



**Office for Democratic Institutions and Human Rights**

## **Increasing accuracy of the State Register of Voters of Ukraine**

### **Report to the OSCE Project Co-ordinator in Ukraine from the ODIHR assessment visit**

**12-16 May 2009**

#### **1. Context**

Following an invitation of the Project Co-ordinator in Ukraine (OSCE PCU) of the Organization for Security and Cooperation in Europe (OSCE), a Team of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) conducted a working visit to Ukraine in the period 12-16 May 2009. The Team comprised Mr. Zoran Dokovic, Migration/Freedom of Movement Adviser, Ms. Lusine Badalyan, Election Advisor and Mr. Nikolai Vulchanov, Population/Voter Registration Expert.

The Team was tasked to:

- Assess the current state of affairs with regards to existing procedures for updating information in the State Register of Voters (SRV) of Ukraine in the context of an electoral assistance project implemented jointly by the OSCE PCU and the authorities of Ukraine;
- In the context of possible further electoral assistance, assess pathways for further increasing accuracy of information in the SRV and longer term perspectives for a development of a State Population Register (SPR) of Ukraine which could provide a potential for multi-purpose cost effective management of personal data of the citizens of Ukraine, including compilation of voter lists.

In the course of the visit, the team met representatives of the Central Election Commission (CEC) and the Ministry of Interior (MoI) of Ukraine. The team also paid a visit to the state rayon authorities of the Fastiv Rayon (Kyiv Province), some 50 kilometers from Kyiv, to assess the performance of the state rayon authorities in the context of the project in question.

#### **2. Background**

The structure and responsibilities of the state administration at state and rayon level tasked with the implementation of the SRV are described by the Law on the State

Register of Voters<sup>1</sup>. This law was reviewed jointly<sup>2</sup> by the Council of Europe's Venice Commission and the OSCE/ODIHR, which concluded that *“The introduction of a national voter register in the form of a regularly updated electronic database can lead to a significant improvement over existing arrangements for preparing voter lists. This Law provides a detailed framework for the introduction and maintenance of the new Register. It includes strong provisions to promote the accuracy of the list and the protection of voters' data and appropriate sanctions for unlawful access and abuse of registered data.”*

The CEC, which, by virtue of the Law on the SRV, is the Custodian of the SRV, is successfully finalizing the work of establishing of the state register of voters. To date, the CEC has collected voter information from all the rayons in Ukraine. The MoI was the main provider of the information for the initial collection of data for the SRV. The hardware for the operation of the SRV were provided by the OSCE PCU. The equipment will run the main SRV database located at the CEC and provide for operation of the local voter registration authorities. The SRV software was installed and is currently being tested with particular emphases on clearing out possible multiple<sup>3</sup> and incorrect entries in the SRV database.

### **3. Executive summary**

The assessment visit underlined the importance of effective cooperation between the CEC and the MoI as one of the main factors determining the quality of SRV updating and found current levels of cooperation generally satisfactory. There is, however, scope for further improvement in data sharing and this was acknowledged by both the CEC and the MoI during the course of the visit.

With regards to the accuracy of the data in the SRV, interlocutors indicated there were a number of risk factors which need to be addressed. Representatives of the CEC underlined that the accuracy of SRV data depends on the accuracy of the information received from the MoI. Yet, both the CEC and the MoI expressed concerns that the existing system of data sharing is not error free. The MoI recognized that most of the mistakes in data transfer occur in the process of manual copying from the paper-based residency records. The MoI believes that this problem could be overcome by digitalizing their existing residency records.

The assessment further determined that the information used for voter identification in the SRV (first and family name, patronymic name, date and place of birth) is not obtained directly from the authority responsible for registering of these information. By law, the authority responsible for maintaining and certifying this identity information is the Ministry of Justice's (MoJ) Department for Registration of Civil Status Acts (RCSA). However, during the initial data collection for the SRV, this identification data was

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<sup>1</sup> The Law of Ukraine „On the State Register of Voters”; <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=698-16>

<sup>2</sup> Joint Opinion on the Law on State Register of Voters of Ukraine, Opinion N 438, 15 June 2007, CDL-AD(2007)026.

