



International Observation Mission to Ukraine Early Presidential Elections 2014	Міжнародна Місія Спостереження Позачергові Вибори Президента України 2014
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26 May, 2014

**Statement of Preliminary Findings and Conclusions
Ukraine Early Presidential Elections
25 May 2014**

On 1 May, 2014 the European Network of Election Monitoring Organizations (ENEMO) has deployed Election Observation Mission (EOM) to monitor 25 May, 2014 Early Presidential Elections in Ukraine. All stages of the voting process, including the opening, polling, counting of the votes and tabulation of results in Precinct Election Commissions (PECs) and District Electoral Commissions (DECs) were monitored. ENEMO EOM deployed a total of 48 long – term observers (LTOs) throughout the country and 300 short– term observers (STOs) on Election Day, monitoring the opening procedure in 152 Polling Stations, the voting procedures in 1622 Polling Stations and the counting of the votes in 152 Polling Stations.

Based on the reports and information received from the observers deployed countrywide on Election Day, the preliminary assessment of ENEMO is that the polling on 25 May, was conducted in a transparent and efficient manner with isolated irregularities without significant influence on the outcome of elections. Despite the fact that cases of organizational difficulties were witnessed, the election authorities especially the Central Election Commission (CEC) made extraordinary efforts in order to conduct elections and to allow the voters to cast their votes in complex political and security environment. This year’s presidential elections were held amid violent armed conflict in two regions in the eastern part of the country. Hence the legal framework as well as the electoral campaign and the technical and logistical preparation of the elections were affected. Due to armed separatist groups’ attacks and terrorists’ threats to election commissioners and electorate in Donetsk and Luhansk regions, organization of elections became extremely difficult and a number of voters were not able to exercise their right to elect president. Nonetheless, elections were held in some parts of these two regions and ENEMO mobile LTO team observed voting in cities of Krasnoarmiisk and Dobropillia of Donetsk region, as well as the work of operating DECs and PECs.

Voters turned out on Election Day in high numbers to cast their votes. In places where Local or Parliamentary by-elections were held concurrently with Early Presidential Elections, the voters and election officials faced additional lengthy procedures enduring hours of waiting in long queues.

The election campaign of presidential candidates was of low intensity and main campaign tools

used were paid advertisements in media, outdoor promotion (billboards, posters) and campaign street events.

FINDINGS AND RECOMMENDATIONS

- **ENEMO acknowledges improvement of legal framework adopted in March 2014 as package of electoral reform that incorporated a number of recommendations addressed by previous ENEMO Election Observation Missions in Ukraine. Additionally, ad hoc changes in the Election Law and procedures were prompted to address extraordinary circumstances which Ukraine faced from the beginning of 2014. However, there is a further need to continue in open and inclusive electoral reform discussion with participation of various stakeholders including civil society to provide for improved and harmonized electoral legislation.**
- **It is recommended to continue in professionalization of election administration. Election commissioners at least on district management level should be hired on professional competence basis.**
- **ENEMO recommends that the election administration take additional efforts to increase the transparency of its work, such as providing draft resolutions ahead of CEC meetings, thus taking decision at the open sessions in a transparent manner. Closed meetings should not be part of the functioning of the CEC.**
- **ENEMO welcomes recently adopted Law on Public Television and Radio Broadcasting of Ukraine which will transform state-owned National Television Company into public-service broadcaster. Additional efforts should be made by authorities to protect journalist and media freedom, fight against jeansa (paid PR stories disguised as new stories) and promote transparent rules in media ownership.**

I. ELECTION ADMINISTRATION

Central Electoral Commission

During observation period, the Central Election Commission (CEC) held official sessions on a daily basis and they were open to observers. The vast majority of the CEC decisions have been approved unanimously without debate mostly related to the proxy registration, substitution of members of District and Precinct Electoral commissions (DECs and PECs), and relocation of existing budget lines. Usually, the CEC holds closed meetings (“naradas”) prior to the regular public meetings, where the actual decision-making process takes place. On 19 May, ENEMO observer responsible for the CEC was present at such closed session and witnessed that real discussion for every important issue is happening on these meetings. While the CEC voting process was public, the real decision-making took place on the closed sessions, thus ENEMO cannot assess the overall work of the CEC as fully transparent.

