

**A Report on**

**Ukraine's Presidential Election**

**By The Delegation of**  
**Former Members of the U.S. Congress**

**18 – 23 November 2004**

The Hon. Dennis Hertel (D-MI)  
The Hon. Daniel Mica (D-FL)  
The Hon. Larry Pressler (R-SD)  
The Hon. John J. Rhodes (R-AZ)  
The Hon. Bob Schaffer (R-CO)  
The Hon. Joseph Tydings (D-MD)

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## **I. Program Overview**

This delegation is the last in a series of five delegations of former Members of Congress and former Members of European parliaments sent by the U.S. Association of Former Members of the U.S. Congress and the U.S.-Ukraine Foundation to observe Ukraine's presidential election. The five delegations of 32 former members visited 39 communities in nine oblasts to evaluate whether Ukraine was meeting international election standards. The visits spanned a five-month period beginning in July 2004.

The delegations traveled to Ukraine at the invitation of the Ukrainian government and were officially accredited as international election observers.

The delegations were completely independent of any political campaign or party. They met with representatives of all candidates, parties and blocks as well as representatives of Non-Governmental Organizations (NGOs), media, civic leaders, city and local government officials, election officials and other interested citizens and observers, in order to gain knowledge and understanding of the current political situation in Ukraine. The role of the delegations was to support a free and fair election process.

Funding was provided by the United States Agency for International Development (USAID) through a grant to the U.S.-Ukraine Foundation (USUF). The U.S.-Ukraine Foundation subcontracted to the U.S. Association of Former Members of Congress (USAFMC) to recruit former members to participate in the delegations. The former Members did not receive any compensation for their services and only were reimbursed for economy airfare and standard hotel accommodations and meals in Ukraine.

The fifth delegation differed from the others in that it observed election day activities. The other delegations observed the process up to election day but not the actual voting. By observing election day activities, the fifth delegation's observations, added to those of the four previous delegations, provides a complete picture of the electoral process in Ukraine.

## **II. November Delegation**

The delegation consisted of the following former Members:

**The Hon. Dennis Hertel (D-MI)**, *a former member of the United States House of Representatives.*

**The Hon. Daniel Mica (D-FL)**, *a former member of the United States House of Representatives.*

**The Hon. Larry Pressler (R-SD)**, *a former member of the United States House of Representatives and the United States Senate.*

**The Hon. John J. Rhodes, III (R-AZ)**, *a former member of the United States House of Representatives.*

**The Hon. Robert Schaffer (R-CO)**, *a former member of the United States House of*

*Representatives.*

**The Hon. Joseph Tydings (D-MD)**, *a former member of the United States Senate.*

The delegation divided into three teams of two former Members each and visited selected communities in the Kyiv oblast, namely **Berezan, Brovary and Irpin**. The teams were not limited to the polling stations in those communities. They were encouraged to visit surrounding communities and polling places. Two prisons were visited, one near Irpin and another near Berezan.

When on location, the teams coordinated with other observers, domestic and international, to cover all the possible trouble spots as well as react to needs as they developed.

The teams included two former Members, an interpreter, a local person knowledgeable about local politics and the election law, and a driver. Each team was equipped with a mobile phone and key contacts in the local community, among other observation groups, and with key people in Kyiv. Maximum flexibility was given to teams so that they could alter their respective itineraries as they determined desirable based on the local situation and needs.

Upon the delegation's return to Kyiv, delegates met with the Foreign Minister of Ukraine, Kostiantyn Gryshchenko, and officially and honestly presented him their findings.

### **III. Findings**

All teams were impressed by the quality and professionalism of the local people selected to work in the polling places. In every observed instance they demonstrated a strong commitment to doing their jobs correctly and according to law, including poll workers identified with both candidates. Even while joking about the lack of state budget funds to pay their promised salaries, they conscientiously went about doing the job assigned to them. Former members mentioned several times that it reminded them of polling places in the United States.

