



Silba - Initiative for Dialogue and Democracy

Final Report
Short Term Election Observation Mission in Ukraine
1st Round of the 2019 Presidential Elections
Ukraine, 31 March 2019

Introduction

Silba – Initiative for Dialogue and Democracy – had the honour of conducting an accredited Election Observation Mission (EOM) during the Presidential Elections in Ukraine on 31 March 2019. Silba deployed 28 short-term observers (STO's) in Kyiv and 4 in Sloviansk (ANNEX 1). The STO's visited 110 polling stations. Silba neither observed mobile voting taking place, nor polling stations based abroad.

From 27 March to 1 April, Silba's STO's followed an extensive programme of briefings, lectures, presentations and meetings in order for the STO's to develop a broad understanding of contemporary Ukraine and the presidential elections. Prior to the EOM, Silba's STO's had passed the relevant OSCE/ODIHR e-learning course in election observation guidelines. During the mission, they also attended Silba's methodology observation course. As a result of these and sessions and training, Silba's STO's acquired substantial knowledge about the current situation in Ukraine, its political system as well as electoral law and procedures, before their deployment to the polling stations.

Silba's STO's were deployed in 13 different teams, consisting of two to three observers and a volunteer Ukrainian interpreter with English, Ukrainian and Russian language proficiency. Each team rotated among polling stations throughout the day, covering eight districts in Kyiv and two in Sloviansk. Within the respective districts, each team selected different polling stations in advance, ensuring proper coverage of the district.

Accreditation

Prior to deployment in Ukraine, Silba applied for accreditation on 21 February at the Central Election Commission (CEC) of Ukraine. Shortly afterwards, Silba informally contacted their contact person at CEC's Department for International Cooperation who informed about their request of accreditation being finalized, adopted and confirmed. On the same day, 32 accreditation cards of official international observers were picked up at the Central Election Commission's headquarters. Silba in general felt welcome, and the Central Electoral Commission was helpful in clarifying doubts and questions prior to and during the EOM. However, Silba strongly recommends the Central Election Commission to clarify the bureaucratic requirements that follow with the accreditation procedure for international observers (e.g. necessity of a translation to Ukrainian, organizational stamp, comprehensive list of STO nominees and etc.) as well as overall provision of informative materials about Ukrainian presidential election procedures and laws applicable to international observers.

Additionally, the official accreditation came in the form of a card instead of a badge. Consequently, this caused confusion at polling stations. Since the card was not worn visibly, it was unclear whether or not observers present at polling stations were accredited or unauthorized.

Silba recommends the Central Election Commission to clarify in more detail the requirements needed for receiving official accreditation.

Opening procedures

Out of 12 observed polling stations, eight were opened on time. All observers reported that the election materials were present in 11 polling stations visited during the opening procedure, thereof one polling station in Sloviansk lacked a protocol document. The STOs observed that in all 12 polling stations, the control sheets were entered in every ballot box and there were no unauthorized persons present. Most observers were received positively by polling station officials (PSO's) and the chairpersons. There was one case of a Silba translator not being allowed to attend the opening procedure. However, after a lengthy conversation, this situation was resolved and the PSO no longer interfered in the observation.

In general, Silba concludes that the opening procedure of the polling stations was conducted in a satisfactory manner.

General observations

The election day was in general conducted in an orderly manner and in accordance with local election law between the hours of 08.00 and 20.00. Silba's STO's visited 97 polling stations throughout the opening hours, of which 70 % was evaluated very positively, 23,3 % positively, 5,56% negatively and 1,11% very negatively. Procedures were followed properly by PSO's in 80 % of the polling stations. Among these in total 67,3 % of chairpersons were female.

Observers were in general well received and welcomed in all districts. Further, PSO's reported that voters had a sufficient understanding of the electoral system and the use of ballots. However, some irregularities were reported including the unauthorized presence of law enforcement representatives (police) inside the polling stations, inconsistencies with voter lists and family voting.

Training of PSO staff

The observers noted positive attitudes by the PSO's in most of the polling stations observed. **Most of them were eager to show the observers how the polling stations operated and were noted to comply with procedures in most cases.** However, there were several cases in which members of the PSO did not show up to work, leading to delays in the opening of certain polling stations. In one instance, the chairman arrived late and consequently lost his position and received a lawsuit.

While the PSO's were generally perceived to be well trained, there were few incidents reported where they performed inadequately. In one instance, the chairman and secretary were unaware that international observers were allowed to be present after the opening procedure and were reluctant to allow further observation. In two other cases, the chairman of the polling station did not allow the STO's to view the protocol. Furthermore, there was a case when **PSO's did not stop voters attempting to enter the same voting booth**. Moreover, an incident was observed with a **PSO putting ballots, that accidentally had been left in the voting booth, into the ballot box**. Additionally, there was one instance where a **translator was not permitted to enter a polling station**. After a long discussion, the translator was allowed to enter, and the PSO no longer interfered.

