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Organization of  
American States

**Eighth Inter-American Meeting  
of Electoral Management Bodies**  
September 18-19 2012, Montego Bay, Jamaica

General Secretariat of the Organization of American States

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## INTRODUCTION

The Inter-American Meetings of Electoral Management Bodies (EMBs) aim to promote the exchange of knowledge, experiences and best practices of electoral administrations in the region. In particular, these meetings facilitate horizontal cooperation to continually strengthen institutional capacities and further improve electoral systems in the Americas.

Eight Inter-American Meetings of Electoral Management Bodies have taken place to date.<sup>1</sup> The most recent meetings, those held between 2007 and 2013, encouraged collaboration between institutions and put forward concrete initiatives to strengthen electoral authorities and to make elections more transparent and participatory.

During the eighth meeting, representatives from electoral management bodies of the Americas had the opportunity to evaluate and learn from and diverse experiences, in this case specifically relating to:

- The role of Electoral Management Bodies in candidate selection processes.
- Vote counting, data transmission, and preliminary results reporting.

### The role of Electoral Management Bodies in candidate selection processes

The spread of universal suffrage throughout the region in the past three decades has solidified the legitimate origin governments through periodic free and fair elections, thus thrusting political parties into a central role in the political process. As Hans Kelsen aptly stated, “modern democracy rests entirely on political parties.”<sup>2</sup>

Nonetheless, citizens’ perceptions of political parties, the quintessential representative institution and the one principally associated with the expression of popular sovereignty, are not positive. Citizens express less confidence in political parties than in any other political institution.<sup>3</sup> The crisis of representation facing political parties in the region is linked, among other things, to the poverty in content of campaign promises (party programs are vague and full of platitudes); to clientelism, which threatens freedom of electoral choice; to inequality of opportunity among parties (inequity in the resources to disseminate campaign proposals and promote candidates); and to the lack of channels for participation.

<sup>1</sup> The first meeting took place in Panama City, Panama in March of 2003, where participants discussed the important role of political consensus in both implementing technological changes and in enacting necessary legal reforms relating to technology. In subsequent meetings, participants discussed the effective use of new technologies in different phases of the electoral process and shared best practices regarding the accurate and efficient transmission of results. Efforts to increase public trust in the electoral process were also discussed. During the 7th and most recent meeting, electoral management bodies had the opportunity to exchange experiences in three key areas: the relationship between electoral authorities and political parties in the electoral process; the role of the media in the electoral process; and access to the vote for the handicapped.

<sup>2</sup> Kelsen, Hans. (1988 [1929]). *La Démocratie. Sa Nature-Sa Valeur*. Paris:Economica.

<sup>3</sup> Programa de Naciones Unidas para el Desarrollo, Secretaría General de la Organización de los Estados Americanos (2010), *Nuestra democracia*, México: FCE, p. 100. According to the 2009 Latinobarómetro & LAPOP surveys, political parties are the least trusted institutions.

Confronted with this reality, citizens come to believe that their representatives are failing to promote their interests and demands.<sup>4</sup> Political parties have low levels of credibility and of institutionalization, a fact that is reflected in the large quantity of transient parties linked to particular candidates as well as the preponderance of personality-driven candidacies, many of whom switch or abandon their parties once they take office. The crisis of representation threatens the legitimacy of the system as well as the capacity of parties to construct a democratic mandate that would allow them promote the general welfare.

One of the principal factors explaining the lack of credibility enjoyed by political parties is that they are often perceived as closed organizations that are controlled by their leaders rather than by their members and supporters.<sup>5</sup> As a result, the promotion of internal democracy within political parties is an increasingly prevalent objective of electoral reform. Hernández Valle defines internal democracy with the following variables: 1) selection of internal leadership, 2) designation of candidates for popular election, 3) formulation of a party platform by the majority of members and not imposed by party leadership or economic interests, 4) financing of inter-party factions or coalitions, 5) proportional representation by gender, 6) respect for the fundamental rights of party members by way of an external authority that is constitutionally and legally permitted to regulate a party's internal activity.<sup>6</sup>

The push for internal democratization has resulted in a steady increase of regulation of party activity over time. Currently, the majority of countries in the Americas regulate the functioning of political parties.<sup>7</sup> The following discussion concerns one particular aspect of partisan activity, the internal selection of candidates for popular election. More specifically, the goal is to encourage discussion regarding the objectives of regulation, the existing types of regulation in the region, its implications and the challenges presented by such regulation.

The most important objects of electoral regulation regarding the candidate selection process are delineating legitimate procedures for the appointment of candidates as well as their subsequent presentation; the requirements for a candidacy (signature requirements, simultaneous candidacies, quotas); required procedures/formalities to launch a candidacy, including time frames or deadlines and the authorities responsible for formalizing candidacies; the conditions and procedures for modifying a candidacy; candidate qualification requirements; and the declaration of candidates.

There is no regional consensus regarding the desired level of regulation. The principal point of contention revolves around whether political parties are subject to public law, in which case the State has the right to intervene in their function and organization, or whether they are “private law” entities that are not subject to state regulation. As we can see, this discussion involves two competing principles: the right of party members to participate democratically and the right of parties to organize autonomously.

<sup>4</sup> Programa de Naciones Unidas para el Desarrollo, Secretaría General de la Organización de los Estados Americanos, op. cit., p. 99.

<sup>5</sup> For Michels, the bureaucratization of a political party is derived from the domination of the elected officials over the electors. Michels, Robert (1966 [1911]), *Political Parties. A sociological study of the oligarchic tendencies of modern democracy*. New York: Free Press.

<sup>6</sup> Hernández Valle, Rubén (2000), “La democracia interna de los partidos políticos”, p. 148. Disponible en [www.bibliojuridica.org/libros/1/347/11.pdf](http://www.bibliojuridica.org/libros/1/347/11.pdf).

<sup>7</sup> Zovatto, Daniel (2010), “La reforma político-electoral en América Latina: evolución, situación actual, tendencias y efectos”, *Revista Política Colombiana*, junio-septiembre, p. 113. Approximately half of the countries in the region have passed laws regulating political parties, a large number of which are afforded constitutional status.

This debate creates an interesting dilemma given the fact that both principles, participation and self-organization, are linked to internal democratization.<sup>8</sup>

Within the region, there are three basic regulatory models connected with internal candidate selection. In the first type internal elections are obligatory (or, in some cases, not compulsory but regulated if the parties decide to hold primaries). This posture stresses the principle of democratic participation for party members over the right of parties to self-organize. Among the countries that adopt this model, the specific legislation varies in a number of ways, differing in whether primaries should be open or closed,<sup>9</sup> separate or simultaneous, with or without public financing and between organizational participation and supervision by electoral authorities. Argentina, Honduras and Uruguay all require open primaries. In Panama, Paraguay and Venezuela, on the other hand, internal elections are closed.<sup>10</sup>

The second model makes use of the party convention as a mechanism for candidate selection. This is true in the case of Guatemala, where article 26 of the electoral law assigns the role of choosing the presidential candidate to the National Assembly of each party.<sup>11</sup> Article 26 confers on each party's National Assembly the right "to choose and proclaim its party's candidates for the President and Vice President of the Republic".<sup>12</sup> In addition to the Guatemalan case in which the party convention is required by law, a large number of parties in the region have established this mechanism in their bylaws.

The final model comprises those cases in which the law does not stipulate a particular method of selection, allowing each party to establish their own methods (Brazil, Ecuador, El Salvador and Mexico, for example).<sup>13</sup> In the case of Colombia, article 107 of the constitution and article 10 of the Basic Statute of Political Parties specify internal elections as an alternative, but leave to the parties the decision of whether or not to implement that method.<sup>14</sup> Each of these cases privileges the principle of party self-organization, permitting parties to define the method of candidate selection within their own bylaws.

Electoral authorities can be called upon to fulfill a variety of distinct functions, depending on particular regulatory model. An electoral management body may be responsible for the organization of elections

<sup>8</sup> According to Orozco Henríquez, any reform effort must recognize the necessity of finding a balance between both principles. Orozco Henríquez, J. Jesús (2003), "La democracia interna de los partidos políticos en Iberoamérica y su garantía jurisdiccional", VII Congreso Iberoamericano de Derecho Constitucional, Sevilla, España, 3-5 diciembre, p. 224.

<sup>9</sup> In some case, the law does not specify either way. In Peru, for example, the law states that every party can define within its bylaws whether the election is open or closed. Zovatto, Daniel, op. cit., p. 116.

<sup>10</sup> No facts were obtained for the Caribbean cases. In the case of Venezuela and Paraguay, the Electoral Body's have provided limited assistance in internal elections.

<sup>11</sup> Freidenberg, Flavia (2003), *Selección de candidatos y democracia interna en los partidos de América Latina*, Lima: Asociación Civil Transparencia, International IDEA, p. 22. Alcántara Sáez, Manuel (2010), "Autonomía de los partidos políticos vs. Justicia electoral a fin de garantizar su democracia interna", II Conferencia Iberoamericana sobre Justicia Electoral, Panamá, 1-3 de septiembre, p. 10.

<sup>12</sup> According to Article 25, the National Assembly "is the supreme body of the party, and is made up of two delegates, endowed with the right to speak in debate and to vote, from each one of the municipalities in which the party has an organizational presence, each of whom is elected by the respective Municipal Assembly for every National Assembly that is held." The electoral law regulates official announcements of the National Assembly as well as credentials, quorum rules, voting, majorities, presidencies, and requirements for resolutions and resources. Article 22, clause d) states that political parties enjoy the right to "make a formal complaint, in front of the Supreme Electoral Tribunal or the Inspector General, regarding any abnormality of which they have knowledge and to compel the investigation of actions that jeopardize the norms and principles of the laws regarding electoral matters and political parties." (In-house translation)

<sup>13</sup> Alcántara Sáez, Manuel (2010), op. cit., p. 10. Zovatto, Daniel, op. cit., p. 116.

<sup>14</sup> Zovatto, Daniel, op. cit., p. 116.

if it actively intervenes in the internal selection process; it may act as a supervisor through the intermediary of official representatives, in some cases only if requested by the parties; and lastly it might be required to provide a judicial resolution in the case of internal conflicts.<sup>15</sup>

Reforms aimed at democratizing the inner workings of political parties have produced mixed results. On the one hand, some authors claim that open primaries allow for an increased participation in party activities by the society-at-large. They also attract new members to the organization and help the party mobilize around new issues, which results in improvements in popular legitimacy.<sup>16</sup> Others have argued that obligatory primaries are detrimental to party cohesion because they increase confrontation and fragmentation between internal factions/coalitions, thus exacerbating the already low levels of institutionalization of political parties and creating serious obstacles to governability.<sup>17</sup>

In light of the different models and scenarios that have been posed, it is interesting to consider the variety of challenges that confront electoral authorities regarding the internal selection of candidates by political parties. It is important to emphasize that the objective of the recent reforms has been the internal democratization of political parties.

The preceding discussion has proposed three topics to debate. First of all, which model is most conducive to achieving the objective of internal democracy? Should electoral authorities play a role in encouraging social participation or should they abstain in order to protect the organizational autonomy of political parties? Secondly, to what extent have reforms increasing the role of electoral authorities been effective? In other words, have they promoted the internal democratization of parties?<sup>18</sup> Finally, one must consider in what capacity the electoral authorities have the means to ensure compliance with the reforms, guaranteeing that legitimately democratic competition within political parties is a practical reality.

### Vote counting, data transmission, and preliminary results reporting

Every electoral process involves three distinct stages: the pre-electoral period, beginning with the official announcement of the elections, election-day, and the post-electoral stage, which culminates with the official announcement of the results. Each phase presents distinct challenges. The second stage, for example, is characterized by an intense flurry of activity in a brief time period. This Eighth Meeting will concentrate on two specific aspects of election-day: firstly, the process of ballot counting at polling stations, in both general and specific terms, encompassing both manual and electronic voting; secondly, the transmission and publication of preliminary results, paying particular attention to the speed and reliability of transmission, considering its political implications.<sup>19</sup>

<sup>15</sup> Freidenberg, Flavia (2007), "Democracia interna en los partidos políticos" en Dieter Nohlen, Daniel Zovatto, Jesús Orozco y José Thompson (comp.), *Tratado de derecho electoral comparado de América Latina*, México, DF: Instituto Interamericano de Derechos Humanos, Universidad de Heidelberg, International IDEA, Tribunal Electoral del Poder Judicial de la Federación, Instituto Federal Electoral: 627-678.

<sup>16</sup> Freidenberg, Flavia (2003), *Selección de candidatos y democracia interna en los partidos de América Latina*, Lima: IDEA International.

<sup>17</sup> Zovatto, Daniel, op. cit., p. 116.

<sup>18</sup> For example, how have they prevented the interference in open primaries of external organizations linked to other political parties.

<sup>19</sup> In general terms, election day comprises three phases: voting, ballot counting in polling stations and finally the tabulation and publication of results. General Secretariat of the Organization of American States (2008), *Manual for OAS Election Observation Missions*. Washington, DC: GS/OAS, pp. 16-19



“The vote-counting process is done at the polling stations, and it includes the examination of votes to determine their validity; the counting of each vote; and the formal recording of the results on a tally sheet, in compliance with certain formalities established by the law.”<sup>20</sup> The process can be divided into distinct phases, extending from the work of the polling stations<sup>21</sup> (the primary electoral body) to the decisions made by the highest applicable electoral authority. In some cases, there are intermediate stages that involve aggregating the votes from each electoral circumscription, each of which corresponds to a defined number of polling stations. The vote-counting process concludes with the publication of the official electoral results, followed by the official declaration of results and the certification of incumbents or, in the case of a referendum, the acceptance of the winning option.

It is important to bear in mind that the ballot counting process entails both quantitative and qualitative aspects. The former comprises the tabulation of votes cast, the number of voters in each polling station, the votes for each party or candidate, the null votes and blank ballots, and the number of surplus ballots. The second more complicated aspect entails a verification and validation of the ballots to determine whether or not they are valid or null, and in some cases blank, contested, observed or repealed. Both aspects are reflected in the official tally sheets emitted by the polling stations.<sup>22</sup>

The vote-counting process represents one of the most fundamental stages of an electoral process’ final phase. The credibility of the election and the trust of the electorate, as well as the willingness of candidates and political parties to accept the result, depend in large part on the speed, professionalism (reducing the margin of error), security and transparency of the process. In this context, electoral management bodies play a fundamental role at all levels of their organization, from representatives on the ground at the polling stations up to the most senior authorities.

Regarding the vote counting process at the polling stations, several fundamental aspects merit consideration: the selection and training of poll workers, the presence of poll-watchers from political parties during the counting process and the security of electoral materials.

The number of citizens who make up the staff of a polling station varies from country to country, ranging from three to six, in the case of designated members as well as their substitutes. The stations are organized in hierarchical structures that differentiate between presidents and regular members, for example. Underlying the diverse models that have been adopted by countries in the region is the distinction between a “controlled” or a neutral strategy, meaning that the polling station officials are made up of either party members or organizations that exercise “control” over one another, or alternatively are composed of citizens without political affiliation.<sup>23</sup> This distinction relevant to polling stations is also reflected at higher levels of the electoral authority. As a result, it is important that all the members of polling stations are equipped with sufficient knowledge to carry out their functions.

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<sup>20</sup> General Secretariat of the Organization of American States (2008), *op. cit.*, p. 18.

<sup>21</sup> There is not a single nomenclature in the region for polling stations. Variations include: “las mesas de votación, las juntas receptoras, las mesas receptoras, las mesas electorales, las comisiones receptoras, mesas directivas de casilla”, among others.

<sup>22</sup> Franco Cuervo, Beatriz (2003), “Escrutinios” en Instituto Interamericano de Derechos Humanos, *Diccionario electoral*, Tomo I, México, DF: Universidad Nacional Autónoma de México, Instituto Federal Electoral, Tribunal Electoral del Poder Judicial de la Federación, Instituto Interamericano de Derechos Humanos: 499-509.

<sup>23</sup> Fiallos, Mariano (2003), “Mesas de Votación” en *Diccionario Electoral*, Tomo II, México DF, Universidad Autónoma de México.

Training members of polling stations should be considered a central dimension of the organization of an electoral process. Numerous OAS Election Observation Missions (OAS/EOMs) have noted that a lack of knowledge regarding electoral procedures and legislation on the part of poll workers has generated problems during ballot counting.<sup>24</sup> An effective training program would reduce the quantity of errors in the tally sheets and the time taken to fill them out, which would in turn affect the speed at which preliminary results could be released. Furthermore, in the case of electronic voting, training programs are essential to ensure that the president of a polling station possesses the capabilities to print the corresponding receipts or record the results with an electronic storage medium that can be taken to the headquarters of the electoral authority as support for the results.

It is important to acknowledge the role of poll watchers delegated by political parties during this stage of the electoral process. Their presence may help generate confidence in the results and diminish the number of subsequent challenges. In this sense, the practice of giving copies of the tally sheets to party delegates merits consideration. Although this practice might prove complicated in cases in which large numbers of parties are participating, there is the option of posting a copy, as is done, for example in Ecuador and Peru.

The security of electoral materials also merits consideration. There is consensus on the importance of protecting ballots and tally sheets from any kind of adulteration and many authorities have adopted measures aimed at reducing such opportunities. However, increasing levels of control may merely complicate the process, leading to an increase in the margin of error and the quantity of challenges. Finding a balance between the application of adequate security measures and the simplification of the process represents a challenge for every institution that is responsible for organizing electoral processes.<sup>25</sup>

Logistical issues and other elements related to the infrastructure of voting centers also play a large role in protecting the physical security of electoral materials. In a third of the OAS/EOMs conducted between 2008 and 2010 in Latin America and the Caribbean, overcrowding at polling stations – and in general, deficient infrastructure at voting centers – was a recurring issue.

Generally speaking, the tally sheet or its facsimile represents the foundation of the preliminary results. In some countries, the OAS/EOMs have observed that the act of filling out the tally sheets presents significant challenges for poll workers. In some cases, this is due to the complexity of the format or due to the fact that copies must be filled in manually, and in others because of the quantity of results that must be registered.

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<sup>24</sup> One third of the OAS/EOM reports between 2008 and 2010 recommend reforming or improving the training of electoral authorities. The recommendation to increase the level of electoral institutionalization manifests itself in different ways depending on the particular case and country. Nonetheless, the necessity to standardize the electoral organization – particularly between national and sub-national institutions – has been a recurring theme, principally in decentralized or federal systems. In like manner, in a number of Caribbean countries, the reports recommended standardizing procedures at the polling stations themselves. Another issue related to electoral authorities that also appeared in various reports was the necessity of clarifying or strengthening the legal framework relating to electoral processes.

<sup>25</sup> The progress that has been achieved is reflected in the fact that in the majority of OAS/EOMs reports from 2008-2010 the security of electoral materials did not appear as a substantive problem. Nonetheless, the need to simplify and speed up the process repeatedly arose as an issue.

Following the validation process, the vote count, and the completion of the tally sheets at the polling stations, many countries transmit preliminary electoral results.<sup>26</sup> These results are neither official nor definitive. Nonetheless, when the system functions adequately, it can facilitate a calm and peaceful environment among the citizenry and political actors in general.<sup>27</sup>

Within the Americas, there are a variety of different models for the transmission of preliminary results, beyond the distinction between manual and electronic voting. In some countries, the transmission stations are housed in polling stations, as is the case with Costa Rica and the Dominican Republic. Other countries, Panama for example, use cell phones under a system called WAP (Wireless Application Protocol). Other models require people to collect, gather and transport the tally sheets from the polling stations to centers where the tally sheets are then transmitted.

In cases in which voting is done electronically, like Brazil and Venezuela, the results are transmitted once the aggregation process is finalized. In Brazil, the memory is removed from the machine used by the voters and then entered into another terminal from which the results are transmitted to national computing center. In Venezuela, a data transmission cable is connected to the voting machine and the data is sent to the national aggregation center (centro nacional de totalización).<sup>28</sup>

Speed is a critical variable for the transmission of electoral results. In that respect, “one of the benefits of using information technology in the various phases of an election is that it can speed up the process.”<sup>29</sup> Generally speaking, it must be recognized that the evolution of telecommunications systems has given rise to an expectation among the electorate that results will be disseminated on the same day of the election.

On the other hand, the more time that the electoral authorities take to publish the preliminary results, the greater the possibility that other results will be published by organizations with less reliable sources, such as exit polls, that differ from the preliminary results that are subsequently published. In this context, is important to consider the existing regulation on the publication of tentative results and the jurisdiction of the electoral authorities to control the information published on Election Day.

The timely dissemination of preliminary results has proven to be a valuable tool when it comes to engendering trust and tranquility in the population, and in political actors. The practice impedes difficult scenarios, in which the results that are first announced – regardless of the source – are considered valid, thus complicating the subsequent publication of different, albeit official, results as well as their acceptance by candidates and parties.

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<sup>26</sup> There is not a single nomenclature for this process. In some countries, like Mexico, it is called PREP for Programa de Resultados Electorales Preliminares. Other countries abbreviate the process as TREP, la transmisión de resultados preliminares.

<sup>27</sup> General Secretariat of the Organization of American States (2010), *Observing the Use of Electoral Technologies: A Manual for OAS Electoral Observation Missions*, Washington, DC: OAS/GS.

<sup>28</sup> As we have seen, available technology includes faxes, scanners, cell phones, communication systems with virtual VPN networks and dedicated connections. All of these systems should include security functions such as passwords, encryption systems and authentications in order to ensure a secure transmission.

<sup>29</sup> General Secretariat of the Organization of American States (2010), *op. cit.*, p. 6.

The officials responsible for creating mechanisms for transmitting preliminary results are responsible for designing procedures that reduce the margin of error and provide safeguards to protect electoral information. For example, the practice of transmitting information from the tally sheets via telephone to a reception center creates the possibility that the person who transmits or receives the information will commit an error. Consequently, not only conducting tests and simulations but also establishing external audits can help overcome such weaknesses and contribute to a reliable system with built-in contingency plans for Election Day.

In the same manner as other key activities of the electoral process, the participation of technical representatives of political parties in the audits prior to Election Day merits consideration. Allowing parties access to these events increases trust in the system, while also contributing in a positive way to the eventual acceptance of the published results.

The preceding discussion suggests four topics to debate. First, what models for the composition of polling stations provide the highest levels of impartiality and oversight of the vote count? Second, what measures should be adopted to improve the training and performance of poll workers? Third, what are the features and characteristics that would best ensure efficiency and effectiveness in mechanisms for the transmission of preliminary results? Fourth, what are the advantages and disadvantages of publishing results from preliminary transmission mechanisms on Election Day?

During this Eighth Inter-American Meeting, Electoral Management Bodies had once again the opportunity to exchange points of view and benefit from the experiences shared by their colleagues in the hemisphere. Debate and reflection were encouraged, with the ultimate goal being to improve the electoral systems of OAS member states.



1

# Opening Session

## **1.1 Prof. the Hon. Errol Miller, OJ, CD, Chairman, Electoral Commission, Jamaica**

It is my great privilege to welcome you first to Jamaica. This is the first time that a meeting of the Inter-American body is taking place in Jamaica. We are delighted to have you in this very special year because Jamaica is celebrating its 50th anniversary of political independence. So it is our jubilee year: a year of great inspiration for our country, a year of great pride, a year of also great reflection and commitment to the future. Therefore, it's very good to have you. I think you would have noticed that inspiration from our athletes as they ran in London and I think you would recognize the special significance of them running in London in our 50th year.

Jamaica has a record of having had elections since the first one in December of 1663. So we have a long history of elections. But for 280 years of that [history], elections were conducted outside of the boundaries of democracy. Then in 1944, Jamaica was one of the first countries in the world to have adult suffrage where every adult over the age of 21 could vote without any other restrictions—save and except that they had reached the age of

majority. Since that election in 1944, we have had 16 general parliamentary elections, and we have had 7 changes of government. So we have a record of having two major political parties and of changing them every so often. The body responsible for electoral matters has had to preside over such elections. I have to tell you that, contrary to what is commonly said, although we have inherited from the British a system of elections, because they had been conducted outside of the boundaries of democracy, they had all the flaws of a system so constructed and configured to serve special interests and not simply the will of the electorate. The electorate itself was highly constrained. Therefore, as we celebrate our 50th year anniversary as an independent country, one of the acknowledged achievements of the Jamaican people has been that we have reformed that system of flawed electoral processes to one that can stand up to scrutiny to the highest principles of democracy and the conduct of elections anywhere in the world. In fact, our last parliamentary election was in December 2011 and it is acknowledged that these were the best-conducted elections in the history of the country; [the] most peaceful and there was transfer of power. Or, should I venture

to say that, even to the last moment it wasn't sure who would win. [Even] the winners themselves, some were surprised at the results. So it could not be predicted in advance of the expressed will of the people, and there was a very peaceful transfer of the reigns of political power.

So we are proud of our electoral system. This is not just a matter of the election management body; it is in fact an accomplishment of the people. In fact, our election management body, the Election Commission of Jamaica, has a unique composition. That composition is that it has two members nominated by the Prime Minister, two named by the leader of the opposition, four jointly agreed on by both, and then those eight unanimously elect the Director of Elections, and they form the Electoral Commission. Then we have an even more unique convention: that although Parliament is sovereign since 1979 (because it is the house of the elected representatives of the people who are sovereign), it has agreed that any matter that is unanimously agreed by the Commission and signed by our Commissioner, when it goes to Parliament either as something to act upon (like the delineation of boundaries) or a matter of law, it is accepted, and passed into law without change. That is a commitment of the parliamentarians. So it is a convention. It cannot be written into law but it is something they practiced and observed for the past 33 years and it is one of the foundations upon which the changes that have occurred in the country have been made.

We want to welcome you—I want to welcome you—also to the Caribbean (the Commonwealth Caribbean). In this hemisphere, we are a rather unique little group. When you hear of the hemisphere of which the 35 members are elected, you always hear of Latin America and the Caribbean. There is North America, Latin America, and then this addendum called the Caribbean. Within that addendum called the Caribbean, there are these 12 small, independent, politically independent countries. Although Jamaica likes to think of itself as big, it is still small, just about three million people. The Commonwealth Caribbean is not defined geographically because it includes Guyana that is located in South America, and Belize that is in Central America. But we have a com-

mon tradition and, like Jamaica, the Commonwealth Caribbean has a history of regularly changing its government. We have only had one instance in the region where the government was not elected by the people, but by another process. But we do have our own association, the Association of Caribbean Electoral Organizations, and because this is the first time that this meeting is being held in the Commonwealth Caribbean, on behalf of my colleagues from the other countries of the Commonwealth Caribbean, we want to welcome you to this part of the region with its own peculiar history of governance, which totally respects the democratic principles and we are all moving in that direction. In fact, it was our privilege recently to observe the elections in the Bahamas and it could not have been conducted to any higher standards than it was, and it is another example of that tradition.

I am sure that all of us here are watching with great interest the election that is taking place in one of our Member States - the first democracy, [the] first nation of this hemisphere. We are watching with great interest the presidential and other elections that are taking place, to be held in November. I am absolutely sure that all of us in the electoral management business are viewing with some great concern a number of misguided electoral officials and state bodies that have been passing laws and taking actions that are totally contrary to the principles of democracy, and yet trying to justify those principles on lofty grounds. It is a sort of perversity when you can take the most blatant partisan action and then use high principle to justify them. An equal cause of concern is the virtual tacit—the silence— and, therefore, almost the tacit approval of such measures. When you think of the great history and tradition, and the depth of American democracy, you would recognize that the persons and legislators taking these actions, it is because of the depth of that democracy that is not only federal and state, but it goes down to country and municipality. Therefore, with such a wide froth of people involved, you will have misguided individuals. That is the nature of humanity.

But those who are so misguided should be instantly brought back into line because what they are trifling

with are the very foundations of the democratic process. Those who hold public office and discharge of public responsibility with respect to the electoral process must never use that public office for blatant partisan purposes. Because, what you are then trifling with, are the very foundations of the principles of government of the people, by the people, and for the people. When you use your power—even with acknowledgement—for these partisan purposes, you put at risk the entire process. I fear to think of what would happen if the leader of the free world were elected by a flawed process that tramples on the right of each elector to cast his vote and not to be excluded from the role. The implications for all of us are quite severe. I only hope that these misguided individuals and what they are doing will not stand. I am sure you would all agree with me on that.

You say, “What right have you to speak of the American elections?” Well, we are election management bodies, and we speak to each other about our concerns, and they often speak to us about our systems and it is not outside the bounds of our rights to speak back. Because such is the nature of the democratic process, and when it comes to elections, we are all on level ground. We stand as equals with none being elevated to a higher position, save and except, the position of adhering to the highest principles of democracy, and of justice, and of proper conduct.

So we welcome you to share with us the joy of our country and we look forward to the work that is done.

### **1.2 Kevin Casas-Zamora, PhD, Secretary, Secretariat of Political Affairs, OAS**

This meeting is several things at once. First of all, the fact that it is being held in the Commonwealth Caribbean for the first time, and in Jamaica in particular, and in the 50th anniversary of its independence, tells us that is a belated recognition of the long democratic tradition that is a distinctive mark of this region. [It is] an acknowledgement that no hemispheric discussion on how to improve electoral institutions and practices can take place if the rich political experience of the Caribbean is not at the heart of the conversation. It has to be said that, unlike other regions in our hemisphere, the

Caribbean nations—often beset by complex ethnic and political cleavages, often confronted with severe economic downturns, often besieged by natural disasters of a magnitude that would make lesser nations buckle—have always kept faith in the democratic way as the only acceptable route to overcoming society’s most testing challenges. While other regions are saddled with a political history in which democratic practices have been isolated islands amidst a sea of authoritarian moors, the political history of the Commonwealth Caribbean after independence (to the immense credit of its peoples) exhibits only a few promontories of autocracy surrounded by a largely democratic [...] I have to say that it is not just a matter of acknowledging this tradition, it is also about the capacity to improve and to do things better.

You know, I have been a political junkie since I was a kid, and I remember, when I was a kid, reading about the political titans of this island. About the Michael Manleys and the Edward Seagas of this place and reading about the terrible violence that would mar the electoral processes in this island. A violence that I have to say, to the credit of the institutions of this island, has largely vanished. So what we are doing here is not simply recognizing a tradition, but also recognizing the capacity to make things better and to improve. Ultimately, we have come to the Caribbean to give testimony that democracy is arguably the most important thread that binds our hemisphere today—one that transcends the boundaries of language, ethnicity, and nationhood. We have come to Jamaica and to the Commonwealth Caribbean to assert that, no matter where we come from, democracy is the real lingua franca of the Western hemisphere.

Second, for me this workshop is a wonderful example of the value that the Organization of American States can offer its Member States. We are doing here some of the things that the OAS is uniquely well positioned to do. We are bringing together a hemisphere-wide network of experts and practitioners to share their experiences. In doing so, we are facilitating the forging of cross-border alliances; the dissemination of best practices and the comparison of the ways of doing things with those of our peers; a tough, but vital discipline that if followed consistently nearly always leads to self-improvement.

Besides, we are doing here what a budget-strained organization such as ours must do if it wants to get the most mileage from very limited resources: we must manage knowledge. That means that we must connect knowledge, supply, and demand, and seek to become the door where you knock if you want to transform electoral laws and practices in your country, because that door can lead to the information and to the experts that may help. This is largely inexpensive, but powerful. It is what we can do as an institution and it is what we will do. Building hemispheric networks and managing knowledge are central to my own vision of the role of the OAS Secretariat for Political Affairs.