After observing several polling places, the delegation was satisfied that the election officials at the level of the polling place were trustworthy and would produce an accurate and true accounting of the votes cast in their respective polling places, if not interfered with by higher authorities. Some even assisted Members of our teams by pointing out irregularities taking place.

#### **Monitoring of prisons**

The delegation observed voting in two prisons. One was located near Berezan. A Ukrainian journalist accredited by the Central Election Commission (CEC) called our team in Berezan to report that there were rumors of authorities putting pressure on prison

officials to increase the vote totals for Mr. Yanukovych at the prison. The journalist was denied access to the prison, which is contrary to Ukraine's election law, as understood by the delegation.

The Berezan team immediately went to the prison and requested access to the polling place. After some difficulty with officials on duty, access was granted. The team remained at the prison for a couple of hours watching and interviewing prisoners, prison employees and election workers.

The team formed a positive view of the warden. However, the Deputy Director of the Oblast Department of Corrections was at his side during our visiting and obviously watching the warden closely. When asked if he was under any pressure to produce votes, the warden replied that the prison had given Mr. Yushchenko a majority in the first round of voting. With the oblast prison official standing nearby, he added that, so far, he has not been fired.

### **Mobile ballot boxes in the prison**

While it was true that observers were free to observe the bulk of the approximately 1,400 inmates vote, those in solitary confinement were required to vote by mobile ballot box, in the presence of prison officials only. There were 42 inmates in that category. All 42 participated in the election and all 42 voted for Mr. Yanukovych, in spite of the fact that the prison cast a majority for Mr. Yushchenko.

The Berezan team noticed that mobile voting boxes in the other polling places seemed to always produce a more favorable vote for Mr. Yanukovych than the polling place as a whole. The team views that as highly improbable and inconsistent with what one would expect to see.

### **Counting of ballots**

The Berezan team remained in a polling place to watch the count and observe the reporting procedure. The team was impressed and satisfied with the level of expertise and professionalism the poll workers demonstrated. They were very thorough and kept meticulous records. They counted the ballots several times to ensure an accurate count.

The team notes with concern that the ballots left the polling place and were driven by police, supposedly, directly to the territorial election commission. After the ballots left the polling place anything could have happened to them. We have no idea where they went or what might have happened between the polling place and the territorial election commission.

### **Absentee voters**

The delegation heard repeatedly about bus loads of young men from Eastern Ukraine traveling from polling place to polling place voting multiple times by absentee ballot.

Our teams in Iripin and Brovary witnessed absentee voting by young men being driven around in buses. The Berezan team was passed by a convoy of luxury buses, all with Donetsk license plates, traveling at a high rate of speed. They did not bother to stop at stop lights and police did not bother to stop them as they passed police units. It appeared as though the police were there to assist them. The convoy totaled approximately 24 buses as we neared Kyiv.

The local consultant of the Brovary team approached a bus carrying absentee voters, who had earlier identified themselves as police, to take a photograph. The apparent leader of the police group aggressively told the consultant that he had no right to take a photo of the bus.

### **Bribing students**

The Iripin team was told by law students that they [students] were told to vote for Mr. Yanukovych by the Dean of the Law School. The students were promised \$10 for doing so. The students commented that they put extra marks on their ballots so that they would be spoiled and not counted.

### **An interview with the mayor of Brovary**

The mayor of Brovary answered many questions and openly recounted instances of administrative pressure, intimidation and violence against himself, his staff, family, and the citizens of Brovary in the weeks and months preceding the election. The team members who met with this mayor deeply admire and respect this man's commitment to the rule of law in the face of physical danger and constant pressure from the police.

A few points mentioned by the mayor:

\* The authorities understood that the citizens of Brovary would vote overwhelmingly in favor of Viktor Yushchenko and consequently increased administrative pressure on the mayor. For example, the mayor was instructed to order local teachers to collect signatures from students, but refused. Consequently, Brovary received 200,000 hryvnia to raise salaries of teachers, doctors, and other employees paid by the government. In comparison, obedient towns a fraction of the size of Brovary received over 2 million hryvnia to raise salaries.

