Smeshko, self-nominated candidate
- Illia Kyva, nominated by the Socialist Party of Ukraine
- Inna Bohoslovska, self-nominated candidate
- Mykola Gaber, self-nominated candidate
- Oleh Lyashko, nominated by the Radical Party

- Oleksandr Danylyuk, self-nominated candidate
- Oleksandr Moroz, nominated by the Socialist Party of Oleksandr Moroz
- Oleksandr Solovyev, nominated by the “Rozumna Syla” (Smart Force) Party
- Oleksandr Vashchenko, self-nominated candidate
- Oleksandr Vilkul, nominated by the Opposition Bloc - Party for Development and Peace
- Olexandr Shevchenko, nominated by the Ukrainian Union of Patriots Party
- Olha Bohomolets, self-nominated candidate
- Petro Poroshenko, self-nominated candidate
- Roman Bezsmertnyi, self-nominated candidate
- Roman Nasirov, self-nominated candidate
- Ruslan Koshulynskyi, nominated by the All-Ukrainian Union “Svoboda” (Freedom) Party
- Ruslan Rihovanov, self-nominated candidate
- Serhiy Kaplin, nominated by the Social-Democratic Party
- Serhiy Nosenko, self-nominated candidate
- Serhiy Taruta, nominated by the “Osnova” (Basis) Party
- Valentyn Nalyvaichenko, nominated by the “Spravedlivist” (Fairness) Party
- Vasyl Zhuravlev, nominated by the “Stabilnist” (Sustainability) Party
- Viktor Bondar, nominated by the “Vidrodzhennya” (Revival) Party
- Viktor Kryvenko, nominated by the “Narodnyi Rukh” (People's Movement) of Ukraine Party
- Vitalii Kuprii, self-nominated candidate
- Vitaliy Skotsyk, self-nominated candidate
- Volodymyr Petrov, self-nominated candidate
- Volodymyr Zelensky, nominated by the “Sluga Narodu” (Servant of the people) Party
- Yulia Lytvynenko, self-nominated candidate
- Yulia Tymoshenko, nominated by the “Batkivskyna” (Motherland) Party
- Yuri Tymoshenko, self-nominated candidate
- Yurii Karmazin, self-nominated candidate
- Yuriy Boyko, self-nominated candidate
- Yuriy Derevyanko, nominated by the “Volia” (Will) Party

## **How are elections administered?**

The presidential election will be administered by a three-tiered election management system of election commissions that have organizational, institutional and financial independence from each other. This system includes the Central Election Commission (CEC), 199 District Election Commissions (DECs) and 29,806 Precinct Election Commissions (PECs).

The CEC has the overall authority for planning, regulating, and overseeing the election. The CEC’s duties include establishing territorial election districts and election precincts; appointing and dismissing members of DECs and PECs abroad; printing out ballot papers; maintaining the State Register of Voters; issuing regulations and clarifications in order to implement the election laws; and establishing the election results. It also considers complaints against DEC decisions, actions and inactions; the actions or

inactions of DEC members; actions of presidential candidates and their proxies in the nationwide election district; and actions of political parties that nominated the candidates. It is led by 17 commissioners, who are appointed for renewable seven-year terms by Parliament on the basis of presidential nominations following consultations with Parliament. The current composition of the CEC was renewed in September 2018 and there is still one vacant seat on the commission.

DECs are responsible for organizing elections in their districts, including creating PECs; registering official observers; distributing ballot papers to PECs; reviewing complaints on decisions, actions or inaction of PECs, its members or the actions of a proxy of a presidential candidate registered in their territorial district; and tabulating the results from the PECs in their district. DECs are comprised of a minimum of 12 members and are appointed based on nominations by candidates in the presidential election. Each candidate may nominate one member to each DEC. As 41 of 42 registered candidates executed this right to nominate DECs members for this election, the average number of commissioners in DECs is 36.

PECs are formed no later than 18 days prior to Election Day (March 12). They are responsible for establishing and running polling places on Election Day. They carry out the voting process, count ballots, and send results protocols to the DECs. PECs also review complaints on violations that took place during voting committed by a proxy of a presidential candidate in their precinct. PECs are comprised of at least nine members and, similar to DECs, these appointments are based on nominations of candidates in the presidential election. Each candidate may nominate one member to each PEC.

If a second-round election takes place, new DECs and PECs will be formed with an equal number of members nominated by each of the two final candidates. The second-round election, if necessary, will be held on April 21 with DECs of 14 members (seven from each candidate) formed by April 10 and PECs of 12 to 16 members (depending on the size of the polling station, and appointed equally by second-round candidates) formed by April 15.

