



## STATEMENT OF THE NDI ELECTION OBSERVATION MISSION TO UKRAINE'S APRIL 21, 2019 SECOND ROUND PRESIDENTIAL ELECTION

*Kyiv, Ukraine, April 22, 2019*

This preliminary statement is offered by the National Democratic Institute (NDI) election observer delegation to Ukraine's April 21, 2019, second round presidential election. The delegation, which included observers from eleven countries, was led by former Director of the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Dame Audrey Glover, former United States Ambassador to Ukraine Bill Taylor, NDI Regional Director for Eurasia Laura Jewett, and NDI Global Associate and Senior Resident Director Mary O'Hagan. This statement builds on the findings of four long-term analysts and the ongoing work of NDI's office in Ukraine, as well as the joint NDI and European Parliament [pre-election assessment delegation statement](#)<sup>1</sup> issued in November 2018 and the NDI preliminary [statement on the March 31 first round of the presidential election](#).<sup>2</sup> NDI has collaborated closely in these efforts with the International Republican Institute (IRI), the Ukrainian civic network OPORA, and the European Network of Election Monitoring Organizations (ENEMO).

The aims of NDI's election observation mission are to accurately and impartially assess various aspects of the election process, and to offer recommendations to support peaceful, credible elections and public confidence in the process. The Institute has undertaken its mission in accordance with the Declaration of Principles for International Election Observation, its accompanying Code of Conduct for International Election Observers, and Ukrainian law. The delegation would like to stress that this statement is preliminary in nature. The official results are not yet finalized, and any electoral complaints that may be lodged are yet to be adjudicated. NDI will continue to monitor electoral processes and may issue further statements. The delegation recognizes that it is the people of Ukraine who will ultimately determine the credibility and legitimacy of their election.

### SUMMARY

Ukraine's 2019 presidential election was historic. In the second round on April 21, Ukrainians reaffirmed a deep commitment to democracy alongside a strong desire for change. Both rounds of the election were genuinely competitive. Voters turned out in large numbers. Election administrators performed professionally. In spite of Russian interference, the process met key international standards and the outcome reflected the will of voters. As the results became clear, the incumbent president offered a unifying message by congratulating the winner, conceding with dignity, and pledging to move into constructive opposition. Unlike 2004 and 2014, when Ukrainians changed leadership from the public square, in 2019 they made their voices heard through the ballot box. These are remarkable accomplishments. In a region where peaceful change of government through elections remains rare, they reflect the political maturity and determination of the Ukrainian people.

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<sup>1</sup>Statement of the National Democratic Institute and European Parliament Pre-Election Delegation to Ukraine, November 17, 2018. Link:

<https://www.ndi.org/publications/statement-national-democratic-institute-and-european-parliament-pre-election-delegation>

<sup>2</sup> Statement of the National Democratic Institute Election Observation Mission to Ukraine's March 31, 2019 Presidential Election, April 1, 2019. Link:

<https://www.ndi.org/publications/statement-ndi-election-observation-mission-ukraine-s-march-31-2019-presidential>

Although Ukraine's electoral systems stood the test of the presidential campaign, the process highlighted numerous vulnerabilities, including shortcomings in the electoral framework, abuses of resources and power, oligarchic domination of the media and campaign finance, failures to promote equality between men and women and inclusion of marginalized groups, and disinformation in the media.

The stakes of the October 2019 parliamentary elections will be even higher and Kremlin interference is expected to intensify. Many of the challenges identified in the presidential electoral process will have increased relevance. Addressing these challenges, many of which have readily available solutions, should become a top priority.

The delegation offered a number of recommendations for improvements that could be implemented before the parliamentary elections:

- In consultation with political parties, civil society, and election administrators, the parliament should harmonize the legal framework for presidential, parliamentary, and local elections.
- Parliament should seek broad political consensus around potential revisions to the parliamentary election system before the legislative polls.
- Parliament should deliberate and vote on draft law #8270, which would increase penalties for electoral violations, including vote-buying. Effective enforcement mechanisms should be developed to address such violations.
- Parliament should initiate inclusive discussion among electoral stakeholders -- regarding possible revisions to the definition of campaigning; access to paid and free political airtime; and revisions to campaign finance regulations related to hidden financing and small donations -- to ensure equitable conditions for candidates.
- Parliament should adopt draft law #6240 to facilitate voting by internally displaced persons (IDPs), internal migrants, and citizens registered in non-government-controlled areas. In addition, the parliament should pursue legislation to establish online mechanisms for registering a change in one's place of voting. The CEC should expand its voter education efforts to ensure that these groups better understand their voting rights and how to change their place of voting.
- Parliament should adopt measures to ensure greater political participation of women, including an enforceable gender quota for parliamentary and local elections. Political parties and civil society organizations should also implement their own parallel steps to reduce barriers to women's participation.
- Parliament should provide the public broadcaster with a budget sufficient for it to serve as a viable alternative to oligarch-owned media.
- Social media companies should invest more in Ukrainian language capacity and representation in country so they can be more effective, in partnership with those on the ground, in countering disinformation and protecting the integrity of Ukrainian democracy.

