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DRAFT LAWS
ON THE ALL-UKRAINIAN REFERENDUM
AND
ON LOCAL REFERENDUM
OF UKRAINE

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DRAFT LAW ON THE ALL-UKRAINIAN REFERENDUM

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DRAFT

Introduced by MP Yuri Klyuchkovsky
(card no. 351)

LAW OF UKRAINE ON THE ALL-UKRAINIAN REFERENDUM

This Law determines the legal principles, organisation and the procedure of initiation, calling (declaration) and conduct of the all-Ukrainian referendum.

Section I. General provisions

Article 1. All-Ukrainian referendum as a form of immediate control of power by the people

1. The all-Ukrainian referendum is the supreme form of immediate control by the people as the sovereign of Ukraine and the single source of authority in the state.

2. The all-Ukrainian referendum is a form of adopting by the citizens of Ukraine with the right to vote (hereinafter, 'voters'), any decisions related to the Constitution of Ukraine, laws of Ukraine and other questions of national importance as provided by the Constitution of Ukraine and this Law.

Article 2. Mandatory and optional referendums

1. All-Ukrainian referendums may be mandatory or optional.

2. Mandatory, in accordance with the Constitution of Ukraine, is an all-Ukrainian referendum in relation to:

- 1) a question of changing the territory of Ukraine;
 - 2) adoption of the Constitution of Ukraine or its new revision;
 - 3) the amending Sections I, III, and XIII of the Constitution of Ukraine.
3. An all-Ukrainian referendum on other questions is optional.

Article 3. Types of referendums by their purpose

1. By its object, an all-Ukrainian referendum may be:

- 1) constitutional;
- 2) confirmatory;
- 3) legislative;
- 4) general.

2. A constitutional referendum is conducted in relation to adoption of the Constitution of Ukraine or making amendments to the effective Constitution of Ukraine.

3. A treaty-related referendum is conducted in relation to adoption by the people of a law granting consent to the binding nature of an international treaty of Ukraine on changing the territory of Ukraine, and also other international treaties as provided in this Law.

4. A legislative referendum is conducted in relation to adoption or repeal of a law of Ukraine or making amendments to an effective law of Ukraine.

5. A general referendum is conducted in relation to questions which do not contain a specifically worded proposition.

Article 4. Types of referendums by their legal consequences

1. By its legal consequences, an all-Ukrainian referendum may be final, binding or consultative.

2. A constitutional, legislative or treaty-related All-Ukrainian referendum is final. A decision made by such referendum needs no subsequent confirmation.

3. A general all-Ukrainian referendum may be either binding or consultative.

4. A decision of a binding referendum must be considered by the Verkhovna Rada of Ukraine.

5. The outcome of a consultative referendum are taken into account by public authorities Ukraine when adopting relevant decisions.

Article 5. Main principles of conducting the all-Ukrainian referendum

An all-Ukrainian referendum is held on the following main principles:

- 1) universal suffrage;
- 2) equality;
- 3) direct declaration of will;
- 4) free participation in a referendum;
- 5) secrecy of ballot;
- 6) voting in person.

Article 6. Universal suffrage

1. The right to vote in an All-Ukrainian referendum is vested in the citizens of Ukraine who are eighteen years of age on the day of voting.

2. The grounds for exercising a voter's right to vote in an all-Ukrainian referendum is his inclusion in the electoral register at a referendum polling station.

3. A voter may be included in the electoral register at only one referendum polling station.

4. A document proving the voter's identity and nationality of Ukraine in an all-Ukrainian referendum is his:

- 1) passport of a citizen of Ukraine;
- 2) interim identity card of a citizen of Ukraine (for persons recently admitted in the Ukrainian citizenship);
- 3) military card (only for draftees);
- 4) card (certificate) issued by the penitentiary institution which must contain: his full name, date of birth, citizenship, photograph, signature of the chief warden and seal of the institution (for persons in custody of the penitentiary institutions);
- 5) foreign passport of a citizen of Ukraine;
- 6) diplomatic passport;
- 7) service passport;
- 8) seaman's identity card.

5. Documents specified in subpara. 1–3) para. 3 of this article is the grounds for obtaining a voting slip and may be used at the general and special referendum polling stations.

6. A document specified in subpara. 4 para 3 of this article is a special referendum polling station established at the relevant institution of the penitentiary system.

7. Documents specified in subpara. 5)–8) para 3 of this article is the grounds for obtaining a voting slip and may be used at overseas referendum polling stations, and also at special referendum polling stations established aboard vessels flying the flag of Ukraine, and on the polar station of Ukraine. At overseas referendum polling stations established in the countries for which Ukrainian citizens are allowed to leave on the passport of a citizen of Ukraine, the passport of a citizen of Ukraine may be grounds for obtaining such slip.

8. Qualified Ukrainian voters may take part in the proceedings of referendum commissions as their commissioners, and may also participate in referendum campaigns, observe the conduct of referendums and other activities as provided by this and other laws of Ukraine.

9. Any direct or indirect privileges or limitation of the rights of the Ukrainian citizen to participate in referendums on the grounds of race, colour of skin, political, religious and other convictions, sex, ethnic or social origin, property status, residence, language or other grounds is prohibited. No limitation in relation to the participation of the citizens of Ukraine in the referendum process, except for those provided by the Constitution of Ukraine and this Law, is admissible.

10. A citizen recognised incompetent by a court of justice has no vote.

11. A citizen of Ukraine who resides or has sojourn outside Ukraine during preparation or conduct of an all-Ukrainian referendum has the right to vote, which is exercised by his

inclusion in the electoral register at the proper overseas polling station established under this law.

Article 7. Equality of vote

1. Citizens of Ukraine take part in the all-Ukrainian referendum on equal grounds.
2. Every voter in the all-Ukrainian referendum has one vote. A voter can exercise his right to vote at only one referendum polling station, where he is included in the electoral register. During a referendum, a voter exercises his voting right as provided in this Law.
4. All political parties, all-Ukrainian public organisations, people's deputy groups in the Verkhovna Rada of Ukraine, the group of referendum initiators, that is parties to the referendum process, have equal rights and possibilities to take part in the process of referendum as and within the scope provided by this Law.
5. The equality of rights and possibilities of the parties to the referendum process to take part in the process of referendum is ensured by:
 - 1) the prohibition for public authorities and bodies of local self-government to intervene in the process of referendum, except as otherwise provided by this Law;
 - 2) by equal and impartial treatment afforded by public authorities, organs of local self-government, their officials and staff to the initiative group of referendum and to other parties to the process of referendum, supporters and opponents of the question of referendum alike;
 - 3) by prohibition to use any funds for the purpose of financing the referendum campaign other than those in the referendum funds of the parties to the process of referendum and of the State budget of Ukraine, assigned for referendum campaigning in accordance with this Law;
 - 4) by equal and impartial treatment afforded by the media to the parties to the process of referendum – supporters and opponents of the referendum question alike, and by objective and balanced coverage of the positions for and against the referendum question.

Article 8. Direct will is on a referendum

The All-Ukrainian referendum is direct: the outcome of a referendum is determined by the direct results of voting.

Article 9. Free participation in the referendum

1. Participation of the citizens of Ukraine in all-Ukrainian referendums is voluntary. Nobody may be compelled to participate or not participate in a referendum.
2. The all-Ukrainian referendum is free. The citizens of Ukraine are provided with conditions for forming freely their will and expressing it freely at the poll.
3. Use of violence, threats, fraud, bribery or any other actions which obstruct the free forming and free expression of voters' will is prohibited.
4. In order to provide the conscripts with the conditions for free expression of their will, they are given, on the day of voting, a leave of not less than four hours for participation in the voting.

Article 10. Secrecy of ballot

1. Voting in the all-Ukrainian referendum is secret: supervising the will of voters is prohibited.
2. Commissioners of referendum commissions and other persons may not commit any acts or disclose any such information which enables identifying the will of any individual voter.

Article 11. Personal vote

In the referendum, every voter votes in person. Voting by proxy or a voter's assigning his voting right to a third party is prohibited.

Article 12. Single vote

Every voter who has a vote in the all-Ukrainian referendum may exercise his right in any such referendums only once and at only one referendum polling station.

Article 13. Right to initiate the calling of a referendum

1. A right to initiate the calling of the all-Ukrainian referendum belongs to the President of Ukraine, the Verkhovna Rada of Ukraine and the Ukrainian people.

2. The President of Ukraine and the Verkhovna Rada of Ukraine exercise their right to initiate the calling of a referendum as provided by the Constitution of Ukraine, this and other laws of Ukraine.

3. The right of popular initiative in relation to the conduct of a referendum is vested in the Ukrainian people in accordance with article 72 of the Constitution of Ukraine.

4. The procedure of exercising popular initiative is determined by the Constitution of Ukraine and this Law.

Article 14. Limitation on initiative of calling the all-Ukrainian referendum

1. The calling of the all-Ukrainian referendum may not be initiated during, and within three months after the abolition of, the state of martial law or emergency in all of or part of the territory of Ukraine.

2. The calling of another all-Ukrainian referendum may not be initiated within one year after the holding of a previous all-Ukrainian referendum.

3. Only one question may be put to an all-Ukrainian referendum. The question of a legislative referendum may offer not more than two alternative referendum propositions.

4. The calling of the all-Ukrainian referendum may not be initiated in relation to the following issues:

1) taxes;

2) budget;

3) pardon;

4) adoption, amendment or repeal of bye-laws;

5) confidence to the President of Ukraine, the Verkhovna Rada of Ukraine, or the Cabinet of Ministers Ukraine

6) employment policies.

5. The president of Ukraine and the Verkhovna Rada of Ukraine may not initiate a general all-Ukrainian referendum.

6. Popular initiative may not exercised in relation to a treaty-related referendum.

Article 15. Persons calling (proclaiming) referendums

1. The right to call the All-Ukrainian referendum is vested in the President of Ukraine and the Verkhovna Rada of Ukraine.

2. A constitutional referendum in relation to the amendment of Sections I, III or XIII of the Constitution of Ukraine is called by the President of Ukraine on the initiative of the Verkhovna Rada of Ukraine.

3. A treaty-related referendum in relation to changing the territory of Ukraine is called by the Verkhovna Rada of Ukraine on the initiative of the President of Ukraine.

4. The President of Ukraine may call the all-Ukrainian referendum on other questions not prohibited by the Constitution of Ukraine, on his own initiative or on the initiative of the Verkhovna Rada of Ukraine.

5. The all-Ukrainian referendum on popular initiative is proclaimed by the President of Ukraine.

Article 16. Referendum process

1. Referendum process is the carrying out of the procedures of initiation, calling, preparation and conduct of the referendum, as provided by this Law, by the parties defined in article 17 of this Law.

2. Referendum process is carried out on the basis of:

- 1) observance of the principles of suffrage specified in articles 5-12 of this Law;
- 2) legality and prohibition of unlawful intervention of anyone in this process;
- 3) political plurality and multiparty system;
- 4) publicity and openness, appropriate awareness of citizens of the proposition and legal consequences of the referendum;
- 5) freedom of campaigning, equal access of all parties to the referendum process, proponents and opponents of the referendum question alike, registered as provided by this Law, to mass media irrespective of their form of ownership, except the mass media founded (owned) by parties to the referendum process;
- 6) impartiality of executive authorities, bodies of local self-government, courts, enterprises, institutions, establishments and organisations and their heads, others officials and staff, to the parties to the referendum process, both proponents and opponents of the referendum question, registered as provided by this Law.

3. The referendum process begins on the date following the day of official promulgation of the decree of the President of Ukraine on calling (proclamation) of a referendum, the resolution of the Verkhovna Rada of Ukraine on calling a referendum.

4. The referendum process includes the following stages:

- 1) creation of referendum commissions;
- 2) carrying out of referendum campaign;
- 3) drawing up and updating of electoral registers;
- 4) voting;
- 5) counting of votes and establishing the ballot;
- 6) establishing of the outcome of the referendum and its official promulgation;
- 7) termination of the referendum commissions.

5. The referendum process comes to the end on the fifteenth day after the day of official promulgation of the outcome of the referendum by the Central Election Commission.

Article 17. Parties to the referendum process

The parties to the referendum process are:

- 1) the voter;
- 2) the referendum commissions established under this Law or the Law of Ukraine *On the Central Election Commission*;
- 3) the group of referendum initiators (in the case of a referendum on popular initiative);
- 4) the groups of People's Deputies formed in the Verkhovna Rada of Ukraine of current convocation;
- 5) a political party not represented in the Verkhovna Rada of Ukraine of current convocation or an all-Ukrainian public organization, registered as a proponent or opponent of the referendum question by the Central Election Commission;
- 6) an official observer from the initiative group, group of People's Deputies, political party or an all-Ukrainian public organization which is a party to the referendum process.

Article 18. Publicity and openness of the referendum process

1. The all-Ukrainian referendum is prepared and conducted publicly and openly.

2. Referendum commissions:

- 1) inform citizens on their structure, location and office hours; on the referendum territorial constituencies and the referendum polling station; on the place and time of the poll; on the fundamental rights of voters, including the right of appeal from unlawful decisions, acts or omission of referendum commissions and their commissioners, public authorities and bodies of local self-government, enterprises, institutions, establishments and organisations, mass media, their heads, others official and staff;
- 2) provide voters and other parties to the referendum process with the possibility to learn about the referendum question, and official information materials related to the referendum question, and electoral registers;

- 3) explain voters the procedure of voting, and that of filling the ballots;
- 4) announce the ballot and outcome of the referendum;
- 5) provide other information where and as provided by this Law.

3. The referendum commissions, public authorities and bodies of local self-government inform the citizens of their decisions related to the all-Ukrainian referendum through the printed press or, where this is impossible, in any other way.

4. Mass media are obliged to cover objectively the course of preparation and holding of the referendum, provide balanced information concerning the content of the question for referendum and the legal consequences of the referendum. Representatives of mass media are guaranteed unimpeded access to all public activities related to the referendum, and, subject to the rules of article 58 §§ 2 and 3 of this Law, also to the sessions of the referendum commissions and to the referendum polling station on the ballot day. Referendum commissions, public authorities, bodies of local self-government, their officials and staff must, acting within their commission, provide information related to the preparation and conduct of the referendum.

5. In the states where significant numbers of qualified Ukrainian voters reside, the diplomatic, other official representative offices and the consular offices of Ukraine at which referendum polling stations have been created, publish information in local media on the time and place of voting, on the location of the corresponding referendum polling stations, on the procedure and terms of addressing local referendum commissions, in particular on the matter of including voters in the electoral register at the overseas referendum polling station.

Article 19. Fixing the day of a referendum

1. Voting in an all-Ukrainian referendum is held on a Sunday.
2. The ballot day of a referendum is specified in the decree of the President of Ukraine on calling (declaration) of a referendum or the resolution of the Verkhovna Rada of Ukraine on calling a referendum.
3. Voting in a referendum is held not earlier than on the ninetieth and not later than on the hundred and twentieth day after day of official publication of the decision to call (declare) the referendum.
4. Voting in a referendum may not be held on a statutory public holiday.
5. Voting in an all-Ukrainian referendum may not be concurrent with that in any election or another referendum.

Article 20. Counting of the terms

1. The terms defined in this Law are counted in calendar days or, in specific cases, in hours or minutes.
2. The first day of a term the running of which this Law associates with the occurrence of a specific event is the day following the day of such occurrence.
3. The last date of a term the ending of which this Law associates with the occurrence of a specific is the day preceding the day of such event.

Article 21. Legislation on the all-Ukrainian referendum

Initiation, calling (declaration), preparation and holding of an all-Ukrainian referendum is regulated by the Constitution of Ukraine, this Law, and also the law of Ukraine On the Central Election Commission, other laws of Ukraine, and other acts of legislation passed in accordance with them.

Section II. Proposal and Question of Referendum

Article 22. Proposal of a referendum

1. The referendum proposal defines the content of the problem the decision of which is proposed to submit for an all-Ukrainian referendum.
2. The referendum proposal may be:

- 1) to adopt (revise) the Constitution of Ukraine as a whole;
- 2) to adopt specific changes to Sections I, III, or XIII of the Constitution of Ukraine;
- 3) to adopt a specific law or individual provisions of a law;
- 4) to repeal a specific law or individual provisions of a law;
- 5) to support or reject a certain idea concerning a specific change of the Constitution or a law;
- 6) to support or reject a certain idea concerning the spirit of changes to the Constitution or the legislation of Ukraine.

Article 23. The form of the referendum question

1. A referendum question is a text stating the referendum proposal in the form of a question requiring the voter to give a definite answer of "yes" or "no".
2. The referendum question may have the form of:
 - 1) a specifically-worded proposal;
 - 2) a generally-worded proposal;
 - 3) a question of principle.
3. A question in the form of a specifically-worded proposal relates to approval or abrogation of a specific text of the provision (a set of specifically-worded provisions), the relevant text being an integral part of the question of referendum.
4. A generally-worded question relates to approval of an individual issue of legal regulation which is not worded in the form of a specific provision.
5. A question of principle relates to the general idea as respects the changing of legal regulation of a specific social relation.
6. A referendum question must have a precise and clear wording which is not susceptible of differing interpretations of the referendum proposal.
7. A referendum question may not be of a leading nature; in particular, the wording of the question must not imply the purpose of adoption or rejection of the referendum proposal.

Article 24. Procedural compatibility of the referendum question

1. The referendum question must meet the following requirements:
 - 1) unity of form;
 - 2) unity of content;
 - 3) unity of the subject-matter of the referendum.
2. The unity of form of the question means that the form of the question as a whole corresponds to one of the subparagraphs provided in the second paragraph of article 22 of this Law. It is not allowed to tie in one referendum question attributes of a specifically-worded proposal with those of a generally-worded proposal or a question of principle.
3. The unity of substance of the question means that a question not related to approval or repeal of an integral act may not consolidate proposals dealing with any provisions not directly related to each other.
4. The unity of subject-matter of the referendum means that the question of referendum may not integrate different kinds of referendum subject-matter as specified in subparagraphs 1-3 of the first paragraph of article 3 of this Law.

Article 25. Substantive validity of the referendum question

1. No question of a treaty-related or legislative referendum may contradict the Constitution of Ukraine.
2. The referendum question must provide completeness of legal regulation. Approval of the referendum proposal must not result in a collision of rules of law of equal force.
3. The question of a legislative referendum may not contradict rules of international law or the obligations of Ukraine under international treaties made binding through the consent of the Verkhovna Rada of Ukraine or an all-Ukrainian referendum.

Article 26. Review of the referendum question

1. The caller of referendum, where he receives an initiative for calling an all-Ukrainian referendum concerning a relevant question, reviews the conformity of the referendum question to the requirements established by paragraph 4 of article 14, paragraphs 6 and 7 of article 23, and articles 24 and 25 of this Law before making his decision.

2. The caller of referendum, where he finds grounds provided in part 1 of article 19 of this Law, requests opinion of the Constitutional Court of Ukraine as respects the conformity of the referendum question proposed to the Constitution of Ukraine.

3. Where an all-Ukrainian referendum is called on popular initiative the powers specified in parts 1 and 2 of this article are exercised by the Central Election Commission.

Article 27. Restrictions concerning the calling (declaration) of a referendum

1. An all-Ukrainian referendum may not be called (declared) or held pending the state of martial law or state of emergency in all or part of the territory of Ukraine or three months after the abolition of such stat.

2. If martial law or state of emergency is imposed after a referendum has been called (declared), the caller of the referendum not later than on the third day after the imposition of the state of emergency makes the decision to suspend the process of referendum.

3. An all-Ukrainian referendum may not be called (declared) within one year after holding of an all-Ukrainian referendum on any question.

4. If the caller (declarer) of referendum establishes that the referendum question fails to conform to the requirements specified in paragraph 4 of article 14, paragraphs 6 and 7 of article 23, article 24 or paragraphs 2 and 3 of article 25 of this Law, he makes a decision to refuse the calling (declaration) of a referendum, indicating the reasons therefor.

5. Where the caller (declarer) of referendum receives an opinion of the Constitutional Court of Ukraine as respects failure of the question of a ratification or legislative referendum to conform to the Constitution of Ukraine, he makes a decision to refuse the calling (declaration) of a referendum on this ground.

6. A decision to refuse the calling (declaration) of a referendum on the grounds specified in paragraph 4 of this article may be appealed in court as provided under the Code of Administrative Proceedings of Ukraine. No appeal lies against a decision to refuse the calling (declaration) of a referendum on the grounds specified in paragraph 5 of this article.

Section III. Initiation and calling of a referendum by the President of Ukraine and the Verkhovna Rada of Ukraine**Article 28. Initiation and calling of a constitutional referendum**

1. The President of Ukraine may initiate the calling of an all-Ukrainian referendum as respects adoption of the Constitution (a new revision of the Constitution) by submitting the corresponding draft for general public discussion for a period of not less than three months.

2. For the purpose the general public discussion the draft of the Constitution (the new revision of the Constitution) is published in national and regional printed mass media, and also a separate brochure with a print-run of not less than one million copies, an explanatory note being attached to such draft to clarify the provisions thereof.

3. The Verkhovna Rada of Ukraine may initiate appointment of an all-Ukrainian referendum as respects adoption of the Constitution (a new revision of the Constitution) by approving the corresponding draft with at least two thirds of its constitutional composition. The approved draft of the Constitution (new revision of the Constitution) is submitted to the President of Ukraine, an explanatory note being attached to such draft to clarify the provisions thereof, for him to call an all-Ukrainian referendum.

4. The Verkhovna Rada of Ukraine initiates the calling of an all-Ukrainian referendum as respects revision of sections I, II, and XIII of the Constitution of Ukraine by way of approval as provided under article 156 of the Constitution of a bill amending sections I, III, and XIII of the Constitution of Ukraine. The approved draft law amending sections I, III, and XIII of the

Constitution of Ukraine is submitted to the President of Ukraine for him to call an all-Ukrainian referendum.

5. The President of Ukraine appoints an all-Ukrainian constitutional referendum by publishing the corresponding decree.

Article 29. Initiation and calling of a treaty-related referendum

1. The calling of a treaty-related referendum as respects a change of the territory of Ukraine is initiated by the President of Ukraine by introducing a bill to the Verkhovna Rada of Ukraine on granting its consent to the binding nature of the international treaty changing the territory of Ukraine.

2. The President of Ukraine may initiate the calling of an all-Ukrainian referendum as respects the granting of consent to the binding nature of an international treaty of Ukraine if he considers that the binding nature of such treaty is decisive for respect of the state sovereignty or independence of Ukraine, its territorial integrity or national security. The President of Ukraine initiates the referendum by referring to the Verkhovna Rada of Ukraine of a draft resolution on granting its consent to the binding nature of the corresponding international treaty of Ukraine by an all-Ukrainian referendum together with the corresponding draft law attached thereto.

3. The Verkhovna Rada of Ukraine calls an all-Ukrainian treaty-related referendum by adopting an appropriate resolution in which it provides the wording of the referendum question. Appended to the resolution are: the text of the bill, the text of the corresponding treaty, and also an explanatory note clarifying the provisions of such bill and treaty.

Article 30. Initiation and calling of a legislative referendum

1. The President of Ukraine may initiate the calling of an all-Ukrainian legislative referendum by submitting a relevant bill (law which is proposed to repeal in full or in part) to a general public discussion for a period of not less than two months, if the corresponding bill (including on abrogation of the law or its specific provisions) earlier submitted by the President of Ukraine to the Verkhovna Rada of Ukraine as a an urgent measure has been dismissed by the Verkhovna Rada of Ukraine.

2. For the purpose of a general public discussion of the bill (law which is proposed to be repealed in full or in part) is published in national and regional printed mass media, and also as a separate brochure with a print-run of not less than one million copies. An explanatory note is attached to the bill clarifying the provisions thereof.

3. Where the President of Ukraine initiates a legislative referendum by submitting a bill for general discussion, the Verkhovna Rada of Ukraine may not later than thirty days after the beginning of such general public discussion adopt an opinion concerning the referendum proposal in which it states legal reasons for which it has rejected said bill. The above opinion is approved by resolution of the Verkhovna Rada of Ukraine. Said opinion is published in national and regional printed mass media, and also as a separate brochure with a print-run of not less than one million copies.

4. The President of Ukraine calls an all-Ukrainian legislative referendum by publishing the corresponding decree.

Section IV. Popular initiative as respects an all-Ukrainian Referendum

Article 31. General procedure of popular initiative

1. Popular initiative for an all-Ukrainian referendum is exercised by voters signing a referendum petition.

2. For the purpose of declaration of an all-Ukrainian referendum on popular initiative it is required that a petition for holding such should be signed by not less than three million voters subject to the condition that the signatures under such petition are collected in not less than two thirds of political units of Ukraine as provided by paragraph 2 of article 133 of the Constitution of Ukraine, not less than hundred thousand signatures being collected in each of such political units.

3. The collection of signatures under the petition of an all-Ukrainian referendum is organised and carried out by the group initiating such all-Ukrainian referendum, established and operating under this Law.

4. The collection of signatures under the petition for an all-Ukrainian referendum related to a specific question is carried out within ninety days of the date of registration of the group initiating an all-Ukrainian referendum which proposes to submit such question to the all-Ukrainian referendum.

Article 32. Procedure of formation of a group initiating an all-Ukrainian referendum

1. A group initiating an all-Ukrainian referendum is created at a citizens' meeting attended by not less than 400 voters. Such a meeting may be convened by voters, the local organisation (unit) of a political party, all-Ukrainian or local public organisation registered according to the legislation of Ukraine. To hold a citizens' meeting for the purpose of creation of a referendum initiative group at public authorities, bodies of local self-government, enterprises, institutions or establishments is prohibited. Conscripts or persons in alternative (non-military) service may not take part in such meeting.

2. Initiators of a meeting for the purpose of initiation of an all-Ukrainian referendum must not later than three days before the day of such meeting notify in writing the Central Election Commission, and also the corresponding head of the regional state administration or head of Kiev or Sevastopol city state administration, the mayor of the regional (republican, in Autonomous Republic of Crimea) city on the date, time, place and purpose of the meeting.

3. With the view to control observance of requirements of the legislation of Ukraine on carrying out meetings, the Central Election Commission may send a member of the Central Election Commission or an authorised staff of the Secretariat of the Central Election Commission for participation in a meeting for the purpose of initiation of an all-Ukrainian referendum. Such member of the Central Election Commission or authorised staff of the Secretariat of the Commission takes part in the meeting with a deliberative vote.

4. The head of city, regional state administration, the mayor upon whom the notice of the citizens' meeting concerning initiation of an all-Ukrainian referendum has been served send their representatives to such meeting to control observance of the requirements of this Law during such meeting. The above representative must have a proxy in writing from the corresponding head of the city or regional state administration or the mayor.

5. Before the meeting begins, each of its participants undergoes nominal registration, indicating his full name, date of birth, residence and address, and also the document (description, serial number, name of issuing authority, and date of issue) proving identity and citizenship of the participant of the meeting, i.e. his passport of a citizen of Ukraine or the interim certificate of a citizen of Ukraine (for recently naturalised Ukrainian citizens). Each participant of the meeting puts in his signature against his surname to attest his participation in the meeting. A note is made in the registration of all other persons attending the meeting who are not participants of the meeting, in particular, the member or authorised staff of the Secretariat of the Central Election Commission, the representative of the head of the city (in the cities of Kiev or Sevastopol) or regional state administration and the mayor.

6. The meeting elects the chairperson, the secretary and the counting commission of the meeting. The chairman of the meeting conducts the meeting, keeps order at the meeting, puts questions to vote and announces decisions so taken.

7. The secretary of the meeting takes minutes of the meeting, indicating therein the date and venue of the meeting, number of participants, the information on election of the chairperson and the secretary of the meeting, the agenda and course of discussion of its questions, the results of voting questions on the agenda, the personal composition of the group initiating an all-Ukrainian referendum and election of its chairman (in a case the group initiating an all-Ukrainian referendum is elected). The registration sheet of the participants of the meeting constitutes an integral part of such minutes.

8. The meeting passes decisions by a majority of the registered attendance voting by show of hands. The counting of votes at voting decisions of the meeting is carried out by the

counting commission. The returns of voting are declared by the chairperson of the counting commission.

9. The meeting approves its agenda. The agenda of a meeting must include, without fail:
 - 1) discussion of the problem for the resolution of which it is proposed to initiate an all-Ukrainian referendum;
 - 2) discussion of the referendum proposal; where a constitutional or legislative referendum is initiated, discussion of the text of changes to the Constitution, the text of the draft law (amendments to the law) which is proposed to submit to referendum, the text of the law (individual provisions of the law) the repeal of which is proposed to submit to referendum;
 - 3) explanation of the requirements of the Constitution of Ukraine and this Law as respects the procedure of initiation of a referendum, requirements to its subject-matter and question;
 - 4) making proposals as respects the wording of the referendum question;
 - 5) making a decision as respects the necessity to initiate a referendum;
 - 6) approval of the referendum question.

10. Where the meeting makes a positive decision as respects the necessity to initiate a referendum and approves a referendum question, it adopts the text of an explanatory note to the referendum question in which the necessity of the referendum is substantiated and reasons for the referendum question are stated.

11. On adopting the text of an explanatory note the meeting elects from amongst its participants the group of initiators of an all-Ukrainian referendum (hereinafter, 'initiative group') made of the chairman, vice-chairman, secretary and other members of the group. An initiative group is deemed created as of the date when the meeting made a decision on election of its membership.

12. A group initiating an all-Ukrainian referendum consists of not less than thirty and not more than fifty voters. Personal composition of the initiative group is indicated in the minutes of the meeting. A meeting may create only one group initiating an all-Ukrainian referendum.

13. Records of a meeting (minutes, registration sheet of participants, list of members of the initiative group with an indication of their documents proving their identity and nationality, as specified in paragraph 5 above) are subscribed by the chairperson and the secretary of the meeting. Attached to these records are the written consent of each person included in the initiative groups to be so included.

Article 33. Registration of a group initiating an all-Ukrainian referendum

1. The chairperson (vice-chairperson) of a group initiating an all-Ukrainian referendum not later than on the seventh day after the day of the meeting submits the following documents to the Central Election Commission:

- 1) the statement of registration of the initiative group, signed by the chairperson and the secretary of the initiative group;
- 2) the minutes of the citizens' meeting together with the registration sheet of participants;
- 3) the wording of the referendum question (in the case of a legislative referendum, together with the text of the bill which is proposed to be adopted, or the text of the law, or individual statutory provisions, proposed to be repealed);
- 4) an explanatory note to the referendum question;
- 5) the list of members of the group initiating an all-Ukrainian referendum;
- 6) written consent of each person included in the initiative group to being so included.

2. The Central Election Commission issues the representative of the initiative group who has submitted the records specified in paragraph 1 of this article a receipt of their filing. Such receipt must contain the list of documents filed, the date and time of their filing, position and surname of the person who accepted such documents.

3. The Central Election Commission, within not more than 15 days after the receipt of documents specified in paragraph 1 of this article, verifies whether during the meeting and creation of the initiative group the requirements of the legislation were observed. Where

appropriate, the Central Election Commission sends the corresponding head of the local state administration, and mayor whose representative was present at the meeting a request for information concerning the holding of such meeting.

4. Within the term specified in paragraph 3 of this article, the Central Election Commission examines the referendum question proposed by the meeting as and on the grounds provided in article 26 of this Law.

5. On finding grounds provided by paragraph 1 of article 25 of this Law, the Central Election Commission approaches the Constitutional Court of Ukraine in order to receive its opinion on the conformity of the proposed referendum question to the Constitution of Ukraine, in which case registration of the initiative group is postponed pending receipt of the opinion of the Constitutional Court of Ukraine by the Commission.

6. If the documents submitted conform to the requirements of the Constitution of Ukraine and this Law, the Central Election Commission, not later than the fifteenth day after receipt of the documents specified in paragraph 1 of this article or, being in receipt of a positive conclusion of the Constitutional Court of Ukraine, not later than the fifth day after its receipt, makes a decision to register the group initiating an all-Ukrainian referendum.

7. The Central Election Commission, not later than the third day from the date of the decision to register an initiative group, issues the chairperson (vice-chairperson) of the initiative group a certificate of registration and the certificates of members of the initiative group, in the form approved by the Central Election Commission of Ukraine. A certificate of registration of a group initiating an all-Ukrainian referendum indicates the wording of the question which is proposed to be submitted to referendum, and the total period for collection of signatures determined by the date of registration of such initiative group.

8. Only one all-Ukrainian referendum initiative group proposing a specific wording of the question may be registered. If the Central Election Commission, pending consideration of registration documents submitted by an initiative group, is presented documents on behalf of another initiative group with the same or similar wording of the referendum question, the running of the term of consideration of such documents, as specified in paragraph 3 of this article, starts on the date when the registration of the previous is refused.

9. Where it is found that the requirements of the Constitution of Ukraine and this Law have been violated during the citizens' meeting and creation of the initiative group or the documents submitted do not comply with the requirements of this Law, or the requirements provided by paragraph 4 of article 14, paragraphs 6 and 7 of article 23, articles 24 and 25 of this Law, or that another initiative group with the same or similar wording of the referendum question has been registered, the Central Election Commission makes a decision to refuse registration of the initiative group, referring therein to the exhaustive grounds of refusal.

10. The Central Election Commission passes information on the all-Ukrainian referendum initiative group registered and on the wording of the referendum question proposed by it, as well as on the period of collecting signatures of citizens in support of this initiative onto the President of Ukraine and the Verkhovna Rada of Ukraine and causes its official publication in the *Holos Ukrainy* and the *Uryadovy Kurier*.

11. A notice of registration of an all-Ukrainian referendum initiative group together with the wording of the question as respects which it is proposed to initiate a referendum, and also the total time for collecting signatures of voters on popular initiative is published in the press and posted in other mass media.

Article 34. The Collection of signatures in support of referendum carrying out

1. On receipt of its certificate of registration, a group initiating an all-Ukrainian referendum may freely collect signatures of voters in support of the referendum within the time established under paragraph 4 of article 31 of this Law.

2. To collect signatures in support of an all-Ukrainian referendum before registration of the initiative group and receipt of the certificate of registration is prohibited.

Article 35. Subscription list

1. The Central Election Commission, at the same as it registers a referendum initiative group, makes a decision to approve a standard subscription list for collection of signatures in support of holding an all-Ukrainian referendum. The approved sample of the subscription list is issued to the chairperson (vice-chairman) of referendum initiative group together with the certificate of registration of the initiative group.

2. The initiative group independently produces, by way of printing, photocopying or otherwise, a sufficient quantity of subscription lists, steadily observing the standard form of the subscription list.

3. A subscription list in support of an all-Ukrainian referendum must have:

- 1) the inscription 'all-Ukrainian referendum';
- 2) the registration number and date of registration of the all-Ukrainian referendum initiative group;
- 3) the wording of the question which is proposed to submit to referendum (in case of a constitutional or legislative referendum, the text of the corresponding draft or provisions which are proposed for repeal is the mandatory appendix to the subscription list);
- 4) information on the person collecting signatures of voters (full name, date and year of birth, citizenship, residential address, and a telephone number, if available);
- 5) full name of the village, settlement, city (commune) in which signatures are collected, and also of the district, oblast or the Autonomous Republic of Crimea where such commune belongs.

4. A subscription list must have columns in which the following data are indicated:

- 1) voter's serial number in the subscription list;
- 2) voter's full name (according to the document specified in subparagraph 6 of this paragraph);
- 3) voter's year of birth (for voters to attain the age of 18 in the year of elections, date of birth);
- 4) voter's citizenship;
- 5) voter's residence and address;
- 6) description, number and series of one of the documents proving voter's identity specified in paragraph 5 of article 6 of this Law;
- 7) date of voter's signature;
- 8) voter's signature.

