

**FINAL  
REPORT ON  
OBSERVATION  
RESULTS  
AT FIRST  
LOCAL  
ELECTIONS  
IN UNITED  
TERRITORIAL  
COMMUNITIES OF  
OCTOBER, 29 AND  
DECEMBER, 24, 2017**



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**Authors:**

Oleksandr Kliuzhev,  
Oleksandr Neberykut,  
Olga Kotsiuruba,  
Iurii Lisovskyi

**Editors:**

Svitlana Bregman,  
Anna Bondar

**Translation from Ukrainian:**

Kiev Translation Services

**Design:**

Viktoriya Arkhipenko

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# SUMMARY

Political parties took a great interest in the first local elections held in 252 united territorial communities on October, 29 and December, 24, 2017. These elections also show that the government faces significant challenges on the way to establishing adequate electoral standards. On October, 29, 2017, mayors of UTCs and deputies to local councils were elected in 201 territorial communities, while on December, 24 – in 51 territorial communities.

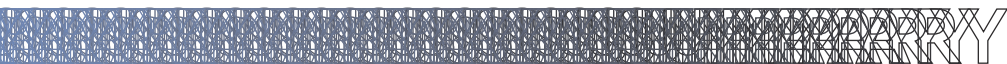
OPORA's long-term observers conducted independent and nonpartisan observation of the first local elections in united territorial communities on October, 29 and December, 24, 2017.

In the first local elections held on October, 29, 2017, the process of election monitoring in each of territorial communities was carried out by long-term observers, who were joined by short-term observers on Election Day.

In the first local elections held in united territorial communities on December, 24, 2017, long-term observers conducted independent and nonpartisan observation of elections in all regions, except for Kyiv and Khmelnytskyi oblasts. OPORA did not deploy a network of short-term observers to the polling stations in December, 24, 2017 elections, opting instead for a limited observation format.

Of the 252 UTCs where first local elections took place on October, 29 and December, 24, 2017, only 30 were city communities, while all the others were either village or township UTCs. Various voting systems were applied in the elections of newly-formed local self-government bodies. Elections of deputies to village and township councils as well as elections of village, township and city mayors in UTCs were held under relative majority voting system. Elections of deputies to city councils were conducted on the basis of proportional representation voting system with candidates assigned to certain territorial election districts. The effectiveness of this voting system has been a subject for discussion since 2015.

Imperfection of the law on local elections is one of the key factors that affected the quality of first local elections on October, 29, 2017. The range of problems



is not limited to shortcomings in itemization of electoral procedures or legal uncertainty of some of these procedures, but also includes significant gaps in electoral rights of citizens, significant deficiencies in the voting system and territorial organization of elections. In particular, the practice of applying proportional representation system with assignment of candidates to TECs in 2015-2017 local elections revealed systemic problems in voters' perception of this system, since public expectations of personified voting in territorial districts under the principle of open party lists were not justified at the stage of registration of candidates and allocation of deputy seats. The type of proportional representation system applied in the elections of deputies to city councils provides for occurrence of a situation where unequal and, quite often, fundamentally different numbers of deputies are elected in each of territorial election districts. This circumstance is also in conflict with voters' perception of the fact that each candidate is assigned to a particular territorial district, and this conflict is aggravated by the possibility of situation where a candidate, who is unpopular in any given territorial district, still wins a deputy seat simply because his local party organization cleared the electoral threshold at the level of entire UTC.

The Law of Ukraine "On Local Elections" does not contain any provisions on the maximum admissible deviation from the average number of voters per electoral district, which, in turn, prompted TECs to adopt decisions that did not meet the international standards for guaranteeing the principle of equal suffrage and / or were politically motivated. According to OPORA, in the elections held on October, 29 and December, 24, 2017, in 98% of all UTCs, TECs did not fully adhere to Venice Commission recommendations concerning maximum admissible departure from the average number of voters per district at the rate of 15%. A detailed analysis of the problem in the course of first local elections on October, 29, 2017, showed that nearly 40% of territorial election districts were formed in violation of the principle of equal suffrage. Serious or even abnormal deviations in the number of voters were recorded in territorial districts formed for elections to city councils, and in single-member districts created for elections to village and township councils. In the absence of legislative regulation

of the procedure for creating electoral districts, TECs in various territorial communities resorted to non-uniform practices, which in some cases led to lengthy litigations. Electoral disputes posed a threat to the stable organization of elections and had a negative impact on the opportunities for pre-election campaigning in the “disputed” districts, given the short duration of electoral process.

The problem of guaranteeing the voting rights of internally displaced persons and internal migrant workers remained relevant in the first local elections held on October, 29 and December, 24, 2017. According to the current law on local elections, voting rights of citizens are imperatively tied to the unreformed system of registration of permanent residence. The majority of internally displaced persons and migrant workers have no access to the procedure for changing their registered place of residence, given the absence of personal residence and the “shadow” nature of apartment rental market. In their turn, internally displaced persons have a number of specific problems related to the need for maintaining formal contacts with temporarily occupied territories (including the security aspects of crossing the line of separation). Therefore, a whole group of voters does not participate in local political life, despite the fact of permanent residence and involvement in the development of territorial communities. The absence of legislative regulation of voting rights of internally displaced persons and labor migrants is accompanied by citizens’ appeals to courts that pass contradictory judgments. OPORA noted that the Ukrainian parliament should intensify the inclusive dialogue on resolution of the problem of guaranteeing the voting rights of the aforesaid group of voters, which has already become the subject of examination by the European Court of Human Rights.

Apart from shortcomings in the field of election systems, electoral districts and voting rights of citizens, the Law of Ukraine “On Local Elections” contains a number of important provisions which unfortunately are not backed by meaningful sanctions and guarantees. First of all, this refers to ensuring compliance of local party organizations with 30% quota for representation of persons of the same gender in the electoral lists of candidates and the effectiveness of financial reporting by candidates. Electoral subjects often ignore legal requirements due to impossibility of imposing meaningful sanctions on transgressors of the law. In particular, in the first local elections of deputies to 25 city councils that took place on October, 29, 2017, 39% of all registered electoral lists of candidates did not comply with the gender quota requirement. There were only a few isolated cases where male candidates accounted for less than 30% of the total number of nominees on electoral lists, while female candidates were underrepresented in the vast majority of electoral lists compiled in violation of gender quota requirement. Establishment of legally required quotas for representation of women and men in the electoral lists of candidates is a good



democratic practice that promotes the principle of equal opportunity for both genders and contributes to eliminating discrimination in politics and electoral matters. However, introduction of positive changes in electoral legislation of Ukraine in 2015 was not supplemented by implementation of adequate and enforceable sanctions that would encourage political parties to adhere to the standards and principles of equality of opportunity for representatives of both genders. For obvious reasons, gender quota requirement is not applied in the elections of deputies and mayors of UTCs held under plurality voting system. However, there is no doubt that the task of ensuring equal opportunities for women and men is also relevant to elections held at this level. For example, women accounted only for 21% of the total number of candidates who stood for mayoral elections held in UTCs on December, 24, 2017. In the first local elections held on October, 29, 2017, only 14% of all registered candidates for mayoral positions in UTCs were women. The problem of submission of interim and final financial reports by managers of election funds of candidates and local party organizations is another vivid example of inefficient legislative regulation of electoral procedures. According to OPORA's estimates, only 1% of all candidates for deputies to village and township councils submitted interim financial reports in the first local elections held on October, 29, 2017. At the same time, none of local party organizations filed interim reports in 12 out of 25 city UTCs, where first local elections took place on October, 29. The results of OPORA's analysis show that only 16.4% of all candidates for mayors in UTCs complied with the legal requirements for submitting interim reports. A considerable number of candidates nominated in the first local elections did not open their election fund accounts (for example, candidates without election funds account for 45% of all candidates running for the elections of city mayors held on October, 29), which made it impossible to exercise systematic control over financing of their election campaigns. According to OPORA, this representative statistics results from the absence of specific sanctions for non-submission or late submission of financial reports and the lack of adequate resources for verification and analysis of these reports.

Another unresolved problem of legislation is that the current law does not place candidates under an obligation to submit and publish their election programs at the stage of registration with the territorial election commission. Incompliance of deputy's activities with the basic principles and provisions of his/her election program constitutes grounds for recall of elected deputy by voters, in accordance with the Law of Ukraine "On Local Elections". However, candidates avoided filing their election programs or making them publicly available.

The process of amalgamation of territorial communities forming part of contiguous rayons revealed new gaps in electoral legislation that makes no provi-

sion for legal regulation of such circumstances. The first local elections held on October, 29 and December, 24, 2017, did not live up to the principle of legal certainty, insofar as it relates to determining the right of local party organizations located in one of several contiguous rayons to nominate their candidates or participate in the process of formation of election commissions. Lack of harmonization between electoral legislation and the Law of Ukraine “On Introduction of Amendments to Certain Legislative Acts of Ukraine Concerning Special Aspects of Voluntary Association of Territorial Communities Located in the Territories of Contiguous Rayons” resulted in adoption of unacceptable ambiguous approach to implementation of the procedures for organizing and holding local elections. The problematic legal circumstances arising from amalgamation of territorial communities forming part of contiguous rayons did not lead to major political conflicts between local party organizations and election commissions. However, the fact of self-regulation of procedures by electoral subjects in no way justifies the inaction and ill-conceived decisions of legislators.

The first local elections held on October, 29 and December, 24, 2017, demonstrated the inconsistency of several provisions of the Law of Ukraine “On Local Elections” with the current related law. In particular, absence of provision of local election law on the possibility of filing a candidate’s passport of the citizen of Ukraine in the form of an ID-card formed the basis for several rejections to register candidates who submitted their passports in the form of ID-cards. Another legal conflict arose in connection with the forms of declarations to be submitted by candidates at the stage of registration for elections. According to the Law of Ukraine “On Local Elections”, in order to be registered by TEC the candidates are obliged to submit a declaration of property, income, expenses and financial obligations made on the form established by another law which had ceased to be in force and effect. In its turn, the current electronic declaration system does not require the submission of hard copies of declarations on the contrary to relevant provisions of the Law of Ukraine “On Local Elections”. In view of violation of the principle of legal certainty at the level of legislation, some TECs refused to register certain candidates on the grounds of non-submission of declaration on the valid form or submission of declaration on the invalid form (in the case of absence of declaration).

OPORA observers paid special attention to the functioning of election administration bodies, including CEC, TECs and PECs. According to OPORA, the Central Election Commission adopted a total of 98 decisions (resolutions) in the August-December 2017 timeframe that were directly related to first local elections held on October, 29 and December, 24, 2017. 42% of CEC decisions adopted in connection with local elections concerned the matter of granting official observer status to non-governmental organizations, 18% of decisions

were related to changes in the composition of TECs, while other decisions covered various stages of electoral process (monetary deposit amount, quantity of electoral districts, allocation of state-funded subventions to local budgets for the purpose of organizing elections, etc.). CEC repeatedly addressed the Verkhovna Rada of Ukraine with appeals to eliminate the gaps in legislation insofar as it relates to organization and holding of first local elections. However, CEC did not show high level of activity in the matter of exercising control over compliance and uniform application of electoral law. As has been pointed out on numerous occasions by OPORA, the key challenge faced by CEC is the delay in legal rotation of its members. Politically motivated delay in renewal of the composition of the CEC has a negative impact on Commission's ability and motivation to gain credibility among electoral subjects and political actors, while its activity becomes an easy target for criticism voiced by politicians.

OPORA monitored the process of formation of TECs in the first local elections held on October, 29 and December, 24, 2017. Candidates for members of TECs were nominated by local organizations of political parties. According to the results of OPORA's analysis, nearly 70% of all TECs were formed with the inclusion of 10-17 members, and there were only a few isolated TECs that consisted of the maximum (18 persons) or minimum allowed number of members. The largest number of candidates representing local party organizations were submitted to city election commissions. However, political forces have also shown high level of interest in nominating candidates to village and township commissions. In the first local elections held on October, 29, 2017, local organizations of "Petro Poroshenko Bloc "Solidarity" and AUU "Batkivshchyna" gained the largest number of seats in territorial election commissions (representatives of each of the two parties accounted for 17% of all TEC members). In the first local elections held on December, 24, 2017, the largest number of seats in TECs were won by "Petro Poroshenko Bloc "Solidarity" (18% of all seats), "People's Front" (18%) and AUU "Batkivshchyna" (17%). Local organizations of Agrarian Party of Ukraine, "Ukrainian Union of Patriots – UKROP" and "Nash Krai" were represented by the largest number of TEC members, as compared to other extra-parliamentary parties. The number of candidates for TEC members nominated by local party organizations and the composition of newly formed TECs show that electoral subjects were provided with proper conditions for exercising mutual control. However, the results of allocation of executive positions in the newly formed TECs tell a whole different story. Representatives of "Petro Poroshenko Bloc "Solidarity" took up nearly twice as many positions of head of TEC as representatives of AUU "Batkivshchyna" during the two waves of first local elections. At the same time, these political forces are represented by roughly the same number of TEC members. Similar results were received after comparing the numbers of representatives of Radical Party of Oleh Liashko and the "Opposition Bloc"

at the level of executive staff of TECs. These political forces took up roughly the same number of executive positions in TECs (heads, deputy heads, secretaries), but nominees of “Opposition Bloc” took up a much larger number of positions of heads of TEC. The current law does not establish any requirements for proportional representation of political parties, since each local election is regarded as a separate electoral process. However, OPORA observers pointed out that disproportions in the allocation of executive positions in TECs among political forces who have shown similar levels of activity with regard to forming the election commissions in different regions of Ukraine prove it reasonable to search for new mechanisms for preventing the dominance of certain political forces in TECs and PECs. As mentioned above, local party organizations have shown high level of interest in forming the election commissions. It should be noted that such a high level of interest was more typical of the process of creating TECs, rather than PECs. About 25% of all PECs were formed with the inclusion of minimum admissible number of members upon recommendations of heads of rayon election commissions, which was due to insufficient number of nominees to PECs submitted by local organizations of political parties and candidates. Therefore, inability of local election commissions to ensure adequate level of staffing of PECs creates preconditions for the abuse of administrative resources or dominance of certain political forces at the level of precinct commissions. According to OPORA, TECs violated the procedure for forming PECs, but these violations were often rectified at the initiative of TECs or in the result of adoption of court decision. OPORA observers recorded a small number of cases where one and the same person was nominated to PEC by several local party organizations. This circumstance may be an indication of progress made by political parties in terms of adopting a responsible attitude to the process of formation of PECs, since nomination of the so-called “duplicate” candidates for PEC members is a typical problem of election process in Ukraine.

The stage of registration of candidates was the key challenge faced by TECs in the first local elections. According to the results of OPORA’s observation, there were no large-scale cases of politically motivated refusal to register candidates or to cancel candidate registration. The amount of refusals to register candidates was insignificant, given the large number of candidates for elective posts in new UTCs nominated by local party organizations as well as self-nominated candidates. However, local election campaigns of October and December 2017 were accompanied by a few incidents bearing signs of systemic interference with the right to be elected. The long-lasting conflict in connection with TEC decision on refusal to register a candidate for the position of mayor of Tayirove township (Odesa oblast), which was adopted on the grounds of alleged absence of the document certifying Ukrainian citizenship of candidate bears signs of preplanned restriction of competition in this particular election pro-

cess. Apart from preventing the adoption of politically motivated decisions on refusal of candidate registration, there is also an urgent need for improving the legislation. The list of problems faced by TECs included the issue of practical application of restrictions in the cases of simultaneous nomination of one and the same candidate in different election processes or nomination of the same candidate by several nominating entities, issues related to determining a candidate's party affiliation, etc. Absence of detailed description of procedures and grounds for adopting decisions on registration or cancellation of registration of candidates provoked complex electoral disputes between electoral subjects.

Distribution of campaign materials in places prohibited by law was the most common type of electoral violation in the first local elections held in October and December, 2017. On the one hand, this type of violation did not have any direct impact on distortion of election results. On the other hand, this violation is indicative of low level of political culture and inability of electoral subjects to adhere to the rules of pre-election campaigning. In the run-up to Election Days in the first local elections, OPORA observers recorded an increase in the number of incidents bearing signs of abuse of administrative resources or pre-election charity. These negative manifestations were typical of previous election campaigns in Ukraine, and they still have a significant influence on electoral process nowadays. While pointing out the extremely high advisability of taking institutional steps to prevent abusive practices in the elections, OPORA also emphasizes the importance of promotion of conscientious attitude among participants of election race. For example, in the first local elections held on October, 29, 2017, 80% of the total number of mayoral positions in UTCs were taken by candidates who were also influential officials in their electoral districts at the time of holding elections (namely, incumbent mayors of villages / townships / cities, acting heads of rayon councils and rayon state administrations). In view of large-scale participation of public officials in the elections, imposition of formal restrictions on the abuse of administrative resources should be supplemented by creation of public environment of control over activities of office-holders in the election process and respect for generally accepted principle of equal opportunity.

According to OPORA, in the first local elections held on October, 29 and December, 24, 2017, the National Police of Ukraine and its territorial units filed 44 criminal proceedings in cases of crimes against electoral rights of citizens. As of February, 2018, police departments ceased 20 criminal proceedings. Pending proceedings cover high-profile cases of violation of electoral law that should be investigated in an impartial manner. The department of the National Police of Ukraine drew up 17 administrative offence protocols in the first local elections held in 252 UTCs in October and in December, 2017. Unfortunately, activ-

ity of law enforcement agencies is yet to become effective means in preventing electoral offence, which requires considerable efforts in terms of practices and legislation.

OPORA observers have been receiving information from electoral subjects about cases of gross violation of electoral law. In particular, AUU "Batkivshchyna" made a statement on numerous cases of undue pressure exerted on its candidates in the regions of Ukraine to encourage them to refuse to nominate their own candidacies with the aim of influencing their decision on refusal to participate in the first local elections. In the course of public interaction with representatives of AUU "Batkivshchyna", OPORA observers received several materials which gave evidence of numerous cases of pressure exerted on registered or potential candidates for elections. Among other things, special consideration should be given to the list of candidates who were nominated in the first local elections by this political force but decided to withdraw from elections at the very last moment before official registration. OPORA is not empowered to carry out thorough investigation of alleged facts of behind-the-scene pressure exerted on candidates. It is the responsibility of law enforcement agencies to determine the existence or absence of facts of attempted exertion of pressure on local political leaders with the aim of forcing them to take certain decisions, action or inaction in the electoral process. OPORA urges the law enforcement agencies to show adequate level of professionalism and political impartiality in the process of investigation of any and all violations of electoral law or crimes committed against candidates.

According to OPORA observers, the process of production of ballot papers in the first local elections on October, 29 and December, 24, 2017 was accompanied by significant organizational problems. Inaccuracies in the texts of ballot papers provoked conflicts between electoral subjects and cast doubt on the legitimacy of election results in certain territorial districts. The recorded incidents demonstrate the need for a more active involvement of local party organizations and candidates in the exercise of control function at the stage of production of ballots. In particular, local organizations of parliamentary parties often ignored the possibility of involving their representatives in the work of control commissions exercising oversight of production of ballot papers, as provided for by the law.

In the course of voting process, OPORA observers recorded typical cases of non-compliance with legislation, such as attempts to issue ballot papers to voters without asking them to present a valid ID document, violation of the procedure for holding preparatory meetings, presence of unauthorized persons at the voting premises. Errors detected in ballot papers on Election Day sparked conflicts between election commissions and candidates in some of territorial

communities. According to summarized evaluation results, incidents recorded on Election Day were not critical, but they demonstrated the need for making further efforts to raise the level of competence of election commissions members. The unprecedented attack launched on Election Day at the premises of polling station located in one of territorial communities in Dnipropetrovsk oblast was an exception. Despite the fact that this is only an isolated incident, the government must demonstrate effective security guarantees in the election process by bringing perpetrators of the crime to justice.

In the first local elections held on October, 29, 2017, OPORA observers conducted monitoring of the process of vote tabulation at the polling stations, which gave evidence of quite high organizational level of PEC activities. The results of statistically representative monitoring show that 99% of all PECs complied with the procedure for counting votes in general and provided observers with the opportunity to conduct a full-fledged observation of vote tabulation process.

The process of certification of election results was traditionally accompanied by electoral disputes, which often ended unsuccessfully for those who contested the elections. It should be emphasized that separate high-profile cases recorded in territorial communities at the stage of vote tabulation demonstrated susceptibility of electoral process to incompetence and / or political bias of election administrators (as exemplified by Tayirove UTC in Odesa oblast).

According to the official results of elections to local councils, AUU “Batkivshchyna” won the largest number of deputy seats in local councils, as compared to other parties that nominated their candidates for deputies. “Petro Poroshenko Bloc “Solidarity” ranks second in terms of the number of gained deputy seats, while 3<sup>rd</sup> place belongs to Agrarian Party of Ukraine. This ranking order of political parties is true for both October and December elections to local councils. The results of mayoral elections in UTCs are somewhat different. The largest number of mayoral positions was taken up by representatives of “Petro Poroshenko Bloc “Solidarity”, followed by representatives of AUU “Batkivshchyna” who rank second. OPORA observers noted that political parties consistently positioned electoral success of their local organizations as an indicator of high competitiveness of political force at the national level, which by no means contributed to holding significant discussions on the problems and prospects of local development.

# RECOMMENDATIONS

## To the Verkhovna Rada of Ukraine

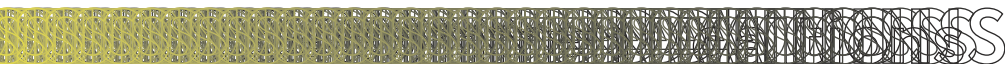
### **General recommendations:**

- Conduct inclusive political and expert dialogues on legislative regulation of local elections in Ukraine, based on the previously undertaken obligation to implement a full-fledged electoral reform. This recommendation includes the need for conducting a comprehensive study of past experience in holding first local elections in Ukraine, the results of which should form the basis for adoption of decisions on comprehensive legal regulation of the specifics of such elections.
- Improve the effectiveness of electoral legislation by way of reviewing declarative and overcomplicated provisions of the law; fill the gaps in legislative regulation, which will help establish the principle of legal certainty in the electoral process.
- Harmonize electoral law with related legal regulations, primarily with anti-corruption regulation, while creating modern mechanisms for conducting electoral procedures, resolving electoral disputes, preventing and detecting electoral violations.

### **Special recommendations:**

- Conduct a full-fledged discussion and decide on the optimal voting system for holding local elections, while ensuring allocation of deputy seats among electoral districts on the basis of clearly defined criteria and compliance with democratic standards concerning maximum admissible deviation from the average number of voters per district.
- Implement effective procedures for ensuring equal opportunities for representatives of both genders, including determination of the fact of non-compliance with the gender quota requirement in the electoral lists as a self-sufficient basis for refusal to register candidates nominated by local party organizations.





- Resolve the problems related to guaranteeing the voting rights to internally displaced persons and other citizens mobile within the country in view of the fact that this group of voters participates in social life of territorial communities on a regular basis and with due account for their special circumstances. The basis for a real start of operational and inclusive dialogue on this issue could be the draft Law of Ukraine #6240 that underwent a public discussion and should form the basis for starting a real-time and inclusive dialogue on this issue.
- Strengthen legislative guarantees of equal access to electoral process for persons with disabilities, including unrestricted participation in voting process at the polling station and exercise of the right to be elected through self-nomination.
- Complete the process of rotation of members of the CEC as soon as possible and appoint new members on the grounds of professionalism and balanced representation in order to create preconditions for the long-term stable work of this collegial body.
- Comprehensive enhancement of legal provisions in order to strengthen liability for commission of crimes against electoral rights of citizens, including the improvement of quality of relevant regulation, adding greater punitive measures aimed at counteracting the most negative manifestations of electoral abuses, while creating incentives for electoral subjects to cooperate with law enforcement agencies. These efforts could center around draft Law on amendments to the Criminal Code of Ukraine, Criminal Procedure Code, and the Code of Administrative Offences, which was jointly elaborated by OPORA and the Ministry of Internal Affairs following on from the results of long-term public and expert consultations.
- Give special consideration to legislative support of the procedures for financial reporting by managers of election funds of candidates and local party organizations, which are not backed by sanctions for violation of these procedures and resources for analyzing the information on campaign

finance. Among other things, it is necessary to implement a legal provision on publication of financial reports of electoral fund managers in a machine-readable format suitable for effective data analysis.

- Conduct a systemic review of the provisions of current law on registration of candidates with special emphasis on elimination of vague and ambiguous provisions. The results of OPORA's monitoring give evidence of non-uniform application of legal provisions at the stage of candidate registration, which creates preconditions for adoption of politically motivated decisions and manipulation with electoral procedures.

## **To law enforcement agencies of Ukraine**

- Ensure effective investigation of offenses committed in the first local elections held on October, 29 and December, 24, 2017.
- Keep all the stakeholders and public interest groups informed about interim and final results of investigation of offences committed in the respective elections.

## **To the Central Election Commission**

- Conduct and publish an analysis of TEC decisions on formation of electoral districts and registration of candidates within the scope of authorities, which would provide for a more systemic elaboration of amendments to the law on local elections.
- Examine cases of non-inclusion of voters in the lists of voters, detect inaccuracies in voters' lists and develop measures that will encourage voters to check and update personal information at their own initiative.
- Implement the practice of systemic monitoring of TEC decisions at the intra-institutional level, while ensuring control over compliance and uniform application of provisions of electoral law.

## To political parties and their local organizations

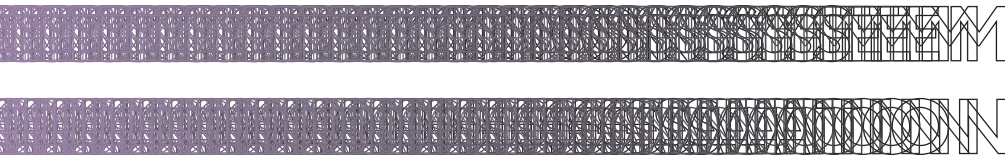
- Ensure regular work with activists – potential members of election commissions – and conduct regular training sessions on the issue of electoral law and standards.
- Conduct an internal analysis of local party organizations from the perspective of compliance with legal requirements for ensuring adequate representation of both genders on the electoral lists and implement measures aimed at guaranteeing the principle of equality of opportunities for men and women.
- Strengthen the discipline of local party organizations in the matter of submitting interim and final financial reports in the first local elections.

# ELECTION SYSTEM AND LEGISLATION

In the first local elections held in united territorial communities on October, 29 and December, 24, 2017, observers recorded the same problems with application of specialized legislation as the ones observed during 2015 regular local elections. The list of typical shortcomings related to unregulated mechanisms for reporting and exercising control over the process of financial reporting by political parties and candidates, declarative nature of legal requirements for ensuring roughly the same number of voters in each of electoral districts, vulnerability of voting rights of internally displaced persons, was supplemented by inability of legislators to take due account of the effects of decentralization reform and its influence on electoral rules. In particular, the absence of provision of Local Election Law concerning organization and preparation for holding first elections in UTCs comprising territories of two or more contiguous rayons led to problems with determining those entities which are entitled to nominate candidates for deputies and mayors as well as candidates for members of election commissions in such UTCs. In addition, the distrust of society, parties and candidates to a proportional electoral system, which, in particular, applies to elections to city councils of OTGs, remains. Over the past two years, parliamentarians have put forth little effort to implement high-quality legislative regulation of the procedure for calling and holding of first local elections in united territorial communities.

## **Special aspects of holding first local elections in UTCs**

Beginning from 2015, the local elections in Ukraine have been conducted in the context of Constitutional reform and the process of decentralization of power. On February, 5, 2015, Ukrainian parliament passed the Law “On Voluntary Association of Territorial Communities”, according to which the CEC shall call the first elections of deputies to village, township and city councils as well as



elections of village, township and city mayors in united territorial communities upon adoption of decision on formation of united territorial community. On October, 25, 2015, the first elections of deputies to local councils and first elections of village, township and city mayors took place in 159 UTCs concurrently with regular local elections in Ukraine. Over the course of 2016, six waves of first local elections were held in 209 UTCs (the most comprehensive election campaign in terms of the number of covered territorial communities – namely 143 UTCs – was held on December, 18, 2016). Over the course of 2017, the most comprehensive first local election campaigns were conducted on April, 30 – in 47 UTCs, on October, 29 – in 201 UTCs, and on December, 24 – in 51 UTCs. The process of amalgamation of territorial communities and the conduct of local election campaigns in the newly formed territorial communities is still going on and will be completed after the introduction of amendments to the Constitution of Ukraine, followed by simultaneous conduct of local elections in united territorial communities throughout the country.

The procedure for holding first local elections in UTCs is regulated by the Law “On Local Elections”, which was adopted on July, 14, 2015, and came into force on August, 8, 2015. In its final report on results of observation of 2015 regular local elections, Civil Network OPORA provided a detailed overview of political context and special aspects of the newly adopted Law. Violation of the principle of stability of electoral law and hasty implementation of controversial election system without holding an initial discussion on this issue with the participation of all stakeholders were the key remarks expressed by OPORA.

According to paragraph 7 of Article 14 of the Law of Ukraine “On Local Elections”, CEC shall call the first elections of deputies to local councils as well as elections of village, township and city mayors in accordance with the procedure established by the Law. Meanwhile, first elections of local chief shall be scheduled by the corresponding council of united territorial community.

According to paragraph 8 of Article 7 of the Law of Ukraine “On Voluntary Association of Territorial Communities”, oblast state administration shall address the CEC with an appeal to adopt the decision on calling of first elections of deputies to village, township, city council and the corresponding elections of village, township, city mayor in united territorial community in the manner prescribed by law.

For the purpose of streamlining the procedure for calling of first local elections in united territorial communities upon the results of consideration of corresponding requests from oblast state administrations, CEC adopted a Resolution #32 as of February, 12, 2016 (as subsequently amended), which established the Procedure for calling of first elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities as well as established the form of request for calling of first elections.

According to clause 1 of the Procedure, CEC shall call the first local elections no later than 70 days before the Election Day in such elections which shall be scheduled twice a year – for last Sunday of April and last Sunday of October – upon consideration of requests filed in compliance with the requirements of the Constitution of Ukraine, laws of Ukraine, and upon availability of budgetary resources allocated for the purpose of organization, preparation and holding of local elections. The provision on fixed dates for calling of first local elections was enshrined in CEC Resolution #32 by way of amending it on August, 16, 2017.

After 2015 regular local elections, the problem of legal uncertainty of action sequence in the process of formation of UTCs comprising territories of several contiguous rayons remained unresolved for a long time. CEC refrained from scheduling elections in such UTCs, while indicating the need for initial introduction of changes in the boundaries of respective rayons by the decision of the Verkhovna Rada of Ukraine, and only then will the CEC call first elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities. The problem was resolved in April, 2017 thanks to adoption of the Law of Ukraine “On Introduction of Amendments to Certain Legislative Acts of Ukraine Concerning Special Aspects of Voluntary Association of Territorial Communities Located in the Territories of Contiguous Rayons”. The Law makes provision for creation of UTCs comprising territorial communities of cities of oblast significance without the need for changing the boundaries of respective rayons, as well as contains a sharply defined sequence of actions in the process of calling of first local elections in UTCs formed as a result of amalgamation of territorial communities comprising several different rayons and introduction of changes in the boundaries of such rayons. It should be noted that the conclusion of Main Sci-

entific and Expert Department of the Verkhovna Rada raises doubts as to constitutionality of this Law, but these doubts were not taken into account during parliamentary voting.

