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Statement of Civil Network OPORA on Preliminary Results of Observation at the Presidential Election in Ukraine on March, 31, 2019

1 April 2019 10:30

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ЗАЯВА ОПОРИ



Regular elections of the President of Ukraine on March, 31, 2019, took place in competitive environment and in compliance with basic standards of genuine elections, whereas cases of breaking national law failed to present any constraints for citizens to exercise their right to vote and be elected.

Throughout the entire electoral process, OPORA observers identified facts of failing to comply with the election law that still require efficient and politically unbiased investigation. In some cases, the breaches were threatening that is why the priority task of the state is to provide for the principle of inescapable nature of punishment for electoral fraud. However, according to preliminary results of OPORA observation, election process and its outcomes reflect the actual distribution of electoral views of the citizens of Ukraine.

On election day and during the vote count at polling stations, breaches of the law were not massive to significantly affect voting results. At the same time, OPORA appeals to electoral subjects to facilitate investigation of breaches of the law, and finalize all the initiated procedures to prove or disprove the facts of breaking the law. It is instrumental for fraud prevention in the future.

General Assessment of Election Process Before the Election Day

Regular presidential election in Ukraine on March, 31, 2019, took place mostly in competitive environment. Presidential candidates represented the broadest possible range of political views available in society. Despite the polarization of Ukrainian media and political engagement of some public authorities and local self-government bodies, no specific individual candidate had a monopoly to inform voters and to interact with voters. Conditions for running election campaign did not always go fully in line with generally recognized standards of democratic elections due to abuse of administrative resources, forceful incidents, and excessive role of money in the election process. Nevertheless, according to the long-term observation by OPORA, candidates for the position of the President of Ukraine had sufficient financial, human, and media resources for the actual competition for the highest position in the state.

A negative factor in the course of election campaign were incidents of misusing administrative resources during elections, including low standards of implementation of social and budget programs during electoral race.

The Government of Ukraine, as well as central and local authorities, must urgently apply additional effort to prevent the use of social welfare payments and budget programs in actual favour of certain presidential candidates. Central and local authorities should avoid launch of new social welfare programs during the election, and do their best to avoid using them for campaigning in favour of presidential candidates.

On the other hand, potential presidential candidates during the second round of Presidential elections must clearly distinguish their official or professional activities from campaigning. Such standards of legitimate behaviour of presidential candidates that goes in line with democratic elections principles will help avoid the misuse of administrative resources, and will provide for integrity of funding requirements for campaigns at the expense of election funds only. The requirement is of particular relevance for second round candidates who will hold official positions in public authorities at the time of the second round voting.

Civil Network OPORA states the significant issues in securing transparency in funding of election campaigns of presidential candidates in Ukraine. Production and dissemination of campaigning materials without the source data, funding of NGOs in favour of election interests without due control from the state, prevalence of certain election participants in specific media segments, implementation of anonymous negative campaigns against competitors, and manipulations with quotas of "technical candidates" must encourage the state to search for new tools to have a full-fledge monitoring of funding sources of election campaigns.

The period before the election day showed the urgent need to provide for legitimate participation of citizens in rendering free of charge campaigning services to Ukrainian presidential candidates. The acting law and the by-laws of Ukraine do not have any efficient safeguards for transparency of structuring the logistics process and human resourcing for electoral entities of presidential candidates of Ukraine. OPORA observers recorded multiple cases when there was hardly any difference between candidates' compensations for citizen costs in the course of their free of charge campaigning and financial incentives of voters. It highlights the relevance for additional improvement of the law in order to be able to equally account for actual needs of candidates in organizing efficient election campaigns and to prevent direct or concealed forms of vote-buying.

OPORA underlines the important role of the National Police of Ukraine and the Ministry of Internal Affairs of Ukraine in activating efforts of law-enforcement system in preventing and investigating electoral fraud. The law-enforcement bodies showed due standards of interaction with official observers and other electoral subjects. At the same time, it is crucial to complete investigations of all available facts of breaking the law during elections, regardless the election results or the campaign winner.

