

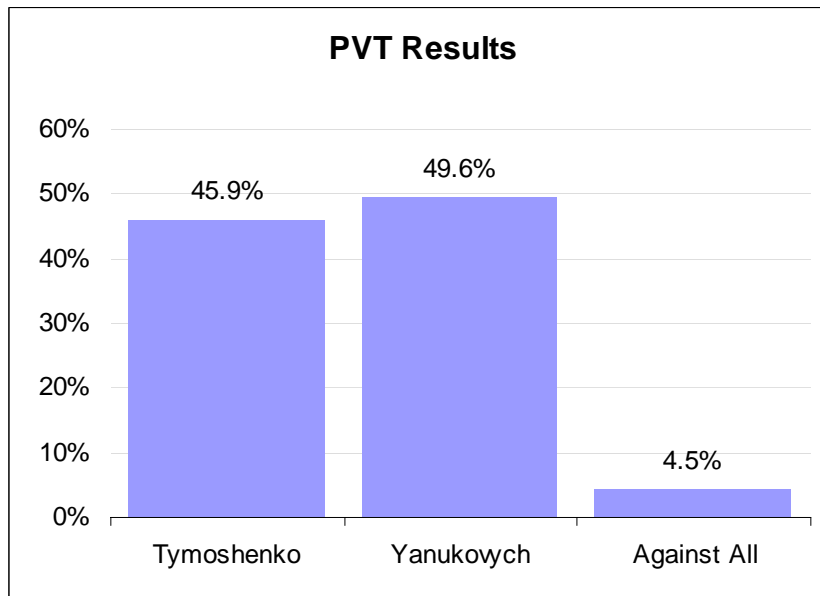


REPORT

*Based on Results of the OPORA Nationwide Observation
Campaign
Of the Presidential Runoff in Ukraine 2010
February 7, 2010*

Since the beginning of the 2010 presidential race in Ukraine, 74 non-partisan long-term observers of the civic network Opora have been deployed to conduct monitoring in 225 election districts across the country. Moreover, on both election days OPORA short-term observers were present during voting and counting in 1,003 polling places, which comprised a statistically representative sample of polling places nationwide. These observers' performance was enhanced with mobile groups of observers. This is a preliminary report, and OPORA will be monitoring any court challenges and other activities that may affect the final outcome.

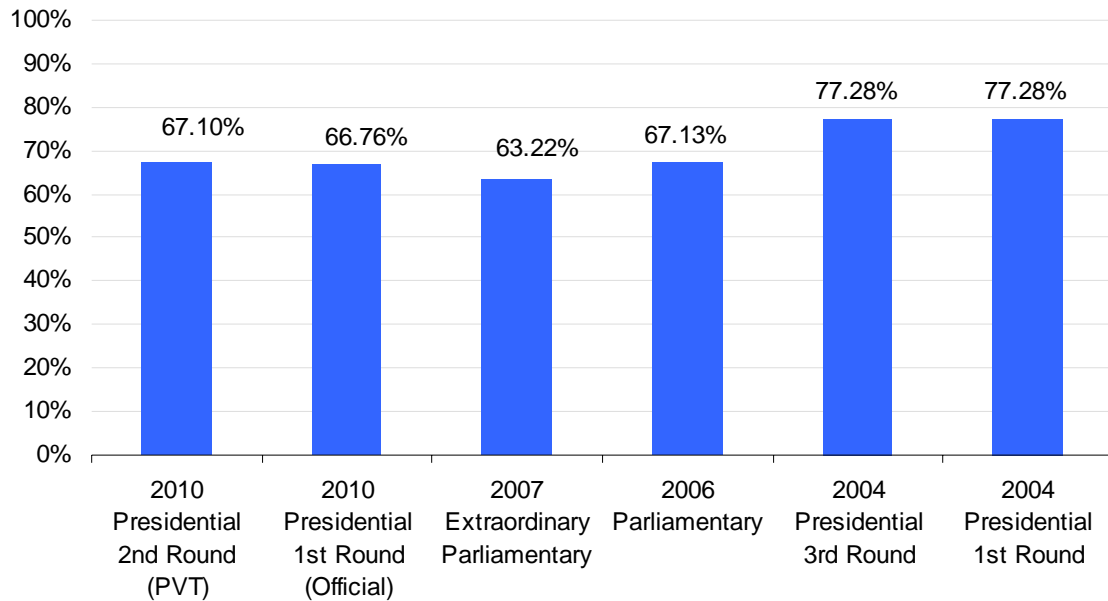
With this report, the civic network OPORA presents the results of the statistically based quick count, (or parallel vote tabulation (PVT)) organized by OPORA for the runoff.



