FINAL REPORT

on Results of Civic Observation Conducted by OPORA
during 2014 Early Presidential Election in Ukraine

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Elections in Ukraine were held in correspondence with the legislation and democratic standards. Votes were counted fairly, and no violations which could have influenced the final election result were detected. Despite the campaigning was complicated in Donetsk and Luhansk oblasts and it's difficult to say that is was unrestrained, we may say that opportunities were quite equal for all participants.

OPORA's summary is based on the results of long- and short-term observation, criteria and principles of democratic elections established by documents of the Venice Commission, Copenhagen Conference, and the Organization for Security and Co-operation in Europe (OSCE). OPORA's observers adhered to the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations.

MAJOR CONCLUSIONS

- Early presidential elections were held during temporary occupation of the AR of Crimea and illegitimate activities of terroristic groups in Donetsk and Luhansk oblasts. As a result, activities of enemies of the state hindered realization of voting rights of citizens. Despite the fact that such context decreased the national turnout, its total level was quite representative – around 60%.
- Parliament has amended the Law on Election of the President of Ukraine on the basis of expert recommendations provided by local non-governmental organizations and recommendations of international monitoring missions. Besides that, as a response to the activities of terroristic groups in the east of Ukraine, the Verkhovna Rada has introduced a number of innovations for additional security of commissions and transportation of election documentation. Thus, Parliament has adequately reacted to the demands of experts and worsening of the security situation in the country.

- Activities of terroristic groups aimed to create a system of intimidation, threats, and pressure upon voters and commission members, in order to prevent their free participation in the elections. The disruption of voting in 14 out of 22 districts of Donetsk oblast and 10 out of 12 districts of Luhansk oblast is a direct result of such criminal activities of these persons. There were 213 district election commissions created, 24 of which didn't manage to fulfill their duties on the election day because lives and health of Ukrainian citizens were under threat.
- The violations reported by OPORA's observers considerably differ from those reported in 2010 and 2012. While the most common violations of the last campaigns were abuse of administrative resources and voter bribery, in 2014 the most common ones were disregard of campaigning rules and obstruction of the electoral process. While the first common violation appeared as a result of candidates' abuses and doesn't have considerable influence on the election results, the second one is directly related to confrontations in Donetsk and Luhansk oblasts.
- The candidates didn't manage to provide enough qualified candidates for members of election commissions, which resulted in constant personnel rotations in commissions. Thus, not all members of DECs and PECs were ready to organize the electoral process on a high level. Consequently, OPORA's observers reported 168 procedural violations on the election day.
- Simultaneous conduct of presidential, mayoral, and local council elections with a small number of PEC members became the reason of long queues at polling stations. In some polls in Kyiv, voters had to wait for hours to vote. According to the legislation, all voters who entered a polling station before 8:00 PM have the right to vote. However, because of long queues and crowds, in some polling stations in Kyiv voting continued to 11:40 PM. The Law wasn't violated, but the vote count was delayed.
- Law-enforcement bodies in Luhansk and Donetsk oblasts failed to secure due safety during the early presidential election. Thus, official investigations should be started and personnel decisions should be made. The law-enforcement system needs to be reformed and personnel must be re-attested.
- The Vybory Information System had suffered cyber attacks on the eve of election day. As a result, its functioning wasn't stable and data from vote count

protocols was entered very slowly at most DECs. IT safety should become one of the topical issues in the election process, which will help to secure data retention, verify protocols, and quickly provide information about the course of electoral process and voting results to the public.

RECOMMENDATIONS

Legislative and procedural

- To continue drafting of the Election Code called to unify the legislation and secure stable election procedures at all types of elections, and its further approval;
- To establish the deadline for making amendments to electoral procedures before the election day or provide an early amendment procedure during the election process;
- To improve the Criminal Code of Ukraine and the Code of Administrative Offenses; particularly to strengthening liability for unlawful influence on the election process, voter bribery, administrative resource, threats, intimidation, and pressure; to eliminate excessive liberalization of punishment for such crimes;
- To continue improving Ukrainian legislation related to state measures regarding electoral safety, strengthening of coordination between the CEC and law-enforcement agencies. To urgently start drafting action plan for securing safety of participants and organizers of the election process, as well electoral documentation, in order to prevent force majeures or disorientation in the future;
- To widen practical opportunities of a simplified procedure for temporary change of voting location without changing election address to secure electoral rights of citizens living in the temporarily occupied AR of Crimea;
- To abandon the practice of simultaneously held early elections at various levels, in particular presidential, local elections to city councils and mayoral elections, in order to facilitate the organization of electoral process;
- To improve the legislation on functioning of election commissions by introducing obligations for candidates and parties to conduct standardized training for their representatives in commissions; to establish restrictions on withdrawal of

election commission members by official nominators, and provide the certain legal grounds for withdrawal in the law (e.g., specific disciplinary reasons);

- To establish legal accountability for presidential candidates and other electoral subjects who call members of election commissions to illegally ignore their responsibilities and sabotage the electoral process;
- To legislatively oblige DECs to create official websites as efficient and swift tools for dissemination of information, publication of official documents and data in order to ensure transparency of the electoral process at all levels;
- To provide for further expert and public discussion on the amount of monetary deposit for the presidential candidates and adopt the respective decision on this matter;
- To strengthen the legal requirements for transparency and openness of the party conventions on nomination of presidential candidate (furthermore, to prescribe a mandatory obligation for parties to timely inform media about a planned convention and prevent restrictions of access of journalists to aforementioned events);
- To establish an effective system of control over formation and usage of candidates' election funds, monitoring the shadow expenditures in an electoral process; to implement a monitoring mechanism to watch financial situation of candidates before they take the office and after the expiration of their powers (also to consider the formation of a separate independent institutions with related functions).

Organizational recommendations

- The CEC, the Cabinet of Ministers of Ukraine and other governmental bodies should enhance the information awareness campaign among citizens about the possibilities of the State Voter Registry and a change of a voting place in order to increase the organization ability and timely communication between voters and the government with regards to clarification of the voters lists;
- The Ministry of Justice of Ukraine, the CEC, judicial institutions should consider the publication of summarising of the practice of making appeals in electoral disputes in order to raise the quality of the debate on legislation reform;

- The Ministry of Internal Affairs of Ukraine, the Prosecutor General's Office of Ukraine should establish a long-term program of improving competence of law enforcement officers in electoral disputes.

POLITICAL CONTEXT

The 2014 early presidential election was held in an extremely complicated political situation. After the events of November 2013 – February 2014 and flight of President Yanukovych, the continuity of government principle was breached. The Russian Federation used the weakness of the state apparatus and annexed the Autonomous Republic of Crimea under the pretext of a referendum, which lawfulness was denied by Ukraine, world leaders, and reputable international organizations. The rhetoric of Russian leaders was based on the absence of directly elected President of Ukraine, which was used to block any negotiations concerning events in Crimea and in eastern Ukraine sometime later. Political confrontation in Luhansk and Donetsk oblasts grew into an armed conflict provoked by terroristic groups= receiving political support, resources and, sometime later, arms from the Russian Federation.

Unprecedentedly numerous Russian troops were staying along the Ukrainian border and blocked a full-scale anti-terroristic operation by the threat of possible intervention. Besides that, all major intergovernmental unions and organizations, including the UN and the European Union, participated in the discussion on how to resolve the conflict relatively peacefully: without intervention of the RF under the pretext of allegedly protecting Russian-speaking citizens. This plan included election of the President of Ukraine. Thus, the Commander in Chief, Guarantor of the Constitution and key person who takes decisions on the geopolitical vector of the state was to be lawfully elected.

While at the end of February and in March the Verkhovna Rada of Ukraine was acting as a relatively undivided body which took decisions by constitutional majority vote, in the middle of the election campaign the rhetoric of some MPs became openly pro-Russian and in support of terroristic groups in Donetsk and Luhansk oblasts. On the basis of these facts, the Office of the Prosecutor General has launched an investigation against the Communist Party of Ukraine and some MPs.

In particular, the ex-candidate for President Oleh Tsariov, who was later deprived of his mandate and parliamentary immunity, is now wanted.

At first law-enforcement bodies and the army didn't manage to overcome internal and external terroristic threats, which directly influenced the election process. However, the ATO and a number of decisive appointments made the morale and efficiency of the army grow.

In such conditions, the conduct of fair elections was not only a question of government staffing, but also of Ukraine's territorial integrity.

ELECTORAL SYSTEM AND LEGISLATION

The early presidential election in Ukraine was conducted in a single-member nationwide district which covered the whole Ukrainian territory and an overseas electoral district. As a result of unlawful annexation of the Autonomous Republic of Crimea and Sevastopol by the Russian Federation, the CEC had to admit that the fundamental voting principles could not be applied in districts #1-10, 224, and 225[1]. Thus, the election process wasn't organized in the Autonomous Republic of Crimea and the city of Sevastopol.

During the 2014 early presidential election, electoral districts remained the same as during the previous election of the President in 2010. Taking into consideration the impossibility of holding elections in the Autonomous Republic of Crimea and the city of Sevastopol, voting was held in 213 territorial election districts. Simultaneously, the effective legislation didn't establish any requirements concerning a turnout threshold or the minimum number of districts/ polling stations where voting should be held in order to recognize the elections as legitimate.

According to the Law of Ukraine on Election of the President of Ukraine, a candidate who receives more than half of the total votes cast (50% +1 vote) becomes the newly elected President of Ukraine. If none of the candidates receives more than half of the votes cast, the second round may be held.

The early election campaign was held on the basis of the amended Law of Ukraine on Election of the President of Ukraine. In February-May 2014, the Verkhovna

1 http://www.cvk.gov.ua/pls/acts/ShowCard?id=36124&what=0

Rada of Ukraine passed 6 legislative acts which amended election procedures. In particular, after PECs started functioning, the Verkhovna Rada of Ukraine cut their minimum membership to solve the understaffing problem[2]. The last amendments to the electoral law were made on 20 May, i.e. 5 days before election day. Despite the fact that these were positive changes, the Verkhovna Rada of Ukraine failed to comply with the standards of stable electoral legislation. Simultaneously, the complicated socio-political and crime-breeding situation in Donetsk and Luhansk oblasts required adoption of early legislative acts securing safety during the voting process[3]. In particular, the CEC was allowed to change the location of DECs, including outside of the relevant territorial election districts; safety requirements for the transportation of election documentation were strengthened; time constraints for the transmission of election documents were alleviated. OPORA positively assesses these efforts of Parliament aimed at securing safety of the election process.

