



**Mission Canada Preliminary Statement  
Ukraine Presidential Election, 22 April 2019**

*This second preliminary statement provides an assessment of Ukraine's presidential electoral process from 31 March to 22 April. The electoral process itself continues to unfold, including the counting of ballots, transfer and announcement of results, adjudication and process of complaints. Mission Canada is hereby commenting only on its observations between the two rounds of the election, including Election Day and its immediate aftermath. A final report, including a full analysis of Mission Canada's observations and recommendations, will be published after the completion of the entire presidential electoral process.*

Mission Canada would like to thank all its interlocutors and recognize the openness and efforts of all those involved in the preparation and conducting of the 2019 Presidential election, and the access granted to its observers throughout the process. Mission Canada endorses the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers. The Declaration provides the basis for the Mission's election observation activities.

During the second round of voting, held on 21 April 2019, Mission Canada visited 2,366 polling stations to observe the voting, counting and transmission of results. In between the first and second round of the Presidential election, Mission Canada's Head of Mission, the Honorable Lloyd Axworthy, and Deputy Head of Mission, Ms. Olya Odynska-Grod, as well as the analyst team, continued to hold meetings with a range of stakeholders. This includes other election observation missions, women's and minority groups, political campaigns, the Central Election Commission (CEC) and government security and policing institutions.

**Preliminary Findings**

- The 2019 Presidential Election in Ukraine was held in the context of a de facto war waged against Ukraine by the Russian Federation, and the illegal occupation of sovereign Ukrainian territory in the Autonomous Republic of Crimea and parts of the Donetsk and Luhansk Oblasts. Given the challenges posed to Ukraine by foreign occupation and aggression, the Ukrainian people are deserving of admiration for the successfully conducting these elections.
- Ukraine's media environment offers voters a broad range of sources of information and opinions. However, the objectivity and political involvement and allegiance of many media outlets negatively affected balanced election campaign coverage.
- The general ability of candidates competing in the second round to campaign freely, the ability for campaign volunteers and officials to operate in the main without intimidation, the ability of candidates to hold public meetings and rallies with voters, and access to media, contributed to a campaign environment conducive to the conduct of democratic elections.
- The immediate post-election period following the 31 March 2019 vote was generally calm and peaceful. No major incidents of election-related violence or unrest were reported in any regions of Ukraine where voting took place. The overall coordination of election-related security matters between branches of law enforcement continued to be positively observed by Mission Canada between the two rounds of the election.



- Mission Canada observed campaigning infractions before and after the official campaign period. The law doesn't define 'political agitation and political campaigning' to the extent necessary, leading to the inability of the regulatory agencies to monitor and issue sanctions in case of violations.
- The short timeframe between the first and second rounds of voting led to challenges around voter registration and re-registration, especially for internally displaced persons (IDP) and Ukrainian citizens residing in occupied Crimea and non-government controlled parts of Donetsk and Luhansk oblasts. As such, IDP participation remained low in the second round. This short timeframe also presented challenges to the reconstitution of District and Precinct Election Commissions, with new members unable to receive training.
- With only two candidates and a smaller ballot than for the first round, voting and counting in PECs and tabulation in DEC's took place more quickly and in a more orderly fashion.
- While there was an increase in the number of women involved in the administration of the election in round two, Mission Canada notes that the issue of gender equality remained absent from the two candidates' campaigns and public statements.

## **Background and Context**

Ukraine's presidential election, held on 31 March 2019, saw 39 candidates run for the office of the President. Voter turnout on Election Day was 62.8%.<sup>1</sup> The Central Election Commission (CEC) established the official result of the election on 7 April 2019, within the ten-day period set by the Law on the Presidential Election.<sup>2</sup> None of the candidates challenged the official results established by the CEC.

According to the results of the election, the two candidates who received the highest number of votes were Volodymyr Zelensky (5,714,034 votes) and Petro Poroshenko (3,014,609 votes).<sup>3</sup> Since no candidate obtained a majority of the vote in the first round, in accordance with the Law on the Presidential Election<sup>4</sup>, the CEC announced that a second round of voting would be held on 21 April 2019 between the two candidates that received the highest number of votes.<sup>5</sup>

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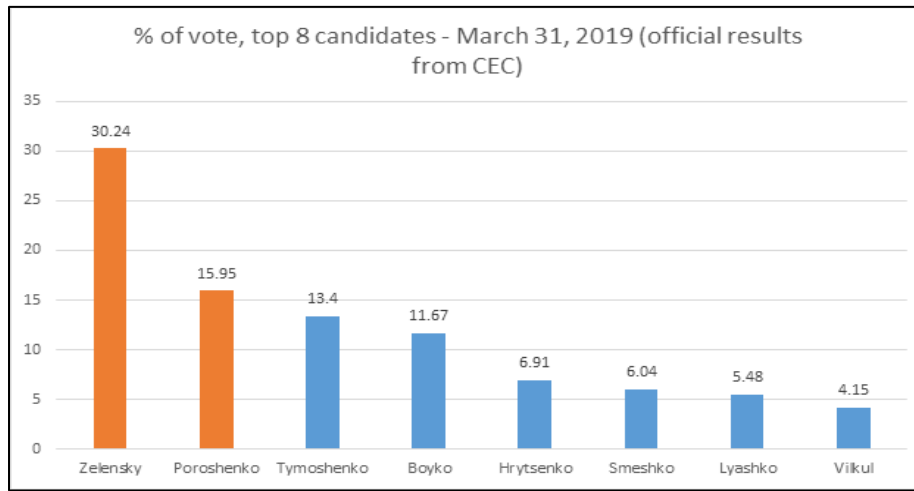
<sup>1</sup> 435,046 were on voters lists outside the country; of those, only 55,037 voted in the first round, which represents a turnout of 12%. [https://cvk.gov.ua/info/protokol\\_zvo\\_05.04.2019.pdf](https://cvk.gov.ua/info/protokol_zvo_05.04.2019.pdf)

<sup>2</sup> *Law of Ukraine* "On the Election of the President of Ukraine," Article 84, Part 1.

