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# Observations on Monitoring the Ukrainian Election

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by Hon. Myron Kowalsky, MLA

*In December 2004 some 500 Canadians were involved in monitoring the Presidential Election in Ukraine. This election was called after the results of the previous presidential election were declared invalid by the Supreme Court of Ukraine. This article offers some reflections from one of the many present and former Canadian legislators who served as election observers.*

The Canadian contingent of election observers was co-ordinated by Canada Corps and was divided into 17 teams of approximately 20 observers. Team logistics were coordinated by a team leader and a Canadian liaison officer. Every effort was made to be non partisan and we were cautious to not wear Yanukovych Blue or Yushchenko Orange. Our mission was to focus on the election process. We familiarized ourselves with the pertinent sections of Ukrainian Electoral law so that we could comment objectively and impartially on whether legal processes were followed and whether there were observable violations of the electoral procedures.

We were welcomed at virtually every turn by a population eager to show the world that Ukraine can conduct a fair and transparent election, and that Ukraine wants to be known as democratic as well as independent. For the actual observations we worked in pairs with the support of a driver and an interpreter.

On Christmas Day, we drove to polling stations to check for suitability of location, accessibility and election preparedness. We found that the ballots had all been secured in safes, and the revision to voters' lists had been legally completed and secured as of 8:00 p.m. that night. Being eight hours ahead of Saskatchewan time, we had

an opportunity to make a telephone call home to assure our families we'd be back for New Year's Eve and Ukrainian Christmas.

Polling stations in Ukraine are run by Precinct Electoral Commissioners (PEC) made up of equal numbers of members from each side to a maximum of 16 people. Leadership for the PEC was comprised of two people, the head and the secretary, one representing each candidate.

Election day monitoring, which included taking notes and photographing the election process, began at 7:15 a.m. on December 26th. We arrived at a precinct to observe the PEC take the ballots and voters' lists out of the safe, count the ballots, seal the boxes, give final instructions, and open the doors to the polling stations at 8:00 a.m.

Ballots were distributed to voters by commission members working in pairs. For each ballot, the voters' list was cross-checked, and the tear-off portion of the ballot was signed by a commission member and by the voter. Voters took their ballots to private voter booths as they would in Canada and then proceeded to drop their ballots into the transparent, sealed boxes. A local observer kept count of each ballot as it was dropped into a box. The balloting process I saw was well organized and orderly. As we traveled from poll to poll, we noticed a steady turnout at the polls, with no last minute rush before the 8:00 p.m. closing time. The voter turnout at approximately 77% was enviable by Canadian standards.

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(l-r) **Maxime Ricard (observer), Halyna Demchenko (student interpreter), Hon. P. Myron Kowalsky (observer) in Ukraine**

Ukrainian law provides for mobile boxes to be taken to those who are unable to walk or travel to polling stations. Most of these polling stations are not wheelchair accessible. To vote by mobile ballot, disabled voters must be pre-registered.

Two commission members, one for each side, plus observers travel to the addresses of the pre-registered voters with a mobile ballot box. About 40 ballots of a total of 2,000 were cast in this manner in the precinct I monitored.

Access to the mobile balloting process is a current political issue. Ukrainian electoral law was amended after the first run-off to restrict mobile balloting to only those most severely handicapped. This amendment was done to reduce the incidence of abuse, alleging excessively large numbers of votes were recorded through the mobile votes. Opponents to changes say that the new law restricted large numbers of voters from their right to vote.

A last minute ruling of the Supreme Court moderately relaxed the eligibility requirements for access to the mobile ballots.

Once the polls were closed, the PEC first went through a routine procedure of dealing with complaints filed to the PEC. Then they counted the total number of ballots, compared that with the numbers on the voters' list and the tear-off portions of the ballot. The Commission Chair, together with the Commission Secretary, then examined each of the ballots and placed them on one of four piles: for candidate A, candidate B, none of the above, or the spoiled ballot pile.

In this precinct, the counting lasted for four hours. After the results were tallied, report sheets were completed and signed by all 16 Precinct Commission members. This

report, along with the packaged ballots, was delivered to the Territorial Electoral Commission who double checked the tallies. The TEC sent three out of one hundred PEC reports back for technical corrections. Even though the counting and tabulation process took all night and in some cases part of the morning, the Electoral Commissions took great care to be accurate and to demonstrate transparency.

*The combination of revised electoral law, detailed administration of electoral law and presence of international observers assured the integrity of this election re-run.*

My personal observations are consistent with statements made by the Rt. Hon. John Turner (official head of Canada Corps) that the Ukrainian presidential re-run was conducted in a fair and free manner and that flaws observed were of the human-error type one might see in our own nation.

To Ukrainians it was important to show the world they could conduct a fair election. The presence of Canadian, Russian, OSCE (Organization for Security and Cooperation in Europe), U.S., and partisan Ukrainian observers probably helped to deter falsification of the election results.

I believe this Canada Corps mission not only helped Ukraine develop her democracy, but it also served to re-focus our Canadian foreign policy onto worthwhile activity. Canada's role as a nation willing to help other nations build peaceful and democratic communities was advanced with this mission.

The newly elected President can truthfully say he has the mandate to govern. He faces high expectations from the voters to adopt fair, transparent governance processes. In 1991 Ukraine started the process of being independent. In 2004, Ukrainians embarked on the journey of developing a civil democratic society.

Reflecting on this experience, I am reminded of the aims of the Commonwealth Parliamentary Association comprised of elected Legislators throughout the Commonwealth. The CPA is dedicated to the promotion and development of democratic processes and institutions. The CPA has assisted many developing nations to evolve democratic customs and institutions. As a longstanding CPA member I felt both duty bound and honoured to have taken part in this election observation mission to Ukraine.