



CVU'S FINAL REPORT

ON THE FINDINGS OF THE OBSERVATION OVER
THE 25 OCTOBER 2020 LOCAL ELECTIONS





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CONCLUSIONS AND RECOMMENDATIONS

Legislation

- 1. CVU BELIEVES THE ELECTION CODE OF UKRAINE SHOULD BE SUBSTANTIVELY REVISED FOLLOWING THE RESULTS OF THE LOCAL ELECTIONS.** The 25 October 2020 local elections demonstrated significant gaps in the electoral legal framework. Both technical deficiencies in the text of the Election Code and more basic things, such as the differing types of electoral systems used in local elections are in question. The work on amending the legislation should start reasonably in advance before the next election. CVU negatively assesses the practice of amending the electoral legislative framework shortly before the election. This situation leaves not enough time for electoral subjects to read the electoral legislation, and also leads to errors and deficiencies in the document text.
- 2. IN CVU'S OPINION, THE USE OF A PROPORTIONAL ELECTORAL SYSTEM IN SMALL COMMUNITIES SHOULD BE ABANDONED.** The use of a proportional representation system in communities with over 10,000 voters makes it too difficult to administer elections and drags the counting process along. However, a proportional system with open lists may be applied in communities with over 75,000 voters.
- 3. CVU BELIEVES THAT THE RIGHT OF CITIZENS TO SELF-NOMINATE SHOULD BE PROVIDED AT ALL LEVELS OF LOCAL ELECTIONS IN UKRAINE.** Granting a monopoly to political parties to nominate candidates in elections of oblast, rayon, and city councils in communities with over 10,000 voters is an unjustified decision. In the realities of Ukraine, political parties often do not have well-functioning branches in small communities, so they cannot efficiently fulfill their nominating role. As a result, candidates are nominated by oblast-level organizations instead of grassroots party chapters, which does not encourage party democracy. Also, the impossibility of self-nomination leads to the practice of selling places in party lists, where potential independent candidates are forced to negotiate their nomination as candidates from local party organizations. It should also be kept in mind that the self-nomination mechanism is particularly important in local elections, as evidenced by the traditionally large number of independent candidates in all previous elections. The provisions allowing to elaborate lists of independent candidates should be returned to the Election Code of Ukraine.
- 4. THE ELECTORAL QUOTA PROVISIONS IN THE ELECTION CODE NEED REVISING.** The requirement that a candidate should achieve 25% of the electoral quota for moving up along a party list is excessive. The election results demonstrated that only a portion of the candidates were actually elected by open lists, while others — by the so-called closed part of the list. According to CVU, 50% of councilors in the elections to the city councils of oblast centers and the city of Kyiv have been elected by the closed part of the list. That is, the same candidates received the mandates not as a result of voters' voting for them in a constituency, but thanks to the higher place in the party list. CVU recommends to reduce the electoral quota requirement for candidates from 25% to 10%.

5. **THE GENDER QUOTA PROVISIONS OF THE ELECTION CODE NEED SPECIFYING.** The point of time in the electoral process when the quota should be met needs specification: whether it is the day of document submission to TEC or based on the results of candidate registration.
6. **IT IS NECESSARY TO CLEARLY OUTLINE THE REQUIREMENTS FOR CANDIDATE'S FINANCIAL DEPOSIT.** In particular, which account the funds should be paid from. As practice shows, election commissions and courts often interpreted the provisions relating to financial deposit differently.
7. **CVU BELIEVES THAT THE SECOND ROUND OF ELECTIONS SHOULD BE ABANDONED IN COMMUNITIES WHERE THE DIFFERENCE BETWEEN THE CANDIDATES IN THE FIRST ROUND IS OVER 20%.** In the context of a significant gap between the candidates, voting in the second round often looks like a formality and does not attract much voter interest.
8. **PROVISION SHOULD BE MADE FOR MANDATORY DEBATES BETWEEN CANDIDATES GOING INTO A SECOND ROUND OF ELECTIONS.**
9. **IT IS NECESSARY TO RETURN TO THE ELECTION LEGISLATION THE REQUIREMENTS FOR THE MANDATORY SUBMISSION OF ELECTION PROGRAMMES FOR CANDIDATES FOR THE POSITIONS OF VILLAGE, TOWN, CITY MAYORS.** The lack of the same requirements does not contribute to the meaningful election campaign.
10. **CVU BELIEVES THE DECISION TO GUARANTEE THE RIGHT TO PARLIAMENTARY GROUPS TO HAVE THEIR REPRESENTATIVES IN ELECTION COMMISSIONS IS WRONG.** In practice, this decision reduces the chances of other nominating entities who are not entitled to the guaranteed inclusion of their representatives in election commissions to get seats in the same commissions. At the same time, by their legal nature, parliamentary groups are not permanent entities, but are temporary unions of MPs who are not members of any parliamentary faction, which raises the question whether it is reasonable to provide special opportunities for parliamentary groups to be represented in commissions.
11. **CVU BELIEVES THAT THE DECISION TO GRANT VOTERS THE RIGHT TO CHANGE THEIR ELECTORAL ADDRESS WITHOUT SUPPORTING DOCUMENTS DID NOT WORK.** Despite the citizens have been offered ample lawful possibilities to change their electoral address, only a relatively small number of voters have used this procedure. In general, less than 2% of the citizens out of those, who could potentially use the procedure, have actually changed their electoral addresses. Moreover, the possibility to change the electoral address without submitting supporting documents resulted in 'electoral tourism' technology, where the citizens changed their electoral addresses in exchange for financial remunerations from the interested candidates. These facts took place in more than 20 communities.
12. **IT IS ADVISABLE TO ELABORATE LEGISLATIVE MECHANISMS TO LEGITIMIZE THE OPERATIONS OF PARTY HEADQUARTERS, AGITATORS, COMMISSION MEMBERS, AND OFFICIAL OBSERVERS.** De facto, these persons get remunerations from candidates and parties for their efforts, however the said amounts are not entered in financial statements. Moreover, under the current circumstances, verification of candidates' financial statements often looks like a formality, as the territorial election commissions, which are responsible for this as set forth in the Code, most often, lack human and financial resources to perform a comprehensive analysis. Stricter requirements relating to transparency of electoral funds and capacity of responsible authorities to detect breaches of the law should become one of the priorities while amending the election legislation.

Administration of Elections

- 13. CVU NOTES THE LACK OF PUBLIC AUTHORITIES PREPAREDNESS FOR ELECTIONS IN THE CONTEXT OF PANDEMIC.** Relevant decisions regarding the organization of elections in pandemic conditions were adopted late, directly during the election process. The government did not allocate funds to provide election commissions with the necessary protective equipment. CVU believes the decision to finance these measures from local budgets was conceptually wrong and did not contribute to protecting the electoral subjects under pandemic conditions. Relevant requirements needed detailing – specifying the quantities of masks, disinfectants and other means – thus encouraging uniform implementation of the government's decision. CVU observers reported inadequate compliance with anti-epidemic requirements on the election day. In particular, the lack of adequate protection for the commission members involved in the voting of citizens at their places of stay, the use of one and the same mask throughout the entire election day, non-compliance with social distancing and temperature measurement requirements.
- 14. IN GENERAL, CVU GIVES A POSITIVE ASSESSMENT TO THE CENTRAL ELECTION COMMISSION'S PERFORMANCE IN TERMS OF ORGANIZING AND HOLDING OF LOCAL ELECTIONS.** Despite the fact that the main powers in local elections were exercised by local election commissions, the CEC performed their supervisory and organizational functions properly. The territorial election commissions were formed in time and in compliance with the electoral legislation. However, frequent replacements of the commissions' members negatively affected their operations. As of 6 November, the powers of 5,217 members of territorial election commissions had been terminated. At the same time, the replacements in the commissions, in fact, started right after their formation and continued until the election day.
- 15. DUE TO THE POOR QUALITY OF LEGISLATION, THE CENTRAL ELECTION COMMISSION WAS TO REGULATE THE PROBLEMATIC ISSUES IN THE ELECTION CODE 'MANUALLY', ON AD HOC BASIS, VIA ADOPTING CLARIFYING RESOLUTIONS DIRECTLY DURING THE ELECTORAL PROCESS.** Overall, CVU assesses positively the CEC's performance in this aspect. The Central Election Commission's clarifications on filling in ballot papers and those on vote-buying, distribution of campaign materials, nomination of candidates by various party organizations contributed to the uniform application of the electoral legislation.
- 16. SOME INDIVIDUAL TECs DEMONSTRATED PROBLEMATIC PERFORMANCE.** As a result, the CEC resolved to early terminate the powers of those election commissions, which grossly violated the electoral legal framework. Compared to previous local elections, the CEC more often dismissed the commissions.
- 17. SOME COMMUNITIES EXPERIENCED THE PROBLEMS WITH ELECTORAL DISTRICT DELINEATION.** The Election Code establishes only a general algorithm for determining the number and requirements for constituencies, while TECs were responsible establishing their exact number (as the Code prescribes). As a result, the parties often speculated on this provision and pressed on TECs to form more or less constituencies (the parties with more support in the constituency demanded establishing a maximum number of constituencies, those with less support wanted a minimum number of electoral districts to be formed).

- 18. TECs SET UP PRECINCT ELECTION COMMISSIONS MOSTLY IN A TIMELY MANNER AND IN ACCORDANCE WITH THE ELECTION CODE.** At the same time, a significant number of potential commission members refused to work as the election took place in the context of a coronavirus pandemic. This situation was observed in all oblasts of Ukraine. As a result, the membership of PECs was finally formed by submissions of TECs' chairpersons.

Candidate Nomination and Registration

- 19. CVU WOULD LIKE TO NOTE A GROWTH IN THE NUMBER OF POLITICAL PARTIES RUNNING IN THE LOCAL ELECTIONS.** A total of 194 political parties declared their participation in the elections (in 2015 – 140 parties). Also, over a quarter of a million candidates – 275 thousand people – registered to run in the elections. On average, 7 candidates competed for each mayor's position.
- 20. IN 24 CITIES, 'CLONE CANDIDATES' – PERSONS BEARING THE SAME FAMILY NAME – RAN FOR MAYORS.** This situation affected the results of voting and did not promote an informed choice.
- 21. EVERY SECOND CITY'S MAYOR HAS CHANGED HIS PARTY COMPARED TO 2015.** 12 mayors out of the 22 mayors of the cities (oblast centers and the city of Kyiv), have changed the nominating entity compared to the 2015 elections. Only 5 mayors have not changed the party.
- 22. OVERALL, CVU NOTES THE CANDIDATE NOMINATION AND REGISTRATION PHASE WAS QUITE CHALLENGING.** This situation was due to the updated election legislation, which implementation in practice led to conflicts between potential candidates and members of election commissions. This has resulted in a significant number of complaints and court proceedings.
- 23. CVU NOTES THE GENDER QUOTA COMPLIANCE PROBLEMS DURING THE REGISTRATION OF THE PARTY CANDIDATE LISTS.** In general, the court practices regarding the parties' compliance with the gender quota differed and the courts' decisions in similar cases could differ from case to case. Besides the gender quota compliance problems, breaches of financial deposit procedure and simultaneous membership of the candidates in two political parties were among the most common inadequacies during the registration of candidates.

Forms and Topics of Election Campaigning

- 24. ONE OF THE PROBLEMS OF THE ELECTORAL PROCESS WAS THE MASS FACTS OF EARLY CAMPAIGNING BY THE CANDIDATES WHO HAD NOT YET BEEN REGISTERED.** According to CVU, as of early August, more than 16 political parties were actually early campaigning. This contributes to a significant shadowing of the electoral funds, as the political advertising expenditures showing signs of campaigning before the official start of the election campaign are not actually recognized in books. One of the reasons for extensive early campaigning was the short term of campaign: the candidates had only a little more than a month for campaigning.

- 25. THE TOTAL LEVEL OF 'LOCAL RELEVANCE' OF THE ELECTORAL CAMPAIGN WAS LOW.** Although the local elections were in question, the campaign topics were mostly national by nature. The political parties and candidates often draw citizens' attention to all-Ukrainian issues without addressing specific local issues directly. These include promises of peace, economic growth, and protection of state sovereignty. The promises of this kind do not correspond to the powers of local governments.
- 26. CVU NOTES AN INCREASED USE OF THE INTERNET AND SOCIAL MEDIA FOR CAMPAIGNING COMPARED TO PREVIOUS LOCAL ELECTIONS.** In particular, the active use of Facebook and Telegram (mainly used for anonymous dissemination of fake information about opponents). The most common forms of campaigning were as follows: placing of outdoor advertising, setting up campaign tents and launching political advertising campaign in mass media outlets.

Major Offences

- 27. THE MOST COMMON OFFENCES WERE NON-COMPLIANCE WITH THE ELECTION CODE'S PROVISIONS ON PLACEMENT OF CAMPAIGN MATERIALS.** In particular, the distribution of campaign materials without source data and the placement of advertising in prohibited places. Cases of illegal campaigning were present in all oblasts of Ukraine without exception. CVU observers reported the involvement of incumbent mayors or councilors who abused public resources for political purposes.
- 28. THE CASES OF VOTE BUYING WERE OBSERVED IN ONE THIRD OF THE OBLASTS.** As a rule, vote-buying was in the form of giving certain goods and food kits to voters free of charge. The technology of «good deeds» was actively used with candidate-affiliated charities often being involved. The campaign featured frequent distribution of coronavirus pandemic mitigating equipment (face masks, disinfectants) to voters. Despite a clear legislative ban, the parties and the candidates, as in the previous elections, distributed food to voters.
- 29. ONE OF THE UNFAIR TECHNOLOGIES IN THE LOCAL ELECTIONS SHOWING SIGNS OF VOTER BRIBERY WAS «ELECTORAL TOURISM» TECHNOLOGY.** Under this we mean the cases of mass changes of the voting addresses by the voters in exchange for monetary remuneration from interested parties. The cases were recorded in Odesa, Zakarpattia, Khmelnytskyi, Kyiv, Zhytomyr, Zaporizhia, Ternopil, and Kirovohradska oblasts. Mostly this technology was used in rich rural communities with a small number of voters. According to CVU, given the low turnout, these changes in the number of voters could significantly distort the election results.
- 30. THE PROBLEM OF ADMINISTRATIVE RESOURCE ABUSE IN LOCAL ELECTIONS WAS MANIFESTED, IN PARTICULAR, IN THE ACTIVITIES OF THE PRESIDENT OF UKRAINE.** The country's leader, in fact, used his business trips to the oblasts of Ukraine to campaign for Servant of the People political party. These activities were actively carried out in August and September. It is worth noting that the President's business trips to the oblasts of Ukraine are in question. Before the second round of elections in Kryvyi Rih, V. Zelenskyy personally campaigned for the candidate from Servant of the People party during his presidential business trip to the city.

- 31. CVU RECORDED THE CASES OF CRIMINALIZED ELECTORAL PROCESS IN CERTAIN COMMUNITIES.** Attacks and beatings of the candidates were recorded in some communities. A number of parties went public claiming the provocations against them. The facts of mass damages to campaign materials of the candidates and political parties were also observed. Such cases occurred in most oblasts of Ukraine.

Election Day, 25 October

- 32. OVERALL, CVU ASSESSES THE 25 OCTOBER ELECTION DAY WAS CONSISTENT WITH THE FREE AND FAIR ELECTION STANDARDS.** The registered electoral offences mostly did not significantly affect the voting results. The key problems on the election day were illegal campaigning, non-compliance with anti-epidemic measures on the election day, non-admission of observers and obstruction to their work, insufficient number of ballots and errors in their texts, conflict situations related to the presidential opinion poll at the polling stations.
- 33. ON THE ELECTION DAY, A NUMBER OF CASES OF DIRECT AND INDIRECT VOTER BRIBERY TOOK PLACE, WHICH COULD HAVE HAD A SIGNIFICANT IMPACT ON THE RESULTS OF VOTING IN CERTAIN COMMUNITIES.** CVU observers recorded in some communities the cases of voter transportation to the polling stations, which could indicate an attempt of controlled voting. In some communities, voters reported being offered money in exchange for their vote. CVU observers report the attempts to take ballots out at some polling stations.
- 34. CVU NOTES THE PROBLEMS ON ELECTION DAY RELATED TO NON-COMPLIANCE WITH ANTI-EPIDEMIC MEASURES AT POLLING STATIONS.** Some polling stations were not provided with the necessary equipment, and therefore organized the voting on their own, including at the own expense of the commissions' management. There were also conflicts in the commissions over who and how should organize voting of the coronavirus-infected voters at their places of stay. CVU appealed to the Cabinet of Ministers of Ukraine regarding the need to address the matter of centralized procurement of protective equipment (face masks, special protective overalls) and thermometers, as well as organizing payments to technical staff for wet cleaning services at polling stations during the second round of elections.
- 35. A LACK OF UNDERSTANDING HOW TO VOTE WITH A NEW BALLOT FORM WAS A COMMON PROBLEM ON ELECTION DAY FOR THE VOTERS.** As a result, the voters often sought help (including from commission members and observers) to be explained specific rules of filling out a ballot.
- 36. CVU OBSERVERS RECORDED THE FACTS OF ILLEGAL CAMPAIGNING ON THE EVE OF AND ON THE ELECTION DAY, 25 OCTOBER.** Cases of distribution of materials showing the signs of campaigning on the eve of election day were widespread and recorded in all oblasts of Ukraine. Directly on the election day, CVU observers reported widespread cases of citizens wearing so-called branded masks at polling stations. CVU observers reported illegal campaigning by mass text messaging on election day.

- 37. ENSURING THE VOTING RIGHTS OF VULNERABLE VOTER GROUPS POSED A CHALLENGE.** According to CVU observers, the vast majority of polling stations were not adapted to the needs of vulnerable groups, which does not contribute to the exercise of equal voting rights. The provisions of the Election Code obstructed voting of the voters with visual impairment. For instance, the Election Code prohibits photo and video recording of a ballot paper in any way during its filling out. However, a voter with visual impairment could fill in a ballot paper autonomously in a voting booth with the help of special apps, without outsider assistance.
- 38. BALLOT PAPER PROBLEMS WERE A SIGNIFICANT CHALLENGE ON ELECTION DAY.** While organizing voting at some polling stations, errors were found in the text of ballots. Some commissions also mixed up ballots and gave the ballots from other constituencies to the voters. In some communities, the ballots were reprinted right before the election day.
- 39. CVU OBSERVERS REPORTED OFFENCES AND CONFLICT SITUATIONS RELATED TO THE PRESIDENTIAL OPINION POLL HELD NEAR THE POLLING STATIONS.** In some cases, the opinion poll was conducted directly at the polling station, which is not allowed by the Election Code. A number of conflict situations arose during the poll between the citizens and the interviewers. Some interviewers, in fact, campaigned and commented on the issues in the text of the survey, which provoked a negative response among the citizens.

