



**CVU report on a long-term monitoring
of the preparation to the regular
election of the President of Ukraine
(December 2018 – January 2019)**

Committee of Voters of Ukraine is non-governmental civil society organization which monitors election processes in Ukraine. It was founded in February 20, 1994 as an independent non-partisan organization with national status. The key idea of the CVU establishment initiators was to promote democratic changes in the country, including through independent non-governmental monitoring of election and referendum processes, both at the national and local levels, as well as public lobbying of the relevant legislative changes. During the period of its activities CVU on the basis of organization's elaborated methodology (which was taking into account all key standards for election observation) carried out the monitoring of any and all general national election campaigns, as well as most of campaigns of local elections.

CVU website: <http://www.cvu.org.ua/>

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FINDINGS AND RECOMMENDATIONS

1. According to the CVU, the current Law "On Elections of the President of Ukraine" in general allows to organize the due electoral process and to hold elections in accordance with international standards. At the same time, the Law has a number of technical flaws and is often not in the line with the latest legislative acts.
2. CVU believes that the current legislation on presidential election does not establish effective precautionary measures regarding the impact of large money on politics. In particular, the maximum limit of the presidential candidate's election fund has not been set. Thus, politicians can spend on elections arbitrary amounts of money. Also there should be set a spending limit on political advertising (for example, not more than 50% of the cost of the election fund), which would facilitate more meaningful election campaigns.
3. One of the risks to the electoral process may be the appearance of a significant number of biased members of electoral commissions on the initiative of technical candidates. The law provides that each candidate a guaranteed right to include his candidate in commissions. The drawing of lots for candidates are not held, the upper limit of commission members is not set. Thus, the technical candidates will have as many representatives in the commissions as they submit, and the number of commissions themselves can be artificially inflated.
4. CVU in general positively estimate the activities of the CEC and the Manager of the State Register of Voters regarding the preparation and organization of the election. Over December-early February, the CEC adopted over 150 Decrees on the organization of elections, in particular the registration of presidential candidates. CVU believes that the registration process was mainly conducted in a non-conflict atmosphere and in accordance with the current legislation. The CEC has denied to register some the citizens as a candidate (24 persons as of February 5). however, according to the CVU, such decisions were evidence-based and comply with the current legislation.
5. CVU welcomes the CEC's initiative to increase transparency in the electoral process by publishing full Candidate Financial Statements on the CEC website. At the same time, it is important for the CEC and the NAPC to carry out not only a technical analysis of the reports (whether report submitted timely, whether it corresponds the data from the banks, whether the contributions were legal, etc.), but also to make efforts to verify the completeness of the information in the reports. In particular, whether the information in the reports corresponds to the actual expenses of the candidates. According to the CVU, traditionally, the percentage of shadow spending in elections in Ukraine is high, but the identification of such irregularities is rare and does not have a significant consequence.

6. In the presidential elections of 2019, there is a record number of candidates (30 as of February 5) in the history of Ukraine. In total, 90 people submitted documents to the CEC. For comparison: in the presidential elections in 2014, 23 candidates were registered, in 2010 - 18, 2004 - 26, 1999 - 15. Some candidates run for the presidency in the previous elections. E.g., Oleksandr Moroz has been running in 1999, 2004, 2010 years. However, most of the 30 politicians have never run for President before.
7. CVU calls on the Verkhovna Rada to adopt legislative changes aimed at solving the problem of vote-buying. Parliament should consider draft law No. 8270, to increase penalties for the bribing of voters, as well as to provide law enforcement officers with additional tools for instituting effective criminal proceedings.
8. Of the 30 candidates, 14 are current MPs. 12 candidates are self-nominated, 18 were nominated by political parties. Among parties that have nominated candidates are: the political party "5.10", Opposition Bloc - the party of peace and development, Civic Position, Volia, Public Movement "People's Control ", Servant of the People, Social-Democratic Party, Socialist Party of Ukraine, Svoboda, Radical Party of Oleh Lyashko, Socialist Party of Olexander Moroz, Nashi, Samopomich, Osnova, All-Ukrainian Association "Batkivshchyna", Ukrainian unity of patriots - UKROP, Vidrodzhenia (Revival). There are 353 political parties in Ukraine.
9. One of the issues of the election process is the unofficial start of the election campaign, which took place in May-June 2018 instead of January 2019, as it is stipulated by the Law. According to CVU, 17 political parties and potential presidential candidates conducted massive advertising campaigns that had signs of election campaigning. According to CVU, such actions of politicians violated one of the basic principles of the election, namely the principle of equality.
10. CVU notes that the representatives of political parties were actively involved in unofficial campaign. Thus, over the period of October-December, CVU registered 272 news on the websites of five parliamentary parties that have signs of indirect voter bribery. In particular, they referred to the distribution on behalf of political parties, their local branches or people's deputies of goods for voters. According to the CVU, such activities were mentioned on websites of the BPP, Batkivshchyna and Opposition Bloc, People's Front and the Radical Party of Oleh Lyashko.
11. According to CVU, the most widespread violation during January was the placement of illegal campaigning. In particular, the placement of campaign materials without initial data (information about the institution that made the printing, circulation, information about the persons responsible for the issue, customers of the relevant materials). Illegal campaigning took place in most regions of Ukraine and in Kyiv.

