

**ANNUAL WORK PLAN  
FOR THE STRENGTHENING ELECTION ADMINISTRATION IN  
UKRAINE PROJECT (SEAUP)  
PROGRAM YEAR TWO  
(DECEMBER 15, 2004 THROUGH DECEMBER 14, 2005)**

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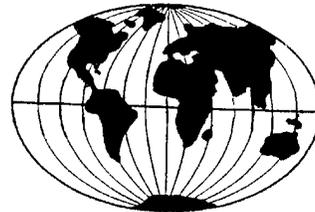
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*Submitted by:*

**Development Associates, Inc.**  
*1730 North Lynn Street*  
*Arlington, VA 22209-2023*

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## TABLE OF CONTENTS

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	Page No.
I. Objectives .....	1
A. General Objectives of the Project.....	1
B. Background and Specific Objectives for this Plan .....	1
1. Assumptions for this Workplan .....	1
2. Background.....	2
3. Primary Objectives.....	4
4. Secondary Objectives.....	5
5. Personnel.....	6
II. Year Two Project Activities.....	6
A. Direct and Grant-based Activities .....	6
Project Objective One — Improving the Electoral Legislative Framework .....	6
1. Presidential Election Law Audit .....	6
2. Support Drafting and Passage of a New Parliamentary Election Law .....	7
3. Supporting Drafting and Passage of a New Local Election Law.....	8
4. Supporting the Further Development of a National Voter Registry Law .....	9
5. Strengthening the Role of Think Tanks in Legislative Development through a Legacy Grant Program.....	9
6. Public Information Component.....	10
7. Addressing Other Issues on an as-Needed Basis .....	10
Project Objective Two— Improving Adherence to Election Laws by the GOU, Political Parties and Candidates .....	11
1. Enhancing Training, Consulting and Continuing Education/ Networking Availability to Electoral Process Organizers and Administrators through a Regional Election Resource Center Grant Program.....	11
2. Building Regional Poll Worker Training Capacity in Political Parties .....	12
3. Direct TA and Training Assistance to the CEC .....	12
4. Election Law Summer School 2005.....	13
5. Direct Poll Worker Training and TA and Key Special Elections .....	13
6. Public Information Component.....	15

**TABLE OF CONTENTS** (Continued)

	<b>Page No.</b>
7. 2006 PSC Mass Training Grant Program Competition, Training Material Development/Publication and TOT.....	14
8. Collaborative Events and Activities with the Judiciary and Law Schools.....	15
B. Project Website.....	16
C. Election Updates.....	16

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**I. OBJECTIVES**

**A. GENERAL OBJECTIVES OF THE PROJECT**

The general objectives of this project, as established by USAID's Program Description (Attachment B of the Cooperative Agreement), are:

1. Improving the legal and regulatory framework for the electoral process
2. Strengthening adherence to the legal framework and to international standards by the Ukrainian Government, political parties and candidates

These project objectives will further USAID's Strategic Objective (SO) 3.1:

*SO 3.1 Citizenry Increasingly Engaged in Promoting their Interests and Rights for More Democratic Market Oriented Ukraine*

In advancing this SO, USAID, and this project, will seek the following Intermediate Result (IR):

**IR 3.4 More Credible and Competitive Electoral Process**

**B. BACKGROUND AND SPECIFIC OBJECTIVES FOR THIS PLAN**

*1. Assumptions for this Workplan*

Several assumptions inform this Workplan for Program Year Two. These assumptions will also, in all likelihood, inform how SEAUP operates in Program Year Three, since the next "electoral anchor" to which this short-term project looks in terms of clear, provable impact, are the national parliamentary and local elections, to be held on the last Sunday in March, 2006.

**Assumption One** — That the newly established Yushchenko Administration and the Government formed under President Yushchenko's tutelage/influence will advocate a pro-market and pro-democracy reform agenda (defined broadly) during 2005, largely corresponding with Program Year Two.

**Assumption Two** — That most Ukrainian MPs who are well versed in election law will continue to view election legislation from a partisan viewpoint, and will fail to acknowledge that the only way to achieve a stable and democratic electoral administration system is through a

focus on the process and thinking decades ahead rather than just about the next parliamentary or presidential election.

**Assumption Three** — That the MPs’ partisan approach and lack of long-term focus will impede systematization of election laws and efforts to increase the independence and competence of the Central Election Commission (CEC), creating the need for an outside expert body (namely, SEAUP), to serve as an *ad hoc* coordinator of election administration reforms, simultaneously staying focused on the longer term goal and capable of lobbying/influencing passage and enactment of specific laws and practices by both Parliament and the CEC.

**Assumption Four** — That the CEC will seek to increase both its independence and its professional competence in election administration, engaging SEAUP more directly to counsel, advise, train and facilitate on its behalf both in the “non-election” year of 2005 and for the duration of SEAUP (and any potential offspring or extensions thereof). We will encourage the CEC to revise and extend the current USAID-CEC Plan of Cooperation to engage SEAUP (as implementer) in a variety of expanded, institution-enhancing activities throughout both 2005 and 2006.

