

PRELIMINARY REPORT Civic Network OПОРА Findings of Local Elections Observation: October 31 - November 1, 2010

Civic Network OПОРА is a nonpartisan, nongovernmental organization. OПОРА's 177 long-term observers (LTOs) observed the pre-election environment beginning September 11 across 24 oblasts and the Autonomous Region Crimea. On October 31, OПОРА deployed 1428 short-term observers to join the LTOs. Among the STOs, 1003 were deployed to precinct election commissions (PECs) and 425 to territorial election commissions (TECs). OПОРА will conclude its election observation after the official results are publicized.

In general, the Ukrainian local elections were held in an atmosphere of mistrust. The reasons for this mistrust are:

- Many cases which an excessive number of extra ballots were printed right before election day;
- Imbalanced political party representation on electoral commissions at different levels; and
- Fear among candidates of being deregistered right before election day.

Civic Network OПОРА states that election day took place with numerous procedural violations and organizational problems. The election day of October 31 is an integral part of the electoral process. However, the honesty, transparency and democratic nature of the electoral process should be assessed based on the conclusions of the long-term observation.

Below are the main election day findings:

1. Many problems reported by OПОРА observers during the election may form the basis for appealing the voting results in some precincts:

- Incorrect ballots for single-mandate constituency races were delivered to wrong polling stations, which resulted in no voting at all on those races in polling stations in two constituencies. Because of this, political parties and candidates have grounds to appeal the results in these polling stations.
- PECs stamped out certain political parties and candidates on the ballots that were in reality not deregistered. Political parties and candidates that were stamped out may appeal the voting results in court and demand the nullification of results in these precincts.
- The number of ballots received by PECs from TECs was incorrect in many cases. Ballots were received by PECs during the night from the 30th to the 31st of October, so commission members did not have sufficient time to count the ballots. Some PECs could not explain why they had either too many or too few ballots.
- Ivano-Frankivsk city TEC deregistered candidates and did not notify the PECs on time about the need to stamp out those candidates on the ballots.
- Ballots were printed with mistakes on candidates' and parties' names or parties, and candidates were printed in different font sizes.

2. A lack of capacity and knowledge among commission members resulted in violations of the law and poor organization of conduct on election day. Commission members were not well prepared.

- 13% of PECs started their morning meeting before 7am. Thus, candidates, observers, and journalists could not ensure that the safe was locked and sealed before PEC members began the meeting, and that election documentation was properly secured.
- Not all citizens in hospitals were included on the voters' lists, because employees of medical hospitals and commission members did not fulfill their responsibility to check whether these citizens were on the voters' lists.
- An insufficient number of voting booths combined with the large number of ballots for each voter led to violations of the secrecy of voting, because voters voted in the presence of third parties. This also led to the formation of long lines. This also caused voters to decide not to vote in some cases.
- Observers and journalists were prevented from observing because of groundless refusals to allow observers into polling stations.

3. There were violations on election day that were intentional offenses. These included taking ballots from polling stations, bribing voters, illegally transporting voters to polling stations, third parties instructing voters who to vote for, taking pictures of ballots, etc.

4. As of 10am, November 1, the vote counting is continuing because of the following reasons:

- Zaporizhzhia city TECs have made a decision to take a break until 2pm on Monday, which has prevented from PECs from continuing their work.
- PEC members of Obukhiv rayon of Kyiv oblast lack knowledge about the procedures for voting. For example, during the day, some threw away the tear-off vouchers from the ballots that were issued to voters, and they are still trying to find them.
- The large number of ballots and many names of the candidates and parties does not allow for a quick ballot counting process.