12. CVU encourages candidates to give up on campaigning in schools and kindergartens, as well as not to place photos of children in campaigning materials and official publications of parties.
13. CVU indicates that some of the presidential candidates have not opened election funds, but have been campaigning, which is a violation of the current law. Thus, according to CVU data as of January 25, election funds have formed only 5 out of 20 registered candidates.
14. CVU generally welcomes the work of the Ministry of Internal Affairs to prevent violations of electoral legislation, but calls on to refrain from political statements regarding the election campaign and to publish reasoned evidence of violations by the subjects of the electoral process. Also, CVU encourages presidential candidates to provide the appropriate evidence while informing about the violations, which will facilitate their investigation. According to CVU, candidates should refrain from excessively emotional and often unwarranted allegations of possible violations during the election process.
15. CVU encourages candidates to adhere to the Constitution of Ukraine and election legislation and not to disseminate materials that promote war, violence, inflame ethnic, racial, religious hatred, and violate human rights and freedoms.
16. A preliminary analysis of candidates' election programs shows the predominantly low content of the campaign. Some candidates offer promises that are not in line with the authority of the President. CVU believes that candidates should have more balanced approach to their election promises, supporting their assertion by respective facts and financial calculations. Some candidates use in campaigning the topics that are contrary to fundamental human rights and are in contravention of Ukraine's international obligations. In particular, the introduction of a death penalty in Ukraine. According to CVU, such promises can have serious reputational risks for the state and politicians should refrain from spreading them.
17. CVU notes that candidates mostly use weak content forms of election campaigning. Often, candidates use such forms of campaigning as publishing of political advertising in the printed and audiovisual media; distribution of election postcards, posters and other printed campaign materials; the placement of political advertising on the carriers of outdoor advertising. Instead, such forms of campaigning as the holding of public debates, discussions, roundtables, press conferences regarding the discussion of the provisions of election programs and the political activity of candidates for the Presidency are not used.
18. CVU draws attention to an abnormally large number of organizations that have received permission to monitor elections - 139 organizations. For comparison: the presidential election in 2014 was observed by only 10 organizations. Of these 139 organizations, 131 stated that they would be observing throughout Ukraine. At the same time, most of the registered organizations do not have experience of observation, and some of them (dozens of organizations) were registered only

shortly before the election. Some organizations are related to certain political powers, which raises the question of the ability of such organizations to ensure truly independent and objective monitoring.

19. CVU encourages state authorities to make the necessary efforts to exercise the electoral rights of all categories of Ukrainian citizens, regardless of their place of residence. In particular, internally displaced persons and internal labour migrants who have the right to change the place of voting without changing the electoral address. Governmental bodies should facilitate the exercise of electoral rights of citizens through extensive awareness-raising work, as well as providing consulting and methodological support for submitting respective documents. CVU welcome the decision of the CEC to introduce a simplified procedure for changing of the place of voting for internally displaced persons. CVU also supports the publication on the website of the State Voter Register of information on the number of persons who have used the procedure of changing the place of voting without changing the electoral address.
20. CVU encourages state authorities to assist in the exercise of the electoral rights of military personnel and other persons involved in the Operation of the Joint Forces in the East of Ukraine. The Verkhovna Rada, in cooperation with the CEC and other state bodies, should consider introducing amendments to the Law "On Elections of the President of Ukraine" that would allow the election of military personnel and other persons involved in the Joint Forces Operation by the procedure of updated lists of voters (as provided for in the 2014 presidential elections).