<sup>3</sup> 7 April 2019. *Protocol of the Central Election Commission on the results of voting in Ukraine's Presidential Election* [https://cvk.gov.ua/info/protokol\\_cvk\\_31032019.pdf](https://cvk.gov.ua/info/protokol_cvk_31032019.pdf).

<sup>4</sup> *Law of Ukraine* "On the Election of the President of Ukraine," Articles 11, 13, 71, 84, 85.

<sup>5</sup> 7 April 2019. CEC Resolution No. 759. "On the holding of a repeat round of voting in the election of the President of Ukraine." <https://cvk.gov.ua/pls/acts/showcardfdac.html?id=45535&what=0>.



### **Exit polls and Parallel Vote Tabulation – 31 March 2019**

On the 31 March Election Day, a consortium of the Ilko Kucheriv Democratic Initiatives Foundation, Kyiv International Institute of Sociology and the Razumkov Centre conducted the National Exit Poll, in which 19,453 respondents were surveyed at 400 polling stations in all regions of Ukraine where voting took place.<sup>6</sup> Preliminary results (as of 6:00 pm on Election Day) were published right after votes closed at 8:00 pm, and results of the exit poll were published at 11:00 pm.

The civil society network OPORA conducted a Parallel Vote Tabulation (PVT) at 1296 polling stations in all regions of Ukraine where voting took place. OPORA announced the results of the PVT on 1 April at 10:30 am.<sup>7</sup>

The high level of correlation between the statistics of the non-partisan, independent National Exit Poll and the PVT by OPORA, on one side, and the official results announced by the CEC on the other side, contributed significantly to societal confidence in the accuracy and veracity of the official results of the 31 March 2019 election.

### **Legal Framework**

The current statutory framework is largely in keeping with international democratic standards and is primarily composed of the 1996 Constitution, 1999 Law on the Election of the President of Ukraine, 2004 Law on the Central Election Commission (CEC) and 2001 Law on the State Register of Voters (all as amended). The President of Ukraine is elected for a five-year term by popular vote. It is a legal requirement that the elections for the President of Ukraine must take place on the last Sunday of March

<sup>6</sup> National Exit Poll. <http://dif-exitpoll.org.ua/>

<sup>7</sup> 1 April 2019. OPORA Results of the Parallel Vote Tabulation (PVT) <https://www.oporaua.org/news/vybory/vybory-prezydenta/vybory-prezydenta-2019/17454-rezultati-paralelnogo-pidrakhunku-golosiv-opori>



of the fifth year of the term of the incumbent President. The first round was held on 31 March 2019. As a majority of votes was not obtained by any candidate in the first round, a second round of elections was held three weeks later (21 April 2019) between the two candidates who obtained the most votes during the first round, Volodymyr Zelensky with 30.24% of the vote and Petro Poroshenko with 15.95%, as stated above.

### *Campaign Violations*

In many regions, Mission Canada observed that during the so-called “quiet period”<sup>8</sup> (day before Election Day), campaign billboards and posters were not removed. Campaign billboards using the same fonts, colors, and styles of campaigns (without candidate names) were also put up in several regions of Ukraine. Violations regarding billboard and other campaigning continued between the two rounds. Following the first round, there were several instances of campaign billboards and campaign literature published without the information on campaign materials required by law.<sup>9</sup>

Campaign violations are treated as administrative and were widespread, as observed in previous elections. The reason for this is a combination of lack of resources to remove the material, lack of discouraging penalties, and negligence. Additionally, a third of the administrative type offences ended up with fines imposed by the courts, with another third returned due to “paperwork” deficiencies, and the remaining third closed due to lack of sufficient and admissible evidence.

### *Vote buying, criminal and administrative complaints*

In its judicial synthesis of 2016, the High Administrative Court of Ukraine concluded that vote buying can refer to one of three offences: criminal (Article 160 of the Criminal Code of Ukraine), administrative (Article 212-10 of the Code of Ukraine on administrative violations), or electoral, which entails the application of measures that are constitutional in nature. Currently, the website of the Ministry of Interior contains information on 103 notifications on vote buying violations (Article 160 of the Criminal Code of Ukraine) starting from 3 January 2019. At the same time, the Unified State Register of Court Decisions contains information on 24 criminal cases on vote buying. In one case, a hierarchical criminal organization was allegedly created for mass bribery of voters and falsification of results. On many occasions, voters complained to observers that they received calls from unknown mobile numbers and were offered, on average, 500 UAH for their vote. All the criminal cases remain ongoing.

In between the two rounds of the presidential election, there were 12 notifications on vote buying according to the Ministry of Interior website. In one of the cases, the court authorized an inspection of an

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<sup>8</sup> According to the *Law of Ukraine “On the Election of the President of Ukraine,”* Article 64, Part 17, active campaigning is to cease at midnight on the Saturday before election day, and campaign materials including posters, billboards, etc. are to be removed at that time. Campaigning for the second round resumes following the announcement of official results of the first round by the CEC.