5. OPORA notes the following positive findings:

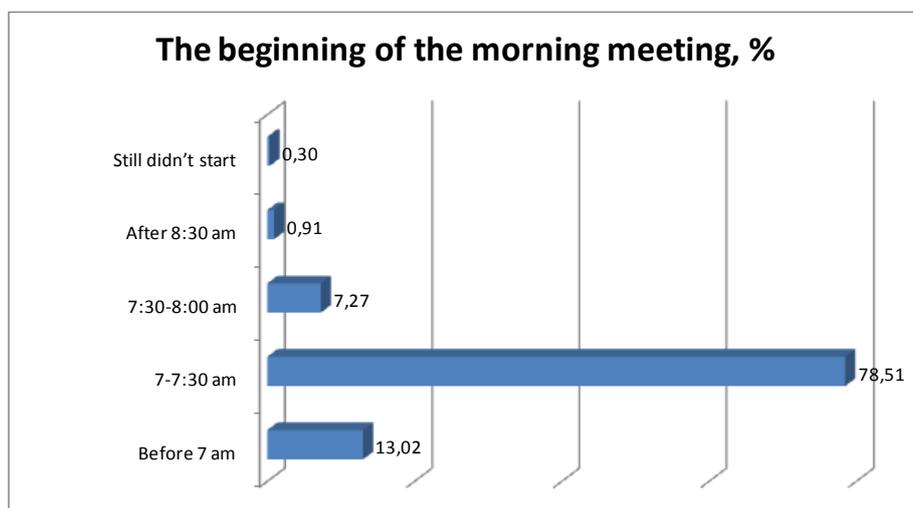
- Voters' lists improved. Data on voters' lists was more accurate compared to those of the presidential election.
- PEC members were responsible in showing up for work on election day. In locations observed by OPORA, 99.5 percent of election commission members were present.

(For more details on each of the above mentioned violations, please visit the OPORA website: <http://www.opora.org.ua>)

I. Precinct election commissions

1. Time of the beginning of the morning meeting

A large majority of PECs (over 85%¹) started their morning session at the time determined by law – between 7.00AM and 8.00AM. However, 13% of PECs started their morning sessions earlier. Thus, they did not provide the opportunity for candidates, official observers, and journalists, who arrived at the time determined by law, to observe while the commission members conducted the required election procedures.



Moreover, approximately 1% of station election commissions started their work after 8.00AM. This delayed the start of the voting at these polling stations.

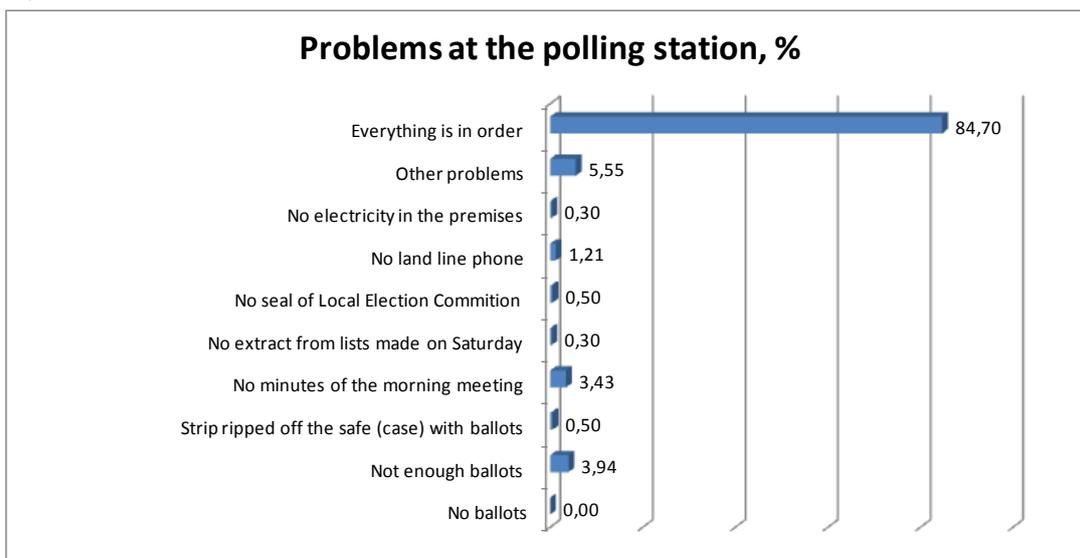
¹ All percentages are reported as a percentage of PECs and TECs observed by OPORA, not as a percentage of all PECs and TECs in Ukraine.

