

LAW OF UKRAINE

On the Central Election Commission

In accordance with the Constitution of Ukraine, this Law determines the procedure for the formation, the legal status, the range of authorities and the main principles for organizing the activity of the Central Election Commission of Ukraine as a permanently functioning collegial state body, which shall have the competence to provide the organization of the preparation and conduct of elections and referenda in Ukraine and to ensure the implementation and protection of the electoral rights of citizens of Ukraine and their rights to take part in referenda, as well as the sovereign right of the people of Ukraine to express its will.

Chapter I. GENERAL PROVISIONS

Article 1. The Status of Central Election Commission

1. The Central Election Commission (hereafter – the Commission) is a permanently functioning collegial state body, which shall work on the basis of the Constitution of Ukraine, this and other laws of Ukraine and be assigned the authorities to organize the preparation and conduct of elections of the President of Ukraine, of people's deputies of Ukraine, of deputies of the Verkhovna Rada of the Autonomous Republic Crimea, of deputies of local councils and of village, settlement and city heads, as well as nationwide and local referenda in accordance with the procedure and within the limits established by this and other laws of Ukraine.

2. The Commission presides over the system of election commissions and commissions on referendum, which are formed to organize the preparation and conduct of elections of the President of Ukraine, of people's deputies of Ukraine and the all-Ukrainian referendum. The Commission shall exercise control over the activities of and render consultative-methodological support to the election commissions which are formed to organize the preparation and conduct of the elections of deputies of the Verkhovna Rada of the Autonomous Republic Crimea, deputies of local councils and village, settlement and city heads, as well as to commissions on local referenda.

3. The Commission is a legal person; it has a seal with its name.

Article 2. Main Principles of the Activity of the Commission

1. The Commission shall, in accordance with its authorities, ensure that the principles of the election and referendum processes envisaged by the Constitution of Ukraine and by the laws of Ukraine will be abided, that citizens of Ukraine can exercise their electoral rights and rights to take part in referenda, and that the legislation of

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Ukraine on elections and referenda are equally applied on the whole territory of Ukraine.

2. The Commission shall build its activity on the principles of rule of law, legality, independence, objectivity, competence, professionalism and collegiality when examining and solving questions, on motivated adopted decisions, and on openness and publicity.

Article 3. Independence of the Commission

1. The Commission is a collegial state body, which shall exercise its authority autonomously, independently from other bodies of state power, bodies of local self-government, their officers and officials.

2. The Commission and its members must only act upon the grounds, within the limits of its authorities and in a manner, which is envisaged by the Constitution of Ukraine, this and other laws of Ukraine.

3. The Constitution of Ukraine, and this and other laws of Ukraine shall determine the procedure for the formation, composition, the authorities and the organization of the activities of the commission.

4. Members of the Commission are civil servants according to this Law.

5. Interference of any bodies, officers or officials, citizens or their associations in the solving of questions, which are within the authorities of the Commission, shall be prohibited, except in cases envisaged by the laws of Ukraine.

6. The Central Election Commission shall be provided with the legislative and other sub-legal documents adopted by the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, as well as with official materials that are distributed by central bodies of the executive and judiciary.

7. The guaranties of the independence of the Commission when exercising its authorities are determined by the Constitution of Ukraine, this and other laws of Ukraine.

Article 4. Openness and Publicity in the Activity of the Commission

1. The Commission shall act in an open and public manner.

2. Candidates to the post of President of Ukraine, their proxies in the nationwide election constituency, candidates for people's deputies of Ukraine, authorized representatives of candidates to the post of President of Ukraine, authorized persons of parties (blocs) – subjects of the election process, authorized representatives of initiative groups for an nationwide referendum, as well as official observers from foreign states, international organizations and representatives of mass media shall have the right to be present at sessions of the Commission without permission or invitation of the Commission.

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3. At sessions of the Commissions, during the consideration of applications and complaints, representatives of the applicant, the complainant, the subject of the complaint and other interested sides shall have the right to be present.

4. Other person, apart from those specified in parts two and three of this article, shall have the right to be present at sessions of the Commissions upon invitation or permission of the Commission, about which the Commission shall take a respective decision.

5. Decisions of the Commission shall be published in central and local mass media in cases, in the accordance to the procedure and within the terms established by law.

6. The Commission shall run its print organ – “The Messenger of the Central Election Commission”

Article 5. Location of the Commission

1. The location of the Commission is the capital of Ukraine – the city of Kyiv.

2. The building in which the Commission is located shall display the State Banner of Ukraine.

3. The State Emblem of Ukraine and State Banner of Ukraine is mandatory attributes in the premises where the Commission conducts its sessions.

CHAPTER II. COMPOSITION, PROCEDURE FOR FORMATION AND ORGANIZATION OF THE ACTIVITIES OF THE COMMISSION

Article 6. Composition of the Commission and the Procedure for its Formation

1. The Verkhovna Rada of Ukraine shall appoint and terminate the authorities of the members of the Commission upon the submission of the President of Ukraine.

2. The submission of the President of Ukraine on appointment of members of the Commission shall take into account the suggestions of the parliamentary factions and groups formed during the current convocation of the Verkhovna Rada of Ukraine.

3. The Commission shall consist of 15 members.

4. The candidacies of persons to the positions as members of the Commission shall be discussed in advance in the parliamentary factions and groups, and the appointment of them shall be conducted when the conclusions of the respective profile committee of the Verkhovna Rada of Ukraine are at hand.

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5. The Chairperson of the Commission, two Deputy Chairpersons of the Commission and the Secretary of the Commission shall be elected from among the members of the Commission.

6. The Chairperson of the Commission, the Deputy Chairpersons, the Secretary of the Commission as well as not less than five other members of the Commission must have higher legal education.

7. The Commission shall work on a permanent basis. A member of the Commission shall be a civil servant.

8. The term of authorities of a member of the Commission is 7 years.

Article 7. Requirements to Members of the Commission

1. A member of the Commission must be a citizen of Ukraine who on the day of appointment has attained the age of twenty five years, who has the right to vote, who has lived in Ukraine for at least the last five years and who has a command of the state language.

2. A citizen of Ukraine, who has a criminal record for committing an intentional crime and such record is not cancelled or erased according to the procedure established by law or who according to the established procedure has been declared incapable or limitedly capable, cannot be appointed member of the Commission.