A quick count or PVT is a method for rapid count of election results and reporting on the quality of the election process. Quick counts are projections of the outcome of the national vote based on actual voting results from a random sample of polling stations throughout Ukraine. Quick counts were used in elections, but citizen groups began to use them more in the 1990s to publicize and project results. They have been used in elections

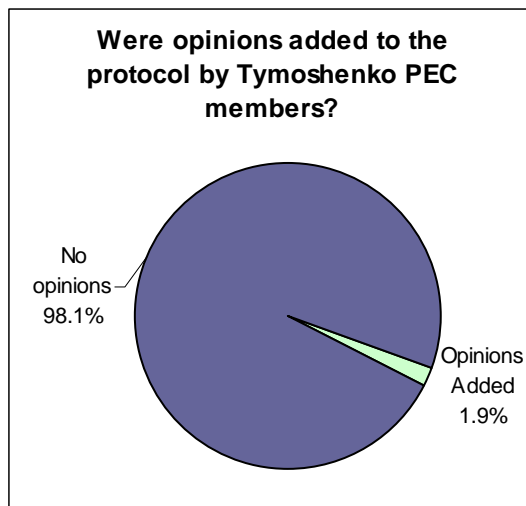
throughout the world. Here, in Ukraine, it is being used for the first time to accurately assess the quality of the election process and the results. The margin of error for the election results is 2.6%.

Turnout Comparison



Other Key Findings & Observations

OPORA hasn't recorded any systematic violations of the election legislation, which may produce a significant impact on voting results. OPORA believes that the candidates will make attempts to challenge the voting results of some polling stations in courts, although there are no major reasons for doing so.



According to OPORA observation, on Election Day only 1.6% of election commissioners from the candidate Victor Yanukovich and 1.9% of election commissioners from the candidate Yulia Tymoshenko filed opinions (complaints) about the conduct of the election.

Compared to the first round, the second round was held at a higher organizational level. Ninety percent of election commissioners benefited from work experience gained on January 17.

Moreover, the late changes to the legal regulation on the quorum for election commissions (which removed the requirement that 2/3 of commission members are necessary to make the meeting of the election commission legitimate) had no impact. Based on OPORA's observations, had the previous provision remained there would have been problems at only 2.8% of polling stations. The changes in the law apparently mobilized commissioners from both candidates to participate in commissions. By comparison with the 2.8% figure, on January 17 OPORA documented 12% of polling stations, where commissions did not have quorums during their morning meetings.

OPORA found ongoing problems with voter lists that were not corrected after the first round. The precinct election commissions (PECs) did not have time to transfer data to the State Voter Registry departments, and the voter lists were not changed during the last three weeks between the two rounds. Those citizens whose right to vote was reinstated at a given polling station during the first round did not find their names in the voter lists during the second round. Also, during the second round, OPORA observers detected obvious errors in the lists since voter names were out of sequence on the voter lists. According to OPORA the percentage of voters who were not entered on the voter lists on this election day is 58%, which is 4% less than at the first round.

