

ENEMO – Statement of preliminary findings and conclusions of the second round of Ukrainian local elections

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The second round of Ukrainian local elections has met most international standards of free and democratic elections. However, certain legal provisions leave space for concern and discussion especially in relation to unequal access to election funds and media, unequal representation of all election contestants within election commissions, as well as unequal representation of all election districts within elected councils.

The European Network of Election Monitoring Organizations (ENEMO) is a network of 22 leading election monitoring organizations from 18 countries of Europe and Central Asia, including three European Union countries. This is the tenth Election Observation Mission by ENEMO to Ukraine, which began with the arrival of 8 core team members to Kyiv, on 1 October in order to observe the Local Elections 2015. ENEMO additionally deployed 50 long-term observers (LTOs) countrywide to observe and assess the electoral process in their respective regions for the elections on 25 October, as well as the second round of 15 November.

ENEMO has deployed 90 short-term observers (STOs) to observe

the second round of elections throughout Ukraine. Together with mobile LTOs, ENEMO had 67 teams in the field during the Election Day on 15 November, which monitored the opening of 67 PECs, voting in 873 PECs and the closing of 67 PECs.

This preliminary report is based on the ENEMO observers' findings from the field, where they focused on the work of election administration bodies after the first round of elections, election-related complaints and appeals, the conduct of election participants prior to the election day, as well as the overall conduct of elections during the Election Day of 15 November in terms of opening, voting, counting and the transferring of election materials to TECs and election related activities.

Preliminary conclusions

The Election Day on 15 November was mainly organized in line with the law and foreseen procedures by most Precinct Election Commissions (PECs), as well as Territorial Election Commissions (TECs).

ENEMO observers rated the voting process as good and very good in 98,9% of PECs, what is an improvement compared to the first round of elections. The conduct of PEC commissioners was highly commended by ENEMO observers in 99% of cases, whereas reports also state that in a number of cases PEC members did not receive proper training and were not fully aware of the legal procedures.

Representatives of one mayoral candidate predominantly manned commissions at some PECs, whereas in a number of cases, the total number of PEC members present during the observation was lower than legally prescribed. Also, several instances of citizens taking a photo of their vote were reported, as well as voters with strange white sticker on their passports, which have again raised some suspicions of vote buying in several PECs.

ENEMO observers rated the closing and counting procedures as good and very good in 98,5% of monitored PECs, which is a clear improvement compared to the first round of elections (88 %). Nevertheless, protocols coming from PECs continued to be affected by mistakes and as a result TECs ordered corrections of protocols in 52,9% of cases observed by ENEMO. These mistakes were mainly technical and could not disrupt the election process.

Conduct of TECs was generally professional and transparent. This was reflected by the fact that 97,6% of observed TECs received no official complaints on their work.

The previously criticized, highly politicized composition of TECs lead to a number of decisions made in favor of party interests rather than public interest of having democratic elections. Considering the previous evaluation of TECs by its observers, ENEMO would like to stress again the recommendation that an adequate professionalization of the partial and/or full composition of at least higher level TECs is highly necessary for future elections.

Concerns of ENEMO and many other stakeholders raised before elections, regarding the complexity of the new Law and the lack of knowledge of most PEC members have been justified. Mainly due to the lack of training and numerous replacements of PEC members, many TECs in all regions of Ukraine had to return a large number of protocols (even up to 60%) received by respective PECs to be corrected accordingly.

Many mayoral candidates have not managed to provide an adequate number of precinct commissioners from their side, which highly undermined the equal representation rule during ENEMO Election Observation Mission Ukraine, Local Elections, 25 October 2015 Statement of Preliminary Findings and Conclusions (17November 2015) P a g e | 3 these repeated elections, as the remaining PEC members were again selected by the relevant TEC in a questionable manner.

ENEMO would like to commend the Kiev Administrative Court of Appeals, as well as the High Administrative Court on their decisions to establish legality and legitimacy of elections in the city of Pavlohrad, thus allowing voters to express their free will

in the second round of elections, thus using the electoral system previously expected by all election contestants and voters.¹

Direct and indirect vote buying remained a reported problem for Ukrainian elections during the campaign period prior to the second round of elections as well.

A number of candidates violated provisions of the Law on Local Elections, by starting their electoral campaign earlier in the second round of elections.²

Increased transparency of campaign financing and expenditures should remain an important task for Ukrainian lawmakers to be improved for future elections.

Changes of the electoral legal framework have not made a stronger personalization of the electoral system, as voters are still casting their votes for the parties. Nomination districts have not fulfilled their main purpose – to make a stronger link between the electorate and its representatives.

See the Statement [here](#).

ENEMO Press Conference 17.11.2015

1 The system of absolute majority („TRS” – two rounds system), used for electing Mayors in cities with 90 000 and more voters.

2 The law stipulates that the electoral campaign starts on the day following the day of the official publication of a decision of a respective TECs on repeated voting (also the second round of elections) and ends on last Friday before E-day, at midnight.