The Second Round of Elections

- 40. THE PREPARATIONS TO THE SECOND ROUND OF LOCAL ELECTIONS WERE CHARACTERIZED BY A SIGNIFICANT DELAY WITH PUBLISHING THE 25 OCTOBER VOTING RESULTS. ON THE ONE HAND, THE DELAY WAS ATTRIBUTED TO THE NEW ELECTION LEGISLATION, WHICH COMPLICATED THE COUNTING PROCESS DUE TO THE USE OF A PROPORTIONAL REPRESENTATION SYSTEM WITH OPEN LISTS.** However, the main reason for the delay in establishing the election results was the frequent cases of political parties and candidates appeals to courts against the voting results. At the same time, according to CVU, the political parties' and candidates' demands to recount votes and invalidate the elections often lacked proper substantiation and were not based on real facts of election-related offences on the election day.
- 41. ON THE EVE OF THE VOTING DAY OF NOVEMBER 15, CVU OBSERVERS REPORTED THE ACTIVE USE OF «BLACK PR» TECHNOLOGIES.** Another distinctive feature of the second round campaign was also the attempts to hold debates. However, a full-fledged debate, where both candidates participated, was rather the exception. Overall, CVU noted that voting on November 15 was consistent with the free and fair election standards, however in two of the seven communities, alleged voter bribery was reported. The problems and violations on the election day included election commissions' mistakes, noncompliance with anti-epidemic measures, and illegal campaigning. CVU observers noted widespread non-compliance with anti-epidemic measures at polling stations on the election day.
- 42. ON THE EVE OF ELECTION DAY, 22 NOVEMBER, CVU OBSERVERS NOTED AN INCREASED NUMBER OF REPORTS ON ALLEGED VOTER BRIBERY.** CVU observers also recorded a number of cases of indirect voter bribery. Just like on the eve of the second round on November 15, CVU observers reported the widespread use of technologies showing the signs of black PR on the eve of

November 22. In general, compared to the first round of elections, the cases of such technologies significantly grew in number before the second round of voting.

43. ACCORDING TO THE CVU'S OBSERVATION FINDINGS, THE SECOND ROUND OF ELECTIONS ON 22 NOVEMBER WAS LARGELY CONSISTENT WITH INTERNATIONAL STANDARDS AND UKRAINIAN LAW, BUT THE USE OF TECHNOLOGIES AIMED AT VOTER BRIBERY WAS REPORTED IN A NUMBER OF CITIES.

In particular, CVU observers noted widespread cases of photographing ballots and transporting voters to polling stations. The number of facts and scales of technologies related to bribery have increased significantly since the first round of elections and compared to the November 15 voting. Given the low voter turnout, the voter bribery could have a significant impact on the voting results. Cases of photographing filled-in ballots may be the signs of the organized voter bribery scheme.

Election Results, Turnout

44. THE RESULTS OF THE 25 OCTOBER VOTING DEMONSTRATE THE LARGEST NUMBER OF ELECTED CONTESTANTS WERE SELF-NOMINATED CANDIDATES — 16% OF THE TOTAL ELECTED CANDIDATES.

Servant of the People political party is the second by the number of elected candidates, with Fatherland being the third. The data vary at the community levels.

45. AS IN THE CASE OF LOCAL COUNCILORS, THE LARGEST PER CENT OF WINNERS AMONG MAYORAL CANDIDATES IN VILLAGES, SETTLEMENTS, TOWNS / CITIES COMPRISE SELF-NOMINATED CANDIDATES — 47% OF THE TOTAL ELECTED PERSONS, IN OTHER WORDS, EVERY SECOND ELECTED COMMUNITY LEADER.

Servant of the People political party is on the second place, with For the Future party being the third.

46. SERVANT OF THE PEOPLE POLITICAL PARTY WON FEWER MANDATES IN OBLAST CENTER CITIES AND KYIV THAN PETRO POROSHENKO'S BLOC IN THE 2015 LOCAL ELECTIONS AND PARTY OF REGIONS IN 2010.

In general, the results of the 2020 local elections demonstrate only 13% of the elected councilors in the oblast center cities and Kyiv were nominated by Servant of the People party. This is less seats than Petro Poroshenko's Bloc (19%) won and three times less seats than the Party of Regions (38%) gained. The most seats Servant of the People received in Poltava and Zaporizhia city councils, the least ones — in Lviv, Ivano-Frankivsk and Ternopil. The party has not won the first position by the number of votes cast in any oblast center and has not won any mayoral election.

47. HIGH RESULTS IN LOCAL ELECTIONS WERE GAINED BY THE SO-CALLED OBLAST-LEVEL POLITICAL PARTIES (POLITICAL FORCES WHICH OPERATIONS ARE CONCENTRATED EXCLUSIVELY WITHIN ONE OR MORE OBLASTS, AND SOMETIMES WITHIN ONE CITY).

So, Groysman's Ukrainian Strategy party won the city council elections in Vinnytsia, the Kernes Bloc — Successful Kharkiv! won in Kharkiv, Komanda Symchyshyna (Symchyshyn's Team) won in Khmelnytskyi, Doviriai Dilam (the Trust in Deeds) party won in Odesa, Ridnyi Dim (the Native House) party won in Chernihiv, Volodymyr Buriak's party Yednannia (Unity) won in Zaporizhia.

48. TURNOUT IN LOCAL ELECTIONS WAS IN FACT THE LOWEST IN UKRAINE IN A DECADE. In the 2010 local elections, the turnout was 48.7%, in the 2015 local elections (first round) — 46.6%, in the 2015 local elections (second round) — 34%, in the 2020 local elections (first round) — 36.8%, in the 2020 local elections (second round on November 15) — 24%, in the 2020 local elections (second round on November 22) — 29.5%. According to CVU, the voter turnout during the second round of elections could have been influenced by the technologies used by the candidates. In a number of cities, the technology of attracting young voters through the drawing of valuable prizes — in particular, mobile phones — was reported. Although formally the organizers of the same events were not candidates, but local entrepreneurs, the events showed signs of election technology. The turnout was slightly higher in the cities where voters were promised prizes for voting.

Political Context and Specific Features of the Elections

Scheduled presidential elections took place in Ukraine on 31 March 2019, where the candidate nominated by Servant of the People political party Volodymyr Zelenskyy won in the second round. After taking the oath on 21 May, V. Zelenskyy issued a Decree «On the early termination of the powers of the Verkhovna Rada of Ukraine and calling early elections.» Extraordinary parliamentary elections took place on 21 July 2019 and where Servant of the People political party won with the support from a record high 43.16% of Ukraine's voters (previously, the Party of Regions received record high support in the 2007 parliamentary elections — 34.37 %). Thus, following the election of the President and the Verkhovna Rada of Ukraine, Servant of the People political party unilaterally formed a parliamentary coalition and, in fact, gained full power in the state, except for local self-governments, which elections were scheduled for October 2020.

According to Art. 141 of the Constitution of Ukraine, regular elections of village, settlement, town, city, rayon, oblast councils, village, settlement, town, city mayors are held on the last Sunday of October in the fifth year in office of the relevant council/chairman elected via scheduled election procedure. The previous scheduled local elections took place in Ukraine on 25 October 2015. Pursuant to the Election Code of Ukraine (ECU), Art. 194, Part 2, the Verkhovna Rada of Ukraine is responsible for calling scheduled elections of oblast, rayon, city, district in cities, village, settlement councilors, village, settlement, city mayors. According to ECU, Art. 195, Part 1, scheduled local elections are called no later than ninety days prior to the election day. On 15 July 2020, the Verkhovna Rada of Ukraine adopted a resolution «On calling the next local elections in 2020». 326 MPs of Ukraine voted for. The election day was appointed for 25 October 2020.

It is worth noting **that setting the date of the next local elections was the subject of political speculation.** Thus, in November 2019, Oleksandr Korniienko — one of the leaders of Servant of the People, the ruling political party in Ukraine, stated that the local elections may take place before the autumn 2020¹. Servant of the People explained this initiative by the need to accelerate the decentralization reform, but according to some experts, this initiative was an attempt to hold local elections as soon as possible as the ruling party had high ratings those days. However, holding regular local elections earlier contradicts the Constitution of Ukraine, therefore it was decided to abandon the idea to hold the local elections earlier than the autumn 2020.

THE RESOLUTION OF THE VERKHOVNA RADA OF UKRAINE «ON CALLING THE SCHEDULED LOCAL ELECTIONS IN 2020» PROVIDES THAT ELECTIONS OF MEMBERS OF THE VERKHOVNA RADA OF THE AUTONOMOUS REPUBLIC OF CRIMEA, LOCAL COUNCILORS AND VILLAGE, SETTLEMENT, TOWN, CITY MAYORS IN THE TEMPORARILY OCCUPIED TERRITORIES OF THE AUTONOMOUS REPUBLIC OF CRIMEA, SEVASTOPOL AND IN CERTAIN DISTRICTS, CITIES, TOWNS AND VILLAGES OF DONETSK AND LUHANSK OBLASTS SHALL NOT BE CALLED AND HELD. The Resolution also prescribed not to call and not to hold the elections of members to Donetsk

¹ Kornienko: Local elections may take place before the fall of 2020.

<https://www.pravda.com.ua/news/2019/11/10/7231547/>

and Luhansk oblast councils because representation of the common interests of territorial communities in villages, towns and cities of Donetsk and Luhansk oblasts is impossible.

It is worth noting as of the time when the decision to call the local elections was adopted, several draft Resolutions were registered with the Verkhovna Rada of Ukraine on this matter (Resolutions No.3809, 3813, 3834). Among other things, the draft resolutions proposed different approaches to regulating the issues of elections in the temporarily occupied territory of Ukraine. For example, Resolution No.3813 (its authors are MPs of Opposition Platform – For Life faction) proposed to hold elections of Donetsk and Luhansk oblast council members, although Ukraine does not control part of the area due to the armed aggression of the Russian Federation. However, parliamentarians did not support this decision.

Calling of local elections was one of the matters addressed by the Tripartite Contact Group for the settlement of the situation in the temporarily occupied territories of Ukraine in Donetsk and Luhansk oblasts. According to the Leader of the Ukraine's Delegation to TCG Leonid Kravchuk, the Russian Federation's representatives demanded that the Verkhovna Rada amend the Resolution on calling local elections, in particular, as concerns the decision not to hold elections in the temporarily occupied territory. These demands were rejected by the Ukraine's delegation.

THE OCTOBER 25 LOCAL ELECTIONS WERE HELD IN THE CONTEXT OF DE FACTO COMPLETED DECENTRALIZATION REFORM (AMALGAMATION OF TERRITORIAL COMMUNITIES) AND ON A NEW TERRITORIAL DIVISION BASIS. On 17 January 2020, the Verkhovna Rada of Ukraine adopted the Resolution «On the formation and liquidation of rayons» reducing the number of districts in Ukraine from 490 to 136. On 14 August, the Central Election Commission (CEC) called elections to councils in newly-delineated districts for October 25. This decision was preceded by lengthy legal consultations and the CEC's appeals to the Verkhovna Rada Committee on State Building, Local Governance, Regional and Urban Development, and the Ministry for Communities and Territories Development seeking to clarify the matter of calling rayon council elections.

A SPECIFIC FEATURE OF THE OCTOBER 25 LOCAL ELECTIONS WAS THE ELECTION CAMPAIGNING AND VOTING IN THE CONTEXT OF THE COVID-19 PANDEMIC. This mainstreamed the matter of ensuring safety of all electoral entities and persons engaged in the election campaign: election commission members, candidates, their representatives, proxies, official observers, media and voters.

CVU notes that public authorities for a long time had not actually issued clear recommendations to regulate the voting procedure in the context of a pandemic. In view of this situation, on August 18, CVU submitted an official letter to the Prime Minister of Ukraine D. Shmyhal seeking proper organization of the electoral process in connection with the coronavirus pandemic. Thus, one of the urgent issues that needed to be addressed was to provide election commissions with the necessary protective equipment, in particular, face masks, protective gloves, and disinfectants. The question was about creating adequate working conditions for about half a million citizens of Ukraine engaged in the elections as members of territorial and precinct election commissions. More than 4 million face masks were to be purchased for this purpose. At the same time, the members of election commissions in Ukraine are often elderly people (in particular, those of precinct election commissions in small settlements). According to the World Health Organization, the elderly people are a vulnerable population group in terms of coronavirus. CVU also requested the authorities to develop voting mechanisms for coronavirus-positive voters as well as those under quarantine as of election day.

In its request, CVU stated that the Cabinet of Ministers of Ukraine – the highest executive body in Ukraine – was responsible for addressing these and other matters related to the organization of the 25 October 2020 scheduled local elections. With this in mind, CVU called on the Prime Minister of Ukraine

D. Shmyhal to initiate the process of developing recommendations for the 25 October 2020 scheduled local elections engaging the Ministry of Health and the Chief State Sanitary Doctor of Ukraine to the process. The recommendations were expected to underlie CEC's further calculation of the extra costs for the next local elections and the corresponding request to the parliamentary budget committee.

CVU notes positively that the very next day after the request submission, on 19 August, the Prime Minister of Ukraine D. Shmyhal instructed the Ministry of Health to develop the recommendations for the local elections. «*The government is already working on the matter how to hold the local elections in October safely. We already have submissions and proposals from NGOs to provide election commissions with the protective equipment they need. Herewith I instruct the Ministry of Health to address this issue, to develop recommendations for the safe holding of the electoral process,*» — D. Shmygal declared².

ON 14 SEPTEMBER, THE CABINET OF MINISTERS OF UKRAINE APPROVED THE PROCEDURE FOR IMPLEMENTING ANTI-EPIDEMIC MEASURES DURING ORGANIZING AND HOLDING OF THE ELECTIONS. In accordance with the CMU's Resolution No.846, the following steps were taken to implement anti-epidemic measures during the elections:

- temperature screening and interviewing of all individuals entering the polling stations to find out whether they have symptoms of respiratory diseases;
- placing hand sanitizers at the entry to the election commission's premises;
- painting of the marks indicating a distance of at least 1 meter to be respected;
- division of entry and exit voter flows; presence of no more than three voters per ballot issuance table in the room;
- disinfecting on regular basis the chairs, tables, furniture in use by the election commission members;
- observance by voters of anti-epidemic measures, treatment of hands with antiseptic before entering the premises, wearing a respirator or protective mask; it is recommended not to take children to polling stations; voters are recommended to use a personal pen;
- voting of self-isolated voters at their places of stay;
- all members of election commissions, official observers, police officers should wear protective equipment;
- if one election commission member test positive for COVID-19, all other members of the election commission may continue performing their functions unless they have symptoms of a respiratory disease.

In the context of the pandemic exacerbation in Ukraine, potential postponement of the local elections was debated. On 17 August, the State Sanitary Doctor V. Liashko said postponing of the local elections would not be considered unless over 50% of the country's territory falls in the «red» quarantine zone.³ However, according to the Constitution of Ukraine, local elections may be postponed only in the event of a national emergency or martial law. As the mechanism for imposing a state of emergency had not been implemented, there were no lawful grounds for postponing the local elections.

2 D. Shmyhal instructed MOH to draft the recommendations for holding of the elections

<https://tsn.ua/ukrayina/shmigal-doruchiv-mozu-rozrobiti-rekomendaciyi-dlya-provedennya-viboriv-1609225.html>

3 V. Lyashko told in what case local elections can be postponed.

<https://www.pravda.com.ua/news/2020/08/17/7263134/>

CVU NEGATIVELY ASSESSES THE FACT THAT THE FUNDING OF THE CORONAVIRUS MITIGATING MEASURES IN THE CONTEXT OF A PANDEMIC HAS BEEN DELEGATED TO LOCAL BUDGETS. According to CMU's Resolution No. 846, expenditures related to the implementation of anti-epidemic measures in connection with organizing and holding of the elections shall be covered from local budgets (including the reserve funds of these budgets). CVU believes that the government was to take responsibility for financing of anti-epidemic measures in the context of the COVID-19 pandemic; while the delegation of responsibility for financing the mitigation measures to local budgets is an ill-considered decision that is inconsistent with the principles laid down in the election-related legal framework. Accordingly, ECU, Art. 209, Part 1 says the expenses for preparing and holding of scheduled elections of councilors, village, settlement, town and city mayors shall be covered from the state budget funds that are allocated to the Central Election Commission for management and administration of elections and referenda – in the form of a targeted subvention from the State Budget of Ukraine.

The Electoral Legal Framework

The 25 October local elections were the first election campaign held under the revised electoral legal framework. On 11 July 2019, for the first time in the history of Ukraine, the Verkhovna Rada adopted the Election Code of Ukraine, which combined various election laws into the one legislative act. The document was adopted after a long debate in parliament, the successful voting was achieved only on the 17th attempt. **CVU is generally positive about the idea of codifying the electoral legal framework.** This solution provides a chance to unify different election-related laws and, in general, contributes to the systematization of the electoral legal framework.

It is worth noting that during the year after the first adoption of the Election Code, it was amended several times. On 14 September 2019, the President of Ukraine V. Zelenskyy vetoed the Election Code and submitted his comments to it. The President noted that the provisions of the Election Code do not consider the latest positive amendments to the election legislation, do not comply with framework laws in the relevant area, do not provide proper regulation and organization of the election process and efficient control over election procedures. The President also pointed out that the Election Code actually retains elements of a proportional electoral system with closed lists, lacks mechanisms for implementing gender equality and generally does not provide sufficient mechanisms for exercising the voting rights by vulnerable voter groups. The President's veto was characterized by the abstractness of most provisions criticized by him. In fact, the country leader did not offer his own vision how to amend the Election Code, but only pointed out its deficiencies. Later, this gave rise to more discussions in the parliament during further consideration of the Election Code.

On 19 December 2019, the Verkhovna Rada adopted the Election Code incorporating the proposals of the President of Ukraine. As a result, the number of articles in the document halved, the laws on the CEC and the State Voter Register were deleted, the provisions on the use of open lists were amended, and technical and legal aspects were refined. The President signed the revised Election Code and it entered into force. The said modifications mainly concerned the elections of MPs.

Six months after the adoption of the Election Code incorporating the President's proposals, the Verkhovna Rada amended the legislation again. On 16 July 2020, one and a half months before the official start of the local election process, the parliament passed the draft law No. 853485 amending the Election Code. The amendments concern the local elections. The key modifications are aimed at expanding the use of the proportional electoral system to cover more settlements, specifically, the elections of members to oblast, rayon, rayon in cities councils, as well as village, town, city councils, provided that they number over 10,000 voters. The provision on 25% votes from the size of the electoral quota that a candidate must receive in order to move up in the party list has been preserved. The form of the ballot paper has been updated, it differs from the version proposed during the adoption of the Election Code for the first time in July 2019. The stricter sanctions for electoral offences, including voter bribery, have been established. Local party organizations have been granted the right to be represented in election commissions if the same organization concludes an agreement on political cooperation in a relevant local elections with any MP group. Mechanisms have been maintained that allow voters to change their electoral address in local elections, which has unlocked opportunities for internally displaced persons, migrant workers and other citizens who do not actually reside at their place of formal registration.

CVU NEGATIVELY ASSESSES THE PRACTICE OF AMENDING THE ELECTORAL LEGAL FRAMEWORK SHORTLY BEFORE THE ELECTION. This decision is contradictory to the international standards. According to the Code of Good Practice in Electoral Matters adopted by the Venice Commission: *“The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election.”*⁴ The fact that the Verkhovna Rada significantly amended the electoral law as late as one and a half months before the start of the local election process had a negative effect on the preparations for the elections. Potential actors had not enough time in the election process to prepare for the election. This applies to both potential candidates and members of commissions and voters themselves, who were deprived of the opportunity to get acquainted in advance with the specific new features of the updated electoral systems to be used in the next elections. It is worth noting that the amendments to the Election Code adopted by the Verkhovna Rada on 16 July 2020 are not technical in nature and directly affected the electoral process administration, inter alia the amendments addressed the electoral systems for local elections, approaches to formation of election commissions, as well as delineation of electoral district boundaries.

The Election Code was also amended directly during the electoral process. On 15 September, Law No.884 was adopted simplifying the conditions for registration of candidates in local elections (requirement for candidates to submit certificates of criminal record was cancelled). It is worth noting that in 2015, in fact, the Law on Local Elections was also passed shortly prior to the elections (the Law was signed in August 2015, while the electoral process began in September).

THE EXPEDITIOUS ADOPTION OF THE AMENDMENTS TO THE ELECTION CODE RESULTED IN ERRORS IN THE TEXT OF THE DOCUMENT. The technical deficiencies, in fact, put the election campaign in jeopardy. MPs used an incorrect term in the Election Code while defining the limits of campaign materials which distribution is allowed by law (pens, notebooks, leaflets, calendars, etc.) – the term “tax-free minimum income” was used instead of the term “subsistence level” – which directly affected the value of materials, which distribution was legal. After the election process began, MPs tried to correct the mistake and registered the relevant bills, but the parliament has not passed any of them.