Violations of secrecy of the vote

A proper guarantee of the right to secrecy of the vote is a pillar in the comprehensive conduction of democratic practices. Not ensuring the secrecy of the vote is connected with a number of issues, including intimidation of voters on the basis of their vote cast, vote buying, and low voter turnout.

Silba's STO's noted that **12 % of the polling stations indicated inappropriate positioning or construction of voting booths**. Booths with direct viewable access from neighbouring booths or PSO tables made it problematic to ensure the secrecy of the vote.

In Kyiv, three exit polls were conducted outside the polling stations in the district of Svyatoshyn. Silba's STO's reported that the **exit pollsters behaved pushy towards the voters, asking them to tell them who they voted for**.

According to the observations, voters marked their ballots in secrecy in 93 % of the observed polling stations. **Silba's STO's noted that 15 % of the observed polling stations held issues with family voting**. This behaviour reoccurred occasionally when STO's identified communication between voters as unproblematic, suggesting that the lack of secrecy was mostly due to a lack of knowledge or understanding of anonymity-importance by the voters.

Campaigning

Less than 5 % of the polling stations showed signs of campaign materials or activity in the surrounding areas. Incidents of handing out flyers, business cards or other similar materials by party representatives weren't reported by STO's.

Voting Lists

While there were no instances of voters being turned away unjustly, there was a variety of issues with the voting lists. Among them, a major observation in **16% of the polling stations was that voters had troubles finding or identifying themselves in the voting**

lists. This concerned voters who arrived at polling stations where they weren't registered at. In such cases, PSO's managed to a certain extent to redirect voters to their respective polling stations.

One polling station noted that they had turned away 250 people due to a lack of registration. From these 250 people, 20 could prove that they were enrolled to that particular polling station, through the online voting lists. **The other half of issues with voting lists concerned misspelling between voters' passports and voting lists**, even though their addresses were identical. Furthermore, **few STO teams reported the presence of recently deceased persons in the voting lists and slight inconsistencies between the number of ballots handed out by the CEC and the number of persons in the voting lists.**

Closing procedures

Silba's observer teams stayed at 13 polling stations during the closing procedures and counting, in most cases remaining on-site until the protocol had been signed and the polling station closed down. The observed polling stations closed down between 00:20 and 05:30 in the morning. **The observers were spread throughout Kyiv**, covering the districts of Darnytsia, Obolon, Podil, Pechersk, Solomyansk, Shevchenko and Svyatoshyn.

In Sloviansk, Silba observers covered two polling stations during the closing and counting procedure **in the town centre**. Silba STO's reported a varying number of PSO's on the scene during closing and counting procedures, ranging from three persons in one case to mostly more than 15 PSO's. 54% of the chairpersons were female. In all observed polling stations, voters who queued at their polling stations at the closing time were given access to the polling station for voting as per the Ukrainian law.

Steps before ballot boxes are opened

In 92% of all observed polling stations, seals on the ballot boxes were intact before the boxes were opened. In one case, the serial number of the seal was not entered into the protocol. There were no instances reported when control sheets were missing or not identical with the one kept by the PSO's. During counting, observers did not report any cases when the number of voters and of spoiled votes were wrongly counted and entered into the protocol. As regards the number of unused ballot papers, one observer team witnessed a situation when this number was not correctly entered into the protocols. In all observed polling stations, spoiled and unused ballots were packed in separate envelopes.

Officials and transparency

Only polling station officials are assigned to conduct vote counting as per the Ukrainian law. However, **in a majority of all observed polling stations, domestic partisan observers and NGO representatives actively participated in the vote counting.** Additionally, **in 46% of all polling stations, polling station officials did not understand and adhere fully to the**

required counting procedures. This sometimes also included the way how the protocol should have been handled. It provoked some time-consuming disputes and complaints among the PSO's, of which a few were not resolved in a satisfactory manner. One reason for these disputes could be inappropriate training of all polling station officials regarding the counting procedures.

Counting procedure

In most observed polling stations, ballots were counted in an orderly, secure and transparent manner. However, it has to be noted that **in 31% of polling stations, partisan observers and NGO representatives disturbed PSO's in the counting process by advising them on how to properly follow counting procedures.** Silba observed that all unused ballots were secured, cancelled or destroyed after being counted. There was one case with indications of insecure storage of unused ballots. Furthermore, except for one polling station, all ballots were invalidated in a reasonable and consistent manner, and then appropriately segregated and preserved for review. **The number of invalid ballots did not seem inordinately high.** Only one observer team reported a situation when ballots contained unusual markings intended to violate the secrecy of the vote. **In none of the observed closing procedures, the observers found signs of ballot box stuffing** or PSO's adding further marked ballots. There have been no indications of multiple and identical signatures on the voter list. In nine out of 13 cases, the number of registered voters recorded as having voted corresponded with the number of ballot casts. In two polling stations, the observers could not reply to this question. In two polling stations, the comparison resulted in two slightly diverging numbers, which is worrisome.