## **POLITICAL CONTEXT**

The 2019 presidential and parliamentary elections cycle is the second since Ukraine's historic Revolution of Dignity in 2014. The country has progressed significantly since that time. Most impressive has been the transformation among Ukrainians themselves, who have clearly demonstrated their aspiration for integration into European institutions and their overwhelming commitment to a democratic future.

The March 31 first round of the presidential election was a testament to those values. Election day was largely peaceful and orderly. A parallel vote tabulation (PVT) conducted by the Ukrainian civic network OPORA confirmed the Central Election Commission's (CEC's) results. Voter turnout was high. Election officials and observers performed their roles effectively. The results were accepted by all

contestants. Since no candidate received an absolute majority, a second round was scheduled for April 21.

Ukraine has an adequate legal framework, an open media environment, respect for basic freedoms, and a vibrant civil society. The political landscape is fundamentally competitive. At the same time, important opportunities to promote public confidence by improving the electoral process have been missed in recent years. NDI's international observer delegation to the first round found that during the campaign, many candidates appeared to set the stage to contest the outcome by preemptively discrediting the process. Other key challenges related to shortcomings in the election law and concerns about the transparency and impartiality of the election administration; abuses of resources and power, including politicization of state institutions; failures to promote equality between men and women and inclusion of marginalized groups; unequal access to traditional media; and disinformation in offline and online media sources.

Kremlin aggression remains a central feature of Ukrainian politics. Russian occupation of Crimea, control of territory in eastern Ukraine, and other forms of hybrid warfare aimed at thwarting Ukraine's democratic and European aspirations are ongoing. Disinformation campaigns and other actions designed to foment social division and destabilization are key among them. Responding to this aggression strains and complicates Ukraine's fragile political, social, and economic systems.

Many Ukrainians have been adversely affected by the conflict with Russia and are dissatisfied with progress in combating corruption, promoting judicial independence, and improving living standards. Aspirations for democracy and unrealized expectations have fueled demand for change. The new president will need to move past the divisiveness of the campaign to unite Ukrainians while delivering on promises for reform.

Ukraine's progress toward establishing a prosperous, independent and democratic future serves as a model for the region and contributes to global security and well-being. The international community of democracies -- with leadership from the U.S. and Europe -- owes Ukraine both moral and material support on its journey forward. Foremost among these expressions of solidarity is the assurance that the doors to EU and NATO membership remain open.

## **FINDINGS AND OBSERVATIONS**

This statement respectfully offers findings and recommendations drawn from NDI's pre-election assessment, long-term analysis, and observation of the first and second rounds of the election. The delegation has prioritized recommendations that could be implemented prior to the parliamentary elections later this year.

### ***ELECTION DAY***

NDI, OPORA, ENEMO and other observer groups found that voting, counting and tabulation were conducted in accordance with Ukrainian legislation. Almost all violations reported by observers were procedural in nature. Moreover, OPORA documented lower rates of many procedural problems -- such as late opening of polling places -- than in either the first round or the 2014 presidential election. Similarly, the police received only half the number of complaints about the electoral process compared with the first round. One significant problem was the continued inaccessibility of polling places to voters with disabilities, noted by NDI, OPORA, and others.

According to OPORA's parallel vote tabulation (PVT), Volodymyr Zelenskyi received 73.2 percent of the vote and Petro Poroshenko garnered 24.3 percent.

There were multiple bomb threats across the country. Although false, they were designed to disturb the process. Delays in two PECs were brief. Credit is due to the election administration and the police for

minimizing any disruption. NDI observers noted that the poll workers they encountered, many of them women, were hardworking, welcoming, and proud of their roles. Voter turnout exceeded 60 percent, similar to first round turnout and higher than in 2014.

