

1999 Ukraine Presidential Election Observation Mission Report

October 31, 1999 and November 14, 1999

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INTRODUCTION

The International Republican Institute (IRI) sponsored two independent, bipartisan delegations to observe the voting and tabulation processes in the 1999 Ukraine presidential election. Delegations observed both the October 31, 1999 first round election and the November 14, 1999 run-off election. The mission was made possible by funding from the National Endowment for Democracy.

The 1999 presidential election was Ukraine's third presidential election since the country declared independence in 1991. The election was also the first under the new 1996 constitution and the new presidential election law, which was passed by the Verkhovna Rada, Ukraine's parliament, in March 1999.

Incumbent president Leonid Kuchma was re-elected with 57.7 percent of the vote to Communist Party leader Petro Symonenko's 38.7 percent. Noteworthy is the fact that 3.9 percent of voters, or nearly one million people, voted for "none of the above," the highest percentage that has ever voted for this category.

IRI has a history of conducting successful election observation missions in Ukraine. In March 1994 and March 1998, IRI deployed teams of international observers to monitor Ukraine's parliamentary elections. IRI's March 1994 election observation report offered 21 recommendations to improve the electoral process, many of which, such as the elimination of minimum voter thresholds and the use of positive instead of negative voting, were reflected in Ukraine's current parliamentary election law, which was passed by the Verkhovna Rada in September 1997.

After the 1998 parliamentary elections, IRI made additional recommendations for improvements in Ukraine's electoral process, including decreasing the hours of operation for polling stations and enhancing the requirements for signature verification. These and

other recommendations were incorporated into Ukraine's current presidential election law.

The Central Election Commission of Ukraine (CEC) provided accreditation to IRI's delegates and staff to participate in the election as official international observers. During the accreditation process for the 1999 presidential election, an official of the CEC noted that IRI's 1998 parliamentary observation mission had been fair and objective and that the report issued after the elections was informative and useful to the CEC in planning for the 1999 presidential election. It was thus with the full support of the government of Ukraine and the Central Election Commission that IRI conducted its mission in Ukraine.

Mission delegates represented the business community, media, nonprofit organizations, political parties and the Ukrainian-American community in the United States¹. For both rounds of the election, eight teams of one delegate and one IRI staff member were deployed to eight IRI program oblasts. Deployment cities for the first round election were Cherkasy, Chernihiv, Donetsk, Kharkiv, Ivano-Frankivsk, Odesa, Simferopol and Zhytomyr. In the run-off election, deployment cities were Cherkasy, Chernivtsi, Donetsk, Kharkiv, Ivano-Frankivsk, Odesa, Simferopol and Ternopil. The day before balloting, IRI delegates interviewed local political party leaders, journalists and election officials. In total for both election days, IRI delegates observed more than 245 polling sites throughout Ukraine. IRI coordinated deployment assignments with the Organization for Security and Cooperation in Europe (OSCE) to maximize coverage of polling sites.

¹ Delegates and IRI staff who participated in the mission are listed on pages 1-3 of this report.

Before teams deployed to their assigned regions, the IRI delegations received briefings in Kyiv from U.S. Ambassador Steven Pifer, the CEC, the OSCE and from experts in Ukrainian politics, media and economics.

On both election days, IRI delegates monitored the opening procedures at select polling stations and traveled throughout their assigned region to various polling sites on a random basis to monitor ongoing voting activities. At the end of the day, delegates remained at a polling station to monitor the final ballot count and obtain official copies of the minutes, or ballot results. Delegates then followed officials to the next level of election administration, the territorial election commission (TEC), and remained at the TEC to track reporting of precinct results. IRI made official statements on the outcome of the voting process after the first and second rounds of voting on November 1 and November 16, 1999, respectively².

IRI's presidential election observation program examined Ukraine's election process in its entirety by carefully reviewing four distinct stages of the election: the pre-election atmosphere, the election administration, the balloting process and ballot tabulation, and the post-election period.

² IRI's preliminary statements on the first and second round elections are on pages 41-50 of this report.

The area in which the 1999 presidential election showed significant lack of progress if not outright failure, was in the use and conduct of the media. State-owned media, which dominates the television and radio airwaves, unabashedly offered only pro-incumbent coverage. News outlets that did present stories on opposition candidates faced harassment by the state authorities, including unwarranted raids by tax authorities, or unwarranted revocation of licenses. Some independent journalists who typically provide more balanced coverage reported that they felt pressure to be one-sided in their reporting and programming.

There were other reasons for concern. For example, on both election days, several delegates reported the presence of plain clothes militia officers or internal security forces who were quietly observing the balloting process at polling sites. While the law provides for the presence of uniformed militia, there is no requirement for additional security forces. The mere presence of these officers could have contributed to an atmosphere of intimidation and harassment. Furthermore, their presence at several polling stations in various regions of the country suggest a coordinated, nationwide effort. The IRI delegations also heard reports that state employees were openly campaigning for Kuchma in violation of the election law.

On a positive note, the 1999 presidential election demonstrated that Ukraine has made significant progress in the administration of the election, much of which can be attributed to improvements in the presidential election law. Some of these improvements also reflect amendments that were passed just weeks before the first election. The law requires that precinct and territorial election commissions be composed of representatives of each candidate; each candidate was allowed two poll watchers at each polling station; ballots were pre-numbered by the CEC before they were delivered to polling stations; and the chairman, vice chairman and secretary of each commission were required to represent different candidates.

IRI's final report, which analyzes both the progress and lack of progress in the 1999 presidential election and includes 18 recommendations for further improvements to the presidential

election law, will be distributed to the Ukrainian Central Election Commission, government officials in Ukraine and the United States, Ukrainian political parties, the National Endowment for Democracy and other interested individuals and organizations.

EXECUTIVE SUMMARY

On October 31, 1999, approximately 69 percent of Ukrainian voters went to the polls to choose between 13 candidates in the presidential election. As mandated by law, because no one contender received more than 50 percent of the vote, a run-off election was held two weeks later between the two top contenders, incumbent President Leonid Kuchma and Communist Party leader Petro Symonenko. The run-off ballot listed three boxes to check, Kuchma, Symonenko and a third box for “none of the above.”

In the run-off election on November 14, 1999, incumbent President Leonid Kuchma was re-elected president of Ukraine, receiving 57.7 percent of the vote to Communist Party leader Petro Symonenko’s 38.7 percent. Seventy-four percent of the electorate participated in the run-off election.

The International Republican Institute’s election observation mission program reviewed all aspects of the election, from the pre-election to the post-election period. Final recommendations are based on the election process in its totality. IRI found that the pre-election atmosphere was marred by media bias and manipulation and an overreaching use of the power of incumbency. There were some positive aspects to Ukraine’s electoral administration; however, the overall process indicates that Ukraine is not yet fully democratic. Indeed, the transition to democracy and a market economy is progressing very slowly. Areas of concern include:

- State media was overtly biased in favor of the incumbent; independent media that did not support the incumbent or provided coverage of opposition candidates faced unwarranted inspections, fines and license revocation by state authorities;

- IRI observers were told by individual reporters that their stories were admittedly biased because “this election is too important to be neutral”;
- Throughout both rounds of the election, there were many troubling reports of government employees and resources being used in favor of the incumbent;

Key areas of progress in the election include:

- The new presidential election law was passed in a timely fashion after extensive parliamentary debate;
- High voter participation. Turnout was 69 percent for the October 31 vote and 74 percent for the November 14 vote;
- Legislation mandated that election commissions at all levels include representatives from all candidates, a move that contributed to the transparency of the commissions’ work;
- IRI observers witnessed no serious, organized attempts of fraud on election day; most violations were unintentional or relatively minor;
- Final election results were tabulated and reported expeditiously, even under the labor-intensive system of counting ballots by hand. After the run-off election, the Central Election Commission reported preliminary results seven hours after the closing of the polls.

ELECTION ENVIRONMENT

IRI considers the pre-election environment to be an integral component of the election process. This period incorporates campaign strategies and tactics, the objectiveness of the media in reporting news about the election and candidates, and the overall security environment during the campaign. IRI conducted a series of pre-election assessments in August and September 1999, which included traveling to IRI's 10 program oblasts and interviewing regional political party leaders, journalists and election officials. IRI also analyzed media coverage, legislative activity and other events that occurred during the presidential campaign season. During deployments, IRI delegates also interviewed local campaign officials, journalists and election officials.

Preliminary Observations

Two significant developments shaped the early campaign season. First, in June 1999, the Verkhovna Rada, Ukraine's parliament, established an ad hoc committee, the "Ad Hoc Commission on Protection of the Election Rights of Citizens During the Preparation for the Conduct of the Presidential Election." The commission was chaired by Verkhovna Rada Deputy Oleksandr Yeliashkevich and conducted regular public hearings during the campaign in which allegations of governmental abuse of power were heard.

Many groups monitoring the election campaign observed that this ad hoc parliamentary committee would provide a necessary system of checks and balances on the activities of the government during the campaign. However, the creation of such a commission sent a public message that a large number of Rada deputies believed the electoral system in place was especially vulnerable to executive branch pressure, regardless of such positive advancements as the new presidential election law, which parliament approved earlier in March 1999.

Second, Deputy Yeliashkevich announced on September 20, 1999 that 12 of the 15 presidential candidates agreed to form a separate vote counting and tabulation center to be conducted in the Verkhovna Rada. Candidates Kuchma, Natalia Vitrenko of the Progressive Socialist Party and Hennadiy Udovenko of Rukh, declined to join the alternative vote count process. Again, although many saw this move as offering an appropriate check and balance on the power of the Central Election Commission (CEC), establishment of an alternative vote counting process may have undermined the relevant government agency that was authorized to conduct the process. Ultimately, neither the Rada commission nor the alternative vote count center strongly impacted the election process. In fact, the numbers that the alternative vote counting center provided mirrored the numbers provided by the CEC.

Media

Open and independent media is a hallmark of democracy. In 1992, early in Ukraine's independence, laws were passed that banned state censorship and guaranteed the right to disseminate information freely. Nonetheless, there is growing concern about the level of state control of the media in Ukraine. The problem is exacerbated by the fact that the state owns and operates the technical facilities – the printing presses and distribution networks – used for producing and delivering print media. The poor economy contributes to the problem because paid advertising is usually not affordable and wealthy politicians can “buy” positive news coverage. There are few private media outlets and completely objective news coverage is rare.

The presidential election law stipulates that each candidate be given a specific amount of air-time on state television and radio and space to print campaign platforms in the state papers “Holos Ukrainy” and “Uriadovi Kuryer” and in official oblast publications. Rukh candidate Hennadiy Udovenko was the first candidate to appear on the popular state television station UT-1 on September 6, 1999 and all candidates subsequently were given

equal air time.

Nonetheless, while this legislative mandate was fulfilled, it was apparent that state-controlled media was particularly biased toward the incumbent. For example, after some candidates made appearances on UT-1, broadcasters blatantly made slanted and critical comments about the candidate, without any means for the candidate to refute the comments.

During IRI's pre-election assessment interviews with political parties and campaign workers, there were numerous accusations that the state-controlled media was disrupting coverage of opposition candidates through technical means. One example given was of a power outage in Chernihiv during the exact hour an opposition candidate was being interviewed on a state radio station. Members of both the Socialist Party and the Communist Party in Kharkiv reported in separate meetings that access to state media was blocked.

IRI was told that media outlets that provided positive coverage of opposition candidates had been subjected to unwarranted inspections by tax and finance authorities. The well known, independent television station STB was subjected to tax inspections and had its bank account temporarily frozen.

In Ivano-Frankivsk during election deployments, both a producer of a television program and an editor-in-chief of an independent newspaper told IRI election observers that low salaries and poor economic conditions forced many reporters to accept payments for stories to provide positive news coverage of certain politicians. In addition, IRI observers reported instances of meetings with media representatives who candidly admitted their bias. Their assertion was that this election was simply "too important to be neutral," lest the country go back to the days of communism.

In Cherkasy, IRI delegates met with a director of an

independent television station, who described the harassment the station had received since it declared its support for Marchuk two months before. A representative of state television first offered money and paid vacations if the studio would side with Kuchma. Although the station had a five-year license, government authorities closed its offices and sealed its electric sockets so that it could not broadcast. The station then decided to go out on the street, set up a projection screen, and film live. Mayor Oliynyk, a former presidential candidate himself, made his offices available to the station for broadcasting, and provided security guards when the company received threats.

Other international organizations reported that more than 25 media outlets had faced some form of government pressure. Arbitrary inspections by government authorities were so pervasive during the campaign season that the Council of Europe called for a moratorium on such “inspections” until the election was over.

The media situation between the first and second round election was less complicated, but just as controversial. Days before the second round election, a state-controlled Ukrainian television channel aired a critical movie about Stalin, accounts of the food shortage in North Korea, and other overtly anticommunist programs. Symonenko’s campaign complained afterward that voters were being subjected to a bias viewpoint and that the administration was using state media to portray Symonenko as part of a “red menace.”

It is important to note, however, that many independent journalists appeared committed to fair coverage. Many journalists said that it was natural for the incumbent president or more nationally-known candidates to receive more coverage and several journalists with whom IRI observers met had no complaints. For example, IRI observers met with journalists from an independent radio station in Crimea and both an independent and state-controlled newspaper in Ternopil, all of whom felt no pressure on their reporting.

An editor for a center-right party in Zhytomyr said the newspaper “pays attention to the four or five major candidates and Kostenko....There is no rationale in covering the lesser candidates.” He then noted that the newspaper has four criteria for campaign news: 1) how interesting the candidate is to the electorate, 2) how interesting are the candidate’s positions, 3) the candidate’s attitude toward statehood and human rights, and, 4) extraordinary events.

Voter Education

A present weakness in Ukraine’s electoral process is the lack of voter education efforts. This was reflected in a June 1999 survey by the International Foundation for Electoral Systems (IFES), which found that 42 percent of participants said their understanding of the electoral process is “not very good.” Eleven percent said they did not understand the electoral process at all. The problem is less a lack of intent and more a lack of resources. Neither the CEC nor national political parties have the funds or staff to conduct broad outreach and education on the electoral process at the national level.

The situation does not improve at the local level. IRI’s pre-election assessment revealed very few voter education efforts. For example, nearly one month before the election, on September 28, 1999, the pre-election assessment team in Chernivtsi oblast was told that neither the TECs nor the CEC had yet conducted voter education programs and it was unclear if such programs would occur at all. During interviews for the run-off election, IRI observers were told by one official that the TEC she chaired did run public service announcements about how to vote, fill out ballots, etc. A producer of an oblast television station in Ivano-Frankivsk also aired public service announcements to compensate for the lack of information from official sources.

In terms of youth outreach and education, the Kuchma campaign was clearly the most organized and visible. The “Youth

for L. Kuchma” organization held rock concerts throughout the campaign season and campaign rallies around the country two days before both rounds of the election. Other than the Kuchma campaign, only two party representatives discussed specific youth outreach efforts during pre-election interviews. Representatives of the Liberal Party of Ukraine had a well-established youth effort and also organized rock concerts and rallies. The Republican Christian Party also conducted rock concerts and get-out-the-vote events. It should be noted that both the Liberal Party and the Republican Christian Party supported Kuchma in the first and second round election.

IRI also heard reports of obstruction of voter outreach efforts. The Communist Party of Kharkiv oblast reported that the Party prepared a Komsomol (Communist Youth League) banner but was unable to have it printed because the printer was afraid to be associated with the communists. Socialist Party candidate Oleksandr Moroz reported that his efforts to speak at universities were blocked by school administrators.

Without greater attention to voter education, the net result will be an electorate that does not understand the progress their country is making, particularly such improvements as the new presidential election law. Awareness of these improvements could inspire citizens to have greater confidence in their electoral system, in their government and in democracy.

Campaign Tactics

In pre-election interviews and during delegate briefings, IRI heard reports that state officials were illegally participating in the election campaign, in direct violation of the law. IRI delegates in Donetsk were told that the postal service was delivering winning lottery tickets falsely attributed to Oleksandr Moroz. These lottery tickets falsely claimed the recipients had won a lottery and that they

could collect their winnings at the Moroz headquarters. Upon arrival at the Moroz headquarters, campaign workers had to explain that the lottery ticket was not authentic. Other reports include militia officers handing out pro-Kuchma literature and rectors of schools and universities directing their students to vote for Kuchma.

Another highly questionable campaign tactic was Kuchma's use of his regional campaign headquarters to deliver goods and services to the public. In both Donetsk and Odesa, IRI observers were told that the Kuchma campaign had established offices to disseminate "funds" to needy citizens. In Donetsk, IRI observers were told that the Kuchma campaign had delivered an automobile to one needy family, distributed cash to nearly one hundred families and paid for medicines and medical supplies for others. When questioned about the unethical appearance of such tactics, the Kuchma campaign replied that they were merely fulfilling administration policies.

Security

The 1999 Ukraine presidential election campaign season sustained one major security violation. On October 2, 1999, Progressive Socialist Party candidate Natalia Vitrenko was wounded during a campaign appearance in central Ukraine after two grenades were launched into the crowd. Vitrenko was a leading contender to Kuchma in the first round election. There were several accusations after the attack about who was responsible. Initial newspaper stories named persons associated with Socialist Party candidate Oleksandr Moroz as responsible for the attack and two people who were loosely tied to his campaign have since been arrested. Moroz denied any involvement in the attack.

Incumbent President Kuchma immediately responded after the attack, saying that nothing would destabilize the situation in Ukraine before the election. Kuchma ordered heightened security for all candidates before the election.

In response to the allegations against Moroz, the Verkhovna Rada passed a resolution on October 12, 1999, directing UT-1 state television to give Moroz live air time to refute claims he was involved in the attack. The next day, October 13, 1999, Moroz and a group of deputies visited the studio to demand air time but were denied entry by station officials. The state television station did not acknowledge the Verkhovna Rada's order, and because there is no mechanism in place to enforce such an order, Moroz was denied a means to defend himself against the criminal allegations.

IRI observers heard few reports of threats or violence against journalists during the 1999 presidential campaign. This was a positive contrast to the brutal attacks against journalists in previous campaign seasons. For example, during the 1998 pre-parliamentary election season, the former editor-in-chief of the Odesa Evening News was assassinated by unknown assailants in what was regarded as retaliation for "unacceptable" political views and stories.

During IRI's pre-election assessment meetings, only one journalist reported any direct threat to safety, although the majority of those interviewed seemed to accept the fact that threats to personal safety are a fact of life for political journalists in Ukraine. One editor said he received no threats this year, but reported being assaulted four times in his long journalistic career and said a bomb exploded in his newspaper's office building two years ago but caused no injuries. During IRI's pre-election assessment interviews in Odesa this year, the consensus was that there is always concern for the safety of reporters who write "sharp" stories regarding public officials.

ELECTION ADMINISTRATION

Election Law

Leading up to the presidential election, it was clear that Ukraine needed to adopt new legislation to bring the presidential election law into compliance with the 1996 constitution and other new laws, such as legislation on parliamentary elections and legislation on the Central Election Commission.

Ukraine is to be commended on the passage of the new presidential election law. In the fall of 1998, parliament considered five initial drafts before a final version was adopted in January 1999. However, President Kuchma vetoed this version, claiming many of its provisions did not conform to the 1996 constitution. A new version that included some of President Kuchma's amendments was passed by the Verkhovna Rada on March 5, 1999 and signed into law by President Kuchma on March 22, 1999.

The new law strengthens the role of the local precinct and territorial commissions as well as provides greater oversight to the CEC. Unlike the 1994 presidential election law, no minimum threshold of voters is required to validate the election. The law increased the number of signatures required to qualify a nominee's candidacy from a mere 100,000 to one million signatures from throughout the country with at least 30,000 each from 18 of Ukraine's 27 oblasts.

The law was passed in adequate time to allow debate and passage of amendments to clarify and improve the process. For example, in June 1999, an amendment was passed to allow each party whose candidate was registered to have two representatives on both the territorial and precinct election commissions. On September 14, 1999, the Verkhovna Rada passed an amendment that mandated that all members of commissions automatically receive copies of the final vote tallies, or minutes. Both amendments were constructive changes that greatly improved the

transparency of the electoral process.

Election Institutions

The Central Election Commission should be commended for the manner in which it fulfilled election activities. Among other duties, the CEC was able to provide preliminary and final results in a timely manner; facilitate removal of two candidates from the ballot by disseminating official stamps to cross out candidate names; and conduct a repeat election within the two-week time limit prescribed by law, including the distribution of additional ballots. The CEC should also be commended for conducting its activities under difficult financial restraints.

The 1997 Law of Ukraine “On Central Election Commission” gave the CEC new status as a permanent acting government agency that receives government funding for its activities. The CEC has 15 seats nominated by the President and confirmed by the Verkhovna Rada. The CEC commissioners elect one of their members to act as chair of the Commission.

The Verkhovna Rada passed three amendments after the first round election that would have modified CEC procedures. These amendments were vetoed by President Kuchma, and on December 15, 1999, the Rada failed to override the presidential vetoes. The three amendments would have limited the term of CEC members; put removal of a commission member under the jurisdiction of the Kyiv City Court, and required that the leadership of the CEC rotate so that the same person is not always the chair.

Signature Collection in Support of Nominees

One of the first procedural stages of the election, the signature verification process, was very problematic, immediately sending a signal that many of the nuances of the electoral process are yet to be worked out.

Candidates had three weeks, from July 12 - August 2, 1999, during which to submit voter signatures to the CEC. By law, the CEC was required to publish a list of candidates who had achieved the signature threshold on August 6, 1999. Three candidates, President Kuchma, Communist Party leader Petro Symonenko and Verkhovna Rada Deputy Yevhen Marchuk, turned in at least the minimum million signatures within the first days of the collection period. The CEC registered nine presidential candidates by the August 2, 1999 deadline after verifying that each had fulfilled the obligation of the law to collect at least one million signatures.

During the verification process, the CEC rejected six candidates on the grounds of insufficient numbers of signatures or invalid signatures. The six rejected candidates appealed to the Supreme Court, and the Supreme Court in turn demanded that the CEC put the names on the list. Although the candidates' names remained on the list, the CEC appealed the Supreme Court's ruling. After reviewing the case in mid-October, the Court maintained its position that the CEC's rejection of the candidates was invalid.

The case dealt specifically with procedure. The verification process was not sufficiently organized to accommodate the situation wherein several candidates presented signatures on the last day of the collection period. There was question over the CEC's authority to hire additional workers to help with the verification process. Furthermore, the Supreme Court ruled that the methods used by the CEC did not provide sufficient evidence that the candidates failed in collecting adequate numbers of signatures.

The result is a clear need to better define the legal processes of signature verification and candidate registration. Many analysts were concerned that the Supreme Court's move to overrule the CEC's findings would open the door for future appeals after the election and create a situation in which the validity of the entire election is questioned. Although this did not happen, the process needs to be thoroughly reviewed before the next election.

POST ELECTION

The dismissal after the first round election of governors from Vinnytsya, Kirovograd and Poltava – areas in which Kuchma lost – had clear political implications. This trend continued after the second round when several other oblast leaders, such as the governors of Zaporizhzhya and Mykolaiv oblasts, were removed in regions where Kuchma lost to Symonenko. More than anything, these moves legitimize claims that the Kuchma administration was using undue influence on regional governors and administrators to secure votes for the incumbent. Such practices lead observers to question the Kuchma administration's commitment to democracy.

