The May 25 elections are the most important in Ukraine’s independent history and also the most complex. Yet the legal framework, administrative capacity and political will in place suggest that a democratic process will be feasible in the vast majority of polling stations across the country. In these places, candidates have been able to campaign with minimal interference, the media is pluralistic, and there have been few formal complaints about election law violations or pressure on voters.

The country is facing serious challenges: a compressed election timeframe; an economic crisis; an inherited deficit of confidence in political institutions; deep internal differences of opinion about the country’s future course; and most significantly, illegal actions by armed groups attempting to undermine its sovereignty and violations of its territorial integrity.

As a direct result of the armed separatist movements in the South and East, three distinct pre-election environments have emerged in Ukraine. In Crimea, due to the Russian occupation, no electoral preparations are underway and the Crimean residents still in Crimea will not have opportunities to vote. In the eastern oblasts (regions) of Donetsk and Luhansk, election procedures have already been disrupted to a significant degree and election-day processes are at risk of further serious disturbances. However, in the rest of Ukrainian territory, which covers more than 80 percent of the registered voters, electoral preparations are proceeding reasonably well.

Under these conditions, continued efforts by the government to enhance security and protect Ukrainians’ right to vote remain critical. It will take concerted efforts from all Ukrainians involved in the elections, as well as vigorous and sustained support from the international community, to address the remaining obstacles and provide for maximum, feasible electoral participation for May 25.

The Electoral Environment in the Majority of Ukraine’s Regions

Ukraine is divided into 27 administrative units: 24 oblasts (regions), the Autonomous Republic of Crimea, and the cities of Kyiv and Sevastopol (which is in Crimea). In 22 oblasts and in Kyiv --
excluding Crimea, Sevastopol, Donetsk and Luhansk -- election preparations are proceeding for the most part in an orderly and constructive way.

District and precinct election commissions (DECs and PECs) are established and functioning. Observer groups and DEC members have pointed to a shortage of PEC candidates, particularly those with experience, and have in turn commended the Parliament’s amendment to the election law reducing the minimum PEC membership from 12 to nine. Inadequate training and the absence of quorums could emerge as problems on election day. At the same time, observers have heard very few complaints about the voters’ list, a point of concern in previous elections.

The Central Election Commission (CEC) registered 23 candidates in early April; five have since withdrawn. NDI analysts note that campaigning is muted compared to previous presidential elections, probably due to events in the East, but the candidates and their teams are able to communicate with voters freely. Campaign messages overwhelmingly focus on peace, stability and Ukrainian unity. More traditional “pocketbook” issues like jobs, education and healthcare are not central to campaign agendas. Although public opinion polls show that corruption is Ukrainians’ top concern, this topic has not received priority attention.

Media freedoms are generally respected in these regions. Journalists are able to operate without interference and voters have access to multiple media perspectives, although coverage of the campaign has been downplayed in favor of events in the South and East.

Observer groups have reported on some notable but seemingly isolated incidents of attacks on campaigns and manifestations of intolerance in Odessa, Kyiv, Dnipropetrovsk, Mykolaiv, Rivne, Volyn, Chernivtsi, Ivano-Frankivsk and Ternopil.

While abuse of administrative resources and vote buying have been serious problems in previous Ukrainian elections, in this campaign NDI and other observers have received only a few such reports.

Some of these regions have faced more instability than others. In early April, Kharkiv experienced sporadic incidents of violence, including occupation of government buildings, clashes following a soccer match and the shooting of the Kharkiv city mayor in an apparent assassination attempt. Pro-government security forces have quelled the clashes and retaken the government buildings, however, and further escalation seems to have been avoided. Early May fighting in Odessa between separatists and supporters of Ukrainian unity left 48 people dead and scores injured. Concerns about security are heightened as a result of these incidents. In Mykolaiv, as well, NDI detected an elevated concern for security and a perception that the oblast government and security forces are not in full control of the situation. In most of these regions, there are questions about the readiness of law enforcement authorities to respond to problems.
For the most part, however, reports from these 22 oblasts and the city of Kyiv emphasize orderly preparations for the elections, constructive engagement by electoral stakeholders and expectations of moderate to high voter turnout.

Crimea

In March, Russian government forces occupied Crimea and supported an illegal referendum on joining Russia that violated the Ukrainian constitution and international law. Nonetheless, the Russian parliament subsequently voted to annex Crimea and the city of Sevastopol as subjects of the Russian Federation, despite Russia’s obligations to defend Ukraine’s sovereignty.