1. Political context of the election

The regular election of the President of Ukraine would be held during a lasting armed conflict with Russia in the separate areas of Donetsk and Luhansk region. As a result, the election process is impossible in the territories which are not under Ukraine's government control as well as in the temporary occupied Autonomous Republic of Crimea.

However, it should be noted that internally displaced persons who had to leave places of their permanent residence because of the actions of the Russian Federation, will be able to participate in the voting. Those are approximately 1.6 million citizens of Ukraine, who are going to vote during the election of the President of Ukraine due to the elaborated mechanism of temporary relocation of the polling place without changing the electoral address.

Besides, the election would be held on the Ukrainian government-controlled territories of Donetsk and Luhansk regions. However, the certain list of settlements in Donetsk and Luhansk regions where it would be impossible to organize the election process, is not yet prepared.

According to CVU assessment, in general the governmental bodies properly execute their duties organizing the election process.

It should be noted that on the eve of the election the composition of the Central Election Commission of Ukraine has been changed. In September of 2018 the Verkhovna Rada of Ukraine has approved the law «On introduction of the amendments to article 6 of the law «On the Central Election Commission» thus increasing the number of members of the Commission from 15 to 17 persons. This action enabled the Parliament to appoint new members of the Central Election Commission. In September of 2018 the Verkhovna Rada has also resigned 13 members of the Central Election Commission whose tenure has ended, and appointed new members instead. The CVU is positively assessing the renewal of the composition of the Central Election Commission and states that the newly-appointed members of the Commission possess enough knowledge and experience to properly organize the election process.

CVU reminds that legally capable citizens of Ukraine who are already 18 on the election day, have a right to vote at the presidential election. Those voters, who live in a place other than registered place of residence, have a right to vote under the procedure of temporary relocation of the polling place without changing the electoral address. According to the State Voters Registry there are 35 582 184 voters in Ukraine (including voters from the temporary occupied territories of the Autonomous Republic of Crimea, the city of Sevastopol, and Donetsk and Luhansk regions).

2. The Law on Elections

The regular election of the President of Ukraine would be held under the same law the pre-term presidential election in 2014 was held. In the period of 2015-2019 no significant changes, concerning the organization of the election process, were introduced to the law «On election of the President of Ukraine». **According to CVU opinion, in general the current law «On election of the President of Ukraine» enables proper organization and conduction of the election in accordance with international standards.**

However, the law still has a number of technical shortcomings. Basically, earlier the CVU has recommended the Parliament to introduce an upper limit of members of the constituency and precinct election commissions to the law. The practice of a kind is foreseen by the law «On the election of People's Deputies of Ukraine», while the legislation regulating presidential elections omits it. According to CVU, in terms of absence of the upper limit, there could be any amount of members of the election commissions. This plays into hands of technical candidates, who are guaranteed to have their representatives in constituency and precinct election commissions.

Besides, the current law does not create additional mechanisms to prevent big money from influencing the election. In particular, the law does not foresee the upper limit of the presidential candidates' electoral funds. This does not harmonize with the law «On the election of People's Deputies of Ukraine», which, in turn, foresees the limits of a kind. Thus the electoral fund of a party, candidates-members of which are registered at the national constituency, could not exceed 90 000 minimum salaries (i.e. UAH 375 million). The electoral fund of a parliamentary candidate in a single-mandate constituency could not exceed 4 000 minimum salaries (i.e. UAH 16 million). However, presidential candidates could spend whatever sums they want to finance their campaigns.

The law is only setting an upper limit of the sum to be paid to the candidate's fund. Thus, the general sum a citizen is allowed to pay to the fund could not exceed 400 minimum salaries (i.e. UAH 1.6 million). The general sum any legal entity is allowed to pay could not exceed 800 minimum salaries (i.e. UAH 3.2 million). The CVU recommends limiting the maximum sum, persons or legal entities are allowed to pay, in order to reduce the influence, the big money could have on the election of the President of Ukraine.

The CVU also notes that the Parliament should amend the election legislation in order to resolve the problem of vote-buying. It is desirable that the Verkhovna Rada approve the draft law #8270, which enforces responsibility for vote-buying as well as provides the law-enforcement with additional instruments to initiate the effective criminal proceedings.