In other post-election activity, on November 26, 1999, Supreme Court officials rejected an appeal from candidate and Communist Party leader Petro Symonenko to annul the November 14 presidential run-off. Symonenko submitted a list of violations to the court, alleging numerous problems in election procedure. Court officials stated that an annulment of the election was out of their jurisdiction. In fact, current law does not address the question of which court, if any, has the authority to annul an election.

Shifts in parliamentary factions indicate that the Verkhovna Rada is already undergoing its own transition. The Communist Party still leads in numbers, with 115 members in its faction. The Peasant Party faction, the faction to which former candidate and Parliament Speaker Oleksandr Tkachenko belongs, now has a membership of 15, including four former members of the Communist faction who are on "loan" to the faction to fulfill the Rada regulation that a faction must have at least 14 members or face dissolution. Members who left the Peasant Party faction as well as other factions shifted primarily to the Social Democratic Party of Ukraine (United) and Labor Ukraine, factions which represent pro-presidential forces.

The post-election period also saw an attempt by the

Cherkasy City Council to bring a vote of no confidence against former presidential candidate and mayor of Cherkasy Volodymyr Oliynyk. Under his administration, Cherkasy oblast is the only oblast other than Kyiv oblast that has a balanced budget and no pension arrears. Some members of the City Council allege that the voting has been fraudulent, with many technical irregularities, including counting some members of the Council as voting for no confidence when they did not.

Following his inauguration on November 30, 1999, President Kuchma visited both Russia and the United States. During his visit to the United States, Kuchma pledged to make Ukraine a part of the Atlantic community and recommitted to working toward greater economic reforms. He acknowledged the tremendous amount of work that has to be done. Kuchma also echoed the shifts underway in parliament. For example, he said he would work toward uniting the pro-reform members of parliament into a coalition strong enough to thwart the anti-reform wing of parliament. Many speculated that this would be necessary in order to restore his image after the damaging incidences of abuse of power during the election.

The final direction of the post-election process became somewhat more clear when President Kuchma chose his team of advisors, cabinet members and particularly his prime minister. The renomination of then current Prime Minister Pustovoytenko to another term was defeated in parliament on December 14, 1999. Noteworthy is the fact that the factions typically considered pro-presidential were the factions that cast the decisive, defeating votes against Pustovoytenko. The subsequent nomination and approval by the Rada of Viktor Yushchenko, a known reformer, as prime minister sent a message that Kuchma may be committed to greater economic reforms.

RECOMMENDATIONS

IRI began work in Ukraine in 1993 and since then has developed a comprehensive understanding of the Ukrainian political system, of the legislation passed to regulate elections and of the institutions established to administer elections. IRI's long-term work in Ukraine, the pre-election assessment and finally, the extensive information gathered by IRI's delegates during the first and second round election observation missions provide the framework on which the following recommendations are based.

In its review of the election administration, IRI determined that the 1999 Ukraine presidential election was absent systemic attempts of fraud or abuse. Both rounds of the election were satisfactory from an administrative and technical aspect. When violations did occur they were generally negligible, and did not affect the ultimate outcome of voting. Furthermore, as Ukraine is able to rely on more sophisticated voting methods in the future, there will be fewer and fewer opportunities for these minor technical violations.

Contrary to the election administration, IRI's analysis of the pre-election environment was less positive. During the months preceding the election and between the first and second round of voting, IRI found a disappointing atmosphere of biased and controlled media and an overreaching use of the power of incumbency. Media outlets that did not overtly support Kuchma were subjected to unwarranted government inspections. State media channels presented only negative programming on opposition candidates.

IRI does not characterize elections simply on the basis of whether they are free and fair. Rather, IRI analyzes the strengths and weaknesses of an election and an electoral system in its entirety. Using this approach, IRI offers the following recommendations.

Election Environment

1. Use of mass media in pre-election campaign publicity.

Almost universally, groups monitoring the presidential election reported that state media was overtly biased during both rounds of the election. President Kuchma received widespread, positive coverage on state media throughout the country, while opposition candidates received little or no coverage. IRI observers were told that certain state-controlled media flatly refused to place stories about candidates other than Kuchma. Furthermore, IRI heard several reports on the use of government agencies (e.g. tax inspectors) to harass those media outlets that did give positive coverage to opposition candidates. While the power of incumbency is a well known factor in most countries, there are limits to what appears to be outright manipulation of the press.

Independent reporters also failed to present objective coverage of the candidates. During the run-off election, IRI observers were told by journalists that “the election is too important to be neutral.” In Chernivtsi, for example, IRI observers were told by a journalist that he supported the incumbent because he is “the lesser of two evils.”

Two days before the run-off election, state media showed documentaries of Stalin and other negative images from the Soviet era. One newspaper warned on its front page of a possible communist nightmare if Kuchma did not win. This situation resembled Russia during the 1996 presidential election when Boris Yeltsin won a second term by portraying his opponent, Communist Party leader Gennady Zyuganov, through extensive, controlled media as part of a “red threat.”

Unless a truly independent media develops in Ukraine, one in which all candidates have equal access and opportunity to appear in the media, the transition to democracy will be thwarted. Furthermore, absent a truly independent media, the Ukrainian electorate will not be provided the resources necessary to make an informed decision, and future election outcomes will not truly

reflect the will of Ukraine's citizens.

Recommendation: Pending further development of an independent media, the presidential election law should explicitly provide additional opportunities for candidates to present their platforms through state media. Ukrainian law in general should clarify the lines of control and ownership between media outlets and state agencies, political organization or business entities. The government of Ukraine should enforce the existing laws that govern the use of media during elections. National and local government authorities should refrain from attempts to control the news and wherever possible takes steps to ensure freedom of the press. The government should refrain from enforcing tax and license violations during a specified time before the election in order to avoid any appearance of harassment.

Leading Ukrainian journalists should also work to develop and institutionalize professional standards and responsibilities and should commit to performing their work according to the highest code of conduct. One possible way to improve professional standards is for Ukrainian journalists to consider creating a nonprofit organization that could include journalists from other countries and would fulfill the duties of an ombudsman.

2. Procedure for Collection of Signatures in Support of Nominees

Article 27 of the presidential election law delineates the duties of the CEC in verifying the signatures submitted by nominees for candidate for president. Nonetheless, the events of early August, in which the Supreme Court ordered the CEC to register candidates the Commission had previously disqualified, demonstrates that the law is either ill-defined or easily misinterpreted.

During the signature verification process, the CEC originally disqualified six candidates, stating that more than one-third of their signatures were invalid. Part of the problem arose

when several nominees all turned in their signature sheets on the day of the deadline. The CEC had inadequate time and financial and labor resources to meet the CEC's verification deadline. There was debate over whether the CEC had authority to hire additional workers to aid in the verification process and whether additional funds could be authorized to do this. These, and other unanswered questions, contributed to the disorder around the process.

Recommendation: The signature verification requirement is the first test of the electoral process. The outcome of this procedure will set the stage for the entire election. IRI recommends that the law be improved to address the problems that arose in the signature verification process. First, additional funding should be allocated to the CEC to ensure that there is adequate capability to complete the process correctly. Second, the length of time allocated between turning in signature sheets to the CEC and the CEC's deadline for announcing verification results should be increased in order to accommodate the reality that several candidates could turn their lists in simultaneously on the last day.

3. Election ballot

Two candidates officially withdrew from the race by the deadline of not later than three days prior to the election day. Ballots had already been distributed to territorial election commissions, and, in most cases, not yet to individual precinct election commissions. The CEC should be commended for the efficient manner in which it handled the removal of the two names from the ballot. The method of delivering stamps to the territorial election commissions to cross out the names of the withdrawing candidates was timely and effective. Except for the fact that the stamping out required commissioners to handle the ballots an extra time, a move which could raise questions of transparency, the process was unremarkable. However, Article 30, "Resignation of a candidate for President of Ukraine from the ballot," does not address the mechanics of removing a name from the ballot.

Recommendation: The CEC should consider

institutionalizing a system for removing names from the ballot after the ballots have been delivered to polling sites. A specific procedure for this process should be spelled out in the election law.

4. Restrictions in carrying out pre-election campaign publicity – participation of public officials.

IRI observers heard many complaints that directors of schools and universities, hospital administrators, factory directors, military commanders and others, directed their subordinates to vote for specific candidates. Several IRI delegates were told that university rectors told their students grades would be affected if students did not vote for the incumbent. One IRI team was told that parents of elementary school students were called together and directed to vote for a specific candidate. Other IRI delegates were told that a hospital administrator said state funding for the hospital would be affected if workers did not vote for the incumbent.

Recommendation: Article 33 of the presidential election law says that “bodies of state power including bodies of local self government, their authoritative and public officials” are prohibited from participating in pre-election publicity. The presidential election law should strictly be enforced to guarantee that such interference is prohibited. When accusations are made that such events are occurring, they should be investigated and all violators should be fully prosecuted.

5. Restrictions in carrying out of pre-election campaign publicity – use of state resources in campaigning.

Article 33 states that “the conduct of pre-election campaign publicity, followed by providing voters with goods, services, securities, money, loans...is prohibited.” In both Donetsk and Odesa, IRI observers were told that the Kuchma campaign organization had established offices from which money, medicines and other goods and services were being distributed.

Recommendation: Allegations of violations to Article 33 of the presidential election law should be investigated, and all violators should be fully prosecuted.

6. Participation of authorized persons and other election participants in the work of election commissions.

Article 39 of the election law discusses participation of appropriate persons in the work of election commissions during registration of candidates, during the voting, during the vote count at the polling station and during the final tabulation at the territorial commission. IRI delegates observed the presence of unauthorized personnel during the voting and tabulation stages in many polling sites. In nearly every polling station visited, there were at a minimum one or two persons present who were not readily identifiable. More often than not, those in question were commissioners or domestic observers who were simply standing apart from the others.

However, in several instances, when unidentified persons were questioned, it became clear that they were either plain clothes militia officers or internal security forces or were representatives of the administration. The mere presence of such personnel created an atmosphere of intimidation and, considering the relative immaturity of Ukraine's democracy, officials should be sensitive to any possible perception of interference. At this stage in the development of Ukraine's electoral system, every effort should be made to garner confidence in the system without any possible inference of intimidation.

Recommendation: Presence of unauthorized or undeclared persons during the voting or counting stage should be carefully regulated. The CEC and the Verkhovna Rada should take steps to better regulate the conduct of internal security forces or plain clothes militia officers present. The presidential election law should note that the presence of unauthorized personnel is not permitted

during election day activities.

Election Administration

7. Integrity of the voting process – shifts in voter lists between first and second round.

IRI observers witnessed some incidents of what appeared to be manipulation of the voter list. For example, in Simferopol, IRI observers were told that an entire group of factory workers were moved from various voter lists reflecting their residence in the first round, to a voter list reflecting their work site in the second round in an effort to increase turnout at the factory site for the incumbent. Workers were told that because of an upcoming unscheduled holiday, election Sunday would be a work day and that workers would have to vote in the precinct of the factory.

The head of the TEC overseeing the precinct where this happened, pointed out that this is one area where the election law should be amended. The TEC discussed this situation at length during the tabulation process.

Recommendation: IRI recommends that the election law prohibit a “movement of voting sites” between the first and second rounds of the election except for extreme circumstances to avoid any appearance of attempting to manipulate the vote.

8. Integrity of the voting process.

Throughout pre-election briefings, IRI delegates had been told that there were concerns that hospitals, prisons and other public institutions were likely sites of voter manipulation.

In Kyiv oblast, IRI delegates visited a polling site located in the auditorium of a psychiatric hospital. The voting booth and ballot box were stationed according to regulations, however, when patients were ushered to the commissioners’ table to sign for their ballot, no identification was required. When asked about this, the

election chairman said often these are people who come in off the street and they have no identification.

The number of names on the voter list at the time of IRI's mid-morning visit was 368, but, as IRI learned at the end of the day, the number had increased to 622 by the time the site was closed at 8:00 p.m., with 535 people actually voting. In addition, the hospital precinct had received 1,000 ballots for its voter list plus an extra 561 ballots, a much greater amount than the 3 percent overage allowed. When questioned, the commissioner replied that the 561 extras were "in case more patients were admitted throughout the day."

When it came time to destroy the unused ballots during the count, however, the numbers did not add up. The commissioners destroyed only 400, and when questioned about the other 626 ballots, the IRI observer was told that they had been disposed of earlier. Such a situation in which the number of ballots and extra ballots delivered far exceed the number of names on the voter list, calls into question the intent of the election officials who distributed and monitored the election at this site.

Recommendation: Every attempt should be made to follow the letter of the law on CEC regulations and to avoid any activity that threatens the integrity of the election process. Central Election Commission regulations stipulate that precincts are to receive a number of ballots equal to the number on their voter list plus an amount to be determined by the CEC, which in the case of the 1999 presidential election was 3 percent.

9. The organization and procedure of voting – duties of commissioners.

Article 42 of the presidential election law contains vague language about the role of polling station election commissions in organizing the vote. IRI observers noted that at many polling stations, no official was designated to direct voters to voting booths

or to monitor the flow of traffic in and out of the voting stations. Similarly, many polling sites did not have a commissioner designated to help voters who had questions about filling out the ballot or voting procedures.

In many instances, IRI observers saw poll watchers acting as unofficial aids to voters who had questions. In one case, an IRI observer saw a militia officer directing voters to available booths while commissioners were otherwise occupied. The participation of unauthorized personnel in the operation of some polling stations and the clear lack of designated commissioners for answering questions and providing guidance contributed to an atmosphere of disorder, and ultimately to a lack of transparency.

Recommendation: The election law should specify that a commission member specifically be designated to direct voters in and out of voting booths, to answer questions as voters approach the booth and to direct voters toward the ballot box. This person should be easily identifiable as a member of the commission by wearing a badge or other such item to prevent confusion over who should or should not be present at a polling site. The numbers and duties of commissioners should be explicitly delineated so that there is no confusion over the role of each individual present.

Domestic poll watchers, foreign observers, militia officers and other unauthorized persons should be prohibited from providing procedural guidance to voters or in any way interacting with voters as they approach the voting booth or ballot box.

10. The organization and procedure of voting – secrecy of voting.

Article 42 says explicitly that voting for other individuals is inadmissible and that the presence of other persons while completing the ballot is prohibited. Nonetheless, the practice of husband and wife, or relatives, going into the voting booth together continues. The importance of the concept of a secret vote will be

lost on the Ukrainian voter unless private voting is encouraged. Most polling station commissioners failed to enforce the one person per voting booth rule. Several IRI observers reported that the rule was enforced only when commissioners were questioned about the practice. One IRI observer was told, incorrectly, that the regulations allow husband and wife to vote together.

Recommendation: Although husband and wife or family members voting together is unlikely to change the ultimate outcome of the vote, the right to cast a ballot in private is a hallmark of democratic voting. The right to a secret ballot should be strongly encouraged.

11. The organization and procedures for voting – polling station hours of operation.

IRI observers witnessed one chairman of a polling station announce that the station would close before 8:00 p.m. because all of the ballots had been handed out to voters and they expected no voters with a “propiska”, the official document that grants a voter permission to vote at a site different from their home precinct.

In Donetsk, for the run-off, IRI delegates interviewed a hospital administrator the day before the election and, based on their conversation, went to the hospital polling site at 7:30 p.m., only to find the hospital locked up, with no notice posted with information as to why the polling station closed early.

Recommendation: In order to clarify any confusion on the part of precinct election commissioners, IRI recommends that the presidential election law state that polling stations are required to remain open for the full period, from 8:00 a.m. to 8:00 p.m. regardless of whether all voters on the voter list cast their ballot. Although the chairman of the above-mentioned polling station may have known that no persons with special permission to vote at the site were going to appear, this practice should be prevented. The

chance of even one person being denied the right to vote because of a closed polling station undermines the concept of equal and direct franchise.

12. Authority of election commissions – norms and list of necessary equipment.

The Central Election Commission is to be commended on the timely delivery of all necessary material to conduct balloting. During opening procedures at polling sites, IRI delegates witnessed the proper sealing of the ballot box, an important indicator in the transparency of the balloting. In the case of a run-off election, however, it was impossible to distinguish between seals for the first and second round election. IRI observers reported that it was necessary to take commissioners' word that the broken seal remaining on the box was from the first round.

Recommendation: To prevent any doubt over whether a visible broken seal on a ballot box is indeed from the first round election, the election law should clearly state that in the case of a run-off election, an official seal distinct from the type used in the first round, for example, a different color seal, should be distributed and used to bind the ballot box.

13. Procedure for counting votes at the polling station – canceling unused ballots.

Although the election law spells out the proper procedure for canceling unused ballots before the beginning of the final vote count, IRI observers noticed that many polling station commissioners did not follow this procedure. Some commissioners used scissors to cut a small corner off the control check instead of actually tearing the corner, which would make it harder to use the ballot for fraudulent purposes.

Recommendation: IRI suggests that either polling site commissioners be better educated about the proper procedures for

destroying unused ballots, or that a more comprehensive method of destroying unused ballots be implemented.

14. Procedure for counting votes at the polling station – procedure for voiding ballots.

IRI commends the dedication and commitment of the polling station chairmen. Almost universally, IRI delegates observed chairmen and women who were committed to following the letter of the law. According to the law, when it was time to decide whether certain ballots should be voided, the majority of election commissions decided by majority vote on the criteria for voiding ballots. This process appeared to run smoothly in all IRI observation oblasts. The problem in leaving it to the commissioners to assign counting criteria is that one commission may include ballots that another commission chooses to void. For example, some IRI observers noticed that at one polling station, the chairman accepted ballots with checks to the left of a candidate's name. At another station, such ballots were voided. The voters' intent was clear in both cases, and both votes could have been valid but for the interpretation of the commissioners.

Recommendation: Until such time that Ukraine moves to a mechanized voting system, IRI recommends that the CEC provide more precise guidelines on which markings invalidate a ballot. It should be noted however, that such a move will require commissioners to be better informed and to be particularly attentive in explaining proper voting procedures to the electorate.

15. Procedure for counting votes at the polling station – ballot recount.

Article 43 of the presidential election law states that each commission member has the right to verify and if necessary request a recount of the number of ballots cast for each candidate. During the tabulation process at one polling site, IRI delegates observed that several ballots were mistakenly placed in the wrong candidate's pile. Although corrections were ultimately made, the process is such that unless the mistake had been pointed out, the final

tabulation would have misrepresented the actual number of ballots cast for each candidate.

Recommendation: Until such time that Ukraine moves to a mechanized voting system, IRI recommends that the law state that each stack of candidate ballots is to be reviewed by another commission member to ensure that ballots were not attributed to the wrong candidate.

16. Lists of voters, procedure of their compilation and verification – residency requirements.

The law stipulates that voter lists shall include all citizens who are 18 years of age and who reside on the territory of a respective polling station. However, because of Ukraine's residency registration requirements, many Ukrainian citizens are not registered at their place of residence and thus are not placed on the appropriate voter list.

Furthermore, Ukrainian law does not provide for a process in which a voter obtains an absentee ballot to be completed before election day and returned to an appropriate institution. The process of obtaining a "propiska" or an official document that allows a voter to vote at a polling site other than where they are officially registered is cumbersome and not well publicized. Consequently, many citizens – those who are unable to travel to their place of official residency or are unable to obtain a "propiska" – do not exercise their right to vote either because they do not know they are able to do so, or because the system is too complicated.

Recommendation: IRI suggests that Ukraine look seriously at establishing a system of absentee voting. Until such time that a system of absentee voting is implemented, IRI recommends simplifying the process of obtaining official documents to allow voting at a polling site other than the official site of residence. The ability to obtain such documentation should be better publicized and adequate time should be provided for voters to

obtain documentation.

17. Repeating voting – administration of voting.

The presidential election law does not address the administration of a run-off election. The law does not discuss in specifics such aspects as funding for a run-off election, a time frame for printing additional ballots, whether the additional ballots should be numbered by a printer, etc. After results of the first round election were announced and it became apparent that a run-off election would be held, the Verkhovna Rada did a commendable job of passing legislation on the administration of the run-off election. During parliamentary debate, funding and ballot issues were raised and addressed in a timely manner, and, ultimately, the run-off election was technically sound. The CEC should also be commended for delivering additional ballots to all 225 territorial election commissions in a timely fashion. These technical details, however, should be addressed specifically in the presidential election law.

Recommendation: The current law should be revised to discuss specifics of administering repeat voting. For example, current language does not include the issue of funding a run-off election, including the printing of additional ballots. The technical issues of administering a run-off election should be delineated in the law.

18. Repeat voting – poll watchers and commissioners.

Particularly important is clarification of the composition and role of poll watchers as an election moves into its second round. The presidential election law does not specify whether poll watchers from the first round are permitted to participate in the second round.

In the first round election, the law specifies that poll watchers representing each candidate can be present at polling stations. The law does not address if these poll watchers can participate in the second round election even if their candidate is no longer on the

ballot.

The composition of both the territorial and precinct election commissions should also be addressed in the law. For example, if commission membership falls below the required number of eight, the presidential election law should outline how replacements are to be appointed, whether by the local radas or through other means.

Recommendation: IRI recommends that the presidential election law be amended to include precise information on the formation of both territorial and precinct commissions for a run-off election, including precise information on how commissioners are to be replaced if they decide to no longer participate after the first round. The law should also address the participation of poll watchers in a second round election if their candidate is no longer on the ballot.

**International Republican Institute
Ukraine Presidential Election Observation Mission
Preliminary Statement
November 1, 1999**

SUMMARY

The 23-member International Republican Institute (IRI) election observation mission led by IRI Board member Constance Newman found Ukraine's 1999 presidential election to be a credible democratic process. Unfortunately, what could have been a step forward in Ukraine's political development was marred by a disappointing pre-election period. There were encouraging aspects of the 1999 election, such as the seriousness of the Ukrainian people in exercising their freedoms and advances made through innovations such as the country's new election law. However, these positive aspects need to be matched by a renewed commitment by those in power to all aspects of democracy if Ukraine's political development is to continue.

IRI'S OBSERVATION

IRI has observed 85 elections worldwide since 1984 and observed

Ukraine's 1994 and 1998 parliamentary elections and other elections within Ukraine.

For the 1999 election, IRI deployed 10 observation teams to nine oblasts. The deployment sites were: Chernihiv, Cherkasy, Donetsk, Ivano-Frankivsk, Kharkiv, Odesa, Simferopol, and Zhytomyr. Two teams remained in Kyiv to monitor voting in the capital city and to observe the national counting process. In all, more than 100 polling sites across the country were monitored.

Before deploying to their respective oblasts, IRI delegates met with the Central Election Commission, Ukrainian political experts, the United States Ambassador to Ukraine, and the Organization for Security and Cooperation in Europe. In their deployment cities, IRI delegates met with local authorities, representatives of candidates, local election commissions, and Ukrainian media.

IRI renders its final assessment of the election based on observing four distinct phases: the pre-election phase, election day, the counting of ballots, and the post-election phase, when the people's will is implemented. Thus far, IRI has witnessed the first two, and part of the third, of the four phases. Therefore, IRI reserves the right to modify this preliminary statement based on information yet to be collected.

PRE-ELECTION ENVIRONMENT

The pre-election environment was better than others IRI has seen recently – in countries such as Cambodia and Azerbaijan. It was, however, disappointing in that it fell short of previous Ukrainian standards, and well short of the mark set by countries that are members of, or are in the process of applying for membership in, organizations Ukraine wishes to join.