<sup>3</sup> A group of records which may be records of one and the same voter.

collected from the MoI. In general, the MoI has access to the identity data through indirect means: citizen applications for the issuance of personal identification documents. These documents are issued on the basis of identity information provided in certificate form by the MoJ. As the identification data is manually copied into residency records, a potential for human error exists and for the transcription of such errors into the SRV.

In order to further increase the accuracy of data in the SRV, it is necessary to further improve the procedures for data transfer from the relevant institutions to the SRV custodian. Further efforts should be made to build a system of data transfer based on data available in digital format and eliminating the need for manual data copying.

In the longer term, the main technical obstacle to improved voter register accuracy remains the inadequate linkages between the two systems for registering of personal data: the MoI's register of residency data and the system of registration of civil status acts of the MoJ, which registers fundamental citizen identity data. The optimal solution, in technical terms, would be the establishment of a SPR, aggregating at central level the data contained in both registers, thereby providing users with access to the information registered by the competent authorities.

In this context, the recommendation of the ODIHR Election Observation Mission (EOM) from the 2007 Pre-Term Parliamentary Elections<sup>4</sup> to move to a system where voter registers are drawn from a state population register remains a valid objective which would bring results both in terms of data accuracy and cost efficiency. Such a decision is a matter for the Ukrainian authorities, but it is recommended that the OSCE actively promote discussion on this specific EOM recommendation.

In the absence of a SPR, the OSCE PCU support for the implementation of the SRV by the CEC should continue, focusing specifically on increasing accuracy in data transfer from the MoI local offices to the RMBs. In this regard, assisting digitalization of records kept in the MoI local offices would create the conditions for digital data handling thus narrowing the possibilities for mistakes in data transfer.

### **3. Administration of the SRV**

The CEC is the custodian of the SRV and is responsible both for compilation and maintenance. Bodies that are part of the state administration, at province and rayon levels, are created and appointed with specific responsibilities with regards to maintaining of the SRV. These bodies appear to have been appointed largely on the basis of the province and rayon working groups which were established in 2005-2007 to compile voter lists for the 2006 and 2007 parliamentary elections.

The Law on the SRV allocates responsibilities in terms of accessing and updating information in the SRV. By Law, the CEC has "read only" access to the entire register

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<sup>4</sup> Final Report on the 30 September 2007 Pre-Term Parliamentary Elections in Ukraine; <http://www.osce.org/item/29054.html>

data. The provincial Registration Administration Bodies (RAB), established for each of the 26 provinces of Ukraine, have no access to voter registration data. They are tasked with coordinating operations related to the maintenance of the SRV, within the respective province, between the rayons themselves and between the rayons and the CEC.

The staff of Registration Management Bodies (RMB) established under the CEC for each of the 755 rayons/cities of Ukraine is composed mostly of state officials. They have “read and write” access to the data of all voters with registered residence in the respective rayon, and “read only” access for the entire SRV.

### **3.1 Records in the SRV**

A voter record in the SRV includes two main subsets of data:

- **Identity data** (name, patronymic name, family name, date of birth and place of birth) and,
- **Data on registered place of residence** apartment number, building number, street name, name of place of inhabitancy (village, town, city, rayon, province, city district), and date of registration and deregistration. For the purposes of the SRV, the number of the polling station is also included.

Records in the SRV do not have dedicated fields for gender and personal identity number. Voter identity is determined on the basis of the identity data subset.

### **3.2 Current status of the SRV and equipment available**

All rayons and cities of Ukraine were submitted their respective “rayon voter registers” to the CEC in digital format. These are merged into a single database – the SRV – after which “cleaning” of the data begun, including the analysis of groups of possible multiple records. The team was informed that all RMBs had received computer hardware – mainly computers, network equipment and printers – in accordance with respective agreements between the authorities and the OSCE PCU.

The team was informed that the MoI is in a position to confirm, upon the receipt of a request for residence registration, whether the respective address is correct and therefore prevent the emergence of new multiple records arising from requests to register at non-existent or erroneous addresses. Further to that, the RMBs use the database of frequently-used names, which is a helpful tool to flag potential typographical errors in names, closing another avenue for potential multiple records. The CEC has also developed an auxiliary database of all streets which will assist in updating residency information and further limit typing mistakes.