Operations of the Central Election Commission mostly focused on providing for due organization of election process and regulation of identified issues in activities of election commissions of lower levels. In this respect, we shall note the urgent need to largely enhance transparency and openness in activities of the Commission, to implement new standards for communication with stakeholders, and to cut on some negative practices in relation to national observers. It is equally important to provide for proactive role of the CEC on informing the media and the public on plans and drafts of decisions of the higher authority of election administration. Meanwhile, we call on election process subjects to avoid any attempts to run unverified information campaigns against the Commission which did take place during this election campaign.

The issue of competence of members of district and polling station commissions during the regular presidential election in Ukraine remains relevant. The identified problems in operations of the commissions confirm the need to shift to the system of training of prospective commission members in between the elections.

Parallel Vote Tabulation Results

On March, 31, Civil Network OPORA conducted parallel vote tabulation on the basis of representative and statistically justified sample for Ukraine. Based on reports of 1296 out of 1304 specially trained and officially registered observers, OPORA can state with 95% confidence the following results of presidential election (1296 out of 1304 observers, 99.4% of polling stations with 836,047 votes):

Candidates	Percentage (Point Estimate)	Margin of Error
Zelenskyi Volodymyr	30.1%	0.7%
Poroshenko Petro	15.7%	0.7%
Tymoshenko Yulia	13.3%	0.4%
Boyko Yuriy	11.5%	0.7%
Hrytsenko Anatoliy	6.8%	0.4%
Smeshko Ihor	5.9%	0.3%
Liashko Oleh	5.5%	0.3%

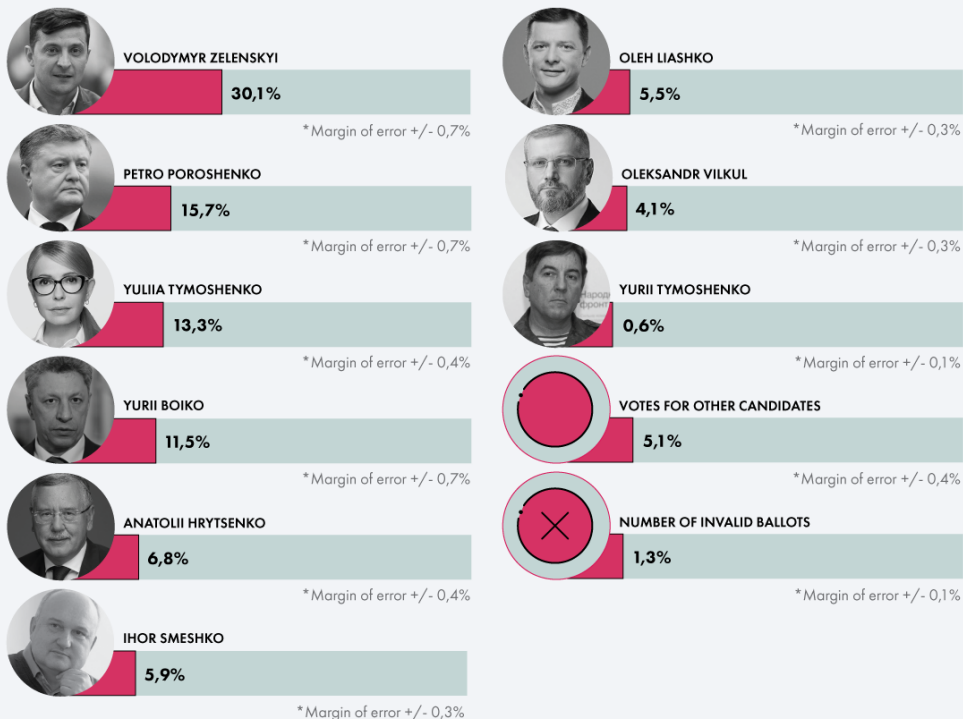
Vilkul Oleksandr	4.1%	0.3%
Tymoshenko Yuriy	0.6%	0.1%
Total votes for all other candidates	5.1%	0.4%
Number of invalid ballots	1.3%	0.1%

Parallel vote tabulation (PVT) is an efficient method applied by independent civic observers for systematic assessment on election day, including the vote tabulation at polling stations. PVT allows to independently verify official results announced by the Central Election Commission (CEC). PVT is made on the basis of reports of the specially trained observers who assess the quality of the process at polling stations. Unlike exit polls, PVT does not include surveys of citizens on the choices they made. In PVT, the count is made of the de facto number of votes cast to the polling station included into monitoring.

