

THE INTERNATIONAL REPUBLICAN INSTITUTE



ADVANCING DEMOCRACY WORLDWIDE

UKRAINE PRESIDENTIAL ELECTION

JANUARY 17, 2010

ELECTION OBSERVATION MISSION FINAL REPORT

Ukraine Presidential Election January 17, 2010

Election Observation Mission Final Report



The International Republican Institute

1225 Eye Street, NW, Suite 700

Washington, DC 20005

www.iri.org

This report is made possible by the generous support of the American people through the United States Agency for International Development (USAID) under associate award number 121-A-00-09-00709-00, under leader with associates cooperative agreement number DFD-A-00-08-00350-00. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of USAID or the United States Government.

© 2010 International Republican Institute

TABLE OF CONTENTS

Executive Summary	3
I. Introduction	5
II. Pre-Election Period	7
A. Political Situation in Ukraine between Presidential Elections	7
B. Presidential Candidates	12
C. Campaign Period	13
III. Election Period	17
A. Pre-Election Meetings	17
B. Election Day	18
IV. Post-Election Outcome	23
V. Findings and Recommendations	25
VI. IRI in Ukraine	27
VII. Appendix	33
A. Delegation List for the January 17, 2010 Election	33
B. Delegation List for the February 7, 2010 Election	34
C. Preliminary Statement for the January 17, 2010 Election	36
D. Preliminary Statement for the February 7, 2010 Election	39
E. Delegation Announcement Release for the January 17, 2010 Election	42
F. Delegation Announcement Release for the February 7, 2010 Election	44

Executive Summary

The International Republican Institute (IRI) received funding from the United States Agency for International Development to conduct an observation mission in Ukraine for the 2010 presidential election during the first round of voting on January 17 and, in the event that no candidate were to receive an outright majority, during a second round between the two candidates receiving the most votes. The second round took place on February 7. During both rounds, IRI deployed 10 teams to oblasts and cities of Ukraine to meet with the local election officials, campaign and political leaders, appropriate government officials, and to observe election activities. In both parts of the mission, IRI coordinated its activities with other international groups.

After the first round of the presidential election, IRI's delegation, along with most other international observation organizations, found that the election generally met international standards. After the second round of the election, IRI's preliminary statement noted that despite a late amendment to the election law, which underscored the need for a comprehensive review of the legal framework, the election was nonetheless held in an open and transparent manner that allowed the candidates the opportunity to debate issues.

In the runoff on February 7, 2010, opposition candidate Viktor Yanukovich received 48.95 percent and Prime Minister Yulia Tymoshenko received 45.47 percent, a difference of approximately 900,000 votes. Refusing to concede the election, Tymoshenko argued that sufficient fraud had taken place to have altered the outcome. She filed suit in the Higher Administrative Court after the

Central Election Commission (CEC) officially declared Yanukovych the winner. However, after the court denied several of her requests to introduce witnesses and evidence, she withdrew her suit, effectively conceding the election. President Yanukovych was inaugurated on February 25, 2010.

The pre-election environment maintained an open campaign atmosphere, preserved the freedom of the media, and the use of administrative resources was largely absent. Election Day was also free of evident violations. The atmosphere at polling stations was peaceful and calm, in spite of the fact that last minute changes to the election law made by Parliament, as well as the CEC's decision to alter the rules regarding mobile ballot box voting raised concerns as to whether the rules could be implemented consistently by polling stations officials.

Overall, Ukrainian voters were able to cast their ballots freely and their votes were counted according to the law, ensuring their right to vote.

I. Introduction

The Ukrainian presidential election of 2010 was Ukraine's fifth since declaring independence from the Soviet Union in 1991. This election was also the first presidential election held in Ukraine since the events known as the Orange Revolution. The first round was held on January 17, 2010. Because no candidate received more than 50 percent of the vote, a second round was held on February 7, 2010, between Prime Minister Yulia Tymoshenko and opposition leader and head of the Party of Regions Victor Yanukovich. Seven days after the election, the Central Election Commission declared Yanukovich the winner by a margin of 3.48 percent.

To observe the election process, IRI deployed two election observation delegations, one for each round consisting of 22 and 24 members respectively, including representatives from Europe and the United States. Delegates monitored more than 100 polling stations during the first round and more than 100 during the second round in Cherkasy, Chernihiv, Dnipropetrovsk, Donetsk, Kharkiv, Kyiv, Lviv, Odesa, Zakarpattia and Zhytomyr oblasts, as well as the Autonomous Republic of Crimea.

This report summarizes the pre-election, Election Day and post-election findings of IRI's delegations, and makes recommendations for improvement of Ukraine's election administration.

II. Pre-Election Period

A. Political Situation Since 2004

Since the 2004 Orange Revolution, Ukraine has experienced constant and persistent political instability. The already politicized environment was further exacerbated by the severe global economic crisis, which paralyzed the Ukrainian economy in September 2008. The country also experienced the highest currency deflation, second only to Iceland, and political elites have been unable to compromise to pass critical legislation to reform the country economically and politically.

For the past five years, Ukrainian leadership has been dominated by three main political figures. The first is former President Victor Yushchenko the winner of the 2004 election. The second is former Prime Minister Yulia Tymoshenko who had previously been President Yushchenko's ally during the Orange Revolution. The third figure is Viktor Yanukovich, who during this period led the largest faction in parliament, the Party of Regions. He lost the 2004 presidential election to Yushchenko.