## ***ELECTORAL FRAMEWORK AND ADMINISTRATION***

**Electoral Framework:** There is broad agreement among international and domestic experts that the legal framework for the presidential election is adequate for the conduct of democratic elections. However, some key improvements recommended by OPORA, OSCE/ODIHR, IRI, NDI, and other observers have not yet been enacted. These include harmonizing the presidential, parliamentary, and local election laws; ensuring the transparency and impartiality of electoral dispute resolution; introducing a quota to improve the balance of men and women in politics; and advancing timely, effective, and proportionate punishment for violations of election laws. Political parties, members of parliament, and civil society organizations are also engaged in an ongoing debate about revising the parliamentary electoral system. This issue should be resolved on the basis of a broad political consensus and in advance of the parliamentary elections.

**Transparency:** The CEC, newly appointed in September 2018, operated professionally and efficiently and met most election deadlines, despite considerable time and resource constraints. It conducted regular outreach to the public through press conferences and releases and online postings. However, concerns about insufficient transparency of decision-making processes were not addressed before the runoff. Deliberations continued to take place in closed-door preliminary sessions and access to documents was frequently delayed or restricted. The CEC questioned the access of OPORA representatives to its meetings while not challenging international observers. The complaints process has not been fully transparent as there is no public record of submitted complaints. Observer groups and candidates have also raised concerns about restricted access to the voter register (State Register of Voters or SRV).

**District and Precinct Election Commissions:** Between the first and second rounds, the campaigns faced challenges in recruiting sufficient nominees to precinct election commissions (PECs). Nevertheless, district election commissions (DECs) and the CEC moved quickly to fill the positions, such that all PECs were fully formed by April 18.

**Electoral and Cyber Security:** In the days surrounding the runoff election, multiple bomb threats were reported in Lviv, Odessa, and Kharkiv, including at polling stations. According to the Ministry of Internal Affairs (MIA), the threats came from the Russian-controlled areas of Donetsk and Luhansk. Repeated and significant attacks on the technology infrastructure of the election administration and ministries have occurred throughout the process. According to the CEC, the MIA, and others, these waves of attacks were repelled by the election administration and security services working closely together.

### **Recommendations:**

- In consultation with political parties, civil society, and election administrators, the parliament should harmonize the legal framework for presidential, parliamentary, and local elections.
- Parliament should seek broad political consensus around potential revisions to the parliamentary election system before the legislative polls.
- Other much needed electoral reforms should be adopted before the parliamentary elections, including the introduction of an enforceable gender quota and adoption of draft law #8270 on electoral justice.
- The CEC should publicize agendas, resolutions, decisions, complaints, and other key election data in a timely manner on the CEC website in machine-readable formats.
- The CEC should disaggregate voter registration and voter turnout data by gender as part of open electoral data efforts.

- The CEC should ensure that all deliberations, including adjudication of complaints, are open to all accredited domestic and international observers.
- The CEC should standardize the complaints submission process by providing a form with all required fields and provide a registry of all submitted complaints on the CEC website.
- While respecting the needs for data and privacy protection, a wider range of stakeholders, including political parties and accredited election observers, should be provided access to the voter register (SRV) to promote confidence in the quality of the database.

## ***CAMPAIGN ENVIRONMENT***

The election was competitive. Voters had a wide choice of candidates in the first round and the outcome was unpredictable until the final stages. Strong anti-establishment sentiments and dissatisfaction with the range of candidates in the first round served as a backdrop for voters' decision making.<sup>3</sup>

Fundamental freedoms of assembly and expression were largely respected. Between the two rounds, candidates made limited use of outdoor and in-person campaigning, such as posting billboards and posters, pitching campaign tents, and conducting door-to-door canvassing. Campaigning was significantly more active on television and online. One disturbing feature of the first round campaign was the prevalence of so-called "technical candidates," who registered without genuine intent to campaign, but rather to confuse voters, serve as decoys, or stack election commissions. Paramilitary groups interfered with some campaign activities.