Parallel Vote Tabulation

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Typical Violations Recorded During Voting and Vote Count

On election day, Civil Network OPORA relied on verified statistical data collected by observers at representative number of polling stations nationwide, and conducted comprehensive quality assessment for election commissions compliance with legitimate procedures. The objective of the assessment was to identify key issues and typical violations of election law on the stage of conducting a preparatory meeting of polling station commissions and on the stage of opening polling stations, during the vote, during vote count at polling station commission, and during transportation of documentation to district election commissions. All violations recorded by OPORA observers, and problematic cases were statistically generalized during the election day,

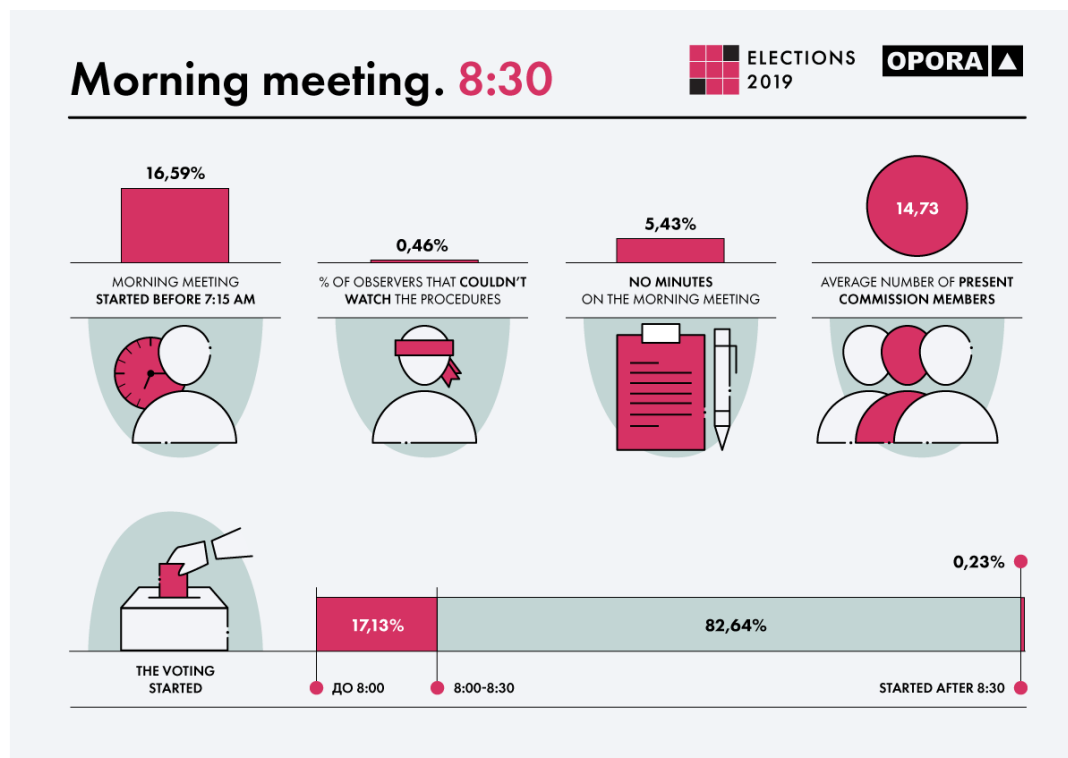
and classified in order to assess the nature of fraud and the level of illegitimate influence on the course of election process.

The most frequent violations recorded by OPORA observers on election day were attempts to give out ballots by members of election commissions without having voters to present the due documents (passport or temporary ID of the citizen of Ukraine, military ID for military conscripts). Such abuse on the part of electoral subjects took place at 14.5% of polling stations but there were no signs of such cases occurring in a systemic or intentionally planned manner. Due to prompt response of OPORA observers to such situations, in most cases the actual violation of the law was successfully prevented.