In 2006, significant constitutional changes were adopted which changed the structure and balance of power in the Ukrainian political system, transforming it from a presidential system to a parliamentary-presidential system. Although many of the powers previously under the President's jurisdiction were transferred to the Prime Minister, many details of the shift were not specified. These ambiguities exacerbated tensions between President Yushchenko and Prime Minister Tymoshenko,

leading him to fire her just eight months into her premiership.

Regularly scheduled parliamentary elections were held in March 2006. Yanukovych's Party of Regions won the most votes with 32.14 percent, with the Bloc of Yulia Tymoshenko (BYuT) coming in second with 22.29 percent. President Yushchenko's Our Ukraine bloc received 13.95 percent of the vote. Since no single party received a majority of the votes, the parties sought to form a coalition; however, after months of negotiations, the formerly allied political forces, BYuT and Our Ukraine, were unable to forge a coalition. Meanwhile, the Party of Regions successfully formed a coalition with Socialist and Communist parties. That coalition nominated Yanukovych for the post of Prime Minister. On August 3, 2006, President Yushchenko approved his nomination to that post.

Following parliamentary approval of Yanukovych, leaders of the Party of Regions, the Socialist Party and the Our Ukraine bloc signed a document entitled Universal Declaration of National Unity. In the document, Yushchenko and Yanukovych compromised on major policy issues, including the official status of the Russian language and Ukraine's membership in the North Atlantic Treaty Organization (NATO). The Universal Declaration of National Unity stated that the country's future would be a European one, as a part of NATO, the World Trade Organization (WTO) and the European Union. However, by the fall of 2006, Yanukovych reversed his position on NATO integration, delayed WTO membership and pursued a decidedly pro-Russian foreign policy.

In March 2007, a number of Yushchenko's supporters in parliament defected to Yanukovych's coalition, prompting Yushchenko to dissolve parliament. This ended the tenuous power-sharing compromise between Yushchenko and Yanukovych.

A political stalemate ensued between supporters of the two blocs, with Yanukovych supporters questioning the legality of Yushchenko's decree dissolving parliament. The situation became increasingly contentious, culminating in confrontation between police forces in late May 2007. The police confrontation began when Internal Affairs Minister Vasyl Tsushko used riot police to take control of the General Prosecutor's Office. Yushchenko responded by ordering the troops to be placed under presidential command. Internal ministry forces then began moving into Kyiv, and the Internal Affairs Minister acknowledged that internal troops were not obeying his orders but those of the President. After Yushchenko demonstrated control of the police in the May confrontation, Yanukovych agreed to a date for new elections.

The September 2007 elections saw similar results to those of the 2006 parliamentary elections. Yanukovych's Party of Regions received 34 percent. However, Tymoshenko's BYuT experienced a significant jump in support with 30 percent, up from a little more than 20 percent. The President's bloc, Our Ukraine, increased its support by one percentage point to 14 percent. The "orange" coalition was reconstituted and, on December 18, parliament approved Tymoshenko as Prime Minister. It also approved former Foreign Minister Arseniy Yatseniuk, a close ally of President Yushchenko, as the new Speaker from the Our Ukraine bloc.

A turbulent period followed with an ongoing power struggle between the Yushchenko and Tymoshenko camps. The upcoming 2010 presidential election only intensified the competition. On July 11, 2008, Tymoshenko barely survived a no-confidence vote called by the Party of the Regions in protest against her government's handling of the economy.

On August 7, 2008, the Georgia-Russia conflict erupted. President Yushchenko was an outspoken supporter of Georgian President Mikhail Saakashvili, speaking strongly against Russia and traveling to Tbilisi to stand with the Georgian president in the capital's main square. Prime Minister Tymoshenko took a more nuanced approach, saying only that she did not think Ukraine should become involved in other countries' disputes. Yanukovych and his party were one of the few in the world to recognize South Ossetia and Abkhazia's break away declarations of independence from Georgia. The situation intensified when the President's deputy chief of staff accused Tymoshenko of treason for betraying national interests by not backing Georgia in its conflict with Russia in exchange for business related favors.

On September 2, BYuT began voting with the Party of Regions on several draft laws, which would limit the power of the presidency and simplify impeachment procedures. In response to this legislation, Our Ukraine withdrew from the coalition after denouncing the joint vote by BYuT and the Party of the Regions to reduce presidential powers.

With the collapse of the ruling coalition, Yushchenko dismissed parliament on October 8. However, the President eventually rescinded his decree due to the

economic crisis, and a new parliamentary coalition was formed in December. The new coalition consisted of BYuT, the Our Ukraine bloc, and the Bloc of Lytvyn. Tymoshenko was the Prime Minister and Volodymyr Lytvyn held the post of Speaker of Parliament.

The fragile coalition had little success in passing legislation essential for resuscitating the economy. After much difficulty, parliament did finally pass legislation required by the International Monetary Fund in order to receive a \$16.4 billion loan. Moreover, throughout the existence of the tenuous coalition between BYuT, Our Ukraine and Lytvyn, rumors persisted of the coalition's dissolution. The most credible came from representatives of both the Tymoshenko and Yanukovich sides in the summer of 2009, which suggested that they were negotiating a coalition based on constitutional changes. However, coalition talks ended when Yanukovich abruptly pulled out of the process.

If the coalition had been formed and the constitutional changes enacted, it would have been the most significant change in the political structure of Ukraine since 2006 and arguably since the Orange Revolution. Whereas the 2006 changes transformed Ukraine into a parliamentary-presidential system, the proposed amendments would have made Ukraine into a pure parliamentary system, where the President of Ukraine would be elected by parliament rather than by popular vote, an unpopular prospect among the Ukrainian electorate.

