

ROADMAP FOR ENSURING ORGANIZATION OF POSTWAR ELECTIONS IN UKRAINE

This document is intended to draw the attention of our partners and stakeholders to the primary tasks and priority steps for the preparation of postwar elections. Civil Network OPORA has prepared its own expert vision of electoral process, incorporating the results of previous professional discussions with official parties (Verkhovna Rada, Ministry of Foreign Affairs, Central Election Commission). OPORA calls on the Parliament to hold substantive discussions in order to find systemic solutions, given the need to lay a critical amount of groundwork for the organization of postwar elections before the repeal of martial law. The success of preparation of legislative framework, prevention of Russian interference in the postwar elections, and integration into the European Union directly depend on a depoliticized high-quality discussion.

RELEVANCE

- Advance preparation and legal certainty are prerequisite for the conduct of first postwar elections, even if that's a long way off. Commencement of work on the **“electoral framework” does not signal the start of election race, but it will prove that democracy is highly valued by the responsible parties.**
- **Security audit** in territorial hromadas is a universal tool for monitoring organizational capacity, which will provide Ukrainian society and our partners with a transparent system for deciding whether or not to hold elections in certain territories of Ukraine. Modeling of scenarios in the field of physical, informational and cyber security will help us plan future decisions and determine the budget for priority tasks.
- Reforms in the field of elections, democracy and good governance, which involve eliminating legislative shortcomings as specified in the [OSCE/ODIHR recommendations](#), are on the list of **requirements for Ukraine's integration into the EU.**
- Internal and external migration of millions of Ukrainians is one of the biggest challenges facing Ukraine in general and those responsible for organizing postwar elections in particular. As of November 2024, 4.6 million people were [registered as](#) internally displaced in Ukraine. According to the Ministry of Foreign Affairs, **7.6 million of Ukrainian citizens live abroad.** Decisions on the electoral process and voting procedure should be made as far in advance as possible to resolve certain organizational issues, including through the conclusion of international agreements (if necessary).

- The factor of large-scale displacement of Ukrainians calls for ensuring proper regulation and **exercise of passive and active suffrage rights of millions of citizens**, creating additional electoral infrastructure, changing the voting procedures and increasing the capacity of polling stations. Engagement of Ukrainians abroad in the political process will serve as an additional element of national unity and integration.
- One of the government's main responsibilities is to **ensure the electoral rights of military personnel** and other people involved in the Armed Forces of Ukraine in the postwar elections. This includes creating adequate conditions for voting and running in elections.
- It will be necessary to **introduce ad hoc procedures for first postwar elections at the legislative level** in order to negate the effect of full-scale war on the electoral process and properly guarantee the electoral rights of citizens in the postwar period.

HIGH-LEVEL DECISIONS

This block covers the topics that have a systemic effect on state policies and can be applied to the first postwar elections in exceptional circumstances. They also play a significant role in determining the level of democracy in Ukraine. Among other things, this block provides insights into program areas of government work, including the European integration track. Ukraine has already made big commitments in this area, and it is strategically important for our country to fulfill them.

1.1. SECURITY

This section describes the steps that should be taken by the state authorities in order to determine the security conditions for holding postwar elections. It also provides a list of recommendations to hinder Russia's influence on the political process in Ukraine.

1.1.1. SECURITY ASSESSMENT AND THREAT RESPONSE CAPACITY

It is impossible to hold elections in Ukraine under the legal regime of martial law, which was introduced due to Russia's unprovoked military aggression on February 24, 2022. After the repeal of martial law (after the end of the war) Ukraine will face a number of security challenges related to the consequences of Russia's full-scale invasion in preparation for the electoral process. These will include a wide range of issues: from evaluating the current state of electoral infrastructure especially in heavily mined areas to ensuring the security of voting abroad and preventing the aggressor state from interfering in the electoral process. Because of this, the conditions for holding elections may vary significantly from one territory to another, and scenarios for responding to such challenges should be prepared in advance.

The primary task is to conduct a multi-level security audit to determine the possibility of holding elections in certain hromadas/territories and make an informed decision based solely on reliable and official data. **Security audit should be conducted** by designated bodies responsible for collecting and verifying the data **with the use of criteria and indicators established in accordance with legislation.**

Such an approach will allow Ukraine to minimize the probability of political disputes on the issue of determining territorial hromadas eligible/ineligible for holding elections, as well as apply uniform methods for assessing the security situation and planning the necessary investments to develop future capabilities (information and cyber security, crackdown on aggressor state's interference in the political life of Ukraine).

RECOMMENDED STEPS:

- Based on the results of discussion with stakeholders, Verkhovna Rada of Ukraine (VRU) appoints the procedure and establishes clear criteria (indicators) for assessing the security of communities/territories, and also determines the body responsible for conducting such an assessment to determine the possibility of holding elections in individual territories. It is advisable to use the [proposals](#) of the CEC (resolution No. 102 dated September 27, 2022), which include the previous work of OPORA and the VRU Committee on State Power Administration, as a basis, with due account for the recommendations of the Venice Commission and the OSCE ODIHR, as well as the [methodology](#) for conducting community security audits developed by the Civil Network OPORA. At the same time, there is a discussion about which body is best suited to adopt the relevant decision. In its proposals, the Central Election Commission (CEC) recommends referring these issues to the competence of the National Security and Defense Council of Ukraine (NSDC), the decisions of which are put into effect by decrees of the President of Ukraine. Among the expert community and people's deputies, alternative proposals are being made to consolidate such powers with the parliament, the CEC, or to attribute them to the competence of the Cabinet of Ministers of Ukraine (CMU). Taking into account the advantages and disadvantages of each of these approaches, it is considered optimal for the final decision on whether or not to hold elections in individual territories to be made by the parliament. In any case, changes to the legislation related to the security assessment should be based on the following principles: 1) the procedures clearly defined by laws; 2) a transparent assessment process based on clear and non-politicized criteria; 3) the decision should be made after verification of data with the involvement of the CEC.
- VRU in cooperation with the CEC and law enforcement and security agencies, should develop and implement legally enshrined protocols of action and guarantees of protection in the event of security threats (shelling, mining, etc.), which should be clearly defined for individual participants of the electoral process (primarily election commissions and law enforcement agencies) depending on

the stage of the electoral process and the electoral procedures being carried out (e.g., voting, vote counting, transportation of electoral documents, etc.). This may require the involvement of additional bodies (e.g., the Security Service of Ukraine or other security agencies).