DA/SEAUP is ready to discuss how we arrived at these assumptions and the rationale behind each. We are confident that they are valid. We believe that the availability of sufficient financial resources for this Work Plan, including additional resources for new potential activities per assumptions Three and Four, is the best way to ensure that free and fair national elections administered by a competent and independent CEC become customary rather than the exception.

## 2. *Background*

The lengthy Ukraine 2004 presidential election, while extremely competitive and featuring the dirtiest run-off election ever held in modern Ukrainian history (the November 21, 2004, “Round Two” marred by vote fraud and manipulation coupled with abuse of office by executive bodies and part of the Central Election Commission), ended on a relatively free and fair note with a Supreme Court of Ukraine-ordered re-vote held on December 26, 2004. Viktor Yushchenko, former Prime Minister, defeated then-PM Viktor Yanukovych by some two million votes, winning in 17 regions and making a respectable showing in 3 others. Mr. Yanukovych confirmed the regional and pro-Russian origin of his support base and candidacy, showing inelasticity coupled with a large bona fide electoral base, an important consideration for the Yushchenko Administration and Government as they proceed to implement a Western-style reform agenda throughout 2005.

While the drama of Mr. Yanukovych and his allies’ refusal to concede what they felt was an unconstitutional turning of the legal tables will haunt Ukrainian politics for months to come, other ongoing issues, processes and upcoming political/electoral events will be more important in the “off-year” of 2005.

**First, politically, 2005 will in part be about whether or not the limits on the powers of the Ukrainian presidency, as provided for in constitutional reform bill #4180 (passed at the summit of the “Orange Revolution” in Fall 2004), are in fact implemented.** Early enactment of #4180 and a parliamentary-presidential system will hinge on whether additional constitutional amendments defining and expanding local government rights and powers are adopted by October

1, 2005. While pro-reform Yushchenko MPs generally support such amendments, they may vote against them to delay, if not scuttle, the sharp limitation of President Yushchenko's powers that will follow enactment of #4180. It is also possible that the attempt of the outgoing "party of power" to subject the new president to a hypothetical parliamentary majority and government run by the said "party of power", will fail and fail miserably. Critics of #4180 have both pointed out that the bill may be open to constitutional challenges not available earlier if President Yushchenko appoints new Constitutional Court justices in November 2005 to replace outgoing justices, appointed by his predecessor.

While a reduced power presidency will still wield great influence over all the Ukrainian polity and citizenry, a pre-#4180 presidency can be a great force for implementing a radical and well-planned pro-reform agenda over a number of years. Either way, the constitutional reform battle may continue to anchor the interplay amongst political forces within Parliament as well as between the presidency and Parliament. *This interplay will provide openings for SEAUP to promote "pure" election administration issues within the context of the "how shall Ukraine be governed" discussion in Parliament.*

**Second, 2005 may become a year of semi-superficial political consolidation.** The unprecedented show of support to Prime Minister Yulia Tymoshenko (375 votes of 450 MPs to confirm her as PM) and her Government, while encouraging in the short term, will not prevent political infighting as the 2006 Parliament and local elections draw nearer. Right of center and "market centrist Big Business" political parties will congregate around President Yushchenko. The corporatists, statists and bureaucrats will rally around current Parliament Chairman Volodymyr Lytvyn, and will work with the Yushchenkites on a situational rather than ideological basis, especially on pro-Big Business and "state-building" issues, but will position themselves as more "loyal" to the "better aspects of the Soviet system" and therefore more trustworthy, they hope, in the eyes of "the average Ukrainian voter." The "new opposition" types (a likely hybrid of the Yanukovych campaign remnants, unreformed Communists, and the Viktor Medvedchuk-led United Social Democrats) will push a pro-Russian, retro-Soviet "Rust Belt" populist agenda and seek to derail the Yushchenko Administration politically wherever possible.

The Socialists headed by Oleksandr Moroz are participating in the Tymoshenko Government/Yushchenko Administration, but will work to build their voter base for the 2006 parliamentary election separately, raiding the Communists and potentially sniping at the Yushchenkites, especially towards the end of 2005. It remains to be seen whether PM Tymoshenko's forces run together with President Yushchenko's forces in 2006.

Generally, with the political contours of the Ukrainian parliamentary system becoming clearer and gelling as a party/block system, *new opportunities may appear for SEAUP to work with the CEC as well as major parties and blocs on building a cadre of professional election administration facilitators and trainers who can, with one final major tactical push by SEAUP in early 2006, institutionalize the poll worker training process for the long-term.*

**Third, 2005 will be about Ukrainian voters, election administrators, judges, politicians, the media and others working to come to terms with the essence of free and fair elections.** While the vast majority of Ukrainians have already decided for themselves who was right and who was wrong during the 2004 presidential election, there is a demand for an objective and

methodologically valid study of the campaign and the administration of the electoral process, which spans the Ukrainian polity, civil society and academia. It is precisely because the election contained both the worst and best practices imaginable in election administration, as well as all the gray areas in between that comprise implementation and enforcement of the law, that it is worthwhile studying. There will certainly be research done and discussions undertaken on the mechanics and meaning of the recent presidential election. Such work will need to examine the reassertion of judicial independence at the Supreme Court level, which was preceded at the district and appellate court levels throughout much of the 2004 presidential campaign and during/after voting. *This is a prime opportunity for SEAUP, working with the CEC, political party/candidate representatives, election monitors, media and NGOs, to examine current election administration procedures and practices, and highlight collaboratively with the CEC those changes (legislative, enforcement, ethical or even behavioral) that need to be implemented to make free and fair elections the rule rather than a mere possibility in Ukraine for the mid- and long- terms.*

