

Preliminary Statement of the IRI International Observation Mission to Ukraine July 21, 2019 Early Parliamentary Elections

Kyiv, Ukraine
July 22, 2019

Overview of the Mission

This preliminary statement is offered by the international observation mission of the International Republican Institute for Ukraine's early parliamentary elections, which took place on July 21, 2019. It builds upon IRI's observations of and findings from the [first](#) and [second](#) rounds of voting in the presidential election, which took place on March 31 and April 21, respectively.

Through this statement, IRI seeks to reflect the international community's interest in and support for democratic electoral processes in Ukraine, provide an accurate and impartial report on the Election Day process, and offer recommendations to consolidate democratic gains and improve future elections. The statement draws upon observations made on Election Day by IRI's short-term observer delegation, additional reports prepared by other monitoring missions, and supplemental IRI monitoring efforts by its in-country staff.

The 35-person mission for these elections was co-led by senior IRI leadership: Judy Van Rest, executive vice president, and Stephen B. Nix, regional director for Eurasia. The mission comprised 17 teams of observers and the areas of responsibility for IRI's short-term observers were the cities of Chernihiv, Dnipro, Vinnytsia, Zaporizhzhia, Kharkiv, Cherkasy, Kherson, Odesa, Lutsk, Poltava, Lviv, Ivano-Frankivsk, Zhytomyr, Khmelnytskyi, and areas throughout Kyiv region. These areas were selected in consultation with the U.S. Agency for International Development for their particular relevance to the current political context in Ukraine.

The mission conducted its activities in accordance with Ukrainian law and the Declaration of Principles for International Election Observation. The mission collaborated closely with the election commissions, representatives of political parties and candidates, Ukrainian civil society, media, and local authorities. Additionally, IRI collaborated with the National Democratic Institute (NDI) and other international monitoring missions supporting the electoral process in Ukraine.

The mission is grateful for the hospitality and cooperation it received from the Ukrainian authorities and the various levels of election administration bodies with whom it met, and all other stakeholders supporting the successful implementation of the electoral process.

The mission stresses that this statement is preliminary in nature; the tabulation and announcement of official results have not been concluded, and IRI will continue to observe the remaining phases of the electoral process. Additionally, the mission recognizes that, ultimately, it is the people of Ukraine who will determine the credibility of these elections.

Executive Summary of Findings

1. In Ukraine's third national election in four months (i.e., the first and second rounds of presidential election were held on March 31 and April 21, 2019, respectively), voters were generally able to express their will and exercise their right to vote on Election Day in a calm and well-administered election. Aside from minor non-systemic violations, which did not affect the overall outcome of the elections, election-day procedures were implemented in accordance with the law. Election stakeholders, particularly Ukraine's recently appointed Central Election Commission, deserve credit for their efforts.
2. *Sluha Narodu* is projected to win by the greatest percentage of votes in Ukraine's independent history. As a result, it may have a clear mandate and may secure an outright majority in the parliament once results are finalized. Moreover, the results are a clear continuation of support for President Zelenskyy's proposed initiatives.
3. The timing of these early elections created challenges in many areas to the electoral process. Political parties and candidates, particularly those with less experience, had less time to prepare; election administration bodies had less time to train new commission members; and those with travel plans, poll commissioners, poll watchers, and voters themselves may have been unavailable to participate.
4. That these parliamentary elections were held largely without incident is a testament to the maturity of Ukrainian democracy, particularly in light of Ukraine's ongoing war with the Russian Federation, which has claimed sizeable portions of Ukrainian territory and thousands of lives, as well as displaced more than a million people from the regions of Donbas and Crimea. However, more can be done to protect the enfranchisement of all Ukrainian voters. Authorities deserve credit for streamlining the registration process for temporary addresses, but the fact that these individuals could not cast single-mandate constituency ballots effectively denied these citizens of half their vote.
5. Ukraine continued the trend of distancing itself from Kremlin influence. Based upon initial results, pro-Kremlin political forces in Ukraine appear to have dropped in support from over 50 percent seven years ago in peacetime, to approximately 15 percent.

Political Background

Five years after the 2014 Revolution of Dignity, Ukrainians continue their call for sweeping political change in their country. On April 21, 2019, Ukrainian voters elected satirist and political neophyte Volodymyr Zelenskyy by an overwhelming margin of 73.22 to 24.45 percent over incumbent President Petro Poroshenko, demonstrating a desire to see a new generation of leadership in public office. These elections were widely regarded by international and domestic observation missions as generally reflecting the [will of the Ukrainian people](#) and were conducted in a calm and peaceful environment—indeed, in a rare move for the Eurasia region, Poroshenko publicly conceded shortly after the polls closed.