- VRU in cooperation with the CEC and law enforcement and security agencies shall develop response protocols and legal safeguards for dealing with security threats (artillery shelling, mined areas, etc.), which should be clearly defined for each electoral subject (primarily election commissions and law enforcement agencies) depending on the stage of the electoral process and the electoral procedures that are being carried out (e.g., voting, vote tabulation, transportation of electoral documents, etc.). This may require the involvement of additional state bodies (e.g., the Security Service of Ukraine or other security agencies).
- VRU in cooperation with the CMU should allocate state budget funds for security assessment and related activities, as well as designate an executive body responsible for conducting trainings for the officials who will assess the security situation in certain hromadas/territories.
- CEC should ensure that the results of security assessment/audit, including all the assessment criteria and security ratings (scores) of hromadas/territories, are made available to the public.
- The Ministry of Foreign Affairs (MFA) must ensure communication with international governmental and non-governmental organizations, foreign states (hereinafter referred to as international partners) regarding the results of the assessment/audit and justification of the possibility/impossibility of holding elections in communities/territories.

1.1.2. INDEPENDENT PRE-ELECTION SECURITY ASSESSMENT MISSION

Adequate security in postwar Ukraine should be considered a prerequisite for holding any type of elections. OSCE/ODIHR, European Union, International Republican Institute (IRI), National Democratic Institute (NDI), NATO, and the Council of Europe could send analytical monitoring missions to Ukraine to assess security risks and threats.

RECOMMENDED STEPS:

- It is recommended that VRU/MFA invite independent international missions (OSCE/ODIHR, EU, IRI, NDI, etc.) to Ukraine to assess our security situation, including the risks and threats to the possible conduct of elections.
- CEC, CMU and other state authorities should appoint persons/units responsible for communicating with and facilitating the work of pre-election security assessment missions.
- VRU should take due account of the results of assessment made by independent international missions when deciding whether or not to hold elections. In case of a high level of security threats, reports of independent international organizations may reinforce the position on the impossibility of holding elections.
- CEC and relevant ministries should ensure that the results of work of international missions and their security assessments are made available to the public.
- MFA should ensure communication with international partners on Ukraine's further actions after completion of pre-election security assessment.
- International technical assistance projects on security and electoral issues should take due account of programmatic recommendations of independent missions.

1.1.3. CRACKDOWN ON RUSSIAN INTERFERENCE IN THE ELECTORAL PROCESS

After the war is over, Russia will continue to use all the tools at its disposal to restore political influence in Ukraine. These include financing of political figures, conducting massive and systematic propaganda and disinformation campaigns.

Given the fact that Russia attempts to influence millions of voters abroad who don't fall within the purview of Ukrainian legislation, it is necessary to reduce Russia's impact on the media (especially foreign media outlets) for the purpose of strengthening information security. For its part, Ukraine should look for ways to establish cooperation with shared-access platforms (Meta, Google, X, TikTok, Telegram) and foreign countries with the aim of blocking Russian disinformation activity, reducing the reach of these social media posts, and making sure that such photo, video, and text content is specially marked.

Further, it is necessary to strengthen control over campaign finance and implement measures of political lustration in order to limit Russian influence on Ukrainian elections.

RECOMMENDED STEPS TO STRENGTHEN INFORMATION SECURITY:

- VRU should harmonize Ukrainian regulatory framework with EU legislation in the field of digitalization and creation of a common information market. First of all, we are talking about the [EU regulation on the transparency and targeting of political advertising](#), the [Digital Services Act \(DSA\)](#) and the [Digital Markets Act \(DMA\)](#). These legal documents provide for the protection of personal user data, hinder the spread of disinformation and illegal content on social media, regulate political advertising, etc. The creation of a common information market with the EU will help establish a sustainable dialog with shared-access platforms (Meta, Google, X, TikTok).
- CMU, CEC, and NSDC should establish a permanent dialog with Meta, Google, X, TikTok, and partner states to counteract the spread of Russian narratives and influence on Ukrainian elections. Russia is using a wide range of tools for exerting information influence, including disinformation content created with the help of artificial intelligence (AI).
- CMU should adapt EU's and other countries' best practices of countering information security threats. An example of such an adaptation would be the prohibition of use of TikTok by civil servants, law enforcement officers and MPs on devices with work-related applications. Special attention should be paid to Telegram, which is one of the most popular sources of information in Ukraine. However, Telegram does not implement any content moderation policies, unlike other social networks. Furthermore, this social media platform is commonly used by Russian and Ukrainian citizens, which further increases the amount of disinformation being disseminated on it.
- CMU in cooperation with the Ministry of Digital Transformation and the Ministry of Education and Science should develop and conduct a long-term media literacy campaign, including at the level of basic education.

RECOMMENDED STEPS TO INCREASE THE TRANSPARENCY OF POLITICAL PARTY AND CAMPAIGN FINANCE BEFORE THE START OF ELECTORAL PROCESS:

- VRU should:
 - [amend](#) the Law of Ukraine “On Political Parties” and the Electoral Code of Ukraine to strengthen accountability and control over private funding of political parties and electoral campaigns in order to minimize the probability of foreign and anonymous influence, direct and indirect bribery of voters at the expense of foreign funds.
 - introduce proportionate sanctions and ensure effective investigation of violations of political financing rules, with due account to the [proposals](#) made by OPORA, the National Agency on Corruption prevention (NACP), and the expert community.
- NACP and CEC should ensure effective monitoring of political party and election campaign financing by legislatively improving reporting tools and other procedures.