The election process of first local elections shall begin 50 days before the Election Day (paragraph 5 of Article 15 of the Law). Deputies to local councils, mayors (chiefs) of villages, townships and cities shall be elected in the first local elections for a period lasting until regular local elections of deputies and mayors (chiefs) of villages, townships, cities followed by formation of authorized composition of corresponding councils on the results of regular local election.

In the case of voluntary amalgamation of territorial communities, the powers of TECs located within their boundaries shall be terminated upon formation of new territorial election commission that will make preparations and hold first local elections.

Chiefs shall be elected for a term equivalent to the term of office of local council in villages and townships (with the exception of administrative center of UTC) as determined by the decision of local council in UTC, which was formed in accordance with the Law of Ukraine “On Voluntary Association of Territorial Communities”. The chief is a member of the executive committee, who represents the interests of villagers in UTC, communicates with UTC authorities and territorial community. The Law also contains a definition of the term “chief’s district” – it comprises one or several villages (townships) in the territory of united community, whose interests are represented by the chief. Territorial community council adopts decisions on formation of chief’s districts at its own and sole discretion.

The Law clearly defines the quantitative composition of the corresponding local councils, which is determined by the CEC decision before the beginning of regular election process depending on the number of voters registered in the corresponding territorial community and residing within the territory of oblast, rayon, or city rayon. Thus, the minimum number of deputies of local council is 12 persons (for administrative-territorial units having no more than 1,000 registered voters), while the maximum number of deputies is 120 persons (for administrative-territorial units having no more than 2 million registered voters). The total membership of village / township council in UTC exceeds the required number of deputies, as established by paragraph 3 of Article 16 of the Law “On Local Elections”, due to holding of by-elections.

The number of newly formed electoral districts required for holding by-elections is calculated by way of dividing the number of voters in the incorporated community by the number of voters in the united territorial community, after which the result of division is multiplied by the total number of members of

council established in accordance with paragraph 3 of Article 16 of the Law. However, the number of newly formed electoral districts can't be smaller than the number of incorporated communities. The legally required number of deputies to local councils was cut by an average of 30%, as compared to the previous elections.

Gender quota requirement was also applicable to local elections held in city UTCs. The current Law provides for minimum admissible representation of persons of the same gender in the electoral lists of candidates for deputies to local councils in multi-mandate constituencies at the level of 30% of the total number of candidates included in the electoral list. However, the Law does not envisage an effective mechanism for implementing and monitoring the execution of legal provision on gender quotas, nor does it provide for imposition of sanctions in the case of non-compliance with this provision.

The Law "On Local Elections" has been amended seven times since the day of entry into legal force (in the 2015-2017 timeframe). The list of key legislative innovations includes the transfer of power to call first elections in UTCs from oblast councils to the CEC, introduction of the term "chief's district" in electoral law and vesting the CEC with authority to adopt decisions on registration of deputy to local council and mayor (chief) of village / township / city, should relevant TEC fail to adopt a decision within the time allowed by law.

## **Election system and special aspects of voting process in the elections of deputies to city councils in UTCs**

According to the Law "On Local Elections", elections of deputies to village and township councils are held under relative majority voting system in single-member electoral districts which form constituent parts of the newly formed village or township UTC.

Elections of deputies to local councils are held under proportional representation system with party list voting in a multi-member district, the territory of which coincides with the territory of city UTC formed in accordance with the Law of Ukraine "On voluntary association of territorial communities". Multi-member district is divided into territorial election districts. Local organizations of political parties nominate their lists of candidates, each of whom is assigned to a certain territorial election district.

Elections of city mayors (in cities having 90,000 registered voters or more) are held under absolute majority voting system in the unified single-member district, the territory of which coincides with the territory of united city community.



Elections of village, township, city (in cities having less than 90,000 registered voters) mayors are held under relative majority voting system in the unified single-member district comprising the territory of united village / township / city community. In a similar way, the elections of chiefs are held under relative majority voting system in the unified single-member district comprising the territory of one or several population centers (villages, townships) as determined by the decision of village / township / city council in UTC with the aim of ensuring representation of interests of residents of such populated center (centers) by efforts of chiefs.

Therefore, the Law made provision for application of three different types of voting systems in the local elections (including local elections held in united territorial communities), depending on the level of elections:

- **Relative majority voting system in single-member districts** – applied in elections of deputies to village / township councils and elections of village / township / city (in cities having less than 90,000 registered voters) mayors or chiefs.
- **Absolute majority voting system in the unified single-member districts** – applied in elections of city mayors (in cities having 90,000 registered voters or more).
- **Proportional representation voting system in multi-member districts with assignment of candidates** to particular electoral districts – applied in elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, oblast, rayon, city rayon, and city councils.

Proportional representation system was applied in 25 united territorial communities during the first local elections held on October, 29, 2017, and in 5 UTCs during the first local elections held on December, 24, 2017.

Proportional representation voting system with preferences included a special procedure for the nomination of candidates and certification of election results. The Law vested the exclusive authority to nominate candidates in local party organizations. Both party members and non-partisan candidates could be nominated. No provision existed for self-nomination of candidates under the conditions of application of proportional representation system. This fact does not fully comply with international electoral standards and, in particular, with clause 7.5 of the OSCE Copenhagen Document. By signing this document, Ukraine committed itself to ensure the right of citizens to take public office both on an individual basis and as a representative of political party without any discrimination. At the same time, the right to stand for election as a self-nom-

inee was retained by candidates for deputies to village / township councils as well as candidates for the positions of village / township / city mayors (chiefs).

In the elections of deputies to city councils, local organization of political party had the opportunity to assign one candidate from its nomination list to each of territorial districts formed for holding elections to the corresponding councils, while the first-place candidate on the nomination list wasn't assigned to any particular territorial district. The Law did not place local party organizations under an obligation to nominate the same number of candidates as there are territorial districts. In practice, this results in existence of territorial districts with no candidates assigned to them. If the party failed to assign a candidate to a certain territorial district, in such a case the voter could only vote for local party organization. It is stipulated that a ballot paper must contain the names of local organizations of political parties and the last name of candidate nominated by the corresponding local party organization in this territorial district. In fact, voters were obliged to vote for both the local party organization and the candidate assigned to territorial district by this organization all at once, without having the opportunity to differentiate their support of the party and candidate or choose between multiple candidates nominated by the same party. As a consequence, the sum and substance of the principles of personified voting and "open lists of candidates" promoted as one of the key benefits of the Law was reduced to nothing.

The Law established a 5% electoral threshold for political parties which nominated their candidates to city councils in UTCs. In other words, candidates who were included in the nomination lists of local organizations of political parties which received at least 5 percent of the total number of votes casted in favor of the local organizations of political parties gain the right to participate in the allocation of council seats in the corresponding multi-member district (paragraph 2 of Article 86 of the Law). The electoral system proposed by this Law makes it possible for the candidates who did not finish first in their territorial districts to get into the local council, while candidates who obtained the highest number of votes will be left without deputy seats, if their party fails to clear the electoral threshold or receives insufficient voters' support within the boundaries of multi-member district.

The proposed election system leads to distortions in representation of territorial constituencies – when at once several candidates can be elected in one constituency and no candidates elected in the other constituency. The level of personal support of the candidate was determined on the basis of the number of votes obtained by the local organization of political party and its nominee in the corresponding territorial constituency. In its turn, the level of personal support formed the basis for determining the ratings of candidates included in

the nomination list of local organization of political party. Allocation of votes among candidates nominated by the local organization of political party was performed in accordance with their rankings in the nomination list determined by a decision of the territorial election commission based on their ratings. In other words, candidates assigned to particular territorial election districts by the party were compared to each other in terms of percentage of votes received by the party in different territorial districts. The percentage was calculated out of the total number of votes casted in favor of all local organizations of political parties in this particular territorial district. Given the fact that it is the percentage which is taken into account, and not the absolute (total) number of casted votes, the Law could potentially create a situation where a deputy's mandate is awarded to a candidate whose party received the highest percentage of votes, while the elected candidate himself won fewer votes than another candidate of the same party did in the other territorial district. Therefore, the new electoral system established by the Law "On Local Elections" for election of deputies to oblast, rayon and city councils (including those located in UTCs), gave voters the opportunity to vote for a closed party list (instead of "open list") and a single candidate, provided that such candidates were assigned to each of electoral districts by political party.

## **Unresolved problems of legislative regulation of first local elections in UTCs**

**Voting rights of internally displaced persons.** The Law "On ensuring of rights and freedoms of internally displaced persons", adopted in 2014, contains a provision on the need for guaranteeing the voting rights of citizens who were forced to move to other regions due to the war in Donbas region and occupation of Crimea. In particular, Article 8 of the Law states that an internally displaced person "exercises his/her right to vote in local elections by means of changing the voting place without changing the voting address". However, people's deputies failed to submit their proposals on implementation of special voting procedure for internally displaced persons in the course of adoption and further alteration of the law "On Local Elections". As a result, internally displaced persons were deprived of the opportunity to exercise their voting rights in the first local elections in UTCs. For the purpose of solving this problem, a group of non-governmental organizations, including Civil Network OPORA, Civic holding "Grupa Vplyvu" and International Foundation for Electoral Systems in collaboration with the people's deputies elaborated a draft law #6240 which is aimed at ensuring the exercise of voting rights of internally displaced persons and other citizens mobile within the country.

**Control on election finance and expenses.** The Law requires that candidates file interim financial statements prior to the Election Day and submit final financial statements within five days after the Election Day. However, the legislative provision on financial reporting of candidates is of declarative nature since there are no specific sanctions for failure to file a financial report, failure to meet the time limit for filing a financial report, or provision of false information. Territorial election commissions, which are obliged to accept and process the financial reports, do not have sufficient powers and resources for proper verification and analysis of submitted reports. Voters are deprived of access to up-to-date information about official expenses of candidates on their election campaigns due to the absence of the obligation to publish financial reports of candidates.

**Election programs (agendas) of candidates.** The Law does not oblige the parties and candidates to publish and file their election programs at the stage of registration with the territorial election commission. The absence of election programs deprived voters of one of the key criteria for making an informed decision in the process of exercising their right to vote. Moreover, availability of election program and further fulfillment/non-fulfillment thereof by deputies (parties) serves as a voter tool for monitoring their activities. Indeed, failure of local council deputy to comply with the basic principles and provisions of his/her election program is one of the grounds for recall of elected deputy by voters (clause 1 of Article 37 of the Law “On the Status of Deputies of Local Councils”). The absence of provision of law on publication of election programs of candidates for deputies under the conditions of application of proportional representation voting system encourages irresponsibility of candidates and does not contribute to party structuring on the basis of election programs.

**Formation (delimitation) of electoral districts.** According to the Law, territorial election commissions are under a legal obligation to create single-member and multi-member districts, following which the territorial districts are formed within their boundaries. The number of registered voters in each of territorial districts must be approximately equal. However, the law does not set a requirement for maximum admissible variation among territorial districts in terms of the total number of registered voters, which allows for manipulating the boundaries of territorial election districts and violent interpretation of electoral law.

**Submission of income declarations by candidates.** According to Articles 38-40 of the Law of Ukraine “On Local Elections”, a candidate for deputy or local mayor shall be registered by a relevant territorial election commission upon condition that he/she submits the required documents to the election commission as prescribed by the aforesaid provisions of the Law, in particular, his/her declarations of property, income, expenses and financial obligations. According to paragraph 1 of Article 45 of the Law “On Local Elections”, the declaration of

property, income, expenses and financial obligations for the year immediately preceding the year of start of electoral process shall be submitted by the aforesaid candidates on the form established by the Law of Ukraine “On Principles of Prevention and Counteraction of Corruption”. However, this Law was abolished in accordance with clause 4 of the Final Provisions of the Law of Ukraine “On Prevention of Corruption”. With the introduction of electronic declaration system placing candidates under an obligation to fill out the electronic declaration form via personal electronic cabinet on the website of National Agency on Corruption Prevention the above-mentioned requirement of the Law “On Local Elections” became burdensome and controversial. The legal conflict is also caused by the fact that relevant anti-corruption law does not require the submission of hard copies of declarations, while electoral law interprets non-submission of hard copies as sufficient ground for denial of candidate registration.

**Holding of first local elections in UTCs comprising territories of two or more contiguous rayons.** Determination of local organizations of political parties that have the right to nominate their candidates for local elections or candidates for members of election commissions in UTCs comprising territorial communities of contiguous rayons. Electoral law makes it impossible to clearly determine the rayons, from which local organizations have the right to nominate candidates or participate in the formation of election commissions in the case of holding elections in territorial communities comprising parts of several contiguous rayons. This problem arose from the absence of legal regulation of the circumstances resulting from parliamentary adoption of the Law of Ukraine “On Introduction of Amendments to Certain Legislative Acts of Ukraine Concerning Special Aspects of Voluntary Association of Territorial Communities Located in the Territories of Contiguous Rayons”.

# FORMATION OF ELECTORAL DISTRICTS FOR ELECTIONS OF DEPUTIES TO LOCAL COUNCILS

The process of formation of territorial and single-member districts in the first local elections scheduled for October, 29 and December, 24, 2017, was carried out within a statutory period and in formal compliance with the main regulatory procedures. However, territorial election commissions resorted to violent interpretation of the provision on ensuring approximately equal number of voters in each of the districts in the process of their formation. In practical terms, this led to numerous cases of abnormal variation in the number of voters in different districts created for holding elections to one and the same representative body. According to OPORA's estimates, in almost 40% of electoral districts, which were formed for holding elections of deputies to city, township and village councils, departure from the average number of voters per district exceeded the maximum admissible rate of 15% as provided for by the recommendations of the Venice Commission. In almost all UTCs (98%), where the first local elections took place on October, 29, 2017, TECs did not take due account of the Venice Commission guidelines and established democratic practices in the process of formation of electoral districts. This means that territorial election commissions failed to ensure full compliance with the democratic principles of equal voting power and equal suffrage for all electoral subjects.

It can be said that no progress has been made in terms of legal regulation of the process of formation of electoral districts since 2015 regular local elections. In



practical terms, this led to recurrence of the situation witnessed in 2015 when, according to OPORA's estimates, more than two thirds of territorial election districts intended for holding elections of deputies to oblast, rayon and city councils (21,584 out of 27,557 districts) were formed with a more than 15% departure from the average number of voters per district.

According to the Law "On Local Elections" (Article 17), Central Election Commission is obliged to determine the number of territorial and single-member districts to be formed by the respective territorial election commissions in the territories of administrative-territorial units on the basis of information sourced from the State Register of Voters. This should be done no later than 50 days before the Election Day. The CEC complied with this provision by adopting resolution #171 as of August, 31, 2017, and resolution #230 as of October, 26, 2017, which determined the number of territorial and single-member districts to be formed by the respective TECs for holding first local elections in united territorial communities on October, 29 and December, 24, 2017, correspondingly.

According to applicable law, the duty to form territorial and single-member districts is assigned to different TECs in correspondence with their administrative-territorial status. Thus, city election commissions and city rayon commissions created territorial election districts for holding elections of deputies to city councils (or city rayon councils), while village and township election

commissions formed single-member districts for holding elections of deputies to village and township councils.

By September, 20, 2017, territorial election commissions were supposed to form single-member districts for holding first elections of deputies to village, township councils and territorial election districts for holding first elections of deputies to city councils on October, 29. The vast majority (95%) of 201 territorial election commissions held their meetings and adopted decisions on formation of electoral districts in due time – until September, 20 inclusive. Meanwhile, 5% of TECs exceeded the term defined by the law. 7 TECs formed the electoral districts with a one day's delay – on 21 September, 3 TECs (Drabynivka village election commission in Poltava oblast, Rozhniv village election commission in Ivano-Frankivsk oblast, Lyuboml city election commission in Volyn oblast) created electoral districts on September, 23, 24 and 27, correspondingly. According to observers, such delays were caused by incompetence of members of election commissions.

By November, 15 inclusive, TECs were supposed to form electoral districts for holding elections on December, 24, 2017. OPORA observers did not detect any cases of exceeding the term set forth by the Law.

TECs were obliged to publish the decisions on formation of single-member districts in the local print media or in any other manner established by the election commission no later than the next day after adopting the decision on formation of corresponding districts. Exactly 90% of territorial election commissions complied with the aforesaid statutory requirement within the framework of preparation for the elections held on October, 29, 2017, while 10% of TECs (9 township commissions, 8 village commissions and 2 city commissions) published their decisions with delays. In particular, this refers to Buryn city election commission (Sumy oblast) and Zboriv city election commission (Ternopil oblast).

For the purpose of holding elections of local council deputies, the respective territorial election commissions were obliged to form single-member (for village and township councils) and territorial (for city councils) electoral districts in the number equal to the total number of local council deputies while ensuring approximately equal distribution of voters among electoral districts. Therefore, the main legal criterion that had to be applied by territorial election commissions in the process of formation of electoral districts in villages, townships and cities without administrative division into rayons and comprising no other cities, villages and townships within their boundaries was to ensure roughly equal number of voters in each of the newly formed electoral districts within the territory of UTC. The problem is that the Law does not specify the



maximum admissible variation of the number of voters among districts, which would enable practical implementation of provision on ensuring approximately equal number of voters in electoral districts.

The main legal criterion for forming electoral districts is even more vague and declarative in the case of holding elections of deputies to city councils in cities with administrative division into rayons or cities comprising other cities, villages or townships within their boundaries: namely the number of voters in each of electoral districts should be as close as possible to the average number of voters in the territorial electoral district of the respective multi-member district. However, due to the requirement to create at least one electoral district in the territory of every village, township, city rayon and city forming part of other city (clause 5 of Article 17 of the Law) it is often practically impossible to ensure equal distribution of voters among electoral districts in such administrative-territorial units. In its report on the results of 2015 regular local elections, OPORA indicated all the negative consequences of insufficient legal regulation and absence of control on the part of the CEC over the process of formation of electoral districts intended for holding elections of deputies to local councils<sup>1</sup>. In particular, this led to systemic instances of abnormal deviation of the number of voters in territorial districts — more than two thirds of territorial election districts intended for holding elections of deputies to oblast, rayon and city councils (21,584 out of 27,557 districts) were formed with a more than 15% departure from the average number of voters per district.

According to clause 15 of the Code of Good Practice in Electoral Matters adopted by the Venice Commission in 2002, the maximum admissible departure from the average distribution of voters per electoral districts “should seldom exceed 10%” (and never should it exceed 15%, except in really exceptional circumstances).

According to OPORA’s expeditious estimates, in 98% of UTCs, where the first local elections took place on October, 29, 2017, there were cases of forming electoral districts with a more than 15% departure from the average number of voters per electoral constituency. This means that almost all TECs violated the international democratic election standards when adopting their decisions on formation of electoral districts. As a result, election commissions failed to ensure implementation of the principle of equal suffrage in the process of formation of 38% districts intended for holding elections on October, 29, 2017. OPORA did not conduct similar calculations in the first local elections scheduled for December, 24, 2017, but, according to OPORA observers, this malpractice remained unchanged.

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<sup>1</sup> Civic observation of 2015 regular local elections: Final report of Civil Network OPORA

## Creation of electoral districts for holding first local elections in UTCs on October, 29, 2017: abnormal deviations from the average number of voters

City Councils			
Number of districts	34	26	26
Total number of voters	20 112	18 533	19 453
Average number of voters in a district	592	713	748
District with the largest number of voters	1 163	2 138	1882
District with the smallest number of voters	97	125	139
Maximum difference in the number of voters	x 6	x 6	x 6
	<b>Bobrovytsia</b> (Chernihiv obl.)	<b>Pomichna</b> (Chernihiv obl.)	<b>Radomyshl</b> (Chernihiv obl.)

Settlement Councils			
Number of districts	26	26	26
Total number of voters	11 169	15 952	5 534
Average number of voters in a district	430	614	328
District with the largest number of voters	726	819	478
District with the smallest number of voters	69	100	57
Maximum difference in the number of voters	x 6	x 6	x 6
	<b>Zabolotiv</b> (Ivano-Frankivsk obl.)	<b>Velyka Dymerka</b> (Kyiv obl.)	<b>Sribne</b> (Kyiv obl.)

Village Councils			
Number of districts	14	22	26
Total number of voters	1 163	4 485	6 218
Average number of voters in a district	83	204	239
District with the largest number of voters	110	293	367
District with the smallest number of voters	24	61	75
Maximum difference in the number of voters	x 3	x 3	x 3
	<b>Pryvillia</b> (Luhansk obl.)	<b>Irkliiv</b> (Cherkasy obl.)	<b>Mezherich</b> (Dnipropetrovsk obl.)

In the elections of deputies to city councils held on October, 29, 2017, the maximum deviation from the average number of voters per district was recorded in Bobrovysya UTC (Chernihiv oblast) – the number of voters in one of the electoral districts was 6 times less than the average number of voters per district. In the elections of deputies to township councils, the maximum deviation was recorded in Zabolotiv UTC (Ivano-Frankivsk oblast), where the number of voters in the smallest electoral district was 6 times less than the average number of voters per district. In the elections of deputies to village councils, the maximum (threefold) deviation from the average number of voters was recorded in Pryvillya UTC (Luhansk oblast).

The reason for such inadmissible deviations similar to those witnessed in 2015 regular local elections is insufficient legal regulation and violent interpretation of legislative provisions by members of territorial election commissions. The requirement to take due account of precinct boundaries and comply with the provision on indivisibility of precincts between different electoral districts is the only intrinsic reason for unequal distribution of voters among electoral districts. However, this circumstance can't serve as an explanation of all abnormal deviations revealed through analysis of the process of formation of electoral districts. TECs were often guided by the criterion of separate representation of all administrative-territorial units in the local councils of UTCs, which is not envisaged by the Law and contradicts with the principle of equal suffrage.

At the same time, there were only a few cases of appeals filed by electoral subjects with regard to the procedure for forming electoral districts which led to invalidation and cancellation of the decisions adopted by election commissions. This is due to limited time allowed for appeals and insufficient voters' awareness of situations with respect to restriction of their rights and mechanisms for protecting them. For instance, appeals against the decisions of election commissions are to be filed by electoral subjects or voters residing in the territory of relevant electoral districts within five days from the date of adoption of such decision. According to clause 19 of Article 27 of the Law of Ukraine "On Local Elections", higher-level territorial election commission and Central Election Commission also have the power to cancel TEC decisions contradicting the Law and adopt their own decisions on the point of substance. However, the CEC failed to ensure adequate control and, in fact, did not make use of legal means and opportunities for resolving numerous problems with forming electoral districts in a prompt manner.

Another problem resides in the fact that cancellation of decisions on formation of electoral districts would constitute a violation of the rights of those candidates who gave their consent to nomination (or submitted their applications for self-nomination) within the boundaries of electoral district created by the

territorial election commission in cases where the process of registration of candidates has finished and pre-election campaigns of registered candidates have already started.

On September, 23, 2017, Kosiv rayon court in Ivano-Frankivsk oblast invalidated the resolution of village election commission in Rozhniv UTC as of September, 19, 2017, on approving the number of electoral districts in the villages of Rozhniv, Kobaky, and Khimchyn and obliged the election commission to repeat the process of formation of electoral districts in accordance with the provisions of Article 17 of the Law of Ukraine "On Local Elections". According to appellant, the election commission failed to comply with the provision on ensuring approximately equal number of voters in each of the districts. The court acknowledged this fact and agreed that TEC decision was premature and unmotivated since it did not provide any arguments in favor of such delimitation of electoral districts.

On September, 25, a voter registered in Novopoltavka UTC Yuri Medvedyev (the acting mayor of Novopoltavka village) filed an administrative suit with the Novyi Buh rayon court, in which he demanded the invalidation and cancellation of protocol #2 of Novopoltavka village election commission concerning formation of electoral districts. In his statement of reasons, the applicant pointed to the fact of violation of the Law insofar as it refers to ensuring approximately average number of voters in each of the created districts, taking into consideration that departure from the average number of voters reached 150% in some districts. The judge of Novyi Buh rayon court set a trial date for October, 2 in violation of the terms established by Administrative Court Procedure Code and, furthermore, it was postponed on two occasions due to the absence of defendant (representative of village election commission) at the court hearing. Consequently, the court hearing took place on the last day of candidate registration period in these districts — on October, 4. The court sustained voter's claim and overruled the decision of election commission on formation of electoral districts. In addition, the court fixed a 10-day time limit for appealing the decision to Odesa court of appeal instead of a 2-day limit provided for by Administrative Court Procedure Code. On October, 11, Novopoltavka village election commission lodged an appeal. As of today, Odesa court of appeal is yet to hold a hearing.

**Creation of electoral districts for holding first local elections in UTCs on October, 29, 2017: abnormal deviations from the average number of voters (city councils)**

Name of UTC council	Total number of electoral districts	Total number of voters	Average number of voters per district	District with the largest number of voters	District with the smallest number of voters	Maximum deviation from the average number of voters per district
Bobrovytsya city council (Chernihiv oblast)	34	20 112	592	1 163	97	6-fold
Pomichna city council (Kirovohrad oblast)	26	18 533	713	2 138	125	6-fold
Radomyshl city council (Zhytomyr oblaast)	26	19 453	748	1 882	139	5-fold
Horodok city council (Khmelnysky oblast)	34	26 383	776	1 266	180	4-fold
Rudky city council (Lviv oblast)	26	9 846	379	577	90	4-fold
Zhashkiv city council (Cherkasy oblast)	26	14 644	563	766	161	3-fold
Trostanets city council (Sumy oblast)	26	17 647	679	794	198	3-fold

**Creation of electoral districts for holding first local elections in UTCs on October, 29, 2017: abnormal deviations from the average number of voters (township councils)**

Name of UTC council	Total number of electoral districts	Total number of voters	Average number of voters per district	District with the largest number of voters	District with the smallest number of voters	Maximum deviation from the average number of voters per district
Zabolotiv township council (Ivano-Frankivsk oblast)	26	11 169	430	726	69	6-fold
Velyka Dymerka township council (Kyiv oblast)	26	15 952	614	819	100	6-fold
Sribne township council (Chernihiv oblast)	26	8 534	328	478	57	6-fold
Tsebrykove township council (Odesa oblast)	22	3 541	161	241	39	4-fold
Slavske township council (Lviv oblast)	26	6 606	254	321	63	4-fold

**Creation of electoral districts for holding first local elections in UTCs on October, 29, 2017: abnormal deviations from the average number of voters (village councils)**

Name of UTC council	Total number of electoral districts	Total number of voters	Average number of voters per district	District with the largest number of voters	District with the smallest number of voters	Maximum deviation from the average number of voters per district
Pryvillya village council (Luhansk oblast)	14	1 163	83	110	24	3-fold
Irkliyiv village council (Cherkasy oblast)	22	4 485	204	293	61	3-fold
Mezhyrich village council (Dnipropetrovsk oblast)	26	6 218	239	367	75	3-fold
Ovadne village council (Volyn oblast)	22	3 884	177	261	57	3-fold

## **Problematic aspects of nomination and registration of candidates in the first local elections scheduled for October, 29 and December, 24, 2017**

According to OPORA's rough estimates made in the course of monitoring of first local elections held on October, 29 and December, 24, 2017, there were no large-scale cases of refusal to register candidates or cancellation of candidate registration. In particular, a total of 123 candidates for local deputy and candidates for mayors of UTCs were denied registration in 2017 first local elections. This is not a high figure given the total number of registered candidates. According to OPORA's data collected directly from TECs in each of the territorial communities, a total of 824 candidates were registered in the elections of village, township and city mayors, 296 electoral lists were registered in the elections of deputies to city councils, and more than 16 thousand candidates were registered in the elections of deputies to village and township councils.

The majority of electoral disputes were settled in favor of candidates whose eligibility for public office was called into question by TEC decisions or appeals filed by rival candidates for elective office. The right of citizens to be elected was ensured in a proper manner despite the extremely emotional character of conflicts arising from registration of candidates or cancellation of their registration in some of the territorial communities. However, the absence of large-scale and politically motivated refusals to register candidates shouldn't mislead us about the quality of current law on local elections. TECs and courts resorted to non-uniform application of ambiguous and obsolete provisions of electoral legislation in similar situations. It was also impossible to completely avoid situations that show evidence for politically motivated interference with the right to be elected.

Following on from the results of analysis of cases of denial or cancellation of candidate registration, as well as cases of judicial appeal against such decisions (a total of 50 cases were studied), OPORA compiled the following list of problematic aspects of legislation which were interpreted divergently by various electoral subjects:

### **1. Determination of candidate's party affiliation**

According to the Law of Ukraine "On Local Elections", a local organization of political party has the right to nominate a member of corresponding political force or non-party person as a candidate. Some of the TECs adopted decisions on refusal to register candidates nominated by local organizations of political parties in the case where it has become known that such candidates are affiliated with other parties. For example, TECs made use of data contained in

the letters from territorial departments of justice, where it was indicated that a certain candidate was a nominee of one political party and the leader of local organization of another party all at once. As a rule, courts satisfied the claims of candidates who were denied registration on the aforesaid grounds. In their decisions on restoration of the right of candidates to stand for first local elections, the courts made reference to late entry of data into the registers on termination of party membership, while information received from the justice bodies could not serve as a confirmation of candidate's affiliation with a particular political party. Article 6 of the Law of Ukraine "On Political Parties in Ukraine" stipulates that termination of person's membership in a political party shall be determined by the date of submission of corresponding application, which does not require the adoption of any supplementary decisions. As a rule, the courts invoked this provision of law when restoring the right of candidates to be registered for participation in the first local elections (in particular, the decision of Ternopil district administrative court in the case of a candidate nominated by local organization of "Spravedlyvist" party, in respect of whom TEC received information from the territorial department of justice indicating that candidate took up the position of the head of local organization of "UDAR" party. Open access mode: <http://reyestr.court.gov.ua/Review/69391418>). The courts examined the circumstances of candidates filing applications for termination of membership in those parties that did not nominate them in 2017 first local elections.

**2. Candidate was nominated by one Nominating party in the first local elections while preserving the status of candidate on the electoral list for 2015 regular local elections / candidate was included on the electoral list for 2017 first local elections and on electoral list for regular local elections all at once**

The Law of Ukraine "On Local Elections" stipulates that a person can be simultaneously nominated as a candidate for deputy to local council and as a candidate for village, township or city mayor by a local organization of one single party or exclusively through self-nomination (clause 5 of Article 35). Furthermore, clause 4 of Article 35 of the aforesaid Law imposes a restriction on the right to nominate one and the same person as a candidate for deputy to more than one relevant local council (more than one oblast, rayon, city or city rayon council) in a multi-member electoral district. The law also provides for the possibility of canceling the registration of a candidate in the case of revealing the fact of violation of requirements established by clauses 4 and 5 of Article 35 of the Law of Ukraine "On Local Elections".

