



International Observation Mission to  
Ukraine Presidential Elections 2010

Міжнародна місія спостереження  
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## Ukraine Presidential Election

### *Report on Pre-Election Period*

*January 18 –February 4, 2010*

#### **SUMMARY OF FINDINGS AND OBSERVATIONS**

- CEC continued to work in a relatively fair-minded manner during the reporting period. However, CEC maintained its practice of announcing decisions only after commissioners confer behind closed doors. In addition, a high degree of bureaucratization continues to hamper the effectiveness of the CEC activity.
- On February 3, a session of Verkhovna Rada passed amendments to the electoral law regarding the working of the lower electoral commissions during the election day. According to the new provisions a PEC can make decisions with a simple majority instead of the 2/3 quorum. On February 4, the President of Ukraine approved the decision of the Parliament. ENEMO remains concerned about the practice of bringing last minute amendments to the electoral legislation for the Presidential elections. These changes, particularly between the first and the second rounds might seriously affect the quality and fairness of the electoral process. Moreover, lack of clear instructions from the CEC might lead to uneven enforcement of such amendments and this could result in unnecessary confusion for election commissioners and voters and could ultimately damage the legitimacy of the final results.
- The lack of clear instructions by CEC regarding mobile voting requirements led to uneven procedures during the first round. ENEMO fears a similar situation in the second round since reports suggest that lower level commissioners are still waiting for final CEC decision.

- The CEC formed the new District Election Commissions within the legal calendar and abided to the proportionality principle. In contrast to the first round of elections, ENEMO observed that candidates properly staffed most of DEC and PECs according to the proportionality system decided by the CEC. In addition, ENEMO observers noted a significant improvement in the work and preparation of lower commissions and fewer cases of resignations compared to the first round. Women are well represented in all membership positions and at all levels of election administration.
- Most PECs were formed and started to work on February 1. Delays in the formation of polling stations were reported in Mikolaev (DEC 129), Kherson (DEC 185) and Chernivtsy (DEC 207). As of February 3 ENEMO observers reported a series of PEC not working at the time of their visit in Ivano Frankivsk (DEC 84, DEC 85), Lviv (DEC 117, DEC 120) and Rivne (DEC 155).
- ENEMO observed significant improvement in the logistics of the PECs compared to the previous round. However, ENEMO noted that the delivery of the election ballots to the DEC virtually paralyzed the activity of the CEC on February 4. PECs will receive the election ballots two days after the legal deadline.
- In Crimea the work of DEC 3 came to a halt between January 27 and February 1 following the resignation of the head of commission. The ensuing fracas between the representatives of the two candidates in the commission claiming the leadership ended after the intervention of CEC and of the General Prosecutor. Thus, ENEMO expresses concerns about the involvement of the judiciary in settling election disputes.
- Prior to the first round, the CEC failed to issue clear instructions regarding the updates to the voter lists during election day. Thus, ENEMO observers noted that polling station commissioners included people in the voters list without a decision of a higher commission or a court, as is required by law. Some 400,000 additions to the voter lists were made during election day. The State Voters Registry continued the process of updating the voter lists during the reporting period. The quality of the voter lists for the second round has been rated positively by commissioners and voters, except for Nikolayev, Rivne, Zakarpatya and Chernivtsy oblasts where a significant number of errors persist. Voters were able to check their names in the voter lists during the reporting period. However, a series of PECs in Chernigov, Kherson and Khmelnytsky oblasts sent out invitations to voters to check the accuracy of the voter lists later than the law specifies.
- The campaign following the first round has been described as low-key and characterized by a large disinterest of voters in political events. In general, the campaign period has been free of intimidation, pressure, and harassment. However, both candidates engaged in campaign activities prior to the official starting and it was reflected in the mass-media. ENEMO observers reported only

few instances of state administrative resource abuse and involvement of state officials in the campaign in Zakarpatya, Chernigov, Kharkov and Sumy oblasts. Both candidates intensified the use of smear campaign and inflammatory language in preparation for the second round of elections.

- Mass media has enabled the electorate to familiarize itself with the programs of candidates through extensive coverage of the election campaign in news programs, television debates and paid advertisements. Candidate Viktor Yanukovich refused a TV debate with his opponent by making derogatory and sexist comments.
- ENEMO fears that political interference in the activities of the courts might undermine the legitimacy of the process and might lead to post-election challenges. The debates over who has the authority to appoint the head of the Higher Administrative Court, in charge of examining complaints against the election results, continued during the reporting period and became even more politically entrenched. In addition, the activity of the Kiev Administrative Court of Appeals came under the close scrutiny of Party of Regions MPs demanding access to its electronic system.
- ENEMO will field 450 short-term observers to monitor 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 for the 2010 Presidential Elections. ENEMO calls for all election commissions to allow observer access to all stages of the electoral process in keeping with the national and international legislation Ukraine adhered to. In particular, ENEMO calls for all election commissions to respect the observation rights of all Georgian observers accredited with ENEMO.

**European Network of Election Monitoring Organizations (ENEMO)** is a group of 22 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 110 elections abroad, and trained over 100,000 election monitors.