5. The explanatory note to a referendum question is an appendix to a subscription list.

Article 36. Procedure of collecting signatures in support of an all-Ukrainian referendum

1. Subject to a written authorisation of the chairperson of the initiative group, voters' signatures in support of an all-Ukrainian referendum may be collected by citizens of Ukraine who have the right to vote at the time of such collection of signatures.

2. A person collecting voters' signatures must, before starting such collection, enter with his own hand such information regarding his person in the subscription lists as is provided in subparagraph 4 paragraph 3 of article 35 of this Law.

3. The data related to a voter in the subscription list is filled by voter with his own hand or on his request, where he is unable to so for reasons of health, by the collector of signatures. The voter attests to the accuracy of the data entered on the subscription list either by him or the person collecting signatures, with his own signature.

4. The person who collects voters' signatures, before a voter affixes his signature, must without fail propose the voter to familiarise himself with the explanatory note to the referendum question.

5. All entries in a subscription list are made with a pen (not a pencil), without abbreviations.

6. An error made in a subscription list is corrected by the person who has made it, in a way making the earlier record legible; a correction is attested by a separate signature of the person who has made such correction.

7. No-one may force a voter to sign a petition in support of an all-Ukrainian referendum or to obstruct the voter in such support. It is prohibited to pay a voter in consideration of his signature in support of a referendum with money, goods or services.

8. Collecting signatures at public authorities, bodies of local self-government, enterprises, institutions, establishments and organisations is prohibited.

9. In any one subscription list, only the signatures of voters from one locality are taken into account.

10. The collector of voters' signatures signs the subscription list filled and enters in figures and in words the number of voters' signatures collected in a given subscription list.

11. Participation of executive authorities, executive organs of local government, their officials, owners or heads of enterprises, establishments, organisations or their authorised bodies and members in the collection of voters' signatures in support of an all-Ukrainian referendum is prohibited.

12. No restrictions on collecting signatures, except as provided in this article, is prohibited.

Article 37. Delivery of subscription lists of the Central Election Commission

1. Chairperson (vice-chairperson) of the initiative group delivers subscription lists with signatures of voters in support of referendum (without the appendices specified in subparagraph 3 paragraph 3 of article 35 of this Law) to the Central Election Commission of Ukraine not later than the ninetieth day after the day of registration of such initiative group.

2. The procedure of delivery of subscription lists is specified by the Central Election Commission. A copy of the Central Election Commission's decision establishing the procedure of delivery of subscription lists is handed to the initiative group together with the approved sample of the subscription list according to paragraph 1 of article 35 of this Law.

3. The Central Election Commission issues the chairperson (vice-chairperson) of the initiative group who delivers subscription lists a certificate indicating the number of the subscription lists accepted and the number of signatures in them. Said certificate must contain the date and year, and also the time of their acceptance, position and surname of the person who has accepted the documents.

4. The Central Election Commission accepts no subscription lists after the deadline specified in the first paragraph of this article.

Article 38. Counting of signatures by the Central Election Commission

1. Upon receipt of subscription lists, the Central Election Commission of Ukraine, within sixty days, verifies the authenticity of signatures and consolidates the results of collecting of voters' signatures in support of an all-Ukrainian referendum on popular initiative.

2. The authenticity of voters' signatures and observance of requirements of this Law during their collection is verified by members of the Central Election Commission, involving to this end staff of the Secretariat of the Commission and, where appropriate, other experts or specialists specified in paragraph 3 of article 54 of this Law.

3. Establishing, on the basis of subscription lists, the number of voters who have supported the holding of an all-Ukrainian referendum, the signatures of individual voters are disregarded if:

- 1) all or some data on the voter signing in support of the referendum, as provided by the standard subscription list, are absent in the subscription list;
- 2) the requirement specified in paragraphs 3-6 of article 36 of this Law has been violated while entering data on the voter signing in support of the referendum;
- 3) they are made a third party instead of the voter;
- 4) they are made by a person who did not have the right to vote on the date of signature;
- 5) they are made by persons who did not reside in the settlement where the signatures were collected;
- 6) the voter affixed his signature several times.

4. Establishing, on the basis of subscription lists, the number of voters who have supported the holding of an all-Ukrainian referendum, a subscription list is disregarded if:

- 1) the signatures of voters in it have been collected by a person who did not have a right to vote on the date of collection of signatures;
- 2) data on the collector of voters' signatures are unreliable;
- 3) data on the collector of voters' signatures are absent;
- 4) instead of the signature of the collector of voters' signatures, it contains the signature of a third person;
- 5) the voters' signatures in it have been collected at public authorities or bodies of local self-government, enterprises, establishments or organisations;
- 6) they do not comply with the standard form;
- 7) they are falsified;
- 8) signatures in them have been collected with the use of force, bribery or fraud.

5. The Central Election Commission carries out a comprehensive verification of the collected signatures and subscription lists. Verification of the signatures and subscription lists may be terminated if it is established that the number of valid signatures of voters as required by article 72 of the Constitution of Ukraine is available.

6. The right to examine the subscription lists submitted to the Central Election Commission is vested in the persons specified in paragraph 2 of this article, and also in the members of the referendum initiative group, as provided by the Central Election Commission.

7. Proceeding from the results of said verification and consolidation of the outcome of collecting signatures in support of a referendum, the Central Election Commission, not later than the sixtieth day from the date of receipt of the subscription lists, prepares the final report, making an appropriate decision to disregard certain signatures in the subscription lists and/or subscription lists. A report on the outcome of collecting signatures indicates the referendum question, the data on the total number of signatures collected, number of political units of Ukraine, as specified in paragraph 2 of article 133 of the Constitution of Ukraine, in which the signatures have been collected, and the number of said political units in which not less than a hundred thousand signatures have been collected. In case of a constitutional or legislative referendum, the text of the draft law or provisions proposed for repeal is attached to the report of the Central Election Commission of Ukraine and constitutes its integral part.

8. The Central Election Commission, within three days from the date of its decision to disregard certain signatures in the subscription lists and/or subscription lists, issues a copy thereof to the chairperson (vice-chairperson) of the initiative group. The chairperson (vice-chairperson) of the initiative group may examine, within the same period of time, the final report and receive its copy.

Article 39. Consequences of a collection of signatures in support of a referendum

1. Where according to the final report provided in paragraph 7 of article 38 of this Law, the number of voters' signatures required for initiation of an all-Ukrainian referendum has been collected, the chairperson of the Central Election Commission of Ukraine or the person acting in his behalf, within three days of the date of the report on the results of collecting signatures in support of an all-Ukrainian referendum having been drawn up by the Central Election Commission of Ukraine, refers said report to the President of Ukraine and the Verkhovna Rada of Ukraine.

2. Where a sufficient number of acceptable voters' signatures has not been collected within the term provided under paragraph 4 of article 31 of this Law, the Central Election Commission of Ukraine makes a decision to discontinue activities of the group initiating an all-Ukrainian referendum with the relevant wording of the referendum question, revoke its registration and terminate any further measures leading to such initiation.

Article 40. Declaration of an all-Ukrainian referendum on popular initiative

1. The President of Ukraine, not earlier than the thirty first day and not later than the thirty fifth day upon receipt of a report of the Central Election Commission, as provided in paragraph 1 of article 39 of this Law, decrees to declare a referendum, indicating the wording of the referendum question and fixing the voting day in the all-Ukrainian referendum.

2. Where the referendum question has some indications provided in paragraph 1 of article 25 of this Law, and the Central Election Commission did not address itself on this matter to the Constitutional Court of Ukraine, the President of Ukraine seeks opinion of the Constitutional Court of Ukraine on conformity of the referendum question proposed to the Constitution of Ukraine, in which case the term of issuing a decree declaring a referendum, as specified in paragraph 1 of this article, is extended pending opinion of the Constitutional Court of Ukraine.

3. In case of a positive opinion of the Constitutional Court of Ukraine, the President of Ukraine, not later than the third day, decrees to declare an all-Ukrainian referendum.

4. Where the Constitutional Court of Ukraine gives a negative opinion of the conformity of the referendum question to the Constitution of Ukraine, the President of Ukraine decrees to refuse declaration of an all-Ukrainian referendum on this ground.

5. A decree of the President of Ukraine on declaring an all-Ukrainian referendum contains the wording of the referendum question proposed by the meeting that set up the initiative group. The text of the bill or provisions of the law proposed for repeal is appended to such decree.

6. If the Verkhovna Rada of Ukraine submits an alternative proposal, as and within the term provided in article 41 of this Law, such alternative proposal is put forward in the wording of the referendum question in the decree of the President of Ukraine. The alternative wording of the text proposed by the Verkhovna Rada of Ukraine is included in the appendix to the decree.

7. A decree of the President of Ukraine declaring an all-Ukrainian referendum on popular initiative and the text of the appendix (if any) is officially published in the *Holos Ukrainy*, the *Uryadovy Kurier* and in the *Official Bulletin of the President of Ukraine* within three days of signing such decree.

Article 41. Powers of the Verkhovna Rada of Ukraine in connection with a popular initiative for a legislative referendum

1. Where a legislative referendum is initiated, the Verkhovna Rada of Ukraine may adopt an opinion, not later than the thirtieth day upon receipt of the final report of the Central Election Commission as established in paragraph 1 of article 39 of this Law, concerning the referendum proposal in which it provides legal reasons for the position of the Verkhovna Rada of Ukraine. Said opinion is adopted by resolution of the Verkhovna Rada of Ukraine and published in national and regional printed mass media.

2. Upon receipt of the final report of the Central Election Commission as established in paragraph 1 of article 39 of this Law, the Verkhovna Rada of Ukraine may not regulate legislatively the legal relation which concerns the referendum question, during the term established in article[...] of this Law. The powers of the Verkhovna Rada of Ukraine to regulate legislatively the legal relation which concerns the referendum question resume if the President of Ukraine issues a decree provided in paragraph 4 of article 40 of this Law.

3. During the term specified in paragraph 1 of this article, the Verkhovna Rada of Ukraine may propose an alternative wording of the text of the bill or provisions of the law proposed for repeal. Such wording, annexed with an appropriate explanatory note is adopted by resolution of the Verkhovna Rada of Ukraine.

4. The Verkhovna Rada of Ukraine promptly refers a resolution provided in paragraph 3 of this article to the President of Ukraine.

Section V. Territorial organisation of the referendum

Article 42. Nation-wide and territorial referendum constituencies

1. An all-Ukrainian referendum is held in a single nation-wide referendum constituency which includes all the territory of Ukraine and the overseas constituency.

2. For the purpose of holding an all-Ukrainian referendum, the same territorial constituencies which were used for holding the most recent elections of People's Deputies of Ukraine serve as the referendum territorial constituencies.

3. All overseas polling stations intended for voting in an all-Ukrainian referendum constitute the referendum overseas constituency.

4. The Central Election Commission publishes its decision to establish territorial

constituencies used in holding the most recent elections of People's Deputies of Ukraine, indicating numbers, boundaries and centres of such, in the *Holos Ukrainy* and the *Uryadovy Kurier*, within three days of the date of commencement of referendum process, and in the regional printed media within seven days of the date of commencement of referendum process.

Article 43. Referendum polling station

1. Referendum polling stations are used for the purpose of preparation for organisation and holding of voting and count of votes.

2. There may be ordinary, special or overseas polling stations.

3. The number of voters in referendum polling station may not more than 2500 and, as a rule, less than 20. The referendum polling stations are divided into:

1) small (less than 500 voters);

2) medium (from 500 to 1500 voters); and

3) large (over 1500 voters).

4. If the number of voters in a given territory, institution or establishment is less or more than the limits specified above, and it is impossible to carry such voters (or their surplus) to another referendum polling station or to form an additional referendum polling station in such territory, institution or establishment, the number of voters in such referendum polling station may be less or more than specified number of voters established by paragraph 3 of this article.

6. Each district referendum commission establishes by its decision a common numbering of polling stations within its territorial constituency.

Article 44. Ordinary referendum polling stations

1. Ordinary referendum polling stations are intended for organisation of voting of voters in their domicile.

2. For the purpose of holding an all-Ukrainian referendum, ordinary polling stations used in the most recent elections of People's Deputies of Ukraine serve as referendum polling stations.

3. The Central Election Commission may form, not later than thirty days before the ballot day, new ordinary referendum polling stations in the respective territorial constituency upon reasoned submission of the district referendum commission, as initiated on request of mayor of the respective city (city of regional or republican, in the Autonomous Republic of Crimea, subordination), head of the district or Kyiv municipal district or Sevastopol city council. Such submission must be delivered to the Central Election Commission not later than forty days before the ballot day and indicate: the proposed boundaries of the new polling station, proposals as to the location of the referendum polling station commission and voting premises, estimated number of voters at such polling station, the revised boundaries and estimated change of the number of voters in the adjacent polling stations caused by establishing such new polling station. A decision to establish a new ordinary referendum polling station is sent, not later than the following day after its adoption, to the body maintaining the State register of voters in the political unit where the new polling station is so established.

Article 45. Special referendum polling stations

1. Special referendum polling stations are created in the in-patient medical institutions, aboard the vessels flying the National flag of Ukraine on the ballot day, at the polar stations of Ukraine, in penitentiary institutions and other places of voters' sojourn limiting their freedom of movement. Special referendum polling stations are created so as to allow voters to vote without violating institutional routine. Establishing a common referendum polling station for two or more institutions or establishments is not allowed.

2. Special referendum polling stations are established by district referendum commissions in the location of respective institutions or establishments or in the place of registry of the vessel or polar station of Ukraine, not later than thirty days before the ballot day, on submission of the regional state administrations or executive committees of cities of regional (republican, in the Autonomous Republic of Crimea) subordination. Such submissions must be delivered to the respective district referendum commission not later than forty days before the day of elections.

3. A submission requesting formation of a special referendum polling station in a relevant institution or establishment indicates:

- 1) name of institution or establishment;
- 2) institution or establishment's legal address;
- 3) estimated number of voters staying in the institution or establishment on the ballot day;
- 4) availability of appropriate premises for voting and its address (where the address of such voting premises differs from the legal address of the institution or establishment);
- 5) pledge of the administration to provide free access of the commissioners of the relevant referendum commission and other persons who may be present under this Law during voting and count of votes on the voting premises.

4. A submission requesting formation of a special referendum polling station aboard a vessel flying the National flag of Ukraine indicates:

- 1) the ship's name;
- 2) its home port;
- 3) estimated number of voters aboard the vessel;
- 4) most recent date of departure from the home port before the ballot day;
- 5) estimated date of call at a port of Ukraine nearest to the ballot day and the name of such port.

5. As a rule, referendum polling stations are not created at military units (formations). The servicemen vote at ordinary referendum polling stations located outside their military units (formations). As an exception, the Central Election Commission may create, on submission of the respective district referendum commission, a special referendum polling station in the territory of a military unit (formation) deployed outside and at considerable distance from a settlement. Such submission must be delivered to the Central Election Commission not later than forty days before the ballot day and provide, in addition to information required under paragraph 3 of this article, a justification for establishing the respective special referendum polling station, the grounds for such submission being a request of the commander of the military unit (formation) to be filed at the respective district referendum commission not later than forty five days before the ballot day.

6. A request provided in paragraph 5 of this article indicates:

- 1) the number and (or) address of the military unit (formation);
- 2) justification for establishing a special referendum polling station in the military unit (formation);
- 3) estimated number of voters at such polling station;
- 4) availability of appropriate voting premises and its address (where the address of such premises is distinct from the legal address of the military unit (formation));
- 5) the pledge of the administration to provide free access of the commissioners of the relevant referendum commission and other persons who may be present under this Law during voting and count of votes on the voting premises to such.

7. In the exceptional case of establishing a new in-patient medical, penitentiary or any other institution (establishment) where voters' sojourn may limit their freedom of movement, or that of a vessel's flying the National flag of Ukraine setting sail out of emergency or unforeseen creation (re-deployment) of a military unit (formation) to have station outside of, and at a considerable distance from, a settlement, the Central Election Commission may, not later than ten days before the ballot day, create a special referendum polling station upon submission of the respective district referendum commission. A district referendum commission brings such submission, not later than fifteen days before the day of elections, following a relevant request of the district state administration, executive committee of a city of regional (republican, in the Autonomous Republic of Crimea,) subordination or the commander of a military unit (formation). Such submission must supply information provided in paragraphs 3, 4 or 6 of this article, respectively.

8. Together with a submission requesting creation of a special referendum polling station according to paragraphs 5 and 7 of this article, the district referendum commission refers to the Central Election Commission the proposals as respects the number of such referendum polling station.

Article 46. Overseas referendum polling stations

1. Overseas referendum polling stations are created at both diplomatic or other official missions and consular offices of Ukraine abroad, and at the military units (formations) deployed outside of Ukraine.

2. Overseas polling districts which were used at the most recent elections of People's Deputies of Ukraine serve as referendum polling stations for holding an all-Ukrainian referendum.

3. In the exceptional case of opening new diplomatic or other official missions or consular offices of Ukraine abroad or that of re-deployment of military units (formations), the Central Election Commission, not later than ten days before the ballot day, may create an overseas referendum polling station on submission of the Ministry for Foreign Affairs of Ukraine. Such submission must be delivered to the Central Election Commission not later than fifteen days before the ballot day. Such submission, in addition to the mandatory justification for the formation of the overseas referendum polling station, indicates:

- 1) name of foreign state in which the overseas referendum polling station is created;
- 2) name and address of the diplomatic or other official mission or consular office of Ukraine abroad at which the referendum polling station is created, or name and address of the military unit (formation) deployed outside of Ukraine;
- 3) name and address of voting premises;
- 4) availability of a written approval of the competent authorities of the host state to creating an overseas referendum polling station, including the voting premises outside of the official mission or consular office of Ukraine;
- 5) boundaries of each overseas referendum polling station, taking into account the territories of consular districts or their parts;
- 6) estimated number of voters to be entered in the electoral registers at the respective referendum polling station.

Article 47. Publishing information on referendum polling stations

1. The list of ordinary and special referendum polling stations, indicating their numbering, boundaries or such institutions (establishments) where which they are established, location of the respective referendum polling station commissions and premises for voting is published in the regional and local printed media not later than twenty five days before the ballot day or, should this be impossible, published otherwise within the same term.

2. The Central Election Commission publishes its decision to establish the same overseas polling stations as were used in the most recent elections of People's Deputies of Ukraine, in the *Holos Ukrainy* and the *Uryadovy Kurier* not later than the tenth day from the date of the beginning of process of a referendum. The corresponding official representation or a consular office of Ukraine will promulgate the notice on overseas referendum polling stations on state territory of stay in the printed media accessible to citizens of Ukraine, living or being on corresponding territory, or, in case of impossibility, will promulgate it differently not later than for the twentieth day from the date of commencement of referendum process.

3. The decision of the Central Election Commission on formation of a new ordinary referendum polling station or a special referendum polling station according to paragraph 5 or 7 of article 45 of this Law is published in the respective regional and local printed media not later than the fifth day after the day of adoption of such decision or, should this be impossible, published otherwise within the same term.

Section VI. Referendum commissions

Article 48. System of referendum commissions

1. The system of referendum commissions which prepare and hold all-Ukrainian referendums consists of:

- 1) the Central Election Commission as the central referendum commission;
- 2) district referendum commissions;

- 3) polling station referendum commissions.
2. The powers of referendum commissions as respects preparation and holding of a referendum are exercised by:
 - 1) the Central Election Commission (in all the territory of Ukraine and the overseas election district);
 - 2) the district referendum commissions (within their territorial referendum constituencies);
 - 3) polling station referendum commissions (within their referendum polling stations).
3. The powers of the district referendum commission of the overseas constituency are exercised by the Central Election Commission.

Article 49. The status of referendum commissions

1. Referendum commissions are special state collegial bodies authorised to organise the preparation and holding of all-Ukrainian referendums and control observance and uniform application of the legislation of Ukraine on referendums.
2. The status of the Central Election Commission is determined by the Constitution of Ukraine, the Law of Ukraine *On the Central Election Commission*, this and other laws of Ukraine. The Central Election Commission heads the system of referendum commissions which organise the preparation and holding of all-Ukrainian referendums, and is the top-level commission with respect to all district and polling station referendum commissions provided by this Law.
3. The Central Election Commission is not successor to the district referendum commissions.
4. The status of the district and polling station referendum commissions is determined by this Law.
5. A district referendum commission is a legal person. A district referendum commission is the top-level with respect to all the polling station referendum commissions within the respective territorial referendum constituency.
6. A polling station referendum commission is not a legal person. A polling station referendum commission is a party to the respective referendum process; it has the right to address, within its powers, public authorities and bodies of local self-government, and also enterprises, institutions, establishments and organisations, their officials and staff. A polling station referendum commission has its own seal the sample of which is subject to approval of the Central Election Commission.

Article 50. Requirements to the commissioners of district or polling station referendum commissions

1. A district referendum commission or polling station referendum commission of an ordinary or special referendum polling station is made of voters who live within the territory of Ukraine.
2. Any voter may serve on only one referendum commission.
3. The composition of a district or polling station referendum commission may not include:
 - 1) members of the referendum initiative group;
 - 2) representatives of the parties to the referendum process to the Central Election Commission;
 - 3) authorised persons of the parties to the referendum process;
 - 4) officials and staff of public authorities and bodies of local self-government, employees of courts and law enforcement bodies;
 - 5) citizens held in penitentiary institutions;
 - 6) citizens who have a conviction for commission of a deliberate offence.
4. The composition of the polling station referendum commission of a special polling station established in an in-patient medical institution or in a penitentiary institution may not include personnel of the respective institution or establishment.
5. The secretary of a district or polling station referendum commission must have command of the state language sufficient for managing the records.

Article 51. Creation of the district referendum commission

1. A district referendum commission is established by the Central Election Commission, not later than fifty days before the ballot day, and consists of the chairperson, the vice-chairperson, the secretary and other commissioners, their number being not less than 12 and not more than 18 persons.

2. The right to nominate candidates for district referendum commissions is vested in:

- 1) the referendum initiative group;
- 2) the parliamentary groups formed in the current convocation of the Verkhovna Rada of Ukraine;
- 3) the political parties not represented in the Verkhovna Rada of Ukraine, and the all-Ukrainian public organisations registered in the Central Election Commission as supporters or opponents of the referendum question.

3. A district referendum commission includes without fail (upon appropriate submission) one representative from the referendum initiative group and from the parliamentary groups formed in the current convocation of the Verkhovna Rada of Ukraine.

4. Representatives from political parties and all-Ukrainian public organisations specified in subparagraphs 3 paragraph 2 of this article are included in the composition of district referendum commissions, not more than one representative from each, by way of ballot held by the Central Election Commission not later than the third day after expiry of the term for making submissions provided in paragraph 5 of this article. The Central Election Commission establishes the composition of the district referendum commissions in keeping with the restrictions on the numerical composition of such commission provided in paragraph 1 of this article and the principle of equal representation of the supporters and opponents of the referendum question.

5. The nominees for a district referendum commission proposed by the parties specified in paragraph 2 of this article may be dismissed only if they fail to meet the requirements specified in article 50 of this Law, or in the case of infringement of the requirements provided in paragraphs 6-8 of this article or those of holding ballot as provided in paragraph 4 of this article.

6. A list of persons to be included in the composition of the respective district referendum commissions, not more than one nominee per commission, is submitted to the Central Election Commission by the initiative group of a referendum, a parliamentary group, political party or all-Ukrainian public organisation, on paper and electronically, in a form approved by the Central Election Commission, not later than sixty days before the ballot day. In such submission the persons nominated for the chairperson, vice-chairperson and secretary of the commission are specified. A submission is subscribed by the chairperson of the initiative group, parliamentary group leader, political party leader, or head of the all-Ukrainian public organisation, respectively. The signature of the chairperson of initiative group is subject to notarisation. The signature of a parliamentary group leader is attested at the Staff of the Verkhovna Rada of Ukraine. The signature of a political party leader or that of an all-Ukrainian public organisation is obsigned with the seal of such political party or all-Ukrainian public organisation, respectively.

7. A submission of nominees for district referendum commissions indicates:

- 1) person's full name;
- 2) his year of birth (for persons who turn 18 years of age in the referendum year, date of birth);
- 3) his citizenship;
- 4) his residence, address, and also contact phone numbers;
- 5) his command of the state language;
- 6) his level of education;
- 7) his place of employment and position;
- 8) his prior working experience in electoral commissions or referendum commissions;
- 9) special education or training, if any;
- 10) the position in the commission for which he is nominated.

8. The respective nominator appends to his submission the hand-written statements of the persons nominated for the district referendum commission, certifying their consent to work on such commission.

9. Technical slips of the pen and errors of a submission are not the grounds for dismissing the nominees. The Central Election Commission notifies promptly of such slips and errors the representative of the respective party to the referendum process in the Central Election Commission. Such slips and errors may then be corrected by way of entering the finalised submission as respects such nominees not later than the following day after receipt of such notice. If the finalised submission is not delivered when due hereunder, the respective nominees are dismissed.

10. Where nominations for a district referendum commission have not been delivered within the time provided in paragraph 6 of this article or the number of nominees for a district referendum commission is less than twelve, such district referendum commission is established by the Central Election Commission, on proposal of its Chairperson, as a body of twelve persons, taking into account without fail the nominations made by the nominators provided in paragraph 2 of this article.

11. The chairperson, vice-chairperson and secretary of a district referendum commission must represent different parties to the referendum process. The chairperson and secretary of any given commission may not represent only the supporters or opponents of the referendum question.

12. Each nominator specified in paragraph 2 of this article whose nominees have been included in the composition of district referendum commissions is entitled to a proportional part of each category of executive positions in the district referendum commissions. For each nominator, the share of executive positions within the nation-wide constituency is determined by the number of his nominees included in the composition of district referendum commissions in relation to the total number of persons included in the composition of district referendum commissions from all nominators specified in paragraph 2 of this article. The person included in a district referendum commission on submission of the Chairperson of the Central Election Commission may not be appointed to an executive position in such referendum commission, except as when the nominations to the respective referendum commission made by nominators specified in paragraph 2 of this article have not arrived or have arrived in insufficient quantity. The procedure of distribution of the executive positions among such nominators, within the limits determined under this paragraph, is established by the Central Election Commission with a view to the approximate uniformity of territorial distribution of positions to be held by the representatives of each nominator.

13. The Central Election Commission, within three days of the date of making its decision on establishing district referendum commissions and their composition, as provided by this Law, publishes it in the national printed media. Within seven days of the date of making such decision, the Central Election Commission publishes excerpts from this decision as respects formation and composition of district referendum commissions in a given region in that region's press. Decisions on changes in the composition of district referendum commissions are published as and in the time established in this paragraph, however not later than the last day before the ballot day.

Article 52. Establishing a polling station referendum commission in an ordinary or special referendum polling station

1. A polling station referendum commission as a body consisting of the chairperson, vice-chairperson, secretary and other commissioners is established by the respective district referendum commission not later than fifteen days before the ballot day or, in the exceptional case of establishing a referendum polling station under paragraph 7 of article 45 of this Law, at the same time with establishing polling stations.

2. A polling station referendum commission is established as a body of:

- 1) 10-16 persons, for small polling stations;
- 2) 14-20 persons, for medium polling stations;
- 3) 18-24 persons, for large polling stations.

3. Where the number of voters in the referendum polling station does not exceed fifty persons, the polling station referendum commission may be made of the chairman, the secretary and 2-4 commissioners.

4. The right to nominate candidates to polling-station election commissions is vested in the nominators specified in paragraph 2 of article 51 of this Law. Submissions on behalf of a political party (bloc) are made by authorised persons of the parties to the referendum process in the respective territorial or nation-wide referendum constituency.

5. In structure of referendum polling station commission of a usual or special referendum polling station, except for the cases provided by a part of fourteenth this article, necessarily include (in the presence of corresponding submission) on one representative from initiative group of a referendum and from the deputy fractions generated in the Verkhovna Rada of Ukraine of current convocation.

6. Representatives from political parties and all-Ukrainian public organisations specified in subparagraph 3 paragraph 2 of article 51 of this Law are included in the composition of a respective polling station referendum commission, not more than one nominee per commission, by way of ballot held by the district referendum commission not later than the third day after expiry of the term of making submissions as specified in paragraph 7 of this article. The polling station referendum commission establishes the composition of a polling station referendum commission in keeping with the restrictions on the numerical composition of such commission provided in paragraphs 2 and 3 of this article and the principle of equal representation of the supporters and opponents of the referendum question.

7. The nominees for a polling station referendum commission proposed by the parties specified in paragraph 2 of article 51 of this Law may be dismissed only if they fail to meet the requirements specified in article 50 of this Law, or in the case of infringement of the requirements of holding ballot provided in paragraph 6 of this article or that of making nominations as provided in paragraphs 8 and 9 of this article.

8. A list of persons to be included in the composition of the respective polling station referendum commissions, not more than one nominee per commission, is submitted by an authorised person of a party to the referendum process in the respective territorial or nation-wide referendum constituency to the appropriate district referendum commission, not later than twenty two days before the ballot day, on paper and electronically, in the form approved by the Central Election Commission. Such submission indicates candidates for the chairperson, vice-chairperson and secretary of the commission.

9. A submission of nominees to the composition of a polling station referendum commission provides the information required by paragraph 7 of article 51 of this Law. Such submission must be appended with the statements of nominees for a polling station referendum commission, certifying their consent to participate in the work of the commission as representatives of the respective nominators.

10. Technical slips of the pen and errors of a submission are not the grounds for dismissing the nominees. The district referendum commission notifies promptly of such slips and errors the authorised person who has submitted the nomination. Such slips and errors may then be corrected by way of entering the finalised nomination, not later than the following day after receipt of such notice. If the finalised submission has not been delivered when due hereunder, the respective nominees are dismissed.

11. Where nominations for a polling station referendum commission have not been delivered within the time provided in paragraph 8 of this article, or the number of nominees for the polling station referendum commission is less than the minimum number established by paragraphs 2 and 3 of this article, the polling station referendum commission is created by the district referendum commission, upon submission of the chairperson of the district commission, with the minimum number of commissioners as established by paragraph 2 or 3 of this article, taking into account without fail the nominations made by the nominators provided in paragraph 2 of article 51 of this Law.

12. The chairperson, vice-chairperson and secretary of a polling station referendum commission must represent different parties to the referendum process. The chairperson and the secretary of any given commission may not represent only supporters or opponents of the referendum question.

13. Each nominator specified in paragraph 2 of article 51 of this Law, whose nominees have been included in the composition of polling station referendum commissions, is entitled to

a proportional part of each category of executive positions in the polling station referendum commissions— small, medium, and large referendum polling stations taken separately— within the territorial referendum constituency. For each nominator, the share of executive positions in each category of referendum polling stations within a territorial constituency is determined by the number of his nominees included in the composition of referendum commissions in each category of referendum polling stations in the relation to the total number of persons included in the composition of referendum commissions of the respective category of referendum polling stations from all nominators specified in paragraph 2 of article 51 of this Law. The person included in a district referendum commission on submission of the head of a district referendum commission may not be appointed to an executive position in the referendum commission, except as when the nominations to the respective referendum commission made by nominators specified in paragraph 2 of article 51 of this Law have not arrived or have arrived in insufficient quantity. The procedure of distribution of the executive positions among such nominators, within the limits determined under this paragraph, is established by the Central Election Commission.

14. The local commission of a special referendum polling station on a vessel flying the National flag of Ukraine on the day of elections, or at a polar station of Ukraine, is established by the district referendum commission in the place of registry of such vessel or polar station of Ukraine, upon submission of the vessel's officer or the head of such polar station of Ukraine, respectively, which may be sent by communications within the time provided by paragraph 8 of this article.

15. In an exceptional case of a special referendum polling station being established under paragraph 7 of article 45 of this Law, the Central Election Commission establishes such polling station referendum commission, upon submission by the district referendum commission, at the same time as it establishes the referendum polling station.

16. The district referendum commission notifies the authorised persons specified in paragraph 8 of this article of it preparing a submission seeking establishment of a special referendum polling station as an exception to the Central Election Commission and proposes them, within the time set by the district referendum commission, however not later than five days after such notice, to submit nominees for the polling station referendum commission as provided by this article.

17. The Central Election Commission approves its explanation of the procedure of establishment of polling station referendum commissions and distribution of executive positions in these commissions not later than thirty days before the ballot day.

18. Each district referendum commission publishes its decisions on establishing polling station referendum commission in the regional and local printed media not later than the fifth day after the day of adoption of such decision or, where it is impossible, publishes it otherwise within the same term. A decision on establishing the polling station referendum commission of a special polling station established as an exception, and also a decision changing the composition of polling station referendum commissions, is published or otherwise promulgated as is provided herein, however not later than the last day before the ballot day.

19. A decision on establishing a polling station referendum commission, indicating the place of residence of the commissioners is sent not later than the following day after its adoption to the respective body maintaining the State register of voters.

Article 53. Establishing the local commission of an overseas referendum polling station

1. The Central Election Commission creates the local commission of an overseas referendum polling station, not later than fifteen days before the ballot day, as a body consisting of the chairperson, vice-chairperson, secretary and other commissioners. The numerical composition of the local commission of an overseas referendum polling station is determined according to paragraphs 2 and 3 of article 52 of this Law.

2. The composition of the local commission of an overseas referendum polling station may include voters who live or stay in the territory of the respective foreign state during preparation and holding of elections.

3. The right to nominate commissioners of polling station referendum commissions of overseas polling stations is vested in persons specified in paragraph 2 of article 51 of this Law, and also the Ministry for Foreign Affairs of Ukraine.

4. A nominator specified in paragraph 2 of article 51 of this Law submits a list of nominees to be included in the respective polling station referendum commissions of overseas polling stations, not more than one nominee per station, not later than twenty two days before the ballot day, to the Central Election Commission, in the form approved by the Central Election Commission, on paper and electronically. Such submission indicates persons nominated for the chairperson, vice-chairperson and secretary of the commission. Submissions are signed by the chairperson of the initiative group, parliamentary group leader, political party leader or that of an all-Ukrainian public organisation, respectively. The signature of the chairperson of the initiative group is subject to notarisatation. The signature of a parliamentary group leader is attested at the Staff of the Verkhovna Rada of Ukraine. The signature of a party leader or that of an all-Ukrainian public organisation is obsignated by the seal of such political party or all-Ukrainian public organisation, respectively.

5. The Ministry for Foreign Affairs of Ukraine includes in its submissions, subject to it being made within the term established by paragraph 4 of this article, employees of diplomatic or other official missions of Ukraine overseas (in keeping with the requirements of paragraph 3 of article 50 of this Law), servicemen of military units (formations) deployed outside of Ukraine, or other citizens of Ukraine who have the right to vote and live or stay during preparation and holding of elections in the territory of a respective foreign state, in the number not less than the minimum and not more than the average numerical composition of polling station referendum commissions established by paragraph 2 or 3 of article 52 of this Law.

6. A submission of nominees for polling station referendum commissions must indicate the information provided by paragraph 7 of article 51 of this Law and be appended with statements of the persons nominated for such polling station referendum commission, attesting their consent to participate in its proceedings on behalf of the respective nominator.

7. The local commission of an overseas referendum polling station includes, subject to appropriate submission and in keeping with the requirements of paragraphs 5 and 6 of article 52 of this Law, not more than one representative from nominators specified in paragraph 2 of article 51 of this Law.

8. The local commission of an overseas referendum polling station includes, as provided by paragraphs 2, 5 and 6 of this article and articles 50 of this Law, the nominees of the Ministry for Foreign Affairs of Ukraine in such number that the composition of the referendum commission so established meet the requirements of paragraph 2 or 3 articles 52 of this Law.

9. The nominees so proposed may be dismissed only where they fail to meet the requirements established by article 50 of this Law, and also paragraphs 2, 5 and 6 of this article, or those of holding ballot as provided by paragraph 6 of article 52 of this Law.

