



# REPORT

*on the results of the long-term observation on  
Presidential election in Ukraine in 2010*

December, 1- 20, 2009

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## Introduction

*One month before Election Day, OPORA is concerned with administrative preparations of the elections. Specifically OPORA is concerned by the fact that almost 10% of local authorities made their nominations regarding the formation of polling stations in the last days before the deadline. District Election Commissions had no chance to verify accuracy of the data provided (boundaries of polling stations, a number of voters, a number of buildings, their addresses). The process for Ukrainians voting abroad is also to be determined.*

The Election campaign in December can be described as free and competitive. All candidates had equal and fair access to the mass media. Although OPORA is troubled with the practice of paying journalists for positive news and not posting ‘advertising’, thus manipulating public opinion. At the same time, election campaigning has been switched to direct voter contact through candidate participation in election tours, citizen outreach, and door-to-door canvassing.



One month before the Election Day, the involved parties started to use brutal black PR methods (spreading out information which obviously attacks the reputation of a competitor). As a result, OPORA states that the election campaign has shifted from a positive advertising of key messages that were aimed at presenting their candidates at their best, to a negative and disclosure-driven, which is aimed at pulling down the competitors' support.

Observers of Civic Network OPORA continue to record attempts of voter influence and intimidation. In addition to the information publicized in its first report about violations in employer groups at enterprises, OPORA registered cases of forced participation of students in the mass events of candidates.

During the pre-holiday month candidates extensively dispensed bounties, goods and services, organized retail shops at lower prices, accompanying those gifts with appeals to vote for a certain candidate. According to current election legislation these actions can be regarded as voter bribery.

Election commissions at two levels (CEC and DEC) operate within the legal framework, and were fairly open to observers and journalists. However, the level of training of district election commissioners is rather low (appr. 70 per cent of DEC's members participate in election preparation for the first time), which procrastinates decision making and leads to additional conflicts around procedural moments. Creation of polling stations has been accompanied by violations of the existing election legislation. Almost 10% of local authorities made their nominations in the last days before the deadline, which made it difficult for District Election Commissions to verify accuracy of the data provided (a number of voters, their addresses, and boundaries of polling stations). There are some cases when polling stations were created after the deadline expired. Main candidates for the Presidency prepared and submitted nominations for precinct election commissioners in due time.

## **OPORA recommends:**

**District Election Commissions**, to adhere to current legislation and assure publicity and transparency in their work to a maximum extent:

- to take decisions at all levels, follow norms of the law, and put aside emotions and directions from candidate headquarters;
- to organize their work in a way that ordinary commissioners could contribute to the Commission's alongside to commission leadership;
- to demand from bodies of local self-government to provide appropriate room and material supply.

### **Local authorities:**

- in the shortest term to provide DEC with required premises and equipment, as well as guards to protect the equipment;
- equip the premises for PEC work and voting according to requirements of election legislation;
- help DEC to open accounts in the regional treasury departments.

**Local officials** who have intention to take part in election campaign by campaigning for a certain candidate, should take vacation for the period of elections and refuse to campaign in use their official position.

**State Voter Registry Authorities** should conduct active informational campaign among voters, and to make it impossible to have access to personal data of voters by the third persons.

**Election headquarters of candidates** who run for the post of the President of Ukraine:

- conduct internal training for members of election commissions on the correct application of



election legislation;

- stop engaging members of election commissions to pre-election work, including campaigning;
- to encourage participation of the candidate's representatives – DEC members (after creation of DEC) at meetings of relevant commissions;
- to stop campaigning through giving to voters products and services on a non-paid basis or at lower costs.

**To mass media:** to stop printing propaganda materials unmarked with “political advertising” and pay for them from outside the election fund.

## Formation of Polling Stations and Precinct Election Commissions

*In this election campaign, the creation of Precinct Election Commissions (PECs) has been accompanied by violations of the existing election legislation. Almost 10% of local authorities made their nominations in the last days before the deadline, which made it difficult for District Election Commissions to verify accuracy of the data provided (the number of voters, their addresses, and boundaries of polling stations). There are some cases when polling stations were created after the deadline expired. The major Presidential candidates prepared and submitted their nominations for DEC members on time.*

In compliance with Clause 6, Article 20 of the law of Ukraine “On Election of the President of Ukraine” and the Schedule of organizational activities on preparation and conduct of the elections of the President of Ukraine, local authorities were obliged to prepare their nominations for the composition of polling stations before November 17, and to submit them to District Election Commissions as soon as the precinct election commissions had been formed. However, because District Election Commissions had to start their work (hold the first meeting) no later than November 30, the local authorities ignored the norm of the law and did not submit nominations in due time. Actually, the majority of DEC received documents from local authorities in the last days. This is why commissions did not have a possibility and time to verify data. This resulted in fact that DEC after verifying data, had to introduce changes into own decisions, which is the violation of the law (recorded in Dnipropetrovska oblast). DEC had to right to change their decision only in accordance with the court's decision, which could be taken by the appeal of a proxy of the candidate (recorded in Donetsk oblast)

Some local authorities (especially in Zaporizka oblast) submitted their nominations to the Central Election Commission in November. The CEC is not legally authorized to process the submitted materials and pass them over to the District Election Commission. In other cases, for example in Volynska oblast in the election district # 20, local authorities submitted their nominations for the composition of polling stations to rayon councils, so that the latter would submit them to the District Election Commission which had not been formed yet by that time.