In the course of registration of candidates for the first local elections held on October, 29 and December, 24, 2017, TECs detected several cases of simultaneous inclusion of candidates for 2015 regular local elections in the electoral lists of different local organizations of political parties as well as cases of nom-



ination of one and the same person as a candidate for deputy to more than one council on the same level. TECs interpreted these cases as violations of restrictions imposed by the current electoral law. At the stage of cancellation of candidate registration, the CEC kept TECs informed about possible violations of restriction on simultaneous run for office committed by registered candidates. Similar to the previous local elections, one of the key problematic issues was the determination of a fact of commission or non-commission of violation by candidates who ran for office in the first local elections and at the same time preserved the status of candidates for 2015 regular local elections. Such candidates were potential contenders not only for taking up an elective post in UTCs, but also for winning a deputy seat in local councils elected in 2015 regular local elections (in the case of early termination of deputy's powers in the corresponding council). OPORA noted that the majority of courts adopted a legal position of drawing a distinction between electoral processes of 2017 first local elections and 2015 regular local elections. Such a position adopted by courts led to shaping an opinion on impossibility of imposing restrictions on run for office in respect of those candidates who were included in the nomination lists of the ongoing and completed electoral processes. This approach was dominant in the course of judicial settlement of electoral disputes, but there were some courts which adhered to the opposite legal position in their judgments.

### **3. Simultaneous registration of a candidate in several single-member districts for the elections of deputies to village/township council or elections of village/township mayor**

According to sub-paragraph 2 of paragraph 4 of Article 35 of the Law of Ukraine "On Local Elections", a person nominated as a candidate for deputy in a single-member district or as a candidate for village, township or city mayor (head) can't be simultaneously nominated in any other single-member or unified single-member district for any local elections. The courts and TECs did not employ a unified approach to the application of this provision of law. One of the controversial issues, among other things, was the need to determine the electoral process or electoral processes which are subject to these restrictions (for example, the possibility to stand for election in several single-member districts in different territorial communities).

It was equally difficult to work out a legal position on electoral districts in which the registration of a candidate should be canceled in the case of detecting a violation of legislative restriction on simultaneous run for office in several single-member districts. Another controversial issue faced by TECs and courts is the decision on cancellation of registration of a candidate in all single-member districts, or vice versa, cancellation of candidate registration in only one of two single-member districts.

#### **4. Nomination of one and the same candidate by several local organizations of political parties**

In isolated cases when it came to including one and the same candidate in several electoral lists of different local organizations of political parties, the courts misinterpreted the electoral law insofar as it relates to the right of a candidate to submit an application for withdrawal from election. For example, Cherkasy district administrative court stated that a person is deemed to be excluded from the electoral list from the date of submission of the aforesaid application (in accordance with clause 6 of paragraph 1 of [Article 38 of the Law](#)). It should be emphasized that the court committed a violation of substantive law and made a reference to the article that does not regulate the procedure for exclusion of candidate from electoral list. This provision of the law relates to candidate's consent to be nominated for election by local organization of political party. In any case, TECs and courts experienced difficulties in applying the law in the case of availability of candidate's consent to be nominated for election by several local organizations of political parties. Law enforcement got even more complicated in the event of candidate's refusal to be nominated by either of the two local organizations of political parties.

#### **5. Inaccuracies in the documents submitted to TECs for registration of candidates in the first local elections**

By tradition, a considerable part of refusals to register candidates for local elections in Ukraine is related to inaccuracies / errors in the documents submitted to TECs. The law stipulates that errors and inaccuracies that were detected in documents submitted for registration of candidates shall be subject to correction and shall not be qualified as grounds for denial of registration of a candidate for village, township, city mayor (head). However, this provision of the law does not allow TECs to draw a sharp distinction between inaccuracies in the document, absence of the document and submission of improperly executed document. The past experience of holding local elections in the 2015-2017 timeframe demonstrated the common practice of using errors in the candidates' documents as reasonable grounds for refusing to register them. Inaccuracies or errors made in the process of execution of mandatory documents are often qualified as facts of non-submission of these documents.

The results of monitoring of judicial decisions suggest that courts are inclined to broad interpretation of errors and inaccuracies in the candidates' documents, which has a positive impact on the ability of Ukrainian citizens to run for office. The courts quite often make references to ECHR decisions which point out the inadmissibility of formalism when considering an issue related to registration of candidates. In particular, we are talking about legal position of the European

Court of Human Rights set forth in its judgment of the case “Krasnov and Skuratov versus Russian Federation” as of July, 19, 2007, which gives an extensive definition of the term “excessive formalism”. This term describes a situation where certain names or reference details are missing in the document and the body of power regards such omission as absence of document, rather than an error or inaccuracy. Therefore, the European Court of Human Rights considers this practice to be wrongful due to the absence of reasonable balance between applied measure and legal measure. The trend towards increasing support for such legal reasoning among Ukrainian courts has a positive effect on the process of registration of candidates and reduces the likelihood of using errors in candidates’ documents for the purpose of politically motivated restriction of competition in the electoral process.

## **6. Obsolete provisions of the law on local elections that served as a ground for refusal to register a candidate**

The current Law of Ukraine “On Local Elections” contains a number of provisions that do not comply with the current related law. Among other things, this refers to the absence of provision of local election law on the possibility of submitting the candidate’s passport of the citizen of Ukraine in the form of an ID-card and the presence of references to the outdated form of declaration of property, income and financial obligations. The first local elections held on October, 29 and December, 24, 2017, were accompanied by precedential cases of denial of candidate registration due to the impossibility of submitting the copies of candidate’s passport of the citizen of Ukraine of a standard form and / or filling out an improper declaration form. In the latter case, TECs invoked the current anti-corruption law, while the candidates were guided by the requirements of the current law on local elections. According to OPORA observers, these legal gaps did not have a significant effect on the exercise of the right to be elected, given the fact that such electoral disputes were settled in favor of candidates. However, the revealed shortcomings of legislation provide eloquent evidence of the need for further reform and harmonization of electoral law with related legal regulations.

Unfortunately, the first local elections held on December, 24, 2017, were also accompanied by incidents constituting a politically motivated interference with the process of registration of candidates. Tayirove township TEC refused to register a nominee of the local organization of AUU “Batktivshchyna” party as a candidate for township mayor on the grounds of absence of the document which certifies the Ukrainian citizenship of nominee. TEC concluded that the candidate (who is also the acting mayor of township) has no document certifying his Ukrainian citizenship on the basis of conclusion #239/2016 made by the Main Department of the State Migration Service of Ukraine in Odesa oblast.

TEC also refused to register all the candidates for deputy to township council nominated by the local organization of AUU “Batkivshchyna” party due to the fact that the applications for registration of candidates and the corresponding decisions of local party organization on nomination of candidates, which were submitted to the election commission, were signed by a person who does not have a citizenship of Ukraine. On December, 5, 2017, Ovidiopol rayon court of Odesa oblast declared unlawful and invalidated the TEC decision on denial of registration of “Batkivshchyna” party nominees as candidates for UTC mayor/ deputy to township council and placed the election commission under an obligation to re-examine the documents submitted by Ovidiopol rayon organization of AUU “Batkivshchyna” party. In particular, the court had set aside the TEC’s reference to the conclusion #239/2016 made by the Main Department of the State Migration Service of Ukraine in Odesa oblast, since the above-mentioned document was earlier declared illegal and invalidated by a court decision that came into effect. On December, 8, 2017, the appeal filed by Tayirove township TEC was dismissed by Odesa administrative court of appeal which affirmed the decision of rayon court.

On December, 12, 2017, Tayirove township TEC re-examined the documents of rayon organization of AUU “Batkivshchyna” party and decided to register 23 of its candidates for deputy to township council, but once again refused to register its candidate for the post of township mayor on the grounds of absence of Ukrainian citizenship. On December, 16, 2017, Odesa district administrative court declared unlawful and invalidated the TEC decision on repeated denial of registration of nominee of Ovidiopol rayon organization of AUU “Batkivshchyna” party as a candidate for the position of mayor of Tayirove township in Ovidiopol rayon and placed the election commission under an obligation to re-examine the documents which were filed for the purpose of registration of the aforesaid candidate. Both parties to electoral dispute filed their appeals to Odesa administrative court of appeal, as a result of which the court instructed the TEC to register the nominee of rayon organization of AUU “Batkivshchyna” as a candidate for township mayor. On December, 24, 2017, Tayirove township TEC examined the decision of the Odessa administrative court of appeal, but failed to abide by the court’s decision and refused to register the nominee of local organization of “Batkivshchyna” party as a candidate for the third time. In refusing to abide by the court’s decision TEC members proceeded from the fact that one of the judges added a dissenting opinion to the court decision. OPORA noted that the TEC committed a gross violation of the law, since the court decision came into force and therefore it is binding on the election commission as provided by Article 14 of Administrative Court Procedure Code. Even after lengthy court appeals and public confrontations this nominee still wasn’t registered as a candidate for township mayor.



# GENDER BALANCE IN ELECTORAL LISTS OF LOCAL ORGANIZATIONS OF POLITICAL PARTIES

The task of ensuring equal rights and opportunities for women and men in the electoral process is an important part of Ukraine's international commitments. The standards of observance of political rights of women, summarized in a number of international documents, were reflected in the national strategic documents. In particular, one of expected results of implementation of social State program on ensuring equal rights and opportunities for women and men (till 2021), the Concept of which was approved by the Cabinet of Ministers of Ukraine in April, 2017, is the increase in women's share of parliamentary seats and deputy seats in oblast and city councils (in the cities of oblast significance).

## **Legislative environment and practices in the previous local elections with regard to ensuring equality of women's and men's electoral rights**

In the run-up to regular local elections in 2015, the Verkhovna Rada of Ukraine adopted a new version of the Law of Ukraine "On Local Elections". Some of its provisions are aimed at ensuring equality of rights and opportunities of women and men in the electoral process. According to section 3 of Article 4 of the Law, the level of representation of persons of each gender in the electoral lists of



candidates for deputies to local councils in multi-mandate districts should be no lower than 30% of the total number of candidates included in the electoral list. At the same time, people's deputies introduced several amendments to the Law "On Political Parties in Ukraine", according to which the charter of political party must include information about the quota size that determines the minimum level of representation of women and men in the list of candidates for People's Deputies of Ukraine nominated by the party in the national election district, as well as in the list of candidates for deputies to local councils in multi-mandate districts. The quota for representation of each gender should be no less than 30% of the total number of candidates included in the electoral list.

Candidate registration practices applied in 2015 regular local elections gave evidence of the declarative nature of the provisions of the Law of Ukraine "On Local Elections" insofar as they relate to ensuring compliance with 30% quota for representation of persons of the same gender in the electoral lists of candidates for deputies to local councils.

The results of OPORA's monitoring in 2015 gave evidence of large-scale non-compliance of local organizations of political parties with the gender quota requirement in the elections of deputies to oblast, rayon and city councils. The key problem was the absence of legal sanctions for infringement of 30% gender quota requirement on the electoral lists. Election commissions did not

have any clear-cut reasons for refusing to register candidates included on the electoral lists of local organizations of political parties which failed to meet the requirement for minimum level of representation of persons of the same gender.

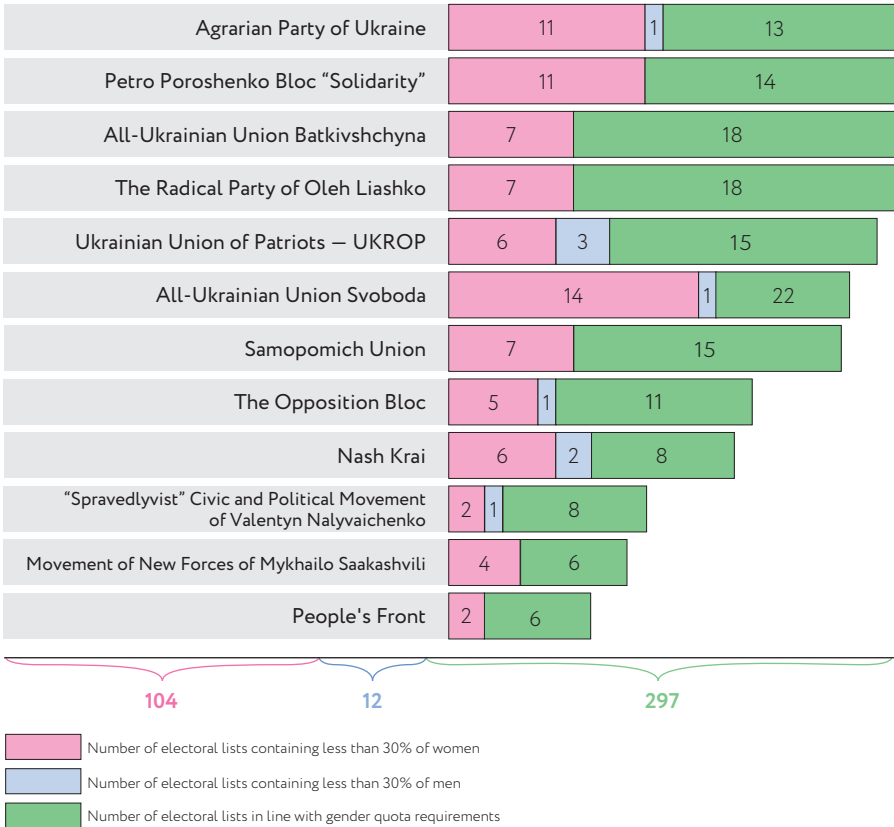
Delivery of polar opposite court judgments in the cases of refusal to register candidates and appeals against the provisions of special CEC Clarification (Resolution #362 as of September, 23, 2015) gave evidence of the absence of legal mechanisms for implementing the provision on gender quota in local elections. In its Clarification as of September, 23, 2015, the CEC stated that denial of registration of candidates for deputy in a multi-member district on the grounds of non-compliance with the provision of the Law of Ukraine "On Local Elections" with regard to ensuring fair representation of persons of the same gender in the electoral lists is prohibited. The CEC Clarification is based on the fact that non-compliance with gender quota requirement wasn't included in the list of legal grounds for denial of candidate registration. The above-mentioned CEC clarifications were appealed against in a legal procedure. In 2015, Kyiv Administrative Court of Appeal delivered a judgment in one of the cases which invalidated the provisions of CEC Clarification on inadmissibility of denial of candidate registration on the grounds of non-compliance with gender quota requirement, but then dismissed a similar complaint concerning the illegality and invalidation of the aforesaid provisions of the CEC Clarification. Later on, the Supreme Administrative Court overturned the former judgment of Kyiv Administrative Court of Appeal which provided for admissibility of refusal to register candidates on the grounds of non-compliance with the gender quota requirement. Therefore, the issue of strengthening the legislative guarantees of equality of women's and men's electoral rights remains an urgent task of the Ukrainian parliament. The requirement to ensure minimum level of representation of persons of the same gender, which was introduced at the level of local election law, still isn't backed by effective procedures and meaningful sanctions. This problem was manifested in its entirety in the course of 2015 regular local elections and then repeated itself in the first local elections held in united territorial communities.



# Compliance with gender quota requirement in the first local elections held in united territorial communities on October, 29, 2017

OPORA analyzed 297 electoral lists of candidates who were nominated in 25 city UTCs in the first local elections scheduled for October, 29, 2017, in order to document the status of compliance with legislative requirement of 30% gender quota on the part of local organizations of political parties. The results of analysis demonstrate the persisting urgent need for implementing proper legal regulation of the procedures for ensuring equality of opportunities in the electoral process, given the fact that the requirement of minimum level of representation of each gender has been largely ignored by local organizations of political parties.

## Adherence to gender quota requirements in electoral lists in 29 October 2017 election of city council members in 25 UTCs



According to OPORA, 39% of all electoral lists of candidates nominated for elections of deputies to city councils held under proportional election system were registered in violation of the requirement for ensuring 30% representation of persons of the same gender. Female candidates accounted for less than 30% of the total number of nominees in 104 out of 297 electoral lists (35% of all electoral lists) in the elections of deputies to city councils. There were much fewer cases of non-compliance with the minimum quota requirement in terms of ensuring 30% representation of male candidates in the electoral lists: such violation was detected in 12 electoral lists (or 4% of all electoral lists). In summary, a total of 116 electoral lists (or 39% of all electoral lists) were registered in violation of gender quota requirement in the respective local elections.

Among those local party organizations registering their electoral lists in each of the 25 UTCs the local organizations of Agrarian Party of Ukraine were the ones that most often failed to comply with gender quota requirement – violation was detected in 12 out of 25 electoral lists (48%). Local organizations of Petro Poroshenko Bloc “Solidarity” committed a violation of gender quota requirement in 11 out of 25 electoral lists (44%). AUU “Batkivshchyna” and Radical Party of Oleh Liashko violated the gender quota requirement in 7 out of 25 electoral lists (28%).

Local organizations of AUU “Svoboda” failed to ensure 30% representation of persons of each gender in 15 out of 22 electoral lists (68%). Meanwhile, local organizations of “Nash Krai” party failed to ensure gender balance in 8 out of 16 electoral lists (50%). These are the highest rates of violation of gender quota requirement committed by local organizations of political parties that registered their electoral lists in more than 15 territorial communities (see table “Compliance with the requirement for ensuring 30% representation of both genders in the electoral lists of candidates for elections of deputies to city councils held in 25 UTCs on October, 29, 2017”).

Extreme cases of ignoring the gender quota requirement were recorded in 12 (out of 297) electoral lists, which included candidates of only one gender (only male candidates were included in 11 electoral lists, and only female candidates were included in 1 electoral list). Local organization of “Ukrainian Union of Patriots – UKROP” party did not nominate any male candidates for election to Semenivka city council in Chernihiv oblast. There were no female candidates in 2 out of 22 electoral lists of “Samopomich” Union; “Nash Krai” party also did not include any female candidates in 2 out of 16 electoral lists. “Movement of New Forces of Mykhailo Saakashvili” did not include any female candidates in 1 out of 10 electoral lists, “Narodnyi Kontrol” Civic Movement – in 1 out of 7 electoral lists, “Ukrainian Union of Patriots – UKROP” – in 1 out of 22 electoral lists, “Opposition Bloc” – in 1 out of 17 electoral lists, Party of Pensioners –

in 1 out of 2 electoral lists, Ukrainian Marine Party of Serhii Kivalov – in 1 out of 2 electoral lists, “Ukraina Slavetna” party – in 1 out of 5 electoral lists.

A total of 6,610 candidates were registered in the elections of deputies to city councils scheduled for October, 29, 2017, of which 2,268 were women and 3,842 were men. Therefore, female candidates accounted for 37% of the candidate corps, while male candidates accounted for 63% of all candidates registered in the elections of deputies to city councils. Electoral lists of local party organizations were dominated by non-partisan candidates (65% of all candidates), while 68% of all female candidates were not affiliated with any political parties. Non-party male candidates accounted for 63% of all male candidates registered for elections to city councils on October, 29, 2017. It is to be recalled that local organization of political party has the right to nominate either one of its members or a non-party person.

### **Compliance with the requirement for ensuring 30% representation of both genders in the electoral lists of candidates for elections of deputies to city councils held in 25 UTCs on October, 29, 2017**

Nominating party	Number of registered electoral lists	Number of electoral lists, in which women account for less than 30% of all candidates	Number of electoral lists, in which men account for less than 30% of all candidates	Number of electoral lists with violation of 30% gender quota requirement	Percentage of electoral lists with violation of 30% gender quota requirement	Number of electoral lists which comply with gender quota for male and female candidates
Agrarian Party of Ukraine	25	11	1	12	48%	13
Petro Poroshenko Bloc “Solidarity”	25	11	0	11	44%	14
All-Ukrainian Union “Batkivshchyna”	25	7	0	7	28%	18
Radical Party of Oleh Liashko	25	7	0	7	28%	18
“Ukrainian Union of Patriots – UKROP”	24	6	3	9	38%	15
All-Ukrainian Union “Svoboda”	22	14	1	15	68%	7
“Samopomich” Union	22	7	0	7	32%	15
“Opposition Bloc”	17	5	1	6	35%	11

"Nash Krai"	16	6	2	8	50%	8
"Spravedlyvist" Civic and Political Movement of Valentyn Nalyvaichenko	11	2	1	3	27%	8
"Movement of New Forces of Mykhailo Saakashvili"	10	4	0	4	40%	6
"People's Front"	8	2	0	2	25%	6
"Narodnyi Kontrol" Civic Movement	7	3	0	3	43%	4
"Nova Derzhava"	6	2	0	2	33%	4
"Civic Position"	6	3	0	3	50%	3
Social Democratic Party	5	0	0	0	0%	5
"Ukraina Slavetna"	5	2	0	2	40%	3
<b>Total</b>	<b>297</b>	<b>104</b>	<b>12</b>	<b>116</b>	<b>39%</b>	<b>181</b>

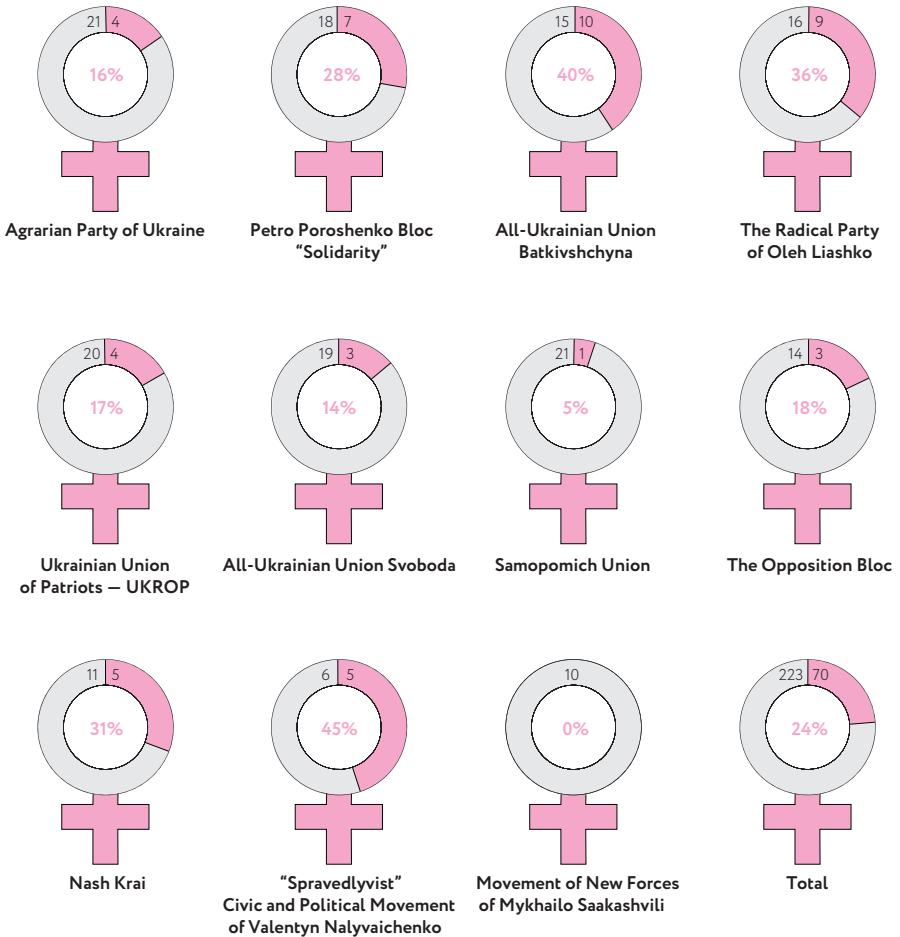
## Gender balance in the list of first-place candidates included in the electoral lists of candidates for elections of deputies to city councils held on October, 29, 2017

The Law of Ukraine "On Elections of People's Deputies of Ukraine" stipulates that each electoral list shall include a first-place candidate who is not assigned to any territorial election district. All other candidates shall be assigned to certain territorial districts, while number-one candidate on the electoral list shall automatically win a deputy seat, if the local organization of political party clears the electoral threshold. In fact, first-place candidate acts as a political leader and front man of local party organization competing for deputy seats in local councils. According to OPORA's estimates, female candidates were ranked first in 70 electoral lists (24% of all electoral lists), male candidates – in 223 electoral lists (there is no information about 4 electoral lists).

4 political parties nominated their electoral lists in all 25 city UTCs, of which AUU "Batkivshchyna" and Radical Party of Oleh Liashko were the ones that most often granted the status of number-one candidates to women. 10 out of 25 electoral lists of local organizations of AUU "Batkivshchyna" were headed by female candidates, whereas, in contrast, Agrarian Party of Ukraine put women first in only 4 out of 25 electoral lists. "Ukrainian Union of Patriots – UKROP", which registered its electoral lists in 24 out of 25 territorial communities, grant-

ed the status of number-one candidates to only 4 women in multi-member districts. All 10 electoral lists of the “Movement of New Forces of Mykhailo Saakashvili” were headed by male candidates.

### First candidates in electoral lists in 29 October 2017 city council elections



The first candidate is a woman  
 % of lists headed by women

Total number of electoral lists

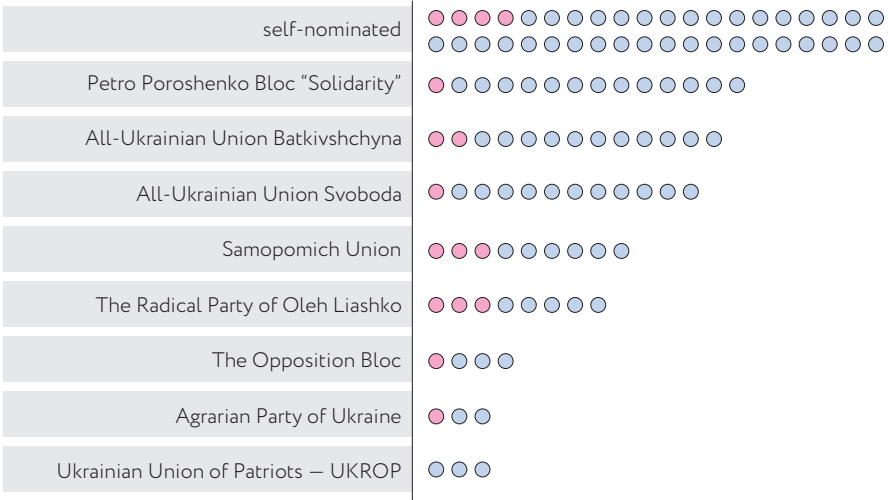
## **Gender balance in the list of candidates for the positions of city mayors in united territorial communities in the first local elections held on October, 29 and December, 24, 2017**

The current law does not impose any special requirements for ensuring the minimum level of representation of each gender in the electoral lists of candidates for elections in single-member districts, given the specifics of electoral system. The level of participation of female and male candidates in the elections of mayors of united territorial communities and deputies to village and township councils purely depends on established party practices, standards and inner-party nomination procedures. OPORA conducted an analysis of the level of participation of female and male candidates in the elections of city mayors in united territorial communities held on October, 29 and December, 24, 2017. The research findings give evidence of the need for fostering the efforts to ensure equal opportunities for women and men in the electoral process, given the significant imbalance between the levels of participation of representatives of the two genders in the elections of UTC mayors.

### **Elections of city mayors in united territorial communities held on October, 29, 2017**

Only 17 out of 119 candidates for elections of city mayors in 25 UTCs held on October, 29, 2017, were women, which means that female candidates account for 14% of the total number of mayoral candidates in united territorial communities. 4 out of 17 female candidates stood for mayoral elections through self-nomination, while the rest of them were nominated by local organizations of political parties.

# Candidates for city mayors in 29 October 2017 first local elections, gender division



14% of women

297 candidates in total

86% of men

● Number of women in electoral lists

● Number of men in electoral lists

## Number of representatives of both genders in the electoral lists of candidates for city mayors in the first local elections held on October, 29, 2017

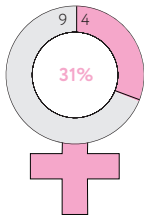
Nominating party	Total	Female candidates	Male candidates	% of female candidates
Self-nominees	40	4	36	10%
Petro Poroshenko Bloc "Solidarity"	14	1	13	7%
All-Ukrainian Union "Batkivshchyna"	13	2	11	15%
All-Ukrainian Union "Svoboda"	12	1	11	8%
"Samopomich" Union	9	3	6	33%
Radical Party of Oleh Liashko	8	3	5	38%
"Opposition Bloc"	4	1	3	25%
Agrarian Party of Ukraine	3	1	2	33%
"Ukrainian Union of Patriots – UKROP"	3	0	3	0%
Social Democratic Party	2	1	1	50%
People's Movement of Ukraine (Rukh)	2	0	2	0%
Democratic Alliance	1	0	1	0%
"Narodnyi Kontrol" Civic Movement	1	0	1	0%
"Movement of New Forces of Mykhailo Saakashvili"	1	0	1	0%
"People's Will" (Volya Narodu)	1	0	1	0%
"Syla Liudei"	1	0	1	0%
"Community and Law" (Hromada i Zakon)	1	0	1	0%
"Civic Position"	1	0	1	0%
"For Real Deeds"	1	0	1	0%
"Spravedlyvist" Civic and Political Movement of Valentyn Nalyvaichenko	1	0	1	0%
<b>Total</b>	<b>119</b>	<b>17</b>	<b>102</b>	<b>14%</b>



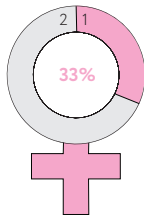
# Elections of city mayors in united territorial communities held on December, 24, 2017

A total of 29 candidates stood for elections of mayors in 5 city UTCs, of which 6 were female candidates (or 21% of all mayoral candidates).