RECOMMENDED STEPS TO NEUTRALIZE AGGRESSOR STATE’S POLITICAL INFLUENCE:

- VRU should develop and adopt a legislative framework to prevent persons convicted of collaborationism or other criminal offenses against the foundations of national security and/or international crimes from influencing state and local policy-making decisions, including by holding elected office:
 - Provide for the disclosure of information concerning collaboration activities of candidates or their connections with the parties that were banned by the court in their autobiographies, ballot papers and posters/brochures to ensure that the voters are properly informed about such activities;
 - Impose proportional liability (punishment) for concealing or submitting deliberately false information about collaboration activities of candidates or their connections with the parties that were banned by the court.
 - Improve the legislation on criminal liability to promote uniformity of judicial practice in the application of punishment in the form of deprivation of the right to occupy certain (including elected) positions and to engage in certain activities (related to elections and referendums) for committing grave and

especially grave crimes against the foundations of national security, electoral and corruption offences, as well as international crimes (war crimes, crimes against humanity, crimes of aggression and genocide).

- It is necessary to introduce legal mechanisms of informational support for elections and campaigning in a foreign electoral district. Otherwise, the voters will be more exposed to disinformation (in particular disinformation activities of the aggressor state) due to the lack of access to official information from the election administration body and electoral subjects.

RECOMMENDED STEPS TO STRENGTHEN CYBERTHREAT RESPONSE CAPABILITIES:

- Central government bodies responsible for ensuring cybersecurity should elaborate and implement a plan for building cybersecurity capacity of the CEC. This plan should be integrated into overall risk response system to deal with cyber threats facing Ukraine.

1.2. FUNDAMENTAL DECISIONS

This section describes key actions and decisions necessary for the organization and conduct of democratic elections.

1.2.1. UPDATING THE STATE VOTERS REGISTER AND VOTER LISTS

The process of entering citizens in the voter list, which is primarily based on the State Voters Register, is a prerequisite for ensuring the exercise of active suffrage rights and, as a result, the fundamental principle of universal suffrage.

It is necessary to introduce generic procedures for updating the Register that will be applied to all types of elections. At the same time, the conduct of postwar elections will require additional procedures to update all the information due to massive internal and external migration. Currently, there are 4.6 million [registered](#) internally displaced persons (IDPs) in Ukraine, but gaining an IDP status does not entail an automatic change of electoral address under current legislation. According to various sources, [4-5 million](#) Ukrainian citizens have moved abroad since 2022. Their electoral data also needs to be updated in order to be able to vote at overseas polling stations. That's why it is necessary to take the following steps:

- Fully restore the operation of the State Voters Register.
- Legislatively provide for and conduct an independent audit of the State Voters Register. It is necessary to start developing legislative norms now in order to conduct such an audit after the repeal of martial law, but before the start of the electoral process. This will strengthen confidence in the election results.
- Make amendments to the legislation regarding certain procedures related to updating voters data (for example, introduce a mechanism for “active” voter registration).

1.2.2. TYPE OF ELECTION AND THE BODY RESPONSIBLE FOR ADOPTING DECISIONS ON THE CONDUCT OF ELECTIONS

The Constitution of Ukraine does not contain a special provision on the type of election if regular elections were not carried out on time due to imposition of martial law. From a legal point of view, these can be either postponed regular or special postwar elections.

In the case of regular postponed elections, the body responsible for scheduling or announcing the start of electoral process is defined in the Constitution and the Electoral Code of Ukraine. In the case of special elections, it is necessary to enshrine the specifics of conducting this type of election at the statutory level, as well as **appoint a body responsible for scheduling special elections**. Such bodies may include:

- Central Election Commission – taking into account the nature of this body’s powers and adherence to the principles of impartiality and independence.
- Verkhovna Rada of Ukraine – considering that this body has the most representative mandate and exercises full legislative powers.

1.2.3. WHEN TO HOLD ELECTIONS

The [conclusions](#) approved during the ninth Jean Monnet Dialogue stipulate that free and fair national elections will be held **no earlier than 6 months after the repeal of martial law**. In order to hold such elections, it is necessary to create proper democratic conditions, including the freedom of action of media outlets, political parties and civil society organizations.

At present there is a discrepancy between election deadlines set out in the political agreements and the provisions of Paragraph 6 of Part 1 of Article 20 of the Electoral

Code and Part 2 of Article 19 of the Law of Ukraine “On the Legal Regime of Martial Law”. These provisions need to be amended, and the deadlines provided for in the law should be extended to ensure at least a 6-month preparatory period between the end of martial law and the start of electoral process.

It is worth noting that the Constitution of Ukraine sets strict time limits for conducting regular elections (on the last Sunday of March/October of the fifth year of the term of office), but it does not determine the date of elections in case of their postponement due to martial law.

1.2.4. SEQUENCING OF ELECTIONS

The Constitution does not contain a special provision on the sequencing of elections if regular elections (including regular parliamentary and presidential elections) were not held on time due to martial law. Therefore, given the special nature of first postwar elections, they may be held in different sequences. The sequence of postwar elections can be determined by VRU. However, it is advisable to hold national elections (presidential and parliamentary) first, followed by local elections. Furthermore, the elections should not coincide with each other: national elections could be held first, followed by local elections later.

Stakeholders discussed two main approaches to sequencing of national elections and deciding which election (presidential or parliamentary) should be the first in this sequence:

- **Depending on the sequence in which the elections were supposed to be held.** In this case, the parliamentary election should be held first, given that the regular parliamentary election was to take place on October 29, 2023, and the presidential election – on March 31, 2024.
- **Depending on the actual period of tenure.** In this case, election to the body that has been exercising its representative mandate for the longest time should be held first. This means that the presidential election should be the first to take place in postwar Ukraine, given that the incumbent President assumed office earlier than others (May 20, 2019) and has been exercising his powers for about 5 years and 7 months, while members of Parliament commenced work three months later (August 29, 2019) and have been exercising their powers for about 5 years and 4 months.

1.2.5. ELECTORAL SYSTEM

[During the ninth Jean Monnet Dialogue](#) held on November 10-12, 2023, the leaders and delegated representatives of parliamentary factions and deputy groups agreed that postwar elections should be held on the basis of the existing Electoral Code while preserving the current systems of national and local elections as a foundation. They also concluded that it is necessary to amend the law to ensure fair competition of candidates within the same party list (in particular, it was agreed that the 25% electoral quota limit for promoting a candidate on the electoral list should be abolished).