The vast majority of local authorities submitted their nominations for the composition of polling stations to the corresponding district election commissions in a period from November 28 through December 7. However, such submissions often contained mistakes and discrepancies, such as identification of boundaries of polling stations, a number of voters at each polling station, a list of houses, identification of DEC location, and others. In the election district #83 (Zaporizska oblast) DEC



did not include a part of Lunacharskoho St. in the city of Polohy into boundaries. It turned out that the Polohy mayor V.L. Koroliov did not include these buildings into the nomination list. The mistake was noticed by employees of the State Voter Registry authorities of Polohy rayon state administration while preparing and entering data into the data base. The Voter Registry Authorities did not wait for corrections in the DEC resolution and initiated “adding” addresses of the “lost buildings” to the boundaries of the nearest polling station in order to include voters to a preliminary voter list. But such deeds go beyond their authority. When problems were identified, commissions had the right to return those submissions for corrections, what was done by DEC in Dnipropetrovska oblast (DEC #25), Donetsk oblast (DEC #52), Luhanska oblast (DEC #110, 113-115), Lvivska oblast (DEC # 121, 126), Mykolaivska oblast (DEC #131, 132), and Khmelnytska oblast (DEC #192).

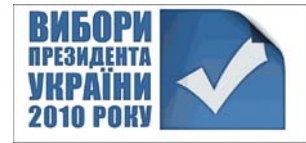
Around 10% of local authorities interpreted legal regulations at their own choosing and submitted their nominations for the composition of polling stations in the last days close to the deadline (December 8 – 9). This situation occurred across many regions, notably in such oblasts as Volynska (election district # 19, 20, 23), Dnipropetrovska (# 33), Ivano-Frankivska (# 86), Kievska (# 91, 92, 94-98), Kirovogradska (101 , 103), Odeska (# 139, 144, 145), Poltavska (# 147), Rivnenska (# 154, 155), Sumska (# 160, 162, 164), Ternopilka (# 167, 169), Khmelnytska (# 190, 192, 194), Chernivetska (# 206), and in Kyiv City (# 221).

It should be noted that in many cases local authorities ignored the legal regulation regarding the necessity to create polling station in each locality. Instead, they offered to create one polling station for 2 -3 localities (observed in such oblasts as Vinnytska, Volynska, Ivano-Frankivska, Zhytomyrska, Kyivska, Kirovogradska, Lvivska, Ternopilka, Sumska).

The process of creating polling stations by district election commissions also occurred in a complicated environment, accompanied with violations of the law. Almost all DEC-s simultaneously, i.e. before December 9 including, announced their decision of creating polling stations. However, six DEC-s openly violated the law, namely the deadline for making a decision on creating polling stations; they are as follows: the DEC-s of the election districts # 7 and # 8 (The Crimean Autonomic Republic) took this decision on December 12; the DEC of the election district # 145 (Odeska oblast) – on December 14; the DEC of the election districts # 161 and 163 (Sumska oblast) on December 14; the DEC of the election district # 200 (Cherkaska oblast) – on December 13. The reason for that were submissions of nominations by local authorities after the deadline stipulated by the law. Still, legal liability is shouldered on election commissions.

OPORA observers witnessed violations of the legal provision regarding public announcement of commissions’ decisions. According to Clause 12, Article 20 of the Law of Ukraine “On Elections of the President of Ukraine”, such decisions shall be publicized in printed media no later than on the fifth day after the decision is made. Incidents were recorded in the election districts of such oblasts: # 23 (Volynska), # 37 (Dnipropetrovska), # 128 (Lvivska.), # 147 (Poltavska), # 170 (Kharkivska), # 194 (Khersonska).

Also, observers recorded violations regarding a procure for creating special polling stations. For example, in Volynska oblast, the DEC of the election district # 19 created one special polling station for a few medical establishments, which contradicts Clause 4 and 7 of Article 20 of the Law of Ukraine “On Elections of the President of Ukraine”. Instead, in Zakarpatska oblast the DEC of the election district # 72 did not create a special polling station in Irshavsk rayon, although there is a central district hospital.



Among indicators that demonstrate a level of preparedness of each candidate and their headquarters to take a solid participation in elections, it is worth mentioning a number of people that are delegated by headquarters to work at DEC-s. According to Clause 2 of Article 24 of the Law of Ukraine “On Election of the President of Ukraine”, before December 13, authorized persons of candidates were legally allowed to provide to DEC-s nominated candidacies for the composition of Precinct Election Commissions. Thus, authorized persons of such candidates, as Brodskiy, Protyvsih, Ratushniak, Suprun, Symonenko, Tymoshenko, Yanukovych, Yatseniuk, and Yuschenko, submitted almost all candidates for the DEC-s (above 80%). The first three managed to achieve such results without deploying local headquarters in the majority of oblasts.

