

POLITICAL HALLOWEEN: HOW THE UKRAINIAN ELECTIONS WERE STOLEN

An NCEEER Working Paper by

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Executive Summary

A specific form of corruption ... electoral corruption ... is likely to have an especially negative impact on transitions to democracy and the establishment of those social norms congenial to democratic stability. It is, after all, elections that often are not only the most public of political processes, but one of the few processes in which the average citizen is an active participant (if only by his or her effort at voting). Our argument here, in fact, is that if we can identify the major culprits of corruption and fraud in such a visible political process as elections, we can perhaps learn how to regulate corruption generally and disrupt the vicious circle of beliefs and expectations.

Introduction

“We always have political Halloween. The country is ruled by the ghosts of the past... The red tunic is waving, the snouts are snorting. The bones are banging, and the cut off head is flying by. Nooses are swinging in boiler-houses, from pine trees, and from refrigerator handles... Raiders are swooping in black masks, just like devils from the inferno. Ravens of corruption are finishing the pecking of Ukraine. Pumpkin heads are blinking their eyes from the podium. Bats are swooping under the arches; hobgoblins are flying on their brooms. Who needs Bald Mountain when we have Sabbath in Parliament. The shadows of the past are grabbing onto the legs of the future. Some kind of devil’s play! Russian demons interwoven with Little Russia’s wholesalers create wild commotion.”

(Lina Kostenko, “Notes of a Ukrainian Lunatic” 2010: 375)

Corruption has many faces: there is a grand corruption, legislative and bureaucratic corruption. It is quite often defined as the observation of *“public officials, bureaucrats, legislators and politicians using powers delegated to them by the public to further their own economic interests at the expense of the common good”* (Jain, 2001:73). A more concise version of the definition involves existence of *Monopoly* and *Discretion* plus lack of the *Accountability* (Klitgaard (1988:75). Regardless which definition is used, most experts agree that corruption has more negative than positive effects on society. There are effects on political and economic indicators: loss of funds and private investments, the encouragement of short term business orientations, a decrease of economic growth, a lack of security of property rights, the inefficient reallocation of talent as well as a decrease of the levels of interpersonal trust and trust in public institutions.

While the evidence of corruption can be found virtually everywhere, its levels in developing countries are especially high. According to the Corruption Perception Index (Transparency International) 70% of 133 countries are ranked as below the median score; whereas 90% of all developing countries were given less than a median score (TI website). It is important to note that the negative effects of corruption are especially acute in developing societies where people arguably spend more time on government and regulatory matters than elsewhere (18% and 25% compared to 10% in other countries). Another testimony to this difference is Rose-Ackerman’s argument that most of the countries created out of the Soviet Union suffer from much higher levels of distrust owing to pervasive corruption and, correspondingly, much lower levels of efficient political-economic functioning. What makes

matters worse is the vicious cycle wherein widespread non-compliance and lack of government credibility create self-reinforcing patterns of behavior **in spite** of people's expressions of distaste for the present situation (Rose-Ackerman, 2001:559).

Given that corruption is an especially difficult problem for post-Soviet countries and that corruption's negative effects are much greater on **political/legal** institutions than on economic indicators (Judge et al, 2011: 100), it makes sense to focus on the political aspects of corruption that encompasses the voting behavior of legislators, voting rights, elections and campaign finance abuses. By analyzing the levels of corruption in electoral processes one begins to understand how corruption can correspond to a relatively stable equilibrium in game-theoretic terms, wherein trust in public institutions is low and the evidence of corruption solidifies or reinforces this lack of trust, and so on and so forth in a 'vicious circle' of beliefs and expectations. This presence of trust (both interpersonal and generalized trust in public institutions) has been identified as one of the major cornerstones of modern democracy. Likewise, the more public and 'shameless' the abuses of public institutions (as in electoral processes), the less trust the citizenry will have in political institutions generally, which in turn impacts the effectiveness of democracy itself. And where democratic institutions are new and democratic norms only trying to gain a foothold in social norms, as is the case in developing countries, this vicious circle can take a seemingly unbreakable hold on things.

A specific form of corruption ... electoral corruption ... is likely to have an especially negative impact on transitions to democracy and the establishment of those social norms congenial to democratic stability. It is, after all, elections that often are not only the most public of political processes, but one of the few processes in which the average citizen is an active participant (if only by his or her effort at voting). Our argument here, in fact, is that if we can identify the major culprits of corruption and fraud in such a visible political process as elections, we can perhaps learn how to regulate corruption generally and disrupt the vicious circle of beliefs and expectations.

While electoral fraud has been studied in great depth (Alvarez, 2008) and electoral fraud in countries like Ukraine has been clearly documented (Myagkov et al., 2009) we still don't know the details of exactly how electoral fraud occurs ... the precise mechanisms whereby fraud is implemented. Who is in charge of the process? What are the typical methods of manipulating

the election results? Which side of the political divide is guiltier? In other words, what is the ethnography of electoral fraud?

Method:

To answer these questions a series of interviews have been conducted during 2011-2012 in Ukraine among people who have been on a 'battlefield' of elections in observing, administering and participating capacities. The snowball sampling has been used to identify candidates for interviews. This method has been previously applied in many studies of hard-to-reach populations and it has been shown that the potential bias from initial convenience sample can be minimized with each consecutive wave of the recruitment process (Heckathorn, 1997, 2002, 2007, 2011; Salganik and Heckathorn, 2004). Since there is no global list of everyone who had participated in elections in one capacity or another it can be argued that the interviewees in this study cannot be accessed using typical sampling technique. Additionally, most interviewees wished to remain anonymous arguing that they were afraid of prosecution from those who have power over them: either in work setting or more generally in context of political milieu of their geographic locale. These prosecution concerns made access to the sources very difficult thus heavily influencing the choice of the peer-referral method in data collection.

The rationale behind the selection of experts lies in understanding that the people who are the closest to the process will provide the researchers with the most vivid information, the perspective that compliments statistical analysis of electoral fraud. The group of interviewees included electoral commission members, observers, active political party and movement members, heads of NGOs and some political scientists from different parts of Ukraine. This diversity enhances our ability to access the information in the most objective way, taking into account the differences between Ukrainian West and East, as well as looking at the perspectives of people whose political affiliation ranges from "Our Ukraine" to "Party of Regions" to "Green Planet" parties. Of 50 respondents 29 were males and 21 were females, 58% and 42% respectively. Most of the respondents were from Eastern (Kharkiv and Luhansk: 54%) and Central (Kyiv and Poltava: 32%) Ukraine. The rest of the respondents were from Southern Ukraine and Crimea (8%) and from Western Ukraine (Ivano-Frankivsk and Lviv: 6%). This paper analyzes the interviews, identifying the most prevalent methods of 'stealing elections'

through the lens of interviewee's level of understanding of electoral process and their political affiliation.

