

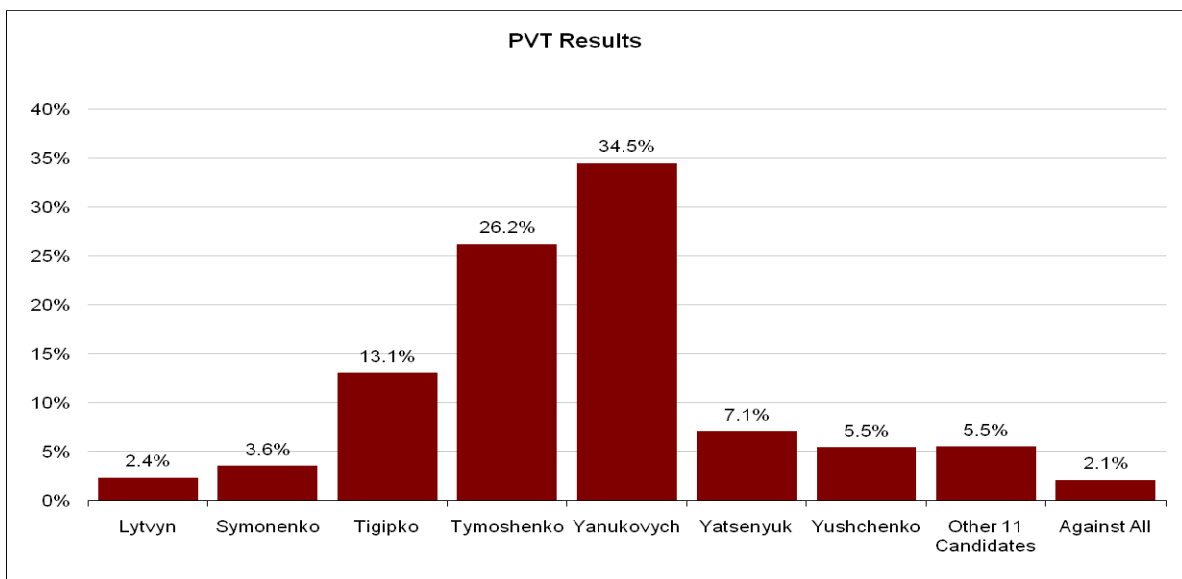
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Election Day report of Civil Network OPORA

The non-partisan Civil Network OPORA conducted a campaign of civic observation of the Presidential elections in Ukraine starting from November, 1, 2009. Based on the results of observation by its 74 observers across the country, OPORA publicized four pre-election reports on the quality of election preparation, use of administrative resource, media participation, performance of election commissions of different levels and work of voter registry departments. On Election Day, OPORA deployed 1003 observers who worked at the polling stations, selected to comprise a random sample that is statistically representative of polling places nationwide.

Election Day Comment Overall & OPORA Main Findings

OPORA is pleased that the election turnout was high and that voters exercised their right to vote and braved the weather and bad conditions to go to their polling places. OPORA had predicted 69-70% turnout and this met our expectations. OPORA's statistical Quick Count¹ shows that throughout the country, the vote total is:



OPORA can characterize Election Day as being calm. There were, however, problems related to election administration and election procedures were violated by the commissioners, often due to inconsistent or unclear legal norms. Problems were similar throughout the whole country.

They concerned first, additions of voters' names to lists on Election Day, with different election commissions interpreting and applying law in this area differently. The Ukrainian Parliament and the Central Election Commission failed to provide direction and clarify questions raised regarding the process for voter list additions as well as for voting at Ukrainian consulates abroad. This lack of responsibility to issue clear directions on these outstanding issues meant that different precinct election commissions (PECs) interpreted voter eligibility differently, causing uneven standards and rules.

¹ "Quick count" here refers to a method of projecting the results of an election, based on results from a statistically representative sample of polling stations.

OPORA calls on the Verkhovna Rada to end the confusion prior to the second round of voting in the presidential race and amend the law, and clarify the policy and process for Election Day voter list additions.

OPORA was pleased that mobile voting was conducted without the anticipated major challenges or problems in this round of the elections. The Kyiv Appeal Administrative Court's decision specifying the requirements for home voting succeeded in preventing many accusations and challenges to the process, although OPORA understands that in a few cases home-bound citizens without documentation may not have had a chance to vote.

Eligibility requirements for voting at home need to be clarified by the CEC in the weeks to come and before the second round to ensure this does not become a problem in the second round.

There were minor challenges to adequate administration of the process on Election Day, including lack of materials and messy administration during the opening, voting and closing process. Lack of finances, materials and resources for election administration and inadequate training for PEC members, also impacted decision making in the polling stations. Many of these issues were resolved throughout the day.

OPORA recommends that the District Election Commissions (DECs) evaluate the problems affecting PECs and identify where additional materials, ballots and resources are needed for the second round.

The CEC should also clarify instructions to the PEC on major issues that created problems during Election Day. A quick review of common problems and expected responses would ensure an equal application of the election law and administration in the second round of voting.

ADDITIONAL DETAIL ON CONDUCT OF ELECTION DAY:

Before the Vote

Campaigns abided by the rules of the campaign period according to the law. Tents and billboards were removed one day before the Election Day. There were some instances of posting campaign materials on bill boards without mentioning candidates, but using slogans familiar to voters during the election campaign. Overall there were very few instances of campaigning during Election Day.

Opening

Lack of a quorum and insufficient training of election commissioners meant a late opening in almost one-third of all polling stations. Only 69 % of the polling stations opened on time at 8am (Clause 10 of the Article 75 of the Law of Ukraine on Election of the President of Ukraine), 30% of the polling stations opened 15-20 minutes late, and 1% of the polling stations opened later than 8.30am. Also, OPORA reported isolated instances when voting started with 2,5 hour delay.

According to the Civil Network OPORA, in only 2% of 1,003 polling stations, where OPORA observed, were observers provided with a full set of reporting documents needed for the Election Day.

Also 2% of the polling station commissions did not follow the procedures stipulated in the law during their s first meeting. Additionally, OPORA observers recorded there were unsealed ballot boxes at 1% of the polling stations.

Voting

Overall the voting process went smoothly. Problems were faced by election commissioners who did not receive the Kyiv Appeal Administrative Court's decision, which specified the procedures for mobile voting. Thus, voters who submitted requests for voting at home after 10pm on January 16, were included into the mobile voting list. Over 1,061,231 voters in Ukraine were allowed to vote at home. Although, some candidates overestimated the number of voters who wanted to vote at home (this is about 10%?)

The biggest challenge was the quality of the voter lists. For the first time voter lists were prepared on the data of the State Voter Registry. OPORA concludes that the scale of the problems means that the Voter Registry requires further revision before voting in the second round. Based on OPORA's observers, commission members of the polling stations added people to voter lists on the Election Day without a proper reason, thus violating the law. Such decisions were mainly taken by the head of the commission. In addition, there were instances when voting at polling station was interrupted in order for commissioners to vote on whether to add someone to a list.

Close and Vote Counting

OPORA observers revealed the situations when polling stations were closed before due time (8 pm) – 20,7%, 76,5% were closed in time, 2,7% - between 8 and 8:30 pm, 0,2% - later than 8:30. On the Election Day at 1003 polling stations, 2,2% voters were added to the voter lists. The procedure was fully followed in 89,2% of polling stations. 4,7% of PEC members faced problems while participating in the process of vote counting.

88, 9% of observers fully trust the results of voting at the polling stations, where they were working during the day.

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