3. A member of the Commission cannot be a people's deputy of Ukraine or hold another elected office, or be a member of other election commissions or commissions on referendum, or be member of an initiative group for nationwide or local referendum, or engage in entrepreneurial activity, or be a proxy in the Commission of a third person, or perform work which is incompatible with the mandate (except for scientific, tutorial or creative activity), or be a member of the board of supervisors or other administrative bodies of organizations whose aim it is to generate profit. A member of the Commission may not be a member of bodies of the executive power or executive bodies of local self-government.

4. A member of the Commission cannot be candidate for President of Ukraine, candidate for people's deputy of Ukraine, for deputy of a local council or the Verkhovna Rada of the Autonomous Republic Crimea, candidate to the post of village, settlement or city heads, or their proxy, nor can he or she be a representative or authorized person of a political party (election bloc of parties), that takes part in the elections. If a member of the Commission obtains the mentioned status, the Commission shall take a decision to terminate his or her authorities for the period he or she upholds such status.

5. A member of the Commission, who prior to his or her appointment was member of any political party, must terminate his or her membership of this party for the period he or she is carrying out his or her authorities. He or she cannot take part in its activity or carry out assignments for the party, for any of its bodies or officials.

Article 8. The Oath of the Member of the Commission

1. A member of the Commission shall, prior to entering into office on the plenary session of the Commission, take an oath of the following content:

“I, (surname, name and patronymic) swear to the Ukrainian people that I, while carrying out my authorities in the Central Election Commission, shall abide by the Constitution of Ukraine and the laws of Ukraine, maintain a non-partisan position, be honest, objective and unbiased when deciding issues that fall within the authorities of the Commission, and ensure the exercise and protection of electoral rights of citizens of Ukraine and their rights to take part in referenda.”

The person who took the oath of a member of the Commission shall put his signature under the text of the oath.

2. If a member of the Commission refuses to take the oath it shall have the consequence that the Verkhovna Rada of Ukraine cancels its decision to appoint him or her.

3. The Commission shall gain its authorities from the moment that not less than two-thirds of its members have entered into office and taken the oath.

4. A member of the Commission shall after he has taken the oath receive a certificate signed by the President of Ukraine.

Article 9. The Election of the Chairperson, the Deputy Chairpersons and the Secretary of the Commission

1. The Chairperson of the Commission, the Deputy Chairpersons of the Commission and the Secretary of the Commission shall be elected at its session by way of a secret vote.

2. The session of the Commission, during which the Chairperson of the Commission, the Deputy Chairpersons and the Secretary of the Chairperson are elected, shall be considered authorized when not less than two-thirds of its personal membership is present at it.

3. The election of the Deputy Chairpersons of the Commission and the Secretary of the Commission shall be conducted after the election of the Chairperson of the Commission.

4. The Chairperson of the Commission shall suggest the candidacies for the posts of Deputy Chairpersons of the Commission and Secretary of the Commission.

5. The procedure for electing the Chairperson, the Deputy Chairpersons and the Secretary of the Commission shall be established by the Rules of procedure of the Commission.

Article 10. The Organization of the Activity of the Commission

1. The Commission shall take decisions on issues that fall within the authority of the Commission after they have been considered at its sessions.

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2. The Chairperson of the Commission shall organize the activity of the Commission.

3. The procedure for the organization of the work of the Commission shall be determined by this Law, the Rules of procedure of the Central Election Commission, as well as by other acts, which the Commission shall adopt when implementing this and other laws.

4. The Commission shall adopt the Rules of procedure of the Commission, as well as other acts of the Commission specified in part three of this article, and approve them by its resolutions.

Article 11. The Session of the Commission

1. The main organizational form of the activity of the Commission is its session. Any issue that, according to this and other laws of Ukraine, falls within the authorities of the Commission may be considered at the session of the Commission.

2. A session of the Commission shall be called by its Chairperson, and in case of his or her absence – by one of the Deputy Chairpersons of the Commission. In case the Chairperson or the Deputy Chairpersons of the Commission are absent or if they refuse to call the session of the Commission, it can be called by not less than two-thirds of the members of the Commission given all members of the Commission are informed about the time and place for the session.

3. The session of the Commission shall be conducted by its Chairperson or, on the assignment of the Chairperson or with the consent among his or her deputies, by one of his or her deputies. In case the Chairperson and his or her deputies are absent or for some reason do not carry out their functions, the Commission shall elect a person from its membership to chair the session by a majority of votes of the membership of the Commission.

4. The session of the Commission is authorized if not less than two-thirds of the membership envisaged by this Law is present.

5. The Chairperson, or in his or her absence – the person chairing the session, shall suggest the agenda of the Commission. The agenda of the session shall be approved by a decision of the Commission.

6. Persons who are specified in part two, three and four of article 4 of this Law may take part in the session of the Commission. The Commission may take a motivated decision denying these persons the right to take part in the session of the Commission if they obstruct the conduct of it. Concerning persons specified in part two of article 4, such a decision shall be taken with two-thirds of the votes of the membership of the Commission.

7. The Commission shall keep minutes of the session that shall be signed by the Chairperson of the Commission, or in cases envisaged by part three of this article – by the person chairing the session of the Commission, and by the Secretary of the Commission as well.

Article 12. A Decision of the Commission

1. The Commission shall adopt a decision on the results of the consideration of issues on the agenda of the session of the Commission in the form of a resolution.

2. The Commission may adopt a protocol decision on issues concerning the everyday internal activity of the Commission.

3. A resolution of the Commission must contain:

1) The name of the Commission;

2) The name of the decision of the Commission;

3) The date and place for the adoption of the decision of the Commission and the serial number of the resolution;

4) The established facts and reasons for adopting the decision of the Commission, as well as the acts of legislation of Ukraine, and if such exist – the decisions of juridical bodies which the Commission was governed by when it took the decision;

5) The conclusion of the Commission.

4. A decision of the Commission shall be taken on the session of the Commission by an open vote of the majority of votes of the membership of the Commission.

5. A member of the Commission present at its session who does not agree with the decision adopted by the Commission shall have the right in written form to express a dissenting opinion which shall be attached to the minutes of the session of the Commission.

6. The decision of the Commission shall be signed by the Chairperson of the Commission, or in cases envisaged by part three of article 11 of this Law – by the person chairing the session of the Commission.