**Abuse of Administrative Resources:** A blurring of the lines between the perquisites of office and campaigning has been a long standing feature of Ukrainian politics. This election was no exception. For example, domestic and international observers and campaigns alleged that some local authorities violated election laws by participating in campaign events, putting up campaign posters, and posting partisan content on official pages during the first round. Also, the government launched several one-time state budgetary expenditures that took effect in March and April, within the pre-election period, seemingly intended to benefit the incumbent. While the legality of these instances is open to interpretation, they contravene OSCE/ODIHR and the Council of Europe's Venice Commission's guidelines, and other international standards, for preventing the misuse of administrative resources.<sup>4</sup>

**Vote-Buying:** Allegations of vote-buying, another long standing feature of Ukrainian elections, proliferated widely, particularly ahead of the first round. NDI monitored 98 allegations of vote-buying in the media during the campaign period. These allegations peaked in the week following the first round. Although some of the allegations were credible, others appeared aimed at discrediting opponents and the integrity of the process overall. The parliament delayed consideration of draft law #8270, which would increase penalties for electoral violations, including vote-buying. Several campaigns and civil society groups contended that the delay was politically-motivated.

**"Shadow Campaigning:"** In both rounds, candidates conducted outreach to voters through means that did not fall within the technical definition of "campaigning" under Ukrainian law. These approaches raised questions about the fairness of the process and prompted calls for further regulation. For example, candidates and third parties conducted campaign-like events, and billboards and posters featuring candidates or their identifiable branding appeared before the official start of the campaign periods. These events and materials were not accounted for in campaign finance statements. Chesno, a civil

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<sup>3</sup>Opportunities and Challenges Facing Ukraine's Democratic Transition, *NDI*, December 2018. Link: <https://www.ndi.org/publications/ukraine-voters-undecided-seeking-new-faces-pivotal-2019-election>.

<sup>4</sup>Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes, *Venice Commission and OSCE/ODIHR*, March 14, 2016. Link: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2016\)004-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2016)004-e)

society watchdog group, reported that presidential candidates spent UAH 647 million (approximately \$24 million) on TV advertising prior to the start of the electoral process.<sup>5</sup>

Another distinctive attribute of this election was the unconventional campaign style of the candidate Volodymyr Zelenskyi. In his capacities as an actor and comedian, Mr. Zelenskyi has played an idealized Ukrainian president on television and has toured the country with live performances and appeared regularly in entertainment programs. Some campaign and civil society representatives argued that these appearances contained elements of campaigning or simply constituted an unfair advantage. Mr. Zelenskyi's approach has highlighted the evolving nature of campaigning. This has implications for the regulation of campaign finance and media advertising, the definition of campaign activities, enforcement of laws relating to the campaign period and the day of silence, and free speech.

**Negative and Divisive Campaigning:** Personal and polarizing attacks were prevalent in the election. Mr. Poroshenko's campaign featured negative aspects in both rounds of the election while Mr. Zelenskyi's campaign was noticeably more derogatory in the second round.

Substantive discussions were largely drowned out, even though candidates were required to submit their policy platforms to the CEC, the key points of their programs were listed on posters displayed in polling stations, some candidates made media appearances to outline their plans, and civil society groups stepped in to help candidates elucidate their policy positions.

During the runoff campaign, the two contestants engaged in repeated public clashes over the format, venue, and timing of debates. This focus on technicalities interfered with voters' ability to make informed choices. It also exposed the law on debates to greater scrutiny. The current law, together with decisions of the CEC, have created an over-prescriptive and inflexible framework for presidential debates that should be reviewed prior to the next presidential election. Nevertheless, a debate that took place on April 19 became the largest single campaign event of the cycle, attended by an estimated 20,000 people and viewed live by millions inside and outside Ukraine.

**Campaign Finance:** NDI public opinion research shows an overwhelming demand among Ukrainians for political parties and elected officials to represent the interests of citizens, rather than those of a narrow elite. Many citizens are willing to contribute more of their time and money to parties that they believe will truly represent their interests. Yet, currently, oligarchic financing remains a key driver of the political and electoral environment. While candidates were free to raise campaign funds, there were large disparities in reported income. In the first round, the incumbent president reported self-funding his campaign with more than double the resources of the next highest candidate and more than the next eight candidates combined.<sup>6</sup>

Campaign finance reform enacted in 2015 was a positive but insufficient step. Concerns remain about hidden financing, the absence of procedures to enable small donations, and inadequate regulation of in-kind contributions. Sanctions for violations of campaign finance regulations are neither proportionate nor dissuasive. The National Agency on Corruption Prevention (NACP), tasked with oversight, ensures minimum compliance with reporting requirements but suffers from low confidence among stakeholders.<sup>7</sup>

**Election Observation:** The CEC accredited 139 citizen observer groups, 14 times the number in 2014. According to OPORA, many of the newly-accredited observer groups had undisclosed links to political