B. Presidential Candidates

The official presidential campaign started on October 19, 2009, with nominations opening on October 20, 2009. Nominations by parties and candidates to run in the election closed on November 6, 2009. The CEC rejected 16 applications for candidate registration, citing errors in documentation, qualifications or failure to pay the required 2.5 million hryvnia nomination deposit. The CEC processed nomination documents through November 11 and finalized the election list on November 13.

Eighteen candidates in all were nominated for the presidential election (in ballot paper order):

- **Inna Bohoslovska**, member of parliament, unaffiliated with a party, member Party of Regions Bloc
- **Mykhaylo Brodskyy**, leader of the Party of Free Democrats
- **Anatoliy Hrytsenko**, member of Our Ukraine, former Minister of Defense
- **Yuriy Kostenko**, Ukrainian People's Party member of parliament for Our Ukraine–People's Self-Defense Bloc
- **Volodymyr Lytvyn**, Parliamentary Speaker
- **Oleksandr Moroz**, Socialist Party of Ukraine, former Chairman of the Parliament
- **Oleksandr Pabat**, People's Salvation Army
- **Vasily Protivsih**, unaffiliated with a party
- **Serhiy Ratushniak**, Mayor of Uzhgorod
- **Oleh Riabokon**, independent lawyer
- **Petro Symonenko**, leader of the Communist Party of Ukraine

- **Liudmyla Suprun**, People's Democratic Party
- **Yulia Tymoshenko**, incumbent Prime Minister and leader of the Bloc of Yulia Tymoshenko
- **Serhiy Tihipko**, former chief executive officer of the National Bank of Ukraine endorsed by Labor Party
- **Oleh Tyahnybok**, All-Ukrainian Union Freedom member of the Lviv Oblast Council
- **Viktor Yushchenko**, incumbent President and member of Our Ukraine
- **Viktor Yanukovych**, Party of Regions former Prime Minister and runner-up candidate in the 2004 presidential election
- **Arseniy Yatsenyuk**, former Speaker of the Parliament, member of Our Ukraine and Front for Changes party

According to most public opinion surveys, the most popular candidates were Viktor Yanukovych, Yulia Tymoshenko, Serhiy Tyhypko and Arseniy Yatseniuk. The incumbent President Viktor Yushchenko's support dropped from 52 percent in 2004 almost to three percent in Ukrainian public opinion polls.

C. Campaign Period

On July 24, 2009, Ukraine's parliament, the Verkhovna Rada amended the Law on Presidential Elections reducing the official presidential campaign from 120 to 90 days. The incumbent President Viktor Yushchenko vetoed the new law arguing that some of its provisions contradicted the Constitution of Ukraine. On August 21, 2009, the Verkhovna Rada overrode the veto with 325 votes. None of the presidential proposals were accepted. President Yushchenko refused to sign the law, and on September

9, 2009, the Speaker of the Parliament Volodymyr Lytvyn signed the amended law. President Yushchenko petitioned the Constitutional Court to review the law in terms of compliance of its selected provisions with the Constitution of Ukraine, and on October 20, 2009, the court found that five provisions were unconstitutional.

The amended Law on Presidential Elections required candidates to pay a 2.5 million hryvnias nomination deposit which is refunded only to the two candidates who make it to the second round of voting. Ukrainian citizens living abroad were no longer able to vote at consulates. The courts retained the right to consider, without limitations, any complaints and appeals concerning a candidate's registration or the conduct of elections. The cancellation of absentee ballots remained, as well as the 90 day election period and the 2.5 million hryvnia deposit. Voters were permitted to vote at home during the presidential election through the use of a mobile ballot box.

However, with the Constitutional Court's ruling on the Law on Presidential Elections, and the parliament's subsequent failure to amend the law accordingly, Ukrainian parties, candidates and election commission workers were left in a position of uncertainty regarding certain sections of the actual law right up to and on Election Day. As well, although Ukraine created its first centralized, electronic voter registry, outstanding issues of list maintenance and accuracy remained.

Between the first and second rounds, parliament amended the election law. The amendment altered how election commissions worked by abolishing the quorum requirement to election commission meetings. It also

allowed higher level election commissions to establish lower level commissions in cases where presidential candidates did not provide their own commissioners. The timing of the amendment was controversial. However, IRI found that the changes did not have a significant impact on the second round of voting. Similarly, an Election Day decision by the CEC to alter the rules regarding mobile ballot box voting raised concerns as to whether the rules could be implemented consistently by polling station officials.

Through monitoring of the news media, meetings with election commissions and regular contact with political parties, campaigns and civil society organizations in all regions of the country, IRI found that the campaign period was competitive and open, with a wide range of political parties and candidates participating. Candidates held numerous rallies, campaigning on issues of importance to the Ukrainian electorate, and had access to both electronic and print media. Unlike the previous presidential election, five years earlier, the use of administrative resources for campaign purposes was largely absent.

IRI's election observation delegation found that Ukraine's 2010 presidential election was generally in accordance with international standards and represented a positive step forward in building democratic institutions. Based on the reports of IRI's observers, election officials administered the election in an effective and efficient manner even though last minute changes to the election law and regulations caused confusion about the law and its interpretation.

III. Election Period

For the purpose of this report, the election period encompasses the duration of both election observation missions, which were conducted January 12-19 and February 2-9, 2010.