**Fourth, 2005 will be about revisiting key existing laws while looking for more answers on the voter list issue.** The current Presidential Election Law (which, while requiring urgent amendment to close several loopholes that were of hideous proportion on November 21, 2004, is a basically sound law) nonetheless needs careful attention, while the soon to be enacted Parliamentary Election Law will go in for serious surgery. These two laws share many procedural elements, and were developed with an eye on election law unification. Substantial conceptual work and some drafting have been done on an Election Code, which nonetheless requires much more work to become reality. *There is a clear need to further a national Voter Registry Law that would make abuse of voter lists and derivative vote fraud and manipulation unrealistic and extremely costly from a liability standpoint. However the enactment of such a law in time for the 2006 Parliament and local elections is contingent on enhanced political will to study all options and to undertake administration of any Registry established. A leaky or unreliable Registry will only make matters worse. If a good Registry Law is enacted, there will be an urgent need for training and technical assistance to the CEC by SEAUP to help make the Registry work.*

**Fifth and central to effective election administration reform in the longer run, the Government of Ukraine must show the political will to accept outside collaborative assistance on elections issues** as part of traveling a certain learning curve and recognizing the utility of listening to international experience. The flip side of this will be the preparedness of implementers and donors to enhance assistance both in terms of scale of activities as well as regularity of dialogue with the GOU. *Here, SEAUP, as one of several USAID implementers, is well positioned to multiply certain activities proposed in this Work Plan, in addition to introducing several new activities that will make the TA and training experience for Ukrainian beneficiaries (CEC, Parliament and others) more institutional and more beneficial over the longer run.*

### **3. Primary Objectives**

The relatively free and fair Ukraine 2004 presidential election has opened the window to broader, more meaningful scopes of activity for SEAUP.

With the new GOU formation nearing completion it is now clear that the MPs instrumental in

crafting election laws will remain in Parliament. The State Building & Local Self Government Committee is seriously considering establishing an expert Working Group that would make the drafting and discussion process more responsive and professional. This is in partial recognition of the work that our Activity Managers and other experts have done in helping keep lawmaking on track during the 2004 presidential election year. We will promote such a Working Group (whether formal or informal) and work through it, once created.

The CEC, too, looks ready for continued and closer collaboration. While CEC Chairman Yaroslav Davydovych, busy addressing the consequences of the recent presidential election, has been less focused than is desirable recently, consultations with Deputy Chairs Mykola Melnyk and Maryna Stavniychuk as well as Secretary Serhii Dubovyk, indicate a willingness on their part to make cooperation more dynamic. We will continue engaging CEC members informally so that the Commission formulates its needs as soon as possible, using the USAID-CEC Plan of Cooperation for 2004 – 2005 as a foundation.

Depending in some part on the will of Chairman Davydovych (and his leadership colleagues, with whom he should be encouraged to consult fully and openly), it is possible that the CEC may make specific requests for additional technical assistance within our project mandate, possibly in the Voter Registry area as well as the development of training and related activities for its personnel, including the staff of any regional representative offices that may open per the Law on the CEC passed in July 2004. If this occurs we will submit our proposals for providing such assistance.

In the meantime, we will work toward our two primary project objectives, namely:

- a) To continue improving the current electoral legislative framework and
- b) To continue improving adherence to election laws by the GOU, political parties and candidates.

In Year 2, SEAUP will be more forward looking, with greater contacts and coverage throughout the regions of Ukraine. We intend to take full advantage of this “off-election” year to identify, build and strengthen both organizational and human professional networks.

In parallel, we will lay the foundation for what we expect to be the most crucial and ambitious poll worker training effort ever to be undertaken in Ukraine, for the 2006 parliamentary and local elections. The training, to be physically undertaken early in Project Year 3, will aim to cement the achievements of our and others’ efforts to increase the competence and professionalism of election administrators and help Ukraine meet international standards for free and fair elections as fully as possible.

#### **4. *Secondary Objectives***

In Year Two, SEAUP will also work toward three secondary objectives, specifically:

- ▶ Building the organizational and management capacity of nationwide and regional CSOs to positively influence the quality of the electoral process;
- ▶ Increasing the number of qualified election law experts and elections practitioners through young leader — focused training and continuing education, and the

establishment of a formal alumni network and database managed by SEAUP and available to the CEC, political parties and other interested institutions/individuals; and

- ▶ Strengthening the role of women in Ukrainian election administration and processes, through comparative research, topic-specific events and integrated training/continuing education activities.

We will design our project activities in such a way that each addresses at least one secondary objective while focusing on our primary objectives.