7. Decisions taken by the Commission may only be changed by the Commission on its own initiative or on the basis of a court decision.

8. A decision of the Commission may be appealed to court in accordance with the procedure established by this and other laws.

Article 13. The Mandatory Character of the Decisions of the Commission

1. It is mandatory for all subjects of the respective election process or process of referendum to implement a decision of the Commission, taken within the limits of its authorities, including for the respective lower-level election commissions and commissions on referendum, as well as for bodies of the executive power, bodies of local self-government, their officers and officials, associations of citizens, enterprises, institutions and organizations of all forms of ownership and for the citizens of Ukraine.

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2. If a decision envisages that certain persons shall take measures in order to implement it, then the Commission must be informed about the measures taken to implement the decision within the terms it has established.

3. Leaders and other officers or officials of bodies of the executive power, bodies of local self-government, political parties (election blocs of political parties), other associations of citizens, enterprises, institutions and organizations or of election commission and commissions on referendum are obliged in accordance with the procedure envisaged by law to appear on the session of the Commission on its request, provide the necessary information and materials and answer questions.

4. If signs of a committed crime or other infringements of the law are detected in the process of considering issues at the session of the Commission, the Commission shall take a decision to address the respective law enforcement agencies with a request and submit the respective materials to them. The law enforcement agency, to which the mentioned materials have been submitted, shall inform the Commission about the results of the consideration of the request or the measures taken within the terms established by law.

Article 14. The Procedure for Submitting a Request to the Commission

1. Voters, election commissions, commissions on referendum, other subjects of the election and referendum processes, bodies of state power, bodies of local self-government, associations of citizens, enterprises, institutions and organizations independent of the form of ownership, foreigners or persons without citizenship, as well as bodies of power of foreign states and international organizations have the right to address the Commission with a request in accordance with the procedure established by this Law, the Law of Ukraine “On addresses of citizens” and other laws of Ukraine. As well a single person (individually) or a group of persons (collectively) may submit a request.

2. A request submitted to the Commission shall be subject to registration in accordance with the procedure established by the Commission.

3. The following shall be considered a request pursuant to this Law:

1) An application, which contains a request to facilitate the exercise of electoral rights and the right to take part in referenda, to provide consultative-methodological assistance or recommendations in relation to the preparation and conduct of elections and referenda, or clarifications about the application of the legislation of Ukraine on election and referenda or which express opinions, recommendations or advice aimed at improving the legislation of Ukraine in relation to elections and referenda and the legal regulations of elections and referenda in Ukraine, or aimed at enhancing the activity of election commissions, commissions on referenda etc;

2) A complaint, which contains information about violations of the legislation of Ukraine on elections and referenda and a demand to ensure the exercise and protection of electoral rights, the right to take part in referenda or the legal interests of subjects of the election and referendum processes, or a demand to reinstate violated electoral rights or rights to take part in referenda.

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4. Complaints shall be submitted and considered according to the procedure and within the terms established by the respective law of Ukraine on elections or on referenda.

5. An application may be submitted to the Commission in written or oral form. An application in oral form shall be submitted to members of the Commission personally during their reception hours and shall be taken down in accordance with the procedure established by the Commission.

6. A written application submitted to the Commission must contain:

1) The name of the Commission or the surname of the member of the Commission to whom the person applies;

2) The surname, name and patronymic, the place of residence of the physical person or the precise name and location of the physical person – the applicant;

3) The essence of the raised issue, an outline of the circumstances and factual data that are of importance for resolving the application;

4) The content of the request or recommendation;

5) The signature of the applicant or his representative if the applicant is a legal person;

6) The date of the application.

7. Applications which do not comply with the formal requirements established in part six of this article shall be returned to the applicant with the respective clarification within the terms established by the Law of Ukraine “On addresses of citizens”, if another term is not established by the respective law of Ukraine on elections or referenda.

8. If it is not within the authorities of the Commission to resolve the issue raised in the application, the application shall be forwarded, depending on the subject, to the respective body of state power, body of local self-government, enterprise, institution, organization, political party or other association of citizens, or officer or official within the terms established by the Law of Ukraine “On addresses of citizens”.

9. If the application does not contain the necessary data for taking a justified decision to essentially resolve the issue raised in the application or to forward the application depending on the subject, such an application shall be returned to the applicant with the respective clarifications within the terms established by the Law of Ukraine “On addresses of citizens”, if another term is not established by the respective law of Ukraine on elections or referenda.

10. A complaint submitted to the Commission must contain:

1) The name of the Commission to which it is submitted;

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2) The surname, name and patronymic, the place of residence of the person who submits the complaint, or the precise name and location (office postal address) of the subject submitting the complaint – the legal person or another collective subject of the election process or the process of referendum;

3) The name of the subject of the complaint and his postal address;

4) The essence of the raised question (the issue of the complaint);

5) The formulated demands;

6) An outline of the circumstance and the specified evidence on which the complainant bases his or her demands;

7) A list of documents and materials attached;

8) An indication of the interested persons whom the subject submitting the complaints consider necessary to include in the consideration of the complaint;

9) The signature of the complainant (representative of the subject submitting the complaint – the legal person or another collective subject of the election process or the process of referendum);

10) The date the complaint was signed.

11. A complaint which do not comply with the formal requirements in part ten of this article shall be returned to the subject who submitted the complaint or to his or her representative with the respective clarifications no later than the following day after the day the complaint was received if another term is not established by the respective law of Ukraine on elections or referenda.

Article 15. The Procedure and Terms for Considering Requests Submitted to the Commission

1. Applications and complaints submitted to the Commission shall be considered in accordance with the procedure established by this and other laws, as well as by the Rules of procedure of the Central Election Commission.

2. Applications and complaints, which were submitted to the Commission during the election process or process of referendum and which concern this process, shall be considered by the Commission within a period of five days from the day the application or complaint was received if another term is not established in the respective law of Ukraine on elections or referenda. The day of submission of such application or complaint shall be considered the actual day the Commission received the complaint.

3. Applications or other requests which do not concern the election process or process of referendum or which were not submitted during such a process shall be considered by the Commission on general terms established by law.

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4. A complaint submitted to the Commission shall be considered at the session of the Commission. The Commission shall take a decision on the outcome of the consideration of the complaint.

5. A member of the Commission shall, on the assignment of the Chairperson of the Commission or one of his or her deputies, preliminarily consider an application submitted to the Commission.