Though the Law «On election of the President of Ukraine» hasn't been amended substantively, some of its regulations changed due to the approval of several other legislative initiatives. Thus, in 2016 the Law «On Public Procurement» has come into force. It also foresees the peculiarities of the procurement procedures during the elections. Besides, in 2016 the Parliament has approved the requirement to the public officials to submit their declarations according to the new regulations (the so-called «e-declarations»). The presidential candidates are required to submit the electronic declarations as well. In 2015 the National Corruption Prevention Agency (NCPA) has been founded. Together with the Central Election Commission and the financial institutions the NCPA are responsible for the candidates keeping up with election campaigns financing regulations.

3. Central Election Commission activities

On the whole the CVU is positively assessing the activities of the Central Election Commission (CEC) and the Administrator of State Voters Registry on preparation and organization of the election process. In the period of December – the beginning of February, the CEC has approved more than 150 provisions concerning the organization of elections.

The CVU also states that the Administrator of the State Voters Registry (SVR) is executing his duties according to current legislation. The CVU supports the SVR initiative on publishing the information on the amount of persons who've changed the place of voting without changing the voting address. As of February, 4th some 8376 persons have temporarily changed their polling place.

The CVU also praises the CEC decision to simplify the voting for internally displaced persons. The CEC Provision #129 approved on September 5, 2018 has amended the Regulation on temporary changing the polling place without changing a voter's address. In particular, the regulation states that voters whose place of residence remains at the temporary occupied territories of cities, towns and villages in Donetsk and Luhansk regions, do not have to submit additional documents which prove the necessity to temporarily change the place of voting.

Besides, on December, 31 the CEC has decided to close the polling stations on the territory of Russian Federation because of the security issues. Those Ukrainians, who are on the consular register in Ukrainian consulates and embassies in Russia, have a possibility to vote at the Ukrainian embassies in Georgia, Kazakhstan and Finland.

The CEC has introduced the new financial reporting forms for candidates' election funds (CEC Regulation #3 On the financial reporting about the flow and use of money by the presidential candidates' election funds, report preparation and analysis). The new forms have been introduced, taking into account the NCPA decision #3221 «On approval of the draft financial reporting forms about the flow and use of money by the

presidential candidates' election funds, report preparation and analysis» approved on December 29, 2018.

The CVU positively assesses the Central Election Commission's initiative to publish not only generalized financial reports of the candidates, but also full digital forms of the reports. Earlier, the CVU stressed on the necessity to resolve this problem, noting the importance of publishing this data for the electoral funds transparency, and to guarantee citizens' conscious choice.

The CVU stresses on the importance of the full-scale financial monitoring of the presidential candidates' expenditures. It is important to not only analyze the timeliness of submitting the interim and final financial reports as well as check their correspondence to banking institutions' data, but to make efforts to check the information, provided by the reports. Such checks are to find out whether all the candidates' expenditures were mentioned in their reports, or had the candidates deliberately concealed certain information. According to CVU estimation the shadow expenditures during the elections in Ukraine traditionally remain high. However, the amount of the revealed cases of candidates' financial misconduct is too low and the investigations bring little results. In the meantime, according to the Criminal Code of Ukraine (art. 159, part 1) submission of the knowingly false information in a report on the flow and use of money by the candidates' election fund is fined with 100 to 300 tax-free minimum individual's incomes, or is punished with up to 2 years of correctional labor, or one could face up to 2 years in prison and be deprived of a right to occupy certain posts or be engaged in certain activities for as long as 3 years.

In CVU opinion the issue of procurements needed for organization of the election could create certain problems for the Central Election Commission. The new law «On public procurement» does not take into consideration the peculiarities of the state procurement during the election period and thus creates significant barriers for the CEC and constituency election commissions while executing their duties.

4. Registration of candidates

In January and February, the Central Election Commission had been registering presidential candidates, their commissioners and agents. **CVU states that the process of registration has been mostly held in a peaceful atmosphere and in accordance with the current legislation.**

As of February, 5 the CEC has registered 30 presidential candidates.

Several citizens (24 persons) have had their registration rejected by the CEC. As a rule, the Commission's decision has been motivated by the law «On the election of the President of Ukraine» (article 52, part 1, sections 1-3), i.e. «violation of the nomination regulations foreseen by this Law; absence of the documents required by articles 48 or 51 of this Law».