Ample evidence existed of broadcast media manipulation, with President Kuchma's activities featured on television everyday, while other candidates received negative or no coverage. A number of

media outlets were the alleged targets of selective tax and administrative investigations. IRI received credible reports of the Kuchma campaign's manipulation of state resources for partisan election purposes. Finally, for a variety of reasons, including President Kuchma's unwillingness to take part, Ukrainians were not treated to the debates that should be a feature of any free nation's campaign for chief executive.

Positive features of the pre-election period included the ability of candidates to get their message out, albeit on a limited basis and usually through their own newspapers. Candidates were also able to campaign in an atmosphere of relative security and freedom, although the perpetrator of the attack against Natalia Vitrenko has yet to be determined, and violence against presidential candidates in any country is to be deplored. Other positive aspects included the ability of voters to make their mind up for candidates, if not with full information, then without intimidation. Coalition building was in greater evidence than in the past, but many personality-based parties continued to encounter difficulty in building common approaches to issues.

PRE-ELECTION ADMINISTRATION

Ukraine's parliament, the Verkhovna Rada, passed the presidential election law on March 5, 1999. It was signed into law by President Kuchma on March 22, 1999. This deliberate and timely passage of the law, some seven months before the election, allowed political parties and candidates ample time to learn and understand its provisions and applications, and gave ample opportunity to the parliament to amend the law as the year progressed.

Other positive results of the 1999 presidential law include the ability of all viable candidates who wanted to seek office to obtain ballot access and that political parties found their role in the election process enhanced. The latter occurred by amendments to the original law which drew most election commission members from political parties with candidates on the ballot and also allowed the

same parties to provide election day poll watchers. Lastly, another positive amendment to the law was signed by President Kuchma on October 8, 1999, requiring that all commission members receive official protocols, or minutes, of the vote count for their commission. This proved to be a strong step for transparency.

Ukraine's Central Election Commission made good use of the extra time afforded by early passage of the law. Voting sites were generally well equipped, and, as noted below, polling officials were well trained.

ELECTION DAY AND COUNTING ENVIRONMENT

In general, voters were able to cast their ballots in an atmosphere free of intimidation. For the first time, however, a number of IRI observers witnessed militia members becoming involved in the balloting process, as opposed to safeguarding it. This included militia members registering IRI observers outside of the standard registration process.

Ballot counting witnessed to this point appears in general to be similarly free of intimidation. However, at one site in Kyiv where IRI observers were present, an official of Ukraine's intelligence service closely scrutinized the ballot count.

ELECTION DAY AND COUNTING ADMINISTRATION

IRI's delegates reported that, in general, polling site election commissioners were dedicated, knowledgeable and efficient in carrying out their duties. Top officials in each polling site had received ample training from the Central Election Commission (CEC), and had passed their knowledge onto commissioners under the authority. Those sites that were particularly efficient should be identified and recommended to others for their "best practices." A range of party poll watchers was found in almost every voting

station.

Communal voting was not witnessed on the scale seen in the past, but an undesirable practice, couples voting together, continued. Unfortunately, IRI observers witnessed a number of more disturbing incidents. Voters in Simferopol were witnessed carrying blank ballots from the voting station, but were stopped by party poll watchers. A voting station in Kyiv could not account for the disposition of more than 600 ballots, claiming they were invalidated earlier in the day (contrary to CEC rules).

IRI will continue to observe the ballot counting for the October 31 presidential election, and will closely follow the post-election process, including monitoring the expected November 14 run-off election.

**International Republican Institute
Ukraine Presidential Run-Off Election Observation Mission
Preliminary Statement
November 15, 1999**

SUMMARY

The 22-member International Republican Institute (IRI) observation mission, led by former U.S. Attorney General and Pennsylvania Governor Dick Thornburgh, found Ukraine's presidential run-off election to be administratively and technically satisfactory amid a disappointing atmosphere of biased and controlled media and an overreaching use of the power of incumbency. However, the election did strengthen Ukraine's developing democratic tradition and presented a very clear choice to the Ukrainian people about the future direction of their country.

IRI'S OBSERVATION

IRI had observed the October 31, 1999 presidential election, Ukraine's 1994 and 1998 parliamentary elections, as well as other elections within the country. For the presidential run-off, IRI deployed 10 observation teams to nine oblasts, all sites of IRI training missions over the last three years. The deployment oblasts were Cherkasy, Chernivtsi, Donetsk, Ivano-Frankivsk, Kharkiv, Odesa, Ternopil and the Autonomous Republic of Crimea. Two teams remained in Kyiv to monitor voting in the capital city and environs and to observe the national counting process. In all, more than 100 polling sites were monitored.

Prior to election day, IRI delegates met with political and economic experts, U.S. Ambassador Steven Pifer, local election officials, and representatives of Ukrainian media, Ukrainian political parties, the Verkhovna Rada's ad-hoc committee to monitor the elections, and the Organization for Security and Cooperation in Europe (OSCE).

IRI makes its final assessment of elections based on

observing four phases: the pre-election phase, election day, the final count, and the post-election phase, when the people's will is implemented. Thus far, IRI has witnessed the first two, and part of the third, of these four phases. Consequently, IRI reserves the right to modify this preliminary statement based on new data or information yet to be collected.

PRE-ELECTION ENVIRONMENT

IRI commented on the pre-election environment leading up to the October 31 balloting. (*See IRI Preliminary Statement dated November 1, 1999*). For the most part, similar comments can be made with respect to the period between the two elections.

The sudden resignation of three presidentially-appointed officials from Poltava, Vinnytsya, and Kirovohrod was one of the most widely noted political developments during this pre-election period. The replacement of these governors contributed to an atmosphere of cynicism and accusations of manipulation because opposition candidates had prevailed in those oblasts in the October 31 election.

Numerous reports reached IRI observers about activities on "Parent's Day," Saturday, November 13 -- the day before the election. According to these reports, parents who visited their children's schools on Saturday were instructed by teachers and school officials to vote for the incumbent. Also, in composition exercises, teachers dictated material to their students about the importance of re-electing the incumbent. These reports of school-related pressures were widespread.

Many Ukrainians have described the incumbent as having a virtual television and radio monopoly. Almost without exception, IRI observers heard complaints about the media favoring the president, who received nothing but positive and frequent coverage, while his opponent received substantially less and generally negative coverage. As noted in IRI's previous report, a number of

media outlets were the alleged targets of selective state investigation. Such tactics have a long-term effect.

In addition, foreign observers reported instances of meetings with media representatives who candidly admitted their bias. Their assertion was to the effect that this election was simply “too important to be neutral,” lest the country go back to the days of communism. In Chernivtsi, for example, IRI observers were expressly told by a media representative that he supported the incumbent because he is the lesser of two evils.

Such blatant media bias raises concerns not only for this and future elections, but for freedom of the press as well. If Ukraine is to have an independent, objective free press, media need to correct such a one-sided approach.

The election law contains a 20-minute television “equal time” provision for candidates. Even so, the preponderance of time devoted to coverage of the incumbent was extraordinary. Were this requirement not to exist, in the current media climate in Ukraine, opposition candidates might not have any opportunity to appeal to voters on a nationwide basis.

This pre-election period included a major holiday -- the re-named Day of National Reconciliation -- that gave both candidates an opportunity to campaign publicly. However, relatively small crowds at both campaigns’ rallies appeared to indicate some degree of voter fatigue with the campaign process.

PRE-ELECTION ADMINISTRATION

IRI believes the Central Election Commission (CEC) is to be commended for handling the dual requirements of finalizing and publishing results from the October 31 contest, while simultaneously preparing for the run-off. The CEC was able to print and distribute nationwide election ballots within a relatively short time frame. IRI observers did not receive reports of inadequately supplied polling stations. Furthermore, election

officials questioned by IRI observers said they were adequately trained and prepared for the run-off. The CEC also produced in a timely fashion the preliminary results in a district-by-district format.

During this pre-election period, the Verkhovna Rada has moved to further enhance the presidential election law. An example is passage of an amendment that would require the CEC to rotate officers among the commission members. It is important that the parliament be able to work cooperatively with the CEC on the basis of mutual confidence and trust.

ELECTION DAY - BALLOTING, COUNTING AND ADMINISTRATION

Notwithstanding earlier concerns about low voter turnout, Ukrainian citizens voted in large numbers for the run-off. The continued presence of candidate poll watchers was a positive aspect of this election. Further, despite some ambiguity in the law, there was no apparent confusion as to who would serve on local election commissions or as candidate poll watchers.

In general, voters were able to cast ballots in an environment free of intimidation or fear. As during the October 31 election, uniformed militia members continued to be engaged in the balloting process instead of safeguarding it.

Communal voting continued, although it appears to be on the decline as a general practice. As was the case in the October 31 balloting, the election officials were dedicated, knowledgeable and efficient in carrying out their duties.

Ukraine was the first of the former Soviet republics to have a peaceful transfer of presidential power through an election of its citizenry. This proud legacy was extended during the 1998 parliamentary and local elections. Nonetheless, this election, with its attendant problems, could represent an extension of worrisome

trends as well. It is our hope that Ukraine's leadership, as it embarks on a new five-year term, will address these shortcomings while providing responsive government, true economic reform and a consistent commitment to democratic principles.

**Results of Voting By Region for Run-off Election,
November 14, 1999**

**Results of Voting By Region for Run-off Election,
November 14, 1999 (cont.)**

Cherkasy Regional Summary October 31, 1999 Presidential Election

I. Summary

IRI delegate Martin Silverstein and IRI staff member Monica Kladakis traveled to Cherkasy on Friday, October 29. On Saturday, October 30, the delegation attended a meeting of territorial election commission (TEC) #196. They also met with a representative of the television company Studio 2 and representatives of the Socialist Party, Communist Party, Rukh and Rukh Kostenko campaign headquarters. The delegation visited 14 polling stations on election day.

II. Pre-Election

The IRI delegation attended a short meeting of TEC #196 where the election rules were reviewed, then accompanied the TEC chairman to observe the distribution of ballots to representatives of the precinct election commissions (PECs). The ballots had been stored in sealed metal cabinets in a small room guarded by militia. However, when the team asked to see the ballots, a commissioner pulled one out of an open package. When asked why the package was open, he answered that they had to be opened to be counted and stamped to cancel the two candidates who withdrew from the race. The team was told that a minimum of three PEC commissioners and two militia officers are required to be present during the counting. The scene was fairly organized, with PEC representatives waiting to receive their ballots and militia waiting to escort them.

Meetings had been scheduled with three media organizations: *Cherkasy Youth* newspaper, *City* newspaper, and a local television company. However, neither of the newspaper representatives showed up, and the local facilitator speculated that perhaps they were nervous about meeting with foreigners. The team did meet with the

representative of the local television company, who described the harassment the station had received since it declared its support for Marchuk two months before. He said a representative of state television first offered money and paid vacations if the studio would side with Kuchma. Although the company had a five-year license, the authorities closed its offices and sealed its electric sockets so that it could not broadcast. The company decided to go out on the street, set up a projection screen, and film live. Mayor Oliynyk, a former presidential candidate himself, made his offices available to the company for broadcasting, and provided security guards when the company received threats.

The television journalist was very concerned about the potential for election fraud, citing numerous examples of how it might occur. He mentioned rumors of disappearing ink and of the existence of already-marked ballots for Kuchma. He expected improper campaigning on election day, as well as improper assistance in voting. He also described a scheme where a voter would be stopped before going to vote and be given an already-marked Kuchma ballot; then the voter would go in, take a clean ballot, place the Kuchma ballot in the box, and give the clean ballot to the person outside who would pay the voter for the switch. Along with expressing concern about Kuchma's abuse of state resources, he showed the team state-funded posters of the president that resembled campaign posters. He said he had heard from youth that they had received pressure from university officials to vote for Kuchma. One of his employees stated that his wife, a social worker, had been asked to give out state-funded food with Kuchma's picture inside. In conclusion, the director said Ukraine is run by oligarchs and that the Kuchma administration is a "totalitarian regime."

The IRI team then met with a leader of the local Socialist Party (Moroz), who described his extensive campaign organization in Cherkasy Oblast. The Socialist Party had 4,000 volunteers in the

oblast, and planned to have four representatives at each polling station (two commissioners and two observers.) The party had conducted training during the campaign season for commission members, campaign workers, and observers. This Socialist Party representative was concerned about voter fraud, demonstrating a marker that when applied on top of ink writing, caused the ink to disappear. He also gave the team samples of false lottery tickets that promoted Moroz and offered money if the holder of the ticket would vote for Moroz. While the team was in the headquarters, it observed two women who stopped by to claim their money and were turned away.

With regard to the media, the Party leader stated that Kuchma received three times more television coverage than Moroz, and anyone who covered Kuchma's opponents was persecuted. For example, a private television journalist did a show with opposition candidates and was fired immediately afterward. The same television station was scheduled to air a live discussion on freedom of the media on Friday, October 29 at 7:30 p.m. At 6:30 p.m. the Interior Ministry called to warn of a bomb in the building, and everything was shut down until 12:30 a.m. In the meantime, the state-run Ros TV showed pro-Kuchma programming – which had clearly been pre-arranged – on that channel.

The IRI team next met with a representative of the Cherkasy Communist Party. He stated that despite having little funding, the party had conducted training for its observers, and planned to have several observers at each polling station. He expressed concerns about the possibility of election fraud, in particular with the voter lists. He alleged that the lists included dead voters, those who have changed residence, and citizens under 18 years of age. He also said that some precincts had received as many as three times more ballots than the additional three percent that each was supposed to receive. With regard to the media, he stated that few opportunities existed, as the mass media only covered Kuchma. Furthermore, he said the party

doesn't have the money to pay for coverage as other parties do.

IRI next met with a member of the Cherkasy Rukh-Udovenko Party, which has approximately 1,000 volunteers in the oblast. The party conducted door-to-door campaigning, distributed campaign literature, and trained 40 trainers who each trained 20 volunteers on signature collection. They planned to have commissioners on all the PECs, and observers at as many as possible. He mentioned that the split within Rukh caused some problems with planning, but that he coordinated strategy with the national party.

The Rukh Party leader expressed concern about possible election fraud, citing problems with voter lists (such as students and voters in hospitals), the "switched ballot" scheme and the structure of the mobile ballot box, stating that it would be easy to shake ballots out or stuff them in. In terms of the media, he said that it was very expensive and therefore made little use of it, as the party conducted minimal fundraising and mostly functioned through personal or in-kind donations. He described the problems the local independent television company faced, and alleged that Kuchma abused his position as president to conduct his campaign, adding that the Ukrainian press is "free but not independent." The most interesting part of this discussion, however, was the revelation that he did not see a distinction between a paid campaign ad and a paid newspaper article on his candidate. He freely admitted to paying a journalist 130 hryvnias to include a favorable biographical article – written by someone he himself hired – in the *Misto* newspaper. However, he also was proud of getting free coverage by offering "exclusive" interviews with Mr. Udovenko.

IRI's last meeting was with a member of the Rukh-Kostenko Party who was currently working in support of Mr. Marchuk. Hers was by far the most organized and efficient campaign that IRI visited. She had a computerized list of 1,700 volunteers and planned to have

two commissioners and two observers at each PEC. She paid some of her volunteers (mostly students) and arranged for a donation of gasoline for 14 cars to take observers to the villages. Half of the party's funding came from Kyiv, and the other half was raised locally. She credited 80 percent of her party's campaign efforts to American training.

She was primarily concerned about possible voter fraud in the villages (since most of the PECs in villages were headed by Kuchma representatives), in prisons, and in hospitals, where Kuchma representatives would have influence. She asked the IRI team to focus on the mobile ballot boxes to make sure there were not more ballots in the box than the number of requests. She stated that the media, both radio and television, had been a tool for Kuchma to conduct his campaign, but that non-state-run media in Cherkasy supported Marchuk. She said that one must pay for coverage, but even so only private media organizations would agree to cover candidates other than Kuchma.

III. Election Day

The IRI team visited 14 polling stations throughout territorial election commissions (TECs) #195 and #196 in Cherkasy oblast, including a maternity hospital, a military officers' club, and two village precinct election commissions (PECs). The team attempted to visit a prison PEC, but was denied entrance. The team observed the opening of the vote at PECs #8 and #2 in TEC #195, and the closing and counting of the ballots at PEC #17 in TEC #195.

For the most part, the IRI team found the voting process to be smooth and uneventful. Every PEC included commissioners and poll watchers from a variety of parties, which clearly lessened the potential for election fraud. Although, in general, fewer than half of the commissioners had served as election commissioners in previous

elections, extensive training had been conducted by the CEC and, in turn, by the TECs.

In some ways, the commissioners abided strictly by the law. For example, except for the maternity hospital, commissioners told the IRI delegation they would not allow someone to vote if he or she did not have the proper identification, even if the person were someone they had known for 20 years. This was true even in the village PECs the team visited. Additionally, the IRI team encountered a group of commissioners leaving a polling station with the mobile ballot box. The box was properly sealed, and each of the five commissioners accompanying the box represented a different party. However, the team observed several instances of people voting outside the booth, people voting together in a booth, and even a husband taking his wife's ballot and marking it for her. Official candidate posters were not displayed at most of the PECs the team visited, while CEC voting instructions generally were visible.

Many PEC chairmen noted problems with the accuracy of the voter lists; at five PECs, each "add-on" list included more than 40 voters. The commissioners explained that these were people who lived elsewhere but got certificates to vote in that precinct, people who were on a business trip, students, voters who just turned 18, and military officials who had just been posted to the precinct. The maternity hospital, which used a mobile ballot box throughout, had a list of 80 voters added to the official list, which the chairman said was due to new mothers and patients. However, the chairman said identification beyond hospital medical records was not necessary.

At the officers' club polling station, the IRI team spoke with enlisted men and was told that their senior officers had not instructed them on how to vote. Throughout the day, conversations with poll watchers resulted in assurances that no election violations had been observed and that the voting had been smooth.

The IRI team observed the opening of two PECs (#8 and #2) in TEC #195. Both PECs opened on time and with all commissioners present. The IRI team inspected both ballot boxes and observed that they were empty and sealed. However, no candidate posters or CEC voting instructions were displayed, as mandated by law. The chairman from PEC #8 was hurried and irritated by the IRI team's presence, while the chairman from PEC #2 welcomed the team and answered all its questions. There were about 12 poll watchers present, representing candidates Symonenko, Kuchma, Marchuk, Kostenko, and Vitrenko. One observer was registered as a journalist from *Point of View*, a publication from the non-governmental organization, Committee of Voters, and another was a foreign observer from the Ukrainian Congress Committee of America.

The IRI team observed the closing and counting of the ballots at PEC #17 in TEC #195. The chairman did not seem to mind IRI's presence, but he made clear that he did not want any interference. While the commissioners were well-intentioned in their interpretation of the election law, they made key basic mistakes in the counting process. For example, there was no organization – all the commissioners grabbed piles of ballots and walked around the room distributing them to 15 individual piles, one for each candidate. Next, rather than announcing the result of each ballot individually, all the commissioners simultaneously counted the piles of ballots without verifying that each ballot was correctly placed in that pile. Considering the IRI team twice saw ballots incorrectly placed in a pile, the failure to verify the piles undoubtedly resulted in errors. The piles were recounted by different commissioners, but again, most of them did not check to ensure that each ballot was supposed to be in that pile. With regard to destroying unused ballots, the commissioners followed the law by clipping the left corner of the ballot.

The commissioners resolved questionably marked ballots by consensus, determining that if a voter's intention was clear, then it

should be considered valid. Additionally, they counted the mobile ballot box votes separately from the regular boxes, as required by law. They made the protocol available to all the poll watchers present.

Ultimately the count was off by one ballot, but the PEC took its results to the TEC, followed by the IRI team. By the time the group arrived, all but three PECs had delivered their results. The TEC was relatively calm, and the IRI team observed the results being recorded on a chart and announced from a central location. The team spoke briefly with the chairman, who stated that the results would be transferred to a computer and sent to the CEC.

IV. Post-Election

The IRI team met with representatives of Rukh-Udoenko and the Marchuk campaign the morning after the election. Both of them stated that having parties represented on the commissions and as observers, and requiring that each commissioner sign and receive a copy of the protocol, helped ensure that there was no systemic fraud on election day.

Cherkasy Regional Summary November 14, 1999 Run-off Election

I. Summary

IRI delegate Alec Poitevint and IRI staff member Brian Mefford traveled to Cherkasy oblast to observe the second round of the presidential election. On November 13, 1999, the team visited headquarters of four political parties, four media outlets, and two territorial election commissions (TECs). On election day, November 14, 1999, the IRI team visited 21 precinct election commissions (PECs), observed two voters voting via the mobile ballot box, and observed the counting process at a PEC and a TEC.

II. Pre-Election

The IRI team first met with a representative of the Communist Party of Cherkasy Oblast. He said there was too much media coverage of Kuchma and the Party disliked the lack of debates between the candidates. The party was funded by local contributions and utilized volunteer help. The Communists planned to have observers at all the polling stations. Party officials were upset that "all university students were given vacations from November 8 until November 12" believing this was a ploy to convince the students to vote for Kuchma.

The Communist Party representative had three hopes for the election. First, that people would be active. Second, that since Kuchma received only 20 percent of the votes in the first round and the leftist candidates received over half of the votes, that those numbers would hold for the second round. Finally, he hoped there would be no election fraud because that was the "only way" Kuchma could win. He stated that the party was working with Moroz and Tkachenko supporters and had received some

assistance from Marchuk's people as well. Also, the chairman showed IRI flyers which he believed were put out by the Kuchma campaign to "distort" the Communist Party positions and plans. He believed that this was negative campaigning.

The team next met with a Democratic Party leader. He pointed out that some of the media in the oblast was anti-Kuchma. In addition, he expressed concern about PEC #97, better known as the Fireman's Institute, because of rumors of potential fraud occurring there. He also repeated rumors he had heard that hospital patients were told to vote for a specific candidate.

The third meeting was with a leader of the Kuchma Campaign. She complained about the campaign receiving "very rude" coverage from a local paper. The campaign had received its main financing from the CEC (each campaign receives funding from the federal government), but was assisted by the Democrats (Social Democratic Party (United) and Peoples Democratic Party). They expected an 80 percent turnout of student voters. In addition, she stated that the Moroz voters were divided between Kuchma and the Communists. Marchuk's six committees in the oblast all supported Kuchma. The campaign planned to have poll watchers at all polling stations and was going to use some 300 workers from both Rukh parties, the Democratic Party of Ukraine, the Social Democratic Party (United), Republican Christian Party, and the Greens. They were not concerned about potential fraud.

Next, the delegation met with a leader of the Cherkasy oblast Rukh Party. According to the Rukh representative, Rukh members had decided to act individually for the second round of the election. However, almost all members were supporting Kuchma. Some were working as poll watchers for Kuchma as well. The Rukh Party leader was concerned about confusion in the law which allowed people to vote according to the residence

stated in their passport rather than where they actually lived. He was also concerned about “hot groups,” groups such as students and hospital patients who were allegedly promised up to twenty hryvnias for their passports. He relayed rumors regarding Symonenko receiving money from Moroz and former Ukrainian Prime Minister Lazarenko to finance his campaign.