FUNCTIONING OF ELECTION COMMISSIONS

It should be mentioned that election commissions were not manipulated for politically motivated purposes and remained impartial during the preparation and conduct of the early presidential election in Ukraine. However, an irresponsible attitude of some candidates and their political parties to the formation of election commissions had hazarded the organization of due electoral management. Numerous unsubstantiated withdrawals of commission members by candidates mean that the procedure of their appointment must be reconsidered and brought in compliance with the Code of Good Practice in Electoral Matters. The problem of technical candidates (parties) who only nominally participate in election campaigns, but wield maximum influence on election organization through a system of election commissions remains unaddressed.

System of Election Commissions

Election commissions are special collegial bodies authorized to organize and conduct the election process, and secure equal application and adherence to the

2 http://zakon2.rada.gov.ua/laws/show/1272-18

3 http://zakon2.rada.gov.ua/laws/show/1272-18; http://oporaua.org/news/5208-verhovna-rada-posylyla-ohoronu-chleniv-vyborchkomiv-i-vyborchoji-dokumentaciji-ovk-ohoronjatymut-cilodobovo

Law of Ukraine on Election of the President of Ukraine. According to Article 21 of this Law, the administration of the election process was secured by a three-level system of election commissions: the Central Election Commission (CEC), District Election Commissions (DECs), and Precinct Election Commissions (PECs). The system of commissions is based on the territorial principle of functioning. The CEC powers covered all Ukrainian territory and overseas polling stations; the authority of DECs extended to the corresponding territorial election district; the authority of PECs was limited to the territory of regular, special, and overseas polling stations. The status of the Central Election Commission is determined by a separate law – the Law of Ukraine on the Central Election Commission. The status of district and precinct election commissions responsible for the preparation and conduct of presidential elections is established by the Law on Election of the President of Ukraine. The system of election commissions during presidential elections is based on the principle of hierarchy – a lawful decision of a higher-level commission is mandatory for a lower-level commission.

Since in some oblasts local elections were held simultaneously with the early presidential election, election commissions were quite overloaded. On 25 May, nearly 270 early local elections were held, including elections of Kyiv City Mayor, members of Kyiv City Council, and mayors in 6 oblast centers. Thus, the same PECs were handling the conduct of the voting process and the vote count during all the elections held on that day.

Activities of the Central Election Commission

The CEC managed to secure a high level of organization despite the elections being held in an extremely complicated environment in the Autonomous Republic of Crimea and in eastern regions of Ukraine. The CEC adhered to the time constraints established by the law, which were much tighter in comparison with previous election campaigns. The Commission held regular meetings which were open for the mass media, official observers, and representatives of candidates. However, those meetings were often held to formally pass prepared in advance decisions which were not discussed publicly and grounds for which were not comprehensible to all interested parties.

According to Article 22 of the Law on Election of the President of Ukraine, the CEC heads the system of election commissions, which organize the preparation and

conduct of presidential elections, and is a higher-level commission for district and precinct election commissions. The CEC, consisting of 15 members, is formed by the Verkhovna Rada after the President of Ukraine nominates candidates to it with consideration of propositions from deputy factions and groups. The CEC members are appointed for 7 years. Formally, on 1 June 2014, the authority of 12 members of the CEC had terminated, what could have caused additional problems during the determination of election results and stopped its functioning, in fact. To solve this problem, Parliament adopted amendments to the Law of Ukraine on the Central Election Commission, providing that powers of commission members must be terminated only in case the Verkhovna Rada of Ukraine passes the corresponding resolution[4].

According to the Law, the CEC must function as a collegial body, independently from other state authorities, local self-government bodies, officials and public servants. However, since the CEC is formed by quotas, the commission represents a temporary division of political powers in Parliament. Thus, it's difficult for the CEC to remain independent and guarantee equal protection of interests for all participants of the election process.

The CEC passed more than 500 legislative acts during the preparation and conduct of the early presidential election. All these documents were promptly published on website of the CEC. In general, the Vybory analytical information system secured proper coverage and transparency during all stages of the electoral process. However, certain socially important information wasn't published, for example information about the number and composition of officially registered observers from civic organizations.

Due to the malfunction of the Vybory analytical information system, which occurred on the eve of the election and on election day, district election commissions had to manually check all vote count protocols. Thus, the processing and transfer of vote count protocols from DECs to the CEC were delayed. Therefore, the CEC should make fundamental technical improvements and take precautions to prevent such incidents.

In the course of the election campaign, the CEC had passed a number of resolutions with interpretations. Most of them concerned procedural issues of lower-level commissions' functioning. In particular, the procedure for drawing up a PEC vote

4 Law of Ukraine No. 879-VII of 03/13/2014 on Amendments to the Law of Ukraine on Election of the President of Ukraine and Some Other Legislative Acts of Ukraine concerning the Technical and Legal Improvement of the Election Process

count protocol; the procedure for verification of voter's temporary inability to move independently when organizing the voting at the place of stay; determination of the temporary special election commission's number by DECs during presidential elections; issuance of ballot papers in PECs after passport verification etc.

Besides that, the CEC issued an interpretation of the prohibition on election campaigning, which includes giving voters money or goods, for free or on preferential terms, services, securities, credits, lotteries during the presidential election process in Ukraine. Thus, the Commission drew attention of electoral subjects to the inadmissibility of any actions associated with voter bribery. However, such interpretations didn't manage to make any changes in practice, because they in fact duplicate imperfect legislative regulations.

A separate interpretation of the CEC concerned the determination of voting results during the presidential election in Ukraine in territorial election districts No. 47, 49, 50, 58–62, 114, and 115 created in Donetsk and Luhansk oblasts. Thus, the CEC specified in its resolution[5] that in case a State Voter Register maintenance body fails to provide the voter list or a district election commission fails to provide ballots to a precinct election commission, the voting at such a precinct must be considered not organized and not held. The Commission passed this decision when it became obvious that electoral documentation could not be transferred to many PECs in Luhansk and Donetsk oblasts because of life-threatening activities of terroristic groups. Besides that, on the eve of the election, the CEC authorized raion state administrations of Donetsk oblast to transfer ballot papers to DECs located in Donetsk oblast, and employees of raion state administrations – to sign the corresponding protocols testifying that district election commissions received ballots from the CEC. In such a way, the CEC was able to provide district election commissions located on the territory of armed conflicts with ballot papers.

Besides administrative issues of the early presidential election campaign, the CEC also dealt with various initiatives aimed to destabilize the constitutional order through illegitimate use of direct democracy instruments like referendum. Thus, the CEC condemned the conduct of so-called «referendum on 11 May 2014» in Donetsk and Luhansk oblasts and justifiably recognized it as unconstitutional, illegal, and not having any legal consequences.

5 Resolution of the CEC No. 741 as of 05/25/2014 provided an interpretation of some regulations concerning the determination of voting results during the presidential election in Ukraine in territorial election districts No. 47, 49, 50, 58-62, 114, and 115 created in Donetsk and Luhansk oblasts.

At the end of April, the CEC held a training seminar/meeting with heads and secretaries of district election commissions concerning the preparation and conduct of the early presidential election in Ukraine. The Commission also joined the test launch of on-line training system for members of election commissions. However, due to mass rotations in DECs (including members holding managing positions), the desired effect of such training wasn't achieved.

District Election Commissions

Despite the tight time constraints of the election campaign, the formation of district election commissions and beginning of their activities did take place, accompanied by certain difficulties, but within the effective legislation and calendar plan. Within the established time limits (by 9 April), the CEC had created and maximally used its powers to regulate electoral issues, caused by military aggression of the Russian Federation towards Ukraine. The CEC took a justified decision regarding the impossibility to create DECs on occupied territories (the ARC and Sevastopol), because neither candidates for the President of Ukraine nor the Chairman of the Verkhovna Rada of the AR of Crimea nor the Head of Sevastopol City Council had submitted candidacies for DECs in districts #1-10, 224, and 225. In other Ukrainian regions, the CEC created district election commissions, and all of them started functioning. Thus, having considered the submissions from candidates for the President of Ukraine, registered by the CEC, regarding nominations for the membership in district election commissions and other relevant documents, on 14 April, the CEC created 213 district election commissions for the early presidential election in Ukraine scheduled for 25 May 2014.

Each of the 23 candidates for the President of Ukraine, registered by the CEC, was entitled to nominate one member per election commission (Article 23(3) of the Law of Ukraine on Election of the President of Ukraine). The effective Law didn't set any limits for the maximum number of members in each DEC. Therefore, all presidential candidates, who had submitted corresponding documents, got their representatives in DECs. The procedure of drawing lots, which is traditionally used during other types of elections, wasn't used during this early presidential election. In such a way, technical manipulations were impossible at the formation stage, and the representation of candidates in DECs was balanced.

'21 presidential candidates nominated candidates for the membership in DECs. Two candidates (Andrii Hrynenko and Valerii Konovaliuk) didn't delegate any representatives to DECs. Most of them had their representatives in all 213 or

almost in all (210 or 212) district election commissions. However, five presidential candidates nominated their representatives to DECs only in some regions and districts[6].

However, all the candidates received their quota of managing positions in DECs, proportional to the number of nominations submitted. They were distributed with the help of the Vybory (Elections) analytical information system. Candidates O. Bohomolets, Y. Boiko, A. Hrytsenko, O. Klymenko, N. Korolevska, V. Kuibida, O. Liashko, P. Poroshenko, P. Symonenko, Y. Tymoshenko, O. Tiahnybok, V. Tsushko, Z. Shkiriak and D. Yarosh had the largest number of DEC heads. In general, O. Liashko, P. Poroshenko, Y. Tymoshenko, V. Tsushko and D. Yarosh had the largest number of executives (heads, deputy heads, and secretaries).

The membership of 26 DECs was maximal (21 persons), but there were no commissions with minimal membership (12 persons). The total number of people in district election commissions was 4,164. 52% of them were men, and 48% - women. Almost 67% of members had already worked in election commissions before. During the 2010 presidential election, this figure was 95.5%. On the one hand, the number of DEC members with higher education decreased from 93% in 2010 to 83% in 2014. On the other hand, the number of young people in DECs increased. There were almost a fourth (23%) of people under 30 years old compared to 13% in 2010 and 11% in 2004.