## 5. *Personnel*

SEAUP will utilize its entire long-term Kyiv-based staff throughout Year 2 in accordance with the Cooperative Agreement and the USAID-approved budget.

**The activities described in Section II, below, assume that current levels of funding per the Cooperative Agreement will be maintained. Should supplemental funding for 2005 become available, the activities noted with an asterisk (\*) will be expanded to the extent that additional funding is made available by USAID. Other activities may also be undertaken that are not described in this Work Plan.**

A formal request for additional funding (a proposed modification of the Cooperative Agreement) will be submitted to USAID by the Home Office shortly, with a description of proposed new activities as well as expanded current activities.

## II. YEAR TWO PROJECT ACTIVITIES

Below is a more detailed description of the activities we intend to undertake during Project Year 2. It must be noted that while certain activities are very time-specific, others will be conducted as required. Therefore parts of this description are illustrative.

### 1. DIRECT AND GRANT-BASED ACTIVITIES

#### *Project Objective One — Improving the Electoral Legislative Framework*

##### 1. Presidential Election Law Audit

The project will review the state of the presidential election law post-Election 2004, to identify problem areas both substantive and procedural. An Activity Manager will be detailed to conduct initial review, i.e. gather information, and conduct meetings with MPs, CEC members, former poll workers, observers, candidate representatives, judges and other involved parties. The AM will be supported, and will periodically consult, fellow AMs and other experts. The AM will produce an **Audit Report & Recommendations**, including legislative language, which will be made available to the CEC and State Building & Local Self Government Committee for comment.

SEAUP plans to present the **Audit Report** at the joint **CEC-SEAUP Conference on the 2004 Presidential Election**, tentatively scheduled for **May 2005**.

SEAUP will provide support to the conference per the current Plan of Cooperation. We will also take the lead on organizing one section of this conference (to be determined in consultation with the CEC).

In parallel SEAUP will work with the CEC, per the current Plan of Cooperation, to develop and publish a **2004 Presidential Election Court Case Compendium**. SEAUP AM Oleksandr Barabash will be detailed to manage this process. He will work to ensure that the CEC does not skirt particularly difficult cases and decisions, and will be assisted by fellow AMs and DCOP Volodymyr Kovtunets. The CEC has already begun case collection, and we will activate informal contacts at the Supreme Court to backstop collection, especially at the local and appellate court levels. It is expected that the Compendium will be published **by late April/early May 2005**, in time for the Conference.

SEAUP will support publication of the Compendium, and will distribute it collaboratively with the CEC to lawmakers, the judiciary, NGOs, universities, political parties and others.

We anticipate that the above activities will be sufficient to ensure that relevant amendments to the presidential election law are placed on the parliamentary agenda in Fall 2005. If necessary, we will further lobby through the SBLSG Committee Working Group and/or a Parliament seminar/round table.

The **Proceedings of the CEC-SEAUP Conference on the 2004 Presidential Election**, will be jointly produced and published with SEAUP support, in accordance with the current Plan of Cooperation. We anticipate release **in early September 2005 and that** will provide a fitting opportunity to revisit the issue, if need be.

## **2. Supporting Drafting and Passage of a New Parliamentary Election Law**

This will be a High Priority area for SEAUP. The SBLSG Committee has stated to us their intent to rebuild this legislation to help ensure the 2006 Parliament election is more democratically and transparently conducted than both its 2002 predecessor and the recent presidential election. This presumes overhauling much of the new law set to take effect in October 2005. While it is extremely unlikely that MPs will seriously entertain departing from a 100% proportional representation system with participation by parties and blocs only, there is a good chance that the present closed party/bloc lists may be opened, tying particular candidates to particular election constituencies.

Furthermore, entire sections of the law may need to be re-written in light of the best and worst experience of the recent presidential election. Areas for review include election commission formation; voter list compilation, adjustment and administration; rights of official observers and journalists; voting and vote tabulation procedures, including absentee voting and voting at home; campaigning rules; and other areas. Globally, the law needs to incorporate new enforceability elements, and in this regard the experience of the 2004 presidential election will be invaluable.

SEAUP will participate in the SBLSG Committee Working Group on this law, including hosting working group meetings; and will also conduct seminars and round tables as required, to provide room for expert and public discussion of the problem and solutions.

To this end, in **early March** we anticipate holding a **Round Table on “Open & Closed lists & Parliamentary elections — Measure of Constituent Representation”** (with the Association of People’s Deputies of Ukraine) to specifically address the nature of the lists issue. This event will be particularly appropriate for the use of international STTA consultants.

In **late March/early April** we anticipate holding a **Parliament Round Table on “Improving Ukraine’s Parliamentary Election Law”** (with the SBLSG Committee, Central Election Commission, and the Election Law Institute).

It is expected that any new draft law will need to have been adopted in 2<sup>nd</sup> reading by June 2005 in order for it to stand a chance of passage in toto and subsequent implementation for the 2006 Parliament election. Therefore after the above public events we will continue supporting the SBLSG Working Group formally and informally as required. Based on previous experience, the June deadline is realistic and it is possible that the new law may be passed and signed before the summer holidays.