Analysis

It should not come as a large surprise that many votes were stolen in 2004 presidential elections. Multitude of observers reported a variety of violations during these elections. Myagkov et al argue that using their data analysis they identify close to 700,000 votes as suspect representing "the lower bound on the number of suspicious ballots credited to Yanukovich in the second round" of 2004 presidential elections in just Crimea, Donetsk, Luhansk and Sevastopol (Myagkov, et al, 2009: 145). Majority of the people interviewed for this project tended to emphasize the most recent elections of 2010. The initial interpretation of their responses paints a picture, where the biggest stealing of the votes is happening outside of the immediate voting period. There are mechanisms, which can be employed prior to the voting: either through political advertizing, media or court decisions, when an individual can be taken off the list of candidates. Of course, there are 'initiatives' used after the voting as well: vote counting, precinct report writing and its submission to central commission; courts making decisions on whether the noted falsifications existed or not or whether they will accept the law suits of electoral law breaking. The following sections will attempt to categorize the mechanisms of electoral fraud and falsifications, highlighting the most typical processes observed and experienced by the respondents. These processes will be categorized by the type and include administrative advantage, mass media access, bribing the voter, electoral commission set up and work, activity at the precinct level and ballot transfer from precinct to territorial commission.

Administrative advantage/ resource

"Administrative advantage" is one of the election irregularities described by Myagkov et al as "decidedly undemocratic actions such as the physical intimidation of voters and biased media coverage, as well as more innocuous things such as administrative actions that make it easy for voters to support one candidate as opposed to another" (Myagkov et al, 2009:138). This notion of administrative resource is very similar to the idea of 'political machine' (D'Anieri, 2005), especially the patron-client relationship emphasized by Scott, where the machine has

rather a non-ideological quality and is interested in “securing and holding office for its leaders and distributing income to those who run it and work it”, not in ideology (Scott, 1969:1144). Note that the Soviet regime had the mechanism of perks and differential treatments for party leaders in place already. This means that whoever inherited the system is very likely to use the same or similar mechanisms instead of inventing their own. The important resources one inherited in Ukraine is “control over law and administrative enforcement, control over large sectors of the economy and patronage” (D’Anieri, 2005: 234). Needless to say that most, if not all, methods of influencing electorate described below stem from access to these resources, with the goal to “use de facto power to overcome institutional design or/and popular sentiment” (D’Anieri, 2005: 234). Additionally, since Ukraine was mostly concentrating on independence and not on major political restructuring in its early formative years, the new institutions were designed “within the institutional framework constructed by Soviets (and with almost the same personnel)” (D’Anieri, 2007:14). Undoubtedly, Ukrainian experience for institutional/cadre preservation is similar to Russian model in this regard: Putin’s past in KGB and his current modus operandi immediately come to mind.

Blackmail: A more detailed account is provided in the same publication while citing Kyiv Post’s Stephen Velychenko, who states that many of the electoral violations are a product of “machine politics in Ukraine’s eastern provinces, where [Yanukovich campaign] is in control of the local administration and manufacturing and can offer people fearing poverty and insecurity short-term material incentives in return for votes... Where managers and owners can politically blackmail their employees- much as company town owners did in 19th century Western Europe and America” (Stephen Velychanko *Kyiv Post*, Kyiv, Ukraine, Thursday, May 17, 2007 as cited in Myagkov et al, 2009:139). This blackmail is still quite a popular method, especially in the Eastern and Southern regions -- a stronghold of big industry. The party in power (Party of Regions) controls the management of big factories. If people do not vote ‘appropriately’ at the factory, in other words if the managers do not produce the desired outcome, workers’ salary is slashed or minimized. *“In Donbass region nobody wanted Yanukovich (2010) since he did not do anything for their safer labor conditions. Still, people were ordered to vote for him. They had no choice. Their only source of income is mining”* (R #5)

The respondents of this study used term ‘administrative resource’ instead of ‘administrative advantage’, however, for consistency purposes the term ‘administrative advantage’ will be used in this paper since the meanings of these terms are identical.

When new forces (some can argue they are not so new) came to power (2010) the results of elections posted on website of Central electoral commission were removed (R # 32). This is one of the examples of *axis of power*, where every single position in the hierarchy of many organizations is subordinate to the forces in power and is responsible for ‘delivering the results’. It is a strong vertical system designed for Top-Bottom flow of information and orders and Bottom-Top flow of reports (see another reference to the vertical integration of the system in D’Anieri (2005). Not following the orders of superiors is not an option: there are serious consequences, including, of course, the loss of a coveted position and the resources and perks associated with it, even potential physical disability and death. In September 2012 Mayor of Kharkiv was recorded reprimanding one of his inferiors for not ‘delivering’ what was expected of him and promising to “multiply that person by zero” if he dares to not ‘deliver’ again. One can also argue that there is a potential for symbiosis of party organization and administrative powers: sometimes the party organization can be more effective than administrative resource, especially if a party has majority in local council which allows for presence of more levers of influence on local power.

Having access to many administrative resources makes it possible for the ruling party to threaten the opposition: setting the businesses on fire, breaking into the stores of businessmen, who openly voice their criticisms of Party of Regions or those, who belong to the opposition party(ies). These also include threats to the family or/and life if one continues to voice their opposition publicly. One businessman in Odesa oblast was approached by the school principal (also the relative of local mayor) who requested him to join the Party of Regions. She said that if he did not join this party his ability to do business in the village will be compromised (Natudyhata, 2012:5). Quite often mayors hold quite a bit of the power over the locality they preside over; this includes the power to revoke business license.

Resource control/patronage: Those who have power control a multitude of resources. One of them is a multitude of jobs controlled by the government, including fields of education, law enforcement, prisons, military, health, administration, and municipal works. Certainly,

control of the jobs can be used to gain votes: a classic case of patronage. Some calculations suggest that nearly 2.5 million people were subject to direct voting pressure from the state just by the nature of their profession, which is not trivial proportion of the voting population (see D'Anieri, 2007: 202-203).

In one of the precincts a businessman candidate was leading by approximately 60%: the place for meeting with potential voters was not provided for him, instead it was provided for another pro-power candidate; in addition, director of the school was fired because he accepted the businessman's donation of a new heater for the school (R # 35). In one of the local (city council) elections, when the votes were counted, special forces stormed the building, and when the commission got back to the building it turned out that the 50% of ballots were spoiled and had to be declared invalid. No explanation of the storming was provided.

People whose jobs might be on the line could also have control over others thus influencing their votes (like teachers having control over students and by default over the parents, doctors having control over patients, prison administration having control over inmates, etc). One of the respondents did not plan to work for the 2nd round of presidential elections (2010) but he was asked to substitute for the chair of the commission who could not come. Teachers (in the commission) promptly informed him that they 'did everything'. After his inquiry teachers said that they were telling parents of their pupils how they should vote: for Party of Regions. Teachers were told to do so by the director of the school and they wanted to be paid for the work since that's what they were promised (R # 3). It is true that nobody really knows how person votes when he is in the cabin, however, when the teacher of your child comes to your house and tells you how to vote... "Some people say 'yes', but do nothing. Others start thinking that maybe their child will have troubles. So even if 5 people vote as they are told this means extra 5 votes" (R # 3).

Teachers were mentioned in a variety of accounts, quite often in context of doing something as a part of instruction by power holders. One respondent mentioned teachers telling kids to inform their parents that they should vote for Tymoshenko in presidential elections (R# 39).

Generally speaking “if you can make people do something... it will give you a colossal power, since the opposition’s voting pool is limited to the votes of ardent supporters... Whoever controls the human factor- wins!” (R# 4).