Disclosure of the secrecy of voting by voters through showing their voting results was the most frequently recorded violation on election day. Such cases were identified by observers in 10.4% of polling stations. At 4.8% of polling stations, cases were recorded related to voters taking photos of their ballots in the booth or outside the booth.

Other crucial electoral violations in scale or possible consequences were not identified on election day. In particular, OPORA observers failed to identify any episodes or facts of unlawful casting of ballots to ballot boxes at 99.4% of polling stations. Moreover, at 99% of polling stations no situations were identified when significant numbers of voters (20 or more) were impeded or restricted in their right to vote at a polling station.

On the stage of conducting preparatory meetings, the work of election commissions was generally duly organized. However, slightly over 5% of polling station commissions acted against the direct provision of the law and failed to provide for taking minutes of the preparatory meeting. 99.8% of commissions conducted morning meetings in an authorized status. No problems were recorded with attendance and presence at the meetings of members of election commissions. Almost 83% of polling station election commissions started the procedure of voting for voters in due time – within 8:00 and 8:30 a.m. According to OPORA, long delays in opening election commissions were recorded only in 0.23% of polling stations. On the other hand, 17% of polling stations opened for voting somewhat earlier than the time of 8:00 a.m. stipulated by the law.

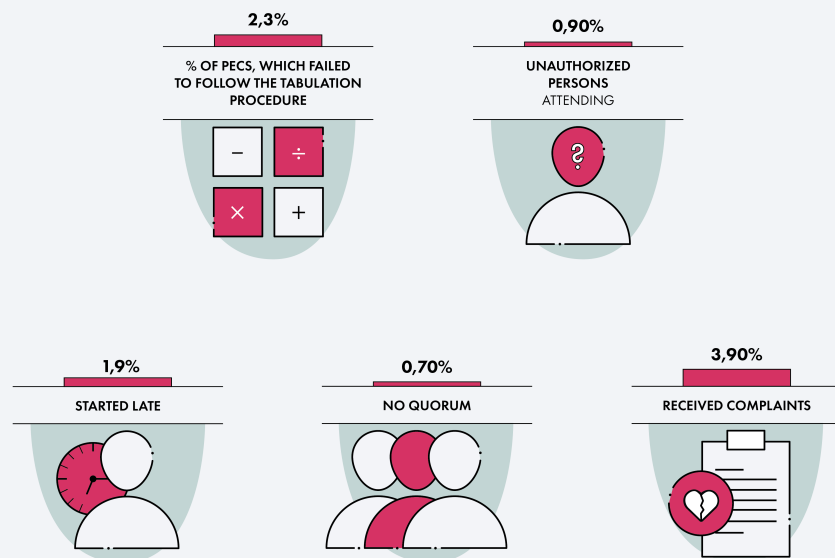


Observers of Civil Network OPORA and other electoral subjects had an opportunity to conduct unconstrained observation over the course of all electoral procedures on the stage of conducting a morning meeting and start of voting. Under 1% of observers reported on some organizational problems or constraints created by election commission members preventing their presence at polling stations and conducting the observation.