### **3. Supporting Drafting and Passage of a New Local Election Law**

As with the preceding item, this will be a High Priority area for SEAUP. The SBLSG Committee, in particular Chairman Matviyenko and Deputy Chairman Kliuchkovsky, have indicated their intent to dispose of the new Local Election Law passed in the “Rush to Constitutional Reform” of Spring 2004, and due to take effect in October 2005. Managing the development process will be more complex, because apart from procedural aspects, similar to those enumerated in 2, above, there are serious questions as to whether any sort of proportional representation is appropriate for local and Crimean elections. Furthermore, the final product will need to take close account of local self government legislation to be developed in the coming months, and the development process will require substantial involvement by numerous representatives of local self government bodies, as well as experts and even residents of cities, towns and villages. Finally, the timetable for adoption of a new law is comparable to 2., above, making this a challenge to lawmakers, experts, voters and other interested parties alike.

SEAUP will participate in SBLSG Committee Working Group activities on this law, including hosting working group meetings; and we will also conduct seminars and round tables as required, to provide room for expert and public discussion of the problem and solutions.

To this end, in **late April** we anticipate holding a **Round Table on “Revisiting the law governing Election of Crimean and Local Representative Bodies”** (with the SBLSG Committee, CEC, Election Law Institute and other NGOs such as the Civil Society Institute).

We may also support regional events (seminars and round tables) throughout spring 2005 to facilitate discussion and focus recommendations to MPs.\*

Finally, SEAUP will provide and/or organize/co-organize follow on activities as required, including in Fall 2005, should there be delays in passage and enactment of a final bill\*.

### **4. Supporting the Further Development of a National Voter Registry Law**

Discussion concerning the establishment of a permanent National Voter Registry has been off

and on for more than one year. A draft Law on the Voter Registry has passed first reading in Parliament and is likely to reach Second Reading during the spring 2005 session. The debate on whether or not to forego the current practice of compiling and using discrete voter lists for each election and to switch to a more stable arrangement continues. here continues to be a dearth of comparative information on voter registry options available to Ukrainian MPs and election administrators.

Both MPs and the CEC understand that it will not be enough to design and pass a thorough law, as any voter registry will require a Custodian (administrating body) with the requisite intellectual, technical and financial resources to both build and then run the new creation. At the same time the CEC has not shown particular enthusiasm in taking up the establishment of a national voter registry, despite the fact that the current Law on the CEC has expanded CEC authorities to include the establishment of regional representative offices that could become the backbone of a potential CEC role as Voter Registry Custodian.

To better focus the ongoing debate, SEAUP anticipates conducting a **Comparative Study on Voter Registration Systems**. This research would be prepared by an STTA team consisting of international and Ukrainian consultants assisted by SEAUP core staff. The team would be headed by a recognized voter registration/registry expert, and would conduct both off-site (abroad) and on-site (Ukraine) work, with the work product being the Comparative Study. It is expected that **work would commence in early March**, with the **study published** in English and Ukrainian **by mid-May** and presented in Kyiv at a **Parliament Seminar on “Voter Lists or Voter Registry — Options for Ukraine elections”** (with the SBLSG Committee, CEC and others) immediately thereafter.

Presuming identified interest on the part of the CEC, and subject to supplemental USAID funding, SEAUP would collaboratively prepare a separate **Voter Registry Facilitation Program**, to provide broad technical assistance to the CEC and other participants/implementers of a National Voter Registry, should it become clear that a law will be successfully enacted in time for the 2006 Parliament and local elections (the outside date for this would likely be the end of September 2005). The Facilitation Program would involve Custodian training and TA, as well as related management consulting, including at regional Custodian sites or representative offices\*.

## **5. Strengthening the Role of Think Tanks in Legislative Development through a Legacy Grant Program**

SEAUP will provide substantial support to Ukrainian election think tanks through the tailored **Legacy Grant Program**. We anticipate awarding 3 – 4 grants to recognized leaders in the election legislation development area, for activities to include research, analysis, publication, legislative drafting, and public information activities directly related to the legislative process. These NGOs will be selected via open competition (per our approved grant selection criteria), following an RFA to be published on or about February 15, 2005. A selection committee will be constituted to include DA and outside experts, and will review applications in late March. It is anticipated that grant agreements will be signed in early April 2005. Grants may be awarded up to \$80,000 with project activities to cease by August 31, 2006.

These grants are intended to also strengthen the institutional capacity of the grantee NGOs, and

will be accompanied with collaborative TA by SEAUP staff, including participation at public events held by grantees and substantive consultations as appropriate. DA will provide grant management and monitoring throughout.

## **6. Public Information Component**

To complement legislative development activities in and near Parliament and the CEC, SEAUP has consulted with the Center for Ukraine Reform Education (CURE) to take full advantage of the latter's media access, production facilities, and extensive regional public information networks. Throughout the year, we will work with CURE to provide information on the legislative process to Ukrainian voters as well as experts no matter their location.

a) We anticipate holding **occasional national press briefings/round tables** in Kyiv, utilizing CURE's relationship with the National Press Club, and participating in regular TV broadcasts on UT-1 (the state broadcasting network).