There were certain complications with the conduct of DEC first meetings in Donetsk and Luhansk oblasts because armed terrorists seized their facilities and threatened DEC members. Most of the commissions didn't manage to gather in full membership for their first meeting. On average, from 2 to 8 persons were absent. More than 1,094 persons didn't come to the first meetings of DECs. It's more than 26% of the total number of members registered in election commissions. Efficiency of commissions was even more decreased because there were no heads, deputy heads, or secretaries of DECs at the first meetings.

The main reasons for their absence, according to civic observers, were: 1) impossibility to contact them by phone; 2) no willingness to come to commission meetings because they live in different oblasts. Observers of the Civil Network OPORA have calculated that at least 304 (7% of the total number) DEC members were living in other oblasts when they were delegated. Such members were mostly

6 For example, Oleh Tsariov didn't submit any nominations for DECs in western Ukrainian oblasts (Volyn, Lviv, Zakarpattia, Ivano-Frankivsk, Ternopil, and Khmelnytsky). Mykhailo Dobkin, for his part, didn't nominate any representatives to DECs located in Kyiv, Lviv, and Rivne oblasts.

from Kyiv city, and Kyiv, Dnipropetrovsk and Lviv oblasts. Moreover, commission members often stated that they hadn't written any applications, and that their membership in the commission was a mistake. At least 150 persons, who became DEC members, immediately refused to work there. Taking into consideration these facts, we can summarize that a lot of presidential candidates approached the formation of commissions quite irresponsibly and nominated a lot of unprepared and unmotivated citizens.

We should also mention that district election commissions managed to fulfill their duties despite such extreme conditions. They were quick to solve rotation issues in PECs and implemented other organizational functions in accordance with the calendar plan, even though their activities were also complicated by personnel rotations, made by presidential candidates themselves. More than one-third (36%) of DEC members were substituted[7]. Most of the substitutions were made by electoral subjects which nominated commission members, and then filed appeals for their substitution. The main reason for rotations was that new commission members could not participate in meetings because they lived in another territorial district or oblast. The fact that citizens of other (often remote) raions and oblasts were included in commissions means that some candidates were only technically represented in commissions. Since Natalia Korolevska and Oleh Tsariov had officially withdrawn their candidacies, all their representatives in DECs were also excluded – 210 and 156 members respectively. A lot of commission members from candidates who de facto stopped participating in the election campaign (particularly Petro Symonenko) in fact sabotaged the functioning of election commissions.

According to the information provided by OPORA's observers, most DEC members had never worked in district commissions before, which caused certain complications with organization. The situation was even more complicated by the fact that candidates (and their political parties) didn't provide relevant training for the commission members they had nominated.

Almost all district election commissions conducted training for PEC members. Besides that, polling stations received manuals with all the issues concerning the 2014 presidential election in Ukraine. However, due to the fact that rotations in PECs continued even after the training (above one-third and even half of the membership), new members of PECs didn't receive the necessary knowledge.

7 The largest number of substitutions of commission members were made by Vasyl Tsushko (83% of DEC members representing this candidate were substituted), Volodymyr Saranov (74% of substitutions), and Renat Kuzmin (71% of substitutions). The smallest number of substitutions in DECs were made by Oleh Tiahnybok (9%) and Zorian Shkiriak (9%).

Precinct Election Commissions

District election commissions were authorized to create more than 32 thousand precinct election commissions. Every candidate had the right to nominate one person to every regular and special PEC. 19 candidates used this right to a certain extent, and 18 of them received representation in the corresponding commissions. The drawing of lots by electoral subjects wasn't applied for the formation of PECs during the early presidential election in Ukraine. If a person, who was nominated by a presidential candidate for PEC membership, corresponded to legislative requirements, he/she was appointed as a PEC member in an obligatory manner.

According to OPORA's observers, the nomination of candidates for PEC membership and the processing of documents in DECs were duly organized and conflict-free. In contrast to the previous elections, there were no incidents when the same person was nominated as a PEC member (so-called «doubles») by several presidential candidates simultaneously. Thus, OPORA gives a positive assessment of the procedure of forming PECs during the early presidential election in Ukraine. Problematic districts in Donetsk and Luhansk oblasts are an exception, as armed separatists destabilized the election process, and PECs were not created within the time constraints established by the law because of their activities.

All candidates for the President of Ukraine nominated more than 300 thousand candidates for PEC membership. However, DECs in all Ukrainian regions faced a shortage of candidates for PEC members to get at least a minimum membership. Due to such a situation, the Law of Ukraine on Election of the President of Ukraine was amended in order to cut the minimum PEC membership from 12 to 9 persons. As a result of such a decision, the workload of PEC members was increased, and slowed down commissions on election day, but the understaffing issue was solved.

In all Ukrainian regions, DECs didn't manage to form PECs exclusively out of representatives nominated by presidential candidates, as it was done before. It happened so because candidates nominated an unequal number of members and sometimes ignored certain districts, and even oblasts. If the total number of nominees for PEC membership was less than the minimal number, DEC heads nominated candidates for PEC members on the basis of propositions submitted by members of these commissions. According to OPORA's calculations, DEC heads nominated more than 27 thousand candidates for PEC membership. The efforts that DEC members had to make to reach the minimum membership were

enormous, especially in the regions where the separatist movement was stirring. They often appealed to proxies of presidential candidates, who had nominated their representatives for PEC membership, asking them to nominate additional representatives. If candidate proxies agreed, these representatives were included in PECs upon the submission of documents by DEC heads. Besides that, DECs appealed to local governments asking them to assist in the selection of citizens, motivated to become PEC members.

DECs rejected only 0.7% of candidatures submitted for PEC membership. This figure is small and shows that presidential candidates had properly prepared relevant documents.

In general, candidates received balanced and proportional representation in PECs. The following presidential candidates had the largest number of representatives in PECs: Zorian Shkiriak, Yuliia Tymoshenko, Petro Poroshenko, Mykola Malomuzh, and Serhii Tihipko. Commission members from these candidates were included in more than 80% of PECs. Vadym Rabynovych, Vasyl Tsushko, Yurii Boiko, Dmytro Yarosh, and Renat Kuzmin had the smallest number of representatives in PECs: from 0.4% (Rabynovych) to 26% (Kuzmin). The reason is that these presidential candidates were inactive in the organization of the election process and failed to fill the quotas provided by the Law. Moreover, two candidates – Valerii Konovaliuk and Andrii Hrynenko – didn't participate in the formation of PECs and didn't submit any candidacies. Besides that, candidacies for PEC membership from Volodymyr Saranov, which were submitted only to the DECs in Kyiv, were rejected because the documents hadn't been duly prepared.

«Representation of presidential candidates in precinct election commissions, not including Donetsk and Luhansk oblasts». The total number of polling stations is 32,428

Candidate for the President of Ukraine	Candidate's representation in PECs (% of the total number in the country)
Zorian Shkiriak	91 %
Yuliia Tymoshenko	85 %
Petro Poroshenko	84 %

Mykola Malomuzh	84 %
Serhii Tihipko	82 %
Petro Symonenko	73 %
Vasyl Kuibida	67 %
Oleh Tiahnybok	67 %
Anatolii Hrytsenko	60 %
Oleksandr Klymenko	57 %
Olha Bohomolets	47 %
Mykhailo Dobkin	44 %
Oleh Liashko	32 %
Renat Kuzmin	26 %
Dmytro Yarosh	15 %
Yurii Boiko	13 %
Vasyl Tsushko	5 %
Vadym Rabynovych	0,4 %
Volodymyr Saranov	0
Valerii Konovaliuk	0
Andrii Hrynenko	0

According to the Law of Ukraine on Election of the President of Ukraine, every presidential candidate whose representatives were included in PECs had the right to receive a proportional number of managing positions in precinct election commissions. The proportion of managing positions was determined according to the formulas, provided by Resolution of the CEC #71 of 03/25/2014 “On the Procedure of division of executive positions in precinct election commissions, or through the information and analytical system «Election of the President of

Ukraine» of the Single Information Analytical System «Vybory» (Elections). In general, the allocation of managing positions was transparent and in correspondence with declared approaches. However, OPORA reported a number of incidents when DEC members didn't have access to the Vybory analytical information system when managing positions in PECs were allocated[8]. OPORA detected some violations of the procedure for the distribution of managing positions in PECs[9].

During this period, PECs were undergoing mass rotations in their composition caused by appeals for the substitution of commission members, filed by presidential candidates. Such rotations were mostly caused by activities of candidates' headquarters, which failed to secure due selection and training of election commission members. Besides that, a lot of commission members in eastern oblasts of Ukraine refused to fulfill their duties because they were threatened and under physical pressure from pro-Russian terroristic groups. Another reason for rotations in DECs typical for all Ukrainian territory is that candidate proxies submitted documents of people who didn't agree to become commission members, without their permission. However, observers didn't notice any disruption of work in PECs caused by understaffing.

Activities of District and Precinct Election Commissions in Unstable Oblasts (Luhansk and Donetsk)

In Donetsk and Luhansk oblasts, PECs were created and opened in extreme conditions. Activities of criminal groups and pro-Russian provokers on this territory gravely destabilized the functioning of DECs in these oblasts. Only 10 of 22 district election commissions in Donetsk oblast managed to properly create PECs[10]. In Luhansk oblast, only DEC #108 didn't manage to form all PECs.

Due to the military aggression of the Russian Federation against Ukraine through

8 DEC #58 (Donetsk obl.), #140 (Odesa obl.), #129-134 (Mykolaiv obl.), DEC #202, 203 (Cherkasy obl.).

9 For example, DECs #87 and 89 (Ivano-Frankivsk oblast) violated the proportionality principle during the distribution of managing positions in PECs – they changed the quotas determined by the information and analytical system "Election of the President of Ukraine". A similar situation occurred in Lviv oblast (DEC #123), where DEC members redistributed the candidates' proportional quotas for managing positions in PECs, on the basis of internal commission agreement. DEC #16 distributed managing positions in PECs somewhat unequally, and some candidates received larger representation. However, there were no violations in most territorial election districts, which would cast doubt on the lawfulness of the distribution of managing positions in PECs.

10 Territorial election districts #41, 45, 46, 55, 56, 57, 58, 59, 61, 62.

pro-Russian terroristic groups, the election administration process in Luhansk and Donetsk oblasts was complicated, and sometimes even frozen. The opportunity to properly organize the election process was basically reduced to a minimum in most of the districts. On 8 May, Acting President of Ukraine Oleksandr Turchynov signed the Order to provide due security for premises of district and precinct election commissions, as well as of State Voter Register maintenance bodies during the preparation and conduct of the early presidential election on 25 May 2014[11].