6. Based on the preliminary consideration of the application, the member of the Commission may recommend the Commission to consider it at the session of the Commission and take a decision in regard to such an application.

7. If the application does not demand the Commission to take a decision, the member of the Commission may, on the assignment of the Chairperson or one of his or her deputies, give the applicant an answer in his or her name.

Article 16. Consideration of Issues by the Commission on its Own Initiative

1. If the Commission obtains knowledge about a violation of the legislation of Ukraine on elections and referenda, of the electoral rights of citizens of Ukraine or of the right to take part in referendum as a result of checks it has conducted, or from mass media or from other sources which do not infringe the legislation of Ukraine, the Commission shall have the right on its own initiative to consider issues, which fall within its authorities, and take decisions in this regard in accordance with the procedure established by this Law.

2. The Commission may as a result of drawing general conclusions from the practice of applying the legislation of Ukraine on elections and referenda and from the practice of conducting elections and referenda in Ukraine as well as if necessary on its own initiative consider and in accordance with the procedure established by this Law decide on issues related to:

1) Providing election commissions or commissions on referenda with clarifications and recommendations concerning the application of the legislation of Ukraine on elections and referenda;

2) The organization of the preparation and conduct of elections and referenda;

3) The organization of the work of election commissions and commissions on referenda;

4) The preparation of suggestions aimed at improving the legislation of Ukraine on elections and referenda;

5) Other issues which fall within the authorities of the Commission.

Chapter III. THE AUTHORITIES OF THE COMMISSION

Article 17. General Authorities of the Commission

The Commission shall:

- 1) Ensure the implementation and protection of the electoral rights of citizens of Ukraine and of their right to take part in referenda;
- 2) Ensure that the principles of the election and referendum processes envisaged by the Constitution of Ukraine and the laws of Ukraine will be abided to;
- 3) Exercise control with the abidance of the requirements of the legislation of Ukraine on elections and referenda
- 4) Ensure equal application of the legislation of Ukraine on elections and referenda on the whole territory of Ukraine;
- 5) Render consultative-methodological support to the activity of election commissions and commissions on referenda and adopt mandatory clarifications and recommendations about the application of the legislation of Ukraine on elections and referenda to be used in the work of the election commissions and commissions on referenda;
- 6) Prepare suggestions aimed at improving the laws in relation to the conduct of elections and referenda;
- 7) If necessary, apply to the Constitutional Court of Ukraine for an official interpretation of the Constitution of Ukraine, the laws of Ukraine or certain provisions of the laws of Ukraine on issues related to the organization of the preparation and conduct of elections and referenda in Ukraine;
- 8) Keep, be the main manager and ensure the function of the State register of voters pursuant to law;
- 9) Exercise control over abidance with the requirements of the legislation on elections and referenda from the side of political parties (election blocs of political parties), other subjects of the election process and the process of referendum;
- 10) Provide accreditation of official observers from foreign states and international organizations to elections and referenda and issue them certificates;
- 11) Take measure aimed at enhancing the legal culture of the participants of the election process and referenda;
- 12) Publish information about the preparation and conduct of elections and referenda in Ukraine, materials about its own activity, as well as other materials in regard to the election and referendum processes;
- 13) Exercise other authorities envisaged by the laws of Ukraine.

Article 18. The Authorities of the Commission in regard to the Organization of the Preparation and Conduct of the Elections of the President of Ukraine

The Commission shall:

- 1) Organize the preparation and conduct of the elections of the President of Ukraine;
- 2) Announce the beginning of the process of the elections of the President of Ukraine;
- 3) Preside over the system of election commissions formed for the conduct of the elections of the President of Ukraine and direct and control their activity;
- 4) Form territorial election districts for the elections of the President of Ukraine;
- 5) Form the territorial election commissions for the elections of the President of Ukraine; exercise the authorities of the territorial election commission for the out-of-country election district;
- 6) Publish the resolutions of the Commission and other information in regard to the elections of the President of Ukraine in cases envisaged by law;
- 7) Exercise control with the appropriate use of funds allocated from the State budget of Ukraine for the preparation and conduct of the elections of the President of Ukraine;
- 8) Control the procedure of receipt, recording and use of funds of the campaign funds of candidates to the post of President of Ukraine in accordance with the procedure and within the limits established by law;
- 9) Establish the forms of election documentation, approve the samples of ballot boxes for voting and the seals of election commissions, determine the procedure for storage and transfer of election documentation to the respective state archival institutions;
- 10) Listen to reports from election commissions, heads of ministries, other bodies of the executive power and bodies of local self-government on issues related to the preparation and conduct of the elections of the President of Ukraine;
- 11) Register candidates to the post of President of Ukraine, their proxies and authorized representatives in the Central Election Commission;
- 12) Establish the form and approve the text of the election ballot for the elections of the President of Ukraine and ensure the production of election ballots;
- 13) Address the Supreme Court of Ukraine with a request to cancel the registration of a candidate to the post of President of Ukraine on the grounds established by law;

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14) Determine and officially announce the results of the elections of the President of Ukraine;

15) File a submission to the Verkhovna Rada of Ukraine about the designation of repeat elections of the President of Ukraine in cases envisaged by law;

16) After the newly elected President of Ukraine has taken the oath, hand over a certificate of the President of Ukraine to him or her;

17) Exercise other authorities in accordance with this Law, the Law of Ukraine “On the Elections of the President of Ukraine” and other laws of Ukraine.