According to the Election Law, representatives of presidential candidates have a right to be present at the meetings of the CEC and participate and contribute to the discussions. Although candidate representatives can exercise right of advisory vote, which they did in some cases, in general their influence on decision making process is minor due to the fact that CEC holds public sessions often just to vote formally on resolutions listed on the agenda. On average, the CEC members spent few minutes voting for a resolution without discussion. Therefore representatives of presidential candidates, observers and journalists are not able to see actual decisions until they appear on the CEC website.

Until 23 May, the CEC has received 22 complaints related to the work of DECs from all around the country. Most of complaints dealt with substitution of DEC and PEC members and majority of them was resolved as soon as they have been received. The number of complaints registered has been rather low compared to previous elections in Ukraine.

ENEMO mission acknowledges that every CEC member put extra efforts to keep electoral process going on given the fact that many lower level commissions faced several significant challenges such as security challenges lack of human resources and finances, as well as time shortage. With such challenges, some procedures were adopted under accelerated procedure, but at the same time following legal framework.

District and Precinct Election Commissions

PECs in most of the regions (except Luhansk and Donetsk) were formed according to the law, mostly on time and without major problems. However, some of the PECs were facing lack of finances. The major issue in all regions has been high number of replacements of PEC members in all DECs. For instance in DEC 193 there were over 3.000 replacements in PECs, DEC 82 (Zaporizhya region) replaced 30% of the Heads of PECs, in DEC 171 (Kharkiv region) one quarter of PEC members were replaced. Replacements of 10 - 20 per cent of the members of PECs were noticed also in DEC 117, DEC 119, DEC 120 (Lviv region), DEC 149, DEC 151

(Poltava), DEC 67 (Zhytomyr). In Kherson the PEC members turnover varied from 20% (DEC 188) to 50% (DEC 187).

Main reasons for replacements were declared withdrawal of some candidates (e.g. Symonenko, Korolevska), lack of finances and security challenges. Even though replacements of PEC members is quite common in Ukraine, in the eastern part of the country the trend of replacements was noted to be much higher due to political and safety situation in the country.

II. CANDIDATE REGISTRATION

The Central Electoral Commission (CEC) received 46 nominations for presidential candidates in legally announced timeframe. Candidate nominations started on 25 February, and ended on 4 April. In order to submit a full application every respective presidential candidate needed to fill out set of required application sheets and supporting documents as well as to pay a deposit of 2.5 million UAH to the CEC special bank account.

A total number of 23 nominees were denied registration, mostly on technical grounds. Applicants did not either submit the necessary documents or fail to pay required deposit. Two registered candidates withdrew their candidacy within the legal period, so voters were given chance to choose one out of 21 presidential candidates.

III. VOTER REGISTRATION

Voter registration is continuous process with centralized nationwide database, - State Voter Register (SVR) providing the final version of the Voters List. The SVR is maintained and overseen by the CECs SVR office which is in charge of any changes within voter's personal information. SVR database is updated on monthly basis with information received from 27 Registration Administration Bodies and 756 Register Maintenance Bodies. No interlocutors of ENEMO have raised any significant problem with voter registration during the observation period.

Prior to Election Day SVR has printed out 34.387.227¹ names on the Final Voters List. 171.078 voters changed their place of voting applying for temporary resident permit. One of biggest concerns for CEC was how to provide voting opportunity for Crimea AR and Sevastopol residents, taking into account Russian annexation of these territories. CEC allowed residents from these two regions to register and vote in other parts of the country with temporary resident permit, and 6.038 of them have exercised this possibility. Registration of such voters took place throughout Ukraine, biggest number of Crimea and Sevastopol residents have registered to vote in Kherson and Kyiv.

¹ Information announced by the CEC chairman.

IV. THE MEDIA AND THE CAMPAIGN

During the pre- election period, the media were mostly following the ongoing electoral campaign, although the focus of the coverage was put on limited number of contestants. However, due to the happenings in the East of Ukraine, the campaigning of the candidates was sidelined.

The possibility given to all the candidates to participate in seven televised ‘national debates’ broadcasted on the state- owned First Chanel has to be acknowledged.

In general, there was no intensive and apparent election campaign on the ground. The situation has partially changed during the last week before the Election Day, during which few rallies were observed. Observers were reporting on isolated cases of destruction of outdoor advertisements, as well as on usage of so called “black PR” against candidates and so called *jeansa* which is candidate paid promotion disguised as news articles.

V. ELECTION DAY

Opening

ENEMO observers monitored the opening procedure at 152 Precinct Election Commissions (PECs). 87 per cent of PECs were opened on time, while 12 per cent were opened with minor delay up to 15 minutes and one PS opened with delay of more than 15 minutes. One PS opened 15 minutes earlier.

