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Threats in the organization of the election process and prospects for overcoming them

The article identifies real threats in the organization of the election process and identifies promising areas for overcoming them. Among the existing threats are the following: violation of the order of campaigning, bribery of voters, obstruction of the exercise of suffrage and manipulation of the consciousness of voters, violation of the procedure of counting votes and drawing up protocols, political absenteeism of citizens and more. It has been established that, first, every election in Ukraine is accompanied by conflicts, scandals and revelations of violations by almost all subjects of the election process. Secondly, the human factor, the contradictions of Ukrainian politics and the large mass of agitation, etc., play a role here. It is determined that the authorities are faced with the task of taking a number of measures to overcome the risks. The authorities face the problem of overcoming these threats, which may occur in the following measures. Preventive work should be carried out systematically and all subjects of the election process should be made aware of the inadmissibility of voter bribery, as this is an illegal act that violates freedom of expression. In addition to systematic educational activities, it is necessary to organize work on maintaining a register of violators involved in bribery, and to

develop the practice of not allowing such persons to participate in the organization of the election process. As for the problem of agitation, the solution is seen in the regulation of the media; creation of stricter norms for the activity of the subjects of the election process with PR; strengthening responsibility for the use of dirty technology in campaigning. To raise awareness of the election process, it is desirable to promote the above-mentioned resource by the Election Commission. This, firstly, will help prepare potential members of election commissions, secondly, will create conditions for the formation of legal awareness of voters, and thirdly, will provide comprehensive information for the media.

Keywords: *election process, election organization, violation of election legislation, voters, free will, black PR.*

FORMULATION OF THE PROBLEM. For a modern developed state, it is important to organize the electoral process on a democratic basis and ensure the free will of citizens. In the context of Ukraine's strategic course towards European integration, there is a need to form representative bodies on the basis of legality, rule of law, honesty and competition. After all, adherence to generally accepted principles is an indicator of the maturity of the public administration system in the state and its readiness for development. Since, according to the Constitution of Ukraine, the only source of power is the people, the succession of the people's will must come first. This can happen through both direct and representative democracy. Of course, the former is important, but for a professional, balanced and strategically oriented management, an organization in the form of representation through government is important. In this way, the will of citizens is retransmitted indirectly through the election of their representatives and the further formation of a system of governing bodies. There are many different political views and preferences that can jeopardize the legitimacy of election results, and the authorities need to overcome them.

ANALYSIS OF RECENT RESEARCH AND PUBLICATIONS. Problems of organizing the electoral process relate to the field of research in public administration, law, political science, sociology and more. Among the scholars whose works are

devoted to this issue should be noted the following: Gavriyuk D., Denisova A., Klyuchkovsky Y., Kostetska L., Mandrychenko J., Nakhod M., Khromova Y. They analyzed various aspects of the electoral process, but today there are a number of threats that need to be addressed in this issue and attempts to address both in scientific and practical terms.

FORMULATION OF THE OBJECTIVES OF THE ARTICLE. The purpose of the article is to identify real threats in the organization of the election process and identify promising areas for overcoming them.

PRESENTING MAIN MATERIAL. According to the "Universal Declaration of Human Rights" [4], the basis for government power should be the will of the people, which is determined through systematic and fair elections through secret ballot on equal terms of all citizens. The First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms [13] undertook to hold free elections by secret ballot to elect a legislature as a result of the free expression of popular opinion. According to the provisions of the International Covenant on Civil and Political Rights [10], the right and opportunity of every citizen is ensured:

Participate in public affairs directly or through their freely elected representatives;

to elect and be elected in elections that ensure freedom of expression.

Thus, in the first place is the will of the people and freedom of expression, which must be provided and protected by the state. According to generally accepted standards enshrined in international legal acts, the authorities must ensure the implementation of a number of principles for the organization of the electoral process [5] (Fig. 1).