Courts/selective law enforcement: Having control of law enforcement allows power holders to punish the opposition and create favorable conditions for allies. Needless to say, the complexity of Ukrainian legal environment makes it relatively easy to engage in such tactics. Moreover, the domains of the institutions of control are quite often overlapping, which makes everything even more confusing for economic actors. Quite often, the articles of criminal and tax law will be self-contradictory, which would make it nearly impossible to comply. This opens plenty of the doors to use the law to control the opponent, such as charging or threatening to change opponent’s business enterprise with criminal/tax violation. If everyone is non-compliant, they can always be a subject to an absolutely legal prosecution. The workers of tax, fire and health compliance offices have the authority to close any business not following of the code without taking the issue to the court first. Small businesses are especially receptive to threats coming from those inspections, where one would be pressured to do ‘what is needed’ or the business will be closed (R # 4).

In 2010 elections candidates were routinely taken off the ballot by the court decision. The process would start with the electoral commission issuing a warning; and two warnings would warrant a court decision. The infraction can be as little as missing number of the printed copies on the top of candidate’s flyer. It is necessary to emphasize that the law is being applied selectively to some candidates but not to the others, demonstrating that the courts are serving the executive powers. The multitude of court decisions to de-register a candidate has prompted the passing of the recent law (2012) to make it impossible to take the name of the candidate off the ballot with the same ease. This was part of electoral system compromise where the mixed system (single-member district plurality seats and national closed-list proportional representation) was kept but stronger protection of ballots and inability to take the name of the candidate off the ballot was introduced to give every viable political side some sort of satisfaction.

Another example of courts favoring a pro-power candidate can be illustrated with local elections in Kharkiv (2010), where exit polls identified a slight victory of Avakov (within 1%),

but officially the victory of Kernes (Party of Regions) was registered. Avakov and his team turned to the courts asking to recount the ballots. There was enough evidence presented with a legal suit to warrant the investigation. However, courts (on all levels, including the court of appeals) decided that the paperwork was not filled out correctly; therefore the court case cannot proceed. Details of the paperwork were ultimately used to decline the case from being discussed.

Changing the Law: the law can be manipulated to present a single party/political force with the advantage or disadvantage. For example, Yanukovich's Party of Regions changed the electoral law just days before the second round of presidential elections (2010). This law altered an administrative rule regarding the quorum for electoral commissions to a simple majority. According to Tymoshenko, this change would allow the commissions to approve the protocols of the voting without her party representatives (as it actually happened in Kharkiv, when the commission would meet one hour earlier and would not inform Tymoshenko supporters of the time change). Whereas Yanukovich supporters suggested that the rule was designed to prevent Tymoshenko supporters from sabotaging the counting process by failing to attend the commission's meetings (Herron, 2010: 764).

Gerrymandering: Traditionally the electoral districts used to be permanent in Ukraine; however, recently there has been some gerrymandering, when the lines of the districts have been redrawn without any logical explanation and in a quite counterintuitive manner. Many respondents suspected the unfair play of those in power to redistrict the precincts to their advantage.

Gathering information about the voter: Electoral falsifications start long before the Election Day: social workers get information about those who are not currently residing at home or will not be at home on the voting day: travelling, studying, working abroad, in the military, or in prison (R # 33). Ultimately, this information becomes useful in determining whose voices can be 'added' to produce more votes to the desired pro-power candidate.

Cult of personality: Those in power tend to use any opportunity to influence the voter. Of course, having administrative advantage gives them access to many state governed institutions, including schools. In Donetsk primary schools children are required to write an

essay about Victor Yanukovich or Rinat Ahmetov as a part of the lesson on notable people of Donbas. After writing the essay the student then would have to memorize it and present it to her classmates. The teacher insists that the essay only highlights the positive elements of the biography of those 'notable people'. Meanwhile the kindergarteners in Luhansk are learning a song about "Uncle Vitya Yanukovich, the president who is wise". Also, to celebrate 60th birthday of the president, major TV channels were showing a documentary film about the life of Yanukovich during prime viewing time (Netudyhata, 2012: 4).

The ultimate result of administrative advantage is some candidates having needed resources and getting help and others experiencing obstacles designed to slow them down, making competition less fair.

Mass media access/control: One especially important administrative resource is access to mass media. It is indeed a very important parameter of electoral campaign. Many interviewees mentioned how the opposition has very little or no access to such outlets like TV channels, billboards, and newspapers. Majority of TV stations are controlled by those who are loyal to the government, journalists are often denied the access to the important information and attacks and murders of journalists are not investigated properly (The Ukrainian Weekly, 09/06/2012: 1). In 2012 alone there were about 20 cases of journalist' assault reported. At the same time not a single person was convicted of article 171 of criminal code, which is a conviction for interfering with legal professional activities of a journalist (Stets, 2012).

Given that most of the country still gets their information from TV, having access to this form of media is essential in providing opportunities for fair competition. Moreover, quite often expats abroad learn about events in Ukraine faster and share their information with those who are inside of Ukraine, which can certainly be explained by their access to the internet and lack thereof in Ukraine, especially among older (50+) population.

In a last couple of years there has been an initiative to move all TV channels to digital space. In the process however, the opposition TV channels (TVi and Channel 5) were somehow 'left behind'. Respondents argued that those in power created artificial barriers precluding the transfer of opposition channels to digital form for obvious reason of eliminating their critical portrayal to the electorate. At this point TVi is circulating a petition which states: "in August

[2012] alone more than 60 cable television companies removed TVi from their packages. From September 5 the largest cable operator in Ukraine, Volia Cable, intends to move TVi from a popular base package to an expensive extended package accessible to the better-off third of users of this cable network". In addition, "TVi's chief editor asserts that it is the National Television and Radio Broadcasting Council which is demanding that the cable operators illegally cut off the TVi signal" (The Ukrainian Weekly, 09/06/2012: 8). The goal or strategy here is to silence and to not give the opposition an opportunity to have access to the popular media and therefore to the general public.

Many note that press is facing a variety of challenges in Ukraine now, especially after Yanukovich' arrival to power in 2010. Most recent testament to this fact is the introduction of the 'slander' law, which makes the journalist a potential target of law suit, where he would face the courts controlled by the administration. Research also shows that as the elections of 2012 draw near the number of violations of journalists' rights is increasing from 6 in January 2012 to 39 in August 2012. Most typical violations involve censorship, interference with journalistic duties, law suits and economic/political pressure (Institute of Mass Information: Barometer of freedom of Speech, 2012). Combination of all the above mentioned factors can also lead to self-censorship where the journalists or media outlets would choose not to report potentially damaging information as a pre-emptive strategy of not becoming a subject of selective law enforcement or violence.

Bribing/buying the votes

There are many versions of voter bribery: the briber can enforce some types, but not the others.

Non-enforceable bribing: For example, Mr. Martynyuk (Communist party) was giving away 200HRV as a form of 'one-time social support' with a promise of maybe 200HRV after elections in Volyn. Supposedly, Party of Regions is giving away up to 1,000HRV per vote (R# 37). Even though Party of Regions is not the only party trying to bribe voters, it is the only one that has access to budget and is overwhelmingly present in almost every case of bribery. One

respondent called Party of Regions *Party of Oligarchs of Ukraine* (R#37) alluding to its associations with infamous oligarchs like Ahmetov and its access to financial resources.