Third, we are here to have a conversation about two crucial issues for the quality of the electoral processes in the Americas: namely vote counting and preliminary transmission of results, as well as the role of electoral authorities in candidate selection processes. The former is vital for the credibility of elections—credibility being the good that, above all, electoral managers provide to their society. Yet, it is candidate selection processes that I find the most vexing of the two issues, for it involves truly profound questions about democracy. Indeed, how to manage candidate selection is a thorny issue where democratic values clash and intervention by election authorities can potentially lead to pitfalls. Ever since Robert Michaels wrote, over a century ago, his classic treatise on the oligarchical tendencies that define the internal life of political parties, we have known that candidate selection processes have the ability to greatly compromise the same values that are routinely placed at the heart of successful democratic elections – namely freedom, fairness, transparency, and participation. We can indeed ask uncomfortable questions about the value of democratic elections where choices are preselected by means of internal procedures that are a grotesque negation of democracy and that indeed confer disproportionate power to political actors whose commitment to democracy is often flimsy.

Yet, we must temper the urge to regulate this dimension of democracy with the recognition that parties and political associations ought to express the vitality of civil society, which thrives when it is not weighed down by

the heavy hand of the state. This is not just a matter of abstract principle, but of very concrete practice. We are witnessing time and again attempts by semi-authoritarian governments to suffocate opposition, opposing forces, political parties, as much as NGOs, and media outlets in the name of regulation of their activities. Where is the red line beyond which the need to protect democratic practices and outcomes begins to clash with the principle of self-organization of civil society? Part of the answer to this question hinges upon our understanding of the role of political parties: whether we privilege their private nature as vehicles for the freedom of people to associate for political ends, or instead, the poor consequences of their decisions whenever they structure electoral choices and monopolize political representation.

Ever since the Weimar Constitution in Germany, the Continental tradition (which Latin American has largely adopted) has embraced the idea that parties are private associations with a public dimension that demands regulation. This, however, is problematic for the Anglo-Saxon tradition (of which the English speaking Caribbean largely partakes), which reflects a more expansive conception of freedom of association and expression where the workings of civil society ought to be as slightly regulated as possible. In fact, this is tributary to an even more basic question about the role of law in social life. In the Continental tradition, you regulate things to just political parties when it appears desirable. In the Anglo-Saxon tradition, you regulate phenomena when it is inevitable. In the Continental tradition, you regulate in order to constitute and shape reality. In the Anglo-Saxon tradition you regulate in order to reflect reality. Hence, in the decision to regulate the internal life of political parties there is not merely a normative question involved, there is in fact an ontological question. That value clashes are inevitable in this discussion, ought to be clear when we examine for a second the effects of the growing trend towards the adoption of U.S.-style open primary elections.

The adoption of open primaries has been built as a great democratic conquest in many places. It indeed resolves in an admirable manner the question of how to make



candidate selection processes as participatory as possible. Alas, this is only one of the several issues that matter for democracy. Yes, open primaries are more participatory, but [they are] also much more costly, which in turn creates new forms of exclusion and new kinds of oligarchic behavior. Open primaries provide a broadly legitimate instrument to settle power disputes within a political party but also render those disputes painfully evident in ways that often have longer lasting effects, and that put off citizens from politics. Open primaries are inherently uncertain but that very feature makes them largely incompatible with the attempt to engineer electoral processes so as to increase the political representation of disadvantaged groups. Open primaries, hence, provide important goods to political parties and to the political process in general, but they are not unalloyed goods. It may be because of this complexity of outcomes that somewhat to the puzzlement of well-intentioned political reformers, there is precious little evidence that the adoption of open primaries increases the popular standing of political actors or the legitimacy of democratic institutions.

The lesson here is an old one; democracy is a messy kind of business. One beset by value choices and less than optimal outcomes. It is a human contraption and, as such, unable to escape the dramatic fate of human beings: always torn between valuable outcomes that are also incompatible. As the great Asya Berlin did well to remind us, perfect solutions to complex problems, solutions that brought no doubt, are not the tool of the trade of political reformers or electoral managers. That's why we are here. To discuss the range of possible practical solutions to very vexing problems, in the knowledge that none of us has unearthed the Holy Grail. This ought to be an exercise in intellectual curiosity and humility; an exercise in sharing the fragments of truth that we have picked up along the way.

And it is in that spirit that I mention the fourth thing that I would like this meeting to be. I would like it to be a gathering of friends, talking freely whilst embraced by the warmth, and the beauty, and the joy, and the hospitality of this wonderful land and the sea that caresses it. A gathering of friends sharing the little we know about

the subject matter and asking about the enormity of what we do not know. Asking in the certainty, as it is among friends, that someone will help us unburden our minds and enlighten our path.

### **1.3 Hon. Julian Robinson, MP, Minister of State in the Ministry of Science, Technology, Energy and Mining (with responsibility for Electoral Matters)**

Let me welcome those of you who are here in Jamaica for the first time [and] those of you who are visiting. Let me welcome you on behalf of the Government of Jamaica, on behalf of the Minister with responsibility for Electoral Matters, The Honorable Phillip Powell, and on behalf of the people of Jamaica. I am extremely proud as a Jamaican to be hosting this Eighth Inter-American Meeting of Electoral Management Bodies as it actually happens in the 50th year that we celebrate political independence. I am hopeful that over the next two days, the discussions here will inspire improvements in the management of our electoral systems across the region.

In Jamaica, we are acutely aware that it is the faith of the people in the working of our electoral processes that guarantees the integrity and legitimacy of our political system. Our own experience here in Jamaica reveals lessons to be learned. After decades of disagreements—charges and counter-charges between the two main political parties over the management of our electoral processes and systems—a series of discussions and negotiations led to the establishment of what was then known as the Electoral Advisory Committee in 1979. Since then, we have invested heavily in building and improving our electoral system, and the Electoral Commission of Jamaica was established in 2006. Since the establishment of the Electoral Commission in 2006, we have had two parliamentary general elections and two local government elections. I think it is fair to say that those elections have operated at the highest global standards of democracy and have been free from fear, and also free and fair.

All of this could only have been achieved with bipartisan consensus. Today we have (and I knock on wood) essentially eliminated political violence. While there still exist pockets, by and large, political violence is a thing of

the past. In fact, there is both parliamentary discussion, and other discussions, surrounding whether we need to retain a political ombudsman. I think that, in a sense, reflects the extent to which we have grown and matured as a political democracy; that an ombudsman, which two or three elections ago played such a critical role, we believe that we may not need to have an ombudsman again. But there is still a lot of work that we need to do to fine-tune our electoral system. Yes we have, what can be considered, a world-class electoral system here in Jamaica. I am happy that our own commissioners and electoral officials will be able to share our own experiences and to learn from some of your experiences. But while we have a world-class electoral system, there are still a couple of issues and challenges that remain within our political system. There are three that I would like to highlight and share with you, and [I] hope that over the next two days we can tackle them.

The first relates to the issue of inclusivity. We know that democracy is strongest when there is the broadest representation and participation of all sectors of the electorate and for most [of the] countries in the region that means, broadly speaking, more involvement from underrepresented groups. The most glaring imbalance that we have, certainly in Jamaica and possibly in other sections of the Caribbean, is the underrepresentation of women in our political system.

While I am proud to serve in a Government of our first elected female Prime Minister, I am still uncomfortable with the level of female participation at the highest levels of our political system. In the last General Election in December 2010, the two main political parties fielded a total of 19 candidates for seats in the House of Representatives; and that would be 19 out of, there are 63 seats, and each party had at least 1 candidate, so 19 out of 126. Six were from my party, the People's National Party, and thirteen from the Jamaica Labour Party. Of that number, five of the six People's National Party candidates, female candidates, were successful and three of the Jamaica Labour Party candidates were successful, which would bring the number of women in Gordon House (which is the seat of our Parliament) to a total of eight out of sixty-three seats. This figure is plainly unac-

ceptable.

Women represent at least half of our population and, at our tertiary level, they account for close to 80 percent of the graduates. But unfortunately women bear a disproportionate level of responsibility for family care, education, health, and for much more of taking care of their families. Women must therefore be meaningfully and proportionately included in the legislative and governance processes. In other jurisdictions, nations have devised policies, practices, and laws to encourage and facilitate increased participation of minority groups. In your deliberations today, and in particular when you look at the issue of candidate selection, I encourage you to give more thought to see how electoral management bodies can play a role in encouraging and ensuring increased participation of underrepresented groups.

The second challenge that I would encourage you to look at relates to one [challenge], which remains an issue for us here in Jamaica. It is loosely called that issue of accountability of parliamentarians and elected officials. As a first time Member of Parliament, one of the things I have grappled with is what exactly is my role as a Member of Parliament. That role can vary depending on who you speak to. But I want to challenge you to see whether electoral management bodies can assist in defining actually what that role is. Part of the challenge, and part of the great disparity between the expectations of our electorates and our ability to deliver, really relates to defining our role. Is it a role of a legislator in the Parliament? Is it the role of ensuring that at the constituency level that you provide resources, or you have access to resources to deal with the social ills? I do think that it is important that we provide, certainly for our elected officials and those seeking to be elected, some guidelines so that they can be assessed and evaluated, and something they can be held accountable to. I don't know whether it exists in other jurisdictions but I think certainly it would be beneficial to us here in Jamaica.

The third area that I want you to look at relates to how we can encourage and facilitate greater youth involvement in our political process and, in particular, in our electoral process. Participation in elections in countries

like ours is expensive. It's an expensive undertaking to raise the funding to finance a campaign, particularly for young persons who would not have a track record, fundraising would be more challenging than what would exist for a seasoned campaigner. So how can we ensure that we have parliaments that reflect broadly the representation in our society? How can we bring more young people to the fore? I am not attempting to be prescriptive but issues related to capping election expenses, is that something that has to be considered if we are going to encourage more young persons? Issues related to public financing of campaigns. But the challenge we have now in Jamaica is that politics remains, prohibitively, an expensive undertaking and, I think, one of the great barriers to more young people getting involved.

Also, [the question of] how can we facilitate succession planning is a challenge that we have here. Again, I am not being prescriptive in terms of whether we look at issues of term limits (which some of us in political parties may say is the province of the political parties and not the electoral management bodies), but it is such a central issue to the state and the nature of the democracy that we practice that I think it is something that we must examine.

So I challenge all of you who are here today to focus on strengthening our electoral processes in the hemisphere, cognizant that at the heart of our democracy is a strong electoral system. It is imperative that we have electoral systems that remain on a solid footing, but that we also expand our democracies by ensuring that they are more inclusive and that our elected officials are more accountable. I wish you the best for this conference over the two days.



# 2 Panel I: The Role of the EMBs in Candidate Selection Processes

Moderator:  
The Hon. Mrs. Dorothy Pine-McLarty O.J., Commissioner, Electoral Commission, Jamaica

## 2.1 Eugenio Chicas Martínez, President, Supreme Electoral Tribunal, El Salvador

In the case of El Salvador, we speak about a country of roughly 20 square miles. I highlight this because we live in a very small territory: a little more than seven million people in the country. We have three and a half million Salvadorans living abroad. Our electoral legislation emerged exactly 20 years ago, with the signing of the peace agreements that ended the armed conflict. As such, a new democratic institution was developed in the country.

This democratic institution abolished what was the former Central Election Council and gave way to a new Supreme Electoral Tribunal, which is a hybrid institution (what we call a balanced hybrid). [It is] a hybrid in the sense that we are the result of the representation of the three main political parties. To this, two representatives proposed by the Supreme Court of Justice are added (which should not belong to any party). The five members make decisions on certain matters with a qualified majority vote, with a four-member qualified majority

vote for financial matters, planning matters, and jurisdictional matters. This obliges us to operate in a collegial manner. We, who represent a political party, cannot make a decision without taking into consideration the opinion vote of at least one of the judicial magistrates. This is why we say that it is a good institutional balance.

Additionally, this institutional framework comprises a continuous monitoring mechanism—what we call the Electoral Supervisory Board—which brings together all legally registered parties in the country. In our country there are eight legally registered parties that form the Supervisory Board and have the responsibility of continuously monitoring (auditing) the Supreme Electoral Tribunal proceedings. In the case of the five members, three members nominated by political parties and two from the Supreme Court of Justice, there are three candidate nominations for each position. From these nominations the Congress of Representatives selects the candidate nominees for membership. Therefore, with the end of the armed conflict this new institutional framework came about that is responsible for settling these

electoral matters.

What are the basic functions of the Supreme Electoral Tribunal? In our case, as there is only one institution (unlike other countries where there has been a division of the electoral role), we are the only entity that brings together the administrative and jurisdictional roles. In this process we divide the role of electoral administration - all the events and electoral processes. In the jurisdictional section, we are responsible for electoral matters relating to the exercise of justice and handling other strictly administrative functions related to the public service.

In the case of El Salvador, the right to vote is regulated for youth over eighteen years of age. The vote, in this case, rests on the principle of popular sovereignty and this principle, a duty, is not sanctioned. So, unlike some southern countries where voting is considered as an obligation that is sanctioned, in the case of El Salvador, as it is ultimately a right, it is also an obligation, but it is not penalized. This means that voter turnout rate, for example, may vary. In the case of the last municipal election, voter turnout was around, 56 percent for the municipal and legislative elections.

We have two separate elections: the presidential election and a separate municipal and legislative election. The presidential election is held every five years and the legislative and municipal together, every three years. The youth vote from the age of eighteen. At this time, in the case of voting rights there is a subject of considerable debate in Congress: the issue of the referendum. Rather, a public debate has already been introduced into the Salvadoran legislature on the possibility of holding a referendum. We only have regulations for public consultations and the public consultation is reserved exclusively for one subject - the subject of Central American integration. So we already have regulations for a sort of referendum and that referendum, I repeat, is reserved for integration processes. In other words, in this case, El Salvador seeks to continue to progress on what is already an accelerated integration mechanism that the region has, which has been able to form a Central American Parliament for Central America where most of

the countries are involved. There is a Central American Economic Integration Bank, there is a Central American Court of Justice, and there is a system for economic integration. Each of these institutions, therefore, makes up the integration system and the aspiration of El Salvador is to rebuild the Central American homeland. So the Constitution has reserved the matter of popular consultation exclusively for integration issues. Therefore, the subject of the referendum—as a subject more broadly related to other issues around national order—is what is being discussed right now in the National Congress.

Therefore, on matters relating to elective office, in El Salvador they basically elect different responsibilities. They are three types, say, of enrollment and three types of responsibility. The first is the election of the President and Vice President of the Republic, for which there are a number of general requirements. In the second case, we have the election of Representatives to the Legislative Assembly and also, at the same time, the Central American Parliament. One election is held every three years - in the case of the members of National Legislative Assembly - and the other, the Central American Parliament, every five years. The electoral processes [for the Central American Parliament] has to be adjusted to better coincide with the election of National Representatives. Therefore, there are occasions where Representatives to the Central American Parliament are elected up to three years in advance.

In this regard, we also note that the election requirements are also related to the different registration processes that are carried out in order to register these lists of candidates, which is the issue before us today. In the case of El Salvador, the political parties' internal processes and the Supreme Electoral Tribunal' external processes decide on the requirements. In the case of the parties, as there is no normative framework that unifies the procedures that allow for the development of the political parties, their procedures are all diverse. El Salvador, as such, does not have a law for political parties; an approved law for political parties does not exist. We have three bills on political parties that have been discussed in Congress for ten years but to date there has been no definitive progress. However, in recent

months, the legislature has proposed to move forward and has therefore advanced 40 percent of agreements related to the law on political parties. But in the absence of the law, what happens is that, based on their own statutes, each party creates the mechanisms to define their own candidacies.

In these cases we have some parties who have occasionally had primary processes, as there is no established norm, and there is no degree of monitoring by the Supreme Electoral Tribunal. As it relates to our authority, we do not monitor these processes when parties decide to carry them out, so they do so solely based on their own rules and it is they who manage and agree on these mechanisms, and the number of procedures is also very diverse. In some cases, the party conventions agree on the candidacies. In other cases, there are types of intermediary organizations like central committees. In other cases, the leadership of the party, the national management, political committees etc.; and on occasion the parties themselves have some type of public consultation and some procedures for secret ballot, or even, as it exists in some of the parties, [a] public vote by show of hands. There is a political party [in which] in the writings of its statute, the secret vote is prohibited. For example, all voting processes should be by show of hands, public, and without any registration whatsoever. In one word, the secret ballot is prohibited. Therefore, the internal processes of political parties for the selection of candidates is very varied, very diverse, and does not correspond to any particular standards. In other words, political institutions as such, are not legally considered public institutions; rather, the law considers them private institutions. [In relation to] political parties, in the case of my country, there is limited capacity within the electoral authority to intervene in their internal affairs.

When the list of candidates is passed onto the Supreme Electoral Tribunal we are able to place the candidacies into the order of the Tribunal's administrative processes. Inside the Supreme Electoral Tribunal, these candidacies have a registration period that is determined by law. In all cases, we convene four months before each election in question. In other words, 120 days before each election an announcement is made. Immediately

after the announcement (the next day) candidates can be registered for the different posts relevant to them and registration closes without the possibility of extension. If it is for the president, 60 days before the election the process is definitively closed for registration of candidacies. If it is for the other posts, such as legislative posts, or [for the] Municipal Council, or mayors, these close 50 days before the election.

Regarding this, I just wanted to mention that the last election gave way to new incidences that complicated this situation. This has to do with a ruling passed by the Supreme Court of Justice in the last elections that determined that in El Salvador there could be non-partisan candidates in the case of representatives. This is a new element that did not have the endorsement, one would say, from any of the political parties. In other words, all political parties as a group rejected the decision of the Constitutional Chamber. [The ruling] considered that the constitutional agreement should not demand that party affiliation be a requirement for an individual who aspired to be a candidate or representative. In other words, the Supreme Court determined that any citizen, as an individual, could aspire to be a candidate or representative. The rejection of political parties, of all the political parties, to this ruling of the Constitutional Chamber created a political schism in the country in the sense that the ruling of the Constitutional Chamber, to be effective, would need legislative regulation. In other words, the ruling, as such, is law, but it is irrelevant while there is no secondary law, which in turn regulates it. That ruling occurred more or less almost a year and a half before the election. In other words, the Constitutional Chamber over time decided on its ruling. However, as the Congress Legislature did not have the backing of any political parties, it obviously started to look for gaps in the law, [and] different legal forms to carry out and not carry out the ruling. In other words, in order to formalize the implementation of the ruling, but in reality, to adopt any mechanism that would prevent [the avoidance of the law], and as such would not fulfill [went against] the purpose of nonpartisan candidates.

In addition to this, two other rulings of the Constitutional Chamber were passed. The next [ruling] estab-

lished that apart from non-partisan candidates, there should be preferential voting lists. These are lists that are unblocked and closed, with preferential voting. In other words, [including] a photograph on the ballot paper where the voter would select the order of their preferences. That ruling was also very controversial. A majority group of political parties also rejected it. Then, the third ruling of the Constitutional Chamber determined that legal actions in the electoral field were not exclusive to political parties and that the legal actions to solve any discrepancies could be presented by any citizen. Therefore, it would be a space that would have been exclusive to political parties now [being] open to society. That obviously brought about a very complex period of contention within the country. This caused difficulties for the Supreme Electoral Tribunal in the regulation of this electoral event, given that the judgment of the Court had been at the right time. However, the Legislative Assembly took more than a year to agree on how to circumvent various leadership and mechanisms. In the end, 90 days before the elections was when there was a final agreement, according to statements by the Supreme Court, and they finally completed the ruling. This was very controversial for the country.

However, the difficulty for the Supreme Electoral Tribunal was that it created a struggle [that was] difficult to manage in this case. For example, the candidate registration process was marked (initiated) with the call for elections 120 days prior. The incident that was brought to us was that, in the case of the independent candidates, the Legislative Assembly determined, right in the period of the call for elections, that those who wanted to be independent or non-partisan candidates should follow a process to search for followers in order to present their candidacy. What it meant was the collection of signatures according to the district where the independent candidate was competing. In some districts the number of signatures requested was up to six thousand signatures to be able to register as a non-partisan candidate, for small voter constituencies. In medium-sized districts they needed the backing of 8 thousand signatures, and larger voter districts needed 12 thousand signatures. So this process of searching for signatures had to be verified by the election authority one by one

[and] they had to be verified for the authenticity of the signatures.

This caused major problems during the process of candidate registration because, obviously, the number of days to gather the signatures was [a] tight [time period in which] to be able to complete all of the legal requirements for non-partisan candidacies. Of all the non-partisan candidates who were interested in participating, 19 expressed an interest. Of those 19, 17 managed to start the signature searching process. Of the 17, 5 non-partisan candidates were able to complete and fulfill the requirements. Of those 5 non-partisan candidates who met the requirements and competed, none were elected. In other words, none got enough votes to earn a legislative seat.

In all cases the rulings were fulfilled, but the situation has been very complex. Now we look again at National Congress. The next legislative and municipal election is scheduled for 2015 and therefore, before this, the passed reforms should be applied. Why? The constitution has not been reformed but the rulings are of a constitutional nature, so it is impossible to turn back now. In other words, if there is no reform of the Constitution in the next legislative period, we will again be able to process non-partisan candidates. If they are successful or not: the Salvadoran society will determine that. We think this reform has been interesting in opening an additional pathway to political participation for the society. But this obviously comes with another of the mechanisms, which was precisely the process for unblocked candidates; in other words, preferential voting in El Salvador. In this area the experiences that we have been able to gather have been the following: Firstly, the legislation opened a space for preferential voting candidates, voting by photography, per person. It was transitory legislation by Congress [and] it was not definitive. Nonetheless, the resolution of the Constitutional Chamber is final. Therefore, the National Congress is obligated to regulate participation through preferential voting again in the next period.

What happened with the preferential vote was very interesting in the case of El Salvador. For example, there

was much debate in the beginning about [the fact] that the preference vote would limit the participation of women in the country. This was a topic of much debate in the sense that, in observing the citizens, they would have followed the “machista” view of the society. What would happen is that they would choose more men than women. However, that was not the result. In the end, the people decided to vote for more women, though a small number of women. We have about 22 female representatives out of a total of 84 within Congress. That number is higher than what we had in the previous legislature. Hence the preferential vote did not decrease the representation of women; rather, it significantly increased from what had been the participation of women in the case of El Salvador.

Another element that was highlighted in preferential voting [...] For example, for the capital district where 24 seats were at stake, there was a representative who was placed 24th on the list by his political party. [In the case of] that representative, following a public debate around a disagreement that he had with the President of the Republic, the vote of party supporters leaned towards that candidate and from 24th place he came to occupy 5th place. So, it was seen that the preferential vote in these conditions highlighted the ease in which the electorate can better choose and distinguish his or her preferences. Similarly, it was evident that with women, the tendency was mostly towards young women who occupied lower places in the lists, [who] afterwards would occupy top positions. There was a case (a very prominent case) of a person with special abilities [who was] in 13th place and ended up in 8th position. This is to say that, in the same way, the electorate gave him a place of privilege. In this sense, I believe that, in our case, as it relates to the participation of the Salvadoran society, the preferential vote was very straightforward.

However, political parties complained and highlighted the problems that the practice has had on their own internal party cohesion. In other words, political cannibalism within parties was made worse. The issue of financial resources for election campaigns was [made] even more difficult because each candidate, depending on the area where he or she has the most contacts, devel-

oped greater capacity in the mobilization of resources. It also caused much outrage within the political parties. What stands out in the end was that, for the parties, the preferential vote really is rather complicated. It is very difficult to manage [and] creates many contradictions. In addition, another notable issue is that the candidates who were very successful were also those who were able to establish better relationships and better agreements with the media. That is another matter because, in the same way, the media also had the power to create saints or demonize [the candidates]. In that sense, with regards to non-partisan candidates, it is a very sensitive and complicated issue. Especially in societies like ours where there are no regulations for media campaigns, electoral campaigns, and [political] financing.

In this sense, the Legislature’s challenge for an effective conclusion is indeed the search for mechanisms [outlining] how to fulfill the constitutional ruling and maintain the cohesion within the political parties. Other sensitive elements, debated at the time on the law for political parties, were how to address the four key issues within the law for political parties. The first has to do with internal democracy within political parties. In other words, in absence of a law for political parties, there are no rules (there are no mechanisms) that allow us to establish clear rules on how it presents its candidates. So a law for political parties that involves mechanisms for internal democracy is fundamental for the country’s democracy.

Secondly, in the law for political parties we expect that it can also regulate aspects of political financing of parties and election campaigns. In other words, public funds should be regulated; [this] allows clarity and transparency for the voters, especially in societies like ours. I should note that, in the case of El Salvador, two legislators were linked to drug trafficking and they were extradited to the United States and are being prosecuted for the crime. We have the case of three legislators who were killed in Guatemala—also linked to organized crime—who were murdered and also linked to opportunities for organized crime. This is precisely what makes regulation of political funds so essential.



A third aspect is the role of the media. In societies like mine, the media behaves like political actors; in some cases they have more power than the political parties themselves. Without assuming responsibility they put forward candidates [and] they promote candidates. In a sense the media—without violating freedom of expression—should be regulated in order to establish clear rules in the electoral process.

The fourth aspect, and no less valuable for being the fourth, are the rules to promote the participation of women in politics. In my country, like several countries in the region, the number of women participating in politics is still very low. In my country, for example, of the 100 percent of the society, 53 percent are women. But besides the 53 percent, as we have always pointed out, are not only women; if anything they are mothers of the other 47 percent. They have very little status in politics. In that sense, a law for political parties that definitively creates space [and] creates equality in electoral participation is fundamental.

Another topic for debate that we have taken on at this time is the fact that electoral reforms are not done less than one year before the election. For us, as election administrators, the logistical, organizational, and technical processes have been difficult because the reform was done only months before the election. Therefore, having clear rules is essential. In the last election we had to simultaneously take on a reform to implement residential voting in 70 percent of the country, non-partisan candidacies, and open and closed lists with preferential voting. That is the situation of reforms which is difficult to manage, especially when our institutions have little resources.

## 2.2 Enrique Ortéz Sequeira, Magistrate, Supreme Electoral Tribunal, Honduras

Let me begin by saying that we have called elections. We are a Republic that has to choose a President with 3 presidential appointed persons, 128 proprietary representatives and their alternates, [and] 298 municipal members of the board, all elected in the same period for 4 years through a separate vote. In the second instance, 15 proprietary judges and alternates to the Su-

preme Court are elected for 7 years.

In 1980 we returned to democratic order through the constituent body, the National Assembly. In 1981 [came] the issuing of the first electoral law [and] an Electoral Tribunal composed of political parties in strife. In 1982, after establishing the electoral law, the first constitutional President was elected, his 3 appointed persons to the Congress, and the 298 members of the board.

Within this framework there are some reforms that are important to highlight. In 1985, internal primary elections were instituted as a result of the first political crisis in Honduras. Perhaps, we are delighted that we were presided over by Mr. Eugenio Chicas because he gave an explanation of the nature of the electoral body, which works very similarly to the electoral system of Honduras. And we are glad that Ms. Sandra Etcheverry will be after us because we copy the process within their system. In 1993 came the reform for having an election with separate vote; that's to say, one ballot box for the president, one ballot box for the representatives, and one ballot box for mayors. [On] the same day the voter can cast his or her vote separately.

In 2006, the image of the representatives was replaced with the image of the vice president. In 2008 this created a huge crisis in Honduras because the first elected vice president aspired to the position of the presidency of the Republic. This caused, what can be considered, a crisis that ended in 2008 with a constitutional complaint and there was a return again to the appointed head. And 2009 produced the biggest political crisis in the country [in the form of] a system of enquiry, denominated "the fourth ballot box", [which] was promoted by President Jose Manuel Zelaya Rosales. [As] many of you know, the outcome was labeled by some as a constitutional succession; others as a coup—[It was labeled] as a coup to the executive by the "Commission of the Truth", which was specifically appointed to analyze these events—and as many people in Honduran politics described it: 'that thing.' We do not know what 'that thing' means.

But the fundamental issue is that Honduras was isolated (separated) from the international context. Perhaps

the key element that helped to overcome the crisis was the subject of the electoral process, which was already called, because the primary elections had been conducted a year earlier. In addition to the primary elections, the Supreme Electoral Tribunal put in place the electoral process as a course of action. In 2009 elections were held, in our view, [they were] more transparent by quality standards, [and] accepted by the community. What occurred was that Honduras would return to the international community and initiate a process of national reconciliation.

Two major traditional parties are the Liberal Party of Honduras, red, white and red; the National Party, blue with an emblem; Christian Democracy, which was founded in 1968. Afterwards, in the seventies, [appeared] the Innovation and Unity Party [PINU in Spanish] and the Democratic Unification Party [UD in Spanish], which is the product of the consensus of Esquipulas Agreements and was recognized by a decree of the National Congress of the Republic.

After the recent 2009 crisis, four new political parties were created: the Anti-Corruption Party, whose leader is a great TV commentator in Honduras, who will not participate in the internal process but will participate in the general election; The Liberal Party of Freedom and Re-establishment, which is the party that the former President, José Manuel Zelaya, coordinates and whose wife runs as a presidential candidate; The Honduran Patriotic Alliance Party, which is the party that has been created and built by the former head of the armed forces and citizen, who was responsible for taking the President of the Republic to Costa Rica. As you will see, the protagonists of the crisis of 2009 now are not in the streets, they are in the ballot boxes. The last one is the Wide Front for Electoral Politics in Resistance, which is also led by Mr. Andrés Pavón of the National Committee of Human Rights of Honduras.

The political landscape gets pretty interesting and obviously we will enter the practical part relating to our process. We have two stages: primary and internal elections, understanding primaries and internal elections to be those that the political parties must hold in order to

choose their authorities one year before general elections. What is our selection model for primary selection candidates? First, they are mandatory for all political parties and [used if] there are two or more movements in contention. If there is only one it does not go through the process of primary elections and it should take place the same day. All of the political parties convene one year before the general elections.

We have a system of simple majority vote. This is to say that the representatives and the president are chosen by simple majority vote in this process of primary elections and in the proportional representation system of representatives, the Central American Parliament, [and] the municipal boards. To complicate things a little more we have a system of open preferential voting for the representatives to the National Congress. The process is handled entirely by the Supreme Electoral Court using a census that is distributed equally in the polling station for everyone in the different electoral polling stations. It is the first time in history that Honduras will have primary voting with three political parties contesting. If you can see here, this is basically the ballot paper for the three political parties that we have already constituted because they have already registered. An individual mark is made, and it relates to a form that corresponds to each of the representatives in the process of general elections.

Each party openly makes a mark and the representatives that end up with the most signatures will then ultimately be included in the ballot paper that will be in the polling station for the 2013 electoral process. Some blank spaces [and] photographs from individuals that were not included correspond with the parties that are going to participate in the general election process and do not go through the process of internal elections. Rather, their candidates are elected through other mechanisms. In accordance with article 115, we had to call the primary elections, which were done on November 17th, 2012, and we are going through an electoral process that will take place on November 18th, 2012. The legal instruments for implementation [are] the National Constitution, the law, and we had to create two additional legal instruments (a registration regulation and an instruction

guide for the registration of movements) because we have never had three political parties. After this you will see the complexity of this process.

What does a movement need to be legally registered? First, they need to present a presidential form and a form for representatives to the Central American Parliament, representatives to the National Congress in half of the departments ([there are] at least ten departments, half of the departments), [and] 150 municipal boards of the 298. There was a recent reform that requires that these forms have [the representation of] 40 percent of women; before they integrated only 30 percent. The 40 percent will lead to 50 percent, with alternation mechanisms following a final reform made by Congress for the next general electoral. There is a need to have a list of citizens that support the movement's request by two percent of the total valid votes obtained by the political party. In the last process each party had a different voting, [which] they need to submit in print and electronically. Whoever participated in the primary election and was not elected cannot participate in the general elections and whoever does not complete all of the requirements, obviously, would not be registered.

The three parties that are going through the process were presented before the Tribunal: Liberal Party with three movements; National Party with eight movements; and Freedom and Re-foundation Party with five movements. Perhaps this is an experience that you are going to have in the practical part of the electoral process because we have never been able to have this opportunity and, more importantly, given that the electoral process is also so close. How many participants are there? Each party must enroll 2,988 candidates. But in addition to this process of primary elections, the political parties carry out internal elections to choose their authorities. As you [can] see, for example, the Liberal Party, National Party and Freedom and Re-Foundation Party have an average of 2,988 candidates; 5 thousand additional candidates should be presented to conform to the party structures. That multiplied by 3 parties, and we have to manage 134 thousand candidates in relation to the 37,900 that we would have in general elections. This will now demonstrate the level of complexity that

we are going to have in the electoral process.

