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President until the end of the war. Volodymyr Zelensky's term of office is extended

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Volodymyr Zelensky's presidential term came to an end on 20 May. According to the Ukrainian constitution, the head of state holds office for five years and performs their duties until a newly elected successor takes office. Elections are usually held on the last Sunday of March in the fifth year of the president's term.

Such a vote should formally have been held this month, but that did not take place as the current act on the legal regime of martial law explicitly prohibits the government from holding presidential elections, parliamentary elections, referendums or amending the constitution as long as the act is in force. The provisions of this act also extend the term of office of the head of state until the day when a president elected after the end of martial law is sworn in.

Commentary

- The provisions on extending the president's term of office during martial law are unambiguous; therefore, the fact that Zelensky remains in power has not raised any questions about its lawfulness. Holding elections in the current situation would be a flagrant violation of the act on the legal regime of martial law. In order to further strengthen the legitimacy of Zelensky's rule, the Office of the President considered requesting the Constitutional Court to examine this matter. However, it opted not to do so for PR-related reasons, as such a step would have suggested that even Zelensky's inner circle had legal doubts about this situation.
- It would be impossible to hold elections for practical reasons, as the organisers would be faced with the challenge of ensuring the security of the voters and the electoral commissions amidst constant air attacks and bombardments. Warfare also drastically restricts the freedom of campaigning and assembly. In addition, given that large numbers of the population have been constantly on the move (at least five million people are registered as internally displaced), it would be impossible to compile a reliable list of voters. It would also be difficult to make it possible for frontline soldiers and the estimated six million citizens who have fled abroad to participate in the voting; those residing in the occupied territories would also be excluded. Therefore, such elections would likely face numerous accusations as to their fairness, universality and credibility, which would have a negative impact on the new president's legitimacy.

- Zelensky still has a fairly strong public mandate to govern and tops the rankings of trust in politicians. According to a January survey by the Razumkov Centre, 69% of Ukrainian people trust him while only 24% distrust him. There is also a social and political consensus in Ukraine that elections should not be held: according to a February poll by the Kyiv International Institute of Sociology, 69% of Ukrainian people believe that Zelensky should remain in office until martial law ends, while only 15% are in favour of holding a vote. In November 2023, representatives of all the clubs and circles in the Verkhovna Rada (the parliament) signed an agreement to refrain from holding parliamentary and presidential elections until martial law ends.