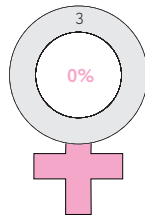
## Candidates for city mayors in 24 December 2017 first local elections, gender division



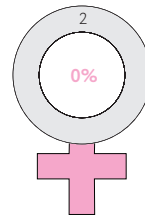
self-nominated



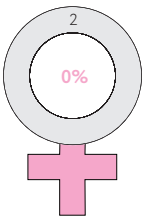
ALL-Ukrainian Union Svoboda



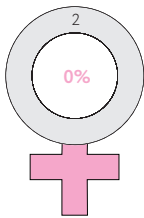
Ukrainian Union of Patriots - UKROP



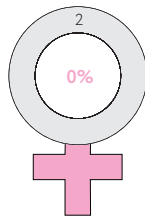
ALL-Ukrainian Union Batkivshchyna



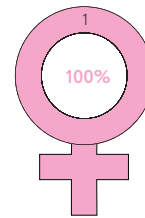
Petro Poroshenko Bloc "Solidarity"



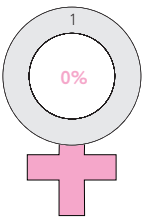
Movement of New Forces of Mykhailo Saakashvili



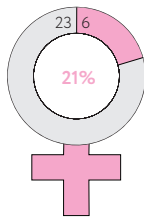
National Corps



Samopomich Union



"Spravedlyvist" Civic and Political Movement of Valentyn Nalyvaichenko



Total

The first candidate is a woman

Total number of electoral lists

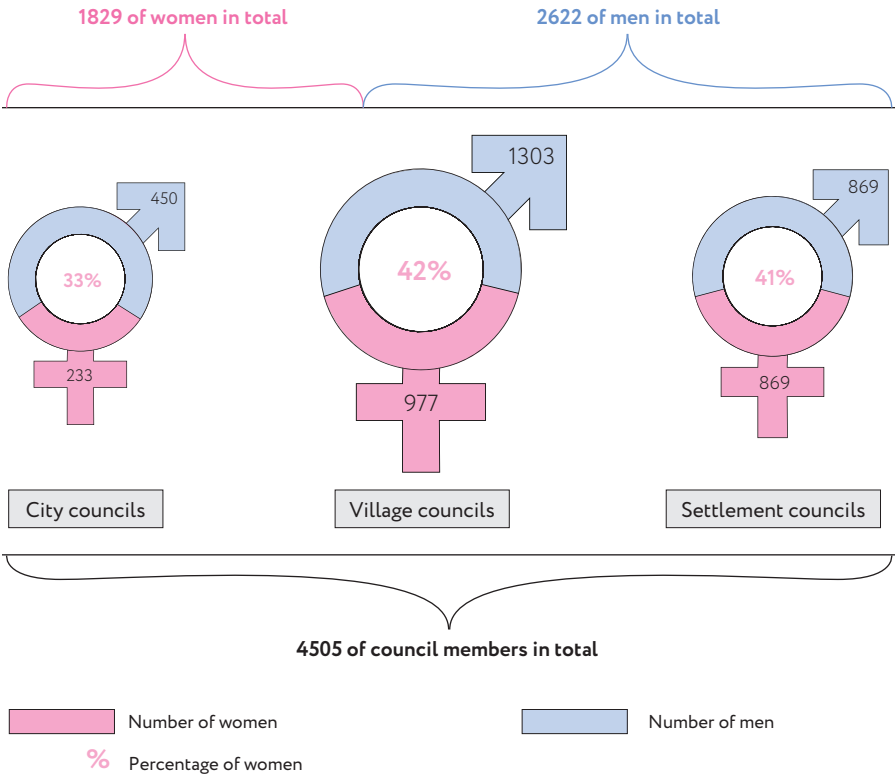
Percentage of women

# Gender analysis of deputy corps in the local councils elected on October, 29, 2017

OPORA conducted an analysis of gender balance in the newly elected local councils with the use of conditional indicator for 30% representation of each gender in the deputy corps (legal requirement for compliance with mandatory gender quota is applicable only to electoral lists in multi-mandate districts).

A total of 4,505 deputies were elected in the first local elections in UTCs on October, 29, of which 41% are women-deputies. According to the results of comparative analysis of the proportion of seats held by women in different types of local councils, the lowest percentage of women-deputies was recorded at the level of city councils elected from candidate lists of local party organizations (33%).

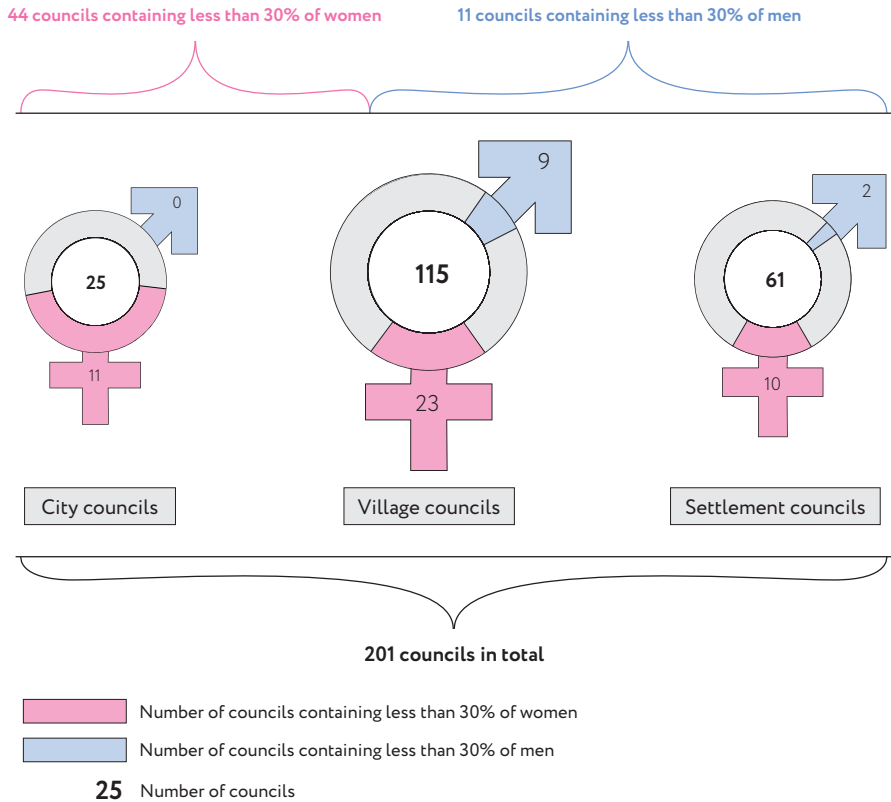
## Representation of men and women in local councils, elected on 29 October 2017



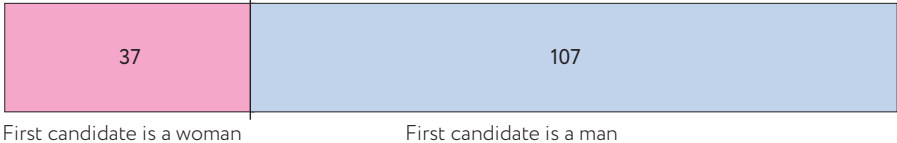
There are no city councils, in which men account for less than 30% of council's deputy corps, based on the results of elections held on October, 29, 2017. Meanwhile, women account for less than 30% of deputy corps in 11 out of 25 city councils.

Furthermore, women account for less than 30% of the total number of deputies in 23 out of 115 village councils, while men account for less than 30% of deputy corps in 9 out of 115 village councils. Level of representation of men is lower than 30% in 2 township councils, while women are underrepresented in 10 township councils.

**Representation of men and women in newly-elected city, village and settlement councils based on the results of 29 October 2017 election**



**Number of party lists which cleared the electoral threshold on October, 29, 2017, with a breakdown by gender identity of first-place candidates**

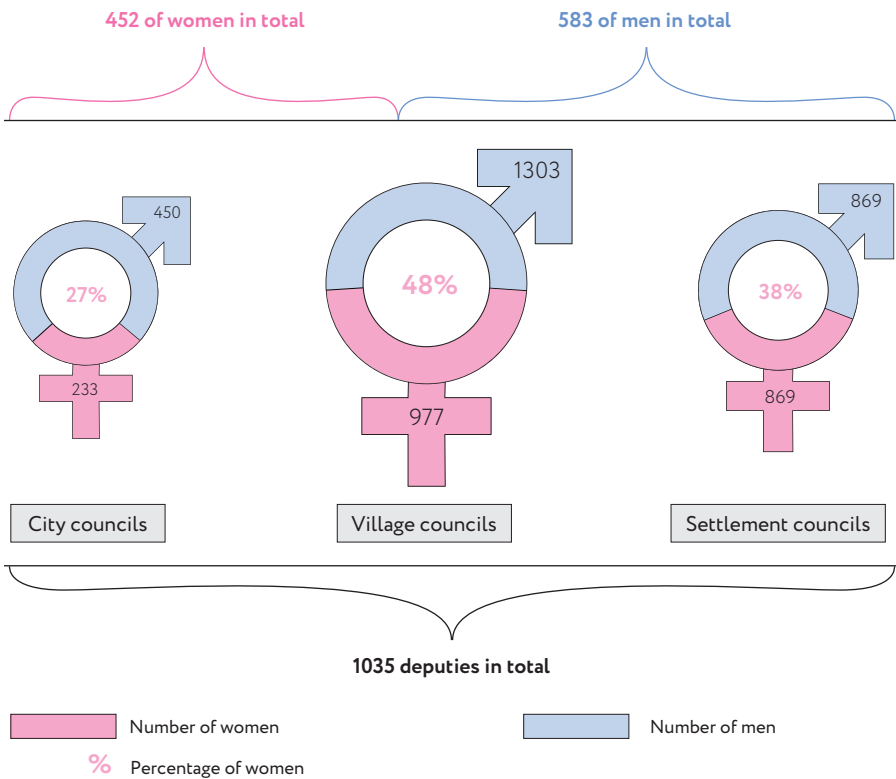


A total of 144 electoral lists of local party organizations cleared the electoral threshold in the first local elections which took place in 25 city UTCs on October, 29, 2017. 37 electoral lists (or 26% of all electoral lists) were headed by female candidates.

# Gender analysis of deputy corps elected on December, 24, 2017

A total of 1,035 deputies were elected to city, township and village councils in the first local elections held in 51 UTCs on December, 24, 2017, of which 452 (or 41%) are women-deputies. The highest percentage of women-deputies was recorded at the level of township councils (48% of all deputies to township councils), while the lowest percentage of women-deputies was recorded at the level of city councils (27% of all deputies to city councils).

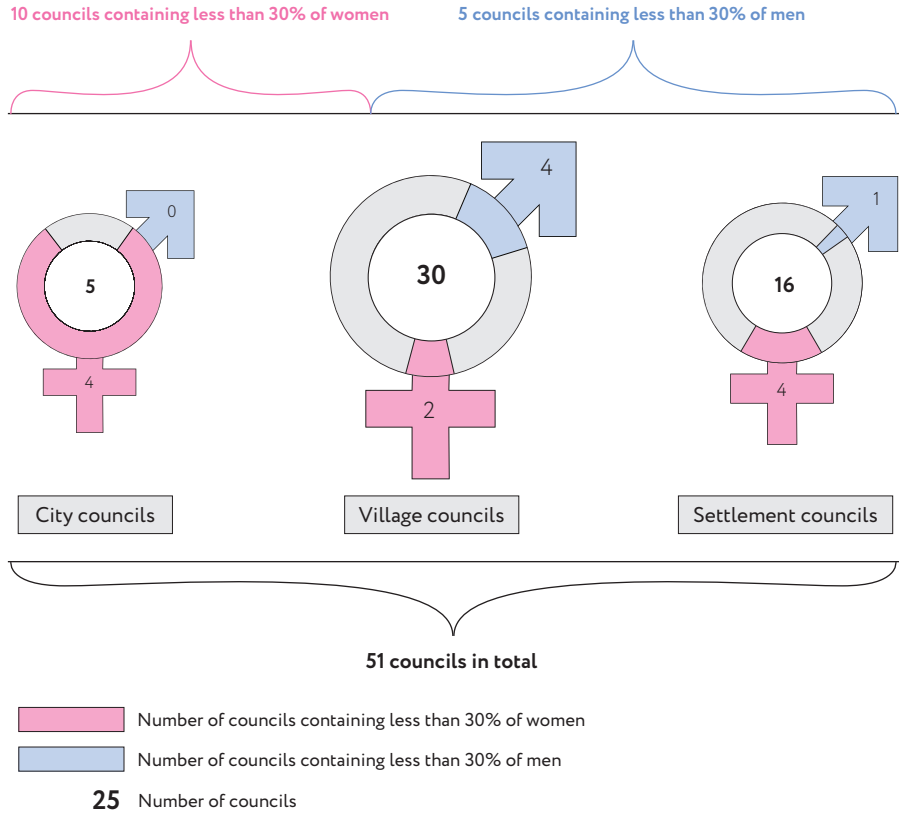
## Representation of men and women in local councils, elected on 24 December 2017



Women account for less than 30% of deputy corps in 4 out of 5 city councils elected in the first local elections on December, 24, 2017. Either men or women account for less than 30% of deputy corps in 6 out of 30 village councils, and in

4 of these village councils men-deputies are the underrepresented ones. Level of representation of women is lower than 30% in 4 township councils, while men are underrepresented in 1 township council.

**Representation of men and women in newly-elected city, village and settlement councils based on the results of 24 December 2017 election**

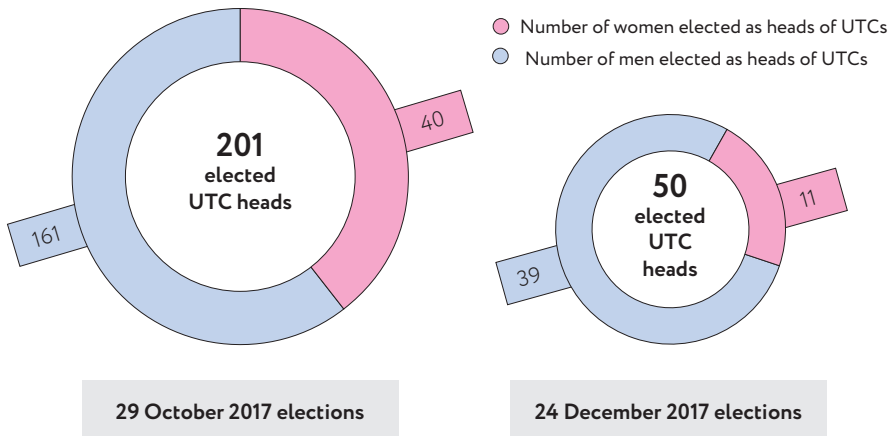


A total of 29 electoral lists of local party organizations cleared the electoral threshold in the first local elections which took place in 5 cities on December, 24, 2017, of which 5 electoral lists were headed by female candidates.

## Gender analysis of the results of mayoral elections in UTCs (held on October, 29 and December, 24, 2017)

40 out of 201 mayoral positions (20%) in UTCs are held by women based on the results of first local elections that took place on October, 29, 2017, while following on from the results of elections held on December, 24, 2017, women took up the positions as heads of city / village / township council in 11 out of 51 UTCs (22% of all UTCs).

### Representation of men and women elected as the heads of UTCs



The results of first local elections held on October, 29 and December, 24, 2017, gave evidence of advisability of pursuing efforts to ensure effective implementation of the principle of equal opportunities for women and men in the electoral process. Increased awareness among political parties and their local organizations as well as large-scale outreach campaigns aimed at voters will facilitate the development of stable practices of compiling gender-balanced electoral lists of candidates in single-member districts. Not least important is the task of bringing Ukrainian legislation in line with international standards in the field of guarantees of equal rights and opportunities for men and women. The most effective mechanism for practical implementation of generally accepted standards is to place TECs under an obligation to refuse the registration of electoral lists that do not meet the requirements for ensuring balanced representation of women and men. This practice corresponds to the legislative approaches adopted in European countries that have experience in establishing gender quotas in the elections.

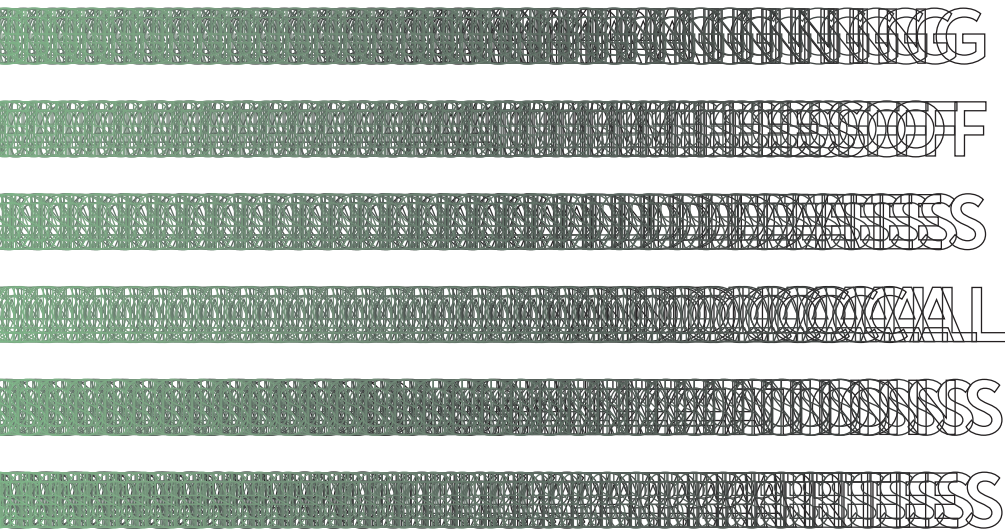
# CAMPAIGNING ACTIVITIES OF CANDIDATES AND LOCAL ORGANIZATIONS OF POLITICAL PARTIES

The Law of Ukraine “On Local Elections” places political parties under an obligation to adopt decisions on participation of their local organizations in local elections. 50 political parties decided to run in the first local elections that were held in 201 territorial communities on October, 29, 2017. By comparison, a total of 42 political parties declared their intention to participate in the first local elections that took place in 51 territorial communities on December, 24, 2017.

The election campaigns in those united territorial communities where first local elections took place on October, 29 and December, 24, 2017, were marked by significantly lower level of activity of electoral subjects and lower intensity of public events as compared to national election campaigns. The vast majority of electoral subjects showed no signs of public activity in electoral districts even after the end of the stage of official registration of candidates.

The malpractice of pre-election campaigning ahead of law-stipulated time, which was typical for all the previous elections, did not grow to acute problem in 2017 local elections. In the course of monitoring of campaigning activity in the elections scheduled for October, 29, 2017, OPORA observers recorded





cases of premature campaigning on the part of candidates for deputies in only three UTCs, and on the part of candidates for local mayors – in 9 UTCs.

Electoral subjects were officially allowed to start their election campaigns as from the day following the date of adoption of decision on registration of candidates by relevant territorial election commission. OPORA observers conducted systemic monitoring of campaigning activities in the territorial communities and compiled a comparative ranking list of local organizations of political parties that conducted the strongest election campaigns in terms of level of campaigning activity in the elections held on October, 29 and December, 24, 2017.

Among political parties participating in the electoral process AUU “Batkivshchyna” demonstrated the highest level of campaigning activity whose various forms were recorded in 54% of united territorial communities in which the first local elections were held on October, 29, 2017. Campaigning activity of candidates representing “Petro Poroshenko Bloc “Solidarity” was in evidence on a somewhat smaller scale and covered 42% of UTCs. Not least noticeable were the election campaigns of extra-parliamentary parties, such as “UKROP”

(campaigning activity recorded in 34% of UTCs) and Agrarian Party of Ukraine (in 28% of UTCs), whose level of campaigning activity was closely matched by the Radical Party of Oleh Liashko (in 27% of UTCs) and “Samopomich” Union (in 24% of UTCs). The rest of political parties did not conduct nationwide election campaigns. In fact, their campaigning activity was limited to individual efforts of certain candidates in specific UTCs.

According to OPORA’s data concerning elections held on December, 24, 2017, the most high-profile campaigns covering the largest number of UTCs were conducted by candidates representing local organizations of “Petro Poroshenko Bloc “Solidarity” (activity recorded in 67% of UTCs) and AUU “Batkivshchyna” (in 53% of UTCs). A relatively high level of campaigning activity in comparison with other political forces was demonstrated by local organizations of Agrarian Party of Ukraine (activity recorded in 42% of UTCs), “Ukrainian Union of Patriots – UKROP” (in 28% of UTCs), Radical Party of Oleh Liashko (in 22% of UTCs) and “Nash Krai” party (in 19% of UTCs). A somewhat smaller proportion of UTCs was covered by election campaigns of local organizations of “People’s Front” party and “Samopomich” Union (11% of UTCs in both cases). Local organizations of “National Corps” and Social Democratic Party conducted high-profile campaigns in 8% of united territorial communities, AUU “Svoboda”, Civic and Political Movement of Valentyn Nalyvaichenko “Spravedlyvist”, and “Ridne Misto” party – in 6% of UTCs. Other local organizations of political parties did not conduct large-scale election campaigns in united territorial communities.

### **Rankings of political parties-electoral subjects in terms of level of campaigning activity in UTCs (in the elections held on October, 29, 2017)**

Political party	Percentage of UTCs, in which campaigning activity was recorded
AUU “Batkivshchyna”	54%
“Petro Poroshenko Bloc “Solidarity”	42%
“Ukrainian Union of Patriots – UKROP”	34%
Agrarian Party of Ukraine	28%
Radical Party of Oleh Liashko	27%
“Samopomich” Union	24%
“Nash Krai”	16%
AUU “Svoboda”	15%
“Opposition Bloc”	7%
“Vidrodzhennia” Party	4%

## Rankings of political parties-electoral subjects in terms of level of campaigning activity in UTCs (in the elections held on December, 24, 2017)

Political party	Percentage of UTCs, in which campaigning activity was recorded
"Petro Poroshenko Bloc "Solidarity"	67%
AUU "Batkivshchyna"	53%
Agrarian Party of Ukraine	42%
"Ukrainian Union of Patriots – UKROP"	28%
Radical Party of Oleh Liashko	22%
"Nash Krai"	19%
"People's Front"	11%
"Samopomich" Union	11%
Social Democratic Party	8%
"National Corps"	8%
AUU "Svoboda"	6%
"Spravedlyvist" Civic and Political Movement of Valentyn Nalyvaichenko	6%
"Ridne Misto"	6%
"Opposition Bloc"	3%
"Narodnyi Kontrol" Civic Movement	3%
AUU "Cherkashchany"	3%

The same political parties were the leaders in terms of level of campaigning activity both during the first local elections held in UTCs on October, 29, 2017, and in December, 2017 elections. Candidates representing local party organizations and self-nominees have shown contrasting levels of interest in conducting pre-election campaigns. In some of territorial communities electoral subjects demonstrated low level of campaigning activity, while in other UTCs candidates actively competed for voters' attention and votes, while resorting to, inter alia, black PR technologies against rival candidates. Overall, none of the most active parties-electoral subjects conducted campaigning activities in all regions and UTCs.

Candidates for deputies and mayoral candidates used similar campaigning techniques as provided for by the Law of Ukraine "On Local Elections" (Clause 5 of Article 54). The most popular types of campaigning methods used by candidates and political parties included distribution of leaflets, posters and other printed materials. This was the prevailing type of campaigning activity among both candidates for the position of city mayor (mayoral candidates resorted

to this campaigning method in 81% of UTCs) and candidates for deputies (in 87% of UTCs) in the elections held on October, 29, 2017. Not least popular are meetings of citizens and meetings with voters, which were held by candidates for deputies and local mayors in nearly 80% of UTCs. Political advertising in the media wasn't the most popular campaigning method among candidates for local elections by contrast to candidates running for national elections who made heavy use of this campaigning technique. Candidates were reluctant to hold public debates, discussions, round tables, press conferences, as well as mass events (rallies, marches, demonstrations, pickets).

### **Prevailing types of campaigning techniques among candidates for deputies in the elections held on October, 29, 2017**

Type of campaigning technique	Percentage of UTCs where such campaigning activity was recorded
Distribution of electoral leaflets, posters	87%
Meetings with voters, meetings of citizens	78%
Placement of political advertisements in printed and audio-visual (electronic) media	37%
Outdoor political advertising	33%
Installation of campaign booths	30%
Music concerts, stage performances and shows, sports events, screening of movies and TV programs, other public events	26%
Public debates, discussions, round tables, press conferences	12%
Rallies, marches, demonstrations, pickets	4%

**Prevailing types of campaigning techniques among candidates for local mayors in the elections held on October, 29, 2017**

Type of campaigning technique	Percentage of UTCs where such campaigning activity was recorded
Meetings with voters, meetings of citizens	81%
Distribution of electoral leaflets, posters	80%
Placement of political advertisements in printed and audiovisual (electronic) media	41%
Outdoor political advertising	31%
Music concerts, stage performances and shows, sports events, screening of movies and TV programs, other public events	25%
Installation of campaign booths	23%
Public debates, discussions, round tables, press conferences	19%
Rallies, marches, demonstrations, pickets	2%

Public debates, discussions, roundtables, press conferences and mass events were the least popular forms of campaigning activity among political parties and candidates running for first local elections on October, 29. Other nonconventional campaigning methods (such as social media and online tools) also were seldom or never used for campaigning purposes by electoral subjects, which is obviously due to Internet network under-coverage and insufficient use of Internet in rural areas.

In the course of monitoring of campaigning activity in the elections scheduled for December, 24, 2017, OPORA observers noted that prevalence of campaigning methods, such as distribution of leaflets, posters and other printed campaign materials, remained on trend and they were used most often by candidates for deputies to local councils (used in 61% of UTCs). Conduct of meetings with voters was the most popular campaigning activity in 42% of united territorial communities. Placement of political advertisements in the media and outdoor political advertising were the most frequently used campaigning techniques in 22% and 17% of UTCs, correspondingly. Meanwhile, active installation of campaign booths of candidates for local deputies was recorded in 14% of territorial communities. Distribution of printed materials and meetings with voters were the most popular campaigning methods among mayoral candidates in UTCs. However, candidates for city, township and village mayors made more active

use of political advertisement in printed and audiovisual media as compared to candidates for local deputies.

Large-scale distribution of printed campaign materials by political parties and candidates is in marked contrast to the situation with respect to submission of copies of each printed campaign material produced at the expense of candidate's election fund and with the use of candidate's equipment to the relevant TEC within two days of production of such materials (Clause 3 of Article 56 of the Law "On Local Elections"). The volumes of campaign materials detected by observers by no means correspond with the isolated cases of submission of samples of campaign products to the territorial election commissions.

Only about one-third of local organizations of political parties in all city UTCs submitted copies of campaign materials to TECs. Meanwhile, less than 10% of all candidates in village and township communities provided TECs with the copies of campaign materials in compliance with legal requirements. Unsatisfactory implementation of the aforesaid provision of the law stems from the fact that there is no clearly defined liability for violation of this requirement, while the TECs have no means of control over the progress of campaigns of electoral subjects and enforcement of legislation. In this context, observers recorded cases of using the technologies that narrow down potentialities for free expression of voters' will, although such technologies were used on a smaller scale as compared to the parliamentary elections. In particular, observers recorded manifestations of potential undue influence on election results through the use of the so-called "clone" candidates – individuals whose personal details are identical to those of top-rated or well-known candidates. In the elections held on October, 29, 2017, "clone" candidates for deputies were detected in 7.3% of united territorial communities, while "clone" candidates for local mayors were detected in 5% of all UTCs. The fictitious nature of registration of "clone" candidates is evidenced by the fact that none of them conducted any sort of public campaigning activity.

Cases of withdrawal from election on the grounds of candidate's personal application or request from local party organization were rare, despite the fact that a large proportion of candidates for deputies and mayoral candidates did not conduct public campaigning activities. 3.2% of candidates for local mayors pulled out of election race and submitted declarations of withdrawal. At the same time, less than 1% of candidates for deputies decided to withdraw from elections. This goes to prove that the real purpose of registering such "dummy" candidates, first of all, was to gain uncompetitive advantages in the election process, in particular by way of obtaining additional quotas for representation in the precinct election commissions.



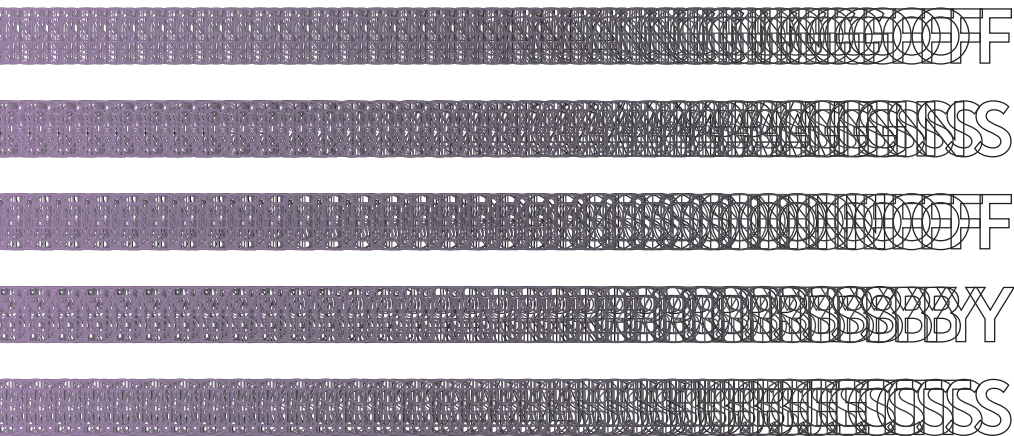
# FINANCING OF ELECTION CAMPAIGNS AND SUBMISSION OF FINANCIAL REPORTS BY ELECTORAL SUBJECTS

In the course of election campaign Civil Network OPORA observers analyzed the process of submission of financial reports by political parties and candidates who stood for first local elections in UTCs.

According to clause 4 of Article 71 of the Law of Ukraine “On Local Elections”, manager of the accumulation account of the election fund of party’s local organization is obliged to submit an interim financial report covering the period from the day of opening of the accumulation account of the election fund till the 10th day before the Election Day to the relevant territorial election commission on the form approved by the Central Election Commission no later than 5 days before the Election Day.

Only 1% of candidates for deputies to village and township councils submitted interim financial reports to the TECs. OPORA also analyzed the situation with respect to submission of interim reports by local organizations of political parties in all city UTCs. None of political parties filed interim reports in 12 out of 25 city UTCs, in which the elections to city councils took place on October, 29. The best examples of responsible attitude to financial reporting were recorded in Ichnya city UTC (Chernihiv oblast), where 7 out of 10 (or 70%) parties submitted interim reports, and in Verkhnyodniprovsk city UTC (Dnipropetrovsk oblast), where 5 out of 12 (42%) parties complied with provisions of the law on financial reporting. Among the most responsible parties in terms of submission of





interim reports were “Samopomich” Union (submitted interim reports in 7 city UTCs), AUU “Batkivshchyna” (interim reports filed in 6 city UTCs), while “Petro Poroshenko Bloc “Solidarity”, “Ukrainian Union of Patriots – UKROP”, Agrarian Party of Ukraine and “Nash Krai” submitted interim reports in 5 city UTCs.

According to OPORA, 16.4% of candidates for village, township and city mayors submitted interim financial reports. Candidates for city mayors demonstrated the most responsible attitude to financial reporting – almost one third of them (29.3%) submitted interim reports. Proportions of candidates for township and village mayors who filed interim reports – 20.7% and 11% correspondingly.

### Submission of financial reports by candidates for local heads in 29 October 2017 elections

Candidates for village heads	11%	89.0%
Candidates for settlement heads	20.7%	79.3%
Candidates for city heads	29.3%	70.7%
<b>Total number of candidates</b>	<b>16.4%</b>	<b>83.6%</b>

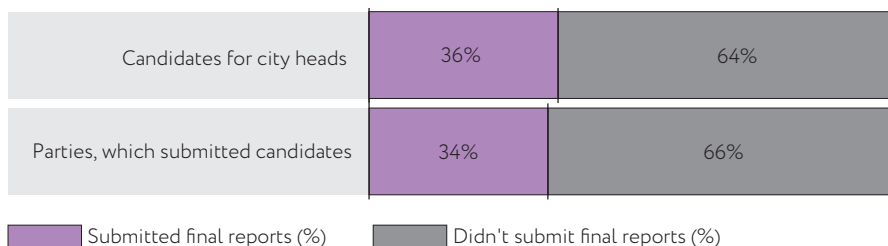
 Submitted the reports (%)       Didn't submit the reports (%)

According to Article 71 of the Law “On Local Elections”, manager of the current account of the election fund of party’s local organization / candidate for deputy / candidate for local mayor is obliged to submit a final financial report to the relevant territorial election commission on the form approved by the Central Election Commission no later than 7 days after the Election Day.

Final financial reports were submitted only by 43 out of 121 (or 36%) registered candidates for city mayors in the elections held on October, 29, 2017. Among those candidates who submitted final reports 79% were nominated by political parties and 21% were self-nominees.

