

POST-ELECTION INTERIM REPORT
1–4 October 2007

Executive Summary

- Following the 30 September pre-term parliamentary elections and the Statement of Preliminary Findings and Conclusions issued by the International Election Observation Mission (IEOM) on 1 October, the OSCE/ODIHR Election Observation Mission (EOM) continues to observe the remaining phases of the electoral process.
- As of 4 October, the Central Election Commission (CEC) has tabulated and posted on its website the figures of 99.98 per cent of Precinct Election Commission (PEC) results protocols. Five parties and blocs look set to enter the new Parliament including the Party of Regions (PoR), the Bloc of Yulia Tymoshenko (BYuT), the Our Ukraine – People’s Self-Defense Bloc (OU–PSD), the Communist Party of Ukraine (CPU) and the Lytvyn Bloc.
- While the CEC uploaded the majority of polling station results on its website on 1 October, based on information submitted by District Election Commissions (DECs), a considerable number of DECs slowed down the processing of results protocols. The delays appeared to be largely caused by the need rectify technical errors and mathematical inconsistencies in the PEC protocols. Political parties alleged deliberate delays aimed at tampering with results. As of 4 October, eight PECs from DEC 1 (Simferopol) had yet to be processed.
- Few post-election complaints and appeals have been submitted. The office of the Prosecutor General initiated two criminal proceedings, for bribery and for vote buying. The Socialist Party of Ukraine (SPU) has challenged the results in a number of polling stations in three DECs in Kharkiv region.

Tabulation and Announcement of Election Results

Since election day, the CEC has been in permanent session, receiving election results and materials from DECs. All processed PEC protocols are posted on the CEC website, as entered in the DEC results spreadsheet. The process of submitting election results to the CEC was overall efficient in most of the country. On 1 October, the CEC had already posted results from over one half of all PECs, and by the end of 2 October, the CEC website showed 99.25 per cent of PEC protocols as having been processed. Later on, the rate of submission of DEC results slowed down substantially. Some DECs experienced significant delays in the processing of PEC results protocols. These included DECs 1 (Simferopol, Crimea), 29 (Dnipropetrovsk), 137 (Odesa region) and 219 (Kyiv City). By the end of 4 October, eight PEC protocols from DEC 1 had still not been submitted. The law fails to set a specific deadline for PECs to report their results to the respective DECs.

A review of rejected PEC results protocols indicates that in the majority of cases, protocols were initially rejected on technical grounds, e.g. where leading zeros were missing or dashes had been used instead of zeros. There are also examples of systematic errors being made in particular districts, indicating lack of or insufficient training of PEC members, e.g. DEC 139 in Odesa region and DEC 197 in Khmelnytsky region. Several DECs had a high rate of protocols which had to be amended; in DEC 29, around 60 per cent of all PECs had to amend their results

protocols. It would appear that some DEC sessions worked slowly and inefficiently. In DEC 1, members nominated by BYuT and OU–PSD walked out of the DEC session, only to return later on.

Where PEC protocols had to be amended due to technical errors or mathematical inconsistencies, it often proved difficult to assemble all PEC members for a PEC session as required by the law. This was often due to the fact that PEC members returned to their regular places of work and because, in some cases, members lived outside the area where they served as election administrators.

At 3:30 hours on 3 October, offices located next to the premises of DEC 91 (Kyiv region) were set on fire. The election material from that DEC, which had yet to be submitted to the CEC, was not damaged and was processed later the same day.

According to CEC preliminary results, with 99.98 per cent of PEC results protocols processed by the end of 4 October, five parties look set to enter the new Parliament. These include the PoR with 34.36 per cent of the vote, BYuT with 30.72 per cent, the OU–PSD Bloc with 14.16 per cent, the CPU with 5.39 per cent, and the Lytvyn Bloc with 3.96 per cent. The remaining 15 parties and blocs that participated in the elections failed to pass the 3 per cent threshold for entry into Parliament, including the Socialist Party of Ukraine with 2.86 per cent of the vote.

According to PEC results protocols as posted on the CEC website, in a number of polling stations and DEC sessions, in particular DEC sessions 48 and 49 in Mariupol (Donetsk region), the SPU achieved high results in comparison with their overall nationwide showing. In Mariupol, which is the stronghold of a prominent SPU candidate, the SPU more than doubled its share of the vote compared to 2006. It emerged as the strongest party in one of the city's two DEC sessions (DEC 48). The SPU also did well in the two DEC sessions north of Mariupol (54 and 55), scoring as much as 95 per cent in DEC 54, PEC 131.

Complaints and Appeals

Few post-election complaints and appeals have been submitted. On 1 October, the District Administrative Court of Luhansk satisfied a claim lodged by Our Ukraine–People's Self-Defense Bloc, which challenged a decision of DEC 109 (Luhansk region) dated 30 September. The DEC had decided that voters who were removed from the voter lists based on information submitted by the State Border Guard Service should be allowed to vote if they showed up at a polling station.

The office of the Prosecutor General received some 35 election-related complaints between 1 and 4 October. Most complaints were rejected or forwarded to the relevant institutions. In two cases, criminal proceedings were initiated: in DEC 146 (Poltava region), the DEC secretary allegedly bribed the DEC chairperson in an attempt to make the chairperson return to the DEC and make the commission function; at Kirovograd University, SPU representatives allegedly engaged in vote buying, offering students 50 UAH (approximately EUR 7) each. The same allegation was made in DEC 209 (Chernivtsi), where the regional prosecutor was provided with relevant documentation by the security services on 3 October as a basis for initiating criminal proceedings against SPU representatives.

On 3 October, the SPU filed a complaint in the Kharkiv Administrative Court, challenging the results in a number of polling stations of DEC sessions 141, 174 and 181. The SPU claimed that a large number of procedural violations occurred in regular polling stations as well as in military units.

Ten complaints were filed with the CEC on election day and the days after. Of these, three were subsequently rejected: two concerned illegal campaigning, and one challenged the actions of lower-level commission members. A complaint challenging the action of the prosecutor was not considered. In addition, the PoR informed the EOM that they filed six complaints to the CEC on alleged irregularities in DECs 218, 219, 220 and 221 (Kyiv City). Few complaints were lodged with DECs, concerning the tabulation process and possible recounts. DEC 8 in Crimea invalidated the results of PEC 56. The OSCE/ODIHR EOM has not been informed of any other formal complaints.

OSCE/ODIHR EOM Activities

On the day after the elections, the IEOM (comprising of the OSCE/ODIHR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly), which joined efforts for election day observation, issued a joint Statement of Preliminary Findings and Conclusions. This statement reflected the pre-election period, voting and the vote count on election day, and initial information on the processing of results protocols and the results tabulation on election night. The OSCE/ODIHR EOM will continue to follow developments, and will issue a comprehensive final report including recommendations, approximately two months after the completion of the election process.