As a rule, the abovementioned persons have not submitted the documents proving the payment of the deposit. For instance, citizen Rehalo P. Ya. hasn't paid the deposit at all, while citizen Tyshchenko O.O. has paid a wrong sum (UAH 25 instead of UAH 2.5 million). Several citizens haven't brought the required documents or had such documents as presidential candidate's application form, autobiography and declarations formalized in a wrong way.

On the other hand, the NCPA has revealed technical mistakes in the declarations of 14 presidential candidates. However, this issue hasn't influenced the decisions concerning registration.

One of the potential candidates had his registration rejected by the CEC because of the content of his election program. Citizen O.M. Soloviov's election program included the following phrase: «My first steps to reach peace in Ukraine would be the following: ceasefire and negotiations with the representatives of the self-proclaimed republics...» Having studied this program, the Central Election Commission has identified several articles aimed at violation of sovereignty and territorial integrity of the state.

The CEC has rejected the registration of the leader of the Communist Party of Ukraine Petro Symonenko. The CVU considers the Central Election Commission's actions legally valid. According to part 8 of the Article 52 of the law «On the election of the President of Ukraine» the CEC has a right to refuse to register a presidential candidate who represents a party promoting communist and/or national-socialist (Nazi) totalitarian regimes and their symbols. Besides, the party's activities, name and symbols are recognized inappropriate according to the Cabinet of Ministers regulations and the requirements of the law «On condemnation of the communist and national-socialist (Nazi) totalitarian regimes in Ukraine, and ban on propaganda of their symbols».

5. Presidential candidates

According to Article 103 of the Constitution of Ukraine, a citizen, having attained the age of thirty-five, having the right to vote, residing in Ukraine for the past ten years prior to the day of elections, and having command of the state language, may be elected the President of Ukraine.

In order to be registered a presidential candidate a person has to pay a deposit. The deposit is paid by a party nominating a presidential candidate, or by a candidate him-/herself. The deposit is paid in non-cash form to the special CEC account and makes UAH 2.5 million.

The CVU has pointed out the record number of presidential candidates in the history of Ukraine. As of February, 5 the CEC has registered 30 candidates. They are:

1. Balashov Hennadii Viktorovych
2. Bohomolets Olha Vadymivna
3. Bohoslovska Inna Hermanivna
4. Boiko Yurii Anatoliiiovych
5. Vilkul Oleksandr Yuriiiovych
6. Haber Mykola Oleksandrovyeh
7. Hrytsenko Anatolii Stepanovych
8. Danyliuk Oleksandr Volodymyrovych
9. Dereviyanko Yurii Bohdanovych
10. Dobrodomov Dmytro Yevhenovych
11. Zelenskii Volodymyr Oleksandrovyeh
12. Kaplin Serhii Mykolaiovych
13. Kyva Illia Volodymyrovych
14. Kornatskyi Arkadii Oleksiiiovych
15. Koshulynskyi Ruslan Volodymyrovych
16. Kuprii Vitalii Mykolaiovych
17. Liashko Oleh Valeriiiovych
18. Moroz Oleksandr Oleksandrovyeh
19. Muraiev Yevhen Volodymyrovych
20. Nalyvaichenko Valentyn Oleksandrovyeh
21. Nasirov Roman Mykhailovych
22. Sadovyi Andrii Ivanovych
23. Skotsyk Vitalii Yevstafiiiovych
24. Smeshko Ihor Petrovyeh
25. Taruta Serhii Oleksiiiovych
26. Tymoshenko Yuliia Volodymyrivna
27. Shevchenko Ihor Anatoliiiovych
28. Shevchenko Oleksandr Leonidovych
29. Bondar Viktor Vasyliiovych
30. Bezsmetrnyi Roman Petrovyeh

This is a record number of candidates in Ukraine's history. To compare, there have been 23 presidential candidates registered during the Election 2014, in 2010 – 18 candidates, in 2004 – 26 candidates, in 1999 – 15 candidates.

Some presidential candidates had been nominated during the previous elections. Oleksandr Moroz has been a presidential candidate in 1999, 2004 and 2010. Inna Bohoslovska has been a presidential candidate in 2010, while Yuliia Tymoshenko – in 2010 and 2014. Oleh Liashko has been a presidential candidate in 2014. However, the majority of the current candidates do not have the nomination experience.

14 candidates out of 30 are current people's deputies of Ukraine.

