



UKRAINE 2014 PARLIAMENTARY ELECTION  
**OBSERVATION MISSION**

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CANEOM FINAL REPORT



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## CONTENTS

3	FOREWORD
6	EXECUTIVE SUMMARY
6	ABOUT THE ELECTIONS
6	OBSERVATION MISSION
6	KEY CONCLUSIONS
7	ELECTION OBSERVATION STANDARDS
7	CANEOM PRACTICES, MANDATE AND SCOPE
8	POLITICAL BACKGROUND
10	ELECTION SYSTEM AND LEGAL FRAMEWORK
10	INTERNATIONAL STANDARDS
10	ELECTORAL SYSTEM
11	CHANGES TO THE ELECTORAL LEGAL FRAMEWORK IN ADVANCE OF THE ELECTION PERIOD
11	CHANGES TO THE ELECTORAL LEGAL FRAMEWORK DURING THE ELECTION PERIOD
13	ELECTION ADMINISTRATION
18	CANDIDATE REGISTRATION
19	VOTER REGISTRATION
21	CAMPAIGN ENVIRONMENT
23	CAMPAIGN AND ELECTION SECURITY
23	CAMPAIGN FINANCE
24	MEDIA ENVIRONMENT
24	BACKGROUND
25	INDEPENDENT OWNERSHIP
25	PAYMENT FOR MEDIA
26	CIVIL SOCIETY'S RISING INVOLVEMENT
26	REGULATIONS
26	MEDIA COMPLAINTS IN THE COURTS
27	LEGAL ANALYSIS
27	COMPLAINTS AND APPEALS
27	PUBLIC ACCESS AND TRANSPARENCY
27	DISTRICT ELECTION COMMISSIONS
27	CENTRAL ELECTION COMMISSION
28	COURTS
28	FAIRNESS
29	RULE OF LAW
30	REMEDIES
30	OVERVIEW OF CASES
31	JURISDICTION
32	TECHNICAL OR SUBSTANTIVE ERRORS
33	CANDIDATE REGISTRATION
33	PARTY REGISTRATION
34	FORMATION OF PRECINCT AND DISTRICT ELECTION COMMISSIONS
34	VOTER REGISTRATION, VOTER LISTS, CHANGE OF VOTING PLACE
34	CAMPAIGN MATERIALS
35	BRIBERY, VOTE-BUYING
36	ABUSE OF STATE RESOURCES
36	VIOLENCE, CAMPAIGNING OBSTRUCTION OR HARASSMENT
36	VIOLATIONS OF DAY OF SILENCE OCTOBER 25, 2014

<b>36</b>	ELECTION COMMISSION IRREGULARITIES
<b>39</b>	ELECTION PERIOD – IMMEDIATE PRE-ELECTION PERIOD
<b>40</b>	ELECTION DAY
<b>40</b>	OPENING OF POLLS
<b>41</b>	VOTING PERIOD
<b>42</b>	CLOSING OF POLLS AND VOTE COUNT
<b>43</b>	POST ELECTION DEVELOPMENTS
<b>43</b>	TABULATION OF RESULTS
<b>44</b>	GENDER ANALYSIS
<b>44</b>	VOTER LISTS
<b>44</b>	ELECTION ADMINISTRATION
<b>44</b>	INTERNALLY DISPLACED PERSONS
<b>45</b>	PARTY REPRESENTATION
<b>47</b>	DOMESTIC AND INTERNATIONAL OBSERVERS
<b>48</b>	RECOMMENDATIONS
<b>48</b>	LEGAL FRAMEWORK FOR ELECTIONS
<b>49</b>	ELECTION ADMINISTRATION
<b>49</b>	CAMPAIGN FINANCE
<b>50</b>	CONCLUSION
<b>51</b>	ANNEX 1 – ABOUT CANEOM
<b>52</b>	ANNEX 2 – CORE TEAM AND MISSION LEADERSHIP MEETINGS
<b>55</b>	ANNEX 3 – SCHEDULES OF TRAINING
<b>59</b>	ANNEX 4 – CANEOM OBSERVERS
<b>61</b>	CORE TEAM, STAFF AND KEY CONTACTS
<b>61</b>	ACKNOWLEDGEMENTS
<b>62</b>	APPENDIX, STATISTICAL RESULTS OF OBSERVATIONS OF CANEOM

## Foreword

I was tremendously honoured to lead the Canadian bilateral observation mission (CANEOM) to Ukraine for the Parliamentary Elections of October 26, 2014. Our election observation mission was sponsored by the Government of Canada through the Department of Foreign Affairs, Trade and Development, but operated fully independently from DFATD and the Government of Canada. I am proud of the hard work of our election observers, and am pleased to present, herewith, our final report.

Ukraine faces many challenges at the present time. The Autonomous Republic of Crimea has been invaded and occupied by the Russian Federation. Two of its eastern oblasts are currently enduring armed conflict and foreign military intervention by the Russian Federation and extremist militias, which has led to thousands of deaths. Both of these phenomena have resulted in hundreds of thousands of internally displaced persons. The economy is grappling with the fiscal challenges of supporting a *de facto* war effort and simultaneously dealing with energy shortages, disrupted trade and supply chains, and the costs of having lost control of sections of its territory. The Government is also facing the urgent need to reform its institutions and practices.

Despite these challenges, the Ukrainian people came out to vote proudly and in great numbers, exercising their democratic franchise and affirming their right to determine the destiny of their parliament – and by extension, their country. This was my fourth time serving as head of mission of a Canadian bilateral election observation project in Ukraine. Every time I am impressed by the resilience of the Ukrainian people, and by the dedication with which the vast majority of electoral officials conduct themselves and fulfill their mandates.

Ukraine's democratic and pluralistic traditions run deep. It is not that Ukraine needs to learn democracy. It is still in the process of asserting its democracy in spite of obstacles – some of which are external, and some of which are unfortunate legacies of its Soviet past.

Our role was to “observe, record, and report”, and to provide an assessment of the democratic progress being made by Ukraine – the law governing the election, the execution of the election by all relevant interlocutors, authorities, officials, and the level of participation of the people. Our job was also to make an assessment as to whether these elections met international standards for democratic elections. It is this mandate that dictates the focus and form of the following report.

Following the *Euromaidan* movement and the *Revolution of Human Dignity*, there is a tangible change in the political culture of the country. There is a detectible energy – particularly among the youth – that insists on democratic values being allowed to flourish and demands government free of corruption.

It is in this context that the October Early Parliamentary Elections were held. The citizenry of Ukraine is engaged and is asserting its right to participate meaningfully in the political process and to hold to account its politicians and government officials.

I am pleased to be able to report, on behalf of our mission, that the Parliamentary Election in Ukraine, held October 26, met international democratic standards. Despite the illegal occupation of the Autonomous Republic of Crimea by the Russian Federation and continuing destabilization in parts of Ukraine, a majority of the Ukrainian people freely exercised their democratic right to vote.

Our mission deployed observers to every region of the country, except occupied Crimea where no elections could be held. In fact, we were the only international mission that had long-term observers based in the Luhansk and Donetsk oblasts – the two eastern regions destabilized by armed conflict. Despite the continued destabilization in parts of these two regions, voters had access to many polling stations located in areas under the control of the Government of Ukraine – and the people braved intimidation and threats, and voted.

Overall, the campaign in Ukraine took place in accordance with international standards and domestic electoral laws. Though there were some irregularities in this election – as there are in any election, anywhere in the world – there was nothing systematic in the irregularities our mission observed, and this election was a substantial improvement over the parliamentary elections held in 2012, when significant irregularities were recorded throughout the campaign leading up to, on, and after Election Day.

The 2014 campaign environment was characterized by a broad plurality of political parties and electoral actors – there was no shortage of choice. The current crisis facing the country had a material impact on the campaign, increasing its intensity, importance, and influencing the rhetoric of campaign participants.

While this report outlines significant ongoing improvements over the parliamentary elections in 2012, there were new challenges. In previous Parliamentary elections, the safety and security of our election observers – or of voters in general – was not an issue. During these elections it was one of our primary concerns. Furthermore, because of the illegal occupation of Crimea and the destabilization of parts of the Donbas region by the Russian Federation and the militants it sponsors, coordinates and controls, more than 4 million Ukrainian citizens were deprived of their right to vote. This fact presented new challenges to the electoral administration in Ukraine as it sought to re-enfranchise as many people as possible who are directly affected by foreign occupation.

A significant and positive development notable in these elections was the increasingly strong presence of civil society organizations and activists. Particularly prominent on party lists were *Euromaidan* activists and journalists. They joined several of the parties, stating that their goal was to advance, through the political process, the reforms that they believed the country needs. Civil society groups continue to flourish and have become a wealth of information for all participants in the democratic process. These are very healthy developments in a democracy.

Additionally, there was a significant improvement in how authorities dealt with violations of the electoral law. When problems were reported, the law was generally enforced and upheld by the authorities. This is a fundamental shift in the state's role – from an interested party to a genuine referee ensuring the conduct of a free and fair electoral contest.

On behalf of the CANEOM mission core team, I would like to extend our sincere gratitude to our observers for doing an excellent job in monitoring over 3,000 polling stations in a professional and disciplined manner.

I also thank the Government of Canada for its support and funding of this mission, and for its unwavering support for the people of Ukraine and the democratic process in the country. Our mission appreciates the cooperation and support of our professional and capable staff at the Canadian Embassy in Kyiv. I also extend my appreciation to the many government officials from the Central Election Commission and various other Ukrainian government departments and agencies.

This election was a triumph of the people of Ukraine, who continue to insist that no degree of adversity or malice will stand in their way of exercising their democratic rights.

The path to true democracy is not easily paved but the 2014 elections demonstrated that Ukraine is carving that path with proud determination. I am sure Canadians welcome and commend the commitment of the Ukrainian people to strengthening their democratic processes, and are proud of the leading international role Canada is playing in assisting them to do so.



Senator Raynell Andreychuk  
Head of Mission

## Executive Summary

Overall, CANEOM observers found that the 2014 early parliamentary elections met international standards for fair and free elections.

### About the Elections:

- The 2014 early parliamentary elections resulted from the dissolution of Parliament by Ukrainian President Petro Poroshenko on August 27, 2014, by presidential decree, in accordance with the Constitution of Ukraine.
- Ukraine's electoral system is set out through its *Law On Election of Peoples' Deputies*. Ukraine uses a mixed parallel proportional majoritarian electoral system whereby 225 MPs are elected on a proportional basis through closed party lists in a multi-member nation-wide electoral district, and 225 MPs are elected in single-member districts by attaining a plurality of votes.<sup>1</sup> A 5% threshold is applied for the distribution of the 225 seats under the proportional component of this electoral system.
- Elections could not be held in 27 electoral districts: this was not possible in 12 districts due to the continuing illegal occupation of the Autonomous Republic of Crimea and City of Sevastopol by the Russian Federation, and elections could not be held in the remaining 15 districts due to ongoing violence in the Luhansk and Donetsk oblasts.
- In practice, 198 MPs were elected under the single-member district component of these Parliamentary Elections.

### Observation Mission:

- CANEOM registered 36 Long-Term Observers (LTOs) who arrived in Ukraine on September 27, 2014. Additionally, CANEOM fielded 152 Short-Term Observers (STOs) and 10 accredited Core Team members as part of the delegation.
- CANEOM's combined LTO and STO teams were able to observe in 93% of electoral districts where elections were held in the lead up to Election Day.
- CANEOM was the only international election observation mission to have LTOs based in Luhansk and Donetsk oblasts to undertake election observation field-work. CANEOM coordinated freely with other international missions for the deployment plans of LTOs and STOs to ensure election observation missions had maximum reach.
- Overall, CANEOM observers were able to monitor over 3,000 polling stations on Election Day, and observed over 100 polling station openings and over 90 closings. Observers also worked tirelessly in cold conditions to observe the counting and transfer of ballots, a process which in some cases took several days and nights to complete.
- The Mission met with numerous civil society organizations, political party representatives, security and government officials, members of the Central Election Commission (CEC), and other important election stakeholders to gain valuable insights into the pre- and post-election periods. These discussions contributed to many findings in this report.

Finally, this report expands upon CANEOM's *2014 Ukraine Early Parliamentary Elections Preliminary Report*, which was published on October 27, 2014.

### Key Conclusions:

- As compared to the last parliamentary elections held in 2012, the holding of these elections presented new challenges, such as access to voting in occupied or conflict-affected parts of the country. The enfranchisement of large numbers of internally displaced persons, and safety and security concerns for voters and election officials were most noteworthy. However, the elections took place on time and authorities were able to plan for and meet these challenges.
- A majority of the Ukrainian people freely exercised their democratic right to vote in the early parliamentary elections.
- Though many Ukrainians were unable to vote due to the violence in Donetsk and Luhansk oblasts and the illegal Russian occupation of Crimea, the outcome of the elections genuinely reflects the will of the people, and the elections themselves took place in accordance with Ukrainian Law.
- The elections broadly met international standards for democratic elections, and the authorities generally enforced the law when faced with complaints or violations of electoral or criminal law.

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<sup>1</sup> Section 3 of Article 1 of the Law on the Election of Peoples' Deputies. This electoral system was adopted in November 2011.

# ELECTION OBSERVATION STANDARDS

CANEOM subscribes to the *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*. In all of our mission's activities, CANEOM pledges to adhere to all domestic laws and to respect the core election observation principles of impartiality and non-interference. All election observers were required to sign the code of conduct and to attend training on international principles, standards, and the code of conduct for election observation itself before being allowed to participate in the Mission.

In order to determine whether the results of the Early Parliamentary Elections reflected the will of the people, a set of international standards was used to assess the election process. These include:

- a fair legislative framework,
- universal and equal suffrage,
- impartial and transparent election administration,
- level playing field for all contestants in the campaign,
- an election process free of pressure and coercion,
- an independent media,
- balanced media coverage,
- access to effective remedy for violation of electoral rights,
- a secret ballot,
- a voting and counting process free of manipulation that accurately reflects voters' intent.

## **CANEOM Practices, Mandate and Scope**

The scope of the Mission included observation of the following components of the election system:

- The function of election commissions;
- Election campaigning;
- Adherence to electoral law;
- Media coverage;
- Media freedom from undue influence;
- Election disputes and court cases;
- Freedom from intimidation;
- Freedom from illegitimate vote influencing;
- Observation of Election Day operations and execution;
- Vote count, tabulation, and transfer following the closing of polls.

# POLITICAL BACKGROUND

The Early Parliamentary Elections in Ukraine took place as the country faces existential threats to its sovereignty and territorial integrity at the hands of aggression by the Russian Federation and illegal armed extremist elements, alongside a myriad of economic and social challenges. The November 2013 *Euromaidan* movement, in which thousands of people peacefully took to the streets to protest against then-President Viktor Yanukovich's refusal to sign the EU-Ukraine Association Agreement, transformed into the "*Revolution of Human Dignity*" in response to the brutal state violence and anti-democratic measures used to suppress the protests. The movement empowered the Ukrainian people and galvanized society, returning to the citizenry the leading role in deciding the future course of the country's development.

After President Yanukovich fled Kyiv on February 21, 2014, Parliament, in accordance with the Constitution of Ukraine, appointed Parliamentary speaker Oleskandr Turchynov acting president, and early Presidential Elections were announced by Ukraine's Parliament for May 25, 2014.

In March 2014, the Russian Federation invaded and occupied the Autonomous Republic of Crimea, violating international law and agreements. On March 16, an illegitimate referendum was held in Crimea after which the Russian Federation illegally annexed Crimea, directly violating Ukraine's sovereignty and territorial integrity. In April and May increasing violence occurred in Donetsk and Luhansk oblasts. There was evidence of Russian Federation involvement in fomenting, supporting, and coordinating destabilization by extremist, criminal, and separatist elements. In April, Ukraine's military, law enforcement, and security agencies launched an anti-terrorism operation (ATO).

The May 25, 2014 Presidential Election was a pivotal moment in Ukraine's democratic development and was judged by the international community to have met international democratic standards and to reflect the will of the Ukrainian

people.<sup>2</sup> Petro Poroshenko was elected President, receiving a majority of the vote in the first round of the election.

After the dissolution of the majority coalition in Parliament, President Poroshenko<sup>3</sup>, on August 26, called early parliamentary elections for October 26, 2014.

In the months following the presidential elections, Ukrainian military and volunteer forces in Donetsk and Luhansk regained considerable territory from Russian-backed extremist elements. In late August, there was an incursion of regular Russian military and heavy weaponry into the region. Agreements<sup>4</sup> signed by representatives of Ukraine, the

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2 The CANEOM Mission to the Early Presidential Election concluded that "The Early Presidential Election was held, and in the overwhelming majority of Ukrainian territory met international democratic standards for free and fair elections. Notwithstanding the troubling violence in Luhansk and Donetsk oblasts, and the illegal annexation of sovereign Ukrainian territory in Crimea by the Russian Federation, the election was a clear and unambiguous reflection of the democratic will of the Ukrainian people."

3 On July 24 the majority coalition in parliament dissolved. According to Ukraine's Constitution, if no new coalition is formed within 30 days, the President has the right to dissolve Parliament.

4 A ceasefire agreement was signed on September 5 in Minsk and an implementation memorandum was signed on September 19.

Organization of Security and Cooperation in Europe, and the Russian Federation have led to a decrease in the violence in the region, but the ceasefire continues to be violated by Russian-backed extremist elements on a daily basis.<sup>5</sup>

The violence in Donetsk and Luhansk oblasts has led to a humanitarian crisis. Hundreds of thousands of residents of Donetsk and Luhansk oblasts have been displaced and the economy of Ukraine has been disrupted. This disruption is particularly severe in the conflict areas. Over 3,600 people have lost their lives as a result of the conflict.<sup>6</sup>

As Ukraine faces external aggression from the Russian Federation and illegal armed extremist elements, the country also confronts internal challenges that must be addressed. Economic, legal, political, and social reforms must be undertaken if the country is to move forward in the development of a democratic and prosperous future.

The Ukrainian people have responded with stoicism, bravery, and fortitude during the months of protracted crisis they have experienced. Citizen engagement, voluntarism, and a commitment to national unity all underscore the potential and promise of Ukraine's future democratic development.

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5 On October 16, President Poroshenko signed the Law *On the special procedure for local self-government in specific regions of Donetsk and Luhansk oblast*, which had been passed by Parliament on September 16. The law assigns special status to certain regions of Donetsk and Luhansk oblasts for three years; local elections in those regions to be held on December 7.

6 The UN High Commissioner on Human Rights stated on October 8 that "from mid-April to October 6, at least 3,660 people were killed and 8,756 wounded in eastern Ukraine."  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15143&LangID=E>

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# ELECTION SYSTEM AND LEGAL FRAMEWORK

The legal framework for parliamentary elections in Ukraine is comprised of the Ukrainian Constitution, the Law on the Election of the People's Deputies of Ukraine (Parliamentary Election Law), the Law on the Central Election Commission, and the Law on the State Voter Register, as well as provisions of the Code of Administrative Adjudication, the Code of Administrative Offenses, the Criminal Code, and resolutions of the Central Election Commission (CEC). The Law on Equal Opportunities for Women and Men, which is intended to guarantee equal electoral and political rights, also contributes to this electoral legal framework.

The principles of democracy are outlined in the Constitution with the right to vote and the right to be elected at the center of Ukrainian democracy. The Ukrainian Constitution mandates suffrage that is universal, equal, direct, and secret. The Constitution guarantees freedoms of expression, assembly, and association and prohibits unequal rights or privileges on the basis of gender.<sup>7</sup> All legal acts must conform to the Constitution, which is the supreme law of Ukraine.

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7 Article 24 of the Ukrainian Constitution specifies equal rights and opportunities to be ensured for men and women.

## International Standards

International standards relating to the exercise of democracy are found in the 2002 Venice Commission's Code of Good Practice on Electoral Matters and are upheld in decisions of the Council of Europe through the European Court of Human Rights (ECHR).<sup>8</sup> These standards and principles are recognized most clearly in Ukraine through the Constitution and the adoption of ECHR decisions.<sup>9</sup> International principles of human rights and freedoms are also referenced in domestic election laws, albeit less consistently. The decisions of the European Court of Human Rights are sporadically applied in Ukrainian courts.

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8 The Venice Commission's Code of Good Practice in Electoral Matters can be found at: [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)023-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)023-e).

9 Article 17 of the Law On the Enforcement and Application of Practice of the European Court of Human Rights requires courts to apply the Convention for the Protection of Human Rights and Fundamental Freedoms and practice of ECHR as a source of law. Further, Article 3 states that decisions of the Court are binding for Ukraine in accordance with Article 46 of the Convention.

## Electoral System

Ukraine's electoral system is set out through its Parliamentary Election Law. Ukraine uses a mixed parallel proportional majoritarian electoral system whereby 225 MPs are elected on a proportional basis through closed party lists in a multi-member nation-wide electoral district, and 225 MPs are elected in single-member districts by attaining a plurality of votes.<sup>10</sup> Elections could not legally be held in 12 electoral districts due to the illegal occupation of the Autonomous Republic of Crimea and City of Sevastopol by the Russian Federation.<sup>11</sup> A maximum of 213 MPs could therefore be elected under the single-member district component of the electoral system for parliamentary elections in this election. In practice, the election took place in 198 single member districts due to ongoing conflict in parts of Donetsk and Luhansk oblasts. Elections were not held in 15 districts in those regions. A 5% threshold is applied for the distribution of seats under the proportional component of this electoral system.

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10 Section 3 of Article 1 of the Parliamentary Election Law. This electoral system was re-adopted in November 2011, after having been used in the 1998 and 2002 parliamentary elections.

11 Section 1 of Article 8 of the Law on Ensuring the Rights and Freedoms of Citizens and the Legal Order on the Temporary Occupied Territory of Ukraine (15.04.2014).

## Changes to the Electoral Legal Framework in Advance of the Election Period

In November 2013, the Verkhovna Rada made amendments to the Parliamentary Election Law in line with certain recommendations made by the Venice Commission and international election observation missions to meet conditions for the signing of an Association Agreement with the European Union. Some further technical amendments to align the legal framework for parliamentary and presidential elections were enacted in April 2014 to facilitate the administration of simultaneous elections.<sup>12</sup>

The revised law strengthened conditions for efficiency in the administration of Parliamentary elections. It reduced the size of precinct election commissions, thereby rendering it easier to achieve quorum and make operational decisions in a timely manner. Technical improvements were also made to procedures regulating the formation of election commissions that allow for a fairer distribution and more orderly assignment of commission positions amongst candidates and political parties. However, these changes did not compensate for a significant remaining flaw within the electoral legal framework that allows political subjects to remove and replace commissioners with a frequency that undermines commissions' functioning abilities.

In December 2013, amendments were made to the Law on Political Parties. Notably, these reforms required political parties to have a minimum of 30% women candidates on party lists for the nation-wide constituency in parliamentary elections.<sup>13</sup> However, no corresponding mechanisms were introduced to the Parliamentary Election Law for the enforcement of this quota. Moreover, it did not stipulate rules for the composition of the lists.

The Parliamentary Election Law provides a sufficient framework for the conduct of democratic elections, but includes shortcomings that international experts and domestic stakeholders evaluated to be inconsistent with international standards and electoral best practices.

## Changes to the Electoral Legal Framework during the Election Period

Reform of the electoral legal framework represented a key demand of civil society following the *Euromaidan* demonstrations. Ukraine's Parliament considered bills drafted in coordination with these stakeholders over several months leading up to the parliamentary elections. Options included reform of the electoral system but also technical amendments that would facilitate management of electoral security and maximize opportunities for voting in the context of continued hostilities in parts of the Donetsk and Luhansk oblasts.<sup>14</sup> None of these proposed amendments were enacted by the Verkhovna Rada, leaving important deficiencies in the electoral legal framework to be addressed by CEC resolutions in the final days of the

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12 The May 25 Early Presidential Election was held in conjunction with the election of an MP in single-mandate district #83, the election of members of the Kyiv City Council, and mayoral elections in 43 cities, 27 settlements, and 200 villages.