The delegations attended full-day briefings on the election process and political situation in Ukraine upon their arrival in Kyiv. Representatives from Party of Regions, BYuT, Our Ukraine People's Self Defense Bloc (a political movement which is part of the Our Ukraine Bloc, headed by Yuriy Lutsenko) and the Labor Party briefed the delegations on each candidate's campaign and its perspective on the political situation and campaign period. In addition, representatives from the U.S. Embassy, independent media, election law experts and IRI staff discussed the political and legal aspects of the elections and media coverage.

A. Pre-Election Meetings

Upon arrival in their respective regions, delegates conducted a series of meetings with local election officials, media representatives and political party activists. These meetings provided the teams with the most up-to-date information about each region as well as the opportunity to be informed of issues that they should watch for on Election Day.

Overall, IRI observers found that local election officials, regional political party leaders and representatives of the media had positive impressions of the election campaign. The pre-election period was described as generally free and fair. They did not report any serious violations that

took place during this period. Some representatives of BYuT and Party of Regions expressed concern about possible vote rigging during the first and second rounds. Before the first round, representatives of Serhiy Tyhypko were also concerned about violations on Election Day. Political party members, political party members repeatedly expressed their concerns about voter lists and mobile voting.

B. Election Day

On Election Day, delegates arrived at their first precinct election commission (PEC) one half hour before polls opened at 8:00 A.M. Delegates witnessed the sealing of empty ballot boxes and the signing of the ballot security protocols by PEC workers. Throughout the day, delegates continued to visit polling sites to observe the conduct of elections. After visiting each PEC, teams recorded their observations as well as reported findings using the Interactive Voice Response (IVR) system developed by IRI. The IVR system allowed IRI to compile key items of information throughout the day.

The IVR system used the Ukrainian election law and information from pre-election assessments to identify key questions about Election Day voting. From this, a questionnaire was designed which allowed observers to answer a series of questions by pushing telephone buttons. After each PEC inspection, observers called into the IVR system with information about that polling station. Questions included “Were voting materials available?” and “Have you witnessed any voter irregularities?” The average length of the call was 53 seconds, and the reports, polling station by polling

station, were continuously aggregated in IRI's Kyiv election observation headquarters.

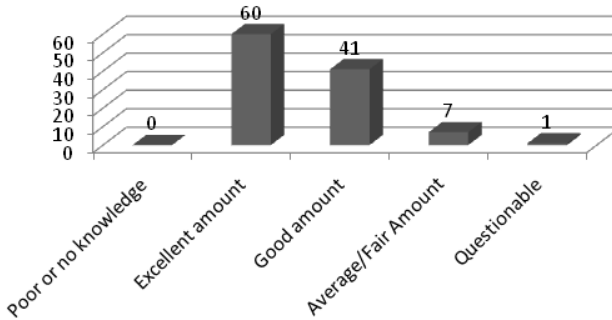
Delegate teams each visited, on average, 12 to 15 PECs, varying the length of stay at each site as necessary, based on perceived or visible violations. IRI visited more than 100 polling stations across Ukraine in the first round and more than 100 in the second round.

Delegates were in place at the final PEC one half hour before the closing of polls. At the closing, delegates paid careful attention to whether commission members followed procedures on proper closing, vote tabulation and delivery of ballots to the district election commission (DEC).

IRI election observation teams noted that all candidates were fairly represented at polling stations and district election commissions. Most political parties fielded observers, who were present at nearly every polling station observed. At most PECs IRI visited, commissioners were perceived to have a good amount of knowledge of their duties and the ability to execute them. Also, most election commissioners did have sufficient knowledge of the electoral code. Based on the reports of IRI's observers, election officials administered the election in an effective and efficient manner even though last minute changes to the election law and regulations caused confusion.

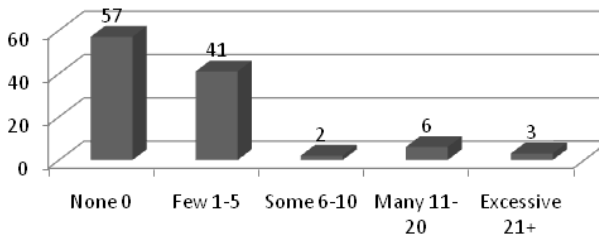
The following chart represents the number of polling sites visited by IRI observers on Election Day:

To what extent do poll workers appear to have knowledge of their duties? (Second Round)



IRI found that some voter names were added to voter lists on Election Day, in accordance with court decisions, because of inaccuracies of voter lists. However, the number of names added to voter lists was relatively few.

How many voters were added to the voter list on election day? (Second Round)



IRI observers at the polling station closing, paid careful attention to whether commission members followed procedures on proper closing, vote tabulation and delivery of ballots to the DEC. IRI concluded that the overall election process was fair, transparent, free of intimidation or tension, administered in good faith and in general accordance with the law. Furthermore, the environment was peaceful and calm, campaigns operated openly and Ukrainians were able to exercise their right to vote freely.

IV. Post-Election Outcome

The presidential election was held on January 17, 2010, with a field of 18 candidates. According to the CEC results, Yanukovich won the most votes with 35.32 percent of the vote. He was followed by Tymoshenko with 25.05 percent. Former Yanukovich's campaign manager and businessman, Serhiy Tihipko, received 13.05 percent of the vote. Former Speaker of Parliament Yatsenuik received 6.96 percent of the vote. Yushchenko closely followed Yatsenuik with 5.45 percent of the vote. Because no single candidate was able to win more than 50 percent of the vote, a second round was held on February 7, 2010, between Yanukovich and Tymoshenko.