### **3.3 Updating of records in the SRV**

Following the “cleaning” phase, which according to the CEC, will be completed by 15 September 2009, voter records in the SRV will be updated every three months by the

RMBs on the basis of updates provided by the relevant authorities tasked for this purpose under the CEC Resolution No. 578 of 27 December 2007. The RMBs are only users of the information generated by other state authorities such as the MoI rayon passport desks or the rayon offices for registration of civil status acts. Article 22 of the Law on the State Register of Voters in Ukraine obliges all state authorities to cooperate with the RMBs.

### **3.3.1 Sources for information of voters' personal data**

In accordance with the CEC Resolution No. 578, the MoI is designated as the main source of information for updating of records in the SRV. In this regard, the MoI is tasked with providing regular updates on all changes in its residency records with regard to identity, citizenship, and residence registration of voters. As this information represents the core data in each voter record, the accuracy of information in the SRV depends on the ability of the MoI to provide accurate and timely information. With regard to information on voters, the SRV will be updated on the basis of information supplied by the MoJ. Other relevant institutions are appointed for updating information on voters residing abroad, serving in the military, voters serving prison sentences and persons declared incapable by the relevant court.

Residence registration data is maintained in hard copy by the rayon offices of the MoI (State Department of Citizenship, Immigration and Registration of Individuals' Passport Desk). MoI staff indicated that the registration of residence is conducted in line with the Law of Ukraine on the Right of Freedom of Movement and Choice of Place of Residence in Ukraine<sup>5</sup>, also taking into account relevant provisions of the Residence Code and Civil Code. Registration of place of residence and issuance of national (internal) passports is made upon the application of citizens. Each citizen who has turned 16 is obliged, by law, to obtain a national (internal) passport. For the purpose of first registration, the MoI requests proof of identity which is obtained from the MoJ in the form of a birth certificate. The birth certificate contains all the information required for identification (name, family name, patronymic name, date and place of birth). This information is copied manually by the MoI into a record of issued "national" (internal) passports. Information on the place of residence is registered upon presentation of proof of housing ownership, lease contract, sublease contract, contract of tenancy or other documents stipulated by the current legislation.

The MoI stressed that the workload in terms of data processing at the MoI local offices has significantly increased upon receiving the additional tasking from the CEC. According to the MoI, the workload could radically decrease if the data processing at the local offices were to be computerized. However, the MoI lacks resources to digitalize existing residency records. Furthermore, the digitalization could be completed only at the local offices. Establishing of a state-wide residency database would require specific legislation at the national level. At present, the MoI keeps a state-wide database only for

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<sup>5</sup>Law of Ukraine on the Right of Freedom of Movement and Choice of Place of Residence in Ukraine  
<http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1382-15>

the issuance of international passports to Ukrainian citizens, some ten percent of 47 million citizens. The MoI indicated that 1974 Soviet passports are no longer in use.

Although the MoI provides information for updating both the identity and residency information in the SRV, by law, the MoI can legally certify only the information on place of residence. Identity data is registered, stored and updated by the rayon offices of the MoJ's Department for Registration of Civil Status Acts (RCSA), which is responsible for registering vital life events and consequently issues birth, death and marriage certificates and copies thereof. Yet, this authority is not the main supplier of identity information for the SRV. It appears that there is a notion that all identification data contained in the MoJ official records is accurately copied in the MoI records when the citizens are provided with national (internal) passports. However, there is no system in place that could crosscheck the records of the two Ministries to determine whether this is, in fact, the case.

### **3.3.2 Updating of information in the SRV**

The records in the SRV will be updated based on the information provided by the relevant authorities appointed as per the CEC Resolution No. 578. The relevant authority is required to enter, on a prescribed form, the identity and residency information of those voters whose identification or residency information has been changed within the reporting period. This information is provided both in hard and electronic copy (a Microsoft Excel file). The form contains identity and residency information for each voter whose record is to be updated.

