

INTERIM REPORT 3
17– 23 September 2007

Executive Summary

- The appointment of Precinct Election Commissions (PECs) appears problematic in a number of regions, as even leading electoral contestants face difficulties in nominating sufficient numbers of members.
- In a long-awaited development, the Central Election Commission (CEC) finalized the regulations for voting at home.
- Starting on 17 September, voter lists have been opened for public scrutiny. It would appear that improvements in the compilation of voter lists have yet to meet the public's expectations. Key electoral stakeholders have raised concerns with regard to the accuracy of the lists. The Bloc of Yulia Tymoshenko (BYuT) expressed and documented concerns about inaccuracies in voter lists identified in the Donetsk region.
- The Party of Regions (PoR) has expressed concerns over possible election day fraud resulting from the fact that the names of Ukrainian voters abroad remain on the voter lists. The PoR estimates that the number of such voters is about 5 million. However, removing these names from the voter lists would result in disenfranchisement.
- The Constitutional Court is expected to rule on the constitutionality of provisions of the Parliamentary Election Law (PEL) with regards to the involvement of the State Border Guard Service in the compilation of voter lists.
- The CEC has issued a warning to President Viktor Yushchenko to refrain from campaigning openly for the Our Ukraine–People's Self-Defense Bloc (OU–PSD). The President has questioned the CEC's jurisdiction in this matter.
- The leader of PoR stated that the party will definitely participate in the elections, following an earlier statement by the PoR Political Council that the party reserved the right to pull out of the elections.
- Media coverage of the campaign continues to be extensive, with a focus on the three biggest groups in the outgoing Parliament.

Election Administration

The CEC proceeded with the preparations for the upcoming elections, adopting a series of decisions. In a long-awaited development, on 18 September, the CEC approved amendments to the regulations on voting at home. It amended the application for homebound voting, adding fields where voters must enter their age, the cause of their temporary incapacitation, and details of supporting documentation. In a separate clarification, the CEC decided that PECs may send teams to verify the submitted applications by visiting the address of the applicants. The adoption of these clarifications was unnecessarily delayed, which might have reduced the time available for the above-mentioned checks.

The appointment of PECs faced problems in some regions. In Rivne region, the parties of the governing coalition failed to nominate members for up to one quarter of the PEC positions they are entitled to. Some PECs lacked the required two-thirds majority in order to hold their first meeting, due to incomplete membership or because PEC members did not show up. Similar problems, albeit to a lesser extent, were reported in Donetsk region, where opposition nominees failed to show up for inaugural PEC sessions.

Voter Lists

Following the delivery of preliminary voter lists by Working Groups to DECAs, political parties and civil society groups engaged in assessing voter lists as part of an overall public scrutiny exercise. It appears that improvements to the compilation of voter lists have yet to meet the public's expectations. According to reports from OSCE/ODIHR Election Observation Mission (EOM) observers, the quality of voter lists varies across the country. Influential electoral stakeholders have publicly expressed their views about the quality of voter lists. However, as of writing, the intensity of the debate on this issue appeared to be gradually diminishing vis-à-vis other campaign issues. BYuT, specifically, expressed and documented concerns about inaccuracies in voter lists identified in Donetsk region; the OSCE/ODIHR is following this case as well as information received from other interlocutors.

In general, PECs throughout the country opened the voter list for public familiarization after receiving it on 17 September, as provided by the PEL. In a number of areas, however, voters are yet to receive their voter invitations, which could further enhance public scrutiny of the voter lists. The legal deadline for delivery of invitations to individual voters was expiring on 21 September.

On the basis of a 'risk analysis' undertaken by PoR, the party expressed to the OSCE/ODIHR their concern about possible election-day fraud resulting from the fact that the names of Ukrainian voters abroad remain on the voter lists. However, removal from the voter lists of such names would disenfranchise voters, in contravention to legal provisions. With a view to streamlining voter lists, and in an attempt to identify Ukrainian voters who live abroad, the Government sent police officers to check whether people are residing at their registered addresses. According to PoR, police visited a sample of some 890,000 flats during the summer and assessed that some 69,000 voters who were registered to live in these flats were actually living abroad.

The PoR considers this sample to be representative and has extrapolated the findings to conclude that some 5 million Ukrainian voters, whose names are included in the voter lists, live abroad. The OSCE/ODIHR has requested further information on the methodology used for this analysis.

The Ministry of Interior made public similar information on 17 September, stating that 3,323,763 Ukrainian citizens have gone abroad and have not returned to date. Three Cabinet of Ministers decrees authorizing such checks were suspended by Presidential decrees as unconstitutional.

On 18 and 19 September, the Constitutional Court heard two cases challenging the constitutionality of provisions of the PEL with regard to the involvement of the State Border Guard Service in the compilation of voter lists. A ruling of the Constitutional Court is awaited.

Campaign and Media

On 22 September, the CEC issued a warning to President Viktor Yushchenko to refrain from campaigning openly for OU–PSD. The President has publicly stated that it is not within the jurisdiction of the CEC to issue such a resolution.

Nine days prior to the election, PoR published an open letter to President Viktor Yushchenko alleging that wide-scale falsifications were being prepared by OU–PSD and BYuT. The PoR Political Council also publicly warned that PoR reserved the right to pull out of the election before, during, or after election day if such falsifications were judged to be intentional, although PoR was unclear about which institution would adjudicate this issue. A day later, Prime Minister Viktor Yanukovich publicly announced that PoR would definitely participate in the election, and all prior statements on the matter were removed from the party's website.

Media coverage of political and campaign developments continues to be extensive and to focus on the main parties in the outgoing Parliament, with the Government and the President also receiving significant coverage. While BYuT, PoR, OU–PSD and the Lytvyn Bloc continued to purchase the largest quantity of paid time, a number of other parties also launched more visible paid media campaigns. The continued extensive use by political parties of unmarked paid content in informative programs of broadcast media and in newspapers is, however, of concern.

OSCE/ODIHR EOM Activities

The OSCE/ODIHR EOM continues to observe the last stages of the pre-election period, and prepares for the deployment of over 500 Short Term Observers seconded by the OSCE participating States for election day observation.

In addition, the OSCE/ODIHR EOM will join efforts with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly for the observation of election day proceedings.