All ballots were separated and counted individually for each party or candidate. In one polling station, observers witnessed indications of power outages which hampered or prevented counting. In this polling station, the **final calculation of ballots was conducted in a hidden room, which prevented Silba from having an eye on the exact ballot numbers.** Additionally, due to the size of the ballot paper, it was hard for observers to confirm that the candidate announced corresponded to the ballot.

In another polling station, the voting over spoiled ballots seemed to be biased. Polling station officials tended to accept one candidate's ballots as valid and reject other candidates' ballots as spoiled. In the same polling station, 101 votes had been first miscounted and attributed to the wrong candidate before it got corrected.

Official counting records were appropriately completed. Silba did not observe any situations where political party/candidate representatives and other domestic observers were not able to obtain official copies of the protocol for the polling station.

In 62% of all observed polling stations, the voting results were publicly or transparently posted in the polling station. This was not the case in 15% of the observed polling stations. 23% of observers team could not comment on this. In one polling station, Silba observers witnessed inappropriate activities by police and/or security forces personnel, such as taking

notes and reporting figures or results by telephone. Three observer teams could not comment on this aspect of the closing procedure.

77% of all Silba observers were able to observe the sorting of ballots in a reasonable distance and were allowed to ask questions. In one polling station, the chairperson yelled at the observers, restricted them from taking photos during the recounting process, asked other PSO's not to talk with Silba observers and refused to hand out the final protocol. In two polling stations, polling station officials or observers were at a certain point excluded from the procedure.

Silba observers noted the overall rating of the closing procedure relatively lower than opening - and general procedures.

Silba observations in Sloviansk

In the context of this election, Silba deployed 4 STOs in Sloviansk in the Donetsk region. This was done to diversify our observations and in order to observe the electoral process in a region with a high concentration of internally displaced persons (IDPs).

Overall, the election process on election day was relatively quiet with no political protest in the streets except for the presence of a vehicle calling people to vote and providing a phone number in case citizens would witness violations of the electoral procedure. In contrast to Kyiv, Silba noticed very little military and police presence in Sloviansk. Furthermore, despite the fact that experts in Kyiv expected potential cases of pro-Russian provocations, Silba did not observe such acts in Sloviansk. The main activity seen outside the polling stations was the presence of young volunteers conducting an exit poll for a non-profit organization called "DOSVID" ("experience" in Ukrainian).

With regard to IDPs, the Ukrainian electoral authorities did not distinguish between IDP's and citizens who moved for economic or education purposes. Consequently, polling stations had distinct lists for voters who had moved from their hometown. These voters had to show a special proof of registration in the constituency in order to be able to cast their votes. Some polling stations had a special table dedicated to these voters to facilitate the voting process.

Despite Slavyansk's relative closeness to the line of contact and its IDP population, no considerable incident marked the election day and our observers noted that IDPs were able to vote in an orderly manner.

Recommendations

Following the conclusions in this report, Silba recommends firstly the authorities of Ukraine to improve the training of PSO's to ensure secrecy of the vote. Following this, the closing procedure of structured vote counting in accordance with the Ukrainian law should be communicated clearly and more comprehensively to PSO's so that confusion and chaotic situations can be avoided in the future. Appropriate training for PSOs is strongly advisable.

Secondly, Silba advises the Central Election Commission to communicate in a more transparent way which administrative requirements comes with the accreditation procedure and supply all international observers with informative materials in English about Ukrainian electoral procedures and laws.

Furthermore, Silba recommends Ukrainian law enforcement bodies to increase awareness among their personnel that their direct presence inside the polling stations (especially during closing procedure) can lead to voters (and PSOs) being felt harassed or intimidated.

Lastly, Silba strongly recommends a simplification of the voter registration system for Ukrainian citizens as well as IDP's and the introduction of consistency mechanism for verification of voters in voting lists at polling stations and online voting lists, so that they properly reflect one another prior to election day.

Silba looks forward to continuing positive, facilitative, and mutually beneficial cooperation with the CEC and hopes to conduct future EOMs in Ukraine.

Silba would like to emphasize that the image obtained in this report is non-conclusive for Ukraine as a whole and only represents the situation perceived in the observed areas in Donetsk Region and Kyiv: the districts of Darnytsia, Obolon, Podil, Pechersk, Solomyansk, Shevchenko and Svyatoshyn. Thus, the observation of Silba cannot be taken to reflect the situation in the whole country.

Annex 1: Visual Map of the covered areas

EOM in Ukraine, 31 March

Observers

Observer Groups

Districts

Polling Stations

32

13

10

110