Observers registered several cases of improper filling of the protocol for opening. Protocol was filled out beforehand in 10 cases, for example in Kharkiv (PEC 630025, DEC 180), Kyiv (PEC 800635, DEC 220), and Mykolaiv (PEC 480186, DEC 132). Furthermore the protocol was not filled in four cases, e.g. in Zaporizhia (PEC 230415, DEC 83), in Kherson (PEC 650681, PEC 650719, DEC 184).

In 146 PECs, ballot boxes were properly sealed and signed controlled sheets were inserted in. In 4 PECs control sheet was not properly signed and in 2 PECs ballot box was not properly sealed, in e.g. in Kyiv (PEC 800847, DEC 222) improper sealing of the ballot boxes was recorded as well as no sealing of the ballot box in Chernivtsi (PEC 730396, DEC 207).

The procedure of opening of the PECs was generally conducted in order and according to the procedures in 140 of the observed PECs. The work of the PECs during the opening was evaluated positively in 94 per cent.

Voting Process

On Election Day ENEMO observers monitored the voting process in 1564 Precinct Election Commissions (PECs). During the observation of the voting process, at the majority of the

observed polling stations (87%) there were no obvious problems with Voter's List. Only on small percentage of the observed PECs (2%) significant number of people couldn't vote due to incorrect voter's list.

On 95% of the observed PECs secrecy of vote was respected, while the observers witnessed violation of the secrecy of voting in 5% of the PECs, mostly due to the set-up of the booths or because the PEC was overcrowded. For example in Odesa (PEC 511018, DEC 142 and PEC 511270, DEC 137) voters attempted to disclose how they voted. Also secrecy of vote was violated because of improper set-up of PEC in Lviv (PEC 462053, DEC 119), in Sumy (PEC 480189 DEC 133), in Kyiv (PEC 800847, DEC 222 and PEC 800640, DEC 220). In Kharkiv (PEC 631493, DEC 172) 4 observers from different candidates went into voting booths from time to time and watched how voters voted asking the voters who they voted for.

The observers witnessed cases of group voting in several PECs, such as in Odesa (PEC 510038, DEC 144; PEC511018, DEC 142; PEC 511196, DEC 136), Kyiv (PEC 800448, DEC 217; PEC 800057, DEC 214; PEC 800159 DEC 215), Lviv (PEC 461748, DEC 125; PEC 461749, DEC 125), Zaporizhia (PEC 230724, DEC 81), Rivne (PEC 560182, DEC 156), Mykolaiv (PEC 480461, DEC 131).

In Zakarpatiya (PEC 210509, DEC 73) two PEC members were marking some of the ballots on back side with small cross.

Complaints regarding the voting process were submitted on 7% of the observed PECs, out of which 6% were minor and not substantial.

In few cases ENEMO observers were prevented from either entering polling stations for opening or were asked to stay in the place where they cannot have a full insight in the voting process, e.g. two cases in Kharkiv (PEC 631072, DEC 178 and PEC 630965, DEC 179), one in Kyiv (PEC 800060, DEC 214) and one in Donetsk, Krasnoarmiisk (PEC 141074, DEC 50).

The work of the observed PECs was evaluated as good or very good in 96 per cent.

In Mykolaiv (PEC 480820, 480821, 480822, DEC 130) an anonymous call was received by police about a bomb at school 19, that caused interruption of the work of PECs for 30 minutes.

Invalidated Elections results

In Kherson DEC 185 the observes recorded invalidation of the results in PEC 650730 due to discrepancy between the number of issued ballots and signatures lists which appeared to be more than 10%.

Counting Process

As assessed by the observers, counting procedures were followed properly and in the right sequence on almost 80 percent of the monitored PECs, hence on 94% of the PS there were no complains regarding the counting procedures. In 95% of the observed PECs, observers evaluated the counting process as positive.

Transfer of the material

The observers were following the transport of the election material from PECs to DEC. In 98% of the cases the transport was made in an orderly manner by required composition of PEC members. The work of the DEC was assessed positively in almost 90 percent of the cases.

ENEMO (European Network of Election Monitoring Organizations) is a group of 20 civic organizations from seventeen countries of the Central and Eastern Europe and Central Asia, including two European Union countries. These nonpartisan organizations are the leading domestic election monitoring groups in their countries. ENEMO member organizations have monitored more than 200 national elections and trained more than 200,000 observers. To date, ENEMO has monitored 17 election processes in seven countries.

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