In average, final financial reports were submitted only by 34% of political parties which nominated their candidates for elections to city councils in UTCs held on October, 29, 2017. The highest level of party discipline in terms of financial reporting was recorded in Buryń city UTC (Sumy oblast), where 7 out of 12 political parties (58%) submitted final reports to TECs. By contrast, the worst example of compliance with legal provisions on financial reporting was recorded in Andriyivka UTC, where none of the 5 registered parties submitted final reports.

**Final reports, submitted by candidates for city heads and parties, which nominated candidates for city council members in 29 October 2017 elections**



OPORA also analyzed the situation with respect to opening the election fund accounts of candidates for local mayors and informing the election commissions about this fact. The election fund of candidate for deputy in single-member electoral district and candidate for village / township / city mayor includes one current account for receiving funds to finance election campaigning activities. A copy of TEC decision on registration of relevant candidate shall constitute legal grounds for opening the current account of election fund. The bank shall inform the territorial election commission about the opening of current account as well as current account details no later than on the next business day following the opening of current account of election fund (Article 70 of the Law “On Local Elections”). According to OPORA, 45% of candidates for local mayors did not inform TECs about the opening of current account of election

fund, which basically makes it impossible to exercise any control over receipt of funds, receipt accounting and the use of election funds on hand. It is to be recalled that TEC and banking institution, in which the election fund account was opened, are the ones responsible for exercising control over the flow of electoral funds (clause 9 of Article 72 of the Law “On Local Elections”).

In the process of further improvement of local election law it is advisable to hold a comprehensive discussion on participation of local party organizations in financing of election campaigns of their nominees who stand for election in single-member districts. The current Law of Ukraine “On Local Elections” does not authorize the local organizations of political parties, whose candidates were nominated for election in single-member districts, to create their own election funds. According to paragraph 1 of Article 70 of the Law, election fund accounts can be opened by candidates for deputies in single-member districts (elections to village and township councils) and local organizations of political parties whose nominees were registered as candidates in multi-member districts (elections to city councils). The actual practice testifies that some candidates for deputies to village and township councils are unable to open and manage election fund accounts all by themselves. Meanwhile, local party organizations are highly motivated to help their nominees in pre-election campaigning. For example, in 17 out of 19 UTCs the local organizations of “Ukrainian Union of Patriots – UKROP” made a practice of opening the election fund account for one of their candidates, which was used for financing the election campaigns of all the other candidates nominated by this political force in the first local elections. It was also quite common to distribute campaign materials produced at the expense of central and oblast offices of party organizations using the funds other than the election funds of candidates running in local elections (for example, in Mykolayiv and Kharkiv oblasts, etc.). The scale of campaigning activity of local party organizations in the elections to local councils held in single-member districts is also limited by the impossibility to make official non-material contributions from political party to election fund of a candidate. OPORA noted that the main task for the government is to ensure the transparency of election campaign finance while preventing candidates from spending “shadow” money. This task is compatible with the desire of local party organizations to conduct effective election campaigns, and therefore the legislator should consider the possibility of improving the corresponding legal regulations.

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# VIOLATIONS OF ELECTORAL LAW COMMITTED IN THE COURSE OF CAMPAIGNING ACTIVITY OF POLITICAL PARTIES AND CANDIDATES

As of the end of October, 2017, OPORA observers recorded more than 250 electoral violations of different kinds which were committed by electoral subjects. Distribution of campaign materials in places prohibited by law was the most common type of electoral violation (40% of the total number of recorded violations). There were also numerous, although not so common, cases of distribution of campaign materials without relevant information (16% of all violations). The last two weeks before the Election Day (October, 29, 2017) were marked by increase in the number of cases of abuse of administrative resources which were most often manifested in the use of commune-owned media outlets for campaigning purposes (just over 6.3% of the total number of violations), placement of campaign materials at the premises of state authorities, state-owned and commune-owned enterprises and institutions (6.3% of all violations), as well as the use of official events for campaigning purposes by office-holders (6% of all violations).

## Rankings of electoral violations (as of October, 26, 2017)

Type of violation	Number of cases recorded	% of the total number of violations
Distribution of campaign materials in places prohibited by law	101	40.1%
Distribution of campaign materials without relevant information	39	15.5%
Placement of campaign materials and political advertisements at the premises of state authorities, state-owned and commune-owned enterprises and institutions	16	6.3%
Use of commune-owned media outlets and official periodicals of central and local authorities for campaigning purposes	16	6.3%
Use of official events for campaigning purposes by office-holders	15	6.0%
Members of election commissions evading the fulfillment of their duties without good cause	13	5.2%
Involvement of public officials and employees of state-funded entities in campaigning activities	12	4.8%
Office-holders (public officials) voicing their support for candidates during working hours	12	4.8%
Depriving journalists and civic observers of the right to get acquainted with electoral documentation, imposing unlawful restrictions on photography, audio and video recordings	12	4.8%
Other violations	16	6.3%

OPORA observers recorded cases of involvement of the leadership of local administrations in de facto campaigning activities (in particular, head of Kherson oblast state administration attended public events along with candidates for local elections, and this was accompanied by distribution of campaign materials containing an interview in which head of Kherson oblast state administration declared his support of certain candidates for elective office). In such cases,

OPORA observers did not detect any violations of specific restrictions imposed by electoral law on the part of public officials due to the current specifics of legislative regulation. However, as has been pointed out on numerous occasions by OPORA, public officials of central and local authorities should aim not only to comply with specific legislative restrictions, but also abide by electoral standards for equal treatment of all candidates as well as promote adherence to the principle of equal opportunity for electoral subjects. Among other things, cases of abuse of administrative resources were exemplified by distribution of campaign materials at the premises of state authorities. The practice of hidden abuse of budgetary resources manifested itself in implementation of local socio-economic development programs (cases recorded in Kyiv and Kirovohrad oblasts) and holding of events related to commissioning of new facilities which were built at the expense of subventions for socio-economic development of certain territories (Chernivtsi oblast).

Furthermore, the last few weeks of election campaign were marked by the increasing number of cases of pre-election charity, which is basically a technology for provision of material incentives for voters with the aim of obtaining additional electoral advantages and shaping a positive public opinion of electoral subjects. Application of such technology usually constituted an indirect bribery of voters.

OPORA observers noted that in the majority of united territorial communities (in 68% of all UTCs) law enforcement agencies did not hold high-level preventive and awareness-raising activities among voters and electoral subjects in UTCs with respect to counteraction of electoral violations.

Observers recorded fewer electoral violations in December, 2017 elections, partly due to smaller geographic scale of electoral process scheduled for December, 24, 2017, compared with elections held on October, 29 (51 UTCs as opposed to 201 UTCs, correspondingly). However, the typology of violations was the same as in October elections, including distribution of campaign materials without relevant information or distribution in places prohibited by law.

In the course of the election campaign OPORA has been regularly receiving the information from various electoral subjects about cases of potential election fraud (including bribery of voters) which couldn't be verified. In practice, verification of such information would be possible only in the case of effective cooperation between law enforcement agencies, candidates, voters and observers.

Civil Network OPORA monitored the activity of law enforcement agencies of Ukraine in terms of their response to police reports and appeals filed by citizens as well as progress in investigation of proceedings registered in the Unified register of pre-trial investigations. According to OPORA's data collected

by means of requests for public information, a total of 443 reports and appeals were received from territorial departments of the National Police of Ukraine in the first local elections held on October, 29 and December, 24, 2017, of which 372 reports and appeals were written off by way of a conclusion or examined in accordance with the Law of Ukraine “On Appeal of Citizens”.

National Police departments drew up a total of 17 administrative offence reports related to electoral process (according to Articles 212-10, 212-13, 212-14 of the Code of Ukraine on Administrative Offences). The articles of the Code constituting legal grounds for drawing up administrative offence reports cover cases of violation of restrictions on pre-election campaigning, production and distribution of campaign materials without output data, non-compliance with the procedure for placing campaign materials or placement of campaign materials in prohibited places.

In the first local elections held on October, 29 and December, 24, 2017, National Police of Ukraine opened 44 criminal proceedings related to electoral process. As of February, 2018, police departments ceased 20 criminal proceedings, while the remaining 20 proceedings were pending. High-profile criminal cases include investigation of attack launched on a polling station in Maiske village (Synelnykove rayon, Dnipropetrovsk oblast), bribery of voters by way of organizing free trips to Bukovel ski resort in Ivano-Frankivsk oblast, alleged bribery of voters in Shabo and Mayaky UTCs (Odesa oblast).

Investigations into falsification of election documentation also have the potential for becoming important precedents. In particular, the police is carrying out an investigation into alleged forgery of declarations of consent to be nominated by “Ukrainian Union of Patriots – UKROP” party for the first local elections held on October, 29, 2017. These declarations were submitted to Horodok city TEC (Khmelnysky oblast) on behalf of some of the residents of Khmelnysky city. In Mykolayiv oblast, the police conducts a similar investigation into alleged forgery of signatures affixed to documents for registration of candidates which were submitted by head of one of the local organizations of “Samopomich” Union. In Cherkasy oblast, there is a pending investigation into alleged forgery of minutes of TEC meeting.



## Statistics of criminal proceedings in the first local elections held on October, 29 and December, 24, 2017 \*

Oblast	Opened proceedings	Ceased proceedings	Pending proceedings
Volyn	2	2	0
Dnipropetrovsk	5	3	2
Zaporizhzhya	1		1
Ivano-Frankivsk	1		
Kyiv	4	2	2
Kirovohrad	2	2	
Lviv	1	1	
Mykolayiv	3	1	2
Odesa	3	1	2
Poltava	9	2	7
Rivne	1	1	
Sumy	2		2
Kherson	2	1	1
Khmelnysky	4	3	1
Cherkasy	2	1	1
<b>Total</b>	<b>42</b>	<b>20</b>	<b>22</b>

\*regional departments of National police in Chernihiv and Luhansk oblasts failed to provide any data on criminal proceedings in response to information request

In the run-up to the Election Day in the first local elections scheduled for October, 29, 2017, AUU “Batkivshchyna” made a statement on numerous cases of undue pressure exerted on its candidates and launching threats against its representatives. OPORA addressed AUU “Batkivshchyna” and other political forces participating in relevant elections with a request for detailed information about illegal actions against their candidates. Following on from the results of the meeting between OPORA’s representatives and the leadership of AUU “Batkivshchyna”, OPORA received summary information about “Batkivshchyna” party’s nominees who refused to run in local elections due to alleged exertion of pressure on them. Having no authority to investigate criminal offences, OPORA wasn’t empowered to carry out thorough examination of provided information about unlawful pressure on candidates with the aim of influencing

their decision on participation or refusal to participate in the first local elections. All these cases must be investigated by law enforcement agencies which are obliged to adhere to the principle of political impartiality. Statements of candidates or representatives of political parties concerning undue pressure exerted on them constitute good grounds for conducting impartial investigation. Meanwhile, active cooperation between electoral subjects and law enforcement agencies is an important factor in prompting the government to ensure inevitability of punishment for crimes against electoral rights of citizens.

Civil Network OPORA urges the law enforcement agencies of Ukraine to ensure impartial investigation of crimes against electoral rights of citizens and extensively inform the general public about results of investigation of electoral crimes.



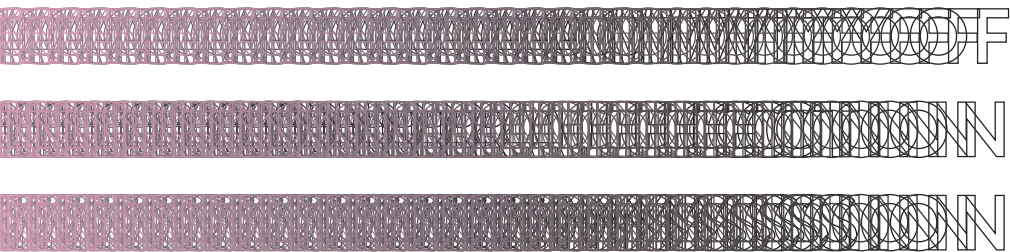
# ACTIVITY OF CENTRAL ELECTION COMMISSION

## **Main areas of activity of the CEC in the first local elections in UTCs**

In the first local elections in UTCs held on October, 29 and December, 24, 2017, CEC exercised control over observance and uniform application of local election law, adopted clarifications of issues related to application of the Law of Ukraine “On Local Elections” binding for all electoral subjects, central authorities and local self-government bodies.

According to paragraph 7 of Article 14 of the Law “On Local Elections”, CEC has the exclusive authority to call the first elections of deputies to local councils as well as elections of village, township and city mayors. According to paragraph 8 of Article 7 of the Law of Ukraine “On Voluntary Association of Territorial Communities”, CEC shall call the first elections of deputies to village, township and city councils as well as elections of village, township and city mayors in united territorial communities at the request of oblast state administrations. A detailed procedure for calling of first local elections in UTCs upon the results of consideration of requests from oblast state administrations was established by a separate CEC Resolution #32 as of February, 12, 2016 (as subsequently amended).

In addition, Central Election Commission was placed under an obligation to determine the monetary deposit amounts with respect to candidates for deputies and candidates for local mayors within each multi-member (in the case of elections to city councils) and unified single-member district (in the case of elections of city mayors) before the beginning of election process. Monetary deposit amounts for candidates running in the elections of city mayors and



electoral lists of candidates for deputies to city councils are determined on a 4 times the minimum wage amount per 100,000 voters basis. On August, 31, 2017, CEC adopted a Resolution #168 which established the monetary deposit amounts with respect to candidates for city mayors and electoral lists of candidates for deputies to city councils in the first local elections held on October, 29, 2017, ranging from 992 UAH (elections to Kitsman city council in Chernivtsi oblast) to 3,552 UAH (elections to Ovruch city council in Zhytomyr oblast). CEC Resolution #225 as of October, 18, 2017, established the monetary deposit amounts with respect to candidates for city mayors and candidates for deputies to city councils in the first local elections held on December, 24, 2017, ranging from 1,779 UAH (elections to Kamyanka-Buzka city council in Lviv oblast) to 2,328 UAH (elections to Tetiyiv city council in Kyiv oblast). According to the Law “On Local Elections”, monetary deposit requirement is not applicable to candidates standing for elections of village and township mayors and candidates for deputies to village councils.

Furthermore, the CEC adopted separate resolutions (#171 as of August, 31, 2017 and #230 as of October, 26, 2017) which determined the number of territorial, single-member districts to be formed by village, township and city election commissions for the purpose of organizing the elections to local councils during the first elections of deputies to village, township and city councils and corresponding elections of village, township and city mayors in united territorial communities scheduled for October, 29 and December, 24, 2017, respectively. The process of determining the boundaries of electoral districts (in accordance with the number of electoral districts established by the CEC) and the number of voters in each electoral district falls within the competence of city, township and village TECs.

On August, 18, 2017, Central Election Commission adopted a Resolution #164 which scheduled the first elections of deputies to village, township and city councils as well as corresponding elections of village, township and city mayors in united territorial communities for October, 29, 2017. According to Resolution #164, local elections were due to take place in 202 united territorial communities, but later on the CEC excluded Vodyane village council (UTC located in Shpola rayon, Cherkasy oblast) from the Resolution on calling of first local elections scheduled for October, 29, 2017.

According to clause 7 of CEC Resolution #32 "On the procedure for calling of first elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities" as of February, 12, 2016, Central election commission may establish absence of legal grounds for calling of first local elections and adopt a corresponding decision on return of application together with all the accompanying documents to oblast state administration, including in the case of receipt of decision of relevant local council on revocation of previous decision on voluntary amalgamation of territorial communities. On June, 27, 2017, Lypyanka village council (located in Shpola rayon, Cherkasy oblast) adopted a decision on revocation of its previous decision on voluntary amalgamation of territorial communities and formation of Vodyane village UTC, which had already been received by CEC. On August, 18, 2017, CEC adopted a Resolution #164 on calling of election to Vodyane village council and election of Vodyane village mayor in the UTC located in Shpola rayon (Cherkasy oblast). However, CEC Resolution #170 as of August, 31, 2017, introduced amendments to the previous Resolution by way of excluding Vodyane village UTC from the list of territorial communities in which the first local elections were scheduled. Resolution #167 did not provide any reasoning or justification of such decision. On September, 5, 2017, CEC adopted a Resolution #177 which established absence of legal grounds for calling of first elections in the Vodyane village UTC and announcement of electoral process of relevant local elections. Such a situation gives evidence of the fact that CEC did not examine the legal grounds for calling of first local elections in a proper manner before adopting a decision in respect of this specific community.

In summary, CEC scheduled the first local elections in 201 united territorial communities for October, 29, 2017. 201 UTCs comprised 933 local councils (25 city councils, 67 township councils, 841 village councils). At the same time, CEC announced the beginning of electoral process of elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities as from September, 9, 2017.

Following on from the results of consideration of requests submitted by 17 oblast state administrations, CEC adopted a Resolution #214 as of October, 12,

2017, which scheduled the first local elections in 49 united territorial communities for December, 24, 2017. Having additionally examined the requests filed by two other oblast state administrations, CEC adopted a Resolution #222 as of October, 13, 2017, which scheduled the first local elections in two more UTCs for December, 24. In summary, CEC scheduled the first local elections in 51 united territorial communities (5 city UTCs, 16 township UTCs, 30 village UTCs) for December, 24, 2017. 51 UTCs comprised 256 local councils. At the same time, CEC announced the beginning of electoral process of elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities as from November 4, 2017.

Furthermore, CEC allocated state-funded subventions to local budgets for preparation and holding of first elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities scheduled for October, 29, 2017, as well as production of voters' lists and voter invitation cards by efforts of bodies responsible for maintenance of the State register of voters for the purpose of preparation and holding of aforesaid elections. State-funded subventions for first local elections held on October, 29, 2017, amount to nearly 55,139,000 UAH, while oblast state administrations received slightly more than 241,000 UAH for production of voters' lists and voter invitation cards by efforts of bodies responsible for maintenance of the State register of voters.

CEC also granted approval to the allocation of state-funded subventions in the amount of 10,805,800 UAH to local budgets for the purpose of preparation and holding of first elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities scheduled for December, 24, 2017.

Overall, CEC adopted a total of 134 decisions in the August-December 2017 timeframe, 98 of which were directly related to the organization and holding of local elections.

The largest number of CEC decisions adopted during the specified period were related to consideration of requests of non-governmental organizations for obtaining permission to have official observers in the first local elections held in united territorial communities on October, 29 and December, 24, 2017. In the elections scheduled for October, 29, 2017, CEC granted official observer status to representatives of 17 NGOs. In addition, CEC adopted a resolution on registration of official observers representing the National Democratic Institute for International Affairs. In the first local elections scheduled for December, 24, 2017, a total of 11 NGO were granted permission to have official observers.

Furthermore, CEC adopted 18 decisions on replacements in the composition of territorial election commissions which make preparations and carry out local elections. Some of these TECs were empowered to administer, among other things, the first local elections scheduled for October, 29 and December, 24, 2017.

CEC adopted 6 decisions on introduction of amendments to its previous resolutions. In particular, CEC adopted a Resolution #160 as of August, 16, 2017, which amended the Resolution #32 “On the procedure for calling of first elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities” as of February, 12, 2016, with regard to implementing a new form of request for calling of first local election to be submitted by oblast state administrations. Later on, Resolution #32 was amended for the second time following the adoption of Resolution #213 as of October, 12, 2017. In particular, Resolution #213 stipulates that Central Election Commission shall consider the oblast state administration’s request for calling of first local elections in united territorial communities comprising contiguous rayon (rayons) and city (cities) of oblast or republican significance in the Autonomous Republic of Crimea, as well as elections in UTCs located in certain areas of Donetsk and Luhansk oblasts, where regular local elections were not scheduled and / or held on October, 25, 2015 – only after the Verkhovna Rada of Ukraine has settled the legal issues related to calling and holding of local elections in such cases or in these areas.

Central election commission adopted 4 resolutions on absence of legal grounds for calling of first local elections in certain UTCs of Ternopil, Ivano-Frankivsk and Cherkasy oblasts. CEC received the decisions of local councils on revocation of their previous decisions on voluntary amalgamation of territorial communities and formation of UTCs, which constituted legal grounds for adoption of the aforesaid resolutions. In doing so, CEC was justifiably guided by clause 7 of the “Procedure for calling of first elections of deputies to village, township, city councils and corresponding elections of village, township, city mayors in united territorial communities”.



## Breakdown of CEC decisions adopted in the August-December 2017 timeframe by thematic scope

Subject matter of decisions	Number of decisions
Granting official observer status to representatives of NGOs in the first local elections	41
Replacements in the composition of territorial election commissions which make preparations and carry out local elections	18
Amendments to CEC resolutions	6
Allocation of state-funded subventions to local budgets for preparation and holding of first local elections	5
Establishing the absence of legal grounds for calling of first local elections	4
Approval of time schedule of first local elections	3
Calling of first local elections	3
Calling of by-election	3
Decisions related to electoral districts	3
Monetary deposit amount for candidates running in first local elections	2
Other issues	10

## Activity of CEC in the context of unsettled area of law

On the day of scheduling of first local elections in united territorial communities for October, 29, 2017, CEC addressed the relevant committees of the Verkhovna Rada of Ukraine with an appeal to fill major gaps in legislation insofar as it relates to calling and holding of first elections in village and township UTCs comprising territorial communities of contiguous rayons. According to CEC Resolution #161 as of August, 18, 2017, legal issues related to calling of elections in UTCs comprising territorial communities of cities of oblast significance (or cities of republican significance – in the case of Autonomous Republic of Crimea) and territorial communities of villages, townships and other cities, or territorial communities of other contiguous rayons, also remain unresolved.

The problem raised by CEC stems from the absence of legal regulation of the circumstances which occurred following the parliamentary adoption of the Law of Ukraine “On Introduction of Amendments to Certain Legislative Acts of Ukraine Concerning Special Aspects of Voluntary Association of Territorial Communities Located in the Territories of Contiguous Rayons” in April, 2017. The Law makes provision for extending the boundaries of rayon whose territory accommodates the administrative center of newly formed UTC comprising territorial community located in the territory of contiguous rayon. Unfortunately, legal permission for amalgamation of territorial communities located in the territories of several contiguous rayons wasn’t supplemented by the introduction of corresponding changes in the law on local elections and State register of voters, which led to legal uncertainty in the matter of application of key electoral procedures and administration of voter lists in the relevant elections. Furthermore, CEC Resolution #161 drew the attention of parliamentary committees to the absence of legal certainty in the matter of calling of first local elections in united communities located in certain areas of Donetsk and Luhansk oblasts, in which regular local elections were not scheduled for 2015 in accordance with the Resolution of the Verkhovna Rada of Ukraine.

According to OPORA, the appeal of Central election commission concerning the need for legal regulation of special aspects of calling of first local elections in united territorial communities was substantiated and laid the groundwork for prompt resolution of the problem by the Verkhovna Rada of Ukraine.

In the run-up to the start of electoral process of first local elections in united territorial communities scheduled for October, 29, 2017, CEC readdressed the committees of the Verkhovna Rada of Ukraine with an appeal to ensure legal regulation of issues related to calling and holding of local elections in UTCs comprising territorial communities of contiguous rayons (cities of oblast significance and villages, townships, cities, communities of contiguous rayons or other cities). CEC Resolution #181 as of September, 5, 2017, provided the parliamentary committees with detailed explanations of the consequences of legal uncertainty for electoral process in certain territorial communities, where local elections were scheduled prior to enacting legal regulation of special aspects. The problem of determining the local party organizations which have the right to nominate candidates for local elections or candidates for members of election commissions in UTCs comprising territorial communities of contiguous rayons, also remains unresolved.

The principle of legal certainty was also violated in the matter of submission of income declarations by candidates standing for first local elections. Paragraph 1 of Article 45 of the Law of Ukraine “On Local Elections” stipulates that declaration of property, income, expenses and financial obligations shall be submit-

ted by the aforesaid candidates on the form established by the Law of Ukraine “On Principles of Prevention and Counteraction of Corruption”. However, the aforesaid Law was abolished, and now the applicants of declarations are governed by the Law of Ukraine “On Prevention of Corruption” which came into force on January, 1, 2017. According to paragraph 3 of Article 45 of the Law “On Prevention of Corruption”, candidates for political office, including candidates for deputies to city / village / township councils and candidates for the position of village / township / city mayor, shall submit the declaration of a person, authorized to perform functions of the state or local self-government, for the preceding year in the manner prescribed by this Law.

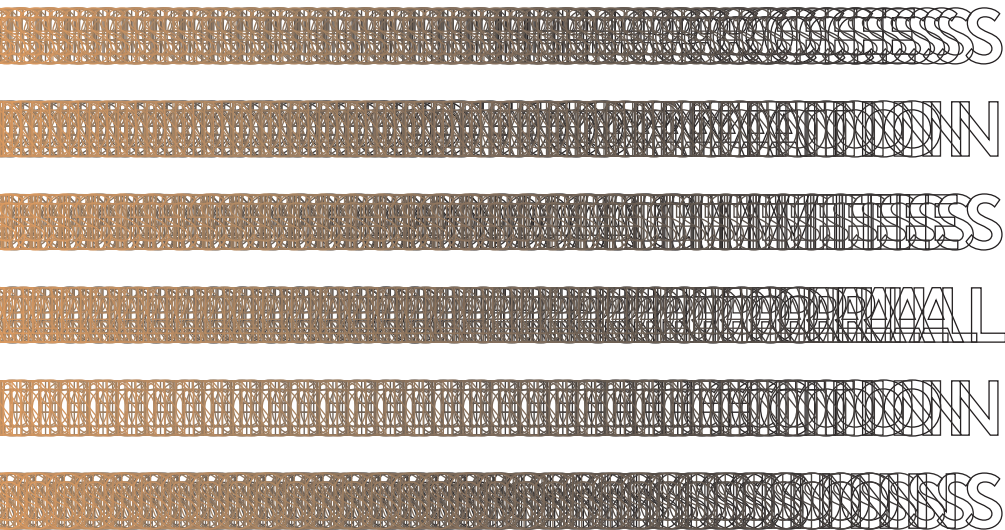
On June, 10, 2016, National Agency on Corruption Prevention adopted a decision on establishment of declaration form for persons authorized to perform functions of the state or local self-government, which stipulates that electronic declaration shall be filled out and submitted in person by declaration applicant on the website of National Agency on Corruption Prevention via personal electronic cabinet in the system of the Unified state register of declarations of persons authorized to perform functions of the state or local self-government. The current anti-corruption law does not require the submission of hard copies of declarations. At the same time, Articles 39 and 40 of the Law “On Local Elections” stipulate that relevant TEC shall register a candidate for local elections only upon submission of necessary documents, including the declaration of property, income, expenses and financial obligations. In the end, this conflict of laws wasn’t settled, which is why a significant part of electoral procedures was carried out under conditions of inadequate legislative regulation.

# THE PROCESS OF FORMATION AND ACTIVITIES OF TERRITORIAL ELECTION COMMISSIONS

## **Nomination of candidates for members of TECs by local organizations of political parties**

Law of Ukraine “On Local Elections” stipulates that rayon election commissions operating on a permanent basis shall appoint the composition of TECs for holding first local elections in united territorial communities.

Only two electoral subjects are entitled to nominate candidates for members of TECs in the first local elections: 1) local organizations of political parties, which announced the formation of parliamentary factions at the first regular session of the Verkhovna Rada of Ukraine of current convocation; 2) local organizations of political parties registered in the corresponding administrative-territorial unit. Local organizations of parliamentary parties are entitled to nominate two candidates to each TEC, and they are included in the composition of TEC on a mandatory basis. Meanwhile, local organizations of other political parties are allowed to nominate only one candidate who is included in the composition of TEC without undergoing a random procedure of drawing lots only in the case where the total number of candidates nominated by aforesaid



electoral subjects is fewer than 18 persons. This means that local organizations of parliamentary parties have the right to nominate 3 candidates, of which two are included in the composition of TEC on a mandatory basis.

The current law stipulates that each TEC must be composed of no fewer than 9 members and no more than 18 members. Head of rayon election commission may, at his own instance, nominate the required number of candidates in order to arrange for formation of TEC with the inclusion of minimum allowed number of members in cases where the total number of candidates nominated by electoral subjects is insufficient.

Local organizations of political parties had the opportunity to nominate candidates for members of TECs, which were formed for holding first local elections, no later than 45 days before the Election Day, in particular: on or before September, 13 – for elections held on October, 29, 2017, and on or before November 8 – for elections held on December, 24, 2017. In their turn, rayon election commissions were obliged to form TECs no later than 42 days before the Election Day (on or before September, 13 and on or before November 8, correspondingly).

A total of 206 territorial election commissions were formed in the first local elections in united territorial communities held on October, 29, 2017, including 25 city commissions (12% of the total number of commissions), 62 township commissions (30%) and 119 village commissions (58%). In the elections held on December, 24, 2017, a total of 51 territorial election commissions were formed in almost the same proportion: 5 city commissions (10%), 16 township commissions (31%) and 30 village commissions (59%).

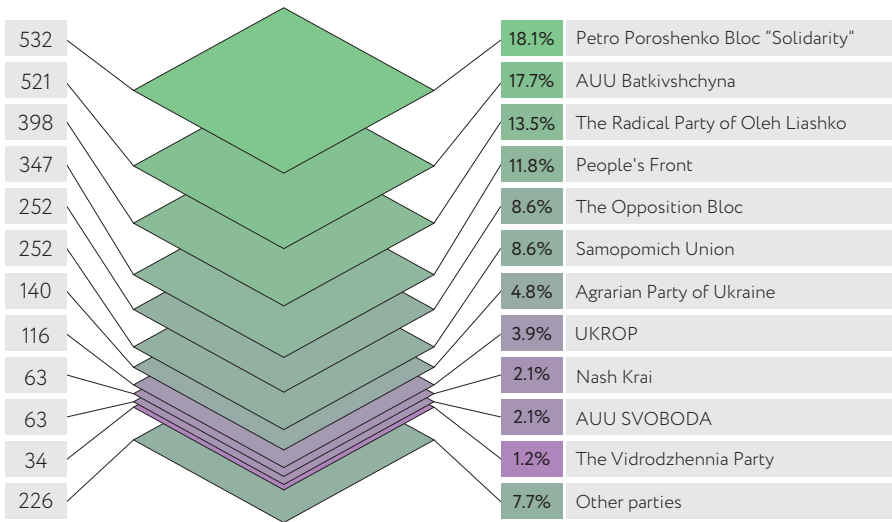
OPORA conducted comprehensive monitoring of the process of nomination of local party representatives to the territorial election commissions in the first local elections as well as monitored the activities of rayon election commissions with regard to forming TECs. According to OPORA, rayon election commissions complied with the deadlines for appointment of local party representatives who were nominated to serve as members of TECs in the first elections held in united territorial communities, without giving unlawful preferences to certain electoral subjects.

According to OPORA's swiftly collected and processed data, a total of 2,944 candidates were nominated by local party organizations to serve as members of TECs formed for holding first local elections on October, 29, 2017, and nearly 80% of the total number of candidates were put forward by local organizations of parliamentary parties. Similarly, 582 candidates were nominated by local party organizations to serve as members of TECs in the elections scheduled for December, 24, 2017, and 80% of them were also put forward by local organizations of parliamentary parties.