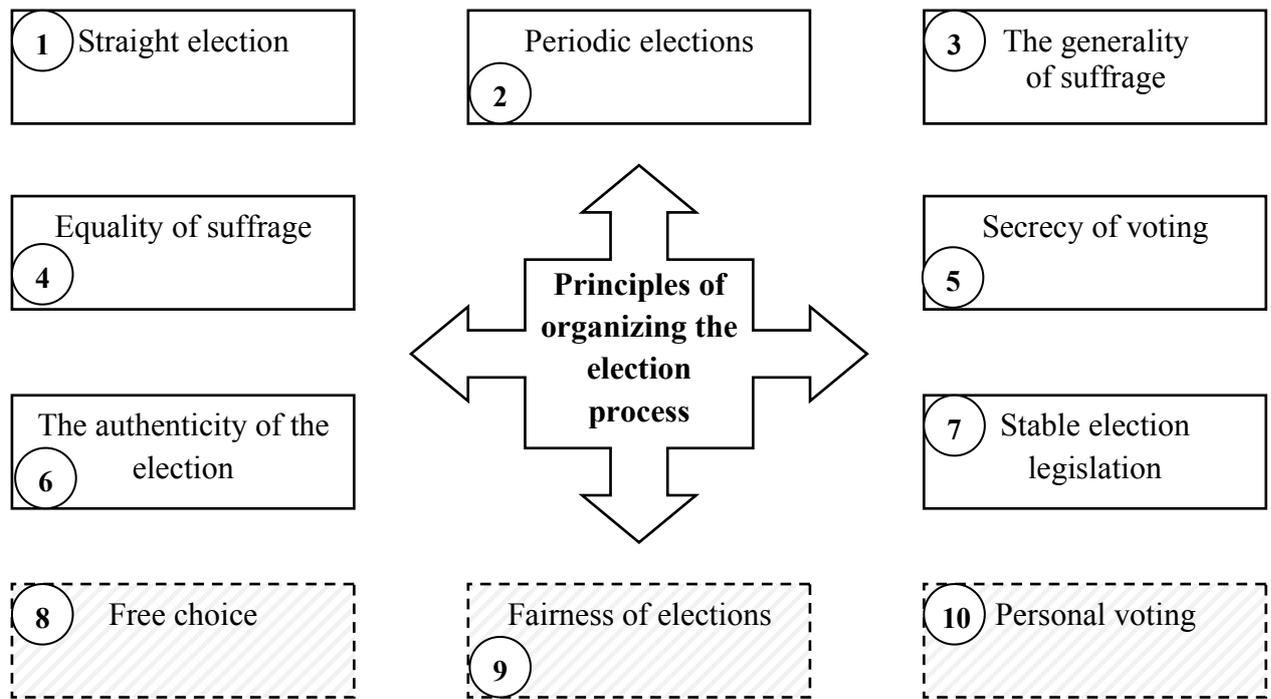


Fig. 1 - International principles of organization of the election process

If we analyze the current practice of organizing the electoral process in Ukraine, we can confidently say that the implementation of the first six principles is ensured. Regarding the seventh - the stability of electoral legislation - we can talk about positive steps in this direction. Ukrainian legislation is largely contradictory and imperfect, but in 2019 the Electoral Code was adopted [1]. It has absorbed the rules for the organization of presidential, parliamentary and local elections, as well as defines the same principles as the international organization of the electoral process.

Freedom of choice, fairness of elections and personal voting are also enshrined in Ukrainian law, but there are doubts about the observance of these principles. First, every election in Ukraine is accompanied by conflicts, scandals and revelations of violations by almost all subjects of the election process. Secondly, the human factor, the contradictions of Ukrainian politics and the large mass of agitation, etc., play a role here.

According to the official website of the Ministry of Internal Affairs, a significant number of violations took place in the parliamentary [11] elections in 2019 and the local elections in 2020 (Fig. 2).