12 candidates out of 30 are self-nominees, while 18 have been nominated by political parties. Among the parties to have nominated their candidates are: Political Party «5.10», «The Opposition Bloc – The Party for Peace and Development», «Civic Position», political party «Volia», «Civic movement «People’s Control», «People’s Servant» party, Social-Democratic Party, Socialist Party of Ukraine, all-Ukrainian union «Svoboda», Oleh Liashko’s Radical Party, Oleksandr Moroz’s Socialist Party, political parties «Nashi», «Samopomich», and «Osнова», all-Ukrainian union «Batktivshchyna», «Ukrainian Patriots’ Union – UkrOP», the political group «Vidrodzhennia».

6. Campaigning

In September 2018, CVU stated that some of the potential presidential candidates have already started massive advertising campaign in the regions of Ukraine and Kyiv before the official start of election process (December 31, 2018). This campaign has de facto begun in May-June 2018. According to CVU’s estimates, 17 political parties and potential presidential candidates have conducted massive advertising campaigns, which bore the marks of pre-election campaigning. For instance, before the start of elections, billboards of Lviv city mayor Andriy Sadovyi with the text «Nastupniy» («The Next») have been placed in Kyiv. These billboards clearly indicate the direct connection between the text and 2019 elections, that is why they should be perceived in the context of political campaigning, not advertising of a person or a political party. CVU called for political parties and potential presidential candidates to waive the placement of advertising materials before the official start of the elections.¹

CVU presumes that politicians have violated one of the basic principles of elections, the equality principle. Besides, according to the Article 57 of the Law of Ukraine «On the election of the President of Ukraine» election campaigning starts by the presidential candidate the next day after he is registered by the Central Electoral Committee and stops at 24:00 on the last Friday before the day of the elections. Election campaigning during the election process, which does not fit within the terms, defined by this Article, is prohibited.

CVU states that the representatives of political parties have participated in unofficial campaigning. **In October-December CVU detected 272 information messages on websites of 5 political parties, which have the characteristics of indirect bribery of voters.** For instance, these messages included information about giveaways of goods for voters on behalf of political parties, their local departments or deputies. According to CVU, such activity was conducted by websites of «Petro Poroshenko’s Bloc»,

¹ <https://www.pravda.com.ua/news/2018/09/10/7191606/>

«Batkivshchyna», «Opposition Bloc», Oleh Liashko's Radical party and «Narodnyi Front» political parties.

Officially the election process started on December 31, 2018.

According to CVU, **the most widespread violation in January has been illegal campaigning**. For instance, distribution of political campaign materials without output data (information on printing organization, number of copies, information on people who are responsible for publishing, those who ordered specific materials). It violates part 3 of Art. 59 of the Law of Ukraine «On the election of the President of Ukraine». As a rule, it applies to the placement of campaign materials on outdoor advertising carriers (billboards, citylights).

Illegal political campaign is documented in the most of regions of Ukraine and Kyiv, namely, in Khmelnytskyi, Volyn, Ivano-Frankivsk, Dnipropetrovsk, Lviv, Vinnytsia, Zakarpattia regions. In Kyiv, political campaign materials without output data in favor of Andrii Sadovyi and Serhii Kaplin have been detected. In several Ukrainian region illegal campaign materials with images of Anatolii Hrytsenko, Yuliia Tymoshenko, Oleksandr Shevchenko, Oleh Liashko, Illia Kyva and Oleksandr Vilkul have been placed.

CVU reminds that production or distribution of illegal political campaign materials is an administrative offense. Thus, during the election process production or ordering production of print materials for political campaigning without information on organization responsible for printing, circulation; information about people responsible for publication, or those with wrong or not complete information lead to the fine amounted to 10-30 times individual tax incomes (UAH 170-510) and 50-70 times individual tax incomes (UAH 850-1190) for officials.

The other problem is campaigning omitting election funds. According to the part 2 of Art. 37 of the Law of Ukraine «On the election of the President of Ukraine» presidential candidate should create an election fund to finance election campaigning. According to the part 1 of Art. 43 the election fund of the candidate is formed of his own funds, funds of the party, which recommended the candidate, and voluntary contributions. Also, part 2 of Art. 37 mentions that financing of election campaigning using resources not mentioned in the law is prohibited, even if it was agreed upon with parties – subjects of the electoral processes or presidential candidates. Thus, the candidates cannot campaign if financing is provided not from their election funds.