In the first elections scheduled for October, 29, 2017, local organizations of Petro Poroshenko Bloc "Solidarity" have put forward the largest number of candidates for members of TECs (532 candidates) compared to other parliamentary parties. Local organizations of AUU "Batkivshchyna" party have shown similar high level of activity with regard to nominating candidates for TEC members (521 candidates). These political forces took full advantage of their rights and nominated their candidates to almost all TECs, which were monitored by OPORA observers ("Solidarity" PPB nominated its candidates to all but 6 TECs, AUU "Batkivshchyna" – to all but 5 TECs). Local organizations of "Opposition Bloc" and "Samopomich" Union nominated the smallest number of candidates (252) in comparison to other parliamentary parties. Local organizations of Radical Party of Oleh Liashko and "People's Front" party have put forward 398 candidates and 347 candidates for TEC members, correspondingly. According to OPORA's estimates, Radical Party of Oleh Liashko did not nominate any candidates to 15% of all TECs that were formed in the first local elections held on October, 29. Furthermore, local organizations of "People's Front" party did not nominate any candidates to 26% of all TECs, "Opposition Bloc" and "Samo-

“pomich” Union – to more than 45% of all TECs. Local organizations of Agrarian Party of Ukraine and “Ukrainian Union of Patriots – UKROP” have shown the highest level of activity with regard to nominating candidates for members of TECs (140 and 116 candidates, respectively) in the first local elections held on October, 29, 2017, as compared to local organizations of other extra-parliamentary parties. Meanwhile, local organizations of “Nash Krai” and AUU “Svoboda” each nominated 63 candidates for TEC members, local organizations of “Vidrodzhennia” party – 34 candidates.

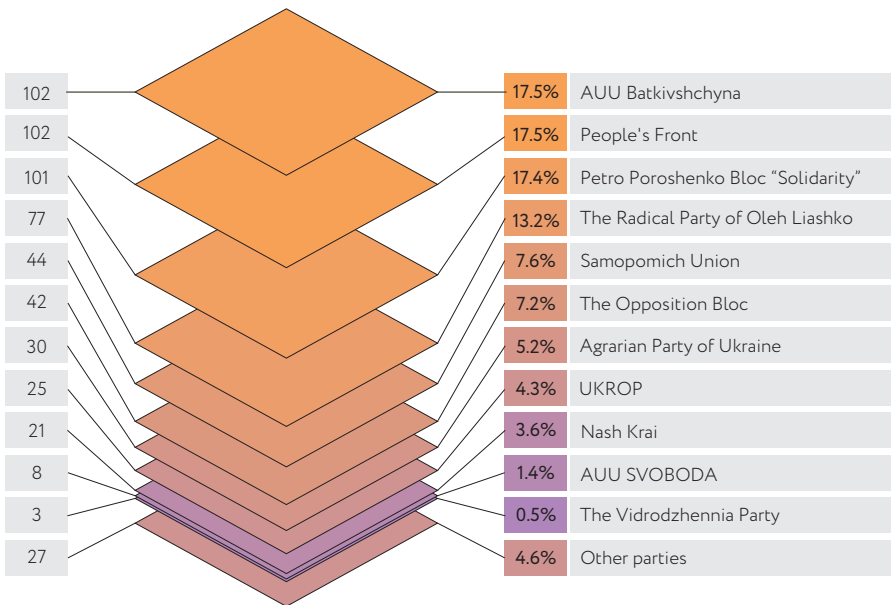
**Candidates for TEC membership, submitted by parties in 29 October 2017 elections**



In the first local elections scheduled for December, 24, 2017, the largest number of candidates for members of TECs was nominated by local organizations of “People’s Front” (102) and AUU “Batkivshchyna” (102), followed closely by local organizations of “Petro Poroshenko Bloc “Solidarity” which put forward 101 candidates for TEC members. The latter two political forces took full advantage of their rights and put forward their candidates to almost all TECs (with the exception of Kazanka township election commission in Mykolayiv oblast and Mologa village election commission in Odesa oblast), which were monitored by OPORA observers. “People’s Front” was the only political force which nominated its candidates to all election commissions that were covered by OPORA’s monitoring. “Samopomich” Union and “Opposition Bloc” have shown the lowest level of activity with regard to nominating candidates for TEC members (44 and 42 candidates, correspondingly) as compared to local organizations of other parliamentary parties. Local organizations of Radical Party of Oleh Liashko nominated a total of 77 candidates to 38 TECs. According to OPORA’s estimates, local organizations of “Opposition Bloc” did not put forward any candidates to almost half of all TECs (47%) formed for holding first local elections and covered by election monitoring. Meanwhile, local organizations of “Samopomich” Union did not nominate any candidates to 42% of all TECs, Radical Party of Oleh Liashko – to 8% of all TECs. Local organizations of Agrarian Party of Ukraine, “Ukrainian Union of Patriots – UKROP” and “Nash Krai” have shown the highest level of activity with regard to nominating candidates for members of TECs (30, 25 and 21 candidates, correspondingly) in the first local elections held on December, 24, 2017, as compared to local organizations of other extra-parliamentary parties. Meanwhile, local organizations of AUU “Svoboda” nominated only 8 candidates for members of TECs, and the rest of extra-parliamentary parties – even fewer than 8 candidates.



## Candidates for TEC membership, submitted by parties in 24 December 2017 elections



In summary, local organizations of “Petro Poroshenko Bloc “Solidarity” and AUU “Batkivshchyna” have shown the highest level of activity with regard to nominating candidates for the position of members of TECs in the first local elections scheduled for October, 29 and December, 24, 2017. Local organizations of “People’s Front” party stepped up their activities for nominating candidates to territorial election commissions in December, 2017 elections compared to first local elections held in October, 2017. The rest of local party organizations put forward relatively similar numbers of candidates to serve as members of TECs in both local election campaigns. Local organizations of “Samopomich” Union and “Opposition Bloc” were the least active political forces as compared to local organizations of other parliamentary parties, while Agrarian Party of Ukraine and “Ukrainian Union of Patriots – UKROP” nominated the largest number of candidates for members of TECs as compared to other extra-parliamentary parties.

The Law of Ukraine “On Local Elections” provides for the possibility of rejecting candidates submitted by local organizations of political parties in the process of formation of TECs in case of violation of requirements to be met by members of election commissions or the absence of accompanying documentation to be submitted by local party organizations (Article 21, paragraphs 2-11 of Article 22).

OPORA observers recorded 66 cases of rejecting candidates for members of TECs in all regions, where the first local elections took place on October, 29, 2017. Problematic situations were related to improper execution of documents for nomination, inclusion of persons who had no right to vote in the respective elections, nomination of candidates by local party organizations that were not registered in the respective administrative-territorial unit. Similarly, OPORA observers did not record large-scale cases of rejecting candidates for members of TECs in the course of monitoring of elections held on December, 24, 2017, indicating that local organizations of political parties properly executed their documents for nomination of candidates and there were no attempts to restrict the exercise of the right to be elected.

According to OPORA, local organizations of political parties failed to nominate sufficient number of candidates to 16 TECs in the first local elections held on October, 29, 2017, which was required for forming these TECs with the inclusion of minimum permissible number of members. As a consequence, rayon election commissions responsible for forming TECs were forced to nominate more than 120 candidates at their own instance in order to arrange for formation of TECs with the inclusion of minimum allowed number of members. In the elections held on December, 24, 2017, local party organizations managed to nominate a sufficient number of candidates to all TECs covered by OPORA's monitoring, which allowed for forming these TECs with the inclusion of minimum permissible number of members (9 persons) as provided for in the legislation.

According to OPORA, there were only 28 TECs (14% of the total number) in October, 29, 2017 elections and only 4 TECs (8% of the total number) in December, 24, 2017 elections, where all local party organizations combined have put forward candidates in number exceeding the maximum allowed number of TEC members. It should be recalled that the current law provides for conducting a random procedure of drawing lots only in the case where the total number of nominated candidates exceeds the number of vacant seats in TEC, in respect of which a draw procedure shall be carried out in order to fill the vacancies (with due observance of the requirement for mandatory inclusion of no more than 2 candidates nominated by local organizations of parliamentary parties). OPORA observers did not record large-scale violations of electoral procedures or conflicts between election commissions and local party organizations at the meetings for forming TECs and appointing TEC members via random procedure of drawing lots. However, some rayon election commissions did not comply with legal requirements to the full extent, as evidenced by certain court appeals and violations recorded by OPORA observers.

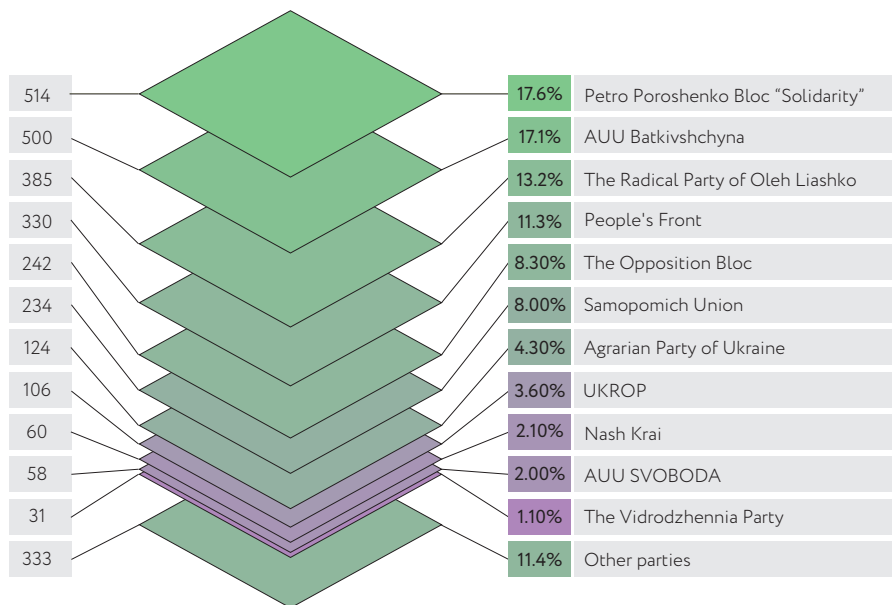
The vast majority of TECs in the first local elections held on October, 29 and December, 24, 2017, were formed by rayon election commissions in compliance with statutory deadlines.

## Quantitative composition and party representation structure of TECs

Nearly 70% of all TECs that were formed for holding first local elections in united territorial communities on October, 29, 2017, consisted of 10-17 members. In the elections held on December, 24, 2017, TECs consisting of 10-17 members accounted for 71% of all TECs. In the elections held on October, 29, 2017, 30% of the total number of TECs were formed with the inclusion of maximum allowed number of members. In the elections held on December, 24, 2017, TECs consisting of maximum allowed number of members accounted for 29% of all TECs. Only 3% of all TECs were formed with the inclusion of minimum permissible number of members in October, 2017 elections, and there were no commissions with minimum number of members in the elections held in December, 2017. Looking from a perspective of territorial-administrative division, city election commissions were the better-staffed ones as compared to village and township commissions, which is due to traditionally high level of activity shown by local party organizations in the matter of nominating candidates to city TECs. In the elections held on October, 29, 2017, nearly 25% of village and township TECs consisted of 18 members, indicating that political parties and their local organizations have shown interest in ensuring balanced party representation in the composition of election commissions.

In the first local elections held in united territorial communities on October, 29, 2017, candidates nominated by local organizations of "Petro Poroshenko Bloc "Solidarity" and AUU "Batkivshchyna" gained the largest number of seats in territorial election commissions. Representatives of each of the two political forces account for more than 17% of all members of TECs. It should be noted that there were only a few TECs which did not include any nominees of the aforesaid parties ("Solidarity" PPB wasn't represented in 6 TECs, AUU "Batkivshchyna" – in 5 TECs). In the first local elections held in united territorial communities on December, 24, 2017, candidates nominated by local organizations of "Petro Poroshenko Bloc "Solidarity" and "People's Front" won the largest number of seats in territorial election commissions. Representatives of each of the two political forces account for over 18% of all members of TECs. Nominees of AUU "Batkivshchyna" gained 17% of all seats in TECs. There were only a few TECs which did not include any nominees of the aforesaid parties: "People's Front" had no representatives in 1 TEC, "Solidarity" PPB – in 2 TECs, AUU "Batkivshchyna" – in 3 TECs.

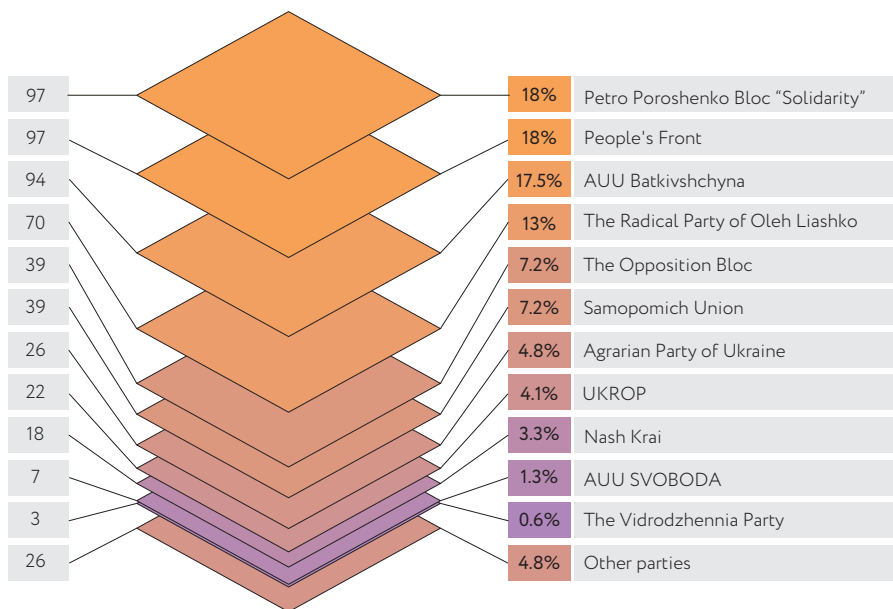
## Representation of parties in TECs in 29 October 2017 elections



Nominees of "Samopomich" Union and "Opposition Bloc" gained the smallest number of seats in TECs in the elections scheduled for October, 29, 2017, as compared to local organizations of other parliamentary parties. These political forces had no representatives in 40% of all TECs (taking into account the possibility of nominating several candidates to one TEC and no candidates to another TEC). Candidates nominated by "Samopomich" Union and "Opposition Bloc" also won the smallest number of seats in TECs in the elections held on December, 24, 2017 (representatives of each of the two parties accounted for 7% of all members of TECs), as compared to other parliamentary parties. Moreover, these political forces had no representatives in more than 45% of all TECs in December elections.

Local organizations of Agrarian Party of Ukraine, "Ukrainian Union of Patriots – UKROP" and "Nash Krai" were represented by the largest number of TEC members, as compared to other extra-parliamentary parties, in the elections held on October, 29 and December, 24, 2017. They were followed closely by AUU "Svoboda" and "Vidrozhennia" party.

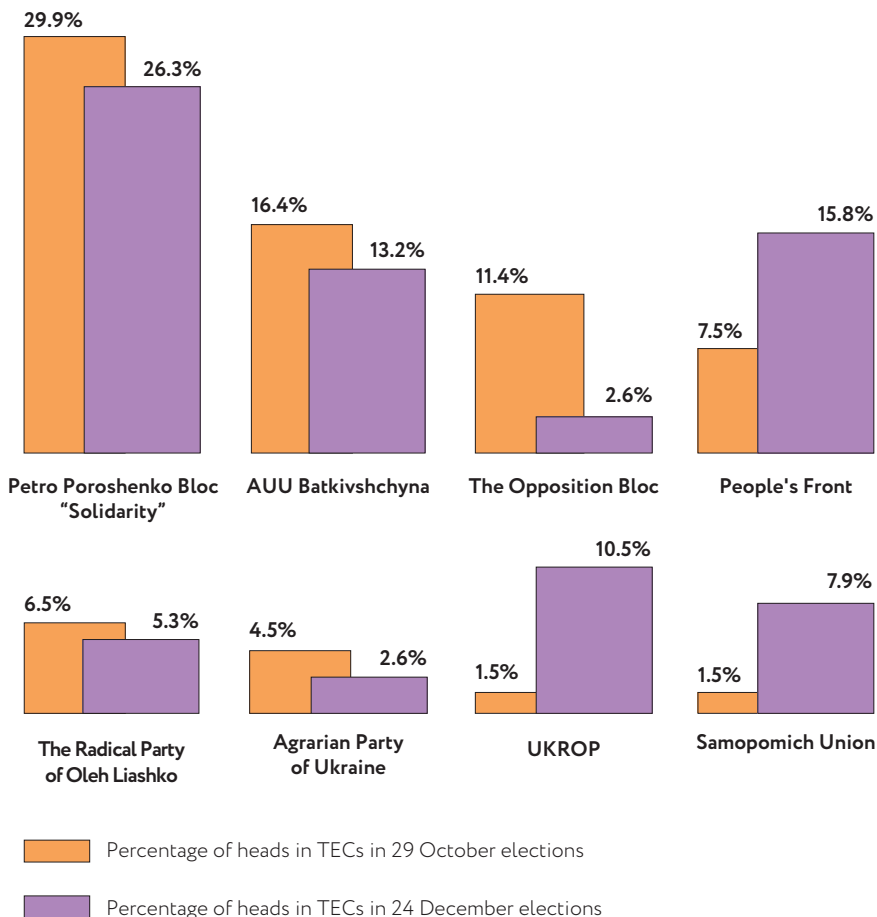
## Representation of parties in TECs in 24 December 2017 elections



Appointment of head, deputy head and secretary of territorial election commission was carried out simultaneously with the process of formation of corresponding TEC. The current law stipulates that candidates appointed to the position of head, deputy head and secretary of the territorial election commission shall represent different nominating parties in the form of local party organizations. There are no other legal requirements for appointment of candidates to executive positions in TECs

In the elections held on October, 29, 2017, the largest number of executive positions in the territorial election commissions was taken up by representatives of local organizations of "Petro Poroshenko Bloc "Solidarity" – 135 executive positions (or 30% of the total number), including 60 positions of heads of TECs. "Solidarity" PPB is also the leading political force in terms of the number of executive positions in TECs held by its representatives in December, 24, 2017 elections – 24 executive positions (or 26% of the total number), of which 10 are the positions of heads of TECs.

**Parties, which had the biggest number of heads in TEC membership in the first local elections, held on 29 October and 24 December 2017**



All-Ukrainian Union "Batkivshchyna" ranks second behind "Solidarity" PPB, having taken up 112 executive positions in TECs in the elections held on October, 29, 2017, including 33 positions of heads of territorial election commissions (17% of the total number). In the elections scheduled for December, 24, 2017, local organizations of "People's Front" and AUU "Batkivshchyna" were on a par with "Solidarity" PPB in terms of the number of representatives in the executive staff of TECs. Each of the two parties took up 22 executive positions, including 6 (16%) positions of heads of TECs held by "People's Front" representatives

and 5 (13%) positions of heads of TECs occupied by representatives of AUU “Batkivshchyna”.

Local organizations of “Petro Poroshenko Bloc “Solidarity” and AUU “Batkivshchyna” were represented by roughly the same number of TEC members in the first local elections held in united territorial communities on October, 29 and December, 24, 2017. It is noteworthy that local organizations of “Petro Poroshenko Bloc “Solidarity” took up twice as many positions of head of TEC as AUU “Batkivshchyna” did in both local election campaigns monitored by OPORA, even despite the fact that local election law does not set out any requirements for proportional distribution of each category of executive positions in the composition of territorial election commissions.

In the elections held on October, 29, 2017, local organizations of “People’s Front”, “Opposition Bloc” and Radical Party of Oleh Liashko took up roughly the same number of executive positions (head, deputy head, secretary of the commission). However, nominees of “Opposition Bloc” held a much larger number of positions of heads of TECs. It is worth noting that local organizations of “Samopomich” Union took up only 14 executive positions, including 3 positions of heads of TECs. This parliamentary party was less represented in the TEC leadership, even as compared to local organizations of Agrarian Party of Ukraine and “Ukrainian Union of Patriots – UKROP”.

In the elections held on December, 24, 2017, representatives of Radical Party of Oleh Liashko took up 15 executive positions in TECs, which is fewer than the number of executive positions held by “Petro Poroshenko Bloc “Solidarity”, AUU “Batkivshchyna” and “People’s Front”. Representatives of “Samopomich” Union and “Opposition Bloc” took up the smallest number of executive positions in TECs (8 positions apiece), as compared to other parliamentary parties in the elections held on December, 24, 2017. At the same time, local party organizations of “Ukrainian Union of Patriots – UKROP” and Agrarian Party of Ukraine took up 10 executive positions apiece. In particular, representatives of “Ukrainian Union of Patriots – UKROP” held 4 positions of heads of TECs.

Dominance of certain political forces in the executive staff of TECs, especially when it comes to heads of TECs, made it more difficult to exercise mutual control at the level of election commissions and stimulated political confrontations between the parties at the national level. This is due to the practice of positioning local election as a national political campaign, which is accompanied by centralization of activities of local party organizations. However, according to the current law and specifics of local elections, the fact of holding different numbers of executive positions in a certain quantity of TECs does not constitute a violation, since separate election processes take place.

## First meetings of territorial election commissions

At the beginning of election campaign Civil Network OPORA observers paid special attention to the process of formation and commencement of work of village, township and city election commissions. In particular, OPORA swiftly collected the information about first meetings of 195 out of 201 territorial election commissions (97% of the total number), in which the first local elections took place on October, 29, 2017. Looking from the perspective of administrative-territorial division, the collected data is related to 111 village, 59 township and 25 city UTCs.

Almost all territorial election commissions (97% of all TECs) complied with statutory deadlines for holding the first meeting and taking the oath of TEC member. According to the Law of Ukraine “On Local Elections” (sub-paragraph 2 of paragraph 3 of Article 20, paragraphs 2-3 of Article 27), the first meeting of territorial election commission shall be held no later than within two days after formation of TEC composition, namely on (or before) September, 18, 2017. OPORA observers found that only 6 TECs (3% of the total number) held their first meetings after September, 18, which was due to weak organizational capacity. This refers to Sokoliv village UTC and Kurne village UTC (both located in Zhytomyr oblast), Fursy village UTC (Kyiv oblast), Yur’ivka village UTC (Dnipropetrovsk oblast), Rososha village UTC and Stara Pryluka village UTC (both located in Vinnytsya oblast).

13% of all territorial election commissions held their first meetings on the last day of statutory period. The largest portion of TECs (42% of the total number) went into the first meeting on September, 16, 2017. All election commissions reached a quorum at their first meetings (more than half of TEC members were present at the meeting). Overall, 2,615 out of 2,917 members of territorial election commissions (or 89.7% of all members) were present and took the oath at the first meetings. Executive staff of TECs attempted to get in touch with members who were absent from the first meeting, but failed to reach 149 out of 302 absentees by phone or any other means of communication. Some of the absentees did not come to the first meetings for personal reasons, while others were busy at work on that day. Observers recorded only a few cases of refusal to work as a member of territorial election commission. As a rule, such cases are indicative of manipulation with the procedure for nominating candidates or low-quality preparation of nomination lists by political parties.

Representatives of “Samopomich” Union were the ones who most often ignored the first meetings of TECs, as compared to representatives of other parties that nominated more than 50 candidates for members of TECs. 31 out of 234 (13.2%) nominees of “Samopomich” Union were absent from the first meet-



ings. Other parties showed similar results in terms of the level of participation of their representatives in the first meetings of TECs: “Ukrainian Union of Patriots – “UKROP” – 12.3% of the total number of party representatives in TECs were absent from the first meetings, AUU “Svoboda” – 12.1% of representatives were absent, Radical Party of Oleh Liashko – 11.4% of representatives were absent, Agrarian Party of Ukraine – 9.7% of representatives were absent, “People’s Front” – 9.4% of representatives were absent. TEC members representing “Petro Poroshenko Bloc “Solidarity” demonstrated the highest level of discipline in terms of participation in the first meetings (only 5.8% of party representatives were absent) as compared to other parties holding the largest number of seats in TECs. 6.6% of TEC members representing the “Opposition Bloc” did not show up at the first meetings of TECs.

OPORA observers did not detect any facts of presence of unauthorized persons, such as civil servants and officials of public administration bodies or representatives of political parties (non-members of election commissions), at the first meetings of territorial election commissions. There were no recorded cases where state authorities or local self-government bodies exerted pressure on members of TECs.

## **Creating proper conditions for holding elections**

Civil Network OPORA observers monitored the process of formation of PECs, approval of ballot texts and production of ballot papers, as well as other aspects of TEC activities with regard to organizing and holding local elections.

According to OPORA, the first local elections in united territorial communities were marked by familiar problem relating to the lack of motivation among electoral subjects to nominate candidates for members of precinct election commissions. In particular, the results of monitoring of the process of formation of PECs for holding local elections on December, 24, 2017, show that 25% of members of precinct election commissions were appointed upon the recommendations of heads of rayon election commissions, which is due to insufficient number of candidates nominated by electoral subjects. In some cases, electoral subjects submitted a critically small number of nominees to PECs. For example, 44 out of 76 members of PEC in Murovane village UTC (Lviv oblast) were appointed upon the recommendation of head of rayon TEC. Therefore, heads and members of TECs were forced to submit additional nominees to PECs by their own efforts in order to ensure the appointment of minimum required number of members of election commissions. Once again, Civil Network OPORA calls attention to the urgent need for providing proper incentives for involvement

of citizens in the work of election commissions as well as implementing and upholding adequate standards of training for members of relevant commissions.

TECs committed procedural violations in the process of formation of precinct election commissions, the larger portion of which was detected in the elections held on October, 29, 2017. First of all, we are talking about non-compliance with the random procedure for drawing lots separately for each commission (as in the case of Fursy village election commission in Kyiv oblast); acceptance of lists of candidates for PEC members nominated by irrelevant electoral subjects (namely, extra-parliamentary parties – in Volyn oblast); acceptance of nomination documents executed in contravention of the law (more than one candidate nominated by one electoral subject – Kyiv oblast); acceptance of lists of candidates nominated upon the recommendation of head of TEC in a manner that leads to exceeding the minimum required number of members in the composition of PEC (Poltava oblast). In some of the cases where violations of the procedure for forming PECs were detected, TECs made corresponding changes to their decisions in such a way as to repeatedly exclude / include candidates, who were nominated by irrelevant electoral subjects or appointed to precinct election commission in excess of the minimum required number of PEC members, from / in the composition of PEC upon the recommendation of head of TEC.

According to OPORA's current data, the threatening practice of nominating one and the same person for member of PEC by various electoral subjects (local party organizations or candidates for local elections) did not manifest itself in October and December elections by contrast with previous election campaigns. Isolated cases of this kind were recorded in 7% of all UTCs, where first local elections took place on October, 29, 2017.

There is a general trend of everlasting difficulties in communication between observers and members of rayon TECs, who complain about the lack of financial, technical and administrative support for their work. Mechanism of revision of rayon council decisions on allocation of rayon budget funds to finance the work of rayon TECs in the case of holding first elections in the corresponding rayon should be enshrined in the law. On December, 13, 2016, CEC addressed the oblast state administrations with an appeal to ensure adequate funding of rayon election commissions from local budgets during local elections, but there is still no uniform practice of allocating the funds to rayon TECs. For example, head of Vysokopillya rayon state administration in Kherson oblast refused to submit the issue of overhauling the budget for consideration at the session of rayon council. Furthermore, the aforesaid head of state administration addressed the local party organizations with a proposal to take on the task of financing the activities of rayon election commission at their own expense, which is contrary to the law and generally accepted electoral standards.

Although problems with providing financial, technical and administrative support for certain TECs (underequipped premises, lack of office appliances and stationary) remain unresolved, OPORA observers believe that these problems did not have a significant negative impact on the course of preparation for elections and organization of voting process. By tradition, the situation with ensuring proper financial, technical and administrative support for precinct election commissions is somewhat worse.

There were no confirmed cases of exertion of pressure on TECs or its individual members on the part of government bodies or party (candidate) representatives. Observers received numerous allegations in this regard, but they were not backed with proper evidence.

It can be said that the work of territorial election commissions was organized in a proper manner during the first local elections held on October, 29 and December, 24, 2017. However, cases of judicial appeals against the decisions of TECs have become more frequent, which is evidence of inadequate level of professionalism and irresponsible fulfillment of duties by members of TECs.

In particular, various kinds of high-profile cases of judicial appeals against the decisions, actions or inaction of TECs and their members were recorded in 23 UTCs during elections scheduled for October, 29. Cases of illegitimate denial of registration or unlawful registration of candidates were the most common reasons for legal recourse. In addition to that, candidates appealed against TEC decisions on removal from electoral lists, introduction of amendments to the text of ballot paper or inaction of TECs.

In general, TECs complied with procedural requirements of the law insofar as it relates to keeping minutes of the meetings and records of applications (appeals) as well as following the procedure for adopting and posting up the decisions on the announcement board. At the same time, according to OPORA observers, almost 20% of all TECs did not elaborate draft decisions in advance of their meetings in the course of preparation for October, 29, 2017 elections.

## **Production of ballot papers**

Production of ballot papers is an important stage of election process, which has a direct impact on the stableness of organization of voting process and credibility of elections among electoral subjects. Precedential cases of undermining the 2015 local elections in certain territorial communities due to impossibility of ensuring proper production and delivery of ballot papers to the polling stations (elections in Pokrovsk and Mariupol (Donetsk oblast), and in other terri-

torial communities) drew the attention of observers, journalists and candidates to this process. Issues related to ensuring safety and protection of ballot papers as well as ability of printing companies to produce ballots in compliance with legal requirements and statutory deadlines are relevant to the current election processes and future improvements of electoral legislation. OPORA observers conducted comprehensive monitoring of ballot production process in the first local elections held on October, 29 and December, 24, 2017.

The current law places TECs under an obligation to approve the text of ballot papers for elections of village, township, city mayors and elections of deputies to local councils no later than 17 days before the Election Day (on or before October, 11, in the case of October, 29, elections, and on or before December, 6, in the case of December, 24 elections). Electoral subjects had the opportunity to acquaint themselves with the contents of ballot papers within two days of adoption of TEC decision on approval of the text of ballots.

According to OPORA, 186 TECs (90% of the total number) complied with the time limits for approving the texts of ballot papers in October, 29, 2017 elections of village, township and city mayors. Meanwhile, 185 TECs met the deadlines for approving the texts of ballots in the elections of deputies to local councils. Therefore, 92% of all TECs approved the texts of ballot papers in a timely manner. In the first local elections held on December, 24, 2017, the vast majority of TECs also complied with statutory deadlines for approving the texts of ballot papers.

Cases of failure to meet the deadlines occurred due to incomplete legal proceedings against TEC decisions on denial or cancellation of candidate registration. CEC clarification (Resolution #391 as of October, 7, 2015) of certain provisions of the Law of Ukraine "On Local Elections" puts a ban on production of ballot papers until completion of court proceedings in cases of disputes over candidate registration, entry of corresponding court decisions into legal force and adoption of resolutions on abidance by the court's decisions, except in cases where further delay in production of ballot papers may lead to violation of statutory deadlines for production of ballots.