2. The number of PEC members who participated in the morning meeting

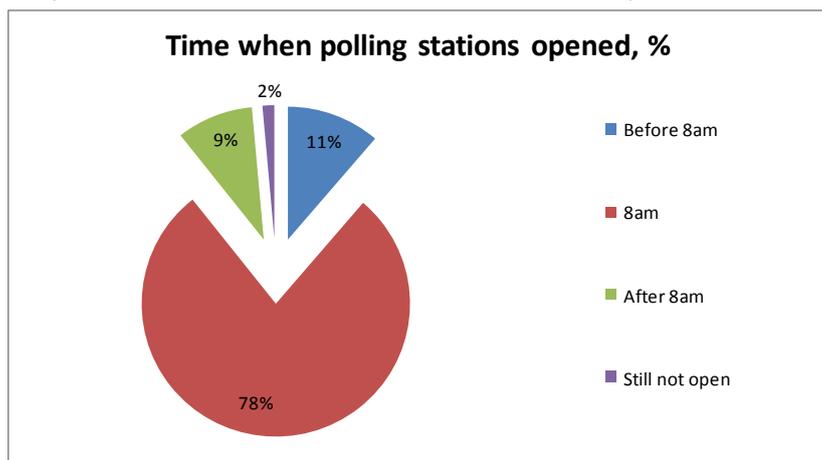
There was a quite large turnout of PEC members at the polling stations. At 989 PECs observed by OPORA, 99.9% of the commission members of the total composition of the PECs participated in the morning session. This is a very good turnout. The participation of all commission members in its work provides an opportunity to conduct necessary procedures quickly, and, on the other hand, the presence of representatives of different nominated parties creates an atmosphere of mutual oversight and helps increase the level of trust in the voting results.

3. Problems at the polling stations before voting began

By 8am almost no polling stations observed experienced any problems or critical situations. The most frequent problems were when the minutes of PEC preparatory meetings weren't kept (3 %) and a lack of sufficient ballots (4 %). There were no land line phones at 1 % of polling stations, there were cases when in the morning of October 31 there was no electricity at the premises of the LEC.



There were individual cases (under 1 %) when at 7am the security strip was already ripped off of the safe, because PECs started their meetings early (before 7am). Also at some polling stations the extract from the voters' list wasn't completed on time and had to be finalized on Sunday. No cases of ballots or PEC seal being stolen were investigated.