<sup>9</sup> According to the *Law of Ukraine “On the Election of the President of Ukraine,”* Article 59, Part 3, printed campaign material must contain information about the institution that printed the material, the circulation figures, and information about which campaign ordered the issuing.



apartment where the alleged briber resided and found 31,900 UAH in cash, which allegedly was intended to bribe voters.

Article 57, paragraph 3 of the Law on Presidential Elections defines the repeat voting campaign period as starting “the day after the repeat voting was called and shall end at 24 hours on the last Friday before the day of repeat voting.” The CEC officially announced the second round on 7 April 2019, effectively defining the campaign period for repeat voting as between 8 and 19 April 2019, inclusively. However, there were some examples of second round campaigning occurring prior to 7 April 2019. One such example involved both candidates placing Facebook “challenges” against the other candidate. Specifically, an official observer from NGO “Ukrainian Association of Shareholders” brought a claim against the presidential candidates Petro Poroshenko and Volodymyr Zelensky on unlawful campaigning for the second round, before the CEC announced the official results of the first round. However, the court disagreed and stated that placing respective video on Facebook did not constitute election campaign within the meaning of the electoral legislation.

#### *Court Adjudication on Voters’ Lists*

Currently, there are a total of over 4,000 voter list cases<sup>10</sup> that have been considered by the courts, the vast majority prior to the first round. Mission Canada observed that most applications concerned the lack a registered residence. In general, such claims were satisfied by court orders, obliging the State Voter Register and respective Precinct Election Commissions (PECs) to include applicants on the voter lists. In some instances, the courts referred such persons to the Centers for Registration of Homeless People (CRHR) where the issue of electoral address could be determined. However, the CRHR can only determine the electoral address of homeless people who reside in establishments of social protection. It should be noted that just under 1 million people do not currently have a registered address in Ukraine. For these people to be able to vote, the courts must intervene. This puts an excessive burden on the judicial system before Election Day.

#### **Election Administration**

In the first round of voting, Mission Canada observed very lengthy counting processes at most PECs, as well as confusion and delays in PECs submitting their results to their District Election Commission (DEC). This trend was observed in all oblasts where voting took place. Ballot counting was complicated by the fact that there were 39 candidates on the ballot and many PECs took several hours to finalize their protocols. In addition, many of them were required to drive far distances to reach their DEC. This situation delayed the transfer of results to the DEC to the early hours of 1 April 2019. Mission Canada observed PEC members queuing for several hours at DEC to submit their materials. In several instances where the DEC refused the results, PEC members opted to revise their protocols outside the DEC instead of driving back to the polling station and amending the protocols during a formal PEC session, as prescribed by the law.<sup>11</sup> In most cases, the reasons for refusal of protocols by DEC were due to technical mistakes and can be attributed to, according to Mission Canada’s observations, lack of formal training of all PEC members before the first round of voting.

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<sup>10</sup> Unified State Register of Court decisions website: <http://www.reyestr.court.gov.ua/>

<sup>11</sup> *Law of Ukraine* “On the Election of the President of Ukraine,” Article 82, Part 7.



Mission Canada will continue observing the counting and transfer of results onto 22 and 23 April and will report on this in its final report.

### *Voters Lists*

Given the short time period between the two rounds of voting, a provisional voter list was not produced or posted. As in the first round, State Voters Register offices are required to deliver a final list of voters to each PEC no later than two days before the second round of voting, by 18 April 2019. Voters wishing to register or change their voting location to vote at their temporary place of residence are able to do so until 15 April 2019. According to the law, young voters reaching the legal age to vote between the two rounds were automatically added to the final list of voters.

The total number of citizens registered in the State Voter Register was 29,657,746<sup>12</sup>. This includes citizens currently living in occupied Crimea and non-government controlled parts of Donetsk and Luhansk Oblast. Internally displaced persons (IDPs) were required to register their change of address at their State Voters Register offices again for the second round. The same rule applies to any other citizen who may be “temporarily” away from their registered residence, for example citizens working or studying in a different city. The period of time for this process was limited to nine days, between 7 April 2019 (the day the second round was officially announced) and 15 April 2019 (five days prior to the Election Day as prescribed by law). This resulted in lengthy and time-consuming queues. It took up to several hours to complete some registrations. A total of 325,604<sup>13</sup> Ukrainian citizens changed their addresses temporarily to vote in the second round, which is slightly higher than the 315,725 who did so for the first round.

As in the first round, an invitation to vote with the necessary information was sent to each registered voter no later than three days before the election, 17 April 2019. No additions to the voter lists can be made on Election Day, 21 April 2019, and only voters listed are eligible to vote. Mission Canada did not observe any additions to the voter lists on Election Day.

### *Closure and Formation of New DEC and PECs*

In preparation for the second round of the Presidential election and in accordance with the Law on the Presidential Election, all the DEC and PECs needed to be reconstituted. Each candidate was required to submit an equivalent number of candidates for the membership of the 199 DEC and 28,808 PECs (seven each for the DEC and six to eight for the PECs, depending on their size). To avoid unfairness, the position of Deputy Chair was abolished for the second round and the positions of Chair and Secretary were shared between the two candidates. The fact that each commission had an even number of members (12, 14 or 16) equally shared between the two candidates presented a problem in cases of split voting on important issues at meetings. Mission Canada observed this issue when DEC were appointing technical staff.