Quite often the ‘Philanthropic foundations’ in the name of a given candidate (usually from Party of Regions) are founded and are giving a variety of things away to the most vulnerable populace, but the actual resources are coming from the budget. This is affecting the public opinion and the perception that the Party of Regions is solely funding the social programs, whereas in reality they are funded by taxes. For example, a children’s playground was built in Zytomyr region (costing city budget ~46,000HRV), yet the contribution was claimed solely by the Party of Regions. Likewise, in Poltava region 6,000,000 HRV worth of condensed milk from state funds was given away. In Chornyhiv region post office workers were given bikes; in Cherkasy Mr. Gubskiy (Party of Regions candidate) was giving away Easter decorative towels; in Dnipropetrovsk people received tuners for digital TV transition: retired and disabled people should have received those free from the government,- instead they were distributed by the Party of Regions.

In Sumy after giving birth a new mother now receives pampers and a flyer listing social initiatives of Yanukovich. The head of the district (Kharkiv) used school halls to give away the rations, and recruited school children and teachers to distribute invitations for rations where one had to fill out the information card stating their desire to receive the said ration. The method was to search for those who will take the ration and take it as an indicator that this person can be influenced (or counted on) in the future.

Another way of bribing electorate is to give people **rations**. Arguably mayor Chernovetskyi (Kyiv) used buckwheat rations to win his seat (R#38). The rations quite often include buckwheat, seeds for planting vegetables and flowers, wheat flour, sunflower oil, condensed milk and other relatively non-perishable popular staples. These were especially popular in the interim elections of 2008 in Kyiv and local elections of 2010 (R#35). It is only effective because electorate is relatively poor (R # 32) and because people tend to be very conscientious believing that if they had received something from the candidate they have to vote for him or her. Results of the sociological survey suggest that 10% of population saw the candidates in their precincts giving away rations and other presents. Kyiv was the most notable

city in this respect : 40% of those who live in the capital (Kyivans) observed the same activity in their precincts (<http://tyzhden.ua/News/61787>[October8, 2012]).

One can also buy votes by giving voters (usually elderly) rides on the day of the elections. It has been noted that either Yanukovich side was guilty of it the most or both Tymoshenko and Yanukovich were guilty of this in their own geographical sphere of influence: East and South for Yanukovich and West and Center of Ukraine for Tymoshenko (R# 34).

Enforceable bribing: It is interesting that the vote can be bought in exchange of the proof of the voting which has been made possible because of the modern technologies. For example, a person votes, takes picture of the ballot, comes out of the precinct, shows the picture to the buyer and receives his reward. Obviously, one cannot buy votes everywhere (you need to have rather impossible sum of money), as a result only certain (the most contentious) precincts are targeted. Similar method (not needing the sophisticated technology) is called ‘*carousels*’ and involves getting a ballot from precinct using voter #1, who does not cast his vote but instead delivers the ballot to the interested group. Voter # 2 is then given this ballot with a desired candidate’s name marked appropriately and asked to cast it and bring out the clean ballot. The clean ballot delivered by Voter # 2 is then given to Voter # 3, again, appropriately marked, and the process is then repeated *ad infinitum*.

Another method involves giving certain bulk of money to a person of authority, say, the head of a factory. He then gives workers of the factory proportion of the sum distributed in ½ prior and ½ after the elections as a form of a bonus or maybe social package. It is very difficult to prove that this has actually taken place (R#35). Ultimately, elections turn into ‘*corrupt deal*’ (R#35), where the most poor populations (elderly, students, etc) are targeted and the consumption attitude among populace is being formed. Pre-election (2012) sociological survey by “*Democratic Initiatives*” Foundation and Kyiv International Institute of Sociology (KIIS) shows that 11.5% of voters are ready to sell their voice, where 1.5% can sell for any sum, 5% will sell if the sum is matching their expectations, and another 5% will sell their vote if preferred candidate or party is offering the bribe. 53% of respondents condemn the vote selling, additional 32% see it in a negative light, with an understanding that people might be motivated by different circumstances and another 10% see it positively as a way to make money (Tyzhden Newspaper, October 8, 2012; <http://tyzhden.ua/News/61787>). It is encouraging to see that

majority of population views vote selling negatively and is not planning to engage in this activity. What is troubling is that the younger the respondent (under 30 y.o.) the more likely they are to sell their vote (16%). One respondent bought 10 people's voices with 10-20 HRV "just to prove that this can be done" noting the "consumerist attitude of the citizens" when one does not even have to bribe them with much money (R # 4).

It is quite notable that many interviewees were able to provide the cost of average bribe in case of a 'carousel' (10\$), buying a vote (50-100-150-200 HRV), buying a 'carcass' in parliament (5-50 million \$), average cost (~2 million \$) and effectiveness falsification of the votes (increase of ~ 15% in votes). Just as an average American is able to recite the price of the gasoline or cost of milk or eggs in a grocery store, those interviewees were able to produce the knowledge about those hidden or supposedly non-existing transactions. On the other hand, should anyone be surprised that people are informed at the time when the slogan of cynical politics seem to be "*Outsmart, Scare & Bribe*"? (R # 28).

Many of the approaches outlined earlier are not necessarily unique to Ukraine and they have been used in one version or another even in more established democracies. The major distinction is the scope of power holders' influence. Ukrainian experience of machine politics is not limited to local levels, it tends to have an all-permeating effect on entire society. Additionally, the degree to which media could be controlled is rather astonishing, especially during Kuchma's rule when daily instructions were issued by presidential office which dictated what media should and should not broadcast on that particular day,

Electoral Commission set up & work

Precinct voting is controlled by precinct (polling station) commission which is the lowest level of the election administration hierarchy. Typically three commission members have rather large influence over the vote conduct and count: a chair, deputy chair and a secretary. Besides running the precinct, hearing and adjudicating complaints and counting the votes commission members have to do a lot of preliminary work (verifying the voters' lists, dropping the voter invitations

off, setting up polling stations, etc.). Voting procedure starts with making voter lists public and correcting the errors on the list based on citizens' complaints (prior to the Election Day).

Commission receives empty ballots, boxes, booths materials and sets up the polling site (Herron, 2009: 114-116). Plus, the day of the election they work for many hours (marathon-like) starting 7am (setting up, sealing the ballot boxes, securing the documents) and sometimes ending in the wee hours of the next morning. Would it make more sense if people were working shorter shifts instead? We can clearly see how the nature and the design of the process influence the results. The fatigue can also contribute to either having the opportunity to falsify the results of elections or making mistakes that can contribute to the wrong count by making ballots invalid. Additionally, *“the assumption is if you want to control the process you could. Another assumption is that someone will want to control the process”* (R # 30).

Quite often there are the same people who participate in the work of the commission in a course of many years. We also know that *“the commission members with power tend to have more experience”* (R # 30). As one interviewee states: *“Everybody knows everybody else. It is always the same people. Everybody trusts each other”* (R # 26). Certainly, commission work offers a source of an additional income, where once you have an access to it you would not be willing to give it up. The government pays commission members about 134 HRV (~\$16-17) (R # 1). Additionally, the party pays as well: the numbers could vary depending on the party. The consistency of workforce can be based in their reputations as good workers, where the definition of 'good' can be interpreted as hard-working and conscientious or somebody who is willing to compromise or follow the suggestions of the head of the commission. Regardless of the reasons, the longer people work together and the better they know each other the more likely they are to develop a positive relationship which might foster the phenomenon called “groupthink” where members of the group tend to converge on single solution or only one way of doing things, which can explain the complacency during elections, when committee members were voting together to throw the observers who questioned their work out of the voting precinct.