In Zakarpatska oblast, namely in the election district # 69 and 72, OPORA observers found out that submission to DEC-s on behalf of Brodskiy and Protyvsih was prepared by the Party of Regions. In Dnipropetrovska oblast, namely DEC-s in the election districts # 31, 32, 33, authorized persons from Yanukovych submitted nominee candidacies for DEC-members on behalf of Pabat and Riabokon. However, the chairmen of those commissions refused to certify such submissions and rejected them.

Presidential candidates Pabat and Riabokon possess the lowest presentation in DEC-s, as across many oblasts they didn't submit a single person. In Ivano-Frankivska oblast, there was a conflict situation in the DEC of the election district # 84, when on the last day before the deadline authorized persons from candidates Grytsenko and Moroz addressed their submissions. However, these persons did not have any relevant certificate to confirm their status; therefore the DEC rejected their submissions.

In the DEC of the election district 137, on December 18, an incident happened: a journalist of “Tochka Opori” obtained information from one of commission member about the number of submitted nominees for the DEC's composition. According to the Deputy Chairman of the DEC (Savetska), “Now he will go and spread the information around. But we are still receiving papers, and we will be receiving them until December 26”. When a journalist remarked that all the papers should have been submitted before December 13, she replied that the journalist does not know the Law. The incident eventually resulted in the offer from a DEC-member from the Party of Regions (Lipniagov) to draft an act of infringement for the DEC-member who provided information to the journalist. Afterwards, he made an attempt to force the media representative to leave the premises of the DEC.

## Work of the Central Election Commission

*The topic of the day is under-financing of the election process. As of December 18, only 0.6% of the required 50 mln 377 900 Hryvnia were allocated for the election process. The situation is getting worse because on December 31, with the end of a fiscal year, the current State budget expenditures will become inoperative. OPORA is also concerned about the uncertainty in the legal process of voting at foreign polling stations of those voters at the Consulate offices.*

### Foreign election district

Foreign election district consists of 113 polling stations in 76 countries. The most number of polling stations were formed in Germany and Russia – five in each country, and 101, 928 voters and 57,209 voters live there accordingly (Resolution of the CEC #445 as of December 9, 2009). But in Moldova



with 71,357 voters, only 2 polling stations were formed. In Poland and in the USA four polling stations were formed in each country, with 36,756 voters and 5,911 voters accordingly. Three polling stations in each country were formed in Italy and in Spain with 1,109 voters and 4,302 voters accordingly. In each of 19 countries two polling stations were formed, and in each of 51 countries only one polling station was formed.

Civil Network OPORA is concerned with the uncertainty in the legal process of voting at foreign polling stations. The Constitutional Court ruled that citizens need not to be registered by Ukrainian consulates in order to vote at Presidential elections, but the law of Ukraine “On Election of the President of Ukraine” provided no direction on how this right shall be realized by citizens who are staying abroad on the Election Day. According to clause 5 part 1 of the Article 17 of the Law of Ukraine “On the Central Election Commission”, it shall provide consultative and methodic support to election commissions, shall develop instructions and recommendations which are required for work of election commissions regarding the use of election legislation of Ukraine. In this regard, OPORA addressed the Central Election Commission with recommendations regarding the voting procedures of citizens of Ukraine at foreign polling stations. In our opinion, clear explanation of the procedures and protection of citizens of Ukraine who reside at territories of foreign countries illegally, will be provided an opportunity to vote in the hundreds. Official statistics provided by the Consulates do not reflect the whole picture regarding a number of citizens of Ukraine, and this is why most of them are disfranchised.

The total amount of 4 mln Hryvnia will be spent for preparation and conduct of elections at foreign polling stations (CEC Resolution #469 as of December 11, 2009)

#### *The Situation with allocation of funds for preparation and conduct of the Presidential Election of Ukraine*

The situation with funds allocation is described in the CEC Resolution №520 as of December 18, 2009 (<http://bit.ly/520CEC>). The CEC pays attention to the fact that only 0.6% (UAH 1,090 500) was funded out of the required funds for 2009. This hampers work of the Central Election Commission and district election commissions to get prepared to the Presidential Election of Ukraine.

#### *CEC cooperation with Observers of the election process*

- according to the Article 70 of the Law of Ukraine “On Election of the President of Ukraine”, CEC registers official observers from foreign countries and international organizations. Registration of the latter completes on January 12, 2010. At 2004 Presidential Elections CEC registered 3,285 monitors from foreign countries and 9,260 monitors from international organizations (total – 12,545 persons). During current election campaign, as of December 18, 2009, CEC registered only 268 international observers<sup>1</sup>: OPORA makes the prognosis based on numbers provided by international organization that 1,700 observers will have been registered by the Election Day. This fact proves of significant decrease of the world community’s attention to the election process in Ukraine.