In the runoff Viktor Yanukovich won 48.95 percent of the vote, and Yuliya Tymoshenko received 45.47 percent. On February 14, 2010, Yanukovich was officially declared the winner. However, on February 17, 2010, the Supreme Administrative Court of Ukraine suspended the results on appeal from Yuliya Tymoshenko, and suspended the ruling that announced Yanukovich winner. Tymoshenko withdrew her appeal on February 20, 2010. President Yanukovich's inauguration was held on February 25, 2010.

V. Findings and Recommendations

Finding 1: Before the first round, with the Constitutional Court's ruling on the Law on Presidential Elections, and the Ukrainian Parliament's subsequent failure to amend the law accordingly, Ukrainian parties, candidates and election commission workers were left in a position of uncertainty regarding certain sections of the actual law governing the election right up to and including the day of the election.

Between the first and second round of voting, an amendment was adopted by the Ukrainian parliament on February 3, and signed into law on February 4, changing a portion of the election law. The timing of the amendment created unfortunate controversy prior to the election.

Recommendation: Election law rules and procedures should be determined far in advance of elections.

The amendment made to the election law between the first and second election rounds underscores the need for a comprehensive review of the legal framework, in order to remove ambiguity in the election law. Such a review would eliminate the need for such last minute changes in future elections.

Finding 2: Voter lists continue to be a problem in Ukraine elections. While Ukraine is to be congratulated for creating its first centralized, electronic voter registry, there remain outstanding issues of list maintenance and accuracy.

Recommendation: IRI applauds the CEC's efforts to develop a reliable, centralized database of voters and urges electoral authorities to continue their attempts to improve the maintenance and the accuracy of the voter registry by allowing for more regular updating of the list between elections, continuing to cross reference it with other government maintained lists, and more frequent list review at the rayon and oblast level. Additional steps should be taken to ensure that as the Ukrainian population becomes more mobile, the rules for changing one's place of registration be made easier. Currently, switching from one list to another is a process which takes several months and involves multiple layers of bureaucracy.

Finding 3: The decision of the CEC to alter the rules regarding mobile ballot box voting on Election Day raised concerns as to whether the rules could be implemented consistently by polling station officials.

Recommendation: Any review of the election law done far in advance of elections and should include the provisions on mobile voting, as IRI noted a high number of mobile ballot requests in some oblasts. The election law must clearly state the criteria and requirements for voters to be eligible to vote at home.

VI. IRI in Ukraine

Since 1994, IRI has been actively supporting democracy in Ukraine. Through a broad spectrum of programs, IRI is helping the Ukrainian people learn the skills needed to build a strong, stable democracy.

Political Party and Candidate Development

To ensure Ukraine has vibrant parties that are responsive to the concerns of their constituents, IRI trains parties on how to improve their structures and organization, coalition building, and membership recruitment. IRI also works with parties to encourage them to create issue-based agendas and avoid personality-based politics.

As part of its programming, IRI's seminars are designed to strengthen political parties at the grassroots level. In preparation for the 2010 presidential election in Ukraine, IRI provided training for political party lawyers and judges. Independent of party programs, IRI also worked extensively around the country with judges who might be involved in election dispute adjudication, educating them on the technical aspects of the election law.

Election Monitoring

Election monitors have proven critical to ensure open and transparent elections. To continue this tradition, IRI conducts poll watcher training to coincide with Ukraine's local, parliamentary and presidential elections. Participants learn the purpose and duties of poll watchers as well as the rights specified for poll watchers under Ukrainian election law.

In the lead-up to the 2004 presidential election, IRI provided regional training seminars to members of any political party who were designated to be poll watchers. As a result of this training, poll watchers played a critical role in highlighting serious problems in that year's run-off election, which the Ukrainian Supreme Court took into account when it ruled to nullify the results and set a date for a second run-off election.

IRI also has extensive experience directing international election observation missions in Ukraine. IRI has deployed delegations to observe every parliamentary and presidential election since Ukrainians voted for independence in 1991. In 2004, IRI sponsored international election observation missions for the October 31, first round, November 21 runoff and December 26 repeat runoff presidential election. IRI observers witnessed and documented numerous instances of fraud and intimidation in the first two rounds of voting.

IRI also deployed election monitors for the 2006 parliamentary and local elections, and 2007 parliamentary election. More than 130 observers from the United States and former Soviet Union countries monitored as Ukrainians voted for parliamentary and local representatives under a new election system and elected a parliament with expanded powers. IRI observers found that 2006 and 2007 elections reflected the will of the Ukrainian people and were the most open and transparent in Ukrainian post-Soviet history at that time.

Governance Initiatives

Democracies are not defined by elections alone. How a government governs in the interim periods is equally as critical to the success of democracy. To ensure Ukraine's elected officials are representing the citizens of Ukraine, IRI provides substantive training to newly-appointed staff members at all levels of the Ukrainian government. IRI trains staff members of regional and local governments in Ukraine on communications skills, constituent service, management and other skills needed to effectively govern.

Youth Leadership Development

To ensure democracy has a strong and stable future, IRI works with four youth-oriented nongovernmental organizations (NGO): Youth for XXI Century in Chernihiv, the Eastern Ukraine Democracy Development Foundation in Kharkiv, the Zhytomyr Oblast Center for Youth Initiatives and the Crimea-based Tatar Youth Center. In the run up to the 2004 presidential and the 2006 parliamentary elections, these NGOs collaborated on joint activities such as poll watcher training, election monitoring and youth voter turnout activities. They currently assist IRI on a host of other projects, including an experimental program of conducting public hearings at the local government level where local problems are brought before elected councils for their attention.