For example, it wasn't until October, 13, that TEC located in Zboriv city UTC (Ternopil oblast) received the court decision on cancellation of TEC decision on refusal of candidate registration, placing TEC under an obligation to reconsider the issue of candidate registration. Luka-Meleshkivska village TEC in Vinnytsya oblast was waiting for the court decision on 11 candidates, who were denied registration, without approving the text of ballot papers. Meanwhile, candidates for election in Radomyshl city UTC (Zhytomyr oblast) filed an appeal against the decision on cancellation of their registration, which made

it impossible to comply with statutory deadlines for approving the text of ballot papers. TEC located in Verkhnyodniprovsk city UTC (Dnipropetrovsk oblast) failed to comply with the time limits for cancellation of candidate registration and, as a result, missed the deadline for approving the text of ballot papers. The aforesaid TEC adopted a decision on removal of local party organization of “Samopomich” Union from the text of ballot papers in those electoral districts, to which no nominees of “Samopomich” Union were assigned. This unlawful decision was substantiated by the fact that the aforesaid election commission had previously cancelled the registration of first candidate on electoral list of local organization of “Samopomich” Union. The conflict was resolved after the TEC had executed the court decision on registration of first-place candidate on electoral list of local organization of “Samopomich” Union and added the name of this local party organization to the text of ballot papers in all territorial districts where the elections of deputies to city council took place. Organizational difficulties and, in some cases, incompetence of members of election commissions also were among the main reasons for non-compliance with the deadlines for approving the text of ballot papers.

OPORA observers noted that almost all TECs complied with legal requirement for allowing electoral subjects to acquaint themselves with the contents of ballot papers within two days of approval of the text of ballots. In the elections scheduled for October, 29, 2017, observers recorded 5 cases of violation of this requirement, which were due to urgent transfer of these materials from TECs to enterprises-manufacturers, and, as a result, candidates and observers were deprived of the opportunity to acquaint themselves with the text of ballot papers.

OPORA observers and other electoral subjects found errors and inaccuracies in the texts of ballot papers in 26 TECs (13% of the total number of TECs). The list of detected errors included mistakes in personal information about candidates, incorrect indication of the positions and places of employment of candidates, wrong information about party affiliation of candidates for elected positions, inaccuracies in legislatively determined names of electoral districts and elections in general.

In some territorial communities, inaccuracies in the approved texts of ballot papers resulted in serious consequences and additional expenses. For example, as many as 10,370 ballot papers for holding election of township mayor were invalidated and destroyed in Mala Danylivka township UTC (Kharkiv oblast) due to detection of error in the definition of electoral district (the text of ballots for holding election of township mayor indicated that the “unified single-member district was formed for holding election of deputies to township council”). A destabilizing situation for election process was created in Kuyalnyk village UTC (Odesa oblast), where the fact of absence of “Agrarian Party of Ukraine”

candidates from the text of ballot papers in 5 single-member districts was detected during receipt of ballots from the enterprise-manufacturer. Manufacturer claimed that candidates representing the “Agrarian Party of Ukraine” were deleted from the text of ballot papers at the insistence of proxy representatives of the candidate and local organization of “Petro Poroshenko Bloc “Solidarity”. Head of Kuyalnyk village TEC argued that proper texts of ballots, including the names of candidates of local organization of “Agrarian Party of Ukraine”, were transferred to the printing company for production. Conflict-affected process of production of ballot papers was preceded by the adoption of TEC decision on refusal of registration of several candidates representing local organization of “Agrarian Party of Ukraine”. Later on, this decision was invalidated in court.

The law on local elections stipulates that TECs shall determine the number of ballot papers within the boundaries of respective electoral district with due allowance for ballot reserve equivalent to 0.5% of the total number of voters assigned to each of the polling stations in the respective electoral district. OPORA observers noted that the vast majority of TECs complied with this legal requirement. Isolated cases of violation of this requirement usually manifested themselves in the absence of ballot reserve at some of the polling stations. There was a single case where one of the TEC decided to form a ballot reserve equivalent to 5% of the total number of voters registered in the voters’ lists that were used in the previous elections (Komyshi village UTC in Sumy oblast, election scheduled for October, 29, 2017).

According to paragraph 11 of Article 74 of the Law of Ukraine “On Local Elections”, TECs are legally empowered to establish the level of ballot protection. At the same time, the current regulatory enactments do not specify the requirements with regard to the level of ballot protection. TECs resort to non-uniform practices in this respect. A considerable part of TECs did not establish the level of ballot protection, nor did they specify this requirement in the contracts concluded with enterprises-manufacturers. Several election commissions decided to produce ballot papers without special watermarks, rainbow printing, security grid etc.

OPORA observers collected information about organizational and legal form of enterprises-manufacturers of ballot papers, taking into account the preceding political and expert debates on credibility of printing companies that produce ballots for local elections. According to OPORA, in the elections held on October, 29<sup>th</sup> individual entrepreneurs produced ballot papers for 40 united territorial communities; 79 UTCs were supplied with ballots manufactured by commune-owned legal entities; privately-owned legal entities printed ballot papers for 81 UTCs. This means that 20% of all UTCs were supplied with ballots produced by individual entrepreneurs. In this context, it is to be recalled that during regular local elections held in 2015 Donetsk district administrative court ruled as

illegal the decision on appointment of individual entrepreneur as manufacturer of ballot papers for elections in the city of Pokrovsk (formerly known as Krasnoarmiisk). According to court opinion, only a business entity created in the legal form of “enterprise” can operate as a printing establishment. On October, 25, 2015, the aforesaid court decision was affirmed by appeals instance, but the ongoing electoral dispute over production of ballot papers resulted in de facto impossibility of holding elections to city council and mayoral elections in Pokrovsk.

OPORA observers checked the facts of presence or absence of conflict of interest among owners/managers of enterprises-manufacturers of ballot papers in connection with their participation in electoral and political processes. The current law does not impose a restriction on production of ballots by companies that are related to candidates or leaders of local party organizations. However, the past experience of holding 2015-2016 local elections shows that electoral subjects involve themselves in sharp debates, manipulations or even bitter quarrels over the matter of impartiality of employees of enterprises-manufacturers of ballots. For example, 2015 regular local elections in Mariupol (Donetsk oblast) were hampered by political conflict in connection with the owner of printing company.

According to OPORA observers, in the elections held on October, 29, 2017, 4 UTCs were supplied with ballot papers produced by companies that are in the ownership of public leaders of local party organizations or candidates who ran in the first local elections. Meanwhile, 6 UTCs received ballots from printing companies whose executive staff is formally subordinate and accountable to candidates or public leaders of local party organizations who hold official positions. In this context, it should be noted that observers did not detect any facts which could give direct or indirect evidence of politically motivated violations on the part of enterprises-manufacturers of ballots.

TECs are obliged to appoint control commissions upon recommendations of local organizations of political parties, which announced the formation of parliamentary factions at the first regular session of the Verkhovna Rada of Ukraine of current convocation. These control commissions are supposed to exercise oversight of production of ballot papers at the enterprises-manufacturers and their compliance with legal requirements for disposal of print forms, technical and printing wastes as well as ballots printed by mistake. Control commission consisting of representatives of local organizations of parliamentary parties is an important instrument of control over the process of ballot production. Furthermore, control commission is independent from members of TEC, and therefore it makes additional contribution to ensuring balanced control over ballot production process.

OPORA observers discovered that control commissions were not appointed in 59% of all UTCs in the elections held on October, 29, 2017, and there were no control commissions in 64% of all UTCs in the elections scheduled for December, 24, 2017. This is largely due to the fact that local party organizations failed to nominate candidates for members of control commissions, while some TECs were unaware of legal requirement for forming control commissions.

OPORA observers concluded that more than 70% of control commissions did actually exercise oversight of production of ballot papers. As for the remaining 30% of control commissions, there is no solid evidence that they performed controlling function in an effective manner.

OPORA evaluated the actual ability of observers to obtain information from TECs about production of ballot papers. In the elections held on October, 29, 2017, 75% of all TECs allowed observers to acquaint themselves with the contents of contracts on production of ballot papers by enterprises-manufacturers. These contracts were provided to observers upon request. However, the information on disposal of print forms, technical and printing wastes as well as ballots printed by mistake, including quantitative data, wasn't always available to observers (63% of TECs provided such information)

In the first local elections held on October, 29, 2017, TECs disregarded the deadlines for receiving ballot papers from manufacturing companies on a massive scale. According to the data collected by OPORA observers, 65% of all TECs received the ballot papers in breach of statutory deadlines in October, 2017 elections, and 61% of all TECs failed to meet the deadlines for receiving ballots in December, 2017 elections. The Law of Ukraine "On Local Elections" placed enterprises-manufacturers under an obligation to produce ballot papers on or before October, 23, 2017 (for elections held on October, 29), and on or before December, 18, 2017 (for elections held on December, 24), and deliver ballots to TECs no later than on the day following their production – on October, 24 and December, 19, 2017, correspondingly. TECs were allowed to start the transfer of ballots to PECs no earlier than October, 26 and December, 21, correspondingly, while ensuring safe storage of ballots after receiving them from enterprise-manufacturer. The current law empowers the police to safeguard ballot papers in the process of transportation and storage of ballots at the premises of TECs and PECs. Officers of Security Service of Ukraine can be involved in safeguarding of ballot papers upon request from the CEC.

There were various reasons for non-compliance with the deadlines for production of ballot papers, including problems with transfer of payments to the accounts of printing companies, the need for reprinting part of the ballot papers, inability of enterprises-manufacturers to execute the order in a timely manner.

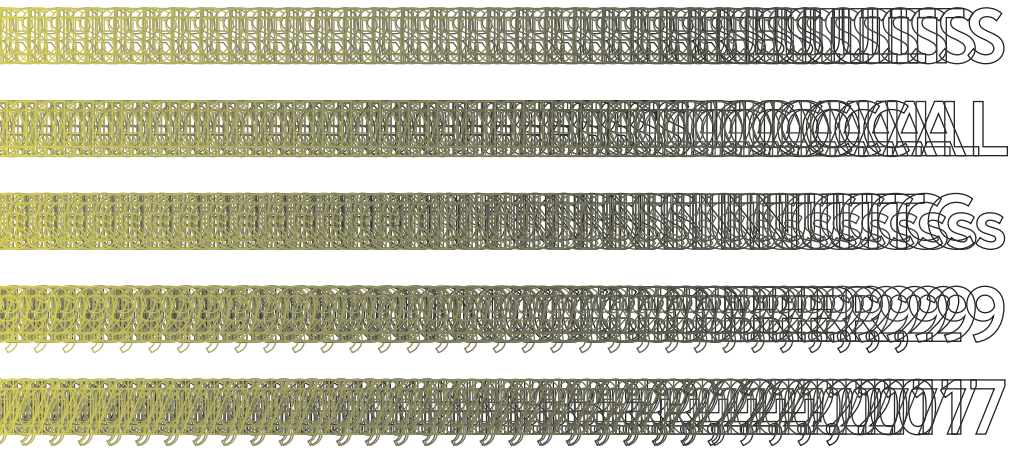


However, problems with involving the police officers in escort and protection of ballot papers during transportation and storage thereof at the premises of TECs often caused delays, as evidenced by the reports of observers. OPORA observers have repeatedly pointed to the fact of existence of non-public agreement between the police and TECs on the postponement of delivery and receipt of ballot papers with the aim of reducing the number of days, during which the police officers would be involved in safeguarding of ballots. This led to the fact that the ballot papers were stored at the premises of manufacturing companies for a period exceeding the statutory deadline. Not only does such practice constitute a formal violation of statutory deadlines, but it also negatively affects the ability to detect errors in ballot papers in a timely manner. At the same time, there are no reasonable grounds to believe that ballot papers were stored at the premises of enterprises-manufacturers in a more secure way than they would have been at the premises of TECs with the involvement of police officers.

OPORA observers noted that some TECs had difficulties with ordering of ballots for special polling stations. CEC Resolution #197 as of August, 28, 2015, stipulates that ballots intended for special polling stations shall be produced on the basis of information provided by PECs of special polling stations, including the data on the number of beds in the corresponding inpatient care establishment and the maximum permissible number of members of the corresponding PEC. Data on the number of beds should be based on information provided by administration of corresponding inpatient facilities. The aforesaid provision of CEC Resolution should be enshrined in the Law of Ukraine “On Local Elections”, which would provide for proper organization and holding of elections at special polling stations. TECs did not indicate the names of local elections in ballot papers in a unified manner, since no amendments were introduced to CEC Resolution #181 on approval of the form and color of ballots as of August, 25, 2015, insofar as it relates to first local elections.

# RESULTS OF FIRST LOCAL ELECTIONS IN UTCs HELD ON OCTOBER, 29 AND DECEMBER, 24, 2017

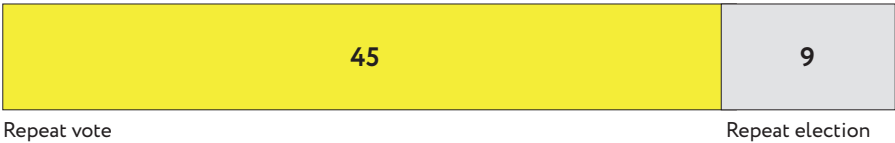
On October, 29 and December, 24, 2017, the local elections of deputies to city, village, township councils were held in 201 and 51 UTCs, correspondingly. Political parties, whose local organizations participated in the first local elections on a large scale, displayed an active attitude to popularization of electoral victories of their candidates. The results of local elections in united territorial communities were politicized by way of presenting the results achieved by local party organizations as a sort of regional cross-section of political sentiments of the whole nation. With gradual publication of local election results at country level, political leaders and parties resorted to manipulation with summarized election results, which were achieved by certain candidates in separate local elections. There were quite a few cases where one and the same winning candidate was publicly announced as a party nominee by several political forces, and this applies especially to self-nominees. In the context of approaching national elections, political parties make efforts to showcase their electoral success for obvious reasons. However, excessive politicization of local election campaigns often hampered discussions on local development.



## Results of elections of deputies to local councils held on October, 29, 2017

On October, 29, 2017, a total of 4451 deputies were elected to local councils, including 673 deputies to city councils, 2280 deputies to village councils, and 1498 deputies to township councils. Following on from the results of elections held on October, 29, 2017, TECs adopted decisions on holding of repeat votes and repeat elections, if so required. On October, 29, 2017, no deputies were elected to village and township councils in 54 single-member districts, which account for 1% of 3,832 electoral districts formed for holding these elections.

### Number of electoral districts, in which repeat votes and repeat elections were scheduled following on from the results of Election Day – October, 29, 2017



According to the Law of Ukraine “On Local Elections”, a repeat vote shall be conducted, if two or more candidates win the largest and, at the same time, equal number of votes in a single-member district. Repeat elections of deputies to village and township councils shall be scheduled by TEC, if the initial elections in territorial district are declared invalid or if a candidate withdraws from a deputy mandate.

According to the official results of elections published on the website of the CEC, local organizations of AUU “Batkivshchyna” and “Petro Poroshenko Bloc “Solidarity” won the largest number of deputy seats in city, village and township councils all combined – 911 and 666 seats, correspondingly. Other political parties gained a much smaller number of deputy seats in the newly elected local councils. For example, local organizations of Agrarian Party of Ukraine, which ranks third in terms of the total number of obtained deputy mandates, have won only 391 seats in local councils.

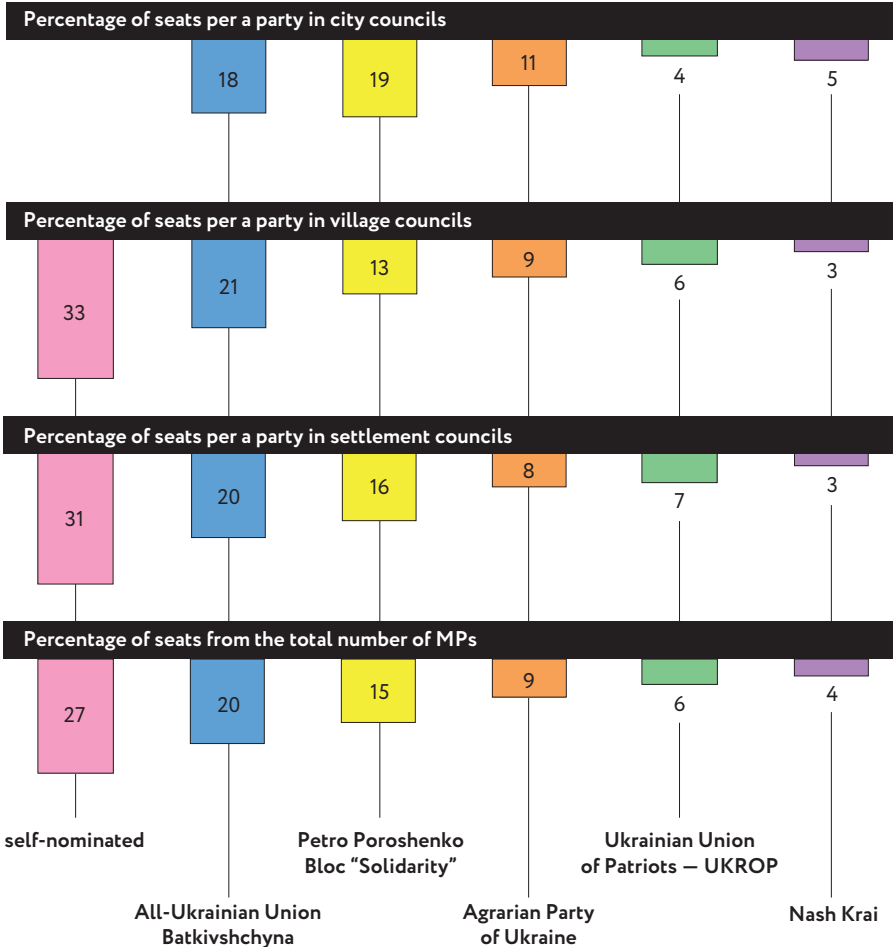
Nominees of AUU “Batkivshchyna” won the largest number of elections to village and township councils that were held in single-member districts, as compared to nominees of other political parties. In the newly elected city councils, local organizations of this political force hold 9 fewer deputy seats than local organizations of “Petro Poroshenko Bloc “Solidarity”. It should be noted that AUU “Batkivshchyna” gained at least one deputy seat in 180 out of 201 local councils, “Petro Poroshenko Bloc “Solidarity” – in 145 local councils, Agrarian Party of Ukraine – in 104 local councils, “Ukrainian Union of Patriots – UKROP” – in 72 local councils. At the same time, AUU “Batkivshchyna” and “Petro Poroshenko Bloc “Solidarity” are the only parliamentary parties that have deputy factions in each of 25 city councils, where local elections were held under proportional representation system with candidates assigned to certain territorial districts.

Nominees of AUU “Batkivshchyna” won more deputy seats than nominees of “Petro Poroshenko Bloc “Solidarity” in 16 oblasts of Ukraine all combined (note that different numbers of council elections took place and different numbers of deputies were elected in each oblast). For example in Kyiv oblast, local organizations of AUU “Batkivshchyna” gained 31% of all deputy seats in 4 UTCs, while local organizations of “Petro Poroshenko Bloc “Solidarity” haven’t won a single seat. By contrast, “Solidarity” PPB gained 65% of all seats in 10 newly elected local councils of Kharkiv oblast, while AUU “Batkivshchyna” won only 5% of all deputy seats in this region.

**Number of deputy seats won by local organizations of political parties and self-nominees in the first local elections held in UTCs on October, 29, 2017. Self-nominees and the list of political parties that won the largest number of deputy seats**

Nominating party	Number of deputy seats in city councils	Number of deputy seats in village councils	Number of deputy seats in township councils	Total
Self-nominees	0	753	470	1 223
All-Ukrainian Union "Batkivshchyna"	119	488	304	911
"Petro Poroshenko Bloc "Solidarity"	128	299	239	666
Agrarian Party of Ukraine	71	194	126	391
"Ukrainian Union of Patriots – UKROP"	28	141	108	277
"Nash Krai"	33	77	52	162
Radical Party of Oleh Liashko	52	55	47	154
"Samopomich" Union	29	54	41	124
All-Ukrainian Union "Svoboda"	38	34	27	99
"Opposition Bloc"	36	34	12	82
"Vidrozhennia" Party	12	29	16	57
"For Real Deeds"	26	10	15	51
"Spravedlyvist" Civic and Political Movement of Valentyn Nalyvaichenko	13	23	4	40
All-Ukrainian Union "Cherkashchany"	2	31	0	33
"People's Front"	6	14	10	30

Percentage of seats per a nominating entity, based on the results of 29 October 2017 elections in local councils of UTCs



Local organizations of AUU “Batkivshchyna” hold 20% of all deputy seats in local councils that were formed subsequent to the results of first elections held on October, 29, 2017, while local organizations of “Petro Poroshenko Bloc “Solidarity” hold 15% of all seats, Agrarian Party of Ukraine – 9%, “Ukrainian Union of Patriots – UKROP” – 6%.

### Shares of deputy seats in local councils that were won by various nominating parties in the elections held in UTCs on October, 29, 2017

Nominating party	Party share of deputy seats in city councils	Party share of deputy seats in village councils	Party share of deputy seats in township councils	Party share of deputy seats in local councils all combined
Self-nominees	0%	33%	31%	27%
All-Ukrainian Union “Batkivshchyna”	18%	21%	20%	20%
“Petro Poroshenko Bloc “Solidarity”	19%	13%	16%	15%
Agrarian Party of Ukraine	11%	9%	8%	9%
“Ukrainian Union of Patriots – UKROP”	4%	6%	7%	6%
“Nash Krai”	5%	3%	3%	4%
Radical Party of Oleh Liashko	8%	2%	3%	3%
“Samopomich” Union	4%	2%	3%	3%
All-Ukrainian Union “Svoboda”	6%	1%	2%	2%
“Opposition Bloc”	5%	1%	1%	2%
“Vidrodzhennia” Party	2%	1%	1%	1%
“For Real Deeds”	4%	0%	1%	1%
“Spravedlyvist” Civic and Political Movement of Valentyn Nalyvaichenko	2%	1%	0%	1%
All-Ukrainian Union “Cherkashchany”	0%	1%	0%	1%
“People’s Front”	1%	1%	1%	1%

## Shares of deputy seats in local councils that were won by local organizations of AUU “Batktivshchyna” and “Petro Poroshenko Bloc “Solidarity” in different regions of Ukraine

Region	Total number of deputy seats in the region	Number of deputy seats won by AUU “Batktivshchyna”	AUU “Batktivshchyna” share of deputy seats in the region	Number of deputy seats won by “Petro Poroshenko Bloc “Solidarity”	“Petro Poroshenko Bloc “Solidarity” share of deputy seats in the region
Vynnytsya oblast	186	35	19%	52	28%
Volyn oblast	422	46	11%	33	8%
Dnipropetrovsk oblast	397	73	18%	58	15%
Donetsk oblast	28	5	18%	12	43%
Zhytomyr oblast	314	98	31%	37	12%
Zakarpattia oblast	26	1	4%	0	0%
Zaporizhzhya oblast	184	7	4%	22	12%
Ivano-Frankivsk oblast	208	25	12%	53	25%
Kyiv oblast	96	30	31%	0	0%
Kirovohrad oblast	132	48	36%	15	11%
Luhansk oblast	80	13	16%	15	19%
Lviv oblast	192	35	18%	10	5%
Mykolayiv oblast	14	0	0%	3	21%
Odesa oblast	270	46	17%	14	5%
Poltava oblast	260	100	38%	19	7%
Rivne oblast	106	24	23%	18	17%
Sumy oblast	206	42	20%	32	16%
Ternopil oblast	92	11	12%	29	32%
Kharkiv oblast	182	10	5%	119	65%
Kherson oblast	224	36	16%	18	8%
Khmelnysky oblast	178	43	24%	20	11%
Cherkasy oblast	284	53	19%	38	13%
Chernivtsi oblast	104	32	31%	15	14%
Chernihiv oblast	320	98	31%	34	11%



Self-nominees account for 33% of the total number of deputies elected to village councils and 31% of deputies elected to township councils. Self-nominees are not allowed to participate in elections to city councils.

Despite the fact that almost 70% of deputies to local councils were nominated by local party organizations in the first local elections, 66% of elected deputies are nonparty persons. It is to be recalled that local party organizations were allowed to nominate either fellow party members or nonpartisans. Nonparty persons account for 88% of all self-nominees.

Local organizations of AUU “Batkivshchyna” and Agrarian Party of Ukraine are represented by the smallest number of nonparty deputies in the newly elected local councils (nonparty persons account for 45% of the total number of deputies who were nominated by these political forces in the first local elections). Nonpartisans account for: 89% of elected deputies who were nominated by “Samopomich” Union, 73% of deputies nominated by “Nash Krai” party, 70% of deputies nominated by “Ukrainian Union of Patriots – UKROP”, 60% of deputies nominated by Radical Party of Oleh Liashko, and 63% of deputies nominated by “Petro Poroshenko Bloc “Solidarity”.

#### **Number of nonparty deputies to local councils with a breakdown by nominating party in the first local elections held on October, 29, 2017**

Nominating party	Nonparty persons	Party members	Total	% of nonparty persons
All-Ukrainian Union “Batkivshchyna”	414	497	911	45%
“Petro Poroshenko Bloc “Solidarity”	418	248	666	63%
Agrarian Party of Ukraine	176	215	391	45%
“Ukrainian Union of Patriots – UKROP”	195	82	277	70%
“Nash Krai”	118	44	162	73%
Radical Party of Oleh Liashko	92	62	154	60%
“Samopomich” Union	110	14	124	89%
Self-nominees	1 085	138	1 223	89%

Local organizations of AUU “Batkivshchyna” and Agrarian Party of Ukraine are represented by the smallest number of nonparty deputies in the city councils which were formed following on from the results of elections held on October, 29, 2017. Nonpartisans account for 24% and 35% of city council deputies nominated by AUU “Batkivshchyna” and Agrarian Party of Ukraine, correspondingly.

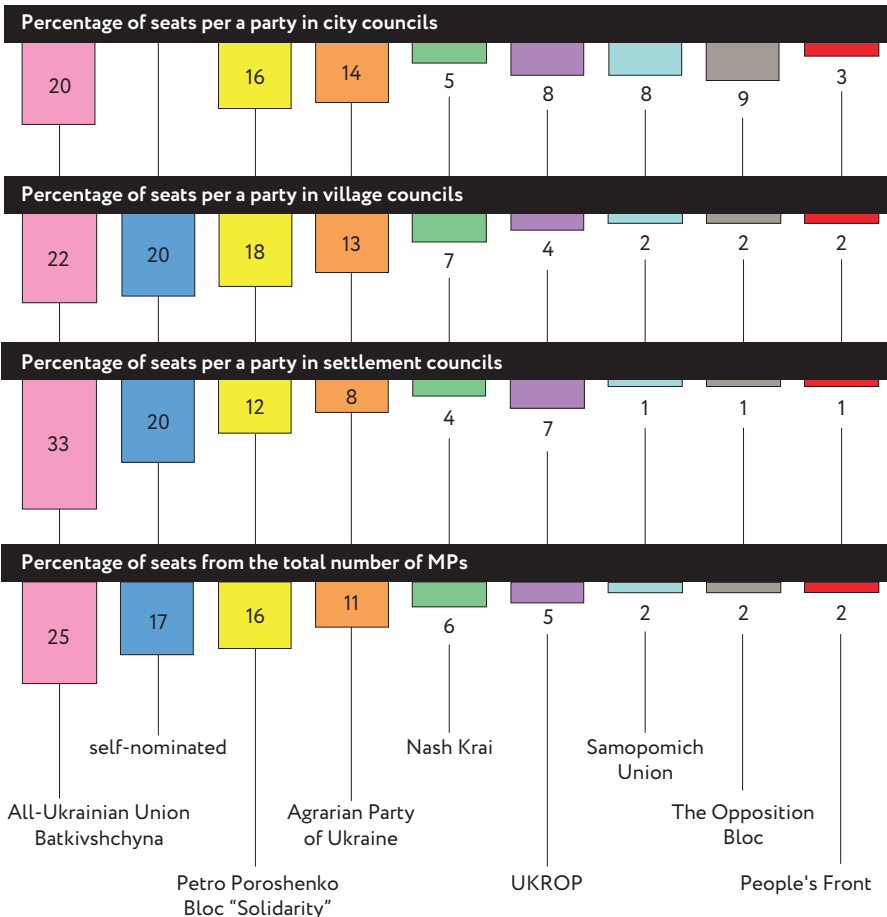
**Proportions of nonparty persons and party members in the total number of deputies nominated by various parties at different levels of UTCs, based on the results of first local elections held on October, 29, 2017**

Nominating party	% of nonparty deputies in city councils	% of nonparty deputies in village councils	% of nonparty deputies in township councils
All-Ukrainian Union “Batkivshchyna”	24%	50%	47%
“Petro Poroshenko Bloc “Solidarity”	63%	66%	59%
Agrarian Party of Ukraine	35%	40%	58%
“Ukrainian Union of Patriots – UKROP”	61%	71%	72%
“Nash Krai”	82%	71%	69%
Radical Party of Oleh Liashko	54%	67%	57%
“Samopomich” Union	79%	94%	88%
Self-nominees	n/a	88%	89%

# Results of elections of deputies to local councils held on December, 24, 2017

A total of 1035 deputies were elected to local councils in the first elections held in 51 UTCs, including 130 deputies to city councils, 568 deputies to village councils, and 337 deputies to township councils. TECs scheduled repeat votes in the elections of deputies to village and township councils in 27 single-member districts (nearly 3% of all electoral districts).

## Percentage of seats per a nominating entity, based on the results of 24 December 2017 elections in local councils of UTCs



Local organizations of AUU “Batkivshchyna” won the largest number of deputy seats in 51 UTCs, where first local elections were held on December, 24, 2017. 263 nominees of this political force were elected to local councils, in which they account for 25% of the entire deputy corps. Local organizations of “Petro Poroshenko Bloc “Solidarity” rank second in terms of the number of gained deputy seats – this political force won 162 seats (or 16% of the total number) in the newly elected local councils. Similar to October, 2017 elections, local organizations of Agrarian Party of Ukraine rank third, having won 117 deputy mandates (or 11% of the total number). Self-nominated candidates won the elections in 20% of single-member districts. As a result, self-nominees gained 111 seats in village councils and 69 seats in township councils.

