



European Network of Election Monitoring Organizations International Observation Mission Ukraine Parliamentary Elections 2007	Європейська мережа організацій, що спостерігають за виборами Міжнародна місія спостереження Парламентські вибори в Україні 2007
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October 1, 2007

ENEMO ELECTION DAY FINDINGS
Preliminary Report

The European Network of Election Monitoring Organizations (ENEMO) fielded 400 short-term observers to monitor the 2007 early parliamentary elections in Ukraine on September 30, 2007. The short-term observers are coordinated by 25 long-term observers covering all oblasts of Ukraine. ENEMO observers have monitored all stages of the voting process, including the opening, the vote, the vote count and the tabulation of results in polling stations and district electoral commissions throughout the country. ENEMO observers monitored the opening of 195 polling stations, vote procedures in more 2000 polling stations and the vote count in 195 polling stations.

ENEMO found that Ukraine’s parliamentary elections in 2007 were generally free of pressure, intimidation and harassment against voters, political parties and blocs. While Election Day proceeded without reports of systematic fraud, there were significant procedural and organizational problems concerning the quality of the voter lists and the uneven enforcement of new provisions in the election law.

Opening

Compared to the parliamentary elections in 2006, ENEMO noted improvement in the opening process and in the conduct of precinct election commissions (PECs) as shown in the following tables.

<i>Opening of Polling Station</i>	<i>2007 Elections</i>	<i>2006 Elections</i>
<i>Polling Station Opened on time</i>	87,9 %	61,6 %
<i>Polling Station Opened up to 15 minutes late</i>	9,2%	26,2 %
<i>Polling Station Opened Late</i>	1,0%	12,2 %

<i>PEC Conduct Evaluation OPENING</i>	<i>2007 Elections</i>	<i>2006 Elections</i>
<i>VERY GOOD</i>	44,6 %	26,2%
<i>GOOD</i>	51,3%	57,4 %
<i>BAD</i>	3,0%	13,4 %
<i>VERY BAD</i>	1,0%	3,0 %

Voter Lists

The ENEMO mission expressed deep concerns in its pre-election report about the poor quality of the voter lists. These challenges were highly evident during Election Day, when serious mistakes in compiling the lists negatively impacted a significant number of voters.

While it is very difficult to determine the exact number of disenfranchised voters, the extent of the problem is made apparent by the number of reports received about voters omitted from the lists or denied the right to vote. ENEMO short-term observers witnessed such problems in 31% of the polling stations they visited.

ENEMO's major concern is the adoption of contrasting regulations and uneven application of decisions by PECs and the District Electoral Commission (DECs) in various parts of the country. In particular, ENEMO noted problems related to unclear provisions regarding border crossing registration and deletion from the voter lists of those names of voters not returning to Ukraine three days before Election Day. Some of the PECs and DECs decided not to allow anyone from the border guard list to vote, while other PECs and DECs decided to ignore information from the border crossing lists and did not delete any voters from this list. Finally, a third group of PECs and DECs instructed the respective voters to address the court.

The following cases highlight these overlapping problems. In Luhansk (DEC 108, PEC 22, 24), almost 20 percent of voters were registered with mistakes in the voter lists. A significant number of inaccuracies also were recorded in Cherkasy (DEC 203, PEC 30); Luhansk (DEC 180, PEC 22 and PEC 24; DEC 110 PEC 113); Sumy (DEC 158, PEC 10, DEC 158, PEC 43); and Kharkiv (DEC 180, PEC 17).

Despite recommendations from international observers in previous elections, the quality of the voter lists has not improved. The following table shows ENEMO's observation of the voters list this year in contrast to the voter lists from the parliamentary elections in 2006:

<i>Voter Lists (VL)</i>	<i>2007 Elections</i>	<i>2006 Elections</i>
<i>There were no obvious problems with VL</i>	69,4%	70,0%
<i>There were some voters not found on VL</i>	27,8%	28,0%
<i>Significant number of voters could not vote due to VL</i>	2,8%	2,0%

General Assessment of Voting Process

ENEMO acknowledges improvements in the conduct of PECs during the voting process in polling stations as compared to the 2006 parliamentary elections.

<i>PEC Conduct Evaluation VOTING</i>	<i>2007 Elections</i>	<i>2006 Elections</i>
<i>VERY GOOD</i>	41,9%	26,4%
<i>GOOD</i>	53,5%	62,8%
<i>BAD</i>	3,7%	9,5%
<i>VERY BAD</i>	0,9%	1,3%

Counting Procedure

Compared to the 2006 parliamentary elections, ENEMO observers found that the vote count process has improved. Reports from ENEMO short-term observers suggest that no major problems were witnessed during the count, as of early morning on the day following the election. One exception occurred in Luhansk (DEC 102, PEC 99), where PEC members violated legal procedure by taking unused ballots and control coupons out of the polling station and preventing observers from monitoring all parts of the count.