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<sup>12</sup> <https://www.cvk.gov.ua/pls/vp2019/wp095pt001f01=720pt049f01=0.html>

<sup>13</sup> As of 18 April 2019,

[https://www.drv.gov.ua/ords/portal!/cm\\_core.cm\\_index?option=ext\\_num\\_voters&pdt=6&pdv=706&pmn\\_id=127](https://www.drv.gov.ua/ords/portal!/cm_core.cm_index?option=ext_num_voters&pdt=6&pdv=706&pmn_id=127)



Both Presidential candidates were required to propose a high number of commission members within a short time, around 1,400 individuals at the DEC level and around 200,000 individuals at the PEC level. Neither of the two candidates succeeded in this and several DECs were forced to appeal to the public by invoking section 85.12 of the Law on the Presidential Election to fill vacancies in the membership of the PECs. PEC members were nominated as follows for the second round:

- 195,026 on submission of candidate Zelensky;
- 147,228 on submission of candidate Poroshenko;
- 59,210 on proposal of the DECs.

The final results of the first round of the election were announced on 7 April 2019, leaving only two weeks for the closure of the DECs and PECs from the first round (archiving of files, financial operations, etc.) and the setting up of new commissions for the second round. Thus, some PECs started their operations less than a week before Election Day. This very short timeframe had a significant impact on the training of new DEC and PEC members. IFES had offered to the CEC to provide training to new DEC members, but the CEC decided that it was not necessary given the tight timelines. Mission Canada did not observe any new training sessions for PECs before the second round.

#### *Positive Impact of a Two-Candidate Ballot*

The fact that only two candidates were competing for the second round resulted in the ballot being much shorter in size and simpler to read. There were no issues regarding lack of space in the safes to store the ballots and voters were able to handle ballots more easily. In addition, counting procedures were also significantly easier and less time consuming at the end of the second round of voting day, including the completion of PEC protocols.

#### **Campaign Environment**

Between the first and second round of the election, Mission Canada met with 76 regional representatives of Presidential campaigns, including the campaigns of those candidates who did not pass the first round. However, there were some difficulties in attempting to schedule meetings with the representatives of the two candidates for the second round in several of the regions.

Regional campaigns representatives with whom Mission Canada met were generally satisfied that there were no systemic violations that affected the result of the election on 31 March 2019. Regional representatives with whom Mission Canada met noted the general absence of intimidation and campaigns noted the ability to campaign freely. In a limited number of cases, representatives of campaigns noted difficulty in accessing media for advertisements, and alleged that the use of administrative resources negatively affected the fairness of the campaign.

Exchanges between the two campaigns in the period preceding the second round were highly personalized and heated. Public campaign events were much more infrequent and much of the discourse that emerged from the campaigns focused on the possible organization of debates. In the early part of the campaign, there was much publicity surrounding drug and alcohol testing, to which the two candidates submitted.





In between the two rounds, the Zelensky campaign continued to engage the public primarily through social media, combined with some “traditional campaigning” such as printed leaflets for distribution to potential voters, printed billboards, etc. The campaign also continued a strategy of limited mass media access to the candidate, generally eschewing appearances of candidate Zelensky on live political talk shows on television or radio programs, with Zelensky campaign representatives and campaign proxies frequently appearing in such fora. On the Thursday before the end of the campaign, candidate Zelensky appeared on the live political talk show *Pravo na vladu* on the 1+1 station, which airs the *Sluha narodu* and *Vechirnyi kvartal* comedy series in which he acts. The Poroshenko campaign continued to use mostly “traditional” methods of campaigning and the campaign focused on a strategy of increasingly frequent appearances of candidate Poroshenko on live political talk shows on television and radio, combined with the appearances of campaign representatives and campaign proxies.

As during the campaign leading up to the first round, a number of factors contributed to a campaign environment conducive to the conduct of democratic elections. This includes the general ability of candidates to campaign freely, the ability of campaign volunteers and officials to operate in the main without intimidation, the ability of candidates to hold public meetings and rallies with voters, and general ability to access the media.

#### *Candidate Debates*

Article 62 of the Law on Presidential Elections, together with CEC Resolution No. 472 (as of 5 May 2014, and as amended on 27 August 2014) and CEC Resolution No. 834 (18 April 2019)<sup>14</sup>, establishes the requirements for a second round televised debate to be aired by the National Public Broadcasting Company (Suspilne) between the two candidates on the last Friday (19 April 2019) before Election Day. Although mandated by law, there is no legislated penalty and/or fine for non-participation.

According to a survey by the Kyiv International Institute of Sociology released on 16 April 2019 on the importance of public debates, 68.6% of those surveyed considered debates important and 24.7% considered debates “completely unnecessary”. In regards to expected results of debates, 34.5% stated that they wished to become more familiar with the candidates’ programs and their position on important questions; 17.8% to see how the candidates communicate; and 30% “to become convinced that my candidate is the same person for whom I will vote.”<sup>15</sup>

In addition to the debate mandated by law, presidential campaigns and media organizations can also organize candidates’ debates, at the decision and agreement of the two campaigns. In the event that such debates are organized, they are to be funded from the electoral funds of the candidates.<sup>16</sup> The two campaigns agreed on only one such debate. On 19 April 2019, the two candidates participated in a live debate from 7:00 to 8:00 pm at the Olympic Stadium in Kyiv, where several thousand people gathered to view the debate. The debate was broadcast live on most major TV networks, radio and online. In order to