The adoption of the Electoral Code, which provides for the introduction of open-list proportional representation system, has been one of the most anticipated reforms in the political sphere for the past 15 years. It is unacceptable to abandon a system in the process of organizing postwar elections, but some of its shortcomings should be remodeled and revised to ensure effective application of the gender quota, abolition of 9 guaranteed places on the party ticket, and due account of political voice of Ukrainians abroad.

At the same time, it is likely that the parliamentary election system will need to be adapted to the challenges posed by full-scale war, including difficulties in election administration and territorial organization. This need arose due to the expansion of temporarily occupied territories in Zaporizhzhia, Donetsk, Luhansk, and Kherson oblasts.

1.2.6. ACCESSIBILITY OF ELECTIONS

Significant level of destruction of Ukrainian infrastructure, dire situation in the energy sector, large-scale internal and external migration of the population, and security threats caused by Russian aggression pose additional challenges in the context of making elections accessible to a large number of Ukrainian voters. First of all, this is about ensuring the exercise of active suffrage rights, i.e., providing an opportunity to vote and increasing the capacity of polling stations.

DURATION OF VOTING PERIOD

The need for changes in the duration of voting period is caused by a combination of two factors. First, the electoral infrastructure of Ukraine has suffered extensive damage due to Russian aggression. Second, the emergence of several million IDPs has led to a significant increase in the number of potential voters in some hromadas and a substantial decrease in others. The increased number of voters in some hromadas

places an extra burden on the access control system of local polling stations, which means that voters should be given more time to cast their ballots. This problem can be solved in two ways:

- Increasing the number of voting hours during the day. For example, voting from 8:00 to 22:00 can be used instead of the traditional 8:00 to 20:00 timeframe.
- Multi-day voting. For example, this option can be used in the foreign electoral district.¹

VOTING METHODS

Currently, there are virtually no alternatives to the **traditional voting method** involving the use of **ballot papers** at the polling stations. However, **postal voting** may become an alternative option. First of all, it can be used to increase voting opportunities for Ukrainians abroad. However, introduction of postal voting method requires the development of additional procedures through the joint efforts of the CEC, VRU and expert community, as well as implementation of pilot projects.

Other measures should be introduced to ensure participation of as many voters as possible:

- creating additional polling stations in Ukraine and abroad;
- increasing the size of election commissions.

1 It is worth considering that increasing the number of days for voting will require coordination with the deadlines for implementing some election procedures, in particular, updating voter lists, transferring ballots to PECs, etc.

There is also a discussion regarding the compliance of such initiatives with the Constitution, since in a number of its provisions (Part 1 of Article 77, Part 5 of Article 103, Part 2 of Article 136) it provides that elections are held on Sunday. At the same time, there is an opinion about the need to distinguish between the concepts of “elections” and “voting”, which should be understood as a process and its stage, respectively. In turn, the meaning of the “voting day” concept is defined only at the level of the Electoral Code, which leads to the opinion about the sufficiency of making amendments only to it (Part 1 of Article 5).

PARTICIPATION OF MILITARY PERSONNEL IN THE ELECTIONS

One of the likely challenges is to ensure that military personnel can vote in postwar elections. This will require creating conditions for military personnel of all types of military service to vote at regular polling stations. Introduction of alternative voting methods, including postal voting, may prove to be too complicated from a logistical and security standpoint.

PARTICIPATION OF VULNERABLE VOTER GROUPS IN THE ELECTIONS

Another key challenge is to ensure that many more people with disabilities are able to vote in postwar elections. During the full-scale war, the number of disabled people has [increased](#) by at least 300,000. That's why it is necessary to make special arrangements for people with disabilities at regular polling stations or ensure the expression of the will of the required number of people through the application of "mobile voting" procedure. Another way of guaranteeing the exercise of voting rights of the disabled is to provide them with an opportunity to change their voting place from an "inaccessible" to an inclusive polling station. It is also necessary to ensure the active suffrage rights of other vulnerable groups of voters.

1.2.7. ENSURING THE EXERCISE OF ACTIVE AND PASSIVE SUFFRAGE RIGHTS OF UKRAINIAN CITIZENS WHO STAY ABROAD ON LEGAL GROUNDS DUE TO RUSSIAN AGGRESSION

CEC created 3 working groups after the start of full-scale invasion. Members of these groups have developed a number of proposals to ensure the voting rights of Ukrainians abroad:

EXPANDED ACCESS TO VOTING

The war has led to a significant increase in the number of Ukrainians abroad, but the electoral infrastructure remains unchanged, which makes it difficult to exercise the right to vote. That is why OPORA proposes to:

- create additional polling stations abroad and strengthen the staffing capacity of election commissions;
- extend the voting period;
- change the procedure for the production and transportation of ballots.

ACTIVE REGISTRATION OF VOTERS

The introduction of active registration procedure is aimed at including in the voter lists those citizens who live abroad but have not registered with the consulate. According to the current legislation of Ukraine, only those citizens who have registered with the consulate are guaranteed to be included in the lists. OPORA supports the introduction of active voter registration procedure with the possibility of temporary change of voting place, including before the start of the electoral process. This will allow us to reach everyone interested in voting rather than only those registered with the consulate.

EXEMPTIONS FROM PERMANENT RESIDENCY REQUIREMENT

Millions of Ukrainians are forced to stay abroad, which makes it difficult to ensure the exercise of their passive suffrage rights. The permanent residency requirement (the qualifying period of residence in Ukraine for presidential candidates is 10 years, for parliamentary candidates – 5 years) creates significant obstacles, especially for women who make up the majority of those living abroad. It is suggested that Ukraine should abolish the permanent residency requirement for candidates at the national elections who moved abroad on legal grounds due to the combat actions.

Draft Law No. 11300 [proposes](#) to exempt all Ukrainians abroad from permanent residency requirement under conditions of martial law.