IRI also assisted these groups in creating regional Youth Political Leadership Schools (YPLS). The goal of the schools is to teach youth political activism. They feature weekly speakers from politics, government and mass media discussing various topics of current interest

in Ukrainian politics. The participants enroll in the beginning of the year and make a pledge to continue their involvement until the completion of the schools. Youth leaders in the oblasts are recruited to join the school through a competitive process, which reserves half of the scholarships for young people living in rural areas, those villages and towns outside the oblast capitals. Participants are then encouraged to continue their political activities after graduation through the political party of their choice. Many of the more than 800 YPLS's graduates have gone on to become more active in promoting and participating in democracy.

Women's Initiatives

IRI has worked with Ukrainian women's groups over the past several years to increase their participation in the political process. As a result, many Ukrainian women are increasingly at the forefront of issue advocacy in their communities and are taking on leading roles in Ukraine's national government.

Civil Society Initiatives

An active civil society is vital to a functioning democracy. IRI provides financial assistance to several Ukrainian political NGOs that provide general leadership training and training on political subjects. IRI has built a comprehensive program of identifying, strengthening and preparing civil society organizations for long-term viability. In an effort to assist the organizations in becoming viable institutions, IRI conducts basic workshops on various approaches to organization and administration of a NGO. Workshop topics include program development, fundraising, accounting, role and

functions of a board of directors and senior staff, media relations and legal status. Through these initiatives, IRI also partners with the All Ukrainian Association of Invalids, helping it to petition its local governments successfully to demand improvements in municipal infrastructures for persons with disabilities.

VII. Appendix

A. Delegation List for the January 17, 2010 Election

Delegates

1. **Jim Kolbe**, Delegation Leader; Member, IRI Board of Directors; former Congressman
2. **Ron Ebensteiner**, former Chairman of Minnesota Republican Party
3. **Rich Galen**, Political Consultant
4. **Charles W. Greenleaf, Jr.**, former White House Advisor and Vice-President of Michigan State University
5. **William Nojay**, Attorney, Hiscock & Barclay, LLP
6. **Zygmantas Pavilionis**, Diplomatic Service Member, Foreign Ministry of Lithuania
7. **Bill R. Phillips**, Public Relations Specialist
8. **Marik String**, Professional Staff Member, United States Senate Foreign Relations Committee

IRI Staff

1. **Judy Van Rest**, Executive Vice President
2. **Steve Nix**, Regional Program Director, Eurasia
3. **Natalia Budaeva**, Country Director, Russia
4. **Motria Chaban**, Assistant Program Officer, Eurasia
5. **Steve Cima**, Resident Country Director, Kazakhstan
6. **Jackie Harrison**, Deputy Press Secretary
7. **Chris Holzen**, Resident Country Director, Ukraine
8. **Jake Jones**, Resident Country Director, Azerbaijan
9. **Andrea Keerbs**, Resident Country Director, Georgia
10. **Preston Lindler**, Assistant Program Officer, Eurasia
11. **Natalya Lyoda**, Program Assistant, Eurasia

12. **Geoff Merck**, Deputy Director,
Information Technology
13. **Andrew Olson**, Resident Country Director Belarus
14. **Whitney Savage**, Assistant Program Officer, Eurasia

**B. Delegation List for the
February 7, 2010 Election**

Delegates

1. **David Kramer**, Delegation Leader, former Assistant Secretary of State
2. **Gahl Hodges Burt**, member, IRI Board of Directors
3. **Geoffrey Connor**, Attorney at Jackson Walker L.L.P.
4. **Nadia Diuk**, Vice President, Programs for Europe and Eurasia, Africa, Latin America and the Caribbean at the National Endowment for Democracy
5. **Paula Dobriansky**, former Under Secretary of State for Democracy and Global Affairs
6. **Anita McBride**, former Chief of Staff to First Lady Laura Bush
7. **Stephen Minikes**, former Ambassador to the Organization for Security and Cooperation in Europe
8. **Brad Smith**, Congressional Staff Member
9. **Grace Warnecke**, former Country Director for Winrock International in Ukraine and Trustee of the National Committee on American Foreign Policy

IRI Staff

1. **Tom Garrett**, Vice President for Programs
2. **Steve Nix**, Regional Program Director, Eurasia
3. **Shawn Beighle**, Chief Information Officer

4. **Michelle Bekkering**, Deputy Director, Eurasia
5. **Giedre Birzyte**, Resident Assistant Program Officer, Belarus
6. **Motria Chaban**, Assistant Program Officer, Eurasia
7. **Steve Cima**, Resident Country Director, Kazakhstan
8. **Mattie Cowan**, Assistant Program Officer, Moldova
9. **Sergey Gergel**, Resident Program Assistant, Ukraine
10. **Jackie Harrison**, Deputy Press Secretary
11. **Chris Holzen**, Resident Country Director, Ukraine
12. **Ryte Jonaityte**, Resident Program Officer, Belarus
13. **Andrea Keerbs**, Resident Country Director, Georgia
14. **Whitney Savage**, Program Assistant, Eurasia
15. **Carrie Schenkel**, Assistant Program Officer, Central Asia

C. Preliminary Statement for the January 17, 2010 Election

January 18, 2010

Ukraine's Election Generally Meets International Standards

Kyiv, Ukraine – The International Republican Institute's (IRI) election observation delegation found that Ukraine's January 17, 2010, presidential election broadly met international standards and represents a positive step forward in building democratic institutions in Ukraine. Based on the reports of IRI's observers, election officials administered the election in an effective and efficient manner even though last minute changes to the election law and regulations caused confusion about the law and its interpretation.