<sup>1</sup> International organizations which registered representatives to monitor Presidential Elections 2010 in Ukraine (in decreasing order of registered observers): International civic group for Promotion of Election Technologies Development “For Free Elections”, Organization for Security and Cooperation in Europe, Inter-Parliamentary Assembly of member states of Commonwealth of Independent States, International civic group “Ukrainian Congress Committee of America”



- Article 66 of the Law of Ukraine “On Election of the President of Ukraine” authorizes the Presidential candidates’ proxies to be present at meetings of the CEC with an advisory vote. OPORA observers stress out that the CEC ensures enforcement of this right. In answer to a complaint of one of the Presidential candidates’ proxies for insufficient information about the text of draft resolutions approved at the meetings, head of the CEC agreed to let proxies get familiarized with the text of draft resolutions before the meetings.

### **Recommendations:**

Cabinet of Ministers of Ukraine shall realize that it is unacceptable to delay funding to conduct of the Presidential Election of Ukraine on January 17, 2010 by the Ministry of Finance of Ukraine and the State Treasury of Ukraine.

## **Work of District Election Commissions (technical and financial support, and level of training of DEC members)**

*The District Election Commissions (DEC) work according to the calendar plan of election preparation approved by the CEC and election legislation. Additionally, there are a number of problems that hamper effective work of the commissioners: lack of technical and financial support, low level of legal education and little motivation to work, 90% of district commissioners being inactive during discussion and decision-making, formal approach to personnel selection by candidate headquarters.*

The general characteristics of DEC members are as follows: the majority is pensioners, and equal number is unemployed and students. About 30% of commissioners had previous election experience, but a considerable part has never been a member of even a precinct election commission. This particular factor makes the preparation process and decision making difficult, as well as proper execution of commissioners’ responsibilities. Very often positions of the commission head and secretary are taken by inexperienced citizens. Due to this, observers reported numerous conflict situations between longstanding ordinary commissioners and inexperienced senior management. In addition, there are numerous cases of refusals to work at DEC. The reason is a low compensation level, incompetence and unwillingness to take responsibility for the process. The permanent staff turnover results in difficulties of the commission’s work. Regardless, DEC execute responsibilities given to them. The overall level of DEC legal training is being improved thanks to OSCE training sessions, during which commissioners receive election manuals.

Election commissions ## 130, 132 (in Mykolaiv oblast) worked round the clock during receipt of nominations for DEC staffing. There were also recorded cases of entire incompetence of the commission senior management. For example, at DEC # 138 (Odessa oblast) during an hour of the first meeting the head and the secretary could not open the discussion because they did not know what they would discuss. Finally, another commissioner initiated and moderated the discussion on the work of the commission, opened and guided the meeting. As a result, DEC head took a sick leave, and the secretary refused to work. Almost similar situation happened at DEC #176 in Kharkiv oblast.

**The problems regarding proper work of the DEC also concern the technical and financial support.** In particular, there is no funding for transportation, and sometimes commissioners use stationery with candidate logos, because they do not have enough pens, paper or note-pads. Sometimes



(party) headquarters sponsor commissioners with the required means for normal work. Funny situations sometimes happen. After an observer commented on all commissioners' using pens with a logo "Yanukovich is our President" and the commission head wore a jacket with the Party of Regions symbols, it appeared that paper was presented by the Yulia Tymoshenko headquarters and commissioners planned to wipe out signs on pens and jackets. In addition, about 15% of DEC members work in very cold work space, which does not allow them to concentrate on work, they said.

Technical and financial support of DEC depends on the efficiency of local self government's work. Observers recorded facts when failure to execute requirements regarding the financial and technical support does not allow organizing DEC work at a proper level. For instance, in DEC #86 (Ivano-Frankivsk oblast), DEC #212 (Chernihiv oblast) there is no safe, in DEC # 209 (Chernihiv oblast) there is no premises for safeguarding ballots.

By December 7, 09, DEC had **to approve a list of expenditures** (part 6 of the Article 38 of the Law of Ukraine "On Election of the President of Ukraine"). Practically all commissions did that on time, but some district commissions did not adhere to regulations of current legislation, for instance, as of 8 December 12, these were DEC #197, 200 in Cherkasy oblast, DEC #192 in Khmelnytsky oblast, DEC #225 in Sevastopol), as of December 14 – DED #119 in Lviv oblast, DEC #138 in Odessa oblast.

Almost all District Election Commissions approved a typical expenditure list, which was compiled by the CEC in accordance with a number of polling stations in a territorial election district. Also, observers detected that:

- ordinary district commissioners do not possess information about the size of expenditures, this is why they can not control the efficient use of funds;
- according to unofficial information, Rivne oblast treasury department has not opened yet DEC accounts, waiting for all commissions to address it with a request, which immobilized work of most of them.