The situation gets to be more complicated by party system rule, where the representation of the committee members (at least nominally) is based on the current party presence in the parliament (with the most recent threshold set at 5%). This translates to the situation that the new parties (most likely the opposition) with 'fresh' least corrupt active members are not

represented in electoral commissions. However, if the party is not active in any given precinct and cannot mobilize enough people to serve on commissions, just the presence of the party in Parliament does not guarantee that 'their' person will be on the committee. Most likely scenario involves assigning people to be representing various opposition parties (nominally), whereas in reality they will have the interests of the dominant party in mind. This method has been mentioned multiple times. One of the recent examples being local elections in Obuhiv, when the observer was thrown out of the precinct: she was standing too close to the table thus potentially interfering with the commission's ability to alter the ballot count. Another term for this technique is "*technical candidate*", where the candidate is not really running in a serious manner and his 'representative person' on the commission is really representing a dominant party, not him. One of the respondents admitted to work in the committee as a 'Tymoshenko person', yet she stated that it was a purely nominal assignment and she personally had no interest in supporting that specific party (R # 26).

One of the more recent techniques used by commission members was articulated as operation '*Blue Sweaters*'. Blue color denotes the symbolism of Party of Regions, thus certain members of the commission were signaling to the incoming 'voters' that they can be helpful in what ultimately amounted to stuffing the ballots. People who were not on the voter lists would show up at the precinct, approach the commission member who wears blue and state that they are on the list. The commission member would confirm that and give them the ballot, even though they are not registered locally or don't have the proof of identity. At the same time the not likely voter's name would have been marked as if he/she had voted, so that the count of ballots would correspond to a count of people who appeared at that particular precinct (Obuhiv, local elections of 2012) [R # 37].

Ultimately, the more people in electoral commission you can control the more goals you are able to accomplish. Besides throwing the observers out of precinct commission members have a power to declare the ballot 'invalid'. The ballot deemed to be invalid if there is more than one mark on it. As one can imagine it tends to be the ballots of opposition candidate which end up declared invalid. Ultimately, all one has to do is to add another pen mark on a ballot she does not want to be counted. If the tally of invalid ballots reaches the proximity of 40% one can be relatively sure that it is indeed a part of the commission's strategy and not just pure coincidence

(R # 30). One commission chair stamped all of the ballots across candidate's names as if he had quit the race. In reality the candidate was still in the race. All of the ballots from this precinct were declared invalid. *"It is easy to 'spoil' the ballots, especially if the commission is 'prepared'"*(R# 33). Another respondent suggested that her experience in 2010 elections exposed her to the commission chair in Kyiv city precinct who was from BYuT and was able to influence which ballots were accepted as valid: only pro-Tymoshenko ballots were accepted as such (R # 39).

The same process governs the count of the votes. Commission member can count a ballot incorrectly: instead of giving the vote to a candidate A (who is not very likely to win) it is given to a candidate B (who is a 'requisite' candidate, usually representing the forces of power).

Another electoral violation involves the ability to alter the voter count. The precinct commission runs the count of the chits (torn pieces of the ballot with the stamp and the signature of the commission chair) and as the voting day comes to the close if there is a discrepancy between the number of the chits and number of recorded votes a member of the commission can easily mark off people on the voter lists. So unless someone comes in one minute before the precinct closes and attempts to vote and sees that supposedly they have already voted, there is no way to detect the violation.

Electoral commission is also responsible for creating the precinct report of vote count. Commission members then can try to avoid or delay making this report public. This will make it difficult for observers/public to compare the numbers entered in Central electorate committee (final report) to local precinct numbers allowing for a possibility of falsification of the ballot count. *"Only about ~ 20% of commission members"* could be conservatively estimated as *"committed to free & fair elections"* (R # 30). After everyone had a chance to vote having 'your' people in the commission is important, especially the chair, deputy chair and the secretary. *"This can be easily organized, especially on the local precinct levels, where the budget workers can re-write the protocols: everyone has something to be black mailed for"* (R # 4). One respondent shared that she came across the list of former commission members, where everyone was marked by a different color indicating whether it is possible to buy them. The honest people can be neutralized as well. *"The commission is formed by rayon administration. If a person misses 2*

commission meetings he can be taken off the commission. Automatically another person is put on commission” (R # 5).

Commission members can also be experiencing administrative and community pressures. One’s position, salary, possibility of promotion and ultimately, life can be threatened if a member or a chair of the commission does not do what they are told. One is more likely to be a subject of pressure if they work in the state/city budget dependent industry, like education, military and medical services. If the whole commission is comprised of the teachers and staff from a single school and is headed by a school’s director, *“Would any of these teachers and janitors be able to question the chair’s instructions”?* (R # 30) This can explain the fact that majority of the commission members tend to be recruited from those budget dependent institutions and most of the precincts tend to be located at the schools, universities, dorms or military units. *“Administrative pressure is one of the worst pressures: it is violation of community as a whole”* (R# 30). Commission members could just want to do their jobs, yet these dependencies and the resulting pressure are rather detrimental to the honesty of electoral enterprise. *“Selection of commission members does make a difference. Things can be arranged: if the person is working for the government, like teachers, you can use their dependence on the budget to make them do what the administration wants. For example, many had to sign a paper demanding their resignation but without a date. This paper, of course, can be used as leverage against the said person”* (R #2).

Another reason to control the majority of the commission is the fact that many questions are decided by the vote, like ejection of the observers, deciding on a protocol, details of following the procedure, etc. *“It seems democratic... The ruling party knew they had a majority in many precincts, so anytime there is a controversy they pressed for voting since they knew they would win”* (R #2)

Sometimes the falsifications happen not necessarily due to malicious intent but are just a result of lack of knowledge of electoral law. We have to keep in mind that the electoral law has a tendency to change quite frequently in Ukraine, seemingly as a result of attempts of ruling parties to tailor the law to their advantage in the light of the upcoming elections. Could it be possible that not everyone is capable of keeping up with the changes and not getting confused?

Commission members quite often are not very well versed in the legal issues of the election process, expecting that district electoral commission will give them an order (top-down style). Of course, higher level commissions are quite often too busy for supervision activity. This lack of understanding or/and willingness to accept orders from the authorities leaves committee vulnerable to electoral violations.

Activity at the precinct level

Voting at home method has been identified as a potential way to falsify the voting process. One respondent argues that if “*at least 25% of voters in the precinct are voting at home one needs to be especially vigilant*” as it opens more possibilities to alter results (R # 34). Usually three members of the commission will carry the ballot box from one place to another: ideally each person has to represent a different political party. Usually, secretary of the commission will ask if anyone would like to volunteer to carry the box, if no one volunteers, people get appointed. However, there was a case when member of the commission carried the ballot box on her own (R #1). Clearly, the rules are not always enforced which opens a possibility for fraud at this point of time in the process.