What movements were presented? It is important to present the line up. First in the National Party, we have three candidates: one who is the current president of the National Congress; the other being the former Minister of Works and Security of the current government; and the third who is the current mayor of the Central District, with two periods. On the side of the Liberal Party (to the side) is Yani Rosenthal who was the former private secretary of President Zelaya; Mr. Villeda Bermúdez, who served as the substitute for the Vice President when they did not want him to register (which obviously indicated the huge diversity in the conflict of the internal politics within the Liberal Party). The Freedom Party has a sui generis candidate, which is not within the law, and for the first time [there is] a single candidate by consensus of the five movements. This refers to someone that the party wants to put forward as an individual candidate for the presidency but the candidates [for the posts of] representatives will compete in the primary elections and they will go into the board and municipal elections.

The registration process: The parties arrive, they receive a software program, and they go to their political party, enter [the information], and verify that there are no repetitions. They enter each of their movements and check that there are no duplications or disqualified persons. Then the party verifies and checks [that] there are no duplications. After this, the Supreme Electoral Tribunal goes through all of the parties and movements.

In the end, what happened was that: of the three from the Liberal Party, [all] three were successful; of the eight of the National Party, seven succeeded; and of the five of the Freedom and Re-Foundation Party, four were left. From [the] 16 movements, we finished with 14. These are the positions that each one had after the election. That is a picture, more or less, of the ballot paper at the level of the municipal board, each one of them, with each one of the sites and logos. But we have two cases that are sui generis. In the Liberal Party, for the first time in history, two political movements should be going to the polls with one single candidate. This is the

complicated issue for the Tribunal because it had never been done. It is precisely why they are going to compete so that someone in a single movement leaves with the most votes. To this I must add that Mrs. Elizabeth Flores Flake is the daughter of the ex-president Flores. Perhaps the case of *sui generis* that follows is presented to the presidential candidate, Xiomara Castro de Zelaya, who is the wife of the former President Zelaya. They want her to be a candidate by consensus of the four movements. The question that arises in the Tribunal is, 'if there is a candidate by consensus then would there be a need to go to the polls?' [This] is the important issue.

How do you design the ballot? That's another big topic. Additionally, it is also the topic that the former President Zelaya highlights. He also appears as a representative in two of the four movements, which does not signify consensus, but it is – as they say - a note of indication of agreement.

To resolve these cases, the Tribunal has clear regulations: Article 24, Number 5. It says that a citizen cannot be nominated in more than one movement. If not, the citizen must renounce or choose his or her movement. But three days before the resolution, the National Congress issued a reform. It says that one now has to give extensive guarantee to citizen participation and that no candidate can appear in more than one box on the ballot paper. I think the intention of the legislature was to try to politically resolve the pressures they had in those cases of *sui generis*. It [also] says that no candidate can appear in more than one box on the ballot paper even if he or she was nominated by various movements. It means that, contrary to what we said in the regulation, they can be nominated by two movements, with the objective of respecting the freedom of the movements to present candidates by agreement. The image of agreements appears there. But at the same time they do not allow more than one mark per candidate in each party.

The Supreme Court issued the instructions to adjust the corresponding election documents and resolve any matter relating to the process. The major problem with this resolution is that the electoral law establishes how the ballot paper should be set up and designed. The

ballot paper used at the level of the representatives, which is the case that concerns us, establishes that the left margin is where the name, sign, emblem, or photograph of the presidential candidate for each internal movement should appear, and continues horizontally [with] the photograph and name of each one of the candidate [representatives] in the order established for each movement. Below the photograph of each candidate a space is left for the voter to make a mark for the candidate of his or her choice.

So the Tribunal said, "How do we do it?" because it should appear next to the President. But which of the presidents, if they are going with two movements? That is where the issue gets complicated. That would be the ballot paper, without reform, related to the topic. On the left hand side there is a candidate with two photographs but the law tells us that [an individual] is not able to have two photographs, if anything that it should go in one box. So what did the Tribunal do? We made it so that after the draw we created a box with the two candidates; we joined it into one box; joined the candidate and left the two spaces blank. To ensure uniformity, we then placed two other boxes that state clearly that you cannot vote.

There we meet the two requirements that say that the two candidates should appear in the left margin and that you can only vote with one form. But the candidate has two numbers: number one and number forty-seven, which is the one that will appear on the ballot paper. And that obviously brings us to change all of the electoral documentation and the way in which the ballot counting is done. They are going to carry out the integration of this form with the representatives in Congress. That is the ballot paper that therefore appears in the same way following the same principle of the former President Zelaya. The photograph appears twice. [On] the ballot paper below there is now a large square, which is the grey square above. This is because one of the movements did not present a form and in not presenting a form the numbers continue and appear with the two spaces in order to again create a new image of the new candidate by agreement.

General elections are ruled by the same concept, [which is] nothing that changes the integration of representatives in the National Congress. The presidential election is by simple vote. The representatives to the National Congress, the Central American Parliament, and the municipal boards are now converted to proportional representation, as opposed to the selection of the representatives by simple majority in the primaries. We also have a system for open preferential voting so [that] each person can make a mark in the form that he or she agrees to, and from there it is constituted by the National Congress. Obviously, with the existence of nine parties and with nine modalities, we think we are going to have—for the first time in history—a complex National Congress. If we make the comparison, they are the participants in the general election process, and we are talking about 26 thousand (almost 27 thousand) posts in relation to the 134 thousand. There are another six parties that are not going to go through a primary electoral process. They will choose them [their candidates] through assemblies and they [the candidates] will be registered when the Tribunal calls the general elections.

What are the complications we have? Well, this is where the situation gets complicated because we will have to set up three classrooms in each school, which is different to the general elections. In the general elections we only set up one where all the parties vote. That brings a deficit of 3,400 classrooms and also a huge cost. Because, instead of having what we should have had, 45 thousand ballot boxes and statements of polls, we are going to have 132 thousand statements of polls and ballot boxes. In addition to that, instead of sending out 13 million documents, we are going to send out 60 million electoral documents.

With regards to data during the transmission of results, there are 321 thousand data that we transmit in the general elections, and in the primary election, almost 700 thousand. Here arises the great unknown that the Supreme Electoral Tribunal is addressing. If the Congress has already said that we have to register a candidate that goes through consensus, do we have to place a ballot box if he or she is already selected by his or her party? Would there be a need to go through the pro-

cess to determine if there is volume? What will be the choice or the ratification? Or the other question, if the candidate is already selected would there be a need to transmit the information that they have on the preliminary results or will it only be done for the other two political parties in the competition? This is given that it is time to try to lower the pressure and establish in time which candidate will be triumphant. Those are the big challenges that the Supreme Electoral Tribunal is visualizing at this time.

And what is the grand scene at the end of the day? We spoke to the National Congress. Even if those changes to solve the *sui generis* cases were done in a few hours, we presented a new electoral bill that could have solved the problem that we are addressing in this moment and was kept filed away. We feel that we cannot make conclusions, as Magistrate Chicas did very well. The conclusions are going to come to us, to be done after the 18th November. Let us see where we stand with the election results. However there is a grand conclusion and a great sentiment amongst all the people of Honduras.

Firstly, these primary elections are those that can continue the process of reconciliation and, additionally, further legitimize the government of Honduras internationally because there are still some groups [in] the international community that have doubts around the process. Here I would like to greatly thank our brothers from Jamaica because in the most difficult moment of crisis in the Supreme Electoral Tribunal, its Election Commission gave us the necessary support, as well as others. But as we are on Jamaican soil we feel that is necessary and respectable to give merit to those who supported the electoral bodies.

Finally to say that this issue of the new electoral law should be (and we believe it will be) an issue that will be discussed after the elections on November 18th, where a space is left between January and May (or June) to see whether political conditions [time] for this type of reform [could] be done. We are working very hard with the Organization of American States because the primary elections (which not everyone understands and that they sometimes believe have no importance)

is going to require, in the case of Honduras, huge international observation. The brothers of the electoral bodies will receive your invitation. We are working with the Organization of American States to see if we can have an observation mission from them, and, what we would like is that the eyes of the world are set on our country because this primary electoral process—in our judgment—has greater importance to the general elections process because of its political complexity, and because new issues are arising in the political landscape (or the same issues) that created the conflicts in 2009, such as the topics of the National Constituent Assembly, the refounding of Honduras, and topics that add heat and interest to electoral issues in our country. [There has been] very good work [done] in all of the [areas of] work in the Electoral Court, even though each of us represents different political parties. I believe that in everyday work no one represents any political party; rather, we represent Uruguay. When any of us speaks abroad, obviously we represent more than a party; we represent the Electoral Court. Today whoever is here speaks as a Uruguayan, not as a representative of a political party. In other words, we feel like we are on the right track. We do not have major conflicts. Rather, I believe that the greatest conflict for Uruguay today is that it has to work on the law for quotas for 2014, which it has never worked [on] before. They will have to work on the law on quotas for a 30 percent, so that women are better represented in the Parliament (where today we have 8 or 9 percent). We [have reached] far in Parliament, and the Senate, and even in the Executive itself (which I believe has a great deficit in our country).

### 2.3 Sandra Etcheverry, Minister, Electoral Court, Uruguay

The Electoral Court consists of nine members: five neutral and four from political parties who are elected by the General Assembly by two-thirds vote. We also have regional electoral authorities that are election boards, which depend on the Electoral Court. The topics we are going to talk about are about the interaction and roles of the Court; the Constitutional Reform regarding internal elections in political parties; political parties; and the law relating to quotas that emerged—this is quite important—which will serve as guidance in Uruguay in

2014.

We also have independent electoral boards for the Electoral Court located throughout the country. They are also composed of five members, with two alternates who are elected by the electorate despite being under the jurisdiction of the Electoral Court. [They have] roles and functions like electoral authorities, organizing and ensuring the effective execution of elections at the regional level. The Electoral Court has the supreme power over the electoral acts and processes as the highest authority, and its electoral role is to know everything about electoral acts and procedures, as well as make the final decisions on all appeals filed in the same regulations, and overseeing the different elections. In the last constitutional reform of 1996, internal elections for political parties were established and the Court was given a new role, which is to know everything regarding these elections without interfering. But it does not affect the political party, which is independent in this matter.

[Regarding] the four parties that we have with political representation, each one has to elect one [candidate]. Even though the political parties have an extensive history in our country, there was no law that regulated its functions until the law for parties (Law 18,485 of May 11, 2009). This law created many challenges for the Court, precisely because it was passed on an election year for us. As the Electoral Court is the highest authority, it had to quickly organize and regulate the internal elections of the parties, and likewise, regulate the law.

The Electoral Court works solely as a guarantee of suffrage. We do not influence the society; only safeguard the electoral acts. Obviously, the society and the political parties have great confidence since the Electoral Court has worked since 1924. Article 322 of the Constitution establishes that the Electoral Court's responsibilities are: to know everything in relation to the acts and electoral procedures; exercise directive, advisory, and financial supervision over the electoral processes; decide in the last instance on all appeals and claims that may arise; and be the judge of all elections for all elective positions, of the acts for public consultation and referendum. The topic of public consultation arose a few days

ago; it will take place with the next election in October 2014.

Regarding the electoral reform, which implies an expansion of the role of the electoral authorities in the internal life of the parties, (from my point of view) the single most effective was the reform of 1996 that establishes internal elections for political parties, which produces a single candidate for the party and its leaders. This changes the internal life of the parties and [it] also changes the internal life where women can participate. We can participate in the leadership of the political parties and achieve positions in boards in the political parties; [as] I said before, [we have] the ability to run political parties and conventions where we choose nothing less than the vice president of the Republic.

To carry out these reforms, we have the legal authority that makes regulations and organizes these electoral processes, giving total assurance for the society to express itself. We have specialized and technical personnel and the support of the electoral units (which are regional boards that guarantee transparency of these procedures and their operation). We provide full warranty and support to the political parties for the different electoral processes. After the election, we start with the ballot counting process. We have a counting process that most countries do not have, [with] each polling station comprised [staffed] by public officials. These polling stations are composed by a president, a secretary, and a board member. All public officials of our country are called to control these elections [and] election officials supervise these elections during the day.

Since 1996 the electoral processes considered are the following. In June we have internal party elections within four months of the national election. The next month, if the 50 percent plus one of the ballots is not achieved by any candidate, we would have a second round. We have had this experience. In May of the following year we have departmental elections. From 2009 we have had municipal elections, which was a product of the decentralization law, [and] they recently voted for the new mayors and council members. It was a very important experience for Uruguay because we [previ-

ously] never had mayors and councilors; we only voted for representatives of the departmental councils across the country. After finishing the primary count, a departmental count is done by law within 72 hours (which is the responsibility of the electoral boards with the full support of election officials). The political parties have given guarantees during these departmental counting [processes] because they have party delegates for the departmental count. Furthermore, they are able to have their party members at the polling station (who watch over the authority and our technicians), which are representatives of all parties.

We remember that, in the case of Uruguay, a party comptroller and the [political party] representatives work in the polling station. On this side are the electoral officials with the party comptroller. Our officials declare political affiliation, [i.e.] our officials of the Electoral Court declare the political post and which party they represent. The day of the count, there is obviously a table for the officials of the different political parties and the representatives are obviously given an identification [card] that identifies each member of a political party. Once the departmental count is finished, the Electoral Court is in a position to announce to the political parties the different representatives, senators, and the President of the Republic.

In our country there are 99 representatives, and 32 senators. The same day of the national election the representatives and senators and those that make up the regional boards are elected. The following June is when they elect the local authority—the mayor, the city councilors, and the local authorities of the departments.

Regarding [the question]: “How can the electoral authorities support the inclusion of women in the list of candidates?” In the past period, I was a member of the House of Representatives for a party, for the National Party. I have also been proposed as a member of the Electoral Court for the same party. I am also party Minister. When I was in the House of Representatives, in April they voted [on] the law for the inclusion of women in the 2014 election. The only thing we could propose for the 2009 election was that women could be part of

the internal convention and could only influence political parties as a director of political parties, not as representatives or in local positions, which started with only 30 percent. It was a lukewarm law (to put it gently) in which the pressure from the senators and representatives managed to get 30 percent in order to achieve, more or less, what the region was working with.

The Law 18,476, which uses a very unfortunate phrase - “will be evaluated” – [establishes] how women will work in this period—if they will vote and be part of the 2014-2015 elections. The law states that there shall be 30 percent representatives of both sexes but it doesn’t say that it must be a woman, simply representatives for both sexes and [on] the list of candidates for the election. The Electoral Court by law must and should regulate the law of candidacies, regulating and instructing internal elections in order to be in a condition [for it] to take place [in the election]. For the upcoming 2014-2015 elections, mindful of what the law states, the Court should regulate [it]. At the corresponding 2014-2015 elections, in their candidacies political parties should include people of both sexes in each list of candidates and alternates. As our role in the (regional) electoral authority we will be responsible for ensuring that the ballot papers submitted by the political parties comply with the law. Otherwise, the paper will be rejected, and they [will] have 48 hours in which to rectify the situation. The Electoral Court will regulate and will tell the political parties, both electronically and in hard copy, how those lists should be delivered to the Court. They [will] send it to the Electoral Court, which will have strong control over its fulfillment.

So basically, the Electoral Court in Uruguay does not influence the political parties. The political parties send us the law. We are working on the laws at this moment so that there will be a law for political parties with different regulations which, for example, [include] political party financing (a law on this topic was passed in 2009). But we feel that there were various obstacles in order to work on it [the political financing law], which the Electoral Court is now trying to modify, and [the Electoral Court] is obviously sending it [the political financing law] to Parliament so it can be resolved. The

Electoral Court proclaims [the law], the Electoral Court corrects some errors, but obviously it is the Parliament that sends the Electoral Court laws [and] new proposals so that the Electoral Court can make its regulations.

Most of all, I think there is great confidence in the work done by the Electoral Court amongst the public and with the political parties. Much of this has to do with the fact that both neutral members and members that represent a political party (partisan members) are equally nominated by political parties. Now they know that [they] have various reservations, like who speaks as a partisan nominee minister, [but] we are all represented by political parties. That obviously prevents us from having various reservations but we have a large, let’s say, representation and the parties feel totally sure that we that are there, are supporting democracy; more than anything, first and foremost. We try to proclaim in a correct manner, and more now when there is a decentralization law. Also, jurisdictions are changing because of the decentralization law (made in 2009 when we were in plenary sessions for the Electoral Act) from which we can say that the law “went like hotcakes” as they say in Uruguay. So we are working on that law so that it can be sent to Parliament to see if errors that we found can be corrected. But, obviously, it is simply as a proposal not by way of amendment.

So the way to influence [the law] is to talk and work with our parliamentarians, but obviously it is the parliamentarians that decide what the Electoral Court can regulate. In other words, the Electoral Court in Uruguay regulates and oversees. We feel that we have been working very well with what relates to the proposals that we have been proposing to the Parliament and [to ensure] that there is great coordination. [There has been] very good work [done] in all of the [areas of] work in the Electoral Court, even though each of us represents different political parties. I believe that in everyday work no one represents any political party; rather, we represent Uruguay. When any of us speaks abroad, obviously we represent more than a party; we represent the Electoral Court. Today whoever is here speaks as a Uruguayan, not as a representative of a political party. In other words, we feel like we are on the right track. We do not



have major conflicts. Rather, I believe that the greatest conflict for Uruguay today is that it has to work on the law for quotas for 2014, which it has never worked [on] before. They will have to work on the law on quotas for a 30 percent, so that women are better represented in the Parliament (where today we have 8 or 9 percent). We [have reached] far in Parliament, and the Senate, and even in the Executive itself (which I believe has a great deficit in our country).

## 3 Discussion Panel I: The Role of EMBs in Candidate Selection Processes

### **Dr. Kevin Casas-Zamora, Secretary, Secretariat of Political Affairs**

I have a couple of questions I wanted to ask, particularly to Magistrate Chicas. Two very concrete questions: the first: Has the Tribunal done any [type of] estimation on the impact of the increase in campaign spending relating to the electoral reform regarding political parties? Second, whether the information that you have allows for a conclusion to be made on the impact of the reform on the levels of electoral participation. I would also like to add this last point [directed] to the Magistrate from Uruguay: given that you have had your reform for a number of years, taking your case into account, in some way the process was inverted. In the case of El Salvador, decentralization is better for the internal life of the parties; in the case of your electoral reform it may have been better to concentrate on the decision. Therefore I am interested to know if after all of these years there is any impact—a discernible impact—of the reform on the levels of electoral participation, perhaps including what you know. What opinion do the people have of the electoral reform, [and what are] their perceptions of the

vote at this time?

### **Eugenio Chicas Martínez, President, Supreme Electoral Tribunal, El Salvador**

We do not have conclusive evidence yet on how much of an increase there would be for political parties in the management of their campaigns. Undoubtedly, it appears to us that it must have happened. I can share with you the perspective of Supreme Electoral Court. For example, the 2009 presidential campaign. Usually a presidential campaign tends to be very costly. In 2009 we had two elections: one in January [on] January 18th; and the second [on] March 15th. These two elections together are now totaling—the cost of both—almost 23 million dollars, both elections, the two electoral processes. This last election that we recently had, today in 2012, already with all the reforms - one single legislative and municipal election - has cost us nearly 32 million dollars. In other words, it has cost us much more—an increase of more or less 10 million—with respect to the last election. But additionally the cost is higher if we consider that it was one election and that the other ones were

two.

Two factors that greatly increased [the cost] is all the attention that was placed on the system of the transmission of results; obviously [there was] more complicated scrutiny, and more in a society that is accustomed to having results on the same day of the election. This has to do with political cultures. There are countries where they can handle uncertainty—the next day, or the third day, or the next week. Well in my reality, in my country's case, it is not possible. You have to perform miracles so that you have the election results the same day. So that obviously increased [the cost]. For example, [consider] the transmission of results, which at another time cost us approximately three million; this time, the transmission of results alone had a cost of approximately nine million. In addressing the scrutiny and the transmission of results it increased from three to nine million.

Another factor that shot prices up in the case of the Tribunal was the [number of] processes for the civic education training. One of the challenges of this election was [the procedure for] how to vote. As the rules had changed, [with] a new ballot paper, a new procedure, [and] marks per person. People could vote from the list that appeared on the ballot paper for one person, [they] could vote for two, [they] could vote for three, [they] could vote for all if [a person] wanted to vote for all. So to educate the population on how to vote and how to count the votes had a cost of five million dollars. That was what it cost us to manage the whole advertising campaign, which perhaps in countries with a large landmass is not anything. But for a country with few resources like mine, with a narrow landmass, five million is a lot of money for something that (in previous processes) cost us two million dollars for a civic education plan, and this cost us five million dollars. So for the Tribunal, two elections cost us 22 million before; in this case, one election cost us 32 million dollars.

So in the case of the parties, what happens is that for El Salvador there are no rules with respect to political party and campaign financing. Never before in the history of El Salvador has there been a party finance audit. They [the parties] are almost miraculous. They multi-

ply the loaves and multiply the fish and no one knows where the fish or the loaves come from. So this is a complicated issue because there has never been an audit. Therefore, through the media, we know that it costs a lot because financially, the sky is the limit. So it can rise as much as infinity allows since there are no financial rules. So yes, through the media exposure we know that it has been much more expensive.

On the increase in voter turnout, there has definitely been an increase because, usually, a municipal election has always had ranges of participation [because] the vote is voluntary. In the legislative and municipal elections [participation has ranged] from 48 percent of voters to a maximum of 54 percent. Today we have between 56 percent and 57 percent participation. In other words, more persons participated in this type of election. There has been a renewed public interest [around] the novelty of preferential voting. So, as I highlighted in the presentation, it resulted in greater public interest that can accommodate the list of parties. Who goes first can be thrown out in the end; who goes last with his/her preferential vote can improve his/her position (although managing such complex campaigns is a headache for political parties). But we have observed a moderate increase in voting, approximately up to a three percent increase. Secondly, in all of the opinion polls, the people have demonstrated much satisfaction with this modality, where you can vote directly. In other words, the burden is in favor of the citizen and against the parties.

### **Sandra Etcheverry, Minister, Electoral Court, Uruguay**

The new law for the financing of political parties, enforced in May 2009, referred to all that relates to the financing of political parties. This result was important for transparency because, obviously, all of the donations and everything relating to political parties were subject to control by the Court, which was never done before.

We are working on this law for political parties. It has been a lot of work, and nowadays we are working with lists from departments to collect the records of their expenditures. Because we know that political parties

receive money but some haven't taken into account where it came from. Through indexed units, from where we could confirm, we came to see what money in particular had to be monitored. But the political parties—especially the most voted for list—in some cases had bad accounting [practices] for where the money came from. Today in the Court we are working on a different law for political parties because we found many loopholes in the 2009 law. The Electoral Courts' saw the same accounting as overwhelming [and], because of this, [a] new law is being applied, which came [about] a short time before the election.

The staff of the Electoral Court could not manage the accounting very well. The same accountants who carried out the regulations in the parties did not know how to present it either. Because, obviously, one had to come with indexed units (and much more) that came from 300 thousand indexed units, which are a very important contribution for declaration at that time. Nowadays, we who work in the Electoral Court are studying this law to propose some modifications to Parliament that I think are going to make it clearer for the parties and for us because we are faced with a law that, for us, has some loopholes and we want to try to confront them for 2014.

There were some very small lists [parties] that needed to have a presentation regime to us [the Court], which, after we charged fines we did not know to whom [we charged them] because they received votes but they did not know how to make a submission to the Court. So we now have to try to outline some modifications to the law in the Parliament. This law was quickly presented to the Electoral Court [but], in that moment, we were not there. The parties sufficiently complicated the submission in the Court with the many modifications (especially for the resources that they received from private sources and that sometimes they did not know how to implement it). But I think it came out quite well and that, with the change to be made, now those loopholes are not going to be there.

The 1996 reform, when it is set out, the single candidate, and the removal of the list of movements and the internal elections were very well carried out. In that

moment, people had to get used to a single candidate when, at that time, there were parties that had six candidates or seven candidates. For the [party] governing today, it was not so complicated because they had their elections outside of election time and it sometimes carried a single candidate or, much later, two candidates. What was more complicated was for the traditional parties, as we say in Uruguay, which took more time in the national elections with more than one party. Having to call an internal election was more complicated for them.

Today, one can say, they conduct negotiations separately and when they go to the internal election they are accustomed to a single candidate. Afterwards, when you go to the national convention, where vice president of the Republic is elected, the people who participate in the convention who have the majority, well, obviously it is much simpler. The Court had to adapt all its internal [procedures], preparation and planning. This is how they are able to maintain, and how they should do, the election. We had to get accustomed. [We] planned and did training courses because we came from a type of work reform that was a little different. But if there is an end to the list of movements [...] this was an important issue, more for the representatives, because lists that sometimes resulted in few votes ended up winning in spite of the fact that a single list had received more votes. But the application was fast and we had to adapt and, well, today I think that we have obviously now overcome it.

#### **Errol Bethel, Commissioner, Parliamentary Registration Department, the Bahamas**

The question is: do you foresee an election management body having an impact on any political party or selection of candidates? Do you foresee that happening? If not, do you foresee them ever [having an impact]? Or can they perhaps have some influence on how inclusive the political parties become, in terms of women, and youth? [This is] not to influence the party in particular but I am thinking about selection of candidates. Do you have any impact or any influence on parties in the selection of their particular candidates?

#### **Sandra Etcheverry, Minister, Electoral Court, Uruguay**

In the case of Uruguay there is no influence in the society or in any party, which may have more preferences. There is advice [given] to the parties and the citizens and there is good planning and training but no type of interference in any party or in society in general. I am not sure if I am responding correctly. The society is not influenced, information is provided on changes regarding reforms. At no time is there a suggestion or influence on parties or [the] candidate.

**Eugenio Chicas Martínez, President,  
Supreme Electoral Tribunal, El Salvador**

On that subject, we are able to influence the environment for the enforcement of the law in the sense that the candidates in the application process fulfill the requirements demanded by the law. However, in two elections we have had complicated situations. In the last election, the election in March, we had an incident that is in the process of investigation and it is the fact that in the Municipal Council a citizen was elected that was never a candidate, and the one that had been proposed was not elected. How do we solve this puzzle?

What happened, rather, this is an experience that has to do with the capacity of the electoral bodies to establish points of control around the quality of the registration process. What happened was, in the case of the Municipal Councils, [that] these [candidates] are registered at the departmental level of the Supreme Electoral Court. Our country has 14 provinces, 14 departments and a Departmental Electoral Board operates in each one, which is the board that registers candidates for the Municipal Councils.

A political party takes its form. [Then] a technician of the Departmental Electoral Board processes the form by typing it up. Apparently an error was made in the typing of the identification number of one of the candidates. [Due to] the typing error, [it] resulted [that] in the system the candidate was not a nominee, rather, an X [another] citizen. Legally the process continues, so he was notified after the registration of the candidates. The Tribunal has an obligation by law to inform the political parties. Those parties receive the registration, they verify it, they accept it and the process continues. Af-

ter the election, when votes were counted, the results were consolidated; [and] the persons were informed of the result of the scrutiny, the names, [and] the identification numbers. There is a period under law of three days. If there is any inconsistency the party in question can highlight it and from there it can be corrected. The error passed through all of the filters. What we have is a citizen that was elected that was never nominated as a candidate and another candidate, a member of a party, that wanted to be a candidate and never finished his registration; and he wants to occupy a public post. So we have to resolve this situation.

From the institutional perspective, at least from this experience, what we gathered is the fact that we must be much more meticulous, much more careful. Because there were mistakes made by the Tribunal, by the Electoral Board, [and] by the parties; because everything is legally notified, step-by-step, and, nonetheless, it escaped us. We had another incident in the past election. What happened was that a political party sent a list of participants and the person appointed to notify the party altered the list, removed one person and introduced another into the list. In the end, the person who was elected was the person that had been changed along the way. This is obviously ascribable to the party and not the Tribunal. But this type of situation happens. Specifically, the lesson from this experience is the need to do more, more carefully, step by step.

Of course we are talking about registration processes involving more than six thousand candidates. Where in more than six thousand it was one erroneous case. In the next, in more than six thousand, again it was one case. This has to do with the nature of how the registration of candidates is processed in the departments. On the other hand, we are trying to influence the debate by way of the law for political parties—parties with more criteria can [have] influence in the control of [those] who aspire to public posts. [This is] primarily for the incidences where there are two legislators, ex legislators, charged for drug trafficking; and three deaths, also associated with suspected drug trafficking, [they are] also legislators, which also causes reflection in the parties and in the society with respect to quality controls

around who they approach and nominate within political parties.

### **Charles Corbin, Commissioner, Elections Commission, Guyana**

Now, this question is related to the one that was just responded to. I had a different order. But given the question that was just responded to, I would like to know what are the proposals in the bill, which allows the electoral body to be involved in the internal elections of the political parties. Based on the response, with the issue involving the parties that you responded to, I do not know whether I was gaining the impression that that involvement only dealt with the party's participation in the national elections, rather than the party's internal elections to determine their candidates at the primaries level. So the area of focus that I would wish clarity on is whether the electoral management body, in the new law that is being proposed, is being authorized to get involved in the internal elections of the political party.

### **Enrique Ortéz Sequeira, Magistrate, Supreme Electoral Tribunal, Honduras**

I think the question is a question that is very close to what the Honduran law contemplates. In our electoral law we have three types of elections that make things more complex and perhaps in the presentation we did not explain it adequately. The general election is the one that is held every four years, where all political parties that have gone through a primary process or did not go through a primary process compete by direct vote. There are two mechanisms, the primary mechanism of direct vote by the citizens with supporters from his or her party, and a process of assembly that produces a candidate's choice in a way that is not through direct vote. The first process, the primary, has an additional ingredient. Everyone that goes through the primary process also couple it with an internal election (which serves to solely and exclusively choose their party leaders). The primary elections aim to choose the citizens of the party that will go through the process of the general elections.

In Honduras, the big issue is that the system of selection

in the primaries is open. You do not need to be a member of a party to go to vote for that party. Even though there are three ballot boxes placed by party, the day of the election you have one classroom for one party, another classroom for another party, and another classroom in the same school for a third party in the case of the elections that we are going to have in November. But the voter's registry is the same one in each of the tables of each political party. The only thing you will have to do is select which party to go into without the need for pre-registration.

There then arises the first question that is in the Honduran environment: How can we avoid the same citizen exercising his or her vote two times in the same electoral process? Additionally, during the primary process the parties, financed by the electoral bodies, have the right to place an additional ballot box: a fourth ballot box. They are given an additional ballot paper that is a ballot paper to select party leaders and people vote directly for that party leader.

The material is put in the voting location by the Supreme Electoral Tribunal and is returned by the Supreme Electoral Tribunal to their storage. But that process and that material have two different paths.

The primary elections process is the one where the presidential candidates, deputies, and members of the board are chosen and is separate from the internal elections process. [It is] delivered to the political party as material that comes from each of the schools. It is the parties that, through their national electoral commissions, determine their leaders. In that internal issue, the Tribunal, the electoral management body, has absolutely nothing to do with it. The only thing that is provided is the logistics and [the Tribunal] finances the electoral material. But the scrutiny and the result are the exclusive responsibility of the political parties. In the parallel case of primary elections, the whole process is directed, supervised and controlled by the electoral management body.

Where does it get complicated? It is more complex be-

cause we are a constitutional electoral body that, from seven years ago, we were elected by two-thirds of Congress and there should not be political preeminence as it existed in the previous Supreme Electoral Tribunal (that indeed was a very political organ). We find that our electoral administration is a shared electoral administration. What does a shared electoral administration mean? We run the process, we supervise it, but in all stages of the process those who nominate the people (who are responsible for managing the process) are the political parties. In summary, in the end, in the polling station those who are there are representing the political parties. In this case, in the primary elections, they are representing a proprietary member and an alternative member for each of the movements that participate in the political process.