The delegation next visited with editors of a local independent subscription-only newspaper that has a circulation of 20,000. The newspaper covered Kuchma during his visits to the oblast. In addition, according to the editors, they did everything “according to the law” and print “only official documents.” “Eighty percent” of their letters to the editor were pro-Kuchma. They believed that was because people wanted “quietness and safety.” The editors were concerned about fraud because “generals have no persuasive possibilities.”

The next meeting was with a representative of a state-owned, regional broadcast company. The station carries five hours of local TV each day and two hours of radio as well. Its audience is between 200,000 to 250,000 viewers daily. The representative stated that the “worst drawback” about the election was the “lack of focus on the issues.” He pointed out that the Moroz campaign was very negative and anti-Kuchma rather than issue-oriented but that there were “no serious breaks of the law.” He had received pressure from the Moroz and Tkachenko campaigns to give more coverage to their candidates though. When the station ran a program that was critical of the NKVD, many old viewers called to complain.

The delegation also met with two journalists from two independent newspapers. One journalist stated that he “could not support the communists” because he had fought against them in Latvia when he was a soldier there. However, because of “tax police and SBU visits” from the Kuchma administration, he could not support the president either. In addition, he said the

newspaper was attacked in a flyer allegedly distributed by the SBU as being anti-Semitic despite the fact that the owner of the paper is Jewish. The journalists gave several suggestions on polling sites to visit for possible violations. The journalists stated however, that most of the violations occurred during the pre-election period and involved suppression of the media.

In a meeting at TEC #195, the election officials stated that they were pressed for time but did “their best and solved” the problems they faced to prepare for the second round of the elections. All officials appeared knowledgeable of the law and the voter lists were up to date. They said they anticipated no problems for the election.

At TEC #196, the election officials delivered ballots to the rural polling stations on Friday, November 12 and to the city polling sites on Saturday, November 13. The chairperson was concerned about commission members not being paid for their work. During the first round, workers received 12 hryvnias per day for working but would get just eight for the second round. They did, however, receive money from the CEC the previous day and used it to pay workers as well as the secretaries. Two members of the TEC had quit between rounds of the election. They were representatives of the Green and Patriotic parties. Overall, the TEC commission members appeared prepared and knowledgeable.

III. Election Day

The IRI delegation opened PEC #8. The polling site was located in the center of the Cherkasy business district in a community center. Despite the central location, no Ukrainian flag was flown to mark the location as is required by law. The officials opened the site on time. The ballots were guarded by the militia and locked in a safe the previous night. Poll watchers were present from the Communist Party (CPU), the People’s Democratic Party (PDP), and one independent media poll watcher was present. There were 13 election workers present and three

absent. All commissioners had worked in previous elections and appeared knowledgeable of the law. Early voting was orderly and no violations were observed.

The delegation next visited PEC #2. This polling site was located in the same building as the prior PEC. Everything appeared orderly and proper. The ballots were sealed in a safe and guarded by the militia. Poll watchers were present from PDP, CPU, and the media. Seventeen election workers were present and two more were arriving later. All officials had worked in previous elections. No fraudulent activities were observed and the environment was safe from intimidation. In one instance, a man brought his son's passport but was denied a ballot for his son in accordance with the law.

At PEC #9, poll watchers were present from the media, PDP, and CPU. Fifteen election workers were present and two were absent from the Socialist and Agrarian parties. All members had worked in previous elections. One election worker wore a red Soviet lapel pin with a hammer and sickle. After noticing the IRI team, the worker casually removed the pin and placed it in his pocket. No other violations were noticed and the environment appeared safe although a bit disorderly.

The delegation next visited PEC #11, PEC #10 and PEC#4. There were no violations to report at these sites. At PEC #3, which the delegation visited next, twelve election officials, who had all worked in previous elections, were present. They stated that every three hours they reported figures to the CEC. The environment was somewhat chaotic with loud music blasted over the loudspeakers. In addition, election officials did not want to talk to IRI in the polling site and preferred to speak in a separate room. This site was known as the Fireman's Institute. Later,

administrators from the Institute admitted they told students how to vote.

At PEC #87, 600 soldiers from western Ukraine – just a couple of days into their service – were being marched in to vote during the time of the IRI visit. Election officials stated that these soldiers had “received permission to vote here from the CEC”. Poll watchers were present from CPU and PDP. Twelve election officials were present but the only change from the first round was that the commission secretary representing candidate Oliynyk was replaced with a representative from the Rukh party.

The next site visited was PEC #59. There was a heavy military presence here and IRI spoke with some of the soldiers outside the site. While no soldiers stated whom they voted for, they did state that they all voted for the “same candidate”.

At PEC #60, a poll watcher from the media stated that the communist ballots “were not counted” although he offered no evidence to support this claim.

The delegation next went to site #57. Cherkasy Mayor Oliynyk was exiting the site as the IRI team arrived. He thanked IRI for observing the election. Poll watchers were present from PDP and CPU. No violations were observed inside the polling site and the environment appeared safe. However, Communist Party flyers were discovered outside the polling site that stated that Cherkasy Mayor Oliynyk supported Symonenko.

At PEC #58, #56 and #55, there were no major violations. At PEC #55, election officials complained about not being paid for their work and stated the even the chairman and secretary received only half of the wages they were supposed to receive.

Despite the complaints, the election officials were overjoyed at the presence of the IRI observers.

Other stops included PEC #19, PEC #36 and PEC #76. Poll watchers were present from PDP, CPU and the media at these sites. At PEC #19 and PEC #76, IRI observed husbands and wives voting together. At PEC #76, IRI's facilitator overheard a conversation in which a commission member specifically told an elderly voter to "vote for Symonenko".

The delegation next observed voting at PEC #64 and PEC #73. At PEC #64, election officials stated that the "SBU had visited the site" earlier in the day. According to the chairman of PEC #73, 70 percent of the voters at this site were pensioners and 55 percent worked on a collective farm. The process appeared orderly and no violations were noted.

From PEC #68, IRI followed the mobile ballot box to two homes of pensioners. At the second stop, an interesting exchange took place between the voter and the election officials. The election officials introduced the IRI observers to the elderly resident, who then commented "it would be better if they were doctors and not observers" (the lady's leg was in a cast). The election officials replied, "if you elect a new president, then the doctors will come to the patients." The lady then grabbed the ballot and stated, "no, I am voting for the democrat" and apparently marked her ballot for Kuchma.

IRI returned to PEC #8 to observe the closing of the polling site and counting of the ballots. All commission members and poll watchers were present for the count. The militia monitored the counting of the ballots. The ballot count added up on the first count. Minutes were signed by all the commission members and copies were given to all that requested them. When questions

arose, the commission members would vote to decide what course of action to take. The process was quick and orderly. Ballots were then packed and taken with militia escort to the nearby TEC.

At TEC #195, the process was efficient and orderly. Security was adequate but not intrusive. IRI observers were given full access to TEC officials and information. IRI observed the delivery of the ballots by PEC's and the reading of the results by the chairperson. In addition, IRI was allowed to monitor the transmission via modem of election results to the CEC. IRI stayed at the polling site until 1:00 a.m. when the last PEC delivered their ballots. A copy of the minutes was obtained. No violations of the law were observed.

**Cherkasy Oblast Exit Poll
Presidential Election - October 31 and November 14, 1999**

(64 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	81%
Somewhat complicated	12%
Very difficult to understand	7%

2) What source did you rely on most for political information for the election?

Television	32%
Radio	6%
Newspaper	26%
Posters, other literature	10%
Meeting the candidates personally	15%
Party/movement label	1%
Friend/relative or spouse	10%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision	56%
Had about the right amount of information to make an informed decision	30%
Had not enough information to make an informed decision	14%

4) What qualities were most important in the candidates you supported?

Someone I trust	19%
I agree with the policies advocated by the candidate	33%
One who will work hard to make life better for the people	48%

5) What do you think the top priority of the new president ought to be?

Political stability	13%
Economic reform	36%
Stopping corruption in government	26%
Reducing crime	16%

Ukrainian sovereignty 9%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy 13%

Voting helps determine Ukraine's future 56%

Elections were already determined by those in power 14%

Nothing will change 17%

7) Who do you blame for Ukraine's problems today?

President Kuchma 45%

The Verkhovna Rada 23%

The democrats 3%

The communists 10%

Earlier Soviet leaders 19%

Other nations 0%

8) What is your gender?

Male 54%

Female 46%

9) Are you a member of a political party?

Yes 26%

No 74%

10) What is your age group?

18 - 25 44%

26 - 35 11%

36 - 47 17%

48 - 60 17%

60 or older 11%

Chernihiv Regional Summary October 31, 1999 Presidential Election

I. Summary

IRI staff member John Poepsel and IRI delegate Melvin Goodweather were deployed to Chernihiv in northern Ukraine for the first round presidential election. Pre-election interviews were conducted with several journalists, political activists and election officials. On election day, October 31, Poepsel and Goodweather visited 13 polling sites, including a hospital and a prison and followed one mobile ballot box. The delegation closed precinct election commission (PEC) #16 in territorial election commission (TEC) #207.

II. Pre-Election

The IRI delegation first met with a journalist from the oblast television station, who was previously interviewed by IRI during a pre-election assessment visit in September. He stated that the media was biased towards Kuchma and said many journalists accepted money for stories for or against particular candidates. When asked if the election would be free and transparent he stated that although he hoped it would be, he doubted it. He said that if there were to be any major fraud it would have been done before the election. He thought that international election observers would force many officials to operate polling sites according to the law.

The IRI delegation also met with a representative of TEC #207. He said they have 20 commissioners representing all major presidential candidates and political parties. Five commissioners served previously as election officials. He also said all commissioners were familiar with changes to the election law, and

the CEC had been helpful and provided materials to make sure the elections were operated in a legal manner. He anticipated no problems and hadn't had any problems with the voting lists. He said ballots were secure and had been delivered to polling sites, instructions were posted and have been available to anyone who requested them.

The IRI team next interviewed a journalist with an independent, weekly newspaper. The journalist was also interviewed by IRI in September. He stated that he is well prepared for the election. When asked if he had felt pressure to support or write stories for or against certain candidates, he stated that there was pressure applied to him, but declined to make any specific comments.

His newspaper did not endorse any one candidate and many candidates bought advertisements in the paper. The top two advertisers were Kuchma and Moroz. He also said he felt most people were educated about the election and that there would be a good turnout. He personally had not decided for whom to vote. He said it was a choice of "the lesser of two evils." He welcomed the international observation teams and believed their presence would help maintain order and transparency.

The delegation next met with a leader of the Liberal Party United of Chernihiv Oblast. He said that the party was well prepared and stated that the Kuchma headquarters had been very supportive in providing materials and supplies for the election and in preparing for the run-off on November 14. They were focusing on getting young people organized and out to vote.

The Liberal Party representative had not heard of any harassment by local government officials regarding voting and predicted an 80 - 85 percent voter turnout. He believed that 10

percent of the voters were undecided one day before the election and felt that the most important issues were freedom and the communist threat. He said he welcomed international election observers.

The next meeting was with a head of the Marchuk campaign for Chernihiv Oblast. He gave an update on the activities of the Marchuk Campaign, including rallies and get-out-the-vote events. He mentioned that the media was biased towards President Kuchma and believed that pressure was applied to certain individuals in the government to support Kuchma.

The IRI delegation also met with a representative of the election commissions department for Chernihiv Oblast who is an IRI seminar alumnus. He said that all voting stations were in order and expected no problems. He expected the voter turnout to be near 75 percent and believed the election would be fair and knew of no pressure to support certain candidates. He also pointed out that he was appointed by the local government and was a Kuchma supporter.

The next meeting was with the head of the Kuchma Campaign for Chernihiv Oblast. He pointed out twice that Kuchma would make the run-off with Communist candidate Petro Symonenko, likening the race to one between democracy and communism. He said the Kuchma Campaign would have poll watchers at all polling sites and expected to have a turnout of nearly 80 percent. He stated that the media was fair and unbiased towards any one candidate. He believed the election would be free and transparent and said the presence of international election officials would help make the elections free of fraud.

III. Election Day

The IRI delegation opened PEC #64. All election commissioners were present along with four poll watchers representing the Marchuk, Vitrenko, Moroz and Kuchma campaigns. The chairman displayed the empty ballot boxes and sealed the boxes in an open and legal manner. Voting started promptly at 8:00 a.m. The delegation reported no irregularities.

The delegation next visited PEC #61 and PEC #13 in TEC #206. IRI witnessed no irregularities at either site. PEC #13 was located in a prison. Several inmates completed the IRI exit poll, although they left several questions unanswered such as the question, "Who do you blame for the problems facing Ukraine today?"

In TEC #207, the team visited PEC #147 in the village of Ivanivka. At this site the local militia asked to see the team's observation credentials and passports. When asked why passports were also necessary, the militiaman answered, "It is our job to know who everybody is." The delegation observed no irregularities regarding voting procedures.

In TEC #208, the IRI delegation went to PEC #137 and PEC #138. There were no voting instructions displayed at either site. No other irregularities were observed.

The next stop was at PEC # 52, located in a hospital in Chernihiv city. By the time the IRI delegation arrived in the afternoon, the chairman stated that none of the other registered voters would be voting. The ballot boxes were already sealed and most of the commissioners were out to lunch with only three poll watchers and the local militiaman watching the box. The chairman stated that all commissioners would be present at the 8:00 p.m. ballot count.

The delegation visited four more polling stations in TEC #206 – PEC #16, PEC #55, PEC #73 and PEC #74. PEC #16 was well organized. Two soldiers voting at this site said they were not instructed who to vote for, but were ordered to vote. Twenty new names had been added to the voting list at both PEC #16 and PEC #73 since the 1998 parliamentary elections, and 50 new names were added to the voter list at PEC #74.

The delegation also visited PEC #7 in TEC # 207. Twenty-nine new names were added to this site since the 1998 parliamentary election. The IRI team observed no irregularities at this site.

The delegation closed PEC #8 in TEC #207. Before beginning the official ballot count, the chairwoman had each of the 20 election officials and eight poll watchers announce their names. All polling site closing procedures were followed. The commissioners counted each unused ballot, invalid ballots, and each candidates' ballots. When counting and tabulation were concluded, the delegation followed the ballots to TEC # 207 where the minutes were accepted by the TEC commissioners. There was much confusion at the territorial election commission site, with many PEC officials lined up outside the building and militiamen standing by as security.

**Chernihiv Oblast Exit Poll
Presidential Election - October 31, 1999**

(23 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	83%
Somewhat complicated	17%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	44%
Radio	6%
Newspaper	35%
Posters, other literature	3%
Meeting the candidates personally	3%
Party/movement label	3%
Friend/relative or spouse	6%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision 29%

Had about the right amount of information to make an informed decision 46%

Had not enough information to make an informed decision 25%

4) What qualities were most important in the candidates you supported?

Someone I trust 23%

I agree with the policies advocated by the candidate 36%

One who will work hard to make life better for the people 41%

5) What do you think the top priority of the new president ought to be?

Political stability 0%

Economic reform 48%

Stopping corruption in government 36%

Reducing crime 12%

Ukrainian sovereignty 4%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy 15%

Voting helps determine Ukraine's future 60%

Elections were already determined by those in power 10%

Nothing will change 15%

7) Who do you blame for Ukraine's problems today?

President Kuchma 38%

The Verkhovna Rada 29%

The democrats 0%

The communists 4%

Earlier Soviet leaders 25%

Other nations 4%

8) What is your gender?

Male 67%

Female 33%

9) Are you a member of a political party?

Yes 11%

No 89%

10) What is your age group?

18 - 25 29%

26 - 35 24%

36 - 47 29%

48 - 60 18%

60 or older 0%

**Chernivtsi Regional Summary
November 14, 1999 Run-off Election****I. Summary**

IRI delegate Bohdan Watral and IRI staff member Patricia Stolnacker traveled to Chernivtsi to observe the November 14, 1999 run-off presidential election. On November 13, the IRI team met with representatives of the territorial election commissions (TECs), the media and political parties. The delegates visited a total of 12 polling stations on election day in the Chernivtsi city center and traveled out to villages near the Carpathian mountains. Based on their observations, the team concluded there were no major violations of the election law in the region. However, there was considerable anticommunist media bias in the pre-election period.

II. Pre-Election

The IRI team met with two independent newspaper editors to discuss the election campaign period. Both newspapers showed a strong anticommunist bias in their reporting. One newspaper openly supported Marchuk during the first round, and refused to accept other candidates' campaign ads. The paper continued with its strong anticommunist bias in the second round. The other newspaper gave independent coverage of the election until the run-off. The editor told the IRI team that the race was "too important" to stay neutral and the paper displayed a headline urging voters to "say no to communism." Both newspapers indicated that they had experienced problems with the local publishing company, which was operated by the local government. Both editors had editions that had been delayed or not published at all. The editors believed that the reason was because they did not more openly support President Kuchma.

The team then met with a leader of the People's Democratic Party who was running President Kuchma's campaign in Chernivtsi. The representative said he felt fairly confident about the election and said that his party was targeting young people and the two districts that Kuchma lost in the first round. When the IRI team asked him what methods of campaigning were used to contact the voters, he stated that meetings were held with the people in the two districts to ask them why they didn't vote for Kuchma.

Later in the afternoon, the IRI team met with a Communist Party leader who was heading the campaign effort for Symonenko. He said his party had suffered from a lack of funding and was having difficulty conducting its campaign. He also claimed people at factories had been pressured by the local government to convince their employees to vote for Kuchma. He expressed his concern regarding several local territorial election commissions (TECs) and asked the IRI team to be aware of these sites on election day.

Finally, the IRI team met with a representative of TEC #203, located outside of the city center. She said they experienced no problems in the first round with voter lists or with any ballot procedures. She was fairly knowledgeable about the election law but was confused about whether commissioners could answer voter questions on election day. She said the TEC had received adequate instructions and materials from the Central Election Commission and had conducted four training sessions for local precinct election chairmen. The secretary said the commission had placed public service announcements on the radio and published newspaper articles to instruct the voters. She did not anticipate any major problems for the second round.

III. Election Day

The IRI team observed voting at 12 polling stations. The team found that most polling stations had at least one poll watcher representing

Kuchma. In the city center, there were party poll watchers for Symonenko but almost none in the rural towns and villages that the team visited. Some of the polling stations also had representatives present from Point of View, an independent newspaper that deployed election monitors throughout Ukraine.

Overall, voter turnout was lower in the city in the morning and increased steadily throughout the day. In the rural villages that IRI visited, most of the heavy voting had occurred earlier in the day and was almost finished by nightfall.

The IRI observers noted a few instances of people (usually elderly married couples) voting together in a booth, but this was not common. In one polling site where many of the registered voters were members of the military, the IRI team witnessed some soldiers filling out their ballots outside the booth but it did not appear that the soldiers were coerced in any way. Most sites also failed to post nonpartisan candidate information, though most did have the standard voting instruction on display. In several polling stations outside the city, there were anticommunist posters on display at the precincts. Most of the precinct commissioners had served as commissioners in the first round and seemed to be generally knowledgeable about the election process. In most polling stations, commissioners checked voters' passports but in precinct #54, TEC #203, the precinct chairman informed the IRI team that he had been instructed by the TEC to let voters cast a ballot without a passport if the person was known by most of the commissioners.

The IRI team observed the vote count at PEC #69 in TEC #202. The delegation chose this site, which they had visited earlier in the day, because of the large number of precinct commissioners representing Kuchma opponents who had worked in the first round but had been replaced in the second round by commissioners supporting President Kuchma. Upon returning to the polling site and questioning the commissioners and domestic observers present, however, the team

concluded that nothing improper had occurred and that President Kuchma simply had more supporters on which to call when there were vacancies to fill.

The IRI team and the domestic observers present from the Kuchma and Symonenko campaigns were allowed to watch the opening of the ballot boxes at close proximity. There was no indication of fraud. The vote count was orderly and all ballots were counted twice. Spoiled ballots were examined individually and were voted on by the commission. The number of signatures on the voter list (i.e., the number of people to whom ballots were given) matched the number of ballots counted at the end of the day. One ballot initially appeared to be missing but after a recount the numbers matched exactly. The final minutes were prepared properly and the IRI team and domestic observers were given copies.

The IRI team followed the commissioners and police officers as they delivered the election materials to the TEC. The team then was allowed into the TEC room that received all of the precincts' vote tabulations. The delegates observed the process, which was completed in a very orderly manner. The team was also given access to the room where results were being transmitted by computer to the Central Election Commission in Kyiv. After all of the results had been reported, a Communist TEC member raised a complaint regarding a man being allowed to vote without proper documentation showing that he lived in that precinct. After much debate by the commissioners, it was determined that no investigation would be conducted to see if this man had voted twice but that the commissioners would instead remember this incident in case it recurred in future elections.

**Chernivtsi Oblast Exit Poll
Presidential Election - November 14, 1999**

(13 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	100%
Somewhat complicated	0%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	65%
Radio	7%
Newspaper	7%
Posters, other literature	7%
Meeting the candidates personally	7%
Party/movement label	0%
Friend/relative or spouse	7%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision 46%

Had about the right amount of information to make an informed decision 46%

Had not enough information to make an informed decision 8%

4) What qualities were most important in the candidates you supported?

Someone I trust 17%

I agree with the policies advocated by the candidate 25%

One who will work hard to make life better for the people 58%

5) What do you think the top priority of the new president ought to be?

Political stability 16%

Economic reform 37%

Stopping corruption in government 16%

Reducing crime 5%

Ukrainian sovereignty 26%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy 43%

Voting helps determine Ukraine's future 29%

Elections were already determined by those in power 14%

Nothing will change 14%

7) Who do you blame for Ukraine's problems today?

President Kuchma 33%

The Verkhovna Rada 17%

The democrats 0%

The communists 0%

Earlier Soviet leaders 42%

Other nations 8%

8) What is your gender?

Male 69%

Female 31%

9) Are you a member of a political party?

Yes 15%

No 85%

10) What is your age group?

18 - 25 23%

26 - 35 30%

36 - 47 23%

48 - 60 15%

60 or older 9%

**Crimea Regional Summary
October 31, 1999 Presidential Election****I. Summary**

IRI delegate Colonel Daniel Burghart and IRI staff member Lee Peterson were deployed to Crimea for the first round presidential election.

On Saturday, October 30, the delegation conducted pre-election meetings with the Moroz Campaign, a representative of territorial election commission (TEC) #2, the leader of the Crimean Tartar community, the Tartar Youth organization and the Crimean Organization of Indigenous People. On the eve of the first round, the delegation also met with election observation delegations from the OSCE and the Council of Europe.

The general impression from the various meetings was that during the pre-election period the Kuchma administration had been heavy handed in the campaign process by not allowing other candidates equal access to electronic media, most notably television. There was a mix of views as to the level of fairness in the elections.

II. Pre-Election

The IRI delegation first met with representatives of the Moroz campaign. Not only did the campaign feel that Kuchma dominated the pre-election air time, but they said their candidate and his campaign were singled out for an inordinate amount of harassment and interference from the authorities. In Crimea, they reported incidences whereby the campaign had purchased air time only to be denied access in the end. They also reported that they were refused permission to have a banner placed across the main street in Simferopol, even though this is a common form of advertising. Vehicles used to transport campaign literature were impounded for unspecified traffic violations and authorities refused to allow them to remove the contents of the vehicle.

They also reported that campaign workers had been assaulted, students who were putting up Moroz posters were arrested, and unidentified people were passing out false 'You can't lose with Moroz' lottery tickets.