CVU DOES NOT SUPPORT THE DECISION TO INTRODUCE A PROPORTIONAL ELECTORAL SYSTEM FOR ELECTIONS IN SMALL COMMUNITIES (with more than 10,000 voters). As a result of the introduction of a proportional electoral system, the right to nominate candidates in small communities was granted exclusively to local political party organizations. And, no self-nomination mechanisms were envisaged, which is contrary to the interests of independent candidates. It is worth noting that the self-nomination mechanism is especially important in local elections, as evidenced from the traditionally large number of independent candidates in all previous elections. The trust in political parties in Ukraine is low and granting a monopoly to political parties to nominate candidates in small communities is an unreasonable decision. Moreover, often the political parties themselves (even parliamentary ones) have neither formal nor actually functioning branches in small communities. Furthermore, the decision to introduce a proportional system greatly complicates the election administration process, in particular, this may delay counting of votes, as polling station commission members need to count not only the votes cast for local party organizations but also for each candidate nominated by the party in the electoral district. In the future, it is reasonable to introduce the electoral systems that provide for the right of candidates to self-nominate in local elections in small communities.

4 Code of Good Practice in Electoral Matters adopted by the Venice Commission, – p. 57
<https://www.venice.coe.int/files/CDL-elec-opinions-UKR.pdf>

Electoral systems in local elections, 25 October 2020.

Elections of members to village, settlement, town councils (communities with up to 10,000 voters)	Elections of members to AR of Crimea, oblast, rayon, rayon in city, village, settlement, town councils (communities of 10,000 and more voters)	Elections of village, settlement, town mayors (communities of up to 75,000 voters)	Elections of city mayors (communities of 75,000 and more voters)
A relative majority system in multi-member constituencies in the territory of a respective territorial community. Minimum two and maximum four members may be elected in each constituency.	A proportional representation system with open electoral lists of local political party organizations in territorial constituencies comprising a single multi-member constituency, coinciding, respectively, with the territory of the Autonomous Republic of Crimea, oblast, rayon, city, rayon in the city, village, settlement aligned with territorial-administrative units or the territory of city's, village's, settlement's territorial community.	A relative majority system in a single-member village-settlement-, town-constituency coinciding, respectively, with the territory of a village, settlement, town or the territory of a village, settlement, town territorial community.	An absolute majority system in a single-member town's constituency coinciding with the territory of a town or the territory of a town's territorial community.

CVU BELIEVES IT EXCESSIVE TO GRANT THE GUARANTEED RIGHT FOR MP GROUPS REPRESENTED IN PARLIAMENT TO HAVE THEIR REPRESENTATIVES IN ELECTION COMMISSIONS. Previously, only local organizations of political parties with a faction in the parliament enjoyed this opportunity, which is a logical step. While granting a guaranteed right to nominate commission members to the parties that have concluded a cooperation agreement with groups of MPs is not an essential measure and reduces the chances for representation of other nominating entities whose representation in election commissions is not guaranteed. By its nature, a parliamentary group is not a permanent entity, but a temporary union of MPs who are not members of any parliamentary faction, which raises the question whether it is reasonable to have parliamentary groups represented in the commissions.

THE CVU BELIEVES THAT THE MECHANISMS FOR EXERCISING THE RIGHT OF CITIZENS TO CHANGE THEIR ELECTORAL ADDRESS SHOULD BE REVIEWED BASED ON THE RESULTS OF LOCAL ELECTIONS. On the one hand, the possibility of changing the electoral address without submission of supporting documents (certificate of rent, letter of employment, etc.) simplifies the procedure for voters. On the other hand, in practice, this situation leads to the use of "electoral tourism" technologies, where a non-impartial candidate financially incentivize voters to change their electoral address to the constituency where the same candidate is running. This problem is especially relevant in small communities, where an additional few hundreds or even dozens of voters can significantly affect the voting results.

MONITORING OVER THE ACTUAL EXPENSES OF CANDIDATES AND PARTIES IN ELECTIONS ALSO REMAINS A TOPICAL ISSUE. Given that significant amounts of money are spent before the official start of the election process (the problem of so-called early campaigning), it is worth considering the options for extending the election campaign and encouraging candidates to spend money in compliance with applicable legislation – from their election funds. Currently, the verification of candidates' financial statements often looks like a formality, as the territorial election commissions, which are legally responsible to verify them, generally lack human and financial capacity to carry out a full analysis. In addition, the candidates' expenditures for operations of party headquarters, agitators and observers need to be legalized.

CVU EMPHASIZES THERE IS A NEED IN A COMPREHENSIVE ELECTORAL REFORM SEEKING TO ENSURE THE EXERCISE OF CITIZENS' VOTING RIGHTS AND CONSISTENT WITH INTERNATIONAL FAIR AND FREE ELECTION STANDARDS. It is worth identifying the key reform priorities and indicators to assess the reform implementation progress. The electoral reform should be aimed at improving both the legal framework regulating local elections and the Election Code's provisions governing the elections of MPs and the President of Ukraine.

Election Administration

OVERALL, CVU ASSESSES POSITIVELY THE CENTRAL ELECTION COMMISSION'S PERFORMANCE IN PREPARING AND ORGANIZING THE LOCAL ELECTIONS. The Election Code entrusts the Central Election Commission with the responsibility to issue clarifications regarding applications of the Code, establishing forms of electoral documents, seals and stamps, approving ballot paper forms and their color etc.

The following clarifying resolutions issued by CEC are worth special mentioning:

- clarification regarding the procedure of filling in a ballot paper for election of members to the Verkhovna Rada of the Autonomous Republic of Crimea, oblast, rayon, city, rayon in the city, village, settlement councils, and village, settlement, city mayors (CEC Resolution No.366 of October 10);
- clarification regarding the procedure of forming precinct election commissions for the scheduled elections of members to the Kyiv City's Council and the Mayor of Kyiv on 25 October 2020 (Resolution No.299 of 25 September);
- clarification regarding the ban to give money or goods, services, works, securities, loans, lotteries, other tangible assets free of charge or on preferential terms (indirect bribery) during the local elections on 25 October 2020 (Resolution No.258 of 14 September);
- clarification regarding the application of particular provisions of the Election Code of Ukraine on nominating of candidates in local elections (Resolution No.249 of 11 September);
- clarification regarding submission of police clearance certificates by candidates to the Verkhovna Rada of the Autonomous Republic of Crimea, oblast, rayon, city, rayon in the city councils, as well as town, village, settlement councils (communities with 10,000 or more voters) for their registration by a relevant territorial election commission (Resolution No.234 of 8 September);
- clarification regarding delineation of electoral districts for organizing and holding of local elections (Resolution No.204 of 28 August).

According to CVU, the adoption of CEC's clarifications on problematic issues of the electoral process is a good practice promoting the proper application of the electoral legal framework. It should be noted that the need for CEC to issue so many clarifications was primarily due to the imperfect election legislation.

CEC has made use of its authority to early terminate the powers of several election commissions. CEC's Resolution No.38 of 13 October established the facts of systematic violations of the Constitution of Ukraine, the Election Code of Ukraine and the laws of Ukraine by the Odesa City Territorial Election Commission, so CEC prematurely terminated the powers of the entire commission. The powers of the entire Ivano-Frankivsk Oblast, Berdiansk City, Vasylkiv City, Kaharlyk City, and Rubizhne City TECs have also been terminated.

CECs decision not to hold elections in certain communities in Donetsk and Luhansk oblasts under the control of Ukraine (CEC's Resolution No. 161 of August 8 covering 10 communities of Donetsk oblast and 8 communities of Luhansk oblast) gained considerable resonance. The relevant powers are provided to CEC by ECU, Art. 205, Part 1, para 7 saying "where it is impossible to ensure preparing and holding of local elections in accordance with this Code in certain territories, CEC may resolve not to

hold elections of relevant local self-governments.” CEC commented that their decision was based on the findings of the Donetsk and Luhansk oblast state administrations – Civil Military Administrations (CMAs). The main reason was the inability to guarantee security during the organization of the election process. CVU notes that despite the legitimacy of the same CEC’s actions, the validity of the decision not to hold elections is questionable. After all, one should keep in mind that the July 2019 parliamentary elections took place in the same communities and there are no obvious reasons to believe that the security situation in the region has significantly deteriorated since then.

THE CENTRAL ELECTION COMMISSION TIMELY AND IN ACCORDANCE WITH THE ELECTION CODE OF UKRAINE FORMED THE TERRITORIAL ELECTION COMMISSIONS (TECs). CEC’s Resolution No.172 of August 10 formed 532 election commissions for oblasts, rayons (except for rayons in the Autonomous Republic of Crimea), cities (except for cities in the Autonomous Republic of Crimea), rayons in Kyiv for the entire 24 oblasts of Ukraine. Also, by 25 August, the district election commissions, as required by the Code, formed village, settlement election commissions in the respective district.

Most TECs, especially at the higher level, were formed with the threshold number of members – **18** persons. Parliamentary political parties (Servant of the People, Opposition Platform – For Life, European Solidarity, Fatherland, Voice) were the most active in nominating the candidates to TECs. The number of parties that have nominated candidates to commissions varies from oblast to oblast. For instance, over **70** political parties nominated their candidates in Odesa oblast, **57** parties in Dnipropetrovsk oblast, over **50** parties – in Kherson oblast, **42** parties – in Khmelnytskyi oblast, **41** parties – in Luhansk oblast, **34** parties – in Kirovohradska oblast, **36** parties – in Volyn oblast, nearly **30** parties – in Kharkiv oblast, Ternopil oblast, Kirovohradska oblast, **27** parties – in Ivano-Frankivsk oblast, nearly **20** parties – in Chernivtsi oblast.

The parliamentary political parties – Servant of the People, European Solidarity, Fatherland, Opposition Platform – For Life, Voice – have obtained the largest political representation in TECs. Nomination of members to election commission by those parties focusing exclusively on one or several oblasts of Ukraine becomes a commonplace practice in Ukraine. So, For Odesa Oblast political party got seats in the TEC in Ivano-Frankivsk oblast, Native Transcarpathia party – in Ternopil oblast, Native Transcarpathia party, Yedynyi Kryvyi Rih party – in Khmelnytskyi oblast.

In general, the draw procedure to election commissions took place in compliance with applicable legislation. In Kharkiv oblast, over 30 parties nominated their candidates to TEC. However, 75% of nominees were from the parliamentary parties and factions. Other parties, especially local ones (the Kernes Bloc – Successful Kharkiv, Svitlychna’s Bloc – Together!) were insufficiently represented in TECs. For example, out of 9 rayon TECs in Kharkiv, the Kernes Bloc – Successful Kharkiv party was represented

in one TEC only, Svitlychna's Bloc — Together! — in two TECs. In Khmelnytskyi oblast, the draw resulted in a conflict. Thus, the CEC's Resolution approved 17 city territorial election commissions on 10 August, which did not include any candidates from Fatherland, European Solidarity and Za Konkretni Spravy parties. Representatives of Servant of the People, Voice and Solidarity of Women of Ukraine parties held most of the leading positions. Subsequently, Voice political party publicly announced the recall of all its commission members on suspicion of collaborating with other political forces. Fatherland and European Solidarity parties claimed alleged falsifications during the draw.

FREQUENT REPLACEMENTS OF TECs MEMBERS BECAME A CHALLENGE. The replacements continued after the start of the election process too and involved, inter alia, those members who had been appropriately trained to perform their duties. The changes actually took place on weekly basis. Between 1 and 19 October, the CEC adopted 9 Resolutions on replacements of TEC members (CEC's Resolutions of 1, 2, 4, 6, 8, 10, 12, 13, 15 October). The first replacements in TECs began virtually immediately after their formation. The CEC formed TECs on 10 September, and as early as 14 September the first replacement took place. Quite often, TEC members subsequently refused to work in commissions due to inadequate working conditions or other reasons. In Ternopil oblast, 6 TEC chairs, 6 deputy chairs, 8 secretaries were replaced during the TEC formation period. All replacements and rotations of TEC members took place by submission of a replacement proposal by the same nominating entity that had nominated this member to the election commission, only one replacement was due to the TEC member's personal request. In Kherson oblast, problems with replacements arose at the level of village territorial commissions, because some of them refused to work. CVU noted isolated cases where commission members had previously been accused of preparing election fraud. For instance, one member of Cherkasy Oblast Election Commission under the quota of Servant of the People party was a citizen of Ukraine, who worked as the secretary of the same TEC in 2015 and was convicted of election fraud. After CVU's appeal and general public outrage, Servant of the People party recalled this candidate and replaced him with another person.

The cases of rejection of candidates for the commission were not widespread. In Volyn oblast, in accordance with the CEC Resolution, the compositions of all commissions were established with the maximum number of members — 18. Due to non-compliance, only six candidates were rejected. In particular, there was a so-called double submission of a commission member. One nominee from the local branch of European Solidarity was rejected, then, instead, he was appointed a deputy chairman of oblast TEC by submission of Servant of the People party.

CVU's observers reported some instances of appeals against the results of the TEC membership formation. In Luhansk Oblast, Shchastia Rayon Territorial Election Commission did not include mandatory candidates from Servant of the People party in the Nyzhnioteple village TEC. This decision was revoked by CEC's Resolution on 30 August 2020, but the defendant did not revise his decision. By the decision of Luhansk District Administrative Court of 1 September 2020, the Shchastia Rayon Territorial Election Commission was obliged to issue a new decision and include representatives of Servant of the People party in the TEC as mandatory ones.

TECs held their first meetings in a timely manner and with a quorum present. The issue of remunerations to TECs' members has become a challenge. This situation was due to the electoral legal framework establishing and forming the TECs in August, while formally the electoral process started as late as 5 September. This has led to a lack of understanding how the work of commission members for the period before the official start of the elections should be paid for.

ONCE THE COMMISSIONS WERE FORMED, SOME OF THEM EXPERIENCED CONFLICTS AND PROBLEMS IN THEIR OPERATIONS. In particular, this situation required CEC's intervention and adoption of appropriate decisions on such TECs. In Luhansk oblast, the work of Rubizhne city TEC was problematic, there was a confrontation between the commission members from different political teams. TEC refused to register the electoral lists of six local political party organizations (including Opposition Platform for Life and Servants of the People). As a result, the CEC Resolution dissolved Rubizhne city TEC and re-established its membership, the new commission registered the electoral lists of the parties on 4 October.

The problems demonstrated Odesa city TEC: on 13 October, CEC dissolved the TEC. CEC found the breach of law in the commission's operations, in particular, the TEC issued decisions, which were contrary to the effective courts' judgments.

The work of Dobrovelychkivka settlement Territorial Election Commission in Kirovohradska oblast turned out to be problematic. With its Resolution of 15 October 2020 No. 388, CEC established the fact of systematic violations by the commission of the Election Code of Ukraine and the laws of Ukraine. The commission was dissolved.

The conflicts were observed in operations of Kharkiv oblast TEC. Since its inception, 10 out of the 18 members have been replaced. There was an open conflict between the commission leaders associated with the local authorities and a representative of Opposition Platform – For Life. The allegations against the commission concerned the breach of the ballot procurement procedures by ordering ballots printing to a printing house close to the city authorities.

Uman city TEC in Cherkasy oblast demonstrated conflicts in its operations. According to CVU's observers, most of the commission members were dependent on one MP. As a result, a meeting of the commission was held, where the chairman, deputy chairman and secretary of the commission were absent, and the incumbent mayor of Uman, Oleksandr Tsebrii, was denied registration. Earlier, the TEC registered two candidates for mayor of Uman having the same name and surname as the current mayor. After that, the conflict reached the national level: the CEC intervened. The TEC's Resolution was canceled, the candidate was registered and the TEC was reformatted. However, the conflict was not resolved. As a result, after the TEC reformatting, Uman TEC's members addressed the police with the allegations of illegal actions against the newly appointed head of the TEC. The policemen drew up a report on the fact of illegal seizure of the commission's seal and the fact of a cyberattack on the commission's e-mail account.

Rivne city TEC's performance may be assessed as problematic. After its establishment, the members of the commission were repeatedly replaced by various nominating entities. The largest number of such replacements took place before the review of documents and the decision to register candidates for Rivne City Council from Rivne Razom party, as well as after the relevant meeting on 29 September 2020. It is worth noting that some TEC members were replaced before this meeting. However, after a positive decision at the 29 September meeting, the previously excluded persons were again included in the TEC membership.

During the first two weeks, there were problems in the operations of Bar and Pohrebyshche town TECs in Vinnytsia oblast, they were due to extensive replacements in the management of the commissions.

TEC FORMED ELECTORAL DISTRICTS MAINLY IN A TIMELY MANNER, HOWEVER THERE WERE CHALLENGES IN SOME COMMUNITIES. The problem was that the Election Code of Ukraine does not establish the exact number of constituencies to be formed. A general algorithm for determining the number and requirements for electoral districts has been established, but the powers to determine their exact number are granted to TECs (by the Code). As a result, communities often debated how many districts to form.

Practice has shown that political parties with higher community support sought more constituencies to be designated while less influential parties demanded delineation of fewer constituencies.

With a delay and after intensive debates, a decision establishing electoral districts in the city of Kyiv was adopted. Disputes arose over the number of districts to divide the city into. The commission considered several options — from 10 to 14 — for delineation of the districts. Potential candidates and politicians actively intervened in the process. A resulting resolution divided the city into 13 electoral districts.

It took a long time for Ivano-Frankivsk city TEC to delineate constituencies, as the parties with little support demanded Ivano-Frankivsk community be divided into 4 electoral districts, while the larger-supported parties advocated for formation of 6 constituencies.

Vinnytsia oblast experienced the problems with electoral district delineation for the oblast council elections and Khmelnytskyi city community. Khmelnytskyi TEC approved the relevant resolution only on the third attempt, upon a one-day delay. Also, in Vinnytsia oblast, the formation of multi-member constituencies for the election of members to Soboliv village council (up to 10,000 voters) posed a challenge. The number of councilors to be elected in the two constituencies was incorrectly determined in the community.

In Kirovohradska oblast, a conflict arose in Oleksandriia city community in the decision-making process delineating electoral districts, where the city councilor initiated a scuffle with the commission member. As a result, the resolution on the division into electoral districts was adopted only after 9.00 p.m. 6 September. Also, in Kirovohradska oblast, Perehonivka village TEC formed constituencies so that differences in the number of voters of 15% were not observed, as established by the Code: electoral district No. 5 included 330 voters, while electoral district No. 6 included 642 voters. The difference was over 15%.

Volyn oblast TEC, on 7 September — that is one day after the delineation decision adoption for the elections of oblast council members — amended the previous resolution moving one settlement in Kovel rayon to another electoral district.

CVU observers reported problems with ballots printing in some communities. In particular, commission members often had disputes which company to contract to print the ballots. Kamianske district TEC in Dnipropetrovsk oblast decided to place the order for printing of all ballots with Art-Press. However, once the TEC members came to receive the printed ballots, it was found that they arrived at the address of other company where the ballots had actually been ordered. These ballots were printed on different types of paper and packed in packs of 400-500 pieces — not adjusted to the actual number of voters at PECs (plus 0.5%). The TEC members refused to accept the ballots printed by the sham company as their number and quality were inadequate.

In Kirovohradska oblast, Holovanivsk TEC produced ballots for the election of the village mayor with a mistake in the date of birth of one of the candidates. In the town of Oleksandriia, three packages of ballot paper for the city council and mayoral elections had to be destroyed. The reason was the incorrect information submitted to the manufacturer about the number of required ballots. According to the commission chairperson, she mistakenly multiplied the number of voters by a larger number. As a result, the quantity of the ballots printed was equal to the number of voters not plus 0.5%, as required by law, but plus 5%.