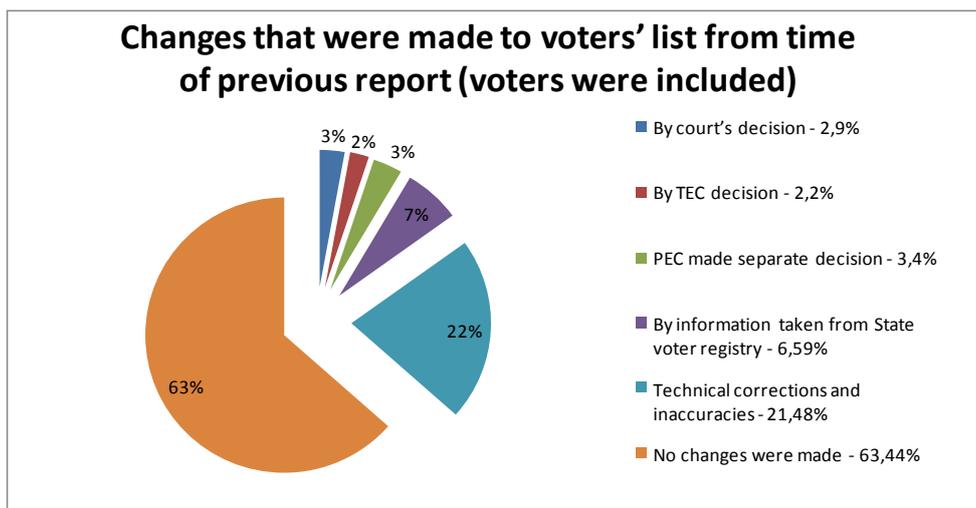
4. Time when polling stations opened

The overall majority of polling stations (78%) opened on time and started giving ballots to the voters at 8am. At some polling stations (11%) voting began before 8am, which is a formal violation of the law.

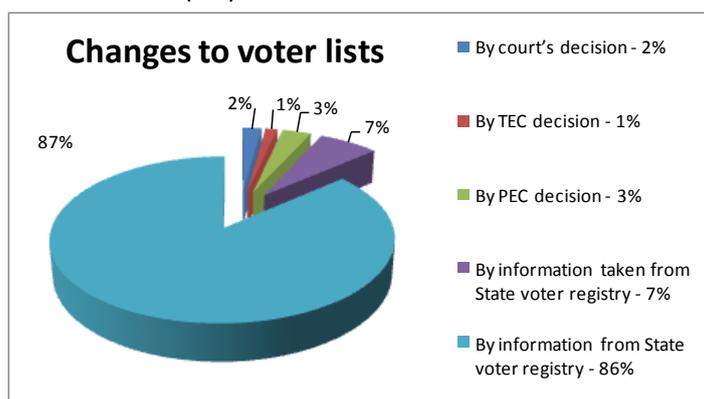
Due to delays and obligatory procedures that took place during the morning meeting, over 9% PECs started voting late. Almost 2 % of polling stations at 8:30am were still not ready to carry out the process of voting. Due to this fact, voters at these polling stations had to wait in order to fulfill their constitutional right to vote.

5. Changes that were made to the list of voters

During the first half of the day, most PECs observed (63%) did not make any changes to the list of voters. At 22% of the polling stations the commission members corrected technical mistakes and misspellings. In 7% of the cases, PECs made changes in the lists of voters according to orders from the department of the State voter registry and in 3% of the cases – according to the decision of the courts. Unfortunately, there were separate cases when commissions amended the list of the voters according to their own decision or the decision of the TEC (2% and 3% respectively).

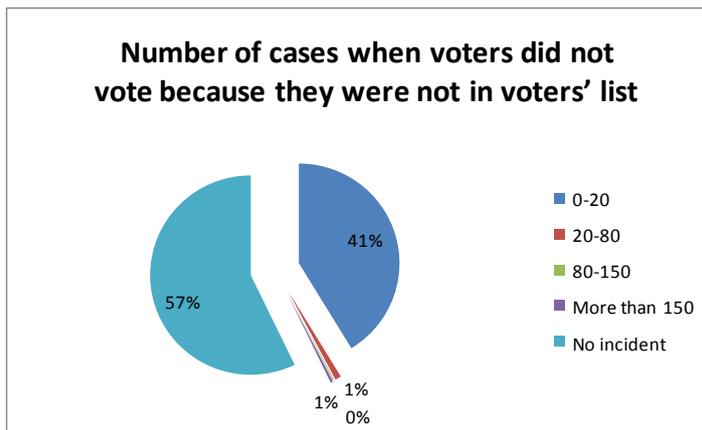


In the afternoon PECs introduced fewer changes to voters' lists than in the morning. In 87% of cases, commissioners corrected only technical mistakes and inaccuracies. In 7% of cases changes were made by information received from the State voter registry. Also, PECs continued to introduce changes to voters' lists by the commission's decision (in 3%), by TEC decision (1%) and by the court's decision (2%).