## The Use of Administrative Resource, Voter Bribery and Intimidation

*Those Presidential candidates, who have supporters among local officials, business leaders and university professors, actively use administrative resources to their advantage. The scale of its usage is quite low compared to the previous presidential campaigns. However, voter pressure, intimidation, and bribery are disgraceful phenomena in our society, which requires public condemnation and prosecution of the guilty. In the meantime, central headquarters of the candidates give private instructions to local officials to ensure the required results "at any cost".*

**During Yanukovych's visit to Kherson**, students of the local nautical college were taken away from their 5th and 6th classes and were sent to the rally. The young people were motivated to take part in the event with a statement "Whoever does not appear may also exclude themselves from attending exams". At the Kherson State University, all the students of the 1st through 3d years of studies were forced to participate in this meeting under the guidance of the Deputy Dean of the Economic and Legal Department, Mr. Samarin, and the First Vice Chancellor, Mr. Mishov. At first, students were told that it



would not take a lot of time and Yanukovich had done a lot for Kherson residents, and afterwards they switched to threats, “If you do not go to the meeting, you are not grateful to those who do good things for you, therefore all of a sudden you may face big problems”. This information was obtained from students of both educational establishments, and OPORA observers will not publicize contact details of these young people..

On December 3, to **honor the International Day of Disabled People**, Yanukovich’s headquarter passed over 200 food packages and party symbols to the Vinnytska City Department of Social Welfare with the aim to have those packages delivered to recipients.

On December 10, in Tyrivsky Rayon of Vinnytska Oblast (villages Stroitsi, Krasnianka, Voroshylivka, Mayaniv) two teams of doctors conducted **free medical examinations**, supported by distribution of leaflets and campaigning for Yanukovich.

On December 11, in Drabivky Rayon (Cherksaska Oblast) upon the order of the Prime Minister Yulia Tymoshenko, the BYT MP Savchenko held a **ceremonial delivery of land certificates to citizens**. Deputy Head of Drabivska Rayon Council, village heads of Mytlashivka and Velykyi Hutor attended the meeting. When land certificates were handed over to people, organizers repeatedly focused their attention on the outstanding accomplishments of Tymoshenko to introduce a simplified system of land privatization and campaigned for her.

At Lugansk National University named after Khmlenytsky, the administration of dormitories forced students to visit every room and to **collect information regarding their voting choice**. The goal of such polls is yet unclear.

Employees of Alchevsk Steel Works (Luganska Oblast) and BYT activists campaigned to support Tymoshenko in this election and persuaded workers that cameras will be **installed in voting booths to fix their “right of expression”**.

During the reporting period, as a part of the campaign, Yanukovich’s headquarters gave jackets, sweaters, scarves, umbrellas labeled with the candidate’s symbols to voters in (Kharkivska, Zakarpatska, Khemlnytska, Chernivetska oblasts). A new social shop with BYT symbols was open in Korets City (Rivnenska Oblast), where voters can purchase warm clothes at lower prices.

### *Memo:*

*According to Clause 6, Article 64 of the Law of Ukraine on Presidential Elections in Ukraine: “Pre-election campaigning or giving money to voters or products, services, securities, credits, lotteries, on a non-paid or preferential basis, accompanied by calls or appeals to vote or not to vote for a specific candidate or mentioning his or her name, is regarded as voter buying”.*

*Provisions of Article 157 of the Criminal Code of Ukraine and Chapter 15-f of the Code of Ukraine about Administrative Offences involve criminal and administrative responsibility for indering, including **through bribery**, citizens to exercise freely their right to elect and be elected, as well as to keep campaigning.*

## **Media’s Participation**



*The shortened time frames of the election period, the long quarantine and political indifference of citizens during New Year and Christmas holidays is the reason for headquarters to actively invest into campaigning through traditional media channels. The prevailing majority of municipal and private regional media outlets provide advertising space and time on a paid basis, as well as air time for campaign events. Media are oriented towards maximizing their profits for placement of candidate's campaigning materials and that ensures an equal access of candidates to media outlets. At the same time, it is unacceptable to manipulate public opinion by the media and election headquarters. Informational materials are not marked as "political advertising". Thus, voters are misled. Both election headquarters and media outlets should bear responsibility for violating the election legislation.*

Traditionally the majority of campaign messages are placed through media (about 50%), when TV and radio (wired and FM-stations) take over a smaller share (30% total), and internet falls last (15%). Campaigning is different in various media. Campaign messages are placed online and in media outlets can contain mostly hidden promotional content, although TV and radio campaigning is explicitly presented. The problem is that materials from candidates are not marked as "political advertising," especially in newspapers and online. Voters are misled regarding the social importance of events, candidates' comments, when paid materials are presented as news and feature articles. As reported by OPORA observers, some journalists, who wished to remain unnamed, said that placement of propaganda materials unmarked with "political advertising" costs 1,5 -2 times higher than marked articles in certain media outlets.

It is not a coincidence that candidates' headquarters have a stake in press coverage. According to OPORA observers, a Ukrainian conscious voter or a citizen who attempts to understand the political situation is more oriented towards the press rather than TV. Besides, the coverage in a newspaper is much cheaper. TV has bigger audience, but does not provide the opportunity to receive information in a structural manner in election coverage, and is limited to slogans and "mottos". Meanwhile, the internet in the regions is not developed enough to be widely employed by candidates. Also, the target audiences of the list of candidates are not yet active internet users.