In accordance with ECU, Art. 240, Part 8, ballots for each polling station of each constituency to be produced, as a rule, in the amount that is 0.5% higher than the number of voters included in the voter list at the respective polling station, allowing for potential deviation in the number due to multiple patterns of polling ballots on a printing sheet in course of printing.

TECs mostly in time and in compliance with the Election Code established precinct election commissions (PECs). At the same time, a significant number of potential commission members refused to work as the elections were held under the new legal framework and in the context of the COVID-19 pandemic. This situation was observed in all oblasts of Ukraine. As a result, PECs were often reformed by a TEC chairperson's submission. In Kherson oblast, the political parties and candidates nominated a mere 60% of the required PEC members. As a result, TEC recruited the members from its own reserve to achieve the minimum mandatory membership. The nominating entities mostly selectively exercised their right to nominate candidates to PECs — nominating candidates mainly for large and medium-sized polling stations, then TEC chairpersons were to add members to small PECs. CVU observers also reported cases of submission of the same candidates to PECs from several nominating entities. The lack of necessary technical equipment and antiseptics was a common challenge in the vast majority of PECs.

Candidate Registration

CVU NOTES AN INCREASE IN THE NUMBER OF POLITICAL PARTIES RUNNING IN THE LOCAL ELECTIONS. A total of 194 political parties declared their participation in the elections. 140 political parties announced their participation in the previous 2015 local elections, which is almost 50 parties less than in the 2020 elections. A specific feature of local elections has been the extensive participation in elections of the so-called oblast-wide political parties which traditionally nominate candidates only within certain oblasts, rayons or even cities. They are Rivne Razom, Khersontsi, the Kernes Bloc – Successful Kharkiv, Party of Chernivtsi, Berezhanska Hromada, Bila Tserkva Razom, the all-Ukrainian union Cherkashchany, Party of Vinnytsia, Patriots of Volyn, Native Transcarpathia, Mykolayivtsi, Dnipro Team and others. As of 1 January 2020, a total of 349 political parties were registered in Ukraine.

Over a quarter of a million candidates registered for the 25 October 2020 local elections – 275,000 individuals. Most candidates stood for oblast, rayon council members, as well as village, settlement, city council members in communities with over 10,000 voters – 225,000 candidates. Another 50,000 contestants ran in communities with under 10,000 voters.

THE FOLLOWING POLITICAL PARTIES NOMINATED THE LARGEST NUMBER OF CANDIDATES TO LOCAL COUNCILS: SERVANT OF THE PEOPLE, THE ALL-UKRAINIAN UNION FATHERLAND, FOR THE FUTURE, EUROPEAN SOLIDARITY, OPPOSITION PLATFORM – FOR LIFE.

Number of persons in candidate lists⁵

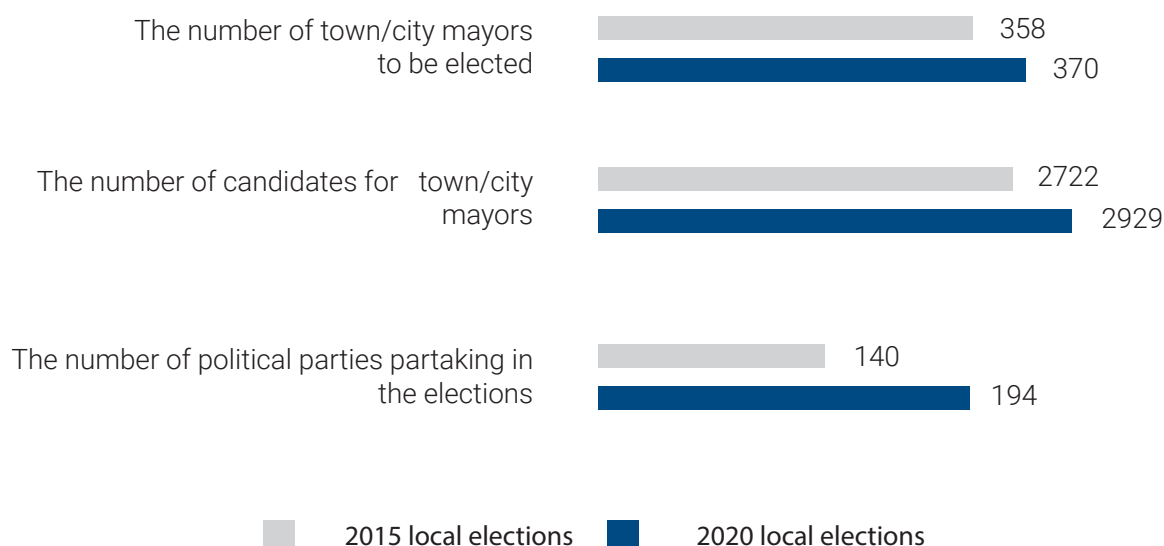


⁵ According to CEC (data for local councils with proportional system)

https://www.cvk.gov.ua/pls/vm2020/pvm008pt001f01=695pt00_t001f01=695.html

A total of 2.9 thousand mayoral candidates were registered. This figure is commensurate with the candidate registration number in the last scheduled local elections in 2015. For example, the average number of mayoral contestants in 2015 and 2020 was 7 per seat. The largest number of candidates was registered for the mayors of Odesa (23 candidates), Uzhhorod (22 candidates) and Kyiv (20 candidates). The least candidates ran for the mayor of Ternopil (9 candidates), Chernihiv (7 candidates) and Ivano-Frankivsk (5 candidates). In general, the largest number of mayoral candidates is registered in the towns in Luhansk oblast (an average of 22 candidates) and in the city of Kyiv (20 mayoral candidates). Significant numbers of contestants run for mayors in Zhytomyr oblast (10 candidates on average), Cherkasy and Dnipropetrovsk oblasts (9 candidates in each).

As compared to the latest elections, the number of mayoral candidates dropped in Kyiv (from 28 persons in 2015 to 20 persons in 2020), Dnipro (from 31 to 17 contestants), Odesa (from 42 to 23 contestants), Zaporizhia (from 26 to 10), Chernihiv (from 16 to 7), Sumy (from 14 to 10 contestants). The following cities demonstrated the growth in the number of candidates running for mayor's office: Lviv (from 11 to 17), Kharkiv (from 11 to 15), Rivne (from 11 to 16).



ACCORDING TO CVU, THE CLONE CANDIDATES BEARING THE SAME SURNAME RAN FOR CITY/TOWN MAYOR OFFICE IN 24 CITIES AND TOWNS. Clone candidates were registered in the following cities and towns: Uzhhorod, Uman, Nizhyn, Verkhniodniprovsk, Rakhiv, Enerhodar, Boryspil, Tetiiv, Kreminna, Svatovo, Starobilsk, Hlyniany, Voznesensk, Artsyz, Bolgrad, Tatarbunary, Reshetylivka, Kostopil, Beryslav, Khashkivtsi, Oleshky, Kherson, Uman, Vashkivtsi. As a rule, two or three persons with the same family name were in question. Sometimes, in addition to the last name, the first names of the candidates were also the same.

Three candidates bearing the surname Andriiv ran in the city of Uzhhorod, Zakarpattia oblast: Andriiv Bohdan (incumbent mayor), Andriiv Bohdan (before 24 September 2019 — Slobodian Pavlo Yaroslavovych) and Andriiv Ivan. In the city of Rakhiv, Zakarpattia oblast, three candidates of the same surname Medvid stood for a mayor: Medvid Viktor (Servant of the People), Medvid Oleksandr Anatoliiovych (self-nomination) and Medvid Oleksandr Oleksandrovyh (self-nomination). In the city of Reshetylivka, Poltava oblast, two candidates of the same surname Kolesnichenko were registered: Kolesnichenko Volodymyr (Hometown) and Kolesnichenko Vladyslav (self-nominated).

In the city of Uman, Cherkasy oblast, three candidates bore the same surname and first name Tsebrii Oleksandr: Tsebrii Oleksandr Volodymyrovych (incumbent mayor, Proposition), Tsebrii Oleksandr Vasyliovych (former Berchuk Vasyl, self-nominated) and Tsebrii Oleksandr Volodymyrovych (former Chalapchiiy Andrii). In the city of Boryspil, Kyiv oblast, three persons bearing Fedorchuk surname were registered: Fedorchuk Anatolii (Nash Krai), Fedorchuk Artem (self-nomination) and Fedorchuk Oleksandr (self-nomination). A record number of clone candidates was registered in the city of Kreminna, Luhansk oblast – three pairs of clones (two persons under the surnames Pokhyla, Prokopenko and Chekhuta each).

CVU noted that a significant number of candidates had changed their nominating entities since the previous election. **In general, every second mayor of a big city changed the party as compared to 2015.** Out of 22 mayors of large cities (oblast centers and the city of Kyiv), 12 mayors have changed their nominating entities compared to the 2015 elections. Only 5 mayors did not change the party. Another 5 mayors did not run again. Here are the examples of mayors who have changed the nominating entity: Dnipro Mayor B. Filatov (in 2015 he ran from the Ukrainian Union of Patriots – UKROP party, in 2020 – from Proposition party), Zhytomyr Mayor S. Sukhomlyn (2015 – from Petro Poroshenko's Bloc "Solidarity", 2020 – from Proposition party), Cherkasy Mayor A. Bondarenko (2015 – from Fatherland, 2020 – from For the Future), Kyiv Mayor V. Klitschko (2015 – Petro Poroshenko's bloc "Solidarity", 2020 – from UDAR). Ternopil Mayor S. Nadal (Freedom), Ivano-Frankivsk Mayor R. Martsinkiv (Freedom), Sumy Mayor O. Lysenko (Fatherland), Odesa Mayor G. Trukhanov (Doviriai Dilam), Lviv Mayor A. Sadovy (Self Reliance) have not changed the party.

	The town/city mayor elected in the 2015 local elections	Nominating entity, 2020 local elections	Nominating entity, 2015 local elections
Vinnytsia	Morhunov Serhii Anatoliiiovych	Groysman's Ukrainian Strategy	Vinnytsia European Strategy
Lutsk	Romaniuk Mykola Yaroslavovych	Deceased on 3 February 2017	
Dnipro	Filatov Borys Albertovych	Proposition	Ukrainian Association of Patriots – UKROP
Zhytomyr	Sukhomlyn Serhii Ivanovych	Proposition	European Solidarity (Petro Poroshenko Bloc "Solidarity")
Uzhhorod	Andriiv Bohdan Yevstafiiiovych	Self-nomination	Vidrodzhenia (Revival)
Zaporizhia	Buriak Volodymyr Viktorovych	Volodymyr Buriak's Yednania party	Self-nomination
Ivano-Frankivsk	Martsinkiv Ruslan Romanovych	All-Ukrainian Union Freedom	All-Ukrainian Union Freedom
Kropivnytskyi	Raikovych Andrii Pavlovych	Proposition	European Solidarity (Petro Poroshenko Bloc "Solidarity")

	The town/city mayor elected in the 2015 local elections	Nominating entity, 2020 local elections	Nominating entity, 2015 local elections
Lviv	Sadovyi Andrii Ivanovych	Self Reliance	Self Reliance
Mykolaiv	Sinkevych Oleksandr Fedorovych	Proposition	Self Reliance
Odesa	Trukhanov Henadii Leonidovych	Doviriai Dilam (Trust in Deeds)	Doviriai Dilam (Trust in Deeds)
Poltava	Mamai Oleksandr Fedorovych	For the Future	Sovist Ukrainy
Rivne	The incumbent mayor has not run		
Sumy	Lysenko Oleksandr Mykolaiovych	All-Ukrainian Union Fatherland	All-Ukrainian Union Fatherland
Ternopil	Nadal Serhii Vitaliiiovych	All-Ukrainian Union Freedom	All-Ukrainian Union Freedom
Kharkiv	Kernes Henadii Adolfovyh	The Kernes Bloc – Successful Kharkiv	Vidrodzhenia (Revival)
Kherson	The incumbent mayor has not run		
Khmelnyskyi	Symchyshyn Oleksandr Serhiiiovych	All-Ukrainian Union Freedom	All-Ukrainian Union Freedom
Cherkasy	Bondarenko Anatolii Vasylovych	For the Future	All-Ukrainian Union Fatherland
Chernivtsi	Kaspruk Oleksii Pavlovych	Proposition	Self-nomination
Chernihiv	Atroshenko Vladyslav Anatoliiovych	Ridnyi Dim	European Solidarity (Petro Poroshenko Bloc “Solidarity”)
Kyiv	Klitchko Vitalii Volodymyrovych	UDAR (Vitali Klitschko’s Ukrainian Democratic Alliance for Reform)	European Solidarity (Petro Poroshenko Bloc “Solidarity”)

IN GENERAL, CVU NOTES THAT THE CANDIDATE NOMINATION AND REGISTRATION PHASE WAS QUITE PROBLEMATIC. This situation was due to the revised election legal framework, which implementation provoked conflicts between potential candidates and election commission members. As a result, a considerable number of complaints and appeals were submitted to courts.

CVU NOTES THE GENDER QUOTA COMPLIANCE PROBLEMS THE PARTIES ENCOUNTERED DURING THE REGISTRATION OF THEIR CANDIDATE LISTS. Quite often the political parties and election commissions interpreted ECU, Art. 219, Part 9 in different ways – “while compiling a single candidate list and territorial candidate lists, the party organization must ensure presence of two candidates of each sex in each

group of five (places in the list — from the first to the fifth, from the sixth to the tenth, etc.)”. This situation led, inter alia, to the consideration of relevant cases in the courts. In particular, non-compliance with gender quotas was the reason for refusing to register the candidate list of the European Solidarity party in the election of members to Kremenchuk City Council. However, following the decisions of Poltava District Administrative Court of 2 October and the decision of the Second Administrative Court of Appeal in Kharkiv of 6 October, TEC registered the party’s candidate list. Kernes Bloc — Successful Kharkiv! party also experienced the gender quota problems. While the documents were submitted for registration of the candidate list to Iziurm City Council (TEC found that the party did not follow the order of candidates prescribed by the Election Code of Ukraine and denied registration of the list).

In Khmelnytskyi oblast, Shepetivka TEC refused to register the candidate list of Nash Krai party due to non-compliance with the gender quota, but the list was registered after the party went to Khmelnytskyi District Administrative Court. In Donetsk oblast, on 6 October, the Third Administrative Court of Appeal annulled the Berdiansk Territorial Election Commission’s Resolutions registering the candidates for the City Council from For the Future party due to non-compliance with gender quotas. In Kyiv oblast, Kyiv District Administrative Court canceled the registration of Fatherland party’s candidate list in Obukhiv Town Council elections due to non-compliance with the gender quota. However, the Sixth Administrative Court of Appeal later overturned the ruling of Kyiv District Administrative Court and upheld the claim of the all-Ukrainian union Fatherland.

In general, the judicial practice on the parties’ gender quota compliance was versatile and the court rulings in similar cases may differ. Thus, in some cases the courts agreed with the political party’s arguments that they had made technical mistakes compiling the lists so the court revoked the TEC’s decision denying registration, while in other cases the court took the opposite stand and found the non-registration of party lists by the election commissions lawful. It is also worth noting that some election commissions refused to abide by the judicial decisions and issue relevant resolutions (in particular, Kremenchuk town TEC and Berdiansk city TEC did so).

NON-COMPLIANCE WITH THE FINANCIAL DEPOSIT PROCEDURE AND SIMULTANEOUS MEMBERSHIP OF CANDIDATES IN TWO POLITICAL PARTIES WERE ALSO MOST COMMON PROBLEMS DURING THE CANDIDATE REGISTRATION. With regard to making financial deposits, problems were related to compliance with depositing subject requirements, payment of the deposit after the submission of documents for registration or making a deposit in two or more instalments. As concerns the alleged simultaneous membership of candidates in two political parties reported by the TEC members, the allegations often proved to be false. However, in some cases, the nominating political party finally deregistered the same candidates.

The Election Campaign

One of the issues of the election process was widespread early campaigning on the part of the candidates who were not yet registered. According to the CVU estimate, as of early August, more than 16 political parties were engaged in early campaigning. Active advertising campaign was conducted on behalf of the following political parties: Servant of the People (SP), For the Future, Victory of Palchevskiy (VP), the all-Ukrainian union Fatherland, the all-Ukrainian union Freedom, the Ukrainian Galician Party, Proposition, the Opposition Platform – For Life, the Power of People, the Democratic Axe, Spiritual Ukraine, European Solidarity, the Ridny Krai (Homeland), European Party of Ukraine, Ridny Dim, New Faces.

This situation is typical for Ukraine, when most political parties and potential candidates start campaigning before their official registration. However, according to Art. 52, part 1 of the Election Code of Ukraine (ECU), a candidate, party (organization of the party) begins campaigning on the day following the day the election committee makes a decision about the registration of the candidate (candidates), and ends at midnight of the last Friday before election day. One of the consequences of early campaigning is the inability to trace the origin of funds used to pay for advertising materials (for example, billboards paid by potential individual contestants in the election). The official nomination of candidates for the local elections on 25 October began on 15 September. One of the problems around early campaigning is the actual inability to trace the origin of the funds spent on advertising materials since the rules of financing during elections do not apply to activities that took place before the official registration of the candidates.

THE CVU OBSERVERS CONDUCTED AN ASSESSMENT OF THE CAMPAIGNING ACTIVITY OF THE PARTIES IN DIFFERENT OBLASTS OF UKRAINE AFTER THE START OF THE ELECTION PROCESS. The following are the top 5 parties that conducted the most prominent campaign:

Volyn oblast	Za maibutnye (For the Future), the civic movement Svidomi (The Concerned), SP, European Solidarity, Voice
Dnipropetrovsk oblast	SP, Opposition Platform – For Life, Ukrainska Perspektyva (Ukrainian Perspective), Proposytsiya (Proposition), Nash Krai (Our Land)
Zakarpattia oblast	SP, Ridne Zakarpattia (Native Transcarpathia), KMKSZ – Hungarian Party in Ukraine, Opposition Platform – For Life, Fatherland
Zaporizhia oblast	Volodymyr Buryak's party Yednannya (Unity), Opposition Platform – For Life, Nash Krai (Our Land), European Solidarity, SP
Ivano-Frankivsk oblast	SP, European Solidarity, Za maibutnye (For the Future), the all-Ukrainian union Freedom, Platform of Communities
Kirovohradska oblast	Fatherland, SP, For the Future, Nash Krai, European Solidarity

Luhansk oblast	Nash Krai (Our Land), Opposition Platform – For Life, SP, European Solidarity, Fatherland
Odesa oblast	Opposition Platform – For Life, European Solidarity, Doviryai Dilam (Trust in Deeds), SP, Za maibutnye (For the Future)
Poltava oblast	The all-Ukrainian union Fatherland, Za maibutnye (For the Future), Euro-pean Solidarity, Ridne misto (Home Town), Freedom
Rivne oblast	SP, Za maibutnie (For the Future), European Solidarity, Proposytsia (Proposition), Freedom
Sumy oblast	European Solidarity, Fatherland, Nash Krai (Our Land), SP, Opposition Platform – For Life
Ternopil oblast	European Solidarity, For the Future, SP, the Ukrainian Galician Party, Freedom
Kharkiv oblast	The Kernes Bloc – Successful Kharkiv, Opposition Platform – For Life, SP, Yuliya Svitlychna's Bloc – Together!, For the Future
Kherson oblast	Igor Kolykhaev's party Nam Tut Zhyty (The Place Where We Live), SP, European Solidarity, Volodymyr Saldo's Bloc
Cherkasy region	Servant of the People, For the Future, European Solidarity, Fatherland, the all-Ukrainian union Cherkassians
Chernivtsi region	SP, European Solidarity, The Party of Chernivtsi Residents, Proposition, Mykhailyshyn's Team
Chernihiv region	Nash Krai (Our Land), SP, Oleg Lyashko's Radical Party, Fatherland, For the Future
City of Kyiv	SP, For the Future, Palchevskiy's Victory, UDAR, European Solidarity

The CVU observers noted the high activity of the so-called regional political parties, that is, parties whose activities are focused exclusively within one or several oblasts, and sometimes within one city. For instance, high campaigning activity was demonstrated by the parties Ridne Zakarpattia and KMKSZ – Hungarian Party in Ukraine in Zakarpattia oblast, by the Trust in Deeds party in Odesa oblast, by the all-Ukrainian union Cherkassians in Cherkasy oblast, by the Kernes Bloc – Successful Kharkiv and Yuliya Svitlychna' Bloc – Together in Kharkov oblast, and by the Ridne Misto party in Poltava oblast. In Kherson oblast, the CVU observers noted the activity of the regional party of Ihor Kolykhaev Nam Tut Zhyty (The Place Where We Live). Although Ihor



Kolykhaev himself is running for the post of the mayor of Kherson, representatives of his party actively campaigned in all rayons and in many communities of the oblast. It is also worth noting the regional activity of newly created parties, such as Proposition, For the Future and Victory of Palchevskyi.