13 Section 10 of Article 8 of the Law of Ukraine on Political Parties [20.12.2013].

14 The following draft bills to amend the parliamentary election law were considered during this period: 4429a [05.08.2014]; 4429a-1 [11.08.2014]; 4445a [08.08.2014]; 4470, 4471a, 4472a, 4473a [12.08.2014]; 4503a [14.08.2014]; 4550a [28.08.2014]; 4567a [01.09.2014]; 5121, 5123 [01.10.2014]; 5157 [13.10.2014]; 5157-1 [14.10.2014].

parliamentary election<sup>15</sup> – or unresolved as in the case of appeals for a simplified mechanism to enfranchise military personnel mobilized in the conflict-affected Donbas region.<sup>16</sup>

The Criminal Code was amended on October 14, 2014 to increase penalties for: interfering with the election process under Article 157; violation of election finance rules under Article 159; and issues regarding vote-buying under Article 160. These changes came into effect on October 23, 2014. These amendments did not apply retroactively, and could therefore only be used to prosecute offences occurring after October 23, 2014, when there were only three days left in the election campaign period.

#### **RECOMMENDATIONS**

CANEOM supports long-standing recommendations made by the Venice Commission for electoral laws in Ukraine to be streamlined within a single electoral code. This would: ensure greater uniformity in procedures applied for parliamentary, presidential, and local elections; facilitate commissioner training; strengthen public trust and understanding of election procedures; and reduce reliance on the Central Election Commission to interpret ambiguities and inconsistencies across the legal framework as individual components are amended, or to address critical gaps in the legal framework through resolutions.

Consideration should be given to expanding the regulatory jurisdiction of the CEC to address wartime challenges to the uniform implementation of election processes and protection of citizens' electoral rights.

As part of broader reforms to the electoral legal framework, electoral district boundaries should be required to be contiguous.

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<sup>15</sup> CEC Resolution No 2006 (22.10.2014) clarified procedures for invalidating ballot papers printed for districts in which the CEC determined that elections could not be administered.

<sup>16</sup> On October 20, the Verkhovna Rada considered but failed to enact draft bill No 5157-1 intended to facilitate inclusion of military personnel on the voter lists of regular polling stations in precincts of deployment upon the submission of respective voter lists by military commanders. The failure of the Parliament to enact this legislation stood in contrast to its responsive enactment of late-amendments to the presidential election law to permit additions of military personnel to the voter list during the May 25 Early Presidential Election.

# ELECTION ADMINISTRATION

Parliamentary elections in Ukraine are administered by three levels of commissions. The Central Election Commission (CEC) is a permanent legal body composed of 15 members appointed for a seven-year term by the Verkhovna Rada on the nomination of the President.<sup>17</sup> The CEC regulates all technical aspects of elections, including the registration of candidates, political parties, and related proxies and representatives, the operation of the State Voter Register, and the formation of District Election Commissions (DECs) in single-member election districts. DECs are regulatory bodies that form, support, and tabulate vote count protocols of Precinct Election Commissions (PECs), which are the bodies that administer voting and ballot counting at polling stations.

The CEC organized the Early Parliamentary Elections according to legal deadlines and procedures despite reductions and delays in the allocation of its budget

and an electoral timeframe that was shortened from 60 to 45 days.<sup>18</sup>

More than 1,200 resolutions were adopted at regular sessions of the CEC over the course of the election period. These sessions were attended by election observers, media, and representatives of political parties and candidates. CEC commissioners were observed to work in a collegial and consensual manner, and adopted most resolutions by a unanimous vote. With the exception of draft agendas that were distributed at the beginning of each regular session, no supplementary information was provided on the content of resolutions until after they were formally adopted and published on the CEC website. These were published in a timely and consistent manner.<sup>19</sup> The CANEOM Mission was occasionally invited to attend 'preparatory meetings' held before regular sessions of the CEC. These meetings featured considered deliberations

between CEC commissioners to reach consensus and ensure that consistent legal interpretations be applied through CEC resolutions and CEC's responses to complaints. The continued practice of holding substantive discussions behind closed doors undermines the transparency of the CEC<sup>20</sup> and renders it more difficult for electoral subjects to anticipate or provide meaningful input on resolutions before their adoption.<sup>21</sup>

On September 5, the CEC initiated formal preparations for the conduct of elections in 213 out of 225 election districts, excluding 12 districts under illegal occupation in the Autonomous Republic of Crimea and the City of Sevastopol. DECs were formed according to unique provisions for pre-term parliamentary elections that limit commissioner nominations to political party factions in Parliament – these are entitled to one position on each DEC – and political parties that registered candidate lists for the nation-wide constituency in the

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17 An amendment to Article 1 of Section 1 of the Law on the Central Election Commission adopted on March 13 2014, enabled CEC commissioners to continue their functions after their seventh year of appointment. 12 out of 17 serving commissioners would have otherwise seen their term expire in June 2014.

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18 On September 8, the Cabinet of Ministers adopted Resolution No 415 to directly provide UAH 957 million for the parliamentary elections, following weeks of parliamentary sessions that either failed to provide consideration or produce sufficient votes to pass a budget allocation bill.

19 Section 3 of Article 13 of the Parliamentary Election Law, and Section 1 of Article 19 of the Law On the Central Election Commission.

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20 This practice is also inconsistent with amendments to Articles 10.1 and 12.1 of the Law on the Central Election Commission [21.11.2013] that require discussion in addition to consideration of decisions at CEC regular sessions.

21 Section 2 of Article 18 of CEC Resolution No 72 [26.03.2005] "On Adoption of the Rules of the Central Election Commission" signifies that that all suggestions and comments made by persons who participate in discussion in an advisory capacity have to be taken into account when the CEC adopts a decision.

preceding parliamentary elections – whose positions on DEC committees are determined by a single-round lottery draw procedure. 21 political parties participated in this lottery. It resulted in DEC committees that excluded representatives from newly-formed but electorally competitive political parties and allocated regulatory powers to parties that did not otherwise compete in the Early Parliamentary Elections.<sup>22</sup> The lottery procedure also favoured “technical parties” – a term applied by domestic observer groups to describe little-known parties that are inactive between election cycles and are alleged to function as tactical fronts for control of election commissions by larger competitive parties. This practice was regularly cited in meetings with election management, civil society, and political party officials to account for turnover in DEC composition.

As of October 20, the CEC adopted resolutions to replace 1602 out of 3814 DEC commissioners (42%). Turnover was even more pronounced among commissioners assigned to executive positions who bear unique legal responsibilities for the conduct and oversight of DEC meetings, adoption of DEC resolutions, training and support of DEC commissioners, and tabulation of vote count protocols. DEC Chairs in 51.6% of districts, DEC Deputy Chairs in 47.8% of districts, and DEC Secretaries in 55.3% of districts were substituted on at least one occasion. This turnover was not specific to eastern oblasts affected by the armed conflict, but spread evenly across the country.<sup>23</sup> Substitutions were most frequent amongst representatives of political parties that received less than 1.5% of the popular vote in the 2012 parliamentary elections.

CANEOM Long Term Observers (LTOs) monitored electoral preparations through visits to 185 DEC committees in every oblast of Ukraine with the exception of Crimea.<sup>24</sup> DEC committees were widely observed to function in a transparent and cohesive manner and to meet procedural deadlines despite a shortened electoral calendar. Few DEC committees outside the Donetsk and Luhansk oblasts had difficulties achieving quorum despite frequent changes to their composition. DEC commissioners were mostly satisfied with resources and cooperation received from regional authorities and local law enforcement bodies, although some expressed concerns about reduced budgets and inadequate premises to adequately process DEC vote count protocols.<sup>25</sup> Most commissioners demonstrated a firm grasp of their responsibilities and an understanding of pre-election procedures. Many of these commissioners had recently acquired experience through the May 25 Early Presidential Election. They also benefited from standardized training held directly at DEC premises.

CANEOM LTOs noted improvements to the quality and geographic distribution of training provided to lower-level commissions through the CEC and International

22 UDAR and the Party of Regions did not field candidates in the 2014 early parliamentary election but still submitted nominations and got allocated hundreds of DEC positions. In contrast, recently established parties (Petro Poroshenko Bloc, People’s Front Party and others) widely seen to be competitive were not eligible to nominate members.

23 Regional and political party breakdowns of DEC substitutions drawn from CEC resolutions can be consulted in greater detail at the website of the domestic monitoring and analytical civil society organization CIFRA: <http://cifragroup.org/>

24 CANEOM deployed 36 Long-Term Observers over a three-week period between September 30 and October 20, 2014.

25 Commissioners filed requests to local authorities for more appropriately sized premises in DEC 21 (Lviv), DEC 139 (Odessa), DEC 161 (Sumy), DEC 165 (Ternopil) and DEC 186 (Kherson). Material resource shortages in the form of computers, telephones, and internet access were also noted in observations at DEC 67 (Rivne), affecting connectivity to the ‘Vybory’ analytics system used for transmission of information including election count results between DEC committees and the CEC.





Foundation for Electoral Systems (IFES).<sup>26</sup> A cascade training approach was applied whereby trainers certified by the CEC were deployed to train and then accompany DEC commissioners in the training of PEC Chairs, Deputies, and Secretaries. Separate trainings were held for every DEC at their premises. These were observed to be reasonably well attended and apply diverse pedagogical approaches that encouraged questions to trainers and discussion between commissioners.<sup>27</sup> Training sessions at the precinct level targeted commissioners in executive posts and were held in larger auditoriums.<sup>28</sup> Knowledge tests were conducted at the beginning and end of each session, albeit for statistical purposes rather than to evaluate the learning of each individual commissioner. Internationally-funded, multi-year technical assistance partnerships have strengthened training capacities at the CEC, laying the groundwork for a permanent Training Unit that has been formally established but is not currently resourced to function between election cycles.<sup>29</sup>

On October 9 and 10, DECs held meetings to form PECs inside of their district boundaries. As in the case of the procedures used to establish DECs, political party factions in Parliament are entitled to one position on each PEC. A single round lottery is then applied to determine the allocation of commissioners to PECs that receive more nominations than available positions. In contrast to lotteries at the DEC level, nominations are drawn from MP candidates registered in the district where PECs are being formed, and political parties competing for proportional seats in present-day rather than past elections.<sup>30</sup> Under this procedure, a balanced composition of PECs amongst political subjects is intended to result from alphabetically ordering nominees for each PEC and then counting down alphabetic lists according to randomly drawn lot numbers. This procedure was observed to provoke more discussion and questions at DEC trainings than any other topic.

While most DECs visited by CANEOM LTOs were described to administer PEC lotteries in an efficient and transparent manner, a small proportion continued to grapple with the procedure's technical complexity, resulting in lengthy meetings and partial or entire repetitions of lotteries.<sup>31</sup> Most LTOs reported instances in

26 This program involved: a 6-day training of trainers in which 165 trainers were certified through the CEC; 196 trainings for DEC commissioners; 196 trainings for PEC commissioners conducted by DEC members accompanied by certified trainers; and 345 trainings for PEC commissioners conducted by DEC members. The CEC also collaborated with IFES to produce video tutorials on election procedures and with the OSCE/ODIHR to produce training manuals and online modules for DEC and PEC members.

27 CANEOM LTOs attended and positively evaluated DEC trainings held in DEC 77 (Zaporizhia), DECs 83/84 (Ivano-Frankivsk), DEC 95 (Kyiv Oblast), DECs 102/103 (Kirovohrad), DECs 129/131/132 (Cherkassy), DEC 140 (Odessa) DEC 156 (Rivne), DEC 162 (Sumy), DEC 167 (Ternopil), and DECs 217/218/221/222 (Kyiv City). Attendance was consistently high with the exception of one training in DEC 28 (Dnipropetrovsk).

28 CANEOM LTOs attended PEC trainings held in DECs 19/23 (Lviv), DEC 50 (Donetsk), DEC 73 (Zakarpattia), DEC 94 (Kyiv Oblast), DEC 137 (Odessa), DEC 147 (Cherkassy), DECs 169/172 (Kharkiv), DEC 189 (Khmelnitsky), DEC 202 (Chernivtsi) and DEC 213 (Kyiv City).

29 CEC Resolution No 35 (17.02.2011) "On the Structure and Size of the Secretariat, the Support Service of the Central Election Commission and State Register of Voters."

30 According to figures compiled by the domestic civil society organization OPORA, a total of 27 political parties with registered lists in the multi member nation-wide constituency participated in this lottery process. A further total of 37 political parties with candidates in single-member districts participated in the lottery, albeit only in the districts where they ran candidates. Over 80,000 PEC commissioners were selected through nominations made by independent candidates.

31 DEC 79 in Zaporizhia repeated its entire lottery after first attempting to hold a separate draw for each PEC in its district. DEC 195 (Cherkassy) repeated its entire lottery after initially excluding all nominations received from a political party whose eligibility to nominate PEC commissioners as a faction represented in the Verkhovna Rada, and as a party with a registered list in the nation-wide multi-member constituency, were confused. A misunderstanding of procedures also resulted in parts of lotteries being repeated in DEC 113 (Luhansk), due to input errors that excluded certain nominations, and in DEC 163 (Ternopil) for a failure to exclude persons with duplicate nominations.

which the same person was nominated for multiple PECs or by multiple political subjects in the same PEC. These persons are supposed to be excluded through automatic processing of nominations through the CEC Vybory computer Analytics System, but some remained on lists due to technical failures, human input errors, or slight variance in name spelling.<sup>32</sup> Collusion amongst political parties was suggested in one observed incident at DEC 132 (Kherson) where a dispute arose after the same proxy attempted to represent the interests of 5 different political parties during assignments of PEC executive positions.

Under the reduced timeframe that was provided for the Early Parliamentary Election, PECs had less than two weeks to be formed, provide opportunities for public review of preliminary voter lists,<sup>33</sup> deliver voter invitation cards, receive and ensure secure storage of ballot papers, and prepare polling station premises for the conduct of voting.<sup>34</sup> Concerns about this timeframe were compounded by high rates of absenteeism, withdrawal, and replacement of commissioners.<sup>35</sup> As with DEC, turnover rates were particularly high amongst PEC commissioners in executive positions who are assigned legal responsibilities for the adoption of PEC resolutions, administration of voting and vote count processes, and transfer of ballots to DEC premises on Election Day. Canadian bilateral missions to observe the 2012 Parliamentary Elections and 2014 Presidential Election in Ukraine have been consistent in identifying commissioner turnover as a fundamental problem contributing to dysfunctional election management that requires reform of incentive structures in addition to nomination procedures.

Further concerns expressed by PEC commissioners to CANEOM observers related to the availability of electricity and fuel required to administer polling stations and transport election materials in the context of currency fluctuations, approaching winter temperatures, and long travel distances to DEC premises on difficult roads. CANEOM observers noted several cases in which polling stations were not open or were inadequately signposted when visited.<sup>36</sup> The law does not stipulate hours of operation for polling stations during the pre-election period but requires PECs to make preliminary voter lists available for public review and to receive applications for their revision.

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32 Duplicate nominees were manually removed from lottery procedures upon being discovered in all cases except DEC 132 (Mykolaiv), where duplicates were removed unless nominated through political parties or candidates with proxies that were in attendance of the DEC meeting. In these cases, candidate and political party proxies were allowed to prepare a statement clarifying the particular PEC for which their duplicate nominees should be considered. This violated legal procedures and the rights of nominees without representatives present at the DEC meeting.

33 In the case of special election precincts (e.g. formed to administer voting in penitentiaries, in-patient care facilities or military stations) PECs are also responsible for compiling preliminary voter lists. These are provided to regular polling stations by State Voter Register Maintenance Bodies.

34 PECs had 31 days to administer these procedures during the 2012 parliamentary elections.

35 Most PECs visited by CANEOM observers were awaiting replacement of 1 to 4 commissioners one week after being formed. In most cases, commissioners were withdrawn by political parties. Some also withdrew from their positions due to insufficient compensation or because they resided away from the PEC for which they were nominated. Occasionally, PECs also submitted requests to the CEC for the replacement of absent commissioners. For example, in DEC 138 (Odessa), 25% of PEC commissioners could not be notified after being selected due to errors in contact information indicated in their nomination forms.

36 Between October 15 and 20, when preliminary voters were required to be displayed for public review, the following PECs were closed when visited by CANEOM LTOs during regular business hours: PEC 071101 in DEC 22 and PEC 070675 in DEC 23 (Lviv); PECs 210742/210745/ 210770/210772/210782 in DEC 68, PECs 210374/210382/210384/210385/210389/210440/ 210677/210680 in DEC 70, and PEC 210098 in DEC 73 (Zakarpattya); PEC 510507 in DEC 139 (Odessa); PECs 650183/650187/650189/650196/650198 in DEC 185 (Kherson); PECs 680912/ 680929 in DEC 191; PEC 730499 in DEC 201 and PEC 730002 in DEC 202 (Ivano-Frankivsk); and PECs 800976/800981/800996/800998 in DEC 223 (Kyiv City).

Despite these challenges, an overall majority of PECs visited by CANEOM observers functioned effectively and in compliance with legal deadlines.<sup>37</sup> Commissioners were confident about their knowledge of election procedures and received training close to Election Day, thereby reducing the potential for knowledge loss resulting from late substitutions.<sup>38</sup>

The CEC made periodic and measured use of its regulatory powers to maximize opportunities for electoral participation without jeopardizing the security or integrity of election processes in the Luhansk and Donetsk Oblasts. Despite a ceasefire agreement that was intended to create a buffer zone between Russian-backed armed militants and territories under the protection of Ukraine's armed forces,<sup>39</sup> continued hostilities and public concern over security complicated preparations for the conduct of elections in areas bordering the conflict.

The administration of elections in the Donetsk and Luhansk oblasts was further complicated by the territorial fragmentation of election districts with non-contiguous boundaries across either side of the combat buffer line. Revisions to the delimitation of electoral boundaries cannot be made within 175 days of parliamentary elections.<sup>40</sup> As a result, many precincts in territories under the protection of Ukraine's national forces were separated from administrative buildings containing their respective DEC's and State Voter Register Maintenance Bodies at the outset of the election period.

Between September 25 and October 22, the CEC moved 6 DEC premises to safer locations in response to applications received from oblast authorities.<sup>41</sup> On October 6, the CEC addressed the problematic location of certain State Voter Register Maintenance Bodies across the buffer line of districts that still contained PECs where elections could be securely conducted. A list of alternate State Voter Register Maintenance Bodies was designated to assume responsibility for the preparation and secure transportation of election materials to affected PECs.<sup>42</sup> On October 7, the CEC also adopted a simplified procedure to allow voters with registered addresses in the Donetsk or Luhansk oblasts to temporarily change their place of voting without changing their permanent address.<sup>43</sup>

The CANEOM Mission deployed LTOs to areas of the Donetsk and Luhansk oblasts under the control of Ukraine's National Forces to gather information and observe efforts by election commissions, law enforcement officials, and regional authorities

37 Absences and replacements of commissioners prevented PECs 480650/480675 (Mykolaiv) from attaining quorum required to hold their first meeting within legal deadlines. Distribution of voter invitations was also delayed beyond legal deadlines in PEC 730005 in DEC 202 (Ivano-Frankivsk), PEC 230416 in DEC 82 (Zaporizhia), PEC 650491 in DEC 186 (Kherson), and PEC 800989 in DEC 223 (Kyiv City).

38 CANEOM observers attended 10 trainings of PEC executives in DEC's 19/23 (Lviv), DEC 50 (Donetsk), DEC 96 (Kyiv Oblast), DEC 129 (Mykolaiv) DEC 137 (Odessa), DEC 147 (Cherkassy), DEC 172 (Khar'kiv), DEC 189 (Ternopil), and DEC 213 (Kyiv City).

39 A ceasefire agreement and memorandum on implementation were signed on September 5 and September 19 between representatives of the Ukrainian and Russian governments, the OSCE and self-proclaimed "leaders" of Russian-backed militant groups in parts of the Luhansk and Donetsk oblasts.

40 Part 4 of Article 18 of the Parliamentary Election Law.

41 CEC Resolution No 1165 (25.09.2014) moved the locations of DEC 53 and DEC 59 (Donetsk Oblast); CEC Resolution No 1396 (20.09.2014) moved the location of DEC 114 (Luhansk Oblast); CEC Resolution No 1442 (3.10.2014) moved the location of DEC 104 (Luhansk Oblast) and CEC Resolution No 1524 (10.10.2014) moved the locations of DEC 45 and DEC 51 (Donestk Oblast). CEC Resolution No 1973 (21.10.2014) and CEC Resolution No 2005 (22.10.2014) moved the locations of DEC 45 and 59 for a second time just prior to the election.

42 CEC Resolution No 1494 and 1495 (6.10.2014)

43 CEC Resolution No 1529 (7.10.2014)



to establish conditions for the secure conduct of elections.<sup>44</sup> LTOs assessed the security environment in areas that they visited to have normalized in comparison to the May 2014 Presidential Election when marauding and armed militants were observed forcibly shutting down administrative buildings and engaging in violence against election commissioners. Ongoing hostilities along the buffer zone of the conflict areas nonetheless continued to have a detrimental impact on preparations for the administration of parliamentary elections. From the outset of the election period, speculation varied about the number of districts and precinct polling stations where voting could be safely organized, with adjusted projections being released on a periodic basis through the CEC, Ministry of Interior, and various civil society organizations.<sup>45</sup> DEC commissioners reported being satisfied with support and information provided through state security services. However, no apparent campaigns were observed by CANEOM LTOs to inform or build confidence among local voting populations about measures being taken to ensure electoral security.

Security concerns in the Donetsk and Luhansk oblasts exacerbated challenges experienced by election commissions in other regions of Ukraine. CANEOM LTOs observed that the DECs visited initially functioned adequately, if slightly behind procedural deadlines. DEC commissioners attended standardized trainings, attained quorum at early meetings, and completed lottery procedures relating to the formation of PECs.<sup>46</sup> These procedures were nonetheless followed by high numbers of PEC withdrawals and substitutions that some DEC commissioners found difficult to manage.<sup>47</sup> In several instances, procedures for the distribution of voter invitations and revision of preliminary voter lists were interrupted or conducted by PECs that lacked quorum as a result of absent or withdrawn and non-replaced commissioners.<sup>48</sup>

## Candidate Registration

The CEC is responsible for registering candidates in the nationwide and single-member districts on receipt and review of completed nomination documents and financial deposits.<sup>49</sup> The right to stand for parliamentary elections in Ukraine is provided to any citizen above the age of 21 who does not have prior criminal convictions and has resided in Ukraine for the 5 preceding years. The candidate registration period for the Early Parliamentary Election spanned from August 28 to September 25. A total of 6,670 candidates applied to the CEC for registration, including 3,556 candidates in single member districts and 3,128 candidates

44 CANEOM LTOs met with interlocutors and observed election commissions located in parts of DECs 46, 47, 48, 49 and 50 in the Donetsk oblast, and in parts of DECs 106, 107, 112, 113 and 114 in the Luhansk oblast.

45 On October 25, the CEC reported that 17 out of 32 districts in the Luhansk and Donetsk oblasts would be fully or partially operational on Election Day.

46 DEC 49 (Donetsk) did not hold its meeting to form PECs until October 14. This was attributed to delayed delivery of computer hardware and access to the Vyborg Analytics System. DEC 47 (Donetsk) also reported to be inhibited in its activities as a result of delays to the replacement of computers.

47 DEC commissioners attributed these PEC withdrawals and replacements to security concerns and the selection of commissioners to precincts that required distant travel across noncontiguous district boundaries.

48 As of October 16, the Chairperson for DEC 50 (Donetsk) reported that only 10 of 116 PECs in that district held an inaugural meeting and picked up their preliminary voter lists. As of October 17, the Chairperson of DEC 49 (Donetsk) also reported that preliminary voters lists had not been picked-up by 58 of 128 PECs in that district. In Luhansk oblast, PECs with difficulties achieving quorum were reported by Chairpersons of all observed DECs (106, 107, 112, 113 and 114) due to frequent changes in composition. LTOs in the Luhansk oblast also came across 22 closed PECs when conducting observations in DECs 106 and 113 between October 15 and 18.

49 Sections 1 and 2 of Article 54 of the Parliamentary Election Law sets out documents required for consideration of candidate nominations.





nominated by 29 political parties in the nationwide proportional district. A significant number of candidates were rejected due to minor technical errors or omissions in nomination documents.<sup>50</sup> As of October 21, of the 224 appeals filed with appellate courts, 69 were returned to the CEC for reconsideration.