Article 19. The Authorities of the Commission in regard to the Organization of the Preparation and Conduct of the Elections of People’s Deputies of Ukraine

The Commission shall:

1) Organize the preparation and conduct of the elections of people’s deputies of Ukraine;

2) Preside over the system of election commissions formed for the conduct of the elections of people’s deputies of Ukraine and direct and control their activity;

3) Publish the resolutions of the Commission and other information in regard to the elections of people’s deputies of Ukraine in cases envisaged by law;

4) Exercise control with the appropriate use of funds allocated from the State budget of Ukraine for the preparation and conduct of the elections of people’s deputies of Ukraine;

5) Control the procedure of receipt, recording and use of funds of the campaign funds of political parties (election blocs of political parties) in accordance with the procedure and within the limits established by law;

6) Take decisions on compensation to political parties for expenditures connected with financing the pre-election campaign during the conduct of elections of people’s deputies of Ukraine, in accordance with the law;

7) Form territorial election districts for the elections of people’s deputies of Ukraine;

8) Register candidates for people’s deputies of Ukraine, their proxies and authorized representatives in the Central Election Commission;

9) Take decisions to cancel the registration of candidates for people’s deputies of Ukraine in accordance with the procedure established by law;

10) Establish the forms of election documentation, approve the samples of ballot boxes for voting and the seals of election commissions, determine the procedure

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for storage and transfer of election documentation to the respective state archival institutions;

11) Establish the form and approve the text of the election ballots and ensure the production of them;

12) Listen to reports from election commissions, as well as from ministries and other bodies of the executive power, and bodies of local self-government on issues related to the preparation and conduct of the elections;

13) Exercise the functions as district election commission of the multi-mandate nationwide election district, determine the results of the elections of people's deputies of Ukraine in this district and officially announce them;

14) Register the elected people's deputies of Ukraine in accordance with the procedure specified by the Law of Ukraine "On the Election of People's Deputies of Ukraine";

15) Publish a list of the elected people's deputies of Ukraine indicating their surname, name and patronymic, date of birth, education, occupation (position), place of work and residence, and affiliation to a political party (election bloc of political parties);

16) Issue a temporary certificate of a people's deputy of Ukraine to persons who were elected and have met the requirements of the Constitution of Ukraine and the laws of Ukraine concerning the incompatibility of the mandate of a deputy with other forms of activity. After the elected people's deputy of Ukraine has taken the oath within a seven-days term, issue to him or to her the certificate of a people's deputy of Ukraine of the established form;

17) Control the activity of bodies of state power and bodies of local self-government related to providing election commissions with premises, transportation, communication lines and other means of logistic support for the elections;

18) Determine, in accordance with the law, the procedure for the use of mass media during the pre-election campaign;

19) Exercise other authorities in accordance with this Law, the Law of Ukraine "On the Elections of People's Deputies of Ukraine" and other laws of Ukraine.

Article 20. The Authorities of the Commission in regard to the Organization of the Preparation and Conduct of the all-Ukrainian referendum

The Commission shall:

1) Organize the preparation and conduct of the all-Ukrainian referendum;

2) Register initiative groups for the all-Ukrainian referendum;

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3) Establish the form of the signature lists for collecting signatures in support of the all-Ukrainian referendum on the initiative of the people;

4) Preside the system of commission that are formed for the preparation and conduct of the all-Ukrainian referendum and direct the activity of these commissions;

5) Form the commissions on the all-Ukrainian referendum (except for precinct commissions);

6) Adopt mandatory clarifications about the application of the legislation on the all-Ukrainian referendum and render methodical assistance to the activity of the commissions on the all-Ukrainian referendum;

7) Approve the budget schemes of expenditures of the commissions on the all-Ukrainian referendum from the funds that are allocated from the State budget of Ukraine for the preparation and conduct of the all-Ukrainian referendum, control the use of these funds, as well as provide the commissions on the all-Ukrainian referendum with premises, transportation and communication lines, and consider other issues of material-technical support for the all-Ukrainian referendum;

8) Establish the forms of documentation of the all-Ukrainian referendum, approve the samples of the boxes for voting and the seals of the commissions, and determine the procedure for storage and transfer of documentation to the respective state archival institutions;

9) Establish the form of the ballot for voting in the all-Ukrainian referendum and ensure their production;

10) Listen to reports of the commissions on the all-Ukrainian referendum, as well as from the heads of ministries and other bodies of the executive power, and bodies of local self-government on issues related to the preparation and conduct of the all-Ukrainian referendum;

11) Determine the results of the all-Ukrainian referendum in total for Ukraine and publish information in the press about the outcome of it;

12) Consider applications and complaints on decisions, actions or inactivity with regard to the all-Ukrainian referendum and take decisions on these issues;

13) Exercise other authorities in accordance with this and other laws of Ukraine.

Article 21. The Authorities of the Commission in regard to the Organization of the Preparation and Conduct of Elections of Deputies of the Verkhovna Rada of the Autonomous Republic Crimea, Deputies of local councils, village, settlement and city Heads

The Commission shall:

Unofficial translation – courtesy of the OSCE PCU.

1) Exercise control over the organization of the preparation and conduct of the elections of deputies of the Verkhovna Rada of the Autonomous Republic Crimea, deputies of local councils, and village, settlement and city heads;

2) Exercise control over abidance with the election legislation of Ukraine, and ensure its equal application on the whole territory of Ukraine during the preparation and conduct of the elections of deputies of the Verkhovna Rada of the Autonomous Republic Crimea, deputies of local councils, and village, settlement and city heads;

3) Exercise control over abidance with the legislation of Ukraine regarding the adoption of decisions within the terms established by law on issues related to the preparation and conduct of the elections of deputies of the Verkhovna Rada of the Autonomous Republic Crimea, deputies of local councils, and village, settlement and city heads;

4) Call repeat and interim elections of deputies of the Verkhovna Rada of the Autonomous Republic Crimea if the election commission of the Autonomous Republic Crimea does not take the decision on calling elections of deputies of the Verkhovna Rada of the Autonomous Republic Crimea within the terms established by law;

5) Call repeat and interim elections of deputies of local councils and village, settlement and city heads if the respective territorial election commission or body of local self-government does not take the decision on calling the elections of the deputy of local councils or the village, settlement and city head within the terms established by law;

6) Exercise control over the formation of territorial election commissions of local elections;

7) Establish the forms of the election documentation, approve the samples of the boxes for voting and the seals of election commissions and determine the procedure for storage and transfer of election documentation to the respective state archival institutions;

8) Exercise other authorities in accordance with this and other laws of Ukraine.

Article 22. The Authorities of the Commission in regard to the Organization of the Preparation and Conduct of Local Referenda

The Commission shall:

1) Provide consultative-methodological support to the activity of the commissions that are formed for the preparation and conduct of local referendum;

2) Establish the form of the election ballot for voting in local referenda, the sample of the box for voting in local referenda, as well as other documentation concerning the conduct of local referendum;

3) Exercise other authorities in accordance with this and other laws of Ukraine.

Article 23. The Authorities of the Commission in regard to the Financial Support for the Organization of the Preparation and Conduct of Elections and Referenda in Ukraine

1. The Commission shall submit suggestions concerning the formation of the State budget of Ukraine in regard to financing the elections and referenda in Ukraine.