THE CVU NOTES A GENERALLY LOW LEVEL OF 'LOCAL RELEVANCE' IN THE CAMPAIGN CONTENT IN THE LOCAL ELECTIONS.

Despite the fact that these were local elections, the topics of the campaign covered largely the whole of Ukraine. The political parties and candidates focused on the countrywide problems without going directly into local issues. These included promises to establish peace, boost the economy, and protect state sovereignty etc. Such promises are not consistent with the powers of local governments. Both the contestants and the parties focused the voters' attention mainly on their personalities rather than on specific promises to address local issues. CVU disapproves lack of a provision regarding the submission of election programs by candidates for the posts of village, settlement and city mayors in the Election Code of Ukraine.

Among the most common forms of campaigning were placement of advertising on outdoor advertising media — billboards, city-lights, installation of campaign tents and placement of materials in the media. Furthermore, the number of cases of using the Internet and social networks for campaigning increased.



Major irregularities

ACCORDING TO THE INFORMATION OF THE CVU OBSERVERS, THE MOST COMMON IRREGULARITIES CONCERNED NON-COMPLIANCE WITH THE REQUIREMENTS OF THE ECU REGARDING THE PLACEMENT OF PRE-ELECTION PROMOTION. In particular, violation of part 13 (production and distribution of printed promotional materials not containing information about the publisher, number of copies, information about the persons responsible for the issue, and the payer) and part 17 (placement of campaign materials in public transport and on their outer surface, including taxi, placement of such materials at public transport stops) of Article 57 of the ECU. Cases of placement of illegal promotion took place in all regions of Ukraine without exception.

! VIOLATION



! VIOLATION



In addition, the violation of part 15 which prohibits the use of premises of state executive bodies, state bodies of the Autonomous Republic of Crimea, and bodies of local self-government for conducting election campaigning, and part 16 prohibiting the placement of election campaigning materials and political advertisements on the buildings and in the premises of state executive bodies, state bodies of the Autonomous Republic of Crimea, and bodies of local self-government, state-owned and municipal enterprises, institutions and organizations of Article 57 of the ECU also took place. However, such cases were not widespread.

The CVU observers reported the involvement of incumbent mayors or local councillors in illegal campaigning by misusing municipal resources for political purposes. For example, an election advertisement was placed on the outer surface of the public transport in Dobropillya, Donetsk oblast. The municipal fixed route taxis carried the following slogan: "Order. This is the city where we live. Andriy Aksionov". Andriy Aksionov is the mayor of Dobropillya, a candidate from the Poriadok (Order) party. In Ivano-Frankivsk oblast, the observers recorded a case of road repair vehicles doing road repairs near

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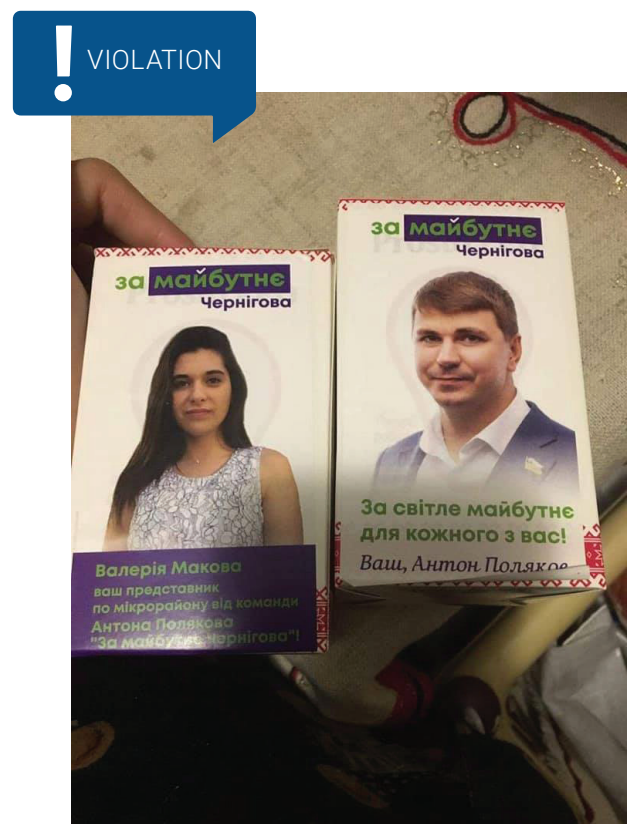


Ivano-Frankivsk, on the Ivano-Frankivsk-Kolomyia highway that carried campaigning materials with no imprint. The vehicles carried party symbols and the name of the political party For the Future. In Kropyvnytsky, election advertisement in favor of the current mayor of Kropyvnytsky Andriy Raikovych was placed on the screens inside municipal trolleybuses. The CVU observers also reported cases of placing election advertisements on the official websites of city councils.

CVU OBSERVERS RECORDED CASES OF INDIRECT BRIBERY OF VOTERS. These cases occurred in one third of Ukrainian oblasts. As a rule, the voters received free household goods, food baskets, face masks and disinfectants. The technology of “good deeds” was actively employed. Charity foundations affiliated with certain candidates were often involved in such activities.

Pursuant to Article 57, part 6 of the ECU, election campaigning or offering to voters, institutions, establishments, organizations, regardless of their subordination and form of ownership, of money, gift certificates, food and alcoholic beverages, goods (except for election campaign materials containing visualization of party symbols and branding of the election campaign, mentioning the name or image of a candidate running in the election, such as posters, leaflets, calendars, notebooks, pens, lighters, matches, badges, USB sticks, pennants, flags, books, packages, T-shirts, caps, scarves, umbrellas and other campaign materials, the value of which does not exceed 6% of the tax-free minimum income, and which are made at the expense of election campaign fund), benefits, advantages, services, works, securities, loans, lottery tickets, other tangible and intangible assets, which are accompanied by calls or proposals to vote or not to vote for a particular candidate (candidates), or mentioning the name of the candidate (candidates), party symbols shall be considered voter bribery. Such actions entail administrative and criminal liability.

In Chernihiv, voters were provided with free light bulbs on behalf of contestants. As it became known to CVU, on 6 October a candidate for the Chernihiv City Council and her assistant visited the house of a resident of the neighborhood Hradetskyi in Chernihiv and offered him to participate in an energy conservation program by receiving some light bulbs for free. The light bulbs displayed the logo of the political party For the Future, the name and photo of the candidate Valeriya Makova (apparently, it refers to the candidate Valeriya Makovka, the number 31 in the electoral list of the party For the Future, election district no. 4) and the following inscription: “Your neighborhood representative of Anton Polyakov’s team For the Future of Chernihiv”. These activities were conducted in Chernihiv beginning from early September. Their initiator was the municipal team of the party For the Future and a former member of the Servant of the People faction in the Verkhovna Rada Anton Polyakov, who are running an energy conservation campaign in the city. The idea behind the campaign was that, in exchange for personal data voters were offered two LED bulbs. In addition, during the neighborhood meetings voters had an opportunity to receive two more light bulbs. The activity was based on the “door-to-door” technology; not only the campaigners but also the candidates themselves took part in the rounds. It was not the first time this technology was



used in Chernihiv oblast. In particular, the same technology was used in 2016 in the election district 206, when voters also received free light bulbs.

The CVU observers recorded voter bribery in Khmelnytsky. The voters of one of the municipal districts were offered food packages with cereals, oil and flour. Along with foodstuffs, voters were provided with a campaign leaflet with the image of the candidate Oleh Pevniev and the logo of the For the Future party. The postcard had the following inscription: "I live here. I am for the future of a successful city. Oleh Pevniev."

On 14 October, a mayoral candidate in Vinnytsia Vyacheslav Uzelkov organized a free meal of field kitchen porridge for voters in Vinnytsia oblast. The event was accompanied by election campaigning, in particular, it was noted that the event took place with the assistance of the political party Opposition platform — For Life. The event also featured some banners with campaigning for this political force and its candidates.

In Rivne, voters were offered sweets in exchange for waste paper. According to the CVU observers, the head of the regional organization of the Victory of Palchevskyi party took part in the distribution of sweets, in particular for Roma children. The campaign tent bore the following slogan: "We are trading a kilo of political garbage for a kilo of sweets! Clean up the political garbage, and your city will be like GERMANY" (the candidate's name from the Victory of Palchevskyi party running for the mayor of Rivne was Vitaliy German). Similarly, in Rivne, the candidates for the Regional Council from Oleg Lyashko's Radical Party arranged a free street tea party for the city residents.

Representatives of the Chernivtsi oblast police reported some cases of vote-buying. According to the law enforcement officers, at a meeting of land share owners in the community club of the village of Rososhany, a farm manager offered money to those present in exchange for their votes in

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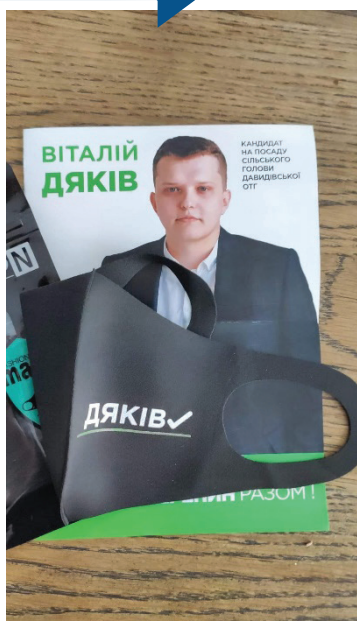
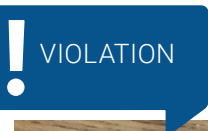


the local elections for him and another company employee as candidates for Kelmenets village and Dnistrovsk district councils. The investigators entered the information into the Unified Register of Pre-Trial Investigations in accordance with part. 4, Article 160 Bribery of a Voter/ Referendum Participant of the Criminal Code of Ukraine.

In Yahotynsky rayon of Kyiv oblast, voters were offered boxes with food, namely butter, sugar, cereals, biscuits, and canned food on behalf of one of the candidates. The grocery sets were intended for lone retired people.

On 4 October, a police inspection of a grocery store in the town of Kreminna, in Luhansk oblast revealed and confiscated grocery sets and voter lists, which, according to the police, indicated an organized scheme of vote-buying in favour of one of the political groups and a candidate for the post of the mayor of Kreminna. The police identified witnesses to the incident and individuals who received the food products.

The CVU observers reported widespread cases of offering to voters of branded face masks, disinfectants and medications on behalf of the contestants. In Ternopil, on behalf of Mayor Sergei Nadal, voters were offered a so-called mobile first-aid kit, which included face masks, disinfectants and other protective equipment. A voter handout containing the initials of the candidate, his election slogans and a check for this candidate in the ballot was enclosed in the medicine package. The first aid kits were also distributed to voters in Odesa. They included a set of anti-cold medications – paracetamol, ascorbic acid, a face mask and an electronic thermometer. The medical kits were handed out along with a promotion in the style of the political party Trust in Deeds. The estimate cost of such medical kits was 100-150 UAH. In Lviv, voters were offered face masks on behalf of the candidate of the SP party. These were branded face masks reading “Ihor Dulin”, which corresponded to the name of the candidate. Furthermore, in Davydivska village community of Lviv oblast, voters were handed out face masks branded “Dyakiv”, which corresponded to the name of a candidate for the post of the community mayor.



In Kyiv, voters were offered face masks on behalf of the team of ex-mayor Oleksandr Omelchenko. In particular, the said face masks were placed in the voters' post boxes.

ONE OF THE FRAUDULENT TECHNOLOGIES THAT WERE EMPLOYED DURING THE LOCAL ELECTIONS AND BEAR THE SIGNS OF VOTE-BUYING WAS THE TECHNOLOGY OF "ELECTORAL TOURISM". Namely, observers registered numerous facts of change of individuals' electoral address in exchange for monetary compensation from interested parties. In the Karolino-Buhazka community in Odesa oblast, a resort area, the number of voters increased by 13% — from 4,097 to 4,610 people. Over the course of one month, the number of voters increased dramatically in the Fontanska rural community in Odesa region (plus 745 new voters), in Slobidko-Kulchyivetska community in Khmelnytsky oblast (plus 239 voters), in Studenykivska (plus 183 voters) and Kozynska (plus 171 voters) communities in Kyiv oblast. In Sokolivska community, a suburb of Kropyvnytsky, In Kirovohradska oblast, the number of voters in the run-up to the elections increased from 8,266 to 8,441.

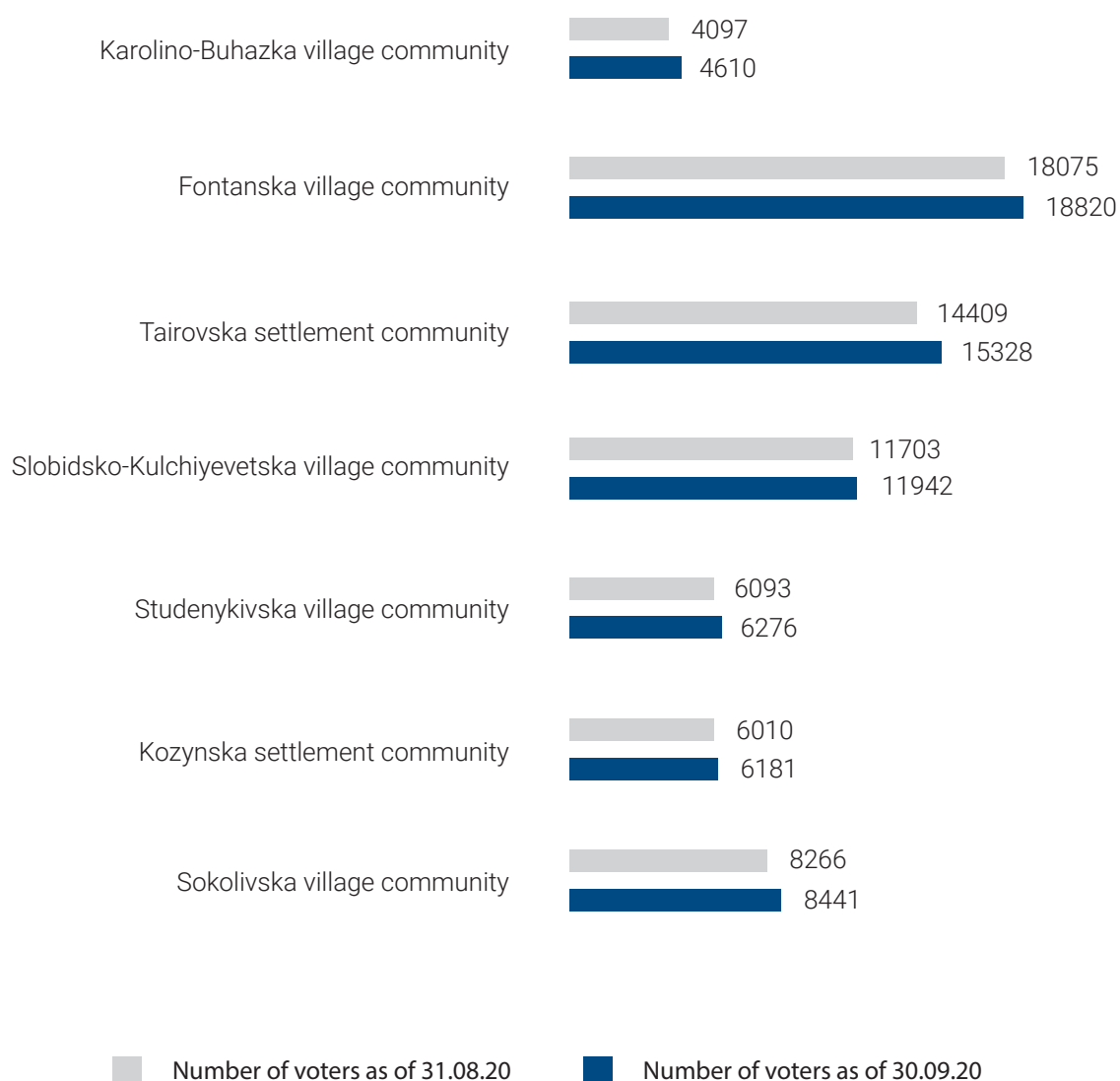
In Zaporizhia, the police uncovered an attempt of a large-scale change of electoral addresses for the purposes of falsification of local elections, for which a resident of Zaporizhia oblast promised a monetary reward. According to the police data, on 9 September the police department of Dniprovsky department of the Main Department of National Police in Zaporizhia oblast received a report about a case of large-scale transportation of people to the Zaporizhia office of the State Voter Register Maintenance for the purpose of changing their electoral address, which could be the basis for electoral fraud. The police officers established that, from 5 September more than 400 city residents had changed their electoral addresses, 76 of whom arrived at the said office on 9 September. The police conducted an on the spot interview of the persons present in the building. The said persons explained that they wished to change their electoral addresses from their main place of residence in the city of Zaporizhia to other localities in Zaporizhia rayon. However, according to the police report, "all the interviewees provided unconvincing and confusing reasons for their actions." The investigation department of the Dniprovsky police department of the Main Department of National Police in Zaporizhia oblast opened criminal proceedings under Article 158, part 1 of the Criminal Code of Ukraine (providing false information to the State Voter Register authority or forgery of election documents, referendum documents, voting results or the information in the State Voter Register).

In early August, the CEC contacted the National Police in connection with the detection of a large number of changes in electoral addresses in Odesa oblast. On 4 August, the CEC held a regular meeting, during which it requested the National Police to verify compliance with legal requirements when individuals apply to the State Voter Register regarding changing their electoral address to the address of their actual residence located in the Karolino-Buhazka village community, in Bilhorod-Dnistrovsky rayon, in the Tairovska settlement and Fontanska village communities in Odessa oblast. The decision to apply to the police followed the discovery by the CEC of a considerable number of applications from voters to change their electoral addresses to the addresses of their actual residence located in the above mentioned territorial communities. A large number of the applications concerned the change of electoral addresses to the address of one particular residential house or even a particular apartment in the house.

On 22 October, the national police reported uncovering of a pattern of artificial increase in the number of voters at several polling stations in Odesa, Zhytomyr and Ternopil oblast. In Odesa oblast, the offenders used digital signatures which they obtained in a fraudulent manner in order to submit an online application. In Ternopil oblast, a university dean organized the process of changing the students' electoral address in exchange for a monetary reward. The re-registration and submission of an online application to the Register Maintenance Body was carried out on the premises of the university. In Zhytomyr oblast, offenders collected personal data of people and changed their electoral addresses

for a monetary reward.