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<sup>5</sup>Over Half a Billion Dollars in Advertising; Who and How Much Spent Before the Start of the Presidential Campaign, *Chesno*, March 2019. Link <https://www.chesno.org/post/914/>

<sup>6</sup> Financial Reports of Presidential Candidates: Illusion of Transparency, *Chesno*, March 29, 2019. Link: <https://www.chesno.org/post/983/>

<sup>7</sup> Level of Trust Toward Social Institutions and Electoral Choices of Ukrainian Citizens, *Razumkov Center*, February 2019. Link: [http://razumkov.org.ua/uploads/socio/2019\\_02\\_press.pdf](http://razumkov.org.ua/uploads/socio/2019_02_press.pdf)

parties or presidential candidates, or had no previous experience observing elections. These trends point to observer registration requirements that are subject to abuse by groups hoping to influence or disrupt processes on election day.

### **Recommendations:**

- In consultation with political parties, civil society, and election administrators, the parliament should consider revisions to the candidate registration system to discourage “technical” candidacies.
- Parliament should address the abuse of administrative resources with appropriate changes to the law, including prohibitions on activities by public officials that provide undue partisan advantage.
- Parliament should deliberate and vote on draft law #8270, which would increase penalties for electoral violations, including vote-buying. Effective enforcement mechanisms should be developed to address such violations.
- Prosecutors and the courts should pursue timely, impartial, effective, and proportionate punishment for violations of election laws.
- Parliament should initiate inclusive discussion among electoral stakeholders -- regarding possible revisions to the definition of campaigning; access to paid and free political airtime; and revisions to campaign finance regulations related to hidden financing and small donations -- to ensure equitable conditions for candidates.
- In future elections, candidates should consider agreeing to an inclusive code of conduct that makes clear they will abide by the law and high ethical standards, including constructive and issue-based campaigns.
- Candidates should seek opportunities to participate in genuine debates on issues of importance to voters and strive to encourage participation through a contest of political ideas. There should be a review of the legal framework and CEC decisions on presidential debates to provide voters with better opportunities to make informed choices based on discussion of substantive issues.
- All citizen election observers should operate in accordance with the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations.<sup>8</sup>
- While registration should not be unreasonably denied to citizen observer groups, the CEC should have the power to withdraw the accreditation of observer groups that violate Declaration of Global Principles, including those that demonstrate partisanship and/or threaten to use violence.

### ***EQUAL PARTICIPATION AND INCLUSION***

**Voter Registration:** Labor migrants, students, IDPs, and residents of occupied Crimea and the non-government controlled areas of Donetsk and Luhansk face particular barriers to voting. Internal migrants and IDPs must apply each election -- including both rounds of the presidential election -- to change their place of voting. Citizens residing in non-government-controlled areas must cross the “line of contact” multiple times to vote in a government-controlled location, creating both a financial and physical burden. The process is cumbersome and poorly understood. OPORA and others have recommended an online system to ease the process for all types of internal migrants. Some 325,604 citizens, just a small fraction of Ukraine’s internal migrants and IDPs, changed their place of voting for the second round. The parliament has considered but not yet passed draft law #6240, which would simplify the process for changing places of voting and allow IDPs and other “mobile citizens” to vote for majoritarian members of parliament and local representatives.

**Accessibility:** People with disabilities continued to face barriers to participation as voters. Although the law requires polling stations to be accessible, in practice many are not.<sup>9</sup> Election and campaign materials

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<sup>8</sup>Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations Global Network of Domestic Election Monitors (GNDEM), 2005. Link: <http://gndem.org/declaration-of-global-principles/>

<sup>9</sup> Ukraine Presidential Election, 31 March 2019, Statement of Preliminary Findings and Conclusions. OSCE/ODIHR EOM, April 1, 2019. Link: <https://www.osce.org/odihr/elections/ukraine/415733>

were provided in formats not accessible to visually impaired voters. In addition, people with disabilities are underrepresented in political leadership and support for their rights was not given due attention during the presidential campaign.

Thirty percent of Ukraine's population speaks Russian, Hungarian, Romanian, or Bulgarian as their first language. However, ballots and other election materials were available only in Ukrainian, raising impediments to participation.

**Gender Equality:** Women comprise the majority of the Ukrainian population and NDI research shows overwhelming support for greater equality between men and women in politics.<sup>10</sup> The CEC reflects gender balance, with nine of 16 members being women. However, women's representation at most levels of elected government lags behind world and European averages. For example, women make up less than 12 percent of MPs in parliament and only six percent of large town mayors. As gatekeepers to political leadership, parties have played a role in excluding women. The existing political parties law includes an unenforceable quota for the nomination of women on party lists and provides an additional financial incentive for compliance. These measures have been insufficient to overcome the barriers that women face.