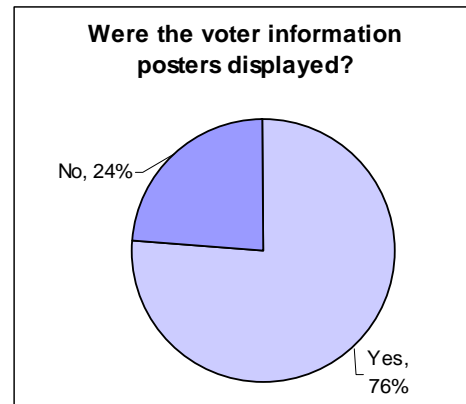
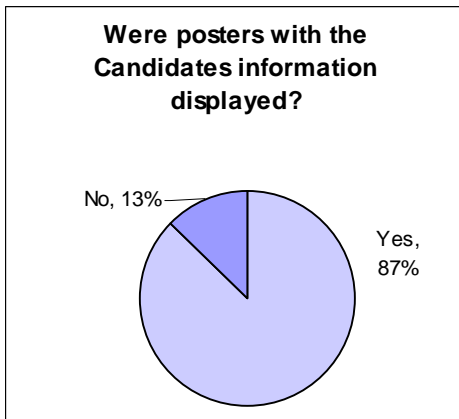
OPORA observers in Luhansk, Vinnytsya, Kyiv, Sumy, Ivano-Frankivsk, and Khmelnytskyi witnessed attempts to carry ballots out of the polling station. Such actions may suggest an organized effort at "carousel" voting violations. Domestic observers were not able to document the overall number of such violations, although the fact that reports were coming from all over Ukraine indicates that this problem is widespread.

During Election Day, observers reported other isolated incidents including violations to reduce voter turnout in regions where one candidate dominated. For example, in Kyiv and in Luhansk oblast, election commissioners participated in bringing pens with invisible ink to voting booths. In Luhansk oblast there were nine separate reports about election districts with land mines on Election Day. While the polling stations were checked, the voting process was paralyzed for 4-5 hours. Half of all voters could not exercise their constitutional rights to vote.

Detailed Findings:

Voting Process

Precinct election commissions organized the elections without any significant violations. Minor violations observed concerned the order for handing out the ballots, inclusion into voters list and voting at home. Thirteen per cent of election commissions failed to hang information posters of candidates for the President of Ukraine.



Thirty two percent of polling stations opened prior to the time determined by law, or at 8.00 a.m. Sixty eight percent of polling stations opened with a significant delay for a half an hour. OPORA observers didn't reveal any outrageous cases of delayed opening of the polling stations (for over 2.5 hours) as was the case during the first round.

On most occasions, the electoral process was conducted in a peaceful manner and without any incidents. The candidate representatives as well as foreign observers and journalists had an opportunity to monitor the course of the election campaign. Web-cameras installed at the polling stations #7, 9, and 13 of election district #42 and also at the polling station #2 of election district #43 recorded the whole election procedure organization.

In Luhansk city it was a typical scene where the majority of polling stations opened with a delay. This happened due to the fact that commission members, representing Yulia Tymoshenko, were replaced the day before the runoff, and couldn't find their signatures on the check strips on the safes with ballots so they requested to re-calculate the ballots.

Unfortunately, due to the lack of legal knowledge, some precinct election commissions started the voting process with violations: they did not seal all voting boxes, did not put control sheets in the boxes, did not hang posters containing information on the candidates and (or) on the voting procedure. Moreover, voter data in voter registry departments was not checked while including the voter into voter lists following the decision of the precinct election commission. Also, individual commissioners made changes to voter lists, without a vote of the full commission.

From the east to the west of Ukraine, OPORA observers recorded incidents of issuing ballots to voters without documents confirming the citizenship of Ukraine, or other identity documents such as a driver license, pension certificate, copy of a national passport, etc.

Observers reported that voters were transferred to the polling stations mainly in the eastern regions of the country. In Kharkiv oblast at the election district #181, buses with symbols of the Party of Enterprises and Entrepreneurs transported groups of citizens to

polling stations. In Cherkasy oblast the Yulia Tymoshenko Bloc organized transportation for voters.

Some precinct election commissions, for example in Volynska oblast, didn't fill in the data in the protocols despite having already calculated the ballots before 12:00 am on Sunday. In such a manner they deliberately extended their working hours so as to receive payment for two working days.

Voter Lists' Quality

Voter lists, despite having some inaccuracies, were of better quality compared with the parliamentary elections. But still, the procedure for adding voters into voter lists on Election Day was not clear to commission members, which led to ongoing violations and conflict situations at the polling stations.