According to the CVU estimates, given the low voter turnout, such changes in the number of voters could significantly distort the election results. For example, with a turnout of 40%, one out of every four voters could actually participate in a pattern aimed at distorting the election results.



The use of the “electoral tourism” technology became possible due to changes introduced in the ECU, which simplified the procedure of changing an electoral address. On the one hand, citizens were given the opportunity to change their electoral addresses without providing additional documents (employer’s statement, tenancy agreement, etc.). However, this led to an abuse of this opportunity by unscrupulous candidates, who financially motivated voters to change their electoral address to the target communities of these candidates.

THE ISSUE OF USING ADMINISTRATIVE RESOURCES DURING THE ELECTIONS BECAME APPARENT, IN PARTICULAR, IN THE ACTIVITIES OF THE PRESIDENT OF UKRAINE.

The Head of State Volodymyr Zelenskyy actually used his official trips to the regions of Ukraine to campaign for the political party Servant of the People. He actively conducted such campaigning in August-September. Among other things, Volodymyr Zelenskyy conducted hidden political agitation during his visits to Zaporizhia and Kherson. On 19 August, during Volodymyr Zelenskyy's working trip to Zaporizhia, and on 20 August, during his trip to Kherson, the stage where the president was speaking featured materials that bore signs of campaigning in favour of the Servant of the People party.

Volodymyr Zelenskyy delivered a speech against the background of banners bearing the logo of Servant of the People and the inscription "Ze! Local". Moreover, in his speeches Volodymyr Zelenskyy constantly emphasized the word combination "Ukraine is you", which was the official electoral slogan of the party in the 2020 local elections. In addition, during his working trip to Zaporizhia, the president was accompanied by the Minister of Digital Transformation of Ukraine Mykhailo Fedorov, who officially presented the candidate from Servant of the People in the elections of Zaporizhia city mayor.



According to CVU, such actions of the president and the Cabinet of Ministers can be regarded as a manifestation of the use of office authority for political purposes. It should be noted that it was the president's working trips to the regions of Ukraine. According to the Ukrainian legislation, the president of Ukraine is not denied the right to engage in political activity during his term in office. However, according to CVU, such activity should not be combined with the president's execution of his authority, nor should it lead to an abuse of his presidential status and powers for campaigning for any political force.




The CVU observers registered a case of campaigning by the President of Ukraine for the mayoral candidate in Kryvyi Rih from the SP party during his working trip to the city. The official website of the Head of State contained the following information: "Candidate for the post of Kryvyi Rih Mayor Dmytro Shevchyk noted that Kryvyi Rih should become a city that attracts young people. "We really want our city to be beautiful, young, the one young people do not want to leave, and the one the older generation is happy to live in," said Dmitry Shevchyk ... The head of Dmytro Shevchyk's campaign office Oleksandr Veshnyakov noted that the municipal development program provides for both construction of new high-speed streetcar stations and construction of a new streetcar line that will connect the districts of the Northern and Southern Mining and Processing Plants". This text was published under the heading: "Life in Ukraine must be comfortable, safe and modern — President discusses the prospects of development of Kryvyi Rih." In his comments on the speech of the candidate from Servant of the People, Volodymyr Zelenskyy said: "I wish you good luck. Frankly, I want you to win. I am now going to

read your presentation. Get well soon, and in case of your victory, we may be able to rehabilitate the city.” CVU considers such statements of the Head of State as an abuse of administrative resources and campaigning in favour of a candidate from the presidential party, including the publication of information of campaigning nature on the website of the President of Ukraine.

! VIOLATION

ПРЕЗИДЕНТ УКРАЇНИ
Q



Він наголосив, що влада Кривого Рогу має працювати разом з центральною владою задля розвитку міста.


Учасники зустрічі обговорили перспективи розвитку Кривого Рогу.

Кандидат на посаду криворізького міського голови Дмитро Шевчик наголосив, що Кривий Ріг має стати містом, яке притягує до себе молодь.

«Ми дуже хочемо, щоб наше місто було красивим, молодим, таким, яке молодь не хоче залишати, і якому радітимуть люди старшого покоління», – сказав Дмитро Шевчик.

Було обговорено низку інфраструктурних проєктів, які планують реалізувати у Кривому Розі. Зокрема, йшлося про спорудження нових доріг навколо міста в межах програми «Велике будівництво». Наголошувалося на необхідності створення нових парків та скверів у кожному районі міста, а також розвитку спортивної та велосипедної інфраструктури.

Президент поцікавився перспективами розвитку швидкісного трамвая у Кривому Розі.



CVU NOTES THAT THE ELECTORAL PROCESS WAS CRIMINALIZED IN SOME COMMUNITIES. In particular, attacks and assaults on candidates were registered in several communities. In Zakarpattia, severe beating of a candidate for the council of Vyshkivska community led to his death; the man was attacked and beaten, and later he died in hospital. Previously, in Tyachevsky rayon, unidentified persons severely injured one of the mayoral candidates in Uhlyanska Unified Territorial Community, which resulted in his broken jaw and nose, and concussion, and led to his hospitalization. In Dnipro, unidentified persons spilled ammonia on Mayor Borys Filatov during his meeting with voters. Previously, unidentified persons had spilled some brilliant green on him. In Odesa, the car of a candidate from Fatherland exploded as a result of a car bomb. On the night of 20 October in Obukhiv of Kyiv oblast, a candidate from the political party Power and Honor was stabbed by unknown persons. In Sloviansk of Donetsk oblast, a candidate for the post of city mayor was attacked. In Zaporizhia, the car of a candidate for a city councillor seat was fired at with an air rifle.

The CVU observers recorded cases of destruction of the candidates' property. On 22 October in the town of Lozova in Kharkiv oblast, a car of a European solidarity candidate for the rayon council was burnt down. In Kyiv oblast, unknown persons slashed the tires of an UDAR party representative's car parked outside the building of the village council, while a meeting of the Kotsyubynska village territorial election commission was in progress. In the city of Berislav in Kherson oblast, unknown persons entered the apartment of the candidate for the oblast council from the Opposition Platform – For Life, spilled some brilliant green on him and three other candidates for district and city councils and stole their laptop. An unidentified person set fire to the car of a community mayoral candidate in the town of Drohobych of Lviv oblast.

A number of parties made public statements about provocation performed against them. In Sumy, unknown persons planted a package of money in the office of the Our Land party. The package contained several bundles of US dollars and rubles with a Sberbank of Russia label. The leaders of the political force described such actions as provocation. On 6 October, the European Solidarity party reported the receipt of a request from the Security Service of Ukraine to provide information about the party's candidates for the local elections. The party regarded it as political pressure on the opposition and added that it requested an investigation from the Security Service of Ukraine. After examining the statement, the Security Service of Ukraine officially replied that the information was not correct, since the SSU office never sent this request to the party. A conflict arose in Mykolayiv during the visit of one of the leaders of the Opposition Platform – For Life party Viktor Medvedchuk. The meeting was scheduled to take place on 21 October. However, some of the city residents were not allowed inside the building of the regional and city council members from the Opposition Platform – For Life party.

The CVU observers reported widespread cases of damaging campaign materials of the candidates and parties that took place in most regions of Ukraine. In Chernihiv, the MP from the SP faction Oleh Semynsky blocked an advertising structure with his car and attempted to beat its owner. The MP accused the owner of the billboards of illegal replacing the advertisements on them. In Kyiv, numerous cases of damaging campaign materials of the SP candidate Yuliya Paliychuk were registered. The CVU observes reported systematic damage of materials and destruction of propaganda cubes – attacks on them took place every night starting from 8 October. Overall, campaign products of this candidate were damaged more than 50 times. Two criminal proceedings were instigated, and unknown persons made threats against the candidate's agitators. Unknown persons slashed agitation tents with knives in the towns of Kreminna and Rubizhne in Luhansk region. And in Brovary, two young men changed the number of one of the candidates on 18 billboards and were later detained by the police. Damaging the campaign billboards of the Opposition platform – For Life and the For the Future party were of a widespread nature in all oblasts of Ukraine.

IN THE RUN-UP TO THE ELECTIONS, THE CVU OBSERVERS REPORTED AN INCREASE IN THE USE OF BLACK PR TECHNOLOGIES. One week before election day, Kharkiv oblast witnessed the mass distribution of printed campaign materials in the form of a special issue of a newspaper headlined “Blonde With a Gas Train. Yulia Svetlichna and “shale gas” – Kharkiv oblast to be turned into an arid desert.” Yulia Svetlichna is a people's deputy of Ukraine and the number one candidate in the Yuliya Svitlychna's Bloc – Together party in the Kharkiv City Council elections.

Activities involving signs of black PR were carried out against the city chairman of Lviv Andriy Sadovyi in Lviv oblast. On 15 October two minibuses were proceeding along the streets of Lviv carrying dummies with the photos of the city mayor Andriy Sadovyi. TV screens and loudspeakers attached to the roof of the minibuses transmitted the voice of the action organizer telling the residents that Andriy Sadovyi should be imprisoned. Attached to the roof of the buses were dummies dressed in prisoner's striped robes with a photo of the current mayor of Lviv on their faces behind prison bars. In addition, on the back door of the car was an inscription “Sadovyi v mer” (Sadovyi has died).

The law enforcement authorities in Zhytomyr conducted search for persons who had ordered advertisements mocking the slogans of the SP party. In Rivne, provocative campaign materials were distributed regarding the For the Future party. Distribution of leaflets that read “Yury Vozniuk for the Future of Kolomoisky” was followed by producing stencil paintings with the inscription For the Future and an image similar to the photo of the oligarch Ihor Kolomoisky. The candidate for the post of Rivne city mayor from the For the Future party filed a complaint with the police.

In Chernivtsi, on the day before election day unknown persons distributed leaflets containing questionable advice for voters. The leaflets emphasized the increased risk for citizens aged over 50 to be infected with COVID-19 virus at polling stations. The leaflets also contained tips that were not official recommendations of the Ministry of Health and could cause panic among the voters. In particular, the leaflet informed that all voters would be required to undergo a PCR test after visiting the polling station.

Article 5, part 5 of the Election Code of Ukraine prohibits dissemination of false information about a candidate, a party/ a party organization that are election subjects. Article 57, part 13 prohibits production and distribution of printed campaign materials that do not contain information about the print shop, circulation, information about the persons in charge of the printing, and the purchaser of the materials.

Election Day and Election Results

ACCORDING TO CEC ASSESSMENT, ELECTION DAY OF THE 25 OCTOBER LOCAL ELECTIONS GENERALLY COMPLIED WITH THE STANDARDS OF FREE AND DEMOCRATIC ELECTIONS. Recorded violations of the current legislation largely had no significant impact on the voting outcome.

The key issues on election day were as follows: illegal campaigning, non-observance of anti-epidemic measures on election day, non-admission of observers and preventing them from performing their work, problems connected with insufficient number of ballots and mistakes in their text, and conflict situations linked with conducting of a presidential poll at the polling stations.

On election day, a number of facts of direct and indirect bribery of voters took place, which could have a significant impact on the outcome of the citizens' expression of will in a number of communities. CVU received information about the use of technology of transporting voters who are not residents of the respective communities, in particular to the precinct election commission no. 650282 of Chornomorsky rayon in Kherson oblast. Two cases of voter transportation were registered in the town of Konstantynivka and the village of Novodmytrivka in Donetsk oblast. In Nikopol of Dnipropetrovsk oblast, voters were offered a monetary reward for voting, which was reported to the National Police by the CVU representatives. Cases of ballots being taken out of a polling station building were recorded in Novomoskovsk, Dnipropetrovsk oblast, which could be evidence of an attempt to organize a so-called "carousel" technology. In Odesa oblast, the police stopped four buses which were on their way to the towns of Bilgorod-Dnistrovsky and Zatoka to participate in the financially motivated voting.

CVU expressed concern about large-scale changes in electoral addressees, which led to the active use of the "electoral tourism" technology and could affect the outcome of the voting. According to CVU, an unusual increase in the number of voters was observed in more than 20 communities. The largest growth in the number of new voters was registered in the Karolino-Buhazka community of Odesa oblast, where the number of new voters increased by more than 13%.

CVU NOTED PROBLEMS ON ELECTION DAY RELATED TO NON-COMPLIANCE WITH SANITARY REQUIREMENTS AT POLLING STATIONS. Among them were as follows: non-compliance with the requirement of social distancing, failure to use personal protective equipment (face masks), and inappropriate use of temperature measuring equipment. Some polling stations were not provided with the necessary equipment, thus they had to organize the ballot-casting procedure on their own, including at the expense of the heads of the election commissions. Conflicts also took place in the election commissions as to the voting procedure of the coronavirus-affected voters at their current place of stay. CVU contacted the Cabinet of Ministers of Ukraine about the need to address the question of centralized purchase of protective equipment (face masks, protective suits) and thermometers, as well as remuneration of cleaning staff who were to perform wet cleaning of the polling stations during the second round of the elections.

In some cases, queues arose near the polling stations and in the premises of the polling stations due to restrictions on the maximum number of voters who could be present in the voting room at the same

time. As a result, some voters filled in ballots outside the voting booths — on the ballot boxes, on the window sills, etc.), which led to the violation of secrecy of vote. Some polling stations took breaks for wet cleaning. In particular, members of the precinct election commission took a 15-minute break for sanitary cleaning at the polling station no. 560951 in Kyiv. A cleaning break was also announced at the polling station no. 480891 in Mykolaiv. The station was closed for 30 minutes for disinfection. CVU emphasized that interruptions in the work of precinct election commissions on the day of election are contrary to the norms of the ECU.

LACK OF UNDERSTANDING BY VOTERS OF THE VOTING PROCEDURE BASED ON THE NEW BALLOT FORM WAS A COMMON PROBLEM ON THE VOTING DAY. As a result, voters often asked for help, including from the commissioners and observers, to explain the procedure of filling in the ballot.

The CVU observers recorded cases of illegal campaigning on the day before and on election day. Cases of distributing materials containing signs of campaigning on the day before election day were widespread and were recorded in all regions of Ukraine. On election day, the CVU observers reported widespread cases of voters wearing so-called branded face masks at polling stations. For example, at the polling stations no.560978 and no.560965 in Rivne voters were wearing branded masks of the political party Rivne Together, whose representatives had earlier distributed them to the public. In Kherson, one of the city mayor candidates arrived at the polling place wearing a mask bearing the party logo and posted a respective photo on his Facebook page. The CVU observers reported on the facts of illegal campaigning by sending SMS-messages on election day. In particular, on election day the residents of Kamyanets-Podilsky received messages on their cell phones of the following content: “25 October — the only reliable choice — Fatherland”.

Among the challenges was ensuring the voting rights of vulnerable groups of voters. According to the CEC observers, the vast majority of polling stations were not adapted to the needs of vulnerable groups of voters, which hampered the realization of their suffrage rights. The provisions of the ECU caused difficulties for voters with temporarily visual impairments. For example, the ECU prohibits photo- and video-recording of a ballot by any means during its filling. However, voters with temporary visual impairments could use special applications to fill out a ballot in a voting booth on their own, with no external persons involved.

CVU registered cases of obstructing observers' work on election day (polling stations no.480425, no.051582 and no.120086). In some cases, election commissioners denied access to observers, claiming there were limits on the maximum number of people who could be present at the polling station. In Rubizhne, in Luhansk oblast, the head of a precinct election commission attempted to prevent a CVU observer from entering the precinct, since, in his opinion, a large number of observers, namely, 17, had already registered at the station. This situation is contrary to the ECU. In some cases, police representatives performed inappropriate functions and practically interfered with the work of the CVU observers: at the polling station 650762, police officers checked the the observers' IDs and were staying in the voting room, while at the polling station no.650622, a police officer photographed the observers' passports and IDs.

Problems with ballots were a traditional problem on election day. During voting at some polling stations errors in the ballot text were discovered. 2,394 voters at the polling station no.350825 in Kirovohradska oblast actually lost their votes because of a ballot error that was not detected in due time. Due to a ballot printing error the polling station received the lists of candidates from another constituency; they discovered this only at lunchtime of election day. 14,000 ballots had to be reprinted in Zakarpattia on the night before election day because of an error (the elections of members of the Mizhhirska amalgamated territorial community council).

THE CVU OBSERVERS REPORTED CASES OF VIOLATIONS OF THE CURRENT LEGISLATION AND CONFLICT SITUATIONS RELATED TO THE PRESIDENTIAL OPINION POLL CONDUCTED OUTSIDE THE POLLING STATIONS.

At the polling station no. 711040 in Cherkasy, a member of the precinct election commission personally handed out forms of the opinion poll in the premises of the station. She explained her actions by being asked by volunteers to conduct a survey. Attempts were made to conduct the poll in the premises of the polling station no.650651 in Berdyansk. In the village of Utkivka, Kharkiv oblast, the opinion poll was conducted in the premises of the polling station no.630869. In the course of the polling several conflict situations arose between the voters and the interviewers. Some interviewers actually carried out campaigning and commented at their own discretion on the questions in the text of the survey, which triggered a negative response from the voters.

According to the results of voting on 25 October⁶, the largest number of the elected local councillors were self-nominated candidates – **6,632**, or **16.12%** from the total number of elected deputies. Servant of the People, with **6,095** elected local council members, holds the second place, while the third place is occupied by Fatherland – **4,281** elected local council members.

In total, 110 political parties received at least one seat. A total of 194 parties took part in the elections. It should be noted that these figures take into account the number of elected council members at different levels. Therefore, the parties' representation in regional councils, district councils and city councils of large cities varies.

TOP 10 parties by the number of received local councillor seats

	Number of elected councillors	%
Self-nomination	6,632	16.12%
Servant of the People	6,095	14.82%
Fatherland	4,281	10.41%
Opposition Platform – For Life	4,050	9.85%
For the Future	3,940	9.58%
European Solidarity	3,752	9.12%
Our Land	1,822	4.43%
Freedom	866	2.11%

⁶ According to the official website of the CEC, as of November 24, 2020.

	Number of elected councillors	%
Groysman's Ukrainian Strategy	625	1.52%
Oleh Lyashko's Radical Party	557	1.35%
Proposition	554	1.35%

Similarly to the deputies of local councils, the largest number of winners for the posts of village, settlement and city mayors turned out to be among self-nominees – 662. This accounts for 47.52% of the total number of the persons elected. Thus, every second elected community mayor ran for the elections as an independent candidate.

Among all the political parties, the largest number of elected mayors are members of the Servant of the People party – a total of **225** mayors, or **16.15%** of the total number. Notably, no candidate from Servant of the People won the election of mayors in the oblast capitals of Ukraine. For the Future takes **the second place** among the parties by the number of elected mayors – **92**. Fatherland and the Opposition Platform – For Life took **the third** and **fourth places**: **53** and **52** mayors respectively. Our Land has **44** elected mayors, while European Solidarity has **41** mayors. The other parties showed low results.

TOP 10 parties by number of received community mayors mandates

	Number of elected mayors	%
Self-nomination	662	47.52%
Servant of the People	225	16.15%
For the Future	92	6.60%
Fatherland	53	3.80%
Opposition Platform – For Life	52	3.73%
Our Land	44	3.16%
European Solidarity	41	2.94%
Groysman's Ukrainian Strategy	28	2.01%

	Number of elected mayors	%
Trust	23	1.65%
Ridny Dim	19	1.36%
Freedom	18	1.29%
Proposition	18	1.29%

CVU HAS COMPARED THE RESULTS OF THE PRO-GOVERNMENT PARTIES IN LOCAL ELECTIONS OVER THE RECENT YEARS. In particular, CVU analysed the number of councillor mandates received by Servant of the People at the scheduled local elections on 25 October, 2020, the Petro Poroshenko Bloc (PPB) at the local elections on 25 October, 2015, and the Party of Regions at the local elections on 31 October, 2010 in 21 city councils of the oblast capitals and the city of Kyiv. Additionally, CVU compared the number of city mayor posts received in the local elections.