## **Who can vote in these elections?**

Citizens who are 18 years of age by Election Day have the right to vote, except those deemed mentally “incapable” by a court. The Law on Election of the President of Ukraine states that voting for president is a voluntary right. It also stipulates that Ukrainian citizens living outside of the country maintain their right to vote and all other electoral rights granted to citizens.

## **How do citizens register to vote?**

Ukraine has a passive voter registration system. The Central Election Commission is responsible for maintaining a centralized State Register of Voters (SRV) that receives monthly updates from over 20,000 public authorities, which are processed by the SRV’s 761 local Register Maintenance Bodies (RMBs). A total of 35,560,427 voters will be included in the voter list, including 530,123 voters registered abroad with Ukrainian embassies or consulates.

Preliminary voter lists together with voter invitation cards are prepared by the respective RMB for each polling station separately. The voter lists must be available in polling stations for public scrutiny no later than March 15. Voters can also check their records online. Voters can file applications for corrections to

the voter lists to the RMBs and Precinct Election Commissions no later than by March 25, and can file lawsuits with local courts against inaccuracies in the voter lists until March 28. No changes to the voter lists can be made on Election Day. Voters can also temporarily change their place of voting by filing an application with the RMB no later than March 25. The final voter lists will be sent to polling stations by March 28. Registration on Election Day is not permitted.

## **Will there be out-of-country voting?**

Out-of-country voting will be conducted in 101 permanent polling stations across 72 countries. Some 530,123 voters are registered to vote abroad. In the last presidential election in 2014, 72,817 voters abroad actually cast their votes. Voters can file applications for changes to the voter list, including for changing the place of voting without changing the voter's address (including voting abroad), until March 25 and are allowed to file lawsuits against inaccuracies with the courts not later than March 28. Voting will be conducted from 8:00 a.m. to 8:00 p.m. local time. A full list of polling stations abroad can be found on the Ministry of Foreign Affairs [website](#).

On December 31, 2018, the Central Election Commission (CEC) closed polling stations in Ukraine's diplomatic missions in Russia, including at its embassy in Moscow and its five consulates in St. Petersburg, Nizhniy Novgorod, Yekaterinburg, Rostov-on-Don and Novosibirsk. In a major national election year, this will affect more than 50,000 potential Ukrainian voters currently registered in Russia.

The CEC based its decision on a request from the Ministry of Foreign Affairs and provisions of the election law. The commission cited the ongoing conflict with Russia, the government's inability to ensure the integrity of Ukrainian elections in Russia, and the security of Ukrainian voters in Russia.

Registered Ukrainian voters in Russia were reassigned to Ukrainian embassies in Georgia, Kazakhstan, and Finland. Voters from Krasnodar, Volgograd and Chechnya will be entitled to vote at the embassy in Georgia; voters from Magadan, Irkutsk and Novosibirsk may vote at the embassy in Kazakhstan; and voters from St. Petersburg can vote at the embassy in Finland.

## **How will voters cast their ballots?**

Citizens will vote using paper ballots. Voters will place a "plus" sign ("+") on the ballot or another mark that indicates their will in the square box next to the surname of the presidential candidate for whom they are voting. A voter may only vote for one candidate.

Each voter will cast a ballot individually at their assigned polling station. A voter who is included in the list of voters on the polling station but due to his or her age, disability or health is not able to move independently will have the option of voting at the place of his or her residence. Voting will be conducted in 29,818 polling stations nationwide. Polls will be open on Election Day from 8:00 a.m. to 8:00 p.m.

## **How will votes be counted, tabulated and reported?**

Votes will be counted at the polling stations, and then hard copies of the tabulation sheets (protocols) are transferred to the District Election Commissions (DECs). These protocols will then be validated and tabulated. The results will also be entered into an electronic system. The preliminary results entered into this electronic system will be published on the Central Election Commission (CEC) website in real time. Vote counting and tabulation protocols will also be placed in the premises of the respective commissions for public viewing, while candidates, their proxies and observers are entitled to receive one copy of the respective protocol.

The DECs will finalize tabulating the results in their respective districts by April 5 for the first round and April 26, if there is a second round, and transfer the hard copies of these tabulation protocols to the CEC. The CEC will then validate the protocols, finalize and announce the results no later than April 10 and no later than May 1 for the first round and second round respectively.

## **When will official results be announced?**

The Central Election Commission will announce the official results within 10 days after Election Day and no later than three days after receiving all tabulation protocols from the District Election Commissions. If a candidate wins an absolute majority in the first round, the results will be announced on or before April 10. In case of a second round on April 21, the results will be announced on or before May 1.