However, actions of separatists were constantly destabilizing the election process in Donetsk oblast and hindered free voting. Armed militants of so-called «Donetsk People's Republic» attacked DEC and PEC offices, took members of election commissions into captivity and threatened them[12]. The absolute majority of commissions in Donetsk oblast had to function secretly in such an extreme situation.

In Donetsk oblast, only some PECs received preliminary voter lists. The absolute majority of PECs in the region didn't have any opportunities to look through preliminary voter lists. Besides that, only some voters received personal invitations. In Luhansk oblast, preliminary voter lists were transferred to TEDs #107, 112, 113, 114, 115. In DECs #105, 106, 113 voter lists were stolen. Personal invitations were disseminated in TEDs #107, 109, 115, 110 (partially in Poposnianskyi raion), 112, 113, 114 (the dissemination of personal invitations in Stanychno-Luhanskyi raion was stopped because of actions of separatists). In TEDs #105 and 106, personal invitations were disseminated only partially. It was impossible to conduct training for members of election commissions because of possible seizure of premises.

Personnel rotations in DECs and PECs were even more intense, substitutions were made almost every day. Representatives of all presidential candidates refused to work in some PECs. The main reason for their refusals was a real hazard to the lives and health of commission members, and the prohibition on holding elections in eastern oblasts announced by so-called «People's Republics».

Although commission members were threatened and put under pressure, they conscientiously fulfilled their duties and duly organized the voting process on the territories where it was possible.

11 http://www.president.gov.ua/documents/17627.html

12 For example, on 20 May, militants broke into and destroyed the office of district commission #46 in Artemivsk. Criminals with automatic arms burst into the premises of the city council, where the district election commission was located. They seized arms of the guard, smashed things in the office, stole the documentation and some personal belongings of commission members.

CONCLUSIONS

- Election commissions (the CEC, DECs, and PECs) organized and conducted the elections on a high level despite the unprecedented and uncontrolled situation in eastern oblasts.
- Although so-called technical candidates were prevailing, the CEC managed to create politically balanced district and precinct election commissions. It can be explained by the fact that the procedure of drawing lots wasn't applied for the selection of commission members at these elections.
- Commission members were constantly and massively substituted (more than one-third of DEC members), what destabilized their functioning. Besides that, such mass rotations made all the training provided for commission members by the CEC and NGOs ineffective.
- District election commissions conducted their first meetings without any conflicts, but the attendance level was quite low. Since pro-Russian forces and terroristic movements aimed to disrupt the election process in Ukraine, election commissions became the main targets of their activities.
- OPORA's observers didn't report any grave procedural violations by DECs during the formation of PECs. The identified deviations from the procedure were caused more by organizational complications than by unlawful intentions of members of election commissions.
- Candidates for the President of Ukraine didn't fully use their right to form PECs, what caused a shortage of members in the corresponding commissions. The Parliament's decision to amend the Law of Ukraine on Election of the President of Ukraine in order to cut the minimum PEC membership from 12 to 9 persons was justified and necessary.
- Expectedly, the biggest problems during the formation of PECs occurred in Donetsk and Luhansk oblasts. Only 10 of the 22 district election commissions in Donetsk oblast managed to properly create PECs.
- Election commissions, particularly PECs, were quite loaded because the early presidential election and local elections were held simultaneously. Therefore, PEC members often didn't have enough time to properly fulfill their duties.
- Another topical issue was providing information about DEC meetings to the public. In fact, the place and time of commission meetings were never

announced publicly. Such a situation created certain difficulties for civic observers and mass media representatives in providing timely and unbiased information about the election process to voters

RECOMMENDATIONS

- Participants of the electoral race (candidates and parties) should refrain from politicization of electoral bodies while creating election commissions.
- To regulate the issue of «technical» parties and candidates on the legislative level, so that their influence on the election process will be equal to their status and importance in the society.
- To reconsider the possibility of simultaneously holding early elections of different levels, particularly presidential, mayoral, and local elections to city councils, and make corresponding amendments to the electoral legislation.
- To legislatively oblige electoral race participants (candidates and parties) to provide standardized training with subsequent independent tests for members of all election commissions.
- To impose restrictions on the withdrawal of election commission members by persons who nominated them, and legislatively establish specific legal grounds for withdrawal.
- To take into consideration the necessity of creating DEC web pages as efficient instruments for spreading information about their functioning and securing open communication with voters.

FUNCTIONING OF THE STATE VOTER REGISTER

The State Voter Register maintenance bodies provided for the proper functioning of the Register database, watched the accuracy and completeness of personal data in the Register. The creation of the «Personal Voter Cabinet» on the official website of the State Voter Register became a great innovation, which allows citizens to check whether they are included in the Register and verify their personal data and voting address. Changing the voting location without changing the election address became the largest workload for the State Voter Register maintenance bodies during the

early presidential election. Citizens stood in long queues in the offices of the State Voter Register maintenance bodies, and the computerized system of the Register was constantly freezing.

For already five years, the State Voter Register has been functioning in Ukraine. It is the state automated register of citizens who have the right to vote. The Register maintenance bodies are responsible for filling the system with voter information, as well as for its regular update and verification. The State Voter Register is also responsible for the compilation of preliminary voter lists and updated voter lists.

The State Voter Register includes the following bodies: 756 local Register maintenance bodies, 27 regional administration bodies, and the Register custodian – the CEC. The social and political situation in the country influenced the way some of these bodies functioned. When separatists blocked local executive bodies and administrative buildings, where the SVR maintenance bodies and regional administration bodies were located, the government restricted access to workplaces of the Register maintenance bodies in different oblasts of Ukraine for the election period. Thus, on 28 January 2014, 29 Register maintenance bodies and regional administration bodies were not functioning in Vinnytsia, Zhytomyr, Zakarpattia, Ivano-Frankivsk, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Khmelnytsky, Cherkasy, Chernivtsi, Chernihiv oblasts, and in Kyiv city. Before the so-called «referendum» in the AR of Crimea, which was illegitimately scheduled for 16 March by the self-proclaimed government of the peninsula, the CEC had ruled to close access to the Register and personal data of citizens in the Crimea. Due to the complicated situation at the end of April, access to the SVR was temporarily closed for seven Register maintenance bodies in Donetsk oblast and seven in Luhansk oblast. At the beginning of May, the number of Register maintenance bodies with restricted access reached 33. The reason for such an increase was the inability to prevent illegal interference in the functioning of the Register.

Since the CEC acknowledged that it could not secure realization of the citizens' right to vote in the Autonomous Republic of Crimea, they were allowed to change their voting location temporarily. Besides that, the Register maintenance bodies could temporarily change the voting location without changing the election address for any Ukrainian citizen who submitted the corresponding appeal and supporting document justifying the reason.

In general, 171,078 citizens applied to the Register maintenance bodies to change their voting location. 34% of these citizens were members of precinct election

commissions. Most of the citizens willing to vote at the place of stay were from: Kyiv – 20,257 persons; Lviv – 14,032; and Kyiv oblast – 13,531 persons. 4,451 citizens of the Crimea and 1,587 citizens of Sevastopol changed their polling location to the continental territory of Ukraine. Most of them voted in Kyiv (1,483 persons), Mykolaiv (763), and in Kyiv oblast (442 persons). The citizens of Lviv oblast (14,106 persons), Dnipropetrovsk oblast (13,674), and Kyiv city (10,691) were the most active in changing their voting location. OPORA has also contributed to the popularization of information about the change of voting location by distributing voter awareness videos through the leading central TV channels, which broadcast them as social advertising: http://www.youtube.com/watch?v=30AfjQO_ILA&list=PLZtZF1bxmy309uHul7Zyz9dmYiGIXZ4c3. On the eve of 19 May, the last day when applications for the temporary change of voting location were accepted, citizens rushed to submit their applications. Thus, they stood in long queues in the offices of the State Voter Register maintenance bodies during those last few days. Since the Register system was constantly used by employees of the RMB, it started malfunctioning on 16 May and took more time for the verification of voters' inclusion in the Register, and processing of applications. Thus, some voters who wanted to submit their applications on the last day didn't manage to do that.

As for the transfer of preliminary voter lists, compilation and transfer of updated voter lists to precinct commissions, these procedures were implemented in a timely manner and in accordance with the Law of Ukraine on Election of the President of Ukraine in all the regions where the social and political situation was stable.

The quality of voter lists directly depends on the activeness of voters who verify and specify their data in the Register. Voters could appeal against inaccuracies in voter lists through the corresponding PEC, SVR maintenance body (not later than 5 days before the voting day), or through the local court (not later than two days before election day). Thus, voters had a chance to check if they were included in voter lists and correct inaccuracies in advance. Amendments to the updated voter list were not allowed on election day. In May 2014, the number of voters in the State Register slightly increased by 53,012 persons, which is only 0.15% of total registered voters.

REGISTRATION OF CANDIDATES FOR PRESIDENT OF UKRAINE

The early presidential election became quite resonant for political leaders in Ukraine. Only during the 2004 presidential election the number of nominated candidates exceeded the number of candidates during this early presidential race. The Constitution of Ukraine and electoral legislation established requirements of age, language and durational residency for presidential candidates. A citizen of Ukraine who was 35 years old or older on election day, had the right to vote, spoke the state language, and had been living in Ukraine for the last ten years, was eligible for the presidency. Ukrainian citizens realized their right to nominate candidates from political parties and to nominate themselves.

The legislation established a number of requirements for the nomination of presidential candidates from political parties. However, the law didn't provide any detailed regulations on mass media accreditation for congresses of the parties which intended to nominate a presidential candidate. Neither did the legislation provide a regulation on the mandatory presence of a CEC representative at party congresses. As a result, political parties held their congresses to discuss the nomination of candidates closed to the media and the public, which was absolutely unjustified[13]. If a candidate for the President of Ukraine was self-nominated, he/she had to personally submit the corresponding application to the CEC.

According to the Law of Ukraine on Election of the President of Ukraine, the Central Election Commission was authorized to register presidential candidates. The Law established a list of documents to be submitted by candidates to the CEC. Besides that, the Law established grounds for refusal of candidate registration. However, the most debatable regulation of the Law was the amount of the monetary pledge which candidates had to submit for official registration (2.5 mln. UAH). In particular, according to the recommendations of the European Commission for Democracy through Law (Venice Commission)provided before the electoral process began, the reduction of the monetary pledge should have been discussed.