The Moroz representative expressed concern over three specific areas in which they felt fraud may be committed. First, they were concerned over a method called the 'blank ballot switch' in which a voter is bribed to take his/her ballot, unmarked, from the polling station. This ballot is then filled in by another party and then passed to the next voter, who returns with another empty ballot. Second, they were also concerned over possible fraud related to the mobile ballot box. Third, they were concerned over the possibility of someone switching the ballots on the way to the territorial election commission. The Moroz staff also pointed out two TECs that they felt were potential problem areas, TEC #6 and TEC #10.

The delegation next met with a representative of TEC #2. TEC #2 represented mixed districts, with almost one-third of the commission in a rural area, and two-thirds covering half of the city of Simferopol. The commissioner noted that he had some concern over the new process of having people registered in one district who are allowed to get a certificate from their precinct election commission (PEC), which allows them to vote in another PEC. He also expressed concern about the accuracy of the voting list, due to deaths and voters moving residences. A difficulty that only Crimea faced, as opposed to other regions, was that most of the materials received from the Central Election Commission were in Ukrainian and not Russian, which most of the populace of Crimea speaks and reads. A final area of concern to the commissioner was the counting process. He was not completely confident of the ability of the PEC's to count the ballots correctly.

The IRI delegation's next meeting was with the leader of the local Tartar community. He said he was not aware of any serious violations in the pre-election period. He did state that there had been some abuse of

the postal system by the administration. He also felt that the Communists had far too much power in Crimea. In his opinion, the Communists were shown far more often on television and had a rather high proportion of its members serving as PEC chairmen or deputy chairmen.

The delegation next met with the Crimean Tatar Youth Organization and the Organization of Crimean Minorities. Both organizations concurred in saying that in the pre-election period, the main problem was Kuchma's domination of television. Both also stated that they had openly supported Moroz in line with the main Tatar organization. An interesting note regarding the Tatar Youth organization, and what might signal growing political maturity, is that although they had endorsed Moroz, they had taken steps to support Kuchma ahead of the second round because they did not feel that Moroz would gain enough votes to be on the second round ballot.

The IRI delegation met with both delegations of the OSCE and the Counsel of Europe. The IRI team discussed plans for the following day in an attempt to coordinate and maximize coverage of polling sites.

III. Election Day

The delegation visited 10 sites in four territorial election commissions (TECs). The delegation opened precinct election commission (PEC) #7 in TEC #2. The station was opened efficiently and according to regulations. The ballots had been stored in a safe. The empty ballot boxes were shown to other commissioners and poll watchers. The PEC chairman even signed the ballot box seals, which, though not a regulation, had been advised by the chairman of TEC #2 as a further means to limit tampering. The station opened promptly at 8.00 a.m. The CEC election materials explaining how to vote, which had been posted by PEC officials the day before in preparation for the election, had disappeared during the night. The delegation visited two more PEC's in TEC #2 in the morning before going into the countryside. The delegation

visited polling station #41, a prison, and polling station #32, which is the polling station for the nearby military barracks.

In TEC #10 in the region of Bakhchisaray, the IRI team visited two PECs. Polling station #60 in the town of Bakhchisaray and polling station #105 on a collective farm. Again, there were no major violations. The chairmen of these PECs seemed competent, professional and willing to assist voters. The IRI team witnessed the chairman and deputy chairman of PEC #60 explain the voting procedures to a voter.

The third TEC that the team visited was TEC #225 which included the city of Sevastopol. In Sevastopol, the delegation observed three polling stations, #9, #14 and #31. At station #9, the delegation followed the mobile ballot box to observe this procedure and found no irregularities.

The IRI team next visited TEC #1, which covers part of Simferopol. The team visited a hospital at which the chairman of the PEC expressed displeasure with the absentee ballot provisions. His main complaint was that unless a voter makes arrangements for an absentee ballot in advance, there is no option to vote for those patients who suddenly are taken ill and into the hospital.

The delegation returned to close the election at PEC #39 in TEC #2 in Simferopol. In the delegate's observations of the final half hour of polling and in the final tabulation process no violations were witnessed. The PEC even undertook the painstaking process of showing each ballot to all members before placing them on the marked candidates pile, as is required by the election law. IRI was informed by other observers, that not all PEC's abided by this regulation. There were a couple of examples where voters had clearly made their intentions clear on ballots, but were declared invalid because they had marked on other parts of the ballot. For example, one ballot had every box marked with a minus (-), except

for one marked with a plus (+). Obviously, the intent of the voter was clear, but that ballot was invalidated.

Once all ballots were counted and the protocols signed, the delegation followed the ballots to TEC #2. Upon entering the TEC's building, the IRI team was confronted by a large crowd from the other PEC's. They were waiting to have their opportunity to report to the TEC. While they were waiting they all had their ballots in boxes just sitting in the hallways, with no provision for monitoring that tampering did not take place. The TEC was extremely strict with accepting protocols and ballots from the PEC's. Several times they rejected the PEC's protocols and sent them off with their ballots to recount. Several of the PEC's that were rejected returned within a half hour with a completely rewritten protocol. It is somewhat questionable that these PEC's returned to the polling site, recounted their ballots and had every member of the PEC sign the new protocol as is required by the law.

Crimea Regional Report November 14, 1999 Run-off Election

I. Summary

IRI delegate Walt Raymond and IRI staff member Eugene Zelenko deployed to the Autonomous Republic of Crimea on Friday, November 12. On Saturday, November 13, pre-election interviews were conducted with local election officials, political party members and journalists. On election day, Zelenko and Raymond visited 11 polling sites.

II. Pre-Election Meetings

The delegation's first meeting was with a representative from Kuchma campaign headquarters. He stated that, unlike Kuchma's opponents, the Kuchma campaign did not slander other candidates. He mentioned that their target audience for their get-out-the-vote programs was youth. He also mentioned several precinct election commissions (PECs) all run by communist chairmen where they expected violations and irregularities.

The delegation next visited territorial election commission (TEC) #3. A representative said all commissioners had received training and that registered poll watchers would represent two parties. She did not know of any instances of intimidation or pressure experienced by voters or commissioners. Her main concern was fear that many commissioners who represented candidates other than the two run-off candidates would resign without notice. She also mentioned that between the first and the second round only political parties did voter education. She expected a larger turn-out because of the defined polarity between the candidates. She mentioned that the ballots arrived on time and refused to answer a question about any expected problems. She expressed her hope that PECs would be able to solve all problems. She said that rayon councils

have supplementary lists of commissioners in case of massive resignations by commissioners.

At the Moroz campaign headquarters, the IRI team met with two advisors. They said that because of imbalance between the executive and local legislative branch, Ukraine had no free and independent mass media. They also mentioned an incidence whereby one campaign worker donated a certain amount of money to the Moroz campaign and some time later he was called to the Taxation Inspectorate where he was required to show a certificate explaining the money source. The campaign worker asked about the legal basis for their demands. The officials said that they received a special decree from the Crimean Cabinet of Ministers. When this person asked to see this decree the officials refused and did not make any further requests. The Moroz representative said that all media was campaigning for Kuchma. He mentioned the great influence of the Russian channel ORT on the Crimean population. He alleged that the Crimean prime minister illegally campaigned for Kuchma during an interview.

The next meeting was with journalists from an independent radio station. They said that there was no independent mass media because every mass media organ was first of all an enterprise and as such dependent on various authorities. Their radio tried to work only on a commercial basis, publishing advertisements only if candidates paid them. They had worked with Kuchma, Moroz and Kostenko representatives. They were very skeptical about the professionalism of political journalists in Crimea. They were surprised that election campaigns did not pay more attention to serious issues like social protection of handicapped. They mentioned the decreased media attention on the campaign after the first round.

Representatives of the Symonenko campaign said that the communists made a point to conduct their campaign in an honest manner. They were disappointed and irritated by the numerous telephone calls

from their voters puzzled by coupons issued in the Communist Party's name. They said that they were not against critics during the campaign but they are against unethical campaign tricks. They described the first round as very organized and praised the election commission, though they mentioned several attempts of election violations. They also mentioned a private company called "Consol" which announced a working day on Sunday and required the workers to vote in the PEC located on the territory of the company instead of the PEC where they are registered according to residence in an effort to increase votes for Kuchma at the other polling station.

III. Election Day

The delegation opened PEC #31 in TEC #2. All 10 election commissioners were present along with five poll watchers representing Kuchma and Symonenko. The PEC was located in a hospital.

The chairman displayed the empty ballot boxes and sealed the boxes according to proper procedure. Voting started at 8:00 a.m. At 8:15 a.m. the commissioners went with the ballot box to the units with very ill individuals. The delegation found it unusual that those individuals were not required to write or to voice their application for mobile box voting as mandated by the law. If they were unable to do so the question emerges how they were able to vote if they were not able to apply. There was an incident of two persons voting in one booth. When the commissioners tried to prevent this, the voters said that one of them did not know Ukrainian and could not read the ballot. The IRI delegates heard the same complaint at other polling sites.

The next site was PEC #16 also in TEC #2. This was the site of the business that announced a working day on election day. Employees were required to apply for exclusion by the polling site commission from the voter list of their residence and bring a certificate to be included into the new voter list at the work site. Individuals who looked like managers

of the company were standing outside and observing the voting. A few people were talking on walkie-talkies. The IRI team asked if the company had worked on election day in the first round, but the commissioners refused to answer and did not appear comfortable with the question. The employees were not comfortable answering the question either. From the worker who agreed to answer this question, IRI learned that the company did not work on the October 31 election day. The size of the polling site was not adequate and the commission had to work in two separate rooms. There were long lines of voters.

The IRI delegation next visited PEC #7 and PEC #59 in TEC #10. The chairwoman of PEC #7 complained that all election materials, including ballots and instructions, were in Ukrainian. She said that voting in villages should start at 7:00 a.m.

At PEC #58, a large turn-out was expected at this site because of the increased number of Tatars on the voter list. At PEC #63, the IRI team was told that an additional 600 Tatar voters, who had not voted in the first round, were expected. They had been mobilized to vote by Crimean Tatar leader Mustafa Dzhemilev. The chairman said that the Passport Department was working to cope with the residence registration problems of Tatars who are voting for the first time. A case of family voting was observed.

The IRI team also observed voting at PEC #69, PEC #15, PEC #41 and PEC #43. No major violations were observed at these polling stations.

The IRI delegation closed PEC #16 in TEC #2. The commissioners followed polling site closing procedure, counted each unused ballot, invalid ballots, and each candidate's ballots. The delegation witnessed no irregularities, although the delegation noted that 609 new names had been added to the voter list. The chairwoman said that the new names were employees of the private company "Consol"

which was located within the territory of PEC #16. The IRI team asked the poll watchers for whom the PEC voted in the first round. They said it was not Kuchma. This time the PEC voted for Kuchma.

At TEC # 2, many PEC officials were lined up inside a big conference hall where the atmosphere was calm though busy. The TEC chairman announced the minutes from PECs in an adjacent room. Several poll watchers followed and recorded the results of each PEC onto spreadsheets. When it was time for PEC #16 to report, the room was filled with agitation and argument. TEC commissioners did not want to recognize the protocol because 609 new names were added. After a lengthy discussion, the TEC determined that they would review the case with PEC #16 after all other PECs were finished. Meanwhile one commissioner left the room to call the CEC for guidelines. After all the other PECs reported, PEC #16 was again put into consideration. Once again, there was heated debate. The TEC commissioners voted on the procedure and minutes from PEC #16 were accepted.

The next day, Monday, November 15, the IRI delegation visited TEC #2. A commissioner asked the IRI delegation to include the case with PEC #16 into the final report so that Ukrainian legislators would eliminate loopholes that enable such incidents.

Crimea Exit Poll
Presidential Election - October 31 and November 14, 1999

(20 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	95%
Somewhat complicated	5%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	62%
Radio	14%
Newspaper	9%
Posters, other literature	5%
Meeting the candidates personally	5%
Party/movement label	0%
Friend/relative or spouse	5%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision	57%
Had about the right amount of information to make an informed decision	43%
Had not enough information to make an informed decision	0%

4) What qualities were most important in the candidates you supported?

Someone I trust	37%
I agree with the policies advocated by the candidate	42%
One who will work hard to make life better for the people	21%

5) What do you think the top priority of the new president ought to be?

Political stability	14%
Economic reform	71%
Stopping corruption in government	0%

Reducing crime	5%
Ukrainian sovereignty	10%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy	20%
Voting helps determine Ukraine's future	50%
Elections were already determined by those in power	20%
Nothing will change	10%

7) Who do you blame for Ukraine's problems today?

President Kuchma	41%
The Verkhovna Rada	35%
The democrats	0%
The communists	24%
Earlier Soviet leaders	0%
Other nations	0%

8) What is your gender?

Male	40%
Female	60%

9) Are you a member of a political party?

Yes	0%
No	100%

10) What is your age group?

18 - 25	30%
26 - 35	20%
36 - 47	25%
48 - 60	10%
60 or older	15%

**Donetsk Regional Summary
October 31, 1999 Presidential Election****I. Summary**

IRI delegate David Sands and IRI staff member Gretchen Birkle traveled to Donetsk for the first round presidential election. The IRI delegation arrived in Donetsk on Saturday, October 30, 1999 and met with representatives of the Moroz, Kuchma and Marchuk campaigns. The delegation visited 10 precinct election commissions (PECs) on election day and monitored closing activities at territorial election commission (TEC) #45 in Donetsk. The delegation met with representatives of the Symonenko campaign and several members of the press on Monday, November 1, 1999.

II. Pre-Election

The IRI delegation's first meeting was with a representative of the Socialist Party of Donetsk (candidate Oleksandr Moroz). He said the primary concern in the election should be with the formation of the election commissions, insinuating that the commissions would be biased toward Kuchma. He also alleged that directors of factories and hospitals were pressuring their workers to vote for Kuchma.

In describing Socialist Party campaign activities, he said the Socialist Party would be able to place two poll watchers in each PEC within Donetsk. Moroz campaign representatives went door-to-door distributing pro-Moroz leaflets.

On the broader issues of the election, he noted that Ukraine needs new laws on political parties. He said it is very hard for parties to operate in Ukraine because of the vague laws. He noted that the balloting system needs to be mechanized, and only then will the balloting process be free from fraud. When asked about the Kaniv Four coalition, the candidate

coalition of which Mr. Moroz was a member, he said he thought it was originally a good thing for Moroz, but ultimately it was not effective. He said that the Cabinet of Ministers should run the country during an election, because the incumbent receives unfair exposure otherwise.

When asked about campaign tactics, he described how people found lottery tickets in their mailboxes that tell the recipient to come to Moroz campaign headquarters to collect their winning prize. He could not say who was distributing the false lottery tickets but explained that the campaign has had to turn away several elderly women who invariably blamed Moroz for the problem. He could not find a sample during the meeting, but did find one as the delegation was leaving the parking lot and came running out of the building to show the IRI team.

The next meeting was with a representative of Kuchma's campaign in Donetsk. In sharp contrast to the Socialist Party headquarters, which was one small office on the third floor of a building with dimly lit hallways, the Kuchma campaign headquarters was on the airy ground floor of a restored local museum across the square from the Donetsk administration building. The campaign representative said the campaign had been operating in Donetsk for two months.

When questioned about the media, he said that the aim of the Kuchma campaign is to not attack opponents, but to speak only positive things about Kuchma. He described a "Youth for Kuchma" rally that was held recently in Donetsk, and said he did not expect fraud in the election. He also said it was difficult for Kuchma to get his message out in traditionally communist Donetsk.

He then went on to describe the "aid" the Kuchma campaign has sponsored to local citizens. This "aid" included \$40,000 for a heart operation, a car, and medicine to residents of Donetsk who could not afford it. He did not respond to a question about the ethics of this approach to campaigning.

Afterward, the delegation remained in the Kuchma headquarters and met with a Verkhovna Rada deputy with the People's Democratic Party. He said that "the law on the election of president is not good because it has been adopted by deputies who are going to campaign for president themselves." He said that parliament worked against the president during the election and he agreed with the decision of Kuchma to suspend media coverage of the Verkhovna Rada during the election because those deputies who were running for president were using it for political purposes.

Later in the evening, the delegation visited with a representative of the Marchuk campaign. The Marchuk campaign had a list of complaints ready to submit to the CEC about alleged violations by other candidates. The Marchuk representative went on to describe two incidents in which Marchuk supporters were assaulted. When discussing the media, he said that there was unfair press coverage for all candidates, not just Marchuk.

The representative said that the Marchuk campaign had approximately 6,000 poll watchers and PEC commission members, and therefore thought they would be able to adequately monitor the voting. He said it is necessary to change the presidential election law, and specifically cited the process of gathering signatures for candidates as being most in need of improvement.

On Monday, November 1, the day after the election, the IRI delegation visited the Communist Party headquarters unannounced. There were many young workers present and the office was very active. The representative with whom the IRI delegation met said that the Party had received much support from headquarters in Kyiv. When questioned about allegations of media bias, the Communist Party representative said that they did not expect Symonenko would receive favorable coverage in state-controlled papers, but they were not concerned about it because the

Communist Party was very active in Donetsk and had plenty of mechanisms for getting their message out.

III. Election Day

The IRI delegation opened PEC #28 in TEC #42. The opening activities proceeded according to regulations. All observers and poll watchers were allowed to view the empty ballot boxes and the observers witnessed that they were properly sealed. The ballots were stored in a room with large windows off to the side so that anyone handling ballots would clearly be visible. The station opened promptly at 8:00 a.m.

In the morning, the delegation visited PEC #4, PEC #5, PEC #16 and PEC #28. IRI observed only minor violations at these stations. At PEC #5, located in an elementary school, the voting booths were in a room separate from the commissioners, with one commissioner stationed in the room to monitor the voting. Conditions at this site were very crowded and disorderly due to the physical constraints of the polling station. There were several instances of husband and wife voting together, however the team witnessed no major intentional violations. At PEC #28, which was in the pediatric wing of a large hospital, the proper election posters for each candidate were not on display and upon questioning a commissioner explained that there was insufficient wall space to display them, which was the case. There also was not a quorum of commission members present at this site. At PEC #16, which was located in a factory, a domestic poll watcher explained the proper voting procedures to voters instead of a commission member. The presence of international observers caused a commotion at this site, with one voter loudly expressing her views to the IRI team about the current economic hardships in Ukraine.

Based upon recommendations from the OSCE, the delegation left Donetsk City and traveled to the city of Artomsk where there had been reports of possible violations. However, the IRI team witnessed no major violations in the region. On the way to Artomsk, the delegation traveled

to the small village of Red Partisan, where IRI again observed several instances of family voting. The proper CEC voting instructions were not displayed at this site. At PEC #12 in Artomsk, the station was very orderly. Within minutes of the IRI delegation's arrival, a local television station arrived and asked for an interview. The delegation declined.

The delegation next visited TEC #36 in Artomsk to observe the election day activity. The vice chairman was very proud to report that they were using computers for the first time. He carefully explained that the TEC chairman was indeed a Kuchma supporter, but that he had been appointed as far back as August 17. This explanation was in response to a question about allegations that Kuchma had replaced TEC chairman at the last minute with his supporters. The vice chairman then accompanied the delegation to the next polling station. At this polling station, PEC #8, it was clear that the PEC chairman was flustered at the presence of the TEC vice chairman. In response to questions about family voting, the chairman of PEC #8 incorrectly stated that the law provides for husband and wife to vote together.

On the return trip to Donetsk, the delegation visited PEC #116, which was stationed in a small community center along the roadway. Only three commission members were present; the others were home having dinner, including the PEC chairman. The commissioners were not sure about the party affiliations of their fellow commissioners, but of those present, two said they were Marchuk supporters and the third was a member of the Green Party. The station was set up according to procedure except for the fact that, due to space constraints, the ballot box was inside the voting booth. The station had 100 voters on the voter list.

The delegation returned to Donetsk and closed PEC #59. The chairman announced, "We have American visitors and must try our hardest." The chairman was careful to follow all regulations, including having all commissioners vote on which marks would void a ballot. One commissioner complained about a Moroz ballot not being properly

counted and all ballots were recounted. The only peculiarity was that the signed protocols were taken to another room to copy. Upon examination later, the numbers did not change. The delegation followed the PEC representatives to TEC #45.

The situation at TEC #45 was orderly, however, the physical arrangement of the space left open the potential for fraud. PEC representatives were escorted into a room located next to the room where the final vote count was taking place. When it was time for the next PEC to present their tallies, the PEC representatives were escorted out to give TEC commissioners tabulation results. It was apparent that many PEC representatives were filling out protocols and sealing packages of ballots as they waited in the next room under no supervision of poll watchers or other observers.

**Donetsk Regional Summary
November 14, 1999 Run-Off Election****I. Summary**

IRI delegate Brooke Vosburgh and IRI staff member Chris Holzen deployed to Donetsk for the run-off presidential election. On Saturday, November 13, the IRI delegation met with representatives of the Kuchma and Symonenko campaigns and a representative of the media.

II. Pre-Election

The delegation's first meeting included members of the oblast committee of the Socialist Party, the Donetsk city committee of the Socialist Party, and the Communist Party in Donetsk. This meeting took place in the Socialist Party Headquarters. The presence of the Communist Party representative and the comments of the Socialist Party members made it clear that in the second round of the election, the Donetsk Socialist Party was firmly behind the candidacy of Communist Party candidate Petro Symonenko.

Among the claims of the Socialists was that equal access to media was denied to all parties, labor groups such as miners were often forced to attend meetings in which pro-Kuchma messages were propagated, and that in some cases, volunteers hanging literature for Symonenko were harassed, beaten, and in one case, strangled. The Socialist Party did make official protests to the local authorities, but claimed that the authorities were all supporting Kuchma, either by choice or force, and therefore ignored their protests of such treatment.

The Socialists and Communists also claimed that at polling site #23, an election committee member who was not supporting Kuchma was forced to resign from the committee for that reason and that another polling site was run by a committee which had no Communist Party representatives on the committee despite the party's protest that such exclusion was in clear violation of the election law.

Despite the harsh treatment claimed by the Socialists at the hands of the Kuchma administration, they acknowledged that they experienced no such treatment when they met in large numbers and in public venues for political rallies.

The delegation's next meeting was with a member of the Donetsk Oblast Communist Party (CPU). He said that the Communist Party did not run any television advertisements in the Donbas region and that the little television coverage they received was biased in favor of Kuchma. He indicated that the newspapers were fairer than television and radio, and that one newspaper was outright supportive of Symonenko.

In Krasnarmysk, a city in Donetsk oblast, a Symonenko committee member was beaten while handing out campaign literature. In this case, the perpetrators were arrested, but released within hours, according to the Party official.

The CPU did not pay volunteers and claimed they did not conduct any fundraising activities. The CPU did conduct voter turnout programs organized by party volunteers.

The third meeting of the day was with a member of the Kuchma campaign organization in Donetsk. He told IRI that all party allies of Symonenko were removed from some local polling site committees and territorial election committees (a fact which

IRI was able to verify independently on election day) and replaced with Kuchma loyalists. He was quoted earlier in the month in an edition of the Kyiv Post as saying “We have no budget – it’s all donations from local businesses,” referring to the huge amounts of money being spent locally by Kuchma’s campaign. When asked if this was indeed what he said in the interview, he said yes. When asked if this was in violation of the election law, he responded by saying that the Communist Party broke the law for 70 years and now it was therefore acceptable for the Kuchma campaign to break the law.