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<sup>14</sup> <https://cvk.gov.ua/pls/acts/showcard6c8a.html?id=45659&what=0>

<sup>15</sup> 16 April 2019. Kyiv International Institute of Sociology. *Thoughts and Views of the Population ahead of the 2<sup>nd</sup> round of the presidential election: April, 2019.*

[http://kiis.com.ua/materials/pr/20191604\\_politics\\_april/Poll\\_april%202019%20presentation.pdf](http://kiis.com.ua/materials/pr/20191604_politics_april/Poll_april%202019%20presentation.pdf)

<sup>16</sup> *Law of Ukraine* “On the Election of the President of Ukraine,” Article 62, Parts 6-9





ensure that both candidates could also participate in the official debate mandated by law, on 18 April 2019, the CEC moved the starting time of the debate to be aired on the National Public Broadcaster from 8:00 pm to 9:00 pm on 19 April 2019. Only candidate Poroshenko participated in the official debate mandated by law. Since the debate took place 36 hours before the election, there was very limited time for public discussions and analysis on issues raised, including by the media.

Mission Canada considers debates between candidates an important part of the democratic process of elections, and of the democratic tradition. Candidate debates allow voters to familiarize themselves further with candidates, their platforms, programs and positions.

### **Election Security**

The immediate post-election period following the 31 March 2019 vote was generally calm and peaceful. No major incidents of election-related violence or unrest were reported in any regions of Ukraine where voting took place.<sup>17</sup> On 19 April 2019, during the candidates' debate at Olympic Stadium in Kyiv, which was attended by several thousand people, Police, National Guard and State Security Service officials effectively and successfully maintained law and order. No breach in security or violence was observed.

The overall coordination of election-related security matters between branches of law enforcement continued to be positively observed by Mission Canada between the two rounds of the election.

### *Cybersecurity*

Despite numerous concerns regarding cybersecurity of the CEC operations and Vybory (Election) system, the lead up to the first round of voting on 31 March 2019, and subsequent counting of ballots during the following week, occurred without incidents or known disruptions. According to various reports however, the CEC systems were subjected to an increased volume of constant attacks, including massive DDoS attempts, phishing, hacking and system probing aimed at detecting vulnerabilities throughout the entire campaign period.

It is likely that a similar level of attempts at interfering with the regular electoral process continued during the second round. The key area of concern regarding the period between the first and second round of election is the inability to deliver cyber awareness training to new DEC members given their late confirmation. This constitutes a significant risk associated with possible unauthorized access to servers in DECs.

### **Campaign Financing**

According to the law, the campaigns of the two candidates in the second round must submit interim financial statements to the CEC on the campaign fund four days prior to Election Day. The report must include campaign spending from the day the candidate was included in the second round (in this case 7

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<sup>17</sup> A minor incident took place on 9 April in front of the office of candidate Zelensky in Kyiv city between demonstrators and counter-demonstrators. Police detained two men for alleged hooliganism – attempting to destroy placards and provoking a physical altercation.



April 2019) to the seventh day before the election. Campaign spending must cease at 6:00 pm on the Friday before Election Day (19 April 2019).

According to the two candidates' statements published by the CEC, in the period from 7 to 13 April 2019, candidate Poroshenko's campaign fund received 99,900,000 UAH (100% of which was received from the personal funds of the candidate) and spent 96,966,790.39 UAH, over 60 million UAH of which was spent on media advertising.<sup>18</sup> Candidate Zelensky's campaign fund received 44,597,440 UAH (100% of which was received from the political party who nominated him as a candidate) and spent 50,431,186.94 UAH – over 44 million UAH was spent on media advertising.<sup>19</sup>

Interlocutors with whom Mission Canada spoke continued to highlight the general opaqueness of campaign financing in Ukraine, although recent improvements in transparency were noted.<sup>20</sup> Reforms and regulatory provisions that advance the transparency of campaign financing and provide sanctions and effective remedy for violations are necessary to continue the consolidation of democratic institutions in Ukraine.

### **Participation of Women in the Election and Gender Issues**

The participation of women in election administration increased slightly between the first and second round of the election. In the first round, the overall percentage of female representation in the DECAs was 56.56% and for the second round it was 60%. This represents an 11.5% increase in women's participation in election administration from the previous presidential election in 2014, where female membership in the DECAs constituted 48.56%.<sup>21</sup> Mission Canada observed high numbers of women serving as DEC and PEC chairpersons and secretaries. However, Mission Canada recognizes that these numbers do not reflect the entirety of women's participation in these elections.

In between the two rounds, Mission Canada continued to note the absence of women's voices and concerns. Neither candidate spoke about gender equality while campaigning. However, on 18 April 2019, candidate Zelensky announced the appointment of a gender equality official, when he made public the team that would be part of his administration if elected.

Regarding the gender breakdown of voters, in the first round there was an equal split in preference for candidate Zelensky, while candidate Poroshenko had slightly more support from men. As of 16 April 2019, polls indicated that the gender split between the two contestants was almost equal. In the same poll, there was a 2.6% difference between men and women who had decided they would not be voting in the second with more men (7.7%) stating they would not participate than women (5.1%).<sup>22</sup>

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<sup>18</sup> <https://cvk.gov.ua/pls/vp2019/wp082pt001f01=720pkindrep=1.html>

<sup>19</sup> <https://cvk.gov.ua/pls/vp2019/wp082pt001f01=720pkindrep=1.html>

<sup>20</sup> See Mission Canada's Preliminary Statement on the first round of the election. 1 April, 2019.