We have 120 employees in the Tribunal. But on Election Day, we have 250 thousand citizens from political parties sitting in the polling stations. At the end of day the question we ask is, “Who operates the electoral process?” [This is] where a level of complexity begins and perhaps has a little to do with the question [asked by] the magistrate from the Bahamas. One of the reasons why the National Congress of the Republic did a recent reform three days before the registration of the movements was a political one, which obviously directly affects the electoral process. Within these [were] political reasons that were wielded (and which were public knowledge or that the press commented a lot on): First, that they had to resolve an issue of candidacy by consensus that was not within the law and that the Tribunal could—in application of the law—reject. Secondly, there were candidacies by agreement by one person in two movements, which the Tribunal could discard because it was within its law. Thirdly, because, as the polling station is made up of movements, those with the most movements in the polling station were supposed to have a political advantage over the others. If our resolution had been ten days before, at least half of the political party movements would have been left out. They would have had to balance the political forces at the time of the election. That is why the reform was done, which gives ten more days for the movements to be able to fulfill the requirements that, at that time, could not be fulfilled as

defined by the law. These are extremely complex situations, but [they] should be handled entirely separate. And there we want to leave it well established that the Tribunal as a body does not have any influence in any aspect of the internal life of the political parties and its management. However, what appears to be contradictory [is that] it also has absolute control over the electoral process [and] the selection of their candidates to go through the process, which was subsequently accomplished in the general elections a year later.

From there [starts] the complexity for the electoral management body because the parties that go, one only [at a time], to the electoral process sometimes do not know how to differentiate the line between what corresponds with the arena of its internal activity and the arena of activity that they should achieve as an official of the Supreme Electoral Tribunal. This is part of the complexity and part of the reason why the Supreme Electoral Tribunal proposed in its reform that there should be a citizen table to settle this type of conflict amongst political party poll watchers.

#### **Sandra Etcheverry, Minister, Electoral Court, Uruguay**

We do not have primaries. In our internal elections, the Electoral Court does everything. There is only one ballot box where people vote. It is like a non-compulsory national election, but the political parties all vote at that ballot box. The political parties, at that time, chose the management of their parties, and they chose the candidate for the party. We have the guarantee that a person does not return to vote two times because they use the electoral voter register of the Electoral Court. That day we celebrated as if it were a national election. We have the central voter register, we go to vote and we are sure that voting will be as if it were a national election. The only difference with the national election is that it is not compulsory. Uruguay has compulsory voting in the national election, second round and the departmental election. So we are very sure that a person is not going to vote more than two times because he or she goes to his or her voting location and is going to be in the electoral voter register.

In other words, the Electoral Court at that time does everything relating to the electoral function as though it were a national election. So it offers the certainty that the political parties, at this time, do not intervene in the election. They simply go to scrutinize and observe, and obviously observe the transparency of the Court. But for us the internal election is totally transparent and with full guarantee of the Court. But we are working with the voter registers as though it were a national election.

**Eugenio Chicas Martínez, President,  
Supreme Electoral Tribunal, El Salvador**

In the case of El Salvador, the candidate selection processes for each of the political parties are very diverse. Because, without regulations in the electoral code or the electoral law, none of the regulations bring together, in a standardized way, how the parties decide on candidacy processes. Each party decides how they process these candidacies, some have an internal election under the exclusive control of each of their own parties, in absence of the electoral board, and develop their own process.

Other parties do not develop any formal elections as such. Rather, they are subjected to different proceedings according to the configuration of its partisan organization, which differs from one party to another. Because, in the absence of a law for political parties, each person organizes it in the best way to suit his or her interest, and each person has structured proceedings of conduct that seems best. Obviously the basic is a General Assembly, or a convention and intermediary body, and a permanent political proceeding that could be a national direction or a political advisory, etc. Those parties could, in whichever of those three proceedings, or in none, make the decision from here [as to] who they are going to propose as a candidate. Similarly there are some parties where their own Secretary General says that that person is going to be [the candidate], or that person, or that one, he or she forms the list and presents it.

The law establishes that the person that makes the proposal is the highest leadership of the party registered in the Supreme Electoral Tribunal. So, if it is one case, it is the Political Commission; if it is another case, the

Secretary General, but there is one legal representative registered, accredited, and it is he or she who moves the person's proposal forward for registration for this political party. But I insist that this is very diverse because, without a regulation, each [party] does the best it can. That is why there has been pressure from the citizens; and [it] is stronger today with respect to the existence of a law for political parties that allows for the regulation and standardization of internal processes of the parties and, in this way, democratizes the political party's own internal exercise.

**Senator Thomas Tavares-Finson,  
Commissioner, Electoral Commission, Jamaica**

The basic question is this: Do we as management bodies wish to have a role in the selection of candidates? Our view in Jamaica, for example, with respect to the constitutionality or the constitutional suitability of candidates, is that the questions relating to [those issues] are matters for the Constitutional Court. Do we as management bodies wish a role in the selection of candidates? If so, what is the mischief that we are seeking to address?

**Enrique Ortéz Sequeira, Magistrate,  
Supreme Electoral Tribunal, Honduras**

To tell you the truth, I have been in different stages of the democratic life of my country. As we have been going through those various stages, apparently there are always different ways of navigating the electoral and democratic life of the country. I assume that a part of these meetings is done precisely because no great truth in these subjects exists. We believed that the subject of primary elections was going to strengthen political parties. The criticism to this system is that it weakens political parties, because candidates practically fight "to the death". Today, [now] that we have nine recently created political parties, we have realized that [regarding] the electoral body, if it had to organize nine primary electoral processes at the same time, we would have to declare [our] incapacity to carry it out. Because, what we see, as a situation with three parties, [is that] it has to be multiplied by three in order to give the degree of complexity of the problem.

What is now being suggested, even by the President of



the Republic, is that there is [a need] to step back because the cost of this process is large, and it must be returned to the political parties, and let the political parties continue managing this type of thing. In summary, Tom, I think you have asked the million-dollar question. As of today, I do not think that I have—from my particular point of view—an absolute answer. Because, everything related to democracy and the human being is undergoing a transformation according to the historical moment that everyone is living. I think it would be wrong to think that a static system would give us the solution because the different political circumstances in which they live simply would not enter into the analysis.

What is regulated by the electoral management body, in addition to popular will, is a hard struggle for power. When the power enters and acts out in this type of situation, there is no [clear] path or straight line to carry it. So I don't know how to answer you. But in this specific issue, in Honduras there is a long, long way to go, and I think it will happen. As the song says, "More than a thousand years and many more" and I still believe that we will not have a favorable response to this type of situation.

#### **Juno De Shield Samuel, Chairman, Electoral Commission, Antigua and Barbuda**

You see, what I thought that we were talking about is the role of the EMBS in the candidate selection process. Now, the process to me is the running of the election. Since we are an election body, when candidates have to be selected, what we were talking about is the electoral body coming in, running the election, and announcing the results; and not the selection of the candidates necessarily (whoever the candidates are). That is how I understood it.

So my question therefore is: Is [there] any country here (whether you or anybody else) [that] has a situation where the electoral body manages the primary elections in [the] country, and how has that gone? Has it been successful or not?

Let me just say that I did not want to touch this question because I know that in Antigua & Barbuda, if I ever

raised this question, I would have to come and seek asylum somewhere. But since I met so many wonderful people, I know that I have somewhere I can go [to] seek asylum. [However], as an intellectual exercise, maybe more than anything else and particularly in Antigua, we had a problem with our election in 2009 and we are still in court up to today. The next election will be in 2014 so I know that we are not going to touch it in any way, but I just wanted to know if my perception is wrong here or if you have an answer to that.

#### **Enrique Ortéz Sequeira, Magistrate, Supreme Electoral Tribunal, Honduras**

[In] the case of Honduras, by law the electoral management body directs, oversees, finances, and carries out the primary elections. We understand primary elections to be the exercise that makes each party, through its legally registered movements, select the candidates who afterwards [go on to] participate in the general election process with other political parties.

The mechanism came about through the constant criticism to the political parties. Internally, there was no opening, nor were you allowed, to have an option to be able to participate if you were not part of a hegemonic group of power within the party. What is interesting in the case of Honduras is that when the new law is applied, the electoral body is an eminently political body, composed of the political parties. What happened in practice was that the magistrate of the political party that went to the electoral process—in spite of being part of a collegiate body—in practice, it was he who managed the electoral process. In fact, they selected them in the past because the will of the magistrate of that party at that time had absolute control over the results for each one of the parties. This created much crisis in the country and the electoral body was transformed from a political electoral body to an electoral body whose appointment was to be through the National Congress of the Republic, but it would not have the political contamination.

As such, the law was established by bipartisanship to carry out the internal elections of a bipartisanship, and suddenly the political reality converted that bipartisan-

ship into nine political parties. The regulation of the electoral law was automatically inadequate for implementation, and, additionally, there was an electoral body that was no longer managed politically. So it produced different results from what the political class or the leadership of each party hoped or intended. [So] we are in this discussion because, in theory, the electoral body should do what Magistrate Samuel says very well, it should manage the process and give a result. In practice, however, the electoral body went beyond the administration and now the result is that we have a modification of the law and a modification of the process.

A discussion that we are having at this time in our country is what class of electoral body we want. Because, depending on the type of electoral body, and that we have seen here, [is that] it goes from a totally independent body (I think that is Costa Rica) to a totally mixed body (that is Uruguay and El Salvador) [or] even a body of a completely different nature. This is what sometimes makes the perspective on electoral matters so totally different in each one of the countries. Now, I agree with you that we should aspire [to ensure that] we are basically the administrators of the electoral process.

#### **Sandra Etcheverry, Minister, Electoral Court, Uruguay**

We are all appointed by political parties in the Electoral Court but we do not have any influence on electoral issues. I think that I have repeatedly said that. [The entities that] decide who the candidates are in Uruguay are the political parties. That [practice] was [established in] the reform in 1996, which was applied in 1999 for the election in 1999. We are simply a type of board of enquiry [and] we resolve any type of conflict in the election. We proclaim the candidates but we do not influence who will be candidates at all. The political parties decide in the internal election, which was applied for the first time in 1999. Obviously we are elected by the General Assembly by consensus of the political parties but we do not influence the election of the candidates at all.

#### **Eugenio Chicas Martínez, President, Supreme Electoral Tribunal, El Salvador**

I believe that, in the case of El Salvador (or for any country), the path the reform can take, the adaptations, in the end has to do with the electoral issues related to procedures and good practices. Nonetheless, those procedures and good practices are very much related to what each society wants to do. In that sense, each society decides what course it takes regarding democratic design.

In the case of El Salvador, the priority established when we designed the system we have today was to stop the war, to stop the political violence, and start a plan for democratic development, conscious that it was not our final port destination; rather it was a transit route.

Today, twenty years after the war stopped and democratic route started, is when we propose reforms for a third generation where we need to build a new political agreement. Once the previous phase has been overcome, we propose where we want to take the democratic ship of the country. That is why the country is committed, for example, to a law for political parties, the residential vote, the overseas vote, and the diverse municipal boards. We are the only country in Latin America that does not have diverse municipal boards, the integration of polling stations with citizens, and standardized elections. But this is the suite to measure the aspirations of my society. I think that each society should measure what their democratic needs are, and in agreement to that, establish its own route.

#### **Dominican Republic (Did not identify a name)**

I wanted to make a few observations regarding the issue before us, which is the role of the electoral authority in the candidate [selection] process. This has two fundamental aspects, which is the internal aspect when choosing candidates within each of the organizations that make up the electoral process. In this case, the ideal would be if there were two electoral authorities for, as in the case of the Dominican Republic, an election authority that manages the process [and] supervises [to ensure that] there are no legal violations in the selection of parties' internal candidates. Whatever contestation that happens in that process, [i.e.] the political internal process that is in violation of the law in each country,

the contestation should be known to the body (which is not the same as supervising the selection of the parties' internal candidate).

On this subject, it is very important to make the distinction between the ideal that two electoral boards have [and], at the same time, to supervise [to ensure] that there is no violation of the law. Additionally, [it is important] to know whether there is a judicial contestation, in case there is a complaint in a sense. Regarding the fact that electoral authorities could have whatever type of interference in the selection of candidates, I think this is totally inappropriate and no legislation should lead to that situation, [in the sense] that the electoral authority could have a major role that would not be to simply supervise the process [so that it] can be done without any kind of violation of the electoral law of each country.

**Magdalena Chú Villanueva, Chief,  
National Office for Electoral Processes, Peru**

The country representatives that make up the panel have shown us a variety of roles of the electoral body in the process of candidate selection. As Magistrate Chicas said, each country has a suit that it wears. Nonetheless, in all cases, [we] have participation in the electoral bodies. If it is not in the selection of candidates, it is in the registration of candidates, which in some ways related to the selection.

I would like to ask the panel—in addition to evaluating the formal requirements like age, place of birth, and if he or she participated in the process or not—do you have any other ways of evaluating, for example, the finances that the candidates receive personally, particularly, or if it is solely through their political parties? If there is a financial limit or is it open to infinity? And if there was a limit, and a difference is found, or higher financial support is found, I would like to know if some type of sanction exists that could prevent [the participation] of an individual as a candidate.

In addition to other monitoring exercises, or other evaluations, or [methods of] verification, [does] the candidate declare his/her life history before the electoral process? Because, I think that a variety of our countries

have realities where some authorities, whether at the local, regional, or national level, afterwards end up with some type of criminal sanction or some misdemeanor. So, in which case, [to] the countries whose representatives have given us such a magnificent conference today, how do they evaluate this situation?

**Eugenio Chicas Martínez, President,  
Supreme Electoral Tribunal, El Salvador**

Well, in the case of my country, El Salvador, there are no mechanisms that establish (as I have seen in the case of Peru) a practice that we have picked up, [and] which I find very good, for the verification of the curriculum vitae of a candidate.

I think that there are three basic things, in that sense, that are part of the debate in my country. There are no practices yet [for] the possibility of: verifying the curriculum vitae of the candidate that [confirms that] he or she is who he or she claims to be; financing, [and] the origins of financing; and the mechanisms for accountability. Because ultimately, that is what gives the voters a sense of the quality (or not) of the proposed figure, whether this person comes directly from the society, or from political parties. We do not have it; it is just a mere debate in society. Regarding the previous opinion, in the case of Dominican [Republic], they have separate bodies [electoral management bodies]. In Latin America we have electoral bodies formed with one body (like in my country), others formed with two bodies, and others with up to three. In this [matter], the practice shows different results.

For example, there are tribunals [that are] considered to be very successful at the international level, like Costa Rica, and it is only one entity – credible in its organization [and] credible in its jurisdictional matters. Panama has also had very good electoral practices and other countries as well. Therefore, it is not written that a body can be successful because it separates, or because it acts as a single unit. It depends on the reality of each society. In the same way we have seen very successful experiences of countries where the function has been separated. The complaint in those cases was that it is very costly to manage two, or up to three bodies, de-

pending on the economic reality of each country. But we return to the premise that we always maintain, that the electoral body of our countries corresponds to its history, its culture, its customs, its traditions, and the context of the political situation in which it lives.

### **José Luis Villavicencio, Magistrate, Supreme Electoral Council, Nicaragua**

In Nicaragua, in relation to this procedure, we first have three principles: firstly, the electoral law of public order applies *erga omnes*.<sup>30</sup> Secondly, the political institutions are institutions of public law. All political parties are institutions of public law. They therefore have to work under the constitutional lens of the public law. Thirdly, we regulate the activity of political parties from their foundation. We give political parties legal capacity and, as the Electoral Tribunal, we can also remove the capacity. Also, [for] any convention that the parties want to make (not only for the selection of the candidate but also for their statutory reforms) when they have party conventions and an election for internal authorities, members of the Electoral Tribunal have to be present so that they are observing the internal corresponding law; which they themselves have approved in their statutes.

Fourthly, the candidates: Candidates are registered according to what is said in each statute for each political party. In Nicaragua, there is the freedom for each political party to decide how it is going to select its candidate, according to its own statute. If a member of a party considers that they are violating his or her rights inside the party, he or she can appeal through the electoral proceeding to request an investigation, an enquiry, and could correct any anomaly in relation to the established statutes for its own party. The Electoral Tribunal also functions as a tribunal of electoral justice for internal matters carried out by the statutes of each political party.

Regarding the candidacy in a centralized way, in addition to the requirements, we send each party forms that they

have to complete for the individual registration of each one of the candidates that they are going to present in the elections. For example, a reform was recently done that established a 50-50, not only in gender parity, but also in the equality of the presentation of the candidate. It quintupled the interaction of the municipal councils. The municipal councils that, for the first time, we are going to apply a criterion of fairness for gender parity where you have to ensure 50 percent of these are men and 50 percent are women for the candidates that will be elected to municipal authorities. This is the experience in Nicaragua.

### **Errol Miller, Chairman, Electoral Commission, Jamaica**

As we have listened to the panel, there are at least two traditions that are represented. Listening to our colleague from Nicaragua, and also Peru, one tradition is where the election management body doesn't have a role in determining how candidates are nominated, but they have a role in the process of determining who should represent the parties [through] electoral processes used. Then you have the tradition represented by Uruguay that speaks to a conflict resolution situation if the parties have problems. The point just made by our colleague from Nicaragua points to a division, however, with respect to another tradition that exists. [This] is to say that political parties are creatures of public law, and are constitutional entities, and therefore subject to public law.

So I am approaching this question more from the perspective that was previously raised by Commissioner Tavares-Finson, which is that there is yet another tradition in which the Constitution does not recognize political parties. It recognizes candidates and it allows anybody to be a candidate, subject to specifications that the Constitution itself lays down (the adjudication of which it attributes to the courts). It keeps the election management body firewalled from those processes, save and except, where they are invited by the political parties

<sup>30</sup> Latin term meaning that rights and obligations are towards everyone.

to conduct internal elections of those parties; whereby [the inclusion of the election management body] is a voluntary matter, and it is subject to the rules that the party has, and it is done on a private basis, so to speak. [However], it has no overarching public law responsibility and constitutional responsibility.

What is interesting is traditions that have minimal, as Dr. Kevin Casas-Zamora said about the two (the different positions), minimal law and regulations versus quite a bit of regulation. In the traditions that have minimal laws and recognition of political parties, what has emerged over time is that there are very few candidates who come forward that are not related to a political party. In other words, the individual, although he has the right to do so, who actually gets up to go and run an election—that number is continually declining. Instead, people are coming together to form political parties and to contest elections as political parties. Now we are in the position of beginning to put together regulations—which are not [based] on [the] constitution but [are] matters of law—to deal with how do you register political parties, and the extent to which you get into their operations. The thrust of those regulations is to get the parties to regulate themselves according to their own constitutions, and be accountable to their membership, rather than imposing a state obligation on them.

We seem to be coming at the issue from some different traditions: one that you are trying to solve a problem and so therefore are highly regulatory and, as I have heard, the case where you can have mistakes. The greater the legislation, the greater the chance of error and mistakes made by the very body itself. The less regulation you have, there is another problem, because the political parties have to sort out where they are not conforming to the democratic principles in electing their representatives. So the question I am asking is, based on these different traditions do you think that we could come up with a single position in these matters? It is not a question for each country, because we are not operating as single countries, but [a matter] in which these two different traditions coexist in a manner that we approach it. We have different problems but we don't have the same convergence in the matter.

### **Sandra Etcheverry, Minister, Electoral Court, Uruguay**

When I discussed the issue that the Electoral Court can resolve, [it is] an issue between the court and the political parties. For example - a proclamation - something that (as Chicas says) was typed in wrong or something like that, which could be modified between the political parties and the Electoral Court. [It is this] type of matter, not big things, which the Electoral Court could influence in the political parties.

One thing that interested me a lot, from what was just said, is that obviously the Electoral Court registers the political parties in Uruguay. The Electoral Court also registers the parties and the candidates after their parties elect them internally. The Electoral Court registers those candidates if they are in a position to go to the internal election. So in some ways, it is not that we elect them or that the parties elect them, but they must be registered with the Electoral Court to see if they comply with the conditions that the Electoral Court establishes for them to be candidates.

So [it is] a very important thing that you have just said. The political parties are registered with certain conditions in order to constitute a political party. So a person cannot be a candidate if he or she does not come from a political party. A citizen cannot say, 'I want to be political candidate', at least [not] in my country. He or she has to be in a political party to be a presidential candidate, and come out of [been elected through] an internal election.

### **Eugenio Chicas Martínez, President, Supreme Electoral Tribunal, El Salvador**

I believe that one of the relevant aspects of this focus is: what are political parties? In the case of my reality, in the case of El Salvador, the political parties are not institutions of public order. In other words, legally they are private institutions. Therefore, except for flagrant violations, the state has no mechanisms of interference in the functioning of these institutions. In Latin America there are three types of approaches with respect to the nature of the political parties: there are those, as in my country, where they are private institutions; there are those, like in other cases, where they are considered

public institutions (where the state creates mechanisms of control and verifications around interventions); and there are those hybrid institutions that combine private and public aspects.

In the case of El Salvador, [regarding] the discussion for the law for political parties, the consensus is that they are progressing to carry a mixed figure where the political parties reserve a part of their private nature, but adopt a process with a certain degree of control of the State, a part of the public institution. This will be a public-private hybrid. However, that is a process that has not yet been resolved.

In this way, I believe that, historically, it has been very convenient for the parties to manage those levels of discretion. It seems to me (and it happens in my country) that the extent to which democracy has been established and has evolved, [there has been] interest and demand from citizens, demand from the media and [other] institutions in general, for an even greater level of control over the political parties as institutions. That has opened a renewed debate with respect to the need for the parties to arrange themselves, to regulate themselves, and to democratize their processes. Like the rest of the institutions, they are subject to the law. It is a process of debate that has been the product of the evolution of the same citizenry, which has been demanding those types of controls and reforms.

**Enrique Ortíz Sequeira, Magistrate,  
Supreme Electoral Tribunal, Honduras**

In Honduras, in addition to the political parties system (which are institutions of public law), and in addition to the primary process and internal process that they must submit it to, we additionally have independent candidates. Independent candidates can register themselves after the call for general elections. Furthermore, in the last process we had a growing number of participants, mostly at the level of the municipal boards in the 2009 Elections. What we feel is that, in spite of the fact that there is a recent need for people to participate, [there is a] discontent with the political parties. Why were four political parties created in a year?

Regarding participation through political parties (which is different from the independent candidacies), in our system, where there are three powers of the state, it is not very attractive to participate as an independent presidential candidate, above all, when you do not have the possibility of forming a National Congress, nor municipal councils, which are essential. Once the election has been won, they become government. I think that it is one of the limitations in the participation of independent candidates at the presidential level. For [the position of] representative, one [candidate] participates against a whole partisan structure, which does not provide a way to get ahead; above all with the [open list] system that we have in our country. I leave you with that additional ingredient because it is an additional element that complicates the system in Honduras.

**Patricio Valdés Aldunate, President,  
Election Certification Tribunal, Chile**

I am the President of the Tribunal in Chile, but I am the President of the Selection Tribunal of Chile because I am the Minister of the Supreme Court. I am not elected by any political party or by the Senate, or by anyone. Simply from the year 1925, coming out of an election that was in 1920, this Tribunal was established and formed at that time by four Ministers of the Supreme Court and a former President or Vice President of the Senate, and the Chamber of Representatives that have left politics. So there is absolutely nothing political.

In our case, there can be no participation within the Tribunal of anyone who has a political position. In the first place, we have a National Electoral Service that has also existed since 1925. Since that time it has had three boards up until today, which is unfortunately the last of them. The truth is that the electoral problem is that we practically have none. The political parties register candidates in the Electoral Service and there is a popular action, including complaints against a given candidate. The truth is that in the last 90 years, except the period that obviously did not have election for 17 years, there has never been a problem of a political nature.

After the electoral body receives the political parties' candidates, there is a selection. There can be complaints and this is done before the regional electoral tribunals,

which are also apolitical because they are composed of a Minister of the Court of Appeal and two lawyers appointed by the Selection Tribunal of Elections. These are who revise the selections, if there is any claim, and ultimately announce the candidates; up to the President of the Republic. The truth is that in my case, for example, I am elected by a draw within the Supreme Court. It is the most transparent [approach] that can exist. There could be no implication that someone can say, 'look we are going to choose this one because that party, this party, yes, no.' From amongst the 21 Ministers, they pull out a ball and the person that is pulled is the member of the Selection Tribunal of Elections for the 4 years. It has been operating for almost 100 years without any problem.

Now, for example, I listened to what Magistrate Chicas was saying. These things have to be very simple. I think that things in our country, fortunately, are very simple. The political parties are registered in the Electoral Service and it is the Electoral Service that recognizes them. If they do not get a percentage of the vote, they disappear. Ultimately they propose the candidates and those are the ones that the citizens will be able to vote for—up to the candidate for mayor, councilmen, representatives, senators, and the President of the Republic. But I believe that the advantage is the independence of the magistrates of these different tribunals. Because it turns out that it is impossible for a political party to participate in the designation of some of them. It provides a guarantee to the entire citizenry. It provides such a guarantee that practically nothing is known of the existence of tribunals. We say that when (the existence of something) it is not known, it is because it is working well. I repeat that the truth is that during the 90 or more than 90 years that the Tribunal is functioning, there have never been problems in that respect.

**Eugenio Chicas Martínez, President,  
Supreme Electoral Tribunal, El Salvador**

Well, I think that, in effect, the Chilean system is admirable. In the international community it calls attention and it is a matter of discussion the binominal system. That could be object of analysis of the situation in Chile. In the case of my country, for example, in the institution-

al approach of our electoral organization there will be magistrates that come from parties. That does not dismiss them from the monitoring with respect to compliance of the law because there is monitoring in different instances. The independent magistrates that belong to the Supreme Court of Justice should not belong to any political party. But in country, I do not know if it happens in other countries, they say that each party has their independents. It is in that sense that I think that membership or not, it does not dismiss compliance of the law.

Today, more and more, I believe that there are different mechanisms—observatories, citizen monitoring, NGOs, the same political parties, public opinion, and the media—[that are] vigilant with regard to performance. For example, they have been improving computer systems and [with] each time the exercise of the electoral role has become much more transparent. For example, in the last election in my country, we [managed to] successfully ensure that absolutely all of the statements of polls came from a polling station where the votes are counted, and absolutely all of the statements of polls were placed on the Internet on the same day. This ensures that if someone worked in the polling station and was in the counting of the votes, he or she has signed the statements of polls. He or she can then see how that statement of polls was totaled and posted on the Internet. There is a citizen audit mechanism for the ballot counting, and therefore the transparency of the electoral results. So I believe that, beyond the origin or not, each day there is [increased] monitoring—not only at the national level, [but by] the international community as well— watching the transparency and the integrity of our electoral organizations.

**Enrique Ortéz Sequeira, Magistrate,  
Supreme Electoral Tribunal, Honduras**

Our countries, from Ecuador and up, are countries that are highly politicized. For example, in Honduras, up until a few years ago, the Supreme Court of Justice was politically elected - eight magistrates from one party, seven magistrates from another party. If we [were to] do what you do in Chile, the electoral system would end because, obviously, the Court will appoint according to their interests. This is where I think that what our

magistrate, Magistrate Chicas, says very well [is that] this electoral subject does not have a script. All of the electoral bodies learn to play by ear. There is no electoral “sol-fa”, if there was an electoral “sol-fa,” I think that democracy would be strengthened across the entire world. If we were to have the electoral atlas and we copy... I believe that Mr. Miller [would be] right. I think that there should be good practices. I think that there should be transparency. I think that there should be principles like equality, good faith, and due process but [taking into consideration] that each country has a different interpretation. That is what obviously brings us here to the Eighth [meeting], and possibly the Ninth conference of electoral organizations.

**Dr. Kevin Casas-Zamora, Secretary,  
Secretariat for Political Affairs, OAS**

[I want to say] nothing more than to give credit to what is being said here. I come from a different place because, in the case of Costa Rica, the appointment of magistrates to the Supreme Electoral Tribunal is done in a way that (how I basically interpret it) is that it is similar to Chile. It is a totally depoliticized body. However, in spite of that, if I would like to say that one can find absolutely valid, legitimate and equally respectable arguments to defend the opposite principle, which is mutual control. It is a principle that is equally respectable. I have my preference. However, I [would like to] say that it does not seem to me to be an act of dementia that a Tribunal - an electoral body - founded on the principle of mutual control could rationally function well and contribute to ensure that election results produced are absolutely legitimate, and respect the will of those who vote.

**Suriname (no name indicated)**

I have two observations. I would like to go back to the matter of female candidates and refer to the situation in Suriname. In the Republic of Suriname there is no distinction between the number of males and females as candidates in the election process, though it is also noticeable or obvious that women are far in the minority on the list of candidates and, as a result, in the minority in Parliament. Incidentally, the Speaker of the House of the Republic of Suriname right now is a woman. I still wonder, however, how EMBs can therefore promote the

inclusion of female candidates on an equal basis with male members; in other words, how to break in on that particular level.

The other observation that I have is the question: is there legislation in Suriname to influence [the] internal organization aspect of political parties? I would say, to a certain extent, yes. It is an obligation in our law for political parties to publish their annual financial reports or statement of revenue and expenditure. Political parties have to announce their election program to the people to make it known. Political organizations have to be accessible to everyone, regardless of race and religion. Here comes the matter of women.

All internal election procedures within political parties must be arranged by the statute of the political party organization arrangement. Then, very importantly, [there is] application for the nomination of the election (which is article 6 in the law); election candidates should be nominated by the internal structure of the political organization. Political organizations, furthermore, must be registered in the public register of the independent electoral council, of which I am a member. Political organizations registered in the public register of the independent council are entitled to nominate election candidates—only those that are registered with us. A conclusion could be [that], in our country, there is no [more] involvement by EMBs in the nomination process of election candidates than the formal review of the nominees’ list as required by the legislation. I would say that these are the two observations, which I have made generally [and] also in consultation with my members here ([i.e.] the other two here from Suriname).

**Eugenio Chica Martínez, President,  
Supreme Electoral Tribunal, El Salvador**

In the case of El Salvador, there is no regulation that favors the participation of women. However, I have to say that of two of the eight political parties—the two that have been most successful in promoting women to public space—are those that have regulated mechanisms for a quota. Therefore, it seems to me that positive discrimination in quota mechanisms is highly positive for equality in the registration of candidates. [These are]



mechanisms that could contribute to encouraging a society like ours, with a machista culture, to facilitate the participation of women in politics. In my country, there are women who are increasingly becoming involved in business; it is women who are mostly successful in graduating from the universities. However, these achievements are not reflected in political participation because the organization and the way of doing politics have been discriminatory. Therefore, I insist that the quota mechanism is highly positive in creating mechanisms for equality in registration, and in creating and proposing mechanisms for positive discrimination. However, I insist that the growth that women have had in political participation has been in those parties, those institutions, which have clearly regulated the quota mechanisms.

#### **Sandra Etcheverry, Minister, Electoral Court, Uruguay**

With the issue of political participation of women in Uruguay there has been hard work on the subject of participation. We do not have a law for equality; we do not have anything. First of all, in Uruguay the majority of Parliament comes from a “machista culture.” The law that was weakly reflected in 2009 was, let’s say, because of the strong pressure made because we were almost two months away from the internal elections and I think that the senators—some of them—that wanted to be presidential candidates saw that women were putting a lot of pressure to [be able to] participate in the ballot papers [elections]. One can say that it was by pressure that a law was passed and allows us to participate in executive areas of political parties and national conventions. Obviously, they were the bodies that made the decisions, not the electoral bodies, where the salary was really paid, to put it bluntly. They were bodies that certainly made decisions in the political parties, so that it would not be less for some of us that wanted to have participation within our parties, and also have a voice, and vote to make some of the decisions. In 2014, obviously, there will be a law that is going to [ensure] 30 percent [representation of] women. We watch with concern and we women also have a very important job in the levels of education, but it is very difficult to participate at the political level.