## Voter Registration

The CEC maintains an automated State Voter Register (SVR) that is continuously updated with information received from relevant state authorities.<sup>51</sup> This register is managed through 27 Regional Administration Bodies and 756 Maintenance Bodies.<sup>52</sup>

Voter lists are extracted from the SVR and prepared for PECs no later than 11 days before an election.<sup>53</sup> These are transferred along with invitation cards containing the names and registered addresses of voters, as well as the location of their respective polling stations. Voters can verify the accuracy of their personal information on the SVR through receipt of this invitation card, by reviewing preliminary voter lists posted at PEC premises, or by accessing an online portal.<sup>54</sup>

Voters who cannot be present at their registered voting address on Election Day are entitled to apply for a temporary change of place of voting up until 5 days before an election.<sup>55</sup> During the 2012 parliamentary elections, temporary changes to place of voting were only permitted in the single-mandate district in which a voter was registered. This procedure has since been revised.

Voters away from their place of residence can apply to vote in any part of the country but must provide evidence of their temporary status (e.g. university certificate, letter from an employer, or round-trip travel document), and can only vote in the nationwide multimember constituency. This removes undue restrictions on the franchise without creating incentives for manipulation of voting procedures.

As part of its observation mandate, CANEOM monitored conditions for electoral participation by populations displaced as a result of ongoing armed conflict in the Donetsk and Luhansk oblasts. SVR Maintenance Bodies were generally aware of changes to the number of internally-displaced persons (IDPs) in their surrounding areas. They tracked IDPs who applied to temporarily change their place of voting. They were also informed and prepared when this application procedure was simplified for electors with registered addresses in the Donetsk and Luhansk oblasts, in line with procedures applied to enfranchise voters from the Crimean peninsula.<sup>56</sup> Applications to temporarily change voting locations among electors with registered voting addresses in the Donetsk and Luhansk oblasts increased from 5,200 to

50 Part 7 of Article 27 of the Parliamentary Election Law states that inaccuracies or technical errors contained in nomination documents should not constitute a reason for rejection of any candidates.

51 Information on voters and their registered place of residence is retrieved from the Ministry of Internal Affairs, Ministry of Justice, State Migration Service, military units, regional courts, and local agencies working with homeless populations. This information is normally updated on a monthly basis. According to the Head of the State Voter Register, an additional update of this information was to be made between revisions of preliminary voter lists and the distribution of revised voter list during the parliamentary election period to ensure maximal inclusion of voters.

52 Article 1 of the Law of Ukraine on the State Voter Register.

53 Part 4 of Article 107 of the Parliamentary Election Law.

54 Voters can verify the accuracy of personal information contained in the SVR by accessing the Personal Voter Portal found at <https://www.drv.gov.ua/apex/f?p=111:LOGIN>.

55 Part 3 of Article 41 of the Parliamentary Election Law.

56 CEC Resolution No 1529 [7.10.2014]. Under the simplified procedure, electors with registered voting addresses in Donetsk and Luhansk oblasts were only required to show a national passport to apply for a temporary change of place of voting.

32,823 between October 14 and 20, during a week of intensified public awareness campaigning by civil society. This number of applications nonetheless represented a small proportion of estimated IDPs in Ukraine.<sup>57</sup> No centrally directed voter education campaign was observed to be conducted through the CEC or SVR to inform IDPs about simplified procedures and deadlines to apply for a temporary change of voting location – although some SVR Maintenance Bodies reportedly made announcements to this effect through local newspapers and radio stations.<sup>58</sup>

According to CEC data, a total of 190,283 voters temporarily changed their place of voting for the Early Parliamentary Elections. This included high numbers of election commission members and military personnel, in addition to IDPs. The SVR applied lessons learned from the May 2014 Presidential Election to accommodate demand for changes of place of voting in areas with high numbers of transient voters. It made technical upgrades to its server and database to minimize processing delays and also hired and trained additional personnel for SVR Maintenance Bodies in certain districts to manage line-ups of voters. These actions aligned with recommendations made by the CANEOM Observation Mission for the 2014 Early Presidential Election, which noted lengthy queues and technological problems that prevented some voters from temporarily changing their place of voting through SVR Maintenance Bodies in Kyiv City.

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57 As of October 2, 2014 the United Nations Refugee Agency (UNCHR) estimated a total number of 379,059 Internally Displaced Persons in Ukraine (excluding displacement from Crimea).

58 Ad hoc efforts to inform IDPs through local media about simplified application procedures for temporarily changing one's place of voting were reported to be conducted at the volition of SVR Maintenance Bodies visited in the areas of Krasyliv and Kamianets-Podilsky (Ternopil), Ovruch (Khmelnysky), Severodonetsk (Luhansk), Brovary and Irpin (Kyiv Oblast), Churguiev (Kharkiv) and Svalyana (Zakarpattia).

# CAMPAIGN ENVIRONMENT

The campaign environment was characterized by a wide range of political parties and electoral actors. The current crisis facing the country had a material impact on the campaign, increasing both its intensity and importance, and the strength of the rhetoric of campaign participants. The campaign environment was both competitive and pluralistic. Additionally, there has been a coalescence of patriotism and national pride in Ukraine. Throughout the campaign period symbols of the Soviet past, such as statues of Lenin, were ripped down, painted yellow or blue, or replaced with symbols of Ukraine such as blue and yellow flags. Volunteers were observed painting fences in the national colours in several areas around the country.

As is common in times of change, new political parties and forces were formed and existing ones transformed during this time. Some emerged during the course of the campaign and others were built on established but transforming political forces within Ukraine. Many of the political parties changed their lists, their promises, and their campaigns according to new political, economic, and social realities which have emerged alongside this period of conflict and resurgent patriotism.

Of the 5 parties who passed the 5% threshold in 2012, *Batkivshchyna (Fatherland)*, *All-Ukrainian Union Svoboda (Freedom)*, and the *Communist*

*Party of Ukraine*<sup>59</sup> were the most significant entities in the 2014 campaign.<sup>60</sup> The *Petro Poroshenko Bloc*,<sup>61</sup> *Radical Party of Oleh Lyashko*, *Hromadyanska Posytsia (Civic Position)*, *Opposition Bloc*, *Sylna Ukraina (Strong Ukraine)*, *Narodnyi Front (Peoples' Front)*, *Samopomich (Self-Reliance)*, and *Praviy Sector (Right Sector)* also featured prominently in the campaign.

The main campaign issues upon which political parties and SMD candidates focused were: national sovereignty; unity and territorial integrity; national security; how to achieve peace in Donetsk and Luhansk; reforms, particularly in the economic, military, social and electoral spheres; decentralization of government; the battle against corruption; and the process of lustration. Other issues of prominence in the campaign were the geopolitical direction of the country, particularly with regard to EU and NATO membership, and Ukraine's relationship with the Russian Federation.

To a lesser extent, regional issues played a role in local SMD campaigns throughout the country.

Campaigning centered mainly around billboards, posters, television, radio, and newspaper advertisement, and, for some parties, social media. Parties established campaign tents in public places (mostly in urban areas) to hand out campaign literature. Public rallies were also a popular form of campaigning. CANEOM LTOs heard from several party and candidate interlocutors that door-to-door campaigning was being undertaken.

A series of national debates were held between representatives of parties registered on the proportional party list on First National TV channel. CANEOM LTOs noted that regional debates were organized for local SMD candidates throughout the oblasts.

One of the features of the election campaign was the presence of civil society activists as candidates. Particularly prominent on party lists were former *Euromaidan* activists, journalists, and those associated with volunteer battalions. These interlocutors, who joined several of the parties, stated that their goal was to advance the reforms that they believed the country needs through the political process.

In general, relevant party and candidate interlocutors reported to CANEOM LTOs that they were satisfied with their ability to gain access to media. Concerns

<sup>59</sup> The Ministry of Justice of Ukraine has initiated proceedings to ban the CPU. The case is pending.

<sup>60</sup> The *Party of Regions*, which gained the highest percentage of the vote in 2012, did not field a party list or SMD candidates. Those Party of Regions MPs who again sought election did so either as self-nominated SMD candidates, SMD candidates nominated by other parties, or as part of the party lists of other parties, in the main the *Opposition Bloc* or *Sylna Ukraina (Strong Ukraine)*.

<sup>61</sup> *UDAR (United Democratic Alliance for Reform)*, which passed the 5% threshold in the 2012 election, is running its candidates as part of this party.

were raised by several party representatives and candidates about perceived biases in the media as well as the high cost of political advertising, which was seen by interlocutors from smaller parties as a barrier to media access. Overall, however, the vast majority of campaign interlocutors with whom LTOs spoke assessed their ability to access media as generally positive.

Allegations of vote-buying were present throughout the campaign, and CANEOM LTOs consistently heard claims from various interlocutors that indirect and direct vote buying were impacting the election campaign. On October 24, the Ministry of Internal Affairs stated that they had opened 85 criminal procedures into allegations of vote buying throughout the country.<sup>62</sup> Interlocutors consistently pointed to the single-mandate district component of the election as an impetus for candidates attempting vote buying, which was cited as a reason for the relatively low trust among society for the SMD component of the election.

CANEOM LTOs noted allegations of the misuse of administrative resources during the campaign. However, it must be noted that the allegations and the incidents that occurred were less prevalent than in the 2012 parliamentary elections, and generally referred to localized violations such as campaigning by local government officials during working hours, etc. There was a general absence of administrative pressure on voters in attempts to influence for whom they would vote.

In general, the right to free assembly was respected throughout the campaign. CANEOM LTOs attended 23 campaign rallies during their observation and noted that rallies were peaceful and calm.

CANEOM observers reported several instances of vandalism and damage to party and candidate signage, billboards and tents, including damage by arson, gunfire, and paint.

In addition, there were several incidents of violence against candidates noted. In the main, these were so-called "street lustration" where candidates and officials, often representatives of the previous authorities, were either thrown into trash bins or beaten by crowds.<sup>63</sup>

The motivation for these attacks seemed to be frustration among a segment of the population with what they perceived to be the slow progress of the battle against corruption, the lustration process, and a lack of progress in holding to account those who were thought to be implicated in both.

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<sup>62</sup> As stated by the Ministry of Internal Affairs. <http://mys.gov.ua/mvs/control/main/uk/publish/article/1196755>

<sup>63</sup> For example, on September 16, MP and candidate Zhuravskiy was thrown in a trash bin near Parliament; on September 25, MP and candidate Pylypyshyn was thrown in a trash bin and had paint spilled on him in front of the CEC premises as he tried to register as a candidate; on September 30 in Odessa, MP and candidate Shufrich was attacked and beaten.

## Campaign and Election Security

The provision of security for the election was coordinated between the Ministry of Internal Affairs, State Security Service of Ukraine (SBU), the Ministry of Defense, and the Office of the General Prosecutor.

In the vast majority of the territory of Ukraine, with the exception of parts of Donetsk and Luhansk oblasts, and the occupied territory of the Autonomous Republic of Crimea, CANEOM observers reported that the security situation during the campaign period was largely satisfactory. Similarly, in those parts of Donetsk and Luhansk oblasts under control of government forces, CANEOM long-term observers reported a generally satisfactory, though notably more tense, security situation. CANEOM observers noted that a climate of fear and intimidation was prevalent in those territories in close proximity to the conflict affected areas in the Donbas region, though this observation did not extend beyond this area. For example, in Severodonetsk, Luhansk Oblast, on October 24, in DEC 106 CANEOM observers saw posters with the names and faces of several members of the District Electoral Commission posted in their home villages, which alleged that the members were manipulating commissions and offered a 100,000 Hryvnia reward or bounty for their capture. The individuals were intimidated and frightened to return home. It is alleged that the “wanted posters” originated from a candidate.

In 27 DECS, including 9 DECs in Donetsk, 6 in Luhansk, and 12 in Crimea and Sevastopol, the situation was such that DECs could not be opened and over 4 million Ukrainian voters were unable to exercise their right to vote. In Crimea, this was due to the illegal occupation by the Russian Federation. In the DECs in Donetsk and Luhansk, this disenfranchisement was a direct result of the ongoing conflict between Russian-backed militants and the Ukrainian military and volunteer battalions.

According to the Central Electoral Commission there were 3,262,494 voters in Donetsk and 1,756,934 in Luhansk oblasts respectively. The number of voters residing in districts where voting did not take place at all and did not receive ballots is 1,351,421 in Donetsk oblast and 988,356 in Luhansk oblast. This is in addition to the 1,799,762 who cannot vote in occupied Crimea.

## Campaign Finance

The 2013 amendments to the Parliamentary Election Law increased the transparency of campaign financing to some extent. However, they did not introduce limits on donations from individuals. Interlocutors with whom CANEOM observers spoke often pointed to the undue influence of money, business, and wealthy oligarchs on the campaign.

Positive developments in the amendments to the Law included the establishment of electoral spending limits, thereby legislating the size of electoral funds which must be used to fund all campaign activities. A party’s campaign fund cannot exceed 90,000 times the minimum salary – just over 110 million UAH. A SMD’s candidate’s campaign fund cannot exceed 4,000 times the minimum salary – approximately 5 million UAH.

Sources of campaign funding are limited to the candidate’s or party’s resources, or individual private contributions. SMD candidates and parties must file both an interim financial report during the campaign and a final financial report after the campaign with the Central Election Commission.

Financing remains the most opaque part of the campaign process in Ukraine. Perhaps the most positive development in the context of campaign financing is the increased attention paid to the subject by Ukraine’s civil society and several civil campaigns to bring increased transparency to the issue. Furthermore, the agreement signed by parties establishing the majority coalition<sup>64</sup> states that one of the goals of the coalition is to reform campaign financing legislation to increase transparency.<sup>65</sup>

### RECOMMENDATION:

Campaign finance rules should be debated and considered ahead of the next parliamentary elections with the aim of increasing transparency of campaign finance and expenditure.

<sup>64</sup> The coalition agreement was signed by the Peoples’ Front, Petro Poroshenko Bloc, Self-Reliance, Radical Party, and Batkivshchyna. The coalition was established in parliament on November 27, 2011, with 302 MPs joining.

<sup>65</sup> In particular, the coalition agreement states one of the goals, “during the second quarter of 2015 – Adoption of fundamental changes to legislation regarding transparency of financing of parties and election campaigns in accordance with GRECO recommendations.”

# MEDIA ENVIRONMENT

## Background

Ukraine is a pluralist and open media market with a large number of media organizations – most of them private – or that has a significant number of players utilizing each media platform. The more troublesome issues observed during election campaigns predating 2014 have largely disappeared. In those areas where the election took place, media intimidation and beatings of journalists are largely nonexistent. This is not true, however, in conflict areas in Donetsk and Luhansk, or occupied Crimea. Self-censorship by media – a pronounced phenomenon in the 2012 campaign environment – does not appear to exist, with the possible exception of low-level self-censorship based on individual journalists' conformity with the editorial line of their employer rather than fear of recrimination by the authorities.

Television is by far the most widely-consumed news medium, with market research suggesting that 90% of voters obtain their news through television<sup>66</sup>. Therefore, this single platform stands apart from all others in a position of clear dominance within Ukraine's media

market. This fact is noted for purposes of scoping the significance of circumstances surrounding the respective media platforms.

Television news is a pluralistic medium in Ukraine, with more than a half-dozen channels serving as major news sources, each offering different original content. *First National TV (Pershiy Natcionalniy)*, a state-owned entity, is currently in the process of transition to an editorially-independent public broadcaster.

Regional television channels are popular among the local regional populations outside of major metropolitan areas, contributing to the plurality of sources and choice in news.<sup>67</sup>

Newspapers in Ukraine tend to be local or regional papers, rather than national news sources. There are, however, a handful of national news-oriented publications that are readily available nationwide, but these tend to be weeklies or magazines rather than daily newspapers. There is no "national newspaper." This means that there is a high degree of plurality in the news content contained in print sources.

These parliamentary elections included televised debates by *First National TV*. The debates gave equal access to all campaign participants, and did not discriminate based on party popularity or market research – all 29 registered parties were accorded equal access to debates. The Communist Party was unique in its refusal to participate. It is also noteworthy that debates were held in both Ukrainian and Russian, and further translated into both Crimean Tatar and English, thus not only introducing the content directly to an international audience, but also extending access and comprehension to as many domestic constituents as reasonably possible.<sup>68</sup>

Residents in Donbas areas and in illegally occupied Crimea reportedly have lost access to balanced and pluralistic news information, and Ukrainian broadcasts have been cut off from these areas by occupying forces and replaced by highly controlled pro-Russian content. However, it is difficult to quantify the net effect of this information war on electoral results.<sup>69</sup>

66 <http://www.umedial.kiev.ua/english/media-research/595-internews-survey-reveals-large-majority-in-donetsk-still-watching-ukrainian-tv-but-just-24-trust-the-veracity-of-the-information-provided.html#.VE0QpfmUeLw>

67 <http://www.umedial.kiev.ua/english/media-research/595-internews-survey-reveals-large-majority-in-donetsk-still-watching-ukrainian-tv-but-just-24-trust-the-veracity-of-the-information-provided.html#.VE0YbfmUeLw>

68 <http://www.umedial.kiev.ua/english/news/613-news-of-ukrainian-media-sector-over-the-week-of-october-2-8-2014.html#.VFioevmUcyc>

69 <http://www.unian.ua/politics/953167-ukrajina-zaboronila-movlennya-14-rosijskih-kanaliv.html>

## Independent Ownership

Ownership of television channels remains an issue in Ukraine. While the vast majority of news channels are privately owned, broadcasters' coverage of news and politics tends to be biased in favour of candidates linked to the oligarchs that own the channels. Alternatively, news channels choose to ignore positive stories about the favoured candidates' opponents. However, it is relevant to note that recently adopted anticorruption laws require the disclosure of the ultimate ownership of news organizations.<sup>70</sup> Therefore, divestiture politics aside, it is no longer possible for any power broker with an interest in politics to hide anonymously behind a media organization to actively engage in covering an election campaign.

A notable phenomenon in Ukraine's evolving media landscape is the emergence of two internet-based broadcasters: *Hromadske TV* and *Espresso TV*. These two organizations tend to be staffed by a young pro-democracy oriented demographic.

*Hromadske TV* organized from the bottom up as a civil society initiative of journalists, and *Espresso TV* was founded under parliamentary immunity by a Member of Parliament who was from the Opposition at the time. Both were launched on-line to circumvent restricted access to broadcasting under the previous administration. Currently *Hromadske TV* is the only channel funded by donations and grants. Its independence from both the state and business conglomerates suggests a strong new contribution to press freedom and plurality. Whether these two entities succeed in the longer term, however, given the highly competitive media business market dominated by the oligarchs' abilities to cross-subsidize, remains to be seen.

## Payment for Media

Another media-related issue that is characteristic of Ukraine's election campaigns is the phenomenon known as "*jeansa*". Also called "pay-to-play" journalism, *jeansa* is media content posing as objective news stories, but paid for by a particular sponsor with the intention of putting his or her own editorial perspective on the news. It is a "news" equivalent of the *advertorial*, but without indicators listed to the reader that it is paid media.

According to the journalism watchdog *Telekritika*, pay-to-play journalism levels are down by 30% compared to the 2012 elections, but the phenomenon is still present in not-insignificant volumes. *Jeansa* has been well documented by election observation missions for years, and it is recommended that legal and enforcement mechanisms be strengthened to curb the prominence of this phenomenon.

As with broadcasting, *jeansa* and owner-directed editorial bias are the areas in which the greatest improvement must be made in the print news platform.

The proliferation of newly created free "newspapers" is problematic. These "newspapers" are duly registered as newspapers several weeks before the election campaign and issue virtual duplications of particular political parties' campaign content.

<sup>70</sup> <http://www.5.ua/ukrajina/ekonomika/item/392055-urjad-skhvalyv-paket-antykoruptysiinykh-zakonoproektiv>



## Civil Society's Rising Involvement

Collective citizen journalism has emerged as a significant presence in Ukraine's media context, with a number of new journalist resources proliferating from an increasingly strengthening civil society culture. The websites [rada2014.com.ua](http://rada2014.com.ua) and [opir.org](http://opir.org) were formed to expose corruption of candidates (from all parties) running for office. Civil society organizations such as OPORA, the Committee of Voters of Ukraine, *Telekritika*, the Institute of Mass Information, and *Chesno* have provided detailed analyses of parties, campaign and pre-election processes, and real-time election law violations. Such material has been used widely by journalists as a source of raw data, has provided journalists with leads, and has served as an alternative source of data and analysis for the public at large – thus enriching the overall media and public information environment.

Civil society groups have also had increased access to punditry avenues in the present election campaign compared with those of the past, thus adding to the diversity of opinion in the media commentary environment. This improvement is one indicator of the significant overall improvement in media freedom in the 2014 parliamentary election in comparison to the 2012 parliamentary election campaign environment.

## Regulations

Regulations governing media coverage of campaigns, and media conduct during campaigns, are the responsibility of the National Television and Radio Broadcasting Council of Ukraine. The council reports irregularities (usually relating to the conduct of political advertising) to the Central Election Commission or to the relevant District Election Commission, to call offending TV channels to task. Two days before the elections the council issued 13 warnings. However, the absence of a legislative base deprives the council of any meaningful recourse in enforcing the regulations. The head of the council emphasized the need for a strengthened regulatory environment governing media fairness in campaigns.<sup>71</sup>

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71 <http://nrada.gov.ua/ua/news/radanews/21880.html>

## Media Complaints in the Courts

On a very positive note CANEOM observers heard few complaints of denial of media access or harassment.<sup>72</sup> In the Kyiv Court of Appeal a complaint was filed by the Radical Party after TV channel 1+1 denied them airtime to respond to a broadcast they alleged was false. The Court of Appeal upheld the complaint and referred it back to the CEC for enforcement. The Commission, by resolution No.2084, decided to apply to the Constitutional Court for direction on the jurisdiction to apply an administrative penalty in this case.<sup>73</sup> On Election Day, the CEC received two additional complaints on activities of the media. In addition, one court found a violation of Article 71.10 on polling in that a poll published for media consumption and for use in *jeansa*-style ads, did not indicate who ordered it, the time and territory, methodology, questions and statistical variation.<sup>74</sup>

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72 See decision No. 563/1368/14-a.

73 Translated as follows: Considering the lack of a clear delineation of responsibilities of the members of election and referendum commissions on compiling the protocols on administrative offenses in the Law of Ukraine (Article 255.1.22 of the Code of administrative offences of Ukraine) there is a need to address the Constitutional Court of Ukraine with a request to interpret the provision mentioned above in a system relation with the relevant provisions of the Law of Ukraine "On the CEC", "On the election of Peoples' Deputies of Ukraine", "On the election of the President of Ukraine", "On the Election of Deputies of the Autonomous Republic of Crimea, local councils and village, town and city mayors", "On the all Ukrainian referendum" regulating the legal status of election commissions, referendum commissions and members of the commissions.

74 Berdiansk District Court of Zaporizhia, decision No. 310/8475/14-a. See also similar case in Zhotomyr 817/3015/14.

# LEGAL ANALYSIS

## Complaints and Appeals

The basis for all law and legal proceedings in Ukraine is derived from the Constitution and laws of Ukraine, including election rights which are also detailed in the various other pieces of domestic election laws, as noted above.<sup>75</sup> The universal principles for legal proceedings of impartiality, rule of law, transparency, and fairness are also found in the Constitution of Ukraine.<sup>76</sup>

The enforcement of electoral rights is a substantive and important part of the achievement of constitutional rights.

Decisions, actions or inactions of election commissions or its members, and actions of other electoral actors can be appealed or complained about by voters, candidates, political parties, domestic observers, and election commissions under articles 108-114 of the *Law on the Election of Peoples' Deputies* to various venues.<sup>77</sup>

CANEOM was able to directly observe over 48 hearings, and review 175 court decisions and over 1,200 election commission resolutions.<sup>78</sup>

## Public Access and Transparency

### District Election Commissions

Hearings of complaints at the district commissions are public and the decisions were posted outside their offices for public access. Some but not all decisions on complaints were posted on the CEC website as required by Article 113.10 of the election law. For routine decisions this is not so important but as Election Day progressed and significant and important decisions were taken, the issue became more acute.<sup>79</sup>

### Central Election Commission

For the most part, CEC hearings are open. CANEOM observers were invited to attend some pre-sessions and the formal hearings of the Central Election Commission.<sup>80</sup> CEC resolutions are published on their website in a timely manner, but do not often have substantive

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75 The *Law on the Election of Peoples' Deputies* and other provisions in the *Law on Political Parties*, the *Code of Administrative Proceedings*, *Code of Administrative Offenses* and the *Criminal Code*, as well as regulations adopted by the CEC. Recent passage of the new Criminal Code penalties and the law on prosecution is welcomed and will support the investigation and deterrence of bribery and corruption cases.