Overall, SP received fewer councillor mandates in the oblast capitals and city of Kyiv than PPB and the Party of Regions. In general, according to the results of the 2020 local elections, only 13% of elected councillors were nominated by Servant of the People. Their outcome is lower than that of PPB (1%) and three times lower than that of the Party of Regions (38%).

SP received the best result in Poltava (21% of the elected councillors were the party nominees) and Zaporizhia city councils (20% of the elected councillors). 19% of the councillors from SP will also work in Sumy, Cherkasy and Kherson city councils. However, the party will not have any councillors in Lviv and Ivano-Frankivsk city councils (0%), only 7% in Ternopil, and 10% in Khmelnytsky, Chernigov and Kyiv city councils. This is for the first time in recent years, the ruling party has not received a single deputy mandate in individual regional centers. In general, the results of Servants of the People are somewhat higher in the south and center of Ukraine, and lower in the West. However, Servant of the People did not come winner in any oblast capital by the number of votes.

In 2015, PPB received the highest representation in Kyiv (43%), Zhytomyr (26%) and Odesa (2%), and the lowest representation in Kharkiv (8%) and Dnipro (9%). In 2010, the Party of Regions had the largest representation in Donetsk (94%) and Luhansk (80%), and the lowest in Lutsk (6%), Lviv (7%), Ivano-Frankivsk (7%) and Khmelnytsky (8%).

Percentage of elected local council members, by the party

	Servant of the People 2020	Petro Poroshenko Bloc 2015	Party of the Regions 2010
Vinnytsia City Council	11%	19%	10%
Lutsk City Council	12%	19%	6%
Dnipro City Council	14%	9%	65%
Zhytomyr City Council	17%	26%	23%

	Servant of the People 2020	Petro Poroshenko Bloc 2015	Party of the Regions 2010
Uzhhorod City Council	18%	14%	25%
Zaporizhia City Council	20%	13%	68%
Ivano-Frankivsk City Council	0%	21%	7%
Kropyvnytskyi City Council	14%	21%	53%
Lviv City Council	0%	16%	7%
Mykolaiv City Council	17%	17%	67%
Odesa City Council	16%	22%	57%
Poltava City Council	21%	19%	10%
Rivne City Council	17%	21%	11%
Sumy City Council	19%	21%	12%
Ternopil City Council	7%	17%	18%
Kharkiv City Council		8%	69%
Kherson City Council	19%	20%	59%
Khmelnysk City Council	10%	17%	8%
Cherkasy City Council	19%	14%	
Chernivtsi City Council	12%	21%	27%
Chernihiv City Council	10%	21%	30%
Kyiv City Council	10%	43%	
Donetsk City Council	X	X	94%
Luhansk City Council	X	X	80%
Sevastopol City Council	X	X	61%
On average	13%	19%	38%

Servant of the People also had lower results in terms of elected city mayors. The party did not receive any city mayor posts in the oblast capitals of Ukraine. For comparison: 5 and 10 city mayors were elected from the BPP and the Party of Regions respectively.

(+) elected city mayor

	Servant of the People 2020	Petro Poroshenko Bloc 2015	Party of the Regions 2010
Vinnitsia City Council	–	–	–
Lutsk City Council	–	+	–
Dnipro City Council	–	–	+
Zhytomyr City Council	–	+	+
Uzhhorod City Council	–	–	–
Zaporizhia City Council	–	–	–
Ivano-Frankivsk City Council	–	–	–
Kropyvnytskyi City Council	–	+	+
Lviv City Council	–	–	–
Mykolaiv City Council	–	–	–
Odesa City Council	–	–	+
Poltava City Council	–	–	–
Rivne City Council	–	–	–
Sumy City Council	–	–	–
Ternopil City Council	–	–	+
Kharkiv City Council	–	–	+
Kherson City Council	–	–	+
Khmelnysk City Council	–	–	–
Cherkasy City Council	–	–	–
Chernivtsi City Council	–	–	–
Chernihiv City Council	–	+	+
Kyiv City Council	–	+	–
Donetsk City Council	X	X	+
Luhansk City Council	X	X	+
Sevastopol City Council	X	X	–

THE SO-CALLED REGIONAL POLITICAL PARTIES (POLITICAL FORCES, WHOSE ACTIVITIES ARE FOCUSED EXCLUSIVELY WITHIN ONE OR SEVERAL OBLASTS, AND SOMETIMES WITHIN ONE CITY) SHOWED GOOD RESULTS IN THE LOCAL ELECTIONS. In Vinnytsia, Ukrainska Stratehia Groysmana won the elections by receiving 34 council member seats out of a total of 54; in Kharkiv, the winner was the Kernes Bloc — Uspishny Kharkiv, which received 40% of the council member seats, in Khmelnytskyi, the elections were won by Komanda Simchyshyna (Sumchyshyn's Team) with 61% of the council member seats; in Odesa, Hennadiy Trukhanov's Doviryai Dilam party secured 31% of the council member seats; Ridny Dim's result in Chernihiv was 61% of the council member seats, while Volodymyr Buryak's party Yednannya in Zaporizhia came winner with 25% of the city council member seats.

As reported by CVU, more than fifty Ukrainian MPs took part in the 2020 local elections as candidates. They mostly ran for the oblast councils. According to the results of local elections, 31 Ukrainian MPs won the elections to the oblast councils. The largest number of MPs (5), won the elections to the Volyn Regional Council: Ihor Palytsya, Vyacheslav Rublyov, Ihor Huz, Stepan Ivakhiv and Iryna Konstankevych. All of them represented Za Maybutne party. Four MPs won the elections to Khmelnytskyi oblast council. Three MPs were elected by party lists to the Lviv, Vinnytsia and Odesa oblast councils. However, in practice, this situation did not reduce the number of current MPs of Ukraine. In the absolute majority of cases, these MPs did not change their place of work and continued to work in the Verkhovna Rada of Ukraine. Instead of them, their fellow party members who were next in line were introduced to the local councils. This pattern allows parties to secure additional support from the public in local elections, as voters often tend to vote for the names of well-known politicians who are at the top of party lists. However, such practices are in essence manipulative towards citizens, since the absolute majority of MPs had no real intentions to work in local self-government bodies instead of working in the Verkhovna Rada of Ukraine.

DURING THE 2020 LOCAL ELECTIONS A PROPORTIONAL SYSTEM WITH OPEN LISTS WAS USED FOR THE FIRST TIME EVER. The results of the elections showed that only a part of the candidates were actually elected by open lists, while others were elected by the so-called closed part of the list. CVU reviewed the results of the elections to all city councils of the oblast capitals of Ukraine and of the city of Kyiv.

According to CVU, half of the council members in such communities were elected by the closed part of the list. That is, they received the mandate not as a result of votes being cast for them, but through a place in the party list. On average, 50% of the candidates were elected from a single multi-member constituency. On average, 50% of candidates were elected from a single multi-member constituency. The other 50% were elected in the constituencies where they ran, having achieved 25% of the electoral quota. In total, 561 members of city councils, out of 1,164, were elected in a single multi-mandate constituency. As a rule, the number of council members elected in a single constituency was higher for parties which, despite having overcome the electoral barrier, received a small number of seats, i.e., such candidates did not achieve 25% of the electoral quota required for council membership in a constituency). Parties with higher support from the population had a higher percentage of council members directly elected by voters in their constituencies.

In Vinnytsia City Council only 35% of the members were elected in a single multi-member constituency (closed part of the list), while in Lutsk City Council this figure was 64%. This is explained by the fact that only four parties received seats in Vinnytsia City Council, of which the Ukrainska Stratehia Groysmana received 34 seats out of a total of 54 seats in the council (out of 34 party members only 4 were elected by closed lists, whereas the remaining 30 were elected by open lists, having achieved 25% of the electoral quota in their constituencies.) Thus, the party's results were high enough for almost all winning candidates to achieve the electoral quota in their constituencies. On the other hand, six political parties received seats in the Lutsk City Council. In contrast, six political parties received seats in the Lutsk City

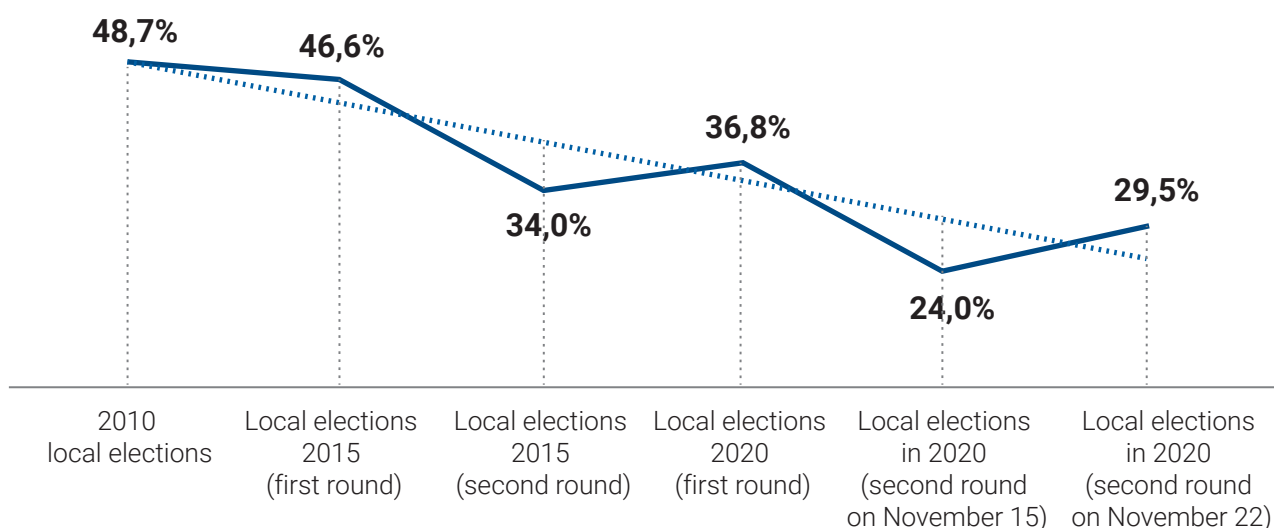
Council. The situation was similar in Zhytomyr City Council, where six parties also received seats, and the percentage of members who were elected to the council by the closed part of the list was high, at 67%. Meanwhile, only 38% of councillors in Ivano-Frankivsk City Council were elected by the closed part of the list, which is explained by the existence of a leading party and by the generally small number of parties that were elected to the council – only three parties received seats, of which Freedom received 28 out of 42 seats. The most illustrative example is the Kropyvnytsky City Council, to which the largest number of members were elected by the closed part of the list – 79% of the council members. This is explained by the fact that representatives of eight parties were elected to the council (as a result, the parties Nash Krai, Ridne Misto, The Opposition Platform – For Life, Servant of the People did not have a single deputy directly elected in the constituencies, since they did not receive the necessary quota.

	Total council members	Number of deputies elected in a single multi-mandate constituency (so-called closed part of the list)	%
Vinnitsia City Council	54	19	35%
Lutsk City Council	42	27	64%
Dnipro City Council	64	31	48%
Zhytomyr City Council	42	28	67%
Uzhhorod City Council	38	21	55%
Zaporizhia City Council	64	24	38%
Ivano-Frankivsk City Council	42	13	31%
Kropyvnytskyi City Council	42	33	79%
Lviv City Council	64	20	31%
Mykolaiv City Council	54	26	48%
Odesa City Council	64	25	39%
Poltava City Council	42	28	67%
Rivne City Council	42	30	71%
Sumy City Council	42	16	38%
Ternopil City Council	42	21	50%
Kharkiv City Council	84	27	32%

	Total council members	Number of deputies elected in a single multi-mandate constituency (so-called closed part of the list)	%
Kherson City Council	54	21	39%
Khmelnysk City Council	42	19	45%
Cherkasy City Council	42	29	69%
Chernivtsi City Council	42	28	67%
Chernihiv City Council	42	20	48%
Kyiv City Council	120	55	46%

The turnout at the local elections was actually the lowest in Ukraine in the last ten years. For example, the turnout at the scheduled local elections in 2010 was **48.7%**, at the local elections in 2015 (first round) – **46.6%**, at the local elections in 2015 (second round) – **34%**, at the local elections in 2020 (first round) – **36.8%**, at the local elections in 2020 (second round on 15 November) – **24%**, and at the local elections in 2020 (second round on 22 November) – **29.5%**.

Turnout in the 2010-2020 local elections



Second Round of the Elections

A distinctive feature of preparation for the second round of the local elections in Ukraine was a considerable delay in establishing the results of the 25 October voting. On the one hand, this delay was caused by the new electoral legislation, which made it difficult for a large number of communities to count their votes due to the use of a proportional electoral system with open lists. In communities where open lists were used, members of precinct commissions had to count not only the votes cast for local organizations of political parties, but also for each candidate from such organizations. As the CVU monitoring shows, in terms of election commissions, some election commissions had difficulties understanding the algorithms for counting the votes.

The CVU observers reported mistakes in the work of election commissions during the vote counting and filling out of election documentation. This resulted in a slowdown in the process of transferring protocols to the TEC. For example, as of the morning of 26 October, only 15 out of 124 PECs in Kropyvnytsky submitted their voting results reports to the municipal TEC, and mere 68 PECs, out of 425 submitted their reports by 11.00 of 26 October in Dnipro; in Cherkasy, by 11.00 of 26 October, approximately 15% of all PECs submitted their reports. The CVU observers reported queues during the receipt of electoral records. At some polling stations, commission members found mistakes in the reports shortly after the beginning of counting the votes – the name of one of the candidates was missing in the report from the polling station 560958 in Rivne.

However, **the main reason for the delay in establishing the election results were frequent cases of court appeals by some political parties and candidates against the voting results.** For example, as of November 10, establishing the results of voting remained unresolved in Chernivtsi, Ternopil, Lviv and Brovary, although the election results should have already been established by that date. The process of establishing the results of the elections to Kyiv, Volyn, Kherson, and Odessa oblast councils was also delayed. Due to delays in establishing the election results, the second round of elections in Chernivtsi was scheduled for 29 November, and in Kryvyi Rih, for 6 December. In the town of Brovary, in Kyiv oblast, the elections were declared invalid: On 9 November the Kyiv district administrative court obligated the municipal TEC of Brovary to hold new local elections of the mayor and council members of the Brovary community again.

According to CVU, requests for recounting votes and declaring elections invalid, which were submitted by political parties and candidates, were often not properly substantiated and were not based on real facts about electoral law violations on election day. For example, despite accusations of mass fraud, the CVU observers did not record any significant problems in organizing the elections in Lviv. CVU observed that the delayed counting of votes in some communities showed signs of political technology and was used to recount votes in favour of the involved parties or candidates. CVU urged the political parties and candidates to behave responsibly when filing claims and not to abuse the right to judicial appeal, thus delaying the establishment of the election results.

DUE TO VIOLATIONS OF ELECTORAL LEGISLATION, THE CEC PREMATURELY TERMINATED THE POWERS OF CERTAIN TERRITORIAL ELECTION COMMISSIONS, among them Marganets municipal election commission in Dnipropetrovsk oblast, Vasyilkiv, Fastiv and Brovary municipal election commissions in Kyiv oblast, Kherson oblast election commission, and Buryn municipal election commission in Sumy oblast.

Election second round of 15 November

On 15 November, the second round of elections was held in seven cities: Lutsk, Kramatorsk, Odesa, Sumy, Kherson, Kamyanets-Podilsky, and Ukrainka, in Kyiv oblast. 1.5 million voters could take part in the elections; the voting took place at 932 polling stations.

ON THE DAY BEFORE THE VOTING, THE CVU OBSERVERS NOTED THE ACTIVE USE OF BLACK PR TECHNOLOGIES. For example, the Facebook group of Kherson disseminated information that one of the city mayoral candidates allegedly planned to initiate demolition of the monument to Georgy Potemkin, who is considered the founder of Kherson. A significant amount of black PR material was distributed through Telegram channels, where false information was published based on anonymity. According to CVU, such groups were quite popular among locals and had a significant impact on shaping public opinion about a candidate by reaching a significant audience. In Odesa, contestants used provocative slogans like “Peace and stability, or war and destruction?” A large number of materials containing features of black PR was also distributed in Lutsk and Kramatorsk.

A distinctive feature of the 15 November elections was the introduction in Ukraine of the so-called weekend lockdown with a view to combat the coronavirus pandemic. The lockdown was introduced on 14 November. Pursuant to the government’s decision, public catering establishments, night clubs, cinemas, shopping and entertainment centers were forbidden to work over the weekend. The government decision did not directly affect the electoral process; however, according to CVU information, a lack of proper information campaign by the government caused misunderstanding among some voters of whether the voting would take place on Sunday under the weekend lockdown. For example, people often contacted the CVU hotline with this question. As a result, the lack of sufficient information about the weekend lockdown could have had an impact on the voter turnout.

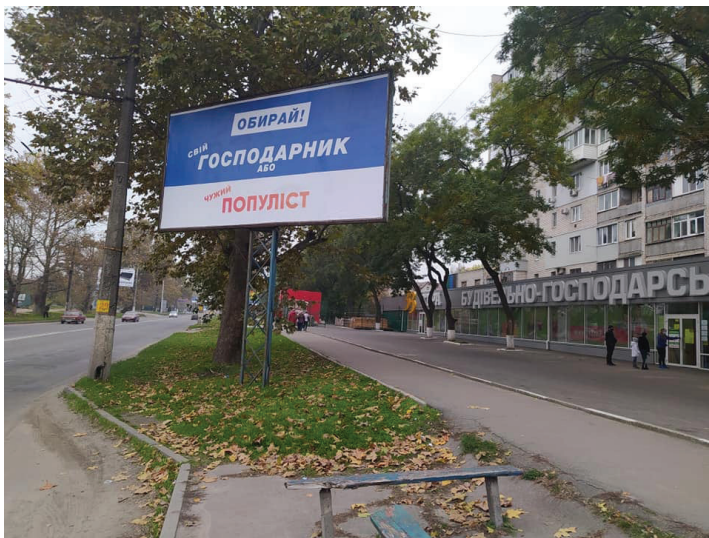
The second round campaign was also characterized by attempts to hold debates. However, full-fledged debates involving both candidates were rather an exception. In particular, such debates were held in Lutsk. And in Kamyanets-Podilsky and Sumy only one candidate took part in the debates.

CVU NOTED THAT, ON THE WHOLE, ELECTION DAY ON 15 NOVEMBER WAS IN COMPLIANCE WITH THE STANDARDS OF FREE AND FAIR ELECTIONS, ALTHOUGH VIOLATIONS WERE RECORDED IN TWO OUT OF SEVEN COMMUNITIES, WHICH COULD INDICATE THE USE OF VOTE-BUYING, PARTICULARLY IN KRAMATORSK AND UKRAINKA.

AMONG THE ISSUES AND IRREGULARITIES THAT TOOK PLACE ON THE 15 NOVEMBER ELECTION DAY WERE THE IRREGULARITIES IN THE WORK OF SOME ELECTION COMMISSIONS, VIOLATION OF SANITARY MEASURES AND ILLEGAL CAMPAIGNING. At the polling station 141050 in Kramatorsk of Donetsk oblast, members of the election commission decided to limit the movement of official observers. They were assigned separate seats indoors (behind the column) and were instructed that they could not move around the center of the hall. A sign reading “Do not walk in the center of the hall! (Only indoors shoes allowed)” was attached to the column with a piece of tape.