We consider that the only way women can participate is through the law because at the level of the parties, we believe that the space would not be given. When the [lists for the] ballot papers are prepared, [in] the majority of the ballot papers, men participate. It has been difficult for us to see the participation of women. We will have this experience in 2014, as I said before. We have a word that is very unpleasant, which says that our participation will be ‘evaluated’ in Parliament. We have the concern that there could be a trick, or some way to place a woman, so that afterwards she gives up, and her substitute is the one who takes up the appointment. In this sense, we think that there could be some type of mechanism that has been done in other countries.

We are two female judges in the Electoral Court and we are trying to study and listen to the suggestions of the women in politics to see how they can avoid being tricked in some way by the substitutes. But it is a source of great concern in Uruguay, with respect to the participation of women. We see that in Latin America, and in general, there has already been talk about equality, and we are proposing a 40 percent on the one hand. I think that in Costa Rica from the time that they have been working on equality of [women] at 40 percent, they reached to 30 percent and they did not achieve the equality that they wanted to have. [This] is also a questionable sign and concern.

For us the most worrying is the subject of financing for political parties and for the woman. How do you participate in politics? I personally think that a great concern is the subject of financing for the woman who is very fearful about how to finance political participation. Personally we have lived it, and we believe that men find it easier to manage political financing with his peers. Luckily, in Uruguay they are now working very hard on the subject of equality in political financing. There is a very important chapter for the woman and her participation. But the experience will be in 2014 and we will see how this is reflected. It is a great concern [that women are] not reaching 8 percent of 99 representatives and 31 senators, where the reality of the woman is not well reflected. We want to have a voice and also vote in everything that is happening because we are [we represent]

50 percent of the population.

**Hugo Sivina Hurtado, President,  
National Electoral Jury, Peru**

You are touching on very interesting topics with respect to what an electoral authority should be. I am not going to specify what it does in Peru because I think that there is intent to take positions that create, perhaps in some moment, some approach on the part of the authorities, which in some way is interesting. Concerning how the electoral system in each country can be improved, I think that in some moment we will have to come to a consensus to see what can be learned from other countries, something positive, to apply to yours. This seems very good to me.

Regarding the extent to which electoral authorities are depoliticized, I think that the work will be much better. This is obviously my point of view. In Peru we have no connection with any political party. In the case of the jury, it is a senior public persecutor, a dean of public universities and private universities, and also an association of lawyers from Lima. This is the legal structure. What I think is that the electoral authority cannot fail to consider the validity of the political parties. Why? Because the political parties have to comply with the law. In our case we have to check, monitor, for example, that they comply with the quotas. We see the need to supervise [the process to see] if they comply with the quota for indigenous people, which is 15 percent; quota for youth, which is 20 percent; and also in the case of equality of women, where I think that in the end, in Peru, equality will need to be applied. We are in this area and I think that in this way there is going to be greater equality and a greater proportionality with respect to access to the political bodies.

On the other hand, there is interest, and the work in Peru is already being specified on the way the political parties, in their internal democracy, determine the candidates. We have considered the possibility of supporting these internal elections [by] giving them the necessary input, or the information necessary, so that they know and [they] can determine and select a candidate that they intend to have in their list for the election. We

have encountered situations that, now in Peru, you are seeing persons that have a criminal record, for example, and we cannot accept that a person has been convicted of 'X' crime and then he or she legislates on related issues on incidents that he or she has possibly committed. There are situations that each country should assume responsibility, but always thinking of the role of the citizen... There is no reason to lie. The citizen is a person who should be respected and a person to whom you must give explanations, regarding the conduct of the people who have voted or are going to vote. So I think [that this] is important to determine and establish in these meetings and, if possible, a consensus [should be made] to what is the positive and what can be applied in the respective country regarding these issues.

**Marie-Laurence Jocelyn Lassègue,  
Program Manager, International IDEA**

Listening to your very interesting presentations and reflections, I found that in many countries of the region the electoral authorities work with a limited number of political parties. In Haiti we have to work with more than 50 parties, which is a great challenge for electoral management. I would be interested in knowing more about the [experiences of the] countries. In the case of Honduras, I do not know [if] you experienced a reduction in political parties in the political landscape and [I would like to know more] about how that process developed.

**Enrique Ortíz Sequeira, Magistrate,  
Supreme Electoral Tribunal, Honduras**

The year 2009 was a very difficult year for Honduras, a very complicated year because it created an internal division in the country. Fortunately, we as an electoral management body maintained a criteria; it is that if an electoral process had been called when President Jose Manuel Zelaya was still there, and had not been taken out of the country for the reasons that existed, it was easier to reconstruct the country through the return to constitutional order, and what better [way] than through an electoral process. The electoral process happened; [it] came off as expected, it served as reconciliation, and it served as recognition of the new Honduras to the world. But the root causes of the crisis are still in

force in the country. They are there, possibly expressed in a smaller way than originally carried out.

In fact, the multiplicity of four political parties shows that the causes are still present. The reaffirmation that these causes are still present is that the political actors in this new electoral process are: one is a new political party that is formed, coordinated, and managed by the former President Zelaya and has his wife as the presidential candidate; and [there is] also the other political party that has been recently created, [which] is handled, [and] coordinated by the former head of the armed forces (who was the one with the responsibility for taking President Zelaya out from the country). That is to say, there are new paradigms [and] there are new realities. Fortunately, we believe that the huge catalyst of all of these circumstances has been the electoral management body. There all of the elements of the crisis have come to a convergence. Now, all of them consider that they are able to overcome the problems if there is adequate participation with clear and transparent rules in the electoral process.

There is a new political reality and [despite] the increase of parties, in my opinion, it [the political reality] is no more than the wearing out of the traditional parties and the new reality of political forces that have strong influence within the country. What will be the degree of influence within the country? Well, I don't know. We are going to measure this first degree of influence in this primary process where, for the first time in history, a party that is not one of the traditional parties is going through the process of primary elections. Obviously, the result that this party can have is going to guide the electorate on what the result of the overall process may be. What is going to happen? It is a huge unknown. What we know for sure (from the different talks that we have had in the different sectors) is that Honduras believes that this primary electoral process has a degree of importance [that is] equal to or greater than the electoral process of 2009 and that this primary election process is going to allow the different forces to continue refining their ruggedness and looking for a process of national reconciliation. It may, depending on how it goes, reactivate the elements of the crisis of 2009 and, suddenly,

we could have an extremely complicated general elections process. Our reality is obviously not similar to any other country. However, all Hondurans (and this has been through talks that we have had with different sectors, including the former President Zelaya), have come to the conclusion that it is only the electoral process that can determine the institutional life of the country and the democratic life and politics of the country. Therefore, we are faced with a major challenge.

For this great challenge IDEA has worked with us on some matters and we say with total affection and all humility that we do not want to find ourselves as an electoral management body [in the same position as] in that time, in 2009. It is not what a country wants. It is not what a nation wants; we were terribly beaten, we backtracked economically many years of our life, and we could go back many more in our political life. But we think that this type of discussion—and this type of frank and sincere dialogue—places everyone in the political reality that is taking place. So once again, from now, you are invited to the electoral process on November 18th to see the final result of the day.

**Eugenio Chicas, President,  
Supreme Electoral Tribunal, El Salvador**

In the case of my country, the multiplication or reduction of the number of political parties has been maintained throughout each election. Currently we have eight legally registered parties generally between election and election; two or up to three parties register for each electoral process, then three or four disappear and the spectrum reduces again. In this cyclic way, five to seven political parties always survive. This has to do with our reality, with a phenomenon of polarization. In the case of El Salvador, and after the armed conflict, two political projects survived. A left-wing project and a right-wing project, clearly identified, including the same antagonistic forces that existed in armed conflict, are the forces that continue to exist. There were two forces that still exist today in these 20 years of peace.

The challenge that the country outlines in this period was more [about] the political rotation. The political rotation would exist and that it would not be traumatic and it happened. There was political rotation at the mu-

municipal level, at the legislative level, at the presidential level, and it was not traumatic. I believe that the society now has new challenges. Therefore, the subject to build upon (or not) for the new political parties has to do with the natural threshold of our reality. In the case of El Salvador, a new political party that hopes to organize itself needs to gather 50 thousand entries, 50 thousand signatures for a voter's list of 5 million voters. So what you need are 50 thousand signatures in order to register as a new political party. If you register, and must participate in a presidential election, you need to get at least 50 thousand votes. If you get 50 thousand votes you survive, if not you disappear. So the threshold is very clear in a sense. Until now, what has happened is that the polarization between the two principal forces, I would say, has not allowed for the success of a third avenue for new projects. In this sense, they rise, they fall, they rise and they fall, whilst the political spectrum remains polarized between the left and the right in accordance with the dynamics of our political reality.

On the other hand, I also think that our own legal regulations have sought not to disperse the political spectrum because the thresholds are a good tool, which allows the political spectrum to disperse or not, and then also in this, plays a very important role in electoral prerogatives—that is to say, [the] way in which the State funds new or existing political parties, because that can be converted (or not) into a stimulus that encourages or discourages the organization of new electoral proposals. In the case of El Salvador, the prerogatives for state financing are narrow—they are scant. Financing of parties is only done in election time. A new political party is assigned the equivalent of 57 thousand dollars when guarantees are presented. So if they present guarantees to support the management of the 57 thousand dollars, well, it is assigned. If they do not have security backing, they cannot obtain that quantity. For the political parties that are already registered, [and] that have participated in electoral activities, the amount of funding has to do with the number of votes obtained in the last election in question. The method of public financing is insufficiently stimulating, the yard stick is a bit high for the reality of our voter list, and that is what influences the modest number of political parties registered.

# 4

## 4 Panel II: Vote Counting, Data Transmission, and Preliminary Results Reporting

Moderator:

María Teresa Mellenkamp, Chief of the Electoral Cooperation Section, DECO

### 4.1 Roberto Rosario Márquez, President, Central Electoral Board, Dominican Republic

We are going to try to explain, what our counting process and transmission of results consist of. But to arrive there, it is important that we explain why we have this system. The Dominican electoral system rests on the mistrust of the actors. That system of mistrust in the actors is a result of a tortuous history in the administration and the management of the electoral processes, similar to the majority of Latin American countries. Although the Central Electoral Board dates back to 1993, it had a long period in which it practically legalized the dictatorship's own processes, which lasted 30 years. Up until 1961, the electoral processes were simply a mask to justify - to the OAS and all the international bodies - the existence of a regime—supposedly legal, [but] under forced rule.

Our first free elections were in 1962. That government lasted a short time of seven months. Then came a coup d'état, and a period of continuous political instability up until 1965, which produced a U.S. military invasion and ended with the 1966 elections. Those elections

gave way to a government of 12 years. In the elections of 1970, the opposition practically did not participate. In 1974 it did not participate either. The first election that was carried out with a certain level of freedom was in 1978. The electoral results (in a general sense) were respected, but the political opposition that won the elections had to give away four seats, as a price, to the political rotation. This was the result that was achieved, thanks to the presence of the Carter Centre, the OAS, and a series of international bodies.

Then we had a stable period of electoral democracy for eight years. In 1982 we had relatively free elections. In 1986 as well, but with difficulty [because] the fracture of the government party created a situation that affected the electoral management body. Up until that moment the Central Electoral Board was, what we called, the pure boards (which are those electoral management bodies made up of persons without known political affiliation) and [the Central Electoral Board] was formed of five persons. In that 1986 election, the proclaimed winner [won] by 25 thousand votes, but there were 85 thousand null and observed votes that were

not examined. That is to say, there were more null and observed votes than the difference between the winner and the loser. The problem was that the then president was from the same party as the one that lost, but they were enemies, and he preferred to leave the enemy as a candidate. So he preferred to leave, [and to] not force the discussion of the null and observed votes to see if he could change [the situation]. It was 85 thousand [votes] and he paid dearly, because, as a consequence of that new administration, he was imprisoned. Much of the cabinet left, and that party took 14 years to return to power. We therefore have there the 1990 elections, which were unfortunately accepted as fraudulent elections.

We had the elections of 1994, which were documented as fraudulent. This forced a political agreement by means of, what is called, a pact for democracy. In that pact the period of the winning president was shortened by two years (which was President Balaguer) giving way to an election in two years that resulted in the election of Dr. Leonel Fernandez as President, and which initiated a period of political and electoral reforms. As a consequence of those political reforms, the Board administers the civil registry, the voter registry, the identification card, and all that has to do with documents for identification and the management of political and electoral procedures. We also launched, with the support of the OAS, a new photographic voter registry, which is used in the processes and has been classified as one of the most advanced in America, thanks to that cooperation that we had and [which we] have been increasing.

So, as I indicated, there are sufficient motives for our system to be a system of mistrust because the history is evidently rich in a series of flaws from the start—as much in our electoral system as in the behavior of the actors. The last incident that forced the changes, which we are now going to explain, was the elections of 2002. In the 2002 elections, the problem was simple. After the statements of polls were completed in the counting centers, some data entry clerks added a straight line on the front or a zero on the back. If it said 60, it ended up

being 600. If the straight line were to the left, it would end up being 160. In whichever scenario, the beneficiary had more than 100 favorable votes without having obtained them in the polling station. This situation led to the implementation of a process, which [I] will explain now, which impacts all that has to do with the subject of the scrutiny.

We have a process based on the digitization and the transmission of the statement of polls that is basically fragmented. Up until that time, what happened was that the polling stations were formed through the discretion of the party. Each party submitted a list of persons that were going to make up the polling stations, so the president belonged to a party, the secretary another party, and so on. So therefore, having preferential vote in the polling stations, especially in the case of representatives. The delegates of those parties in the polling stations made agreements amongst themselves to alter the result of the vote—not to alter the result of the vote to the party, rather to the representatives of that party. That is to say, the voter had to cast his or her choice specifically in favor of one [of], let's say, five or six representatives that correspond to that district. But what they did was that, in a polling station, each party recommended one that would be identified as one of those six representatives, and those two party representatives agreed in favor of the representative that they identified with. In this way they violated the voter's choice. As a result of that, a number of difficulties that damaged the image of the electoral process arose and forced us to change the system.

Seeing the problem that we had in 2002 ([where] the entering of the data was done based on the statement of polls), we decided to introduce a process of fragmentation of the images. That is to say that, by way of a scanner, we scanned the a statement of polls, we carried it through the system, and the entry clerk no longer entered data from the statement of polls, but based on the scanned image. The image was scanned through equipment called S&T (Scanned and Transmission).<sup>31</sup>

<sup>31</sup> E&T in Spanish (Escaneo y Transmisión)

This equipment was manufactured in Taiwan and what makes it special is that the equipment's computer program was developed in Dominican Republic. We went to the factory in Taiwan and submitted the computer program that we wanted the equipment to have. So that application scans the image; that scanner carries the image through to the system; the entry clerk, at the moment of entering the data, cannot identify which party the record is assigned to, rather it is the system that distributes the number (whether it is a 5, or a 10, or 20) to a specific party. We call it a blind entry system based on the scanned document relating to the polling stations in the S&T unit. The advantage is that this ensures a semi-automation of the electoral process. We do not have an electronic machine; the vote is by paper.

However, once the statement of the polls is raised, everything then becomes automated. The entry clerk moves on to perform the function of confirming the images in addition to entry of the number. The data entry does not determine the results, rather it is simply like an auditing process that is done where the scanner transmits, but also determines [the result]. I repeat that it also provides the advantage of speed.

For example, in the electoral process we have, we also see [that] we have about 14 thousand (and a bit) polling stations that previously used manual transportation, but now we have transportation through this channel. Because what we did was place the scanners, or S&T, in all of the centers that have more than three polling stations. In this way the S&T system, therefore, rapidly transports the image to our tabulation center in a way that the image will arrive quickly.

Obviously, different to most countries, we have a defect in the design given that the polling stations open at six in the morning and we close at six in the evening. The working time to complete the scrutiny in our polling stations (for presidential elections) is approximately 30 minutes. In this case it lasted more because of the political situation. In the majority of places they counted three and four times because one of the parties made a complaint. The maximum time for vote counting is 45 minutes. Because of this, from six o'clock to seven

o'clock we always see a lull in [the receipt of] information because the polling stations are meeting to scrutinize the votes. It is after seven o'clock that we instantly begin receiving the image.

This equipment transmits the images, [and] by our decision in the 2008 election; we decided that we had to take a step towards transparency. That is why the equipment simultaneously sends the image to the Electoral Board in each municipality, to the Central Electoral Board, [and] to the computing center of the political parties. At that time, I believe that it was offered [the statement of polls] were submitted and sent to a computing center that was set up by the OAS. In addition to this, it is also sent simultaneously to all of the media. The purpose is the following: we do not have an interest in manipulating the information, we are not fearful [we are sure] that the information will flow simultaneously, at the same time, to the parties, to the media, to the accredited observers (in this case the OAS), and to any person of interest; because there is no ulterior motive. So that information, for example, is already there, and later we will see the actual times that the information arrived.

This equipment has, what we call, a character recognition intelligence system. What does an intelligence system do? When the result is scanned to the system, it extracts all of the information and automatically, not only transmits it, but [also] goes about totaling and gives a result. Those who were in Dominican Republic were able to observe that, for example, we provided a bulletin and the bulletin was never the same as the information given in the headlines on the television. The reason is simple. Our system requires that the polling stations, by municipality, create a bulletin examining the statement of polls by polling station. And that takes time. Whilst this information is already running, each municipal board goes about organizing the corresponding bulletin. Based on this system we made the preliminary bulletin public, from which we gave information on the preliminary result. It had to be confirmed by the adding up of the municipal bulletins from each board in each municipality. When we gave the bulletins, with a 10 percent, we had already transmitted 20 per-

cent by television. When we announced a bulletin of 20 percent, we possibly already had around 50 percent or 60 percent, and further on we are going to see how the process ends.

The flow of information in this is sufficiently flexible and secure. The information is circulated through VPN, which is a private line with a private franchise—in this case with Claro and Orange—and it is encrypted to guarantee its inviolability (because it is not an Internet line). There is no public access; only servers that have a security code can access this system. That line gives us a guarantee that absolutely no one can connect. In this electoral process, we hired a company whose only mission was to also be in the board to fend off any attack from hackers as an alternative measure. It gave us results because the electoral process was really attacked from California, [and] from Mexico. I am not saying from the government of the countries, but from hackers from Mexico, and from Spain, and from Dominican Republic as well. But that company fended off all of these results. Even now the Attorney General's office is conducting an investigation because we located all of the IP addresses from where the tabulation center was attacked. There were no consequences because, at the moment of increased congestion in the system, we were able to migrate [the information] from the server that we were operating to one in England. In that way we were able to mitigate [the effect of] the attacks from the hackers. I insist, as it was a private line, the hackers attacked the website, not the line that was handling the electoral results. Nonetheless, on matters relating to the dissemination of results, an attack to the portal by hackers could reduce the credibility of the same election result.

The whole system is founded on a series of servers that are distributed throughout the whole country and they are also distributed by the entities that receive the information. We have a central server designed for the media, [and] another that is designed for the regional boards. There is a whole technological structure that we have installed and that has already given us results, I would say, in the last ten years without any complications. In addition to that, there is a series of programs that allow us to automatically go about auditing the

transmission of results to detect, at any moment, if an intruder could penetrate it.

It is worth saying that [for] the polling station in the tabulation center, each party has an assigned party representative that cannot be physically inside, but can watch through a window, or separately, how the process is developing. In this occasion, the board accepted that each party had a specialized technical representative as part of the I.T. management. The I.T. management had a representative from PLD (Dominican Liberation Party), one from PRD (Dominican Revolutionary Party), one from the Catholic Church, and one representative—in this case—from the board, who was recommended by us (the current manager, Mr. Frias). That was the entire management of the process. We did not have difficulties because, in this case, the representatives were integrated into the management team. Each party had a representative present, and they observed, and as a result there was no possibility for concern.

Note that we had an electoral register of 6,502,968 voters. We placed S&T units only in 1,270 voting centers, which impacted 9,173 polling stations. Now this guaranteed [that] we had 4,342,000 votes immediately available in that center since that information was available as soon as the scrutiny ended. Why did we not have 100 percent? Well, because we did not have the resources to have a unit where there was only one polling station. From the point of view of rational use of our resources, we thought that it would not be convenient. We could also be criticized for concentrating on a population that was enough to obtain a rapid result. Additionally, many of the places where there is only one school are next to an electoral board so they could be transported in less than five or ten minutes and, as we have good road infrastructure, that was not a difficult problem.

I told you that the scrutiny lasts approximately 45 minutes maximum. At seven in the evening we had 5.7 percent in the bulletin, not in [actual] information. At eight o'clock we had 27.3 percent of the information, but the parties, the media, and the OAS [also] had that information. In addition to that, the people had it because a video graph was released providing the information



of the results of that percentage [of the vote] on each television of each Dominican. At nine o'clock—in exactly two hours—we already had 62.97 percent; at ten o'clock we had 87.84 percent; and at 11 o'clock we had 95.42 percent. From 11 o'clock onwards it stopped a bit because we have 5 percent of the votes in the exterior, and the transmission of voter results in the exterior makes things more difficult. We do not have the technological facilities that we have in the country; neither could we cover the cost of that 5 percent. Because of this, note that from 11 to 12 o'clock the growth was small, and afterwards we could not give a bulletin. We had to wait until the next day because, in some states in the United States, or in other states, for example, in Valencia, Spain, it had to be physically moved to Madrid. There were a series of processes in the exterior that made it difficult.

Nonetheless, the first official bulletin that we provided, (around 8:20 pm) reflected precisely the last bulletin given. There was no single variation. Why? Because images are not selected as they are introduced in the scanners, rather, they are entered naturally. As a result, five percent reflects what was started and ends without manipulation or intervention. In the electoral bodies, oftentimes, in order to please the parties, we choose to give results [and] we have to wait for a 15 or 20 percent, what is called a representative quantity. Sometimes we want to give the result, taking geographic [representation] into consideration. Our practice has been that the most convenient [way] is to allow the natural flow, which is the rapid result developed by the same polling stations. It is assumed that how it starts it must finish, at least the last three periods have demonstrated. If there is a huge difference between one bulletin and another, there therefore could be an abnormality in the supply of the scanners. So it would compel us to intervene in order to anticipate any difficulty.

On the subject of the configuration of the polling stations, where the changes made the most impact (which for us has been the site that most impacted the changes that we introduced), we broke the system of designation of the members of the polling station by party. Citizens have the right to register themselves and to be a member of whichever polling station, which is different

from some countries. For example, [in] the case of Chile, to be a member of a polling station it is not compulsory; nor is the vote compulsory; it is voluntary. The members of the polling station should show interest one year before [indicating] that they want to be members of that polling station. In addition to this, [they must] make themselves available for a training process from the school of electoral training, and the civil state of Santo Domingo through the Direction of Elections.

Generally we have three workshops and we give them those preparatory courses to avoid mistakes. Because, if the statement of the polls is badly filled out, the scanner is going to interpret the information badly, then we are going to have an incorrect result. So what we did is that now, the universities and social organizations recommend citizens to become members of a polling station. At this time, more than 60 percent of the members of the polling station in Dominican Republic have been members of a polling station for at least the last four electoral processes. That is to say, they have now accumulated sufficient experience to adequately manage everything related to the scrutiny processes.

We have also integrated the laminating of the statement of the polls to avoid its adulteration once the scrutiny process has concluded. In a general sense, in the polling station, although they do not have political appointees, we are careful that no party has a majority in any one polling station; rather, if they are present, it is balanced to avoid distorting the election result in the end. For the rest, similar to you, in each of the polling stations for the scrutiny, the parties have accredited representatives (not by voting centers, rather for each polling station) that track and sign the statement of the polls. A statement of the polls that is not signed by a political representative is one that we generally revise to see whether there is any abnormality. I conclude by pointing out that in the Dominican Republic, in the process that just finished, there were no complaints, not even in one of the 14 thousand polling stations. There were no complaints in the 155 electoral boards, or any type of complaint on the electoral process. We attribute this to this scrutiny, transmission and tallying system because we understand that it is transparent and it

foresees whatever abnormal situation that could occur, which can be detected and corrected in time. So far that has been our experience.

#### 4.2 Orette Fisher, Director of Elections, Electoral Commission, Jamaica

Jamaica operates a Parliamentary system of government where there is a first 'past the post' system. The party that wins the most seats forms the next government. Presently there are 63 constituencies in Jamaica. Prior to 1997, the process of delivering preliminary results after an election was delayed, and indeed very time consuming. One had no idea what actually took place out in the field, especially in the rural areas, unless the media managed to pick up the incident and it was reported through that means. Ballot boxes would be delivered to counting centers following the preliminary count that takes place in the polling station. The returning officer would then literally mark the results on a chalkboard and tally the results at the same time. His assistant would, at the end of the day, call in the results to the Electoral Office who would then alert the stakeholders. The media houses would stretch their resources in trying to send a reporter to each of the counting centers and they would then attempt to call in the results to the station. But one should be reminded that in 1997, and earlier, the proliferation of cell phone access was not as it is today. So that posed a challenge, especially in rural areas where we did not have any landline telephone.

The introduction of the election information management system, which is what I want to speak to you about primarily, enhances the process to allow preliminary results to be made public within three to four hours after the close of the poll. This system was developed out of a need to increase transparency, to satisfy the need for immediate results, and to reduce the window [of opportunity] for ballot tampering. The election results are processed at three main stages: firstly at the polling stations, where the preliminary count is done; the counting centers, where that preliminary result is initially disseminated; and the final count is eventually done the day after at an election center, which I will speak to its function a little later.

A preliminary count of the ballot is conducted within each of approximately 6,630 polling stations on the night of the election. This process is guided by the regulations set out in our laws governing the elections, the Representation of the People Act of 1944. Approximately, between 350-450 electors are assigned to each polling station to ensure that the persons who are processed, and who vote during the day, are within manageable proportions. The Representation of the People Act allows for the following persons to be present inside the polling station during the count, and at the close of poll procedure:

- The presiding officer and the poll clerk, these are two officials who are specially trained by the Electoral Office in every aspect of the voting process, including the close of poll procedures.
- There is a supervisor who plays a very critical role. Each supervisor is assigned to approximately three polling stations. They are required to oversee the operations within those stations and monitor what takes place, and to make the necessary reports throughout the day.
- The candidates (or their agents) are also allowed and their presence, as we are all aware, contributes to the transparency of the procedures and helps to generate confidence in the results. In the absence of candidates or their agents, a minimum of two electors, acting as witnesses, are required to be present.
- In addition, representatives from accredited local and international observer groups are also allowed inside the polling stations to witness and view the electoral process, including the vote counting procedures.

After the polls have closed, the presiding officer in each polling station conducts the close of poll procedures, including the reconciliation of ballots, tallying of the votes and the preparation of the preliminary statement in full view of the poll clerk, candidates or their agents, or at least two electors if the candidates are not represented. A copy of the preliminary statement is given to each candidate or his agent. The ballot box is then padlocked, sealed, and is escorted by security personnel and one agent of each candidate, and taken to the established counting center in each constituency.

As I said earlier, one counting center is established in each of the 63 constituencies to receive the ballot boxes following the preliminary count and to store them until the completion of the final count, which takes place starting the day after, and usually lasts between two or three days. The counting center is staffed by the returning officer primarily, and his assistant, along with three trained data entry operators. When the ballot boxes arrive, a copy of the preliminary statement is handed to the returning officer and a copy is given to the data entry clerk, whose job it is to enter the results into the electronic management system. A counting center is equipped with laptops and modems and this information is then transmitted to servers and to the support staff at the election center.

During the last election, which was held in 2011, the decision between accuracy and speed had to be considered because results could be transmitted to the counting centers electronically or could be called in. But we opted to go for accuracy, and so we requested that the results be actually delivered to the counting centers before the data entry was done. I am sure that in the future we will be looking to see how we can ensure that, once the results are called in from the polling station, there is some verification to ensure that accuracy. This will indeed enhance the time within which the results are delivered to the general public.

In each election, an election center is established as an official space of contact and communication between all stakeholders and actors and also as a point from which authentic information can be given to the media and to the public at large. This center not only serves as the chief management unit for elections but, on the night of elections, it is transformed into a central hub for results transmission, providing preliminary box-by-box results in real time via the election information management system.

In an increasingly fast-paced world, election management bodies are being forced to keep apace if they are to remain relevant [with] technical innovations in electronic voting, in some cases, in the various jurisdictions where one has to balance between speed and accuracy

in disseminating the result. In Jamaica, there are a number of factors to be considered. So in addition to the culture [and] the infrastructure, one has to examine the cost-benefit analysis in order to determine the level of expenditure that one would [...] Counting and transmission are being used to varying degrees; [which] are put out in order to ensure the delivery of the results in as short a time as possible. Whilst Jamaica may have the capacity to move towards this, like electronic voting (and automatic transmission of the results coming from that), there are [prohibitive] factors, which include the culture of the people, and the level of financial resources that would be required. These are some of the prohibitive factors, which would not allow for us to move initially, or at this point in time, to move towards things like electronic voting. But while the capability is there, it is not something that at this point in time is being considered. Therefore, within that framework, we have to look at how best to ensure that the information is available to the public within the shortest possible time.

The election management system therefore was designed to be the primary source of quick, real-time, and accurate information for all election-related events, including the opening of the polls. You can get a report on the voter turnout. There is also a report of the various incidents that may have taken place, and eventually the preliminary results on Election Day. Jamaica has—as part of its system—a constituted authority which sits on election day and has certain powers, which includes the voiding of an election if there is evidence that the will of the people has not been exercised (and in which case the election would be re-held in a specific time).

If polling stations are not opened by a certain time then the election would be halted and would have to be conducted in those polling stations within a specific time again. So the election information management system allows for all that information to be made available to all the stakeholders, including the constituted authority (who have this as a part of the information that would be made available to them in making their decision). So this information is fed to the various stakeholders in the electoral process including the Director of Elections, the Commission, the constituted authority, candidates, the

media houses, observers and the general public.

The information comes from various sources. It comes from the returning officer. It comes from the supervisors at the polling stations and the information is reported to the counting center, where it is entered by the data entry clerks and then fed to the EIMS [election information management system] servers at the election center, where it is verified and then made available to the stakeholders, including the media. The data is presented in a range of formats including tables, charts, and digital maps. It allows viewers to see trends and the progress of the box-by-box counting, [with] color-coding maps showing trends and [the] party or candidate leading a particular constituency. Graphics with photos of the candidate adds to the esthetic value. Media houses are allowed to subscribe to a direct simultaneous feed of the box-by-box count and this information is usually broadcasted via digital live feed on radio, television and Internet to the public. In addition to the traditional media outlet, the election results are periodically updated on the Internet via the ECJ's [Electoral Commission of Jamaica's] website and twitter accounts throughout Election Night. Within three to four hours after the close of poll, media houses were able to announce, based on their analysis, a winner based on this preliminary count. These results, however, are neither official nor definitive. The Electoral Commission will release the information of the preliminary count noting that the official count will follow after the final count within the next few days.

Prior to the Election Day, all Election Day workers working in the polling stations must undergo comprehensive training in the close of poll procedures. The data clerks are familiarized with the EIMS system and the simulation exercises are conducted. Test transmissions are also conducted for media houses that subscribe to the election information management system.

Security is an important factor in every election to ensure that at every stage in the electoral process, including the crucial vote count, it is secure, transparent, and reliable. During the final count, the security forces guard the counting centers, and the police and military escorts

are used during the transportation of ballot boxes in respective counting centers. The ballot boxes are kept under guard until the end of the final count.

The final count, which is the official count, begins the day after the election and usually lasts, as I said before, two to three days. Candidates who are not satisfied with the results have the right to appeal to a magisterial recount and the decision of a resident Magistrate is usually final and binding.