IRI found that the campaign period was competitive and open, with a wide range of political parties and candidates participating. Candidates held numerous rallies, campaigning on issues of importance to the Ukrainian electorate, and had access to both electronic and print media. Importantly, the use of administrative resources for campaign purposes was largely absent.

However, there are several areas of the electoral process that need to be improved if Ukraine is to continue in its democratic development and instill greater transparency and public trust in the electoral process. Rules and procedures need to be agreed on well in advance of campaigns so that all participants know the rules. With the Constitutional Court's ruling on the Law on Presidential Elections, and the Ukrainian Parliament's subsequent

failure to amend the law accordingly, Ukrainian parties, candidates and election commission workers were left in a position of uncertainty regarding certain sections of the actual law governing the election right up to and including the day of the election.

Voter lists continue to be a problem in Ukraine elections. While Ukraine is to be congratulated for creating its first centralized, electronic voter registry, there remain outstanding issues of list maintenance and accuracy.

The issue of mobile voting also contributed to some confusion on the day of the election because of conflicting rulings regarding standards of eligibility. The election law must clearly state the criteria and requirements for voters to be eligible to vote at home. Given instances of mobile voting fraud in previous presidential elections, taking such steps will increase public confidence in the integrity of the vote.

It may be difficult to fully address these concerns before the February 7 presidential runoff election. However, it is imperative for Ukraine, a country that has held seven national elections since 1994, to correct these issues before the next election cycle.

IRI will issue a final, comprehensive report in the near future.

IRI's international delegation included representatives from Europe and the United States. Delegates monitored more than 100 polling stations in Cherkasy, Chernihiv, Donetsk, Kharkiv, Kyiv, Odesa, Zakarpattia and Zhytomyr oblasts, as well as the Autonomous Republic of Crimea.

A delegation sponsored by IRI was led by former U.S. Congressman Jim Kolbe, a member of IRI's Board of Directors. Other delegates were Ron Ebensteiner, former Chairman of the Minnesota Republican Party; Charlie Greenleaf, former White House Advisor and Vice President of Michigan State University; Marik Angelo Frens-String, foreign affairs expert; Rich Galen, former Communications Director for Speaker of the House Newt Gingrich; Bill Nojay, attorney at Hiscock & Barclay in Rochester, New York; Zygimantas Pavilionis, Diplomatic Service Member of the Foreign Ministry of Lithuania; and Bill Phillips, a public relations specialist. IRI staff also served as observers and assisted in the mission. IRI staff were led by Judy Van Rest, Executive Vice President of IRI, Stephen B. Nix, Regional Director for IRI's Eurasia division and Chris Holzen, Resident Country Director for IRI in Ukraine.

Since 1993, IRI has worked to help strengthen political parties and good governance in Ukraine at both national and local levels. IRI also works with youth, women and civil society to increase their participation in the political process. IRI monitored Ukraine's 1998, 2002, 2006 and 2007 parliamentary elections. In addition, IRI monitored the country's 1994, 1999 and 2004 presidential elections. IRI has monitored more than 140 elections since 1983.

**D. Preliminary Statement for the
February 7, 2010 Election**

February 8, 2010

**Ukraine's Second Round Presidential
Election Generally In Accordance
With International Standards**

Kyiv, Ukraine – The International Republican Institute's (IRI) election observation delegation found Ukraine's February 7, 2010 second round presidential election to be generally in accordance with international standards.

IRI found the campaign period between the first round election, held January 17, and the second round voting to be open and transparent, giving the two candidates the opportunity to debate issues of concern to voters.

IRI commends the roughly 500,000 citizens who served as members of the polling election commissions throughout Ukraine. IRI also commends the voters of Ukraine who turned out in very high numbers in the second round voting.

Between the first and second round of voting, an amendment was adopted by the Ukrainian parliament on February 3, and signed into law on February 4, changing a portion of the election law. The timing of the amendment created unfortunate controversy prior to the election. However, IRI found that the changes did not have an appreciable affect or impact on the second round of voting.

The late amendment to the election law does underscore the need for a comprehensive review of the legal framework, particularly regarding the second round, in order to remove ambiguity in the election law. Such a review, we hope, would eliminate the need for such last minute changes in future elections.

Similarly the decision of the Central Election Commission (CEC) to alter the rules regarding mobile ballot box voting on Election Day raised concerns as to whether the rules could be implemented consistently by polling station officials. Any review of the election law should include the provisions on mobile voting, as IRI noted a high number of mobile ballot requests in some oblasts.

IRI applauds the CEC's efforts to develop a reliable, centralized database of voters and urges electoral authorities to continue their attempts to improve the maintenance and the accuracy of the voter registry.

IRI will issue a final, comprehensive report in the near future.

IRI's international delegation included representatives from Europe and the United States. Delegates monitored more than 100 polling stations in Cherkasy, Chernihiv, Dnipropetrovsk, Donetsk, Lviv, Odesa and Zhytomyr oblasts, as well as the city of Kyiv.

A delegation sponsored by IRI was led by David Kramer, former Assistant Secretary of State for Democracy, Human Rights, and Labor and a Senior Transatlantic Fellow at the German Marshall Fund. Other delegates are Gahl Hodges Burt, IRI Board Member; Geoffrey Connor, attorney at Jackson Walker L.L.P; Nadia Diuk,

Vice President, Programs for Europe and Eurasia, Africa, Latin America and the Caribbean at the National Endowment for Democracy; Paula Dobriansky, former Under Secretary of State for Democracy and Global Affairs; Anita McBride, former Chief of Staff to First Lady Laura Bush; Stephan Minikes, former Ambassador to the Organization for Security and Cooperation in Europe in Vienna; Brad Smith, congressional staff member; and Grace Warnecke, former Country Director for Winrock International in Ukraine and a trustee of the National Committee on American Foreign Policy.