The RMB forwards these electronic files to the central database using a designated secure web interface. Upon receipt, the SRV software examines the data contained in the file. Where an exact match is found in the SRV, the update is performed. If the correct match is not identified, feedback is sent immediately to the RMB on data inconsistencies identified. Such inconsistencies are then resolved by the RMB in consultations with the authority which is the originator of the information.

There are two phases of information updating. In the first phase, the information is transferred from the relevant authority to the RMB and in the second phase, the information is submitted by the RMB to the CEC, the Custodian of the SRV. Each phase can be assessed in terms of potential for error.

Under the existing model, the staff of the MoI local offices manually locate changes in the residency records made within the reporting period. This information is then manually entered into a standard form and then transferred to the RMB. The CEC Resolution No. 578 requires the relevant authority to provide the forms both in hard and electronic copy. However, most of the MoI local offices have no computer equipment and the transferring of information from a hard copy in the electronic format is performed by the RMB staff. In these circumstances, there is a possibility that some information which has changed in residency records within the reporting period may be omitted due

to human error. Manual data transfer of the information by means of a form further increases the risk of spelling errors. In order to augment accuracy, the information in the MoI records should be maintained in digital format. Any further processing in terms of transfer of this digital information to the RMB would not then compromise accuracy.

In the second phase, the information is transferred by the RMB into the SRV and consequently records in the SRV are updated with the new information. For this purpose the CEC has designed software for batch processing of files submitted by the RMBs. This means that a batch of information from the forms is transferred to the central location and processed there. This is somewhat different from the standard on-line model which would mean that the RMB has direct access to an individual record in the SRV and is consequently able to update individual records. It would appear that this pre-processing of data, before actual update of records takes place, was introduced in order to avoid possible mistakes.

However, existing procedures for data updating may be a source of possible logical loopholes in the process which could result in unforeseen inaccuracies. This is particularly the case in the instances when:

- a person has deregistered a place of residence but the information on registration of a new place of residence is missing (a possible source of accidental deletions).
- a person who registered a voting address different from the residence address changes the place of residence, yet his voting address remains unchanged.

### **3.3.3 Multiple records and inaccurate data**

The Custodian (the CEC) has specific responsibility for the identification and resolution of possible groups of multiple records. If the Custodian identifies a group of possible multiple records, the Custodian tasks the RMBs of those rayons corresponding to the registered residence data of the records to analyze the records and determine whether the records in question are of one and the same voter and if so, which record of the group should remain in the SRV. On the basis of the conclusions of the respective RMBs, the Custodian deletes those records on the basis of RMB advice.

In the framework of the SRV, exact multiple records exist when all five identification fields of two or more records fully coincide; possible multiple records may also occur if there is coincidence between less than five identification fields. This concept is at the basis of the queries used to identify possible multiple records in the SRV. Current CEC estimates indicate that it is anticipated that there are some 600,000 records which have two or more possible multiple records.

#### **4. Recommendations**

Further support by the OSCE PCU for the implementation of the SRV by the CEC should continue as planned by the Project.

Consideration could be given to including a dedicated field for voters' gender in the SRV personal records in view of the existence of male and female names with similar or even identical spelling. It should be noted that international standards require that identification documents provide for the gender of the bearer to be indicated in a dedicated field.

As the original identification information of voters is stored in the MoJ's RCSA and its rayon offices, consideration could be given to establishing communication and cooperation with the MoJ and its rayon offices, similar to the cooperation with the MoI. In order to further enhance the accuracy of the data maintained by the SRV, an analysis of the MoJ's sublegal acts could be conducted to develop a detailed understanding of the procedures for registration of civil status events (such as birth, death, and marriage) which determine voter identification information.

Furthermore, it could be useful to establish a procedure to verify the identification information of citizens available at the MoI with the source information contained in the MoJ RCSA. However, this can be achieved only by establishing of a state population register (SRP) which aggregates, at central level, data contained in the records of both MoI and MoJ. Any changes in terms of residency or identity information in such a register would be immediately visible to all the users of the system. Each ministry would update the register with the information for which it is responsible by law. The information in such register would be a reference source of information for all future users in need of citizen personal information including the CEC. The CEC would be able to receive an up-to-date snapshot of the eligible voting population at any point in time, not only at three month intervals, as is currently the case.