## **Who can observe on Election Day?**

Ukrainian law allows for the observation of elections by candidate and political party observers, observers from Central Election Commission (CEC)-accredited nongovernmental organizations (such as domestic observer organizations) and international observers from foreign states or international institutions.

The Ukrainian Civil Network OPORA will once again lead a large mission consisting of approximately 3,000 short-term domestic observers. The Ukrainian Committee of Voters of Ukraine will also be carrying out a nationwide election observation effort with roughly 2,000 short-term domestic observers.

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) will lead an international observation mission – OSCE/ODIHR was officially invited to observe by the government. OSCE/ODIHR has deployed a core team of 17 experts as well roughly 90 long-term international observers. Closer to the election, OSCE/ODIHR expects to deploy approximately 750 short-term international observers, making this one of the largest international observation missions of its kind.

In addition to the OSCE/ODIHR mission, a number of international groups will be deploying election observation missions, including the National Democratic Institute, the International Republican Institute, the European Network of Election Monitoring Organizations and Canadian Election Observation Mission funded by the Canadian government.

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

## **How will disputes be adjudicated?**

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

Complaints of violations committed before Election Day must be filed to the relevant election commission within five days from the day the alleged violation was committed, but no later than by 10:00 p.m. of the last Saturday before Election Day. If the violation was committed on Election Day during vote counting and vote tabulation, a complaint must be filed within five days. Complaints regarding the voting process itself must either be filed before the end of voting or within two days depending on the nature of the complaint, the plaintiff and complainant.

PEC decisions can be challenged at the relevant DEC or local court. DEC decisions can be challenged at the CEC or respective district administrative court. The Sixth Administrative Court of Appeals located in Kyiv considers lawsuits against actions of presidential candidates and their proxies as well as against decisions, actions or inactions of the CEC and its members, except for when these are related to the election results, which are challenged at the Supreme Court.

## **What are the rules on campaigning?**

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

A candidate may start campaigning the day after he or she has been registered by the Central Election Commission. The campaign ends at midnight on the Friday before Election Day, March 29. Campaigning is prohibited during the 24 hours preceding Election Day, as well as on Election Day.

The election law contains provisions aimed at ensuring equal campaign opportunities for all candidates, including access to campaign premises and designated places for political advertising. The Constitution asserts the freedom of the media and prohibition of censorship. It also states that “propaganda or campaigning inciting social, racial, national or religious hatred and strife is impermissible. Propaganda of social, racial, national, religious or language superiority is forbidden.”

## **What are the rules governing the media?**

Election campaigning in the media can take the form of public debate and discussion, roundtable discussions, press conferences, interviews, speeches, political advertising, television (TV) ads, videos and other publications and reports on candidates, the party that nominated these candidates, and other forms that do not contradict the laws and the Constitution of Ukraine.

Candidates receive free TV, radio and print media campaign advertising from state-funded media outlets. Candidates and political parties receive 30 minutes of campaign advertising from each state-funded TV and radio station (this time is divided into two equal parts). State-funded newspapers (*Golos Ukrainy* and *Uryadoviy Kuryer*) are required to print the election platforms of the presidential candidates in a special edition at no cost to the candidates.

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

## **What are the rules for campaign finance?**

The Law on Election of the President of Ukraine requires each candidate to maintain two types of campaign bank accounts. Candidates must open one electoral fund account in a banking institution located in Kyiv where all contributions and campaign donations are collected. Candidates then must open no more than one campaign expense account in each district. Candidates file financial disclosure forms during the candidate registration process.

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

A presidential campaign can be financed from:

- A candidate's private funds (unlimited);
- Individual donations from citizens of Ukraine (a size of the donation may not exceed 400 minimum salaries, which are set by the Ministry of Finance: UAH 1,670,000 or roughly USD 62,000);
- Donations from legal entities (a size of the donation may not exceed 800 minimum salaries: UAH 3,340,000 or roughly USD 124,000); and
- Funds from the party that nominated the candidate (unlimited).

Donations from foreign citizens, the state, public funds, anonymous sources, and from nonprofit and charitable organizations are prohibited.

## Resources

- [The Constitution of Ukraine](#), Chapter 5: The President of Ukraine
- [Law on Election of the President of Ukraine](#), March 5, 1999, with amendments (in Ukrainian)
- [Law on the Central Election Commission](#) (CEC), June 30, 2004 (in Ukrainian)
- [Law on the State Register of Voters](#), February 22, 2007 (in Ukrainian)
- [CEC Website](#)
- [CEC Website on Presidential Elections](#)