Finally, the member told IRI that the media did not have a right to criticize President Kuchma and if any of them did, they would be sorry after the election.

On organizational questions, the Kuchma campaign representative stated that candidates did receive equal access to media, while acknowledging that Kuchma received more positive press “because he deserved it.” The Kuchma campaign planned to conduct voter turnout programs on election day. As for whether or not the Kuchma campaign was working in alliance with any other parties, the Party official refused to say.

The fourth and final meeting of the day was with a reporter with a local state-run television station. He stated that there was no bias in their coverage. He added that the station was state run and offered equal time to all of the candidates, as required by law. Each candidate was allowed 40 minutes and the station accepted no paid advertisements.

The reporter was reluctant to discuss much in the way of campaign issues, but did say that the majority of people calling into the station and other feedback the station received consisted mostly of people supporting Kuchma because “a new person

would have to steal things whereas Kuchma already has what he needs.” He also stated that the status of the economy was an issue discussed often by the media. He was not aware of any fraud occurring anywhere, but said that the station would report credible accusations of any fraud.

III. Election Day

The IRI delegation visited 10 polling sites on election day. The delegation observed violations such as extra sealed ballot boxes stored in back rooms of polling sites. The delegation also observed that many ballot boxes still had used, torn seals on the them from the first round, which on initial observation led some to believe that the boxes had been tampered with when in fact they had not. It was also apparent at many sites that family voting still frequently occurred. Finally, the delegation observed that partisan campaign literature was posted outside some sites, which was a violation of the election law.

The IRI team opened PEC #35. Four poll watchers were present for the opening. The station opened promptly at 8:00 a.m. The delegation observed only minor infractions such as commissioners failing to provide proper guidance to voters about using the voting booths and more than one person entering a voting booth at a time. There were four uniformed militia officers present at the site. Several more were outside talking. The process appeared orderly.

The delegation next visited sites in Donetsk City and in Mariupol. At PEC #100, in the town of Volnovacha on the way to Mariupol, the delegation was told that there were 64 requests for the mobile ballot box, a number which is higher than usual. The delegation also visited a small Greek village called Buhask. The

community was largely Greek speaking and was maintaining its Greek cultural identity. There were no violations to report at this site.

The delegation closed PEC #6, located in a community center in Donetsk. The ballot boxes were unsealed in front of all poll watchers. The tabulation process was conducted according to procedure. The delegation followed the PEC representatives to TEC #45 and observed that the proper ballot numbers from PEC #6 were recorded by the TEC commissioners.

Donetsk Oblast Exit Poll

Presidential Election - October 31 and November 14, 1999

(20 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	95%
Somewhat complicated	5%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	62%
Radio	5%
Newspaper	18%

Posters, other literature	5%
Meeting the candidates personally	10%
Party/movement label	0%
Friend/relative or spouse	0%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision	42%
Had about the right amount of information to make an informed decision	42%
Had not enough information to make an informed decision	16%

4) What qualities were most important in the candidates you supported?

Someone I trust	14%
I agree with the policies advocated by the candidate	65%
One who will work hard to make life better for the people	21%

5) What do you think the top priority of the new president ought to be?

Political stability	4%
Economic reform	50%
Stopping corruption in government	15%
Reducing crime	15%
Ukrainian sovereignty	16%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy	10%
Voting helps determine Ukraine's future	48%
Elections were already determined by those in power	37%
Nothing will change	5%

7) Who do you blame for Ukraine's problems today?

President Kuchma	29%
The Verkhovna Rada	37%
The democrats	0%
The communists	19%

Earlier Soviet leaders 10%

Other nations 5%

8) What is your gender?

Male 58%

Female 42%

9) Are you a member of a political party?

Yes 11%

No 89%

10) What is your age group?

18 - 25 26%

26 - 35 16%

36 - 47 37%

48 - 60 16%

60 or older 5%

**Ivano-Frankivsk Regional Report
October 31, 1999 Presidential Election****I. Summary**

IRI delegate Doc Dockery and IRI staff member Chad Kolton traveled to Ivano-Frankivsk to observe the first round presidential election. On Saturday, October 30, the delegation met with representatives of territorial election commission (TEC) #84, officials from the Marchuk Campaign, the Republican Christian Party and the Democratic Party and journalists. The delegation visited 14 precinct election commissions (PECs) on election day.

II. Pre-Election Meetings

The delegation's first meeting was with a representative of TEC #84. He discussed the problems the commission faced and said the biggest problem was complex election legislation. He said the most pressing issue for election organizers was to create equitable conditions in which all candidates could compete. Unfortunately, he added, the electoral legislation doesn't spell out exactly how to do this. He said he felt that the majority of problems dealing with the elections had been settled.

He said elections could be improved by having candidates consistently available to meet voters at a regular time and place – with the meetings paid for by the candidates. In terms of campaign financing, he responded that candidates raise most of their money from so-called “business structures.”

He felt he had received enough support from the federal Central Election Commission for the conduct of elections. He said individual campaigns were responsible for training and fielding poll watchers and gave as an example the Ivano-Frankivsk Kuchma campaign, which had

conducted training for its poll watchers and distributed educational literature on how to be an effective poll watcher.

TEC #84 published information in the local press on how to vote, as well as a telephone number which voters could call with questions. One of the most frequent questions was how could voters vote if they did not have a valid internal passport or did not have an appropriate residence stamp. He said that the passport authorities were working around the clock to alleviate as much of the passport backlog as possible. In addition, if their passport wasn't ready voters could get a special certificate that – if used in conjunction with another valid form of identification – would allow them to receive a ballot.

Another problem that Ukraine faced in organizing the presidential elections, according to the TEC representative, was the requirement that all parties be involved in the formation of election commissions. This proved difficult as many parties weren't able to find enough people to represent them on every local commission.

He reported that TEC #84 had received all the necessary ballots and that those ballots had been distributed to all polling stations. Each polling station had been given three percent more ballots than the number of registered voters per the election law. The TEC also kept a reserve of 3,000 ballots in case any polling station ran out. There is a procedure in place whereby a polling station can officially request more ballots and the TEC as a body can order that more ballots be dispatched. For this and any other matters that arose, the TEC was in session all day on election day.

The TEC representative said three special training sessions were conducted for election commissioners and he felt that number was sufficient to ensure qualified people. He expected 75-80 percent voter turnout. He said that simplified voting procedures would help ensure smaller lines at polling stations during this election.

The delegation next met with a director of a local independent radio station. He said that the election legislation calls for media outlets to provide time or space to all candidates, some of which was paid for by the government. He also said many of the media struck deals with candidates to cover their campaigns according to a set of prices for stories or coverage. Only two candidates applied for free state-sponsored coverage on this particular radio station: President Kuchma and Mr. Moroz.

According to the station director, President Kuchma had more media opportunities. For example, local media covered a meeting of scholars who reviewed and commented on Kuchma's agenda. He said, "Mr. Moroz did not have such opportunities."

He said only four of 15 candidates actually campaigned in Ivano-Frankivsk: Kuchma, Marchuk, Moroz and Udovenko. He said others did not actively campaign in Ivano-Frankivsk because they did not expect much support. Rather than purchase advertising, Marchuk and Udovenko held local press conferences. He said that the Kaniv-4, a coalition of four presidential candidates, had received a disproportionate share of media interest.

He felt that the Ivano-Frankivsk oblast media was fair in covering all candidates and generally did a good job covering the campaign. He also mentioned his participation in a special commission put together by the city election commission, which included representatives from various media outlets. The idea was that they would police themselves by deciding if any violations had occurred. One such instance did occur when the oblast newspaper published polling data after the official cutoff date for printing such information, which was October 15, 1999. The special commission of media representatives asked media outlets to publicize this violation, which they did, so others would know not to do it. He noted that there is no viable means to punish mass media if they

violate the law. The only thing that anyone can do is bring such violations to everyone's attention. His ideas for improving the electoral process and media coverage include allowing political advertising and publicized polling information up until election day.

The IRI delegation next met with a director of the Marchuk campaign. He told the delegation that the oblast paper only published stories in favor of President Kuchma. He filed a complaint with the TEC about the oblast paper's coverage. The TEC agreed with him that the coverage was biased toward President Kuchma. The TEC required the oblast newspaper to publish both the Marchuk campaign's complaint and the TEC's ruling in their favor. He said it had no real effect on the situation but was a moral victory for Marchuk supporters. (A copy of the newspaper that carried the claim and TEC decision was left in the IRI Kyiv office.)

He claimed that the oblast administration charged local district councils with producing a certain number of votes for President Kuchma.

Mr. Pavlick showed the IRI team a poster that slandered Marchuk. The posters began to appear just a couple of days before election day and were anonymous. The Marchuk campaign staff said the high quality of the posters made it impossible that they had been produced locally.

The Marchuk campaign also said that a letter had been discovered with a falsified Marchuk signature in which he apologized for all of the violence and bloodshed visited upon Ukrainians by the KGB while he was in charge. The Marchuk campaign worker said all of this was obviously intended to remind voters about Marchuk's past position as head of the KGB in Ukraine. The Marchuk campaign also said that on September 1, 1999, flyers began to appear in Ivano-Frankivsk inviting people to come to a meeting with Marchuk. The campaign knew nothing of this alleged meeting.

The Marchuk campaign director said that pressure had been brought to bear on Marchuk supporters in favor of Kuchma. He cited an example of threats by collective farm chairman and local executive powers to those who were going to be Marchuk poll watchers. He said that fraud would occur by using names of dead or out-of-town people on the voter lists, purposefully invalidating ballots with votes for a specific candidate, outright substitution of anti-Kuchma ballots with pro-Kuchma ballots and writing out protocols to favor one candidate over the person who really won.

He said, the Marchuk campaign would try to field as many poll watchers as possible, but would only probably be able to cover 50 percent of polling sites. They were working with the Socialist Party and Rukh Party to help cover sites. He made some suggestions of specific things to watch out for, including campaign literature in violation of the law, people signing ballots on behalf of others, and churches that may tell voters to vote one way or another.

The IRI delegation also met with a representative of a local independent television station in Ivano-Frankivsk. The law required non-state studios to publish their price lists for advertising so that all candidates could have equal access to advertising. He showed IRI the paper in which their advertisement appeared. No candidates came to visit the station personally.

On election day, the station planned to send a camera crew to the mountainous regions to film voting. The station also planned to send a reporter to the local jail and some other polling sites. Station representatives expected turnout to be about 70-80 percent. Regarding campaign rhetoric itself, the representative said it was nothing special compared to other countries, "all candidates promise to be the best and fix everything."

The next meeting was with a deputy of the Republican Christian Party of Ukraine who also headed the Kuchma headquarters in Ivano-Frankivsk. The deputy told the IRI team that his main priority toward the end of the campaign had been to find poll watchers for as many polling sites as possible. He expected to have all sites in the city of Ivano-Frankivsk covered and tried to use experienced poll watchers who have worked in prior elections. He also said that the party made phone calls to campaign supporters to help increase turnout. He said they were allowed to follow-up with their supporters on the day of the campaign but could not say “vote Kuchma.” He reported no concerns about fraud or illegality and estimated turnout would be about 70 percent. He also expressed no concerns over the media coverage of the campaign. He also added that he felt the campaign season was too long and, due to the state of the economy, should be shorter.

The IRI delegation’s last meeting was with a leader of the Democratic Party of Ukraine in Ivano-Frankivsk. The Democratic Party was also working to encourage turnout among party followers. They held meetings with party activists in order to encourage turnout. The Party official expected turnout to run at about 80 percent. The Party gave their poll watchers a memo outlining their responsibilities.

III. Election Day

The IRI delegation visited 14 polling stations on election day. At none of these stations did the delegation witness – or have relayed to them by other observers – evidence of fraud. IRI did note minor violations such as not checking passports and more than one voter in voting booths. The one issue that was consistently reported at each station was the feeling on the part of local election commissioners and observers that many voters are still confused about how to correctly fill out their ballots.

IRI observed the opening of PEC #82. The site opened 20 minutes late. The chairman said that the reason was registration of poll watchers and mass media. Evidently these individuals should have registered last night, but instead they just showed up in the morning and as a result caused the commission to fall behind. The IRI team witnessed the display of empty ballot boxes before they were sealed. The only problems reported were errors in the voter list. The local election commission did a house-to-house check to confirm the information on the list and found that some names were misspelled or some people had come and some had gone due to buying and selling of apartments. The PEC commissioners corrected the problems on the voter list found through their door to door check.

Another, minor infraction was a pro-Kuchma sticker near the entrance to the polling station that a Marchuk poll watcher noticed and asked to be removed. The chairman promptly had it removed. There were four poll watchers present.

The delegation arrived next at PEC #31. IRI noticed no major violations, though a kiosk just outside the door of the polling site featured campaign posters for a variety of candidates. The chairman also said that they experienced problems with their voter list, such as people having moved.

The next stops were PEC #70, PEC #9 and PEC #130. There were no major violations observed, only minor instances of more than one voter in a voting booth or voters filling in ballots outside the booth. At PEC #130 IRI observed a large number of voters receiving ballots with only their voting invitations and not passports. When asked about this the local chairman said that they knew everyone and so passports weren't really necessary. There were three domestic poll watchers present. At this site, 130 people had requested a mobile ballot box visit. The chairman said this large request was due to a large number of small villages that fell into this voting area.

When the IRI delegation arrived at PEC #26, in the village of Podnariv, there was a detachment of soldiers outside preparing to vote. They were being allowed in the station in groups of five or six. The delegation observed no instances when officers made an effort to influence their vote. The officers helped the soldiers register so they could be added to the local voting list for purposes of voting in this district.

In the afternoon, the delegation visited PEC #28, PEC #16, PEC #89, PEC #55, PEC #34, PEC #13 and PEC #17. There were no major violations to report. At PEC #89, the delegation was told that OSCE representatives had also stopped at this site. No voters were present while the delegation was at this polling station. At PEC #34, the official CEC election posters were not displayed. When asked about this the chairman said they had been displayed at other places in the village earlier. At PEC #13, IRI learned that they were the first group of foreigners to visit, that any one could remember, in the history of the village.

The IRI delegation's final stop was PEC #117. There were three domestic poll watchers present, two representing Kuchma and one representing the Green Party. The local election commission was composed of nine people, representing Kuchma, environmentalists, the Ukrainian Republican Party, Rukh-Udovenko and the Socialist Party. There had been 17 requests for the mobile ballot box. The domestic poll watcher from the Green Party reported that she felt all had gone fairly well throughout the day.

The polling station closed promptly at 8:00 p.m. Inside were the local election commission, domestic poll watchers, the IRI team and two additional people – the head of the village rada, on hand, by his own account, to give extra help, and the bus driver to take the group to the TEC. Unused ballots were not counted in the presence of the IRI team.

The unused ballots had apparently been recorded earlier. The number of ballots in the mobile box equaled the number of requests. The seals on the two remaining ballot boxes were displayed. Observers witnessed the commission chairman unseal and empty the boxes on a table. Spoiled ballots were shown to all observers.

After the tabulation process was complete, the IRI delegation followed the local election commission representatives to TEC #87. The local commission representatives stopped on the way to pick up commissioners from another polling site. TEC #87 was very chaotic. A bottleneck had formed by the door to get into the room where the TEC was sitting. No one – police, militia, TEC – was providing any sort of order and the mob of local election commissioners with ballots and protocols kept pressing closer and closer to the door almost crushing those near the front of the line.

The IRI delegation was allowed through a back door into the room where the TEC was sitting. IRI witnessed TEC commissioners record and process the PEC protocols. There were also two OSCE observers present. At several instances the crowd outside burst through the door only to be pushed back outside. Finally the police were called in from outside to bring some order to the process – though it was little better.

At one point a credentialed Kuchma poll watcher was allowed access to the room where the TEC was sitting but he immediately began a loud verbal tirade against the TEC for allowing the situation outside the doors to continue. He was twice asked to sit and be quiet. Both times he did only to start again in a few minutes. Finally the head of the TEC asked for a vote to expel him. A show of hands showed that the TEC unanimously voted to expel the Kuchma poll watcher. At approximately 2:30 a.m., the head of the TEC announced that 50 percent of the stations had reported.

The delegation returned to TEC #87 the next morning to collect the protocol from the previous night's vote. During the visit, the chairman of the TEC said that the recording of ballots and protocols had gone on until 8:00 a.m. Of the 13 members of the TEC, 12 were there through the end and signed the protocol. He said the law only required 2/3 to be present and sign.

The chairman of the TEC pointed out what were, in his opinions, problems with the current election law and administration. First was the requirement that TECs and PECs be made up of candidate/party representatives. He said in an effort to have representatives on each PEC and TEC, candidates were turning in the name of some who were too old or sick to perform their duties. Many of these, he said, absolutely refused to come on election day because of the expected strain. Some had even been nominated without their knowledge. Some local election commissions he knew of were even unable to do their work because so many backed out at the last minute. He also decried what he saw as a lack of seriousness in the work of those representatives of candidates with little or no chance of winning.

He also said there were many contradictions in the law. For example, whereas the law requires a passport to vote he felt that a pensioner's papers should be just as acceptable because it has a photograph. He thought a passport was necessary if you needed to be added to a voter list but other photo I.D. should be acceptable to vote. He also said that at the next election, a new system would be implemented in which everyone would be met at the entrance to the TEC, given a number and would be admitted to the TEC headquarters only when their number was called.

**Ivano Frankivsk Regional Report
November 14, 1999 Run-off Election****I. Summary**

IRI delegate Constance Berry Newman and IRI staff member Monica Kladakis traveled to Ivano-Frankivsk to observe election day activities for the second round presidential election. On Saturday, November 13, the delegation met with a representative of territorial election commission (TEC) #84, representatives of the Republican Christian Party, the Communist Party and three journalists.

II. Pre-Election

The IRI team met with a representative of TEC #84, who described some of the changes that had been made to address technical problems experienced in the first round. The biggest change was to allow any identification, not just a passport, to be valid if a person is on the voter list. He stated that according to the election law, the only poll watchers allowed to be present were those representing the current candidates, which means anyone not representing Mr. Kuchma or Mr. Symonenko should be turned away. He also described the security measures that were taken to protect the ballots, which were similar to those taken in the first round. Each TEC provided training to its precinct commissions to review the election law and inform them of the new procedures, and the media aired information on the election regulations. He did not expect any election fraud to take place.

The IRI team next met with representatives from two political parties, the oblast Republican Christian Party (RCP) and the Communist Party (CPU).

The RCP was responsible for running President Kuchma's campaign in Ivano-Frankivsk oblast, and planned to send poll watchers to

every precinct, as it had the first round. The RCP representative said he expected a few poll watchers from other coalition parties, including the People's Democratic Party and the Social-Democratic Party (United), to participate in the second round. His biggest concern was voter turnout, so the RCP had been conducting "get out the vote" efforts by telephone and door-to-door, in particular to apartment buildings that it had identified as having the lowest voter turnout in the first round. He was also concerned about people not being allowed to vote due to incorrect voter lists, and about inconsistent rulings on improperly marked ballots (in favor of opposition candidates.) He did not believe there was unbiased reporting in the media; he attributed any imbalance to other candidates lacking support and not doing the work to receive coverage. He said that the RCP did no local fundraising other than obtaining in-kind contributions like gasoline, and instead received funding and materials from the national party headquarters.

IRI's meeting with the Communist Party representatives provided a different perspective. They did not believe any fraud took place on election day, but felt that their candidate had not received a fair chance in the race. They stated that Symonenko received no media coverage other than that required by law except by the one independent paper, *Ptrykarpattya Pravda*. However, when pressed, the CPU representatives admitted that they had not approached other papers for coverage. They said that even during the televised candidate debates required by law, the moderator gave opening and concluding remarks favoring Mr. Kuchma. They were also concerned about Kuchma using state resources for his campaign, such as an anticommunist student rally that was organized by city authorities. They said that villagers had been threatened with increased taxes or with losing their land or their job if they voted against Kuchma. In preparation for the runoff, the CPU distributed campaign literature and conducted door-to-door activities, and expected to have poll watchers and commissioners at all but the smallest precincts. The Party raised 4,000 hryvnias locally and received the rest of its funding from the national headquarters.

The IRI team next met with representatives from an independent television studio, an independent newspaper and an independent radio station. It was clear that the general pro-Kuchma leanings of the oblast extended to media coverage. However, each media representative made sure to state that he fully abided by the law and that no candidate was ever denied coverage. Each also said that none of their journalists were paid for news stories, but did not comment on other journalists. None formally endorsed either candidate, but the newspaper journalist said he had no hesitation about expressing anticommunist views in the paper. They also stated that campaign activity had significantly decreased after the first round, and that Symonenko had essentially stopped campaigning in the oblast. None of them was concerned about election fraud, adding that there was no intentional fraud in the first round and that the political atmosphere was calmer this time.

III. Election Day

The IRI team visited 11 precinct election commissions (PECs) throughout three TECs (#84, #85, #87) in Ivano-Frankivsk oblast, including a prison for non-convicted persons and seven village PECs. The team observed the opening of the vote at PEC #82 in TEC #84, and the closing and counting of the ballots at PEC #125 in TEC #87.

For the most part, the voting process was calm and organized, although crowded at times. The fact that identification other than a passport was valid allowed voters to move through the lines more quickly, but in the villages the checking of identification proved to be quite inconsistent. In about half the villages, the PEC chairs said they would not allow someone to vote without identification even if they had known them for 20 years; in the other half, the chairs said they would not turn someone away if they knew them, especially if they were elderly. Additionally, the IRI team observed several occasions when a voter either

only showed his invitation to vote, or simply gave his name to the commissioner without providing identification.

A few other problems were observed, including more than one person voting in a booth at one time; a lack of CEC official candidate posters as required by law; and a few cases where CEC voting instructions were not visible at all. However, the voter lists seemed far more accurate than during the first round, and the number of names added on election day at the PECs the team visited ranged from zero to seven. Additionally, the militia was present at each station but was inconspicuous, and election training had been conducted uniformly between the first and second rounds.

There also seemed to be continuity in the administration of the election, as the vast majority of PEC commissioners had served in the first round. Furthermore, poll watchers were present at every polling station the team visited. Kuchma representatives were at all the PECs, and a few polling stations had representatives from the Communist Party, Rukh, and the Green Party. Interestingly, nearly every PEC had poll watchers from the Committee of Voters who had registered as journalists from their publication, *Point of View*, in order to serve as observers.

IRI staff did observe one example of what appeared to be intentional election fraud. At PEC #137 in TEC #87, in Pavlika Village, a voter emerged from the voting booth, exchanged a “look” with a Kuchma observer standing directly behind the ballot box, and stuffed a wad of ballots into the box. It may only have been four or five ballots, but it was certainly more than one.

The IRI team was present at the opening of PEC #82 in TEC #84, which was a school in the city of Ivano-Frankivsk. The atmosphere was orderly and calm. The team checked the ballot box to ensure that it was empty and properly sealed. The chairman and other commissioners were welcoming of the IRI team and answered all of its questions.