<https://www.canademissions.ca/copy-of-press-releases>

<sup>21</sup> <https://www.oporaua.org/en/news/vybory/vybory-prezydenta/vybory-prezydenta-2019/17564-h>

<sup>22</sup> Kyiv International Institute of Sociology (KIIS) Poll released on April 16, 2019:

[http://kiis.com.ua/materials/pr/20191604\\_politics\\_april/Poll\\_april%202019%20presentation.pdf](http://kiis.com.ua/materials/pr/20191604_politics_april/Poll_april%202019%20presentation.pdf)



### **Participation of Internally Displaced Persons (IDPs) and Internal Migrant Workers**

According to the Ministry of Social Policy, as of 15 April 2019, there were 1,180,832 registered IDPs of voting age in Ukraine for the second round of the Presidential election. While the total number of people registering to change their electoral address fell by 20% between the two rounds, there was a 6% increase in the overall number of IDPs who registered, with IDPs making up 23% of the total in the first round and 29% in the second round. 75,607 IDPs changed their electoral address for the second round: 4,884 from Crimea; 1,141 from Sevastopol; 45,048 from Donetsk and 24,534 from Luhansk oblasts.<sup>23</sup>

In the week before the first round, human rights groups noted a significant increase in the number of people crossing the entry-exit checkpoint (EECP), culminating on 26-27 March with 16,000 people crossing during a 24 hour period.<sup>24</sup> However, only 6,000 people crossed on Election Day. This is considered to be partly attributed to information broadcast on television from the non-government controlled side, as well as leaflets distributed near the EECP, warning people not to cross on 31 March 2019 due to the possibility of “provocations” as well as claims that the government-controlled side of the EECP would be closed. However, groups monitoring the EECP in both Donetsk and Luhansk oblasts stated that there was no change in the number of people crossing during the period between the two rounds and that there were no advertisements either in the regular media or on social media in the non-government controlled areas warning people not to cross.

Challenges continued in the second round with regard to the legal requirements to register a temporary address with the State Voter Register for those not living at their permanent residence. This included IDPs, students, internal labor migrants and others. Mission Canada observed long line-ups, delays and confusion as to what documents were needed in order to register a temporary electoral address at State Voter Register offices for the second round, despite the fact that there was almost a 20 percent drop in the numbers of those registering a temporary voting address between the first and second rounds. There were however some regional variations. In Zakarpattia Oblast, Mission Canada did not observe any queues to register during the 8-day registration period from 7 to 15 April, while in Luhansk Oblast, people waited in queues for several hours, with at least one State Voter Register reporting that they were processing upwards of 300 applications a day.

There were also differences in the actual registration process compared to the information provided depending, on the individual State Voter Register. Most registrants across Luhansk Oblast were told to come back a second time to pick up their “certificate of registration”. At the State Voter Register in Pechersky district, Kyiv city, people waited for up to five hours to get their certificate after they had registered. While there is nothing in the legislation that states certificates must be given out at the time the person registers to change their address, State Voter Register offices took different approaches

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<sup>23</sup> State Voter Register.

<sup>24</sup> According to the UNHCR funded Right to Protection NGO in Severodonetsk, the average number of people who cross the EECP in a 24-hour period is 10,000-11,000, with an equal number crossing from both non-government controlled areas and the government-controlled side.



depending on how they interpreted the legislation in determining whether or not people should wait or come back a second time for their certificate.<sup>25</sup>

In general, the process disenfranchised Ukrainian citizens residing in the non-government controlled parts of Donetsk and Luhansk oblasts, as well as in Russian-occupied Crimea. The requirement for voters to cross the Line of Contact in Donetsk and Luhansk oblasts and from Russian-occupied Crimea to mainland Ukraine several times to change their voting address put them at risk repeatedly and certainly discouraged many of them from exercising their right to vote. The fact that voters were required to register again for the second round further compounded this issue.

There was also confusion with regard to whether voters needed to bring their certificates with them in order to vote. Some State Voter Registers informed people registering their temporary address, that in order to cast a ballot, they should bring the certificate with them to the polling station. Other State Voter Registers told those registering that they only needed to bring their (internal) passport. According to current Ukrainian law there is no obligation to show the certificate when voting.<sup>26</sup>

Throughout the second round of voting, IDPs, civil society organizations assisting IDPs, and domestic observer organizations, continued to strongly advocate for the adoption of draft law No. 6240, which would significantly broaden the enfranchisement of all Ukrainians, who live, study or work in places outside their official permanent residence, including IDPs, to participate in all electoral processes. However, most acknowledge that this is unlikely to happen during the current session of Parliament although it is on the agenda.<sup>27</sup>

### **Participation of Minorities**

In the first round, Mission Canada observed a lack of accessibility in most polling stations for people with mobility challenges, for example by being located in a room on upper floors without elevators, with limited space to operate a wheelchair, etc. The law provides mitigation to this challenge through mobile voting units, which PECs organized. Mission Canada also observed difficulty for voters with limited sight to read the ballots, but this challenge was not observed in the second round as only two names appeared on the ballot and were therefore, printed in much larger characters.