10. Technical slips of the pen and errors of a submission are not the grounds for dismissing the nominees. The Central Election Commission notifies promptly of such slips and errors the representative of the respective party to the referendum process in the Central Election Commission or the Ministry for Foreign Affairs of Ukraine. Such slips and errors may then be corrected by way of entering the finalised submission as respects such nominees not later than the following day after receipt of such notice. If a finalised submission fails to arrive when due hereunder, the respective nominees are dismissed.

11. Each nominator specified in paragraph 2 of article 51 of this Law, whose nominees have been included in polling station referendum commissions, is entitled to a proportional share of each category of executive positions in the referendum polling station commissions—small, medium and large polling stations taken separately— within the overseas referendum constituency. For each nominator, his share of executive positions in each category of referendum polling stations within the overseas constituency is determined by the number of his nominees included in the referendum commissions of each category of referendum polling stations in the relation to the total of persons included in referendum commissions of the respective category of referendum polling stations from all nominators specified in paragraph 2 of article 51 of this Law. The procedure of distribution of the executive positions among such

nominators, within the limits determined under this paragraph, is established by the Central Election Commission.

12. The person included in a polling station referendum commission upon submission of the Ministry for Foreign Affairs of Ukraine may not be appointed to an executive position in the referendum commission, except as when other candidates for such position have been nominated by nominators specified in paragraph 2 of article 51 of this Law.

13. Where an overseas referendum polling station is established as an exception provided in paragraph 3 of article 46 of this Law, the Central Election Commission establishes the polling station referendum commission at the same time as it establishes the overseas referendum polling station upon submission of the Ministry for Foreign Affairs of Ukraine. Such submission must be made in keeping with the requirements of paragraphs 2, 5 and 6 of this article, and also article 50 of this Law and at the time of making submission seeking establishment of a referendum polling station.

14. The Central Election Commission, within three days of making a decision, under this Law, establishing local commissions of overseas referendum polling stations and their composition, publishes such decision in the nation-wide printed media. The decision establishing local commission of the overseas referendum polling station created as an exception under paragraph 3 of article 46 of this Law is published as and when established by this paragraph, however not later than five days before the ballot day. Publishing information on the location, mailing address and office hours of the polling station referendum commissions created at diplomatic and other official missions or consular offices of Ukraine abroad, including outside of official missions and consular offices of Ukraine, at military units (formations) deployed outside of Ukraine, is carried out by the respective official missions and consular offices of Ukraine in keeping with the local conditions of host states.

Article 54. Powers of the Central Election Commission

1. Powers of the Central Election Commission as respects preparation and holding of an all-Ukrainian referendum are defined by this Law, the Law of Ukraine *On the Central Election Commission* and other laws of Ukraine.

2. In addition to the powers defined by the Law of Ukraine *On the Central Election Commission*, the Central Election Commission:

- 1) oversees observance and equal application of the legislation on the all-Ukrainian referendum by the voters, both district polling station referendum commissions and their commissioners, executive authorities and bodies of local self-government, officials and staff of these bodies, by enterprises, institutions, establishments, organisations and their officials, by the mass media, their owners, officials and creative personnel, by the referendum initiative group, other parties to the referendum process, their representatives and authorised persons, official observers, and other associations of citizens;
- 2) organises training of chairpersons, vice-chairpersons and secretaries of district referendum commissions;
- 3) convenes, where appropriate on its own initiative, meetings of lower-level referendum commission;
- 4) establishes the standards and list of equipment and stock for the premises of referendum commissions and voting, and also types of services and works which may be provided to the referendum commissions;
- 5) causes termination of cash flow in the accounts of the district referendum commissions after expiry of the term of their powers or in the event of infringement of the budget and financial rules; it decides on transfer of cash balance into account of the Central Election Commission;
- 6) provides centralised fabrication and accounting of the all-Ukrainian referendum absentee ballot forms and transfers them to district referendum commissions;
- 7) establishes the procedure of keeping record of ballots and transfers ballot papers to district referendum commissions;
- 8) transfers ballot papers, absentee ballot forms, other documentation, seal and rubber stamps to a representative of the Ministry for Foreign Affairs of Ukraine for further

forwarding such to the polling station referendum commissions of the overseas polling stations;

9) establishes ballot and executes a report on the outcome of voting in the overseas referendum constituency;

10) registers official observers from the parties to the referendum process in the overseas referendum constituency;

11) accredit international observers;

12) exercises the powers of a district referendum commission in the overseas constituency;

13) exercises other powers provided by this and other laws of Ukraine.

3. With the view to provide organisational, legal, and technical support to the Central Election Commission in its exercise of powers provided by this Law and the Law of Ukraine *On the Central Election Commission*, it may involve appropriate specialists, experts and technical staff for the period of elections.

Article 55. Powers of a district referendum commission

1. The powers of a district referendum commission commence on the moment that oath is taken by at least two thirds of its minimum composition, as defined by paragraph 1 of article 51 of this Law, at its first meeting which is held not later than the third day after a decision establishing such commission was made.

2. A district referendum commission:

1) provides preparation and holding of an all-Ukrainian referendum within the territorial referendum constituency;

2) exercises, within the respective territorial referendum constituency, oversight over observance and equal application of the legislation on the all-Ukrainian referendum by the voters, polling station referendum commissions and their commissioners, executive authorities and bodies of local self-government, officials and staff of such bodies, by the enterprises, institutions, establishments, organisations and their officials, by the mass media, their owners, officials and creative personnel, by the referendum initiative group, other parties to the referendum, their representatives and authorised persons, official observers, and other associations of citizens;

3) renders the polling station referendum commissions legal, organisational and methodological, and technical support, organises training of commissioners concerning the organisation of the referendum process;

4) establishes special referendum polling stations, except as provided by paragraphs 5 and 7 of article 45 of this Law, and establishes a common numbering of referendum polling stations in the territorial constituency;

5) establishes polling station referendum commissions under this Law, except as provided in paragraph 15 of article 52 of this Law;

6) convenes, where appropriate on its own initiative, meetings of referendum polling station commission in the respective territorial constituency;

7) decides on use of funds of the State Budget of Ukraine assigned for the preparation and holding of the all-Ukrainian referendum as established by the Central Election Commission;

8) supervises the drawing up of electoral registers by referendum polling stations within the referendum constituency by the bodies authorised by law, transfers such registers to the respective polling station referendum commissions, supervises the providing of such to the general public;

9) supervises activity of executive authorities and bodies of local self-government as respects provision of polling station referendum commissions with voting premises, transportation, communication facilities, and equipment; within its competence, considers and decides other issues of material support of an all-Ukrainian referendum within the referendum constituency;

- 10) transfers ballot papers, absentee ballot forms and other documentation under this Law to the polling station referendum commissions, provides control over keeping record of the ballots and absentee ballot forms within such constituency;
- 11) causes fabrication of seals and rubber stamps and transfers them to the polling station referendum commissions;
- 12) hears reports of polling station referendum commissions, local executive authorities and bodies of local self-government concerning the preparation and holding of the referendum and takes decisions on such issues;
- 13) registers official observers from the parties to the referendum process in the territorial referendum constituency;
- 14) considers and decides on applications and complaints concerning the preparation and holding of the all-Ukrainian referendum within the territorial referendum constituency;
- 15) establishes ballot within the territorial referendum constituency, executes reports of the outcome of voting within the constituency, transfers such and other electoral documentation provided by this Law to the Central Election Commission;
- 16) where warranted by this Law, declares voting at a referendum polling station void;
- 17) provides deposition of the referendum records and other documentation as specified by the Central Election Commission at the appropriate state archives;
- 18) exercises other powers provided herein and in other laws of Ukraine.

3. The powers of a district referendum commission terminate twenty days after the day of official promulgation by the Central Election Commission of the results of an all-Ukrainian referendum as provided by this Law.

4. A district referendum commission ceases to operate as and when provided by article 62 of this Law.

Article 56. Powers of a polling station referendum commission

1. The powers of a polling station referendum commission commence on the moment of taking oath by at least two thirds of its minimum composition as provided by paragraphs 2 and 3 of article 52 of this Law, at a meeting of the commission held not later than the third day after a decision establishing such commission was adopted.

2. A polling station referendum commission:

- 1) oversees steady observance and equal application of the legislation on the all-Ukrainian referendum during voting and count of votes at the referendum polling station;
- 2) receives the electoral register from the district referendum commission and makes such where warranted by this Law, and lays it open for public inspection;
- 3) provides access of voters to official information materials of the referendum, and also to the decisions adopted by the Central Election Commission, the respective district referendum commission, and its own decisions and notices;
- 4) hands over or sends each voter, as and when provided by paragraph 2 of article 68 of this Law, personal invitations indicating the date of holding the referendum, address of the voting premises, time of commencement and end of voting, and the voter's number in the electoral register at the respective polling station;
- 5) provides for keeping record of the ballots and absentee ballot forms received by the commission;
- 6) provides preparation of the voting premises and booths;
- 7) organises voting at the polling station and also at the place of voters who are not capable of unassisted ambulation;
- 8) counts votes cast at the referendum polling station, executes the reports on the outcome of voting at the polling station and transfers such and other referendum records to the respective district referendum commission or (in the case of an overseas polling station referendum commission) sends the report to the Central Election Commission as provided by this Law;
- 9) declares voting at a polling station void on finding circumstances provided under article 106 of this Law;

10) considers and decides, within its powers, on applications and complaints concerning the preparation and organisation of voting at the polling station;

11) exercises other powers provided herein and other laws of Ukraine.

3. the powers of a polling station referendum commission cease fifteen days after the day of official promulgation by the Central Election Commission of the results of the all-Ukrainian referendum.

4. The polling station referendum commission ceases its operation concurrently with termination of its powers.

Article 57. Organising operation of referendum commissions

1. The referendum commission is a collegial body. The basic form of its work is meetings called by the chairperson of the commission or, in case of his absence, by the vice-chairperson, or, if both the chairperson and his deputy are absent, by the secretary of the commission.

2. Where appropriate, a meeting of a referendum commission may be called by decision of the higher-level referendum commission.

3. On a written request of a third of the referendum commission, the chairperson of the commission or his deputy is obliged to call a meeting of the commission not later than next day after receipt of such request.

4. The first meeting of a referendum commission is called by its chairperson, not later than the third day after the day of its creation, and subsequent meetings, as the need arise. Where a referendum commission is established simultaneously with the establishment of the referendum polling station under paragraph 15 of article 52 or paragraph 13 of article 53 of this Law, the first meeting of the commission is called not later than the next day after the day of its establishment.

5. A referendum commission meeting is competent if it is attended by at least two thirds of its members. On the ballot day, in particular, at the counting of votes, establishing the poll at the polling station or ballot within the territorial constituency, a meeting of the district or polling station referendum commission is competent if attended by more than a half of its composition.

6. When a referendum commission meeting is convened, all its commissioners must be notified without fail of the time, place and agenda of such.

7. As a rule, draft decisions of a referendum commission and appropriate documents are made available to its commissioners not later than the last day before the day of the meeting of such commission, however not later the beginning of the meeting.

8. A referendum commission meeting is chaired by the chairperson of the commission or his deputy; where he fails to discharge this function, the commission appoints one of its commissioners president of the meeting.

9. Upon request of at least three members of the commission, and also in pursuance of the decision of a higher level referendum commission or that of court, the referendum commission must consider issues which are within its competence at a meeting held not later than three days of the date of such request or receipt of such decision, but not later than the ballot day, and on the ballot day, except in the case of a polling station referendum commission, without delay. Upon request of so many of its commissioners made on the ballot day or in pursuance of a decision of the higher level commission or court, rendered on the ballot day, the polling station referendum commission must hold meeting to consider issues which are within its competence immediately after the end of voting.

10. A commission passes decisions by show of hands of its full list, except as otherwise provided by this Law.

11. A commission's decision takes effect on moment of its adoption, except as otherwise provided by this Law.

12. Decisions of a meeting of a district or polling station referendum commission held on the ballot day, in particular, at the count of votes, establishing the poll at the polling station, or ballot within the territorial constituency, provided it is attended by not less than two thirds of the full list of its commissioners, are taken by not less than two thirds of the commissioners attending such meeting.

13. A referendum commissioner taking part in its commission's meeting who does not agree with a decision taken by it may, within two days of the meeting where such decision was taken, file in writing his dissenting opinion which is attached as an integral part to the respective report of the referendum commission's meeting.

14. A decision of a referendum commission taken by it within the limits of its competence is binding upon all parties to the referendum process, executive authorities and bodies of local self-government, their officials and staff, and also mass media.

15. A decision of a referendum commission which contradicts the legislation of Ukraine or has been taken in excess of its powers may be quashed by a higher level referendum commission or is recognised unlawful and annulled by the court, in which case the higher level referendum commission may pass a dispositive decision.

16. Statements, complaints and other documents which are delivered to a referendum commission are received and filed as established by the Central Election Commission.

17. With the view to providing organisational, legal, and technical support to a referendum commission exercising its powers provided by this Law, the referendum commission may involve, as established by the Central Election Commission, appropriate specialists, experts and technical staff.

18. Except as otherwise provided by law, no-one may interfere with the proceedings of any referendum commissions.

Article 58. The right to be present at commission meetings

1. Representatives of the referendum initiative group at the Central Election Commission or of other parties to the referendum process, such as deputy groups of the Verkhovna Rada of Ukraine, political parties or all-Ukrainian public organisations, take part in meetings of the Central Election Commission with the deliberative vote.

2. Authorised persons of the parties to the referendum process in the nation-wide referendum constituency, international observers, and also representatives of mass media accredited as established by the Central Election Commission may be present at meetings of the Central Election Commission without its permission or invitation.

3. The right to be present at meetings of a district or polling station referendum commission without their permission or invitation, including count of votes and establishing of the poll, if such meeting is held on the voting premises of a referendum polling station on the ballot day, is vested exclusively in:

- 1) members of higher level referendum commissions;
- 2) authorised persons of the referendum initiative group, other parties to the referendum process, official observers from the parties to the referendum process (not more than two persons together— authorised persons or official observers— from one such party);
- 3) the accredited international observers;
- 4) representatives of mass media (not more than two persons from one mass media outlet).

4. Other persons, in addition to those specified in paragraph 3 of this article, may be present at a referendum commission meeting only upon permission or invitation of such commission, on which it takes decision at a meeting. Presence of persons not provided under paragraph 3 of this article at a referendum polling station during voting, and also at a referendum commission's meeting held during counting of votes and establishing the poll is forbidden.

5. A referendum commission may take a reasoned decision to deny persons specified in paragraphs 3 and 4 of this article the right to be present at its meeting if they unlawfully interfere with its conduct. Such decision is taken by two thirds of the commission's composition.

6. On the ballot day and during the counting of votes, law enforcement officers may protect law and order protection only outside the voting premises. In the event that law and order is violated, the chairperson, vice-chairperson or secretary of the commission may invite an officer of law only to take measures aimed at restoration of law and order and for such time only as is necessary for such measures.

Article 59. Documenting proceedings of the referendum commission

1. The proceedings of a referendum commission is documented as established by this article and the record-keeping rules of electoral and referendum commissions as approved by the Central Election Commission.

2. At a referendum commission meeting, minutes of such meeting are taken by the secretary of the commission. Where the secretary is absent or fails to exercise his powers at a meeting, the commission appoints another commissioner the secretary of the meeting who fulfils the duties of the secretary of the commission at the respective meeting and formalises its reports. The minutes of a commission's meeting are subscribed by the presiding commissioner and the secretary of the commission (or the secretary of the meeting). The minutes of a commission's meeting is made available to the commissioners for perusal not later than at the following meeting of the commission, at which time commissioners have the right to sign them.

3. The decision of a referendum commission on an issue is made out in the form of a resolution which must contain:

- 1) the commission's name;
- 2) the title of the resolution;
- 3) the date, place, and serial number of the resolution;
- 4) the reasons referring to the circumstances which called for the consideration of such issue at the commission's meeting, and the references to the respective legal and regulatory provisions or the resolution of the higher-level electoral commission or court decision by which the commission was guided as it made such resolution;
- 5) the operative part.

4. A resolution is subscribed by the commissioner presiding the referendum commission meeting. The content and number of the resolution must be noted in the minutes of the respective meeting of the commission.

5. A resolution made by a district or polling station referendum commission is posted for public inspection at the official notice board of the commission not later than the next morning after its adoption; any such resolution adopted on the eve of the ballot day, on the ballot day, and at establishing the poll, not later than four hours after the end of the meeting of the referendum commission. Within the same term, such resolution is brought to notice of the relevant parties to the referendum process. A copy of the resolution certified by the chairperson of referendum commission or his deputy and the secretary of the commission and obsignated by the seal of the referendum commission is issued, not later than four hours after its adoption or, on in ballot day, without delay, to the party to the referendum process concerned, on his request. The official notice board of the commission is placed on the commission's premises at a place freely accessible to visitors.

6. A commission may take protocolary decisions in regard of its operating activities.

7. A referendum commission draws up acts and reports. An act certifies a specific fact or event found and recognised by the commission. A report establishes the results of certain actions executed by the commission.

8. Acts and reports of referendum commissions are executed as provided by this Law, in the forms approved by the Central Election Commission and in such number of copies as is established by this Law. Any such act or report is signed by all the commissioners who are present at the meeting, their signatures subject referendum commission sealing. The representatives of parties to the referendum process present at a meeting of the Central Election Commission or authorised persons of these parties and official observers have the right to sign the first copy of an act or report.

Article 60. Status of Commissioner of Electoral Commission

1. Status of a commissioner of the Central electoral commission is determined by the Law of Ukraine "On Central Electoral Commission".

2. Status of a referendum commissioner of a District referendum commission or polling station, as well as procedure to acquire such status is determined by this Law .

3. Any commissioner of a District referendum commission or polling station, at the first meeting of the respective commission where he/she is a participant, must, without fail,

become familiar with the Parts seven through twelve of this Article and after that take the following commissioner's oath:

«I, (name), undertaking referendum commissioner's powers and being conscious of my high responsibility before the Ukrainian people, swear compliance with the Constitution and laws of Ukraine, performing honestly and bona fide my duties and respecting rule of law, lawfulness, objectivity and impartiality, ensuring exercise and protection of rights of the citizens of Ukraine to participate in an All-Ukrainian referendum».

4. The sworn person puts his/her signature under the text of the oath. This document is an integral part of the respective commission's documentation. Upon swearing, the commissioner receives a certificate signed by the head of a higher level commission.

5. Refusal to make the oath means the person's refusal to be a commissioner.

6. By referendum commission decision, subject to approval of a higher level commission, Head, Deputy Head, secretary or other commissioners of District referendum commission or polling station (but not more than three persons at a time) may continue exercising their powers at the referendum commission receiving compensation for their work at the commission in accordance with the Article 71 of this Law or exercising their powers for a fee on the basis of a legal agreement between them and respective District referendum commission during the whole period of the commission's powers or a part of such period. The aforementioned persons are released from performance of their production or service duties at their main place of employment during such period, which accounted for as part of their length of general or special service.

7. Referendum commissioner has the right to:

- 1) take part in preparation of the issues to be reviewed by the referendum commission;
- 2) speak at the referendum commission's meetings, ask other meeting participants questions concerning agenda items, make proposals on the matters within the commission's competence;
- 3) inspect activities of lower level commissions by delegation of the respective referendum commission;
- 4) review without any hindrance documents pertaining to the referendum commission, which he/she is a commissioner of and to lower level commission on the respective territory;
- 5) be compensated for a damage caused to his/her life, health or property in connection with performance of the referendum commissioner's duties including travel expenses associated with performance of the referendum commissioner's duties as per procedure and in amounts established by the Cabinet of Ministers of Ukraine.

8. Commissioner may not be dismissed or demoted on the grounds related to performance of his/her duties of a referendum commissioner.

9. Referendum commissioner must:

- 1) comply with the constitution of Ukraine, this and other Laws of Ukraine in the matters of preparation and holding of referendum;
- 2) participate in meetings of the referendum commission;
- 3) execute the referendum commission's decisions and duties assigned to the commissioner according to distribution of responsibilities within the commission.

10. The referendum commissioner also has other rights and obligations according to this and other Laws of Ukraine.

11. At the time of direct performance of the referendum commissioner's duties (participation in the commission's meetings, other activities to comply with this Law or commission's decisions), any referendum commissioner is subject to safeguards and compensations established by the Legislation for employees for the period of time while they perform public or civil duties during working hours. The referendum commissioners must be released from their service duties at their permanent place of employment for the period of time required to exercise commissioner's duties on the basis of a written notice given by the Head, Deputy Head or secretary of the respective referendum commission concerning convocation of the commission meeting or referendum commission's decision to involve the

commissioner in any other activities envisioned by this Law. Such notices or decisions must include date, time and scheduled duration of the commission meeting or other activity.

12. During their commissioner's office, the referendum commissioners are forbidden from making any agitation in support or against questions for the referendum or evaluate in public such questions, advocates or opponents of the referendum.

Article 61. Early Termination of Powers of Referendum Commission or Referendum Commissioner

1. Powers of the whole District referendum commission or polling station may be terminated at an early date by the respective founding commission by initiative of the latter or on the basis of a judicial decision in case of systematic breach by the former of the Constitution of Ukraine, this and other Laws of Ukraine.

2. Early termination of powers of the whole referendum commission is not a liquidation of this commission.

3. Powers of a commissioner of a district referendum commission or polling station may be terminated at an early date by the respective founding commission due to the following:

- 1) personal letter of resignation from the commissioner;
- 2) recall of the commissioner by this commissioner's nominator;
- 3) termination of the commissioner's citizenship in Ukraine;
- 4) absence during the period until the voting day inclusively on the territory of Ukraine or country where an overseas referendum polling station was established, which makes it impossible for the person to perform commissioner's duties;
- 5) commissioner's registration at Central electoral commission as a representative of a party to referendum process or authorized person of a party to the referendum process;
- 6) commissioner's participation in another referendum commission;
- 7) refusal to make the commissioner's oath;
- 8) breach of the commissioner's oath revealed through systematic failure to comply with the assigned duties, the fact of which has been certified by at least two decisions of this commissioner's referendum commission in this regard;
- 9) repeated or one-time serious breach of the Legislation of Ukraine on referendum, the fact of which has been established by a judicial decision or decision of a higher level referendum commission;
- 10) coming into effect of commissioner's conviction made by a court for intentional crime;
- 11) commissioner being proclaimed incompetent;
- 12) commissioner's death.

4. The referendum commissioner's powers shall be terminated from the moment of rise or finding of the circumstances envisioned in Items 1, 3, 5 to 7 and 10 to 12 of the Part three of this Article while termination of such powers under the circumstances envisioned in Items 2, 4, 8 and 9 of the Part three of this Article takes place from the moment when decision on termination of the commissioner's powers has been made.

5. The higher level referendum commission that provided for the early termination of powers of the whole commission, a separate commissioner or found grounds to terminate such powers, notifies on that, not later than on the following day, nominators of the commissioners whose powers were terminated at an early date or with regard to which grounds were found to terminate their powers.

6. In case of early termination of powers of the whole referendum commission, the respective higher-level commission, not later than on the seventh day after the termination of the commission's powers but not later than on the last day before the voting day, approves the new referendum commission's composition in accordance with the procedure established by this law.

7. In case of early termination of powers of a commissioner of referendum commission, the respective higher-level commission, not later than on the seventh day after the

termination of the commissioner's powers but not later than on the last day before the voting day, includes in the commission another person in place of the commissioner whose powers were terminated in accordance with the procedure established by this Law.

8. In case of early termination of powers of referendum commission commissioner on the last day before the voting day, such decision is made on the same time with the decision to include in the respective commission another person representing the same nominator.

9. Nominator of the commissioner whose powers were terminated at an early date, has the preemptive right to nominate a commissioner to replace the one that has left the referendum commission. Such nomination exercised in accordance with requirements of this law can not be rejected.

10. In case of an early termination of powers of a commissioner of an overseas referendum polling station commission, provided that there is no statement of the nominator mentioned in the Part nine of this Article, another person nominated by the Ministry of Foreign Affairs is included in the commission solely in case if the number of the commissioners of the polling station commission has become smaller than the minimal number established by Parts two and three of the Article 52 of this Law.

11. Referendum polling station commission, not later than three days before the voting day, presents the respective Registry with the decision on early termination of powers of the whole commission or of a separate commissioner of a referendum polling station commission, as well as on inclusion in the commission of another person instead of the leaving commissioner.

12. In case if the Head, Deputy Head or secretary of the referendum commission systematically fails to comply with his/her obligations, the respective district or polling station commission may present the founding referendum commission with a substantiated petition to replace such person, provided that at least two thirds of the commissioners have voted for that. Such petition is subject to mandatory review within the terms established in Part seven of this Article. The decision to replace the referendum commission Head, Deputy Head or secretary does not entail termination of powers of such persons as commissioners of the respective referendum commission. Such decision is made with consideration of requirements of Parts eleven and twelve of Article 51 and Parts twelve and thirteen of Article 52 of this Law.

Article 62. Acquiring and Termination of a Status of Legal Entity by District Commission

1. District referendum commission acquires and terminates status of a legal entity as per procedure envisioned by the Laws of Ukraine including peculiarities established by this Law.

2. District referendum commission acquires status of a legal entity from the moment when the record with data of the commission has been made in the Unified State registry of legal entities and natural persons-entrepreneurs.

3. In order to make a record with data of District referendum commission in the Unified State register of legal entities and natural persons-entrepreneurs, the commission Head or, in his/her absence, the Deputy Head, not later than six days after establishment of the commission must present the State registrar within the District referendum commission's jurisdiction with a copy of the respective resolution of Central electoral commission on establishment of the commission and completed registration card in appropriate form.

4. State registration of a District referendum commission as a legal entity is not subject to collection of registration fee.

5. Status of District referendum commission as a legal entity is terminated by making a record on taking the commission out of the Unified State register of legal entities and natural persons-entrepreneurs.

6. Not later than five days after official promulgation of All-Ukrainian referendum outcome the District referendum commission Head or, in his/her absence, Deputy Head personally presents the registry with the written notice on the date of termination of the commission.

7. On the basis of the notice mentioned in Part six of this Article, information on the date of termination of the District referendum commission is published in the Bulletin of State registration, which constitutes grounds to file claims concerning debts with the commission.

8. Publication of the notice on termination of District referendum commission is not subject to collection of a fee.

9. In order to register with the State registry the termination of district referendum commission as legal entity through liquidation, the commission Head or, in his/her absence, Deputy Head, upon completion of the commission liquidation procedure but not earlier than thirty days from the day of official promulgation of the elections outcome, must personally present the State registrar located within the commission jurisdiction with the completed registration card in appropriate form, certificate on State registration of the legal entity, certificate of archive on receipt of the documents subject to long-term custody in accordance with the law, as well as Act of joint inspection by financial audit authorities. No additional documents to complete State registration of termination of District referendum commission as a legal entity resulting from its liquidation are required.

10. District referendum commission Head or, in his/her absence, Deputy Head submits the certificate on State registration of legal entity with the note on termination of the State registration on it to Central electoral commission.

Section VII. Voter Registers

Article 63. Procedure to Prepare Voter Registers For Ordinary Polling Stations

1. Voter registers for ordinary polling stations of All-Ukrainian referendum are prepared by voter State registries (hereinafter referred to as "registry") as per procedure established by the Law "On Voter State Register".

2. To ensure public supervision over the preparation process and credibility of voter registers Central electoral commission, not later than fifty days before the voting day establishes central and regional (in Autonomous Republic of Crimea, Oblasts, cities of Kyiv and Sevastopol) supervision teams containing 10 persons each. Any of such teams includes, without fail, one each representative of people's deputy factions in the current convocation of Verkhovna Rada and of the Group of referendum initiators. If the total quantity of nominees to the respective supervision team exceeds ten, representatives of other parties to the referendum mentioned in Item 5 of Article 17 of this Law are included in such group by sortition ensuring parity representation of advocates and opponents to the referendum. Nominees to the supervision teams are submitted to the Central electoral commission not later than sixty days before the voting day. Such submission is signed, respectively, by the Group of referendum initiators leader, faction leader, leader of party and All-Ukrainian non-governmental organization. Signature of the leader of the group of initiators is subject to certification by a notary. Signature of a faction leader is subject to certification by staff of Verkhovna Rada of Ukraine. Signature of a leader of a party or All-Ukrainian non-governmental organization is to be affirmed with a seal of the party or All-Ukrainian non-governmental organization respectively.

3. Members of supervision teams have the right to:

1) become familiar with the progress of preparation of voter registers by registries within the respective territory;

2) become familiar with the process of finalization of voter registers on the referendum polling stations within the respective territory.

4. Members of Central supervision team have powers established by Part three of this Article with regard to the voter registers at overseas referendum polling stations.

5. Not later than twenty five days before the voting day all registries on the territory of Ukraine prepare preliminary voter registers for each referendum polling station with consideration of those established in accordance of the Part three of Article 44 of this Law.

6. The preliminary voter register at an ordinary referendum polling station includes voters pertaining to this polling station according to their personal data contained in the register database. Voter register does not include persons whose records are contained in

the register database, which, however, do not have vote power, died or left their voting address (including temporarily on the voting day).

7. Preliminary voter registers are prepared in the format established by Central electoral commission. The preliminary voter register has a through numbering of the voters. Voters' details in the register are given by order of their voting addresses so that details on voters having the same address are next to each other. The preliminary voter register must, without fail, indicate:

- 1) voter's name, first name (all first names) and patronymic (if any);
- 2) year of birth (for voters who have been 18 in the referendum year, the date of birth must be indicated);
- 3) voter's voting address (without zip code and country of residence);
- 4) note on voter's permanent inability to walk (if necessary).

8. Two copies of the preliminary voter register are made for each ordinary polling station. Each one of the copies of the preliminary voter register for the respective ordinary referendum polling station is authenticated with signature of the registry leader and affirmed with this body's seal to be put on every sheet.

9. Not later than twenty one days before the voting day the registry leader submits the preliminary voter registers at ordinary polling stations in two hard copies and in electronic form to the district referendum commission of the territorial district, which the respective administrative-territorial unit (respective ordinary referendum polling stations) belong to. The district commission accepts the preliminary voter registers at their meeting. Two copies of an act of acceptance of the preliminary voter registers are made in the format established by Central electoral commission.

10. Not later than on the day following the day of receipt of the voter registers, the district referendum commission makes available one each of the copies of the preliminary voter register to voters and representatives of parties to the referendum process for review. The registers are made available in a room of the district commission allocated for this purpose in the presence of a commissioner of the commission. The notice on making the preliminary voter registers available for review including place and time when and where such registers may be reviewed is published within fourteen days after the day of receipt of the registers by the district commission in local mass media and promulgated, at least four times a week during the same term, through local TV and radio channels.

11. Not later than on the day following the first meeting of the district referendum commission, this commission passes one copy of the preliminary voter register at an ordinary polling station to the respective referendum polling station commission. The second copy is kept by the district referendum commission. At least three commissioners of this commission representing different parties to the referendum process, both advocates and opponents to the referendum, receive the voter register on behalf of the district referendum commission; the commission Head or, if it is not possible, the Deputy Head or secretary of the commission must be in this number. Two copies of Act of transfer of the voter register to the District referendum commission are made in the form and as per procedure established by Part eight of Article 59 of this Law. One copy of the Act together with the voter register is received by the referendum polling station commission; the second copy is kept by the District commission.

12. Authorized person of the party to the referendum process in a territorial district is entitled to receive from the respective district referendum commission a copy of the voter register for each ordinary referendum polling station of the respective referendum territorial district in electronic format.

Article 64. Absentee Ballots For Vote Power At All-Ukrainian Referendum

1. To ensure conditions to exercise the vote power and one-time personal voting at an All-Ukrainian referendum for the voters, which are not at their residence location on the voting day, absentee ballots confirming the vote power at an All-Ukrainian referendum are used (hereinafter referred to as "absentee ballots"). The absentee ballot certifies the fact of the voter being taken out of the voter registers at ordinary or overseas referendum polling

station and constitutes grounds to register the voter with a voter register at another polling station as per procedure established by Article 65 of this Law.

2. The absentee ballot form is established by the Central electoral commission not later than sixty days before the voting day. Absentee ballot blank forms have single numbering on the whole territory of Ukraine.

3. The absentee ballot blank form is to contain space for:

- 1) last name, first name and patronymic of the voter receiving the absentee ballot;
- 2) numbers of territorial or indications of the overseas referendum district and numbers of the referendum polling station issuing the ballot;
- 3) numbers of territorial or indications of the overseas referendum district where the voter intends to vote;
- 4) last names and signatures of two commissioners of the referendum polling station commission that issued the absentee ballot;
- 5) date of issue of the absentee ballot;
- 6) seal of the referendum polling station commission;
- 7) signature of the voter that has received the absentee ballot.

4. Absentee ballot blank form is a document subject to strict control. The procedure to keep records of and to use the absentee ballot blank forms is established by this Law. The procedure to manufacture the absentee ballot blank forms, to receive them by the Central electoral commission from the manufacturer and to distribute them to the district commissions is established by the Central electoral commission.

5. The quantity of the absentee ballot blank forms to be manufactured is two per cent of the estimated quantity of the voters as of the day of the referendum process beginning.

6. Central electoral commission provides for manufacturing of the absentee ballot blank forms in a centralized manner not later than twenty five days before the voting day by a State-owned printing enterprise on the basis of an agreement to be concluded between this commission and the enterprise. The manufacturer strictly complies with the ordered quantity of the absentee ballot blank forms to be manufactured, ensures keeping record of them and their transfer in accordance with decisions of the Central electoral commission.

7. Central electoral commission, district and polling station referendum commission ensure storage and keeping of strict records of received and issued absentee ballots blank forms according to the requirements of this Law. Documentation aimed at ensuring custody and keeping records of the absentee ballots blank forms is passed by the manufacturer, district and polling station referendum commissions to Central electoral commission. Central electoral commission, after official promulgation of the referendum outcome, ensures transfer of the records for custody of the respective archive organizations.

8. Central electoral commission, not later than twenty days before the voting day, transfers to the district referendum commissions the absentee ballots blank forms in amount not to exceed two per cent of the quantity of the voters registered with the voter registers within respective referendum territorial district as per procedure established by the Central electoral commission.

9. District referendum commission uses the procedure established by Part eleven of Article 63 of this Law to transfer to the polling station commissions of the ordinary referendum polling stations, together with the voter registers, the absentee ballot blank forms in amount not to exceed two per cent of the quantity of the voters at the respective referendum polling station. The fact of transfer of the absentee ballot blank forms to the polling station commission is documented by the act in the form and as per procedure established by Part eight of Article 59 of this Law.

10. The absentee ballot blank forms are not to be transferred to the polling station commission of the referendum special polling station.

11. The absentee ballots blank forms are transferred to the polling station commissions of the overseas referendum polling station commissions as per procedure established by the Central electoral commission in amounts equaling to one per cent of the quantity of the voters included into the voter register at the respective referendum polling station at the time of transfer of the absentee ballot blank forms.

12. The absentee ballot blank forms that have not been transferred to the polling station commission are kept with the district referendum commission. The required quantity of the blank forms is transferred to the indicated referendum polling station commission as per procedure envisioned by Part eleven of Article 63 of this Law on the basis of a written substantiated application of the regular referendum polling station commission not later than seven days before the voting day by decision of the District referendum commission.

13. At 8 p.m. of the last Wednesday before the voting day the referendum polling station commission establishes the quantity of the voters that have received the absentee ballots and counts the quantity of non-used absentee ballot blank forms. The non-used absentee ballot blank forms are cancelled by means of separating the lower right corner of them. The Act of cancellation of the absentee ballot blank forms is compiled in the form and as per procedure established by Part eight of Article 59 of this Law. Two copies of such Act are made: one of them is passed to District referendum commission not later than on the following day and the other copy of the Act is kept by the polling station commission together with the referendum documentation. The Act includes:

- 1) quantity and numbers of the absentee ballot blank forms received by the referendum polling station commission;
- 2) quantity of the voters that received the absentee ballot blank forms;
- 3) quantity of non used and cancelled absentee ballot blank forms;
- 4) numbers of non used and cancelled absentee ballot blank forms;
- 5) numbers of referendum territorial districts (including an overseas district) where the voters that received the absentee ballots intend to vote and the quantity of such voters at every referendum territorial district.