In concluding, therefore, the election information management system has contributed significantly to the strengthening of Jamaica's election process as it provides information from the opening of the polls—recording every incident that may have taken place during the day, going straight through to the preliminary count (which is usually delivered within three hours of the close of poll). [It] satisfies the need for transparency and accuracy. It enhances accountability. It reduces speculation. It reduces tension. It provides public assurances and increases trust and confidence in the electoral process. It provides authentic information ahead of any tally that candidates or parties may be doing via cell phone and it stimulates interest and satisfies the heightened anticipation for results that resides in the public.

### **4.3 Rafael Riva Palacio Galimberti, Director of Cooperation and International Relations, Federal Electoral Institute, Mexico**

Before starting, allow me a couple minutes to remind you about the electoral system of Mexico. In Mexico we have two electoral authorities at the federal level. There is the Federal Institute (which I represent) that is in charge of the administration of the electoral process, and firstly of some of the jurisdictional activities. There also exists the Federal Electoral Court of the Judiciary, which is in charge of the jurisdictional queries and is [the body] that ultimately resolves everything to do with electoral matters. As an institution for the administration of elections, we are in charge of the voter register, civic education, the financing and regulation of the political parties, and the administration of public air-time for the political parties. We are a young institution, we are going to be 22 years next month, and our elec-

toral system—similar to Dominican Republic (as President Rosario commented) and similar to many countries here—is based on mistrust.

I start by speaking to you about how the polling stations are made up. For us, in the Mexican language we call them box officials. Our boxes, these are the polling stations made up of seven officials—one President, one Secretary, two poll workers, and three general alternates. These are selected by draw. In the month of January of the election year, the General Board (the institution's highest authority) [does a] draw one month of a year.<sup>32</sup> So based on the voter list, one group of more or less 10 percent of total voters is selected, which corresponds to a section (that geographically is the smallest space in our electoral geography), and that selection of 10 percent of voters are notified that they have been selected. They are given training on the general electoral system of Mexico. In the month of March a second draw is done. In this second draw a letter of the alphabet is taken and a selection is made of this first group of those whose last name begins with that letter of the alphabet, who were trained and demonstrated abilities, and who also have a high level of education. It is to say that we, different to the Dominican Republic or some other countries, do not have a blueprint for the registration of officials; rather, they are completely chosen by draws and the Federal Electoral Institute trains them. The training is done in two ways, in specific centers or in the citizen's same place of residence.

What do the officials in the polling stations do? The Thursday before the election, the president manages the collection of the election materials, [and] they are in charge of receiving, counting and registering the votes of the citizens. Once this is done, they submit the statement of the polls, ballot papers and all of the left over electoral material to the district office. I am referring now to the polling station for the scrutiny. Similar to what Mr. Fisher mentions, as well as President Rosario, the scrutiny that is done in Mexico for federal elections

relies on the presence of party representatives and election observers. At the beginning of the counting of the votes they destroy all of those ballots that were not used, they adjust those that were used following the direction of the vote [depending on the party chosen for each vote], and proceed with the count. The result is written down on the agreement; and they do the same process for the election for the President, for the Representative, and for the Senator—in that order.

I introduce you to the statement of the poll that we use in Mexico. In the top part on the left of the screen are the general characteristics of the place where the polling station is set up, the entity, the number of the box or the polling station, and in orange color you see the number of voters that voted. Similarly on the left hand side, we can see that you make a note with the letter and the number of the vote that each one of the political parties received. On the right hand side, we find the name and signature of the official of the polling station, and the names and signatures of the political party representatives that were present during the scrutiny.

Before [in the ballot] what we put was the name of the candidate, we could not put photos on the ballot papers, with the party or parties that formed a coalition, or only parties, depending on the case. Since the 2007 reform, the law says that we have to put a box for each one of the political parties. In case there was a coalition of two or more parties, for each party we had to put the name of the candidate. For example, there were two coalitions in the presidential election, so for the candidate Peña Nieto, his name appeared in the box for the PRI [Institutional Revolutionary Party], and in the box for the Green Party, the two parties that formed part of the coalition. The candidate Lopez Obrador appeared three times, in the box for the PRD [Party of the Democratic Revolution], in the box for the PT [Labor Party], and in the box for Citizen's Movement. Here is where the challenge comes - the result would be that if a voter votes for the candidate Peña Nieto, he could have marked the

<sup>32</sup> Citizens born on that month will be part of the first draw

box for the PRI, the box for the Green Party, or the two boxes. So imagine us that came from a politically democratic culture where we only crossed the ballot paper once they say to us “now you can cross out two times.”

[Then] the count comes, and the officials have to organize the ballot following the direction of the vote. It is to say, one for each one of the seven political parties; the eighth for those who voted for the PRI and the Green Party; the ninth for those who voted three times for the coalition of the candidate Lopez Obrador; the tenth for the combination of party one and two for Lopez Obrador; eleventh, party two and party three; twelfth, party one and party three; but that was not the worst. The worst was that there were districts where the representative candidate was not necessarily represented by two of the parties, for a coalition with two parties, or for the three parties, if it was the second coalition. So the voter crossed out two or three of the parties depending on the case, but as he/she did not realize that the name for the representative candidate was different, the vote ended up being annulled. From a personal standpoint, not institutional, I think that is was the most difficult election that we had.

In Mexico we have two mechanisms for the transmission of preliminary electoral results. The first one has an official name, which is the National Survey Based on Scrutiny and Ballot Counting in Polling Stations in order to Know the Trends in Voting, or, Quick Count. The quick count is a statistical method based on three mathematical models and [it] predicts the result of the election, [but] it is not the result. It is a prediction based on three mathematical models – the robust, the bayesian, and the classical – because none of these three methods is exact. So the idea is to take out the virtues of each one of the three to have a blueprint that is a little more virtuous. The data [used] to implement these models is [taken] from the statements of the polls that had already been counted by the polling station officials. It takes place only on the day of election and offers data only for a particular position. In this case, we used it in the recent election we had in July for the national presidential election. To do these calculations, we relied on a committee of experts that are totally independent from

IFE; they are not part of the Institute. There are five appointed experts who receive the data.

They choose a random sample from the polling stations based on the number of districts and the characteristics of each one of them. We have urban, not urban, and mixed districts. For the 2012 election, there were 483 different modalities and they chose 7,597 boxes in total. This is more or less 5 percent of total boxes that we set up. The President Councilor announces the information from this quick count on the night of the election. We did previous simulations just before to refine those little details that afterwards become big ones. For example, the state of Sonora is a state in the North West, two hours or less from Mexico City. So when they are closing, many times there are polling stations that have already finished the count and people have already gone home. So instead of considering a certain number of polling stations, the range was increased in the state of Sonora, with the intention of having a much more significant sample; but more than having it—ensuring it.

At the moment of filling out the statement of polls, we have the electoral instructors/assistants (these are the persons that are temporarily contracted by IFE, who are those that contacted the citizen from the moment that those who were selected as polling stations officials were notified). It is not just any person that arrives in uniform with an accreditation and says, “I have come for the information,” rather it is someone with who the citizen, or in this case the polling station official.

This electoral instructor/assistant, through a cellular phone, satellite telephone, and traditional phone, or a radio transmitter, sends the information to each one of the 300 districts. We are divided into 300 districts and in each district we have a permanent office. There, there is a person that captures the data and transmits it to Mexico City. In Mexico City the committee of experts receives the information—each one of the experts has his or her mathematical models based on the information that they have received. Once the information is received and worked on, the five join together and start to exchange data. The mechanism is the Program for the Preliminary Election Results (PREP in Spanish). This is an in-

strument that disseminates the results of the statement of polls and its structure spans all of the 300 districts that make up IFE. Its activities begin 20 hours before the election and finishes 24 hours after. The information that it offers, different to what the rapid count provides, is disaggregated information at the national level, as well as for each one of the polling stations. Even though its operation is run by employees of the Institute, there is an external committee that is in charge of advising and monitoring its implementation and operation.

Additionally, the National Autonomous University of Mexico audits the source code, the security software and the preliminary results. In addition, there is an auditing process done by the political parties. As I said to you a moment ago, there is a statement of the polls and each party receives a copy of it and can do the PREP, similar to what we do with the same information. The results of the PREP are published in real time and available on the Internet. Similarly, there are a series of tests and simulations prior to its implementation.

The moment [that] the polling station is closed, the Presiding Officer submits the package [to the district board], where the copy of the statement of the polls and the original copy of the statement of the polls are placed. The original copy of the statement of the polls is what the people in each of the districts will use to type the votes for each party in a mechanism similar to a credit card machine and that information goes to a national center for receipt of results and they disseminate it to the General Council and the media through the Internet, the television or radio.

To avoid saturation, we invited the media and Internet pages etc. to be a mirror to the PREP. The same information that one sees within the Federal Electoral Institute is seen in whichever part of the world by accessing the Internet by computer. We have an example where you see the results by polling station for each party. As you can see one has 111 votes, another 80, but they are filled out here by the party. But what happened? All of these are preliminary results. On Wednesday we do an official count. So the statements of the polls are recounted by the political parties. Afterwards, a recount

of the statement of the polls was done and a conclusion was made that a straight line or a dot had been added by discretion. In the end, the National Action Party did not have 111 but 185. At the end of the day, it is no more than the result of what happened to us in 2006. In 2006, all of the statement of the polls that were not consistent (as in this case), instead of publishing them, they were kept in a separate place. The fact that they weren't published generated part of our questioning of our electoral process.

I will make a reference to some of the differences between the quick count and the PREP. [With] the quick count, as I told you, the idea is to provide an estimate of the result. The PREP disseminates the statements of the polls [and] the coverage of the national count. From the PREP we have the information disaggregated at the national level and at the level of the polling station. The quick count is a statistical inference, while the PREP is a census count. For 2012, the quick count contained 6,260 statements of the polls, while the PREP 426 thousand and that is because we had three elections.

What I think is most important is [that] the results threw out of each one of these mechanisms. The quick count for the candidate Vásquez Mota was within the range of the official result; the same for the other three candidates. The difference of the PREP in relation to the official result is small for the candidate Vásquez Mota, it is only a hundredth of a point. Similarly, for the candidate Quadri and for the candidate Lopez Obrador it is three hundredth, and for the candidate Enrique Peña Nieto, six.

In concluding, [there are] lessons that we have been left with regarding those procedures [that] we have employed in IFE since 1994. The important thing is that, firstly, it is a process known by the political parties. Finally, they are the competitors—those that win, those that lose. Also, the media should be informed. As we talked about during lunch yesterday, the media decides what we should know and what we should not know; [data] should be sufficiently proven and based on real information. I agree with Mr. Fisher to definitely have blueprints of this type that reduces speculations [and]

increases confidence. It is important to have transparency and accuracy.

#### **4.4 Michael Flood, Commissioner, Electoral Commission, Saint Lucia**

Upon the closing of the poll, in the presence and in full view of the poll clerk, the candidates or their agents, (and if the candidates or their agents or both are absent) at least two (2) electors, the presiding officer shall:

1. Count the number of voters whose names appear in the poll book as having voted and make an entry on the line immediately below the name of the voter who voted last, thus; “the number of voters who voted at this election in this polling station is....” (stating the number), and sign his or her name;
2. Count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose and indicate the number of such spoiled ballot papers on the envelope and seal it;
3. Count the unused ballot papers, place them with all the stubs of all used ballot papers in the special envelope supplied for that purpose and indicate the number of such unused ballot papers on the envelope;
4. Check the number of ballot papers supplied by the returning officer against the number of unused ballot papers and the number of voters whose names appear in the poll book as having voted, in order to ascertain that all ballot papers are accounted for;
5. Distribute tally sheets to the poll clerk and not less than two witnesses to keep their own score for each candidate as [the tally] is called out by the presiding officer. Open the ballot box, count and record the number of votes given to each candidate on the tally sheets supplied, giving full opportunity to those present to examine each ballot paper;
6. Exhibit the ballot box empty to such persons as may be present in the polling station

In counting the votes, the presiding officer shall reject all of the following ballot papers: he must reject those which have not been supplied by him or her; those which have not been marked for any candidate; those on which votes have been given for more than one candidate; and those upon which there is any writing or mark by which the voter could be identified, but no

ballot paper shall be rejected on account of any writing, number or mark placed on it by any presiding officer. If, in the course of counting the votes any ballot paper is found with the counterfoil still attached, the presiding officer shall (carefully concealing the numbers on it from all persons present and without examining them himself or herself) remove such counterfoil. He or she shall not reject the ballot paper merely by reason of his or her former failure to remove the counterfoil.

If, in the course of counting the votes the presiding officer discovers that he or she has omitted to affix his or her initials to any ballot paper, as provided by the Elections Act, he or she shall, in the presence of the poll clerk and the agents of the candidates, affix his or her initials to such ballot paper, and shall count such ballot paper as if it had been initialed by him or her in the first place, provided that he or she is satisfied that the ballot paper is one that has been supplied by him or her and that such an omission has really been made, and also that every ballot paper supplied to him or her by the returning officer has been accounted for. Nothing in paragraphs (2), (3) or (4) shall relieve the presiding officer from any penalty to which he or she may have become liable by reason of his or her having placed any writing, number or mark, other than his or her initials, on any ballot paper, or for his or her failure to remove the counterfoil at the time of the casting of the vote to which it relates or to affix his or her initials to any ballot paper before handing it to any elector.

The presiding officer shall keep a record on the special form printed in the poll book of every objection made by any candidate, or his or her agent, to any ballot paper found in the ballot box, and shall decide every question arising out of the objection. The decision of the presiding officer shall be final, subject to reversal on the final count by the returning officer or on petition questioning the election or return; and every such objection shall be numbered, and a corresponding number placed on the back of the ballot paper and initialed by the presiding officer.

All the ballot papers not rejected by the presiding officer shall be counted and a list kept of the number of votes



given to each candidate and or the number of rejected ballot papers. The ballot papers which respectively indicate the votes given for each candidate shall be put into separate envelopes; all rejected ballot papers shall be put into a special envelope and all such envelopes shall be endorsed so as to indicate their contents, and shall be sealed and signed by the presiding officer, and by such agents or witnesses present as may desire to sign their names thereon. The presiding officer and the poll clerk, immediately after the completion of the counting of the votes shall take and subscribe to the respective oaths as in the act that shall remain attached to the poll book. The presiding officer shall make the necessary number of copies of the statement of the poll, one copy to remain attached to the poll book, one copy to be retained by the presiding officer and one copy for the returning officer which shall be enclosed in a special envelope supplied for that purpose, which he or she shall seal and deliver personally or transmit to the returning officer. The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall then be sealed and placed in the ballot box. The ballot box shall then be locked and sealed with the seal of the presiding officer and conveyed or delivered to the returning officer.

The returning officer may specially appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering the ballot boxes to the returning officer, take the prescribed oath.

Immediately after the counting of the votes and while at the polling station, the presiding officer is required to transmit the preliminary results to the returning officer via the use of a cell phone giving for that purpose before transporting the ballot box, preliminary statement of the poll and other election materials to the office of the returning officer escorted by armed police officers. The use of the cell phones was established to speed up the process of relaying the official results to the media.

The following rules apply: not more than one agent for each candidate concerned shall be permitted to witness the acts of conveyance and delivery provided for in subsections (10) and (11) above. If any Presiding Officer shall omit to enclose within the ballot box, and in the proper envelopes provided for that purpose, any of the documents required by the Act, he or she shall, in addition to any other punishment to which he or she may be liable, forfeit all rights to payments for his or her services as such officer. The Returning Officer upon receipt of a ballot box shall take every precaution for its safe-keeping and for preventing any person other than himself or herself and his or her Election Clerk from having access thereto, and in particular, shall seal it under his or her own seal so that it cannot be opened without the seal being broken but without defacing or covering any other seals affixed thereto; shall deposit it in an unoccupied cell at the nearest police station and having locked such cell keep the key in his or her custody.

The preliminary results are transmitted by the returning officer to a central location, (the House of Assembly), via telephone (land line), where they are received by operators, entered on a score sheet and announced publicly via the electronic media, including the internet. As a result of the use of cell phones by party agents who served as polling station agents, political parties tabulate their individual results and start celebrating their victory ahead of the official release of the preliminary results.

It is to be noted that under Saint Lucia's Electoral laws, no matter the size of the margins of victory at the preliminary count, that result is not officially recognized. It is only following the final count by the returning officer [that] results [are] deemed official and can be acted upon by the Governor General in the appointment of a Prime Minister and the announcement of a new House of Assembly.



## 5 Discussion Panel II: Vote Counting, Data Transmission and Preliminary Result Reporting

### **Miguel Angel Pérez Astudillo, Main Judge, Electoral Disputes Tribunal, Ecuador**

The Disputes Tribunal is made up of five judges and we are appointed by a State power known as the Citizen Participation and Social Control Board. Within the principle of interculturalism, established in the Constitution of the Republic, the indigenous people participate equally and I am a result of that appointment. I represent the indigenous people, also fulfilling the principle of affirmative action within the Constitution.

I have listened carefully to the presentations of the panelists and I find the experiences of each of the countries very interesting, whether there is a large number of voters or a small number of voters. My direct question refers to what happens to the surveys from the exit polls, whether these surveys are allowed through the different legislation of the countries, and if these surveys coincide with the official information or not. Because sometimes the people want to know the results quickly and sometimes these surveys have also failed. How have you regulated it in the different countries and in different legislations, and if it is permitted in each of

those countries or not? That was my direct question, especially to the colleague from Mexico.

### **Héctor Fernández Masís, General Director of Electoral Registry and Political Party Finance, Supreme Election Tribunal, Costa Rica**

Certainly the transmission of information is a strategic and fundamental stage in all of the electoral process. It requires a good balance of three fundamental elements, which are: above all the agility and speed in the transmission of votes; the security of that information; and of course the accuracy. In this way, the experience that Dominican Republic and Mexico told us about, [where] they have made important advances in the area of technology to be able to achieve those objectives, which alleviate the tension that the voter feels to know the winner of the elections after the closing of the ballot boxes.

So following this line of thought, I have two questions for Dominican Republic and Mexico. Number one, if you have had problems with the technological devices utilized in the transmission process, what were they? What percentage has not met your expectations or was there

a percentage that was cause for attention or support? If you have that information. Secondly, as this is also a constantly evolving subject, [I want to know] if you have reform projects for those technological devices. So we know that Mexico has already used those types of data phones and since two elections ago the Dominican Republic has also had important innovation. However, [I wanted to know] if this technology is sustainable at this time, or do you already have some vision or some project to move towards other types of technological devices utilizing Internet data platforms and the like.

**Luis Alberto Salas, Coordinator of Electoral Resources, Superior Tribunal of Electoral Justice, Paraguay**

In our country, without a doubt, in 2000 the diagram for the transmission of preliminary election results has become popular and has firstly provided a place of calm and tranquility for the citizenry. Like what the colleague from Jamaica was saying, the fact that the electoral entity publicizes the preliminary results reduces speculation and increases public confidence. Today, without a doubt, the data entry system for the transmission of results also provides greater security to the electoral entity in order to avoid citizen speculation.

Primarily I am addressing Dominican Republic and Mexico. What candidacy has provided greater interest or, if they have elected other candidates that are not presidential candidates at this time? Because, in Paraguay, on April 21, 2013 we are going to have six elections, and in some cases seven, in some communities. Because, in some communities, we are also going to elect municipal authorities and, if you have done it in the same way, I would like to know which candidacy provided the greater possibility. In this case, we are now thinking, and I am telling you in advance, to give greater preference to the presidential candidate in such a way as to make a promise and to ensure citizen tranquility from now. Have you had any inconvenience and what measure have you adopted, or what contingency have you opted to take in case of technological failure, primarily in the process of data entry and the direct transmission of the electoral results?

**Rafael Riva Palacio Galimberti, Director of Cooperation and International Relations, Federal Electoral Institute, Mexico**

In Mexico they do regulate the surveys, not only the exit polls. All of the surveys are regulated through approved guidelines by the General Board of IFE. In the recent election, they [the results] were agreed on for the first place in the presidential election. The differences between the first and the second, I do not remember well, but I think that they were not as close as they were. This was owed to, and I speak to the experience of Mexico, to the fact that the surveys for the exit polls or whichever other survey, sometimes respond to who finances or pays for the survey. On the other hand, I personally have reservations around the exit polls. At the end of the day, the citizen says which results are taken as truth or not. If the citizen votes for party A and at the end can say that he or she voted for B or C or another, then this distorts the result. At the end of the day, I paid for a survey and it tells me that I have 50 percent, and my rival has 50 percent. I come out and say that I am in a tie, but the result, which is the real result, says that my opponent has 70 percent and I have 30 percent. So it is not in good standing with the citizenry either.

In 1994 and 2000, we in IFE entrusted a business to work on our quick count. With the company's services we were able to capture the result of 1,500 polling stations. Since we have been doing it ourselves, we have been able to reach 7,500 polling stations. So I continue to the question that Dr. Fernández and Dr. Salas asked. I want to tell you that we have our own technological system, our own network, and it is through that same network that we transmit the results. Fortunately it is of permanent use and it also has strong security systems. And because of this, fortunately, we do not have failures. If we do they are really minimal.

We are not thinking of doing any major reforms or wider reforms to what we do now. The experts committees that I mentioned earlier submitted their reports and in their reports there is a series of recommendations. Starting in October, we are going to revise those reports and many other reports, including those from national and international observers and, based on those reports, we

are going to go about adjusting our procedures.

Regarding the candidacy that we prioritize in the case of the quick count, [it] is the one for the President of the Republic. In the program for preliminary electoral results, the three candidates have the same weight (importance). In fact, when the information arrives to the transmission center, the person that enters the data receives the three statements of the polls at the same time. So, let's say, if the statements of the polls for the senators were on top, the one for the representatives below, and the one for the president on the bottom, it doesn't matter because it is about completing the entry of the three statements of the polls so that the information uploads to the web.

**Roberto Rosario Marquez, President,  
Central Electoral Board, Dominican Republic**

In the first place, we had a constitutional reform in 2010 and that constitutional reform redesigned the entire electoral system. Nonetheless, all of the administration and management reforms are not done through procedural law but through regulation dictated by the Central Electoral Board. Now in the Electoral Regime Bill and the Bill for the Parties, which are two distinct laws that have been submitted in collaboration with the OAS (and which the Central Board is subjected to), contain all of the technological reforms that have been introduced and administrative management for the processes of the Central Electoral Board. They are now in Congress awaiting discussion and approval.

In Dominican Republic the electoral body does not like to be associated with exit polls or quick counts as part of the institutional [make up] of the body. We believe in results based on final, signed statement of the polls. So what happens? The National Board for Private Businesses asked us to authorize them to do an exit poll that we would announce in the election on the 12th. It happened that the exit poll that they did determined that there would be a runoff and in those elections and there was no runoff. So imagine that the electoral body had announced that exit poll saying that there would be a second round without having a second round.

The election that Dr. Joaquín Balaguer won was won by 25 thousand votes, less than 1%. So information that is not supported by solid foundations can create a problem for us later. In Dominican Republic it is very complex because of its tropical and Caribbean character that makes us a little passionate. So information that is not accurate can be harmful. We prefer quick but accurate data. We favor security over speed. We have contingency mechanisms and up to today we never had problems with the use of electronic devices. Nonetheless, there were logistical problems like if we are going to use, let's say, one thousand S&T, as we call those special scanners, we are going to use one thousand. We were prepared to have 1,200 or 1,100 available because it is possible for some reason for the battery to lose charge or that there is some problem. So certain equipment has to be put in place so that they can be substituted or replaced in five or ten minutes. The other contingency has to do with the revision of the codes because if one of the equipment codes is deprogrammed it can deprogram the whole region, which cannot transmit. Because of this, a permanent presence of technical persons is required to constantly revise the equipment.

Second is the subject of the contingency for transmission. We have a unique transmission line. There are areas where a service provider, for example, does not have signal or all have no signal. So instead of using it, what we do is we go through satellite. So contingencies have to be previously analyzed. You have to be prepared. You have to know if it doesn't work here, we are going with this; this has to be designed, so that on the day of the election, as soon as a contingency arises, it is solved in a period of no more than 5-10 minutes, and [that the system] operates immediately. Our system is designed so that in a period of no more than three hours, as difficult as it may be, we have more than 70 percent of information available for the actors.

**Magdalena Chú Villanueva, Chief,  
National Office for Electoral Processes, Peru**

I would like to refer to the transmission of the results and the vote count in the polling stations in Peru. We have an electoral system made up of three constitutional and autonomous entities – the National Office for Electoral

Procedures (ONPE in Spanish) that is in charge of the organization and execution of the electoral processes; the Identification and Civil State Registry that is in charge of developing the voters list; and the National Electoral Court approves the voter list, submits the voter list to ONPE, as it is known, and it additionally administers the electoral law. We have a similar organization to Mexico. And, well, in Latin America I think that a system with two electoral entities is more common, but we consider ourselves more similar to Mexico in our work in general. The transmission of the results should be [done] carefully. The citizenry wants immediate results on all of the processes, but especially for the process through which the President of the Republic is elected.

The electoral management bodies, in this case ONPE, we have to provide this information in the quickest way possible. But it must also be quality information. [Information] that we consider definitive and conclusive, but partial. We do not call it preliminary because the information that we are giving does not change. It is based on the entry of data from the vote count based on the statements of the polls that came from the polling station. Of course in the polling station the officials can make mistakes in counting the votes and filling out the statements that we are going to consolidate. Because the only thing that we do is consolidate [the votes]. We do not count the votes, unlike the colleagues that have a recount or counting of votes. In the case of Peru, our system is “statement of polls over vote” because the officials of the polling station do the vote count, prepare the statement of the polls, and destroy the votes. At no time do the votes go to the office responsible for electoral processes, only the statement of the polls.

So it is very important that the officials in the polling station are qualified the best way possible so that they make the least mistakes. If only it were zero [mistakes], but as human beings that is very difficult. If a statement of the polls was wrong or it has a mark, we consider it to be an observed act and it is taken to the National Election Court so it can decide on the result of that statement. Of course [if] there is a greater number of observed acts at the time of the consolidation of the results, if the acts cannot be resolved, we cannot add

them to those that we are submitting. This is why I refer to the [importance] of the polling station officials. We also appoint the polling station officials through a random draw. A polling station is made up of three members so we draw three members and three alternates. There is a previous draw, like in Mexico’s case, which we also do two months ahead. In each polling station we pull 21 voters from amongst the polling station officials, [from which] the 6 will then be chosen later. The training that we do is with the six (three members, three alternates) selected polling station officials, not the 21. But in addition to training the polling station officials we also train the representatives of the political parties that will be supervising the work of the polling station officials.

We train them so that they lend to the speed in the counting of votes and the preparation of the statement of polls, and so that the observation comments do not delay them. Because when the representatives of the political parties are not sufficiently trained they delay the counting of the votes. This is another element that extends the transmission of the results. So there is training for the polling station officials and for the political party’s representatives. I would like to ask, in the case of colleagues (especially Mexico), what call do you have to acquire polling station officials so that they are trained? Because, there are different strategies [and] workshops, and we do home visits etc., but we have not been able to get 100 percent of the selected polling station officials. How do they respond to the call?

An additional element is that sometimes the polling station officials are not able to attend work on the day of elections. How do you solve the training problem? If these polling station officials are replaced, how do you replace them? In Peru we have different approaches: the first, as the law notes, is that we call some of the voters that are in the line to cast their vote. But each country has its own characteristics. What I wanted to ask is, how do you solve the training problem if the polling station officials do not attend?

Regarding the transmission of results, a very intense campaign was done in Peru so that the population can

understand that the surveys for the exit polls are the least reliable, so they do not pay attention to them. Nonetheless the media does the exit poll as soon as the electoral process comes to a close, which in Peru is eight hours (from eight in the morning to four in the afternoon). At 4 o'clock on the dot, [the media] is already providing the result of the exit poll. They are not very reliable and no one celebrates with these results, but in any case the information has to be published.

The quick count, which Mexico does, is also done in Peru but it is not done at ONPE or any of the electoral management bodies. It is done by the various media entities. We have the quick count in about four or five [polling stations], which is certainly trustworthy because the results are consolidated based on the statement of the polls. It is not [exactly] a survey but it has a margin of error because it is [set up like] a survey. Each person poses a two percent, three percent or one percent [risk]. What happens in Mexico if the results that you are working with fall within the margin of error? In Peru, for example, despite the various results from the quick count, the population and, above all, the political parties say that they are going to wait for ONPE to provide the final results to be able to make a decision. If not, there is a great risk. We have had [situations] in the electoral processes where the [difference in the] results of the two opposing and most important parties was less than one percent. If we did the quick count it could fall within the margin of error. I think that Mexico had a similar case in 2006 but has insisted [on using] the quick count in the last elections. Were you planning to make a decision in the light of those quick count results?

**Earl Tokarijo, General Secretariat for the Elections, Ministry of Home Affairs, Suriname**

I would like to share our experience in Suriname on the measures we can adopt to improve the training and performance of poll workers. In the last election in 2010, the Ministry of Home Affairs started an intensive training for poll workers. This training consisted of three parts: a verbal instruction; and part two was official instruction, consisting of a documentary where tasks and responsibilities of the polling stations were first [made official]. Several tasks and proceedings that need to be

performed by the polling station on the day of the election were filmed in a sketch. Part 3 consisted of correct compilation of ballots and other electoral documents for the selection of polling stations [and] polling station workers. We at the ministry predefined a profile for poll workers. There are [a set of] certain written requirements; [the poll worker must] not [be] older than 60 years, and have experience in having worked at a polling station, and experience in polling station activities. We are now in a process of writing a sort of code of conduct, especially for poll workers. I don't know if any other countries already have such a code of conduct. That's the information I want to share with other countries.

**Dr. Kevin Casas-Zamora, Secretary, Secretariat of Political Affairs, OAS**

When one hears the presentations and the type of systems presented here, fraud on a grand scale or a small scale is practically impossible without being detected. Maybe it is because all of the systems ride on a foundation of mistrust. So they are filled with controls in a way that makes it impossible for fraud to pass through all the filters that have been placed in the way. I am going to try to widen the lens of the discussion. In the context of a system that has been set up to make it practically impossible for fraud to occur, which is the added value that the observers have. It is obviously a question that interests us a lot at the OAS. Where do you feel that the observers, as much the international observers as local observers – but in our case particularly the international observers - where can we add value in a system that is practically protected from fraud?

**Fausto Marino Mendoza Rodríguez, Magistrate, Superior Electoral Tribunal, Dominican Republic**

I wanted to note something in the contribution of historic data that the President of the Board, Dr. Rosario, presented. In 1986, in the process where Dr. Balaguer won the election by such a narrow margin that barely reached 20 thousand votes, and they continued to be observed and died being observed without the revision of more than 80 thousand votes. History repeated itself in 2000 when the current president, Dr. Danilo Medina, lost the elections by a narrow margin. The one [candidate] that won then reached a vote of 49 percent, with-

out achieving 50 percent plus 1 [of the votes]. Nonetheless, the clarity of the process allowed that it [the election] did not [result] in a runoff; perhaps by some justifications that came from some political sectors. But I think that one of the indicators that prevented the country from drowning in a runoff at that time, in spite of narrow margins, was precisely the clarity of the process. I think that, in the last processes we have been progressing in the count and the transparency of the scrutiny. Like in Peru, it is said, 'statement of the polls over votes', and I think that that is a generalization in Latin America.

**Fern Narcis, Senior Legal Officer, Elections and Boundaries Commission, Trinidad and Tobago**

My Commission, of course, is very concerned about the whole question of the timely transmission of results and one of the ways we are thinking of achieving that is to totally innovate, as it relates to the voting process itself, and going the way of electronic voting. But of course we understand that, and I think many of our Commonwealth societies may not be mature enough to go the way of electronic voting at the present time. Having said that, I am very interested in that election information management system that Jamaica has implemented. It seems like Jamaica has taken the lead [and] the Commission itself has taken the lead in providing information. Whereas before, I can speak for Trinidad and Tobago where it seems like the media informs what is happening with the election. So in that vein, I'd like to find out from Jamaica's perspective, specifically, if the software that election information management system was developed in house or if it was provided by an IT provider.