13 The Communist Party of Ukraine announced only the date of its congress, but not the time or place. According to OPORA's observers, neither national mass media representatives nor journalists from Donetsk oblast were present during the CPU congress in Donetsk on 25 March. Simultaneously, the Party of Regions limited journalists' access to the first part of its congress, held in Kyiv on 30 March, where the decision on whether to support Mykhailo Dobkin as a presidential candidate was to be made.

After the CEC received a full package of documents, it took its decision on the registration or refusal to register the presidential candidate not later than on the fifth day after the documents were submitted.

OPORA didn't notice any violations committed by the CEC when fulfilling its duties during the registration of presidential candidates. The Commission received 46 packages of documents for the registration of candidates. 36 of them were self-nominated candidates, 10 were nominated by political parties. Having considered the documents, the CEC passed the decision to register 23 candidates for the President of Ukraine. The candidates were often rejected because the documents certifying that the monetary pledge had been paid were not submitted, the declarations on assets, income, expenses, and financial obligations didn't correspond to the established form, or because of the absence of other documents, required by the legislation. It should be mentioned that a number of candidates consciously violated the registration procedure. For example, several candidates submitted documents certifying the monetary pledge in an insufficient amount. Thus, the process of candidate registration was legitimate, unbiased and free of conflicts.

23 candidates participated in the early presidential election, scheduled for 25 May 2014. More candidates were registered only in 2004 – 26 candidates, and the smallest number of presidential candidates was registered in 1991 and 1994.

«Number of candidates for President of Ukraine in 1991, 1994, 1999, 2004, 2010, and 2014»

1991	1994	1999	2004	2010	2014
6	7	15	26	18	23

The increase in the number of candidates had some practical consequences. In particular, the large number of candidates raised expenses of the State Budget of Ukraine, allocated for the organization and conduct of voting. At the same time, some candidates played only a technical function in the election campaigns of presidential candidates with the highest ratings.

The number of candidates nominated from parties tended to decrease. While 52% of candidates were affiliated to political parties in 2014, the number of affiliated candidates in 1999 was at 80%. On the contrary, the number of self-nominated

candidates increased. In 2014, 70% of candidates were self-nominated, in 1999 – 20%, 2010 – 56%. These data show that the formation of political moods is still unfinished, and party institutions are not efficient enough.

"Candidates nominated by parties and self-nominated candidates at presidential elections"

Years	Party members	Unaffiliated candidates (of the total number)	Self-nominated candidates (% of the total number)	Candidates nominated by parties (and electoral blocs until 2014, % of the total number)
1999	80 %	20 %	20 %	80 %
2004	73 %	27 %	35 %	65 %
2010	56 %	44 %	56 %	44,4 %
2014	52 %	48 %	70 %	30 %

Looking at the list of candidates registered for the early presidential election, we can witness one more time the gender imbalance in Ukrainian elections. Only 3 of the 23 candidates were women.

For the first time in Ukrainian history, officials of the highest government bodies didn't participate in the presidential election. None of the candidates held positions in the Cabinet of Ministers, central executive bodies, or the management of the Verkhovna Rada of Ukraine. The absence of high state officials in the list of candidates decreased the level of administrative influence on the election process.

The Law of Ukraine on Election of the President of Ukraine established a deadline for submission of removal applications to the CEC by candidates[14]. This right was used by two candidates – Natalia Korolevska and Oleh Tsariov. As it is known, the former candidate for the President of Ukraine Tsariov became one of the leaders in terroristic organizations, which were acting against the territorial integrity of Ukraine. Two other candidates – Petro Symonenko and Oleksandr Klymenko – announced their withdrawals after the deadline established by the Law. Hence

14 2 May 2014

their statements didn't have legal consequences, and voters could vote for them on 25 May 2014. However, the political strategies of Symonenko and Klymenko could confuse some voters.

TERMS OF ELECTORAL CAMPAIGNING

Election campaigning during the early presidential election in Ukraine showed the progress of Ukrainian society in strengthening fair and competitive voting principles. The key difference between this presidential election and previous campaigns was the absence of abuse of administrative resources and voter bribery on a large scale. For the whole period of the election campaign, OPORA's observers reported only some incidents of the use of administrative resources and indirect voter bribery, non-systematic and solitary[15]. None of the presidential candidates had preferences in the election process, and the power vertical wasn't used for the benefit of certain political leaders. As a result of no administrative resource abuse, other negative factors affecting the electoral process also decreased in number. In particular, state and local budgets couldn't be used for the benefit of certain candidates or to provide material incentives to voters.

This new standard of the election campaign emerged from the growth of democracy in the society after the 2013-2014 dramatic events on Euromaidan. Besides that, the Ukrainian parliament improved certain campaigning procedures. In particular, it strengthened the informational component of the electoral process, improved procedural restrictions on election campaigning and the procedure for holding debates between candidates etc.

Despite improved election campaign standards in Ukraine, a number of serious problems were noticed during the election process. The biggest challenge was to secure electoral rights of citizens living in Donetsk and Luhansk oblasts. Activities of terroristic organizations, criminal groups controlling telecommunications, and pressure on the media in these oblasts hindered citizen access to information about the election process, pluses and minuses of candidates. Presidential candidates didn't conduct full-scale election campaigns in Donetsk and Luhansk oblasts and paid only symbolic visits. Aggression of the RF in Donbas, including its information

15 During the electoral process, OPORA's observers were detecting, verifying, and publishing electoral violations on the site http://map.oporaua.org/

dimension, proved the need to systematically strengthen the capacity of the state information policy in Ukraine. Unfortunately, relations between Ukraine and Russia caused a number of spontaneous acts of aggression against candidates and political parties, associated with certain pro-Russian views.

According to OPORA's assessment, the detected violations of the electoral legislation mostly concerned violations of campaigning regulations and obstruction of political activities. While violations of campaigning rules were often related to the marking of campaigning materials and campaigning on election day, incidents when political activities were obstructed were more serious. For example, in Donetsk and Luhansk oblasts, militants from separatist groups committed a number of assaults on candidate representatives. In other oblasts of Ukraine, some criminal offenses against candidate representatives were reported, as well as solitary incidents of damage to the property and premises of election headquarters. Taking into consideration the experience of the 2014 presidential campaign, activities of law-enforcement bodies during the electoral process should be reconsidered and improved.

Transparency of candidates' electoral expenses and functioning of electoral funds are two other topical issues in Ukraine. Observers of the Civil Network OPORA repeatedly reported that candidates attracted citizens to campaigning activities and paid them unofficially – not from the electoral fund.

According to OPORA's monitoring results, the most popular type of campaigning during the early presidential election was media campaigning (publications, announcements, public addresses, information materials in the local media (TV, radio, newspapers, Internet)). Most candidates used this type of campaigning in the largest number of election districts. The second popular type of campaigning was outdoor advertising. Street campaigning received the third place. At the same time, candidates and their headquarters were the least active in direct campaigning. Another drawback of the election campaign was the absence of direct debates between two top candidates.

FINANCING OF THE ELECTORAL CAMPAIGN

The financing of election campaigns remains unregulated in Ukrainian legislation in general and in the Law of Ukraine on Election of the President of

Ukraine in particular. Formally, expenses for the preparation and conduct of presidential elections in Ukraine shall be paid exclusively from the State Budget of Ukraine, allocated for this purpose, and from electoral funds of candidates for the President of Ukraine. Moreover, the financing of campaigning events or materials from sources other than the electoral fund is prohibited. Still, the CEC cannot verify and control adherence to this legislative requirement. Candidates provide formal financial reports on electoral funds, but such reports are not detailed enough and are usually published after the election campaign and the voting day. The main problem is that expenses from sources other than electoral funds are neither calculated nor reported. Thus, candidates (parties) don't bear any responsibility for such violations.

Besides that, the Law allows making only cashless transfers from the electoral fund to cover electoral expenses. However, members of election commissions, employees of election headquarters, and campaigners still receive cash in envelopes as their remuneration. The prohibition on the use of electoral funds for conclusion of paid contracts with voters on the conduct of election campaigning can be evaded in the same way.

Managers of accumulative electoral fund accounts of candidates must submit a financial report in the established form to the CEC not later than on the fifteen day after election day. According to the submitted and published reports, presidential candidates spent 373.8 mln. UAH, which is by three times less than during the 2010 presidential election campaign. The greatest expenses were incurred by Petro Poroshenko (96.4 mln.), Mykhailo Dobkin (78.3 mln.), Serhii Tihipko (75.5 mln.), and Yuliia Tymoshenko (67.5 mln.). The lion's share of candidates' expenses was spent on the mass media.

The main sources of electoral funds were personal funds of candidates and funds of the party which nominated the candidate. Donations of physical persons provided much smaller resources. Despite the latter being the most transparent and democratic way to raise funds for electoral purposes, it's the most complicated one. In particular, the Law imposes a limitation on donations of physical persons, which cannot exceed four hundred minimum salaries. Besides that, donations cannot be made anonymously. At the same time, there are no limitations on the use of personal or party funds. Taking into consideration that the information about sources of personal or party funds is usually unavailable, voters still cannot trust such financing of election campaigns.

The Central Election Commission and the bank, where the electoral fund account is open, conduct random verification of receipts, accounting, and the use of funds. Formally, the CEC shall analyze financial reports and report any violations of the Law on Election of the President of Ukraine to the corresponding law enforcement bodies so that they will verify and take measures in accordance with the Law. However, this regulation has no enforcement mechanisms and remains declarative.

To secure transparency of candidates' (parties') expenses, an efficient financial monitoring mechanism should be implemented to compare finances of elected officials before their election and after their term of office comes to an end.

SUMMARISING THE PRACTICE OF MAKING APPEALS IN ELECTORAL DISPUTES AT THE EARLY PRESIDENTIAL ELECTION IN UKRAINE HELD ON 25 MAY 2014

Observers of the Civil Network OPORA were monitoring court practice in electoral matters during the early presidential election in Ukraine. The monitoring showed that the key matter of electoral disputes was update of voter lists.

According to the data analysis, courts of the first and second instances passed 1,202 resolutions in administrative cases related to realization of the voting right at the presidential election[16]. 97% (1,161) of cases concerned updates to voter lists. The largest number of cases on this matter was opened in Kyiv city (238), Ivano-Frankivsk (116) and Dnipropetrovsk (107) oblasts. 90% of these cases were resolved in favor of plaintiffs.