76 Article 6 of the *Constitution* requires that judicial power be exercised within the Constitution and specifically under Article 8, the principle of rule of law. Article 129 outlines the principles of judicial proceedings including legality, equality before the law, adversarial procedure, and openness. Articles 147 and 150 states that the Constitutional court has sole jurisdiction to provide the interpretation of the constitution and to declare the unconstitutionality of Ukraine laws.

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77 The decisions of PECs can be reviewed by the DEC or at a general or administrative court. Appeals of these go to the Administrative Courts of Appeals. Complaints against a district commission are heard by the CEC, or the Administrative Court of Appeal and, complaints or appeals about the CEC are heard by the Kyiv Administrative Court of Appeal. Appeals of decisions by the Administrative Courts of Appeal go to the High Administrative Court. In addition, various violations of the election law can be heard through a civil procedure or a criminal procedure. If a complaint is filed at two venues, then the lower body ceases processing the complaint.

78 CANEOM observers attended court in most oblasts and the Kyiv Court of Appeal and High Administrative Court of Ukraine. In addition observers interviewed election commission members and judges from all level of courts about the conduct of legal proceedings. Observers also met with Judge Mykolaiovych, Chair, and Judge Smokovych, Deputy Chair, of the High Administrative Court to discuss the operations of the court, role of precedent and rule of law, assignment of cases to judge panels, judge training, interpretation of human rights cases and candidate registration cases.

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79 As our observer noted, it was particularly difficult to verify the truth of early morning election-day decisions by DEC 106 to change the membership of various PECs. This became quite significant when people showed up with a 15-page DEC decision ordering substantial replacement of PEC membership hours before the final count. This decision was not posted and could not be verified. This left old PEC members worrying about their legal obligations of their oath to uphold the law and left the DEC with no public accountability.

80 On occasion observers heard full and open discussion by commission members in both the pre-sessions and the full sessions.

reasoning. As required by Article 113.10 of the Election Law, the CEC is publishing some District Election Commission decisions.

Notice of hearings is not consistently posted publicly or online and agendas are not available in advance. While all of the formal sessions are open to the public, including party and candidate representatives and observers, they are often a routine vote on the resolutions of the commission without discussion.<sup>81</sup>

Furthermore, individual members of the Commission make decisions on files that do not comply with any legal process principles and are not reviewed by the CEC nor made public.

More could be done to advance public access and transparency of the operations and decision-making at the Central Election Commission.

## Courts

Observers attended all levels of oblast courts and the appeals held at the Kyiv Court of Appeal and the High Administrative Court of Ukraine. The docket of cases for the day was readily accessible as it was posted on-line, available at the courthouse through a searchable public database and posted outside the courtrooms. For the most part, court administrative staff were both welcoming and helpful to CANEOM observers in describing process, advising on upcoming cases, and sharing court case statistics. The courts permitted access to party representatives and election observers.<sup>82</sup>

However, there is limited public access to courts with the registration of observers by passport and locked doors during the hearing. In addition no names of complainants, applicants or defendants are published. Court decisions are posted online. However, at a crucial time in the week post-election, the database was not updated and was frequently non-functioning. This can make it difficult to assess both the consistency and arbitrariness of decision-making.

## Fairness

Observers reported that parties presented their positions in all venues – election commissions and courts. However, from both direct observation and a review of the case law, there does not appear to be clear procedure for due process, particularly on the introduction of evidence and evidentiary proof. In the cases of actions alleged to be in violation of the election law, parties often do not produce sworn proof of their case and lower courts are reluctant or unable to take jurisdiction to review evidence.<sup>83</sup> So while parties are given the opportunity to present their case, either in writing or orally, the judicial deliberations are not necessarily based on proven evidence.<sup>84</sup>

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81 As outlined in Article 11.6 of the law on the CEC, party proxies have been permitted to offer comment during the formal hearing sessions of the Commission.

82 Observers noted one case where judges paid particular attention to allowing access and full participation by parties without legal representation and with a number of interlocutors.

83 Observers reported that evidence was lacking. The court decided against the complaint of campaign materials violation in a case decided by the Zhytomyr District Administrative court, decision No. 817/3016/14.

84 Often there is no oral sworn testimony and the evidence is limited to certified paperwork filed by parties.





## Rule of Law

Over the course of the 2014 Early Parliamentary Elections, commission members and judges administered several hundred hearings. Some election commission members and most judges who are now sitting on the courts were educated as lawyers before contemporary legal principles were applied in Ukraine. Thus their formal education did not include current judicial understanding of fairness, transparency, rule of law, rules of evidence, and statutory interpretation, including the substantive interpretation of constitutional rights.

In preparation for hearing election decisions, training was offered to judges on the application of the decisions of the European Court of Human Rights<sup>85</sup> and the application of these principles of interpretation for Ukrainian judges. There are also a number of local and international civil society groups sponsoring training of judges throughout Ukraine. This training is also related to these general legal principles of rule of law, fairness, due process and transparency.<sup>86</sup>

While there was no advance training of prosecutors, police, or court administration staff on the investigation of election violations, our observers noted various levels of preparation and understanding of their role under the relevant election laws, including the Criminal Code.<sup>87</sup> In Kharkiv and Odessa, special police divisions were set up and in Poltava Oblast there was a prosecutor task force handling all elections matters.<sup>88</sup>

Despite this training, observer interviews and a review of the case law indicate that judges inconsistently applied the decisions of the European Court of Human Rights and are not substantively interpreting rights under the Ukrainian Constitution. Decision-makers, for the most part, are not considering precedential or leading cases from the higher courts of Ukraine on constitutionally protected human rights and the election laws.<sup>89</sup>

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85 The OSCE and Council of Europe led trainings of judges in 8 venues with attendance of approximately 20 to 25 judges at each training. Presentation included a review of the election related decisions of the European Court of Human Rights and a review of Ukrainian law related to these principles. Observers attended the training held in Kyiv on October 7, 2014. This session included attendance by judges of the High Administrative Court of Ukraine, the district Administrative Courts of Appeal, and the district Administrative Courts. Due to recent changes to the Criminal Code there has also been some training available to judges on rule of law and evidence in criminal prosecutions. This training is particular to the enforcement of the *Criminal Code*.

86 For example, training curriculum is being developed on land law, courtroom management, evidence and statutory interpretation through a project of the National Justice Institute of Canada – Judicial Education for Economic Growth, with the National School of Judges of Ukraine. Additional training is also being provided by the Council of Europe, the OSCE and the USAID Fair Justice and Rule of Law projects.

87 In a meeting with Deputy Prosecutor General Vitalii Kasko, CANEOM was advised that extensive training of prosecutors and investigators will begin late fall 2014. This training will include protection of human rights, rights of minors, and investigation of cyber crime.

88 Training of Trainers for Election Day security and policing was led by Committee of Voters of Ukraine, with the intention of reaching 100,000 police officers through a pyramid of training. See Committee of Voters of Ukraine training materials located on their website: <http://electioninfo.org.ua/page/mltsya-na-viborah>.

89 Observers attended cases held at Zhytomyr District Administrative Court and Court of Appeal, Rivne District Administrative Court, Kyiv District Administrative Court and Kyiv Administrative Court of Appeal, Odessa District Administrative Court, Zaporizhia District Administrative Court, Ternopil District Administrative Court and Appeal Court and courts in Kherson and Kharkiv and met with judges and court administration in Volyn, Khmelnytsky, Rivne, Zhytomyr, Odean, Prymosky, Kyiv, Kharkiv, Kherson, Zaporizhia, Uzhorod, Komunarskyj and Zakarpattya.

There is little consistency across decisions of judges, courts, or panels of the same court.<sup>90</sup> This practice is described by judges as “independence of the judiciary”. However, this application of independence results in numerous and conflicting interpretations of the election laws, some well-reasoned but many without clear or substantive reasoning, particularly without any distinguishing of differing facts or applications of a legal test.<sup>91</sup>

## Remedies

The remedies set out in Article 13 of the *Law on Election of Peoples’ Deputies* are limited to rectification or warnings. Therefore violations of the law are effectively without penalty.<sup>92</sup> Criminal penalties increased on October 14, 2014 could serve to discourage electoral malfeasance in future elections.<sup>93</sup>

In summary, the courts and election commissions demonstrate a wide variance in the understanding and application of the principles of transparency, fairness and rule of law. Thus with the ability to choose various venues of first instance and the struggle with lack of evidentiary proof and standards of proof, election cases are being heard in multiple venues with varying expertise as to process fairness and rule of law. The process of enforcement and appeal under Ukrainian election law is unnecessarily complex. It results in conflicting and inconsistent application of the laws at all levels, causing confusion for candidates, political parties, voters, and decision-makers, and results in no resolution to serious allegations of violations.<sup>94</sup>

In addition, without the application of these judicial principles and without basing decisions soundly on the constitutionally protected rights and freedoms, decisions may appear arbitrary, inconsistent, and unfair. An appearance of arbitrariness inevitably leads to allegations of favoritism and corruption.<sup>95</sup>

## Overview of Cases

Complaints and appeals were filed at all levels of the election commissions and courts. As reported by the Central Election Commission on October 31, 324 complaints were filed with the Commission with 157 complaints about campaign

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90 In a roundtable on October 23, 2014, Central Election Commission Deputy Chair Andriy Mahera commented that of the approximately 250 appeals on CEC decisions to reject a candidate registration, 44 overturned the original decision and directed the CEC to register the candidate. Deputy Chair Mahera commented that he found no difference between the 210 upheld and the 44 overturned, other than the names of the applicants.

91 In the 2008 case of *Kovach v. Ukraine*, the ECHR stated that decisions must be fair and objective and must prevent an abuse of power. They went on to find that a decision to annul 4 PEC counts was arbitrary and not proportionate. See paragraph 61.

92 See for example decision No 815/5826/14 of the Odessa Administrative Court where a complaint was filed against DEC 140 for removal of 14 *Batkivshchyna* candidates prior to PEC lot drawing due to the same people being proposed by the Future Ukraine party. The court found the DEC’s actions illegal because the party was not advised and given the opportunity to correct the error. The Court decided, however, that it could not compel the DEC to re-register the candidates or to reconsider their decision.

93 The *Criminal Code* was amended to increase penalties under Article 157 for interfering with the election process, Article 159 for violation of election financing rules and Article 160 regarding bribery. The law came into effect on October 23, 2014.

94 At the closure of the session on Thursday October 9, 2014 the Central Election Commission objected to what they viewed as courts giving conflicting direction on the interpretation of law, particularly that related to the process for registration of candidates.

95 For example, in an interview with a self-nominated candidate, observers were told that the DEC kept sending him back with corrections until it was too late to register while the DEC accepted the application of candidates from another party. No formal complaint was filed.

violations, 123 on DEC and PEC decisions and work, and 18 on vote buying. Twenty-eight of these complaints were still under consideration by the CEC at the time, 30 were resolved by resolution, and 266 were returned to the applicants as they failed to meet the procedural filing requirements under Article 110.

In addition, as of November 3, 2014, the Ministry of Internal Affairs advised that 366 investigation files were open: 204 alleged violations related to interference with election processes and election campaign funding violations; and 118 files opened on vote buying.<sup>96</sup>

Two significant issues dominate the election case law – confusion over jurisdiction of the decision-maker and difficulties differentiating between substantive and technical errors.

## Jurisdiction

During this election period, election bodies and courts regularly deferred cases to another venue stating they did not have jurisdiction to hear the evidence or decide the issue, that another court has jurisdiction, or that the investigation and hearing of evidence must be done in another venue. For example, in the Rivne Administrative Court, in a case regarding campaign materials violation, the court decided they did not have jurisdiction and referred the applicant to the local general court.<sup>97</sup>

Multiple forum options results in large numbers of judges passing on their responsibility and arbitrarily refusing to hear the cases filed in their courts. Furthermore it encourages complaints being filed with police before an election commission can review them.

Often cases are referred back to the police or the prosecutor's office. For example, in CEC resolution No. 1555, October 8, 2014, a complaint was filed by candidate Shynkarenko requesting declaration that candidate Somov's pre-election campaign activity was in violation of the law. The CEC rejected the complaint of candidate Shynkarenko and sent the complaint together with the attached documents to the Ministry of Internal Affairs of Ukraine for further investigation. And again in resolution No. 1822, October 15, 2014 an application was referred to the court for investigation. In the period October 23, 2014 to October 31, 2014 the CEC referred 15 cases to the Ministry of Internal Affairs for investigation.

On October 28 the CEC heard a complaint by OPORA that DEC 135 required all observers to stay away from the tabulation work of the DEC to a distance of 5 metres by the placement of a large strip of tape. OPORA observers were advised that if they crossed the tape they would be removed from the DEC. The majority of the Commission stated that the court must decide this issue. Deputy CEC Chair Usenko-Chorna dissented from the decision of the majority stating that the

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<sup>96</sup> Also as of November 3, 2014, 35 investigations had been closed. In addition, observers have met with law enforcement representatives throughout the country, including in Donetsk and Luhansk. They were clearly comfortable with security related support for the election but had a mixed response on their responsibilities to enforce election law violations – some saying they are well-prepared with special investigation teams or with well-experienced officers to uphold the law. For example, Kharkiv police explained their role as investigators in election law cases and police in Dnepropetrovsk initiated a theft investigation regarding a diskette of election material from DEC 40. In other Oblasts, however, law enforcement personnel consider election offences to be trivial.

<sup>97</sup> The complainant lawyer told observers that the problem is with the law because the administrative court is a relatively new court and their jurisdiction is unclear for deciding these types of cases. Rivne District Administrative Court decision No. 817/2936/14.

Commission had jurisdiction to review complaints on DEC actions.<sup>98</sup> Given that the Commission appoints District Election Commissions, oversees their operations and approves all election observers, it would seem that this is precisely the kind of case where the Commission should demonstrate its expertise in interpreting the election law.

The European Court of Human Rights in the 2012 decision of **Shapovalov v. Ukraine**, found that the right to a hearing is violated when a complaint is not heard on its merits. The Court decided that the refusal to hear a complaint amounts to a denial of justice and impairs the very essence of the applicant's right to access a court.<sup>99</sup>

Therefore, through a possible mix of inexperience, disinterest, misunderstanding of jurisdiction or pure avoidance, many cases are shunted between decision-makers resulting in an effective denial of justice in the enforcement of electoral rights.

### Technical or Substantive Errors

Parties and single mandate candidates file applications with the District Election Commissions and with the Central Election Commission for candidate registration, proxy registration, observer nominations, financial documentation, and various changes to all of the above. Often there are errors, gaps or missing documents in these applications. In this and previous elections, this has resulted in a large number of disputes over the application rules of the election commissions.

The ECHR decision in **Krasnov and Skuratova v. Russia** (2008) stated that, in balancing substantive rights and electoral laws, there must be a measuring of proportionality between the aims of the law and the denial of a substantive right to run in a national election.<sup>100</sup>

In our review of 76 Ukrainian court cases on candidate registration, 50 cases were dismissed, 23 upheld and three were not considered. In cases which they dismissed, the courts agreed with the CEC that a failure to include particular facts in a biography, a failure to include certain details, or failure to sign the conflict of interest agreement were a general failure to submit a document and therefore a defensible reason to reject the application. In the cases that were upheld, judges emphasized the substantive interest of the person to become a candidate and found the omissions to be only technical. In addition, a number of these panels relied on the **Krasnov** decision.

In addition, the CEC procedural law does not set out any requirement or method to advise applicants of errors – both correctable and not. If correctable mistakes are found, theoretically the applicant has five days from the filing date to add or correct data. Some Commission members may advise candidates themselves or staff may be directed to advise a candidate, but for the most part, candidates are not advised in advance of a resolution by the CEC. The only notice requirement is after the Commission passes a resolution. At that point, under the law, it is often too late to make changes.

<sup>98</sup> By resolution No. 2086.

<sup>99</sup> See paragraph 57.

<sup>100</sup> The Court outlines the legal interpretation principles in that, while rights are not absolute, any restrictions must be necessary in a democratic society. Restrictions must not curtail the rights to such an extent as to impair their very essence. These restrictions can be practical and effective but not arbitrary and, they must be legitimate and proportionate. See paragraphs 44 and 65.





Ukrainian higher court decisions are not considered precedential. Lower courts and election commissions' decisions are, for the most part, still formalistic.<sup>101</sup> See for example the decision of the Odessa Administrative Court that focused on the difference between a technical mistake and a material omission of information in the documents submitted by SMD candidates for PEC membership.<sup>102</sup> Without training in statutory interpretation and where the election laws are fairly technical, decision-makers are having difficulty determining what is a substantive issue or violation and what is a technical violation or error.

### Candidate registration

There were numerous complaints filed at the CEC to appeal candidate registration decisions of the DEC and the CEC. 224 appeals were also filed at the High Administrative Court. Appeals were still being heard by appellate bodies as late as October 21, 2014. Sixty-nine cases went back to the CEC for either registration or reconsideration.<sup>103</sup>

Several decisions regarding the 5-year residency requirement were appealed to the Courts of Appeal and to the High Administrative Court of Ukraine. A number of the decisions refer to the ECHR decisions in **Melnychenko v. Ukraine** (2005)<sup>104</sup> and **Krasnov and Skuratov v. Russia** (2008) in attempting to balance substantive and technical requirements under the law. Out of 8 appeals, 6 resulted in upholding the CEC decisions and 2 others were overruled. The cases seem to indicate that where no information is provided, the candidate will not be given latitude to correct their application. Where a candidate provides insufficient or information in error, the candidate would be allowed to add information and thereby prove the residency requirement.<sup>105</sup> This distinction still remains somewhat arbitrary.

### Party registration

While party registration was orderly, the denial of registration of candidates continued to be the largest area of registration concern and in some cases, effectively decimated a party's participation. The Congress of Ukrainian Nationalists attempted to overturn the CEC decision to deny registration of 92 of their 101 candidates on the basis of missing emails and phone numbers. Various appeals on both the substantive and procedural aspects of this case were unsuccessful which effectively resulted in this party being denied registration.<sup>106</sup>

101 Observers attended the OSCE Council of Europe training of 20 judges on October 7, 2014. Between October 7 and October 25, 7 of these judges wrote electoral decisions, in which 2 of these judges referred to European human rights principles. See case Nos. 875/215/14, 815/5858/14 and 815/6018/14.

102 In the case of a technical mistake (e.g. typo) the DEC argued it should inform the candidate of the issue and allow time for a re-submission of documents. Oral argument, therefore, focus on what constituted a technical mistake.

103 The majority of these cases concerned the denial of registration applications for missing data or errors and are discussed above in the general comments on substantive and technical interpretations of the election law.

104 This decision reviewed the rejection of an application for candidacy and in particular, the kind of detail that could be used to determine the effective residency of the candidate. The Court decided that the technical application of a rule on residency violated the right to be an election candidate.

105 See decisions 875/162/14, 875/103/14, 875/214/14, 875/100/14, 875/196/14 and 875/162/14.

106 The short time lines to appeal meant they submitted consolidated appeals material – much of which was deemed incorrect or incomplete. See High Administrative Court of Ukraine decision No. 875/174/14.

## Formation of Precinct and District Election Commissions

Seventy-nine cases were filed at the CEC regarding the formation of DEC and PECs and others were filed with the courts.<sup>107</sup> Some cases filed in Oblast courts dealt with the appointment of a DEC Chair, and the appointment of various members of the DEC and the PECs, including a case where the court reviewed the details of the applications for seats on the DEC.<sup>108</sup>

Some of these DEC decisions on PEC membership were challenged in court. Notably, the Odessa Administrative Court of Appeal upheld DEC decisions where the lottery was conducted through the Vybory system. Other courts determined that the use of the Vybory system was too mechanical and failed to account for previously determined seats. While there seems to be a dispute about how it is used, it remains an example of best practice.<sup>109</sup>

The Odessa District Administrative Court reviewed a complaint regarding the failure to appoint PEC members where the candidate submitted the names on a 2012 form that did not include identification of **political party**. The Court decided against the candidate and did not include their nominees to a PEC.<sup>110</sup> Also in Odessa candidate Makarenko objected to a DEC decision to discard their PEC nominees as they did not indicate their willingness to serve in an executive position. The court found this was a substantive error and denied the nomination of 25 of 89 Makarenko PEC members.<sup>111</sup>

A case launched by the Hungarian community in Zakarpattya dealt with historical boundary changes of a DEC. It was scheduled for hearing with the High Administrative Court as of October 31, 2014, but as of November 27, 2014 no decision has yet been recorded. Complainants advised our observers that the case was also filed in the European Court of Human Rights, and is expected to be heard in December.

## Voter Registration, Voter Lists, Change of Voting Place

Voter registration and particularly change of voting place, has been a more significant issue in this parliamentary election due to events in Donetsk and Luhansk. There were relatively few complaints regarding this process despite confusion related to rights, process, and the late amendments to the law. In our review of 29 cases, the majority of courts enrolled voters in the new location and in 3 cases the courts advised the voter to file their documentation with the State Voter Registry.

## Campaign Materials

Three areas of concern arise in these complaints – damage of campaign materials, inappropriate location of materials, and materials without required campaign financial identification.<sup>112</sup>

Our observers reported cases of damage to party and candidate signage and tents, including damage by arson, gunfire, and paint. Some complaints were filed with

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107 Reported as filed with the High Administrative Court of Ukraine as of October 30, 2014 as an appeal to make amendments to the CEC Resolution No. 821 dated August 27, 2014.

108 In Rivne, Luhansk and in the Kyiv Administrative Court of Appeal. See case No. 810/5858/14.

109 See decisions of the Odessa District Administrative Court No. 81/5827/14 and No. 815/5891/14. See also decision No. 815/5874/14.

110 Case No. 815/5828/14.

111 Case No. 815/5824/14.

112 Observers also attended case No. 817/3014/14 In Zhytomyr where there was a dispute about distribution of false information using the other party's identification. The case was left without consideration as it was filed out of time.

the police and are under investigation.<sup>113</sup> At a DEC interview, observers saw a Poroshenko Bloc poster visible in the DEC office. In Donetsk our observers saw billboards for a charity that were very similar to a candidate's billboard.

Court cases dealt with campaign materials and media without the required identification. We reviewed 12 cases in which 4 decisions found against the candidates on issues of identification on materials, while others focused on media advertisement without identification. In a case heard by the Vinnytsia District Administrative Court and then the Kyiv Administrative Court of Appeal, the CEC was directed to warn a candidate about proper financial identification.<sup>114</sup> Other cases in which a violation was found to have taken place included two cases in which the candidate failed to pay for the signs out of the campaign funds and others where false rumours were spread on party websites.<sup>115</sup>

## **Bribery, Vote-Buying**

As of November 3, 2014, the Ministry of Internal Affairs had registered a total of 118 possible Criminal Code bribery violations. The bribery files include allegations of distribution of money, gift certificates, eyeglasses, food packages, free bus travel, bicycles, and bed linen.

For example, at a town meeting in Lviv Oblast on October 18, candidate Yeremiyev and his campaign staff were observed tracking people's requests for heating systems and a fridge and promising to deliver these goods.<sup>116</sup>

CANEOM Observers also heard complaints of charity foundations closely aligned with a political party or candidate distributing food or other items on behalf of that candidate. A political party activist in Lviv said that while she and 500 others started with one such charity foundation in Lviv they were now considered members of the party.<sup>117</sup> In the Kharkiv District Administrative Court, however, the court decided against a complaint of vote buying because the distribution of goods was funded by a charity.<sup>118</sup>

Most complaints of vote-buying or bribery are under criminal investigation. The CEC referred 15 cases to the Ministry of Internal Affairs. Other courts were also reluctant to tackle these cases, as can be seen from the decision of the Cherkassy District Administrative Court which ruled that it could not determine if there was evidence of vote buying. It indicated that this issue should first be dealt with in a criminal court.<sup>119</sup> In two instances cases were upheld either when the candidate was present or when the candidate admitted handing out the gifts.<sup>120</sup> The electoral code needs clarification of the jurisdiction to hear administrative violations and a determination whether this issue is solely a criminal code violation.