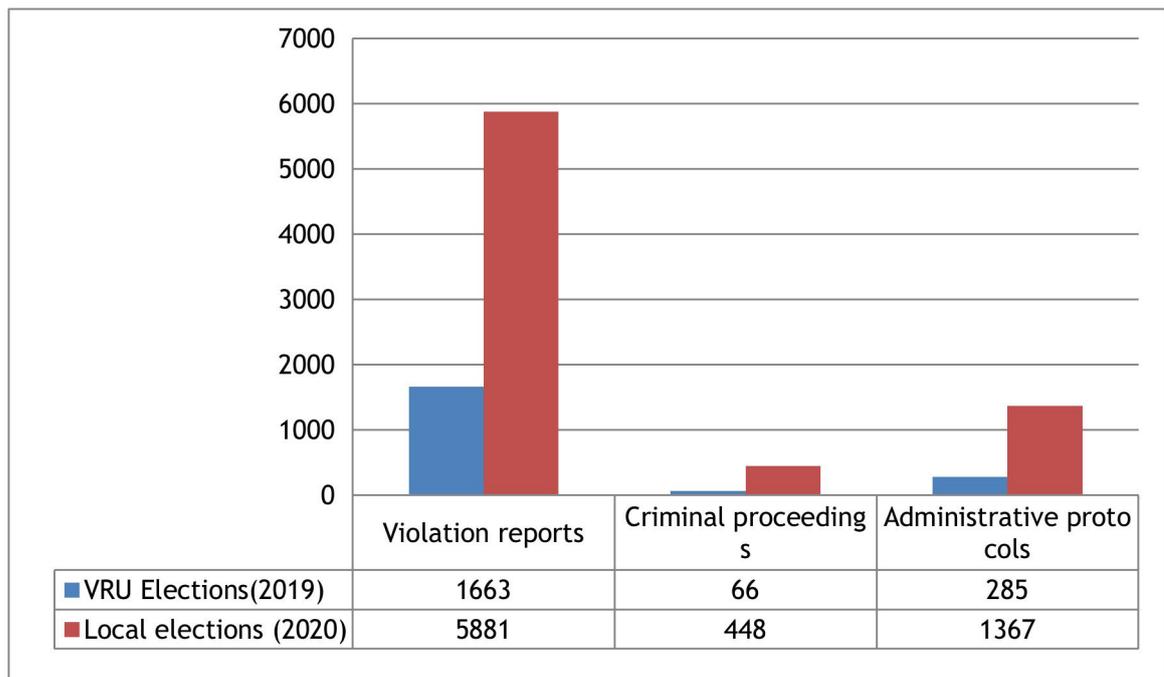


Fig. 2. Statistics of violations of election legislation in the early elections of people's deputies in 2019 and local elections in 2020

As you can see, the number of violations recorded in local elections significantly exceeds the same figures in the election of deputies. This is probably due to the revanchist sentiments of local political parties and lower voter turnout. If in the 2019 elections 49.25% of the total number of voters showed their will, in 2020 - 36.88% [16].

As for the characteristics of violations, during the election process in 2020 the following were recorded:

- Violation of the order of campaigning - 2117;
- distribution of agitation without indication of initial data - 900;
- the order of placement of agitation materials was violated - 553;
- Violation of restrictions on campaigning - 415;
- voter bribery - 299;
- Violation of the procedure for maintaining electoral registers - 141 [11].

According to recorded reports, it can be said that the vast majority of violations relate to campaigning. In fact, these are actions that in one way or another affect the

free will of voters. Among these violations, criminal proceedings have been instituted (Fig. 3).