In Kherson, the CVU observers recorded facts of illegal campaigning. For example, on the day of voting residents of the city received the following text message on their phones: “The city needs a mayor with economic and management background, and not a populist outsider”. Besides, billboards in the style of the candidates for the second election round were placed in the streets of the city. Namely, they were billboards with the following text: “Cast your vote! Either our very own economic manager, or a populist outsider”, as well as billboards with the image of dinosaurs and a caption “yes”. It must be noted that last summer, at the initiative of one of the candidates, an exhibition-attraction entitled Big Dinosaurs

took place in Kherson. Furthermore, on the day before election day advertisements of the following content were posted around the city, offering monetary rewards in exchange for information about falsifications: "Attention! Reward of 30,000 UAH in exchange for reliable information about voter bribery, "networks", attempts to forge the 15 November election of Kherson mayor." The advertisement included a contact phone number. And at the polling station no. 511287 in Odesa, the CEC observers reported a commissioner wearing a face mask with the logo of the Opposition Platform – For Life party, a candidate from which took part in the second round of the election of the city mayor. The CVU observers also reported cars with loudspeakers moving around the streets of Odessa on election day, calling on the city residents to come to the polling stations, and voiced the campaign slogan of one of the candidates: "Dear Odesa residents! Today, on 15 November, the mayor of Odesa will be elected! Come and vote! Vote for the peace and prosperity of Odesa."



The CVU observers reported their assumptions about the use of the carousel voting and vote-buying in Kramatorsk. They registered cases of photos of ballots being taken at three polling stations, namely, no.141042, no.141027 and no.141021 in Kramatorsk, which could be evidence of vote-buying. At the polling station 141042, a young man after voting showed his phone to another man who came with him to the polling station but did not participate in the voting. The commissioners were informed about this case, but the above persons had already left the polling station by that time. The CVU observers informed about similar cases at two other polling stations of the city. For example, at the polling station no.141027 the police detained a voter who had taken a photo of his completed ballot paper. A similar case occurred at the polling station no.141021. Systematic cases of taking pictures of ballots can testify to the use of technology of vote-buying, when individuals who were paid take pictures of their completed ballots as evidence that they voted for the right candidate. The observers mentioned another case in Kramatorsk, when unknown people fired paintballs at a Gazelle bus parked outside the building of the polling station no.40983. The driver reported the case to the police. The CVU observers reported that it was this bus that could transport voters to the polling station in favour of one of the candidates.

The CVU observers noted widespread cases of non-compliance with the requirements for the implementation of anti-epidemic measures at polling stations on election day. For example, a commissioner at the polling station no.151043 checked the voters' passports by holding them in his hands. And organizational problems were observed at the polling station no.141042 in Kramatorsk: the premises of the polling station had a narrow school corridor, there were no safety screens, and the commissioners

failed to observe the social distance requirement. Among the most common problems were the following: failure to perform temperature screening or improper screening; use of one mask during the whole day of voting (the fact that members of the commission replaced their masks was a single one); lack of wet cleaning and disinfection at polling stations; and failure to comply with the requirements for social distance (in particular, the requirement to observe a distance of at least one meter between members of the election commission). Some of the common issues reported were as follows: failure to perform temperature screening or improper screening, the use of a single mask during the whole day of voting (only few commissioners changed their face masks), lack of wet cleaning and disinfection at the polling stations, and failure to comply with social distance requirements (in particular, the requirement to observe a distance of at least one meter between the commissioners).

Election second round of 22 November

On 22 November the second round of elections was held in eleven cities, including Dnipro, Mikolaiv, Lviv, Poltava, Rivne, Cherkasy, Uzhgorod, Slavyansk (Donetsk oblast), Berdyansk (Zaporizhia oblast), Drohobych (Lviv oblast), and Nikopol (Dnipropetrovsk oblast).

ON THE EVE OF THE VOTING DAY, THE CVU OBSERVERS NOTED AN INCREASE IN REPORTS ABOUT POSSIBLE USE OF THE VOTE-BUYING TECHNOLOGY.

On the eve of the second round of elections in Cherkasy social networks — Instagram, Facebook, Viber, actively posted advertisements recruiting people to work in the elections in the capacity of so-called “foremen”. Such actions could testify to the organization of a vote-buying network. Representatives of the Cherkasy oblast branch of CVU called the numbers indicated in the social media and, indeed, were offered the job to engage voters to the voting in exchange for a financial reward from one of the candidates. Namely, one of the “foremen” recruiters provided a contact phone number in Viber. In a private conversation, the man explained the task: soliciting voters to come and support one of the candidates in the election of the city mayor. Those voters who were ready to support him had to be recorded in a special list stating their full name, phone number and address. The promised extra payment for each secured vote was 100 UAH. Cherkassy Internet media circulated screenshots of messages offering these job in social networks, and video recordings of conversations with the organizers of the vote-buying network were made public. CVU applied to the National Police for immediate investigation of all available information reports and enhance measures to counteract any vote-buying networks in the city.

In Uzhgorod, national police representatives detained a person who attempted to buy votes for one of the candidates. The chairman of a local condominium was involved in collecting signatures from voters who agreed to sell their votes. Voters were promised 500 UAH for their vote. In Dnipro, several Viber groups offered voters 1,500 UAH and organized the collection of people’s personal data. In Poltava, journalists released a video in which the team of a candidate participated in distributing among voters personalized bags and envelopes from the candidate.

The CEC observers also recorded a number of facts of indirect voter bribery. In Berdyansk, a mayoral candidate Oleksandr Svidlo posted on his Facebook page several examples of goods being presented to voters on his behalf, namely, information about offering free gas meters to some of the city residents. In Poltava, voters were offered gift bags and face masks from one of the candidates. In Rivne, the mayoral candidate Viktor Shakyrzyan informed about his support to the Rivne Oblast Children’s Hospital in

receiving large number of face masks on 12 November. The candidate also provided the hospital with new X-ray films and purchased necessary materials for the Rivne Oblast Diagnostic Center.

SIMILAR TO THE DAY BEFORE THE SECOND ROUND ON 15 NOVEMBER, THE CVU OBSERVERS REPORTED WIDESPREAD USE OF TECHNOLOGIES WITH SIGNS OF BLACK PR IN THE RUN-UP TO THE 22 NOVEMBER ELECTIONS. Overall, cases of the use of such technologies increased significantly before the second round of elections, as compared with the first round. Lviv saw a mass distribution of a special issue of the Ratusha newspaper with articles targeted against the mayor Andriy Sadovy. Yet, the newspaper's editorial staff made an official statement that they had no part in the distribution of the materials. In Dnipro, the Dnipro Aktsent newspaper was distributed with the headline: "If you cannot buy, kill. Filatov and Korban striving for power in bloody tracks." In Uzhgorod, provocative leaflets were circulated, featuring one of the candidates wearing a wedding veil. Another candidate was also defamed as having allegedly bought a restaurant in the center of Vienna for 1 million USD. In Slovansk, a local Telegram channel, which was registered on 16 November, circulated a video of the former city mayor where she directly accused one of the candidates of corruption. Information was also spread in Sloviansk social networks that one of the contestants, a companyowner, had ordered to throw a dog from the territory of Sloviansk Machine Building Plant and drown her puppies. Materials accusing some of the candidates of cooperation with pro-Russian politicians were distributed in Rivne and Lviv.

The main topic of the election campaign was the introduction of the weekend lockdown in Ukraine. Most candidates for the post of city mayor in the second round of the elections employed the topic in their election campaign in order to get additional voter support. Specifically, they criticized the government's decision. Lviv city mayor and candidate in the second round Andriy Sadovy announced that Lviv will not comply with the decision of the government to introduce the weekend lockdown, and Saturday and Sunday were declared working days, and later he added that the city council will appeal in court all fines imposed on the local entrepreneurs. Cherkasy Mayor Anatoliy Bondarenko and Dnipro Mayor Borys Filatov also informed about their refusal to implement the government's decision of the weekend lockdown. Mykolaiv Mayor Oleksandr Senkevych also criticized this idea. Another candidate in Mykolaiv, Vladyslav Chaika took part in the protest of the local entrepreneurs against the introduction of the weekend lockdown. In Sloviansk, the candidate Pavlo Prydvorov said: "We will do our utmost not only to abolish the draconian restrictive measures initiated by the government, but also to support entrepreneurs at the local level." On the whole, the situation revealed little substance of the campaign in the lead-up to the second round, since issues such as weekend lockdown are not directly related to the powers of local authorities.

The CVU observers recorded the use of technologies impacting voter turnout before the second round of voting. In Poltava, unknown people called people and actually intimidated them, arguing that coming to a polling station can be dangerous due to the coronavirus infection. People were asked the following question: "Did you know that in the midst of the coronavirus pandemic, when mortality rates are increasing, you should avoid public gatherings, stay at home and limit your social contacts?" In Mykolaiv, a municipal enterprise Mykolaiv Development Agency initiated a raffle of art albums among voters in exchange for their photos near one of the polling stations. Technologies related to voter turnout were also used in Lviv, Dnipro and Sloviansk.

The CVU commented that preparations for voting in coronavirus conditions were rather chaotic. For instance, in Berdiansk, the city council reported on its official website on the purchase of necessary materials for the elections in coronavirus, and the Mykolaiv authorities announced a two-day vacation in schools, in view of the need to disinfect the premises after the vote.

In some communities there were problems associated with the proper work of members of PECs before the second round of elections. In particular, this happened in Poltava and Uzhgorod. On 18 November the municipal territorial election commission of Poltava convened from 2 p.m. to 9 p.m., replacing the PEC members who refused to work in the second round of elections. In Uzhgorod, problems occurred at one-third of the 70 precinct election commissions. TECs learned that a great number of commissioners refused to work after a round of phone calls. The key reason for that is the lack of additional payments for PEC members from the candidates and parties that did not make it to the second round of elections. According to Article 281, part 8 of the ECU, preparation for and conduct of repeat voting shall be performed by precinct election commissions, having the same composition of the same members as the ones who conducted the voting in the respective elections in the respective constituencies. However, parties and candidates who nominated such commission members at the first round of the election may not have been represented in the second round of voting and, consequently, were not interested in paying for the work of the commissioners they nominated to the PEC. In general, this illustrated the existing issues with respect to remuneration of commissioners. The official extra payments from the state is insignificant (237 UAH per day of work), so PEC members traditionally receive additional funds for work in elections from parties and candidates who nominate them. However, this practice is not provided for by the current legislation and does not contribute to the transparency of election finance.

On the night before the voting day, the court revoked the registration of observers from one of the candidates for mayor of Uzhgorod. As reported by CVU, on Sunday, November 22, about 4 a.m. Zakarpattia district administrative court made a decision on the suit of Bohdan Andriiv, candidate for the mayor of Uzhgorod territorial community, who requested to revoke registration of observers for the 22 November elections from the party SP and the candidate Victor Shchadey. Representatives of Bohdan Andriiv's campaign office explained, they filed a lawsuit on Saturday, 21 November, the reason for this being that the SP observers missed the deadline for submission of applications and registration, and noncompliance with the law took place in the case of observers from candidate Viktor Shchadey. According to Andriiv's office, the observers from the candidate were submitted with the wording that he was an independent subject of the electoral process, but in fact he was a candidate nominated by the party SP. As a result, the Zakarpattia District Administrative Court partially satisfied Andriiv's claim by cancelling the registration of Viktor Schadey's observers, while retaining the registration of observers from SP.

BASED ON THE CVU OBSERVATION, THE SECOND ROUND OF ELECTIONS ON 22 NOVEMBER WAS HELD MOSTLY IN COMPLIANCE WITH INTERNATIONAL STANDARDS AND UKRAINIAN LEGISLATION. HOWEVER, IN SOME CITIES, TECHNOLOGIES AIMED AT BUYING VOTERS WERE DEPLOYED. In particular, observers of the CEC reported widespread cases of photographing ballots and transporting voters to polling stations. The number of facts and scale of technologies related to vote-buying increased significantly compared to the first round of elections and compared to voting on 15 November. With a low voter turnout, the voter buying technology could have had a significant impact on the voting results.

Cases of photography of completed ballots testify to the organization of a vote-buying pattern. At the polling station no. 711073 in Cherkasy an incident of taking pictures of ballots resulted in calling in the police to the station and writing an incident report. Cases of ballots photography took place at the polling stations no. 121113, no. 121275, no. 121052 and no. 121290 in Dnipro. In addition, an informal Viber group named Part-Time Job. Elections in Dnipro offered voters to provide their passport details, so that they could vote in exchange for 1,500 UAH.

The CVU observers reported more than ten facts of voter transportation to polling stations in Cherkasy by private vehicles. These cases took place at polling stations no. 711073 and no. 711068. The voters were delivered by cars, where the driver stayed in the car, while the voter went inside the polling

station to cast his vote and then returned to the car. During the observation, up to ten cases of such visits by the same cars were recorded, which could indicate the use of vote-buying networks. The CVU observers informed the police about such activities. Notably, the said cases were recorded at the same polling stations where cases of ballot photography occurred. In Dnipro, the CVU observers reported a case of organized transportation of voters to the polling station no. 121068. In Nikopol, Dnipropetrovsk oblast, the CVU observers revealed a case of voter transportation to the polling station no. 120759.

In Berdyansk, the CVU observers recorded persons with the lists of voters near the polling stations no. 230638, no. 230640, no. 230645, no. 230652 and no. 230654, who checked the names of those who arrived at the polling stations. Such actions showed evidence for controlled voting and could indicate the use of vote-buying technology. The CVU observers recorded an attempt of taking a ballot out of the polling station no. 711078 in Cherkasy. Observers forestalled the offense and prevented the voter from taking the ballot out of the building. The man threw the bulletin into the ballot box and escaped.

The CVU observers reported many cases of non-compliance with sanitary standards at polling stations. For instance, at the polling station no. 711014 in Cherkasy the TEC provided the precinct election commission with 25 face masks and one sanitizer. The administration of the school that housed the polling station provided face masks, one thermometer and three sanitizers. The commissioners purchased their own single use gloves. At the polling station no. 711002 members of the precinct election commission used their own face masks and gloves, and the sanitizer was provided by the school that housed the polling station. At the polling station no. 710996, members of the precinct election commission who conducted voting at the voter current location did not have adequate protection means, i.e. no protective suits or shields, etc. There was no heating in the premises of the polling station no. 560984 in Rivne (the assembly hall of the company Rivne Dim Service), thus, the commissioners had to wear coats at work. In Lviv, quarantine measures were mostly observed, although in some cases commissioners took a rather formal and selective approach to temperature screening. At some polling stations there was no separate voting booths for persons with ARVI symptoms. Voting rooms were not always ventilated, and some voters and commissioners wore face masks incorrectly. At the polling station no. 480873 in Mykolaiv there was no separate voting booth for persons with ARVI symptoms, and the commissioners were not wearing face masks; the voters' temperature was not measured at the entrance. At polling station no. 480860 a commissioner measuring the voters' temperature was not wearing a face mask. At the polling station 560986 in Rivne, the thermometer registered the body temperature of several voters at 32.0C. At the polling stations no. 560011 and no. 560973 no temperature screening was carried out in the morning. At the polling station no. 560970 the temperature screening of the first voters who visited the polling station showed 36.10C. The commissioners at the polling station no. 560949 managed to set up their thermometer only with the assistance from the CVU observer. At polling station no. 560936 decided to close one of the polling booths. They thus decided to separate the regular voting booths from the booths intended for voters with high temperature. The commissioners at the polling station no. 710977 in Cherkasy complained that, instead of a sanitizer, they were provided with a mineral water bottle containing unknown liquid, and were therefore afraid to use it.

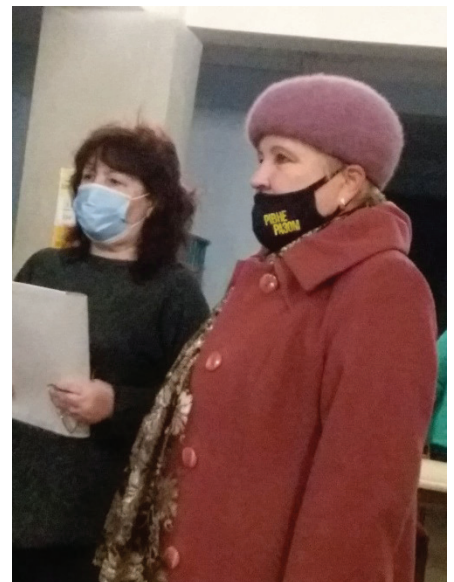
The CVU observers reported the inadequate quality of some of the voting rooms. At the polling station no. 560972 in Rivne (the gym of the kindergarten 47) not all observers were able to monitor the voting process. The room where voters cast their ballots was small in size, so the commission decided that only three observers could be present there at the same time. The decision was made

to secure a safe distance. However, as a result, not all observers were able to carry out their activities. At the polling station no. 141216 in Sloviansk, the voting premises consisted of two rooms. Consequently, the commissioners were not able to monitor the other room which contained booths and ballot boxes.

CVU pointed out illegal attempts to interfere with the observers' work. In Mykolaiv, the car of the observers of the CVU mobile group was damaged. The incident took place near the polling stations no. 840742 and no. 840743. While the CVU representatives were at the polling station, unknown persons damaged the mobile group's car, namely, flattened the tires and bent the disks. The mobile group had to repair the car. The CVU representatives linked the incident to their electoral observation activities.

The CVU observers recorded a number of cases of voting outside electoral booths. At the polling station no. 41203 at 9.50 a.m. an elderly woman marked her ballot immediately after receiving them without entering the voting booth. Another case of voting outside the polling booth was recorded at the polling station no. 462143 in Lviv: an elderly man and his daughter voted outside the polling booth. After the CVU observer had commented on this, the commissioners reprimanded the voters. The latter, however, did not react adequately and used obscene language. Consequently, the woman filled in her ballot near the voting booth, and the man filled in his ballot on the commissioners' table.

The CVU observers recorded cases of illegal campaigning during the elections. Promotional posters and billboards in the style of candidates were placed in Sloviansk on election day. The advertising boards displayed the following slogans of the candidates: "Sloviansk, trust the deeds" and "We will revive our Sloviansk". Similarly, hidden campaigning was deployed in Drohobych, Lviv oblast: billboards with the slogans of candidates "Vote for Change", "Vote against Corruption", and "The truth will win". In Poltava on election day pensioners received the following message on their cell phones: "If you received a food gift basket, do not go to vote, the police are waiting for you at the polling station." The CVU observers reported cases of illegal campaigning on election day, including voters wearing branded face masks of the political parties whose candidates ran in the second round of elections. Such cases were recorded at the polling stations no. 560975 and no. 561007 in Rivne, where the CVU observers reported voters wearing branded face masks of the political party Rivne Razom (Rivne Together).



CVU believes that the voter turnout could have been affected by the technologies used by the candidates. In three cities: Lviv, Berdyansk, Slavyansk, technology was used to encourage young voters through participation in the draw of iPhone 12. In these cities voters were offered to take part in the action, which was essentially about coming to the polling station, taking a selfie and sending it to the organizers, whereupon they could take part in the iPhone 12 draw.



In Berdyansk the action was promoted under the hashtag “obyrach”, in Lviv, under the hashtag “kachnydilnitsyu”, and in Sloviansk, under “Slavyanskvybiraet”. Although formally the organizers of these events were not candidates, but local entrepreneurs, such actions showed signs of an electoral technology aimed to directly affect the voter turnout. In the cities where voters were promised prizes for voting, the turnout increased. Among examples are Berdyansk, Lviv and Sloviansk with the turnouts of 3 %, 38% and 32% respectively, whereas on average in 11 cities the turnout was recorded at the level of 29.5%. On the other hand, in the cities where voters were deliberately intimidated before the elections, in particular by coronavirus and responsibility for vote-buying, the turnout decreased. The examples are Poltava and Nikopol, where the turnout was lower than the average for all cities.