14. When preparing the Act envisioned by Part thirteen of this Article, the referendum polling station commission checks whether the quantity of the received absentee ballot blank forms equals to the total quantity of the voters that received the absentee ballots and to the quantity of the cancelled absentee ballot blank forms. If there is a discrepancy in this data, the referendum polling station commission points that out in the aforementioned Act and also indicates the reason for such discrepancy as established by the decision of the polling station commission.

15. The cancelled non used absentee ballot blank forms are packed as per procedure established by Part ten of Article 102 of this Law. The package bears the text: «Cancelled absentee ballot blank forms confirming the vote power at All-Ukrainian referendum».

16. The package of the cancelled absentee ballot blank forms and the Act of cancellation of non used absentee ballot blank forms are kept by the secretary of the referendum polling station commission until completion of the voting and delivered to the District referendum commission together with the referendum documentation mentioned in Part eleven of Article 105 of this Law.

17. At 8 p.m. of the last Wednesday before the voting day District referendum commission cancels the non used absentee ballot blank forms as per procedure established by Part thirteen of this Article. The Act of the district referendum commission of cancellation of non used absentee ballot blank forms includes:

- 1) quantity and numbers of the absentee ballot blank forms received by District referendum commission;
- 2) quantity and numbers of the absentee ballot blank forms transferred to the referendum polling station commission;
- 3) numbers of non-used absentee ballots that have been kept by District referendum commission;
- 4) quantity of the absentee ballots cancelled by District referendum commission.

18. District referendum commission packs cancelled non used absentee ballot blank forms as per procedure established by Part ten of Article 102 of this Law. The package bears the text: «Cancelled absentee ballot blank forms confirming the vote power at All-Ukrainian referendum». The package of cancelled absentee ballot blank forms and the Act of cancellation are kept by the secretary of District commission until completion of the minutes on outcome of voting within referendum territorial district.

Article 65. Procedure to Receive and Use Absentee Ballots By Voters

1. The voter that leaves the settlement where he/she is registered in the voter register at an ordinary referendum polling station not earlier than fourteen days before the voting day or returns within the same span of time to Ukraine from abroad, may apply in writing to the polling station commission requesting issuance of an absentee ballot and exclusion of this voter from the voter register. The application includes the reason why he/she can not vote at his/her residence location and the number of the referendum territorial district or an overseas referendum district where he/she intends to vote on the voting day. Such application may be submitted by the voter not later than at 8 p.m. of the last Wednesday before the voting day. Such application and one of the documents mentioned in Part five (for ordinary polling stations) or seven (for overseas polling stations) of Article 6 of this Law constitute grounds for issuing an absentee ballot to such voter by two commissioners of the referendum polling station commission.

2. When issuing an absentee ballot on the grounds of the voter's application according to Part one of this Article, two commissioners of the referendum polling station commission enter in the absentee ballot blank form data and notes mentioned in Items 1 through 6 of Part three of Article 64 of this Law; they offer the voter to sign the absentee ballot blank form in the space left for this purpose. The note "Absentee ballot no. (the absentee ballot number is indicated) is made in the document presented according to Part five or seven of Article 6 of this law on the page "special notes" or in another appropriate place and also the following information is indicated: date of the note, number of territorial or overseas referendum district and referendum polling station where the absentee ballot has been issued. The note is certified by signatures of two commissioners of the referendum polling station commission with their names and the seal of the polling station commission is affixed. The date of issue and the number of the absentee ballot are entered in the "voter's signature" column of the voter register; and in the "note" column the commissioners of the referendum polling station commission that issued the absentee ballot sign. The commissioners of the referendum polling station commission, on the basis of the place where the voter has stated to be on the voting day (city, district, oblast) must identify on their own the number of the referendum territorial district and issue certificate indicating the address of the respective district referendum commission to the voter and also notify the voter on the terms to address the respective district referendum commission in order for him/her to be registered in the voter register on the basis of the absentee ballot.

3. District referendum commission, not later than twenty five days before the voting day, identifies one big or medium size ordinary referendum polling station within the referendum territorial district created on the territory of a big city or, within other referendum territorial districts, one each big or medium size ordinary referendum polling station on the level of territory of every city or Oblast (republic for the Autonomous Republic of Crimea) or district center of every district, as well as in resort territories being a part of the referendum territorial district where the voters registered in the voter register on the basis of the absentee ballots are to vote.

4. The absentee ballot constitutes grounds to register the voter in the voter register in the referendum territorial (overseas) district indicated on it solely as per procedure established by Part six of this Article.

5. The voter that received at an ordinary referendum polling station an absentee ballot in order to vote within an overseas referendum district has the right to be registered in the voter register and to vote at any overseas referendum polling station. The voter votes at an overseas referendum polling station on the basis of the absentee ballot as per procedure established by Part five of Article 71 of this Law.

6. Voter intending to vote within territory of Ukraine on the basis of an absentee ballot files, not later than at 4 p.m. of the last Friday before the voting day, an application to be submitted together with the absentee ballot and the document containing note on issuance of the absentee ballot to District referendum commission of the territorial district indicated in

the absentee ballot. The voter indicates in this application, which one of the polling stations identified in accordance with Part four of this Article he/she intends to use for voting.

7. Absentee ballot does not allow the voter to vote within the referendum territorial district or a big city, on the territory of which the referendum district has been created, where such ballot has been issued.

8. District electoral commission prepares for every referendum polling station identified according to Part three of this Article the voter register for voting on the grounds of the absentee ballots at this station in the form established by Central electoral commission. In this case the number of the absentee ballot and signatures of two commissioners of the district referendum commission are put next to the each voter's name in the "note" column. The voter is not included in the voter register for voting on the grounds of the absentee ballots if the absentee ballot is not issued in appropriate form, fails to comply with requirements of Parts four, six or seven of this Article or the information entered in it is different from the information contained in the note on receipt of the absentee ballot according to Part two of this Article. The absentee ballot is not valid without the voter's signature.

9. When a District referendum commission registers a voter in the voter register for voting on the grounds of absentee ballots, the note on receipt of the absentee ballot envisioned by Part two of this Article is cancelled by means of crossing out the seal of the referendum polling station commission that issued the absentee ballot indicating the date of cancellation and with signatures of two commissioners of District referendum commission.

10. Voter register for voting on the grounds of absentee ballots prepared by District referendum commission as per procedure established by Part eight of this Article is transferred to the polling station commission of the respective referendum polling station identified in accordance with Part four of this Article not later than at 4 p.m. of the last Saturday before the voting day. Such transfer is conducted by two commissioners of District referendum commission at a meeting of the respective referendum polling station commission, which fact is certified by an Act prepared in the form and as per procedure established by Part eight of Article 59 of this Law. The aforementioned register is an integral part of the voter register for voting at the respective polling station. The voters and the sheets in the voter register for voting on the grounds of absentee ballots are numbered separately from the numbering of the voters and numbering of the sheets in the voter register received by the polling station commission in accordance with Part eleven of Article 63 of this Law.

11. District referendum commission, not later than 16 hours before beginning of voting, submits to Central electoral commission summarized information on quantity of the absentee ballots issued by all referendum polling station commissions of the respective territorial district and on quantity of voters intending to vote on the grounds of absentee ballots at this referendum territorial district and in each one of the others. Not later than twelve hours before the beginning of voting, Central electoral commission presents the respective District referendum commissions with information on expected quantity of the voters that vote on the grounds of absentee ballots at the respective territorial districts based on data on the absentee ballots issued to the voters and also makes such information public at its official web-site.

Article 66. Preparation of Voter Registers at Special Referendum Polling Stations

1. The voter registers at the special referendum polling stations are prepared not later than ten days before the voting day by referendum polling station commissions of these polling stations in the form indicated in Part seven of Article 63 of this Law on the basis of the data submitted by leaders of respective institutions, establishments, captains of ships, commanders of military units (formations) where such polling stations have been established. The voters that are to leave hospitals before the voting day are not included in the submission and in the voter register at the referendum polling station created at such establishment.

2. The data mentioned in Part one of this Article are submitted in one copy signed by the leader of a respective establishment, institution, captain of a ship, commander of military unit (formation) and affirmed with an appropriate seal. The leader of the respective establishment, institution, captain of a ship, commander of military unit (formation) makes sure, not later than eleven days before the voting day that the aforementioned data are submitted to the referendum polling station commission and that they are reliable.

3. The voter register at the special referendum polling station is prepared in triplicate. On the day following the day when the voter register at the station was prepared, the polling station commission of the special referendum polling station makes one copy of it available for public review at the location of the referendum polling station commission. Within the same term, the polling station commission submits the second copy of the voter register to District referendum commission and the third one, to the respective registry.

4. In case of establishment of a special referendum polling station in exceptional circumstances according to Part seven of Article 45 of this Law, the voter register is prepared by the referendum polling station commission not later than seven days before the voting day on the basis of the data submitted by the leader of the respective institution, establishment, captain of a ship, commander of military unit (formation). The aforementioned data are submitted not later than eight days before the voting day in one copy signed by the leader of the respective institution, establishment, captain of a ship, commander of military unit (formation) and affirmed with the respective seal. Upon completion of the voter register at such referendum polling station the second copy of the voter register is passed without delay to the respective District referendum commission and the third one, to the respective registry.

5. Content of the voter register at the referendum polling station established on a ship, which sails under State banner of Ukraine or at Ukrainian polar station may be transmitted to the district referendum commission and respective registry via communication means.

Article 67. Procedure to Prepare Voter Register at Overseas Referendum Polling Stations

1. The registry of the voters living or staying beyond boundaries of Ukraine prepares voter registers for each overseas referendum polling station in the form indicated in Part seven of Article 63 of this Law.

2. Overseas referendum polling stations' voter registers in hard copies and in electronic form are submitted, not later than twenty one days before the voting day, by the Ministry of Foreign Affairs of Ukraine to Central electoral commission. Such voter registers in hard copies are signed by the Deputy Minister of Foreign Affairs of Ukraine whose signature is affirmed with a respective seal.

3. Not later than twelve days before the voting day, the voter registers signed by the Deputy Minister of Foreign Affairs of Ukraine are passed to the respective referendum polling station commissions of overseas referendum polling stations.

4. In case of establishment of an overseas referendum polling station in exceptional circumstances according to Part three of Article 46 of this Law, the voter register is prepared by the referendum polling station commission not later than seven days before the voting day on the basis of the data submitted by the leader of the respective official representative office or Consular establishment of Ukraine, commander of military unit (formation). The aforementioned data are submitted not later than eight days before the voting day in one copy signed by the leader of the representative office, establishment, commander of military unit and affirmed with appropriate seal. Upon completion of the voter register its content is transmitted without delay to Central electoral commission and the registry at the Ministry of Foreign Affairs of Ukraine via communication means.

Article 68. Procedure of Review of Voter Register by Voters And to Appeal Against Mistakes in The Voter Register

1. Polling station commission of an ordinary referendum polling station, upon receipt of the voter register at the referendum polling station as per procedure and within the terms

envisioned by Part eleven of Article 63 of this Law, on the next day makes it available for public review at the location of the referendum polling station commission.

2. Polling station commission of an ordinary and overseas referendum polling station, not later than seven days before the voting day, sends out to every voter a personal invitation, which informs him/her about his/her registration in the voter register of the respective referendum polling station, voter's number in the voter register, address of the referendum polling station commission, its telephone number and business hours, as well as about voting time and place. The voters, with regard to which the voter register contains note on their inability to walk, are informed by the same invitation that they will be given an opportunity to vote at their residence.

3. Polling station commission of a special referendum polling station, upon completion of the voter register as per procedure and within the terms envisioned by Parts one or four of Article 66 of this Law, on the following day makes it available for public review at the location of the referendum polling station commission.

4. Polling station commission of an overseas referendum polling station, upon receipt of the voter register at the referendum polling station as per procedure and within the terms envisioned by Part three of Article 67 of this Law or upon completion of the voter register as per procedure and within the terms envisioned by Part four of Article 67 of this Law, on the following day makes it available for public review at the location of the referendum polling station commission.

5. Every citizen is entitled to review the voter register at the location of the referendum polling station commission and to check correctness of the data entered in the voter register. Citizens are entitled to appeal against mistakes made during preparation of the voter register including failure to register, wrong registration or exclusion from the voter register of such citizen or any other persons, as well as presence or absence of notes on the voter's inability to walk. The respective complaint in the form established in the Article 121 of this Law (without indicating the complaining person) may be submitted by the citizen in person to referendum polling station or district commission or to the respective registry. The respective action may be filed with the local court within the referendum polling station jurisdiction as per procedure established by the Code of Administrative legal proceedings of Ukraine.

6. The complaint mentioned in Part five of this Article may be filed with the respective referendum polling station or District referendum commission not later than five days before the beginning of voting. The referendum commission that has received the complaint refers it without delay to the respective registry.

7. The complaint mentioned in Part five of this Article may be filed with the registry not later than three days before the voting day.

8. The action mentioned in Part five of this Article may be filed with the court not later than two days before the voting day. Such action is reviewed by the court within two days but not later than two days before the voting day and the one submitted two days before the voting day is reviewed without delay. The judicial decision is submitted to the respective registry not later than two days before the voting day.

9. The referendum polling station or district referendum commission request at its own initiative the respective registry concerning validity of registration or non registration of separate voters in the voter register at the ordinary referendum polling stations, finalization of the data on the voters included in the voter registers.

10. Commissioners of the referendum polling station commissions are included in the voter registers at the referendum polling stations where they are part of the polling station commissions as per procedure established by Part three of Article 69 or Part four of Article 70 of this Law.

11. The voter registers at the special or overseas referendum polling stations are finalized with consideration of peculiarities established by Articles 70 and 71 of this Law.

Article 69. Finalized Voter Registers at an Ordinary Referendum Polling Station

1. The registry reviews the citizens' complaints mentioned in Parts six and seven of article 69 of this Law, as well as appeals of the referendum commissions mentioned in Part

nine of Article 69 of this Law as per procedure established by the law of Ukraine "On State Voter Register" for review of the citizens' appeals and makes respective decision with their regard not later than two days before the voting day.

2. If during the review of a citizen's complaint, referendum commission's appeal mentioned in Part one of this Article, decision to register a person in a referendum polling station commission or on an early termination of power of a commissioner of a referendum polling station commission the registry finds grounds to register a certain voter in the voter registers at one or several other polling station or the need to register such voter in the voter register at a polling station when such polling stations are beyond boundaries of the jurisdiction of the registry, this registry informs, without delay, respective other registry on registration (need to register) of such person in the voter register and on other possible places of his/her registration in the voter register.

3. On the basis of decisions on establishment of the referendum polling station commissions, on early termination of powers of commissioners of the referendum polling station commissions and on inclusion of persons in the referendum polling station commissions, as well as notices from other registries, the registry makes respective changes in the voter registers ensuring compliance with the requirements of Part ten of Article 68 and Part three of Article 6 of this Law.

4. Not later than two days before the voting day, the registry prepares finalized voter registers at every ordinary referendum polling station. When preparing the finalized voter registers the registry, in addition to the data envisioned by the law of Ukraine "On State Voter Register" also takes into account:

- 1) outcome of review of complaints of citizens and appeals of the referendum commissions mentioned in Part one of this Article;
- 2) notices of other registries mentioned in Part two of this Article;
- 3) judicial decisions mentioned in Part eight of this Article;
- 4) data on the voters registered in the voter registers at the special polling stations in accordance with Parts three and four of Article 66 of this Law;
- 5) data on the persons included in polling station commission and on commissioners of polling station commissions whose powers have been terminated at an early date in accordance with Part nineteen of Article 52 and Part eleven of Article 61 of this Law.

5. The registry passes the finalized voter registers to the respective referendum polling station commissions not later than at 12 a.m. of the last Saturday before the voting day as per procedure established by Central electoral commission.

5. The referendum commissions are not allowed to make any changes to the finalized voter register.

Article 70. Peculiarities of Finalization of Voter Registers at Special Referendum Polling Stations

1. Complaints mentioned in Part five of Article 68 of this Law concerning mistakes in the voter registers at the special referendum polling stations are reviewed by the respective referendum commissions.

2. In connection with the complaint review or at its own initiative in response to request of a commissioner of a respective commission or authorized person of a party to the referendum process, the district referendum commission or referendum polling station commission of a special polling station has the right to request from the leaders of the respective institutions and establishments, commanders of military units (formations), with the purpose of review, provision of documents certifying the fact of voters being with the respective institution or establishment or containing information on their residence (stay) on the territory where the military unit (formation) is located. The indicated official or servants must submit the aforementioned documents or their true copies not later than on the third day after receipt of the referendum commission's request but not later than three days before the voting day.

3. Based on the outcome of the complaint review, the referendum commission must make a decision on making changes to the voter register or a substantiated decision on

rejection to satisfy the complaint. The referendum commission or a court makes decision to register or not to register a person in the voter register at the respective special referendum polling station, in particular, taking into account the data mentioned in Part one of Article 66 of this Law and in Part two of this Article. A copy of such decision is given to the complaining person not later than on the day following the decision day and also is referred, within the same term, to the respective registry. Complaint submitted to the referendum commission after the term established in Part six of Article 68 of this Law is not subject to review.

4. On the same time when the decision on establishment of the polling station commission of the special referendum polling station and on making changes to its composition if such decision is made not later than three days before the voting day, District referendum commission makes decision to include the referendum polling station commission commissioners to the voter register at the respective special referendum polling station or to exclude from the voter register at such polling station the persons whose power at this referendum polling station commission have been terminated at an early date. Such decision is referred, without fail, to the referendum polling station commission and to the respective registry.

5. In case if a voter was hospitalized later than ten days before the voting day but earlier than two days before the voting day, the respective referendum polling station commission finalizes the voter register registering the voter in the voter register on the basis of the data submitted, without delay, by the respective establishment leader whose signature is affirmed with the respective establishment's seal. District referendum commission and the respective registry are notified without delay on registration of the voter in the voter register.

6. Voter that has been hospitalized in the same settlement where he/she lives may request from the polling station commission of an ordinary referendum polling station where he is registered in the voter register an opportunity to vote at the location where he/she is as per procedure and within the terms envisioned by Part five of Article 9 of this Law. In this case he/she is not included in the voter register at the special referendum polling station.

7. The Head, Deputy Head or secretary of the referendum polling station commission makes changes to the voter register without delay after the commission meeting where the decision mentioned in Part three of this Article was made or without delay after the polling station commission has received the decision on changing the voter register made by District referendum commission or a court.

8. When a voter is registered in the voter register at the special polling station per procedure of changing the voter register, his/her data envisioned by the voter register format are entered in the end of the voter register. Then the date and number of polling station or district referendum commission's resolution or the date of judicial decision on registration of the voter in the voter register are put in the "Note" column.

9. Persons are excluded from the voter register by means of crossing them out, which fact is certified with the text "excluded" and signatures of the Head and Deputy Head of the polling station commission to be put in the "Note" column. Then the date and number of polling station or District referendum commission's resolution or the date of judicial decision on exclusion of the voter from the voter register are indicated in the column next to the voter's name.

10. At 8 p.m. of the last Friday before the voting day, voter register at the special referendum polling station is closed by means of crossing out empty columns of the register in such manner that makes it impossible to make any further changes to the voter register, signed by the commission Head and secretary and affirmed with the referendum polling station commission's seal.

11. Upon completion of the actions mentioned in Part ten of this Article, no changes to voter register may be made.

Article 71. Peculiarities Of Finalization Of Voter Registers At Overseas Referendum Polling Stations

1. Complaints mentioned in Part five of Article 68 of this Law with regard to mistakes in the voter registers at overseas referendum polling stations are reviewed by the respective referendum commissions.

2. Based on the outcome of the complaint review, the referendum commission must make a decision on changing the voter register or a substantiated decision to reject the complaint. The referendum commission makes decision concerning registering or not registering the person in the voter register at the respective overseas referendum polling station, in particular taking into account the data mentioned in Part four of Article 67 of this Law and Part three of this Article. Copy of the decision is given to the complaining person not later than on the day following the day when such decision was made and within the same term such copy is submitted via communication means to Central electoral commission and the registry at the Ministry of Foreign Affairs of Ukraine. Complaint submitted to the referendum commission after the term indicated in Part six of Article 68 of this Law is not subject to review.

3. Not later than five days before the voting day the data described below in the form envisioned by Part fifteen of Article 39 of this Law are submitted to the polling station commission of the respective overseas referendum polling station by:

1) leaders of diplomatic or other official representative offices and consulates of Ukraine in foreign countries: data about the citizens of Ukraine, which are part of consular records and also about other citizens of Ukraine, which live in the respective foreign country with consideration of changes that have taken place after preparation of the voter registers at the overseas polling stations in accordance with Article 67 of this Law;

2) commanders of military units (formations located beyond the boundaries of Ukraine): about the citizens of Ukraine serving in the military units (formations) located beyond the boundaries of Ukraine with consideration of changes that have taken place after preparation of the voter registers at overseas polling stations in accordance with Article 67 of this Law;

4. The data mentioned in Part three of this Article are submitted in one copy signed by the leader of the respective representative office, establishment, commander of military unit (formation) and affirmed with appropriate seal. The leader of respective representative office, establishment, commander of military unit (formation) ensures timeliness of submission of the aforementioned data to the polling station commission and their reliability.

5. Voter having the absentee ballot issued at the ordinary referendum polling station, which arrived to an overseas referendum polling station before or on the voting day personally submits to the respective referendum polling station commission a written application requesting registration in the voter register at this polling station and the absentee ballot and also a document bearing the note on issuance of the absentee ballot in accordance with Part two of Article 65 of this Law. Based on such documents the voter is registered by the Head, Deputy Head or secretary of the referendum polling station commission in the voter register. Then the number of the absentee ballot, numbers of the territorial district and of the referendum polling station that issued the absentee ballot are put in the "Note" column of the voter register. Polling station commission of the overseas referendum polling station, upon completion of voting, notifies without delay via communication means Central electoral commission on the quantity of the voters registered in the voter register of the respective referendum polling station on the grounds of the absentee ballots.

6. Voter without absentee ballot, which arrived to an overseas polling station not later than seven days before the voting day, submits in person to a diplomatic or other official representative office or consular establishment of Ukraine in the respective country a written application requesting registration in the voter register at the overseas referendum polling station indicating his/her place of residence, as well as one of the documents envisioned in Part seven of Article 6 of this Law. Based on these documents, the leader of the respective

representative office or establishment includes the data on such voter to the submission mentioned in Part three of this Article. The data on such voter are transmitted without delay to Central electoral commission and the registry at the Ministry of Foreign Affairs of Ukraine.

7. Any changes to the voter register at the overseas referendum polling station are made by the Head, Deputy Head or secretary of this commission.

8. Voter registers at the overseas referendum polling station are made on the grounds of:

- 1) voter's application requesting exclusion from the voter register and issuance of the absentee ballot in accordance with Part one of Article 65 of this Law;
- 2) referendum polling station commission's decision made on the basis of the outcome of review of the complaint mentioned in Part one of this Article or of the application mentioned in Part six of this Article;
- 3) voter's application and the absentee ballot attached to it as per procedure envisioned by Part five of this Article;
- 4) data indicated in Part three of this Article.

9. When the voter register is changed on the grounds mentioned in Items 1 and 3 of Part eight of this Article, the referendum polling station commission does not make any decision.

10. The Head, Deputy Head or secretary of the polling station commission of an overseas referendum polling station makes changes to the voter register without delay after finishing the commission meeting where the decision to change the voter register has been made.

11. Changes of the voter register at an overseas referendum polling station are made as per procedure established by Parts eight and nine of Article 70 of this Law.

Section VIII. Financial and Logistic Support to Preparation and Conduct of All-Ukrainian Referendum

Article 72. Funding of All-Ukrainian Referendum

1. Expenses to prepare and conduct All-Ukrainian referendum are covered exclusively from funds of the State budget of Ukraine allocated for preparation and conduct of the referendum and from funds of parties to the referendum process registered with Central electoral commission as advocates or opponents of the referendum as per procedure established by Article 76 of this Law.

2. Agitation activities or materials during the referendum process can not be funded from the sources not envisioned by Part one of this Article.

Article 73. Financial Support of Preparation and Implementation of All-Ukrainian Referendum from Funds of State Budget of Ukraine Allocated For Preparation and Conduct of Referendum

1. Financial support of preparation and conduct of All-Ukrainian referendum from the funds of the State budget of Ukraine allocated to prepare and to conduct the referendum is performed by Central electoral commission, which is the main disponent of these funds.

2. The volume of funds to prepare and conduct All-Ukrainian referendum is established as a separate line item in the Law on State Budget of Ukraine on the basis of request of Central electoral commission every year.

3. Expenses to prepare and conduct All-Ukrainian referendum including printing of official referendum information materials, payment for publication of official stands of the parties to the referendum process registered as advocates or opponents of the referendum in mass media, broadcasting time at radio and television are disbursed by Central electoral commission and District referendum commissions according to the cost estimates approved by Central electoral commission within the limits of the funds allocated for preparation and conduct of the referendum in the State budget of Ukraine.

4. The funds to prepare and conduct the referendum provided for by the State budget of Ukraine are transferred by the state treasury of Ukraine to Central electoral commission

within three days from the day of official promulgation of the decision on calling (declaration) of All-Ukrainian referendum.

5. Central electoral commission approves average rates of expenses of District referendum commission, as well as average rates of expenses to cover the needs of the referendum polling station commissions, which should be inclusive, in particular, of expenses related to tenancy (lease) of the referendum commission facilities, payment for use of material and technical means and labor cost of the commissioners.

6. District referendum commission, within ten days after being established, based on the average rates of expenses approved in accordance with Part five of this Article prepares a single cost estimate of preparation and implementation of the referendum inclusive of the cost of District referendum commission and expenses to cover the needs of referendum polling station commissions of the respective territorial district. The single cost estimate of the district referendum commission is approved by Central electoral commission.

7. The referendum commissions are funded as per procedure established by Central electoral commission jointly with the Ministry of Finances of Ukraine.

8. District referendum commission must, not later than within seven days from the day of official promulgation of the referendum outcome, return undisbursed funds of the State budget of Ukraine to the account of Central electoral commission. Within three days after receipt of these funds the State treasury informs Central electoral commission on return of these funds to its account.

9. Within fifteen days after the day of official promulgation of the referendum outcome, District referendum commission prepares and submits to Central electoral commission a financial report on receipt and disbursement of the funds of the State budget of Ukraine for preparation and conduct of the referendum as per procedure established by Central electoral commission in the form approved by Central electoral commission jointly with the State treasury of Ukraine.

10. The proper and original purpose oriented disbursement of the funds of the State budget of Ukraine allocated to prepare and to conduct the referendum is supervised by Central electoral commission and respective bodies of the state audit and verification service of Ukraine as per procedure established by Central electoral commission jointly with the Ministry of Finances of Ukraine.

Article 74. Remuneration to the Commissioners of Referendum Commission and Persons Recruited to Work at Commission

1. The labor of a referendum commissioner who is paid for exercising his/her powers at an electoral commission is paid for in amounts and as per procedure established by the Cabinet of Ministers of Ukraine on the basis of Central electoral commission's submission from the funds of the State budget of Ukraine allocated to prepare and conduct the referendum.

2. Rate of pay of a commissioner of referendum commission released from performing of his/her production or service duties at his/her regular place of employment can not be smaller than his/her average pay at the regular place of employment. The rate of pay of a referendum commissioner who is a pensioner or a temporarily unemployed person can not be smaller than the double rate of minimal salary established at the moment of its accrual.

3. Within the limits of money saved for the labor funds provided for through a cost estimate of a respective referendum commission to prepare and conduct the referendum, a lumpsum remuneration may be accrued and paid to commissioners of the referendum commission as per procedure established by Central electoral commission.

4. The referendum commissions' commissioners' labor (including pensioners and temporarily unemployed persons) on the voting day and on the days when the poll is established is paid in amounts and per procedure established by the Cabinet of Ministers of Ukraine on the basis of submission of Central electoral commission.

5. Labor of the persons mentioned in Part seventeen of Article 57 of this Law is paid in amounts and per procedure established by the Cabinet of Ministers of Ukraine from the funds of the State budget of Ukraine allocated for preparation and conduct of the

referendum. The rate of pay of such persons may not be smaller than the double rate of minimal salary established at the moment of its accrual.

6. The fact of persons declared unemployed as per statutory procedure, which perform the work related to organization of preparation and conduct of the referendum does not constitute grounds for taking such persons out of the records of the State employment service as persons looking for an employment or for cancellation of their unemployment subsidy or any other types of subsidies.

7. In order to receive payments envisioned by Parts one through four of this Article, commissioner of a referendum commission submits to the respective District referendum commission a copy of his/her identification number certificate or an application certifying that such person does not have an identification number.

Article 75. Logistic Support to Preparation and Conduct of All-Ukrainian Referendum

1. Executive and local self-government authorities and their officials must further exercise of referendum commissions' powers granting them required facilities in accordance with the standards established by this Law or by respective resolutions of the electoral commission passed to comply with the requirements of this Law and assisting in arrangement of such facilities; ensure their security, as well as guarding of voting ballots and any other referendum documentation; provide, according to the standards and lists established by Central electoral commission, for transportation and communication means, equipment, supplies, office equipment, which are to be returned after the referendum commission has finished its activities. Procedure to pay for or to reimburse the aforementioned services is established by Cabinet of Ministers of Ukraine.

2. Goods, work and services are acquired for the funds of State budget of Ukraine allocated to prepare and conduct an All-Ukrainian referendum in accordance with procedure approved by Interdepartmental commission for public acquisitions by proposal of Central electoral commission. Such procedure is to be approved not later than on the fifth day after beginning of the referendum process.

Article 76. Referendum Fund of a Party to the Referendum Process

1. Party to the referendum process registered with Central electoral commission as an advocate or opponent of the referendum, in order to fund its referendum agitation, must establish its own referendum fund, which is generated as per procedure established by this Law.

2. Referendum fund of a party to the referendum process has a single savings account, to which the money to fund participation of this party to the referendum process in the referendum agitation is received and also current accounts to be used to cover expenses related to participation of the party to the referendum process in agitation. The money is received to the referendum fund current accounts of the party to the referendum process exclusively from the referendum fund savings account of the party to the referendum process.

3. Party to the referendum process opens its referendum fund savings account with a Ukrainian bank branch in the city of Kyiv to be identified at the party' own discretion. The party to the referendum process is allowed to open only one referendum fund savings account in the national currency only.

4. Party to the referendum process is allowed to open its referendum fund current accounts with branches of Ukrainian banks, provided that not more than one current account is open on the territory of one referendum territorial district. The same referendum fund current account may be used in more than one referendum territorial districts.

5. Party to the referendum process never spends any money to fund its agitation activities at an overseas referendum district.

6. Party to the referendum process must open its referendum fund saving account not later than seventy days before the voting day. Grounds to open a referendum fund saving account are established by a copy of Central electoral commission's resolution on registration of the respective party as an advocate or opponent of the referendum. Grounds

for opening a referendum fund current account are established by a certificate confirming the fact of opening a referendum fund savings account issued by a bank branch.

7. Procedure to open and close referendum funds accounts of parties to the referendum process is established by National bank of Ukraine with consent of Central electoral commission not later than a hundred days before the voting day.

8. Bank branches' services associated with opening and closing of the referendum funds accounts and their functioning are rendered free of charge. Bank branch never accrues or pays any interest for use of money on referendum fund accounts of a party to the referendum process.

9. Bank branch notifies in writing Central electoral commission on opening of the respective account and its details not later than the on the working day following the day of opening of a referendum fund savings or current account of a party to the referendum process.

10. Information on opening of a referendum fund savings account of a party to the referendum process and its details are published once by Central electoral commission in the newspapers "Holos Ukrainy" and "Uryadoviy Kurier" not later than on the fifth day after receipt of a bank branch's notice on opening of a referendum fund savings accounts of the respective party to the referendum process with payment for such publication from the funds allocated to prepare and conduct a referendum from State budget of Ukraine. Any further information concerning details of a referendum fund savings account of a party to the referendum process is published in mass media at the expense of such fund.

10. Money is spent from a referendum fund current accounts of a party to the referendum process through cashless settlements.

11. No money from a referendum fund current accounts of a party to the referendum process can be spent after 3 p.m. of the last day before the voting day.

12. Money on a referendum fund accounts of a party to the referendum process can never be subject to an arrest.

13. Accounts may be closed or transactions with a referendum fund accounts may be ceased earlier than on the term established by Part eleven of this Article only if a party to the referendum process loses its status.

Article 77. Disponents of Referendum Fund of a Party to the Referendum Process

1. From among its authorized persons at the referendum national district mentioned in Part one of Article 81 of this Law, party to the referendum process appoints a disponent of a current account of its referendum fund, which has an exclusive right to dispose of money from the referendum fund savings account of the party to the referendum process.

2. From among its authorized persons at a respective referendum territorial district party to the referendum process appoints one each disponent of its referendum fund current account for each one of this fund current accounts. Referendum fund current account disponent has an exclusive right to dispose of money from the respective current account of the referendum fund of the party to the referendum process.

3. Disponents of money of the referendum fund savings account must keep records of receipt and distribution of the referendum fund money of the party to the referendum process among current accounts of this fund. Referendum fund current account disponents ensure compliance with financial policies and disbursement of the referendum fund money of the party to the referendum process according to its original purpose.

4. Bank branch where a savings or a current account of referendum fund of a party to the referendum process have been open notifies disponent on a weekly basis or at disponent's request about amounts and sources of contributions received at the referendum fund accounts of a party to the referendum process, cashflows and account balances.

5. Referendum fund current account disponent must keep records of disbursement of money from the respective referendum fund current account of the party to the referendum process. Referendum fund current account disponent must, not later than on the seventh day after the voting day, present the disponent of referendum fund savings account of the

party to the referendum process with a financial report on disbursement of money from the respective referendum fund current account.

6. Referendum fund savings account disponent of a party to the referendum process must, not later than on the fifteenth day after the voting day, present Central electoral commission with a financial report on receipt and disbursement of money from the referendum fund of the party to the referendum process.

7. Forms of financial reports envisioned by Parts five and six of this Article are established by Central electoral commission not later than eighty days before the voting day.

Article 78. Generation of Referendum Fund of Party to the Referendum Process and Utilization of Its Money

1. Referendum fund of a party to the referendum process is generated at the expense of funds owned by a respective party, All-Ukrainian non-governmental organization – party to the referendum process, party (parties forming an electoral block) represented by deputies' faction in the current convocation of Verkhovna Rada of Ukraine, funds owned by a group of referendum initiators, as well as through voluntary contributions of natural persons (hereinafter referred to as voluntary contribution).

2. Voluntary contribution to a referendum fund of a party to the referendum process may not exceed four minimal rates of salary. Funds owned by a party, an All-Ukrainian non-governmental organization or a member of a group of referendum initiators transferred to the fund savings account are not subject to any restrictions on amounts and quantities of transfers.

3. The following persons are prevented from making contributions to a referendum fund of a party to the referendum process:

- 1) foreigners and persons without citizenship;
- 2) anonymous contributors (when the data envisioned by Part four of this Article are not indicated in the payment documentation).

4. Voluntary contribution to a referendum fund of a party to the referendum process is received by a bank branch or postal office, provided that the citizen presents one of the documents mentioned in Items 1 and 2 of Part four of Article 6 of this Law. Then the payment document must necessarily include last name, first name, patronymic, date of birth, residence and address of such person.