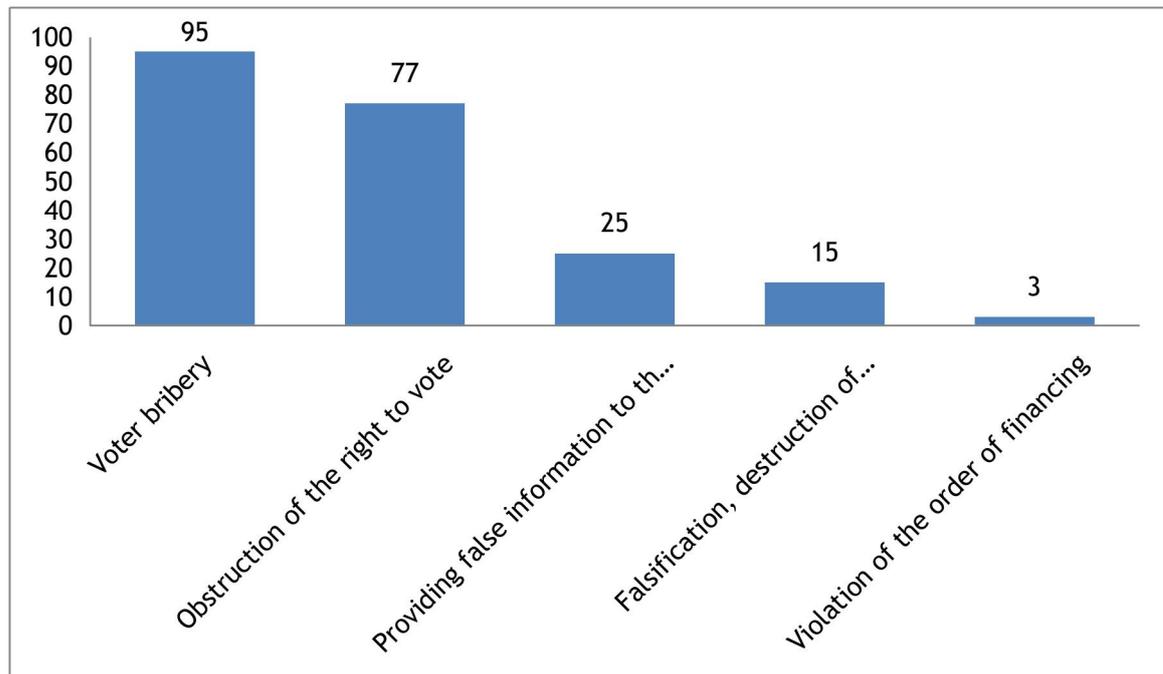


Fig. 3. Criminal proceedings on the facts of violations of the election legislation in the 2020 local elections

Judging by the above information, the threat to the fairness of elections in the form of voter bribery is real and necessitates the attention of the authorities to this issue. In addition, it is a matter of concern that only a small proportion of violations are recorded, with covert bribery taking place that does not fall under election law at all.

According to researchers, the practice of voter bribery has deep historical preconditions due to socio-political and economic instability. There is an idea among voters that politicians still get their money from the positions they get, so before the election they need to get at least some benefit from the candidates. Because of this, free concerts, gifts, "food kits", money and other benefits are perceived as quite normal. In this case, the very fact that the voter benefits from the candidates can not always be proven, as it happens through intermediaries, such as charitable foundations [12]. It is quite difficult to influence this, most often bribery goes unnoticed by the authorities.

Voter bribery is, in essence, a criminal offense that punishes both the person providing / promising the wrongful benefit and the voter [8]. Consequently, prosecution for such a violation should be a common practice. At the same time, it is necessary to systematically carry out preventive work and explain to all subjects of the election process about the inadmissibility of such. To change the attitude of citizens, it is desirable not only to report that this is an illegal action, but also to explain how voter bribery and consent to vote for illicit gain affects the results of voting, the fairness and accuracy of calculations and the formation of power in general. It doesn't matter if it is a local election, an election to the Verkhovna Rada or an election of the President, the main threat to citizens is that people come to power in a dishonest way. As a result, what citizens fear (the use of power by politicians for their own benefit and the deterioration of living conditions of the country's population) becomes more real. In addition to systematic educational activities, it is necessary to organize work on maintaining a register of violators involved in bribery, and to develop the practice of not allowing such persons to participate in the organization of the election process.

An equally significant threat is obstruction of the exercise of the right to vote in any way. According to Art. 157 of the Criminal code of Ukraine the offense is an obstacle to the voter to use the right of free will or obstruction of activity of subjects of electoral process through:

coercion or deception;

threat or actual use of violence, damage or destruction of property [8].