On 9 April 2019, the Chief Rabbi of Ukraine, Moshe Reuven Asman, requested the extension of voting hours from the CEC, in at least one PEC in each major city in Ukraine, until 10:30 pm in order to accommodate the Jewish holiday of Pesach. Under Jewish law, it is forbidden for Jews to undertake any kind of work until sundown during the holy day period. On 10 April 2019, the CEC responded that it follows

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<sup>25</sup> Paragraph 4.5 of CEC Regulation No. 893 simply states that there is an obligation on the part of the SVR to issue a certificate to each voter who has temporarily changed their place of voting.

<sup>26</sup> Part 1 of Article 76 of the Law on presidential elections states that when voting, a voter is not obliged to present such a certificate. He/she only has to show a document verifying they are a Ukrainian citizen (e.g. internal passport).

<sup>27</sup> As one IDP advocate told Mission Canada, “IDPs are not considered an important constituency.” Neither candidate mentioned IDP issues (or draft law No. 6240) in any public forum during the second round, or addressed this issue in their campaign platforms.



the number of hours mandated by law and thus the CEC does not have the authority to change the voting times; however, they noted that if voters arrived by 8:00 pm, they could cast their ballot after sundown. In addition, the date of the second round falls on Easter Sunday for Roman Catholics and Protestants.

According to local activists met by Mission Canada, the attitude towards candidate Zelensky in the Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) community is ambiguous. Some supported his candidacy, because he represents high hopes for a change of power from an old way of doing business. However, many were categorically opposed to him because studio "Kvartal 95", which is headed by candidate Zelensky, has repeatedly produced homophobic, transphobic and sexist jokes on television, in prime time, thus legitimizing intolerant attitudes to the LGBTQ community amongst its viewers.

### **Participation of Youth**

In a nation-wide poll conducted on 16 April 2019, youth aged 18 to 29 supported candidate Zelensky by almost a 50% margin (59% to 11.5%), while 17.5% had not yet decided whom they would vote for and 8% had decided they would not participate in the second round.<sup>28</sup>

Although candidate Zelensky mentioned youth issues in his campaign platform, regarding issues such as education, employment and programs for youth entrepreneurs, he was silent on these issues in both rounds of the campaign. In an interview on ICTV on 8 April 2019, candidate Poroshenko acknowledged his own mistakes in not reaching out to more youth, stating that if he were re-elected, he would appoint more youth to office, while also promising to stop appointing his business partners.<sup>29</sup>

### **Media and Information Environment**

All of the issues and concerns identified by Mission Canada in its first preliminary statement continued to shape the information environment during the period leading to the second round. In addition, Mission Canada observed a sharp increase in negative political campaigning, illegal advertising and 'black PR' at the national and local levels. Both campaigns used visual and print materials to discredit and humiliate opponents, which were then widely spread by supporters on social media and reported on in traditional outlets. In one specific case, a video that can be interpreted as inciting violence against one of the candidates was promoted from the account of another candidate.<sup>30</sup> Such content in an electoral context characterized by a fragmented information environment furthers polarization and encourages opportunities for external manipulation and influence. The lack of regulation concerning online media (web-based media) and the use of online resources and platforms to create, promote, and advertise illegal political content for commercial gain raises a significant concern.

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<sup>28</sup> Kyiv International Institute of Sociology (KIIS) Poll released on April 16, 2019:

[http://kiis.com.ua/materials/pr/20191604\\_politics\\_april/Poll\\_april%202019%20presentation.pdf](http://kiis.com.ua/materials/pr/20191604_politics_april/Poll_april%202019%20presentation.pdf)

<sup>29</sup> <https://nv.ua/ukr/ukraine/politics/ce-pomilka-v-kadrovij-politici-poroshenko-poobicyav-ne-priznatchati-na-posadi-svojih-biznes-partneriv-50015482.html>

<sup>30</sup> In that video, Mr. Zelensky is walking on the street where he appears to be hit by a truck coming at him sideways. Then, there is an image of a line of cocaine, possibly playing on the rumor that Mr. Zelensky uses drugs.



During the first round of the election, on 31 March 2019, the Mission's observations revealed many cases of political campaigning and political advertising on all social media channels. Of particular note was the amount of negative campaigning and spreading of unsubstantiated or fake information about candidates. In one particular case of video content about "pens with erasable ink", the promotion by one of the campaign accounts of a leading candidate led to an actual physical confrontation at a PEC in Kyiv. Mission Canada's media monitoring revealed numerous violations during the "quiet day" on 30 March 2019 across the country, and across various media channels. According to the law, the last day before an election is declared a "quiet day" when no political agitation is allowed. However, many mainstream TV channels and publications do not observe this rule. On 30 March 2019, candidate Zelensky appeared on many programs broadcasted on "1+1" channel, whereas candidate Poroshenko led a public prayer with prominent community leaders, broadcasted live on various channels. The situation was similar on online news and social media platforms. The situation was noted by the regulator and a legal complaint was launched against the Zelensky campaign. Due to lax definition of what constitutes a campaign, the case was dismissed by the court.

On 20 April 2019, the situation repeated itself. The "1+1" channel broadcasted programs featuring Zelensky as "an actor, not a politician". His campaign's official accounts on Facebook and Telegram also posted political agitation content. In addition, many outlets covered the debates and provided political commentaries in favor of either of the candidates.

