

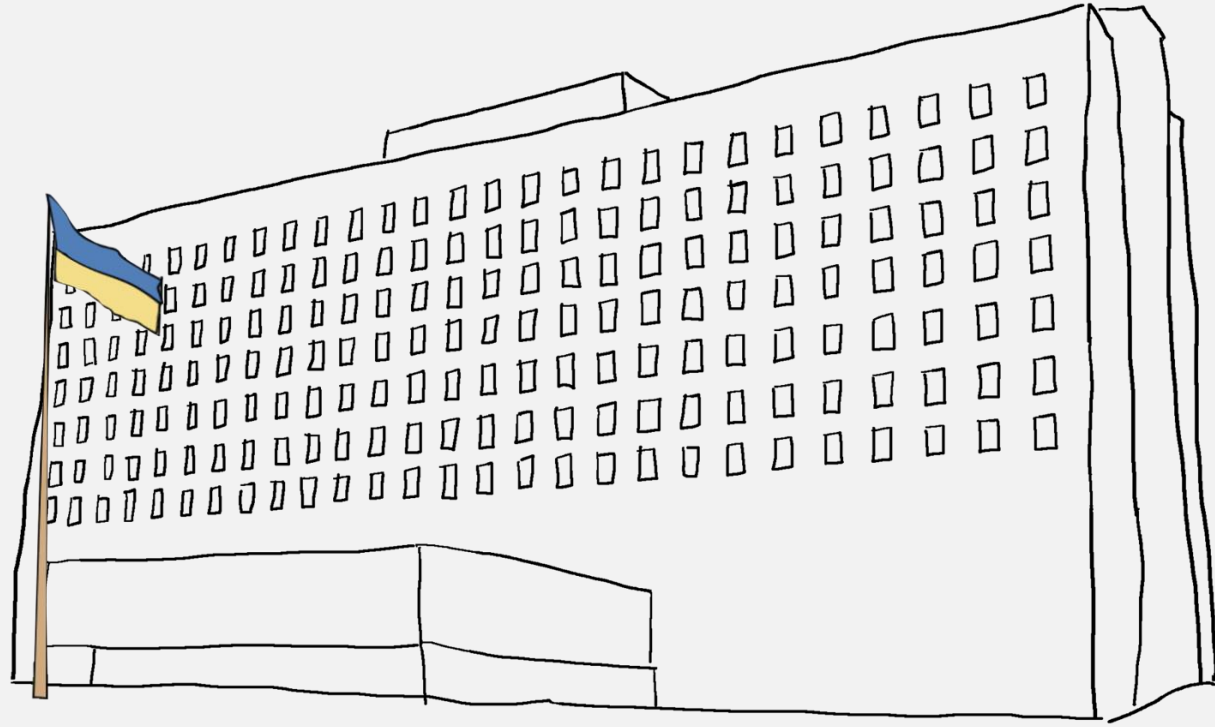
# Regional Money in Politics Conference 2023

## Online Campaign Finance: Challenges and Solutions 2023

**Andrii Yevstihnieiev**

the Central Election Commission of Ukraine,  
Commissioner

**CEC**



In accordance with the first part of Article 51 of the Election Code of Ukraine (hereinafter - the Code), pre-election campaigning is the implementation of any activity with the aim of urging voters to vote for or not to vote for a certain candidate, party (parties local organization) – participants of the election process.

Pre-election campaigning can be carried out in any form and by any means that do not contradict the Constitution of Ukraine and the laws of Ukraine.

One of the forms of election campaigning under the Election Code of Ukraine is the publication of political advertisements, speeches, interviews, essays, video films, audio and video clips, other publications and messages in electronic media.

Ukrainian experience of national election campaigns (presidential and parliamentary) in 2019 confirmed that online campaigning has become one of the main forms of such campaigning, and perhaps its most effective. Moreover, online campaigning showed its effectiveness in local elections in 2020 too. And to my mind it will be even more effective form of campaigning in the post-war elections.

There are no special regulations concerning online campaigning in Ukrainian electoral legislation both for national and local elections.

## **Requirements for online pre-election campaigning are the same as for other forms of campaigning, in particular:**

expenses for it must be made from election funds;

candidates (parties or individuals) must display information on expenses for the online election campaign in the interim and final reports on the use of election funds;

posting or distribution of election campaign materials in electronic media in particular not marked in accordance with the requirements of the Code is prohibited.

A candidate for the post of President of Ukraine, registered by the Central Election Commission, and a party which nominates a list of candidates in parliamentary elections in order to finance their pre-election campaign are obliged to create their election fund, which is formed in accordance with the procedure established by the Code (part two of Article 90, part two of Article 147 of the Code).

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Also, a candidate for Member of the Parliament of Ukraine, a political parties local organization that nominated an electoral list in local elections to local Councils, candidates for deputies in multi-mandate constituencies, candidates for the post of village or city mayor, village majors, village head can create their own election fund, which is being formed, to finance their pre-election campaign in the manner established by the Code (part two of Article 147, part two of Article 209 of the Code).

In addition, in the interim and final financial reports, which we have already mentioned above, on the receipt and use of the funds of the election fund, information on the purpose, date of implementation, the amount of each payment from the relevant account of the election fund, the recipient of each payment is displayed in a mandatory manner (Articles 97, 153, 214 of the Code).

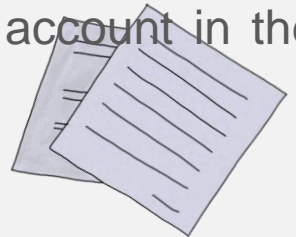
Verification of these reports, depending on the type of election, is entrusted to the National Agency on Corruption Prevention, the Central Election Commission and territorial election commissions for local elections.

It should be noted that the Central Election Commission actively participated in the working group created in the Subcommittee on elections, referenda and other forms of direct democracy of the Committee of the Verkhovna Rada (the Parliament of Ukraine) on the organization of state power, local self-government, regional development and urban planning, for preliminary discussion and preparation of the wording of the relevant provisions of the Code during its preparation for re-consideration by the Verkhovna Rada of Ukraine.

In particular, the Commission supported the initiative of the specified working group regarding the systematic updating of election legislation in terms of conducting pre-election campaigning, participation in it by mass media and news agencies, as well as preparing a regulatory framework for the use of new forms of information dissemination in the election process - social networks, Internet resources, messengers, etc.

Thus, by Resolution No. 1954 of November 11, 2019 «On Proposals to Improve the Election Code of Ukraine, returned with the proposals of the President of Ukraine for re-consideration by the Verkhovna Rada of Ukraine», the Commission approved the relevant proposals, which, in particular, contained regulations on the implementation by the National Council of Ukraine of television and radio broadcasting oversee compliance with the requirements of the Code in terms of the participation of mass media and news agencies in the information provision of elections, as well as during pre-election campaigning, including on the Internet.

At the same time, above mentioned proposals regarding the specified control during pre-election campaigning on the Internet were not taken into account in the process of re-examination of the Code for this moment.





I also draw your attention to the fact that in 2020, for the relevant local elections, the Commission introduced a separate line item «Posting election campaign materials on the Internet» in the interim and final financial reports on the receipt and use of election funds (The Commission is authorized to do it by the Code). This for sure contributes to the openness and publicity of political financing.

Thank you for your attention!

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