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113 Police launched 118 investigations under Criminal Code, Article 194, 259 and 296 based on Ministry of Internal Affairs statistics as of November 1, 2014.

114 Kirovograd District Administrative Court, decision No. 811/3418/14 and decision No. 802/3578/14-a from Vinnytsia District Administrative Court and No. 875/335/14 of the Kyiv Administrative Court of Appeal.

115 See case No. 806/4688/14 and also 817/3127/14.

116 Also in Kyiv, two young girls were observed holding bags from candidate Vadim Stollar in which were chocolate bars, colouring books and crayons. In Donetsk Oblast the Solod campaign was observed by CANEOM distributing food and landscaping a new park with the assistance of the City Fire Department.

117 In another party interview, Observers were advised that party candidates were "helping people".

118 See decision No. 823/3032/14.

119 This is consistent with decisions of the Dnipropetrovsk District Administrative Court decision No. 804/16722/14, Chernihiv District Administrative Court decision No. 825/3309/14 and Odessa District Administrative Court decision No. 815/5858/14.

120 See No 825/3308/14 in which the Kyiv Administrative Court of Appeal and No 804/16722/14 the Dnipropetrovsk Administrative Court of Appeal upheld a vote-buying allegation.

## Abuse of State Resources

A number of reports were made to CANEOM observers about the abuse of state resources but very few complaints have been filed and decided upon. Some of these complaints are under police investigation as indicated above. Of six court cases analyzed, half found a violation against the candidate.<sup>121</sup>

## Violence, Campaigning Obstruction or Harassment

Early in the campaign there were several assaults on candidates, some of which were claimed in the name of citizen-directed lustration. Candidates were put into garbage bins, assaulted, had paint thrown on them, and they and their families were intimidated and harassed. Various allegations of burglary, assaults, and arson have been filed with the police and are being investigated either as assaults or hooliganism.<sup>122</sup> Notably, a candidate in Kharkiv had a grenade launched into his office, while another candidate was shot in the leg in Borispil. These issues are with the courts.

## Violations of Day of Silence October 25, 2014

Under Article 74.24 the Lviv Administrative Court of Appeal found the City Council of Uzhorod guilty of failing to remove all election signage from public places by midnight October 24. However, since the materials were removed by 13:00 on October 25 no additional remedy was ordered.<sup>123</sup> In addition, the same court found that the responsibility for removing signs lay with the Kolomyia City and not with the advertising agency that originally posted them.<sup>124</sup>

## Election Commission Irregularities – Voting/Counting/Tabulation

For the week of October 23 to October 31 the Central Election Commission received 35 complaints regarding DEC's receipt of protocols, tabulation, and other violations.<sup>125</sup> While not initially filed as complaints, the Central Election Commission also took the initiative to replace DEC members when the tabulation reporting at the DEC was purposefully stalled or being obstructed. On October 27, the morning after the election, the Commission made changes to DEC's 25, 107, 138 and 140.<sup>126</sup> On October 28, 2014 the Commission made changes to DEC's 106 and 112 and on October 29, the Commission made changes to DEC's 25, 49, 79, 106, 107, 114 and 135<sup>127</sup>. On October 30 the CEC changed membership on DEC's 49, 59, 77 and

121 Note the decision in Odessa No. 815/5781/14 in which the court permits public servants to campaign on their personal time. Reviewed on October 31, 2014. See Decision No. 806/4557/14 and also Kyiv City District Administrative Court decision No. 826/15525/14, Volyn District Administrative Court decision No. 803/2105/14 and Kyiv Administrative Court of Appeal decision No. 825/3092/14. Our observers also attended the Zhytomyr District Administrative Court where the court found that the Head of Administration had violated the law when he posted his own political advertising on the official website of Chernyavivska District Administration.

122 Civic Position Dnipropetrovsk office reported a burglary in which laptops were stolen from their office. It was also reported to the police.

123 Decision on October 27, 2014 of Lviv Administrative Court of Appeal overturning the Zakarpattia District Administrative Court decision, court file No. 807/3353/14.

124 Decision No. 346/5829/14-a.

125 As of October 31, 2014 the CEC reported to us the filing of 10 complaints on receipt of documents, 9 on tabulation, 1 on restriction of observers, 1 on DEC decisions on complaints, 9 on the work of the DEC, and 5 on the work of the PEC.

126 As discussed in CEC press conference October 26 at 11:00 and 23:30, and October 27 at 11:30.

127 CANEOM observers were refused access to PEC 511336 in DEC 135, special military hospital poll.





198 and on October 31, again in DEC 49, 79 and 106.<sup>128</sup> On November 1, the CEC amended the composition of DEC 50, 59, 107 and 182.

On October 31, the Central Electoral Commission directed resolution No. 2106 at nine members of DEC 59 who had prevented the October 30 appointments of the Commission from taking their oath. The action of these members was found to be in violation of Article 36.3 and their appointments were terminated.<sup>129</sup>

An early morning decision of DEC 106 resulted in new commission members arriving at fifty PECs. This included a large number of replacements in PECs 441162, 441169, 441171, 441172, 441187, 441191, 441194 and 441195. The decision of DEC 106 was not posted on the CEC website as of November 2, 2014. A complaint regarding DEC 106 receipt of documents from the PEC was left without consideration and referred to the court by the Commission.<sup>130</sup> In addition, on three occasions post-election the Commission replaced members of the DEC 106.<sup>131</sup>

In DEC 217 the Chair was replaced 3 days prior to the election. He had removed the computer staff without DEC approval and was briefly arrested on election night. After discussion and negotiation with a representative of the Ministry of Internal Affairs, he was reinstated. Our observers were unable to approach DEC 217 on Election Day due to protests and armed security presence. After Election Day our observers met with the DEC and counting was progressing.

Court appeals were filed against Election Day decisions of election commissions at the precinct, district, and central level. As these are still being heard through the various venues by appeal, we were not able to provide a final analysis of these decisions.<sup>132</sup>

Notable is the appeal on the distribution of ballots in DEC 223, Special prison poll 000001, where both the SMD and party ballots were given to inmates. On the morning of Election Day October 26, the CEC directed DEC 223 to distribute two ballots to special polls.<sup>133</sup> The courts have thus far upheld the Commission's decision though not on the substantive question.<sup>134</sup> In DEC 67, allegations of tabulation violations were dismissed when the application did not include the required two voters' signatures on the complaint.<sup>135</sup>

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128 DEC 25 (Dnipropetrovsk Oblast), 107 (Luhansk Oblast), 138 (Odesa Oblast) and 140 (Odesa Oblast). On October 28, 2014 the Commission made changes to DEC 106 (Luhansk Oblast) and 112 (Luhansk Oblast) and on October 29, the Commission made changes to DEC 25 (Dnipropetrovsk Oblast), 49 (Donetsk Oblast), 79 (Zaporizhzhya Oblast), 106 (Luhansk Oblast), 107 (Luhansk Oblast), 114 (Luhansk Oblast) and 135 (Odesa Oblast). On October 30 the CEC changed membership on DEC 49 (Donetsk Oblast), 59 (Donetsk Oblast), 77 (Zaporizhzhya Oblast) and 98 (Kyiv Oblast) and on October 31, again in DEC 49 (Donetsk Oblast) and 106 (Luhansk Oblast), and in DEC 79 (Zaporizhzhya Oblast).

129 The CEC directed the new members to be sworn in by noon of November 1, 2014.

130 Resolution No. 2100 dated October 30, 2014.

131 There are three CEC resolutions regarding the changes of DEC#106 (Luhansk oblast) composition: No 2085 of 28.10 – 7 members were replaced; #2091 of 29.10 – to terminate powers of 5 members of the DEC#106; No 2107 of 31.10 when a new Chair was appointed.

132 See video on case about PEC counting improprieties in Mykolayiv Regional Administrative Court at <http://nikvesti.com/news/politics/60833>.

133 Announced by Deputy-Chair Usenko-Chorna at press briefings October 26, 2014 at 14:30 and again, in response to questions, at 18:30.

134 In decision No 761/31656/14-a the appeal was dismissed by the Shevchenko District Court of Kyiv and then also dismissed by the Kyiv Administrative Court of Appeal. The Kyiv Administrative Court of Appeal found that, since the application must be signed by two people, and it was not in this case, they could not find a violation under Art. 92.1.1 of the Law.

135 See decision 806/4849/14.

As of October 30, the High Administrative Court had only received 8 cases other than the 224 early cases on candidate registration. They concern ballots and vote tabulation and are yet to be decided. More applications are expected. In addition, criminal investigations can take up to 2 months to conclude before being referred to hearing. As a result we were unable to analyze criminal cases at this stage.

CRIMINAL CODE OF UKRAINE INVESTIGATIONS AS OF OCTOBER 31, 2014												
REGION	ART. 125	ART. 129	ART. 157	ART. 158-1	ART. 158	ART. 194	ART. 259	ART. 296	ART. 357	ART. 358	ART. 359	ART. 361
Cherkasy		2	1		1			6	1			
Chernihiv	2		26			4		1				
Chernivtsi		1	1									
Dnipropetrovsk	1		3	1	4	2		6		1		
Donetsk			9	6	2	2		7				
Ivano-Frankivsk	1											
Kharkiv	2		15		1	1	2	5				
Zaporizhzhya	2		13				2	7	1			
Zhytomyr		1	4		3	1	1	4				
Kherson	2		3			3		5				
Khmelnitsky			1	1								
Kirovograd	1		7					2				
Kyiv			2			2		3				
Luhansk												
Lviv	1							1	1			
Mykolayiv		2	17		1	1	2	1				1
Odesa	1	1	22	1	2	5		10		1		
Poltava						2	1	3	1			
Rivne	2		22	1	1		1	2				
Sumy	1		10			1		2				
Ternopil	1		1	2				1				
The City of Kyiv	8		29	1	1	9	3	6	2	2		1
Vinnitsya	1		6	1				2			1	
Volyn												
Zakarpattia	8		2					1				

Art. 125, 129 Intended minor bodily injury, threat to kill

Art. 157 Interference with the right to vote, or with the work of an election committee or activities as an official observer

Art. 158 Forgery of election documents, falsification of election returns, providing false information to or falsification of information of the State Register of voters

Art. 158-1 Voting at polling station more than once

Art. 194 Willful destruction or damage of property

Art. 259 Knowingly false report of a threat to the safety of citizens, destruction or impairment of property

Art. 296 Hooliganism

Art. 357, 358 Stealing and forgery of documents, stamps and seals, or acquiring them by fraud

Art. 359, 361 Technology, unauthorized interference with the work of electronics or telecommunication networks

At the conclusion of the Mission, the High Administrative Court of Ukraine was just receiving applications and appeals related to the voting and tabulation process. Notwithstanding these ongoing cases, no systematic bias in the courts in favour of particular parties or candidates could be attested. The electoral complaints resolution system and the training of judges does leave some room for improvement, but on balance, the case rulings seemed fair and well-intentioned.

The observation mission did not find severe violations that were not brought to the attention of the police, prosecution, or courts.

# ELECTION PERIOD

## IMMEDIATE PRE-ELECTION PERIOD (OCTOBER 22-25)

From October 22 to 25, CANEOM observers visited over 2,300 polling stations in every oblast outside illegally occupied Crimea to monitor the preparedness of election commissioners, accessibility of polling stations, delivery of ballots, and the finalization of voter lists.

More than 85% of CANEOM observers assessed preparations and conditions for the conduct of elections at polling stations to be “good” or “very good.” No tension or unrest was reported in the vicinity of any polling station including those that were visited in the Luhansk and Donetsk oblasts. Nine out of ten visited polling stations were clearly indicated by outdoor signs, though 42% were not adapted with ramps or situated in accessible premises for voters with reduced mobility.<sup>136</sup> Polling stations and their immediate surroundings were properly cleared of campaign materials. The number of polling stations that were open when visited by observers varied in accordance to the delivery of election materials,<sup>137</sup> which occurred

within prescribed deadlines in most visited polling stations.<sup>138</sup>

Observers were generally granted cooperation and allowed to observe proceedings and activities of PEC commissioners in more than 95% of polling station visits. A few exceptional and isolated cases were nonetheless reported in which observers were not allowed to enter polling stations by a commissioner or by a police officer in the presence of commissioners.<sup>139</sup>

Another issue reported by CANEOM observers that had been consistent since the formation of PECs related to substitutions of commissioners. These were reported to have occurred within a week of Election Day in 46% of visited

PECs.<sup>140</sup> A corresponding trend of late substitutions was also observed at the district level where 40 DECs had some commissioners substituted within 24 hours of Election Day.<sup>141</sup>

CANEOM observers made over 75 visits to polling stations in territories under the control of the Ukrainian government during the immediate pre-election period in the Donetsk and Luhansk oblasts. Conditions at the premises of operational polling stations were reported to be less tense than observed at this period during the May 2014 Early Presidential Election.

Commissioners in these two oblasts nonetheless remained exposed to threats of violence, which contributed to high withdrawal and substitution rates.<sup>142</sup> 86% of PECs in the Donetsk oblast,

<sup>136</sup> CEC Resolution No 5 [19.01.2012] “On Requirements for PEC Premises and Polling Stations” states that polling stations must be adapted to the needs of citizens with disabilities. This includes provision of a ramp and unobstructed access to entrance/exit areas.

<sup>137</sup> 85% of polling stations were open and 88% had commissioners present when visited by CANEOM observers. The law does not stipulate opening times for polling stations throughout the immediate pre-election period, but some commissioners should be present to receive and count ballots and setup materials for Election Day.

<sup>138</sup> 36 of more than 1,600 visited polling stations did not receive a revised voter list by the prescribed legal deadline. One instance was observed in which a homebound ballot box was already sealed and contained a protocol in PEC 462151, DEC 118 (Lviv) in violation of procedure.

<sup>139</sup> CANEOM observers were prohibited from observing the receipt and counting of ballots in PEC 611108, DEC 163 (Sumy). Observer access to polling stations at periods during which commissioners were present was also denied or initially restricted in PEC 121112, DEC 26 (Dnipropetrovsk), PEC 180743, DEC 64, (Zhytomyr) PEC 630916, DEC 177 (Kharkiv), PEC 900622, DEC 221 and PEC 800977, DEC 223 (Kyiv City). In Special PEC 631176, DEC 168 (Kharkiv), observers were also obliged to sign a document declaring that they did not witness any violations after observing preparations for elections at a prison.

<sup>140</sup> Substitutions were made to three or less commissioners in 85% of visited PECs, but observers also reported cases in which the entire compositions of PECs was nearly overhauled within a week of the parliamentary elections. These included PEC 511300, DEC 135 in the Odessa oblast (18 substitutions), PEC 801981, DEC 223 in Kyiv City (14 substitutions), and PEC 460815, DEC 120 in the Lviv oblast (13 substitutions).

<sup>141</sup> CEC Resolution No 2077 [25.10.2014] formalized commissioner substitutions in DEC 11, 20, 24, 25, 26, 28, 33, 37, 47, 48, 49, 50, 52, 55, 57, 58, 59, 60, 76, 81, 93, 96, 107, 113, 133, 135, 136, 139, 140, 141, 142, 170, 178, 188, 189, 190, 198, 214, 216, and 222. A further 42 DECs had commissioners substituted on October 24 in CEC Resolution No 2059.

<sup>142</sup> In DEC 106, observers were shown propaganda that was allegedly being distributed in territories under militant occupation, which contained personal information and threats against commissioners.

and 80% of PECs in the Luhansk oblast that were visited by CANEOM observers during the immediate pre-election period reported to have experienced substitutions of commissioners within a week of Election Day.<sup>143</sup> Despite these challenges, ballots and voter lists were received within prescribed legal deadlines in most visited PECs,<sup>144</sup> which were generally considered cooperative and transparent in their preparations for the election.<sup>145</sup>

## Election Day

### Opening of Polls

CANEOM observers were present for opening procedures at 105 polling stations. PEC commissioners were reported to be cooperative and to possess a clear understanding of opening procedures, whose administration was evaluated as “very good” or “good” in over 97% of cases. Election materials required for the conduct of voting were present in all but two polling stations and handled transparently in accordance with procedures.<sup>146</sup> All ballots were pre-stamped and stored in a safe or metal strongbox with a seal bearing the signatures of PEC commissioners. These seals remained intact until ballots were removed under inspection of commissioners and accredited observers at meetings held before the opening of polling stations. Candidate or political party observers were present at 94% of polling stations visited during opening procedures. Observers from other international missions and from domestic civil society groups were encountered at four out of ten visited polling stations. Unauthorized persons were noted at one out of ten polling stations. These ranged from police officers to voters that were prematurely allowed into polling stations. They were not observed to interfere with opening procedures. 27% of visited PECs were not observed to enter their number of received ballots to Vote Count Protocols, but were able to cite this number when questioned by CANEOM observers. 84% of visited polling stations opened on time at 8:00 AM. The remainder opened earlier or by 8:15 AM.<sup>147</sup>

At PEC 141121 in Artemivsk in DEC 46 over 1000 ballots were spoiled as a candidate’s name was stamped out on all the ballots. The poll only distributed national party ballots.

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<sup>143</sup> Substitutions were made to three or less commissioners in 70% of visited PECs, but observers also reported cases in which the entire compositions of PECs was nearly overhauled within a week of the parliamentary elections. These included PEC 440304 (9 substitutions), PEC 440036 (8 substitutions), and PECs 440037/440052/440216 (6 substitutions) in DEC 114 of the Luhansk oblast, as well as PEC 140441 in DEC 47 (11 substitutions), PEC 140994 (6 substitutions) in DEC 48 and PEC 140767 (6 substitutions) in DEC 50 of the Donetsk oblast.

<sup>144</sup> PEC 141211 in DEC 47 (Donetsk) and PEC 461942 in DEC 115 (Luhansk) were delayed in receiving their voter lists. PECs 140764 and 140767 in DEC 50 (Donetsk) were delayed in receiving ballots.

<sup>145</sup> One important exception was reported in DEC 112. Observers were present at a confrontational meeting during which the DEC Chair was removed through a vote of commissioners, and decisions were recorded in a manner that did not reflect the actual number of votes cast on several decisions.

<sup>146</sup> PEC 050626, DEC 14 (Vynnytsia) had insufficient numbers of polling booths and ballot boxes. PEC 630855, DEC 175 (Kharkiv) also had an insufficient number of ballot boxes.

<sup>147</sup> Polling stations opened to voters before 8:00 AM in four visited polling stations; and by 8:15 AM in 13 visited polling stations.

## Voting Period

CANEOM observers visited more than 900 polling stations during voting processes, which were described to be conducted in a professional and orderly manner and evaluated to be “good” or “very good” in over 97% of cases. Virtually no tension or unrest was observed at visited polling stations.<sup>148</sup> Procedures were broadly understood and appropriately regulated by PEC commissioners who granted full cooperation to observers and demonstrated a high degree of transparency.

In terms of accessibility, the location of polling stations was clearly indicated by directional signs in more than 96% of cases but 43% continued to lack ramps or ground floor access for voters with limited mobility. Long voter lineups and overcrowding were reported at nearly 4% of visited polling stations.<sup>149</sup> This rendered management of voting procedures challenging in a small number of insufficiently sized polling stations but was not observed to impact the secrecy of voting.<sup>150</sup>

Regular PECs were observed to be thorough and consistent in applying procedures for the verification of voters and issuing of ballots.<sup>151</sup> CANEOM observers noted instances of voters being refused ballots in accordance with legal procedure because they did not have proper identification or were not registered onto voter lists at 18.5% of visited polling stations. In PEC 210548, DEC 68 (Zakarpattya) some disputes and confusion were also observed after voters claiming to be illiterate were denied requests for accompaniment in polling booths.<sup>152</sup>

A higher number of irregularities and degree of confusion were observed to disrupt voting processes at special polling stations. PECs are to be provided with a number of ballots that exceeds the number of voters on their respective voter list by 0.5%.<sup>153</sup> Nearly every special polling station visited by CANEOM observers received a number of ballots that exceeded this margin, sometimes by as much as ten to one.<sup>154</sup> Confusion was also observed over whether to issue voters at special polling stations with single-member district ballots.<sup>155</sup>

47 polling stations were visited by CANEOM observers in the Luhansk and Donetsk oblasts during the conduct of voting. For the most part, elections in these oblasts were consistent with positive observations made elsewhere in the country. Proceedings in some precincts were nonetheless hampered by Election Day

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148 A medium-sized group of unidentified men was encountered in close proximity to PEC 740362, DEC 207 (Chernihiv) with the proclaimed intent of defending voters from intimidation and violence.

149 Voter lineups exceeding this national average were observed at visited polling stations in Lviv (23%), Ivano-Frankivsk (11%), Zhytomyr (9%), Kyiv city, Mykolaiv and Volyn (7%) and Sumy (5%).

150 Ballot booths were observed to be appropriately arranged to ensure secrecy of voting in 98% of visited polling stations.

151 PEC commissioners generally checked voter IDs and signed ballot counterfoils, while voters verified and signed their names on voter lists, and underneath the signatures of PEC commissioners on ballot counterfoils.

152 PEC commissioners determined that illiteracy did not qualify as a physical disability following high numbers of requests for accompaniment in polling booths by Roma voters. Section 5 of Article 85 of the Parliamentary Election Law allows voters who are unable to fill out ballot papers owing to a physical disability to be accompanied in polling booths by another voter after obtaining consent from a commissioner.

153 Section 8 of Article 80 of the Parliamentary Election Law.

154 This deviation was 10:1 in PEC 511058, DEC 137 (Odessa), 8:1 in PEC 230834, DEC 74 (Zaporizhia), PEC 650669, DEC 182 (Kherson), and PEC 740979, DEC 210 (Chernihiv); 6:1 in PEC 180185, DEC 66 (Zhytomyr) and 5:1 in PEC 590750, DEC 159 (Sumy), PEC 631088, DEC 177 (Kharkiv), PEC 630995, DEC 177 (Kharkiv), PEC 181455, DEC 62 (Zhytomyr), and PEC 071100, DEC 22 (Volyn)

155 This confusion was notably observed to cause reversals of decisions and complaints from political parties that resulted in the substitution of the Chairperson of PEC 000001 in DEC 223 (Kyiv City).

substitutions of DEC and PEC commissioners.<sup>156</sup> Notably, in PEC 441172, DEC 106 (Luhansk oblast) CANEOM observers reported an attempt to replace eight commissioners shortly before the end of voting. In this instance, commissioners refused to step down, questioning the authenticity and legal weight of the DEC decision that they were presented.<sup>157</sup>

### Closing of Polls and Vote Count

CANEOM observers were present for closing procedures and counting of ballots at 94 polling stations whose overall administration was evaluated to be “good” or “very good” in 87% of cases. Observers did not report procedural violations or incidents that could alter election results.<sup>158</sup> Rather, commissioners were described to make earnest efforts at implementing cumbersome and technically complex count procedures.<sup>159</sup> 95% of visited polling stations closed on time, with the remainder closing by 8:15 PM after remaining voters cast their ballots. PECs then proceeded with consideration of complaints and a series of calculations to verify numbers of signatures on voter lists, unused ballots, and counterfoils before opening ballot boxes and counting individual ballots. A component of this counting procedure was not clearly announced or conducted in one out of ten polling stations. Some isolated incidents were reported of commissioners dividing up ballots or involving other persons in count procedures.<sup>160</sup> 20% of commissioners were also observed to have difficulty completing vote count protocols.<sup>161</sup> Commissioners nonetheless agreed on figures entered to those protocols in 97% of cases. Copies of protocols were posted for public review in 86% of visited polling stations and provided to CANEOM observers by 93% of PECs.

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<sup>156</sup> Election Day substitutions of commissioners were observed at PECs 440558 /440559, DEC 113; and PECs 441167/441172 in DEC 106 (Luhansk oblast).

<sup>157</sup> As of October 31, this and other decisions to substitute PEC commissioners on Election Day in DEC 106 remained unpublished on the CEC website.

<sup>158</sup> In contrast to problems identified by international missions during this phase of the 2012 parliamentary elections, unauthorized persons were not widely reported to be present or interfere in vote count procedures, and no incidents were reported of commissioners or observers being expelled from PEC premises.