IRI observed the closing of the vote and the counting of the ballots at PEC #125 in TEC #87, which was a school in Klubivtsy, outside of Ivano-Frankivsk. All of the commissioners and two observers (Kuchma and Rukh) were present. The commissioners welcomed IRI's presence, and conducted the counting of the ballots for all to see. However, they did not follow procedures exactly as specified in the election law. For example, they mixed the mobile box ballots with those from the main ballot box rather than counting them separately. Additionally, they did not announce each ballot out loud; instead, all of the commissioners sorted and counted the ballots simultaneously. When there was a small discrepancy in the count, they recounted the ballots until it was correct. It was clear they did not intend to act improperly, but simply did what seemed most efficient. The commission's position on invalid ballots was that any ballot that had a mark outside of the box, even if the intent of the voter was clear, was considered invalid.

The IRI team followed the commissioners to TEC #87 to observe the recording of the results. The process was efficient and organized, in marked contrast to the first round. Each PEC was given a number and asked to wait in an adjoining room until its number was called. Then PEC representatives brought their ballots to a TEC commissioner, and the results were taken to a computer room where they were verified and sent to Kyiv. The process of taking the protocols to the computer seemed a little chaotic, however, with any commissioner having the right to deliver the results. The IRI team visited the computer room and observed that the correct numbers for PEC #125 had been recorded. Poll watchers representing Kuchma and Symonenko were present, and all observers had the right to receive copies of the protocols.

**Ivano-Frankivsk Oblast Exit Poll
Presidential Election - October 31 and November 14, 1999**

(74 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	96%
Somewhat complicated	4%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	53%
Radio	10%
Newspaper	16%
Posters, other literature	5%
Meeting the candidates personally	11%
Party/movement label	1%
Friend/relative or spouse	4%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision	63%
Had about the right amount of information to make an informed decision	27%
Had not enough information to make an informed decision	10%

4) What qualities were most important in the candidates you supported?

Someone I trust	27%
I agree with the policies advocated by the candidate	28%
One who will work hard to make life better for the people	45%

5) What do you think the top priority of the new president ought to be?

Political stability	13%
Economic reform	25%
Stopping corruption in government	24%
Reducing crime	15%

Ukrainian sovereignty 23%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy 27%

Voting helps determine Ukraine's future 54%

Elections were already determined by those in power 10%

Nothing will change 9%

7) Who do you blame for Ukraine's problems today?

President Kuchma 28%

The Verkhovna Rada 34%

The democrats 3%

The communists 21%

Earlier Soviet leaders 13%

Other nations 1%

8) What is your gender?

Male 60%

Female 40%

9) Are you a member of a political party?

Yes 23%

No 77%

10) What is your age group?

18 - 25 11%

26 - 35 22%

36 - 47 34%

48 - 60 22%

60 or older 11%

Kharkiv Regional Summary

October 31, 1999 Presidential Election

I. Summary

On October 29, 1999, IRI delegate Glen Skovholt and IRI staff member Brian Mefford deployed to Kharkiv to observe the first round of the presidential election. The team met with four political parties, one television station, and two territorial election commissions (TECs) on Saturday, October 30, 1999. On election day, the IRI team visited 15 precinct election commissions (PECs), observed two voters voting via the mobile ballot box, and observed the counting process at a PEC and a TEC.

II. Pre-Election

The IRI delegation met first with a representative of the Kharkiv Rukh Party. He complained about the lack of media coverage for his candidate. The party lacked the resources to have a substantive number of poll watchers for the election. He said Udovenko, the candidate of the Rukh Party, can win only if “the people of Ukraine vote like Ukrainians.” Originally, Rukh planned to support Kuchma in the second round assuming Udovenko didn’t make it. However, because of Udovenko’s lack of media coverage, they were unsure now if they would support Kuchma in a run-off.

The next meeting was with a representative of the Kharkiv Socialist Party. He stated that Kuchma’s dominance in the media would backfire because people understand that the “interesting candidates were being silenced.” The Socialists planned to have poll watchers at all polling stations. He believed that many people would vote for Moroz despite pressure from the administration to

support Kuchma. The Socialists were concerned about voter fraud at the TEC level.

During the meeting with a representative of the Communist Party, the official said he had been arrested the previous night for distributing Communist Party literature to people in the main Kharkiv square. Militia officers in plain clothes took him to the police station where he was questioned for two hours before being allowed to leave. He was filing a complaint through the proper channels including the Council of Europe. IRI was given a copy of the complaint.

The Communist Party had raised most of its campaign money locally. They planned to have poll watchers at all polling stations for the election. In addition, their headquarters was well staffed. They said they were the best organized party in the oblast. The IRI team was told about several incidents of harassment, murders, and intimidation of Communist Party activists but names or supporting documentation were not produced. The Communist Party representatives did provide IRI with a copy of a concert ticket for that night which featured an advertisement for Kuchma. They believed that this was a violation of the law because it allowed Kuchma to campaign over the weekend.

The delegation next met with a representative from an independent television station that operated two channels. The station had two owners, one that favored Kuchma and one that favored Marchuk. The offices of the reporters had campaign literature for Moroz and Marchuk visible. The representative complained about the amount of coverage Kuchma received. In addition, the representative was angry that the station was unable to air stories about the economic situation in Ukraine possibly because the owners didn't want to offend Kuchma. The representative attempted to re-play a tape of Kuchma's campaign

promises from 1994 but was denied and said that the media situation was worse than in 1994. The representative suggested several PEC's to visit where there could be irregularities.

The IRI team met with the entire membership of TEC #171. All members were present due to a last minute meeting to discuss the replacement of a Rukh party commissioner with a member who was appointed by the local rada. In discussions with the IRI team, the officials were prepared and all election materials had been received. Voter lists were in order.

III. Election Day

The IRI delegation opened PEC #54. The polling site opened on time and all members of the commission were present for the opening. Poll watchers from the Socialist Party (SPU), Communist Party (CPU), and Kuchma campaign (People's Democratic Party - PDP) were present. The Socialist Party poll watcher complained that one person was given two ballots and allowed to vote for her husband who had lost his passport. Apparently, the commissioners voted in the affirmative to allow this man to vote. Voting processes appeared to be in order and security was adequate.

The next visit was to PEC #50. This polling site was orderly and efficient. IRI followed three election officials and one militia officer with the mobile ballot box. The IRI team observed two elderly individuals voting via this procedure. No irregularities took place at this time.

IRI arrived at PEC #55 next, at the same time as many military troops were being marched in to vote. Of 2,175 registered voters, 925 were military. The Marchuk observer commented that

this election was “much better” than previous elections and that the “problems were only minor.” The site was chaotic with the presence of so many soldiers. IRI was asked not to take pictures of the site.

At PEC #56, all commissioners had worked previous elections and voting processes appeared orderly. The presence of many military men made the room a bit disorderly. However, upon the arrival of the IRI team, the chairwoman took charge and forced the soldiers into orderly and neat lines. A few soldiers voted outside the booth and some went into the booth together. The chairwoman commented that “I can’t compel them to use the booths”. The environment was relatively secure although it was difficult to determine who was security and who was military.

The next visits were to PEC #86, PEC #59, PEC #75, PEC #73 and PEC #74. There were no major violations reported at these stations. At PEC #74, a poll watcher was later identified by the commissioners as an agent for the SBU. Almost all commissioners had worked previous elections and the voting process was orderly and secure. The last polling site visited in TEC #171 was PEC #72. Poll watchers for CPU, SPU, PDP and Marchuk were present. Half of the commissioners had worked previous elections. The process was orderly and secure.

In the late afternoon, the delegation also visited PEC #3 and PEC #6 in TEC #175 and PEC #111 and #112 in TEC #180. There were poll watchers present from the CPU, SPU, PDP and Marchuk campaigns at all four sites. At PEC #111 and #112, CEC candidate posters were not displayed because the chairmen said they “did not want campaigning inside the polling station.”

The IRI delegation closed PEC #36 in TEC #168. Poll watchers were present from CPU, SPU, PDP, and the Progressive

Socialist Party. A television reporter was also present as a poll watcher. Only three of the commissioners had worked previous elections. Election officials indicated that students were allowed to produce a student card or driver's license in lieu of a passport in order to vote. The university president was present to observe the process as well. The process was orderly and secure. The closing of the site was done according the law and observers were allowed to view the counting process. Election officials, conscious of the presence of the IRI team, counted the ballots slowly and deliberately to avoid mistakes.

The delegation then followed the representatives of PEC #36 with the counted ballots to TEC #168. The TEC was orderly but the workers were obviously exhausted. Many observers were present at the administration building. IRI received a copy of the protocols. No irregularities were observed.

**Kharkiv Regional Summary
November 14, 1999 Run-off Election****I. Summary**

IRI delegate Bettie Kuehn and IRI staff member Paul Fagan deployed to Kharkiv on November 12 to observe the run-off presidential election. On Saturday, November 13, the IRI team conducted meetings with members of various political parties, members of the media, and representatives of non-governmental organizations.

II. Pre-Election

The team met with three representatives of the Republican Party of Ukraine, whose party supported Yevhen Marchuk in the first round election, the Communist Party and the Socialist Party, which originally supported Oleksandr Moroz, but endorsed Symonenko in the run-off election. The representative from the Republican Christian Party did not endorse either candidate outright, but said President Kuchma was the better choice of the two.

Though the party representatives had different ideologies, they all voiced deep displeasure regarding the campaign tactics of President Kuchma. In particular, they condemned the President's use of the militia and tax police as vehicles of intimidation and coercion. According to the three, publishing houses, newspapers, and television stations were shut because they did not support the president's campaign. They also criticized Kuchma's near monopoly of the state media.

The three party representatives also recounted problems with the October 31 first round election. The Communist Party representative was the most outspoken on this issue and had the most specific examples. Her main concern was the use of "propiskas", certificates given to voters who could not vote at their voting station. She said the misuse of

propiskas was especially high at hospitals, but was also common among university students and soldiers. She relayed stories in which patients as well as hospital staff were pressured and coerced by doctors and administrators to vote for Kuchma. She reported this violation to CEC Chairman Rybets, who substantiated the allegations to her. The Communist Party paid to broadcast the findings of the chairman, but at the time of the broadcast, the transmission was disrupted so no one in Kharkiv heard the announcement.

The IRI team also met with two reporters from local independent television stations. They both gave different accounts about the political situation in Kharkiv. One journalist's program was taken off the air because he was an open supporter of Kuchma, while the station owner was a supporter of Marchuk. Consequently, the station was later closed. The journalist commented that the media was biased in its reports. He said that media manipulation was due in large part to pressure from Kuchma rather than out of fear of candidates Symonenko or Vitrenko. The media also wanted to avoid visits from the militia and the tax police. He said his station was visited many times by both the militia and the tax police. The other journalist said there was no significant pressure on the media. She said Kuchma's ads were aggressive and turned voters off to his campaign, but there were no serious violations. Both said their news organizations provided election information to voters.

The team also met with the Committee of Ukrainian Voters, an organization that registered its members as journalists to observe the election. They said they did not expect to see violations during the run-off election. The group conducted sample counts throughout the country during the first election and found little discrepancy with the CEC's final vote count. They also said that the elections were administered smoothly and they did not expect any problems with the run-off. They did not comment on the campaign period. Their only concern was with election day.

III. Election Day

IRI's team opened precinct election commission (PEC) #3 in territorial election commission (TEC) #169. The moment the team stepped in the polling station, the commissioners were about to seal the second of two ballot boxes. They immediately stopped and allowed the IRI team to inspect the box. The commissioners had already sealed the mobile ballot box. Domestic poll watchers were present and they did not raise any objections to the sealing of the boxes. The team then accompanied the commission chairman and several other commissioners to retrieve the ballots, which were in a locked safe and guarded by a militiaman in a separate room from the voting area. There was some confusion because the first key did not open the safe and it took several minutes to find the correct key and open the safe. This delayed the opening of the station by a few minutes, but caused no major problems.

In addition to this station, the team observed voting at 12 other polling sites. There were few violations to report. Several times the team witnessed a couple in a booth together, or saw a few people vote outside the polling booth. However, at most of the stations the voters appeared knowledgeable and voting proceeded without incident.

The commissioners also seemed knowledgeable and were very accommodating to the IRI team. Most of the polling commissioners told which parties were represented on the commission, but several said it was secret and no one's business. One chairman said that all the commissioners became non-partisan when they became members of the commission. All the commissioners had served in the previous election, except a few were absent due to illness or other reasons.

The polling stations themselves were very organized and were not chaotic. Each station, up until the last two the team witnessed, were busy and the commissioners with whom IRI met said the turnout had been very good. As expected, the elderly turned out in high numbers. IRI was told

by commission members and poll watchers that the youth turnout was better than expected. However, a Communist Party poll watcher at PEC #6, a university site, said students were subjected to “psychological pressure” from university administrators and professors if they did not vote the way they wanted them to.

Poll watchers were present at every station and represented both Kuchma and Symonenko. One Kuchma poll watcher at PEC #2 in TEC #181 was very zealous and seemed to have some influence over the commission chairman. When the team passed out exit polls, he was also outside talking to crowds and the IRI team. Most poll watchers said they were going to stay until the counts were finished at their site and would follow the minutes to the TEC level.

The IRI team closed PEC #58 in TEC #181. It was located at Lubotim, a town southwest of Kharkiv. The polling station was in a school and the commission chairman was the director of the school. The site was well organized and the chairman and commissioners followed the election law. The number of used, unused and spoiled ballots received from the CEC matched in the first count. The number of mobile ballots recorded as used and the number counted also matched. The chairman properly packaged, sealed and secured all the materials. They were never out of the sight of the commissioners or the poll watchers. When there was a question about the validity of a ballot, the commission always took a vote. The commissioners each received official copies of the protocol. The IRI team and the other pollwatchers also received signed protocols.

Two incidents arose during the count due to a Communist Party commissioner. First, the commissioner requested a recount of a stack of unused ballots and a recount of the ballots cast for Kuchma. The recount of the unused ballots was correct, but there were two ballots for Symonenko in the Kuchma stack. Second, after the count concluded, she

announced she was not required to sign more than two protocols. She relented after the rest of the commission protested.

The IRI team then followed the chairman, the deputy chairman and a militiaman to TEC #181. The chairwoman handed the sealed sack to the TEC commission chairman and recorded the results. The sealed sack was put into a box and sealed and signed. The team went to three TECs the next day and tried to get signed protocols, but the TECs were closed when the IRI team arrived.

**Kharkiv Oblast Exit Poll
Presidential Election - October 31 and November 14, 1999**

(24 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	100%
Somewhat complicated	0%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	40%
Radio	12%
Newspaper	24%
Posters, other literature	10%
Meeting the candidates personally	0%
Party/movement label	2%
Friend/relative or spouse	12%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision	64%
Had about the right amount of information to make an informed decision	24%
Had not enough information to make an informed decision	12%

4) What qualities were most important in the candidates you supported?

Someone I trust	58%
I agree with the policies advocated by the candidate	19%
One who will work hard to make life better for the people	23%

5) What do you think the top priority of the new president ought to be?

Political stability	8%
Economic reform	53%
Stopping corruption in government	20%
Reducing crime	11%

Ukrainian sovereignty 8%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy 23%

Voting helps determine Ukraine's future 55%

Elections were already determined by those in power 5%

Nothing will change 17%

7) Who do you blame for Ukraine's problems today?

President Kuchma 35%

The Verkhovna Rada 29%

The democrats 6%

The communists 9%

Earlier Soviet leaders 12%

Other nations 9%

8) What is your gender?

Male 46%

Female 54%

9) Are you a member of a political party?

148 52

International Republican Institute

Yes	4%
No	96%

10) What is your age group?

18 - 25	29%
26 - 35	17%
36 - 47	17%
48 - 60	17%
60 or older	20%

Odesa Regional Summary

October 31, 1999 Presidential Election

I. Summary

IRI staff members Eugene Zelenko and Fred Lawrence deployed to Odesa for the first round presidential election. On Saturday October 30, pre-election interviews were conducted with local election officials, political party members and journalists. On election day, Zelenko and Lawrence visited 13 polling sites.

II. Pre-Election

The team's first meeting was with editors from an independent newspaper. When asked if there was any evidence of imbalanced coverage, one editor answered "There is equal coverage." The other editor said that the media focused on "no specific issues during the campaign. People are calm [indifferent] here. But people are going to vote because we made a lot of get-out-the-vote efforts, most of it through advertising techniques." The editors expected a 70 percent turn-out. When asked if there was any difference between this and previous elections, the editors said that this time people were choosing not a personality but a state system.

Both editors denied witnessing any incidents when their reporters demanded payment for favorable election coverage. One editor said that it was not possible in their newspaper because she forbade it. Their newspaper did not publish candidate platforms because *Odesskiye Izvestiya*, another newspaper in the region, was entitled by the CEC to do this.

They said there were no concerns of possible voter fraud and mentioned that they expected the elections would be conducted in a calm way. Neither letters to the editor nor information collected by their

reporters witnessed any cases of voters' threats or vote buying. They believed the Odesa voters did not need any voter education because of numerous previous elections, including the mayoral election in 1998. The only concern that they expressed so far was the large number of candidates from the Verkhovna Rada, "which is itself a problem."

They gave IRI the latest issue of their newspaper with numerous get-out-the-vote materials and advertisements. One of them, called "10 commandments to the voter," was based on readers' questions to the newspaper and territorial election commissions. Their strategy was to appeal to younger voters because they usually do not tend to vote for left candidates.

The next meeting was with a commissioner from territorial election commission (TEC) #135. He stated that about 40 percent of the commissioners were new, and altogether there were 22 commissioners representing 11 candidates. The commission received all necessary assistance from the CEC.

The team next met with a representative of the Odesa regional organization for the Reforms and Order Party who was also the leader of the Odesa campaign for candidate Hennadiy Udovenko. He stated that it is difficult to get media coverage if a candidate is not supported by "power bodies." He mentioned that there was only one non-biased newspaper and two television stations in Odesa. He said that his headquarters did not have access to local mass media. He stated that students and employees of state-run institutions were exposed to "psychological attack" and that the election will be conducted in an atmosphere of fear. He mentioned incidents that were nick-named in the local press as "Kuchma night" when the communal workers were ordered to tear down posters of other candidates' posters and replace them with Mr. Kuchma posters.

He expected massive fraud of five types: stuffing the ballots; placing the ballots voted for a certain candidate into the pile of his opponent during the counting procedure; fraud during transportation of ballots; illegal protocol changes in the TECs; illegal protocol changes in the CEC.

The delegation also met with an editor of an independent newspaper. She said that people were not interested in political advertisements because they do not want to lose their publication and that mass media was in a difficult situation. She also mentioned that authorities do not understand the principles of journalism. She called elections “a big game” in which everybody including, international observers, play a certain role. She expected low turn-out and massive falsification. She said that the level of transparency in the mass media has drastically decreased since glasnost of 1985.

The delegation also met with representatives of the Marchuk campaign and the Constitutional Democratic Party. They said that their campaign experienced all possible obstacles and said the lack of financial resources was a big problem. They stated that election commissions of various levels were formed in favor of one candidate. They planned to cover all PECs by their observers. They expressed their concern about pressure exerted on students and large numbers of extra ballots received by PEC # 24, #25, #11 of TEC #136. They mentioned “Kuchma night” and said that they expect it to happen again the night before the election.

At the Moroz headquarters, the Socialist Party representatives said that there had been many election violations in this campaign. For example, in the town of Belhorod-Dnyestrovsky, the Moroz election headquarters chairman was arrested by militia. He said that all state mass media workers were given a raise to campaign for Kuchma. He expected 4,000,000 fake ballots and invisible ink pens to be widely used on election day. He expressed his disappointment with government employees participating in the Kuchma campaign. Among the problem

spots he recommended the IRI team visit were many educational and medical institutions and the towns of Teplodar and Shchyra Balka.

The IRI team met next with an editor from an independent television station, who described his station's work as transparent and democratic. He mentioned that most of the candidates other than the incumbent used printed mass media for campaigning purposes. He expected turn-out to be no less than 85 percent. He mentioned an incident at TEC # 134 where his station wanted to film pre-election preparation work, but the video equipment was confiscated by a policeman.

III. Election Day

The IRI team started the day at PEC #18 in TEC #135 in Odesa City. All 20 election commissioners were present along with four poll watchers representing Vitrenko, Kuchma, Symonenko, Marchuk and one journalist. The chairman displayed the empty ballot boxes and sealed the boxes in an open and legal manner. At 7:50 a.m. a plainclothes official entered the polling site and introduced himself as Security Service Of Ukraine (SBU) official. He told the chairwoman that he was assigned to this polling station to ensure safety. Voting started at 8:00 a.m. The IRI team noted no other irregularities at this site.

Other stops in the day included PEC #104. At this site there were 12 election commissioners with eight poll watchers. The IRI team noticed what was referred to earlier as "Kuchma night." Outside the polling station numerous Kuchma posters were on the fences and light poles. The glue was still wet - a clear sign that they were placed only a few hours earlier during the night. There was also a young man who was actively moving around the polling site talking to the voters. He approached the IRI delegation with a threatening air and asked who the delegation was, asked for each delegate's credentials and tried to persuade the delegates that each observer had only one polling site at which he was officially entitled to stay and observe. Only after the IRI

team showed him the election law on international observers did he cease. He introduced himself as a village chairman. Several voters who completed exit polls shared with the IRI team that they had been threatened.

At PEC #107, a Kuchma poster was inside the polling site. A mobile ballot box was on the window sill, half of it covered by the curtain and out of sight of most commissioners and observers. It was not properly sealed. AT PEC #156, the mobile ballot box was not sealed, but commissioners explained they were not going to use it. There was evidences of “Kuchma night” outside.

PEC # 112 and PEC #114 in TEC # 143, the IRI team observed voting by troops stationed at a local military base. The chairman of PEC #112 did not allow the IRI team to photograph inside the polling site. At PEC #114, a plainclothes official was aggressive, and as soon as the IRI delegation entered the station, they were ushered by elbow to meet the chairman.

The delegation also visited PEC # 30 in TEC # 135 and observed no irregularities. At PEC #105 and #98 in TEC #138, there were also no irregularities observed, however the chairman of PEC #105 said that a SBU officer had visited the polling site earlier. AT PEC #99 in TEC # 138, the chairman said that three mayor deputies visited the PEC at various time and that a SBU official came from time to time. At PEC #101, the chairman said that “executive authorities visited the site from time to time but exerted no pressure.” At PEC #103, the chairman said that besides state militia there were other structures providing security.

The delegation closed PEC #101 in TEC #138. As of 7:45 p.m., several commissioners were out with a mobile box. They came back as late as 8:40 p.m. with 24 ballots in the mobile box. The commissioners followed polling site closing procedure, counted each unused ballot, invalid ballots, and each candidate’s ballots. While invalidating the

ballots, the chairman did not cut the corner properly, as is required to invalidate the unused ballots. A militia official was counting and destroying unused ballots along with counting control checks.

At TEC # 138, many PEC officials were lined up inside a big conference hall. The atmosphere was calm though busy. The TEC chairman was announcing the minutes from PECs. Several poll watchers followed and recorded into spreadsheets the results of each PEC. The delegation observed no irregularities at this site.

Odesa Regional Summary

November 14, 1999 Run-off Election

I. Summary

IRI delegate Al Cardenas and IRI staff member Gretchen Birkle traveled to Odesa for the second round presidential election. On Saturday, November 13, the team met with representatives of an independent newspaper, representatives for the Kuchma campaign and journalists from an independent television station. An editor and newscaster from another independent television canceled their scheduled appointment at the last minute. The Symonenko campaign refused to meet with the IRI delegation. The delegation visited nine precinct election commissions (PECs) and one territorial election commission (TEC) on election day.