Evening meeting

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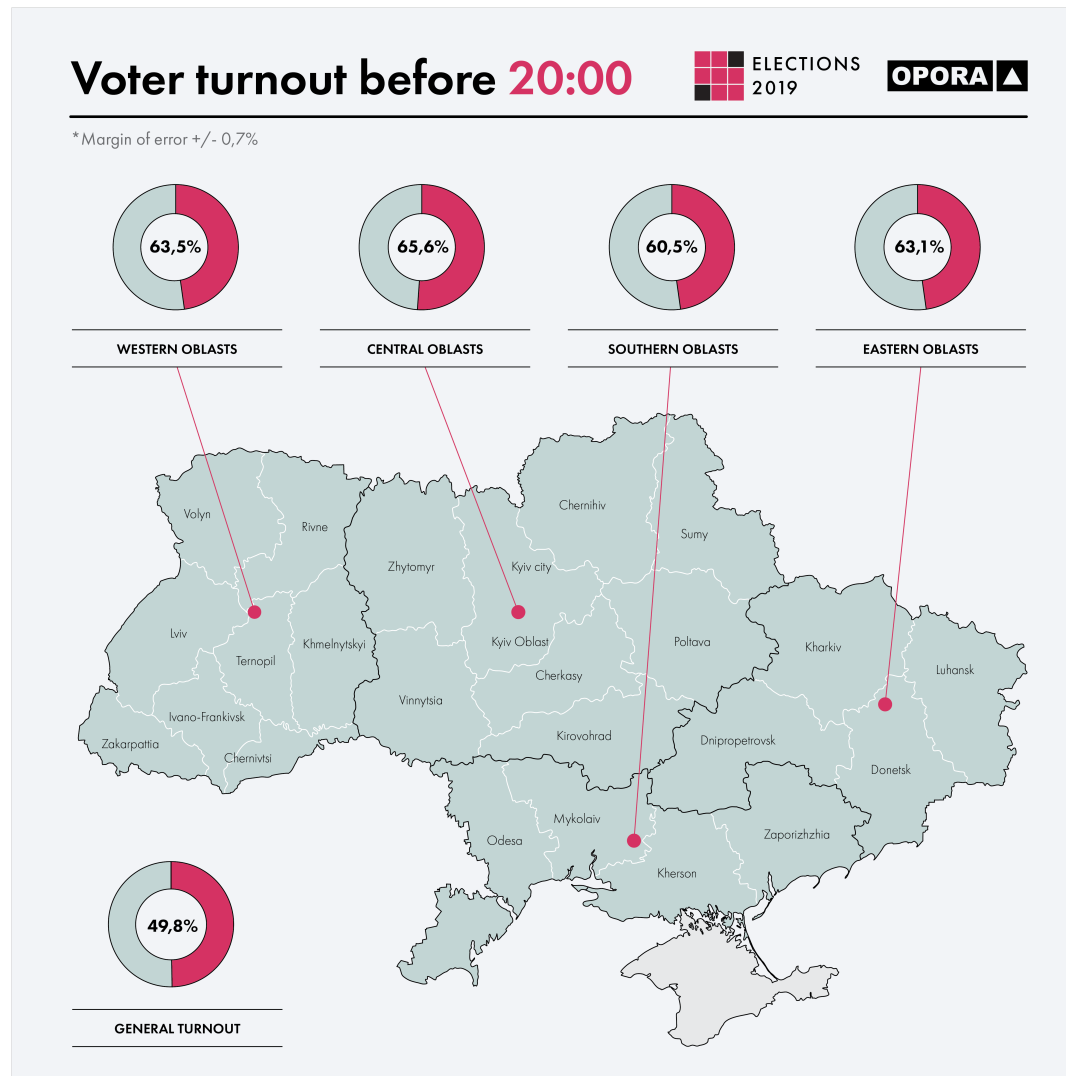


According to estimates of OPORA observers, 97.7% of polling station commissions complied with the legitimate procedure of vote count. At 99.3% of polling station commissions, there were no problems identified related to authorized representation (available quorum) of election commissions on the stage of vote count. Cases of having third persons present at vote count were identified at 0.9% of polling station commissions. Observers failed to identify any problems related to having electoral subjects constrain the process of vote count at 99.3% of polling stations.

Upon the whole, the activities of the absolute majority of polling station commissions on election day took place in compliance with provisions of Ukrainian law and with no manifest signs of systemic fraud.

Voter Turnout of on Election Day

During the observation over the course of voting, Civil Network OPORA conducted parallel turnout tabulation. The data was recorded as of 12:00, 16:00 and 20:00, and was collected by observers from the representative number of polling stations for all of Ukraine.



Nationwide, the turnout at the election as of 8 p.m. on March, 31, was 63.2% (error \pm 0.8%). It must be stated that during the voting at 2014 early presidential election, voter

turnout was slightly lower, according to OPORA's parallel count, and made 60% (according to official data of the CEC – 59.48%).

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