**The first such press event is tentatively planned for mid-March and will discuss the characteristics, plusses and minuses of open vs. closed list proportional representation systems.** The Kyiv event will be followed by a tour of Ukraine's regions by a joint SEAUP/CURE team. A SEAUP AM joined by a CURE press coordinator will hold 4-5 press events at CURE's regional press clubs; CURE will transport journalists (at its own cost) from 2-4 regions to each such event, and broadcast and print media coverage of these events will be guaranteed (SEAUP costs will be limited to travel and professional services only). In this fashion, voters in approximately 16 of Ukraine's 27 regions will be given the opportunity to form an opinion on how MPs ought to be elected in Ukraine. Given that such events inevitably elicit reader/viewer response, it is probable that MPs, including those on the SBLSG Committee, will have to take some heed of this response.

Depending on the relative success of this pilot activity, SEAUP and CURE will plan similar "modular" PI activities during the remainder of Project Year 2.

b) **Furthermore, CURE will solicit the participation of SEAUP experts on a regular basis in its in-house radio show** (through Radio Era-FM, broadcasting in 5 of Ukraine's most populous cities). Our past cooperation has involved 1 or 2 AMs taking calls for 30 - 60 minutes and was especially successful during the recent presidential campaign, serving to dispel common misconceptions on election administration issues expressed by all sides. This year CURE will solicit expert commentary on developing legislation and regulations as appropriate.

## **7. Addressing Other Issues on an as-Needed Basis**

Throughout Project Year 2 SEAUP will address other legislative development issues on an as-needed basis. For example, on February 3, we conducted a **Parliament Round Table on "Voting Abroad at the 2004 Ukraine Presidential Election — Experiences, Best & Worst Practices"**. The event, co-organized by the Election Law Institute, Parliament European Integration Issues Committee and SBLSG Committee, with participation by the Ministry of Foreign Affairs (Deputy Minister Nalyvaichenko) and CEC (Deputy Chairman Melnyk and Secretary Dubovyk), brought together more than 50 specialists to review voting abroad at the recent election. It was duly reported by 5 national TV channels and print media [for more

information see [www.vybory.com](http://www.vybory.com)]. The **Round Table Proceedings** will be published by **early March** and will support MPs in their work in tweaking substantive election laws to further improve access to the vote by Ukrainians abroad.

Other potential topics that may come up include: Election Code development (which again seems to be relegated to the back burner as MPs face other deadlines); administrative liability for election violations (will be addressed indirectly but may require focus — TBD); the nexus between #4180 constitutional reform and Ukrainian election legislation; etc. We will be responsive to the needs of the SBLSG Committee, other committees with urgent needs within our mandate, as well as the CEC.

SEAUP will also discuss gender integration topics with Ukrainian NGOs, MPs and the CEC and lend support to well grounded proposed activities in the area.

***Project Objective Two — Improving Adherence to Election Laws by the GOU, Political Parties and Candidates***

**1. Enhancing Training, Consulting and Continuing Education/Networking Availability to Electoral Process Organizers and Administrators through a Regional Election Resource Center Grant Program**

SEAUP seeks to build regional capacity in qualified Ukrainian NGOs to train, consult and provide other services to political parties, candidates and other electoral process participants. Under the **Regional Election Resource Center Grant Program**, SEAUP intends to award 6 – 10 grants (up to \$40,000) for activities to be completed by August 31, 2006.

The RFA will be published by February 15, with receipt of applications by mid-March. A selection committee will be constituted to include DA and outside experts, and will review applications in late March. It is anticipated that grant agreements will be signed in early April 2005.

It is anticipated that the activation of formal election resource centers will heighten political party/bloc involvement in “off year” election-related training, and will also position certain NGOs as reliable providers of poll worker and related training in their respective regions.

Furthermore, under the **Legacy Grant Program** described in I., above, one grant may be awarded to a major election law/practice NGO outfit to design training programs, curricula, methodologies, and training promotion strategies. If this is the case, the RRC’s may choose to network with such a grantee.

DA will provide grant management and oversight throughout.

## **2. Building Regional Poll Worker Training Capacity in Political Parties**

The **SEAUP Regional Training Development Seminar Series** would further promote and institutionalize in-house poll worker training by serious political parties by holding a series of up to 12 seminars for party/bloc training coordinators, top trainers, and election lawyers throughout Ukraine during the current “non election year”.

The seminars would be two-day events with a core curriculum plus additional sections dealing with local election practice issues and problems. Participation would be limited to approximately 25 persons per seminar, to permit maximum interactivity and optimal feedback and practical exercise loops and modality use. As soon as SEAUP grantee Regional Election Resource Centers have gotten off the ground, they would be used as partial logistical platforms to the seminars.

Apart from honing the legal skills of key poll worker trainers in the regions within all major political parties, the seminars would reinforce the SEAUP gospel of institutionalizing training efforts at every level and by all electoral process participants.