<sup>159</sup> An insufficient distribution of basic office equipment and materials was described to further delay count procedures at PEC 590480, DEC 161 (Sumy).

<sup>160</sup> Domestic observers and political party or candidate representatives were reported to participate in vote count procedures at PEC 650737 in DEC 182 and PEC 650236 in DEC 186 (Kherson), PEC 441167, DEC 106 (Luhansk), and PEC 511377, DEC 136 (Odessa). Commissioners were observed to divide instead of individually counting ballots at PECs 590250 / 590480, DEC 161 (Sumy).

<sup>161</sup> The number of unused ballots and number of ballots issued to voters was generally equal to the number of ballots received by PEC from their respective DEC. CANEOM observers nonetheless reported an instance in PEC 560952, DEC 152 (Rivne) where invalid ballots were manipulated to have these numbers balance.

# POST-ELECTION DEVELOPMENTS

## Tabulation of results

In comparison to earlier phases of the election process, CANEOM observers assessed the transfer and tabulation of vote count protocols at DEC premises to involve more frequent irregularities and systemic inefficiencies.

CANEOM observers followed the transportation of election materials for every PEC at which they observed counting procedures.<sup>162</sup> A majority encountered hours-long queues of commissioners waiting to have materials reviewed in cramped DEC premises and cold seasonal temperatures. Where this did occur, these lineups often persisted throughout the night and sometimes lasted several days as commissioners were turned back to PECs to amend protocols. One out of five protocols tracked by CANEOM observers contained transcription or counting errors that required such an amendment. A smaller number of tracked PECs were also sent back due to damaged packaging of election materials or because they did not bring sufficient copies of count protocols.

Observers noted instances of protocols being pre-signed by commission members and “corrected” at DEC premises, which could allow for falsifications but appeared more driven by reluctance to

return to polling stations.<sup>163</sup> Ad hoc procedures were applied by several DECs to manage queues and overcrowding. Many issued numbered tickets to PEC commissioners according to arrival time and processed election materials in the same corresponding order.<sup>164</sup> In some other cases, PEC commissioners were directed to remain at polling stations until called upon for delivery of election materials to DECs,<sup>165</sup> which contravened legal procedures but was not considered to be nefarious.<sup>166</sup>

CANEOM observers monitored the tabulation vote count protocols at 97 DECs between October 26 and October 28. This process was generally described to be transparent and peaceful, if

somewhat inefficient.<sup>167</sup> Several DECs temporarily suspended operations for several hours during this period due to exhaustion or reported connectivity problems with the CEC server.<sup>168</sup> This was difficult to verify as a result of restrictions on observer access to DEC computer rooms.<sup>169</sup> Some isolated cases of tension and deadlock between DEC commissioners in competitive single-mandate districts were otherwise observed to hamper processing of protocols. At a closing meeting with the CANEOM Core Team on October 30, the CEC stated that they were in the process of replacing obstructive commissioners, and cooperating with law enforcement agencies to verify contested vote tabulations.

<sup>162</sup> Protocols were not accompanied by the legally required number of commissioners in PEC 51606, DEC 14 (Vynnytsia).

<sup>163</sup> Protocol forms were pre-signed at 11% of polling stations where CANEOM observers monitored closing and counting procedures. Uses of pre-signed protocols to “correct” count figures without returning to PEC premises were also observed at DEC 37 (Dnipropetrovsk), DEC 63 (Zhytomyr), DECs 78 / 82 (Zaporizhia) and DEC 84 (Ivano-Frankivsk).

<sup>164</sup> DEC 18 (Vynnytsia), DEC 94 (Kyiv Oblast), DEC 130 (Mykolaiv), DEC 159 (Sumy), DEC 175 (Kharkiv), DEC 184 (Kherson), DEC 198 (Cherkassy)

<sup>165</sup> PECs 800443/800450, DEC 214 (Kyiv City), PEC 440431, DEC 113 (Luhansk) and several PECs in DEC 173 (Kharkiv) where buses were leased to collectively transport commission members and their election materials. PEC 460205, DEC 120 (Lviv) was observed to lock its ballots and election materials in a safe under police protection and suspend operations until its scheduled delivery time the following morning.

<sup>166</sup> Section 12 of Article 91 of the Parliamentary Election Law requires election materials to be delivered immediately after the PEC meeting at which ballots are counted and protocols are prepared.

<sup>167</sup> Observers reported an intimidating presence of political party activists dressed in camouflage at the entrances of DECs 182 and 183 for several days after the election. Uninvited police officers were also present and reported to occasionally interfere in the activities of these DECs.

<sup>168</sup> Connection problems with the CEC server were reported as the cause of technical breaks at DEC 84 (Ivano-Frankivsk), DEC 26 (Dnipropetrovsk) DEC 62 (Zhytomyr), and DEC 188 (Khmelnytsky). Day long technical breaks were also observed at DEC 157 (Sumy), DEC 205 (Chernihiv), DEC 132 (Mykolaiv) and DECs 182, 183 and 186 (Kherson).

<sup>169</sup> Two-thirds of CANEOM observers were denied requests to monitor the entry of protocols through the Vybery system at DEC premises. The parliamentary election law is not aligned with the presidential election law in guaranteeing international observers access to observe this important aspect of the tabulation process.

# GENDER ANALYSIS

The Constitution Law of Ukraine prohibits unequal rights or privileges on the basis of sex. Further, Article 24 of the Constitution establishes equal rights for Ukrainian women:

*Equality of the rights of women and men is ensured: by providing women with opportunities equal to those of men, in public and political, and cultural activity, in obtaining education and in professional training, in work and its remuneration; by special measures for the protection of work and health of women; by establishing pension privileges, by creating conditions that allow women to combine work and motherhood; by legal protection, material and moral support of motherhood and childhood, including the provision of paid leaves and other privileges to pregnant women and mothers.*

In addition, as it relates to political access, the Law on Political Parties, Article 8.10 requires parties to have a minimum of 30% women candidates on their electoral list. In an analysis of 11 parties contesting the national race, we commend six of those that reached the 30 percent quota – Batkivshchyna, Opposition Bloc, People’s Force, People’s Front, Radical Party, and Strong Ukraine. Even more commendably, of the party lists analyzed, Samopomich and the Bloc of Petro Poroshenko have 30 percent or more women in the more electable first

30 positions.<sup>170</sup> The number of women sworn in as MPs was 50 (or 11.8%).<sup>171</sup> This is an increase over the 10% elected in 2012.

## Voter Lists

The State Voter Registry advised that in the 2014 Early Parliamentary Elections the total number of voters registered as of November 3, 2014 was 35,846,172, with 19,745,099 (or 55%) women and 16,101,073 (or 45%) men.

## Election Administration

Five of the 15 CEC members are women, including one deputy chairperson and the secretary. Men and women were almost equally represented on DEC, including as chairpersons. Our observer reports of 60 District Election Commissions indicate that women held about 56% of the membership. This is consistent with reports from 2012. Women and men equally held the position as DEC Chair, with women holding 65% of DEC Deputy Chair positions and 82% of DEC Secretary positions.<sup>172</sup>

<sup>170</sup> Data on the participation of Ukrainian women was shared by National Democratic Institute, October 20, 2014.

<sup>171</sup> Note this number may increase as government is formed and certain deputies are appointed to roles in government, thereby opening up seats to women further down in the party lists.

<sup>172</sup> Due to the high number of DEC member replacements our data reflects observations made when PECs reported to the DEC. These numbers shifted over the significant dates of October 24 to October 28 and thus requires more detailed review.

At the PEC level, commissions were composed of a majority of women (3 out of every 4 PEC commissioners was female). Observations recorded during the pre-election period report higher percentages of women in executive positions than reported during the closing of the DEC, after nominee changes made by the DEC. In all cases women were strongly represented with approximately 85% (at the highest) of the secretary positions held by women. Many reasons for this high level of female representation at PECs were reported to observers, including that there is less pay and prestige at the PEC, and those members have significant levels of work and hardship.

## Internally Displaced Persons – Voter Registration and Gender Effect

On October 24, 2014, the UN Human Refugee Agency identified 430,000 internally displaced persons registered in Ukraine. In its September report it described the Ukraine IDP population as disproportionately consisting of women and children. Among the adult IDP population, two-thirds are reported to be women. In discussion with our observers, the Ternopil Oblast Deputy Head indicated that most of the IDPs were from the Donbas region and were mainly women, children, and seniors. Therefore, the difficulties identified in registering internally displaced people to vote may have a disproportionate effect on Ukrainian women.

In addition, there may be a gendered effect of violence and displacement. An environment of violence notably affects women's right to suffrage, including the participation of women both as candidates and voters. As Gabrielle Bardall notes in her IFES report on gender and electoral violence:

*Given the profound impacts of war on women (physical attacks, loss of loved ones, displacement, breakdown of support mechanisms, reduced access to food and shelter, etc.), the intimidation and psychological violence perpetrated through invocations of return of wartime or levels of disorder are intense discouragement from becoming politically involved and/or triggers for post-traumatic stress.<sup>173</sup>*

In Ukraine, this may concern both internally displaced persons and individuals who remained in the Donbas region for the election. In Sumy, CANEOM observers were told that registering to vote at the municipal government would be difficult as women have to care for their children and cannot leave them to go to vote, or cannot stand in line for hours with young children in order to register. Further study is needed to determine this overall effect on the suffrage of Ukrainian women.

## Party Representation

CANEOM observers interviewed party representatives across the country about the participation of women and compliance with the 30% quota provision. Most representatives were unaware of the provision and indicated that women held 10 to 15% of candidate positions in their parties. Some regional representatives from the *Batkivshchyna*, Bloc of Petro Poroshenko, and Civic Position parties indicated they were aware of the 30% party quota. The majority of party representatives were able to discuss their women candidates, where they sat on the party list, and how their party was meeting the quota, or not, as the case may be.

In Mykolaiv, for example, while the party representatives were unaware of the legal quota, most parties were well represented with female party members and candidates. In Luhansk, one third of the candidates were women, and women were working in key positions in parties and with independent candidates. In Zaporizhia, women occupied leading positions in many of the regional party offices. In Donetsk, the majority of DEC members were men, but the Acting Mayors of both Kramatorsk and Krasnoarmijsk are women.

Party representatives at the oblast level were unable to point to any support or recruitment strategies for women candidates or to program proposals directed to women voters. For the most part, party representatives did not feel that women have different concerns or that a certain solution or program may be preferred by women.

Our observers discussed the representation of women with various parties at the oblast level. Representatives of the *Batkivshchyna* party were generally unaware of the 30% quota, but were running 30% women candidates in Odessa and Zaporizhia and 60% in Lviv. The Civic Position representatives interviewed in Ternopil and Odessa were also generally unaware of the law and noted that there was one woman in the top 10 of their party list. The representative in Zaporizhia said he was aware of the quota and commented that women made up one third of those running on the national party lists. In Lviv, the People's Front representative reported that women formed 60-70% of their membership and in Lutsk City 30-40% are women.

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<sup>173</sup> Gabrielle Bardell, *Breaking the Mold: Understanding Gender and Electoral Violence*, International Foundations for Electoral Systems, December 2011.

In Ternopil representatives stated that 30% of the lists were women and noted that 3 of the top ten were women. In Ivano-Frankivsk and in Lviv, observers were told that 50% of the office staff were women.

For the Bloc of Petro Poroshenko in Zaporizhia, Mykolaiv and Ternopil, representatives knew about the quota law and believed they were observing it. However, the representative from Mykolaiv pointed out that women are placed quite low on their list and expected only 10-15% of them would be elected. A lawyer for the Kharkiv local party advised he was not aware of the current law on political parties. The Radical Party in Lviv said they were unaware of the quota and were unlikely to meet it, while in Ternopil, party representatives said that their party consisted of 30% women and noted there were 2 women of the top 10 candidates on their party list.

In Sumy, the Radical Party commented there were few women in their list, but the representative in Odessa stated that more women has joined their party in recent months. Representatives from Samopomich in Ternopil highlighted the Khmelnytsky list which included 50% women in the top ten and noted that 30% of their regional party leadership were women. In Zakarpattya, they stated that 50% of their candidates were women. The majority of Strong Ukraine representatives were unaware of the quota but the Ternopil party member indicated that 2 of the top 10 candidates were women and that women formed about 30% of the party list.

For single mandate district candidates there are no gender balancing requirements. There were approximately 10-15% of women in the single mandate races. Two women Deputies were ultimately elected in single mandate seats. One of the main reasons cited for the lack of women (either because they were not running or were not successful) in single mandate districts is the expense of financing a campaign when personal and private financing can essentially wipe out all the efforts of another candidate. Women do not traditionally have access to strong financial backing.

# DOMESTIC AND INTERNATIONAL OBSERVERS

The two largest domestic groups taking part in observation of the 2014 parliamentary elections were the Committee of Voters of Ukraine (CVU) and OPORA. CVU registered 4,295 observers, while OPORA registered 4,446. Both organizations carried out long-term observation of the electoral process and demonstrated an admirable capacity for analysis and a high level of knowledge of the election process and relevant issues. CANEOM observers had extensive contact and interaction with both groups in the regions of Ukraine, and consistently pointed out their professionalism, impartiality, and effectiveness in observing the election process. CANEOM expresses its appreciation to CVU and OPORA for their readiness to cooperate with CANEOM observers.

304 observers were registered from foreign states. 20 international organizations registered observers for the election. 2,017 observers were registered from international organizations: OSCE-ODIHR registered 776; and the European Network of Election Monitoring Organizations (ENEMO) registered 242 observers. CANEOM observers had extensive contact with several international observation missions, both on the regional and national levels, and CANEOM thanks all international observers for their cooperation.

CANEOM expresses its gratitude to the Central Election Commission of Ukraine for their cooperation. The Central Election Commission registered CANEOM observers in a timely and efficient manner. The Central Election Commission also demonstrated a high level of openness and readiness to meet with CANEOM observers to discuss relevant issues regarding the election process. Finally, CANEOM expresses its deep admiration and sincere gratitude to election commissioners at both the District and Precinct levels, whose diligence and hard work in often difficult circumstances ensured the successful administration of the 2014 Early Parliamentary Elections in Ukraine.

# RECOMMENDATIONS

## Legal Framework for Elections

- Future reforms of the electoral system and legal electoral framework should be undertaken in close cooperation and consultation with civil society groups and in accordance with international norms and standards.
- CANEOM supports long-standing recommendations by the Venice Commission for electoral laws in Ukraine to be streamlined within a single code. This would: ensure greater uniformity in procedures applied for parliamentary, presidential, and local

elections; facilitate commissioner training; strengthen public trust and understanding of election procedures; and reduce reliance on the Central Election Commission to interpret ambiguities and inconsistencies across the legal framework.

- In keeping with international best practices, efforts should be made to finalize electoral reform well in advance of elections. Consideration should be given to further delegating regulatory

authority to the CEC so that, as the principal body responsible for the implementation of the election law, it has the flexibility to promptly address situations.

- As part of broader reforms to the electoral legal framework, electoral district boundaries should be required to be contiguous.



## Election Administration

- Where reasonable, CEC proceedings, including deliberations on resolutions and decisions, should be held in public meetings and draft materials be made available for review by interested parties prior to adoption in order to strengthen the transparency of the process.
- The CEC should undertake comprehensive voter information and public education campaigns as part of its responsibility to ensure greater awareness and protection of electoral rights. These efforts should target at risk populations, and highlight changes to electoral procedures made between election cycles, including mechanisms to verify information in the SVR and temporarily change one's place of voting.
- Many polling station and district election commission premises are unsuitable for the administration of voting and tabulation processes. Layout should be considered when selecting polling station premises, to ensure secrecy of voting and efficient management of voter queues. Polling stations should be equipped with assistive devices to facilitate access to voters with reduced mobility, as prescribed through CEC resolutions. DEC premises should contain indoor waiting areas of sufficient size to accommodate queuing of PEC commissioners.
- In order to increase the efficiency of DEC tabulation and reduce the length of time that PECs wait at the DEC, accepted polling materials should be moved into a room where they can be sealed, secured, and guarded by police. PEC officials would then return for the submission of the results of their Precinct.
- Consideration should be provided to digitizing the preparation of vote count protocols to reduce their likelihood of rejection for administrative errors. Vote count procedures would be expedited if stamped and signed photocopies were issued and accepted in lieu of handwritten protocols, and if count figures reported in those protocols could be verified onsite for completeness and accuracy with the use of numerical software.

## Campaign Finance

- Campaign finance rules should be debated and considered ahead of the next parliamentary elections with the aim of increasing transparency of campaign finance and expenditure.
- Limits should be placed on the amount an individual can donate to a campaign. Effective enforcement of campaign spending limits and effective prosecution of spending violations should be applied.
- CANEOM recommends that the Government of Canada continue to provide technical assistance and funding to Ukraine's civil society groups. This would support the continued development of this crucial sector and strengthen the country's continued democratic progress. An emphasis should be placed on support for transparency and accountability of Government.



# CONCLUSION

When compared to the previous parliamentary elections held in 2012, the holding of the 2014 Ukrainian parliamentary elections presented new challenges, such as access to voting in occupied or conflict-affected parts of the country. The enfranchisement of large numbers of internally displaced persons, and safety and security concerns for voters and election officials were most noteworthy obstacles to emerge. However, the elections took place on time and the authorities generally were able to plan for and meet these challenges.

The majority of the Ukrainian people have freely exercised their democratic right to vote in the early parliamentary elections. Though many Ukrainian citizens were unable to vote due to the violence in Donetsk and Luhansk oblasts and the continuing illegal occupation of Crimea by the Russian Federation, the outcome of the elections genuinely reflects the will of the Ukrainian people, and the elections took place in accordance with Ukrainian Law. The elections broadly met international standards, and authorities generally enforced the law when faced with complaints or violations of electoral and criminal law.

CANEOM commends the commitment of the Ukrainian people to exercise their democratic rights and commends the election administration for ensuring this crucial election took place. We applaud the various agencies, officials, and volunteers who worked hard under difficult circumstances in order to ensure that the outcome of this election was a genuine reflection of the will of the Ukrainian people.

CANEOM deployed almost 200 observers to all regions of Ukraine, except Crimea where no elections took place. We thank the observers for their diligence, dedication, expertise, and hard work.



# ANNEX 1

## ABOUT CANEOM

CANEOM is organized by the Forum of Federations. Cuso International and the Ukrainian Canadian Congress have partnered with CANEOM to support the observation mission for Ukraine's 2014 Early Parliamentary election. The mission is entirely funded by the Government of Canada, and managed at arm's length. CANEOM's mandate is to organize and execute election

observation and monitoring missions internationally. The mission is not an advocacy mission for federalism or any other kind of governing structure. It is not the role of the election observer mission to advocate, promote, or oppose change in Ukraine's constitutional order. The mission's objectives are to observe, record, and report on the electoral

exercise, and to aggregate findings into a final report on whether the election results may be deemed to reflect the genuine democratic expression of the Ukrainian people and to have met international democratic standards.



# ANNEX 2

## CORE TEAM AND MISSION LEADERSHIP MEETINGS<sup>174</sup>

ORGANIZATION	PERSON(S)
Right Sector ( <i>Praviy Sektor</i> )	Yuri Mendiuk, Head of the campaign's headquarters, Head of the executive committee of the Party
Civic Position Party ( <i>Hromadyanska Posytsia</i> )	Oleh Kanivets, Deputy leader of the Party and the Head of the campaign's headquarters
Strong Ukraine ( <i>Sylna Ukraina</i> )	Oleksandr Baranov, Head of the National Party Secretariat
Self Reliance ( <i>Samopomich</i> )	Oleh Bereziuk, candidate, Member of the Political Council
Ministry of Internal Affairs	Anton Herashchenko, Adviser to the Minister of Internal Affairs
Committee of Voters of Ukraine (CVU)	Natalya Lynnyk, Chief Program Director
Reanimation Package of Reforms (RPR)	Oksana Nechyporenko – Coordinator RPR Tetyana KYRYLENKO – RPR Public Relations Lidiya Zamarayeva – RPR Expert Svitlana Kononchuk – Manager of RPR Group of Electoral law reform
National Security and Defense Council of Ukraine (RNBO)	Oleksandr Lytvynenko, Deputy Secretary of the Council
Mejlis of the Crimean Tatar People	Refat Chubarov, Chairman of the Mejlis of the Crimean Tatar People Mustafa Dzhemilev, former Chairman of the Mejlis of the Crimean Tatar People
Petro Poroshenko Bloc	Oleh Malovatsky, Legal Counsel of the Party
Opposition Bloc	Yuliia Lyovochkina, candidate Serhii Larin, Oleh Voloshyn
CHESNO	Inna Borzylo, CHESNO Movement Coordinator, Executive Director of the Centre UA Veronika Velch, Communication Manager of CHESNO Movement
Peoples Front ( <i>Narodnyi Front</i> )	Viktoria Siumar, Candidate
Fatherland ( <i>Batkivshchyna</i> )	Serhii Podhorniy, Head of the Department of the Executive Secretariat of the Party's Political Council
International Republican Institute (IRI)	Victor Henderson Ashe, Head of IRI Election Observation Mission, Iveta Radičová, Head of IRI Election Observation Mission, Michael Druckman, IRI Resident Country Director Stephen B. Nix, IRI Regional Director, EURASIA Thomas E. Garrett, Vice President For Programs
National Democratic Institute (NDI)	Mary O'Hagan, Senior Resident Country Director Olena Yena, Women Lead Program Officer Mario Mitre, Elections Program Manager Laura Jewett, Regional Director, Eurasia Programs Natalie C. Hill, Program Manager, Eurasia Patrick Merloe, Senior Associate & Director of Electoral Programs

<sup>174</sup> Note: This list does not include meetings held by LTOs in the oblasts, only the meetings of the Core Team and Senior Leadership of the CANEOM Mission.