Despite the fact that the law obliges the candidates to open their own election funds, there are no terms for such actions. That is also the difference between the Law «On the election of the President of Ukraine» and the Law «On the election of people's deputies of Ukraine». The latter obliges the party's candidates or deputy candidate in single member constituency to set their election funds accounts not later than the 10th day since their registration by the Central Electoral Committee.

According to CVU, some presidential candidates have not opened their election funds but have already started the campaigning, which is the violation of the current law. Ministry of internal affairs² and Central Electoral Committee have mentioned the same problem. For instance, Central Electoral Committee has appealed to the police and National Agency on Corruption Prevention to check the validity of campaign financing by the presidential candidate Ihor Shevchenko³. According to CVU, as of January 25, only 5 candidates out of 25 have formed their election funds: Ihor Shevchenko (opened on January 15), Andrii Sadovyi (January 14), Anatolii Hrytsenko (January 17), Vitalii Skotsyk (January 21), Valentyn Nalyvaichenko (January 21).

CVU informs that some politicians and parties are campaigning in school and preschool institutions and give away presents there. Such activity was actively conducted in October-December 2018. For instance, during this period the representatives of «Opposition bloc» in Sumy region opened a playground for kindergarten in Velyka Pysarivka village⁴, one of the deputies of «Opposition Bloc» from Sumy city council presented a modern playground and washing machine for the kindergarten⁵, the representative of «Batkivshchyna» party presented a refrigerator to the kindergarten in Antonivka village (Kherson region)⁶, representatives of Kryzhopil regional organization Petro Poroshenko's Bloc «Solidarnyst» presented a laptop to one of the local kindergartens (the present was made via private joint-stock company «Podillya», chaired by the head of party organization)⁷. In January Oleh Liashko (before he was registered as a candidate) visited the kindergarten in Balakleya united territorial community of Cherkasy region, and presented candies to children, and a vacuum-cleaner for the institution. Such actions took place before the official start of the campaign and registration of the candidates, thus they are not considered to be an official campaign, but they have its characteristics. **CVU appeals to the candidates to stop the campaigning in school and pre-school institutions, as well as not to use photos of children in campaign materials.**

CVU positively evaluates the activities of the Ministry of internal affairs to prevent the violations of electoral legislation, but calls for restraining from political declarations on evaluation of electoral campaign and making the evidences of violations by the subjects of electoral processes public. Also, CVU appeals to the presidential candidates provide evidences together with declarations about violations, which will help the investigation. According to CVU, **candidates have to restrain from too**

²<http://mvs.gov.ua/ua/news/17635> Arsen Avakov Z 12 kandidatuv u prezidenti lishe tro vidkrili rahunki viborc hih fondiv.htm

³https://espreso.tv/news/2019/01/18/cvk_prosynt_pereviryty_vyborchi_koshty_kandydata_v_prezydenty_shevchenka

⁴<http://opposition.org.ua/news/oleksandr-strelchenko-mi-vtilili-v-zhittya-mriyu-ditlakhiv.html>

⁵<http://opposition.org.ua/news/zavdyaki-pidtrimci-mikoli-voitenka-u-dityachikh-sadochkakh-shostki-zyavilosya-nove-obladnannya.html>

⁶<https://ba.org.ua/region-news/xersonska-batkivshhina-dopomogla-silskomu-ditsadku/>

⁷<http://solydarnist.org/?p=194184>

emotional and often inconsistent declarations on possible violations during the election process.

Preliminary analyses of candidates' election programmes highlights the predominant low level of meaningfulness of campaign. Some candidates' promises do not correspond with the authorities of the President. For example, Roman Koshulynskiy promises to give access to pre-school institution to every child; Andrii Sadovyi promises to fight child alcoholism. A considerable quantity of promises are unrealistic. For instance, Oleh Liashko promises to guarantee more than \$100 billion of private investments in economy development; Serhii Kaplin – to increase minimum retirement allowance to UAH 5000. CVU considers that candidates should be more responsible regarding their campaign promises, reinforcing them with relevant facts and financial estimates.

According to CVU's estimates, social theme is prevalent in candidates' campaigns. The following messages are being distributed: «I guarantee. Gas prices for people will be decreased twice!» (Yuliia Tymoshenko), «All resources for oligarchs again?» (Dmytro Dobrodomov), «Affordable medicine is possible», «Work for Ukrainians is possible» (Oleh Liashko). The candidates also emphasize the problems of settlement of peace in Ukraine and renewal of government. The messages are as following: «Honest President will serve people» (Anatolii Hrytsenko), «Opposition Bloc – the party of peace and development» (Oleksandr Vilkul), «The only chance for changes is now» (Andrii Sadovyi).