Just as OPORA had predicted, voter lists contained a number of mistakes and inaccuracies, and repeated non-inclusions of citizens, similar to the first round. Some election commissions advised such citizens to address the voter registry department; other commissions sent them directly to the court. But most of the precinct election commissions took independent decisions on the inclusion of voters in the voter lists and didn't follow the determined procedures. For example, polling station # 29 of election district # 100 entered 10 persons in the voter lists on the ground of their respective claims and passport copies without checking the information in the voter registry department. The election commissions of election districts # 42 and #45, both located in Donetsk oblast, entered citizens in the voter lists based on the chairman's individual decision.

"Carousel" Voting, Group Voting and Vote Buying

In six oblasts of Ukraine (Luhanska, Vinnytska, Kyivska, Sumska, Ivano-Frankivska and Khmelnytska) OPORA recorded isolated cases when voters tried to carry ballots out of polling stations. This serves as evidence of attempts to set up "carousels," a type of fraud that involves the purchase of clean ballots from voters, which are then marked and secretly sent back into polling places.

OPORA observed an increased number of group voting cases. At the polling station # 48 of the election district # 47, located in Slovyansk City of Donetsk oblast, around 30 persons, who were not on voter lists, arrived at the polling station. The precinct election commission reviewed their requests rather quickly and added them to the voter list, issuing ballots to them. They entered the voting booths in twos. The OPORA mobile group of observers also recorded an organized group voting at the polling station # 50 located in Luhansk City. A group of young people left the bus carrying the symbols of the Party of Regions and went to vote. OPORA observers in Dnipropetrovska oblast, the election district # 31, reported on incidents of "carousel" organizing near the polling station # 82. OPORA recorded attempts to carry ballots out of the polling stations, for example, in Krasniy Luch City, Luhanska oblast, at the polling stations # 51 of the election district # 109; in Sumy City, at the polling station # 27 of the election district #

159; in Kyiv City, at the polling station # 26 of the election district # 222; and in Ivano-Frankivska, Khmelnytska and Volynska oblasts.

In Zhytomyrska oblast, the election district # 67, OPORA found out about direct vote buying. People were offered 100 UAH each for the support of V. Yanukovych. In Lvivska oblast at the special polling station # 138 of the election district # 121 OPORA identified an attempt at vote buying. Unknown persons asked medical staff of the psychiatric hospital to vote for Yanukovych and encourage “favorable” patients’ voting. In Kirovohradska oblast, OPORA recorded cases of taking pictures of ballots in the voting booths, which can suggest vote buying, at the polling station # 69 of the election district # 100; the same was detected in Kharkivska oblast at the polling station # 36 of the election district # 170, in Poltavska oblast at the polling station # 50 of the election district # 46, in Kyivska oblasts in the election district # 91 and in Vinnytska oblast in the election district 12.

OPORA observers also reported on cases when pens with disappearing ink were used in voting booths, for example, at the polling station # 9 of the district election commission # 43, polling station # 124 of the election district # 5, and polling station # 8 of the election district # 162. Election commissioners got suspicious about “special” ink used, when they saw clean ballots in transparent ballot boxes.

OPORA observers reported on voter pressure in Donetsk oblast. For example, in Mariupol City (election district # 59), representatives of the local self-government, once informed by the precinct election commissions about a low voter turnout, sent transport for voters who had not voted yet. Election commissioners even supplied local authorities with voter data and information on who had not voted yet.

OPORA observers have documented facts of voters transfer to the polling station mainly in the eastern regions of Ukraine. In Kharkivska oblast, election district #181 buses with the logo of the Party of Industrialists and Entrepreneurs of Ukraine transported groups of voters to polling stations. In Cherkaska oblast representatives of Yulia Tymoshenko Bloc arranged transportation of voters to polling stations in an orderly manner.

Illegal and Unethical Campaigning

Unfortunately, OPORA detected and documented campaigns both “for” and “against” both candidates running for the President of Ukraine. Our observers reported on open promotion of one of the candidates, “black PR” campaigning, distribution of leaflets of unknown origin, and attempts to mislead voters.