Another method frequently mentioned is “**Dead souls**”, when the name of deceased is kept on the voter lists and somebody else casts the vote instead. Usually, a member of the commission knows that there will be people arriving in such a manner and gives him/her a ballot. Alternatively, as long as the voter says the name listed in the voter list not everyone checks the ID instead just marking the voter list. In just Kharkiv region there have been 37,000 people identified as ‘dead souls’ on voter lists (R# 37).

Yet another voter lists manipulation involves taking note of those who are not going to vote (they are either working abroad or travelling) and letting another person vote for them. Some argue that close to 30-40% of eligible voters in Western districts are working abroad (R#35). Apparently, city of Irpen’ was infamous for situations where one person could vote up to 25 times (in different precincts) on the same day (R# 36).

Voter list manipulation/discrepancies are difficult to place in any specific categories. Each precinct has a voter list, which determines whether citizen can vote; however, it takes the thoroughness of electoral commission to verify the voter list or to try to manipulate it to their (or higher level apparatchik's) advantage. Certainly, there is also a place for administrative resources, like social workers to be employed to mark people as potential 'dead souls' or somebody who is not going to vote so that their ballot can be used for ballot stuffing purposes. Almost every respondent mentioned the voter lists discrepancies, even those who claimed that they have not observed any violations. For example, there was one house in the registered voter list. When a chair of the electoral commission went to check the house out he could not find it. It simply does not exist! Maybe the house was bulldozed over, but the commission does not have that information. In another precinct the whole dorm (300+ people) was missing from the list (R # 3). One can certainly imagine that some commission members are conscientious and do their job well and others are not. Moreover, some might be persuaded to not check the lists. It is interesting that even in case of the correction of the list, when the next election comes around the lists appear to have the same mistakes. It seems that the system is designed in such a way that improvement of the lists from bottom up is not easy or even not possible. The newly updated voter lists are never sent back to the central commission and it seems that nobody is updating them in a systematic manner.

Additionally, in the light of the upcoming elections of 2012 there is a discussion to engage in electronic transfer of voter lists. For example, if you move and you want to register to vote at a new precinct you have to appear in person at your old precinct, fill out a 'sign out' request and then you have to sign in at the new precinct (in person). The electronic procedure will allow one to not physically appear at least in the case of a new precinct registration. This of course, while making the life of a voter easier, also creates a new possibility of voter lists manipulation.

Voting process: One of the most recent and disturbing tendencies were reported from City of Obuhiv (Kyiv oblast) during their local (additional) elections (2012), where the cameras pointing to the ballot box have been installed at the precinct (R # 30). This development is widely touted by power holders as an attempt to prevent ballot box stuffing, however, the existence of the camera can be used in the technique of intimidation when the voter is told that if

they do not vote as they are 'supposed to' those with power and access to the cameras can see it and 'punish' offenders. Ultimately, it does not matter if one can actually decipher a voter's preference using this camera. Just a mere presence of it can be intimidating enough thus violating the notion of a voter's privacy (R # 30), especially at the precincts located at the big factories in the East. Precincts were supposed to have signs indicating to voters that they are not being filmed, yet many precincts in 2012 election either did not have those signs prominently displayed or did not have the signs altogether.

The letter of the law is not always followed at the precinct: for example one can observe more than one person at a time in a booth. The family members are sometimes allowed to enter a booth together which opens a possibility of application of pressure (Kyiv, Obuhiv). Similar situation has been observed in Mykolaiv (2007) as a result of big lines and lack of voting booths (R # 31).

It has also been noted that during 2004 observers were not allowed to video the counting of the votes. There was also pressure and intimidation from Yanukovich's team in the form of train loads of criminal-like beefy individuals being delivered to the local precincts (in the Eastern region of Ukraine) to hang around either inside or outside of the precinct just to exert the possibility of physical threat.

Ballot stuffing is probably the most familiar electoral falsification, yet it did not account for as much of a difference as the use of administrative resource and access to commission members. Not too many respondents were mentioning ballot stuffing, and when they did they highlighted the difficulty of identification of such a mechanism. For example, there have been found a package of burnt ballots in Donetsk in 2006: were they switched to something else, could they have been used in a ballot stuffing? (R# 34). Additionally, even in the last election of 2012 the issues of 'extra' ballots presence at the precinct were repeatedly noted by the international observers. A respondent from Ivano-Frankivsk region argued that the whole set of ballots have been substituted in local 2012 elections at one of the precincts, suggesting that the whole commission has been bought. "*It is easy to buy people: you would offer them 1,000HRV so that they can leave the premises for 30 minutes or you can invite them for lunch out*" (R# 41). In Krasnokutskiy Rayon (Kharkiv region) one member of the commission (representing Party of Regions) tried to put extra ballots into the ballot box. She was stopped by the observers, but the

case could not be taken to court since she was sheltered by the police and could have hidden the evidence (R #4). This case illustrates the point that if the observers are good then it makes no sense to engage in simple fraud.

Of course, there are many ways to distract the honest members of the commission and observers alike. One commission chair describes how her attention has been diverted from watching the ballot box: *“people have the correct address stamped in their passport, yet they are not on the voter list—they start taking your attention... Meanwhile the pack of ballots could be put in the ballot box, as I am talking to those people not on the list and explaining to them they should go to the court. A member of the commission might order food in the school eatery and not pay. The cook comes up and complains—then I am distracted again. There could be mistakes and I have to run from the table to table and put my signature on each form. While I am doing this I cannot observe the ballot box”* (R #5). If there is enough members of the opposition in commission the responsibility of observing can be shared, but not if the opposition numbers are low.

In 2002 the lights were turned off at one of the precincts, the darkness and ensuing confusion were used to stuff the ballot box. Usually the more blatant and simple methods of vote manipulation are used in the second half of the day, since it is at that time the preliminary results of the voting become known to the power holders.

Activity at the territorial (mid-level) commission: ballots/protocols transfer

“Mid-level commissions manage the aggregation of votes from the polling stations and pass the information to the CEC (Central Electoral Commission)” (Herron, 2009: 115). Prior to the 2011 the mid level commission represented just rayons, however, new directive has eliminated the rayon commission, requiring all the precinct commissions to report to the city commission instead. The decision was made by the city council and this initiative was not replicated everywhere in Ukraine. This move certainly contributed to the overload of the city commission (it includes about 18-19 people) and its inability to address all the issues in a timely manner. The resulting chaos was especially rampant in local Kharkiv elections (R #2). There were delays in communications: all the documents were consistently late in arrival, there were huge lines and

debilitating waiting conditions, where the head and the secretary of the commission would wait for 8-10 hours just to get the stamp for the precinct. One respondent said that commission members representing her party (*Green Planet*) in different precincts had to wait in line between 8pm and 4am in order to get the stamp. *“It was much easier to game the system and to falsify the process during such confusion”* (R # 2). *“There was a separate room in the sport palace (where the territorial commission operated)... It was full of bags filled with ballots: some bags were torn, the numbers of the districts were written on them. In the theory the head of the commission and the policeman had to be there until the head of the territorial commission registers the reports and ballots with the commission, checks the correctness, with the observers who are present. But the heads of the commissions were too tired: they spent 3 days counting the ballots at their respective precincts already. They are in one room and bags are in another room. We are talking about the human factor here. Did they do it on purpose? Or they just did not plan well? I cannot tell. Realistically many electoral laws were broken there.”* (R # 2) Territorial commission was also responsible for public announcements of the results submitted by each local commission. Apparently, about half of the reports were not announced. Commission justified the deviation by the need to streamline the process (R# 2).