5. Voluntary contribution is transferred by a bank branch or by a postal office to a referendum fund savings account of a party to the referendum process not later than on the working day following the day of receipt of a respective payment document. Overall term of cashless transfer of contribution to the referendum fund current account must not exceed two banking days.

6. Disponent of a referendum fund savings account of a party to the referendum process is allowed to reject a natural person's contribution by submitting the respective application and payment document to the bank branch where the referendum fund savings account is open. Such voluntary contribution is returned to the natural person at the expense of his/her voluntary contribution and if such return is not possible it is transferred to the State budget of Ukraine.

7. In case if a voluntary contribution received from a natural person exceeds the amount established by Part two of this Article, the amount exceeding the established contribution amount is returned to the natural person by the bank branch where the referendum fund savings account is open at the expense of such excessive money on the basis of a respective application and payment document to be submitted by the referendum fund savings account of a party to the referendum process, and if such return is not possible it is transferred to State budget of Ukraine.

8. Referendum fund savings account disponent must reject a natural person's contribution if such person, according to this law, is prevented from making such voluntary contribution, provided that the disponent is aware of that. Bank branch where the referendum fund account is open, on the basis of the disponent's application concerning rejection of the contribution due to this reason, transfers such voluntary contribution to State

budget of Ukraine. If the referendum fund savings account disponent becomes aware that voluntarily contributing natural person is not allowed to do so, he/she must, within three days from the day when he/she has become aware of that, reject such contribution by submitting to the bank branch where the referendum fund savings account is open, an application requesting transfer of the respective amount to State budget of Ukraine.

9. Bank branch where a referendum fund savings account of a party to the referendum process is open, transfers money from savings account to current accounts of the same referendum fund on the basis of respective application of the referendum fund savings account disponent.

10. Receipt, keeping records of and disbursement of referendum fund of parties to the referendum process are supervised by Central electoral commission and bank branch where the referendum fund account is open in accordance with the procedure established by Central electoral commission jointly with National bank of Ukraine and authorized central executive authority in communication sector not later than eighty days before the voting day.

11. Bank branch where a referendum fund current account of a party to the referendum process is open, not later than on the fifth day after the voting day transfers money undisbursed by the party to the referendum process to the savings account of the respective referendum fund.

12. By decision of governing body of a party, All-Ukrainian non-governmental organization, party (block) represented by deputies' faction in the current convocation of Verkhovna Rada of Ukraine passed within ten days after official promulgation of the referendum outcome, undisbursed money of the referendum fund is transferred from the referendum fund savings account of the respective party to the referendum process to the current banking account of the party (parties forming a block), All-Ukrainian non-governmental organization within five days from the day of receipt by the bank branch of the respective decision of the party (block) or All-Ukrainian non-governmental organization. If the party (block) or All-Ukrainian non-governmental organization fails to pass such decision within this term, undisbursed money of the referendum fund of the respective party to the referendum process is transferred by the bank branch to State budget of Ukraine on the fifteenth day from the day of official promulgation of the referendum outcome by Central electoral commission.

13. Undisbursed money of a referendum fund of a group of referendum initiators is transferred to State budget of Ukraine by the bank branch where the fund savings account was open on the fifteenth day from the day of official promulgation of the referendum outcome by Central electoral commission.

14. Contributions received on the referendum fund savings account later than one day before the beginning of voting are returned by the bank branch to the respective natural person at the expense of such voluntary contribution and if such return is not possible it is accrued to State budget of Ukraine.

Section IX. Safeguards of Activity of Parties to the Referendum Process and of Official Observers

Article 79. Registration of parties to the referendum process

1. The Central Electoral Commission registers the parties to the referendum process according to the procedure established in this Article as supporters or opponents of the question of the referendum.

2. A deputies' faction in the Verkhovna Rada of Ukraine is registered as a party to the referendum process on the basis of its address to the Central Electoral Commission signed by the head of the faction. The signature of the head of faction is certified at the Staff of the Verkhovna Rada of Ukraine. The application contains an indication of the capacity – supporter or opponent of the question of the referendum – in which the faction is registered.

3. A political party not represented in the Verkhovna Rada of Ukraine of the current convocation and registered in the accordance with the legislation on political parties at least one year prior to the day of the beginning of the referendum process may be registered as a

party to the referendum process – a supporter or opponent of the question of the referendum – on the basis of application submitted to the Central Electoral Commission.

4. An all-Ukrainian civic organization the chartered activity of which includes matters related to the question of the referendum may, if registered in accordance with the legislation on public associations at least one year prior to the day of beginning of the referendum process, be registered as a party to the referendum process – a supporter or opponent of the question of the referendum – on the basis of an application submitted to the Central Electoral Commission.

5. An application indicated in parts 3 and 4 of this Article is signed by the head of the party or of the civic organization and certified with the seal of such party or organization. The application carries an indication of the capacity – supporter or opponent of the question of the referendum – in which the party or civic organization is registered. The following documents are attached to the application:

1) copy of the certificate of registration of the party or organization and of its charter, certified by the Ministry of Justice of Ukraine free of any charge upon announcement of the beginning of the referendum process;

2) decision of the central authority of the party or organization on participation in the referendum process as a supporter or opponent of the question of the referendum, signed by the head of the party or organization and certified with the seal of this party or organization.

6. The address indicated in part 2 of this Article and the applications indicated in parts 3 and 4 of this Article are, with the attached documents, submitted to the Central Electoral Commission after the beginning of the referendum process although not later than 75 days prior to the voting day.

7. The Central Electoral Commission, not later than on the third day as of the acknowledgement of the application on registration of a party to the referendum process and of the attached documents, decides on registration of the party of the referendum process – supporter or opponent of the question of the referendum – or on refusal to grant such registration.

8. The Central Electoral Commission refuses to register a party to the referendum process in the event of incompliance with the requirements specified in parts 3 and 4 of this Article or in the event of absence or inappropriate making of the documents specified in part 5 of this Article.

9. A refusal to register a party to the referendum process for inappropriate making of documents specified in parts 2 - 5 of this Article does not exclude another address or application on registration. Such address or application, with the documents amended as required by this Article, must be submitted to the Central Electoral Commission not later than seventy two days prior to the voting day. Such repeat address or application may not amend the initial attitude of the applicant to the question of the referendum. The Central Electoral Commission makes its final decision on registration of a party to the referendum process not later than seventy days prior to the voting day.

10. The initiative group of a referendum held on a popular initiative is a party to the referendum process – a supporter of the question of the referendum without additional registration.

Article 80. Representatives of parties to the referendum process in the Central Electoral Commission

1. The initiative group of a referendum, a deputies' faction in the current Verkhovna Rada of Ukraine, a political party and a civic organization that is a party to the referendum process has the right to delegate one representative to the Central Electoral Commission, with an advisory vote, authorized to represent the interests of such party in the Central Electoral Commission during the process of the referendum.

2. A party to the process of the referendum may be represented in the Central Electoral Commission by a citizen of Ukraine with the right to vote, and may not be represented by:

1) a member of a referendum commission;

2) an official of an executive or judicial authority, law enforcement body or of a body of local self-government;

3) a person in military service, or

4) a person in alternative non-military service.

3. An application on registration of the representative of a party to the referendum process at the Central Electoral Commission, signed and certified as required by Article 79 of this Law, is submitted to the Central Electoral Commission concurrently with the application on registration of the party to the referendum process. This application carries the following information:

1) family name, given name and patronymic of the representative of the party to the referendum process;

2) his citizenship;

3) date of birth;

4) place of employment and position (occupation);

5) place of residence, address and telephone number.

4. The application is accompanied by the written consent of the proposed person to represent the interests of the respective party to the referendum process – supporter or opponent of the question of the referendum – in the Central Electoral Commission.

5. Concurrently with the registration of the party to the referendum process the Central Electoral Commission registers the representative of such party in the CEC, with a right of advisory vote, and not later than on the following day issues his credentials. The form of such credentials is established by the Central Electoral Commission.

6. Representatives of the parties to the referendum process in the Central Electoral Commission have the rights as follows:

1) to attend all Central Electoral Commission meetings during discussions of matters related to the all-Ukrainian referendum and to take part in such discussions, with the right of advisory vote; to receive, prior to the beginning of a meeting, its agenda and relevant materials, to ask questions of the speakers, to participate in the debates and to make motions regarding decisions of the Central Electoral Commission;

2) to familiarize with the content of minutes of meetings of the Central Electoral Commission and its decisions, to obtain copies of such decisions and to familiarize with documents on the basis of which such decisions were made;

3) to familiarize, without any delay, with the protocols, telephonograms, faxes and other official notifications coming to the Central Electoral Commission from constituency and overseas referendum commissions on the results of voting in the respective territorial constituencies, as well as with protocols of polling station commissions on the count of votes, and to receive their copies;

4) to exercise other rights granted by this Law to representatives of parties to the referendum process in the Central Electoral Commission.

7. Should a party to the referendum process lose its status the authority of its representative at the Central Electoral Commission is deemed terminated as of the moment of emergence of the indicated circumstances.

8. A representative of a party to the referendum process at the Central Electoral Commission may, at any time prior to the voting day, apply to the Central Electoral Commission on termination of own authority.

9. A party to the referendum process may, at any time prior to the voting day, make a decision on revocation of its representative at the Central Electoral Commission and on submission of another candidacy. A relevant application on revocation of the representative and submission of another candidacy, together with the written consent of the candidate, is submitted to the Central Electoral Commission as specified in parts 3 and 4 of this Article.

10. The Central Electoral Commission, on the basis of an application submitted according to part 8 or 9 of this Article, makes a decision on cancellation of registration of the representative of the party to the referendum process and on registration of another person as the representative of such party at the Central Electoral Commission, not later than on the third day as of the acknowledgement of the application although not later than on the voting

day, and if on the voting day – immediately. A copy of such decision is immediately presented to the representative of the party to the referendum process at the Central Electoral Commission or sent to the juridical address of such party.

11. The credentials of the representative of a party to the referendum process at the Central Electoral Commission whose authority is terminated prior to the end of the referendum process are annulled and immediately returned to the Central Electoral Commission.

12. Any representative of a party to the referendum process at the Central Electoral Commission has the right, as of the day of registration thereof by the Central Electoral Commission and through the day of termination of authority or the day of the end of the referendum process, to be relieved of production or service duties, on no-salary basis, as agreed with the owner of the employing enterprise, institution or organization or its relevantly authorized authority.

Article 81. Authorized persons of parties to the referendum process

1. A party to the referendum process, if registered according to the procedure established in Article 79 of this Law, may have not more than five authorized persons in the single national constituency of the referendum and not more than two authorized persons at each territorial constituency of the referendum. An authorized person of a party to the referendum process represents this party and is not an independent party to the referendum process.

2. The authority of authorized persons of parties to the referendum process in the single national constituency also extends onto the overseas constituency of the referendum.

3. An authorized person of a party to the referendum process is to meet the requirements specified in part 2 of Article 80 of this Law.

4. An application on registration of an authorized person of a party to the referendum process is signed and certified as established in Article 79 of this Law and submitted to the Central Electoral Commission at any time upon registration of the party to the referendum process. Such application carries the following information:

- 1) family name, given name and patronymic of the representative of the party to the referendum process;
- 2) relevant referendum constituency;
- 3) authorized person's citizenship;
- 4) date of birth;
- 5) place of employment and position (occupation);
- 6) place of residence, address and telephone number.

5. The application is accompanied by the proposed person's written consent to represent the interest of the party to the referendum process – supporter or opponent of the question of the referendum – in the respective referendum constituency.

6. The Central Electoral Commission registers the authorized persons not later than on the third day as of the registration of documents specified parts 4 and 5 of this Article and provides, not later than on the following day, their credentials to the representative of their party at the Central Electoral Commission, in accordance with the form established by the Central Electoral Commission.

7. An authorized person of a party to the referendum process

- 1) assists the represented party in its participation in the referendum, including campaigning activities;
- 2) represents the interests of the party in relations with the referendum commissions (except the Central Electoral Commission), executive authorities, courts, bodies of local self-government, voters, other parties to the referendum process in the territory of the respective referendum constituency;
- 3) may take part, with a right to advisory vote, in the meetings of referendum commissions (except the Central Electoral Commission) in the territory of the respective constituency;

4) has the right to be present at the polling station during the voting and at the commissions' meeting during the vote count, in view of restrictions established in part 3 of Article 58 of this Law;

5) has the rights of the official observer on behalf of the party to the referendum process, as established in parts 8 and 9 of Article 83 of this Law;

6) has other rights envisaged in this Law for the authorized persons of the parties to the referendum processes.

8. Authorized persons of the parties to the referendum processes fall under the restrictions established in part 10 of Article 83 of this Law.

9. Should a party to the referendum process lose its status the authority of its authorized persons is deemed terminated as of the moment of emergence of the relevant circumstances.

10. An authorized person of a party to the referendum process may at any time prior to the voting day submit an application to the Central Electoral Commission on termination of own authority.

11. A party to the referendum process may at any time prior to the voting day make a decision on revocation of its authorized person and on submission of another candidacy instead of the revoked person. An application on such revocation and on submission of another candidacy is submitted to the Central Electoral Commission according to the procedure established in parts 4 and 5 of this Article.

12. The Central Electoral Commission, on the basis of an application submitted according to part 10 or 11 of this Article, makes a decision on cancellation of registration of the authorized person of a party to the referendum process and on registration of another person as the authorized person of such party at the Central Electoral Commission, not later than on the third day as of the acknowledgement of the application although not later than on the voting day, and if on the voting day – immediately. A copy of such decision is immediately presented to the representative of the party to the referendum process at the Central Electoral Commission or sent to the juridical address of such subject.

13. The credentials of the authorized person of the party to the referendum process whose authority is terminated prior to the end of the referendum process are annulled and immediately returned to the Central Electoral Commission.

14. An authorized persons of a party to the referendum process has the right, as of the day of registration thereof by the Central Electoral Commission and through the day of termination of authority or the day of the end of the referendum process, to be relieved of production or service duties, on no-salary basis, as agreed with the owner of the employing enterprise, institution or organization or its relevantly authorized body.

Article 82. Official and international observers

1. Official observers may take part in the referendum process if registered in accordance with Article 83 of this Law. Such official observers are independent parties to the referendum process.

2. The authority of official observers begins as of the day of their registration by the respective referendum commission and ends upon establishment of the results of the all-Ukrainian referendum by the Central Electoral Commission.

3. The course of the referendum process may be also observed by official observers from foreign countries and international organizations (hereinafter referred to international observers) accredited in accordance with Article 84 of this Law.

Article 83. Official observers

1. The status of an official observer may be given to a citizen of Ukraine with the right to vote, although not to

- 1) a member of a referendum commission;
- 2) an official of an executive or judicial authority, or of a body of local self-government;
- 3) an official or employee of a law enforcement authority;
- 4) a person in military service, or

5) a person in alternative non-military service.

2. An official observer in a territorial constituency is registered by the constituency commission of the referendum on submittal of the authorized person of the party to the referendum process in the respective territorial or in the single national constituency.

3. Such submittal carries the following information:

- 1) family name, given name and patronymic of each observer;
- 2) their citizenships;
- 3) dates of birth;
- 4) places of employment and positions (occupations);
- 5) places of residence, addresses and contact telephone numbers.

4. The submittal is accompanied by the written consents of the said persons to be official observers from the respective party to the referendum process – supporter or opponent of the question of the referendum.

5. The submittal on registration of an official observer signed by the authorized person of the party to the referendum process is communicated to the respective constituency commission at least five days prior to the voting day. Registration of an official observer may be refused only on grounds of violation of provisions in parts 1 through 4 of this Article.

6. The relevant constituency commission registers the official observers and issues their credentials according to the form established by the Central Electoral Commission not later than on the day following the day of submittal.

7. Official observers in the overseas constituency are registered by the Central Electoral Commission according to the procedure established in this Article.

8. An official observer has the following rights:

- 1) to be present, in compliance with the requirements of this Law, at the meetings of polling station and constituency commissions, in view of provisions laid out in part 3 of Article 58 of this Law, including the vote count at the polling station and the establishment of the outcomes of voting in the territorial constituency of the referendum;
- 2) to be present at the polling stations during the voting, to observe, from any distance, the activity of the commission members, including the issuance of ballots and the counting of votes, although causing no physical obstruction to the members of the commission;
- 3) to accompany members of constituency commissions during the arrangement of voting at places of voters' location and to be present during the conduct of such voting;
- 4) to photograph, film, audio- and video-record, although with no attendant violation of the secrecy of ballot and creating no threat of voter intimidation;
- 5) to address the relevant commission or court with the demand to eliminate violations of this Law, if revealed;
- 6) to make official written statements on the revealed violations of this Law;
- 7) to take necessary action to terminate unlawful actions during the voting and the counting of votes at the polling station;
- 8) to receive copies of protocols on delivery of ballots to the referendum commissions, on count of votes and on establishment of the results of voting, as well as copies of other documents in instances specified in this Law;
- 9) to exercise other rights granted to official observers by this Law.

9. When identifying a violation of this Law an official observer has the right to certify the fact of such violation, for which purpose he makes a written statement on violation of the Law. Such statement is signed by the official observer and at least by two voters who certify the fact of the violation and indicate their family names, given names, patronymics, places of residence and addresses. Such statement is deemed to be evidence of the offense and is submitted together with the relevant complaint to the referendum commission within the term envisaged in Article 120 of this Law, or to the court.

10. An official observer has no right

- 1) to groundlessly interfere with the work of the referendum commission, resort to actions violating the lawful course of the referendum process or to unlawfully create obstacles to members of the commission in their line of duty;
- 2) to fill out a ballot instead of a voter (even if so requested by a voter);
- 3) to be present in the booth (room) for secret vote when a voter fills out his ballot, or to otherwise violate the secrecy of vote.

11. Should an official observer violate the requirements of part 10 of this Article he is warned by the referendum commission. In the event of repeat or gross violation of the requirements of part 10 of this Article the commission may deprive him of the right to be present at its meeting. Such decision may be challenged by the official observer at a higher referendum commission or in court in accordance with the procedure established in this Law.

12. The referendum commission that registered the official observer may resort to early termination of his authority should he violate the laws of Ukraine. Any decision on early termination of the authority of an official observer is to be properly substantiated.

13. An authorized person of the party to the referendum process may revoke an official observer whose candidacy was submitted by such party, by submission of a written application to the relevant constituency commission (or, with regard to an official observer in the overseas constituency, - to the Central Electoral Commission) on termination of his authority, and to submit documents on registration of another person as an official observer, according to the procedure established in this Article.

14. An official observer may at any time apply to the referendum commission that conducted his registration about termination of own authority. On the basis of such application the relevant referendum commission makes a decision on cancellation of the official observers's registration. A copy of such decision is provided to the authorized person of the party to the referendum process in the relevant constituency.

Article 84. International observers

1. International observers are accredited by the Central Electoral Commission. Proposals with regard to accreditation of international observers are submitted to the Central Electoral Commission by foreign states or international intergovernmental organizations, directly or via the Ministry of Foreign Affairs of Ukraine, at least ten days prior to the day of voting.

2. The Central Electoral Commission decides on accreditation of international observers at least five days prior to the day of voting.

3. Nationals of Ukraine may not be registered as international observers. Nationals of Ukraine, foreigners or stateless persons with command of the Ukrainian language may accompany accredited international observers during their stay at referendum polling stations and during the meetings of referendum commissions exclusively for interpreting/translation purposes.

4. Accredited international observers are provided with credentials from the Central Electoral Commission in accordance with the form established by the Central Electoral Commission.

5. International observers exercise their authority in the territory of Ukraine and also at the polling stations out of Ukraine.

6. An international observer has the right:

- 1) to be present at the meetings of representatives of the parties to the referendum process with voters, at assemblies, rallies and other campaigning events of the referendum and at the meetings of referendum commissions;
- 2) to familiarize with the official information and referendum campaigning materials;
- 3) to be present at the polling stations during the voting, at polling station meetings during the counting of votes and at meetings of constituency commissions during the establishment of the results of voting;
- 4) to photograph, film, audio- and video-record, with no attendant violation of the secrecy of ballot and creating no threat of voter intimidation;

5) to publicly make own proposals with regard to arrangements for referendums and improvements in the legislation of Ukraine in view of the international experience, to hold press conferences in compliance with the requirements of the legislation of Ukraine;

6) to establish, together with other international observers and in agreement with the Central Electoral Commission, provisional groups of international observers for coordination of own activity within the scope of authority established in this Law.

7. International observers perform their observing activities autonomously and independently.

8. The Ministry of Foreign Affairs of Ukraine, other executive authorities, bodies of local self-government and referendum commissions assist international observers in the exercise of their authority.

9. Financial and material support of the international observers' activities is provided at the expense of states or organizations that assigned the observers to Ukraine or at own expense of the observers.

10. International observers have no right to interfere with the work of referendum commissions, resort to actions violating the lawful course of the referendum process or to unlawfully create obstacles to members of the commission in their line of duty, to fill out a ballot instead of a voter (even if so requested by a voter) or to otherwise violate the secrecy of vote and make use of own status in activities unrelated to observation of the referendum process. Such restrictions also extend onto persons who accompany international observers in accordance with part 3 of this Article, in the course of their direct engagement with international observers.

Section X. Referendum campaigning

Article 85. Referendum campaigning time frames

1. Every voter has the right to personally campaign for or against the question of the referendum, without spending funds, at any time during the referendum process and in strict compliance with the restrictions established in parts 4 and 5 of this Article.

2. The initiative group of the referendum has the right, during the collection of signatures in support of the conduct of an all-Ukrainian referendum, to conduct public awareness activities with regard to the proposed question of the referendum. Such awareness activities are not recognized as referendum campaigning.

3. A party to the referendum process indicated in part 4 or 5 of Article 17 of this Law has the right to begin referendum campaigning upon establishment of own referendum fund, according to the procedure and in terms specified in Article 76 of this Law.

4. Referendum campaigning ends at 24.00 on the last Friday before the day of voting.

5. Campaigning on the day preceding the day of voting and on the voting day is prohibited. At the said time it is also prohibited to hold mass actions (assemblies, rallies, marches, demonstrations, pickets) in conjunction with the referendum or its question, to disseminate campaigning materials and to discuss the question of the referendum in the mass media or at public events.

Article 86. Forms and means of referendum campaigning

1. Referendum campaigning may occur in any forms and by any means that do not contravene the Constitution and laws of Ukraine. Citizens of Ukraine have the right to freely and comprehensively discuss the question of the referendum, official information materials and the possible consequences of the referendum and to campaign for or against the question of the referendum.

2. Referendum campaigning implies any activities that prompt the voters to vote in support of or against the question of the referendum, including any printed, oral, sound, audio- and video-recorded varieties and forms of influence that directly or indirectly attract the attention to the question of the referendum and to the parties to the referendum process who are the supporters or opponents of the question of the referendum in order to form in

the society and in the public opinion any positive or negative attitudes to the question of the referendum or to direct the political behavior of citizens and social groups in their attitudes to the parties to the referendum process, inclusive of informative messages on events conducted or supported with the above indicated aims.

3. Referendum campaigning may be conducted in the following forms:

- 1) citizens' assemblies and other meetings with the voters;
- 2) rallies, marches, demonstrations, pickets;
- 3) public debates, discussions, "round tables", press conferences regarding the content of the question of the referendum and messages in the official information materials;
- 4) publicizing in the printed and audio-visual (electronic) media of speeches, interviews, footages, video films, audio- and video-clips and of other messages and information related to the question of the referendum;
- 5) dissemination of flyers, posters and other printed items or publications containing referendum campaigning materials;
- 6) placement of printed campaigning materials at the means of outdoor advertising;
- 7) public appeals to vote for or against the question of the referendum or public assessments of its content;
- 8) other forms that do not contravene the Constitution and laws of Ukraine.

4. Official information materials indicated in part 1 of Article 87 of this Law and official information in the course of the referendum process on the attitude to the referendum of the President of Ukraine, Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine do not constitute all-Ukrainian referendum campaigning. The position maintained by the above indicated parties is to be presented in an impartial and balanced way.

5. Referendum campaigning is conducted at the expense of resources of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum for purposes specified in this Law, and at the expense of election funds of the parties to the referendum process. Any use of citizens' own means or of funds from other sources for campaigning, even on an initiative of the voters, is prohibited.

6. Referendum campaigning at the expense of resources of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum is conducted in compliance with the principle of equal opportunities for the supporters and opponents of the question of the referendum, by allocation of identical space in the printed media and equal air time at the radio and television.

7. A party to the election process has the right to enter into contracts, at the expense of own referendum fund, and to rent buildings and premises of all forms of ownership for the conduct of assemblies, rallies, debates, discussions and other public events of referendum campaigning.

8. Should a building (premises), irrespective of the form of ownership, be provided for the conduct of a public event related to the referendum or to referendum campaigning to one party to the referendum process, the owner (proprietor, user) of such building (premises) has no right to refuse its use on the same terms to another party to the referendum process with a different attitude to the question of the referendum. This requirement does not extend onto premises owned or permanently used by the parties to the referendum process.

Article 87. Official information materials of a referendum

1. The official information materials of a referendum include:

- 1) memorandum on the matter of the referendum, specified in part 2 or 3 of Article 28, part 3 of Article 29, part 2 of Article 30 or part 10 of Article 32 of this Law;
- 2) opinion on the referendum proposal as envisaged in part 3 of Article 30 or part 1 of Article 41 of this Law;
- 3) explanatory note on the alternative language of the question of the referendum, as specified in part 3 of Article 41 of this Law;
- 4) official positions of the President of Ukraine, Verkhovna Rada of Ukraine and Cabinet of Ministers of Ukraine with regard to the referendum proposal.

2. The Central Electoral Commission, at the expense of resources of the national budget of Ukraine allocated for the preparation and conduct of the referendum, not later than 70 days prior to the voting day ensures the making of the official information materials indicated in pp. 1 – 3 of part 1 of this Article, in the quantity of at least one million copies.

3. Information materials indicated in part 2 of this Article are provided to the referendum commissions, with at least ten copies of each material for each constituency commission and each polling station of the referendum. The remaining copies of the said materials are disseminated as decided by the Central Electoral Commission.

4. Any constituency commission immediately upon the establishment of each polling station commission provides it with the number of copies of the official information materials as specified in part 3 of this Article. If necessary the constituency commission provides the polling station commission with an additional quantity of such materials.

5. Constituency and polling station commissions provide each citizen with the opportunity to familiarize with the official information materials of the referendum.

6. At least five copies of each official information material are to be readily accessible at each polling station on the day of voting.

Article 88. Printed materials for referendum campaigning

1. A party to the referendum process registered as a supporter or opponent of the question of the referendum may at own discretion produce printed materials for referendum campaigning at own expense within the limits of own referendum funds. Information contained in such materials is to meet the requirements of the law.

2. Printed materials for referendum campaigning include flyers, posters and other printed matter with the language related to the referendum proposal, as well as materials exposed on outdoor means of advertising.

3. Each subject of the referendum process is obligated to provide the Central Electoral Commission with one copy of each printed material for referendum campaigning produced at the expense of the referendum fund not later than five days after the making of such material.

4. Printed materials for referendum campaigning are to carry information on the printing and issuing institution and about the person in charge of the issue.

5. Local executive authorities and bodies of local self-government at least eighty days prior to the day of voting allocate special areas and install information stands and boards in public places for placement of referendum campaigning materials.

Article 89. General procedure of the use of mass media

1. Referendum campaigning with resort to mass media of all forms of ownership is conducted with abidance by the principle of equal opportunities and according to the procedure laid out in this Law.

2. Campaigning in the mass media is to occur in the forms and in compliance with the requirements established in this Article and in Articles 85 - 86, 90 – 92 of this Law.

3. A party to the referendum process registered as a supporter or opponent of the question of the referendum has the right to make use of the mass media of state and communal ownership at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum, on conditions stipulated in this Law.

4. The procedure of allocation of air time and printing space at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum is established by the Central Electoral Commission not later than 80 days prior to the day of voting.

5. Campaigning in the mass media of all forms of ownership at the expense of referendum funds of subjects of the referendum process is conducted on conditions of equal pay for a unit of air time or printing space.

6. Prices of units of air time and printing space for referendum campaigning at the expense of own referendum funds of the parties to the referendum process are established

by the relevant media at least 83 days prior to the day of voting and in amounts that may not exceed the arithmetical average price for commercial advertising (i.e. for-profit advertising) over the three full three-month periods that precede the beginning of the referendum process. In so doing the mass media may calculate the said prices separately for working days and for days-off and holidays, as well as separately for the air times or printing spaces that differ in terms of the expected audience/ readership.

7. The mass media registered after the term specified in part 6 of this Article set the prices for air time and printing space units on the basis of data for the entire period of their operation, according to the procedure established in part 6 of this Article. The prices in such media may not exceed the same prices in "Holos Ukrayiny" daily (for printed media) and at the National Television Company of Ukraine or the National Radio Broadcasting Company of Ukraine (for broadcasters).

8. The national mass media officially notify the Central Electoral Commission of their prices established in accordance with the requirements of part 6 or 7 of this Article at least 75 days prior to the day of voting, and the regional and local media send such notifications to the constituency commissions not later than within 5 days as of the establishment of such prices. A price for a unit of air time or printing space for referendum campaigning may not change during the referendum process. Mass media may not give discounts to or seek extra payments from parties to the referendum process for the use of their air time or printing space.

9. A media entity that provided air time or printing space to a party to the referendum process may not refuse providing air time or printing space to another party of the referendum process with a different attitude to the question of the referendum. A media entity may refuse air time or printing space if materials provided by a party to the referendum process fail to meet the requirements of part 5 of Article 92 of this Law.

10. In the event of publication of results of any public opinion polls related to the referendum the media are to indicate the organization that conducted the poll, the time of the poll, the number of the polled, the method of data collection, the exact language of the asked questions and the statistic value of possible error.

11. Coverage of the course of the referendum process in the mass media of all forms of ownership, in discussions, debates, information announcements, news and current events programs is to occur on the basis of objectivity, impartiality and balanced presentation.

Article 90. Procedure of the use of electronic (audio-visual) mass media

1. Television and radio broadcasters of all forms of ownership are to publish in the printed media their prices for one minute (second) of air time not later than 80 days prior to the day of voting. Broadcasters that broadcast on the national channels publish such information in "Holos Ukrayiny" and "Uryadovy Kuryer" dailies, and the regional and local broadcasting organizations – in the respective regional or local printed media of state or communal ownership.

2. Air time for publicizing of the official information materials and for referendum campaigning at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum is provided by broadcasters of state and communal ownership between 19.00 and 22.00. The amount of air time for such purposes and the schedule of relevant programs are determined by the Central Electoral Commission in agreement with the National Television Company of Ukraine and the National Radio Broadcasting Company of Ukraine. Such broadcasts are to meet the requirements of objectivity and balanced coverage.

3. The time and schedule of broadcasting for broadcasters with licenses from the National Council of Ukraine for Television and Radio Broadcasting for the use of national channels changes (although with no alterations in the volume of broadcasting) for the time of broadcasting of referendum campaigning materials at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum, in order to provide the regional broadcasters of state and communal ownership with the opportunities to broadcast such programs in their regions.

4. Television broadcasters provide the parties to the referendum process with air time for campaigning at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum. The volume of air time on the national television and radio channel and on the regional television and radio channels is decided by the Central Electoral Commission depending on the number of registered parties to the referendum process and on the volume of funds allocated for such purposes. In so doing the Central Electoral Commission grants equal time to the supporters and opponents of the question of the referendum.

5. The tentative schedule of broadcasting of the official information materials and of campaigning television and radio programs (with indication of their airing dates and time but no indication of specific participants of such programs) is drafted by the national and regional broadcasters of state and communal ownership contracted for broadcasting of referendum campaigning materials during the process of referendum at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum. Such schedule is sent to, respectively, the Central Electoral Commission or the constituency commissions not later than 70 days prior to the day of voting.

6. The sequence of air times on television and radio within the schedule indicated in part 5 of this Article is determined not later than 65 days prior to the day of voting according to the results of casting of the lots by, respectively, the Central Electoral Commission or one of constituency commissions, as decided by the Central Electoral Commission, in each region, with participation of representatives of the parties to the referendum process in the Central Electoral Commission or of the respective authorized persons of such parties. During the casting of the lots the same air time in each program is granted to the supporters and to the opponents of the question of the referendum.

7. The results of the casting of the lots conducted in accordance with part 6 of this Article and the air time schedule developed pursuant to such results, with indication of campaigning television and radio broadcasts and of the dates and time of their airing at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum, are published in "Holos Ukrayiny" and "Uryadovy Kuryer" dailies and in local printed media of state and communal ownership within three days as of the approval of such results and schedule by the Central Electoral Commission and the respective constituency commission.

8. The payment for air time given to a party to the referendum process is effected by the Central Electoral Commission or the relevant constituency commission in accordance with their approved cost estimates within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum and in accordance with contracts between the Central Electoral Commission and the National Television Company of Ukraine and the National Radio Broadcasting Company of Ukraine or between the constituency commission and the regional broadcaster of state or communal ownership.

9. Air time at the expense of referendum funds of the parties to the referendum process is provided to each party pursuant to a contract signed, on behalf of such party, by the manager of the fund's current account and by a broadcaster of any form of ownership. Any provision of air time to a party to the referendum process without such contract and without effected transfer of funds onto the broadcaster's account is prohibited.

10. Broadcasters are obligated to audio- or video-record all programs that constitute referendum campaigning and to keep such records for thirty days as of the official announcement of the results of the referendum.

11. Broadcasters of all forms of ownership, if requested in writing by the Central Electoral Commission or by the National Council of Ukraine for Television and Radio Broadcasting, are obligated to provide all information on allocation of air time to the parties to the referendum process for referendum campaigning and, if necessary, copies of relevant contracts, payment documents and records of the broadcasts on tape or other carriers.

Article 91. Procedure of the use of printed mass media

1. A party to the referendum process registered as a supporter or opponent of the question of the referendum has the right, at the expense and within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum, to publish, in a polygraphic design common to all such parties, in “Holos Ukrayiny” and “Uryadovy Kuryer” dailies as well as in one of the regional (local) printed mass media of state or communal ownership in every region, its own campaigning material related to the question of the referendum. The volume of such material is decided by the Central Electoral Commission depending on the number of the registered parties to the referendum process and the amount of funds allocated for this purpose. In so doing the Central Electoral Commission ensures the same printing space within one issue of the media to the supporters and to the opponents of the question of the referendum.

2. Contracts with the editors of the said media for publication of the official information materials of the referendum and of campaigning materials specified in part 1 of this Article are signed, respectively, by the Central Electoral Commission or by the constituency commission in the relevant region, as determined according to part 6 of Article 90 of this Law.

3. Editors of “Holos Ukrayiny” and “Uryadoviy Kuryer” dailies and of the regional printed media of state ownership contracted by relevant constituency commissions to publish the official information materials and campaigning materials of the parties to the referendum process are obligated, not later than 70 days prior to day of voting, to notify the Central Electoral Commission and other above indicated referendum commissions about the specific dates of publication of issues with such materials, with indication of the areas of placement of these materials in each issue (page numbers).

4. The sequence of publication of campaigning materials of the parties to the referendum process at the expense of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum in the media specified in part 1 of this Article is established not later than 65 days prior to the day of voting according to the results of casting of the lots by, respectively, the Central Electoral Commission or the relevant constituency commissions in each region, with participation of representatives of the parties to the referendum process in the Central Electoral Commission or of the respective authorized persons of such parties. During the casting of the lots the same printing space in each issue is granted to the supporters and to the opponents of the question of the referendum.

5. The results of the casting of the lots with regard to the sequence of publication of campaigning materials of the subjects of referendum process are published, respectively, in “Holos Ukrayiny” and “Uryadoviy Kuryer” dailies or in the regional (local) printed media of state and communal ownership within three days as of the approval of such results by the Central Electoral Commission and the respective constituency commission.