Newly elected President Zelenskyy, who campaigned on promises of ending state corruption and the ongoing war in Donbas, moved quickly on May 21, the day after his inauguration, to issue a decree (No. 303/2019) to dissolve the sitting parliament (*Verkhovna Rada*) and called for elections to be moved up from their scheduled October 2019 date. The constitutional basis of this decree was challenged. However, a decision by the Ukrainian Constitutional Court on June 20 found the decree to be legal, binding, and not subject to appeal.

Although the sitting parliament had adopted notable reforms during its five-year tenure, public support for the *Verkhovna Rada* has remained in single digits for years, according to [IRI polling](#). In contrast, President Zelenskyy has a favorable rating of 75 percent. Those that believe Ukraine is headed in the wrong direction has decreased dramatically, from 70 to 39 [percent](#) in a matter of months; those believing their country is headed in the right direction (34 percent) is now at comparable levels to immediately after the conclusion of the Revolution of Dignity.

It is unclear how long this sense of political optimism will last in Ukraine. Nevertheless, these elections represent a critical moment in Ukraine's democratic development. In many respects, the results of this election will greatly determine Ukraine's reform priorities and geopolitical trajectory over the next five years. Voters went to the polls expressing a preference for parties that can bring change over stability (58 to 32 percent) and a new generation of leadership over experience (63 to 24 percent) that can usher in further reforms and changes.

Once the results of these elections are finalized by Ukraine's Central Election Commission (CEC), much will depend on the ability of the parliament's newly elected members to coalesce into a disciplined political majority that responds to the priorities of the people. With potentially hundreds of new faces entering the *Verkhovna Rada*, the future of Ukraine's democratic reforms will largely depend on these politicians' ability to maintain the support of Ukrainian voters.

Electoral Overview

Election Administration:

The Ukrainian parliament consists of 450 seats, 225 of which are elected through nationwide closed party-list proportional representation, with a five-percent threshold to enter parliament. Twenty-two parties took part in these elections. The other half of the seats are allocated based on a first-past-the-post plurality (majoritarian) system, in which those candidates with the highest vote count win. Although there are 225 single-mandate districts (SMDs) in Ukraine, elections in 26 constituencies have been suspended due to the Russian Federation's illegal annexation of Crimea and ongoing occupation of parts of the Donbas (i.e., 12 districts in Crimea and Sevastopol; 9 districts out of 21 in Donetsk *oblast*; and five out of 11 districts in Luhansk *oblast*); for more information on Kremlin interference in these elections, please see the following section.

The parliamentary elections were administered by a three-tiered election administration body comprised of the aforementioned CEC, 199 District Election Commissions (DECs), and 29,900 Precinct Election Commissions (PECs, or individual polling stations). The CEC is a permanent body with 17 commissioners (16 currently, as there is one vacancy), whereas DECs and PECs are formed on an ad hoc basis prior to each election. For this election, each DEC contained representatives of 18 political parties; each of the six current parliamentary factions could nominate a member, and members were also nominated by the 24 parties that competed in the previous 2014 elections. Where there were more nominations than available seats, the CEC drew lots. Of the 3,582 DEC members in this election, according to [OPORA](#), approximately one third of the members (38 percent) of the newly formed DECs were part of district election commissions in the 2019 presidential election. A majority of the commissioners were [women](#). Concerns were raised about the number of needed replacements on DECs prior to Election Day. According to the [OSCE/ODIHR](#) observation mission, as of July 8, approximately one third of DEC members had been replaced at least once. This phenomenon could have affected the preparedness of the election management bodies.

PECs were comprised of 10-18 members, depending on the size of the polling station, and its members were similarly nominated by parties or single-mandate district candidates competing in the elections. If there were more nominations than vacancies, the DEC drew lots; similarly, if there were vacancies, the DEC filled them. Anecdotal evidence reported by IRI's 17 teams of short-term observers revealed concern over the ability of smaller or nascent parties to identify commission members as well as a perceived disproportionate advantage for those parties with existing parliamentary factions.

Candidates:

The electoral period began officially on May 24 for those competing for the resulting 424 seats of the *Verkhovna Rada*. Campaigning began the day after parties and/or candidates confirmed their registration with the CEC, which varied, and continued until midnight on the Friday before Election Day. The following Saturday, or the day before the election, constituted a day of silence, in which campaigning was prohibited and all campaign-related materials

were expected to be removed. However, IRI observers noted the presence of billboards, posters and other campaign-related materials on multiple occasions on the day of silence.