1,115 of the 1,161 rulings concerned requests for inclusion in voter lists, 1,008 of w hich were satisfied, and 107 rejected. The main reason for rejections was that plaintiffs were registered in another place than the address under which they asked to be included in voter lists[17]. The second common reason forrejections was the absence

16 OPORA's observers used data from the Single Register of Court Rulings for the period of the election process (25 February 2014 - 18 June 2014)

17 Number of rulings: Volyn oblast - 1, Dnipropetrovsk obl.- 7, Zhytomyr obl. - 2, Zakarpattia obl. - 1, Zaporizhia obl. - 1, Ivano-Frankivsk obl. - 2, Kyiv obl. - 16, Kirovohrad obl. - 2, Lviv obl. - 2, Odesa obl. - 8, Poltava obl. - 1, Rivne obl. - 6, Sumy obl. - 9, Ternopil obl. - 1, Cherkasy obl. - 3, Chernihiv obl. - 2, Kyiv city - 43.

of the registration address[18]. The third one – appeals had no grounds, according to the courts[19]. Besides that, a number of specific court disputes were reported. For example, Kyiv oblast court refused to satisfy a court appeal for inclusion in the voter list from a person who came from the temporarily occupied territory. The reason for refusal was the fact that the plaintiff hadn't provided evidence of her temporary stay in Kyiv-Sviatoshyn raion and information about her habitation[20]. At the same time, in Sumy oblast, the court rejected a request for inclusion of a Belarusian citizen in the Voter Register, because he has no right to vote in Ukraine[21]. In 3 cases, courts refused to satisfy claims because plaintiffs failed to attach copies of documents proving their identity to the statement of claim. All these claims were submitted by persons who served a sentence in Shostkynska penal colony #66.

39 of the 1,161 decisions on updates to voter lists concerned change of voting location, 6 – correction of inaccuracies in voter lists, 1 – exclusion from voter lists. 30 of the 39 rulings related to the change of voting location satisfied the claims, 9 were rejected. The claims were rejected mostly because the procedure for a temporary change of voting location wasn't observed (submission of an application to the Voter Register maintenance body). Other reasons for rejections were: no argumentation for a temporary change of voting location in the application, and no address where the voter would be staying on the voting day[22]; no grounds for filing a suit, ass the plaintiff asked to include him in the voter list at a special polling station in a pretrial detention isolator, while his precaution measure was changed from detention to house arrest[23], which makes it possible for him to vote at the place of registration; the lawsuit was wrongly filed to a precinct election commission instead of the Voter Register maintenance body[24]; the proof that an application for a temporary change of voting location had been submitted to the Voter Register maintenance body wasn't attached to the statement of claim[25]. Besides that, 6 decisions on the correction of inaccuracies in voter lists and 1 decision on exclusion from the voter list were reported[26].

18 Number of rulings: Dnipropetrovsk obl. - 1, Zhytomyr obl. - 2, Odesa obl. - 4, Poltava obl. - 1, Sumy obl. - 3, Cherkasy obl. - 2, Chernihiv obl. - 1, Kyiv city - 4.
19 Number of rulings: Ivano-Frankivsk obl. - 2, Rivne obl. - 1, Ternopil obl. - 1, Kyiv city - 5.
20 http://www.reyestr.court.gov.ua/Review/38790483
21 http://www.reyestr.court.gov.ua/Review/38758219
22 http://www.reyestr.court.gov.ua/Review/38797281
23 http://www.reyestr.court.gov.ua/Review/38798168
24 http://www.reyestr.court.gov.ua/Review/38947272
25 http://www.reyestr.court.gov.ua/Review/38866082
26 All the claims were satisfied.

The Single Register of Court Rulings contains 13 decisions of courts of appeal on cases considered by first instance courts regarding updates to voter lists. 10 decisions of courts of appeal concluded that the first instance judgment was legitimate and reasonable, the appeals were not satisfied, and the ruling of the first instance court remained unchanged[27]. 2 decisions satisfied appeals. For example, Kyiv Administrative Court of Appeals satisfied an appeal for change of voting location filed by a voter. The reason for denial in the first instance court was that the proof that an application for a temporary change of voting location had been submitted to the Register maintenance body wasn't attached to the statement of claim. However, having taken into consideration the fact that too many voters rushed to change their voting locations on the last day (05/19/2014), and a lot of them didn't manage to submit applications, the court ruled to satisfy the voter's claim and reinstate his right to vote[28]. Lviv Administrative Court of Appeals (1 ruling) left an appeal without consideration because the deadline for making appeals had passed.

Besides rulings concerning updates to voter lists, first instance courts considered 5 cases on other matters. For example, Volyn District Administrative Court satisfied a claim filed by a presidential candidate proxy to the Executive Committee of Lutsk City Council in Volyn oblast, demanding to stop violation of the electoral legislation and remove campaigning materials. The claim was based on the fact that on 24 May 2014 at 12:17 PM the plaintiff noticed printed campaigning materials of a presidential candidate on an advertising board at the address Lesi Ukrainky St., Lutsk city[29]. Besides that, Desnianskyi District Court in Chernihiv rejected a claim of a presidential candidate against the Reklama ta Druk LLC, in which he demanded to consider the placement of printed campaign materials (billboard saying «25 May. Your vote is decisive. Time for a new way of living») on 24 May 2014 at the address 3 Instrumentalna St., Chernihiv city, illegitimate and against Article 57(2) of the Law of Ukraine on Election of the President of Ukraine, and to oblige the defendant to remove the campaigning materials. Having assessed the proofs and analyzed the legislation, the Court ruled that the billboard didn't contain any calls to vote or not to vote for a certain presidential candidate and, therefore, it was not campaigning material[30].

27 Number of rulings: Odesa Administrative Court of Appeals – 2 rulings, Kyiv Administrative Court of Appeals – 8.

28 http://www.reyestr.court.gov.ua/Review/38846703

29 http://www.reyestr.court.gov.ua/Review/39031338

30 http://www.reyestr.court.gov.ua/Review/38847279

OPORA reported 15 court rulings concerning decisions, actions or inaction of the Central Election Commission. 9 cases concerned registration/refusal to register candidates for the President of Ukraine; 3 cases regarding provision of information; 2 cases concerned registration of official observers from international organizations; 1 case concerned formation of a DEC. For example, Kyiv Administrative Court of Appeals rejected an appeal against the CEC, in which presidential candidate A.S. Hrytsenko asked to cancel Resolution of the CEC # 468 of 05/02/2014 «On Changes in the Composition of District Election Commissions for Election of the President of Ukraine during the Early Presidential Election in Ukraine on 25 May 2014», particularly appointment of 49 persons as heads, deputy heads, and secretaries of election commissions. The plaintiff justified his claim by the fact that the defendant failed to comply with the principle of proportionality when distributing managing positions in district commissions, as this resolution didn't appoint any officials, representing candidate A.S. Hrytsenko. The Court ruled that proportional distribution of managing positions was a legal responsibility of the CEC which took a number of decisions to secure it during the long period of the electoral process and, therefore, a separate resolution of the defendant with no consideration of other decisions on this issue was not a reason to consider that the rights of the plaintiff as a presidential candidate had been violated[31]. Besides that, Kyiv Administrative Court of Appeals rejected an appeal against the CEC filed by a citizen of Ukraine, who asked to cancel Resolution of the CEC #587 of 05/15/2014 «On request for information from H.P. Tereshchenko, registered in the Central Election Commission on 7 May 2014 under #21-17-6692», oblige the CEC to provide copies of autobiographies of all registered presidential candidates and pass a separate resolution on bringing to administrative responsibility those who were responsible for non-provision of information. During the consideration of the case, the Court ruled that besides information that was mandatory for publication according to Article 56-1(2) of the Law on Election of the President of Ukraine, autobiographies of candidates contained confidential information, which could be disseminated only with the person's consent. According to the Court, candidates hadn't given such consent for dissemination. Thus, the Court ruled that Resolution of the CEC #587 of 05/15/2014 had been passed in accordance with the Law, and there were no reasons to satisfy the appeal[32].

31 http://www.reyestr.court.gov.ua/Review/38563755
32 http://www.reyestr.court.gov.ua/Review/38719926

Another 2 court rulings were documented in cases against actions of a presidential candidate. The claims were filed by P.M. Symonenko and considered by Kyiv Administrative Court of Appeals. Symonenko claimed that other candidates for the President of Ukraine disseminated false information about him. In particular, the plaintiff asked the court to consider actions of presidential candidate O.V. Liashko, i.e. dissemination of false information, illegitimate, and oblige O.V. Liashko to stop disseminating false doubtful information and disprove the facts that had already been promulgated. The plaintiff claimed that O.V. Liashko had stated that the leader of the Communists was involved in financing separatists in Donetsk and Luhansk oblasts. The Court ruled that the claim could not be satisfied in the part related to O.V. Liashko, as there were no proofs that it was O.V. Liashko who had said that, but the website, which had published this information, was obliged to disprove this false information that it had disseminated[33]. A similar case of Symonenko against presidential candidate Z.N. Shkiriak wasn't satisfied.

"Average statistics of court cases during the early presidential election in Ukraine (according to the Single Register of Court Rulings, first instance and courts of appeals together)"

Cases regarding updates to the voter list	Appeals against decisions, actions or inaction of the CEC	Appeals against actions of candidates for the President of Ukraine	Other cases
1174	15	2	11

The court registry also contains a decision of the Higher Administrative Court upon consideration of the lawsuit against the Central Election Commission to cancel the protocol on the results of the presidential election in Ukraine. Having considered the petition, the court concluded that the plaintiff did not specify in the statement of claim how exactly his personal rights, freedoms and interests, including electoral rights, were violated by the CEC and how the protocol affected his rights and obligations as a direct legal entity, which were in dispute; legal grounds for claims in this part were not mentioned either[34].