*Long-term observes recorded isolated cases where candidates were hampered from placing their campaigning materials. For instance, "Khersonsky Visnyk" has refused Yuschenko's headquarter to publish his advertising materials, and has argued that the layout has never been provided on time. In the meantime, the newspaper "Rio-Berdychiv" (Zhytomyrska oblast) provides positive coverage only to Yatseniuk's campaign.*

*Sometimes it happens when a publication offers coverage of the candidates on a non-paid basis, but only very few accept this offer. For example, the newspaper "Misto" (Vinnytsia City) dispatched letters to all candidates' headquarters informing them that the outlet was willing to place an interview with a candidate for free. Only Riabokon and Tiagnybok responded to this initiative.*

## **Candidates' Campaigning**

*During the reporting period, the pre-election campaigning of presidential candidates was remarkable for the switch from indirect voter outreach to establishing direct voter contacts. The two major candidates, namely Ms. Tymoshenko and Mr. Yanukovich, actively employ direct campaigning tools such as "door-to-door campaign" (DDC). Candidates continue to disperse*



*materials that obviously attacks reputation and dignity of competitors, involve government officials, local analysts into campaigning and distribute bounties among voters.*

During door-to-door canvassing, campaigners compiled lists of their supporters, opponents and undecided citizens. The latter group of voters may serve as an extra electoral resource for candidates, therefore outreach efforts are primarily focused on the undecided electorate. Outreach people from Yanukovich collect citizens' personal data just on the streets, so that later they can dispatch "outreach teams" to their homes. Tymoshenko's headquarters use opinion polls to collect personal data of respondents and identify their political preferences. Interesting, the questionnaire is biased and may be thus considered as a campaigning, for example "Do you know that Yulia Tymoshenko's government ensures timely and full payment of pensions?"

At the same time, candidates have reduced the scale of street campaigning. The early and ineffective use of campaign tools with politically impartial outreach teams, has now turned into efforts to distribute printed materials, which was intensified by cold weather during the third week in December, and funding for tent campaigning dropped down dramatically and even ended in some cases. Nevertheless, traditional campaigning methods, such as billboards, media and public entertainment events, remain a significant part of the ongoing election campaigns. Candidates or their authorized representatives hold meetings with employee groups and university students. At times, participation in these events is imposed.

Local officials actively have joined the campaign efforts. Their task is to ensure high results of a specific candidate in the given region. According to OPORA, The award for their good work will be a place on the list to councils during upcoming local elections, scheduled for May 30, 2010.

The election headquarters of the highest-rated candidates engage not only party functionaries and their leaders, but also hire employees, who are in larger numbers than local party activists. This approach demonstrates the dominance and importance of technologies used in election campaigns, as well as showing the weak organizational capacity of party chapters.

### ***Peculiarities of Campaigns across Regions***

#### ***West***

***(Zakarpatska, Volynska, Ivano-Frankivska, Chernivetska, Lvivska, Rivnenska, Khmelnytska, Ternopilska)***

Tymoshenko's headquarters carry out three informational projects aimed at educating voters, such as "Agitatsijna Hata" ("Campaigning House"), "Kolo Druziv" ("Circle of Friends") and "Kolo Odnodumtsiv" ("Circle of the Like-Minded"). These projects serve to inform voters about milestones of the candidate's election agenda, to explain to voters the decrees issued by the Cabinet of Ministers of Ukraine on land privatization and obtaining land certificates (acknowledged as voter buying in the first report of OPORA); to conduct an opinion poll "Whom will you vote for?" that has direct signs of campaigning.

The western parts of Ukraine are visited by all the candidates, but the incumbent President, accompanied by his governors, usually combines his work visits and meetings with voters. During the first half of the day, the President does not campaign himself in his speeches, whilst in the afternoon he



actually presents his agenda in public venues. In fact, the incumbent President performs his visits within the framework of his election campaign while using taxpayers' funds.

In the above-listed regions, posters and newspapers from People's Self-Defense are distributed on a massive scale to remind voters about past convictions of Yanukovich and call voters not to vote for the "zek" (prisoner). Furthermore, the MP Katerynychuk calls voters to support the incumbent Prime Minister and publicizes information on a political collusion made between Yanukovich and Yushchenko in an attempt to cut down the low rating of the incumbent President. Among other propaganda tools aimed at damaging support of another candidate, it is worth citing distribution of the book "Famous Jews of Ukraine" that portrays Yatseniuk as a key character.

Across certain western parts of Ukraine, Yatseniuk's headquarters has curtailed street campaigning activities and switched onto door-to-door canvassing. In this part of the country, the front runners of this campaigning tool are Tymoshenko, Tiagnybok, Kostenko, whilst Yanukovich and Lytvyn are less active.

Moroz started to be more active in his campaigning efforts, and this is based on condemnation of the actions of the government and the incumbent President, and he uses socially-oriented information materials (about harmful additives to food products, road and transport violations).

In addition, candidates are very generous in presenting gifts to voters. For example, representatives of the Party of Regions, namely Ms. Anna German and Ms. Boris Kolesnikov, presented a new brand piano STEINWAY & SONS to the Lviv Music Academy named after Lysenko. The cost of this model varies 50,000 - 1 mln. 200,000 euros. During the meeting with young people, Lytvyn presented to them the book "The History of Ukraine" with own signature. Tiagnybok's headquarters passed over expensive medical equipment to three hospitals in Rivnenska oblast that was sponsored with campaign funds, as told by the candidate's representatives.