As practice shows, such an offense is either difficult to prove, or can be qualified as an administrative offense, which significantly reduces the degree of responsibility and creates conditions for the continuation of such practice [9, p. 167]. In addition, obstruction can be in the form of blocking the building / premises where the election commission works, elections are taking place, lights are turned off, and so on. Such facts may suspend work indefinitely, and the violation itself can be qualified only as petty hooliganism, the responsibility for which is much less (Article 173 of the Code of Ukraine on Administrative Offenses [6]).

In addition, the terms "obstruction" and "coercion" are not fully defined, which also complicates the provability of this type of offense. In general, any crime that is not related to violence and real harm to health or property is in the realm of psychological influence. The same coercion can occur through informational influence (manipulation of public opinion, presentation of information from a certain point of view, publication of compromising material, etc.) or influence on the subconscious (hypnosis, neurolinguistic programming) [9, p. 168]. Therefore, it should be noted that the electoral legislation in terms of obstruction of the exercise of the right to vote requires additional consideration by the legislator and amendments to clarify in what way can be an obstacle to the subjects of the electoral process.

The statistics of violations of the norms of campaigning show the frequency of resorting to dishonest ways of participating in the election process, but the scale is much larger. Yes, black PR is a negative example of campaigning, but it does not always refer to violations of the law, but only crosses the rules of political ethics. According to experts, the use of black PR in Ukraine is spreading with each election. These include:

- pasting someone else's property with propaganda materials;
- recollection of past mistakes, violations by competitors and additions by gossip;
- use of campaign materials with inaccurate information;
- arranging paid rallies;
- creation of fake news;
- accusation of opponents in any cases of violations, regardless of who is guilty, etc. [3].

The prevalence of such dirty technologies is due to its relative effectiveness compared to traditional ethical methods of political struggle. This is possible due to the relatively low level of political culture of voters and the lack of practice of critical attitude to information of a political nature. In addition, a negative public opinion in general about all officials and politicians is traditional for Ukraine, which creates a

basis for the successful use of black PR techniques. In fact, it is a manipulation of consciousness and therefore prevents voters from making free choices.

Reducing the impact of such a threat to the electoral process is seen in:

regulation of the media, which are translators of unreliable information on issues related to the election process;

creation of stricter norms for the activity of the subjects of the election process with PR;

clear regulation of the procedure for conducting political advertising;

strengthening responsibility for the use of dirty technology during campaigning.

It is also desirable to work towards counteracting the psychological impact on citizens during the election process, but this problem is quite complex and does not have a quick and easy solution. A separate area should be the preventive work of the authorities to spread the opinion among citizens about the need to verify any information and not to trust unproven statements based only on emotionally colored statements. After all, the information literacy of voters creates the conditions for making moderate decisions based on deep judgments, and not under the influence of distorted or contrived facts.

In this regard, the opinion of the authors of the analytical report of the National Institute for Strategic Studies "Fake as a tool for influencing elections" deserves attention. They propose to organize the coverage of information about the facts of misinformation of the subjects of the election process; training of public servants and persons involved in the election process to recognize and counteract fake information; connection of public organizations and mass media to counteract dirty technologies [15, p. 28].

In general, one can agree with the teaching of counteracting misinformation in the election process, which to some extent takes place, to cover the facts of misinformation, it is quite difficult from an organizational point of view. It is possible to involve the general public in this process and create, for example, an information resource where people could report fakes on their own. However, it is important to

warn about the evidence of refutation of a fact, because otherwise it will be just another resource for disseminating inaccurate information on a larger scale. The idea of involving the media in overcoming the problem of misinformation is interesting, but in the Ukrainian reality it is hardly possible, as most media outlets are dependent on various political forces and will therefore act in their interests.

Among the threats in the organization of the election process, researchers also highlight the violations by employees of election commissions of the procedure of counting ballots and filling out protocols, as well as problems with the use of software and information security [7]. Of course, there are violations during the counting of votes and recording of results in the protocols, but in terms of other threats, this is not widespread, and secondly, often due to the complexity of election commissions, especially in large polling stations.