1.2.8. LEGAL REGULATION OF THE TRANSITIONAL PERIOD FOR ORGANIZING DEMOCRATIC ELECTION PROCESS IN THE DE-OCCUPIED TERRITORIES AND THE AREAS ADJACENT TO ACTIVE COMBAT ZONE

A significant part of Ukraine's territory has been under Russian occupation since 2014. Duly constituted authorities, media outlets and political parties of Ukraine have not been operating in the temporarily occupied territories (TOT) for a long time; some residents of the TOT have obtained citizenship of the aggressor state; others are actively engaged in collaborationism; and there is no up-to-date information about voters in the TOT. Therefore, conduct of elections in these regions will require large-scale preparatory works that are unlikely to be completed even within a year after termination of hostilities.

It will also be extremely difficult to conduct preparations for postwar elections in the territories that were de-occupied after the start of the full-scale invasion in 2022, as well as in the areas adjacent to Russian border and in the frontline zones. Some of

these hromadas have lost all of their infrastructure facilities and voters, while others face significant infrastructural and security risks.

It will become possible to hold elections in these territories only after all the risks are eliminated, the government of Ukraine regains effective control over them, and the judicial system, law enforcement agencies, executive bodies and other state authorities of Ukraine resume unimpaired operation.

At the same time, it is advisable to create additional polling stations for displaced voters from the temporarily occupied territories in the government-controlled areas.

1.2.9. APPEAL TO THE CONSTITUTIONAL COURT AS AN ADDITIONAL TOOL TO STRENGTHEN THE LEGITIMACY OF SOME FUNDAMENTAL DECISIONS

A number of unresolved issues relating to the elections that were not held within the legal period due to imposition of martial law need to be clarified by the Constitutional Court of Ukraine since the Constitution does not provide for special regulation of such cases. In particular, it is necessary to clarify the following issues:

- **Will the postwar elections be considered as regular but postponed?**
- **When and in what sequence should such elections be held?**
- **Can voting period last several days?**

The answers to these questions can be received through the official interpretation of Article 77 (1), Article 103 (5) and Article 136 (2) of the Constitution. For this purpose, the **President of Ukraine** or other petitioners (for example, a group of 45 or more MPs) **must apply to the Constitutional Court in advance** with requests for clarification. This will allow the Constitutional Court to adopt decisions within the deadlines necessary for making amendments in the legislation before the start of electoral process.

These measures should help to remove doubts about the constitutionality of legal provisions that will regulate the conduct of postwar elections and prevent the risk of delegitimization of state bodies that will be elected in these elections.

EUROPEAN INTEGRATION

This section describes the steps to be taken by Ukraine in the process of accession to the European Union in so far as they relate to ensuring the functioning of democratic institutions.

Reforms in the field of elections, democracy and good governance are on the list of **requirements for Ukraine's integration into the EU**.

2.1. ROADMAP IMPLEMENTATION

In 2024, the negotiating group for preparation of negotiating positions on Ukraine's accession to the European Union, which brought together representatives of the government and non-governmental sector, developed [the "Functioning of democratic institutions" section of the roadmap](#). This roadmap contains a list of measures related to free and fair elections, financing of political parties and election campaigns, the role of mass media in election campaigns, transparency, accountability and efficiency of the Verkhovna Rada, and the functioning of civil society organizations.

The European Commission's 2023-2024 reports **emphasize the need to continue implementing electoral reform with due account for the unfulfilled [ODIHR/OSCE recommendations](#)** on the stability of electoral legislation, professional development and independence of election commissioners, improvement of the institution of official election observation, measures to prevent the creation of unfair competitive advantages in the electoral process, strengthening the secrecy of voting, improving gender quotas in candidate lists, etc.

In order to implement these recommendations, representatives of state authorities, expert community and civil society organizations developed a number of legislative amendments in the 2020-2022 timeframe with the aim of improving the electoral process. The main areas of improvement include:

1. **Election campaigning:**

- Implementing legal regulation of online and social-media campaigning.
- Identifying covert campaigning and preventing the use of administrative resources.
- Setting special requirements for campaigning products.

2. **Accessibility and transparency:**

- Guaranteeing the access of journalists and observers to election events.
- Clear delineation of powers between the election commissions and the National Council on Television and Radio Broadcasting.

3. **Gender-balanced representation and anti-discrimination:**

- Reinforcing the gender quota requirement and replacing withdrawn candidates with persons of the same gender.
- Prohibition of campaigning with elements of sexism.

4. **Election financing:**

- Automation of funds reporting through an electronic system (POLITDATA) with provision of prompt public access to information on receipts and expenditures of the election funds during the election campaign
- Improvement of procedures for forming election funds, coordination and revision of contribution limits and sizes of election funds for different types of elections.

5. **Election administration:**

- Limiting the ability of political parties to replace members of election commissions.
- Introduction of mandatory training for persons who occupy certain positions in election commissions.

Some of these provisions have been reflected in recently registered draft laws, in particular, draft law [No. 8310 dated December 27, 2022](#), draft law [No. 11300 dated May 27, 2024](#), and draft law [No. 11462 dated August 05, 2024](#).

It is necessary to approve the “Fundamentals” section of the roadmap as soon as possible. This section should contain realistic measures that are not too time-consuming.

2. 1. IMPLEMENTATION OF ARTICLES 39, 40 OF THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION AND THE EU DIRECTIVES ON ELECTIONS

Ukraine's accession to the European Union will necessitate the harmonization of Ukrainian legislation with requirements of Article 39 (the right to vote and stand as a candidate in elections to the European Parliament) and Article 40 (the right to vote and stand as a candidate in local elections) of the EU Charter of Fundamental Rights, as well as EU directives on elections (in particular, [Council Directive 94/80/EC dated December 19, 1994](#)).

It is necessary to provide for legislative regulation of the following:

- conduct of elections to the European Parliament on the territory of Ukraine, as well as determine the type of electoral system, the specifics of election administration, stages and procedures of European elections;
- participation of EU citizens in Ukrainian local elections by vesting them with active and passive suffrage rights;
- exercise of other derivative electoral rights by EU citizens in the elections to the European Parliament and local elections (e.g., the right to campaign, finance election campaigns, conduct election observation on behalf of individual entities, participate in the formation and activities of election administration bodies, etc.)