It is no secret that residents of the western region in Ukraine are more religious than others. Thus, in Chernivetska oblast, OPORA observers witnessed distribution of calendars and greeting cards with images of the Mother of God and Jesus Christ, with the logo of the Party of Regions on the back side. If an ordinary person feels free to throw a political leaflet into the closest trash bin, a religious person cannot do the same.

### *East*

#### *(Luganska, Kharkivska, Donetsk oblasts)*

In the eastern regions of Ukraine, Tymoshenko and Yanukovich actively engage public opinion leaders into their campaigns: university professors and local officials, business leaders. MPs make frequent trips to eastern regions of Ukraine. Still, public leaders' support of candidates is rather unsteady. For example, in Luganska oblast public events take places where local leaders support Yanukovich and in a week Tymoshenko enjoys the same support from them.

Special emphasis on voter mobilization is made by Yanukovich headquarters in the above-listed regions. The goal of the candidate's representatives is to bring to many supporters to the polling stations for the leader as possible. Therefore a door-to-door campaign is actively deployed, where



outreach people collect information regarding the accuracy of voters' details in voter lists; record those persons who will vote in their homes to later call everyone to vote.

Tymoshenko's headquarters mobilizes local leaders and conducts targeted work with labor unions, social groups, organizes round tables, expert discussions of local and national issues, and organizes mass events, such as "People's Assembly of Donetsk Region". During her visit to Mariupol, MP Ms. Korolevska presented 37 sets of keys to apartments that were built under the state-funded program. Although there were no direct appeals to vote for Tymoshenko, Ms. Korolevska was introduced as the Campaign Manager of the incumbent Prime Minister. Also, she was the one who handed land certificates over to people in Mangush City.

Black PR was actively employed, as well as destruction of Yushenko's and Tymoshenko's billboards. Outdoor advertising with images of both candidates were covered with dark blue color. OPORA observers focused their reports on the newspaper "Donbass Region" that was dispatched from the tents of the Party of Regions in Donetsk oblast. The newspaper came out in 100,000 copies, and its key material is an article named "Yulya's brotherhood: make a stupid girl pray to God", which portrayed Tymoshenko near the Wailing Wall in Jerusalem. In Kharkivska oblast, materials containing articles with similar content are distributed: "BYT offers benefits to those who shot in the backs of Soviet soldiers". Meanwhile, BYT tent campaigners distributed leaflets "Criminal bosses are coming to Ukraine to help Yanukovich out."

Some candidates are distinguished by their regional slogans across the eastern parts of Ukraine, such as "One people – two languages" by Yanukovich, "Ukraine needs the President from Kharkiv!" by Bogoslovska, and during the night of December 3-4 some fences in Lugansk oblast were decorated with signs "Yulia + Putin = Donbass". (Donbass is a geographic regional reference to the area). In the center of the city Lugansk, the organization "Young Guard" started collecting signatures to appeal to Yanukovich with a request for regional self-governance, granting the Russian language an official status, and the cessation of "fraud" of the Ukrainian history.

### *North*

#### *(Chernigivska Zhytomyrska, Sumska, and Kyivska oblast; Kyiv City)*

Campaigners of Tigipko, Tiagnybok, and Yatseniuk offer to fill out supporters' questionnaires and join the campaign. In this way citizens may become informal campaigners. This technology is relatively unique in the northern regions of Ukraine.

In campaigning tents of Yanukovich (especially so widespread in Kyiv City) people can submit their feedback or comments regarding the candidate's agenda and leave their contact details. Candidate's activists promise that a voter will be reached either at his home or via telephone by an activist who will provide arguments why the candidate's position is appropriate in a certain aspect. This is how information about voters is collected and potential voters are identified. During a door-to-door canvassing (in Zhytomyrska oblast), representatives of the Party of Regions collect information about pensioners, war veterans, low-income households and students, for no clear reason. Tymoshenko's headquarters are also active in door-to-door campaigns in the central parts of Ukraine (except for Chernigivska oblast), during which outreach teams canvass citizens and inform them about accomplishments of the Head of the government.



The central regions have some unique slogans, such as “She works for herself, when we work for people” (against Tymoshenko) from the Party of Regions; “The enemy will not reach out” and “Yanukovych will never be here” from BYT.

Major target groups in the above listed regions for Tymoshenko and Yanukovych are teachers and doctors, for Tigipko – businessmen; Tymoshenko, Tiagnybok, Yuschenko, Yanukovych, Yatseniuk, Lytvyn most actively target students; Moroz, Symonenko, Tymoshenko, Yanukovych work closely with pensioners on social issues.

### *South*

*(Odeska, Mykolaiivska, Khersonska, Zaporizka oblasts, Autonomic Republic of Crimea, and Sebastopol City)*

In the southern parts of Ukraine, apart for traditional campaigning (tents, billboards, advertising in media) the highest-rated candidates, Ms. Tymoshenko and Mr. Yanukovych, conduct door-to-door campaigns. The NGO “The Union of Youth in the Regions” has joined the election campaign and held a motor car rally, where they work with peers and call them to vote for Yanukovych.