The problem is that the current voting procedure, especially in local elections, is quite complex and can lead to purely technical errors. In addition, problems may arise at the stage of completing the reporting documentation, as errors may occur due to lack of explanations or the requirement to make additional reports. Regarding the protection of information, this issue is complicated by the need for appropriate logistics. Also in the last local elections in 2020, there were threats of forgery or loss of documentation on the election results due to the fact that the counting of votes took a long time, after which it took even more time to submit the documents. Thus, due to the complexity of the procedures and the lack of organizational momentum, there could be both a deliberate violation and a purely human factor due to hard work for several days without rest.

With regard to the awareness of election commission members, the CEC and the OSCE Project Co-ordinator have established an information site of the Election Commission [14], which contains a library of supporting materials, manuals, methodological materials and video explanations. This resource is useful for members of election commissions, journalists and anyone who is interested in the election process and needs up-to-date information. However, along with the usefulness, an obvious problem should be noted - the complexity of the election

legislation and relevant procedures has necessitated the creation of a significant amount of explanatory materials, the study of which requires a lot of time. Of course, the composition of election commissions is formed prematurely, but since this is not a professional activity, ignorance of certain issues is possible. Some solution is to involve people who have already participated in previous elections and have some experience. In this case, there is a positive point in the form of a certain level of awareness, but with the ephemerality of political realities and frequent changes in legislation, including electoral, additional training will be required. Thus, the professionalization of election commissions may be an exceptional prospect.

To raise awareness of the election process, it is desirable to promote the above-mentioned resource by the Election Commission. This, firstly, will help prepare potential members of election commissions, secondly, will create conditions for the formation of legal awareness of voters, and thirdly, will provide comprehensive information for the media. The latter is quite important, because journalists, like ordinary citizens, may not know all the intricacies of the organization of the election process and, due to their occupation, disseminate incorrect information and make incorrect judgments.

Another threat to the organization of the election process is the disinterest of citizens in political life and absenteeism. In developed countries, too, there may be a similar disinterest, the so-called absenteeism, but there it is caused by satisfaction with the standard of living. This attitude is typical of modern democracies, where civil society is fully present, and the same public associations are active in the socio-political [2]. Consequently, ordinary voters may not see the point of interfering at all. In contrast to such a building of relations, Ukraine is still far from ideal, and therefore the political participation of all citizens without exception is extremely important.

The above-mentioned voter turnout figures suggest that the number of people in Ukraine who "profess" absenteeism in their political life is increasing. Yes, a certain number of citizens do not see the need to participate in elections, but over time this number is increasing. This is negatively affected by the systematic information allegations of unconscious politicians, because at each election, to a

greater or lesser extent, there are proposals not to go to the polls. The explanation is very simple and, as if it should be clear to everyone - "show your disagreement." But in reality, this is just a way of manipulating people's minds in order to have more opportunities to influence the election results. Therefore, the authorities need to take into account such a threat in their activities and ensure the implementation of solutions.

First of all, it is necessary to systematically monitor public sentiment, including on the election process, the readiness of citizens to participate in it. This will help analyze the situation to respond quickly to challenges. It is important to work with citizens (especially young people) in terms of increasing interest in political participation. It is desirable to instill in school the idea that free will is not only a right but also a duty of every citizen to ensure the well-being of their country. Along with this, it is necessary to create an ideal image of a conscious citizen-voter who changes his environment for the better.

CONCLUSIONS. Summing up, it should be noted that there are a number of threats in the organization of the election process, which by their presence motivate the public to question the fairness of the elections and the correctness of their results. These threats include violating the order of campaigning, bribing voters, obstructing the exercise of suffrage and manipulating the minds of voters, violating the procedure of counting votes and drawing up protocols, political absenteeism of citizens, and so on.

The authorities face the problem of overcoming these threats, which may occur in the following measures. Preventive work should be carried out systematically and all subjects of the election process should be made aware of the inadmissibility of voter bribery, as this is an illegal act that violates freedom of expression. In addition to systematic educational activities, it is necessary to organize work on maintaining a register of violators involved in bribery, and to develop the practice of not allowing such persons to participate in the organization of the election process. As for the problem of agitation, the solution is seen in the regulation of the media; creation of stricter norms for the activity of the subjects of the election process with PR;

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