This requires amending not only sector-specific legislation but also the Constitution of Ukraine in so far as it relates to the transfer of certain sovereign rights to EU citizens, including the right to vote in local elections. Such changes are subject to approval by an all-Ukrainian referendum.

ROADMAP IMPLEMENTATION SCHEME

BLOCK: SECURITY

1. SECURITY ASSESSMENT AND THREAT RESPONSE CAPACITY

- a) At the legislative level, establish clear criteria and methodology for determining the possibility or impossibility of holding elections at the hromada level and/or in the frontline areas, as well as identify a responsible body that will conduct a security audit of these areas and make appropriate decisions. Provide the necessary funding for such an audit. } In advance of the start of the electoral process (no later than 6 months before the start of the electoral process) / a
- b) Conduct an assessment of the situation in individual territories in accordance with approved criteria and determine the possibility or impossibility of holding elections in each hromada/territory. } Before the start of the electoral process (3 months – start of the electoral process) / b, c
- c) Develop and implement legally enshrined action protocols and guarantees for the protection of electoral process participants in the event of security threats.

GROUNDWORK:

- CEC [Resolution](#) No. 102 dated September 27, 2022
- [Methodology](#) for conducting a hromada security audit developed by Civil Network OPORA

STAKEHOLDERS AND INVOLVED PARTIES:

- Central election commission (CEC), National Security and Defense Council (NSDC), Verkhovna Rada, Cabinet of Ministers of Ukraine (CMU), civil society organizations (CSOs), international governmental and non-governmental organizations, foreign states (hereinafter referred to as foreign partners)

2. INDEPENDENT PRE-ELECTION SECURITY ASSESSMENT MISSION:

- a) Invite independent international missions (OSCE/ODIHR, EU, IRI, NDI, etc.) to Ukraine to assess the security situation, including security risks and threats in the context of possible conduct of elections. } From 6 to 3 months before the start of the electoral process / a
- b) Take due account of the results of security audit carried out by independent international missions when deciding whether or not to hold elections. } Before the start of the electoral process (3 months – start of the electoral process) / b, c
- c) Ensure communication with Western partners on Ukraine's further actions following on the results of pre-election security assessment.

STAKEHOLDERS AND INVOLVED PARTIES:

- CEC, NSDC, Verkhovna Rada, MFA, international organizations, CSOs, foreign partners

3. CRACKDOWN ON RUSSIAN INTERFERENCE IN THE ELECTORAL PROCESS

3.1. STRENGTHENING INFORMATION SECURITY

- a) Step up measures to crackdown on Russia’s disinformation activities (in particular on social media) by adapting Ukrainian legislation to EU digital law.
- b) Establish an ongoing dialog with Meta, Google, X, TikTok and partner countries to hinder the spread of Russian narratives and influence on Ukrainian elections.
- c) Adapt EU’s and other countries’ best practices of countering information security threats, including the prohibition of use of certain social media platforms by civil servants.
- d) Develop and conduct a long-term media literacy campaign, including at the level of basic education.

In advance of the start of the electoral process (no later than 6 months before the start of the electoral process)
/ a, b, c, d

GROUNDWORK:

- [Regulation](#) of the European Parliament on the transparency and targeting of political advertising
- The Digital Services [Act](#) (DSA)
- The Digital Markets [Act](#) (DMA)

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, NSDC, Ministry of Digital Transformation, Ministry of Education and Science

3.2. INCREASING THE TRANSPARENCY OF POLITICAL FINANCE

- a) Amend the Law of Ukraine “On Political Parties” and the Electoral Code of Ukraine to strengthen accountability and control over private funding of political parties and election campaigns.
- b) Ensure effective monitoring of political party and election campaign funding by legislatively improving reporting tools and other procedures.
- c) Introduce proportionate sanctions and ensure effective investigation of infringement of political finance rules with due account for the proposals made by OPORA, NACP and the expert community.

No later than 12 months before the election day
/ a, b, c

GROUNDWORK:

- Draft law [No. 11462 dated August 5, 2024](#)

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, National Agency on Corruption Prevention (NACP), Ministry of Interior (MI), CSOs

3.3. NEUTRALIZING AGGRESSOR STATE’S POLITICAL INFLUENCE AND RESPONDING TO CYBER THREATS

- a) Ban the persons who were convicted of collaborationism, other criminal offenses against the foundations of national security or international crimes from holding elected office.
- b) Develop effective mechanisms for providing information about the electoral process abroad, as well as ensure access to reliable and up-to-date information for out-of-country voters.
- c) Develop and implement a plan to build the cyber security capacity of the CEC. This plan should be integrated into the overall government risk response system in this area.

In advance of the start of the electoral process (no later than 6 months before the start of the electoral process) / a, b, c

STAKEHOLDERS AND INVOLVED PARTIES:

→ Verkhovna Rada, Ministry of Foreign Affairs, CEC, CSOs

BLOCK: FUNDAMENTAL DECISIONS²

4. UPDATING THE STATE VOTERS REGISTER AND VOTER LISTS

- a) Legislatively provide for an independent audit of the State Voters Register (SVR).
- b) Conduct an independent audit of the SVR.
- c) Amend the legislation regarding certain procedures related to voter lists.

In advance of the start of the electoral process (no later than 6 months before the start of the electoral process) / a

From 6 to 3 months before the start of the electoral process / b

In advance of the start of the electoral process (no later than 6 months before the start of the electoral process) / c

STAKEHOLDERS AND INVOLVED PARTIES:

→ Verkhovna Rada, CEC, CSOs



2 To strengthen the legitimacy of a number of fundamental decisions, it is recommended to appeal to the Constitutional Court. First of all, the Constitutional Court could help resolve some issues related to elections that were not held on time due to martial law, in particular:

- Will the post-war elections be considered regular but postponed?
- When and in what sequence should such elections be held?
- Can voting last for several days?

To do this, the President of Ukraine or other subjects of constitutional submission (for example, not less than 45 people's deputies) should apply to the Constitutional Court in advance.