Unfortunately, the current legislation reduced significantly citizens' right to appeal to court about the inaccuracies in voters' lists. In particular the law banned the courts from making decisions on election day (in accordance with the Administrative Procedures Code of Ukraine), which determined the clear term for filing complaints with courts to correct inaccuracies in voters' lists (two days before elections).

This is why when voters went to court with a complaint on voters' list inaccuracies, which still happened in some cases, such complaint was in vain, because the court could not consider it. The percentage of those voters who were not on the list is comparatively small. In 41% of cases, there were only 20 voters who did not vote because they were not on the voters' list.

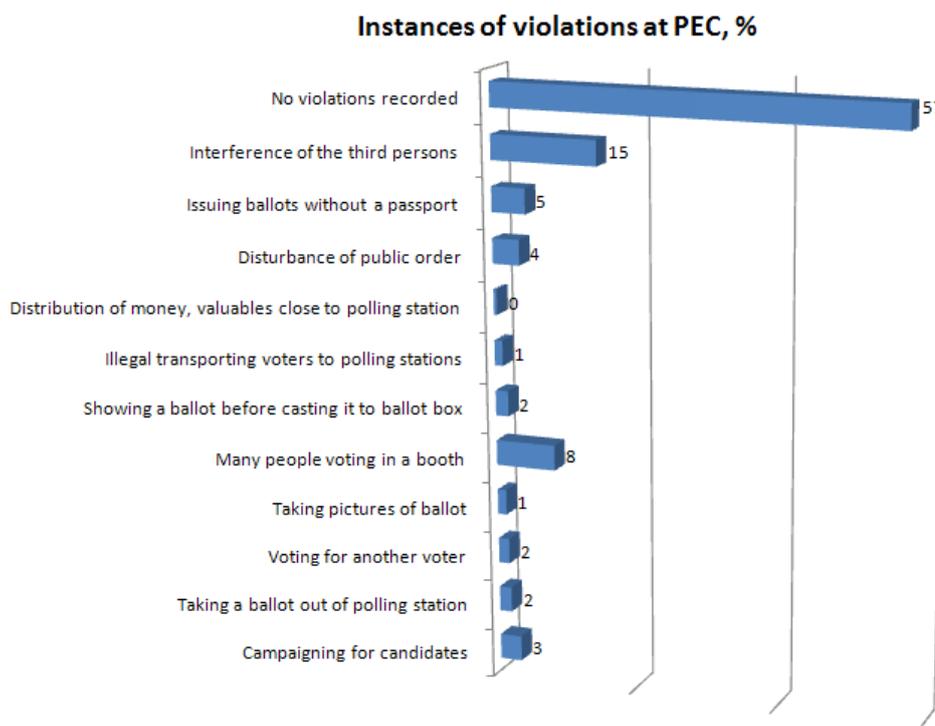


The most number of voters included into voters list on the Election Day were in Kherson oblast (4,17 %), Zakarpattia oblast (3,24 %), Luhansk oblast (2,64 %) and Odessa oblast (2,17 %). The least number of inclusions were in Rivne and Sumy oblasts (0,01%)

In general, PECs did not interfere in voters' lists, which confirms the improved quality of the State voter registry and also the more informed commission members about their authority to solve such issues.