A typical regional seminar agenda would include:

- Introduction (SEAUP, IRI/NDI, other trainer(s), RRC if applicable);
- Overview of election administration function;
- Election administration function in the broader campaign management context;
- Cases from previous campaigns (examples of strong and weak integration of election administration/training components within specific political campaigns); and
- Various detailed substantive and methodological components.

It is expected that seminars would be held in regional hub cities during the months of March – June, and again in September – October. As noted above, cooperation with IRI and NDI would be an option where appropriate.

## **3. Direct TA and Training Assistance to the CEC**

Throughout Project Year 2 SEAUP will prod the CEC to open itself to outside counsel and assistance on a variety of management issues. Depending on the results of consultations, SEAUP may provide limited training to new CEC members and mid-level staff, including on training methodology and curricula development for poll workers; or a broader scope of TA and management training in such areas as Voter Registry management and/or regional representative office management and development (\*).

We also anticipate holding approximately 3 high-profile public events in Fall 2005 to further collaboration amongst the CEC, Parliament, adjudicators, political parties and others in applying and enforcing election laws. Tentatively these events would be held either at the CEC or on “neutral territory” as follows:

- ▶ **Joint Round Table on “Administering Parliamentary elections in Ukraine — Four Perspectives”** — (MPs, CEC, experts/election monitors, adjudicators), with the CEC, SBLSG Committee, NGOs and Supreme Court representatives comparing notes with

solid media coverage. Tentatively planned for **late September**.

- ▶ **Joint Round Table on “Administering elections to Crimean and Local representative bodies — From the Local and National Perspectives”** — (MPs, CEC, local government representatives, experts/election monitors, adjudicators), to compare notes and with solid media coverage. Tentatively planned for **mid-October**.
- ▶ **Joint Seminar on “Dealing with election law violations during elections to Parliament and Crimean/Local Representative Bodies”** — with the CEC, Institute for Applied Humanitarian Research, Election Law Institute, the judiciary and election monitors — this event would be more focused and instruction – oriented. Tentatively planned for **mid–November**.

#### **4. Election Law Summer School 2005**

SEAUP anticipates conducting, in line with the current Plan of Cooperation, and with increased CEC participation, a **two-level Summer School** this year.

In Level 2, we plan on bringing some 20 young election leaders and practitioners (not students, but not veterans either) with some of the highest quality Ukrainian scholars available in the area for an intensive 1 week seminar-school in early July. The aim would be to a) prepare these 20 individuals for their direct involvement in various capacities in the 2006 and following elections and b) to vet those among them best suited to serving as network trainers for SEAUP and, more importantly, the CEC, both in the short and longer-term contexts.

In Level 1 we plan on improving on the 2004 Summer School experience. 50 students with experience and/or interest in election law and practice will be selected via **open competition and CEC/Ministry of Education/SEAUP essay competition**, and will participate in a fast-paced, interactive series of instruction and discussion sessions on the full spectrum of election law issues, with a Ukrainian flavor. The 1-week session would follow the Level 2 session and end in mid-July. Summer School location is still to be determined.

#### **5. Direct Poll Worker Training and TA at Key Special Elections**

While the current Parliamentary Election Law does not provide for by-elections in open single mandate constituencies within one year of a general parliamentary election, the ongoing vacancies in certain mayoral positions, some due to governmental promotions, and others due to potential incarceration of mayors who may be convicted on vote fraud and abuse of office charges stemming from the recent presidential election, will provide a) opportunities to support free and fair local elections in key cities and b) opportunities to sharpen SEAUP’s in-house and partner training capacity in time-intensive situations.

Although we have no intention of expending major resources on this component prior to the 2006 – related activities to come at the cusp of Project years 2 & 3, SEAUP will probably conduct focused local PSC and TEC training at about 2 – 4 such elections over the coming months.

Training will be conducted based on the laws in place, and according to established formats and

programs. Non-partisanship will remain central to these efforts, and all participants will receive quality SEAUP training materials. We will also engage both local government bodies and the CEC where practicable, to raise awareness of the need for quality training, and to bring the CEC closer to the grass roots, i.e. incline them to become more involved in supervising local elections.

SEAUP will also hold occasional expert gatherings for individuals professionally involved in training poll workers and other election commissioners. One such event, a **Conference on Election Commissioner Training & Methodology**, will be held on **February 21** in Kyiv, and will review and recap commissioner and other training undertaken by SEAUP (and others) for the 2004 Ukraine presidential election.

## **6. 2006 PSC Mass Training Grant Program Competition, Training Material Development/Publication and TOT**

In order to lay the proper foundation for what will, in all likelihood, be the linchpin of SEAUP training activities, i.e., mass training of PSC members for the Parliamentary (and local) elections in March 2006, **SEAUP will hold in 2005 a major grant competition for qualified NGOs**, modeled on our 2004 presidential PSC program and the 2002 Parliament PSC program held under EP3 auspices. To ensure adequate time for all phases of this program, we expect to **publish the relevant RFA by the end of August 2005**; to receive applications by the middle of October; to complete review and selection by mid-November; and to sign **grant agreements by the end of November 2005**.