Many meeting of the territorial commission in Kharkiv (2011) were held at night, where the official meeting times would be at 6pm, however, in reality the meeting would not start until much later, with the most important issues, like appointment of the commission heads being postponed until midnight. This strategy had allowed minimizing the number of observers present thus maximizing the possibility to appoint the ‘right people’ to be in charge of the precinct commissions.

As the precinct results are transported they can be transposed (e.g. Yushchenko results swapped for Yanukovich’s in 2004), or the number of votes recorded as 780 instead 730 (the typo reason can be claimed) (R # 30). It has been mentioned multiple times that the protocols were re-written as they were brought to the territorial/district commission, especially in cases of protocols originating in rural or remote precincts (R # 34). As commission counts the votes, as they finish this process, they compose a report and issue copies to all of the observers. The original of the report is supposed to be delivered to the district commission and from there the district commission issues a report to the territorial commission and finally to the central

electoral commission. It has been observed that there were cases when there would be a discrepancy between the copies of the report and the numbers listed on central electoral commission site, suggesting either a benign mistake in recording numbers or malign intent on changing the numbers to receive the win of 'requisite' candidate(s). *"The city council sends buses with police to pick up the ballots and the heads of the commissions from the precincts. But it is minibuses and no one else, even the observers, can get in the car. You can follow the car if you can, but you cannot be inside of it. While they are in the car they can stuff the ballots. Anything can happen!"* (R #2)

Regional differences

People in places controlled by the Party of Regions (Crimea, Luhansk) either completely denied any kind of falsifications of elections or attributed them all to the opposition, like BYuT. In case of Schelkino (Crimea) it could be a factor of a small city vs. big city, however, the same logic does not necessarily apply to Luhansk. Perhaps there is more diversity and controversy in big city (e.g. Schelkino vs. Kharkiv)? Similarly, the issue might be related to how contentious the elections are, where the falsifications would be the most likely applied in the most contentious cases, since there is no reason to waste resources on districts where the victory is virtually guaranteed.

Traditionally, eastern and southern regions of Ukraine tend to vote for Yanukovich's Party of Regions [Yanukovich received 90% of the popular vote in Donetsk and Luhansk in 2010], for Kuchma and against Kravchuk in previous elections; whereas western regions tend to vote for Tymoshenko [she received close to 90% of vote in Lviv, Ternopil and Ivano-Frankivsk in 2010, Yushchenko (2004) and Kravchuk (1994)]. This East/West cleavage in the elections can be attributed to the history of the space (e.g. time spent under Communist regime and Russian empire) and resulting effects on the culture/ ethnic distribution. Given the different language preferences of the regions it is not surprising to see Yanukovich and Party of Regions pandering to their electoral base by supporting the elevation of the status of Russian language, and BYuT and OU emphasizing Ukrainian as a state language. We also have to remember that we cannot explain this fault line by just cultural/language/ethnic issues alone. There are other social and

economic factors affecting voters' choices. Eastern Ukraine was heavily industrialized, where most people were employed in the industrial complex: mining, metallurgy, auto industry, etc. Western Ukraine on the other hand can be seen as mostly agricultural, not as heavily industrialized/ urbanized, region. We can assume that the events of post-Soviet transition had affected Eastern regions more with more workers losing sources of their income: the state sector job loss was higher in eastern regions and lower in western regions (25.7% vs 16.76%) (Kravchuk, Chudowsky, 2005:138). Once they have lost their jobs or stopped to receive their salaries regularly, people in eastern regions did not have too many opportunities for another source of income: tourism industry and individual trade with western partners are not as feasible there as they are in western regions, with their proximity to Poland, Slovakia, Hungary and other more Western societies. An argument can be made that political inclinations are different in Eastern and Western Ukraine, not purely because of cultural differences, but also because of different economic conditions. Kravchuk and Chudowsky state that "on a national basis, economic issues were more salient than ethnicity for an average voter" (Kravchuk, Chudowsky, 2005:159). At the same time, regional geography and economic conditions might have exposed a greater proportion of people from Western Ukraine to the Western style democracy and governance via frequent trips to Eastern Europe and beyond and interaction with Westerners, rising their expectations regarding both quality of life issues as well as behavior of elected officials and electoral process.

Evolution of democracy?

Most of the respondents commented on their impressions of electoral system as a whole over a period of time beginning with Ukraine's independence and ending with present times. Those who have participated in elections since the very dissolution of the Soviet Union seem to be a feeling that the elections of the early 1990s were the most transparent or the most democratic, some called elections of 1994 "*the last democratic elections*" (R# 35). These perceptions could be influenced by some form of nostalgia for the very 'cradle' of real electoral process in post-Soviet space. It also can be a testament to the lack of bribery, the use of administrative advantage that was so widespread in the last local elections of 2010 and is anticipated to be at least as high in the elections of 2012. It seems that the falsifications are tried

first on local level elections and then, if successful, the methods are applied to national/parliamentary contexts. Some respondents suggested that local elections of 2010 were a testing ground for what is to come in 2012.

As far as 21st century experiences go, it has been noted that the most honest elections have taken place in 2006. While admittedly there might have been some 'irregularities', the general 'atmosphere' of elections was honest; 2007 was identified as a bit less honest, but not by much. 2010 elections are cited as most complicated and falsifications ridden elections so far, where many votes have been stolen, rather brazenly, with discrepancies between the commission reports and copies of these reports accounting for as many as dozens and in some cases hundreds of votes in a single precinct (R#35). Presidential elections of 2004 are of course a strong contender for the top place of elections with most falsifications. The difference is that 2004 elections had a 3rd round potentially allowing reversing the falsifications, whereas falsifications of 2010 elections were never addressed.

There seem to be a consensus that over time the fault between power holders and the rest of society tends to grow deeper: both on the level of political legitimacy and economical well-being. Communication between parliamentarians and regular citizens is not existent; the idea of accountability is not really practiced. The corruption of the system is constantly evoked when people see their elected MPs voting instead of their absent colleagues (an illegal act). There are a lot of social problems, including deepening poverty and inflation. "Currently, the life is more expensive in Ukraine, than, say, in Poland, but it is easier to make necessary money for survival in Poland. In 2000 you could survive on \$100/month. Not anymore"(R# 36). As a result, most of the people are interested only in survival; everything else they are indifferent to, including politics. This situation makes it more feasible for citizens to engage in falsifications, knowing that the indifference will make it easier to escape the punishment.

Analysis of the interviews shows a colorful picture of ever permeating and constantly evolving corruption, where the votes can be stolen at every step of the process, both with and without the help of the larger bureaucratic structures; where the advances and uses of modern technologies offer yet another avenue of election interference. "*The observer showing up at the precinct during the voting day will now only detect close to 8-9% of the violations*" (R# 33). This raises the question of good training for the observers, but also a possibility that most of the

falsifications are arranged in such a way that the observers during the day of the elections simply will not be able to notice anything, even with the superior training. Additionally, much can be said about the organization of society and the structure of incentives. *“If citizens are more afraid of bandits and their threats than of breaking the law”* (R # 2), it is easy to see how many facing the choice would rather follow the orders coming from those who have power; following the letter of the law becomes irrelevant.