As a result of these developments, very few of Crimea’s 1.8 million voters, representing 5 percent of the Ukrainian electorate, are expected to participate in the presidential election. The Ukrainian parliament passed a law on April 15 stating that, due to the occupation, voting will not take place in Crimea, but citizens from the peninsula may apply to vote in other parts of Ukraine. Ukrainian law allows all citizens, including those from Crimea, to temporarily change their voting place by applying in person to authorities in the selected location by May 19. Very few Crimean residents appear to have taken this step, however. As of May 16, for example, only 126 Crimeans had registered in neighboring Kherson oblast.

Donetsk and Luhansk

In April and May, Donetsk and Luhansk oblasts on Ukraine’s eastern border have experienced significant armed anti-government and separatist conflicts, including seizures of administrative buildings, self-appointments of regional and local government authorities, and organization of so-called referendums on independence. Donetsk oblast has seen armed clashes, some deadly, in multiple cities. Incidents in Luhansk have been concentrated in the oblast center. These events share many attributes of the occupation of Crimea. They are widely viewed as supported by the Russian government and intended to undermine Ukrainian sovereignty and sow instability. The Ukrainian government has conducted “anti-terrorist” operations in response, with uneven success.

As a result, preparations for the elections in Donetsk and Luhansk have been disrupted significantly. Citizen election monitoring groups report that some DECs were slow to get established and several are still not working. Many more PECs are not yet operational. Violence and threats against members of election commissions has intensified in both regions. Despite these challenges, the majority of election commissions in both regions are continuing their work.

Donetsk and Luhansk are home to more than 5 million registered voters, representing approximately 14 percent of the Ukrainian electorate. Pro-Russian groups have called on citizens there not to vote. Confidence in the reliability of official Ukrainian law enforcement is low. Ukrainian observer
groups report that voters in these regions are fearful, which may depress turnout, even in those parts of the oblasts where voting proceeds undisturbed. The Office of the U.N. High Commissioner for Human Rights issued a report that noted illegal actions by the armed separatist groups in these regions and their pressures against media and free expression, despite the government’s attempts to improve security. At this point, it is unclear how many of the 5 million Donetsk and Luhansk voters will have opportunities to cast ballots.

According to Ukraine’s election law, no minimum voter turnout is required. The outcome is based on all polling station results that are considered valid. Invalidated precinct protocols are not taken into account. Thus, the exclusion from the presidential election of voters from Crimea or other regions would not in itself raise questions about the legitimacy of the process. In addition, it is important to note that there is no evidence so far that the disenfranchisement of voters anticipated in Crimea and potentially parts of Donetsk and Luhansk would be the result of actions by electoral authorities or political contestants interfering improperly with the election; rather, the responsibility would lie with foreign forces occupying Ukrainian territory and armed groups seeking to disrupt the process.

NDI Background

Following a pre-election assessment mission in April, the National Democratic Institute (NDI) has conducted additional analysis of electoral preparations in advance of Ukraine’s May 25 presidential election, particularly in eastern and southern regions where separatist activities and concerns about electoral disruptions have been most acute. From April 14 through May 16, NDI teams of election and security experts traveled to Dnipropetrovsk, Ivano-Frankivsk, Kharkiv, Kherson, Mykolaiv, Odessa, Poltava, Sumy, and Zaporizhia and held meetings with presidential campaign teams, political party representatives, district election commissioners, nonpartisan citizen monitoring groups, oblast and national government representatives, and law enforcement officials. This report supplements NDI’s April 11 pre-election statement and its May 9 statement on separatist referendums. NDI’s analysis is also informed by the long-term observation efforts of the nonpartisan citizen monitoring groups Opora and the Committee of Voters of Ukraine (CVU), the Organization for Security and Co-operation in Europe’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR), and the European Network of Election Monitoring Organizations (ENEMO); as well as the ongoing monitoring efforts of NDI staff.

NDI will field a high-level international delegation of experts to observe the May 25 elections. The 26-member mission will be co-led by former Secretary of State Madeleine Albright, NDI’s chairman, and Ana Palacio, former Foreign Minister of Spain. The delegation will issue a preliminary statement on its findings at a press conference on May 26.

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NDI Contact Information:

Kathy Gest, director of public affairs, at kgest@ndi.org

Catherine Cecil, director of NDI’s Ukraine office, at ccecil@ndi.org