According to the CEC, as of the June 25 registration deadline, 5,980 candidates were registered to compete in these elections, of whom 22.5 percent were women, 3,220 were running in single-member constituencies, and 2,760 were on party lists. To compete for a seat in the *Verkhovna Rada*, candidates are required to be an eligible voter, at least 21 years old, and have resided in Ukraine for the last five years. In enforcing these requirements, the CEC expressed concern to IRI over its ability to verify information regarding the five-year residency requirement. Moreover, it also stated frustration with inconsistent court decisions over the registration or de-registration of candidates (i.e., that courts would inconsistently overrule the CEC decisions on candidate registration).

IRI observers heard repeated concerns from parties, candidates, domestic observers, and the CEC over the number of “clone” candidates and organizations/parties—entities with identical names who may have been added to ballots in an effort to confuse voters. Indeed, the CEC noted to IRI that some candidates had changed their names multiple times during this campaign period as it is currently inexpensive to do so.

Enfranchisement:

According to the State Voter Registry, more than 35.5 million voters were eligible to vote in these elections. Only an estimated 30.5 million were included on voter lists, however, because approximately four million reside under occupation by the Russian Federation and face difficulties voting in government-controlled areas (and an additional 900,000 lack registered voting addresses within Ukraine). A process existed previously for voters to register a temporary place of voting ahead of Election Day. IRI commends the CEC for simplifying the procedure for Parliamentary elections, as IRI and other observers recommended. IRI also acknowledges the CEC’s effort to inform voters of the revised process on its official website. As the process currently stands, the CEC allowed voters to temporarily change their place of voting without changing their electoral address, through the submission of a written application and presentation of mandatory documents (e.g., passport).

Despite these commendable efforts, as of July 15, only 280,922 voters (including approximately 47,000 on the last day) registered a new place of voting, including 3,198 from Crimea, and 42,642 and 19,848 from Donetsk and Luhansk *oblasts*, respectively. Unfortunately, IRI notes that such numbers are somewhat lower than those from the second round of the presidential election in April 2019, in which 325,604 voters temporarily changed their place of voting during an eight day registration period, of whom 94,777 (29 percent) were permanently registered in occupied territories (i.e., 6,025 in Crimea, and 58,968 and 29,784 respectively in Donetsk and Luhansk *oblasts*). Additional voter education campaigns would be beneficial to mitigate this challenge in future elections.

Not only was low registration a challenge for these voters, they were also ineligible to vote for candidates in single-mandate districts. As such, all internally displaced persons, mobile populations (such as those who reside in different cities for university), and voters abroad only received ballots for party list seats in the *Verkhovna Rada*. In simple terms, this essentially denied these voters half their vote.

Election Monitors:

As was the case with the 2019 presidential election, IRI observers received concerns from activists over the number of registered domestic observer groups—indeed, this number has increased to [163 groups](#) from 139 in the presidential election. Analysis by [ENEMO](#) found that 105 of these groups do not appear to have or maintain a website or social media page, and several were created shortly before the election. Only two—OPORA and CVU—are signatories of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations. The proliferation of unqualified domestic observer groups could discredit the efforts of domestic observers writ large if seen to be inexperienced or interfering with the electoral process in any way.

Kremlin Interference in Ukraine's Elections:

The most glaring form of Kremlin interference was the ongoing occupation of Crimea and part of the Donbas, which impeded Ukraine's ability to administer its elections in the entirety of its territory. These illegal actions have necessitated the suspension of 26 out of 225 single-mandate constituencies in the *Verkhovna Rada*, as they fall within non-government-controlled areas of Ukraine. The Kremlin has also threatened the enfranchisement of approximately 12 percent of Ukraine's electorate who reside in these areas and an additional four percent who have been displaced internally. The Kremlin bears direct responsibility for this situation.

Ukrainian authorities deserve credit for streamlining the process through which this 16-percent of the Ukrainian electorate may vote. However, as noted above, voters who registered a new voting address prior to Election Day were also ineligible to vote for candidates in single-mandate districts and only received ballots for party lists.

Ukraine sought to reduce Kremlin involvement in its elections; for example, by continuing to ban election observers who hold the citizenship of the 'aggressor state' and by keeping closed all five polling stations located in the Russian Federation, relocating them to the Ukrainian embassies in Georgia, Finland, and Kazakhstan.