In its Final Report from the Pre-term Parliamentary Election 2007, the OSCE/ODIHR Election Observation Mission<sup>6</sup> recommended that *"The compilation of the voter lists should be made on the basis of a fully functional population/civil register, that remains to be established"*

While a SRV is a register with the specific objective of including the voting population, a SPR would include the entire population and would provide for multi-purpose cost-efficient applications. In the context of possible further electoral assistance, consideration could be given to opening discussion on the establishment of the SPR as the most accurate source of information for the SRV. Developing a SPR is a time consuming process, of which the SRV will only have full benefit when the SPR is fully operational. Once the SPR is fully established, however, voter lists could be produced from the SPR

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<sup>6</sup> Final Report on the 30 September 2007 Pre-Term Parliamentary Elections in Ukraine; <http://www.osce.org/item/29054.html>



within a short timeframe as the administrative arrangements of the SPR are similar to that of the SRV.

While there is no state population register in place, it is necessary to continue supporting the activities of the CEC in maintaining the accuracy of the SRV. In this regard, the OSCE PCU should consider providing the MoI with the necessary resources to transform their residence records from hard-copy into digital format, and to compile and regularly update a state register of existing administrative addresses. This would ensure digital-only transfer of information from the MoI offices to the RMBs which will reduce the likelihood of spelling mistakes during the transfer. Furthermore, the availability of residency records in a digital format would be of benefit in developing a state-wide population register at some stage in the future.

The CEC should consider regulating further the process of updating information in the SRV in the instances categorized as exceptional circumstances. Such circumstances were discussed on page 7 of this report in relation to the updating of deregistration of place of residence, updating information on deceased voters or updating voting address upon change of place of residence. Further analysis should be conducted to identify other possible loopholes in the system resulting in inaccuracies, the origin of which may be difficult to track down post-factum.

Issues of utilization of the existing network and technical equipment should be further addressed. Since the RMBs de facto are not accessing individual records in the SRV but rather providing an update in the form of Excel files submitted every three months, further utilization of existing network equipment should be considered. It is also advisable to make an additional assessment of the security of workstations in the RMBs in order to prevent up-loading of malicious software, bearing in mind that the existing equipment is enabled to read external media (CD ROM) which could potentially carry such software.

## **5. Possible perspectives for establishment of a state population register**

The compilation of SRV in Ukraine is of considerable political importance in the framework of past electoral practice in Ukraine. The efforts of the authorities to compile the SRV are commendable and should further enhance confidence in Ukrainian elections. Nevertheless, the SRV application is limited to the conduct of elections as it includes only the records of the voting age population. On the other hand, the voting age population represents approximately 75 percent of the entire population. The inclusion of minors would constitute a further step towards the compilation of a state population register (SPR), should the authorities opt for this choice.

The establishment and maintenance of a digital SPR is a time- and resource- intensive exercise which requires careful planning from the points of view of legal framework, methodology, logistics and resources. A key requirement would be that the

administration which manages the SPR receives, through official channels, the necessary data from the owners and generators of source information. On the other hand, such an SPR would ensure consistent and cost-effective maintenance and use of the personal data based on the rule of law and ensuring against multiple identities and multiple personal identification documents.

Decisions with regard to the establishment of an SPR in Ukraine are a matter for the Ukrainian authorities. Such a decision would require the adoption of legislation to ensure:

- the smooth operation of the system based on cooperation of those institutions which own source data,
- that domestic administrative traditions are reflected;
- sufficient convenience for citizens including protection of personal data in line with international standards and
- cost-efficient data sharing and performance.

The team was informed that the draft legislation on demographic register has been prepared in the recent past and has been adopted by Parliament at first reading.

Should the Ukrainian authorities express an interest in considering the perspectives for establishment of an SPR in the context of extended electoral assistance by the OSCE PCU, the OSCE/ODIHR stands ready to share relevant knowhow and experience to the extent requested.