\* The central government instructed the county administration to increase Yanukovych's vote to 24%, up from the 14% received on the October 31 vote.

\* A ballot box was stolen in Brovary on November 20, the night before the election. The precinct was unable to open on time.

\* The mayor was accused of distributing counterfeit U.S. dollars, and city municipal buildings were searched by the police. Police tried to arrest a female guard on duty late

at night at the city hall for receiving counterfeit money. Knowing that the police would plant drugs, explosives, or something illegal in the City Hall if no guard was present, she refused to leave. Days later, the woman received a phone call and was told that she must confess to receiving money from the mayor. If not, she was told that her children and grandchildren would “have problems.” Courageously, the woman refused. The mayor has since appointed her a body guard.

\* The mayor recounted that he and the mayors of Vyzhhord and other neighboring towns came forward and stated that they were pressured by the government to increase votes for Mr. Yanukovich. All mayors have since had problems with the police. The mayor of Vyzhhorod was arrested and his whereabouts are unknown. The mayor of Brovary was almost arrested and his son was very nearly abducted. The mayor’s family and all his deputies’ families are harassed.

\* Regarding election day, the mayor noted that he expects gangs to “physically interfere” with the counting if the results do not look good for Yanukovich. He predicted that the gangs that would create provocations and damage protocols.

\* He noted that a number of unknown vans arrived in Brovary and were staying at summer camp resorts in the area. He added that a van with dark windows and a license plate from eastern Ukraine was traveling through the city on election day.

## **Carousel**

The Brovary team observed one young man, an absentee voter, enter the polling station with a ballot in hand. The team believes that this was a “merry go around,” sometimes called a “carousel” or “chain ballot” in operation. This is an organized system by which a operative or controller outside the polling place pays voters to bring their blank ballots to him or her. The operative then marks the ballot and gives it to the next voter who drops it in the ballot box and brings back a blank ballot. The system continues so long as there are voters willing to sell their blank ballots.

Conversations with other observers leave one to conclude that the transporting of voters from polling place to polling place for multiple voting purposes was of such a massive scale as to render the election invalid without even considering any of the other major alleged violations.

## **IV. Summary**

This delegation wishes to distinguish between the election officials and workers at the local level and the oblast and national governmental and election officials. The former, at least the ones the delegation observed, worked diligently, professionally and conscientiously to fulfill their responsibilities and should be commended. As for the latter, they worked to thwart the will of the Ukrainian people and to deprive them of a voice in their own government. Rather than live up to their sworn duty to serve the

Ukrainian people they have violated the sacred trust given them by the people.

Government officials acted in a manner to influence the outcome of the presidential election that is unethical and, worse, illegal. They used the good offices of Ukraine in a blatantly political manner, including the tax police, police, local officials, highway maintenance workers, school authorities, health officials and others to pressure the very citizens that they were supposed to serve.

Most egregious of all, they conspired to effectively deny the people the right to receive objective and unbiased information through the mass media. By issuing the so called “tymnyki” or instructions to government-owned and pro-government oligarch-owned media by the Presidential Administration on how to report news and political issues. That appears to have included perhaps even physical harassment of journalists who would not follow the “party line.”

The election officials at the national and oblast levels conspired to steal the election from the voters and install the candidate that they supported or were ordered to support. The shenanigans that happened on their respective watches and with their active participation included a massive program of busing voters from one polling place to another in order to facilitate multiple voting; ballot box stuffing, and the payment of money for votes and other similar perverted acts. Finally, the Central Election Commission used its authority to alter the final count. After waiting an unjustifiably long time to certify the winner of the first round of voting, in the run off the CEC rushed to certify its candidate without regard for who actually won. The actions of the Central Election Commission are worthy of condemnation because it allowed itself to fall under the virtual control of the government sponsored candidate.

While this summation is harsh and unforgiving to those who have violated the public trust, events since the 21 November election have borne witness to the accuracy of these statements.