**TOT** would commence posthaste **in early December 2005**. SEAUP would reserve the right to recommend especially experienced trainers to grantees, as our previous training experience as well as our Election Law Summer School activities in 2003, 2004 and the anticipated 2005 Summer School will give us a solid “bench” to rely on, if need be, and ensure uniformity of training.

Although the 2006 Parliament election is extremely important, its local counterpart is no less significant. Should additional funding be provided by USAID, SEAUP would conduct a **separate 2006 Local Election TEC/PSC Mass Training Grant Competition & TOT for NGOs** slated to train, exclusively, local election administrators. The focus here would be on TECs in several hundred key municipalities in the “Blue Belt” of eastern and southern Ukraine, where fraud and manipulation at the local level are particularly likely to remain. Note that TECs for local elections are entities separate from the TECs overseeing the Parliament vote. There may be some 12,000 such TECs, one for each administrative-territorial entity in Ukraine.\*

In either case, SEAUP will prepare, under management by AM Oleksandr Barabash, the requisite mass training materials, including a **Parliament Election TEC Manual; Parliament Election/Local Election PSC Manual** [unified, as PSCs will be identical for both elections]; and a **Local Election TEC Manual**. **Color schematics** will also be prepared. All materials will be cleared with the CEC as before. SEAUP would contract out (probably to PEI/CURE, with whom we have an excellent relationship) the production of **one or more training videos for Parliament and/or Local election commissioners**.

Precise print runs/circulations will depend on a) availability of resources from USAID\* and b) possible cost-share with the CEC. All printed materials will be ready for distribution

approximately **at the end of November 2005**. The video(s) would be ready **by mid-November 2005**.

As a corollary to the above activities, **in December 2005** SEAUP will undertake **logistical preparation for a direct Parliament TEC Training Program** to be conducted in January/February 2006.

## **7. Collaborative Events and Activities with the Judiciary and Law Schools**

It is still early to tell how the Ukrainian judiciary will be educating judges on handling election-related lawsuits and administrative proceedings, and whether or not the Higher Administrative Court becomes operational and the court of choice for election matters. Therefore it is premature to plan specific activities akin to those undertaken by SEAUP through its IAHR grant in the run-up to the 2004 presidential election.

At this point we can state only that we will monitor the situation and if, after consultation with Ukrainian organizations and USAID it becomes clear that “discussion events” may be in order to reinforce judicial independence as the 2006 Parliament and local elections draw nearer, SEAUP will draw up the relevant RFA and award grants for intense and focused seminar activity a la 2004.\* A decision on granting would need to be made by the end of August 2005.

At the same time we will quietly reconnoiter the Supreme Court and Ministry of Justice, working collaboratively with such implementers as ABA/CEELI where appropriate, and will engage key judges and legal educators, promoting more effective and transparent adjudication of election complaints, and encouraging these individuals to focus their colleagues’ attention on election law issues.

## **8. Public Information Component**

As with activities in this area under I., above, SEAUP may undertake to participate in CURE-implemented PI events. Furthermore, SEAUP will provide technical advice to CURE including procuring observer video footage from ready and accessible archives, for the production of a brief **“Worst Of” Presidential Election 2004 video** that will contain follow-on information about individuals caught red handed committing serious vote fraud or malfeasance during the recent election (and earlier elections, if footage becomes available).

Anonymity of culprits will be assured, however Ukrainian voters will have the opportunity to watch an 8 - 10 minute video with brief vignettes. **This video will be presented** by CURE, with SEAUP expert commentary, at each of the NGO’s 24 regional press clubs, **first in spring and later in fall 2005**. The SEAUP contribution will be intellectual combined with relevant footage. CURE will produce, present and distribute (air) the finished product.

This proposed activity is fully within the mandate of Project Objective II., as it aims to reinforce the message that “poll workers will pay the price for committing vote fraud and manipulation...” — a powerful reminder to those who would turn 2006 into a spectacle of lawlessness.

## **2. PROJECT WEBSITE**

The project will continue to maintain and improve its [www.vybory.com](http://www.vybory.com) and <http://info.vybory.com> websites. All materials from DA's EP3 project, and in particular electronic versions of its research and publications, will continue to be available in an archive section that is searchable through the general website search engine. New materials will be added, including those developed in collaboration with the CEC, per the current Plan of Cooperation.

Finally, training materials of all types will continue to be placed on the site as soon as they are developed, with the potential for a full scale distance learning course co-administered by SEAUP and the CEC in the latter half of 2005.

### **3. ELECTION UPDATES**

The project will continue and expand, during this Work Plan, the series of regular reports on and analysis of election-related developments in Ukraine, which were circulated to USAID and other US and international organizations working on democracy issues in Ukraine and abroad throughout DA's implementation of the Elections and Political Processes Project. Some of the most likely issues to be covered include:

- Administration of by-elections
- Results of by-elections and special elections
- Amendments to the election laws and procedural codes introduced in Parliament and their fate
- Resolutions by Parliament and its committees on election legislation
- The President's and other government actors' actions and statements *vis a vis* election legislation
- Other important issues

***Objectives: SO 3; IR 3.4***