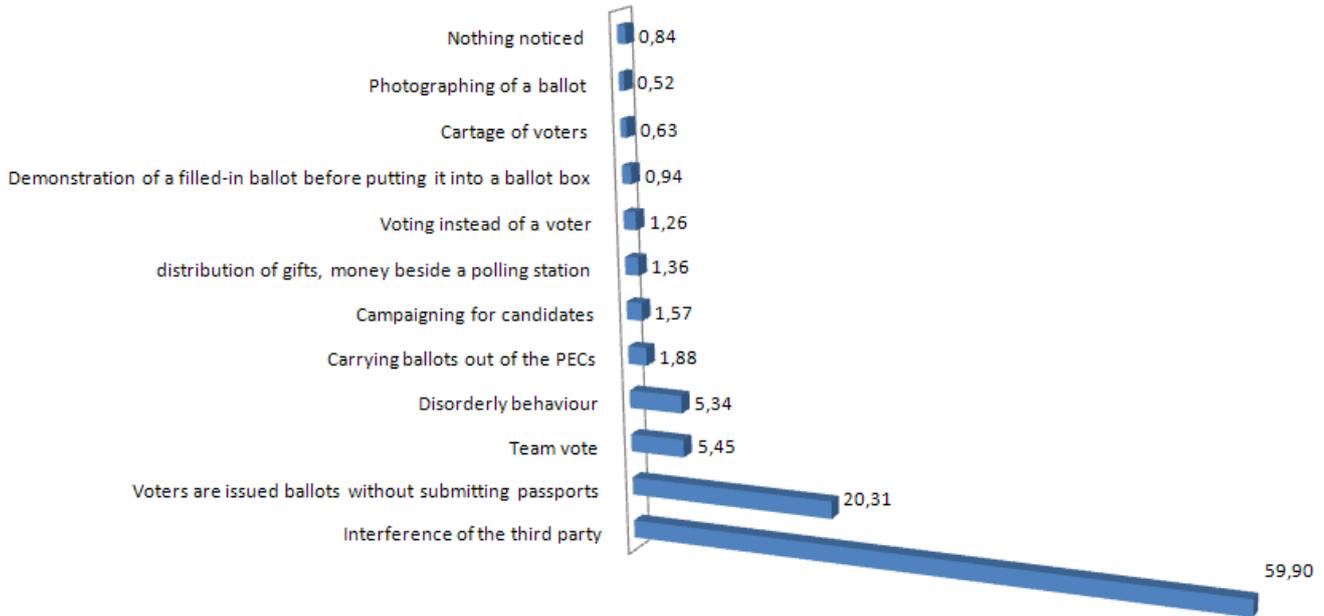
6. Instances of election violations at PECs

During the morning and early afternoon, at the majority of polling stations (57%) voting took place without any serious violations or incidents. At several polling stations observers recorded certain violations. At 15% of polling stations observers recorded interference of third persons who had no right to be present at the polling station. At 8% of polling stations several voters voted in one voting booth, at 5% of polling stations ballots were given out without showing a passport. At 4% of polling stations disturbance of public order, and at 3% campaigning for candidates was recorded. Cases were noticed of showing a ballot before it was cast to the ballot box, as well as taking a ballot out of the polling station, voting for another voter and taking a picture of the ballot. *The below chart shows violations that occurred during the morning and early afternoon only.*



In the late afternoon to evening, there were many cases of interference by third persons on the commission’s work at the majority of polling stations (60%). Among other serious violations observers noticed: in 20% of polling stations, commission members were giving out ballots to voters without showing a passport, in 5% of PECs many voters voted at the same time in a voting booth, and at 5% of polling stations there were disturbances of public order. There were few cases when ballots were carried out of the polling station, campaigning was taking place, voting instead of a voter. *The below chart shows violations in PECs in late afternoon through the evening.*

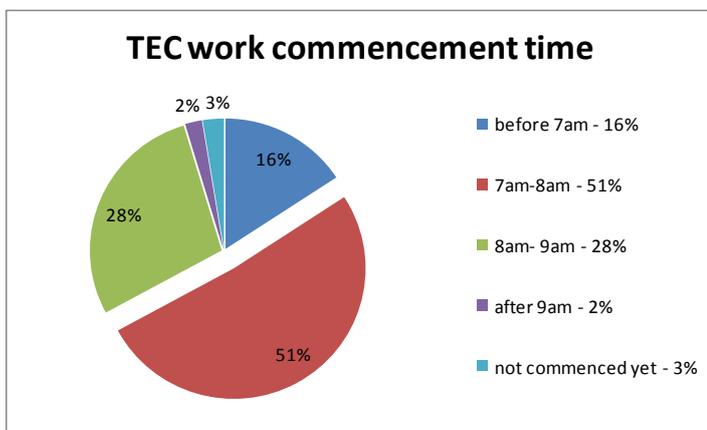
Cases of violations on PECs, %



8. Evening session of PEC

The majority of polling stations (92%) closed at 22:00 sharp. Only a few polling stations (3.5 %) finished voting earlier, or continued to issue ballots to voters that were still present at the polling station (4 %).