The special status of the Autonomic Republic of Crimea is the subject of discussion for two candidates: Tiagnybok and Lytvyn. Whilst the head of All-Ukrainian Union “Svoboda” (Tiagnybok) states that the reason for instability and conflict in the area is the special status granted to the autonomy and thus offers to transition the peninsula into a standard oblast, Lytvyn offers the reverse: to extend the rights of the peninsula to fill them with a deeper meaning.

In Odessa, OPORA observers witness an ongoing campaign against Tymoshenko and Yuschenko that was initiated by Yanukovych supporters. Activists distribute large amounts of leaflets that contain such slogans as “Orange color can’t be washed off”, “Today NATO – tomorrow war with Russia”, “Orange rep-s try to buy you for nothing”, “Tomorrow you will be forced to pray for another God”, “Our grandfathers died from the hands of Bandera-supporters”, “Tomorrow they will force your son to go to war.”

### *The Center*

*(Dnipropetrovska, Poltavaska, Vinnytska, Cherkaska, Kirovogradska oblasts)*

Campaigns in the central regions are different primarily for engagement of the Communist Party into door-to-door canvassing, so widely practiced by two front-runners (Yanukovych, Tymoshenko). The Party of Regions conducts door-to-door canvassing with the message “Whom will you vote for?” and distribute newspapers “People’s Truth”. Yuschenko’s supporters collect signatures under the President’s draft of the Constitution. Party of Regions distributes “The letter to the Brother” that states “the orange impose on residents of the oblast their nationality, language, religion”, and OPORA observers estimate this action as an example of intentional aggravation to take advantage of splits in the society.

In cities Poltava and Kremenchuk unknown people conducted a door-to-door canvassing campaign and introduce themselves as “from Chernovetsky” (the incumbent mayor of Kyiv). They identified low income citizens and pensioners, and promised material assistance to the “needy”. It is difficult to link such incidents to any specific candidate, as outreach activists can campaign for anyone.



## Performance of the Voter Registry Departments

*According to OPORA's observers, Voter Registry Department work satisfactory. Departments, which are overloaded with work on register verification, and suffer from the lack of material and technical supply have to extend their working hours, somewhere - till 12 p.m. however, departments' workers need extra trainings in election legislation. Observers' remarks mainly concern poor knowledge of current laws on access to information. Sometimes, departments staff refuse to provide data about the number of appeals as, to their mind, that is a case of personal data disclosure.*

Whilst observing the presidential election in Ukraine, Civil Network OPORA monitors performance of the Voter Registry Departments. The quality of voter lists relies on their performance. OPORA long-term observers addressed all Voter Registry Departments with a request to submit data about the number of citizens who turned to them since September 15 (the end of the initial specification of the Voter Registry) through October 19 (the official launch of the election campaign); from October 19 through November 27 (the first month of the campaign). We have to admit that Voter Registry Departments are staffed with unprofessional personnel. Less than half of DEC-s (out of 775) provided information in compliance with the current legislation of Ukraine. However, the prevailing majority of DEC chairmen interpreted it as illegal disclosure of personal data, although the information requested did not concern personal data of voters.

### *Voters' Activity*

The situation varies in different regions of Ukraine. In Zaporizhia City, by 36% more voters addressed the voter registry departments in the first period compared to the second period, and total number in the region is 43%. In Lviv City, in the second period by 29% less voters addressed voter registry departments, and by 10% less in the entire region. In Cherkaska oblast voter activity dropped by 25%. In Kirovogradska oblast voter activity plummeted by 56%, in Ternopilaska oblast – by 85%, in Volynska – by 39% in a period from October 19 through November 27. In Lugansk City the activity increased by 114% compared to the beginning of elections, in Khersonska oblast – by 162%. This high turnout was encouraged by outreach teams of Yanukovych, who canvassed people from door to door to verify their details in the Registry.

### *Accessibility of State Voter Registry Departments*

Access to the premises of voter registry departments is artificially limited in Poltavaska and Dnipropetrovska oblasts. However, in these oblasts schedules of DEC hours have been approved and prolonged: until 00:00 in Poltavaska oblast; until 10:00 pm in Chernivetska oblast, and in weekends in Odeska and Volynska oblasts. Inspection of performance of state voter registry departments was observed in Lvivska and Mykolaivska oblasts, without justification of grounds for such inspections.

### *Material and technical supply*

Bodies of local self-government and rayon administrations are responsible for financial and material supply of Voter Registry Departments. General state of material, technical and financial supply can be



described as satisfactory. Mostly all of the departments are provided with all necessary equipment for their operation.

There are some exceptions. Poor state of financial and material supply was observed at the department of Uzhhorod district administration, where telephone lines were cut off because of non payment. Departments in Kyiv receive material supply (stationery) from presidential candidates. At the department in Rivne city council, there are 3 workers out of 7 required. For a month already only one person works in Zhmrynka town department, the head and another worker quitted.