A temporary, enforceable measure to provide a better balance of men and women in parliament would help meet the public demand for greater equality and allow for more responsive policy making. Proposals to introduce such a quota have been registered in the parliament but are not yet adopted. Political parties and civil society organizations also have a responsibility to ensure that women have pathways to political leadership.

Key electoral data, such as voter lists and turnout figures, are not disaggregated by gender. This hampers assessment of trends in women's participation and the ability of political parties and candidates to conduct targeted campaigning.

A well-organized campaign targeted against gender equality and LGBTI rights has been visible in the background of both rounds of the presidential election. These initiatives, which are framed as "pro-family," have been gaining ground at national and local levels. Equality activists have expressed concerns that more radical forces will seek to exploit this theme in the lead up to the parliamentary and local elections.

**Inclusion:** Some Roma voters do not possess valid identification cards or are not included in the voter register (SRV), which precludes their participation in elections. Lack of official data regarding the number of Roma citizens living in Ukraine or in the SRV database makes it difficult to assess the extent of their disenfranchisement.

During both rounds of the presidential election, homophobic and sexist themes were evident in offline and online campaigns. The civic group Insight noted that if the sex entered on an identification card did not correspond to a person's appearance, they risked being prevented from voting.

In the lead up to the first round, NDI noted more than a dozen examples of civic groups surveying candidates on their policy agendas. However, only a few of these inquiries touched on human rights topics, including women's and LGBTI rights. Two notable exceptions were CenterUA and Human Rights Agenda. The latter distributed a set of "10 tough questions" on pressing human rights issues to the two second round presidential candidates.

## **Recommendations:**

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<sup>10</sup> NDI's Ukraine National Survey on Equality Between Men and Women. *NDI*, July 2018. Link: [https://www.ndi.org/sites/default/files/Gender%20survey\\_presentation\\_for%20VPM%20to%20share\\_vfinal%20-%2028-01-19.pdf](https://www.ndi.org/sites/default/files/Gender%20survey_presentation_for%20VPM%20to%20share_vfinal%20-%2028-01-19.pdf).

- Parliament should adopt draft law #6240 to facilitate voting by IDPs, internal migrants, and citizens registered in non-government-controlled areas. In addition, the parliament should pursue legislation to establish online mechanisms for registering a change in one's place of voting. The CEC should expand its voter education efforts to ensure that these groups better understand their voting rights and how to change their place of voting.
- Election-related materials and premises should be adapted to ensure access to all voters, regardless of physical ability or language requirements.
- Parliament should adopt measures to ensure greater political participation of women, including an enforceable gender quota for parliamentary and local elections. Political parties should also implement their own parallel steps to reduce barriers to women's participation.
- Civil society organizations should continue their efforts to raise awareness of the benefits of programs designed to increase equality between men and women.
- Legislation should be pursued to allow improved collection and publication of gender-disaggregated electoral data.
- Parties and campaigns should seek to be more inclusive of other under-represented groups, including ethnic minorities, persons with disabilities, and LGBTI people, and address their needs in programs and campaigns.

## ***INFORMATION ENVIRONMENT***

**Broadcast Media:** The Ukrainian media environment is open and voters had access to a diversity of viewpoints. Information about the candidates and their campaigns was widely available. Candidates' access to the media, however, was inequitable. Ownership of most television channels is concentrated in the hands of oligarchs. While most Ukrainians still get their news from TV, online sources of political information are growing in importance. Online information sources offer more diversity than television and give campaigns broader access to voters, but they also expose users to a large volume of disinformation.

Both candidates in the second round benefited from close ties to the media industry and received significant media exposure that was not required to be captured by campaign finance reports. President Poroshenko owns the Channel 5 television station and has connections to another channel, Priamyi. In the week before the March 31 first round election, political advertisements supporting President Poroshenko appeared more than 1,400 times, amounting to nearly 10 hours of ads, more than twice the number aired on behalf of any other candidate. For his part, Mr. Zelenskyi is a television star, producer, and business partner of the owner of TV channel 1+1, one of the most watched networks in the country. By virtue of his status as an entertainer, Mr. Zelenskyi benefited during the campaign from abundant prime television airtime. In the two months before the first round, Mr. Zelenskyi was featured as an entertainer (rather than a candidate) on the 1+1 channel for 203 hours.<sup>11</sup>

Alternatives to oligarch-owned channels, including the public broadcaster and independent media outlets, have struggled to compete for audiences. Requirements for candidates to receive free airtime have been insufficient to level the playing field. The National Council of Television and Radio Broadcasting (NCTRB) and the newly created Independent Expert Council on Election Issues monitored violations of campaign regulations regarding the media, but neither has effective sanctioning power, nor was able to fully exercise its supervisory functions.