6. The payment for printing space given to a party of the referendum process is effected by the Central Electoral Commission or the relevant constituency commission in accordance with their approved cost estimates within the limits of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum and in accordance with contracts between the Central Electoral Commission or the constituency commission and editors (publishers) of the printed media.

7. A party to the referendum process has the right to publish, at the expense of its referendum fund, its campaigning materials in printed media of any form of ownership that are printed in Ukraine, with the exception of mass media indicated in part 19 of Article 92 of this Law.

8. Campaigning materials specified in part 7 of this Article are published pursuant to contracts signed, on behalf of the party to the referendum process, by the manager of the current account of its referendum fund and the editor (publisher) of the printed media outlet. Publication of such materials is forbidden without the making of such contract and without effected transfer of the funds onto the editor’s (publisher’s) account. This requirement does not apply to mass media founded (owned) by parties to the referendum process.

9. Editors (publishers) of the printed media of all forms of ownership, if requested in writing by the Central Electoral Commission, are obligated to provide all information on the use of printing space for publication of campaigning materials of the parties to the referendum process and, if necessary, provide the copies of relevant contracts, payment documents and the issued publications.

Article 92. Restrictions with regard to referendum campaigning

1. Participation in referendum campaigning is prohibited to

- 1) foreign nationals and stateless persons, including by way of journalistic activity or participation in concerts, performances, sport competitions, other public events conducted during the referendum process and supported by any party to the referendum process;
- 2) executive authorities, bodies of local self-government, law enforcement authorities and courts;
- 3) officials and employees of bodies specified in p. 2 of this part, and
- 4) members of referendum commissions, throughout the term of their authority in such commissions.

2. Campaigning is restricted in military units (formations) and in criminal enforcement institutions. Visiting of military units (formations) and of criminal enforcement institutions by specific authorized persons of the parties to the referendum process is prohibited. Meetings of such persons with the voters are organized by relevant constituency commissions jointly with commanders of military units (formations) or chief wardens of criminal enforcement institutions not later than 3 days prior to the meeting of all authorized persons of the parties to the referendum process in the respective territorial constituency.

3. Premises of public authorities and bodies of local self-government may not be used for referendum campaigning at the expense of referendum funds of the parties to the referendum process.

4. Campaigning materials may not be placed on or inside the buildings of public authorities and bodies of local self-government.

5. Dissemination, in any form, of materials that contain appeals to elimination of the independence of Ukraine, violent transformation of the constitutional order, unlawful violation of the sovereignty and territorial integrity of the nation, undermining of its security, unlawful seizure of the state power, propaganda of war, violence and instigation of interethnic, racial, national or religious hate, encroachment on human rights and freedoms or interference with human health is prohibited.

6. Mass media, their officials, employees and creative personnel are not allowed to campaign for or against the question of the referendum, or to spread information prompting the voters to vote for or against the matter of the referendum, throughout the process of the referendum and in any materials or broadcasts not under the contracts signed pursuant to the requirements of part 9 of Article 90 and part 7 of Article 91 of this Law.

7. Referendum campaigning materials may not be published or aired in the same blocs with commercial or social advertising.

8. Placement of campaigning materials on means of advertising in public transport, metro stations, railway stations, ports and airports and appeals to vote for or against the referendum matter by means of sound systems and other passenger information networks is prohibited.

9. Should a court in a hearing of a dispute related to the process of the referendum find a repeat or gross violation of the requirements of this Law by a mass media entity such court rules on provisional (until the end of the referendum) suspension of the license and provisional (until the end of the referendum) ban on publication of the printed edition.

10. The National Council of Ukraine for Television and Radio Broadcasting by own decision terminates broadcasting in the territory of Ukraine (including broadcasting by telecommunications operators) of the foreign channels that in the course of operation violate the rule prohibiting referendum campaigning to foreign nationals and stateless persons by way of journalistic activity or which appeal to elimination of the independence of Ukraine,

violent transformation of the constitutional order, unlawful violation of the sovereignty and territorial integrity of the nation, undermining of its security, unlawful seizure of the state power, propaganda of war, violence and instigation of interethnic, racial, national or religious hate, encroachment on human rights and freedoms or interference with human health.

11. It is prohibited to conduct referendum campaigning which envisages provision of commodities (should their value exceed 2 % of the minimal monthly wage), services, works, securities, credits, lottery tickets, or other material values, free of charge or on preferential terms, to voters, entities, institutions or organizations. Such campaigning or provision of commodities, services, works, securities, credits, lottery tickets, or other material values, free of charge or on preferential terms, to voters, entities, institutions or organizations, if accompanied by appeals or proposals to vote or not to vote for or against the question of the referendum, is deemed to constitute subornation of the voters.

12. The Central Electoral Commission ensures publication of the explanations on prohibition of provision of commodities (should their value exceed 2 % of the minimal wage), services, works, securities, credits, lottery tickets, or other material values, free of charge or on preferential terms, to voters, entities, institutions or organizations (subornation of the voters), in the national mass media specified in this part of the Law. The text of such explanations is approved by the Central Electoral Commission and twice a week published in "Holos Ukrayiny" and "Uryadovy Kuryer" dailies, on the first pages thereof, and broadcast on the first channels of the national Television Company of Ukraine and of the National Radio Broadcasting Company of Ukraine, starting with the date of 60 days prior to the day of voting, at the expense of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum.

13. Regional (local) broadcasters of state and communal ownership may not by means of own broadcasts interfere with the broadcasting of the official information materials and referendum campaigning materials on the national broadcasting channels at the expense of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum.

14. The specially authorized central executive body for matters of television and radio broadcasting is, together with subordinated broadcasting organizations, to ensure the procedure that excludes any instances when broadcasting of the official information materials or of a campaigning program of one party to the referendum process on the first national television channel would coincide in time with the broadcasting of such materials or of a program of another party to the referendum process on the first national radio channel, whenever the air time for both programs is provided at the expense of funds of the national budget of Ukraine allocated for the preparation and conduct of the all-Ukrainian referendum.

15. Inclusion of any campaigning materials of a party to the referendum process into information (news) television and radio broadcasts is prohibited. All referendum campaigning materials are to be designated as such and separated from all other materials.

16. It is prohibited to interrupt campaigning broadcasts of the parties to the referendum process with advertising of commodities, works, services or other messages.

17. It is prohibited to conduct referendum campaigning in the foreign mass media operating in the territory of Ukraine and in any mass media registered in the territory of Ukraine with a foreign interest in excess of 50 %.

18. Mass media of any form of ownership that operate in Ukraine are prohibited to publicize any information on results of opinion polls regarding the question of the referendum during the last five days preceding the voting day.

19. It is prohibited to place referendum campaigning materials and messages on the course of the referendum process at sites that constitute listed cultural heritage.

20. Service, production or personnel meetings may not be used for referendum campaigning.

21. It is prohibited to produce and disseminate printed campaigning materials containing no information on the issuing institution, issue, information or persons in charge of the issue.

22. As of the termination of campaigning according to part 4 of Article 85 of this Law it is prohibited to hold campaigning events, disseminate campaigning materials in the mass media, demonstrate campaigning films or clips, circulate campaign flyers, posters and other printed campaigning materials or editions that carry campaigning content, public appeals to vote for or against the question of the referendum or public evaluations of the possible consequences of the referendum. Campaigning materials are removed as of 24.00 on the last Friday preceding the day of voting by the relevant services of executive authorities and bodies of local self-government.

23. On the day of voting it is prohibited to announce the results of exit polls prior to the end of voting. Methods of conducting such polls are to ensure respect of the secrecy of each voter's ballot.

24. Obstruction of the exercise of the right to campaign and violations of the campaigning procedures established by law entail liability as stipulated in the laws of Ukraine.

25. Should the Central Electoral Commission or a constituency commission receive a petition, complaint or other notification about a violation of the requirements of this Article that may constitute an administrative or criminal offense such commission immediately requests the law enforcement authorities to check the received information and to take action in accordance with the laws of Ukraine.

Section XI. Voting and establishment of the results of the Referendum

Article 93. Ballots

1. Voting at an all-Ukrainian referendum is effected by means of ballots for voting at an all-Ukrainian referendum (hereinafter referred to as ballots).

2. The text of the ballot is established in the act on assignment (declaration) of the all-Ukrainian referendum.

2. The form of the ballot is approved by the Central Electoral Commission not later than 40 days prior to the day of voting. Ballots are to be identical in size, color and content. The extent of ballot protections is established by the Central Electoral Commission.

3. Each ballot carries the title and date of the referendum, the number of the territorial constituency or indication of the overseas constituency, number of the polling station and designated spaces for the seal of the polling station commission and the family name and signature of the polling station commission member who is going to provide the ballot to the voter. The text of the ballot is in the national language and has to be on one sheet and on just one side thereof.

4. The ballot contains the text of the matter of the referendum in accordance with the act on assignment (declaration) of the referendum. Two options of the possible answer to the question of the referendum - "yes" and "no" – are indicated beneath the question, with a blank box under each option. The text of the addendum to the matter of the referendum is not attached to the ballot.

5. The ballot contains explanations of the procedure of its filling out by the voter during the voting.

6. Each ballot has a checking slip separated by a tear-off line. The checking slip is to carry the title and date of the referendum, the number of the territorial constituency or indication of the overseas constituency, number of the polling station and designated spaces for the number of the voter in the voters list at the polling station, signature of the voter who received the ballot, family name and signature of the polling station commission member who is going to provide the ballot to the voter.

7. Each ballot is a document of strict accounting. The Central Electoral Commission, constituency and polling station commissions ensure strict accounting of all received and provided ballots in accordance with the requirements of this Law. Documentation for ballot accounting is transferred by the making enterprises and by constituency and polling station commissions to the Central Electoral Commission which, upon the official announcement of

the results of the referendum, passes such documentation to the relevant archiving institutions for further keeping.

8. Ballots for each polling station are made in the quantity that exceeds by 2% the number of voters included into the voters list at the polling station.

9. At the polling stations that are designated, in accordance with part 3 of Article 65 of this Law, as polling stations for absentee voting the surplus quantity of ballots constitutes 1% of the number of voters in the relevant constituency.

Article 94. Procedure of the making of ballots

1. The Central Electoral Commission ensures the centralized making of ballots by the state publishing enterprise pursuant to a contract therewith and not later than 10 days prior to the day of voting.

2. The enterprise that makes the ballots ensures strict compliance with the contracted quantity of ballots as well as their accounting and delivery to the commissioning party in accordance with the procedure established by the Central Electoral Commission.

3. Technical waste, failed imprints and printing forms are destroyed according to the procedure and within the term specified in the contract for the making of ballots.

4. Control over the making of ballots at the maker enterprise and of abidance by the procedure of disposal of the printing forms, waste and failed imprints is exercised by a controlling commission established by the Central Electoral Commission on submittals from deputies' factions in the current Verkhovna Rada of Ukraine and from the initiative group of the referendum not later than on the day of approval of the form of the ballot.

5. The Central Electoral Commission receives the ballots in the packaging of the making enterprise on the basis of a delivery and acceptance statement according to the form established by the Central Electoral Commission, with publication of such statements, with indications of the quantities of the received ballots, on the Central Electoral Commission's WEB-site not later than on the day following the day of signing of each such statement. Consolidated information on the basis of delivery and acceptance statements about the quantity of ballots made for each constituency is publicized according to the same procedure not later than two days prior to the day of voting.

6. At a special polling station established on a vessel at sea under the National Flag of Ukraine on the voting day or at a polar station of Ukraine ballots, as an exception permitted by the Central Electoral Commission, may be made by the polling station commission. Such a permission may be granted not later than 5 days prior to the day of voting on the basis of a request from the relevant constituency commission, with indication of the number of the polling station on a vessel or at a polar station of Ukraine, the name of the vessel or polar station of Ukraine and the time when the vessel left the last port in the territory of Ukraine. Ballots made for such polling stations as contracted by the Central Electoral Commission are cancelled, according to the procedure established by this Law, by the Central Electoral Commission (if such ballots were not delivered to the constituency commission) or by the constituency commission, of which a written statement is made in the form and in accordance with the procedure established in part 7 of Article 59 of this Law. Information from this statement is taken by the Central Electoral Commission into account when it makes the protocol on the results of the referendum or by the constituency commission when it makes the protocol on the outcomes of voting in its territorial constituency.

Article 95. Procedure of ballots delivery to referendum commissions

1. Each constituency commission accepts ballots from an authorized member of the Central Electoral Commission or from a representative of the Central Electoral Commission's Secretariat vested with relevant authority by the Central Electoral Commission, at its meeting not earlier than 7 days prior to the day of voting. The constituency commission makes, in triplicate, a protocol on acceptance of ballots, in accordance with the procedure laid out in part 7 of Article 59 of this Law. Such protocol is also signed by the authorized member of the the Central Electoral Commission or the representative of the Central Electoral Commission's Secretariat vested with relevant authority by the Central Electoral Commission who effects

the delivery of ballots. The first original of the protocol is provided to the Central Electoral Commission, the second copy remains at the constituency commission and the third is immediately exhibited in the constituency commission's premises for general awareness.

2. Each constituency commission keeps and guards the ballots received from the Central Electoral Commission. Such ballots are kept in the commission's premises in a safe (metal box or separate chamber) sealed with a ribbon carrying the signatures of all persons in attendance of the commission's meeting and the official seal of the commission. The safe (metal box or separate chamber) is permanently (until the moment of delivery of the ballots to the polling station commissions) guarded by an employee of an authority of the Ministry of Internal Affairs of Ukraine.

3. Each constituency commission, not earlier than 4 days prior to the day of voting although not later than at 12.00 on the last Saturday before the day of voting, at its meeting passes the ballots to the polling station commissions of the constituency. Ballots are accepted by at least three members of each polling station commission, who obligatorily represent both the supporters and opponents of the question of the referendum.

4. Each polling station commission receives all ballots that carry its number.

5. Delivery of ballots by the constituency commission to the polling station commissions is reflected in a protocol made according to the procedure and form established in part 7 of article 59 of this Law. Such statement indicates:

- 1) the number of the territorial constituency;
- 2) the number of ballots received by the constituency commission;
- 3) numbers of all polling station commissions whose members are receiving the ballots;
- 4) the number of voters at the polling station according to the voters list on the day of making of the protocol (including the number of absentee voters included into such list);
- 5) number of ballots provided to the polling station;
- 6) family names and signatures of polling station commission members who accepted the ballots;
- 7) number of ballots cancelled by the constituency commission and earlier designated for special polling stations established on vessels at sea under the National Flag of Ukraine on the voting day or at polar stations of Ukraine that were permitted to make ballots according to part 6 of Article 94 of this Law.

6. The protocol on delivery of ballots to polling station commissions is made in a number of originals that by three exceeds the number of persons in the constituency commission. All such originals are numbered and have the same legal effect. The first original is sent to the Central Electoral Commission, the second remains at the constituency commission, the third is immediately exhibited in the constituency commission premises for general awareness. Each member of the constituency commission receives one original out of their remaining quantity.

7. An excerpt from the protocol, made according to the form established by the Central Electoral Commission, indicating the data related to the relevant polling station, signed by the head and secretary of the constituency commission and certified with the constituency commission's seal, is provided, together with the ballots, to the members of each polling station commission who received the ballots.

8. The commissions of polling stations out of Ukraine receive ballots not earlier than four days prior to the day of voting via the Ministry of Foreign Affairs of Ukraine in accordance with the procedure established by the Central Electoral Commission; if necessary, the ballots may, as an exception, be delivered 7 days prior to the day of voting. The delivery of ballots to overseas polling station commissions is reflected in a protocol made by the Central Electoral Commission as specified in part 5 of this Article. Such protocol is made in duplicate; one original remains at the Central Electoral Commission and the other original, together with the excerpts for each foreign polling station, is passed to the Ministry of Foreign Affairs of Ukraine. Information from such protocol is not later than on the following day publicized on the official WEB-site of the Central Electoral Commission.

9. An authorized person of a party to the referendum process or an official observer who attended the delivery of ballots has the right, at own request, to immediately receive the copies of protocols indicated in parts 1 and 5 of this Article, certified at each page by the head and secretary of the constituency commission and bearing the applied seal of the commission, although not more than one such copy for each party to the referendum process. The copies of the protocol specified in part 8 of this Article are provided to the representatives of the parties to the referendum process in the Central Electoral Commission.

10. Members of polling station commissions at the regular and special polling stations (except polling stations on vessels at sea under the National Flag of Ukraine on the voting day or at polar stations of Ukraine) transport the received ballots to the polling station premises under the escort of an employee of an authority of the Ministry of Internal Affairs of Ukraine assigned with guarding responsibilities.

11. Acceptance of ballots by a polling station commission occurs at its meeting immediately on arrival of the commission members who received the ballots. The secretary of the commission applies the seal of the polling station commission onto the designated spaces in all ballots. Another member of the polling station commission who is selected by a decision of this commission counts the received ballots and checks the conformity of the numbers of the territorial constituency and of the polling station indicated on ballots with the number of the polling station.

12. During the count of ballots the relevantly selected member of the commission does the counting aloud, while other members of the commission observe the counting. During the count it is prohibited to break the commission into several groups each of which would count a part of the ballots.

13. In the event of identification of an unconformity between the counted number of ballots and the number indicated in the excerpt from the constituency commission's protocol on delivery of ballots the polling station commission makes, in duplicate, a statement of unconformity, with indication of the reason of unconformity as established by the decision of the polling station commission. Such statement is made in accordance with the form and procedure established in part 7 of Article 59 of this Law. One original of the statement is provided to the constituency commission and the other remains at the polling station commission. In the event of such unconformity the number of ballots established at the meeting of the polling station commission and registered in the statement of unconformity is deemed to be the number of ballots received by the polling station commission.

14. Ballots are kept in the premises of the polling station commission in a safe (metal box) sealed at the same meeting of the commission with a ribbon bearing the signatures of all members of the commission who attended its meeting, and are permanently (until the beginning of the preparatory meeting of the commission in accordance with part 3 of Article 97 of this Law) guarded by an employee of an authority body of the Ministry of Internal Affairs of Ukraine.

Article 96. Premises for voting

1. Voting is done in specially designated and equipped premises with installed booths for secret vote and designated areas for provision of ballots and placement of ballot boxes. Each polling station has only one premise for voting. Control over the arrangement of the premise for voting is vested with the respective polling station commission.

2. The executive bodies of village, township, town (in cities with no district councils) and district councils or the authorities (officials) exercising the duties thereof under the law provide the polling stations with the premises required for voting and suitable for arrangements according to the requirements of this Law and to the standards established by the Central Electoral Commission, and render technical assistance with the relevant arrangements.

3. The premises for voting at a small polling station are to have a floor area of at least 50 square meters, at a medium-size polling station – at least 75 square meters, at a big one – at least 100 square meters. Should a polling station have no premises with the required

floor area the constituency commission may allow a smaller voting premise, although with at least 50 % of the floor area established by this Law.

4. Premises for voting are to be furnished with a sufficient number of booths for secret vote. At small polling stations the number of such booths is to be at least two, at medium-size stations – at least four, at big stations – at least six. The furnishings in the voting premises are arranged in such a manner that areas of provision of ballots, entrances to and exits from voting booths and the ballot boxes remain visible to members of the polling station commission and others who under this Law have the right to be present in the premises for voting.

5. Premises for voting at a special polling station are to be readily accessible to members of the referendum commission, authorized persons of the parties to the referendum process, official and international observers and representatives of the mass media. Heads of institutions or establishments or commanders of military units where such special polling stations are established ensure unobstructed access of commission members, voters on the relevant voters' list, authorized persons of the parties to the referendum process, official and international observers and representatives of the mass media to the premises for voting.

6. Each polling station is provided with the necessary number of ballot boxes – stationary (large) and portable (small). Ballot boxes are made of transparent material in the size established by the Central Electoral Commission. Each ballot box is assigned a number which is indicated thereon. A small polling station is to have at least two stationary ballot boxes, a medium-size polling station – at least three stationary ballot boxes and a big polling station – at least four stationary ballot boxes. Each polling station is to have at least two portable ballot boxes. The stationary ballot boxes are installed in the premises for voting in a manner enabling the voters to approach them by walking through the booths (room) for secret voting. The procedures of making, accounting, use and storage of ballot boxes are established by the Central Electoral Commission.

7. Each polling station commission obligatorily displays the official information materials of the referendum and the posters explaining the procedure of voting and liability for violation of the legislation on referendum in the premises for voting or in the immediate approaches thereto.

Article 97. Preparations for voting

1. Each polling station commission in and out of Ukraine notifies the voters included into its voters list about the date and time of voting by personal invitations sent in accordance with part 2 of Article 68 of this Law.

2. Each polling station commission at its meeting on the last day prior to the day of voting establishes the duties of its members (except the head and the secretary of the commission) on the voting day with regard to

- 1) identification of voters and validation of their inclusion into the voters list;
- 2) provision of ballots to voters;
- 3) ascertainment of the voters passage through the booths for secret voting;
- 4) control over ballot boxes;
- 5) arrangement of the voting at place of voters' location;
- 6) observation of the entrance to and exit from the premises for voting.

3. On the day of voting and not earlier than one hour prior to the beginning of the voting each polling station commission conducts its preparatory meeting. At the beginning of such meeting all its attendants examine the ribbon sealing the safe (metal box) in which the ballots are kept.

4. If the ribbon on the safe (metal box) is intact and bears the required signatures and seal the head of the commission lets the commission members, attendant representatives of the parties to the referendum process, official and international observers and representatives of the mass media to examine, in turn, all the ballot boxes available at the polling station, with announcement of the number of each box. Upon examination each ballot box is sealed with a special seal or, this being impossible, with the seal of the polling station

commission. Upon this procedure a checking list is dropped into the box; such list carries indications of the number of the territorial constituency, number of the polling station, number of the ballot box, time of insertion of the checking list into the box, signatures of the attendant members of the polling station commission and, if so requested, signatures of the attendant authorized persons of the parties to the referendum process and of official observers. Such signatures are certified by the applied seal of the polling station commission. Upon insertion of the checking list into a ballot box the head of the commission lets the attendants to examine the next ballot box and effects the same procedure. Upon sealing of the last ballot box, insertion of the checking list therein and placement of the stationary (large) ballot boxes into the designated areas the premises for voting are deemed to be ready for the conduct of voting. Portable (small) ballot boxes are placed in the premises for voting, with slots down and within visibility of the commission members and others who are present in the premises for voting in accordance with the requirements of this Law.

5. If an examination of the ribbon that seals the safe (metal box) where ballots are kept reveals an interference therewith or an unconformity of the signatures and seal thereupon with the signatures and seal specified in part 14 of Article 95 of this Law, the head of the commission immediately notifies the authorities of the Ministry of Internal Affairs of Ukraine and the relevant constituency commission. Upon this the head of the commission without any delay opens the safe (metal box) and extracts the ballots available therein. Members of the polling station commission check the ballots, specifically with regard to conformity of the numbers of the constituency and of the polling station and presence of the imprint of the seal of the polling station commission, upon which they count the ballots in accordance with the procedure established in part 12 of Article 95 of this Law. The polling station commission makes a written statement on the revealed signs of intrusion into the safe (metal box) and on unconformity of the quantity of ballots, if revealed. Such statement is made in the form and according to the procedure specified in part 7 of Article 59 of this Law. The number of ballots found in the safe (metal box) is also registered in the records of the commission's meeting. In such event the established number of ballots is deemed to be the quantity of ballots received by the polling station commission.

6. If the ribbon on the safe (metal box) is intact and bears the required signatures and seal the safe (metal box) with ballots is opened upon the sealing and placement of ballot boxes according to part 4 of this Article. The head of the commission extracts the ballots from the safe, as well as the excerpt from the protocol of the constituency commission on the delivery of ballots to the polling station commission and the statement on cancellation of blank absentee vote permits by the polling station commission.

7. The head of the polling station commission, on the basis of the statement on cancellation of blank absentee vote permits indicated in part 13 of Article 64 of this Law, announces

- 1) the quantity of such blanks received by the polling station commission;
- 2) the number of voters who received absentee vote permits;
- 3) the number of cancelled absentee vote permits.

8. The secretary of the polling station commission includes the data required by part 7 of this Article into the polling station commission's protocol on the count of votes at the polling station. This information is also registered in the records of the commission's meeting.

9. The head of the polling station commission announces the quantity of ballots received by the commission on the basis of the excerpt from the protocol of the constituency commission on the delivery of ballots or of the statement specified in part 5 of this Article. This quantity is indicated by the secretary of the commission in the commission's protocol on the count of votes at the polling station and is also registered in the records of the commission's meeting.

10. The head of the polling station commission passes the necessary number of ballots to the members of the commission who are going to provide the ballots to voters in the premises for voting and to organize the voting at places of voters' location. Members of the commission who are going to organize the voting at places of voters' location receive a

number of ballots that exceeds the number of voters in the excerpt from the voters list indicated in part 2 of Article 99 of this Law by two ballots. The handover of ballots is reflected in a register made according to the form established by the Central Electoral Commission. The said members of the commission confirm acceptance of ballots by own signatures in such register and further comply with the requirements of their safe keeping and provision to voters as established in this Law. Upon this not a single ballot may remain in the safe (metal box).

11. The head of the polling station commission provides the sheets of the voters list to the commission members authorized to work with such lists on the day of voting. The said commission members ensure their safe keeping and use in accordance with the procedures established in this Law.

12. Before the beginning of the voting the polling station commission informs the constituency commission about

- 1) the number of voters on the voters list at the polling station, at the moment of the beginning of the voting;
- 2) the number of voters registered in the excerpt from the voters list for voting at places of their location;
- 3) the number of voters entered into the voters list on the basis of absentee vote permits (for polling stations designated for absentee voting).

13. The number of voters specified in p. 3 of part 12 of this Article is announced and entered by the secretary of the polling station commission into the protocol on the vote count at the polling station.

14. Each constituency commission provides the indicated data for its constituency to the Central Electoral Commission via its automated information system and by telegraph (teletype) not later than at 10.00 on the day of voting. Immediately upon acknowledgement of such data the Central Electoral Commission publicizes it on its WEB-site and publishes it in the printed mass media on the day following the day of acknowledgement.

Article 98. Arrangements for and procedure of voting in the premises for voting

1. Voting is conducted on the day of voting from 8.00 through 20.00 without intervals. At polling stations out of Ukraine voting is conducted from 8.00 through 20.00 of the local time.

2. Each polling station is to arrange the conduct of voting, to maintain appropriate order and to guarantee the secrecy of ballot. In the event of violations punishable by law the head or the deputy head of the polling station commission has the right to invite an employee of an authority of the Ministry of Internal Affairs of Ukraine into the premises for voting; this employee has to escort the offender out of the premises for voting and resort to measures established by law, outside the said premises. In other instances any staying of employees of the Ministry of Internal Affairs authorities in the premises for voting is prohibited.

3. During the voting at the polling station two members of the polling station commission grant the opportunity to vote to each voter: one member of the commission, should the voter present one of the documents specified in parts 5, 6 or 7 of Article 6 of this Law and be listed in the voters list at the polling station, offers such list to the voter to sign, while the second member of the commission writes his family name and signs in the designated spaces on the ballot and indicates the assigned number of the voter according to the voters list in the designated area of the checking slip of the ballot. The voter signs for the acceptance of ballot in the voters list and in the designated area on the checking slip of the ballot. Upon this a member of the polling station commission separates the checking slip from the ballot and provides the ballot to the voter. The checking slip is kept by the commission member who provided the ballot to the voter. Making of any other marks on the ballot is prohibited.

4. A voter may remain in the premises for voting only during the time needed for the voting.

5. Each ballot is filled out by the voter in person in a booth for secret vote. No other person may be present in such booth when a ballot is filled out by the voter. A voter who for a reason of physical deficiency is not able to fill out his ballot independently has the right to be assisted by another voter, except members of the commissions, authorized persons of the parties to the referendum process or official observers. The head or another member of the polling station commission is to be aware of such assistance.

6. In order to ensure the voting of voters with impaired sight the Central Electoral Commission makes the stencils for ballots in Braille script, with provision of two such stencils to each regular polling station. Such stencils may be made for the special polling stations on submittal from the relevant constituency commission.

7. A voter may not hand over his ballot to any other person. Acceptance of ballots from other persons (except the relevantly authorized member of the polling station commission who provides the ballots) or any encouragement or coercion of the voters to hand their ballots over to other persons by subornation, intimidation or any other method is prohibited.

8. Each voter puts a "+" sign or any other mark expressing his will in the box in his ballot beneath the selected answer to the question of the referendum.

9. Each voter in person drops the filled-out ballot into the ballot box. A voter who for a reason of physical deficiency is not able to drop his ballot into the box independently has the right to be assisted by another voter, except members of the commissions, authorized person of the parties to the referendum process or official observers. The head or another member of the polling station commission is to be aware of such assistance.

10. Should a ballot box be damaged in the course of voting it is sealed by the head and at least three members of the polling station commission who represent the parties to the referendum process – both the supporters and opponents of the question of the referendum, in a manner excluding any further insertion or extraction of ballots. Such box is kept in the premises for voting within visibility of the commission members and of other persons present at the polling station during the voting in accordance with the requirements of this Law, and is not used until the end of the voting.

11. Should a voter make a mistake when filling out his ballot such voter has the right to immediately write an application to the member of the polling station commission who provided him with the ballot and request provision of another ballot. The member of the polling station commission provides the voter with another ballot according to the procedure established in part 3 of this Article and only in exchange for the spoiled ballot, of which the commission member makes a relevant entry in the voters list opposite the family name of the voter and certifies such entry with own signature. The spoiled ballot is immediately cancelled as unused by the member of the commission who provided such ballot, of which a relevant written statement is made. This statement is signed by two members of the polling station commission who registered the provision of the ballot and by the voter who spoiled the ballot, upon which the statement is attached to the voters list. The cancelled ballot is kept by the commission member who provided it to the voter until the counting of votes. During the count of votes this ballot is accounted as unused and packed together with the checking slip into a package for unused ballots. Repeat provision of a new ballot instead of a spoiled ballot is prohibited.

12. At 20.00 the head of the polling station commission announces the end of voting, upon which the right to vote belongs only to the voters who are present in the voting premises. Any continuation of voting after the time established by this Law is prohibited. When the last voter exits the premises for voting such premises are closed, and the only persons remaining therein are the members of the polling station commission and other persons who according to this Law have the right to be present at the meting of the commission during the vote count.

13. Immediately upon the end of voting the polling station commission communicates to the constituency commission the preliminary data on

- 1) the number of voters in the voters list at the polling station at the moment of the end of voting;
- 2) the number of voters who received ballots at the polling station by the end of voting;

- 3) the number of voters who received ballots at places of their location;
- 4) the number of absentee voters who received ballots pursuant to absentee vote permits (for polling stations designated for absentee voting).

14. At a polling station established on a vessel at sea on the day of voting under the National Flag of Ukraine or at a polar station of Ukraine the polling station commission may announce the end of voting before the time established in part 1 of this Article if all voters on the voters list at such polling station took part in the voting. The notification specified in part 13 of this Article is communicated to the relevant constituency commission by technical means of communications. The count of votes at such station is conducted in accordance with the procedure established in this Law immediately upon the announcement of the end of voting and communication of the notification specified in part 13 of this Article.

15. The commission of a polling station out of Ukraine communicates, by technical means of communication, the preliminary data specified in pp. 1, 2 and 4 of part 13 of this Article to the Central Electoral Commission immediately after the end of voting.

Article 99. Arrangements for voting at places of voters' location

1. Any polling station commission provides an opportunity to vote at the place of location to any voter who is included into the voters list at such polling station but for a reason of age, disability or health condition is unable to move on his own.

2. In order to provide an opportunity to vote at the places of location to voters who are unable to move on their own the polling station commission not later than at 16.00 of the last day before the day of voting makes an excerpt from the voters list according to the form established by the Central Electoral Commission.

3. This excerpt includes:

- 1) without permission of the commission – all voters unable to move on their own and marked as such in the voters list, as specified in p. 4 of part 7 of Article 63 of this Law, if such voters, in writing or in person, did not inform the commission prior to 12.00 of the last day before the referendum of their willingness to vote in the premises for voting;

- 2) on decision of the commission – voters who are temporarily unable to move on their own, on the basis of their applications and documents certifying their physical conditions.

4. If a voter is included into the excerpt from the list of voters for voting at the places of location the secretary of the polling station commission makes an entry "votes at place of location" in the "voter's signature" column of the voters list of the polling station.

5. A voter who is temporarily unable to move on his own posts or communicates via other persons an own written application requesting voting at place of location, with indication of the place of own location and an attached document certifying such voter's inability to move on his own. Such application is to be submitted to the polling station commission not later than at 20.00 of the last Friday before the day of voting.

6. An application specified in part 5 of this Article is the voter's obligation to abide by the procedure of voting as specified in this Law.

7. A certificate from a medical and social expertise commission, a health care institution or a welfare authority or institution may serve as a document certifying temporary inability to move on one's own and envisaged in part 5 of this Article. If necessary a copy of the document certifying a voter's temporary inability to move on his own is certified by the head, deputy head or secretary of the polling station commission and with the seal of the polling station commission.

8. At the special polling stations established at in-patient medical institutions voting at place of location is conducted on the basis of personal applications of voters requesting an opportunity to vote at place of location in conjunction with confinement to bed. Such applications are to be certified by the medical director of the institution, whose signature is certified with the official seal of such institution.

9. A voter's application for voting at the place of location and the document attached thereto, as specified in part 7 of this Article (or its copy), is registered by the polling station

commission in a special ledger, with indication of the date and time of its acknowledgement, family name, given name and patronymic of the voter and the voter's residential address (place of location).

Article 100. Procedure of voting at places of voters' location

1. Voting at places of voters' location is organized by at least three members of the polling station commission selected by a decision of such commission as specified in part 2 of Article 97 of this Law. These members of the commission are to represent different parties to the referendum process – supporters and opponents of the question of the referendum.

2. Voting at places of voters' location is organized in a manner enabling the return of the polling station commission members who organize such voting to the premises for voting at least one hour prior to the end of voting.

3. The head of the polling station commission announces that the members of the commission depart to organize the voting at places of voters' location.

4. The head of the polling station commission provides the said members of the commission with the excerpt from the voters list made in accordance with part 2 of Article 99 of this Law and with a properly sealed portable ballot box, into which he drops the checking list. The checking list carries indications of the number of the ballot box, the exact time of the commission members' departure to conduct the voting at places of voters' location, the quantity of received ballots and the family names of the commission members provided with these ballots. The checking list is signed by the present members of the commission and, if so requested, by the authorized persons of the parties to the referendum process and official observers. Such signatures are certified with the seal of the commission.

5. Authorized persons of the parties to the referendum process and official observers have the right to be present during the voting at places of voters' location. A voter or members of family thereof may not deny attendance of the voting by the commission members who organize the voting or by the authorized persons of the parties to the referendum process and official observers who have the right to be present during the voting at places of voters' location. In the event of a voter's refusal to let the said persons into the premises of his location such voter is not allowed to vote at the place of his location.

6. When the voting is arranged at the place of a voter's location the member of the polling station commission, on the basis of the excerpt from the voters list and on condition that the voter presents one of documents specified in part of Article 6 of this Law, provides the voter with one ballot. In so doing the member of the commission writes his family name and signs in the designated spaces on the ballot and on the checking slip of the ballot and indicates on the checking slip the number assigned to the voter in the voters list. The voter signs on the checking slip of the ballot and in the excerpt from the voters list, fills out the ballot according to the procedure established in part 8 of Article 98 of this Law and drops the ballot into the ballot box.