**Rafael Riva Palacio Galimberti, Director of Cooperation and International Relations, Federal Electoral Institute, Mexico**

Let me share a little with you about the process from preliminary results to total [results] in Mexico. I would like to start by saying that I had the opportunity to be in Dominican Republic for their elections in May. Part of their procedures, (of which Dr. Rosario can surely provide us with more information) with respect to the counting of the ballot, they randomly select it and then

they burn it. It really surprised me that they had burned the ballot. We do not tear up the ballots or the statements of the polls, or anything of that kind. In Panama they burn everything, in Peru they tear them up, but we store them. We have the ballot papers for the presidential election of 2006, if anyone wants to go to count them; we have the ballot papers stored.

Even though there is a first scrutiny in the polling station on the Sunday, the day of the election, on Wednesday there is a second scrutiny at the district office, and that is why we do not destroy the ballot papers. They count over all of the statements of the polls where there is [a difference] of one percent between the first and second place, and where the [difference] in the result of the first and second place is more than that of the null votes. That is why we need the ballot papers to be able to count them over. This count takes approximately three days. Then there is another count at the level of the State, or province (for us it is the state), and we continue maintaining the ballot papers because the count at the Tribunal comes afterwards. Even when everything is already counted at the polling station, at the district level and the State level, the Tribunal has the power to reopen the package of each polling station and do a count. So the statement of the polls supersedes the vote and to destroy the votes does not work for us, and even more so, we cannot do it.

With regards to the call for polling station officials, as I said to you, for the first selection round there has to be a 10 percent of voters for that section, and then the procedure continues. But suppose that we have everyone in the second draw but they begin to say that they cannot [attend] etc., what we do is take those who were trained in the first round to fill the places. A cousin of mine was supposed to be a second Returning Officer, but what ended up happening was that the one above him gave up the post and he ended up being the Presiding Officer. So he was Presiding Officer but some of those who were not selected in the second draw, and who were trained in the first, took the places. So the percentage of persons that we take from the queue as a last resort to fill the seven places is very low, it is lower than two percent.

With regards to the margin of error for the quick count, it is calculated at more or less 0.5 percent. In the 2006 election, IFE's President, Dr. Luis Carlos Ugalde, received a report of the quick count, and since there was no major difference to the 0.5 percent he decided to report that there were no results. This created a huge problem and it teaches us a lesson that in spite of the fact that the result was less than 0.5 percent, it is better to, as Dr. Chu says, give the citizens immediate results. It is better to tell them that it is a tie than to say that we do not know who won.

Regarding what the lady from Trinidad and Tobago said, I want to share that in Mexico we do not have electronic voting at the federal level. They are starting to do it at the State level and it is precisely because of the mistrust that prevents us [from implementing] the electronic vote. IFE has, not a ballot box, not a voting machine, we call it an electronic ballot paper. If you want I will tell you a little more about it.

As Secretary Casas said about the value of election observers, as an electoral authority we are definitely conscious of the fact that we cannot be everywhere. There are 143 thousand boxes and it is very difficult for us to always be there. The observers can be there, or maybe they can be in one that we are unable to be in. What helps us a lot is that you are precisely identifying what is to be improved. As I said a little while ago, the reports help us in improving and adjusting our procedures. You could say that the best path is along this path, and you are going to say - as an external opinion - that the best path is that one and there are these considerations. For us the presence of the election observers is fundamental and this is why we are always thankful that they join us.

**Roberto Rosario Marquez, President,  
Central Electoral Board, Dominican Republic**

In our case it is possible that it [the burning of a ballot paper] has happened because in the Dominican Republic there is one single identification card that creates a very accurate voter list with a color photo, which is placed in the polling station. Therefore, it is as much for control as the obligation of each one. It is the same as

the other countries. To vote you have to sign the attendance list, which is shown at the moment of counting. There should not be even one more ballot paper than the quantity of persons registered to vote. The law establishes that if there were one ballot paper more than what was registered; the ballot paper has to be destroyed. I think that that is what you saw at that time. So in that case, what is done is that a ballot paper is randomly selected and destroyed. But this does not happen frequently. You were lucky to be a witness to that action. This has been in the law for years and it applies but it does not happen often.

Regarding the composition of the polling station, we have a reserve of eligible persons to be members. If we need 75 thousand polling station officials we recruit 120 thousand, as an example. If we should have difficulties, then we are going to use this reserve of eligible persons. We do not have high drop out rates because, as we told you, there are many people that feel obligated to be a member of a polling station. For example, in Higuey, the President of the Hotel and Restaurant Association, Mr. Frank Raineri, (I think he is the largest owner of national hotels) he has been a presiding officer of a polling station for twenty years and demands his presidency [position]. Many of the businesses do it as a way of blending in and there are [persons] from all backgrounds. In the provinces, the polling stations have a lot of weight and there are persons that are already accustomed to being seen as the Presiding Officer of the polling station and he/she does it frequently. I told you that approximately 60 percent [of the polling station workers] have more than 3 or 4 consecutive periods in that function. I think that it provides quality to the process of filling out the statements of the polls. As you say, we are human and we make mistakes.

One of the strengths of our system is that the system is designed to separate statement of the polls with inconsistencies. In other words, if a statement of the polls it not squared correctly, the equipment does not transmit the statement of the polls. The equipment says, "not applicable" or something. So we put it in the space that says, "non-squared statements." So the statement of the poll is analyzed by the corresponding



Electoral Board in particular. So it transmits once the error is detected and there it is corrected. On one occasion non-squared statements of the polls were about three percent and there were for small things that were resolved quickly. I think that each country has its own culture of how to do politics and how to transmit and disseminate the results, but the strengths of the system rest a lot on the blind data entry system. The vulnerable part for us is still the scrutiny, because it is manual. After the scrutiny everything all is automated and rests on blind data entry. The data entry clerk does not know to whom the votes belong because of the atomization provided by the system. So it provides total security because when the data entry clerk knows that a party is assigned a number of votes, this data entry clerk is human and could feel tempted to assign votes to the party of his or her preference. But since the data entry clerk does not know to whom they [the votes] are assigned, he/she does not know if it is harming the party he or she sympathizes with, or who it is affecting, in which case there is an obligation to act as a blind person. In other words, attributing it simply to whom it corresponds. For that reason, the systems in America are each day more secure, but each time they need more from the observation because it provides trust. For example, the presence of the OAS was very important to us. For example, the OAS has developed a good auditing system for the electronic systems, which have been good. The OAS has also implemented the auditing system in the voter list, which created confidence in the voter list, which was audited and accepted by the actors [and] is the principal instrument for transparency in the process. Those two aspects were developed in cooperation between the OAS and us.

You [may] observe that many countries that were closed before to observation began to open up. In the case of Mexico, I think, and Chile, we were not very open to observation and more are opening up each time. I would say that in Latin America all [of the countries] that were closed are opening more to observation because the added value that it provides is the trust of a neutral observer, without interests in the competition, who goes and is going to be consulted and heard by everyone. We all have weaknesses in the process and we have to learn

and each time that there is a process they leave notes that should be taken into account. Now, for example, with the project for electoral regime and political parties bill, we incorporated many of the suggestions that the OAS made and what the observers did. Because it is in the continuity and the development, and the correction of bad practices that there could be and the strengthening of good practices that can be systematized. For that reason, in our case, the observation has been important and we always see it as necessary. And everyone knows that Dominican Republic always promotes the widest possible observation. We always invite and we want many people to go and observe each time we invite [them] because the presence of many observers in Dominican Republic creates a lot of trust in the actors and the citizenry, and for us as well. It gives us peace.

I told you that, Mr. Casas, for example, that in the past process there were various arbitral issues that were decided by the Central Electoral Board and they were mediated by the OAS because the principal party in opposition protested, and went, and presented a complaint to the observation mission. The mission went and they met with us and they said, "look, they are claiming this, and they gave us their point of view, and they brought information." If you want that mediation as well, it works for when the actors are not always happy with the election management bodies and they accuse us, [saying that] we are with someone. So the actors that believe that one is with another, who do not think that that someone can act in a professional manner, when there is a mediator, they feel better for this reason. That is why I personally think that the observation provides peace and confidence. For me, it is the main added value along with the auditing and mediation processes. In this case I mention the OAS but it is also carried out by the same electoral management bodies through UNIORE in the election missions. To that I add the possibility for all of the election management bodies to be certified in the quality function for the services provided. [In] that [regards], perhaps, UNIORE could have an agreement with the OAS for the certification for the ISO regulation for all; and each one of the electoral management bodies, in relation with its performance and quality of service.

**Orette Fisher, Director of Elections,  
Electoral Commission, Jamaica**

In responding directly to the observation and question from Trinidad and Tobago, the Commission is very proactive indeed in the information that it makes available to the public and our stakeholders because the Commission is convinced that the more information that is out there, the less likely you are to have problems with suspicion as to the work of the Commission itself and the electoral process.

The Commission actually sets up an election center as I had mentioned earlier, which commences operations from nomination day, and goes all the way through to election day, and it is primarily staffed by the major stakeholders. There is the political ombudsman and the Director of Elections who co-chairs that center. We have a senior representative from each of the major political parties, member of the security forces, a representative from the local observer group CAFÉ, representative from the umbrella group of churches and a representative from the broadcasting commission of Jamaica and, if we have international observers, they are also invited to sit at the center.

By having that in place we ensure the information, whatever it is, is disseminated to all persons at the center and each group uses its network on the ground to verify whatever information there is. We have a source of basically authentic information, which can be verified. By making that available throughout the entire election period, then we are able to (in most cases) put to rest information that may have been primarily mischievous or misleading from the outset. We were able, for example, to advise the public that in the last election 99.1 percent of the stations opened on time and that is by seven o'clock so there was only a 0.9 percent of the stations that did not open on time. The results were available within two and a half hours of the election being completed.

The system that I mentioned that covers the entire electoral process was actually developed primarily in an association with the [UWI] Mona informatics in the first place, but our in-house experts subsequently rewrote it. So it is primarily an in-house program that we use.

As far as the observers are concerned, we find that despite whatever it is that you might have in place, you are not sure exactly what will happen on the day, and so having an independent eye is usually a very good thing, because the political parties or the Commission will be trying to defend its position or to justify in some cases why they would have lost the election. The independent voice—who is not in support of either the parties or the Commission—usually lends some amount of authenticity to whatever the results are and, whenever there are dissenting voices, the voice of the observer usually serves to provide some level of credibility to one side or the other. Finally, the question was not asked directly of us as it relates to workers in the polling stations, but I would just like to inform that in Jamaica we actually train more workers than we need, and these reserves are actually paid to be present on election day so in the event of someone not turning out, you have the reserves ready and available, already trained, to be put in the stations. So even if they turn out but they don't actually work, but they are present at the beginning so that in the event of any falling out we have persons already training ready to be slotted in. That has served us very well, ensuring that the polling stations are manned all times by trained personnel.

**Michael Flood, Commissioner,  
Electoral Commission, St. Lucia**

With reference to a code of conduct for poll workers, what the Electoral Commission has done in St. Lucia is [elaborate] what you call work manuals to ensure that the poll workers are fully apprised with the laws regarding the elections in St. Lucia. We also conduct training sessions; the Elections Commission goes throughout the 17 constituencies to meet with all poll workers, and even agents of the respective candidates, to ensure that they are fully aware of the electoral laws, and we also ensure on Election Day [that] they have those manuals with them. So in the event they need to raise an objection to any issue, it would be as a matter of fact and not based on their own thinking. I need to say that it has worked well for us. I believe I saw in the OAS report, concerning our last elections that our poll workers were very well versed with the electoral laws and I think that that served us well.

As for the response for poll workers in St. Lucia, I need to say that there is never a shortage of poll workers. We try to ensure we have a lot more than the quota needed and we also ensure that the pay is about the best you will find. Reasons for that, again, [it is] as a result of paying the poll workers a satisfactory wage for the day, we try to keep them above board [so that] they would not be bought by politicians. Of course the code of conduct states clearly that they cannot divulge information to the politicians, unless it is within their purview.

Finally, on the issue of transmission of the preliminary results, because of the poll workers, the representatives of the various candidates having been present during the vote counting, and of course the agent has a right to ask of the presiding officer (if they are not satisfied with the calling of that presiding officer), to view the ballot paper personally to ensure that it is actually what the presiding officer is saying. Because they keep their own tally as soon as the presiding officer counts the last ballot. They are able to transmit that information to their party or their candidate. As a matter of fact, it allows the parties to start tabulating and to ensure that even before those results get to the House of Assembly to be announced publicly, the candidates already have those figures, and they are able to know where they are heading. Except for one situation in the last election, we have never had a situation where those results had to be questioned in any election back home.

**Eugenio Chicas Martínez, Chief Magistrate,  
Supreme Election Tribunal**

I have a question that I want to put into context. Our electoral processes happen in a wonderful world of doubt, jealousy and mistrust, which is a part of human nature. In the case of Mexico and the Dominican Republic, many of us present were witnesses to an excellent electoral process, above and beyond. Well, the imperfections of human making could continue to be improved upon but both processes were excellent – as Mexico as well as the Dominican Republic, which are the cases I want to refer to. [There was] excellent transmissions of results, very good scrutiny of polling stations, [and] a very good performance by the authorities. Nonetheless, jealousy, doubt and mistrust were

expressed, and up until today, in both cases, the results have not been accepted by one or the other losers. I insist that it was an excellent electoral process. We who have passed through this same road have educated the journalists; we have shown them how the programs, the systems, and the processes work. We did so with the political parties. Nonetheless the ghost of doubt, jealousy and mistrust reappears. They are the cases that I know best, Mexico and Dominican Republic. How do you confront that mystery of human reaction despite all institutional efforts? What do we do with this repeated phenomenon of hostile losers that do not accept the electoral results?

**José Luis Villavicencio, Magistrate,  
Supreme Electoral Council, Nicaragua**

El Salvador and Nicaragua are literally twin brothers in that. We have advanced even in that wonderful world, moderately advancing in search of how to overcome the mistrust, the jealousy and the doubts. Nonetheless, the subject that we are discussing is the counting of votes and the transmission and publication of results. This trinomial passes for something simple and suspicious that has to do with contestation. Mexico has shown it well, in general terms, but we are going to the doctrinaire part, and the doctrinaire part is the contestation. How are you going to repair mistrust? There is political and legal mistrust, or the legal mistrust is the instrument to try to ratify the political mistrust. Or [it could be] the strategy of a political party that is losing and uses the legal electoral doctrine of contestation to ratify the jealousy or the doubts in that process.

So I would like us to open up a little about this because, in the case of my country, knowing that we come from that culture, we established only one form of contestation in the legislation. [There is] only one unique moment for contestation. [For anyone] who did not do it in that moment [he/she should take his/her] complaints somewhere else. That unique moment where they had the opportunity to contest the scrutiny is in the polling station. Of the 14 thousand polling stations, only 9 were contested in the last election in Nicaragua. Those nine were resolved in the first instance in the polling stations. Afterwards, it is resolved in the departmental structure,

and then the Council. We have three levels in the Nicaraguan legal system. So I would like for you to share a little about that.

**Prof. the Hon. Errol Miller, OJ, CD, Chairman, Electoral Commission, Jamaica**

I would like to congratulate the panelists, because I think, without collusion, they comprehensively covered the various areas and I am sure that all of us have learnt something that would be useful to our own systems from the presentations made.

I'd like to make some observations on comments made by Dr. Casas and our representative from Trinidad and Tobago, and also ask a question. With respect to the matter of local and international observers and their necessity, I wish to speak from the point of view of having been both an observer of elections in different countries within the region. I was in Costa Rica, in El Salvador, in Bahamas on behalf of the OAS and other groups, and being a connoisseur of observers in our own countries, no matter how tight the system that you have created and it would appear to be fraud proof, there is always the possibility of collusion between our representatives and our officials and the political representatives in a particular locality. The international observers help to prevent against collusion because they are there to see the entire process without any commitment to any of the parties. And that is very important because you can't guard against that; because we take the honor and honesty of everybody as an assumption, but at the same time, that it is an assumption, it has to be shown not to have actually existed.

The other thing is that candidates, political parties and the media have very fertile imaginations especially in cases where there is loss, and can come up with all kinds of reasons that you could never anticipate. Also, [they] can use your previous history against you. I give one specific instance: in [the] 2002 general elections in October 2002 in Jamaica, CNN carried a story to the effect that 50 people had died on election day, October 16th, in Jamaica. BBC was more generous, they said 20, [but] the fact is that nobody died on election day in Jamaica. Now it so happened that the Carter Center was among

the observers and President Carter was there. I realized that if I went out and said nobody died, who is going to believe me against CNN and the BBC, so I went to the Carter representatives and to President Carter and said, "Here are the stories that have been carried, would you please issue a statement to the effect that this is false?" And President Carter obliged, whereupon neither BBC nor CNN carried the story any further but it was still in their archives. In 2011 BBC had its reporters scour Jamaica from top to bottom and they were very impressed with the fact there was no evidence of any violence and the whole thing was conducted. Finally they came to interview me, and we spoke, but I still have the beef of this misinformation that is in their archives. While I thanked them for the coverage, I pointed to this grey of injustice that has been done [to] us nine years ago. Following the return of the chief reporter to London he called me to say that the BBC archives would have now been made accurate; CNN was still inaccurate. But were it not for the presence of international observers that story would continue to be carried and there would be no change of expunging it. So I think that [while] it may appear that international observers and local observers are redundant, they serve an independent process of countering misinformation in this age of information, and of being a buttress against collusion inside the polling station. That is a justification for their continued involvement in this exercise.

The question I would like to ask the panelists to clarify is the fundamental difference between the preliminary and the final count. What is the fundamental difference between the preliminary and the final count where those two things are employed?

**Roberto Rosario Márquez, President, Central Electoral Board, Dominican Republic**

I think that, and taking advantage of that comment, [the] story that you mentioned is the best example of the legitimacy that the international observers add to the processes. I think that each electoral management body should create its own legitimacy within the processes, but that the international observers assist. Although there are a few observers, they always know if an election was fraudulent or not. Even if they cover two

percent or three percent of the territory, as the observer is the one that chooses the inspection zone, they can detect any abnormal situation and know if something is abnormal, and if it affects the process or not. Unusual situations can occur anywhere. What is important is to know if an unusual situation can have an impact on the decision.

Now on the comments made by Chicas and José Luis Villavicencio, what is the problem that the observation finds? In our America we have advanced in the administration of the processes but the political actors have not been advancing in terms of the increase in the quality of the processes; more so the quality of competency in equity and equality. So the electoral management bodies cannot have, nor does it have the conditions to create, situations of equity and equality that go beyond administration and management [issues]. Because that requires a national pact where the national and political social forces come to an agreement on what the rules of competency are and this is not done by the electoral management body. This is done through an entire national effort. So I think that the dilemma (I do not know if it is of concern to the observers) is in how in the pre-election period, before the election, the observers can have a certain level of influence over the number of issues related to competency, which at times escapes the electoral management body.

For example, in Santo Domingo, in the last election there were people that spoke about some party, or various parties, that bought identification cards. It is just an example. In 30 days we gave away 400 thousand identification cards for free. It is almost certain that if someone bought the identification card, that gentleman had about 5 or 6 identification cards. He took the money and voted how he wanted to vote. For example, 200 identification cards were submitted to us that showed up in the garbage in Santiago. They told us, "Look, this is the proof that people are buying identification cards so that they do not vote." And we said, "Perfect, you have the proof and we will see if it is true. We have a total value and we will revise it." The guys had voted. They simply took the money and voted because there is no chance

when the electoral management body gives out the voting document for free, and up until 24 hours before. There is no chance.

In our America there is a problem in that the political parties haul the voters; they transport them. I do not know if it is done in other countries. In Santo Domingo the two biggest parties have a system of people on motorcycles and in cars with money. This money is not to buy [votes]. Each party has a voter list by polling station and by 10 o'clock in the morning you see them telling people, "Look, this polling station is missing 20 people that have not come to vote." And they begin to spread their people, who go in search of all these people to take them to vote. That happens in all of America and the entire world, and even in the countries with [good] electoral structures. They are not buying [votes]; they are mobilizing their supporters so that they can go and vote.

Up until now the law does not prohibit this, except in Bolivia where vehicular transportation [of voters by political parties] is prohibited. But in our countries it is allowed and we cannot [prohibit] it. Maybe we should look for a formula for how to add equity and equality in the processes for competency. [It is] not only the electoral management bodies, or the instances of observation [that should do it], it is the country together with all of the social and political forces, which are those that should determine where they want to go, for us to apply rules that the Congress decides that should be applied and not the electoral management bodies.

In the mechanism for contestation, the person that does not issue a complaint in the polling station loses. The law expressly states that the representative of each political party has to issue a complaint in the polling station. The municipal board is responsible for declaring the complaint inadmissible if it was not done previously at the polling station on the day of the election. Because one of the things that has been announced (and those that were there as an observer would know), was that various parties were supposedly going to issue a complaint in the polling station where they lost. I said that it is easy to plan but it is difficult to execute. What happens is that with the polling station officials, the majori-

ty of the time they are neighbors, they know each other, they are friends, and they are from the same community. So when there is a scrutiny in Santo Domingo, in a polling station they count two and three times. In Santo Domingo, for example, there is a system of mistrust. It is not like in the case of Ecuador where there is a system of confidence, where one member says, "You count this part and I count this one", and what the gentleman says is God's word. There it is not like that. There you have to pick up the ballot paper. The presiding officer has the ballot paper and he/she has to go around showing, one by one, each ballot paper to the polling station officials. Afterwards, each one of the polling station officials builds packages. After [building] these packages they have to revise them again individually; each one with their eyes glued to that package. After the statement of the polls is filled and the five persons are there, all five are looking at that statement and they verify that what each one has noted is there. So that statement of the polls is filled. We transmit it from the polling center.

What have we done to decrease the pressure of the contestation in the media? Since we are simultaneously submitting the statement of the polls and the results to the media, when a party goes to the media and says, "There has been fraud against me." So they say, "In which polling center?" "In polling station [number] 20." What happens is that the media has the statement from polling station [number] 20 and it says, "Look, I have the statement of the polls that you were talking about and it is signed by this guy, and it has five signatures." And the media responds, "At least that was the version that various media polling workers gave to us."

A survey was done and the level of confidence in the Central Electoral Board was 80 percent after the electoral process. Despite the questionings, all of the surveys that have been done [have demonstrated that] the Board has a high [rating] because the people understand that many of the criticisms of the processes are owed more to internal political situations or the interest of a party to justify their electoral performance, than to a real deficiency in the system. Over there the parties do not lose, or the candidates. No one loses. The electoral body puts [a party or candidate] to lose. So they need

that for politics. So it is a defect in the society that has to be corrected. It is always the electoral body that is guilty and ends up paying for the broken dishes.

But to conclude, in our case what has helped us is that we provide the statement of the polls on the same night, not only the result but also the statement of the polls. We had 14,300 and a bit of the polling stations, and the same number of statement of the polls. All of them [the statement of the polls] were given that night to the media that requested it. As they have them on hand for when someone goes to present a complaint, the media has no excuse to announce fraud on the basis of documentation that they already have in their hands and that they can count. They can confirm that it has all of the corresponding signatures and [that] there is no irregularity. Also, in the last month we have had two and three meetings with media directors and with all of the media houses. In addition, over there they enter when they want and they say what they want, and we are open with the media. I think that this also contributes to diminishing general questionings.

**Rafael Riva Palacio Galimberti, Director of Cooperation and International Relations, Federal Electoral Institute, Mexico**

I am definitely in agreement with what he [President Rosario] says with respect to the fact that the equality and the quality of competency has not increased in the same way that we as electoral authorities are developing. I say [that] we are developing because I think that we have not reached that point yet. Hopefully one day we will know where the top reaches.

I am going to refer to the subject of the results. [Regarding] the statement of the polls that we use for legal purposes, after the scrutiny we give it to each political party and then we publish it on the Internet. If I 'N' party have the statements of the polls and I know how I did in polling stations A, B and C, I can get my results. The political party is in the scrutiny at the polling station and it is present on Wednesday at the district counts. There [the party representative] does not receive a copy of the statement of the poll as is but he or she has access to the results. [The party representative] is there in the

entire counting procedure and for the results, and has the opportunity to challenge the statement of the polls at the polling station. Nonetheless, the contestation is only provided through the recount whilst the count is done by the Federal Electoral Institute. When it goes to the Tribunal, the party should present convincing evidence that there was fraud and the Supreme Electoral Tribunal resolves it if the polling station is recounted; the evidence is accepted, etc.

For example, in the 2012 election, one of the political parties that did not recognize the result presented [it] as evidence [regarding vote buying] amongst other farm animals. So imagine that the Electoral Tribunal, other than counting votes, it also has to take care of a rooster, two hens and a little pig, because the party said that they was evidence of vote buying. Imagine that the little rooster dies, they are not going to say that the Tribunal is against us or – the ultimate test – it killed [the little rooster]. I think that, and again I am paraphrasing, President Rosario [said that] if the quality of the competency does not increase, we will continue to speak about the mistrust even when they have evidence that the result is favorable or not.

Finally, with respect to the difference between the preliminary and final results, in the Mexican legislation, the preliminary result is from the moment that it leaves the polling station, and it is final once the Tribunal says that they [the results] are final. The difference is no more than a hundredth of a percentage. Basically, I think that is the name that is given to the result that makes a difference between the primary and the final.

#### **Orette Fisher, Commissioner, Electoral Commission, Jamaica**

I just wanted to say that as far as Jamaica is concerned the preliminary count is that count that takes place on Election Day inside the polling stations. Now that is a very critical aspect of our process because all the parties are represented within the polling station and the count is conducted before the representatives, and they are given a copy of that preliminary result. The returning officer, who is the person who [that] by law has the right to declare a candidate as a winner of a particular con-

stituency, uses that preliminary count on that night to say who the preliminary winner is. However, the returning officer is obliged to go through each individual ballot paper on the following day, and he or she has the right to overrule whatever the presiding officer within the polling station may have ruled on a particular ballot. It is after the returning officer has gone through each individual ballot that a final count or final result is declared and the person is officially returned as the winner.

#### **Michael Flood, Commissioner, Electoral Commission, St. Lucia**

I would consider the two acts as an accounting office of course where you have your junior accounting officers do the preliminary work and, unless and until the head accountant approves, the check is not written, or you are not given approval to write the check. The preliminary result is based on a count, an on-the-spot count, taken by the presiding officer on the night of election in question (immediately after the polls). Of course, that count is done in the presence of the poll workers and the representatives of the various candidates. Of course, that count is presented to the supervisor who is the returning officer and, unless and until, that returning officer does an official count on the following morning at about 8:30am at [the] prescribed place, in the presence of the various candidates (or their representatives). If not, witnesses go through every single ballot box, count, and ensure that the report given to him or her on the previous night is verified. It is only then that the Returning Officer could make a proclamation, send [it] to the Chief Elections Officer, who in turn passes it on to the Commission, and we send it to the Governor General; only then the result is official.

#### **Suriname (no name identified)**

This is just for a general orientation of information. First, of all my compliments once again to all the panelists, and for you Madam Chairperson, for again a fruitful and instructive day of sharing knowledge and experience with our colleagues here, and of course this also goes to OAS.

Mr. Fisher mentioned in his presentation the matter regarding the safekeeping [of] the ballot boxes. He said

ballot boxes are being sealed and kept safe until the official counting. My question to the panel is because Mexico also referred to the boxes after the counting. Is there a minimum length of time that ballot boxes have to be safeguarded by EMBs in general? What happens with them after [that]?

Let's say for example that disputes of the outcome have been brought to court or any tribunal. Is it not necessary to have these boxes still safe and sealed to the satisfaction of the society for a renewed investigation? In Suriname, for example, the boxes must be kept safeguarded to a minimum of a period covered by the Independent Electoral Council, which is the last institution to declare the election binding or not, for the society after investigating all protests of voters but no later than two months after the elections. So I would like to have input from you fellows to see what the practice is in other countries.

#### **Guyana (no name identified)**

In answer to your question Suriname, the security [procedure] of the ballot boxes, after the official count, is that of the national archives where the boxes are placed in a safe vault. They are not discarded unless and until there is national satisfaction that there are no pending challenges (that everybody is satisfied and have accepted the results of the elections). So it is safe, and like I said, it is only the head of that department who has access to that place. Of course we have to remember that the boxes are sealed and the numbers on all the seals are in the possession of the Commission. So if, let's say for instance, somebody from the national archives tried to (or attempt to) go into those boxes, we would have known; and of course the head of the department is the one solely responsible. I tell you the law will come down really hard on that person in the event that the boxes are tampered with.

#### **Orette Fisher, Director of Elections, Electoral Commission, Jamaica**

At the end of the final count the candidates have four days within which to file for a magisterial recount. The boxes would remain in protective custody for those four days. If no petition has been filed for a magiste-

rial recount, the contents must be transmitted to the chief electoral officer seven days after the final count. Once they are transmitted to the returning officer the contents are then sealed and kept in a vault and cannot be accessed within a year of the elections unless so ordered by a court.

#### **Rafael Riva Palacio Galimberti, Director of Cooperation and International Relations, Federal Electoral Institute, Mexico**

In the case of Mexico, the package, as such, the ballot papers are kept in the district office. When it comes time to do the count at the provincial level, what they carry is the statement of the polls. If there is a need to do the re-count, the packages are transported from the district to the state office and they return them to the district once the count is done. Similarly, if the Tribunal requests any re-count the packages go to the district office, to the Tribunal's headquarters, they do the re-count and they are returned to the district office. When the election is finished they can proceed to destroy the ballot papers. The only case where the ballot papers continued without being destroyed was the 2006 presidential election. Usually two to three months passed before those ballot papers, including all of the material that is on the paper was destroyed.

#### **Roberto Rosario Marquez, President, Central Electoral Board, Dominican Republic**

Well in our case, the Central Board does not do a recount; only the polling station does it. In 2010, when we still had one central body that was not divided like now, in an administrative board and a dispute board, conflict situations arose that required the recounting of the vote and, in that case, we ordered it. In the specific case of a province in La Vega, and in other communities, what we did was that we invited the media to record the count from the beginning until the end. The journalists were present and the ballot papers were shown one by one, and people were observing. Those elections were very contested and that was the last case. The law established that once the statement of the polls is done, unless there is a complaint, a recount is not done. What is frequent is that the representative of the political party that lost, and the party in second place, demands



a recount on the spot. But it does not have anything to do with the law. That is something that is done in the moment and is carried out like a tradition. Only the Supreme Electoral Tribunal can order a recount. The Tribunal now would assess the conditions under which it is done. However, the same Tribunal cannot proceed if a complaint has not been previously made in the polling station.

We now have an electoral suitcase to store the votes when the process is completed. We divide them into different plastic envelopes, they are classified and they have a security seal. In one they put the null votes, in another the observed votes, and in another the valid votes and, apart from that, the material that was not used. All this is placed in that suitcase, which has a zipper and a security system that cannot be touched. Those bags are stored until the end of the period during which the political parties are able to challenge the process. Once that period is finished, the material is destroyed. To destroy them what we now do is that we burn it. Delegates from the parties are invited to go at that time and they are present at the moment of the destruction. Given that the vote count final, because those periods have passed, we do not have anything more to do with that material that is being stored other than to put it in a space for something else.

# 6



## 6 Closing Session

### 6.1 Marie-Laurence Jocelyn Lassègue, Program Manager, International IDEA

The International Institute for Democracy and Electoral Assistance, International IDEA, is particularly proud to be able to support this OAS initiative that allows the exchange of knowledge and reflections together on how the quality of our democracies can be improved. IDEA is an inter-governmental organization established in 1995 and comprises 27 Member States, 7 of which are represented here. IDEA offers support to countries for stronger democratic institutions and processes, and sustainable, effective, and legitimate democracies. With the objective of strengthening IDEA's cooperation with the OAS, in 2010 we signed a memorandum of understanding with the OAS that defines the cooperation of the two institutions in key areas of democratic development including, amongst other things, the promotion of transparent and efficient electoral processes, the role of political parties, and also [political] financing.

