**Vitko O. Y. Aspects of criminal law violation of the secrecy of voting during elections or referendum.**

 The article analyzes the structure of public relations in the sphere of ensuring the secrecy of voting during elections or referendum. The subjects, subjects and contents of social relations are defined.

On the basis of what, the author provides his own point of view regarding the object of the crime under Art. 159 of the Criminal Code of Ukraine, in particular, stipulates that the object of an offense under Art. 159 of the Criminal Code of Ukraine are the law-regulated social relations that have developed to ensure the secrecy of voting during an election or referendum and to ensure that the content of the will of the citizen who took part in the elections or referendum is not disclosed.

Also, the objective side of this crime is analyzed, on the basis of which it is concluded that from the objective side of the crime under Art. 159 of the Criminal Code of Ukraine is expressed in an act (action or inaction), which consists in the disclosure in any manner and in any form of the content of the will of the citizen who took part in the elections or referendum. Manifestations of such acts can be active actions and inactivity.

The point of view regarding the time of the commission of the crime stipulated in art. 159 of the Criminal Code of Ukraine, in particular, states that the time of commission of a crime, stipulated by art. 159 of the Criminal Code of Ukraine is determined not by the time of the entire electoral process or the referendum process, namely, by the part of the time of the election or referendum, where it is possible to establish the content of the will of the person or create conditions for establishing the content of the will of the person (as preparation for the crime), ie during the assembly lists of voters (referendum participants), their verification and clarification; receiving ballots during the preparation of a polling room, during the installation of ballot boxes, etc. during the ballot itself, including repeat voting, during the counting of votes, and the establishment of election results or referendum.

It is concluded that the legislator in Art. 159 of the Criminal Code of Ukraine provides for the holding of an election or a referendum, not the whole election process or the whole process of holding a referendum, and the time when voter lists are being compiled (referendum participants); receiving ballot papers, preparing premises where voting will be conducted, the time when booths are set up for voting, etc., the time of the ballot, the time of counting the votes, the time when the results of the election or referendum were established.

The author takes the position that the crime is intentional, and the motive and the motive of the crime can be any and do not affect the qualification of this crime.

It is determined that with the perpetrator of the crime under Part 1 of Art. 159 of the Criminal Code of Ukraine, that is, a convicted person who has reached the age from which the criminal liability comes, and according to Part 2 of Art. 159 of the Criminal Code of Ukraine, the subject of a crime is a special one - a member of an election commission or a referendum commission or another official who commits an offense in the use of his official position.

***Keywords:*** *Object of a crime; Objective side of a crime; Time of a crime; Secret of a vote; Elections; Referendum.*