Election Day Observations

Participation

Overall, voter participation in the polling stations observed by the IRI mission was steady but lower than the preceding presidential elections. The Election Day environment was observed to be calm despite some crowding late-morning and early afternoon.

Set-Up and Opening Procedures

Opening procedures were observed to have proceeded in accordance with the law in the majority of polling stations observed. During opening procedures, IRI observed the presence of police or other security forces inside approximately half of the polling stations, but they did not appear to detract from the peaceful environment. Opening procedures were followed in most stations; however, in a few cases, minor violations occurred. In two separate cases, IRI observers were denied access after arriving slightly after 7:15am, and in another, a polling station opened well after 8:00am. All PECs reportedly received training prior to Election Day, but levels of experience appeared to vary.

Unauthorized persons were also observed in a few of other PECs. Domestic observers and candidate agents were present in all polling stations visited during opening procedures. IRI noted that a majority of polling stations were clearly marked, the environment was calm, and no campaigning took place either inside or outside of the PECs.

Voting

IRI observers were granted access to observe in all PECs visited. Overall, IRI observed voting procedures to be followed in accordance with the law except in a few cases. Violations observed were non-systemic, however, and did not affect the overall conduct or results of the elections. The majority of polling stations were calm and not crowded, though some were observed to be crowded but peaceful. In a few instances, the situation outside the polling station appeared tense—in one, the tires of an SMD candidate's supporters had been slashed and voters appeared outraged. In two instances, IRI observers witnessed voters attempting to bring ballots outside of the polling station.

Isolated instances of campaign activities were observed outside of polling station, and IRI observers noted campaign materials in less than five percent of polling stations observed. Domestic observers were seen in approximately 70 percent of polling stations. Police were also present inside approximately 15 percent of polling stations observed.

Women made up the majority of leadership positions with more serving as Secretary than as Chair, and more than 80 percent of commissioners were women. While most polling stations had sufficient lighting throughout the day,

less than one quarter had voting booths that were accessible to wheelchairs and even fewer had ramps or lifts to make the polling station accessible to persons with disabilities.

Ninety-five percent of polling station heads reported receiving training or reference materials prior to Election Day. More than 97 percent of PECs received all necessary materials from the election commission though a few did not receive adequate stationary or supplies.

Closing Procedures

All polling stations observed during closing and counting procedures were calm and peaceful with crowding in some. Closing and counting procedures were observed to be followed in accordance with the law in almost all PECs.

Recommendations

To support the furtherance of Ukraine's democratic development, on the basis of these election-day observations, the IRI mission respectfully urges Ukrainians to address the following challenges to inclusive and credible elections:

- Recommendation 1: Although Ukrainian authorities deserve credit for streamlining the process through which voters may register temporary voting addresses prior to Election Day, the inability of these voters to express their will in single-mandate constituencies effectively denied these citizens half their voice. The political inclusion of the 16-percent of Ukrainians residing under Russian occupation or displaced by the conflict, for whom this restriction was in place, must be a priority for authorities.
- Recommendation 2: Given the preponderance of individuals who changed their names prior to these elections, IRI recommends developing more stringent requirements to register and verify name changes with the goal of discouraging phony or "clone" candidates.
- Recommendation 3: Ukraine's parliamentary election law prohibits campaigning the day before Election Day (i.e., a day of silence). However, billboards and other campaign materials were witnessed on the day of silence. Consequently, further clarification on how campaign activities and materials are defined is necessary in order to address efforts to circumvent both the written law and the spirit of the law on campaign silence prior to Election Day.
- Recommendation 4: Currently, the only requirement for organizations seeking to register to observe elections in Ukraine is that they must include elections and election observation as an area of activity in their charters. To protect the role of domestic observer groups in Ukrainian electoral processes, the current Law on the Election of the President of Ukraine and the draft Electoral Code of Ukraine should be amended to require that observers agree to certain basic requirements, such as the international election observation standards.

About IRI

IRI has worked in Ukraine since 1994 and has observed 15 elections in-country, including the 1994, 1998, 2002, 2006, 2007, 2012, 2014 and 2019 parliamentary elections and the 1999, 2004, 2010, 2012, 2014 and 2019 presidential elections. IRI has helped to develop effective, citizen-responsive government, trained tens of thousands of political party members and civil society activists, and supported the participation of underrepresented groups such as women and youth in the political process. IRI has been recognized for its international survey research through its regular public opinion surveys, which includes dozens of national, municipal and *oblast*-level surveys of the political and public policy landscape in Ukraine.

IRI Election Observation Mission Coverage

Early Parliamentary Elections, July 21, 2019