5. TYPE OF ELECTIONS

Determine the type of election, given that the Constitution of Ukraine does not contain a special provision on the type of election if the regular elections were not carried out within the legal period due to imposition of martial law:

- Postponed regular elections
- Special (first) post-war elections

Before the repeal
of martial law

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, CSOs

6. STATE BODY RESPONSIBLE FOR ADOPTING DECISIONS ON THE CONDUCT OF ELECTIONS

In the case of regular postponed elections, the body responsible for scheduling or announcing the start of electoral process is defined in the Constitution and the Electoral Code of Ukraine. In the case of special elections, it is necessary to appoint a body responsible for adopting decisions on the conduct of elections:

- CEC.
- Verkhovna Rada.

Before the repeal
of martial law

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, CSOs

7. WHEN TO HOLD ELECTIONS

Amend the provisions of paragraph 6 of section 1 of Article 20 of the Electoral Code and section 2 of Article 19 of the Law of Ukraine “On the Legal Regime of Martial Law” to ensure compliance with statutory deadline for holding postwar elections, that is, **no earlier than 6 months after** the repeal of martial law.

Before the repeal
of martial law

GROUNDWORK:

- [Conclusions](#) approved during the ninth Jean Monnet Dialogue

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, CSOs

8. SEQUENCING OF ELECTIONS

Determine the sequence of holding post-war elections in such a way that they are spread out over time: first hold national elections, and then local elections.

Before the repeal
of martial law

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, CSOs

9. ELECTORAL SYSTEM

Adapt the electoral system, which is applied to parliamentary and local elections as provided for in the current Electoral Code, to the new challenges posed by full-scale war.

Before the repeal of martial law

GROUNDWORK:

→ [Conclusions](#) approved during the ninth Jean Monnet Dialogue

STAKEHOLDERS AND INVOLVED PARTIES:

→ Verkhovna Rada, CEC, CSOs

10. DURATION OF VOTING PERIOD

Analyze and adopt necessary changes to the duration of voting at polling stations with due account for the following options:

- a) Increase the number of voting hours during the day. For example, introduce voting from 8:00 to 22:00 instead of the traditional 8:00 to 20:00 timeframe.
- b) Multi-day voting. This option can be used for voting abroad.

Before the repeal of martial law / a, b

STAKEHOLDERS AND INVOLVED PARTIES:

→ Verkhovna Rada, CEC, MFA, CSOs

11. VOTING METHODS TO BE USED IN THE ELECTIONS

- a) Determine the need to provide an alternative voting method (postal voting) and, if necessary, adopt legislative changes.
- b) Determine the need to establish additional polling stations in Ukraine and abroad. Introduce relevant amendments to the legislation and, if necessary, conclude interstate agreements.
- c) Determine the need to increase the number of election commissions and, if necessary, adopt legislative changes.

Before the repeal of martial law / a, b, c

STAKEHOLDERS AND INVOLVED PARTIES:

→ Verkhovna Rada, CEC, MFA, CSOs

12. MEASURES TO ENSURE PARTICIPATION OF VULNERABLE VOTER GROUPS IN THE ELECTIONS:

- a) Evaluate the current state of electoral infrastructure, including accessibility of polling stations for vulnerable groups. Implement projects to restore and rebuild damaged polling stations.
- b) Amend the legislation to make necessary accommodations for people with disabilities at regular polling stations, and if this is not possible, provide for the application of “mobile voting” procedure to the disabled.
- c) Ensure that voters with disabilities have the opportunity to change their voting place from an “inaccessible” to an inclusive polling station.
- d) Introduce a mechanism for periodic audits of polling stations accessibility

In advance of the start of the electoral process (no later than 6 months before the start of the electoral process)
/ a, b, c, d

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, Ministry of Social Policy, CSOs

13. MEASURES TO ENSURE PARTICIPATION OF MILITARY PERSONNEL IN THE ELECTIONS

Develop and implement mechanisms for military personnel to vote at regular polling stations

In advance of the start of the electoral process (no later than 6 months before the start of the electoral process)

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, Ministry of Defense, CEC, CSOs

14. ENSURING THE EXERCISE OF ACTIVE AND PASSIVE SUFFRAGE RIGHTS OF CITIZENS OF UKRAINE WHO STAY ABROAD ON LEGAL GROUNDS DUE TO RUSSIAN AGGRESSION

- a) Introduce necessary amendments to the legislation and create opportunities for **expanded voting** abroad:
 - Establish additional polling stations;
 - Extend the voting period;
 - Change the procedure for the production and transportation of ballots.
- b) Introduce a procedure for **active registration** of voters abroad, which is aimed at including in the voter lists those citizens who are abroad but have not registered with the consulate
- c) Provide for **exemption from permanent residency requirement** (the qualifying period of residence in Ukraine for presidential candidates is 10 years, for parliamentary candidates – 5 years) for those who moved abroad on legal grounds due to the war.

Before the repeal of martial law / a, b, c

GROUNDWORK:

- Draft Law [No. 11300](#) exempts all citizens who stay abroad from the permanent residency requirement under conditions of martial law.

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CEC, MFA, CSOs

15. LEGAL REGULATION OF THE TRANSITIONAL PERIOD FOR ORGANIZING DEMOCRATIC ELECTION PROCESS IN THE DE-OCCUPIED TERRITORIES AND THE AREAS ADJACENT TO ACTIVE COMBAT ZONE

- a) Enshrine in legislation the transitional period for organizing elections in certain territories of Ukraine.
- b) Consider the possibility of creating additional polling stations in the government-controlled areas for voters who relocated from temporarily occupied territories. Introduce legislative changes, if needed.