II. Pre-Election

The IRI delegation first met with representatives of an independent newspaper in Odesa. According to the editor, the paper is printed by a private company to avoid the high prices of the state monopoly in printing. The editor did not want to say who currently finances the newspaper.

She said the 1999 presidential election had been much less democratic than the 1994 presidential election and then reported that allegations of ballot manipulation on behalf of Kuchma in the first round election had been reported to the CEC. The editor speculated that there is up to 10 percent fraudulent activity in the Kuchma campaign.

Commenting on the quality of press coverage, IRI was told that there are no independent media in Ukraine, but the editor said that this particular paper had the highest level of independence in the country, and the paper has covered both Kuchma and Symonenko. However, she said

there was pressure to publish pro-Kuchma stories, otherwise they would have to explain the situation to the financiers the next day. She said that journalists in Odesa are among the lowest paid in the country because of their independent views. The paper cooperates with a Radio Free Europe correspondent in Odesa.

The editor closed the interview by saying that she would not publish anything about Kuchma if he wins, because of his campaign violations. She said her silence will be her statement.

The IRI delegation next met with two representatives of the Kuchma campaign in Odesa. The campaign headquarters were located at a local university. The Kuchma campaign had a main office in Odesa, and smaller offices in the regions. According to the campaign workers, the central Odesa office was not satisfied with the level of material support from headquarters in Kyiv.

The campaign representatives began the interview with a soliloquy on the history of Ukraine, which included the observation that this is the first time Ukraine has been truly independent and the country is still experimenting with the concept. In answer to questions about the makeup of territorial and precinct election commissions changing between the first round and run-off election, an area of particular concern, the representatives said that Kuchma had two or three chairmanships at the TEC level and that this number did not change between the first and run-off election.

The campaign said that it is the media that invites candidates to appear in their newspapers and decides what kind of stories to publish; it is not up to the candidate to place their own stories.

According to the campaign, "The Kuchma campaign has no control over what papers publish." They said that opponents complain because they are not receiving the same amount of coverage, but they

should complain to the media, not the Kuchma campaign. They said that representatives of Kuchma and Symonenko appeared in a press conference together, and that the Kuchma campaign also cited violations by opponents and sent the information to the CEC.

The campaign representatives said that a “public office” had been established in Odesa two months earlier. They carefully explained that the workers at this office were volunteers and then delineated the types of goods and services the public office made available, including dispensing of medicines to the needy and supplying of 700 jobs to unemployed. When questioned about the ethics of this approach to campaigning, a campaign representative replied that he didn’t see the problem with it.

After the meeting with the Kuchma campaign representatives, the delegation attempted to visit the Communist Party headquarters unannounced. However, upon arrival at the office building housing the Communist Party headquarters, the front desk guard told IRI that the offices were closed, and no one was there. It did appear that no one was in the building, an unusual situation the day before an election.

The next meeting was with journalists from an independent television station that produced a current events talk show. The journalists explained that they had received no funding for a year and that they self-financed most of their operation.

They said they had no problem airing both sides of an issue. They covered all candidates, “but did not particularly like the Communists.” When asked what would happen to their program if the Communists won, they responded that “it would be the same as before, because now Communists are in power except by another name.” In a statement indicative of the approach to objective reporting in Ukraine, the journalists said that being independent is “publishing your point of view, not publishing all points of view.”

III. Election Day

On election day, the IRI delegation visited nine polling sites and closed TEC #135.

The delegation opened PEC #18. The team observed that not all commissioners were present at the opening and that the station was not ready for voters until 8:10 a.m. The first voters, however, did not appear until approximately 8:20 a.m. The IRI delegation noticed that some commission members were annoyed with a Communist Party commission member who refused to sit with the others. There were no changes in the composition of the commission between the first and run-off election. Two militia officers were present and were interacting with many of the commissioners.

Upon arriving at the second site, PEC #16, the IRI delegation observed an announcement about the number of commissioners present and witnessed a confrontation between some commission members and a Communist Party commission member. The IRI delegation saw the Communist Party commissioner conversing with a Communist Party poll watcher for several minutes. The chairman made an announcement that poll watchers do not have a right to interrupt the process. The commissioners eventually held a vote and voted the Communist Party commissioner off the PEC on accusations that she changed a name on the voter list. The Communist Party commissioner was escorted out by the militia and said she was going to file a complaint with the TEC.

The IRI delegation next proceeded to the city of Ovidopol in TEC #138, stopping at several sites along the way, including PEC #7, PEC #19, PEC #41 and PEC #62. During these stops, the delegation witnessed only minor violations such as husband and wife voting together, and at several stations, commissions without quorum because commissioners were at home having lunch.

Upon returning to Odesa city, the delegation visited PEC #3, a hospital that had only seven patients registered on the voter list. The chairman stated that although all seven patients had already voted, by law he was required to keep the station open until 8:00 p.m.

PEC #33 was located in a local college student center. At this site, there were three young militia officers, and, as it was revealed upon questioning, also two plain clothes officers present. It should be noted that their presence was not intimidating; they seemed to be mingling with acquaintances and the voters paid them little attention.

The delegation returned to PEC #16 for the closing count. The Communist Party commissioner who had earlier been voted out was again present; the TEC had reinstated her. Voting continued until exactly 8:00 p.m. when the last voter exited the station. The tabulation proceeded according to regulations except that some commissioners signed protocols ahead of time. The IRI delegation met the commission representatives at TEC #135. The TEC commissioners voted to hold the review of the complaint from PEC #16 until the end of the evening. Apparently, all commissioners expected PEC #16 to be problematic. The TEC called all commissioners from PEC #16 to TEC headquarters at 3:00 a.m. to discuss the complaint. After some discourse, the TEC decided to record the official count from PEC #16, dismissed the complaint by the Communist Party official, dismissed all commissioners from PEC #16 and requested the militia representing that polling station to review the station's voter list.

**Odesa Oblast Exit Poll
Presidential Election - October 31 and November 14, 1999
International Republican Institute**

(51 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	100%
Somewhat complicated	0%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	70%
Radio	2%
Newspaper	12%
Posters, other literature	9%
Meeting the candidates personally	2%
Party/movement label	0%
Friend/relative or spouse	5%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision 48%

Had about the right amount of information to make an informed decision 15%

Had not enough information to make an informed decision 37%

4) What qualities were most important in the candidates you supported?

Someone I trust 45%

I agree with the policies advocated by the candidate 15%

One who will work hard to make life better for the people 40%

5) What do you think the top priority of the new president ought to be?

Political stability 18%

Economic reform 37%

Stopping corruption in government 24%

Reducing crime 9%

Ukrainian sovereignty 12%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy	12%
Voting helps determine Ukraine's future	58%
Elections were already determined by those in power	20%
Nothing will change	10%

7) Who do you blame for Ukraine's problems today?

President Kuchma	36%
The Verkhovna Rada	50%
The democrats	0%
The communists	5%
Earlier Soviet leaders	5%
Other nations	4%

8) What is your gender?

Male	58%
Female	42%

9) Are you a member of a political party?

Yes	2%
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No 98%

10) What is your age group?

18 - 25 26%

26 - 35 19%

36 - 47 30%

48 - 60 6%

60 or older 19%

**Ternopil Regional Summary
November 14, 1999 Run-off Election****I. Summary**

IRI delegate Zenia Mucha and IRI staff member Barbara Broomell deployed to Ternopil Oblast on Friday, November 12 to observe Ukraine's second round presidential election. The delegation held meetings with members of the local media, election commissioners and campaign representatives. On election day, the IRI delegation observed balloting at 12 rural and city polling stations. The team also witnessed balloting at a women's prison and a mental health hospital.

II. Pre-Election Meetings

On Saturday, November 13, IRI team members met with members of the local media, election commissioners and campaign representatives. IRI held individual meetings with Communist Party representatives, an editor from an independent broadcasting station, a commissioner from a territorial election commission (TEC), a representative of the Congress of Ukrainian Nationalists, and representatives of President Kuchma's campaign team.

The Communist Party official stated that the campaign for candidate Petro Symonenko was impossible to conduct in Ternopil. He accused the oblast and local authorities of intimidating state employees, including university officials, military personnel, hospital administrators and religious leaders to vote for President Kuchma. The Symonenko campaign team tried to combat their lack of press coverage by taking the campaign door to door.

IRI found that, while most of the pro-democratic parties in Ternopil had campaigned for candidates other than President Kuchma in round one of the presidential election, they were strongly united for his

candidacy in the run-off election. Both the representative of the Congress of Ukrainian Nationalists and representatives of Kuchma's campaign team talked about the "red scare" engulfing western Ukraine.

The pro-democratic parties IRI met with were concerned about voter turnout in Western Ukraine. They said that Western Ukraine would have to have a very high voter turnout to counteract balloting in the more densely populated and left-oriented east. IRI was told that in an effort to guarantee votes for President Kuchma, local university administrators were threatened with job loss if campus polling stations did not have a high voter turnout.

To further explore this allegation, IRI met with election commissioners from polling station #11 at the Pedagogical University. The commissioners told IRI that the week before the run-off election, the students had been given a long weekend to go home, get their winter clothes and visit with their families. When they returned, their classes were to be made up on election weekend. Election commissioners expected a high voter turnout at the university, at least 70 percent.

When the IRI delegation met with a journalist from the independent broadcasting station, they were told that the station was very objective in its reporting. For example, it was pointed out to the delegation that the station works under a co-operative agreement with Radio Liberty and has a radio audience of about 230,000 people and television viewership of about one million. The editor told IRI that they had problems gaining accreditation to cover a recent Ternopil campaign trip by President Kuchma. Only state television and radio were permitted to cover the event. Kuchma's campaign team promised a press conference with members of the independent press, however, all questions had to be submitted prior to the conference.

IRI also met with a member of TEC #166. He was well versed in the presidential election law and had experience working in a TEC for the

1998 parliamentary elections. He told IRI that all of the TEC commissioners had attended meetings in Kyiv and that all polling station commissioners had been trained. The TEC focused its voter education efforts on mass media. Examples of the ballot were printed in local newspapers along with instructions on the voting process.

III. Election Day

Team members observed the opening of precinct election commission (PEC) #30, based in the Ternopil Technical University. All commission members were present for the opening of the station, however the commissioners were not ready to begin accepting voters until shortly after 8:00 a.m. Several voters were allowed into the station as commissioners were closing the ballot boxes. Other irregularities observed by IRI were voters marking ballots together in the voting booths and conferring with each other through the curtained areas.

IRI next observed voting at PEC #20, a local women's prison. All eight election commissioners were appointed by the village council, only two of which had any party affiliations, one with President Kuchma and one with the Green Party. Two commissioners had prior experience in administering elections. All eight commissioners had worked on the commission for the first round election.

The team witnessed several irregularities during their time at the prison. There were no voter instructions or candidate biographies from the Central Election Commission posted at the polling site as is required by law. The chairman told IRI that the station had not received those pieces of information. Commissioners told IRI that all prisoners wanted to vote. Therefore, expected voter turnout was 100 percent.

IRI tried to confirm voter education efforts at the prison with several of the prisoners. However, the situation was obviously intimidating as several guards and the prison warden stayed within close

ear shot of the conversation and on several instances even prompted the prisoners' response. In fact, IRI observed one of the election commissioners, who was in the uniform of a prison guard, instructing a prisoner on how to vote. She said, "You know what to do, right? Well, if not, just mark a cross right where your thumb is at."

Following the women's prison, the team observed balloting at PEC #6, a mental health hospital in Ternopil City. IRI found that the hospital had been given fewer ballots than necessary to accommodate all of their registered voters. The polling station chairman did not have a problem with the low amount of ballots because he was convinced that many of the patients would not vote and no additional voters would be added to the list. Many of the patients were assisted in the polling booths by their doctors. IRI asked several patients if they had received any training on voting procedures. Many of the patients alleged that they were told to vote for President Kuchma, but it was unclear whether the instruction was made by doctors, election commissioners or other patients.

With exception to the prison and mental hospital, the team found no other serious irregularities at the other polling sites visited. All local election commissions had representatives from each campaign and had worked on the first round election. Polling stations were well organized and did not have long waiting lines even during peak voting times. IRI interviewed several domestic poll watchers for both the Kuchma and Symonenko campaigns. Nearly all poll watchers told IRI how smoothly the administration of the election was done in their polling station and praised the work of the commissioners.

The team observed the ballot count at a maternity hospital, PEC #32. All election commissioners worked diligently to complete the counting process according to law. In one instance, a ballot contained two marks by President Kuchma's name. The commissioners voted unanimously that the voter's will was apparent and counted the vote for

President Kuchma. IRI observed the commissioners package and seal the ballots and report the totals at TEC #163.

IRI stayed at TEC #163 for several hours. The atmosphere was very busy, but orderly. PEC commissioners were brought into a room one by one, to report their totals and hand over their ballots. Commissioners would then take their protocols to another room where vote totals were being transmitted to the Central Election Commission in Kyiv by computer.

The team also observed protocol tallies at TEC #166. Activity at this TEC was much the same as at TEC #163. PEC commissioners were kept in an auditorium and called into a separate room to turn over their ballots and report their totals. About half of the polling stations had reported at the time of IRI's visit.

IV. Post-Election

IRI returned to TEC #163 and #166 to obtain protocol copies. Team members also held follow-up meetings with President Kuchma's local campaign representatives and the Committee of Ukrainian Voters, a nationwide non-governmental organization, that participated in the election as journalist poll watchers. IRI obtained copies of PEC protocols from the prison and mental health hospital. As the chairman at the prison predicted, voter turnout was 100 percent. The mental health hospital had 425 registered voters and 416 ballots. All 416 ballots were used, but it remains unclear whether any voters were turned away due to a lack of ballots. Voter turnout for the oblast was 93 percent.

Ternopil Oblast Exit Poll

Presidential Election - November 14, 1999

(25 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	96%
Somewhat complicated	4%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	36%
Radio	16%
Newspaper	14%
Posters, other literature	8%
Meeting the candidates personally	11%
Party/movement label	11%
Friend/relative or spouse	4%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision	60%
Had about the right amount of information	

to make an informed decision 32%

Had not enough information to make
an informed decision 8%

4) What qualities were most important in the candidates you supported?

Someone I trust 34%

I agree with the policies advocated
by the candidate 24%

One who will work hard to make life
better for the people 42%

5) What do you think the top priority of the new president ought to be?

Political stability 4%

Economic reform 24%

Stopping corruption government 29%

Reducing crime 9%

Ukrainian sovereignty 34%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy 11%

Voting helps determine Ukraine's future	68%
Elections were already determined by those in power	7%
Nothing will change	14%

7) Who do you blame for Ukraine's problems today?

President Kuchma	23%
The Verkhovna Rada	40%
The democrats	3%
The communists	20%
Earlier Soviet leaders	14%
Other nations	0%

8) What is your gender?

Male	60%
Female	40%

9) Are you a member of a political party?

Yes	20%
No	80%

10) What is your age group?

18 - 25	40%
26 - 35	12%
36 - 47	28%
48 - 60	12%
60 or older	8%

Zhytomyr Regional Summary October 31, 1999 Presidential Election

I. Summary

IRI delegate John Jefferson and IRI staff member Barbara Broomell deployed to Zhytomyr Oblast on Friday, October 29 to observe Ukraine's first round presidential election. The delegation held meetings with members of the local media, election commissioners and campaign representatives.

On election day, IRI observed balloting at 12 precinct election commissions (PECs). After witnessing the opening preparation of one site, the team proceeded to both rural and city polling stations in the oblast. Team members also witnessed balloting at the Zhytomyr city prison and a collective farm in Chervonoarmiisk. IRI consistently found well-trained local election commissioners, committed to performing their duties according to the law. No intentional attempts to falsify the balloting process were observed.

II. Pre-Election

On Saturday October 30, IRI met with a representative of territorial election commission (TEC) #64, a member of Yuri Kostenko's local campaign and an editor from a Rukh Party newspaper. The delegation also met with a member of President Kuchma's local campaign, Oleksandr Moroz's local campaign and a journalist from the oblast television and radio station. Team members met with the deputy chairman of a polling station to observe preparations for election day.

The representative from TEC #64 was well-informed about election procedures. The representative had served as a polling station chairman during the 1998 Verkhovna Rada elections and told the IRI delegation that territorial election commissioners had attended Central

Election Commission training sessions in Kyiv on the new presidential election law and general election administration. They in turn, held weekly seminars for all polling station commissioners under their jurisdiction.

While the TEC received all materials in a timely fashion, the representative expressed concern regarding the distribution of resources. The TEC had not received all of its funding for the election as of October 30. A final disbursement of funds was expected a day or two after the election.

Ballots for the election were printed at a local bank note printing facility. According to the representative, TEC #64 received their disbursement of ballots on October 20. The representative said polling station commissioners and militia guards came to the TEC to pick up their ballots on October 28 and 29.

IRI next stopped by a local polling station to observe preparations for election day. Only the deputy chairman of the station and a militia guard were present. The deputy chairman was busy correcting ballots to reflect Mr. Tkachenko's and Mr. Oliynyk's withdrawal from the election. The deputy chairman said he expected about 75 percent of the 926 registered voters to participate in the ballot.

Campaign representatives seemed well organized and prepared for election day. Each of the representatives with whom IRI met claimed a large volunteer base working on door to door campaign efforts and posting campaign literature. The Moroz representative told IRI that his campaign team had nearly 1,500 volunteers working for them. The representatives also planned to field pollwatchers in nearly all of polling stations in the oblast.

Campaign representatives for Oleksandr Moroz and Yuriy Kostenko alleged unfair treatment from the local media for their

candidates. They said all candidates were granted their allotted time per the election law, however, when trying to purchase additional time, Mr. Kostenko's representatives found their advertisement to be significantly cut, altering its intended message. Mr. Moroz's representatives were flatly refused air time. Station officials stated that there simply wasn't any available commercial time for purchase. In both instances, the campaign representatives submitted complaints to both the media outlet and election officials. At the time of IRI's meeting, neither representative had received a response to their complaints.

Both representatives also alleged harassment from local authorities. In several instances volunteers for both Mr. Kostenko and Mr. Moroz were confronted by local militia who confiscated their campaign materials. Volunteers for Mr. Moroz were reported to have been falsely arrested, hand-cuffed and held in jail for hours because they allegedly tore down campaign posters of their opponents.

Members of the local media said they covered the election campaign in Zhytomyr objectively. The editor from the Rukh Party paper stated that he published editorials favoring other candidates in addition to his coverage of Rukh candidate Yuriy Kostenko. Members of Zhytomyr's state television and radio station told IRI that they gave each candidate their allotted time on air according to the law and did their best to accommodate requests for additional purchased air time.

Campaign representatives, election administrators and members of the local media all expressed great concern with the validity of the voter lists. Some of the minor issues ranged from confirming new residents to removing recently deceased voters from the lists. However, representatives from the Moroz campaign raised a greater concern regarding the lists generated from the territorial election commissions. For example, they said PEC #17 in Zhytomyr city included nearly 200 names of voters also registered at PEC #68. Those voters had been given two voting invitations, one from PEC #17 and the other from PEC #68.

The Moroz representatives said they had not received any confirmation that the problem was corrected. Due to the concerns raised regarding voter lists, the team included polling stations 17 and 68 in its route.

III. Election Day

IRI witnessed the opening of PEC #64 at an elementary school in Zhytomyr city. All election commissioners and five domestic observers were present for the opening of the polling station. The polling station chairman sealed the ballot boxes in view of the observers and allowed the first voters in promptly at 8 a.m. IRI proceeded to various city and rural polling stations throughout the oblast.

One of the team's stops early in the day was the Zhytomyr city prison, PEC #97. Inmates were escorted to the on-site polling station to cast their ballots. In an effort to control the flow of voters through the election process, prison guards were stationed at the entrance of the polling station allowing prisoners in to vote when the previous ones had exited. The prison guards took the photo identification cards from the prisoners at the entrance to the polling station. Election commissioners would simply ask the prisoner's name and cross them off the voter list before issuing the ballot.

In both city and rural polling stations alike, IRI found that most candidates were able to field representatives as local election commissioners. All commissioners were well trained, having attended a series of seminars on such topics as election administration and the new presidential election law. IRI repeatedly witnessed local election commissioners turning away voters without proper identification and ensuring that voters used the polling booths one at a time to mark their ballots.

One common problem expressed consistently by both campaign representatives and local election chairmen was the difficulty in verifying

voter lists. Most polling stations commonly experienced up to 20 additions to their lists due to voters recently moving to the area. IRI followed up on the Moroz campaign's concerns with the voter lists at polling stations 17 and 68. Election officials showed IRI the corrected voter lists and stated that the extra voting invitations had been retrieved.

The IRI team finished its day by closing PEC #20 in Zhytomyr city. Commissioners worked diligently to complete the vote counting process according to the law. However, not all of the commissioners were allowed the opportunity to view each stack of ballots, a process which could prevent ballots from being categorized incorrectly. Also, in the case of invalid ballots, each commissioner was not given the opportunity to view the ballot and to vote on whether or not the will of the voter could be determined.

After the vote count, IRI followed the election commissioners to TEC #64. The atmosphere at the TEC was organized but busy. Polling station commissioners would first report their numbers then take their ballots and protocols to be processed and stored. The IRI delegation observed commissioners from PEC # 20 submit their protocols and ballots.

IRI returned to territorial election commission #64 on November 1. Commission members were busy transmitting final totals to the Central Election Commission in Kyiv and cleaning up following the election. Estimated voter turnout for the territory was 69 percent.

**Zhytomyr Oblast Exit Poll
Presidential Election - October 31, 1999**

(22 respondents: Results are unofficial, based only on the responses of interested voters after departing polling stations. Responses were gathered in a non-scientific method and are not intended to be statistically valid.)

1) The voting instructions were:

Easy to understand	90%
Somewhat complicated	10%
Very difficult to understand	0%

2) What source did you rely on most for political information for the election?

Television	36%
Radio	8%
Newspaper	28%
Posters, other literature	8%
Meeting the candidates personally	16%
Party/movement label	4%
Friend/relative or spouse	0%

3) Thinking about all the pre-election information you had, did you find that you:

Had more than enough information to make an informed decision	41%
Had about the right amount of information to make an informed decision	41%
Had not enough information to make an informed decision	18%

4) What qualities were most important in the candidates you supported?

Someone I trust	13%
I agree with the policies advocated by the candidate	26%
One who will work hard to make life better for the people	61%

5) What do you think the top priority of the new president ought to be?

Political stability	14%
Economic reform	43%
Stopping corruption in government	20%
Reducing crime	13%

Ukrainian sovereignty 10%

6) Which best describes the impact of your vote?

My vote is important to Ukrainian democracy 33%

Voting helps determine Ukraine's future 55%

Elections were already determined by those in power 3%

Nothing will change 7%

7) Who do you blame for Ukraine's problems today?

President Kuchma 13%

The Verkhovna Rada 22%

The democrats 4%

The communists 13%

Earlier Soviet leaders 48%

Other nations 0%

8) What is your gender?

Male 64%

Female 36%

9) Are you a member of a political party?

Yes 32%

No 68%

10) What is your age group?

18 - 25 9%

26 - 35 23%

36 - 47 50%

48 - 60 14%

60 or older 4%