II. Territorial Election Commissions



1. TEC work commencement time

The majority of TECs started their work at the same time as PECs. However, 15% of TECs were already working at 7am. 52 % of TECs opened between 7-8am. Thus, they managed to control whether PECs had opened on time, and could promptly react on any situation if required.

A number of TECs (29 %) started their work at 9am. Only in individual cases did TEC members first meet after 9am.

2. TEC activity

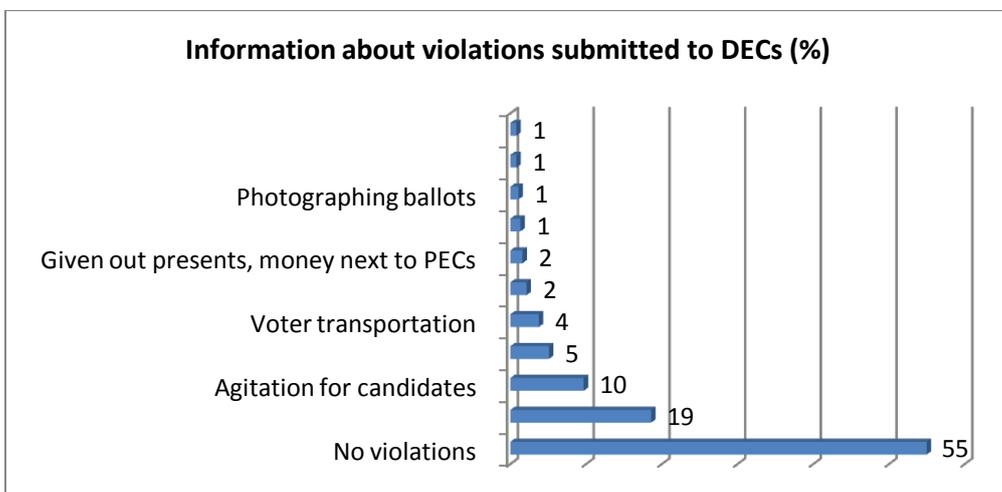
Generally, as of 9am TECs had the necessary quorum (the presence of 67 % of TEC members) to start the morning session. Their main task during the day was to receive calls from PECs to obtain information about the conduct of the voting process. 92% of PECs informed TEC about their work commencement.

Besides commissioners, there were party/candidates and NGO observers (50%), journalists (20%), authorized representatives and proxies (14% and 10% respectfully) on duty at the TECs. In rare cases it was possible to meet candidates (only 6%).

During the first half of the day, the majority of TECs did not hold the meetings. Only 315 of TECs conducted the meetings. Generally, (99% of cases) TECs did not break the law and made no decision to deregister candidates. However, 1% of commissions (4 TECs) deregistered candidates on the election day, thus violating the election law.

3. Cases of violations at TECs

During the election day the TEC members collected information about various violations committed in administrative-territorial units.



The most widespread violation was giving ballots to voters without presenting passports (19% of PECs) and campaigning for candidates (10%). There were cases of disruption, carrying ballots out of the PECs, giving out presents and money for a vote, and photographing ballots.

Only 30% of TECs conducted meetings when decisions were made to deregister candidates. At the end of the voting day, TECs summed up the cases of violations. The most common problem was cases of giving ballots to voters without presenting passports and campaigning for candidates. However, there were no massive and systematic violations disclosed.