It was easy to detect a strong pessimistic outlook in most of the respondents, which can certainly be reflected in the statements of Ukrainian intelligentsia, like Drozdovskyi, who argues in his interview with MEEEST that *“Ukraine is a dead post-Chornobyl zone, where oligarch clans are in charge and there is no democracy”* (Drozdovskyi, 2012:24). Moreover, on the other hand, perhaps even contrary to the general feeling of gloom and doom and impending corruption, there were discernible optimistic attitudes, expressing hope that perhaps civil organizations like Opora [Support] and Spilna Sprava [Common Matter] would be able to gather enough evidence to question the results of corrupt elections and the truth will prevail. Paradoxically, many respondents, even after declaring that the elections get more and more corrupt, expressed the notions of hope and belief in self-efficacy, where people would have a way of changing the system. Speaking about recent local elections of 2011 one respondent says: *“It was a policy to scare people and they cannot scare me so I will work on this during the next election as well”* (R#2).

This duality might signify a unique place that Ukrainian society occupies in post-soviet space, with strong connection to the ‘Soviet’, apparatchik way of organizing itself, yet a society that have already tasted the freedom and democracy, with a potential (albeit fragile) of demanding more accountability from those elected to be in charge of the governance. These fragile sprouts of democracy are subject to the effects of the economic development and general well-being of society. History suggests that when people are mostly concerned with basic survival the matters of morality and playing by the rules tend to be pushed aside, which creates this well-articulated danger of indifference and resulting immorality and corruption. *“If society does not have ethics, one cannot talk about the existence of civic society and state law”* (Drozdovskyi, 2012:24). We should add to this statement that under such conditions the

existence of democracy and confidence in system's legitimacy are also becoming just as questionable.

Future research:

It seems that there is a certain element of homophily, which manifests in the fact that most of the respondents are University-educated people and have been recruited in largest cities of Eastern and Central Ukraine, like Kyiv, Kharkiv, and Luhansk, with the exception of Crimea, where most of the respondents came from small cities (less than 8,000 inhabitants). There is a potential that it could affect the results of this research. However, most (if not all) of the falsification methods have been identified more than once in all of the interviews, as well as highlighted by local and national media and by citizen organizations. It might be productive to continue interviewing people, concentrating on rural areas and Western regions of the country. This new sample might provide more detailed accounts of how the elections were falsified in those previously underrepresented areas, highlighting the local specifics. Eventually more research will be needed allowing for cross-cultural comparison and analysis, shedding more light not only on mechanisms of electoral corruption but on our ability to generalize about those mechanisms to a larger number of societies.

References:

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D'Anieri, Paul. 2005. "The last hurrah: The 2004 Ukrainian presidential elections and the limits of machine politics", *Communist and Post-Communist Studies*, 38: 231-249.

D'Anieri, Paul. 2007. *Understanding Ukrainian politics: power, politics, and institutional design*. M.E. Sharpe, Inc.

Drozdovskyi, Dmytro. 2012. "Ukraine looks like a weak-willed state on an international arena", *MEEEST*, 32: 24-25. *Ukrainian Canadian Weekly*, Meest Media Corporation.

Election fraud: detecting and deterring electoral manipulation. 2008. R. Michael Alvarez, Thad E. Hall, Susan D. Hyde, editors. Washington, D.C.: Brookings Institution Press

Heckathorn, Douglas D. 1997. "Respondent-Driven Sampling: A new Approach to the Study of Hidden Populations". *Social Problems* 44:174-99.

_____. 2002. "Respondent-Driven Sampling II: Deriving Valid Population Estimates from Chain-Referral Samples of Hidden Populations". *Social Problems* 49:11-34.

_____. 2007. "Extensions of Respondent-Driven Sampling: Analyzing Continuous Variables and Controlling for Differential Recruitment". Pp. 151-207 in *Sociological Methodology*, vol. 37, edited by Yu Xie. Boston, MA: Blackwell Publishing.

_____. 2011. "Comment: Snowball versus Respondent-Driven Sampling". *Sociological Methodology* 41(1): 355-366.

Herron, Erik S. 2009. *Elections and Democracy after Communism*. Palgrave Macmillan.

Herron, Erik S. 2010. "The Presidential election in Ukraine, January-February 2010", *Electoral Studies*, 29: 746-765.

Institute of Mass Information. Barometer of Freedom of Speech.

<http://imi.org.ua/content/barometr-svobodi-slova-za-serpen-2012-roku> (accessed 10-02-12).

Jain, Arvind, K. 2001. "Corruption: a review", *Journal of Economic Surveys* 15(1): 71-121

Judge, William Q., D. Brian McNatt, Weichu Xu. 2011. "The antecedents and effects of national corruption: A Meta-analysis", *Journal of World Business*, 46: 93-103

Klitgaard, Robert E. 1988. *Controlling Corruption*. Berkeley, Calif.: University of California Press

Kostenko, Lina 2010. *Notes of Ukrainian Lunatic*. Kyiv. A-Ba-ba-ga-la-ma-ga publishers.

Kravchuk, Robert S. and Victor Chudowsky. 2005. "Ukraine's 1994 elections as an economic event", *Communist and Post-Communist Studies*, 38: 131-165.

Netudyhata, Vasyl. 2012. "Yanukovich is being forcefully glorified?", *MEEEST*, 32: 4. *Ukrainian Canadian Weekly*, Meest Media Corporation.

Netudyhata, Vasyl. 2012. "Criticising Party of Regions destroys business", *MEEEST*, 32: 4. *Ukrainian Canadian Weekly*, Meest Media Corporation.

Political Corruption: concepts and contexts. 2002. Edited by Arnold J. Heidenheimer and Michael Johnston. Translation Publishers, New Brunswick, New Jersey.

Rose-Ackerman, Susan 2001. "Trust, Honesty and Corruption: reflection on the state-building process", *Archives of European Sociology*, XLII, 3: 526-570.

Rose-Ackerman, Susan 2001. "Trust and Honesty in Post-Socialist Societies", *KYKLOS*, 54: 415-444.

Rose-Ackerman, Susan 1999. *Corruption and Government: Causes, consequences and reform*. Cambridge: Cambridge University press.

Salganik, Matthew J. and Douglas D. Heckathorn. 2004. "Sampling and Estimation in Hidden Populations using Respondent-Driven Sampling", *Sociological Methodology*, 34(1): 193-240.

Scott, J. 1969. "Corruption, Machine politics, and political change", *American Political Science Review*, 63, 1142-1158.

Stets, Yuri. 2012. <http://www.telekritika.ua/news/2012-09-28/75462> (accessed on 10-02-2012)

The forensics of election fraud: Russia and Ukraine. 2009. Edited by Mikhail Myagkov, Peter C. Ordeshook, Dimitri Shakin. Cambridge ; New York, NY : Cambridge University Press.

The Ukrainian Weekly, published by the Ukrainian National Association Inc.

Transparency International website:

http://www.transparency.org/policy_research/surveys_indices/cpi/2011/results

Tyzhden Newspaper <http://tyzhden.ua>