ENEMO	Srdjan Pavlicic, Head of the ENEMO Mission to Ukraine 2014 Slavica Biljarska, Deputy Head of the Mission / PR Officer Peter Novotny, CEC Observer / Election Expert
OSCE / ODIHR	Tana de Zulueta, Head of the Mission Yevgen Poberezhny, Elections and Governance Officer Thomas Rymer, Spokesperson Dr. Richard Lappin, Senior Election Adviser Iryna Gudyma, Senior Media Officer Stefan Krause, Deputy Head of Mission Jacqueline Carpenter, National Minorities Analyst Pietro Tesfamariam, Media Analyst Armen Mazmanyanyan, Legal Analyst
International Foundation for Electoral Systems (IFES)	David Ennis, Chief of Party, Ukraine Renata Lapti, Election Training Adviser, Ukraine Electoral Law Reform Program Denys Kovryzhenko, Legal Adviser, Ukraine Electoral Law Reform Program Gavin Weise, Deputy Director, Eurasia
National Endowment for Democracy (NED)	Joanna Rohozinska, Senior Program Officer
Committee for Open Democracy (COD)	Michael Getto, Deputy Director
Canadian Embassy to Ukraine (DFATD)	H.E Roman Waschuk, Canadian Ambassador-Designate to Ukraine Anne Matson Gauss, Political Attache Stephen Potter, Director – Head of Development Cooperation Steven Morris, MPSS Annamaria Scotti, Counsellor (Management)
Telekritika	Natalia Ligacheva, Chief Editor and Head of the Board Svitlana Ostapa, Telekritika journalist
Radical Party of Oleh Lyashko	Oleh Kupriyenko, Deputy Head of the Campaign
All Ukrainian Uknion Freedom ( <i>Svoboda</i> )	Oleh Bondarchuk, the Party's representative in the CEC
Razumkov Centre	Viktor Zamiatin, leading expert of politics and law programs Arsen Stetskiv, expert of politics and law programs
Central Election Commission (CEC)	Mykhaylo Okhendovskiy, Chairman of the CEC Zhanna Usenko-Chorna, Deputy Head of the CEC Volodymyr Andriyenko, Head of the International Cooperation Department with the Secretariat of the CEC Vasyl Pohoniuk, Head of the Legal Department
Kyiv International Institute of Sociology	Valery Khmelko, President of the KIIS
NGO Union "Foundation of Local Initiatives of Donetsk oblast"	Oleh Hryshyn, Election Training Coordinator, Chairman of the Board
Espresso TV	Mykola Kniazhytskiy, Founder Kateryna Ermolovych, Director
Hromadkse TV	Yulia Bankova, journalist
Institute of Mass Information	Oksana Romaniuk, Executive Director
Centre of Political Studies and Analytics	Viktor Taran, founder and expert of the Centre
Constitutional Court of Ukraine	Stanislav Shevchuk, Judge of the Court
State Voter Registry	Oleksandr Stelmakh, Head of the Administration Office of the State Register of Voters
Ukrainian World Congress Election Observation Mission	Peter Szytk, Head of Mission
OPORA	Olha Aivazovska, Electoral and Parliamentary Programs Coordinator of the Civil Network OPORA

The High Administrative Court	Judge Oleksandr Nechytaylo, Head of the Court Judge Mykhaylo Smokovych, Deputy Head of the Court Svitlana Pylypets, Head of the International Cooperation Department Volodymyr Bondarchuk, Deputy head of the International Cooperation Department
The Ministry of Foreign Affairs	Pavlo Klimkin, Minister of Foreign Affairs of Ukraine Andrii Olefirov, Deputy Minister
Office of the General Prosecutor	Vitaliy Kasko, Deputy General Prosecutor Oleksandr Zavalskyi, Senior Prosecutor
United States' Agency for International Development (USAID)	V. Kate Somvongsiri, Director (Office for Democracy and Governance) Iryna Smolina, Project Manager Specialist (Democracy and Governance)
Ukrainian Center for Independent Political Research	Svitlana Kononchuk, Head of Political Institutes Democratization Program
Embassy of the Federal Republic of Germany in Kyiv	Dr. Michael Schmidmayr, First Secretary, Political Adviser
#BABYLON'13, Cinema Civil Society	Marko Suprun, producer and story consultant Sviatoslav Yurash, Head of Communication
UFF (Ukrainian Freedom Fund)	Victoria Nazarenko, Marketing Director
Rainews 24	Liana Mistretta, representative
Ukrainian Crisis Media Centre	Olena Kalabania, Chief Press Officer
Ukraine Today	Christopher Collison, Correspondent
Nieuwsuur	Rudy Bouma, reporter
IDRC	Marianne Goodwin, Senior Media and Public Affairs Advisor
ICPS (International Centre for Policy Studies)	Olena Zakharova, Member of the board, Head of Foreign Policy Department Iaroslav Kovalchuk, Head of Internal Policy Department
Ukrainian Organization for Newly Arrived immigrants Zustrich	Oksana Gerych, Member of the Executive Committee
Internews	Wayne Sharpe, Chief of Party, Ukraine Media Project
Ukrainian Meridian (Centre for Civil Research)	Dmytro Levus, Director
Judicial Education for Economic Growth Project in Ukraine ("JEEG")	Igor Osyka, JEEG Project Manager in Ukraine

# ANNEX 3

## SCHEDULES OF TRAINING: Long-term and short-term observers

Long Term Observer Training – September 29, 2014 – September 30, 2014

### DAY ONE | Monday, September 29, 2014

8:00 – 8:30

#### **Registration (Handout of Training Package)**

Please submit your passport when picking up the training package. You will have your passport returned along with a certified photocopy of your passport at the end of the training day.

8:30 – 9:00

#### **1.0 Welcome**

A general welcome, overview of the training schedule and LTO introductions.

9:00 – 9:30

#### **2.0 Declaration of Principles for International Election Observation, International standards for democratic elections and Code of Conduct for Election Observers**

**Jamie Tronnes, Mission Director**

LTOs will receive an overview of the Declaration of Principles for International Election Observation, and the Observer Code of Conduct.

9:30 – 10:00

#### **3.0 LTOs and the Election Observation Mission**

**Natalie Wilson, Associate LTO Coordinator**

An overview of the mission's staffing structure and the role of LTOs, including activities during deployment will be discussed.

10:00 – 10:45

#### **4.0 Country and Political Overview** **Orest Zakydalsky, Political Analyst**

An overview of the electoral system, key campaign issues, public opinion and the main political parties in the elections.

10:45 – 11:00

#### **Coffee Break**

11:00 – 11:45

#### **5.0 Long-term Election Observation – findings of domestic observers**

**Olha Aivazovska, Electoral and Parliamentary Programs Coordinator of the Civil Network OPORA**

This presentation will focus on the analysis of the election process to date from the point of view of domestic election observers.

11:45 – 12:30

#### **6.0 LTO Reporting**

**Mateusz Trybowski, Election Analyst**

In this session, LTOs will learn more about their reporting responsibilities, including the different kinds of reports they will submit, reporting expectations, the scope and content of LTO reporting, report submission procedures and tips on what makes a good report.

12:30 – 14:00

**Lunch served at hotel (Venue TBC)**

14:00 – 15:00

**7.0 Sociological Overview of Main Issues in the Parliamentary Elections**  
**Mychailo Wynnyckyj, Associate Professor of the Department of Sociology and Kyiv-Mohyla Business School, Director of the Doctoral School, National University of "Kyiv-Mohyla Academy"**

15:00 – 16:00

**8.0 Media Environment and Media Policy**  
**Jamie Tronnes, Mission Director**

LTOs will receive an overview of the media landscape as it relates to the elections. In addition, the mission communications policy will be discussed.

16:00 – 16:15

#### **Coffee Break**

16:15 – 17:00

#### **9.0 Device Training**

**Vasilij Osadchij, IT Assistant**

LTOs will be trained in the use of laptop computers and smart phone devices.

17:00 – 17:30

**10.0 Financial Training**

**Iryna Bilonizhka, Financial Assistant**

During this session, LTOs will learn about the financial aspects of their deployment, including the distribution of funds, observer per diems, and financial reconciliation.

17:30 – 18:00

**11.0 LTO Deployment**

**Oksana Zubriy, Operations Coordinator**

During this session, LTOs will be informed of next steps in preparing to begin their deployment. In addition to finding out more about where they will be deployed, teams will have an opportunity to ask questions and discuss the general overview of the coming weeks (including what they receive in their deployment package)

**DAY TWO | Tuesday, September 30, 2014**

8:30 – 8:45

**Review of Training Day I**

8:45 – 10:15

**12.0 The Legal Framework for the Pre-Election Period**

**Vadym Halaichuk, Partner, Moor & Partners Law Firm, Election Law Expert**

During this session LTOs will be provided with an overview of the bodies responsible for election management, their responsibilities in the pre-election period, the law and regulations with regards to electoral administration, voter registration, campaigning and other relevant subjects.

10:15 – 10:30

**Coffee Break**

10:30 – 11:30

**13.0 His Excellency Roman Waschuk, Ambassador of Canada to Ukraine**

11:30 – 12:45

**14.0 Mission Security**

**Mr. Dana Gidlow, Security Officer**

**Canadian Embassy Security and Counsellor Staff**

During this session LTOs will discuss the security situation, risk management awareness during their deployment as well as specific security and evacuation plans, embassy and counselor services and the importance of security call-ins, and other communication.

12:45 – 14:00

**Lunch**

14:00 – 15:45

**15.0 LTO Observation Strategies and Techniques**

**Core Team Analysts**

Discussion, will revolve around working effectively in teams, the steps to prepare, organize and conduct successful meetings with relevant stakeholders, and collecting evidence to assess claims and to substantiate conclusions including coordination with other EOMs.

15:45 – 16:15

**16.0 LTO Monitoring of Election Related-Complaints and Appeals**

**Anne-Marie Delorey, Legal Analyst**

This session will build on the earlier presentation on the election law by reviewing the key points of observation related to legal issues and processes, including themes of due process and fairness in the administration of justice.

16:15 – 16:30

**Coffee Break**

16:30 – 17:15

**17.0 Participation of Women and Civil Society in the Parliamentary Elections**

**Mary O'Hagan, Director / Olena Yena, Women's Program Manager, National Democratic Institute**

This session will review the political engagement of civil society and their expected role in the parliamentary election. LTO's will also be provided with research and background on the historical and expected participation of women as voters, party supporters and candidates.

17:15 – 17:30

**18.0 Concluding Remarks**

**Jamie Tronnes, Mission Director**

**DAY ONE | Monday, October 20, 2014**

**8:00 – 8:30**

**Registration (Handout of Training Package) – Conference Hall**

Please submit your passport when picking up the training package. You will have your passport returned along with a certified photocopy of your passport at the end of the training day.

**8:30 – 8:45**

**1. Welcome**

A general welcome, overview of the training schedule and LTO introductions.

**8:45 – 9:00**

**2. Declaration of Principles for International Election Observation, International standards for democratic elections**

**Jamie Tronnes, Mission Director**

**9:00 – 10:00**

**3. STOs: CANEOM Code of Conduct and Media Policy Overview**

**Yaroslav Baran, Deputy Head of Mission**

STOs will receive an overview of the Declaration of Principles for International Election Observation, and the Observer Code of Conduct.

**3. Separate Training Session for LTOs**

**10:00 – 11:00**

**4. Country, Political, and Media Overview**

**Orest Zakydalsky and Taras Zalusky, Political Analysts**

**Anna Dombrowska, Media Analyst**

An overview of the electoral system, key campaign issues, public opinion and the main political parties in the elections.

**11:00 – 11:15**

**Coffee Break**

**11:15 – 12:15**

**5. Long-term Election Observation – findings of domestic observers**

**Olha Aivazovska, Electoral and Parliamentary Programs Coordinator of the Civil Network OPORA**

This presentation will focus on the analysis of the election process to date from the point of view of domestic election observers.

**12:15 – 12:45**

**6. STO Deployment Overview**

**Ann Szyptur, Observer Coordinator**

An overview of the CANEOM STO deployment plan will be presented.

**12:45 – 14:00**

**Lunch**

**14:00 – 16:30**

**7. Legal Issues Presentation**

**Serhii Kalchenko – Partner, Moor and Partners Law Firm**

This session will cover: Rights and Responsibilities of Election Observers, Election Administration System, Election Day Procedures including Polling Station Set Up and Authorized Persons; Opening Procedures; Voting Procedures (including special voting procedures); Closing and Counting Procedures, Invalid Ballots; Tabulation Procedures; with references to electoral law and recent updates.

**16:30 – 16:45**

**Coffee Break**

**16:45 – 17:30**

**8.1 Device Training Group 1 – (STOs and LTOs Teams 1-9)**

**Finance Training, Group 2 – Main Conference Room**

The observers will be divided into two groups and trained in the use of tablets in one session and on financial procedures in the other session.

**17:30 – 18:30**

**8.2 Device Training Group 2 (STOs and LTOs teams 10-18)**

**Finance Training, Group 1 – Main Conference Room**

The observers will be divided into two groups and trained in the use of tablets in one session and on financial procedures in the other session.

**18:30 – 19:00**

**9. LTO Meetings with STOs**

LTOs can use the large conference room, the two smaller conference rooms, or the Slovyanskiy Hall to sit down with their STOs and go over the deployment plan, as well as to do an initial debriefing on the area and what to expect.

## DAY TWO | Tuesday, October 21, 2014

8:30 – 9:00

### **10. Day 1 Review and House Announcements**

9:00 – 10:00

### **11. His Excellency Roman Waschuk, Ambassador of Canada to Ukraine**

The Ambassador will provide a country overview and allow time for questions.

10:00 – 11:00

### **12. Mission Security**

**Anna-Maria Scotti, Consular Officer, Canadian Embassy**  
**Steve Morris, MPSS, Canadian Embassy**  
**Mr. Dana Gidlow, Security Advisor, CANEOM**

During this session STOs will discuss the security situation, risk management awareness during their deployment as well as specific security and evacuation plans, embassy and counselor services and the importance of security call-ins, and other communication.

11:00 – 11:15

### **Coffee Break**

11:15 – 12:00

### **13. Participation of Women and Civil Society in the Parliamentary Elections**

**Olena Yena, Women's Program Manager, National Democratic Institute**

This session will review the political engagement of civil society and their expected role in the parliamentary election. STO's will also be provided with research and background on the historical and expected participation of women as voters, party supporters and candidates.

### **13. LTO Qualitative Training Session – Pechersk Hall**

LTOs will attend a separate training session during this time

12:00 – 12:45

### **14. CIFRA Monitoring and Analytics Group** **Nazar Boyko, CEO**

CIFRA will present several findings representing their research on the state of preparation for elections in Ukraine.

12:45 – 14:00

### **Lunch**

14:00 – 15:00

### **15. How to Observe Vote Counting / Tabulation and Procedural Irregularities**

**Denys Kovryzhenko, Legal Adviser / Yulia Shypilova, IFES Election Training Officer Advisor, IFES International Foundation for Electoral Systems**

This session will build on the earlier presentation about the election law by reviewing key points to observe during vote count and tabulation processes, and how to distinguish procedural irregularities.

15:00 – 15:30

### **16. Internally Displaced Persons Voting and Registration**

**Michael Druckman, Resident Country Director, IRI**

This session will provide an overview on the challenges and rights that the nearly 400,000 internally displaced persons in Ukraine face when trying to register to vote outside of their usual place of residence.

15:30 – 16:30

### **17. STO Observation Guidelines and Election Day Reporting**

**Orest Zakydalsky Political Analyst/ Mateusz Trybowski, Election Analyst**

During this session, observers will review materials and procedures for data collection and transmission on Election Day and during the immediate pre-election period. Questions and response fields in observation forms will be reviewed and clarified. Best practices for observation and data collection on Election Day will also be shared. The session will conclude with a review of the tablet-based reporting platform that observers will use to transmit data to the Core Team for analysis.

16:30 – 16:45

### **Coffee Break**

16:45 – 17:30

### **17. STO Observation Guidelines and Election Day Reporting (cont'd)**

**Orest Zakydalsky Political Analyst/ Mateusz Trybowski, Election Analyst**

17:30 – 18:00

### **18. Concluding Remarks**

**Senator Raynell Andreychuk, Head of Mission**

**Yaroslav Baran, Deputy Head of Mission**

18:00 – 18:30

### **19. Training Evaluation and Group Photo**

# ANNEX 4

## CANEOM OBSERVERS

### LIST OF OBSERVERS BY OBLAST

#### **LVIV**

- Andriy Sawchuk – LTO
- 1) Omid Aeinehchi
  - 2) Nykola Dubenski
  - 3) Nataliia Fedosieieva
  - 4) Robert Lummack
  - 5) Mariya Makivchuk
  - 6) Regent Tanguay
  - 7) Steven Van Groningen

#### **VOLYN**

- William Kelly – LTO
- 1) Dennis Chronopoulos
  - 2) Dmitri Makienko
  - 3) Sarah Newton
  - 4) Nicholas Pozhke
  - 5) Mackenzie Russell

#### **IVANO-FRANKIVSK**

- Myron Peter Humeniuk – LTO
- 1) Walter Bernyck
  - 2) Alisha Kalyniak
  - 3) Barbara Powidel
  - 4) Kodjo Ekpe Kadi Sossou
  - 5) Ivan Varatsilenka

#### **CHERNIVTSI**

- Borys Lubomyr Gengalo – LTO
- 1) Frederic Dalphond
  - 2) Laura Miller
  - 3) Jacques Samson
  - 4) Ali Syed
  - 5) David Viveash

#### **TERNOPIL**

- Fatima Remtulla – LTO
- 1) Mario Thomas
  - 2) Barbara Buchanan
  - 3) John Coo
  - 4) Christopher Manor
  - 5) Bohdan Maslo

#### **KHMELNYTSKY**

- Michael Andrew Szubelak – LTO
- 1) Roma Andrusiak
  - 2) Caroline Marcel
  - 3) Alexandro Pace
  - 4) Bronwyn Russel
  - 5) Jerry Tratch

#### **RIVNE**

- Ayad Khilkhal – LTO
- 1) Oksana Bondarchuk
  - 2) Yana Evason
  - 3) Martin Forget
  - 4) Linda Maslo
  - 5) Natalie Romas

#### **ZHYTOMYR**

- Jacques Morneau – LTO
- 1) Paul Black
  - 2) Natalie Kardasz
  - 3) George Luczkiw
  - 4) Christopher Millar
  - 5) Ron Schuler
  - 6) Jaroslav Semcesen
  - 7) Valérie Thériault

#### **KIROVOHRAD**

- Theophane Noel – LTO
- 1) Helene Cechmistro
  - 2) Alexandra Chyczij
  - 3) Larry Duffield
  - 4) George Jaskiw
  - 5) Gilbert Mervyn
  - 6) Walter Prystajecy
  - 7) Andrew Zurawsky

#### **VINNYTSIA**

- Sonia Mickevicius – LTO
- 1) Lara Bremner
  - 2) Carol Forde
  - 3) Paul Hoag
  - 4) Elizabeth Shelley
  - 5) Roman Tatarsky
  - 6) Bohdan Tomiuk
  - 7) Tamara Wajda

#### **ODESA**

- Danylo Spolsky – LTO
- Janice Lee Malainey – LTO
- 1) Christina Czoli
  - 2) Christian DaSilva
  - 3) Harry Ewaschuk
  - 4) Thomas Haney
  - 5) Nedad Krupalija
  - 6) Gary Ouellet
  - 7) Peter Reimer
  - 8) Meron Sembaliuk
  - 9) Alex Slywinskyj
  - 10) Victoriya Thomson

**KYIV**

Murdock Macleod – LTO  
Sebastien Togneri – LTO  
1) Nadia Melnycky  
2) Richard Anderson  
3) Olenka Toroshenko

**SUMY**

Antoine Nouvet – LTO  
1) Marta Dyczok  
2) Rada KRNJAJA  
3) Ihor Kruk  
4) Igor Kryś  
5) Myroslawa Pidhirnyj

**CHERNIHIV**

Shelley Williamson – LTO  
1) Dawit Bulcha  
2) Andriy Genyk-Berezowsky  
3) Eugene Jaciw-Zurakiwsky  
4) Thomas Nemetchek  
5) Adriana Wilson

**CHERKASSY**

Marcus Abrametz – LTO  
1) Dana Bagan  
2) Devin Dreesen  
3) Krystina Waler  
4) Denys Koval  
5) Daria Luciw  
6) Dorice Lessard  
7) Laku Lotorkone

**POLTAVA**

Natalia Toroshenko – LTO  
1) Marta Czurylowicz  
2) Olga Moscicky  
3) Nicholas Mechielsen Smith  
4) Roman Soltykeyvych  
5) Murray Thorpe

**MYKOLAIV**

Danylo Korbabicz – LTO  
Lee Marc Reaney – LTO  
1) Eugen Duvalko  
2) Jiri Haas  
3) Alla Kadysh  
4) George Kolos  
5) Yaroslav Lozowchuk  
6) Derrick Martens  
7) Horatio Sam-Aggrey  
8) Lyudmyla Shutova

**KHARKIV**

Laurence Couture-Gagnon – LTO  
Myron Lahola – LTO  
1) Alexander Andrusevich  
2) Emil Yereniuk  
3) Derrek Konrad  
4) Stephen Leach  
5) Olga Radchenko  
6) Paulette Schatz  
7) William Schultz  
8) Jean-Jacques Simon  
9) Alexander Vergeyichik  
10) Michael Wowk

**DNIEPROPETROVSK**

Helen Fotopulos – LTO  
1) Sen. Larry Campbell  
2) Diana Chebenova  
3) Roman Hruby  
4) Nicholas Krawetz  
5) Matthew McBain  
6) Oleg Melnitchouk  
7) Peter Parker  
8) Muhammad Rasheed  
9) Bertrand Trepanier  
10) Avi Yufest

**KHERSON**

Daniel Maclsaac – LTO  
Andriy Teliszewsky – LTO  
1) Stephen Berson  
2) Patrick Devin  
3) Tetiana Gerych  
4) Natalia Holden  
5) Ian McKinnon  
6) Deborah Sirko  
7) Bogislaw Szubelak  
8) Nikolai Vorotilenko

**ZAPORIZHZHIA**

Jacques Paquette – LTO  
Marta Anna Chyczij – LTO  
1) Yuri Daschko  
2) Roman Doshchak  
3) Dzmitry Elyashevich  
4) Greg Hamara  
5) Paul Hong  
6) Andriy Iwasykiw-Potichnyj  
7) Vanessa Johnson Franks  
8) Kalyna Kardash  
9) Jane Kovarik  
10) Mayrna Prokopenko

**DONETSK**

Timothy Reid – LTO  
Ihor Bokiy – LTO  
1) Taras Masnyi  
2) Geordon Roy-Hampton

**LUHANSK**

Roman Bazikalov – LTO  
Steven Roy – LTO  
1) Gary Ellis  
2) Peter Czurylowicz

**KYIV REGION**

Douglas Erle Cargo – LTO  
Oricia Krucko – LTO  
1) Mikael Bélanger  
2) Benjamin Neufeld  
3) Alexandra Shkandrij  
4) Jennifer Smith

**ZAKARPATTYA**

Alexander Daschko – LTO  
William Pardy – LTO  
1) William Clay  
2) Troy Myers  
3) Ludovic Pepin  
4) Ruby Swanson

## Core Team, staff and key contacts

### CANEOM SENIOR MISSION MANAGEMENT

The Honourable Raynell Andreychuk, Senator, Head of Mission  
Yaroslav Baran, Deputy Head of Mission  
Jamie Tronnes, Mission Director  
Taras Zalusky, Political Analyst  
Orest Zakydalsky, Political Analyst  
Ann Szyptur, Long Term Observer (LTO) Coordinator  
Natalie Wilson, Associate Long Term Observer (LTO) Coordinator  
Mateusz Trybowski, Election Analyst  
Anne-Marie DeLorey, Legal Analyst  
Denys Volkov, Communications Director  
Anna Dombrovska, Communications Analyst  
Volodymyr Kozoriz, Finance and Operations  
Dana Gidlow, Security Advisor  
Irene Marushko, Media Monitor

### KEY LOCALLY ENGAGED PERSONNEL

Oksana Zubriy, Logistics Coordinator  
Viktoriya Shylyuk, Logistic Coordinator Assistant  
Anna Bredova, Special Assistant to Mission Leadership  
Oleh Kushchynsky, IT Support  
Vasyl Osadchyi, IT Support  
Mykyta Zavilinskyi, Photographer  
Lidiia Tachkova, Operations Assistant  
Iryna Bilonizhka, Assistant to Finance Operations Manager  
Alexandr Zubrytsky, Legal Assistant  
Marta Basystyuk, Election Analyst Assistant  
Sofia Tarkaniy, Election Analyst Assistant  
Volodymyr Kistyanyk, Political Analyst Assistant  
Sviatoslav Sviatenko, Statistical Analyst Assistant  
Iryna Kutnyak, Executive Assistant and Mission Leadership Support

### ACTIVE SUPPORT OF MISSION FROM OTTAWA

Rupak Chattopadhyay, President and CEO, Forum of Federations  
Charles Cloutier, Vice President, Forum of Federations  
Chris Randall, Network Manager-Contractor, Forum of Federations  
Phillip Gonzalez, Program Manager, Forum of Federations  
Melanie Wissink, Recruitment and Assessment Advisor, CUSO International

## Acknowledgements

### EXTERNAL SPEAKERS AT KYIV TRAINING SESSIONS

His Excellency Roman Waschuk, Ambassador-Designate of Canada to Ukraine  
Steven Morris, MPSS Detachment Commander, Embassy of Canada to Ukraine  
Annamaria Scotti, Counsellor (Management), Embassy of Canada to Ukraine  
Mychailo Wynnycky, Associate Professor of the Department of Sociology and Kyiv-Mohyla Business School, Director of the Doctoral School, National University of Kyiv-Mohyla Academy  
Serhii Kalchenko, Partner, Moor & Partners Law Firm, Election Law Expert  
Vadym Halaichuk, Partner, Moor & Partners Law Firm, Election Law Expert  
Olha Ayvazovska, Electoral and Parliamentary Programs Coordinator of the Civil Network OPORA  
Mary O'Hagan, Senior Resident Country Director, National Democratic Institute  
Olena Yena, Women's Program Manager, National Democratic Institute  
Nazar Boyko, CEO CIFRA Monitoring and Analytics Group  
Denys Kovryzhenko, Legal Adviser, IFES International Foundation for Electoral Systems  
Yulia Shypilova, Election Training Officer Advisor, International Foundation for Electoral Systems  
Michael Druckman, Resident Country Director, International Republican Institute