33 http://www.reyestr.court.gov.ua/Review/38304913

34 http://www.reyestr.court.gov.ua/Review/39083346, http://www.reyestr.court.gov.ua/Review/39083372

NATIONAL AND INTERNATIONAL OBSERVERS AT THE EARLY PRESIDENTIAL ELECTION IN UKRAINE

The effective legislation of Ukraine guaranteed the right of national civic organizations, international organizations and foreign states to conduct observation during the early presidential election in Ukraine. New wording of the Law on Election of the President of Ukraine gives equal rights to official observers from parties which nominated candidates, candidates themselves, and NGOs. Observers from NGOs are registered in 2 stages: 1) an NGO must get a permit for deployment of official observers during the election from the CEC; 2) the relevant district election commission must register observers from the organization, which received the corresponding permit of the CEC. All registered organizations (regardless of the registration date), whose statutory activities include matters related to the electoral process and observation, and which appealed to the CEC with a request to allow deployment of observers before the deadline established by the Law, had the right to deploy observers during the presidential election. The grounds for refusal to give a permit for deployment of observers by NGOs are established by the Law and are formalistic. The Law of Ukraine on Election of the President of Ukraine provided official observers from NGOs with important powers like the right to appeal against violations of the electoral legislation in courts and out-of-court.

The CEC gave 10 NGOs permits for official observers during the early presidential election in Ukraine. In particular, activities of 4 NGOs were nationwide, and 6 were acting locally. Compared to the 2012 parliamentary elections, the number of domestic NGOs, which appealed to the CEC for a permit to have official observers this year, considerably decreased (2012 – 68 NGOs). Ukrainian organizations duly registered 4,887 observers, 2,245 of whom were from the Civil Network OPORA.

The number of registered official observers from foreign states and international organizations was 3,607 (302 from nineteen foreign states and 3,305 from twenty international organizations).

The largest monitoring missions were deployed by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (1,056 persons), the European Platform for Democratic Elections (EPDE) - 823 persons, the European Network of Election Monitoring Organizations (ENEMO) - 382 persons, the Ukrainian World Congress (236 persons), and the Ukrainian Congress Committee of America (222 persons).

The CEC registered official observers from nineteen foreign states. The following countries had the largest number of observers: the Republic of Poland (61), the Republic of Lithuania (31), the Kingdom of Denmark (28), and Hungary (22).

Compared to the 2010 presidential election, the number of official observers from foreign and international organizations somewhat decreased. In 2010, electoral monitoring was conducted by 330 representatives from 19 foreign states and 3,449 observers from 18 international organizations. It should be taken into consideration that there were a lot of representatives from the Russian Federation and Member Nations of the Commonwealth of Independent States in 2010, particularly as a part of observation missions from international organizations: the Commonwealth of Independent States - Election Monitoring Organization (CIS-EMO) NGO (416 persons), the International Union of NGOs, the International Union of Komsomol Organizations - the x-USSR United Lenin Communist Youth Union (162 persons), the Interparliamentary Assembly of the Commonwealth of Independent States (84 persons). At the same time, observers from the CIS and the Russian Federation were included in other official observation missions for the 2014 presidential election, particularly from the OSCE Office for Democratic Institutions and Human Rights. Besides that, the CEC registered 823 observers from the European Platform for Democratic Elections, whose 95% of representatives were citizens of the Russian Federation.

ELECTION DAY, VOTE COUNTING, DETERMINATION OF ELECTION RESULTS

On 25 May, the presidential election in Ukraine was conducted fairly and in accordance with Ukrainian legislation and international standards. Parliament and the CEC duly secured the organization of the electoral process and the conduct of voting on election day. Voting was held on the whole Ukrainian territory (not including temporarily occupied territories of the AR of Crimea and Sevastopol). However, the process was complicated due to unlawful activities of terroristic groups and armed people, who disrupted the election process in 14 of the 22 districts of Donetsk oblast and 10 of the 12 districts of Luhansk oblast. In general, except these 2 oblasts, voting was easy, without considerable incidents and mass violations, and

the violations that did take place didn't influence the election results. The efficiency of the law-enforcement system and IT safety of the Vybory Information System are topical issues today. According to the preliminary results of the parallel vote tabulation conducted by OPORA, Petro Poroshenko won with 53.4% of votes. Yuliia Tymoshenko took second place with 13.2% of votes.

On 25 May, more than 34 million Ukrainians that were above 18 years old and had the right to vote could participate in the early presidential election in Ukraine. It should be mentioned that the presidential election was held in extremely complicated conditions, while some territory of Ukraine was temporarily occupied (territory of the AR of Crimea and Sevastopol), and terroristic groups and armed persons were disrupting the election in Donetsk and Luhansk oblasts. Such activities of enemies of the state hindered realization of voting rights of citizens. Despite the fact that such context decreased the national turnout, its total level was quite representative – around 60%. Activities of terroristic groups aimed to create a system of intimidation, threats, and pressure upon voters and commission members, in order to prevent their participation in the elections. The disruption of voting in 14 of the 22 districts of Donetsk oblast and 10 of the 12 districts of Luhansk oblast is a direct result of such criminal activities of these persons. There were 213 district election commissions created, 24 of which didn't manage to fulfill their duties on election day because lives and health of Ukrainian citizens were under threat. However, except the above mentioned 2 oblasts, voting was easy, without considerable incidents and mass violations, and the violations that did take place didn't influence the election results.

Typical Violations Reported During the Voting Process and Vote Counting

During the election day, OPORA watched whether precinct election commissions adhered to the main election procedures. According to gathered data, election commissions violated certain regulations of the law. However, these incidents were not widespread and couldn't have influenced the election results.

Almost 20%[35] of election commissions started their preparatory meetings too early (earlier than 45 minutes before the beginning of voting). Thus, they limited the

35 The given percentage is representative for the whole country, secured by the statistically based sampling within the parallel vote tabulation (PVT).

possibility of official observers to control the course of the morning meeting. Almost 7% of PECs failed to fulfill their duty of filling in preparatory meeting protocols. Almost 5% of PECs lacked stamps. In 13% of polling stations, seals on safes with ballots were damaged, which was noticed during the preparatory meetings. According to the data collected by observers, almost 4% of polls didn't manage to open at 8:00 AM due to organizational complications.

During the first hours of voting (from 8:00 AM to 12:00 PM), the most widespread violations were attempts to issue ballots without prior passport verification and attempts to vote without having the legal right to vote. Such incidents were reported in 7% of polls.

In 4% of polling stations, the secrecy of voting was violated. In 4% of polls, unauthorized persons were present. In 3% of polls, voters tried to take ballots out of the polling place.

From 12:00 PM to 4:00 PM, the most common violations were attempts to issue ballots without prior passport verification and attempts to vote without having the legal right to vote. However, such incidents were not widespread and were detected only at 6% and 4% of polling stations respectively. Besides that, unauthorized individuals were noticed in 3% of polls. The violation of voting secrecy was reported in 3% of polls. Only in 2% of polls, voters tried to take ballots out of the polling place.

During the last hours of voting (4:00 PM – 8:00 PM), OPORA's observers reported attempts to issue ballots without passport verification at 4% of polling stations. In almost 6% of polls, voters tried to get ballots without having the legal right for it. Simultaneously, the secrecy of voting was violated at 2% of polls.

In 6% of polling stations, OPORA noticed voters waiting in queues as of 8:00 PM 25 May. According to the legislation, the PEC is obliged to allow all the voters who are inside of the polling station, to vote even after voting officially ends. According to the observers, a lot of polling stations were securing this right till 12:00 AM, 25 May. The longest queues were in Kyiv and Luhansk.

In 2% of polling stations, OPORA reported violations of the vote count procedures. Simultaneously, at almost 9% of polling stations, observers were not provided with the possibility to see the marks on ballots during the vote count.

In general, according to the observation results, OPORA's observers reported non-confidence in the vote count results only at 1% of polls.

Voter Turnout on Election Day (Calculated by OPORA)

Within the parallel vote tabulation, the Civil Network OPORA analyzed voter turnout data as of 12:00 PM, 4:00 PM, and 8:00 PM. Only open and functioning polls were taken in account.

The average voter turnout in the 2014 early presidential election in Ukraine was 60% [1](as of 8:00 PM), which is by 7.21% lower than in the 2010 presidential election (67.21% in the first round), and by 14.92% lower than at the presidential election in 2004.

"Dynamics of voter participation during the voting day in 2010 and 2014"

2010 Presidential Election (1st round)	2014 Early Presidential Election
turnout as of 11:00 AM	turnout as of 12:00 PM
16,87 %	**25 %**
turnout as of 3:00 PM	turnout as of 4:00 PM
47,60 %	**45 %**
turnout as of 8:00 PM	turnout as of 8:00 PM
66,76 %	**60 %**

Voters in western oblasts of Ukraine were the most active (Lviv, Ivano-Frankivsk, Zakarpattia, Ternopil, Khmelnytsky, Rivne, Volyn, and Chernivtsi oblasts) – 70%; the same goes for central Ukraine (Vinnytsia, Zhytomyr, Cherkasy, Dnipropetrovsk, Kyiv, Kirovohrad oblasts, and Kyiv city) – 63%. The turnout in the east (Donetsk, Kharkiv, Sumy, Chernihiv, and Luhansk oblasts) and south (Odesa, Kherson, Mykolaiv, and Zaporizhzhia oblasts) was 48%.

In general, voters were most active in the morning – as of 12:00 PM, the turnout was 25% and was equally high in all regions of Ukraine: 22% – in the south and east, 25% – in the west, 27 – in the center. In the afternoon, the turnout reached 45% (as of 4:00 PM), and in the regions the activeness increased in the west (52%) and in the center (47%), and was higher than in the south and east (37% in both regions).

Parallel Vote Tabulation Results from the Civil Network OPORA

On 25 May, OPORA organized the parallel vote tabulation, based on a representative and statistically-based sample. The sampling included 1,500 polls, and the margin of error is not higher than 2.9%.

OPORA's observers were accredited and specially trained. They were analyzing the election process from 7:15 AM and till the vote tabulation at the polling stations ended. Each of them sent 9 reports to OPORA's call-center, which concerned:

- conduct of the morning meeting,
- voter turnout (as of 12:00 PM, 4:00 PM, and 8:00 PM, or when the voting ended),
- violations during the voting and vote tabulation,
- election results.

The parallel vote tabulation based on a statistical sample is not a poll. It's a record of preliminary official data taken from protocols, which contain voting results of more than 1.3 million voters, registered in all oblasts (including Donetsk and Luhansk), who participated in the presidential election.

The PVT is conducted independently only by the Civil Network OPORA, in order to receive unbiased information about the accuracy of official results of voting during the presidential election, no matter who wins.

On the basis of reports from 1,347 of the 1,404 PVT observers[36], OPORA received the following results of the parallel vote tabulation conducted during the presidential election:

- P. Poroshenko – 53.4%;
- Y. Tymoshenko – 13.2%;
- Other candidates in total – 31.8%;
- 1.6% of ballots will be considered invalid.