<i>Complaints</i>	<i>2007 Elections</i>	<i>2006 Elections</i>
<i>There were no complaints on counting</i>	91,3%	80,4 %
<i>There were some minor not substantial complaints</i>	8,7%	15,7 %
<i>There were some unfounded complaints</i>	0,0%	1,3 %
<i>PEC received substantial complaints</i>	0,0%	2,6%

<i>PEC Conduct Evaluation COUNTING</i>	<i>2007 Elections</i>	<i>2006 Elections</i>
<i>VERY GOOD</i>	45,3%	24,1%
<i>GOOD</i>	46,1%	51,0 %
<i>BAD</i>	7,9%	19,0 %
<i>VERY BAD</i>	0,7%	5,9%

Mobile Voting

Despite initial confusion about the procedures for mobile voting and the late Central Election Commission (CEC) decision on the implementation of these procedures, ENEMO observers noted that no more than 4,7% of the visited PECs failed to follow the legal requirements.

Number of PEC Members

Despite concerns in ENEMO's pre-election report about multiple resignations among PEC members and threats that the PECs would be understaffed or without a legal quorum, most of the PECs and DECes had enough members present to function on Election Day.

Limitation of Observers' Rights

In general, the electoral process was transparent and ENEMO observers were allowed to monitor all stages of the electoral process on Election Day. However, observers were initially prevented from entering the polling station in Odesa (DEC 132, PEC 136); Luhansk (DEC 175, PEC 26); Kyrovohrad (DEC 96, PEC 134 and DEC 96, PEC 62); and Sumy (DEC 158, PEC 27).

Improper Sealing of Ballot Boxes

ENEMO observers noted several cases of improper sealing of ballot boxes or failure to insert control sheets in ballot boxes as required by law. These incidents were usually related to commissioners claiming to be unaware of the procedures, as was the case in Volyn (DEC 60, PEC 22). In this instance, ballot boxes were unsealed when ENEMO observers entered the polling station. This problem was only corrected after the short-term observers brought it to the attention of the PEC chairperson.

Unauthorized Persons in Polling Stations

Observers noted several isolated cases where unidentified individuals believed to be in a position of authority influenced the activities PECs or voters. Such activities should be investigated rigorously, since they undermine the work of the commissioners and jeopardize the fairness and transparency of the electoral process. Such cases were observed in Odesa (DEC 138, PEC 95) and Zakarpattya (DEC 70, PEC 7).

CONCLUSIONS AND RECOMMENDATIONS

ENEMO recognizes the efforts of the Ukrainian people to comply with international standards for democratic elections. However, in order to improve the legal framework for the election process in Ukraine, ENEMO offers the following key recommendations:

- Review the voter registration process, and **create and maintain a Central Voter Register to allow for systematic corrections and updates.**
- **The right of Ukrainian citizens to vote would be better protected** if all eligible voters were allowed to exercise their right to vote. Voters crossing Ukrainian borders should not be excluded from the voter lists.
- Adopt, in a timely manner, a **Unified Election Code** regulating all elections and referenda in Ukraine. This code would **harmonize procedures for each type of elections and provide for a stable and predictable legal framework.**
- The process of **staffing and training officials in the administration of elections** should be established in order to build professional and qualified electoral bodies that have adequate financial means and equipment.

The mission emphasizes that this preliminary report does not offer a final assessment of the entire election process. ENEMO will make a final statement only after the end of the vote count, the announcement of the results and the resolution of potential complaints.

This report was written in English and remains the only official version

European Network of Election Monitoring Organizations (ENEMO) is a group of 19 civic organizations from 17 countries of the former Soviet Union and Central and Eastern Europe. These nonpartisan organizations are the leading domestic election monitoring groups in their countries. In total, ENEMO member organizations have observed 200 national elections in their countries, monitored more than 100 elections abroad, and trained over 200,000 election monitors.

ENEMO has conducted multiple election missions to Ukraine. In 2004, ENEMO organized a full-scale international observation mission for the Ukrainian presidential elections. ENEMO deployed 50 long-term observers, who monitored the pre-election period and all three election rounds throughout Ukraine. ENEMO also deployed 1,000 short-term observers for the November runoff election and again for the repeat runoff in December. On November 21, for the original second round that was later annulled, ENEMO observers found that the poll “did not meet the will of the Ukrainian people.” In 2006, ENEMO organized a full-scale international observation mission for the Ukrainian parliamentary elections. 42 long-term observers and 340 short-term observers noted significant progress in terms of free and fair elections, despite organizational drawbacks. In fall 2006, ENEMO organized an observation mission to monitor mayoral elections in 4 Ukrainian cities. Statements from these missions and other information are available at www.enemo.eu.