2. The Commission shall provide the financial and material-technical support for the elections and referenda in accordance with this and other laws of Ukraine.

3. The Commission shall draw up a budget scheme and distribute the funds that are allocated from the State budget of Ukraine for financial support to the preparation and conduct of elections and the all-Ukrainian referenda to the activities of the respective election commissions and commissions on the all-Ukrainian referendum, control the correct and appropriate use of the specified funds and engage employees of the state control and auditing service of Ukraine in conducting revisions.

4. The procedure for recording the receipt and use of budget funds allocated to the preparation and conduct of the elections and all-Ukrainian referenda, the funds of the campaign funds of candidates and the campaign funds of parties (election blocs of parties) shall be determined by the Commission in co-operation with the Ministry of Finance of Ukraine in accordance with the laws of Ukraine.

5. The Commission shall establish the forms of the financial reports of election commissions and commissions on all-Ukrainian referendum, on the receipt and use of funds allocated for the preparation and conduct of the respective elections or all-Ukrainian referendum, and the financial report of candidates to elected offices and of political parties (election blocs of political parties).

6. The Commission shall, not later than within three months after the day of the official publication of the final results of the elections or the all-Ukrainian referendum, submit financial reports to the Chamber of Accounting about the use of funds from the State budget of Ukraine allocated for the preparation and conduct of the respective elections of the President of Ukraine, people's deputies of Ukraine or the all-Ukrainian referendum.

Article 24. International Co-operation of the Commission

1. The Commission and its members can exchange experience with respective state bodies of other countries and international organizations.

2. The Commission can enter into international organizations (associations) of election bodies.

3. Members of the Commission may take part in observation of the preparation and conduct of elections in other countries as international observers on the initia-

Unofficial translation – courtesy of the OSCE PCU.

tive of the Commission, the Cabinet of Ministers of Ukraine, as well international organizations to which Ukraine or the Commission is party.

Article 25. The Commission's Usage of Automatic Information Systems

1. The Commission may apply automatic information systems when conducting the elections of people's deputies of Ukraine, the elections of the President of Ukraine or the all-Ukrainian referendum.

2. Members of the Commission shall have the right to acquaint themselves with any information that are placed in automatic information systems of the Commission or retrieved from it.

3. During the voting procedure, automatic information systems may exclusively be used to observe the pace and the results of the voting. Information about the results of the voting received through the automatic information system is preliminary information, which shall not have legal implications.

Chapter IV. THE LEGAL STATUS OF MEMBERS OF THE COMMISSON

Article 26. The Authorities of the Chairperson of the Commission

1. The Chairperson of the Commission shall obtain his or her authorities after the Commission has approved the minutes of the control commission on the results of the election of the Chairperson of the Commission.

2. The Chairperson of the Commission shall:

1) Exercise the general management of the activity of the Commission, manage its Secretariat and organize its work;

2) Call and conduct the sessions of the Commission, propose the agenda of the session of the Commission;

3) In the name of the Commission, inform the Verkhovna Rada of Ukraine and the President of Ukraine about the results of the elections of the President of Ukraine, people's deputies of Ukraine and the results of the all-Ukrainian referendum;

4) Sign the resolutions of the Commission and the minutes of its sessions;

5) Ensure the consideration of addresses submitted to the Commission and personally receive citizens of Ukraine and subjects of the election process and the process of referendum;

6) Represent the Commission in relations with bodies of state power, bodies of local self-government, associations of citizens, election commissions, commissions on referendum, enterprises, institutions and organizations, foreign states and voters;

Unofficial translation – courtesy of the OSCE PCU.

7) Submit the provisions for the Secretariat of the Commission, its structure and staff and the provisions for the patronage service for approval of the Commission;

8) Appoint to positions and release from positions the head of the Secretariat of the Commission and other officials and employees of the Secretariat of the Commission and employees of the patronage service, as well as resolve other issues in accordance with the law of Ukraine “On State Service” and other laws of Ukraine;

9) Submit for approval of the Commission the financial report about the use of funds allocated from the State budget of Ukraine for the preparation and conduct of the respective elections and referenda, which after approval of the Commission shall be sent to the Chamber of Accounting of the Verkhovna Rada of Ukraine within terms determined by the current legislation of Ukraine;

10) Submit suggestions concerning rewarding honorary distinctions of the Commission for the consideration of the Commission;

11) Exercise the authorities envisaged by this Law of a member of the Commission;

12) Exercise other authorities in accordance with this and other laws of Ukraine;

3. The Chairperson of the Commission shall be the manager of the funds allocated from the State budget of Ukraine for the maintenance of the Commission and its Secretariat.

4. The Chairperson of the Commission shall, within the limits of his or her authorities, issue instructions and give assignments about the organization of the activity of the Commission and its Secretariat.

Article 27. The Authorities of the Deputies of the Chairperson of the Commission

1. The Deputy Chairpersons of the Commission shall obtain their authorities after the Commission has approved the respective minutes of the control commission about the results of the elections of deputy Chairpersons of the Commission.

2. The Deputy Chairperson of the Commission shall:

1) Carry out certain responsibilities that follow from the authorities of the Commission on the instruction or assignment of the Chairperson of the Commission.

2) Exercise certain authorities of the Chairperson of the Commission envisaged by this Law, on the instruction or assignment of the Chairperson of the Commission in case he or she is absent or unable to exercise his or her authorities;

3) Personally receive citizens of Ukraine and subjects of the election or referendum processes;

Unofficial translation – courtesy of the OSCE PCU.

4) Exercise the authorities of a member of the Commission envisaged by this Law;

5) Exercise other authorities in accordance with this and other laws of Ukraine.

Article 28. The Authorities of the Secretary of the Commission

1. 1. The Secretary of the Commission shall obtain his or her authorities after the Commission has approved the minutes of the control commission about the results of the election of Secretary of the Commission.