During the period between 1 and 16 April 2019, the Mission continued to monitor the traditional and online media environment. Overall, trends identified during the first round, such as biased coverage in favor of a specific candidate, including suggestive and manipulative content, continued. While the amount of critical coverage increased, the traditional media (TV and print) on the national level in general stayed within the legal framework. On the other hand, Mission Canada's observations indicated numerous cases of negative unmarked content ("jeansa") at the regional and local levels. Mission Canada is unaware of any formal complaints launched in such cases but will continue to follow up after the second round. The National Council on TV and Radio Broadcasting's own monitoring recorded 131 complaints related to hidden political advertising, fake news, alleged defamation and others, but the current regulatory framework renders it powerless to investigate and impose sanctions against such broadcasters.

The situation in the online environment during the second round was markedly different. Mission Canada identified numerous unmarked websites forming distribution networks that published political agitation and advertising content of various degrees, including "black PR". Such websites distributed fake or misleading information, which often found its way to mainstream national and international outlets. In particular, this relates to information of a technical nature (such as hacking-based "leaks"), which is published for its sensationalist nature, without the full understanding of technical details. Similar situations with mis/disinformation were observed on all available social media channels (Facebook, Twitter, Telegram, Instagram), where even official accounts of candidates posted or promoted campaign-related content, including in the period preceding the official publication of results by CEC from the first round. According to reports, the national police received 262 complaints about violations related to non-observation of the "quiet day".





## **Election Day, Polling and Counting**

### Pre-Election Period

Following the first round, Mission Canada continued to observe the counting and tabulation of results. Mission Canada observers noted that the delivery of the PEC materials was disorganized and confusing in the majority of cases. Some PEC members needed to wait five to seven hours in line before being able to transfer the material. Due to the lengthy process, there was discontent among the PEC members.

During the three days preceding Election Day, Mission Canada observers visited 1,504 PECs in all 24 oblasts to observe electoral preparations. Of these, 35.5% were in rural areas and 64.5% in urban settings. The PECs visited were chosen to provide a sample of locations in each oblast and offer an overview of the situation across the country. The overall assessment was that preparations for Election Day were good or very good in 96% of cases. In 98.9% of cases, Mission Canada's observers were granted full cooperation by members of the PECs to assess their preparedness.

### Election Day

#### *Opening of Polling Stations*

On Election Day, Mission Canada observers attended the opening of 78 polling stations in all oblasts where voting took place. Of those observed, 14% were rural and 86% urban polling stations. From the polling stations visited, 71 (91%) opened on time at 8:00 am, while seven opened slightly late. All the polling stations visited started Election Day with an opening session by the PEC with all the necessary election material present. Mission Canada's observers were granted full cooperation in 100% of polling stations and Mission Canada assessed the overall conduct of opening procedures of polling stations as good or very good in 97% of cases.

#### *Voting*

Mission Canada observed a total of 862 polling stations in all oblasts where voting took place, which represents 2.9% of the total of polling stations in the country. 26% of the PECs were in rural areas and 74% in urban settings. In 421 (48.8%) cases, polling stations had issues with full accessibility to voters with mobility challenges. The polling station premises were in the majority of cases not adequate for access to elderly people and/or individuals with physical disabilities. However, a mobile voting system allows for persons with disabilities to vote from their home address. Mission Canada observed that this option is limited because these persons need to register in advance and the mobility constraints and accessibility of the registry office present the same challenges.

During 846 (98.5%) visits to polling stations, Mission Canada observers were not restricted in any way in their observation. Observers noted long lines of voters and overcrowding in seven (0.8%) polling stations.

Mission Canada observed that vote secrecy was not adequately preserved when voters deposited their unfolded ballot in transparent ballot boxes. In the majority of cases, it was possible to see which candidate the votes were for in the ballot boxes. This is a breach to the fundamental principle of vote secrecy and opens the door to vote buying.





Mission Canada's observers assessed the voting process to be good or very good in 846 (98.5%) number of polling stations and that voting procedures were followed well or very well in 838 (97.6%) number of polling stations.

#### *Closing and Counting*

Mission Canada observed the closing and counting of a total of 69 polling stations in all oblasts where voting took place, 18.8% of which were in rural areas and 81.2% in urban settings. In 67 (97.1%) cases, polling stations closed on time at 8:00 pm and two (2.9%) closed slightly late. Based on information received by 9:00 am on 22 April 2019, in 67 (97.1%) cases, the overall conduct of the counting process was assessed by observers to be good or very good and counting procedures were followed well or very well in 63 (91.3%) cases.

#### *Transfer of Polling Station Results to DEC*s

Based on information received by 9:00 am on 22 April 2019, Mission Canada observers reported on 54 transfers of results from polling stations to DEC's. In 92.6% of cases, observers assessed the handover procedures to the DEC as good or very good and appropriate procedures were followed well or very well in 96.3% of cases. 21 (38.9%) noted overcrowding and/or confusion in DEC's; in ten (18.5%) cases, results were rejected by the DEC and the PEC was requested to recount.

In five (9.3%) cases, Mission Canada observed tension and unrest in the vicinity of DEC's.

Mission Canada will provide detailed observations of Election Day proceedings in its final report, along with a full statistical analysis of PEC's and DEC's visited.

The Second Preliminary Statement of Findings is available at the following link in English, Ukrainian and French: <https://www.canademmissions.ca/media-news>

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CANADEM, the Electoral Observation Mission implementing agency, is an international, not-for-profit non-governmental organization (NGO) dedicated to advancing international peace and security through the rostering, rapid mobilization and mission management of experts committed to international service with the United Nations, other international government organizations, NGOs and governments.

CANADEM ensures that the electoral observation missions are gender balanced and well trained on gender equality issues, including political empowerment of women at federal and local levels.