Some candidates use messages contradictory to fundamental human rights and international obligations of Ukraine. For example, Illia Kyva publicly promises to introduce capital punishment for officials in Ukraine⁸; Oleh Liashko – for «corrupt officials, traitors to the nation and terrorists»⁹. Meanwhile, both politicians present themselves as pro-European candidates, whereas the idea of capital punishment contradicts the Constitution of Ukraine¹⁰. CVU calls for presidential candidates to stop circulating messages with reputational risks for the state.

CVU reminds that according to part 3 of Art. 64 of the Law of Ukraine «On the election of the President of Ukraine» the distribution of materials appealing to demolition of independence of Ukraine, change of constitutional order by violent means, violation of sovereignty and territorial integrity of the state, undermining its security, illegal seizure of state power, war and violence propaganda, stirring of ethnic, racial and religious conflicts, infringement of human rights, freedoms and health is prohibited.

According to CVU, candidates mostly use shallow forms of campaigning. The Law of Ukraine «On the election of the President of Ukraine» identifies 10 different forms of campaigning (part 1 of Art. 58). One of them is public debates, discussions, «round

⁸ <https://espresso.tv/news/2018/11/03/kyva-obicyaye-povernuty-smertnu-karu-dlya-chynovnykiv>

⁹ <https://tsn.ua/ukrayina/radikalniy-sposib-lyashko-hoche-povernuti-smertnu-karu-za-korupciyu-1283841.html>

¹⁰ <https://zakon.rada.gov.ua/laws/show/v011p710-99>

tables», press-conferences on candidates' programmes and political activity. Such form is scarcely used by the candidates. As the exception are the declarations of presidential candidates Anatolii Hrytsenko and Andrii Sadovyi on public debates among them.

Typically, the candidates use such forms of campaigning: publication of political advertising, speeches and interviews in printed and audiovisual media, distribution of materials, posters and other printed campaign materials, placement of campaign materials on outdoor advertising carriers.

7. Election monitoring

CVU pays attention to abnormal number of organizations that obtained permissions from the Central Electoral Committee to monitor elections – 139 organizations. For reference: only 10 organizations monitored the presidential elections in 2014, 37 organizations monitored parliamentary elections in 2014 (13 of them registered no observers, 83 organizations monitored local elections in 2015 (however, traditionally the number of observers during local elections is higher).

It is interesting to note that 131 out of 139 organizations declared that they would monitor the elections nationwide. Only 8 organizations declared that they would monitor the elections in separate regions or cities. For example, Kharkiv regional public organization “Agency of social projection “Right of choice” will monitor elections in Kharkiv region, public organization “Center of public initiatives “For Odesa!” – in Odesa region.

Most registered organizations do not have monitoring experience. Some of them (dozens of organizations) have been registered just before the elections. For instance, public organization «Yedynyi prostir Ukraina» has been registered in December 2018, public organization «Election platform «Dosvid» – in July 2018, public organization «All-Ukrainian association of election process participants» – in August 2018, public organization «Public platform of defense of the Constitution of Ukraine and human rights» – in January 2018.

Some organizations mention their connection with politicians in their names. For example, public organization «State Initiative of Yarosh», public organization «Team Ze», Public organization «Vitalii Klychko's UDAR - Ukrainian Democratic Alliance for Reforms». Such situation brings up questions about ability of these organizations to provide for independent and objective monitoring of electoral process without political influence.

There are no strict demands to the public organization monitoring the elections in the Law. There are only two demands: these organizations should be legally registered, and they should have elections monitoring mentioned in their statute activity (part 2 of Art. 69 of the Law of Ukraine «On the election of the President of Ukraine»).

As for international monitoring, CVU is positive about the initiative of Ministry of foreign affairs to not let Russian observers to the elections in Ukraine. Such decision was made because of biased and provocative positions of such observers during the last elections in Ukraine. CVU considers that an exception could be made for Russian public organizations «Golos» and «Grazhdanin nablyudatel», which were not spotted in prejudicial monitoring, and also spread the information about mass falsifications during the presidential elections in Russian Federation in 2018.