In advance of the start of the electoral process (no later than 6 months before the start of the electoral process) / a, b

STAKEHOLDERS AND INVOLVED PARTIES:

- CEC, NSDC, Verkhovna Rada, CMU, CSOs

BLOCK: EUROPEAN INTEGRATION

16. IMPLEMENTATION OF EUROPEAN INTEGRATION ROADMAP

- a) Approve the “Fundamentals” section of the Roadmap as soon as possible. This section should contain realistic measures that are not too time-consuming.
- b) Continue carrying out electoral reforms with due account for the unimplemented OSCE/ODIHR recommendations. Adopt legislative amendments developed by governmental and non-governmental sectors in the following areas:
 - **Election campaigning**
 - **Accessibility and transparency**
 - **Gender-balanced representation and anti-discrimination**
 - **Electoral campaigns funding**
 - **Election administration**

Develop legislation on electoral processes before the repeal of martial law / a, b

Adopt legislation on electoral processes in advance of the start of the electoral process (no later than 6 months before the start of the electoral process) / a, b

GROUNDWORK:

- The “Functioning of democratic institutions” section of the [Roadmap](#)
- OSCE/ODIHR [Recommendations](#)
- Draft laws:
 - [No. 8310 dated December 27, 2022](#)
 - [No. 11300 dated May 27, 2025](#)
 - [No. 11462 dated August 8, 2025](#)

STAKEHOLDERS AND INVOLVED PARTIES:

- Verkhovna Rada, CMU, CEC, MFA, CSOs

17. IMPLEMENTATION OF ARTICLES 39, 40 OF THE CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION AND THE EU DIRECTIVES ON ELECTIONS

It is necessary to provide for legislative regulation of the following:

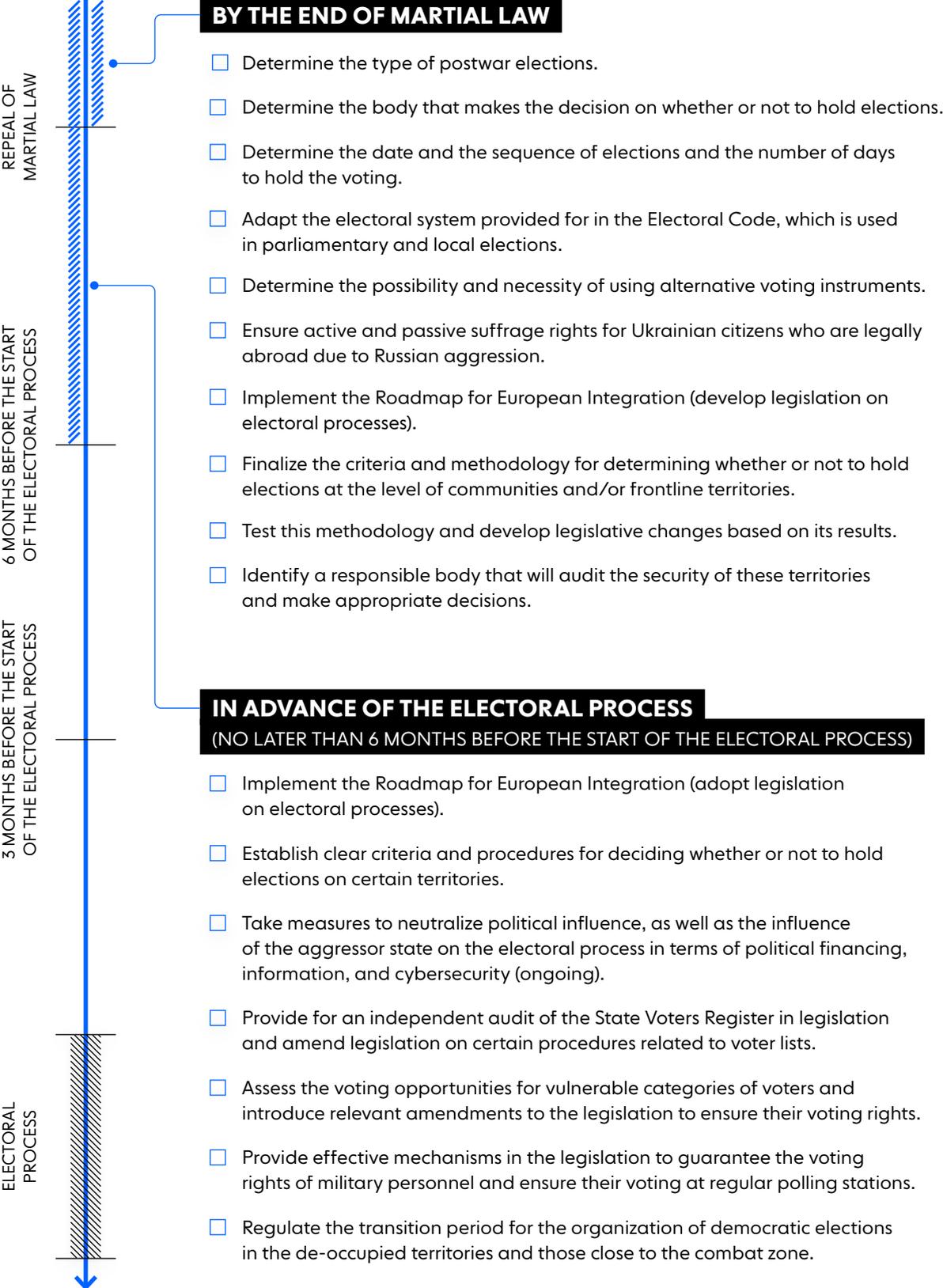
- a) Conduct of elections to the European Parliament on the territory of Ukraine, as well as determine the type of electoral system, the specifics of election administration, stages and procedures of European elections.
- b) Participation of EU citizens in Ukrainian local elections by vesting them with active and passive suffrage rights.
- c) Exercise of other derivative electoral rights by EU citizens in the elections to the European Parliament and local elections (e.g., the right to campaign, finance election campaigns, conduct election observation on behalf of individual entities, participate in the formation and activities of election administration bodies, etc.)

After holding postwar elections, along with joining the EU / a, b, c

STAKEHOLDERS AND INVOLVED PARTIES:

→ Verkhovna Rada, CMU, CEC, MFA, foreign partners, CSOs

TIMELINE/CHECKLIST FOR THE IMPLEMENTATION OF THE ROADMAP



TIMELINE/CHECKLIST FOR THE IMPLEMENTATION OF THE ROADMAP