**Social Media:** The communications and research agency PlusOne reports 21 million internet users in Ukraine, with Facebook as the most popular social media platform (13 million users).<sup>12</sup> The leading

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<sup>11</sup> During the Three Election Months, the Presence of Candidate for President, Volodymyr Zelenskyi, in "1 + 1" Broadcasts Reached 14 Percent. *NCTRB*, April 17, 2019. Link:

[https://www.nrada.gov.ua/za-try-peredyborchyyh-misyatsi-prysutnist-kandydata-na-post-prezydenta-volodymyra-zelenskogo-v-efiri-1-1-dosyagla-14-vidsotkiv/?fbclid=IwAR052\\_L\\_hJn7XbuaXCJAw32zEgVXmQTPpmGKmvwZB3z6smGb2N9csMXCyU4](https://www.nrada.gov.ua/za-try-peredyborchyyh-misyatsi-prysutnist-kandydata-na-post-prezydenta-volodymyra-zelenskogo-v-efiri-1-1-dosyagla-14-vidsotkiv/?fbclid=IwAR052_L_hJn7XbuaXCJAw32zEgVXmQTPpmGKmvwZB3z6smGb2N9csMXCyU4)

<sup>12</sup> Facebook in Ukraine, *PlusOne*, January 2019. Link: [http://plusone.com.ua/fb/en/facebook\\_in\\_ukraine.pdf](http://plusone.com.ua/fb/en/facebook_in_ukraine.pdf).

presidential candidates used social media, particularly Facebook and Instagram, on a daily basis to engage supporters and promote their activities.

Disinformation was pervasive. According to StopFake and Detektor Media, Russian disinformation on social media platforms, messaging apps, and television outlets promulgated several narratives, including the imminent collapse of the Ukrainian state and society, Ukraine's abandonment by its friends in the West, and the illegitimacy of the election.<sup>13</sup> Some of these information attacks attempted to amplify real tensions or exploit cultural flashpoints.

While authorities have blocked some Russian news sources and digital platforms, many Ukrainians have evaded these bans by utilizing virtual private networks. A number of non-governmental initiatives to address disinformation are underway, including efforts by OPORA, Detektor Media, StopFake, Internews, IREX, and NDI. Despite these efforts, public understanding and awareness of disinformation and its intended destabilizing effects remains low, particularly on social media. Russia has also adapted to Ukraine's media bans by spreading more disinformation on Western-owned social media platforms and exploiting public channels on messaging apps such as Telegram. Russia's information strategy in this election appeared aimed at cultivating new audiences on social media, discrediting the process and attacking Mr. Poroshenko's candidacy.

NDI monitored 33 local and national Telegram channels during the campaign period. Election-related content on these channels was heavily slanted against the incumbent president and coverage of Ukraine was largely negative, while coverage of Russia was largely neutral. Some specific disinformation messages were identified during the campaign period, including a false threat that citizens who turned up to vote would be conscripted. Pushback from Telegram users against disinformation (labeling disinformation as "fake") was also found on some channels. There was a surge of election-related coverage immediately prior to the first round. NDI also found that local channels were being deployed to push users toward the more politically-focused national channels. This research suggests that local audiences are being cultivated in multiple cities for the purpose of disseminating disinformation. Audience cultivation of this type could be easily activated in advance of future elections or other major events.

Facebook took steps to detect and deter disinformation but they were too limited and occurred too late in the campaign to have a significant effect. The platform removed 1,907 pages, groups, and accounts for engaging in spam linked to Russia, required administrators of influential pages to disclose their country of residence, and announced that purchasers of political ads in Ukraine must be located in-country. Instagram, a Facebook company, also required political advertising to disclose the funding source. It is unclear whether any other platforms in wide use in Ukraine took steps to mitigate the spread of disinformation during this election. Plans to monitor paid political advertising on Facebook during this election were frustrated by the site's blocking of monitoring tools developed by ProPublica and others at the beginning of the campaign. All social media platforms and messaging apps should evaluate their roles in this election campaign, in discussion with local stakeholders. If dissemination of harmful content that undermines the democratic process is to be exposed and deterred in future elections, there will be a need for more timely and decisive action by social media companies.