**Number of deputy seats won by local organizations of political parties and self-nominees in the first local elections held in UTCs on December, 24, 2017. Self-nominees and the list of political parties that won the largest number of deputy seats**

Nominating party	Total	Number of deputy seats in city councils	Number of deputy seats in village councils	Number of deputy seats in township councils
All-Ukrainian Union “Batkivshchyna”	263	26	127	110
Self-nominees	180	0	111	69
“Petro Poroshenko Bloc “Solidarity”	162	21	101	40
Agrarian Party of Ukraine	117	18	71	28
“Nash Krai”	62	6	42	14
Radical Party of Oleh Liashko	56	11	23	22
“Ukrainian Union of Patriots – UKROP”	48	4	23	21
“Samopomich” Union	24	10	12	2
“Opposition Bloc”	23	12	9	2
“People’s Front”	18	4	12	2

## Shares of deputy seats in local councils that were won by various nominating parties in the elections held in UTCs on December, 24, 2017

Nominating party	Party share of deputy seats in city councils	Party share of deputy seats in village councils	Party share of deputy seats in township councils	Party share of deputy seats in local councils all combined
All-Ukrainian Union "Batkivshchyna"	20%	22%	33%	25%
Self-nominees	0%	20%	20%	17%
"Petro Poroshenko Bloc "Solidarity"	16%	18%	12%	16%
Agrarian Party of Ukraine	14%	13%	8%	11%
"Nash Krai"	5%	7%	4%	6%
Radical Party of Oleh Liashko	8%	4%	7%	5%
"Ukrainian Union of Patriots – UKROP"	3%	4%	6%	5%
"Samopomich" Union	8%	2%	1%	2%
"Opposition Bloc"	9%	2%	1%	2%
"People's Front"	3%	2%	1%	2%

Based on the results of first local elections held on December, 24, 2017, local organizations of Agrarian Party of Ukraine are represented by the smallest number of nonparty deputies in the local councils – nonparty persons account for 32% of the total number of deputies representing this political force. 48% of deputies nominated by AUU "Batkivshchyna" did not hold membership in this political force at the time of election. More than 50% of deputies representing all other political parties are non-party persons. Local organizations of "Nash Krai", AUU "Batkivshchyna" and Radical Party of Oleh Liashko are represented by the smallest number of nonparty deputies in 5 city councils which were formed following on from the results of elections held under proportional representation system. Nonpartisans account for 17%, 23% and 27% of city council deputies nominated by "Nash Krai", AUU "Batkivshchyna" and Radical Party of Oleh Liashko, correspondingly.

Nonpartisans account for 85% of all deputies representing "Petro Poroshenko Bloc "Solidarity", which ranks second in terms of the total number of seats held in local councils. 100% of deputies elected to township councils by way of self-nomination are non-party persons. 92% of self-nominated deputies to village councils are also nonparty persons.

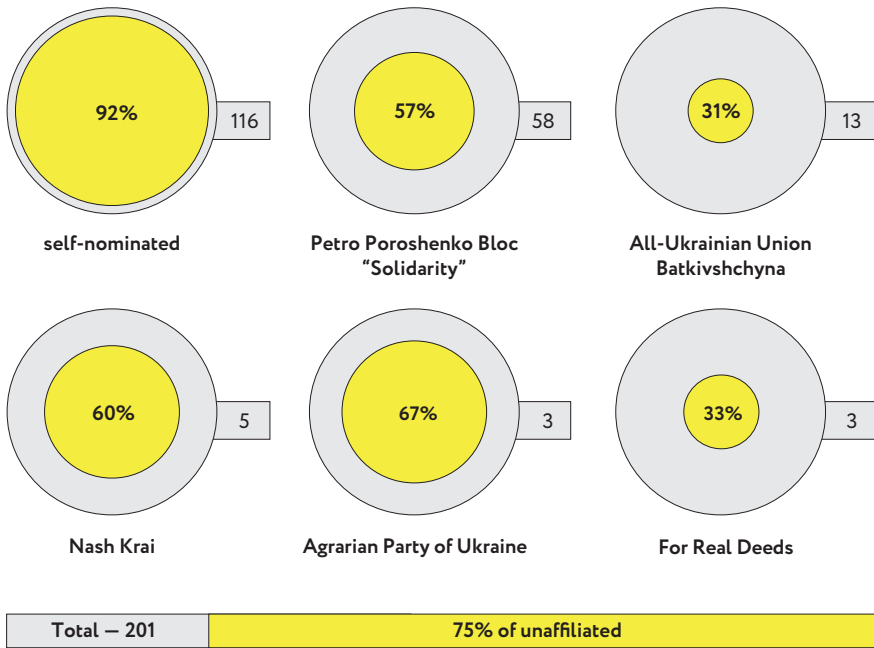
**Proportions of nonparty persons and party members in the total number of deputies nominated by various parties at different levels of UTCs, based on the results of first local elections held on December, 24, 2017**

Nominating party	% of nonparty deputies in local councils all combined	% of nonparty deputies in city councils	% of nonparty deputies in vil-lage councils	% of nonparty deputies in township councils
All-Ukrainian Union "Batkivshchyna"	48%	23%	55%	45%
Self-nominees	95%	n/a	92%	100%
"Petro Poroshenko Bloc "Solidarity"	85%	76%	86%	85%
Agrarian Party of Ukraine	32%	39%	31%	32%
"Nash Krai"	85%	17%	90%	100%
Radical Party of Oleh Liashko	57%	27%	57%	73%
"Ukrainian Union of Patriots – UKROP"	71%	50%	78%	67%
"Samopomich" Union	92%	80%	100%	100%
"Opposition Bloc"	57%	50%	78%	0%
"People's Front"	72%	25%	83%	100%

## Mayoral elections in UTCs in the first local elections held on October, 29, 2017

116 out of 201 newly elected mayors in UTCs (58% of the total number) were self-nominated candidates, of which 92% were nonparty persons at the time of holding elections. In the case of political parties, the largest number of mayoral positions in UTCs was taken up by local organizations of “Petro Poroshenko Bloc “Solidarity” (58 mayoral positions or 29% of the total number). All-Ukrainian Union “Batkivshchyna” ranks second in terms of the total number of mayoral positions taken up by party nominees (they won the elections in 13 UTCs and took up 6% of all mayoral positions).

### The results of city, village and settlement heads election in the first local elections held on 29 October 2017



Other political forces are represented by a much smaller number of mayors in UTCs. The results of elections indicate that political parties tended to nominate local, top-rated, nonparty opinion leaders for mayoral positions. Nonparty persons account for 57% of winners of mayoral elections who were nominated by local organizations of “Petro Poroshenko Bloc “Solidarity”. 31% of newly elected mayors-nominees of AUU “Batkivschyna” don’t hold membership in this political party.

### **Results of elections of city, village and township mayors in the first local elections held on October, 29, 2017**

Nominating party	Party members	Nonparty persons	Total	% of nonparty persons
Self-nominees	9	107	116	92%
“Petro Poroshenko Bloc “Solidarity”	25	33	58	57%
All-Ukrainian Union “Batkivshchyna”	9	4	13	31%
“Nash Krai”	2	3	5	60%
Agrarian Party of Ukraine	1	2	3	67%
“For Real Deeds”	2	1	3	33%
“Ukrainian Union of Patriots – UKROP”	0	1	1	100%
Radical Party of Oleh Liashko	1	0	1	0%
“Syla Liudei”	1	0	1	0%
<b>Total</b>	<b>50</b>	<b>151</b>	<b>201</b>	<b>75%</b>

146 out of 201 (or 73%) newly elected mayors occupied the positions of city, village or township mayors in one of united territorial communities at the time of holding first local elections. The list of mayoral election winners also included 8 heads of rayon councils and 6 heads of rayon state administrations. Therefore, 160 mayoral positions in UTCs (or 80% of the total number) were taken up by candidates who were also influential officials in their electoral districts at the time of holding elections.



According to OPORA’s estimates, 88 out of 116 newly elected mayors-self-nominees occupied the positions of city, village or township mayors at the time of holding elections in UTCs.

58 mayoral election winners were nominated by “Petro Poroshenko Bloc “Solidarity”, of which 38 occupied the positions of city, village or township mayors, 5 were the acting heads of rayon councils, 3 were the serving heads of rayon state administrations at the time of holding elections. Meanwhile, 10 out of 13 newly elected mayors-nominees of AUU “Batkivshchyna” occupied mayoral positions at the time of holding elections in UTCs.

As has been pointed out on numerous occasions by OPORA, acting officials of state authorities who get involved in election campaigns on a massive scale should not only faithfully fulfill the requirements of the law, but also adhere to the broad principle of equal opportunities for all candidates and political parties.

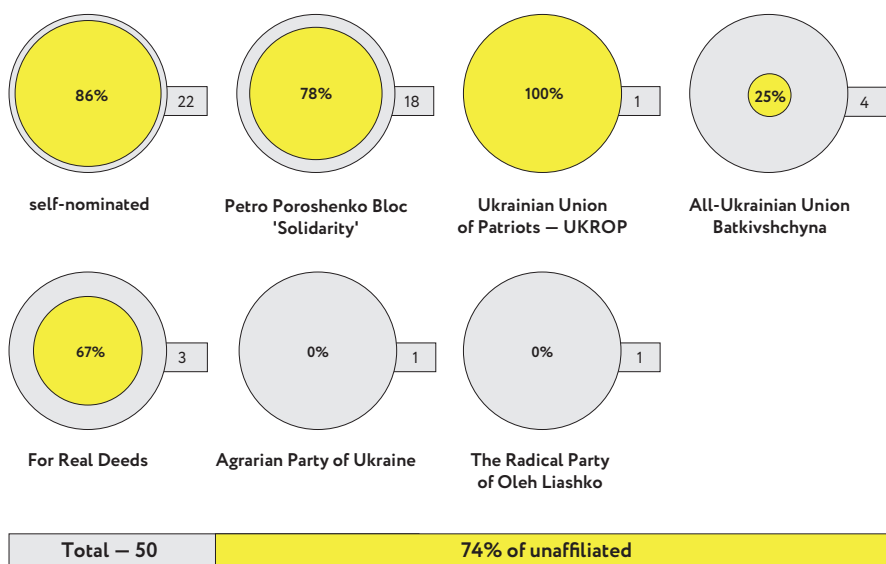
**Allocation of mayoral positions in UTCs among nominating parties whose candidates won the elections, while holding the positions of city, village, township mayors, heads of rayon councils or heads of rayon state administrations**

Nominating party	City / village / township mayor	Head of rayon state administration	Head of rayon council	Total
“Petro Poroshenko Bloc “Solidarity”	38	3	5	46
Self-nominees	88	3	1	92
“Ukrainian Union of Patriots – UKROP”	1	0	0	1
ALL-Ukrainian Union “Batkivshchyna”	10	0	0	10
“Nash Krai”	5	0	0	5
Radical Party of Oleh Liashko	1	0	0	1
Agrarian Party of Ukraine	1	0	2	3
“Syla Liudei”	1	0	0	1
“For Real Deeds”	1	0	0	1
<b>Total</b>	<b>146</b>	<b>6</b>	<b>8</b>	<b>160</b>

## Mayoral elections in UTCs in the first local elections held on December, 24, 2017

A total of 50 mayors were elected in the first local elections held in UTCs on December, 24, 2017, of which 22 (or 44% of the total number) were self-nominated candidates. Nominees of “Petro Poroshenko Bloc “Solidarity” won the mayoral elections in 18 UTCs, and 4 newly elected mayors of UTCs were nominated by local organizations of AUU “Batkivshchyna”.

### The results of city, village and settlement heads election in the first local elections held on 24 December 2017



Mayoral candidates representing “For Real Deeds” party won the elections in 3 UTCs of Khmelnytskyi oblast. Nonparty persons accounted for 74% of all winners of mayoral elections in UTCs, while self-nominated candidates accounted for 86% of mayoral election winners. 36 newly elected mayors of UTCs (or 72% of the total number) occupied the positions of city, village or township mayors at the time of holding elections. Two incumbent heads of rayon councils also were among the winners of mayoral elections in UTCs.

## Allocation of mayoral positions in UTCs among nominating parties, party and nonparty nominees

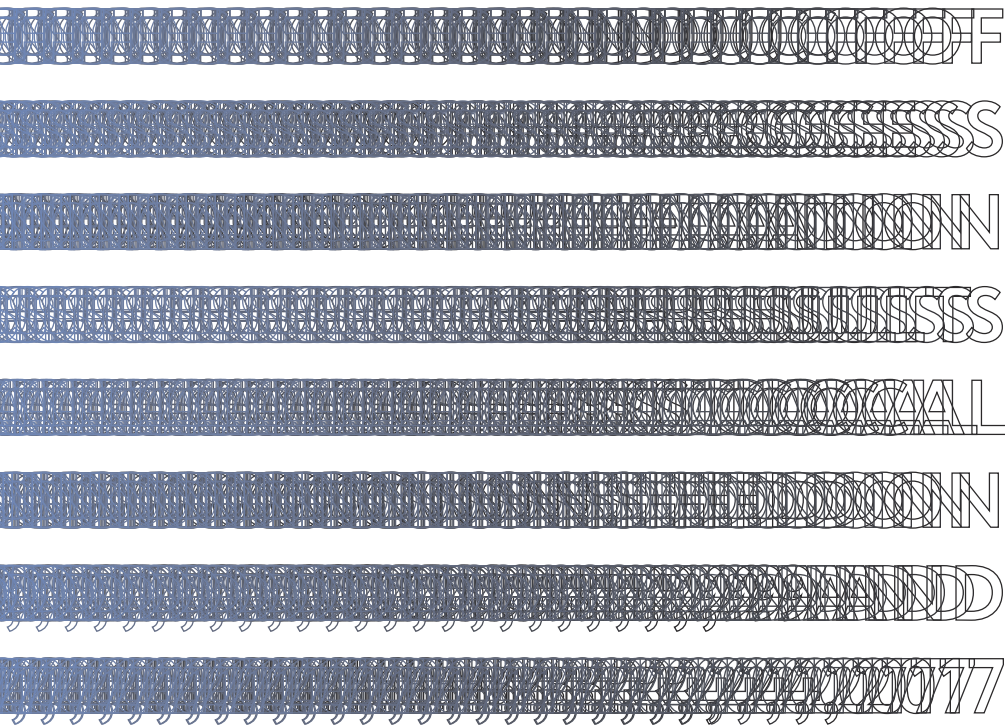
Nominating party	Number of mayoral positions	% of nonparty persons
Self-nominees	22	86%
“Petro Poroshenko Bloc “Solidarity”	18	78%
“Ukrainian Union of Patriots – UKROP”	1	100%
All-Ukrainian Union “Batkivshchyna”	4	25%
“For Real Deeds”	3	67%
Agrarian Party of Ukraine	1	0%
Radical Party of Oleh Liashko	1	0%
<b>Total</b>	<b>50</b>	<b>74%</b>

# CONDUCT OF VOTING PROCESS AND CERTIFICATION OF RESULTS OF FIRST LOCAL ELECTIONS HELD ON OCTOBER, 29 AND DECEMBER, 24, 2017

## **First local elections held on October, 29, 2017**

69 long-term and 122 short-term OPORA observers conducted comprehensive monitoring of voting and vote tabulation processes at the polling stations in the first local elections held in UTCs on October, 29, 2017. Observers were present at a statistically representative (valid) number of polling stations, which allowed them to carry out high-quality assessment of the main problems related to voting and vote tabulation processes.

Attempts to issue ballots to voters without asking them to present a valid passport of a citizen of Ukraine or upon presentation of invalid documents were the key violations detected on the Election Day of first local elections held on October, 29, 2017. Unlawful activity of members of the election commissions in the form of unjustified issuance of ballots was recorded in 13.1% of all polling



stations where the voting process took place. OPORA's representatives at the polling stations worked actively to prevent members of election commissions from committing such criminal offenses. As a rule, these preventive measures proved to be successful, which is due to the fact that attempts to issue ballots without asking to show valid documents were often motivated by personal, rather than political factors. However, as noted by OPORA observers, low level of legal culture and high level of tolerance to electoral violations shown by voters and members of election commissions creates preconditions for large-scale abusive practices. Without proper election monitoring the practice of issuing ballots to voters in violation of the established procedure for voter verification may grow into an orchestrated vote-tampering technology. The scale of the problem of attempted illegal issuance of ballots testifies to the need for conducting awareness-raising campaigns and bringing offenders to justice.

According to OPORA observers, ballot papers were not safeguarded by police officers in 12.3% of all polling stations. As was already mentioned in this report, observers noted the lack of effective communication between the police and TECs on issues relating to protection of ballots at all stages of electoral process, including the stage of transportation of ballots from manufacturing enterprises to the polling stations. In some cases (in 1.7% of all polling stations), ballot papers were not stored in a sealed safe box due to the absence of safe boxes at the premises of PECs.

In the run-up to the Election Day on October, 29, 2017, OPORA informed the electoral subjects and mass media about improper organization of the process of ballot production. In particular, there were no control commissions consisting of representatives of local party organizations in almost 60% of united territorial communities, where first local elections took place. In several cases, the lack of adequate control resulted in improper production of ballot papers, including the absence of candidates from the text of ballots, mistakes in personal information about candidates, incorrect indication of the names of electoral districts and elections in general. Such problems were observed before October, 29<sup>th</sup>, while on Election Day observers recorded more than 10 cases of improper production of ballot papers. In particular, some candidates were missing from the text of ballot papers in certain electoral districts of Stanislav UTC in Kherson oblast, Luka-Meleshkivska UTC in Vinnitsya oblast, Mala Divytsya UTC in Chernihiv oblast. Cases of incorrect indication of the names of candidates in the text of ballots were recorded in Baranyntsi UTC (Zakarpattia oblast), Zvanivka UTC (Donetsk oblast) and Mala Danylivka UTC (Kharkiv oblast). The fact that some TECs, local party organizations and candidates adopted irresponsible attitude to the process of production of ballot papers resulted in de facto restriction of the rights of certain electoral subjects and voters. There are a few isolated territorial communities, where court proceedings in cases of incorrect content of ballot papers took place even on Election Day (for example, in Bilovodsk UTC. Open access to court decision: <http://reyestr.court.gov.ua/Review/69849835>).

There have been fewer cases of violation of secrecy of ballot, as compared to previous local elections that were monitored by OPORA. Such incidents were recorded only in 0.8% of all polling stations.

On Election Day, October, 29, 2017, OPORA observers recorded cases of presence of unauthorized persons, namely local self-government officials, law enforcement officers, people's deputies and others at the voting premises. As a rule, election commissions reacted to cases of presence of unauthorized persons at the polling stations in a lawful manner. However, such incidents demonstrate the need for implementing enhanced measures to prevent un-

authorized persons from illegal interference in elections. There is still a great deal of controversy over the matter of transportation of voters to the polling stations. Although such cases were rare in occurrence, electoral subjects called the attention of law enforcement agencies to the need for checking the facts of organized transportation of voters and illegal campaigning in the corresponding means of transport orchestrated by certain candidates.

In the course of Election Day observers detected several procedural violations that are typical for elections in Ukraine. 14.4% of all PECs started their preparatory meetings earlier than 45 minutes before the beginning of voting process. This violation directly affects the ability of observers to keep record of all preparatory actions performed by election commissions before the opening of polling stations. 1.7% of all polling stations opened for voting after 8:00 a.m. due to organizational problems.

Electoral subjects had the opportunity to file complaints about violations of electoral law in the course of Election Day and before the start of evening meetings of PECs. According to OPORA, facts of submission of such complaints were recorded in 2.3% of all polling stations.

High turnout on Election Day, October, 29, 2017, (overall turnout figures – 48.2%) led to formation of long queues of voters in 1.6% of all polling stations.

OPORA observers noted the quite high level of organization and legitimacy of vote tabulation process. According to OPORA, 99.2% of all PECs complied with the procedure for vote tabulation, while 0.8% of PECs did not follow this procedure. Furthermore, members of election commissions, candidates and their proxies did not interfere with activities of independent observers in 98.4% of all polling stations. Nearly 100% of observers (99.2% of the total number) expressed their confidence in the results of vote tabulation at the polling stations.

The fact of criminal interference in elections at the polling station #120505 in Dnipropetrovsk oblast raised the issue of government's ability to prevent attempts to undermine the electoral process, which would lead to limitation of electoral rights of citizens and invalidation of election results. It is to be recalled that a group of unknown persons launched an attack on polling station #120505 on October, 29, 2017, which caused material damage and inflicted physical harm on law enforcement officers. The National Police of Ukraine managed to detain offenders just when they were attempting to leave the crime scene, but the matter of bringing these persons to justice remains an open issue.

## **Vote tabulation and certification of results of first local elections held in UTCs on October, 29, 2017**

According to OPORA, nearly 20 candidates appealed against the decisions, actions or inaction of PECs and TECs in court during first local elections. The vast majority of court proceedings ended with decisions on dismissal of claims. At the same time, the results of court proceedings give evidence of non-uniform judicial practice in regard to similar electoral disputes. In particular, this problem was identified in the matters relating to statutory deadlines for appealing to courts. In some cases, courts sustained the claims filed by candidates, but placed improper entities under an obligation to remedy the electoral violations. For example, Tysmenytsya rayon court (Ivano-Frankivsk oblast) obliged PEC to recount the votes, while the Law of Ukraine "On Local Elections" stipulates that vote recounting shall be carried out by TECs. Furthermore, some courts share a dubious opinion that violation reports are inadmissible as sufficient evidence, if they were not registered in the manner prescribed by applicable law. In our opinion, violation report is a document that establishes violation as a fact, while the current law does not prescribe an additional procedure for legitimizing violation reports by way of registering them with election commission.



## Contents and results of courts appeals relating to the process of vote tabulation and certification of results of first local elections held on October, 29, 2017

№	Name of territorial community	Statement of claim	Court decision
1	Zaitseve village community, Dnipropetrovsk oblast	<p>Head of PEC violated the voting procedure by giving voter a counterfeit, unprovided for by the law, before the procedure for issuing a ballot paper.</p> <p>Voting process was organized by unauthorized members of PEC.</p>	<p>Court of first instance invalidated the TEC decision on certification of election results.</p> <p>Court of appeal reversed the decision of first-instance court.</p>
2	Krasyliv city community, Khmelnytsky oblast	<p>The plaintiff appealed against TEC decision on refusal to recount the votes.</p>	<p>Court of first instance dismissed the claim. The decision of first-instance court was affirmed by court of appeal.</p>
3	Dalnyk village community, Odesa oblast	<p>The plaintiff appealed against TEC decision on recounting of votes at the polling station, which deprived him of victory in the election held in single-member district. After that the election commission scheduled a repeat vote.</p>	<p>Court dismissed the claim and justified its decision by impossibility to determine the level of substantiation of claim filed by another candidate without recounting of votes.</p>
4	Yakymivka township community, Zaporizhzhya oblast	<p>The plaintiff appealed against TEC decision on refusal to recount the votes at the polling station. The claim was substantiated by a violation committed by PEC in the course of voting process.</p>	<p>Court dismissed the claim, citing the absence of attached violation reports and expiry of the statute of limitations.</p>
5	Yakymivka township community, Zaporizhzhya oblast	<p>The plaintiff demanded the recounting of votes. The claim was justified by impossibility to monitor the contents of ballot papers at the final meeting of PEC, members of election commission did not vote on the issue of dubious ballot papers.</p>	<p>Court dismissed the claim due to the absence of competent evidence.</p>
6	Yakymivka township community, Zaporizhzhya oblast	<p>The plaintiff pointed out the impossibility of exercising control over the process of vote tabulation and violation of the procedure for cancelling a spoiled ballot paper.</p>	<p>Court dismissed the claim due to the absence of competent evidence.</p>

№	Name of territorial community	Statement of claim	Court decision
7	Tsuman township community, Volyn oblast	The plaintiff demanded the calling of repeat vote due to violations committed in the process of voting outside the voting premises (home voting).	Court dismissed the claim due to expiry of the statute of limitations.
8	Zaitseve village community, Dnipropetrovsk oblast	Head of PEC violated the voting procedure by giving voter a counterfeit, unprovided for by the law, before the procedure for issuing a ballot paper. Voting process was organized by unauthorized members of PEC.	Court of first instance invalidated the TEC decision on certification of election results. Court of appeal reversed the decision of first-instance court.
9	Krasyliv city community, Khmelnytsky oblast	The plaintiff appealed against TEC decision on refusal to recount the votes.	Court of first instance dismissed the claim. The decision of first-instance court was affirmed by court of appeal.
10	Dalnyk village community, Odessa oblast	The plaintiff appealed against TEC decision on recounting of votes at the polling station, which deprived him of victory in the election held in single-member district. After that the election commission scheduled a repeat vote.	Court dismissed the claim and justified its decision by impossibility to determine the level of substantiation of claim filed by another candidate without recounting of votes.
11	Yakymivka township community, Zaporizhzhya oblast	The plaintiff appealed against TEC decision on refusal to recount the votes at the polling station. The claim was substantiated by a violation committed by PEC in the course of voting process.	Court dismissed the claim, citing the absence of attached violation reports and expiry of the statute of limitations.
12	Yakymivka township community, Zaporizhzhya oblast	The plaintiff demanded the recounting of votes. The claim was justified by impossibility to monitor the contents of ballot papers at the final meeting of PEC, members of election commission did not vote on the issue of dubious ballot papers.	Court dismissed the claim due to the absence of competent evidence.
13	Yakymivka township community, Zaporizhzhya oblast	The plaintiff pointed out the impossibility of exercising control over the process of vote tabulation and violation of the procedure for cancelling a spoiled ballot paper.	Court dismissed the claim due to the absence of competent evidence.

№	Name of territorial community	Statement of claim	Court decision
14	Tsuman township community, Volyn oblast	The plaintiff demanded the calling of repeat vote due to violations committed in the process of voting outside the voting premises (home voting).	Court dismissed the claim due to expiry of the statute of limitations.
15	Stepanivka township community, Sumy oblast	The plaintiff appealed against vote counting protocols and vote recounting protocols on grounds that 145 ballots have more than one mark.	Court dismissed the claim, having established that "additional" marks constitute a part of voter's signature going beyond the confines of "detach here" line on the counterfoil of the ballot paper.
16	Yuvileine village community, Kherson oblast	The claim was substantiated by several facts of violation of electoral law, such as placement of campaign materials at the voting premises, obstruction of lawful activities of candidates on Election Day, non-compliance with the procedure for transporting electoral documentation from PEC to TEC.	Court dismissed the claim and stated that the plaintiff did not challenge the credibility (reliability) of data contained in the vote counting protocols which were drawn up by TEC.
17	Petrykivka township community, Dnipropetrovsk oblast	The plaintiff contested the legality of the decision on recounting of votes, which resulted in calling of repeat vote in electoral district.	Court dismissed the claim and stated that recounting of votes is the only possible way to determine the level of substantiation of claim filed by another candidate.
18	Yamnytsya village community, Ivano-Frankivsk oblast	The plaintiff demanded the recounting of votes to be conducted by PEC.	Court sustained the claim and placed PEC under an obligation to conduct the recount of votes.
19.	Natalyne village community, Kharkiv oblast	The plaintiff demanded invalidation of the vote at the polling station due to issuance of ballots to voters who were not registered in the respective electoral district.	Court of first instance and court of appeal dismissed the claim, since the number of ballots issued by mistake does not amount to 5% of illegal votes at the polling station.
20	Election commission in Tsebrykove township community, Odesa oblast	The plaintiff appealed against inaction of TEC with respect to execution of previous court decision, which invalidated the TEC decision on certification of election results.	Court of appeal dismissed the claim.

In some territorial communities the stage of certification of election results was accompanied by protest actions. In particular, peaceful protesters in Yuvileine village UTC (Kherson oblast) made a public statement on existence of facts of vote-buying in favor of a candidate who was announced the winner of mayoral election in UTC. Certification of election results in those single-member districts, where TECs scheduled repeat votes following on from the results of vote recount (for example, Dalnyk village UTC in Odesa oblast), was also accompanied by conflicts.

## **First local elections held on December, 24, 2017**

Similar to first local elections held on October, 29, 2017, non-compliance with electoral procedures and attempts to issue ballots to voters without asking them to present a valid document were the key violations committed by members of election commissions on Election Day, December, 24, 2017. In several territorial communities, violations on the part of PEC members were accompanied by attempts to exert pressure on official observers and obstruct them in the discharge of their duty to prevent electoral violations.

On December, 24, 2017, some PECs followed the practice of adopting official, but unlawful decisions on granting their members permission to issue ballots to voters without asking them to submit a valid passport, just like in the previous elections. For instance, PEC members at the polling station #230515 located in Oleksiyivka village (Zaporizhzhya oblast) unanimously adopted a decision on issuance of ballot to a voter who presented a photocopy of his passport. The decision was substantiated by the fact that PEC members knew him personally. This is yet another example of formalization of manifestly unlawful decision. Such facts indicate the need to conduct a large-scale awareness campaign among members of election commissions and voters with the aim of preventing illegal issuance of ballots. Furthermore, OPORA observers recorded a few isolated attempts to issue ballots to voters who were not included in the list of voters at all (polling station #510685, Lymanka village, Odesa oblast).

The problem of low-quality printing and lack of adequate control over the process of production of ballot papers negatively affected the first local elections held on December, 24, 2017, similar to previous elections. Mistakes in information and candidates missing from the text of ballots posed a serious challenge to public legitimacy of results of certain electoral processes.

Incidents at the polling stations with the involvement of unauthorized persons exercising the powers of public officials or people's deputies, just like on Election Day – October, 29, actualized the need for implementing effective

measures aimed at preventing illegal interference with activities of election commissions.

On Election Day, December, 24, 2017, OPORA observers recorded several cases of illegal pre-election campaigning. The problem of illegal campaigning on Election Day is much bigger than a mere fact of non-compliance with specific legal requirement, taking into account the practice of distribution of campaign materials without output data and financing of election campaigns using the funds other than the election funds of candidates.

In the first local elections held on December, 24, 2017, observers emphasized the advisability of enhancing voters' awareness on the need to check and update their personal information in the lists of voters. On Election Day, there were cases when voters couldn't find their names on the list of voters in each of the PECs in UTCs of Odesa oblast. At the polling station #480620 located in Novopetrivka village (Shyrokivska UTC in Mykolayiv oblast) citizens were deprived of the opportunity to cast votes in the election of deputies to local council due to inconsistency of information about registration address. In Poltava oblast (polling station #530774), several citizens who received voter invitation cards did not find themselves on the lists of voters. Furthermore, one of the citizens received a voter invitation card which was addressed to his relative who died more than two years ago. Although these cases were not recorded on a massive scale, nevertheless they should encourage all stakeholders to pay due attention to the matter of checking and updating voters' personal information in order to ensure high quality of voters' lists.

Observers called attention to the lack of material and technical support for the work of precinct election commissions – underequipped premises of PECs, absence of minimum required operational comfort for the work of election commission and conduct of voting process, regular power cuts.

In a few isolated UTCs the process of vote tabulation and certification of results of first local elections held on December, 24, 2017, was accompanied by gross violations of electoral law and heated political conflicts. Certification of results of mayoral election and election of deputies to Tayirove township council (Ovidiopol rayon, Odesa oblast) grew into a high-profile incident. Electoral disputes over the matters of vote recounting and declaring the elections invalid at some of the polling stations as well as delay in execution of court judgments forced the Central Election Commission to adopt a decision placing TEC under an obligation to certify the results of mayoral election as well as results of election of deputies to township council in the territory of 4 single-member districts on or before February, 12, 2018. The statutory period for certifying the results of elections in Tayirove UTC had expired on December, 29, 2017, but the

TEC failed to comply with legal requirements. In particular, on December, 25, 2017, Tayirove township election commission adopted a decision on recounting of votes at 6 polling stations. On December, 27, 2017, TEC members used health problems as an excuse to leave the premises of election commission without completing the process of vote recounting. On December, 30, 2017, the process of vote recounting was resumed. This is just one of many examples of conflict-affected electoral process in this territorial community. In summary, the electoral process in Tayirove township UTC is a vivid example of negative political influence on the system of election administration and manipulation with electoral procedures.

# NOTES

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