2. The Secretary of the Commission shall:

1) Prepare the sessions of the Commission and the issues and materials that it shall consider;

2) Ensure that members of the Commission are informed about the time and place of the session and about the issues that are envisaged for its consideration;

3) Sign the minutes of the sessions of the Commission;

4) Ensure the business transactions of the Commission, bring the decisions of the Commission and the resolutions and assignments of the Chairperson of the Commission to the knowledge of the members of the Commission, of other election commissions, of commissions on referenda, bodies of state power and bodies of local self-government, enterprises, institutions and organizations, their officers and officials, and of subjects of the election process and process of referendum, as well as ensure that the respective information is given to the media;

5) Personally receive citizens of Ukraine, subjects of the election process and process of referendum;

6) Exercise the authorities of a member of the Commission envisaged by this Law;

7) Exercise other authorities in accordance with this and other laws of Ukraine.

Article 29. The Authorities of a Member of the Commission

1. Members of the Commission shall exercise authorities in accordance with the division of responsibilities among them approved by the Commission, and shall as well carry out certain assignments of the Chairperson of the Commission or of the Deputy Chairperson of the Commission in case he or she carries out the authorities of the Chairperson of the Commission in the cases envisaged by this Law.

2. A member of the Commission shall:

Unofficial translation – courtesy of the OSCE PCU.

1) Prepare issues for the consideration of the Commission, and take part in the consideration of the issues on the agenda of the session of the Commission;

2) On the decision of the Commission, or in certain cases on the instruction of the Chairperson of the Commission, represent the Commission in relations with bodies of state power, bodies of local self-government, election commission, commissions on referendum, associations of citizens or enterprises, institutions and organizations;

3) Consider applications from subjects of the election process and the process of referendum;

4) Personally receive citizens and subjects of the election process and the process of referendum;

5) Suggest the Commission to appeal to the Constitutional Court of Ukraine for official interpretations of the Constitution of Ukraine and the laws of Ukraine on issues related to elections and referenda;

6) Suggest the inclusion of scientists and specialists into expert, analytical or other work connected with exercising the authorities of the Commission;

7) Suggest the Chairperson of the Commission encourage or hold employees of the Secretariat of the Commission disciplinarily responsible;

8) Exercise other authorities in accordance with this and other laws of Ukraine;

3. When a member of the Commission exercises his or her authorities, he or she shall have the right to:

1) Demand and receive the necessary documentation, statistical data, financial reports and other material, as well as oral and written explanations on issues that relate to the authorities of the Commission from bodies of the executive power, bodies of local self-government, their officers and officials, from leaders or other officers and officials of enterprises, institutions and organizations of all forms of ownership, from election commissions, commissions on referendum and political parties (election blocs of political parties);

2) Invite scientists, specialists and experts, as well as employees of institutions and organizations and the state control and auditing service to take part in the preparation of certain issues;

3) Submit suggestions (demands) concerning the election process or the process of referendum, whose consideration shall be mandatory;

4) Use the databases of bodies of state power and bodies of local self-government in accordance with the procedure established by law;

5) Use state, including governmental, communication systems;

6) Enter the premises of bodies of state power and bodies of local self-government, of associations of citizens, enterprises, institutions and organizations unobstruc-

Unofficial translation – courtesy of the OSCE PCU.

ted in cases envisaged by the legislation of Ukraine, as well as be present at the sessions of election commissions and commissions of referenda;

7) Take the floor at sessions of Commission, come up with suggestions on issues that are within its authorities and demand a vote be taken on them;

8) Be present at sessions of the Verkhovna Rada of Ukraine, its committees, and temporary special and temporary investigative committees, as well as at sessions conducted by the Cabinet of Ministers of Ukraine, in ministries and other bodies of state power and bodies of local self-government concerning the consideration of issues related to the conduct of elections and referenda;

9) Familiarize him or herself with the documents and materials of the Commission;

10) In case of disagreement with a decision adopted by the Commission, express in written form a dissenting opinion, which shall be attached to the minutes of the session of the Commission;

11) Be present at all events conducted by the Commission.

4. A member of the Commission shall be obliged to abide by the requirements of the Constitution of Ukraine and the laws of Ukraine, and the oath taken when exercising his or her authorities.

5. It shall be prohibited for a member of the Commission to take part in the pre-election or referendum campaign.

Article 30. The Reasons and Procedure for Terminating the Authorities of a Member of the Commission

1. The authorities of a member of the Commission shall be terminated in connection with the expiry of the term, for which he or she was appointed.

2. A member of the Commission whose term of authorities has terminated shall not take part in the sessions of the Commission in the period before the Verkhovna Rada of Ukraine adopts the respective decision.

3. The authorities of a member of the Commission may be terminated prior to the expiration of terms for the reasons and in accordance with the procedure established by this Law.

4. The reasons for terminating the authorities of a member of the Commission prior to the expiration of terms are:

- 1) A personal request about termination of authorities;
- 2) If he or she attains the age of sixty five years;
- 3) Termination of his or her citizenship of Ukraine;

4) His or her departure from Ukraine for permanent residence abroad;

5) His or her neglect of the requirements concerning incompatibility of the mandate with other kinds of activity established by part three and five of article 7 of this Law;

6) A guilty verdict against him or her enters into legal force;

7) If he or she is declared incapable, disappears without traces or is announced dead;

8) If the member of the Commission violates the oath;

9) Inability to exercise his or her authorities due to his or her state of health.

6. The authorities of the member of the Commission shall be terminated in case of his or her death.

7. The Deputy Chairperson of the Commission shall file the submission about termination of the authorities of a member of the Commission prior to the expiration of terms based on the reasons envisaged by clause 2, 3, 4, 5, 6, 7, 8 and 9 of part four and by part five of this article to the President of Ukraine.

8. If the circumstances specified in part four of this article occur, the President of Ukraine shall, within a three days term, file a submission to the Verkhovna Rada of Ukraine about the termination of the authorities of the member of the Commission prior to the expiration of terms.

9. The Verkhovna Rada of Ukraine shall take the respective decision based on the results of the consideration of the submission by the President of Ukraine concerning termination of the authorities of a member of the Commission prior to the expiration of terms.

10) The President of Ukraine shall, in a timely manner but not later than 30 days after the day the authorities of a member of the Commission were terminated, submit to the Verkhovna Rada the candidacy of a person who is suggested for the position as member of the Commission instead of the one whose authorities were terminated.

11) The President of Ukraine shall simultaneously, with the submission concerning the premature termination of the authorities of a member of the Commission, file a submission about the appointment of a member of the Commission instead of the one whose authorities were terminated.

Article 31. Termination Prior to the Expiration of Terms of the Authorities of the Chairperson, the Deputy Chairpersons and the Secretary of the Commission

Unofficial translation – courtesy of the OSCE PCU.