36 1,347 of 1,404 selected polling stations, which were opened, with 835,495 votes

SAFETY DURING THE ELECTION PROCESS

For the first time in the history of Ukraine, safety issues became topical during the election campaign when it came to the realization and securing of citizen electoral rights. Therefore, a number of decisions were made at the state level in order to minimize threats to commission members and voters, prevent the widening of the territories controlled by terrorists, and secure the needed legislative changes.

The Civil Network OPORA appealed to the National Security and Defense Council with a proposition to gather an Interdepartmental meeting on the matter of securing the conduct of the presidential election with the participation of the MIAU, Border Guard forces, SBU, Office of the Prosecutor General, CEC, MFA, NSDC, and NGOs. Such an initiative received positive feedback and practical results. Participants and organizations gave security and law enforcement agencies recommendations for strengthening the protection of election commissions, personal protection of commission members, and safety measures for the transportation of election documentation etc.

Acting President of Ukraine and Chairman of the Verkhovna Rada of Ukraine Oleksandr Turchynov[37] signed the Order to provide due security for premises of district and precinct election commissions, as well as of the State Voter Register maintenance bodies during the preparation and conduct of the early presidential election on 25 May 2014, which approved a number of safety measures during the election campaign.

Besides that, the Verkhovna Rada of Ukraine adopted amendments to the Law of Ukraine on Election of the President of Ukraine, submitted by the Cabinet of Ministers of Ukraine, which were signed by the Acting President on 15 May[38] and directly concerned safety issues during the elections. The amended Law prescribes that the MIA of Ukraine shall secure 24h guard of district election commissions (DECs) not later than 10 days before election day, and at the request of the Central Election Commission, the guard of the State Voter Register maintenance bodies, if necessary. Besides that, as an exception, at the request of the corresponding Head of Oblast State Administration, district election commissions (DECs) may be relocated, even to another territorial election district. The State Voter Register

37 # 835/2014-рп of 8 May 2014

38 Draft amendments to the Law of Ukraine on Election of the President of Ukraine concerning the proper organization and conduct of the election process #1272-VII

maintenance bodies shall provide one copy of the preliminary voter list and printed personal invitations (according to Article 32(2) of this Law) to the corresponding precinct election commissions not later than ten days (16 in the previous wording) before the voting day, inside their own premises. This innovation aims to protect citizen personal data and prevent terrorists from stealing voter lists in Donetsk and Luhansk oblasts for the purpose of threatening and intimidating citizens and unlawfully using their personal data. Besides that, time constraints for the delivery of personal invitations to vote have been changed. The transportation of election documentation from PECs to DECs (the documents are listed in Article 79(10) of the Law of Ukraine on Election of the President of Ukraine) shall be implemented by the head of the precinct election commission or deputy head and two members of this commission, guarded by employees of the bodies of the Ministry of Internal Affairs of Ukraine, or by employees of the Security Service of Ukraine, if the Central Election Commission requests. Only one MIA guard was provided for by the previous wording.

Despite the taken measures, cases of pressure on members of election commissions, attacks on polling places, stealing of electoral documentation did occur in Donetsk and Luhansk oblasts. As a result, voting wasn't conducted in 14 districts of Donetsk oblast and 10 of Luhansk oblast. To secure public order near polling stations and their safety during the election day, 52,000 employees of the bodies of the Ministry of Internal Affairs of Ukraine and 11,000 employees of the State Emergency Service were involved. More than 11,000 police officers, cadets, servicemen of the National Guard of Ukraine and over 16,000 representatives of the public secured safety in public places. However, in 2 oblasts where the confrontation with terrorists continued, the very employees of the MIAU committed criminal offenses or helped terrorists to disrupt the functioning of district and precinct election commissions. OPORA's observers reported many incidents when police officers offered no resistance to terrorists, who interfered in the work of election commissions, abducted members of DECs from administrative facilities, seized electoral documentation. Besides that, the number of people protecting facilities and members of election commissions was smaller than during the 2012 parliamentary elections. According to official data, 58,500 police officers and 18,000 employees of the SES were involved in securing public order during the elections in 2012. Thus, taking into account that the election was not held on the temporarily occupied territory of the AR of Crimea, the number of involved officers during the elections in

2014 was quite regular. It should be also mentioned that police officers often broke their oaths and openly supported terrorists during the active stage of confrontation in Luhansk and Donetsk oblasts. According to Minister of Internal Affairs Arsen Avakov, nearly 17,000 police officers joined terrorists and criminal groups in these oblasts. Such a situation testifies to the management and personnel crisis in the law-enforcement bodies and should be a basis for large-scale impartial investigations to hold the guilty responsible.

Safety issues during the elections could have been solved more efficiently if there was a constantly operating coordination center between the law-enforcement bodies and organizers of the elections at national and regional levels, as well as a timely developed and approved plan of measures to counteract the disruption of the election process. For example, only on 19 May (5 days before election day) the central apparatus and oblast departments of the Security Service of Ukraine created operative headquarters for the coordination of and cooperation in safety measures with other law-enforcement bodies and state authorities responsible for the organization and conduct of the early elections. Only on 22 May the highest state authorities and NSDC started daily reporting on changes in the situation, which could have a negative impact on the election process.

However, it should be also mentioned that the SBU and the State Special Communications Service of Ukraine took measures in IT safety, supported by Ukrainian internet providers, to secure continuous functioning of the CEC information systems and counteract hacking attacks against the official web site of the Central Election Commission and the Vybory Information System. Thus, a group of hackers, who committed cyber-attacks against the CEC web-site, was detected and detained in Kyiv city; a virus program in the electronic data-processing system was also detected and neutralized; an attempt to transfer electronic protocols on election results from a DEC in Dnipropetrovsk oblast to an unauthorized IP address was detected and stopped; servers in Vinnytsia oblast, which were infected by viruses and generated a strong DDos attack against the information platforms of the CEC, were blocked. The abovementioned examples show that there were multiple attempts of illegal interference in the information systems of electoral organizers at different levels, which were stopped in time and didn't manage to affect the voting process and determination of election results. These facts should be investigated in order to punish not only performers, but also sponsors, who may be from the third country.

The complicated situation in Donetsk and Luhansk oblasts, activeness of terroristic groups, and disruption of the voting process in many districts resulted in the low turnout. However, the election results show that Petro Poroshenko was firmly supported in all election districts of the country.

According to the data of the MIAU, on 25 May 2014, the MIA authorities received reports about criminal and administrative offenses related to the election process. 31 reports had features of criminal offenses: Donetsk oblast – 15, Luhansk obl. – 4, Kharkiv obl. – 3, Zaporizhzhia and Odesa oblasts – 2 each. One criminal offence was registered in Volyn, Dnipropetrovsk, Ternopil, Khmelnytsky, and Kherson oblasts (1 in each). 7 incidents were related to damage made to the facilities or property of election commissions. Besides that, 9 incidents were related to the seizure of property, voter lists, seals, and ballot boxes in election commissions. 8 incidents in Donetsk oblast, 1 in Luhansk oblast. It should be mentioned that terroristic groups were most active in threatening commission members and obstructing their work during the last week before election day, and were less active on 25 May.

Safety measures and protection against illegal attempts to disrupt the election process or interfere in it should be analyzed by the state authorities and non-governmental organizations. Then the experience of the 2014 presidential election should be supplemented and taken into consideration during the early parliamentary elections, which might be held soon.

ABOUT OPORA AND 2014 OBSERVATION CAMPAIGN

Civic monitoring conducted by OPORA is a type of network activity aimed at impartial assessment of the preparation and conduct of elections, as well as at preventing electoral violations through comprehensive civic action.

Within the 2014 election monitoring campaign, OPORA conducted long-term and short-term observation involving activists in every oblast of Ukraine. The organization prepared and administered systematic work of 150 long-term observers, who were researching and analyzing information about the election campaign, campaigning, activities of headquarters and state bodies responsible for all stages of election organization, court practices etc. 2,245 short-term observers joined them on election day to watch the voting process and vote count at precincts.

On the basis of collected data, OPORA has prepared 7 national reports on various observation aspects – formation of polling stations, nomination of candidates, campaigning, use of administrative resources, voting process, vote count etc. Besides that, OPORA has published the results of the quick count.

From a strategic perspective, the observation focuses on the improvement of the election system and certain procedures. Thus, the organization actively participates in the preparation and discussion of amendments to the election legislation. For example, this year OPORA and a number of partner organizations put forward their recommendations for the improvement of the Law of Ukraine on Election of the President of Ukraine. These amendments were included into the draft law and adopted by the Verkhovna Rada.

OPORA's observers adhere to the following principles:

Legitimacy – observation is conducted within Ukrainian legislation and in accordance with the standards of non-party civic observation.

Political impartiality – observers are independent of political parties and electoral subjects.

Reasonableness – the organization neither undermines the credibility of the electoral process nor conceals information about violations and problems.

Responsibility – observers are disciplined and use only verified data.

Openness – information about the goal, methods, results, and sources of financing is open to the public.

OPORA successfully implements modern observation methods and instruments and uses innovative means to disseminate observation results – infographics and an interactive map of violations. On election day, the organization conducts the sample-based quick count. This method is based on gathering actual voting results from the polling stations picked by statistical sampling. OPORA's observers stay at polling stations and systematically provide information about the turnout, violations, and voting results.

Besides that, all summaries provided by the organization are based on generally recognized principles and requirements for the organization and conduct of democratic elections. These standards are reflected in the Venice Commission's Code of Good Practice in Electoral Matters, Copenhagen Document, and Commitments for Democratic Elections in OSCE Participating States.

For the organization of full-scale monitoring, OPORA seeks resources among public entities and organizations which share its values and understand the importance of democratic elections. OPORA can accept any official financial support provided grantors follow the policy of non-interference. The organization doesn't accept any anonymous or cash gifts and successfully passes international financial audits. In 2014, the electoral monitoring campaign conducted by the Civil Network OPORA was supported by the U.S. Agency for International Development and the European Union through the European Commission.

OPORA's work, methods and instruments are available to all political parties and electoral subjects, but the organization is closed for cooperation with any of them on an exclusive basis. Its observers may receive information from any source if it's supported by facts, evidence, and witnesses.

OPORA's observers cooperate with other civic observers in elections, particularly international ones, in order to gain maximum benefit of the general observation mission.

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