7. Should a voter included into the excerpt from the voters list for voting at places of location appear in the premises for voting after the departure of the commission members to arrange the voting at places of voters' location, such voter may not be provided with a ballot until the return of the said members of the commission and establishment of the fact that such did not vote before at the place of his location.

8. Upon conduct of voting at the place of a voter's location the member of the polling station commission who provided the voter with the ballot marks the space opposite the family name of the voter with the inscription "voted at place of location", indicates own family name and signs.

9. The excerpt from the voters list in accordance with which voters voted at the places of their location is attached to the voters list and constitutes its inseparable integral part. Voters' written applications and the documents certifying their inability to move on their own (or copies thereof) are attached to the voters list.

10. Provisions of Article 99 and of his Article do not extend onto polling stations out of Ukraine.

Article 101. Final meeting of the polling station commission

1. The final meeting of a polling station commission begins after the end of voting at the polling station and communication of the notification indicated in part 13 of Article 98 of this Law, and is held in the same premises where the voting occurred. The final meeting is conducted without an interval and ends upon the making and signing of the protocol on the count of votes at the polling station.

2. For the time of its final meeting the polling station commission assigns the recording of the meeting to the deputy head of the commission or another member thereof. The secretary of the commission at the final meeting enters the data on the count of votes into the protocol.

3. If in the course of voting the polling station commission received any petitions or complaints alleging violations during the voting at the polling station the commission considers such documents at the beginning of its meeting prior to the counting of votes.

4. The counting of votes at a polling station is conducted exclusively by members of the polling station commission in an open and transparent manner. The counting of votes by a polling station commission is done in the sequence established in Articles 102 – 104 of this Law.

Article 102. Processing of voters lists

1. Each member of a polling station commission in charge of working with voters lists counts and enters the following data separately into each received sheet of the voters list:

- 1) the number of voters included into the voters list at the moment of the end of voting;
- 2) the number of voters who received ballots at the polling station by the end of voting (according to voters' signatures in the voters list);
- 3) the number of voters who received ballots at places of their location (according to marks "voted at place of location").

2. Upon entry of the data specified part 1 of this Article the member of the polling station commission signs each sheet of the voters list, sums up the relevant data from all received sheets of the voters list and passes these sheets and the relevant consolidated data to the head of the commission. The indicated summed-up data is entered into the register indicated in part 10 of Article 98 of this Law. The head and the secretary of the polling station commission consolidate the said data, announce it and enter onto the last page of the voters list.

3. The list of voters at a polling station out of Ukraine is after the end of the voting closed by crossing the void columns of the list in a manner excluding any entry of other voters into the list, and then signed by the head and the secretary of the commission and certified with the seal of the polling station commission.

4. A polling station commission on the basis of the voters list establishes the number of voters at the polling station. This number is announced and entered by the secretary of the commission into the protocol on the count of votes at the polling station.

5. A polling station commission on the basis of comparison of the voters list and the excerpt from the voters list establishes the number of voters at the polling station who were included into the list for voting at places of location. This number is announced and entered by the secretary of the commission into the protocol on the count of votes at the polling station.

6. A polling station commission counts the number of voters who received ballots in the premises for voting, according to voters' signatures in the voters list. This number is announced and entered by the secretary of the commission into the protocol on the count of votes at the polling station as the number of voters who received ballots in the premises for voting.

7. A polling station commission counts the number of voters who received ballots at places of their location, according to voters' signatures in the excerpt from the voters list and the "voted at place of location" marks in the voters list. This number is announced and entered by the secretary of the commission into the protocol on the count of votes at the polling station as the number of voters who received ballots at places of their location.

8. The commission of the polling station where absentee voting was conducted counts the number of absentee voters who received ballots on the basis of absentee vote permits, according to the voters' signatures in the list of absentee voters. This number is announced and entered by the secretary of the commission into the protocol on the count of votes at the polling station as the number of voters who received ballots on the basis of absentee vote permits.

9. The voters list, the attached excerpt from the voters list made in accordance with part 2 of Article 99 of this Law, voters' applications with copies of relevant documents on the basis of which the said excerpt was made, the list of absentee voters, and the absentee vote permits on the basis of which on the day of voting the voters were included into the lists of voters at the overseas polling stations (in accordance with part 5 of Article 71 of this Law) are packed according to the procedure established in part 10 of this Article. The package is marked with the inscription "List of voters".

10. A polling station commission packs the processed referendum documents into paper bags. Each bag with the referendum documents is glued, and the package bears an inscription indicating the kind of documents contained therein, with an indication of the number of the territorial constituency or of the overseas constituency, number of the polling station and the date and time of packaging, with signatures of all present members of the polling station commission and its seal.

Article 103. Processing of unused ballots and checking slips

1. Members of the polling station commission, except its head, deputy head, the member of the commission who does the recording of the meeting and the secretary who enters the data into the protocol on the count of votes at the polling station, are not allowed to use pens or any other writing appliances as of the moment of the beginning of their work with the ballots during the counting of votes.

2. Members of the polling station commission who received the ballots according to part 10 of Article 97 of this Law in turn and publicly count the unused ballots remaining with each of them.

3. The sum of the number of ballots provided by each such commission member to the voters (according to the number of voters' signatures on the relevant sheets of the voters list, as specified in p. 2 of part 1 of Article 102 of this Law) and of the number of unused ballots remaining with the same member of the commission is to equal the number of ballots received by such member of the commission (in accordance with the register of ballots indicated in part 10 of Article 97 of this Law). In the event of conformity of these numbers the member of the commission passes the unused ballots to the head of the commission, who enters the number of unused ballots returned by the member of the commission in the ballot register.

4. In the event of unconformity of the numbers specified in part 3 of this Article the polling station commission makes a relevant written statement in accordance with the procedure established in part 7 of Article 59 of this law and indicates the probable cause of such unconformity.

5. The head of the polling station commission sums up and announces the quantity of unused ballots, which is entered by the secretary of the commission into the protocol on the count of votes at the polling station.

6. If necessary or requested by members of the commission the unused ballots may be re-counted according to the procedure established in part 12 of Article 95 of this Law.

7. Unused ballots are cancelled by separation of the right bottom corners thereof. Cancelled unused ballots and the ballots specified in part 11 of Article 98 of this Law are packed in accordance with the procedure established in part 10 of Article 102 of this Law. The package is marked with the inscription "Unused ballots".

8. Members of the polling station commission who provided ballots to voters in turn and publicly count their available checking slips. Each member of the commission passes the counted checking slips to the head of the commission, who enters the number of checking slips established by each member of the commission into the ballot register.

9. The head of the commission sums up and announces the total number of checking slips of the used ballots.

10. The polling station commission checks whether the total number of checking slips of the used ballots (as indicated in part 9 of this Article) equals the sum of numbers specified in parts 6 and 7 (and, for polling stations where absentee voting was conducted, also in part 8) of Article 102 of this Law.

11. If necessary or requested by members of the commission the checking slips of the used ballots may be re-counted according to the procedure established in part 12 of Article 95 of this Law.

12. In the event of conformity of the numbers indicated in part 10 of this Article the head of the polling station commission announces this number as the quantity of voters provided with ballots at the polling station. The secretary of the polling station commission enters this number into the protocol on the count of votes at the polling station.

13. In the event of unconformity of the numbers indicated in part 10 of this Article the polling station commission makes a written statement thereof according to the procedure established in part 7 of Article 59 of this Law. Upon this the commission makes a decision on the establishment of the number of voters provided with ballots. This number is announced and entered into the protocol on the count of votes at the polling station.

14. Checking slips of the used ballots are packed according to the procedure established in part 10 of Article 102 of this Law. The package is marked with the inscription "Checking slips".

15. The polling station commission checks whether the total number of ballots received by the polling station equals the sum of the number of unused ballots and the number of voters provided with ballots. In the event of unconformity of these numbers the commission makes a relevant written statement according to the procedure established in part 7 of Article 59 of this Law, with indication of the cause of such unconformity as established in the commission's decision.

Article 104. Procedure of opening of the boxes and of the count of votes

1. Upon completion of activities specified in Article 103 of this Law each polling station commission validates the intactness of seals on ballot boxes.

2. In the event of identification of any damage to the seals of ballot boxes or of other damage that interferes with the intactness of a ballot box the polling station commission makes a relevant written statement in the form and according to the procedure established in part 7 of Article 59 of this Law, with indication of the nature of the identified damage.

3. Ballot boxes are opened by the polling station commission one by one. The commission first opens the portable boxes used for voting at voters' places of location and in the last turn opens, if such are available, the ballot boxes with damaged seals or other damage revealed during the voting.

4. When an undamaged box is opened its contents are emptied onto the table where the members of the commission are sitting. In so doing the commission members ascertain the availability of the checking list in the ballot box (or of the checking lists in portable ballot boxes).

5. From a damaged box the ballots are taken out one by one, with no mixing up. The polling station commission counts the ballots in such box and in so doing ascertains the presence of the checking list, which is to be the last item taken out.

6. The number of ballots in each box is counted separately. Establishment of the results of voting per each ballot box separately is not conducted. Ballots are counted according to the procedure established in part 12 of Article 95 of this Law.

7. All items found in ballot boxes which are not ballots of the established form are put aside and not counted. Checking lists also belong to such items. Should the commission have doubts whether an item is a ballot it decides the matter by vote, with each member of the commission having the right to personally examine such item. At the time of examination of such item the counting of ballots is suspended. Items that are not ballots are packed

according to the procedure specified in part 10 of Article 102 of this Law. The package is marked with the inscription "Alien items".

8. Should the number of ballots in an opened portable ballot box exceed the number of ballots indicated in the checking list in such box the polling station commission immediately makes a relevant written statement of unconformity, in accordance with the form and procedure established in part 7 of Article 59 of this Law, indicating therein the number of ballots in the box and the family names of commission members who signed the said ballots.

9. When making the statement indicated in part 8 of this Article the polling station commission checks whether the ballots found in the portable box carry the numbers of the relevant territorial constituency and of the respective polling station, the imprints of the seal of the polling station commission and the family names and signatures of the commission members who conducted the voting at places of voters' location. Ballots that fail to meet the said requirements are not to be accounted in the establishment of the total number of voters who took part in the voting, and during the count of the votes. Should upon separation of such ballots from the ballots to be accounted the unconformity specified in part 8 of this Article be eliminated all proper ballots are to be accounted in the establishment of the total number of voters who took part in the voting, and during the count of the votes. Should ballots that fail to meet the requirements be not identified or should their separation from the ballots to be accounted fail to eliminate the unconformity specified in part 8 of this Article all ballots from the portable box are not to be accounted in the establishment of the total number of voters who took part in the voting, and during the count of the votes.

10. Should a ballot box contain no checking list (or a portable ballot box – no checking lists) the polling station commission makes a written statement thereupon, in accordance with the form and procedure established in part 7 of Article 59 of this Law, indicating the number of ballots in such ballot box. Such ballots are not to be accounted in the establishment of the total number of voters who took part in the voting, and during the count of the votes.

11. Should members of the commission have any doubts regarding the authenticity of the checking list, or in other doubtful situations in instances specified in parts 8 and 10 of this Article, the polling station commission decides, by vote, to deem the ballots in the box not subject to accounting in the establishment of the total number of voters who took part in the voting, and during the count of the votes. Such decision and the results of the relevant vote are registered in the records of the commission's meeting.

12. The number of ballots in each ballot box, with the exception of alien items and ballots that are not to be accounted, and the number of the relevant box are announced and registered into the protocol on the count of votes at the polling station. Upon the opening of the last box the total number of ballots in the boxes is summed up. Thus established number of ballots is deemed the number of voters who took part in the voting. This number is announced by the head of the polling station commission and entered by the secretary of the commission into its protocol on the count of votes at the polling station.

13. Ballots found in the boxes and carrying the number of the territorial constituency and/ or of the polling station that does not conform with the number of the polling station where the votes are counted and with the number of the relevant constituency, as well as ballots bearing no imprint of the seal of the relevant polling station commission or bearing an imprint of the seal of another commission or of any other seal are deemed to be ballots that are not to be accounted in the establishment of the total number of voters who took part in the voting, and during the count of the votes.

14. Ballots that are, in accordance with parts 9, 10, 11 and 13 of this Article, not to be accounted in the establishment of the total number of voters who took part in the voting, and during the count of the votes are counted, registered in the protocol on the count of votes at the polling station and packed according to the procedure established in part 10 of Article 102 of this Law. The package is marked with the inscription "Ballots not to be accounted".

15. Ballots that are subject to accounting are placed into areas marked by special plates carrying, on both sides, the inscriptions "yes", "no" and "invalid". During the sorting of

ballots a member of the commission shows each ballot to all members of the polling station commission and announces the result of the voter's expressed will.

16. A ballot is deemed invalid in the following instances:

- 1) should it not carry the family name or signature of the polling station commission member who provided it to the voter or carry a signature of a person who was not providing ballots to voters at this polling station;
- 2) should it have more than one mark in the relevant boxes;
- 3) should it carry no marks;
- 4) should its checking slip remain intact;
- 5) should it be impossible to establish the voter's expressed will for any other reason.

17. Should the commission members have any doubts regarding the content of a ballot the commission makes a relevant decision by vote. Prior to such voting each member of the commission has the right to personally examine the ballot. During the examination of the ballot and the voting the counting of other ballots is suspended. The relevant decision and the results of the vote thereon are registered in the records of the polling station commission's meeting.

18. Invalid ballots are separately counted in accordance with the procedure established in part 12 of Article 95 of this Law. Their number is announced by the head of the polling station commission and entered by the secretary of the commission into the protocol on the count of votes at the polling station. Invalid ballots are packed in accordance with the procedure established in part 10 of Article 102 of this Law. The package is marked with the inscription "Invalid ballots".

19. The polling station commission, in accordance with the procedure established in part 12 of Article 19 of this Law, counts the number of votes in support of the question of the referendum and the number of votes against the matter of the referendum. During the count of the votes each member of the polling station commission has the right to check or re-count the relevant ballots. The results of the count of the votes are announced by the head of the commission and entered by the secretary of the commission into the protocol on the count of votes at the polling station.

20. During the count of the votes each polling station commission is obligated to verify whether the number of voters who took part in the voting at the polling station equals the sum of numbers of invalid ballots, ballots in support of the matter of the referendum and ballots against the matter of the referendum. Should these numbers not conform the commission may re-count the ballots. Should the said unconformity be confirmed the polling station commission makes a relevant written statement thereof, with indication of the reason of such unconformity, as established in its decision, and in accordance with the form and procedure established in part 7 of Article 59 of this Law.

21. Ballots with votes for the question of the referendum and ballots with votes against the question of the referendum are packed separately in accordance with the procedure established in part 10 of Article 102 of this Law. The packages are marked with the inscriptions "Yes" and "No".

Article 105. Protocol of the polling station commission on the count of votes at the polling station

1. At its final meeting each polling station commission makes the protocol on the count of votes at the polling station. The blank form of such protocol is approved by the Central Electoral Commission not later than 30 days prior to the day of voting. Blanks of such protocols are numbered by the making enterprise. The Central Electoral Commission ensures the making of 100 such blanks per each polling station, according to the procedure and in terms established in Article 94 of this Law with regard to the making of ballots. Blanks of protocols on the count of votes at the polling stations are delivered to the referendum commissions in accordance with the procedure and terms established in Article 95 of this Law.

2. The following information is included, in words and in figures, into each protocol on the count of votes at the polling station:

- 1) the number of ballots received by the polling station commission;
- 2) the number of ballots made by the polling station commission;
- 3) the number of unused ballots;
- 4) the number of voters included into the voters list at the polling station (at the moment of the end of the voting);
- 5) the number of voters included into the excerpt from the voters list for voting at places of location;
- 6) the number of voters included into the list of absentee voters;
- 7) the number of voters provided with ballots in the premises for voting;
- 8) the number of voters provided with ballots at the places of their location;
- 9) the number of voters provided with ballots as absentee voters;
- 10) the total number of voters provided with ballots at the polling station;
- 11) the number of ballots in each ballot box (with indication of the number of the box);
- 12) the number of ballots not to be accounted;
- 13) the number of voters who took part in the voting;
- 14) the number of voters who took part in the voting at places of their location;
- 15) the number of voters who took part in the voting at the polling station;
- 16) the number of ballots deemed invalid;
- 17) the number of votes for the question of the referendum;
- 18) the number of votes against the question of the referendum;
- 19) the number of absentee vote permits received by the polling station commission;
- 20) the number of voters who received absentee vote permits at the polling station;
- 21) the number of absentee vote permits cancelled by the polling station commission.

3. The protocol on the count of votes at the polling station is made by the polling station commission in the number of originals that by four exceeds the number of members of the polling station commission. All originals of the protocol are numbered and have equal legal effect.

4. Each protocol on the count of votes at the polling station carries an indication of the date and exact time of its signing by the members of the polling station commission. Each original of the protocol is signed by the head, deputy head, secretary and other members of the polling station commission who are present at its meeting. Any member of the polling station commission present at its meeting is obligated to sign the protocol on the count of votes at the polling station. Should a member of the commission disagree with the actions of the commission or the results of the count of the votes he signs the protocol with the mark "Dissenting opinion". The written text of the dissenting opinion is attached to the protocol on the count of votes at the polling station. In the event of absence of the signature of a member of the commission in the protocol on the count of votes at the polling station the reason of the absence of such signature is to be indicated opposite such commission member's family name. The protocol is signed and certified by the seal of the polling station commission only upon its completion.

5. The first and second originals of the protocol on the count of votes at the polling station may be signed by authorized persons of the parties to the referendum process and official observers present at the meeting of the polling station commission during the counting of votes.

6. Protocols on the count of votes at the polling station may not be filled out by pencil or in any way corrected.

7. Should a polling station commission identify an inaccuracy (slip of the pen or mistake in numbers) in its protocol on the count of votes upon its signing but prior to its delivery to the constituency commission such polling station commission, at the same meeting thereof, hears the matter of the making of corrections into the established results of the vote at the polling station by making a new protocol on the count of votes at the polling station, with elimination of inaccuracies. Such new protocol is marked with the inscription "Specified". During such procedure ballots are not re-counted. The protocol marked as "Specified" is made in the number of originals as established in part 3 of this Article and is signed in accordance with the procedure established in part 4 of this Article. The fact of the

making of the protocol marked as "Specified" is registered in the records of the meeting of the polling station commission.

8. The first and second originals of the protocol on the count of votes at the polling station and, if available, the first and the second originals of the protocol marked as "Specified" are packed into a package with special protections in accordance with the procedure established in part 10 of Article 102 of this Law. The package is marked with the inscription "Protocol on the count of votes". The third original of each protocol on the count of votes at the polling station (and, if available, the third original of the protocol marked as "Specified") remains with the secretary of the commission, the fourth original is immediately displayed for general awareness at the premises of the polling station commission, and all the remaining protocols are provided to the members of the commission, one original to each.

9. Authorized persons of the parties to the process of referendum and official observers who attended the count of votes at the polling station are, on request, immediately provided with copies of the protocol on the count of votes at the polling station, including copies of the protocol marked as "Specified", certified by the head and secretary of the commissions and with the seal of the polling station commission, although not more than one copy of each protocol for each party to the process of the referendum.

10. When copies of the protocol on the count of votes at the polling station are provided a relevant written statement thereon is made, in the form established by the Central Electoral Commission. This statement indicates the number of persons provided with copies of the protocol, numbers of copies, dates and time of provision of such copies and signatures of the recipients. The statement is signed by the head and secretary of the polling station commission and certified with the seal thereof. Such statement is packed in the package together with the first and second originals of the protocol on the count of votes at the polling station.

11. Packages with the protocols on the count of votes at the polling station, ballots, checking slips and alien items, voters lists and, if available, written dissenting opinions of the members of the commission, statements, applications, complaints and the commission's decisions are immediately upon the end of the meeting of the polling station commission delivered to the constituency commission in accordance with the procedure established in part 1 of Article 107 of this Law.

Article 106. Invalidation of the voting at a polling station by the polling station commission

1. A polling station commission may invalidate the voting at the polling station should it find any violations of the requirements of this Law that entail an impossibility to correctly establish the results of expression of the voters' will, in the following circumstances:

- 1) discovered facts of unlawful voting (dropping of a ballot into the box by a person other than the voter, except instances envisaged in part 9 of Article 98 of this Law; voting by persons who have no right to vote; voting by persons who are not included into voters list at the polling station or are included therein on no grounds; repeat voting by one voter) in a quantity that exceeds ten per cent of the number of voters provided with ballots at the polling station;
- 2) destruction or damaging of a ballot box (or boxes) entailing an impossibility to establish the content of ballots should the number of such ballots exceed ten per cent of the number of voters provided with ballots at the polling station;
- 3) identification, in ballot boxes, of a quantity of ballots that by ten per cent exceeds the number of voters provided with ballots at the polling station.

2. In any event of finding the circumstances specified in part 1 of this Article the polling station commission in each instance makes a written statement according to the form and procedure established in part 7 of Article 59 of this Law. Such statement or statements is/ are sufficient grounds for the polling station commission's hearing of the matter of invalidation of the voting at the polling station.

3. Should a polling station commission make a decision to invalidate the voting at the polling station the protocol on the count of votes at the polling station is to contain only the information indicated in pp. 1 – 12, 15 and 19 – 21 of part 2 of Article 105 of this Law. Such protocol is made in accordance with the procedure established in Article 105 of this Law.

4. In the event of a passed decision on invalidation of the voting at the polling station all ballots found in the ballot boxes are packed in accordance with the procedure established in part 10 of Article 102 of this Law. The package is marked with the inscription “Ballots”.

5. The decision of the polling station commission on invalidation of the voting at the polling station and the statement(s) that served as the grounds for such decision are attached to the protocol on the count of votes at the polling station, packed and transported to the constituency commission in accordance with the procedure established in part 1 of Article 107 of this Law.

Article 107. Procedure of transportation and delivery of the referendum documents to constituency commissions

1. The referendum documents specified in part 11 of Article 105 of this Law are transported by members of the regular or special polling station (except special polling stations established on vessels at sea on the day of voting under the national Flag of Ukraine or at polar stations of Ukraine) who represent three different parties to the referendum process; namely: the head or deputy head of such commission and two other members thereof representing two other parties of the referendum process – a supporter and an opponent of the question of the referendum. They are obligatorily escorted by an employee of an authority of the Ministry of Internal Affairs of Ukraine assigned with guarding duties during the transportation. Other members of the polling station commission, authorized persons of the parties to the referendum process and official observers may, if they so wish, be present during the transportation of the documents. Presence of any other persons during the transportation of the documents is prohibited.

2. During the transportation of the documents of the referendum it is prohibited to unseal the packages with protocols on the count of votes at the polling station and with the other referendum documentation.

3. The secretary and other members of the polling station commission who are not present during the transportation of the referendum documents remain in the polling station commission's premises until the acceptance of the protocol on the count of votes at the polling station by the relevant constituency commission. During the transportation of the referendum documentation the seal of the polling station commission is kept in the safe (metal box) in the premises of the commission.

4. The protocol on the count of votes at any regular or special polling station (except special polling stations established on vessels at sea on the day of voting under the national Flag of Ukraine or at polar stations of Ukraine) and other referendum documentation of the polling station commission is passed to the relevant constituency commission at its meeting in accordance with the procedure established in Article 108 of this Law.

5. The content of the protocol on the count of votes at an overseas polling station and at a special polling station established on a vessel at sea on the day of voting under the National Flag of Ukraine or at a polar station of Ukraine) is, upon signing of such protocol by the members of the polling station commission, communicated by the polling station commission, by technical communications means, to the Central Electoral Commission (via the Ministry of Foreign Affairs of Ukraine) or to the relevant constituency commission with mandatory further delivery thereto of the first and second originals of the protocol on the count of votes at the polling station in accordance with the procedure established by the Central Electoral Commission. The other documents of the referendum specified in part 11 of Article 105 of this Law are attached to the protocols.

Article 108. Procedure of acceptance and processing of documents from polling station commissions by constituency commissions

1. As of the moment of the end of voting each constituency commission of the referendum begins its meeting that lasts continuously until the establishment of the results of the vote in the relevant territorial constituency. Throughout this time the members of the constituency commission may not be involved into performance of any other duties except participation in the meeting of the commission.

2. Each constituency commission processes the information specified in part 13 of Article 98 of this Law and passes such information with regard to its constituency to the Central Electoral Commission via the automated information system and by telegraph (teletype) not later than at 22.00 on the day of voting. The Central Electoral Commission publishes the received information in the national printed media on the day following the day of its acknowledgment and also, immediately, on the official WEB-site of the Central Electoral Commission.

3. The meeting of the constituency commission specified in part 1 of this Article is continuously recorded, such records to be signed by the head of the commission or the chairperson of the meeting and by the secretary of the commission or another member of the commission who performed the duties of the secretary at the meeting. The dissenting opinions (if available) of the members of the constituency commission who took part in the meeting and do not agree with the decision passed by commission are attached to the records.

4. At the constituency commission's meeting indicated in part 1 of this Article the head of the constituency commission accepts the sealed packages with the protocols on the count of votes at the polling stations, unseals them and announces the contents of such protocols, as well as accepts the sealed packages with the other referendum documents specified in part 11 of Article 105 of this Law. The time of constituency commission's acceptance of each polling station commission's protocol on the count of votes at the polling station, the list of accepted referendum documents and the information included into each protocol on the count of votes at the polling station are, upon announcement by the head of the constituency commission, registered in the records of the constituency commission's meeting.

5. When accepting the documents from polling station commissions the constituency commission validates the completeness of such documents and the intactness of seals on all packages with the documents. During this process any member of the constituency commission has the right to personally examine each package with the documents. In the event of completeness of the referendum documents and intactness of the seals the package with the protocol on the count of votes at the polling station is opened and the information therein is announced. On the basis of processing of the documents from the polling station commission and of the complaints alleging violations of the requirements of this Law during the voting, the counting of votes or during the transportation of the referendum documents to the constituency commission (received by the moment of acceptance of the documents from the polling station commission) the constituency commission makes one of the following decisions:

- 1) to accept the referendum documents from the polling station commission and to account the information in the protocol on the count of votes at the polling station in the establishment of the results of voting in the territorial constituency;
- 2) to refuse acceptance of the protocol on the count of votes at the polling station from the polling station commission and to obligate the polling station commission to correct the identified deficiencies;
- 3) to conduct the re-count of votes at the polling station.

6. A decision as specified in part 5 of this Article is made on the vote of all members of the constituency commission present at its meeting, by majority of total votes of the commission, and is registered in the records of the meeting of the constituency commission.

7. The polling station commission's protocol on the count of votes at the polling station is examined by the constituency commission upon its announcement. Should the commission identify any corrections, mistakes or inaccuracies in such protocol it may decide

to obligate the polling station commission to amend the protocol in accordance with the requirements of part 7 of Article 105 of this Law, which decision is registered in the records of the meeting of the constituency commission. During the hearing of this matter by the polling station commission the originals of the protocol on the count of votes at the polling station and the documents attached thereto are kept at the constituency commission.

8. The polling station commission is obligated, within the term established by the constituency commission, to hear the matter of amendment of the protocol on the count of votes at the polling station without a re-count of votes. The protocol marked as "Specified" is transported to the constituency commission in accordance with the procedure established in Article 107 of this Law. The time of acceptance of the protocol marked as "Specified" by the constituency commission and the information therein are registered in the records of the meeting of the constituency commission.

Article 109. Re-count of votes

1. In the event of availability of complaints that are corroborated with statements properly made by authorized persons of the parties to the referendum process, official observers or voters, allege violations of the requirements of this Law during the voting and/or the counting of votes at a polling station and thus generate doubts with regard to the results of the count of votes at such polling station, as well as in the event of availability of written statements or complaints from persons specified in part 1 of Article 7 of this Law that allege violations of the requirements of this Law during the transportation of protocols on the count of votes at the polling station and of the other documents to the constituency commission, such constituency commission may decide to conduct re-counting of votes at the relevant polling station.

2. Should it be impossible to eliminate the inaccuracies in the protocol on the count of votes at the polling station without a re-count of votes or in the event of presence of visible signs of unsealing of packages with packed documents the constituency commission is to make a decision on a re-count of votes at the relevant polling station.

3. Protocols on the count of votes at the polling station and sealed packages with other documents of the polling station commission are kept in the premises where the meeting of the constituency commission is held until completion of the re-count of votes at the polling station.

4. The re-counting of votes at a polling station is conducted by the polling station commission, with obligatory participation of those members thereof who deliver the referendum documents, upon processing and acceptance of protocols and other documents from all polling stations in the constituency. All members of the polling station commission may take part in the re-count of votes at the polling station; presence thereat is also allowed to the authorized persons of the parties to the referendum process and official observers.

5. On the basis of the results of the re-count of votes at the polling station the constituency commission makes a protocol on the re-count of votes at the respective polling station in accordance with the form established by the Central Electoral Commission; such protocol is to contain the information specified in part 2 (except p. 11) of Article 105 of this Law.

6. The protocol on the re-count of votes at a polling station is made by the relevant constituency commission in the number of originals that by four exceeds the number of persons who are the members of the constituency commission. The originals of the protocol are numbered and have equal legal effect. All originals are signed by the present members of the constituency commission and by those members of the polling station commission who took part in the re-count of votes at the relevant polling station, and certified with the seal of the constituency commission. The information in such protocol is announced in the course of its making in accordance with the procedure established in Articles 102 – 104 of this Law. The first and second originals of the protocol may be signed by the authorized persons of the parties to the referendum process and official observers present during the re-count of votes.

7. A constituency commission may decide to invalidate the voting at a polling station in the following instances:

- 1) should the re-count of votes reveal at the polling station any circumstances specified in part 1 of Article 106 of this Law;
- 2) establishment of the facts of willful obstruction to members of referendum commissions in the exercise of their authority on the day that preceded the day of voting, on the day of voting or during the counting of votes, or of willful and unlawful removal of official observers from the premises for voting or for vote counting where such persons had the right to be present, or unlawful refusal of attendance of such official observers in the premises for voting or for vote counting.

8. Should the voting at a polling station be invalidated after the re-count of votes the constituency commission' protocol on the results of the re-count of votes at such polling station is made in accordance with the procedure established in parts 5 and 6 of this Article and contains the information specified in pp. 1 – 12, 15 and 19 – 21 of part 2 of Article 105 of this Law. The spaces for all other data are marked with dashes.

9. The first original of the protocol of the constituency commission on the re-count of votes at a polling station, together with the respective protocol of the polling station on the count of votes thereat and the decision of the constituency commission on invalidation of the voting at that polling station, is attached to the constituency commission's protocol on the results of voting in the relevant territorial constituency of the referendum. The second original of such protocol remains with the secretary of the constituency commission, the third original is passed to the relevant polling station commission, the fourth original is immediately displayed for general awareness in the premises of constituency commission and the remaining originals are distributed to the members of constituency commission, one for each.

Article 110. Establishment of the outcomes of voting in the territorial constituency

1. Each constituency commission, upon acceptance and processing of the protocols of polling station commissions on the count of votes at polling stations, including such protocols marked as "Specified", on the basis of such protocols and of the announcements of the contents of protocols communicated, by technical means of communication, from special polling stations on vessels at sea on the day of voting under the national Flag of Ukraine and at polar stations of Ukraine, and, in the event of re-counting of votes, also on the basis of the protocol of the constituency commission on the re-count of votes at the relevant polling station, establishes:

- 1) the number of ballots received by the constituency commission;
- 2) the number of ballots cancelled by the constituency commission;
- 3) the number of ballots received by polling station commissions of the territorial constituency;
- 4) the number of ballots made by polling station commissions of the territorial constituency;
- 5) the number of unused ballots cancelled by polling station commissions of the territorial constituency;
- 6) the total number of voters included into the voters lists at the polling stations of the territorial constituency;
- 7) the number of voters included into the excerpts from the voters lists at polling stations of the territorial constituency;
- 8) the number of voters included into the lists of absentee voters, in the territorial constituency;
- 9) the number of voters provided with ballots at the premises for voting;
- 10) the number of voters provided with ballots at the places of their location;
- 11) the number of voters provided with ballots as absentee voters;
- 12) the total number of voters provided with ballots in the territorial constituency;
- 13) the number of voters who took part in the voting in the premises for voting;
- 14) the number of voters who took part in the voting at the places of their location;

- 15) the number of ballots that are not to be accounted and were found at the polling stations of the territorial constituency;
- 16) the total number of voters who took part in the voting in the territorial constituency;
- 17) the number of ballots deemed invalid;
- 18) the number of votes for the question of the referendum;
- 19) the number of votes against the question of the referendum;
- 20) the number of absentee vote permits received by the polling station commissions in the territorial constituency;
- 21) the number of voters who received absentee vote permits at the polling station;
- 22) the number of unused absentee vote permits cancelled by the constituency commission;
- 23) the number of unused absentee vote permits cancelled by polling station commissions;
- 24) the total number of unused absentee vote permits in the territorial constituency of the referendum.

2. Information on the outcomes of voting in a territorial constituency is in words and in figures entered into the constituency commission's protocol on the outcomes of voting in the territorial constituency. Information specified in pp. 3 – 20 of part 1 of this Article is entered into the protocol in figures for each polling station in the territorial constituency and also as sums, in words and in figures, for the entire territorial constituency.

3. The protocol on the outcomes of voting in a territorial constituency is made by the constituency commission in the number of originals that by three exceeds the number of members of the constituency commission. All originals of the protocol are numbered and have equal legal effect.

4. A protocol on the outcomes of voting in a territorial constituency may not be filled out by pencil or signed and certified with the seal of the constituency commission prior to its final completion.

5. Each protocol on the outcomes of voting in the territorial constituency is signed by the head, deputy head, secretary and other members of the constituency commission who are present at its meeting, and certified with the seal of the commission. The protocol carries an indication of the date and exact time of its signing by the members of the constituency commission. Any member of the constituency commission present at its meeting is obligated to sign the protocol on the outcomes of voting. Should a member of the commission disagree with the established outcomes of the voting registered in the protocol of the commission he signs the protocol and makes a mark "Dissenting opinion". The written text of the dissenting opinion is attached to the protocol on the outcomes of voting. In the event of absence of the signature of a member of the commission in the protocol on the outcomes of voting the reason of the absence of such signature is to be indicated opposite such commission member's family name. The first original of the protocol may be signed by the authorized persons of the parties to the referendum process and official observers present at the establishment of the outcomes of voting in the territorial constituency.

6. Should a polling station commission identify an inaccuracy (slip of the pen or mistake in numbers) in its protocol on the outcomes of voting upon its signing but prior to its delivery to the Central Electoral Commission such constituency commission, at the same meeting thereof, hears the matter of the making of corrections into such protocol by making a new protocol, which is marked with the inscription "Specified". The protocol marked as "Specified" is made in the number of originals and signed as established in this Article. The making of a protocol marked as "Specified" at any other meeting of the constituency commission without relevant assignment from the Central Electoral Commission is not allowed.

7. The first original of the protocol on the outcomes of voting in the territorial constituency and, if available, the first original of the protocol marked as "Specified" is packed into a package with special protections in accordance with the procedure established in part 10 of Article 102 of this Law. The package is marked with the inscription "Protocol on the outcomes of voting".

8. The first original of the protocol of the constituency commission on the outcomes of voting and, if it was amended, the protocol with inaccuracies (slips of the pen or mistakes in numbers) and the protocol marked as "Specified", together with the respective protocols and statements of the polling stations, decisions made on the basis of such statements and, if available, protocols of the constituency commission on the re-count of votes at the respective polling stations, written dissenting opinions of the members of the constituency commission, petitions and complaints alleging the constituency commission's violations of the procedure of establishment of the outcomes of voting and decisions made by the constituency commission upon their examination, are transported by the constituency commission to the Central Electoral Commission. The second original of such protocol remains at the constituency commission, the third original is immediately displayed for general awareness in the premises of the constituency commission and the remaining originals are distributed to the members of constituency commission, one for each.