**Attacks on the Integrity of the Electoral Process:** One of the distinctive features of this election was the widespread use of rhetoric that called into question the integrity of the electoral process by candidates, parties, public officials, and civil society organizations. NDI monitored more than 75 social media accounts affiliated with candidates, as well as national TV channels, ten newspapers, and news services. This research showed that throughout the campaign, there was a steady increase in the number

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<sup>13</sup> Information Sources, Media Literacy and Russian Propaganda: Findings of All-Ukrainian Public Opinion Survey, *Detector Media*, February 2019. Link: <https://detector.media/infospace/article/164308/2019-03-21-dzherela-informatsii-mediagramotnist-irosiiska-propaganda-rezultati-vseukrainskogo-opituvannya-gromadskoi-dumki/>.

of these attacks. NDI public opinion research demonstrates that there was a correlation before the first round between increases in attacks on the integrity of the election and public mistrust of the process.

### **Recommendations:**

- Parliament should provide the public broadcaster with a budget sufficient for it to serve as a viable alternative to oligarch-owned media.
- Ukrainian and international donors should provide sufficient funding to support independent media outlets as viable alternatives to oligarch-owned media.
- The NCTRB should be given a stronger mandate, independence and resources to oversee fair and impartial coverage of elections.
- Social media and technology companies should commit to providing greater transparency in political advertising, including both the amount spent on ads and the purchaser, for the entirety of the election period.
- Social media companies should establish a method of identifying political advertisements that does not rely on purchasers or users to label them as such.
- Social media companies should routinely assess the impact of disinformation mitigation steps to improve their effectiveness.
- Social media companies should invest in enhanced moderating capacity to more effectively filter inauthentic pages.
- Social media companies should also invest more in Ukrainian language capacity and representation in country so they can be more effective, in partnership with those on the ground, in countering disinformation and protecting the integrity of Ukrainian democracy.
- Ukrainian authorities, social media companies and NGOs working to counter disinformation should share information about the impact of disinformation on these elections and define additional steps that could be taken to mitigate this threat prior to the October parliamentary elections.
- Electoral stakeholders should refrain from making unsubstantiated allegations about the integrity of the electoral process.

### **THE DELEGATION AND ITS WORK**

The delegation arrived in Kyiv on April 17 and held meetings with political leaders, candidate teams, election officials, senior government officials, representatives of civil society organizations, the media, and the diplomatic community. On March 19 and 20, observers deployed in teams to 12 regions across Ukraine, including Kyiv, where they met with local campaign teams, election administrators, observation groups, media, and civic leaders. On election day, the NDI teams observed voting and counting processes in polling stations across the country. The delegation included:

Hattie Babbitt, USA  
Gulnura Baialinova, Kyrgyzstan  
Colleen Bell, USA  
Corina Cepoi, Moldova  
Rachel Weston Eschenbacher, USA  
Katie Fox, USA  
Laurie Fulton, USA  
Calvin Garner, USA  
Audrey Glover, United Kingdom  
David V. Hamilton, USA  
Christina Hartman, USA  
Kristina Jeffers, USA  
Laura Jewett, USA  
Natia Jikia, Georgia  
Nicholas Kazvini-Gore, USA  
Mirjam Krijnen, Netherlands

John Lovdal, Norway  
Ian McGinnity, USA  
Maka Meshveliani, Georgia  
Luis Navarro, USA  
Mary O'Hagan, United Kingdom  
Tamta Otiashvili, Georgia  
Vardan Partamyan, Armenia  
Erik Petersson, Sweden  
Lesia Radelicki, Belgium  
Bob Satawake, USA  
Jack Spasiano, USA  
Stefan Szwed, Poland  
William Taylor, USA  
Sarah Trister, USA  
Ian T. Woodward, USA

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#### **NDI CONTACT INFORMATION**

Jerry Hartz, +1 202 728 5500, [jhartz@ndi.org](mailto:jhartz@ndi.org)

Laura Jewett, +1 202 728 5500, [ljewett@ndi.org](mailto:ljewett@ndi.org)

Iaryna Odynak, +380 67 904 4830, [iodynak@ndi.org](mailto:iodynak@ndi.org)