1. The authorities of the Chairperson of the Commission, the Deputy Chairperson of the Commission and the Secretary of the Commission shall terminate prior to the expiration of terms on their application or in case his or her authorities as a member of the Commission is terminated.

Article 32. The Rules of Procedure of the Commission

1. The procedure for organizing the work of the Commission, which is not regulated by this Law, shall be determined by the Rules of procedure of the Central Election Commission.

2. The Rules of procedure of the Central Election Commission, and changes and amendments to it, shall be approved by Resolution of the Commission.

3. The Rules of procedure of the Central Election Commission cannot establish further authorities of the Commission or its members apart from those that are established by this and other laws of Ukraine.

Chapter V. THE SECRETARIAT OF THE COMMISSION AND THE PATRONAGE SERVICE OF THE COMMISSION

Article 33. The Secretariat of the Commission and the Patronage Service of the Commission

1. The Secretariat of the Commission shall be in charge of ensuring the activity of the Commission when it exercises its authorities. The Secretariat of the Commission shall perform the organizational, legal, expert, analytical, informational-consultative and material-technical work aimed at ensuring that the Commission and its members can exercise the authorities envisaged by this Law.

2. The provisions about the Secretariat of the Commission, its structure, staff and provisions for the patronage service shall be approved by the Commission based on the suggestion of the Chairperson of the Commission.

3. The head and other employees of the Secretariat of the Commission and the patronage service of the Commission are state officials.

Article 34. The Patronage Service

1. The patronage service of the Commission shall ensure the organization of the work of the Chairperson of the Commission, the Deputy Chairpersons of the Commission, the Secretary of the Commission and of other members of the Commission.

2. The advisors, assistants and secretaries of the Chairperson of the Commission, the assistants and secretaries of the Deputy Chairpersons of the Commission and the Secretary of the Commission, and the assistants of other members of the Commission are members of the patronage service of the Commission.

3. The quantity and staff assignments of the patronage service of the Commission shall be approved by resolution of the Commission taking into account the scope of the financing of the Commission.

Article 35. Regional Representations of the Commission

1. For the operative resolution of issues in connection with the performance of the authorities of the Commission, the Commission can create its regional representations in the regions of Ukraine, specified by part two of article 133 of the Constitution of Ukraine, within the limits of the funds of the State budget of Ukraine envisaged for ensuring the activity of the Commission.

2. The regional representations of the Commission are structural subdivisions of the Secretariat of the Commission.

Chapter VI. FINANCING OF THE COMMISSION. THE MATERIAL AND SOCIAL BENEFITS OF MEMBERS OF THE COMMISSION AND EMPLOYEES OF THE SECRETARIAT OF THE COMMISSION

Article 36. The Funding of the Commission

1. Expenditures connected with the activity of the Commission and its Secretariat, and its patronage service shall be financed on the expense of funds from the State Budget of Ukraine.

2. The Commission shall have its accounts in banking institutions and other credit institutions.

3. The Commission shall submit a yearly report about the use of funds from the State budget of Ukraine to the Chamber of Accounting.

Article 37. Material and Social Benefits of the Members of the Commission

1. The conditions and procedure for remuneration of work, and provision of social, medical, sanatorium-vacation, transportation and other services of the Chairperson of the Commission, the Deputy Chairpersons of the Commission, the Secretary of the Commission and other members of the Commission, as well as employees of the Secretariat of the Commission, and the patronage service of the Commission shall be specified by the Cabinet of Ministers of Ukraine in accordance with the legislation of Ukraine.

2. A monthly personal allowance in the amount of 70 percent of their professional salary shall be determined for members of the Commission and employees of the Secretariat taking into account the bonus for rank and seniority allowance.

Unofficial translation – courtesy of the OSCE PCU.

3. A member of the Commission who needs improvement of living conditions shall be provided with housing.

4. A member of the Commission shall each year be given a paid vacation of the duration of 45 calendar days and a payout of material support for recuperation.

5. A member of the Commission shall be provided medical service free of charge. A member of the Commission whose authorities have terminated shall maintain medical service free of charge. This provision shall not be expanded to a former member of the Commission whose authorities have been terminated prior to the expiration of terms on reasons envisaged by clause 4, 5, 6 or 8 of part four of article 30 of this Law.

6. The member of the commission shall maintain his or her qualification category, grades and rank class for the period of work in the Commission.

7. In case of death of member of the Commission, the Cabinet of Ministers shall give the necessary assistance for his or her funeral.

Chapter VII. FINAL AND TRANSITIONAL PROVISIONS

1. This Law enters into force from the day of its publication.

2. From the day this Law enters into force, the Law of Ukraine “On the Central Election Commission” (*Vidomosti of the Verkhovna Rada of Ukraine*, 1998, no. 5, p. 17; 2003, no. 29, p. 234; 2004, no. 15, p. 218) shall lose its force.

3. The term of authorities of members of the Commission appointed to office before this Law entered into force shall be 7 years.

4. Decisions, actions or inactivity of the Central Election Commission shall be appealed to the Supreme Court of Ukraine, and from 1 January 2005 – to the Higher Administrative Court of Ukraine.

5. Before the legislation of Ukraine has been brought into compliance with this Law, the laws and other normative-legislative acts shall be applied so far as they do not contradict this Law, except for the laws of Ukraine “On the Elections of Deputies of the Verkhovna Rada of the Autonomous Republic Crimea” and “On the Elections of Deputies of Local Councils and Village, Settlement and City Heads” until the new laws of Ukraine on elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of local councils and village, settlement and city heads enter into force.

6. The Cabinet of Ministers of Ukraine shall:

within a three-months term after this Law has entered into force bring its normative acts in compliance with this Law;

Unofficial translation – courtesy of the OSCE PCU.

within a three-months term after this Law has entered into force ensure that the ministries and other central bodies of the executive powers have brought their normative-legislative acts in compliance with this Law;

within a six-months term after this Law has entered into force elaborate and adopt the normative acts that follow from this Law;

7. The Central Election Commission shall:

within a two-months term after this Law has entered into force bring its normative acts in compliance with this Law;

within a six-months term after this Law has entered into force elaborate and adopt the normative acts that follow from this Law;

President of Ukraine

L. Kuchma

City of Kyiv, 30 June 2004

No. 1932-IV