The democratic processes are long, at times also chaotic. There is no single model or a recipe; rather [there are] diverse experiences with achievements and chal-

lenges—a multitude of electoral systems that highlight the diversity in the hemisphere. As the Program Director of IDEA in Haiti, it has been very useful to be able to participate in the reflections and debates around the role of the electoral authorities: as much as in the process of selection of candidates, as in the counting of votes, and the transmission and publication of the preliminary results.

As you probably know, Haiti is in a very sensitive political process to establish a permanent Electoral Council. Listening to the experience and good practices developed by counterparts from the Latin American and Caribbean region has been a source of relevant inspiration for the support that International IDEA will provide to that new electoral institution.

The subject of the role of the authorities and processes of selection of candidates offers the meeting a very interesting snapshot about the different practices that exist in the hemisphere. The presentations of President Eugenio Chicas of El Salvador, Magistrate Enrique Ortéz Sequera of Honduras, and the Minister Sandra Etchever-

ry of Uruguay, as well as the discussions that followed, were very in-depth and practical, and highlighted some of the principal models that are found in the region.

In the cases of Honduras and Uruguay, the electoral authorities have a key role in the organization of mandatory primary elections, [a model] which favors citizen participation and develops [political parties'] internal democratic processes. At the same time, even though they can offer an alternative to the crisis of representation that many traditional political parties experience in the region, they also pose new challenges for the electoral management bodies. In certain countries, the political and electoral culture does not allow the electoral authority to play a direct role in the candidate selection process. Like in El Salvador, certain countries do not consider political parties as public entities; rather [they are viewed] as private associations that have the freedom to organize themselves, with their own rules.

The discussion also highlighted the importance of the composition of the electoral management body. In fact, the citizens and the political class do not perceive the role of the electoral management bodies in the same way - whether it is only made up of magistrates and of persons appointed by draw, like in Chile or, on the contrary, the electoral authority is made up of political figures, sometimes appointed by the political parties themselves. Listening to the experiences of Honduras and Uruguay, we also realized that the supervision and/or the organization of internal primary elections could also pose logistical and financial challenges. Therefore, to the extent that the electoral management bodies possess the means necessary to accomplish [this], this mechanism is fundamental, including if it is [simply] considered to be a good practice—[for example where] its replication in other countries in the region is not necessarily possible because of lack of resources. I wanted to also emphasize a recurrence of crucial themes for the strengthening of democracy in the presentation and discussions which are: the incorporation of women, youth, and for some countries in the hemisphere, the indigenous population.

I am particularly happy, as the former Minister for Wom-

en Rights in Haiti, to note that men are taking ownership of the subject of gender equality. Various mechanisms assist the participation of women, such as the quota, that can form part of constitutional reforms, like in Haiti, or it would have to be included in an electoral reform as Eugenio Chicas from El Salvador mentioned. In the case of El Salvador, it also called my attention to the question of the preferential vote, which despite being complex for the political parties, revealed that the citizens of El Salvador are ready to increase the participation of women in State institutions.

The subject of the counting of votes and the transmission and publication of the preliminary results has a mathematical and quantitative character that could be easier to measure. But as the presentations of President Roberto Rosario Márquez from the Dominican Republic, Orette Fisher of Jamaica, Director Rafael Riva Palacio and the Commissioner Michal Flood of St. Lucia explained, the role of the electoral management bodies go far beyond that. In numerous cases it deals with, before anything, establishing citizens' confidence in electoral processes. After years of dictatorships, as in the case of Dominican Republic, as an observer in the last presidential election, I have to say that it was impressive to see how overcoming the challenges of the past was achieved in order to establish an effective system for the counting of the votes, and the transmission and publication for the preliminary results.

In the entire hemisphere, the electoral systems are not perfect, but the electoral management bodies have seriously shown the will to guarantee reliable and legitimate electoral processes. Despite the diversity of the procedures and the different number of voters in the countries of the hemisphere, I think that all agree about the importance of the following subjects: firstly, on the transparency, security, and accountability to establish confidence and strengthen the credibility of the election management bodies. That is true in each of the stages of the process for the counting of the votes, and the transmission and publication of the preliminary results, from the foundation to the highest levels of the electoral authorities. Because of this, the importance of training polling station workers to reduce the margins of

error from the start of the process for the counting of votes has been repeated various times.

Secondly, the speed that is increasingly more important as the media develops—such as the radio, the television, and now the Internet as well, which demands very advanced and trustworthy technological systems. I think of the case of St. Lucia in particular with the use of the cellular phone to add speed and precision to the process.

Lastly, the capacity to establish confidence in the electoral processes does not only legitimize the elected persons, but it also favors the participation in elections—especially the participation of traditional groups that vote less, in other words, the youth, women, and the indigenous populations. In 2010 in Washington, the Seventh Inter-American Meeting of Electoral Management Bodies allowed a focus on the question of the models of interaction between the electoral management bodies and the political parties in the electoral process, the role of the media during the electoral process, and also voter access for persons with disabilities.

Two years later in Jamaica, the Eighth Meeting allowed us to discuss key subjects, and IDEA thinks that this meeting would open other avenues that will offer new ideas to the electoral management bodies of the Americas to continue to watch the electoral systems of the hemisphere. International IDEA always fosters those worthy initiatives.

In conclusion, as a lawyer for women's rights, I would like to salute the representatives of Latin America and the Caribbean for being conscious of the importance of the integration of women in the electoral process, an element that was highlighted in a variety of your presentations, comments, and also your reflections. Thanks on behalf of those women that represent 52 percent of the world's population.

## **6.2 Dr. Betilde Muñoz-Pogossian, Director a.i. of the Department of Electoral Cooperation and Observation (DECO), OAS**

I wanted to share with you the work that we have done

on electoral issues. I titled the presentation 'Providing the Added Value to the Improvement of the Electoral Processes and Systems' because it is an opportune time to look within the institution and analyze where we could add value to the work that you do, and add value to the goal of increasingly more democratic elections and stronger democracies.

The way I have structured my presentation is to do a short revision of the evolution of the work in electoral observation; and go a little deeper into how we have been expanding the types of observation in the countries we have been observing; and the work in the last six years that has led to the creation of methodologies, and the creation of instruments that are increasingly more rigorous in order to do more professional work on observation issues, to later make a transition to other initiatives that are pending. We would like to also hear your opinion on what could be an agenda for the work of the department and for the OAS. I will close with general information about the work that is being done on how to improve the services that the electoral management bodies offer the citizens.

In relation to the evolution of electoral observation, it is interesting that in the previous panel President Rosario from the Central Electoral Board of Dominican Republic mentioned the first democratic election in his country, which was done in 1962, and it is precisely this year that the OAS is celebrating 50 years of observation. The Dominican Republic had been the first nation that was observed, and in the same year, Costa Rica. [These missions], what we call the first generation of missions, were symbolic missions and [included] relevant political figures who promptly accompanied the countries on the day of elections.

A second generation of electoral observation accompanied the democratic transitions of the countries of the region, with a wider deployment and a greater thematic depth [of analysis] of an election. It really started in the 1990s or what we always make reference to, the symbolic reelection in Nicaragua in 1990. From there, what we did in this last generation (where we consider we are right now) was to build upon what was already done;

[there was] a valuable effort that the institution did on the subject of observation, but tried we to work more in-depth to make it more standardized and professional. That period we refer to [as] 2007 going forward, and now I am going to tell you a bit more about the series of initiatives that we implemented in this regard.

From 1962 until now, there have been more than 180 elections; the majority has been done in recent years, between 2007 and 2011. Last year we observed around 14 elections. Not only had we increased the number of countries, we had also added new countries that were not previously a target for observation. One of them is Mexico, which we observed in 2009 for the first time; in the Caribbean countries like Dominica and recently Bahamas, where we observed for the first time this year.

We have also increased the type of elections observed. Traditionally, the OAS observed general or presidential elections but as we fine-tuned the observation procedures the presence of the OAS was required in another type of elections like the legislative and municipal elections. Additionally, we have observed processes for referendum and popular consultations, as well as recollection and validation of signatures in countries like Venezuela. Regarding the number of elections observed by year, and of organized missions, there was an intense electoral cycle between 2006 and 2007. That situation will repeat very soon. But, as I said before, the previous year has been years of an intense work agenda with more than 10, 13, and 14 elections observed respectively.

What all of this work has made us see is that a lot has progressed, but there is still much to do. For example, we have noticed that there were no standardized criteria that would bring us to the conclusion of whether a process has progressed since the last time it was observed and if we have been taking into account elements that, according to the same Member States, were important at the moment of considering an election as democratic in this way. In 2008 we produced a manual that standardized the criteria that we in the OAS look for in an election observation. [This manual] was based in Inter-American judicial instruments, which had been

approved by the same member countries. In that manual we established, what we call, the concept of democratic elections that looks at a series of indicators, eventually disaggregated in an observation questionnaire: if the election was clean, inclusive and competitive; if the election posts were filled via periodic elections; and effectively whether those person that have been voted for worked in their posts.

This manual also standardized the instruments to collect information that, I should say, we have a baseline that is already being used by the colleagues from before but it varied a lot from observation to observation and, depending on who was the Chief of Mission. In that way, we created the questionnaire to be administered on the day of election, using a baseline from the representative sample of the polling stations, which allows us to conclude with a high degree of authority whether the election has achieved the standards that the same Member State has subscribed to or not.

The second manual we produced in 2009 standardizes how a mission is organized. If we look a little at the first manual, [you see that] we established in a uniform way what we observe in an election. In the second manual we set up how we are going to organize a mission in a standardized way, no matter the country that is being observed. In that way we established what are the stages of observation and what is done at each one, which is the structure of the EOM, and establishes the selection mechanisms of the members and the observer code of conduct. Within the work of electoral observation, no matter which of us is in the department, it allowed us to similarly continue in a serious and rigorous way.

In the hard work we did in the standardization [of electoral observation], we also realized that (as we had discussed and as we discussed in this morning's panel) the concerns around the elections were not on the day of the election. Because, fortunately, the bodies had already progressed in such a way that the possibilities for major fraud was no longer a threat and we began to see that the concerns are at the pre-election stage, above all related to the subject of electoral equity. For this, what we did was to work in a more thematic and

profound way to create tools that would allow us to look at the use of election technologies, and a second tool that we created with the support of the United Nations Democracy Fund – [to look at] how the media, the political parties, and the candidates accessed it. Recently, we have dedicated ourselves to the creation of an instrument that would allow us to measure the participation of women and men in elections, and how to the gain access for the candidates and parties (especially the candidates) to funds for the financing of political campaigns.

In those last two, [and] I am going to stop here briefly to tell you, because we consider them very important. The OAS is positioned as one of the bodies that do election observations in the community, and it is one of the organizations that is creating innovative things that could be replicated in other continents. In the case of the gender methodology, we have created a tool in cooperation with International IDEA (the group that is in the Andean region) with the objective of giving visibility to the barriers to participation of women in elections. What we do is evaluate how women participate in relation to the men as candidates, as voters, and as members of electoral management bodies; not only at the national level, but also in the polling stations. Before arriving to the country we do research and then, while in the country, we meet with the principle actors in order to make an analysis with the intention of promoting recommendations that can influence this situation.

A second tool that we are now working on within the same department is to create a methodology that allows [us] to evaluate the access to campaign financing for parties and candidates. What we try to do is evaluate the equity, and in a sense, tie in the analysis of the concept for democratic objectives that we have already mentioned (specifically as it relates to the evolution of a competitive election). We tried to do an analysis between what the legal framework says about the subject of financing, and how this is practiced, in a way that allows us to identify where there are gaps. And, as is the case in the other methodology, to recognize very concrete notions about what can be improved in a system of access to financing in order to create greater equity.

The added value of using these methodologies in the framework for election observation missions is that it allows for the positioning of important issues in the agenda, for discussion of the political actors, and, above all, to produce recommendations that eventually come from technical cooperation projects in cooperation with electoral management bodies. These recommendations that come out of the implementation of technology could also serve as a starting point to groups within the country that can influence the creation of these changes. What is happening is that very interesting data is coming out that no other institution is collecting. It is therefore the capacity to produce unpublished information to do later analysis, not only for the OAS, but [also] for the academic community and other interested experts. We think it is of interesting value for its application and, eventually, to be able to apply it allows us to contribute a little in creating better electoral systems and processes.

Now we move on to the subject of the recommendation and making a link to the added value of the electoral observations, which was mentioned earlier. The election observation missions, besides having a presence in all of the country, have the capacity to make recommendations for the improvement of the electoral system. This has an important impact whether they [the recommendations] are implemented in cooperation with the OAS or not. We think this is something that can definitely help.

We did an analysis of different recommendations over the last years and there are some subjects that are increasingly coming out with greater frequency. From there, the agenda also divides a bit into working on the subjects of gender, financing, registration, and auditing of the registration and media. This is what has served as a base for the creation of more rigorous instruments over the last years.

We have also been dedicated to working in technical assistance. We have changed the vision a bit. Before, we worked under the concept of technical assistance, but we think that the facilitation of horizontal cooperation between electoral management bodies has more

value, and creating a relationship for cooperation and collaborative coordination with the electoral management bodies, [which is] more than an assistance order. The recommendations have produced 17 technical cooperation projects in the last year. Nonetheless, if we also take into account the changes and reforms in the countries that have occurred without the cooperation of the OAS, but based in many of the recommendations, I think the number would increase a lot more.

As I said, many of the countries have done reforms based on the recommendations of the OAS. One of them is the case of Colombia where the same actors initiated a political reform and, in some way, they used the recommendations that the OAS had presented in the previous election. In the case of Bolivia, in 2008, there was a re-registering of voters in which they used biometric technology that, in some way, was linked to the recommendations that the OAS has done in the previous election. Therefore, there are many cases that, from our perspective, have a lot of value, and that we recognize we have to make a greater effort in documenting.

In the Caribbean, we want to state that the subject of political financing is a recurring theme. There is lack of a legal framework on the subject, or weaknesses, and because of this we are trying to encourage a discussion at the regional level, which would allow for attention to be paid to this concern and perhaps create spaces where greater regulation on the subject of financing could be considered more seriously.

Now to conclude, I want to share with you that we have been working with the support of key donors like Canada and Spain in other initiatives, and other projects that in some way we hope can help in the task of organizing and administering elections. On the subject of election observation we are creating a database of electoral indicators that would allow us (and everyone interested) to follow how some of the key election topics are improving over time. As I said, we have not been (and this I recognize) very effective at documenting how the recommendations of the OAS are being implemented—whether it is through cooperative projects or independently. For that reason we are creating a data-

base that contains recommendations in order to follow up on those recommendations and compare progress over time.

We are also going to soon work in the creation of an observation methodology for under-represented groups. This has been emerging in many of the election observation missions. There is a need for the OAS to make a greater effort to increase visibility of how displaced groups and afro-descendants participate. It also allows us to make recommendations to improve this situation. Another subject is to develop a training program that would benefit the electoral management bodies (as well as the officials within the electoral management bodies) to carry out international observation.

We also have a series of initiatives already focusing more on strengthening capacity of the officials in the electoral management bodies. In November we are organizing, for the fifth time, the Inter-American Electoral Workshops with the Federal Electoral Institute of Mexico. It is targeted to middle management from the electoral management bodies, where we are dedicated to work in a practical way to carry out the implementation of projects in their areas of competency. We have a series of courses online on vote registries and electoral participation. We also have an online program with academic accreditation from FLACSO Chile, which is a diploma in electoral processes, in cooperation with IFE in Mexico. We are going to be working on various things related to electoral participation, gender, and political financing issues. There are a series of activities where you are going to be certainly hearing from us, where we are definitely going to require your collaboration and your contribution.

A final subject that we want to mention, and we consider a starting point because there is a need for more frequency, is that the OAS, since 2007, has been working on the certification of quality (in relation to the provision of services of the election management bodies to the citizens and to electoral candidates)—which in the past has been done by using the ISO 9001 standard.

After the interesting experiences that we have had in

countries like Panama, Peru, and above all Costa Rica (which is where the idea [came] from to create an electoral ISO standard), we are pleased to share with you what has already been developed in collaboration with Gary Court, the President of the International ISO Committee, and our colleague Maria Teresa Mellenkamp, regarding the contents of the regulation for an ISO standard—which is now the subject of discussion and eventual approval (we hope for March) by the different countries that make up the committee.

As I said, there have been experiences in Panama and Peru where they have received certification in key processes and they are carrying them out in their electoral functions. Luckily we are also working with Costa Rica, using it as a guide for the new ISO electoral regulation, and also with the Central Electoral Board, with whom we are currently in the diagnostic phase, [to identify] areas that need to be improved in order to dedicate ourselves to what is going to be the [new] certification. One thing I would like to mention is that this is going to be the first ISO regulation in the social sphere. There is no regulation that exists that focuses on services to the citizens. It is going to be the first social regulation in the family of, what is called, the 'ISO language required regulations', which means that it not only provides and guides the electoral management body on how it could be better in its work, but also serves as the guide for processes and legal frameworks for the processes and the electoral management body [that] it certifies as a provider of quality services to the citizen.

### **6.3 Héctor Fernández Masís, General Director of Electoral Registry and Political Party Finance, Supreme Election Tribunal, Costa Rica**

I was requested to speak to you about electoral jurisprudence in the Americas. This is a project that started to be implemented in 2010, where a working group was formed with officials from the Department for Electoral Cooperation and Observation of the OAS, as well as officials from eight organizations (Argentina, Brazil, Chile, Costa Rica, Mexico, Panama, and Peru) who participated in the first meeting. Within the objectives that were being discussed was the exchange of the resolutions from the participants of the highest electoral jurisdictional

bodies participating in the project and the necessary ways [avenues] for dissemination. We also established the production and submission of annual publications and the availability of an electronic portal so that all of the electoral management bodies, student, researchers, and public in general could have access to the electoral jurisprudence produced by the electoral institutions of the region. [The portal] also [serves] as a form of effective contribution and to consolidate and strengthen democracy in the American continent in the exercise of the citizen and the practice of electoral processes.

That first meeting, where this project started, was celebrated on April 13, 2010, in Washington, where the electoral management bodies that I've mentioned participated, and afterwards, the electoral management bodies from Brazil, Ecuador and Peru were incorporated. Within the agreements that were made in 2010, one was that the presidency would rotate; in other words, each country would have [the presidency] for a year. The first one was Mexico, the second year Argentina, and currently it belongs to Costa Rica. Also, the OAS became the technical secretariat of the project. So another of the important agreements consisted of the compilation of a jurisprudence manual, which was going to be done by a different body than the one occupying the presidency. It was to be in charge of receiving that sentence, receiving the jurisprudence of each of the bodies, and systemizing them. The first year, Argentina did the compilation. Last year it was Costa Rica's responsibility and now Panama is in charge of the compilation.

Each body is represented by a representative and a liaison person was appointed to coordinate the production and systemization of this jurisprudence. As I mentioned before, the first meeting took place in Washington in 2010. Afterwards, the second meeting was held in the Federal District in Mexico on June 12, 2011. The third meeting took place this year in Buenos Aires, Argentina this past June 12 [2012]. The next meeting is scheduled to take place in my country, Costa Rica, in 2013, and the date is to be determined.

In order to adequately standardize the work for the systemization of the jurisprudence, 13 principal subjects



were established to classify the sentences that each country would select. The first topic is the Electoral Interpretation Principles; the second is the Electoral Fundamental Rights; the third is the subject of the Electoral Process; the fourth is Electoral Organization Structuring; the fifth is Electoral Justice; the sixth is Political Parties; the seventh is Political Funding, Regulation and Responsibility; the eighth is Electoral System: Electoral Formulas; the ninth is Direct Democracy Mechanisms; the tenth is Voting: Special Modes; the eleventh is Participation and Representation: Special Mechanisms; the twelfth is Special Electoral Processes; and thirteen is Other, where you could include other sentences that have some significance to other subjects that were not included among these topics. Despite the aforementioned, the countries responsible for the systematization or compilation could include sub-themes.

Up until now, two standard publications have been done. In the first year, when the compiler was the National Chamber of Argentina, the main topic was the principles of electoral interpretation. The second year the compiler was the Supreme Electoral Tribunal of Costa Rica in 2011-2012, and the theme is the role and competencies of the electoral management bodies. Also in this year, 2011-2012, a special compilation was done with respect to the topic of the inclusion of women in politics (quota and parity). The third regular publication (2012-2013) will be compiled by the Electoral Tribunal of Panama and the topic is being defined. Also, in the same year there is a special publication of which the electoral management body of Panama is also in charge, which covers the financing of political organizations and electoral campaigns.

I also wanted to show you our website, for the Supreme Electoral Tribunal, which is [www.tse.go.cr](http://www.tse.go.cr). We also have a link with the OAS, where you can find volumes one, two, and the special publication that I just mentioned to you. I should inform you that for each one of them there is a special prologue, an explanation, and establishes a way to work in this project. Each of the electoral management bodies participating in the projects sends 10 sentences that they consider relevant to those themes so that the compiler can classify them. These

sentences are studied and the ones that need translation are translated. The most relevant are selected and the publication is ready.

In Costa Rica, they also had an initiative to make a technical resume for each one of the chosen sentences, where a collateral summary of the most relevant thesis is done, [and] where the theme and a comparative analysis with other electoral management bodies is addressed, including the complete document of the sentence, including the various topics that can be divided in one theme, various sub-themes, or in the same theme. Once the compilation is ready, a text is sent to the presidency on duty and the OAS, in its capacity of technical secretariat for revision and approval. The OAS is in charge of the editing and all the other aspects for the official publication. It also coordinates with the organization in presidency for its presentation in the corresponding annual meeting.

I also wanted to share with you how we have been working on this topic in Costa Rica. We started in 2008 with an office dedicated to everything related to the systemization of the jurisprudence of the Tribunal called the Center of Information on Jurisprudence and Standards of the TSE. It is a project of the Tribunal presidency developed in the framework of the strategic plan for the institution. In the Supreme Court of Costa Rica cyclical change was never made. In the late 1990's a number of constitutional and legal reforms, resulted in an internal restructuring [and] there was a need for separate processes at the local level. Up until 1998 all of the processes were done in one election day. From 1998/1999, the Tribunal produced important jurisprudence – [I am] speaking of the role of the electoral management bodies within the internal environment of the political parties.

In the case of our country, the Tribunal included a leading figure that existed for Constitutional jurisdiction, in particular, the jurisdiction constitutional law. Through [its] interpretation, the Tribunal has a faculty for interpreting the regulation, and sets up the appeal [mechanism] for constitutional rights and legal protection in electoral matters, which the members of political parties can use

when they feel that there has been some violation of their fundamental electoral rights, so the Tribunal can intervene. Through this, the jurisprudence output of the Tribunal began to increase with very important rulings on, for example, gender. A relevant ruling in 1999 was when the Tribunal enforced the quota for female participation, established in 1996, which must be applied by political parties for eligible posts. Afterwards, the Tribunal clarifies the jurisprudence and, in each case, establishes what is understood by 'eligible post'. Another ruling, through jurisprudence, establishes that the parties, in virtue of the constitutional character, should obey the democratic principles to update its structures every four years. If the party does not update its structure, it can be penalized and would not be allowed to register candidates in the next electoral process.

These two rulings that were started at the jurisprudential level were legally captured in the new Electoral Code that was published in 2009. So from 1998/1999/2000 this important jurisprudential output came about. Now, since 2000, a decision was made to have this office, which is responsible for systemizing all of these types of jurisprudence of the Tribunal. The office has three persons and it is headed by Lic. Inés Bolaños, who is the liaison person with the OAS project. This center of jurisprudence and regulation also supports institutions and offers advice not only to the internal offices of the Tribunal and a body like the Constitutional Chamber and the Attorney General of the Republic, and universities, but it is also coordinates with the OAS, with CAPEL, and other electoral management bodies. It has been coordinating the sharing of information regarding the jurisprudence produced by our Tribunal. It also updates the Tribunal's website particularly the areas of the website under jurisprudence and regulation, and our rulings, which are now involved in the OAS project.

If we go to the Tribunal's webpage and we click on jurisprudence and regulation it is going to take us to all of the rules related to electoral materials and the systemization of jurisprudence that has been done by the Supreme Elections Tribunal. From there, you can click on the part that says "Jurisprudence" to see general aspects, which is the presentation of the different legal

instruments and those that are currently established in our law. You can also see the relevant resolutions that are part of the work that is being done with the OAS and the 13 themes we mentioned are also going to appear on the page. If you click on each one of those themes you are going to find the related sub-themes, the data-sheet for each sentence that has to do with the theme, as well as the link with the complete ruling. Here we can also find a search system, which in a few seconds allows us [to find] the rulings related to the topics we are searching.

As I also said at the beginning, we have links to not only the OAS, where the volumes are that have been published, but also to the systemization that has been done by UNIORE where there is also a series of sentences. On the other hand, as I told you, [you will find] the regulation related to the exercise of our electoral material. Furthermore, there is additional information for the citizenry and the political parties that we named "Our Governors" which has a datasheet for each one of the elected officials in the different posts of the popular election. You simply choose the post and it appears in the respective district or in the geographic unit, as it is made up.

Hopefully we will be able to integrate more and more countries to this project because, in spite of the fact that each one has its differences, for example, in how we implement the sentences, we have common roots regarding principles. There are topics that are important to see like the resolution, which is by the Constitutional Chamber in El Salvador, where they open the possibility of having the preferential vote.

I think that the ability to systemize that jurisprudence, above all in those 13 themes, is important for the persons with the responsibility of dispensing justice in electoral matters, or researchers. It will be very beneficial to know more or less the theses that have been driving jurisprudence in each one of the different themes.

#### **6.4 Prof. Hon. Errol Miller, OJ, CD, Chairman, Electoral Commission, Jamaica**

I get the general impression that we have taken in a lot

of information. There is a promise of the availability of the information on the Internet website. There is the possibility of the OAS sharing various aspects with us. So, what is left is the last contribution here of closing remarks.

First of all, I would like to thank Mrs. Lassègue, Dr. Muñoz-Pogossian, and Mr. Masís for their presentations in this session. [It was an] able summary, giving us a heads up as to what is to come and sharing with us an important knowledge building exercise where jurisprudence is being created, which is to the benefit of all of us. Let me say on behalf of the Electoral Commission of Jamaica—there are eight of the nine members of the Commission who are on the premises, and six have followed practically all of the sessions. So I just indicate to the openness of the Commission to participate. So on behalf of the Electoral Commission of Jamaica, I wish to thank the OAS for all the work they have done in this exercise, for inviting us to be co-hosts of this [meeting and] to enable us to participate in this way.

We are honored and, as we said, this is our 50th year of independence and so it is a single honor for us to have hosted this. I would like to thank all of you who actually came, and came from far. We usually have a special greeting in Jamaica for those who came over water and it is 23 countries that are represented [and] over 50 participants. We trust that in the course of the deliberations we have all gathered material that will be useful when we return to our respective electoral management bodies. This is a difficult process. If there is anything that I have learned after 12 years is that we always underestimate the time it takes to bring about meaningful change and the effort that is required is enormous, even where the change is modest. But it is the persistent, committed, modest changes that over time transforms [society].

I am a biologist by original training, and one of the things that we learn from the biology is that radical mutations kill the organism. It is modest mutations that finally reach into something else. I think it is true in the biological world, and it is also true in the social world. Although, there is great impatience in the social world

because, in the world of biology there is no teleology. There is no attempt of the organisms being changed to think about the change that is taking place. In social change, we are not only carrying out the change but we are getting the feedback of thinking about those changes and there is great impatience with those changes. Most of all there is vested interest, even if the situation was bad, [and at the same time] was beneficial, [they] are very reluctant to move onto the better situation. So we hope that everybody who has participated in this seminar, and in this conference, will be encouraged and inspired in some way to continue the hard work of the election management body, of the OAS, of IDEA, that have partnered in this exercise.

**ANEX**

## EIGHTH INTER-AMERICAN MEETING OF ELECTORAL MANAGEMENT BODIES AGENDA

**Tuesday, September 18th**

09:00 a.m.    **Registration**

09:30 a.m.    **Opening session**

- 10:30 a.m.    • Prof. the Hon. Errol Miller, OJ, CD, Chairman, Electoral Commission, Jamaica  
 • Kevin Casas-Zamora, PhD, Secretary, Secretariat of Political Affairs, OAS  
 • Hon. Julian Robinson, MP, Minister of State in the Ministry of Science, Technology, Energy and Mining (with responsibility for Electoral Matters)

10:30 a.m.    **Official photo**

10:45 a.m.

10:45 a.m.    **Coffee break**

11:15 a.m.

11:15 a.m.    **Panel I: “The role of EMBs in candidate selection processes”**

01:15 p.m.    *Moderator: The Hon. Mrs. Dorothy Pine-McLarty O.J., Commissioner, Electoral Commission, Jamaica*

- Eugenio Chicas, President, Supreme Electoral Tribunal, El Salvador
- Enrique Ortez Sequeira, Magistrate, Supreme Electoral Tribunal, Honduras
- Sandra Etcheverry, Minister, Electoral Court, Uruguay

01:15 p.m.    **Lunch**

02:30 p.m.

02:30 p.m.    **Discussion Panel I: “The role of EMBs in candidate selection processes”**

04:30 p.m.    *Moderator: The Hon. Mrs. Dorothy Pine-McLarty O.J., Commissioner, Electoral Commission, Jamaica*

Suggested questions for the debate:

- Should electoral authorities play a role in encouraging social participation or should they abstain in order to protect the organizational autonomy of political parties?
- To what extent have reforms increasing the role of electoral authorities in political parties organization been effective?
- In what capacity do electoral authorities have the means to ensure compliance with the reforms, guaranteeing that legitimately democratic competition within political parties is a practical reality?
- How can electoral authorities promote the inclusion of women candidates?

06:30 p.m.    **Welcoming cocktail – Place: Gazebo, West Lawn**

## EIGHTH INTER-AMERICAN MEETING OF ELECTORAL MANAGEMENT BODIES AGENDA

**Wednesday, September 19th**

- 09:00 a.m. **Panel II: “Vote counting, data transmission, and preliminary results reporting”**  
 11:00 a.m. *Moderator: Maria Teresa Mellenkamp, Chief, Electoral Technical Cooperation Section, DECO, OAS*
- Roberto Rosario Marquez, President, Central Electoral Board, Dominican Republic
  - Orrette Fisher, Director of Elections, Electoral Commission, Jamaica
  - Rafael Riva Palacio, Director of International Cooperation, Federal Electoral Institute, México
  - Michael Flood, Commissioner, Electoral Commission, Saint Lucia
- 11:00 a.m. **Coffee Break**  
 11:15 a.m.
- 11:15 p.m. **Discussion Panel II: “Vote counting, data transmission, and preliminary results reporting”**  
 01:15 p.m. *Moderator: Maria Teresa Mellenkamp, Chief, Electoral Technical Cooperation Section, DECO, OAS*
- Suggested questions for the debate:
- What models for the composition of polling stations provide the highest levels of impartiality and oversight of the vote count?
  - What measures should be adopted to improve the training and performance of poll workers?
  - What are the features that would best ensure efficiency and effectiveness in the transmission of preliminary results?
  - What are the advantages and disadvantages of publishing preliminary results on Election Day?
- 01:15 p.m. **Lunch**  
 02:30 p.m.
- 02:30 p.m. **Closing session Summation of good practices: The role of EMBs in candidate selection processes and vote counting, data transmission, and preliminary results reporting**  
 04:30 p.m.
- Marie-Laurence Lasseague, Head of Programme, Latin America & Caribbean, International IDEA OAS initiatives on the electoral field
  - Betilde Muñoz-Pogossian, PhD, Acting Director, DECO, OEA American electoral jurisprudence project: advances and next steps
  - Hector Fernandez Masis, General Director of Electoral Registries and Political Financing, Supreme Electoral Tribunal, Costa Rica Closing Remarks
  - Prof. the Hon. Errol Miller, OJ, CD, Chairman, Electoral Commission, Jamaica