OPORA also recorded campaigning activity on Election Day, in violation of the law. For example, in Khersonska oblast some unknown persons spread leaflets supporting both Yanukovych and Tymoshenko near the polling stations. In some regions of Kryvyi Rih leaflets entitled “Why Yanukovych Cannot be our President” and “Why we Vote in Favor of Tymoshenko” were thrown into the mailboxes. In Luhanska oblast someone

posted campaign leaflets of unknown origin (without any indication of on whose behalf they were created) discrediting Y.Tymoshenko everywhere across the area.

In Luhansk oblast local citizens received calls supposedly from the “Ukrtelecom” telephone company workers, who convinced voters that on February 7 there would be a high probability of catching the flu, so they should better not go to vote. Also, the observers detected instances when supporters of the Party of Regions were called and are told to tick the box next to Victor Yanukovych, and cross out the name of Yulia Tymoshenko.

Role of Authorities in Election Organization

Public authorities of different levels and their subdivisions demonstrated responsible attitudes towards arranging and conducting the runoff.

Local executive authorities and self-governments were better prepared for Election Day than on January 17. Some polling stations fixed their previous shortcomings relating to equipment and facilities. Whenever bad weather was outside, the local authorities were rather responsive and prompt in cleaning up the roads. Overall, policemen of Ukraine managed to ensure proper protection of public order at all polling stations. State administrations, such as citizenship, immigration and registration departments, worked in a special regime to provide prompt assistance to voters with receiving their passports, or getting updated pictures into their passports, and a range of other urgent issues.

State voter registry departments worked all day long, performing ongoing verification of voter data, responding to the requests of courts and election commissions, and preventing multiple inclusions of voters into voter lists.

Interference with Voters, Observers, Journalists and Commissioners

Compared to the first round of January 17, OPORA witnessed an alarming increase in the number of cases when journalists were illegally obstructed from exercising their rights, such as observing the voting process at polling stations. For no legitimate reason, polling station commissioners would demand journalists have extra papers confirming their status, including their publications’ registration certificates.

In some oblasts OPORA recorded attempts to hinder voters from exercising their right to vote and even attempts to disrupt voting. OPORA observers have also documented incidents when commission members prevented journalists and observers from attending the meetings of precinct election commissions without giving any reasons. These blatant violations of the law took place in Vinnytska oblast at the polling station #195 of election district #17, in Donetsk oblast at the polling station #8 of election district #43 and at the polling stations #41-42 of election district #45, in Poltavaska oblast at the polling station # 46 of election district #148, in Kyiv city at the polling station #45 of election district #218 and at the polling station #66 of election district #216.

At the polling station # 36 of Election District # 42, commissioners prevented a chairman of the official international observation mission on behalf of The Ukrainian Congress Committee of U.S. from performing his duties, and even requested him to provide documents that would confirm his “extra registration” at the district election commission. In Khersonska oblast at the polling station # 54 of election district # 185, attempts were made to get the journalists from the publication “Tochka Opory” out of the polling station, referring to the law which supposedly does not provide for press participation in vote calculation. In Zhytomyrska oblast, precinct election commission # 5 of Election District # 65 did not let in a journalist from “Tochka Opory” prior to the vote calculation. Only after the program coordinator entered the dispute, through a phone conversation with the chairman of the district election commission, was the observer allowed to witness vote tabulation.

Other Voting Day Incidents

In Luhanska oblast there was a series of false phone call threats about polling stations being land-mined, when unknown persons notified the police. Given this situation, in election district # 110 voting was stopped at five polling stations (# 4, 7, 9, 30, and 37). After the police checked the polling stations, the information about mining proved to be false.

On the contrary, in Sverdlovsk City at the polling station # 108 of election district # 112 at 07:20 pm the electricity was switched off. In the darkness OPORA observers managed to capture by camera an incident of throwing ballots by the voter into the ballot box; they filed a relevant act on violation.

An unusual case took place in the Crimea: at the polling station # 30 of election district # 5, when a voter came to the polling station to cast his vote, it turned out that a commission member representing Tymoshenko had already voted instead of him. Law enforcement officers have already instituted legal proceedings against this commissioner.