IRI staff also served as observers and assisted in the mission. IRI staff was led by Thomas Garrett, Vice President for Programs at IRI, Stephen B. Nix, Regional Director for IRI's Eurasia division and Chris Holzen, Resident Country Director for IRI in Ukraine.

Since 1993, IRI has worked to help strengthen political parties and good governance in Ukraine at both national and local levels. IRI also works with youth, women and civil society to increase their participation in the political process. IRI monitored Ukraine's 1998, 2002, 2006 and 2007 parliamentary elections. In addition, IRI monitored the country's 1994, 1999, 2004 and first round 2010 presidential elections.

IRI has monitored more than 140 elections since 1983.

E. Delegation Announcement Release for the January 17, 2010 Election

January 8, 2010

IRI to Monitor Ukraine Presidential Election

Washington, DC – The International Republican Institute (IRI) today announced it will monitor Ukraine's January 17, 2010 presidential election. Delegates will travel to Ukraine to monitor voting and ballot counting throughout the country. Following the voting, IRI will issue a statement on the findings of the delegation. If the election goes to a second round, IRI will field a delegation for the February 7 election.

A delegation sponsored by IRI will be led by former U.S. Congressman Jim Kolbe, a member of IRI's Board of Directors. Other delegates are Ron Ebensteiner, former Chairman of the Minnesota Republican Party; Charlie Greenleaf, former White House Advisor and Vice President of Michigan State University; Marik Angelo Frens-String, foreign affairs expert; Rich Galen, former Communications Director for Speaker of the House Newt Gingrich; Barry Jackson, former White House Political Director and Senior Advisor to the President; Bill Nojay, attorney at Hiscock & Barclay in Rochester, New York; Zygimontas Pavilionis, Diplomatic Service Member of the Foreign Ministry of Lithuania; and Bill Phillips, a public relations specialist.

Prior to the elections, delegates will be briefed by representatives from the U.S. Embassy, the Ukrainian Central Election Commission, international and Ukrainian nongovernmental organizations, political

parties, and representatives of the media. They will also be briefed on the rights and responsibilities of international observers and Ukraine election law. Delegates will then be deployed throughout the country where they will monitor polling stations and identify and evaluate strengths and weaknesses in Ukraine's election system, including campaign regulations, the balloting process, vote tabulation and reporting.

IRI staff will also serve as observers and assist in the mission. IRI staff will be led by Judy Van Rest, Executive Vice President of IRI, Stephen B. Nix, Regional Director for IRI's Eurasia division and Chris Holzen, Resident Country Director for IRI in Ukraine.

Since 1993, IRI has worked to help strengthen political parties and good governance in Ukraine at both national and local levels. IRI also works with youth, women and civil society to increase their participation in the political process. IRI monitored Ukraine's 1998, 2002, 2006 and 2007 parliamentary elections. In addition, IRI monitored the country's 1999 and 2004 presidential elections.

F. Delegation Announcement Release for the February 7, 2010 Election

February 1, 2010

IRI to Monitor Ukraine Presidential Runoff Election

Washington, DC – The International Republican Institute (IRI) today announced it will monitor Ukraine’s February 7, 2010 presidential runoff election. Delegates will travel to Ukraine to monitor voting and ballot counting throughout the country. Following the voting, IRI will issue a statement on the findings of the delegation.

A delegation sponsored by IRI will be led by David Kramer, former Assistant Secretary of State for Democracy, Human Rights, and Labor and a Senior Transatlantic Fellow at the German Marshall Fund. Other delegates are Gahl Hodges Burt, IRI Board Member; Geoffrey Connor, attorney at Jackson Walker L.L.P; Nadia Diuk, Vice President, Programs for Europe and Eurasia, Africa, Latin America and the Caribbean at the National Endowment for Democracy; Paula Dobriansky, former Under Secretary of State for Democracy and Global Affairs; Marek Matraszek, creator of CEC Government Relations; Anita McBride, former Chief of Staff to First Lady Laura Bush; Stephan Minikes, former Ambassador to the Organization for Security and Cooperation in Europe in Vienna; Brad Smith, congressional staff member; and Grace Warnecke, former Country Director for Winrock International in Ukraine and a trustee of the National Committee on American Foreign Policy.

Prior to the elections, delegates will be briefed by representatives from the U.S. Embassy, the Ukrainian Central Election Commission, international and Ukrainian nongovernmental organizations, political parties and representatives of the media. They will also be briefed on the rights and responsibilities of international observers and Ukraine election law. Delegates will then be deployed throughout the country where they will monitor polling stations and identify and evaluate strengths and weaknesses in Ukraine's election system, including campaign regulations, the balloting process, vote tabulation and reporting.

IRI staff will also serve as observers and assist in the mission. IRI staff will be led by Thomas Garrett, Vice President for Programs at IRI, Stephen B. Nix, Regional Director for IRI's Eurasia division and Chris Holzen, Resident Country Director for IRI in Ukraine.

Since 1993, IRI has worked to help strengthen political parties and good governance in Ukraine at both national and local levels. IRI also works with youth, women and civil society to increase their participation in the political process. IRI monitored Ukraine's 1998, 2002, 2006 and 2007 parliamentary elections. In addition, IRI monitored the country's 1999, 2004 and first round 2010 presidential elections.

