

Ukraine's Pre-Term Parliamentary Elections: Observer's Remarks

Aleksandra Duda was an OSCE/ODIHR short-term observer during the pre-term parliamentary elections on 30 September 2007. Her team covered 14 polling stations on election day appointed by the District Election Commission nr 41 in the City of Donetsk.

Background

Ukraine held pre-term parliamentary elections on 30 September 2007. The Central Election Commission (CEC) registered twenty political subjects (parties and blocs), who nominated a total of over 4800 candidates. The 450 seats in Parliament were contested in one nationwide constituency for a five-year term. The mandates were to be allocated proportionally among parties / blocs which passed a three-per cent threshold. According to the CEC the results are as follows: The Party of Regions has 34,37% of votes; The Bloc of Yulia Tymoshenko has 30,71%; "Our Ukraine – People's Self-Defence" Bloc has 14,15% of votes; the CPU has 5,39%; the Lytvyn bloc – 3,96%, the SPU – 2,86%. 2,73 % of voters didn't support any political force. The elections in Ukraine have been declared valid, with the voter turnout exceeding 62 percent.

International observers

There were 3,355 election observers appointed by twelve domestic and six international organizations. Almost every western European country was represented as well as the United States, Canada and most of the countries of the former Soviet Union.

It has been estimated that approximately 18,000 of the 34,000 polling stations administered by the Precinct Election Commissions (PECs) were monitored on election day. The main duties of short-term observers included close monitoring of the end of the election campaign, the opening of polling stations, the voting process throughout election day; the closing of polling stations, the vote count in this polling station, the transfer of election material to the DEC and the hand-over at the District Election Commissions (DECs).

Although the legal framework generally provides a solid basis for the conduct of democratic elections in Ukraine, the adoption of recent amendments (1 June 2007) has alarmed observers. Particularly, the amendments to home voting, which have removed the need for the voter to provide "documents evidencing their physical state" (Art.84); the abolition of absentee voting for extraordinary elections; and the participation of the State Border Guard Service in compilation of voter lists by (Art. 102-3 § 9; 102-3 § 18) has raised the main concerns (OSCE/ODIHR Needs Assessment Mission Report, 11-13 July 2007). Even though some of these changes are aimed at vote-rigging methods practiced during previous elections, they have also lead to excessive complications in electoral law. Moreover, the completion of voter lists on time in a satisfactory manner by using voter lists from the last elections and data provided by local authorities and state agencies posed a challenging task for the 679 appointed working groups. Problems were also experienced during the registration process, including an initial refusal by the CEC to register BYuT and listing Pora Party among registered parties and blocs. Both cases were contested in the courts and resulted in Kyiv District Administrative Court decisions obliging the CEC to register BYuT and cancel Pora's registration.

Voting Day

The following observations were monitored in fourteen Precinct Election Commissions over the course of the election day:

- Not a single PEC received a list of Ukrainian citizens who crossed the state border registered by the State Border Guard Service. Moreover, the members of PECs were often not familiar with the issue of the removal of those outside Ukraine from voter lists.
- Each polling station faced problems with the accuracy of voting lists. Misspelled names (i.e. differences in Russian and Ukrainian spelling), "dead souls", wrong addresses and duplications of names were the most common irregularity. However, incompleteness of voter lists appeared to be the main problem on election day. The number of voters who came to

sign the ballots and did not find their names on voter lists reached fifty in some of polling stations visited on September 30th.

- The interpretation of Parliamentary Election Law regarding home voting brought about some confusion among the PEC members. In some cases, only those homebound voters who filled out a proper application were visited by mobile box carriers. In other cases, the PEC relied on both voting lists from previous years that marked homebound voters and written applications.
- PECs' members often complained about unexpected and frequent changes of party representatives within commissions, some of which were introduced only a night before the election day. Mainly Our Ukraine and BYuT were responsible for shifts in PEC by placing their representatives from Western Ukraine in Donetsk region.
- In every PEC election observers were present. Mainly Our Ukraine, BYuT and Party of Regions were represented. However, the majority were from the two latter political forces. The number of representatives from civic organizations was rather sparse (two from ENEMO and one from a youth organization).
- Taking into consideration the numerous irregularities, the number of petitions and complaints submitted by voters was rather minimal.
- Tense relations between commission members representing different political parties were revealed during the closing procedure. The mutual suspicion and accusations of not complying with the law resulted in a two-hour-long argument between PEC members. They seemed to not be very familiar with the closing and vote count procedures. The relevant articles were read out loud by one of the PEC members in order to instruct the PEC of the appropriate steps (i.e. filling out and issuing result protocols). Therefore, the limited knowledge of electoral law contributed to a lengthy and arduous vote counting process. While the visited polling station had only 244 voters, the process after closing at 22.00 lasted till 3.30 a.m.
- Around 4 a.m. in the atmosphere of general tiredness, PEC members queued in a long line outside the DEC. Judging from the size of crowd, they were to spend a considerable time there in order to hand over the packages with election documents.

General Remarks

According to the OSCE election observation mission, the pre-term parliamentary elections in Ukraine were conducted "mostly in line with OSCE and Council of Europe commitments and other international standards for democratic elections, and confirm an open and competitive environment for the conduct of election processes" (OSCE statement of preliminary findings and conclusions on pre-term parliamentary elections in Ukraine OSCE, 1 October 2007). The members of visited PECs have viewed the election process as generally "calm". As said by observers, with one exception, there were no deliberate disturbances or falsifications noted on election day and they enjoyed rather good co-operation from PECs.

Undoubtedly, in comparison with the presidential elections in 2004, which were marred by wide scale electoral fraud, the conduct of voting on 30 September 2007 has been significantly improved. However, within the short timeframe available, the legislators' efforts to address some of the prior shortcomings resulted in hurriedly implemented amendments in Parliamentary Election Law. The preparation for the elections as well as the PECs' overall performance was therefore hindered by numerous technical mistakes and confusion over disputed procedures. This in turn led to the poor quality of voter lists. The Committee of Voters of Ukraine estimated that around 1.5 million citizens could have been deprived of their right to vote due to above mentioned shortcomings (CVU's Analysis of the Election Campaign for September 19-27th, 2007 and general assessment of early elections campaign). Finally, the insufficiently staffed PECs further contributed to deteriorating standards and added unnecessary heat to already polarised pre-electoral and electoral atmosphere between PECs' members representing different political parties.