9. Transportation of the referendum documents specified in part 8 of this Article is conducted by the head or deputy head of the constituency commission and by two other members of such commission who represent two other parties to the referendum process – a supporter and an opponent of the question of the referendum.

10. Authorized persons of the parties to the process of referendum and official observers are, on request, immediately provided with copies of the constituency commission's protocol on the outcomes of voting in the territorial constituency, including copies of the protocol marked as "Specified" and, if available, on the re-count of votes at the polling station, although not more than one copy of each protocol for each party to the process of the referendum. Such copies are certified at each page by the head and secretary of the constituency commission and bear the applied seal of the constituency commission.

Article 111. Establishment of the outcomes of voting in the overseas constituency

1. The Central Electoral Commission at its meeting accepts, processes and announces the protocols of polling station commissions on the count of votes at the overseas polling stations or the notifications about the contents of the respective protocols delivered by means of technical communication in accordance with part 5 of Article 107 of this Law.

2. Upon acceptance and processing of overseas polling stations' protocols on the count of votes the Central Electoral Commission, at the same meeting thereof and on the basis of such protocols and of notifications about the contents of the respective protocols delivered by means of technical communication, establishes the data specified in part 1 of Article 110 of this Law with regard to the overseas constituency of the referendum.

3. Information on the outcomes of voting in the overseas constituency is announced at the meeting of the Central Electoral Commission and entered, in words and in figures, into the protocol of the Central Electoral Commission on the outcomes of voting in the overseas constituency of the referendum.

4. The protocol specified in part 3 of this Article is made in accordance with the procedure established in parts 2 and 4 – 6 of Article 110 of this Law.

5. The protocol specified in part 3 of this Article is made in duplicate, signed by the Head, deputy Head, secretary and other members of the Central Electoral Commission present at its meeting, and certified with the seal of the Central Electoral Commission. The protocol indicates the date and exact time (hours and minutes) of its signing by the Central Electoral Commission members. Each member of the Central Electoral Commission present at its meeting is to sign the protocol on the outcomes of voting. Should a member of the Central Electoral Commission disagree with the established outcomes of the voting registered in the protocol such member signs the protocol with the mark "Dissenting opinion". The written dissenting opinion is attached to the protocol on the outcomes of voting. In the event of absence of the signature of a member of the Central Electoral Commission in the protocol the reason of his absence at the meeting is indicated in the space opposite his family name. The first original of the protocol may be signed by the representatives and authorized persons of the parties to the referendum process who were

present at the establishment of the outcomes of the voting in the overseas constituency of the referendum. The content of the protocol is immediately publicized at the official WEB-site of the Central Electoral Commission.

6. Each representative of a party to the referendum process is, on request, immediately provided with a copy of the protocol on the outcomes of voting in the overseas constituency of the referendum (including the protocol marked as "Specified"). Such copies are signed at each page by the Head and secretary of the Central Electoral Commission and certified with its seal.

Article 112. Procedure of acceptance and processing of constituency commissions' protocols by the Central Electoral Commission

1. The Central Electoral Commission at its meeting examines and accepts the protocols of constituency commissions of the referendum on the outcomes of voting in the territorial constituencies. The data in each such protocol is announced by the head or deputy head of the relevant constituency commission. The time of acceptance of each protocol by the Central Electoral Commission and the data therein are registered in the records of the meeting of the Central Electoral Commission.

2. Should the Central Electoral Commission identify any corrections, mistakes or inaccuracies in a constituency commission's protocol on the outcomes of voting in a territorial constituency, the Commission may by own decision obligate the constituency commission to make amendments to such protocol in accordance with the procedure established in part 7 of Article 108 of this Law. Such decision is registered in the records of the meeting of the Central Electoral Commission. During the hearing of such matter by the constituency commission the originals of its protocol on the outcomes of voting in the territorial constituency and the attached documents are kept at the Central Electoral Commission.

3. The constituency commission is obligated to consider the matter of amending the protocol on the outcomes of voting in the territorial constituency within the term established by the Central Electoral Commission and, if necessary, to conduct re-counting of votes at specific polling stations of the territorial constituency. The protocol marked as "Specified" is made in accordance with the procedure established in part 6 of Article 110 of this Law. The said protocol and other necessary documents of the referendum are transported to the Central Electoral Commission in accordance with the procedure established in part 9 of Article 110 of this Law.

4. The constituency commission's protocol on the outcomes of voting in the territorial constituency marked as "Specified" is accepted by the Central Electoral Commission in accordance with the procedure established in part 1 of this Article.

Article 113. Establishment of the results of the all-Ukrainian referendum

1. The Central Electoral Commission at its meeting, on the basis of constituency commissions' protocols on the outcomes of voting in the territorial constituencies, including such protocols marked as "Specified", and its protocol on the outcomes of voting in the overseas constituency of the referendum, on condition of availability of the decision with regard to the outcomes of examination of all complaints and actions by, respectively, referendum commissions and courts (regarding disputes related to the voting and the establishment of the outcomes of voting at polling stations and in territorial constituencies of the referendum), not later than on the fifteenth day as of the day of voting establishes the results of the all-Ukrainian referendum and makes a relevant protocol thereupon. The following information is entered, in words and in figures, into the protocol on the results of the all-Ukrainian referendum:

- 1) the number of ballots made, as contracted by the Central Electoral Commission;
- 2) the number of unused ballots cancelled by the Central Electoral Commission;
- 3) the number of ballots received by constituency commissions of the referendum;
- 4) the number of unused ballots cancelled by constituency commissions;

- 5) the number of ballots received by polling stations in the territorial constituency commissions;
- 6) the number of ballots made by polling stations in the territorial constituency commissions;
- 7) the number of unused ballots cancelled by polling station commissions;
- 8) the total number of unused ballots;
- 9) the number of voters included into voters lists at polling stations;
- 10) the number of voters included into the excerpts from voters lists at polling stations;
- 11) the number of voters included into lists for absentee voting;
- 12) the number of voters provided with ballots in premises for voting;
- 13) the number of voters provided with ballots at places of their location;
- 14) the number of voters provided with ballots as absentee voters;
- 15) the total number of voters provided with ballots;
- 16) the number of voters who took part in the voting in the premises for voting;
- 17) the number of voters who took part in the voting at places of their location;
- 18) the number of ballots that are not to be accounted (found at polling stations);
- 19) the total number of voters who took part in the voting;
- 20) the number of ballots deemed invalid;
- 21) the percentage of invalid ballots with regard to the number of voters who took part in the vote;
- 22) the number of votes in support of the question of the referendum;
- 24) the percentage of votes in support of the question of the referendum, with regard to the total number of voters who took part in the voting;
- 25) the number of votes against the question of the referendum;
- 26) the percentage of votes against the question of the referendum, with regard to the total number of voters who took part in the voting.

2. Information on the outcomes of voting is, in words and in figures, entered into the protocol of the Central Electoral Commission on the results of the all-Ukrainian referendum. The data specified in pp. 3 – 25 of part 1 of this Article is entered, in figures, for each territorial constituency of the referendum (including the overseas constituency) and also, as sums, in words and in figures, with regard to the single national constituency of the referendum.

3. The protocol of the Central Electoral Commission on the results of the all-Ukrainian referendum is made in duplicate, signed by the Head, deputy Head, secretary and other members of the Central Electoral Commission present at its meeting and certified with the seal of the Central Electoral Commission. The protocol indicates the date and exact time (hours and minutes) of its signing by the members of the Central Electoral Commission. Each member of the Central Electoral Commission present at its meeting is to sign the protocol of the Central Electoral Commission on the results of the all-Ukrainian referendum. Should a member of the Central Electoral Commission disagree with the established results of the all-Ukrainian referendum registered in the protocol such member signs the protocol with the mark "Dissenting opinion". The written dissenting opinion is attached to the protocol of the Central Electoral Commission on the results of the all-Ukrainian referendum. In the event of absence of the signature of a member of the Central Electoral Commission in the protocol of the Central Electoral Commission on the results of the all-Ukrainian referendum the reason of his absence at the meeting is indicated in the space opposite his family name. The first original of the protocol may be signed by the representatives and authorized persons of the parties to the referendum process who were present at the establishment of the results of the all-Ukrainian referendum. The content of the protocol is immediately publicized at the official WEB-site of the Central Electoral Commission.

4. Should the percentage established in p. 24 of part 1 of this Article exceed 50 % the Central Electoral Commission makes a decision on communication of the protocol of the Central Electoral Commission on the results of the all-Ukrainian referendum to the President of Ukraine.

5. Should the percentage established in p. 24 of part 1 of this Article equal or amount to less than 50 % the Central Electoral Commission decides to deem the question of the referendum not supported at the all-Ukrainian referendum.

Article 114. Official publication of the results of the referendum

Unless the actions of the Central Electoral Commission with regard to the making of the protocol of the Central Electoral Commission on the results of the all-Ukrainian referendum are challenged in court in accordance with the procedure established in the Code of Administrative Justice of Ukraine, the Central Electoral Commission not later than on the fifth day as of the establishment of the results of the referendum officially publishes the results of the all-Ukrainian referendum and its decision made in accordance with part 4 or 5 of Article 113 of this Law in the "Holos Ukrayiny" and "Uryadovy Kuryer" dailies.

Article 115. Safe keeping of the referendum documentation, of other documents of the referendum commissions and of tangibles

1. Upon the official publication of the results of the all-Ukrainian referendum the Central Electoral Commission passes all referendum documentation and other documents subject to archiving at the National Archives Fund, including protocols on the count of votes at polling stations and on outcomes of voting in territorial constituencies, to the respective central archiving institution, whilst the constituency commissions of the referendum pass such documentation to the relevant local institutions owned by the state.

2. Referendum documents not to be kept at the National Archives Fund are passed by constituency commissions to the local archiving institutions established by local executive authorities of bodies of local self-government in accordance with the Law of Ukraine "On the National Archives Fund and Archiving Institutions".

3. The list of referendum documentation and of other documents to be kept at the central and other archiving institutions and the procedure of transfer of such documents to the said institutions are developed by the Central Electoral Commission in agreement with the central executive authority in the realm of archiving and documents management.

4. Ballots, checking slips, voters lists, absentee vote permits, statements, petitions, complaints about violations of the requirements of this Law during the voting and counting of votes, protocols and decisions of the referendum commissions are kept in the local archiving institutions for two years as of the official publication of the results of the referendum and upon expiration of such term are destroyed in accordance with the established procedure.

5. Archiving institutions provide access to the all-Ukrainian referendum documentation according to the procedure established in the laws of Ukraine.

6. Local executive authorities and bodies of local self-government are, upon termination of activity of the polling station and constituency commissions of the referendum, obligated to ensure safe keeping of ballot boxes, voting booths, the commissions' seals and stamps as well as of the printed aids provided to the commissions for the time of the referendum process.

Section XII. Challenging of decisions, actions or inaction with regard to the Refendum process. Liability for violations of the legislation on Referendum

Article 116. General principles of the challenging of decisions, actions or inaction with regard to the referendum process

1. Articles 117 - 125 of this Law establish the procedure of the challenging, at the referendum commissions, of the decisions, actions and inaction related to the referendum process.

2. The procedure of filing administrative actions in court with regard to decisions, actions and inaction with regard to the referendum process is established in the Code of Administrative Justice of Ukraine.

Article 117. Complaining parties

1. A complaint with regard to the process of the all-Ukrainian referendum may be filed by any of the following parties:

- 1) a party to the referendum process registered as a supporter or opponent of the question of the referendum, in the person of the head of the initiative group of the referendum, of a Deputies' faction, of a political party, of an all-Ukrainian civic organization, as well as any representative of a party to the referendum process at the Central Electoral Commission, authorized person of a party to the referendum process or other person authorized by the respective party to the referendum process;
- 2) an official observer;
- 3) a voter whose rights to take part in the referendum or any safeguarded interests regarding participation in the referendum process, including the rights to participate in the activities of a referendum commission or to observe, are violated by a decision, action or inaction of the challenged party.

2. The head of the initiative group of the referendum, of a Deputies' faction, of a political party or of an all-Ukrainian civic organization, an authorized person of a political party (bloc) or a representative thereof at the Central Electoral Commission acts in the capacity of the representative of the relevant party to the referendum process without any additional authorization. The authority of such authorized persons or representatives at the Central Electoral Commission is certified by the credentials to be issued according to the procedure established in this Law.

Article 118. Matter of complaints. Recipients of complaints

1. The party that hears a complaint specified in part 1 of Article 117 of this Law is the respective referendum commission. established Суб'єктом розгляду скарги, передбаченої частиною першою статті 117 цього Закону, є відповідна комісія референдуму.

2. Any complaining party specified in part 1 of Article 117 of this Law may at own discretion submit a complaint to a referendum commission or file an action in court.

3. A court that received an action with regard to a decision, action or inaction with regard to the referendum process immediately notifies the relevant referendum commission and higher commission about the commencement of proceedings on the action and about the decision passed by such court.

4. Should an action be accepted by a court and a complaint about the same matter and on the same grounds be submitted to a referendum commission, such commission, on notification from the court about the commencement of proceedings in the relevant case, suspends its consideration of the complaint until the coming of the court's decision into legal effect.

Article 119. Challenged parties

1. A complaint indicated in part 1 of Article 117 of this Law may be filed by the complaining party with regard to any decision, action or inaction by

- 1) a referendum commission or a member thereof;
- 2) a public authority, body of local self-government, enterprise, establishment, institution or organization or any official or employee thereof;
- 3) a civic organization, with exception of those decisions and actions that, according to the charter or by-laws (provisions) of the organization belong to its internal administrative activities or exclusive competence;
- 4) mass media, or official, employee or creative personnel thereof;
- 5) other parties to the referendum process in accordance with Article 17 of this Law.

Article 120. Terms of submission of complaints

1. A complaint to a referendum commission may be submitted by a complaining party within 5 days as of the decision, action or inaction of the challenged party, except instances specified in parts 2 and 3 of this Article.

2. A complaint about a violation that took place prior to the day of voting may be submitted within the term established in part 1 of this Article although not later than at 24.00 of the day preceding the day of voting.

3. A complaint about a violation during the voting may be submitted to the relevant polling station commission not later than the end of voting. A complaint about a decision, action or inaction on the part of a commission or a member thereof on the day of voting, during the counting of votes or during the establishment of the results of the vote at the polling station may be submitted to a higher referendum commission within 2 days as of the challenged decision, action or inaction.

4. The day of inaction is defined as the last day of the term within which an action envisaged by the law was to be made but was omitted.

5. The day of the submission of the complaint is defined as the day of actual acknowledgement of the complaint by its recipient.

6. The term of submission of complaints is not extendable or renewable, except repeat submission of a complaint upon elimination of the deficiencies therein, not later than on the day following the day of such dismissed complaint's return in accordance with part 3 of Article 122 of this Law.

7. Any amendment or specification of the demands of the complaining party during the consideration of such complaint by its recipient that is caused by identification of circumstances earlier unknown to the complaining party is not deemed to constitute a new complaint and is not subject to the limitations of the established term.

Article 121. Form and content of a complaint

1. Complaints are submitted to referendum commissions in writing. A complaint is to contain:

- 1) name of the recipient party;
- 2) family name, given name and patronymic (name) of the complaining party, residential (post) address thereof, contact telephone number and e-mail address, if available;
- 3) family name, given name, and patronymic (name) of the challenged party, residential (post) address thereof, contact telephone number and e-mail address, if available;
- 4) essence of the raised matter;
- 5) description of the circumstances and evidence that substantiate the demands of the complaining party;
- 6) clearly presented demands, with indication of the essence of the sought decision;
- 7) list of attached documents and materials;
- 8) indications of interested parties whose involvement into the proceedings is sought by the complaining party;
- 9) signature of the complaining party or of a person representing such party in accordance with Article 117 of this Law, with the date of signing.

2. Each complaint is to be accompanied by the copies thereof and of all the attached documents in the quantity that equals the number of challenged parties and interested persons named in the complaint.

Article 122. Procedure and terms of the hearing of complaints

1. Referendum commissions proceed with complaints in accordance with the procedure established in this Article.

2. A complaint not meeting the requirements of Article 121 of this Law is dismissed and returned to the complaining party by the Head of the Central Electoral Commission or by any other member of the Central Electoral Commission on assignment of the Head of the Central Electoral Commission, or by the head or deputy head of the constituency or polling station commission not later than on the day following the day of acknowledgement of such complaint; any such complaint submitted prior to the day of voting, on the day of voting or on the day following the day of voting is returned immediately. A dismissal of a returned

complaint contains an exhaustive list of the deficiencies causing its dismissal and indicates the possibility of a repeat complaint to be submitted in accordance with the requirements of Article 121 of this Law within the term established in this Law.

3. In the event of a repeat submission of a complaint with unmodified or new deficiencies the recipient party makes a decision on dismissal of such complaint irrespective of its merits.

4. A complaint made in compliance with the requirements of Article 121 of this Law is heard by the relevant referendum commission at a meeting thereof not later than on the fifth day as of day of its acknowledgement, except instances specified in parts 5 – 7 of this Article.

5. A complaint alleging violations prior to the day of voting is heard by the commission within the term established in part 4 of this Article although not later than the beginning of voting.

6. A complaint alleging a violation during the voting and submitted to the polling station commission is heard by such commission immediately after the end of voting.

7. A complaint alleging a violation on the day of voting, during the counting of votes or during the establishment of the results of the voting at the polling station and submitted to the higher referendum commission is heard by the relevant party within two days as of submission.

8. Should a commission when considering a complaint deem it feasible to conduct a law enforcement check on the referred circumstances the relevant law enforcement authorities when requested by the commission check on the said circumstances and take necessary action to discontinue the violation of the law within three days as of the acknowledgement of the commission's request; should the said authorities receive such request less than three days prior to the day of voting, on the day of voting or on the day following the day of voting they take action immediately. The law enforcement authorities notify the requesting commission about the results of the check and the taken action.

9. The hearing of complaints is done with obligatory and timely notification of the complaining and challenged parties and of other interested parties, by telegram, fax or e-mail, about the relevant time and venue. The said parties may also be notified by telephone, with mandatory registration of such action by an employee of the hearing party in a special note that is made in writing and attached to the records. Failure of any properly notified party to appear at the meeting where the complaint is heard does not impede the hearing of the complaint.

10. The copies of the complaint and documents attached thereto are provided to the challenged and interested parties in advance or, should it be impossible, not later than at the beginning of the hearings. A challenged party has the right to submit own explanations with regard to the essence of the complaint, in writing; such explanations are taken into account by the hearing party.

11. The hearing party makes a decision on dismissal of the complaint irrespective of its merits should it be submitted by an inappropriate party or in violation of the terms established in this Article.

12. The Central Electoral Commission when dismissing a complaint irrespective of its merits may at own discretion take notice of the facts presented in such complaint.

13. Other aspects of the hearing of complaints by referendum commissions are established by the Central Electoral Commission in accordance with the requirements of this Law.

14. Referendum commissions and law enforcement authorities arrange their work during the referendum process, including holidays and the day of voting, in a manner that ensures acceptance of and response to complaints and commissions' requests within the term and according to the procedure established in this Law.

Article 123. Evidence

1. The following may serve as evidence on the grounds of which referendum commissions establish the presence or absence of circumstances that substantiate the

demands and objections of the complaining, challenged and interested parties or of other circumstances important for proper decisions on complaints:

- 1) written documents and materials (including electronic) containing information on circumstances important for proper decisions on complaints;
- 2) written explanations of the parties to the referendum process, officials and employees of executive authorities and bodies of local self-government, enterprises, establishments, institutions and organizations, relevant law enforcement authorities obtained on requests of hearing parties, including members of referendum commissions, in furtherance of the authority of such commissions;
- 3) exhibits;
- 4) expert opinions provided in writing on request of the hearing, complaining or challenged parties.

2. Evidence is presented to referendum commissions by the complaining, challenged and interested parties. The referendum commission that is hearing the complaint may request (demand) additional evidence at own discretion or if relevantly requested by any of the said parties.

3. If any of the said parties fails to present evidence corroborating the alleged circumstances the commission decides on the matter on the basis of the available evidence.

4. The hearing commission accepts only the evidence important for the hearing of the complaint and refers in its decision to the dismissal of evidence that is of no relevance to the complaint or has no proving value.

5. Circumstances (facts) that under the law require a certain established manner of proving may not be corroborated by any other manner of proving.

6. Written evidence is presented in the original or in copy certified as established in the law. In the event of presentation of a copy of any written evidence the hearing commission has the right to demand presentation of the original or on its own requests such original. Upon the hearing of the complaint the commission, if so requested by the owner of the original of a document, returns such original thereto and leaves a copy of the original (certified as established in the law) in the complaint file.

7. The hearing commission assesses the appropriateness and authenticity of each evidence as well as the sufficiency and interrelation of the evidence in its entirety, in accordance with the law. No evidence has any foregoing effect, except circumstances and facts established in court decisions in due effect.

Article 124. Decision of the hearing party on the outcomes of complaint hearings

1. Any decision of a party hearing a complaint is to be fair, lawful and properly substantiated.

2. When hearing a complaint about a decision of a challenged party the hearing party decides the following:

- 1) whether the challenged decision was made by the challenged party;
- 2) whether such decision was made by the challenged party on lawful grounds;
- 3) whether the challenged decision was made within the vested authority and in accordance with the procedure established by law;
- 4) what rules of the law should be applied to such legal relationships and whether the law assigns the complaint to the authority that hears it;
- 5) whether each of the demands of the complaining party should be satisfied or such satisfaction should be refused;
- 6) whether the complaining party's violated rights or lawful interest should be reinstated in any other way;
- 7) what decision, or action pursuant to the annulment of the challenged decision, should be imposed upon the challenged party.

3. When hearing a complaint about an action (or inaction) of the challenged party the hearing party decides the following:

- 1) whether the challenged action (inaction) of the challenged party took place;

- 2) whether the challenged action (inaction) was made by the challenged party on lawful grounds;
 - 3) what rules of the law should be applied to such legal relationships and whether the law assigns the complaint to the authority that hears it;
 - 4) whether each of the demands of the complaining party should be satisfied or such satisfaction should be refused;
 - 5) whether the complaining party's violated rights or lawful interest should be reinstated in any other way;
 - 6) what decision, or action pursuant to the annulment of the challenged decision, should be imposed upon the challenged party.
4. When hearing a complaint the hearing party may satisfy it in full or in part or to refuse its satisfaction.
5. In the event of satisfaction of a complaint the hearing party may decide:
- 1) to deem the challenged party's decision (or parts thereof), action or inaction to be incompliant with the requirements of the legislation on referendum, in violation of the citizens' right to take part in the referendum or of the rights and lawful interests of a party to the referendum process;
 - 2) to annul the decision;
 - 3) to obligate the challenged party to take action established in the legislation that regulates the preparation and conduct of an all-Ukrainian referendum;
 - 4) to obligate the challenged party to refrain from certain actions;
 - 5) to reinstate the violated citizens' rights or the rights and lawful interests of a party to the referendum process in any other way;
 - 6) to obligate the challenged party and/ or another authority, party to the referendum process, mass media entity, official or employee to take actions established in the legislation that regulates the preparation and conduct of an all-Ukrainian referendum and pursuant to the fact of annulment of the challenged decision or established unlawfulness of the challenged action or inaction.
6. Should the party that hears a complaint establish that the challenged decision, action or inaction fails to comply with the legislation on the all-Ukrainian referendum, such party satisfies the complaint. In so doing the hearing party may satisfy the demands of the complaining party in full or in part.
7. Should a court find a decision of a referendum commission unlawful, including any decision on invalidation of the voting at the polling station, on establishment of the outcomes or of the results of voting, the decision on such matter is made by the commission whose decision was deemed unlawful or by the higher referendum commission, on the basis of a court ruling. However, if the decision was not deemed invalid on formal grounds, the referendum commission may not make a decision that in its essence reiterates the decision pronounced unlawful by the court.
8. A higher referendum commission may, on the grounds of a complaint or court decision or on own initiative, annul a decision of a lower commission and make a decision on the merits of the matter or obligating the lower commission to review such matter.
9. A hearing party refuses to satisfy a complaint should if find that the challenged party's decision, action or inaction was in compliance with the law and within the authority vested by law and did not violate the rights of voters or the rights and lawful interests of other parties to the referendum process.
10. Copies of the hearing party's decision are provided or sent to the complaining party, challenged party, interested parties, the relevant referendum commission and any other party mentioned in the decision not later than on the day following the day of such decision, and should the decision be made on the day preceding the day of voting, on the voting day or the following day – immediately.

Article 125. Special features of the challenging of decisions, actions or inaction of specific parties

1. A party to the referendum process may challenge a decision, action or inaction of an executive authority, body of local self-government, enterprise, establishment, institution, organization, or an official or employee thereof regarding failure to perform the duties vested by law and related to the preparation and conduct of the referendum, unlawful interference with the activities of referendum commissions or their members and incompliance with the requirements of the law about referendum campaigning. A relevant complaint is submitted to the referendum constituency commission at the place of location of the challenged executive authority, body of local self-government, enterprise, establishment, institution or organization, or to the Central Electoral Commission.

2. A party to the referendum process registered as a supporter or opponent of the question of the referendum or a voter whose rights to take part in the referendum were violated may challenge the decision, action or inaction of another party to the referendum process registered as a supporter or opponent of the question of the referendum, or of another civic organization, or of an official or employee thereof, with regard to the referendum process, except decisions and actions that under the law or according to the charter of such civic organization belong to the internal administrative activity or exclusive competence of the said party. The relevant complaint is submitted to the constituency commission at the location of the relevant authority (official) of the challenged party or to the Central Electoral Commission.

3. A party to the referendum process registered as a supporter or opponent of the question of the referendum may challenge an action or inaction of a mass media entity, its owner, official or creative personnel in violation of the procedure of referendum campaigning established by law or of any other requirements of the law with regard to such campaigning. Such complaint is submitted to the Central Electoral Commission or, with regard to relevant action or inaction of any regional or local mass media, – to the respective constituency commission at the location of such media.

4. A party to the referendum process may challenge a decision, action or inaction of a referendum commission or of its member. Such complaint is submitted to the respective constituency commission. A complaint with regard to a decision, action or inaction of a constituency commission is submitted to the Central Electoral Commission.

Article 126. Liability for violation of the legislation on referendum

Persons guilty of violation of the legislation on all-Ukrainian referendum are held criminally, administratively or otherwise liable in accordance with the procedure established by law.

Section XIII. Legal effects of the All-Ukrainian Referendum

Article 127. Official publication of the act passed at the referendum

In the event of a constitutional, ratification or legislative referendum the President of Ukraine, within 5 days as of the acknowledgement of the decision of the Central Electoral Commission specified in part 4 of Article 113 of this Law and of the attached protocol of the Central Electoral Commission on establishment of the results of the all-Ukrainian referendum, officially publishes, with own signature, the relevant act passed (adopted) at the all-Ukrainian referendum. In the event of a ratification referendum the text of the relevant international agreement of Ukraine is also published. The final provisions of the published act indicate its adoption by the all-Ukrainian referendum and the date of such referendum.

Article 128. Legal effects of a constitutional referendum

1. The Constitution of Ukraine (or a new version thereof) adopted at the all-Ukrainian referendum comes into effect as of the day of its publication in accordance with the procedure established in Article 127 of this Law, unless otherwise stipulated in the final provisions of such Constitution.

2. The Law on amendments to Sections I, III and XIII of the Constitution of Ukraine adopted at the all-Ukrainian referendum comes into effect as of the day of its official publication in accordance with the procedure established in Article 127 of this Law.

3. Amendments to the Constitution of Ukraine adopted at the all-Ukrainian referendum are made in accordance with the procedure established in the Constitution of Ukraine.

Article 129. Legal effects of a ratification referendum

1. Should a law on obligation of an international agreement be adopted at an all-Ukrainian referendum such law comes into effect as of the day of its official publication in accordance with the procedure established in Article 127 of this Law.

2. The question of denouncement of an international agreement, if the law on obligation of such agreement was adopted at the all-Ukrainian referendum, may be put onto an all-Ukrainian referendum initiated in accordance with the procedure established in this Law not earlier than one year after the adoption of such law at the all-Ukrainian referendum.

3. Should the law on obligation of an international agreement be adopted at the all-Ukrainian referendum the Verkhovna Rada of Ukraine may, within its vested authority, hear the matter of denouncement of such international agreement not earlier than five years after the adoption of the said law at the all-Ukrainian referendum.

Article 130. Legal effects of a legislative referendum

1. A law adopted at an all-Ukrainian referendum, including any such law on annulment of specific law or certain provisions thereof, comes into effect as of the day of its official publication in accordance with the procedure established in Article 127 of this Law, unless otherwise stipulated in such law's final provisions.

2. The question of amendment of a law adopted at the all-Ukrainian referendum or of its annulment may be put onto an all-Ukrainian referendum initiated in accordance with the procedure established in this Law not earlier than one year after the adoption of the said law at the all-Ukrainian referendum.

3. Verkhovna Rada of Ukraine may, within its vested authority, hear the matter of amendment of a law adopted at the all-Ukrainian referendum not earlier than two years after the adoption of such law at the all-Ukrainian referendum.

Article 131. Legal effects of the binding general referendum

1. A decision of a binding general referendum with regard to a generally formulated proposal or to a matter in general is to be obligatorily considered by the relevant public authorities.

2. In furtherance of an all-Ukrainian referendum's decision with regard to a generally formulated proposal the President of Ukraine, within 30 days as of the acknowledgement of the decision of the Central Electoral Commission specified in part 4 of Article 113 of this Law and of the attached protocol of the Central Electoral Commission on establishment of the results of the all-Ukrainian referendum, submits the relevant draft law, as a draft of immediate priority, to the Verkhovna Rada of Ukraine for its consideration or issues an edict assigning the Cabinet of Ministers of Ukraine to consider the said matter without any delay.

3. In furtherance of a decision of an all-Ukrainian referendum regarding a matter in general the President of Ukraine, within 60 days as of the acknowledgement of the decision of the Central Electoral Commission specified in part 4 of Article 113 of this law and of the attached protocol on establishment of the results of the all-Ukrainian referendum, submits the draft law developed with account of the decision of the referendum to the Verkhovna Rada of Ukraine for its consideration or issues an edict assigning the Cabinet of Ministers of Ukraine to consider the said matter.

Article 132. Legal effects of a consultative referendum

The decisions of a consultative referendum are taken into account by the public authorities in the development and implementation of the national policies.

Section XIV. Final Provisions

1. This Law comes into effect as of the day of its official publication.

2. The following Laws of Ukraine are amended as follows:

1) In part 7 of Article 28 of the law of Ukraine "On the National Register of Voters" the language "three days" is replaced with "two days".

2) Article 31 of the Law of Ukraine "On Mandatory Social Insurance by the State" is supplemented with part 2 as following:

«2. Performance of works related to the preparation and conduct of elections of the President of Ukraine, People's Deputies of Ukraine, deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils, village, township and city mayors, all-Ukrainian or local referendums, including work in the election or referendum commissions, by persons deemed unemployed, in accordance with the procedure established by law, does not constitute any grounds to terminate the registration of such persons with the State Service for Employment as individuals in search of employment or to discontinue welfare payments and other assistance thereto».

In this conjunction parts 2 – 5 of the said Article are deemed, respectively, parts 3 – 6 thereof.

3. The Cabinet of Ministers of Ukraine, within three months as of day of the official publication of this Law, is to

draft proposals on harmonization of the laws of Ukraine with this Law and to submit such proposals to the Verkhovna Rada of Ukraine;

bring own regulations into compliance with this Law;

ensure adoption of regulations envisaged in this Law;

ensure review and annulment by the Ministries and other central executive authorities of any regulations thereof in contravention of this Law.

4. The Central Electoral Commission, within two months as of the day of the official publication of this Law, is to

bring own acts into compliance with this Law, and

ensure adoption of acts envisaged by this Law.

5. As of the day of official publication of this Law the Law of Ukraine "On the All-Ukrainian and Local Referendums" ("Vidomosti Vekhovnoyi Rady Ukrayiny", 2991, № 33, p. 443; 1992, № 35, p. 515; 2001, № 49, p. 259) is deemed of no further effect.

Strasbourg, 22 April 2008

NOTE OF THE SECRETARIAT

Subject: Draft laws on the referendum in Ukraine (introduced by Mr Kliuchkovskiy and Mr Lavrinovich)

I. Introduction.

1. On 15 February 2008 Mr Yatseniuk, President of the Verkhovna Rada of Ukraine, asked the Venice Commission to prepare an opinion on the draft laws on the all- Ukraine referendum (draft laws introduced by Mr Kliuchkovskiy 1374-1 and by Mr Lavrinovich 1374).
2. Currently, the referendum can be organised on the basis of the Constitution of Ukraine and the 1991 law on all-Ukraine and Local Referendums.
3. The present note summarises the proposals of the draft 1374 submitted by Mr Lavrinovich.

II. General observations

4. The draft law is aimed at establishing the new legal framework for organising national referendums in Ukraine. The law on referendums currently in force has been adopted in 1991.
5. The text consists of 84 articles and seems to be rather complex and detailed.

III. Main features of the text.

6. Article 1 para 1 establishes that *national referendum* is a form of direct democracy based on the fundamental right of citizens to exercise power.
7. Article 3 defines the terms to organise a referendum on '*people's initiative*' according to the article 74 of the Constitution under the following terms:
 - a. It can be organised on request coming from at least 3 million citizens from 2/3 of regions collecting each no less than 100 000 signatures.
 - b. It is called by the President of Ukraine.
8. Article 4: *Constitutional referendum*. The proposal can come from the President of Ukraine or at least 2/3 of the MPs. It is called by the President if it concerns changes in certain articles of the Constitution, and by the Parliament in case of a "new version" of the Constitution.
9. Article 6: *Restrictions*. referendums cannot be organised in times of state of emergency, they cannot coincide with elections. A single question is submitted to the vote.
10. Articles 7, 8 repeat general provisions on the right of citizens to vote.¹
11. Article 10. *Timeframe*. Referendum can be called no earlier than 90 days after the issue of a Presidential decree calling a referendum and no later than 120 days. The decision of the Rada on constitutional referendum is published no later than 3 days after its signature.

¹ See the text of the Constitution of Ukraine (CDL(2003)086) and the law on elections of people's deputies of Ukraine CDL(2005)021.

12. Article 11 *Referendums on the territorial changes* in Ukraine are called by the Rada.

13. Articles 12 – 20 deal with the *initiative groups on referendums*. The procedure is quite complex, however, it seems quite reasonable in the sense that the process is under the authority of the CEC. State bodies cannot interfere in the work of initiative groups on collecting the signatures. Certain restrictions are established as to places where signatures can be collected: premises of work as well as places of payment of salaries and social benefits are excluded (Article 16). All campaigning must stop 15 days before the referendum (Article 20).

14. The list of bodies responsible for organising referendums and their powers coincide with those described in general legislation on elections.² The CEC creates 225 constituencies for voting in a referendum. Procedures for operation of special polling stations (abroad and on vessels) are rather detailed. Special provisions are established for polling stations organised by the CEC on an exceptional basis on specific request in some military units (the law establishes in article 24 that normally “no polling stations are organised in military units” – servicemen vote in ordinary polling stations).

15. Article 31. *Voters lists*. The law makes reference to the Law on State register of voters and its procedures.³

16. Procedures for bulletins and for voting procedures are similar to the election law. Once again the law goes too much into technical details.

17. Article 38. The *legal force of decisions taken at a national referendum*. Any decision taken at a referendum on citizens' initiative enters into force immediately after the official publication of the results of the referendum. Decisions of referendums on constitutional changes enter into force according to the procedure established by the Constitution of Ukraine.

² See Doc. CDL(2005)021.

³ See Doc. CDL(2007)044.