**CANEOM wishes to thank the Government of Canada for its generous support**

# APPENDIX

## STATISTICAL RESULTS OF OBSERVATIONS OF CANEOM

IMMEDIATE PRE-ELECTION PERIOD (OCTOBER 22-25)

### IMMEDIATE PRE-ELECTION PERIOD

Total number of Precinct Election Commissions (PECs) visited: 2324

POLLING STATION	URBAN	RURAL
	64.1%	35.9%
TYPE	REGULAR	SPECIAL
	95.2%	4.8%

### GENDER

PEC ROLE	FEMALE	MALE
CHAIRPERSON	71.2%	28.8%
DEPUTY	72.2%	27.8%
SECRETARY	87.3%	12.7%

### CIRCUMSTANCES OUTSIDE THE POLLING STATION (PS)

QUESTION	YES	NO
Is the PS accessible for persons with mobility challenges?	57.4%	42.6%
Is the signage for location of PS clearly visible?	89.3%	10.7%
Was the PS open when you arrived?	85.7%	14.3%
Are campaign activities taking place in the vicinity of the PS (on Saturday, October 25)?	2.1%	97.9%
Is there any tension or unrest outside of the polling station?	0%	100%

### CIRCUMSTANCES INSIDE THE

### POLLING STATION (PS)

QUESTION	YES	NO
Any campaign material inside PS?	2.6%	97.4%

## READINESS OF THE PEC

QUESTION	YES	NO
Were any PEC members present in the PEC?	87.8%	12.2%
Is the safe where ballots are stored guarded by a representative of the police (on October 25)?	96.7%	3.3%
Was the sealed tape on the safe/metal strong box with ballots intact (on October 25)?	97.3%	2.7%
Did the PEC receive a copy of an updated preliminary voter list on paper (regular polling stations) within prescribed deadlines?	94.7%	5.3%
Changes to the PEC membership in last week?	46.1%	53.9%
Were any official complaints filed at this PS?	0.8%	99.2%

## OFFICIALS AND (UN)AUTHORIZED PERSONS IN THE PREMISES

QUESTION	YES	NO
Were there person(s) present who are not PEC members who appeared to be directing work of PEC?	1.7%	98.3%
Did any observers, candidate/party representative or anyone present inform you of problems or potential problems, at this PS?	0.7%	99.3%

## TRANSPARENCY

QUESTION	YES	NO
Were you in any way restricted in your observation of this PEC?	4.5%	95.5%
Were you granted full co-operation from the PEC during your stay?	95.1%	4.9%

## OVERALL ASSESSMENT

	VERY BAD	BAD	GOOD	VERY GOOD
Overall impression at PS is	4%	10.7%	43.3%	42%



## OPENING OF POLLS

Total number of polling stations visited: 105

POLLING STATION	URBAN	RURAL
	80%	20%
TYPE	REGULAR	SPECIAL
	96.2%	3.8%

## OPENING PROCEDURES

QUESTION	YES	NO
Were all necessary election materials present?	97.1%	2.9%
Was the sealed tape on the safe/metal strong box with ballots intact?	100%	0%
Have all the ballots been pre-stamped?	100%	0%
Were the ballot boxes properly sealed?	98.1%	1.9%
Was the control sheet inserted in every ballot box (including mobile box)?	98.1%	1.9%
Did the PEC enter the number of ballots received in Vote Count protocols yet?	72.8%	27.2%
Did the Polling Station (PS) open for voting at 08:00 hrs?	83.5%	16.5%

## OFFICIALS AND (UN)AUTHORIZED PERSONS IN POLLING STATION

QUESTION	YES	NO
Were any unauthorized persons present in the PS during opening procedures?	9.7%	90.3%

QUESTION	INTERNATIONAL ELECTION OBSERVERS	DOMESTIC ELECTION OBSERVERS	CANDIDATE/PARTY OBSERVERS
Which of the following categories of observers were present at the opening of this PS?	40%	34.8%	94.3%

## TRANSPARENCY

QUESTION	YES	NO
Did all persons present have a clear view of the opening procedures?	97.1%	2.9%
Were you in any way restricted in your observation of this PEC?	3.9%	96.1%
Were you granted full co-operation from the PEC during your stay?	99%	1%

## OVERALL ASSESMENT

	VERY BAD	BAD	FAIR	GOOD	VERY GOOD
Overall conduct of the opening of PS is	1%	1.9%	0%	31.1%	66%
Overall impression of procedures followed	0%	2.9%	5.8%	27.2%	64.1%
Overall impression of PEC's understanding of procedures	1%	0%	5.8%	26.2%	67%

## VOTING PERIOD

Total number of polling stations visited: 933

POLLING STATION	URBAN	RURAL
		68.8%
TYPE	REGULAR	SPECIAL
		94.3%

## GENDER

PEC ROLE	FEMALE	MALE
CHAIRPERSON	72.2%	27.8%
DEPUTY	72%	28%
SECRETARY	86.1%	13.9%

## CIRCUMSTANCES OUTSIDE THE POLLING STATION (PS)

QUESTION	YES	NO
Is the PS accessible for persons with mobility challenges?	56.8%	43.2%
Is the signage for location of PS clearly visible?	96.6%	3.4%
Is there a large crowd waiting to vote?	3.9%	96.1%
Is there any tension or unrest outside of the polling station?	0.4%	99.6%

## CIRCUMSTANCES INSIDE THE POLLING STATION (PS)

QUESTION	YES	NO
Overcrowding inside the PS?	3.7%	96.3%
Any campaign material inside PS?	0.6%	99.4%
Did you directly observe any attempts in the PS to influence electors on how to vote?	0.8%	99.2%

## ARRANGEMENTS AND TRANSPARENCY INSIDE THE POLLING STATION (PS)

QUESTION	YES	NO
Were the ballot box(es) sealed properly?	98.4%	1.6%
Were booths appropriate to ensure secrecy of voting?	97.8%	2.2%
Were all necessary election materials present?	96.4%	3.6%

## VOTING PROCEDURES

QUESTION	NEVER	SOMETIMES	MOSTLY	ALWAYS
Did the PEC check the voters' IDs?	0.55%	0.1%	1.85%	97.5%
Did the voters sign voter list?	0.4%	0%	1.3%	98.3%
Did the PEC sign the ballot counterfoil?	0.4%	0.4%	0.8%	98.4%
Did the voters sign the ballot counterfoils?	0.5%	0%	1.3%	98.2%
Did voters mark their ballots in secrecy?	0.7%	0.4%	3.4%	95.5%

## PROBLEMS AND IRREGULARITIES INSIDE THE POLLING STATION

QUESTION	YES	NO	
If you observed mobile voting, were there any irregularities?	2.2%	97.8%	
Were any voters refused the right to vote?	18.5%	81.5%	
	NO PROPER ID	NOT ON THE VL	OTHER
If NO, What was missing (totally or partially)?	51.1%	39.9%	8%

QUESTION	YES	NO
Were any voters who were not on the voter's list allowed to vote without a court order?	0.4%	99.6%
Voters without proper ID allowed to vote?	0.9%	99.1%
Series of seemingly identical signatures on the voter list?	0%	100%
Anyone attempting to vote more than once (multiple voting)?	0.2%	99.8%
Cases of proxy voting (voting on behalf of someone else, absent or present)?	0.7%	99.3%
Any unauthorized person assisting the voters?	1%	99%
Anyone voting with a pre-marked ballot paper (carousel voting)?	0%	100%
Indications of ballot box stuffing (e.g. ballots in stacks inside box or several ballots folded together)?	0%	100%
Any PEC member or observer being ejected or dismissed?	0.5%	99.5%
Were any official complaints filed at this PS?	1.7%	98.3%
Did any observers or candidate/party representative inform you of problems at this PS?	2.8%	97.2%

## OFFICIALS AND (UN)AUTHORIZED PERSONS IN THE POLLING STATION

QUESTION	YES	NO
Were any unauthorized persons present inside the PS?	2.8%	97.2%

QUESTION	INTERNATIONAL ELECTION OBSERVERS	DOMESTIC ELECTION OBSERVERS	CANDIDATE/PARTY OBSERVERS
Which of the following categories of observers were present during voting at PS?	30.1%	39.1%	97.6%

## TRANSPARENCY

QUESTION	YES	NO
Were all phases of the voting process and ballot boxes visible to the PEC and observers?	99.3%	0.7%
Were you granted full co-operation from the PEC during your visit?	99.6%	0.4%

## GENERAL ASSESMENT

QUESTION	VERY BAD	BAD	FAIR	GOOD	VERY GOOD
Overall conduct of voting in PS is	1.1%	1.2%	0%	26%	71.7%
Overall impression of procedures followed	0.6%	0.9%	4%	21.5%	73%
Overall impression of PEC's understanding of procedures	0.65%	0.65%	3%	20.3%	75.4%

## ASSESSMENT OF VOTING BY REGION

REGION & DEC	VERY BAD	BAD	GOOD	VERY GOOD
Cherkassy			33.3%	66.7%
Chernihiv			22.2%	77.8%
Chernivtsi	3.2%		25.8%	71%
Dniepropetrovsk		1.4%	49.3%	49.3%
Donetsk			75%	25%
Ivano-Frankivsk			30.6%	69.4%
Kharkiv	4.5%		25%	70.5%
Kherson	2.1%		16.7%	81.3%
Kirovohrad			13.2%	86.8%
Khmelnytsky		3%	45.5%	51.5%
Kyiv	3.7%	3.7%	44.4%	48.1%
Kyiv Oblast			9.4%	90.6%
Luhansk			13%	87%
Lviv			37.1%	62.9%
Mykolaiv		6.5%	37.1%	56.5%
Odessa			8.3%	91.7%
Poltava		4.3%		95.7%
Rivne	3%		3%	93.9%
Sumy		2.7%	18.9%	78.4%
Ternopil	4.3%		8.7%	87%
Volyn	3.4%		6.9%	89.7%
Vinnytsia			48.6%	51.4%
Zakarpattia	3.3%		10%	86.7%
Zaporizhia		1.7%	31%	67.2%
Zhytomyr	2.7%	2.7%	10.8%	83.8%
Nationally	1.1%	1.2%	26%	71.7%



## CLOSING OF POLLING STATIONS AND COUNTING PROCEDURES

Total number of Precinct Election Commissions (PECs) observed: 94

POLLING STATION	URBAN	RURAL
	75.5%	24.5%
TYPE	REGULAR	SPECIAL
	89.4%	10.6%

## GENDER

PEC ROLE	FEMALE	MALE
CHAIRPERSON	68.1%	31.9%
DEPUTY	75.3%	24.7%
SECRETARY	82.6%	17.4%

## CIRCUMSTANCES OUTSIDE THE POLLING STATION (PS)

QUESTION	YES	NO
Were voters waiting to vote inside the PS at 20:00 hours?	2.2%	97.8%
If YES, Were they allowed to vote?	100%	0%
Did the PS close on time?	94.7%	5.3%

QUESTION	INTERNATIONAL ELECTION OBSERVERS	DOMESTIC ELECTION OBSERVERS	CANDIDATE/PARTY OBSERVERS
Which of the following categories of observers were present at the closing of this PS?	29.8%	33%	96.8%

## STEPS TO BE COMPLETED BEFORE THE BALLOT BOXES ARE OPENED

QUESTION	YES	NO
Were any official complaints filed at this PS during the vote?	3.3%	96.7%
Was the VL closed and signed by the PEC Chairperson and Secretary?	93.6%	6.4%
Was the number of registered voters on the VL announced?	90.4%	9.6%
Was the number of voters' signatures on the VL announced?	89.4%	10.6%
Was the number of voters' signatures on the VL extracts for mobile voting announced?	90.3%	9.7%
Did the PEC count and invalidate unused ballots according to procedure?	97.9%	2.1%
Did the PEC announce the number of unused ballots?	96.8%	3.2%
Was the number of used ballot counterfoils announced?	91.4%	8.6%
Did the number of voters who received ballots match the number of counterfoils?	93.3%	6.7%
Was the sum of the number of voters who received ballots (pt.7) + the number of unused ballots (pt.2) equal the total number of ballots?	96.7%	3.3%
Were all documents packed into separate packages?	98.9%	1.1%

**OFFICIALS AND (UN)AUTHORIZED  
PERSONS IN THE PEC PREMISES**

QUESTION	YES	NO
Were any unauthorized persons present inside the PS?	1.1%	98.9%
Did any observers or candidate/party representative inform you of problems at this PS?	4.3%	95.7%

**OPENING OF THE BALLOT BOXES (MOBILE AND STATIONARY)**

QUESTION	YES	NO
Were the seals of all the ballot boxes intact/undamaged?	100%	0%
Was a control sheet found in every regular ballot box and two control sheets for every mobile box?	96.8%	3.2%
Were ballots for party list and majoritarian candidates separated?	100%	0%
Was the choice on every ballot announced aloud?	97.9%	2.1%
Were the valid/invalid ballots determined reasonably?	95.7%	4.3%
Were the valid/invalid ballots determined consistently?	94.7%	5.3%
Were all PEC members free to examine the ballot?	97.9%	2.1%
Did the appointed PEC members announce the number of invalid ballots?	97.8%	2.2%
Was the number of invalid ballots entered in the protocol?	97.8%	2.2%
Did the PEC pack and seal the ballots for each candidate/party separately?	95.7%	4.3%

**PROBLEMS AND IRREGULARITIES**

QUESTION	YES	NO
Observer/s or PEC member/s being expelled from the PS?	1.1%	98.9%
Non-PEC member/s participating in the count?	3.2%	96.8%
Were figures already entered in the protocols changed after opening the ballot boxes?	3.2%	96.8%
Official protocol forms pre-signed by PEC members?	10.9%	89.1%
Any falsification of VL entries, results or protocols?	2.1%	97.9%
Any significant procedural errors or omissions?	10.6%	89.4%
Any consistently anomalous marks on ballots (triangles, stars, etc.)?	1.1%	98.9%
Indications of ballot box stuffing? (e.g. ballots in stacks inside box or multiples folded together)?	0%	100%
Overcrowding inside the PS?	0%	100%
Tension or unrest inside the PS?	5.3%	94.7%

**COMPLETION OF THE VOTE COUNT PROTOCOL**

QUESTION	YES	NO
Did the PEC complete any "act" on counting discrepancies or irregularities?	9.7%	90.3%
Did all PEC members agree on the figures entered in the protocol?	96.8%	3.2%
Did the PEC members have difficulties filling in the protocol?	19.1%	80.9%
Was any dissenting opinion of PEC members on the count attached to the protocol?	3.2%	96.8%
Did any present PEC member refuse to sign the protocol?	1.1%	98.9%
Was a copy of the protocol posted for public information?	86.2%	13.8%
Did all entitled persons receive copies of the protocols upon request?	96.8%	3.2%
Did you receive a copy of the protocol?	93.5%	6.5%

## TRANSPARENCY

QUESTION	YES	NO
Did all persons present have a clear view of the counting procedures?	97.8%	2.2%
Were you in any way restricted in your observation of the counting procedures?	4.3%	95.7%

## OVERALL ASSESMENT

QUESTION	VERY BAD	BAD	FAIR	GOOD	VERY GOOD
Overall conduct of the counting process in PS	2.2%	10.8%	–	37.6%	49.5%
Overall impression of procedures followed	4.3%	6.5%	8.6%	34.4%	46.2%
Overall impression of PEC's understanding of procedures	1.1%	9.7%	7.5%	32.3%	49.5%

## ASSESSMENT OF VOTING BY REGION

REGION & DEC	VERY BAD	BAD	GOOD	VERY GOOD
Cherkassy			33.3%	66.7%
Chernihiv				100%
Chernivtsi			33.3%	66.7%
Dniepropetrovsk			50%	50%
Donetsk		33.3%	66.7%	
Ivano-Frankivsk				100%
Kharkiv		33.3%		67%
Kherson			40%	60%
Kirovohrad	25%		25%	50%
Khmelnysky			33.3%	66.7%
Kyiv			50%	50%
Kyiv Oblast				100%
Luhansk			50%	50%
Lviv		50%	50%	
Mykolaiv			60%	40%
Odessa		16.7%	83.3%	
Poltava			66.7%	33.3%
Rivne		33.3%		66.7%
Sumy		25%	75%	
Ternopil	33.3%		33.3%	33.3%
Volyn			66.7%	33.3%
Vinnysia			33.3%	66.7%
Zakarpattia		33.3%		66.7%
Zaporizhia		16.7%	16.7%	66.7%
Zhytomyr		50%	50%	
Nationally	2.2%	10.8%	37.6%	49.5%



## TRANSFER OF VOTE COUNT PROTOCOLS AND ELECTION MATERIALS

Total transfers observed: 92

QUESTION	YES	NO
Did two PEC members accompany the Chair and Deputy with the election material to the DEC?	95.5%	4.5%
Did police escort the PEC members and the election material?	96.5%	3.5%
Were the packed documents directly transferred to the DEC?	88.2%	11.8%
Were the seals on the PEC materials intact upon arrival?	93.7%	6.3%
Did the PEC deliver all required documentation to the DEC?	94.7%	5.3%

## PEC PROTOCOL CHECKS

QUESTION	YES	NO
Did the PEC submit two copies of each of the protocols (SMD and national district) to the DEC?	96.4%	3.6%
Did figures in the protocol display any obvious signs of having been altered?	7.1%	92.9%
Did the figures in the PEC protocols add up?	82.6%	17.4%
Did the DEC request the PEC to provide any "Amended" protocol?	18.3%	81.7%
Did the DEC decide to recount the PEC ballots?	5%	95%

## PROBLEMS AND IRREGULARITIES

QUESTION	YES	NO
Did any observers or candidate/party representative inform you of problems at this DEC?	14.6%	85.4%
Any official complaints filed with the DEC?	14.9%	85.1%
Are there long lines of PEC commissioners waiting outside the DEC premises to have protocols checked?	44.9%	55.1%
If YES, were ad hoc procedures used to manage crowds outside the DEC premises?	67.5%	32.5%
Any pressure or intimidation of PEC commissioners waiting outside the DEC premises?	2.4%	97.6%
Overcrowding inside of the DEC?	18.5%	81.5%
Observers being expelled from the DEC?	2.2%	97.8%
PEC correcting or filling in protocol without a formal decision?	3.9%	96.1%
Did it appear to you that the DEC was deliberately stalling the acceptance/processing of results?	0%	100%
Were you in any way restricted in your observation of the PEC handover to the DEC?	2.2%	97.8%



## TRANSPARENCY

QUESTION	YES	NO
Were you granted access to observe the entry of PEC protocols into the computer system at the DEC?	28.8%	71.3%

## OVERALL ASSESMENT

QUESTION	VERY BAD	BAD	FAIR	GOOD	VERY GOOD
Overall conduct of the handover and tabulation procedures is	3.32%	10.9%	–	51.1%	34.8%
Overall impression of procedures followed	1.1%	3.3%	16.3%	39.1%	40.2%
Overall impression of DEC's understanding of procedures	0%	2.2%	12%	37%	48.8%

## ASSESSMENT OF VOTING BY REGION

REGION & DEC	VERY BAD	BAD	GOOD	VERY GOOD
Cherkassy			66.7%	33.3%
Chernihiv			50%	50%
Chernivtsi			50%	50%
Dniepropetrovsk		16.7%	83.3%	
Donetsk			33.3%	66.7%
Ivano-Frankivsk			100%	
Kharkiv		28.6%	28.6%	42.9%
Kherson		20%	40%	40%
Kirovohrad		33.3%	33.3%	33.3%
Khmelnytsky		33.3%	33.3%	33.3%
Kyiv			57.1%	42.9%
Kyiv Oblast			33.3%	66.7%
Luhansk	50%	50%		
Lviv			50%	50%
Mykolaiv			75%	25%
Odessa		20%	40%	40%
Poltava		33.3%		66.7%
Rivne	50%			50%
Sumy			100%	
Ternopil		50%	50%	
Volyn			33.3%	66.7%
Vinnytsia			100%	
Zakarpattia	25%		25%	50%
Zaporizhia			83.3%	16.7%
Zhytomyr			50%	50%
Nationally	3.3%	10.9%	51.1%	34.8%



### OBSERVATION AT DISTRICT ELECTION COMMISSIONS (DECs)

Total number of DECs observed: 97

PEC ROLE	FEMALE	MALE
CHAIRPERSON	44.9%	55.1%
DEPUTY	54.4%	46.0%
SECRETARY	73.7%	26.3%

### OFFICIALS AND (UN)AUTHORIZED PERSONS IN THE PEC PREMISES

QUESTION	YES	NO
Were any unauthorized persons present inside the DEC?	6.9%	93.1%
Any official complaints filed with the DEC?	16.1%	83.9%

QUESTION	INTERNATIONAL ELECTION OBSERVERS	DOMESTIC ELECTION OBSERVERS	CANDIDATE/PARTY OBSERVERS
Which of the following categories of observers were present at this DEC?	82.4%	69%	90.1%

### TRANSFER OF PEC PROTOCOLS AND ELECTION MATERIALS

QUESTION	NEVER	SOMETIMES	MOSTLY	ALWAYS
Were the seals on the PECs' material intact upon arrival?	0.4%	1.6%	20%	78%
Did the PECs deliver all required documentation to the DEC?		0.8%	32.2%	67.1%

### PEC PROTOCOL CHECK

QUESTION	NEVER	SOMETIMES	MOSTLY	ALWAYS
Did the PECs submit two copies of each of the protocols to the DEC?		0.8%	19.2%	79.9%
Did figures in the protocols display any obvious signs of having been altered?	77.4%	6.3%	8.6%	7.7%
Did the figures in the PEC protocols add up?	1.7%	9%	54.1%	35.2%

## PROBLEMS AND IRREGULARITIES

QUESTION	YES	NO
Are there long lines of PEC commissioners waiting outside the DEC premises?	40.2%	59.8%
If YES, were ad hoc procedures used to manage crowds outside the DEC premises?	63.1%	36.9%
Any pressure or intimidation of PEC commissioners waiting outside the DEC premises?	3.1%	96.9%
Overcrowding inside of the DEC?	21.7%	78.3%
Observers being expelled from the DEC?	0.7%	99.3%
PEC correcting or filling in protocols without a formal decision?	4.9%	95.1%
Did it appear that the DEC was deliberately stalling the acceptance/processing of results?	3.7%	96.3%
Were you in any way restricted in your observation at the DEC?	6.5%	93.5%

## TRANSPARENCY

QUESTION	NEVER	SOMETIMES	MOSTLY	ALWAYS
Were you granted access to observe the DEC data entry of the PEC protocols?	66.5%	2%	1.5%	30%

## OVERALL ASSESMENT

QUESTION	VERY BAD	BAD	FAIR	GOOD	VERY GOOD
In general, the overall conduct of the handover and tabulation procedures at this DEC is	1.8%	11.2%	–	54.2%	32.9%
Overall impression of procedures followed	0.7%	5.1%	20.6%	36.1%	37.5%
Overall impression of DEC's understanding of procedures		2.5%	13.7%	40.1%	43.7%

## ASSESSMENT OF VOTING BY REGION

REGION & DEC	VERY BAD	BAD	GOOD	VERY GOOD
Cherkassy		14.3%	71.4%	14.3%
Chernihiv	25%	25%	25%	25%
Chernivtsi			100%	
Dnipropetrovsk	11.1%	11.1%	44.4%	33.3%
Donetsk		50%		50%
Ivano-Frankivsk			66.7%	33.3%
Kharkiv		12.5%	25%	62.5%
Kherson	8.3%	25%	41.7%	25%
Kirovohrad				100%
Khmelnysky		9.5%	90.5%	
Kyiv			54.5%	45.5%
Kyiv Oblast			37.5%	62.5%
Luhansk		50%	50%	
Lviv		11.1%		88.9%
Mykolaiv		25%	55%	20%
Odessa		4.5%	72.7%	22.7%
Poltava			18.2%	81.8%
Rivne		23.5%	5.9%	70.6%
Sumy			80%	20%
Ternopil	16.7%	33.3%	16.7%	33.3%
Volyn			54.6%	45.5%
Vinnytsia			33.3%	66.7%
Zakarpattia	20%	20%	40%	20%
Zaporizhia		11.4%	80%	8.6%
Zhytomyr		1%	70%	20%
Nationally	1.8%	11.2%	54.2%	32.9%





