

Preliminary Report of the OAS Electoral Observation Mission in Colombia

November 1, 2023

The Electoral Observation Mission of the Organization of American States (OAS/EOM) congratulates the people of Colombia following the territorial elections held on Sunday, October 29. The Mission, headed by Soledad García Muñoz, highlights the work of the authorities and officials of the various electoral institutions that made it possible to organize elections in a challenging climatic, geographic, and public order context. It also applauds the civic commitment of those who came to vote to elect their authorities and representatives.

The Mission stresses that in most of the country the elections took place normally, despite the incidents reported before, during, and after Election Day. The Mission condemns the violent incidents that took place in Gamarra (Cesar), which resulted in the death of a female official of the Registrar's Office. Likewise, it regrets the suspension of the elections in Ricaurte (Nariño) and Santiago (Putumayo), where there were public order problems, as well as the isolated disturbances that occurred at the end of the election. At the same time, the OAS/EOM recognizes the prompt and effective coordination of the electoral authorities and security forces in responding to the challenges that arose in connection with this election.

The Mission, which arrived in the country in stages beginning on October 20, was made up of 25 specialists with 14 different nationalities. The Mission was deployed in the capital district of Bogotá and in 10 departments of the country: Atlántico, Antioquia, Cauca, Córdoba, Cundinamarca, Magdalena, Nariño, Norte de Santander, Santander, and Valle del Cauca, to observe the preparations for and conduct of the election. In addition to observing the general conduct of the process, the Mission monitored key aspects of said process, such as electoral organization, electoral technology, electoral justice, political financing, political participation of women, political participation of indigenous and Afro-descendant people, and electoral violence. The Mission's specialists also followed up on the recommendations issued by past OAS Missions.

To gather information on the electoral process, the OAS Mission members met with leaders and representatives of political organizations, electoral and governmental authorities, candidates, members of academia, civil society organizations, and national electoral observers to learn about the different perspectives on the election. Based on these meetings, analysis of legislation and other documents, and direct observation, the Mission was able to carry out a comprehensive analysis of the electoral process and monitor the organization of the elections.

PRE-ELECTORAL PHASE

Inter-agency coordination



In the week prior to the election, the Mission was present at the ninth National Commission for Coordination and Monitoring of Electoral Processes,¹ chaired by the Minister of the Interior, which saw the participation of a number of Colombian State institutions with varying degrees of responsibility in the electoral process, representatives of political organizations, representatives of civil society, and invited international organizations. In March 2023, this Commission presented the National Plan of Electoral Guarantees,² which gathers the proposals elaborated by all the institutions, political forces, and civil society organizations that are part of the National Commission with a view to promoting electoral participation and guaranteeing security throughout the country.

The Mission once again highlights the work of this Commission as an instrument for dialogue and coordination among institutions and organizations, and at different levels of the national territory, to provide rapid and effective responses. In addition, this forum for the exchange of information and opinions has allowed the electoral authorities and other relevant actors to report on progress in the preparation of the electoral process, and has enabled the parties to present, and obtain answers to, their concerns.

Collaboration between the institutions ensured that the electoral material reached the entire territory. The electoral kits were distributed by land, air, and river between October 23 and October 29 at 5:00 a.m.³ Transportation was provided by a private company, which submitted a daily report on progress in the delivery of the kits.⁴ Following an infrastructure and risk assessment, the Registrar's Office requested the support of the Ministry of Defense for air transportation to 130 municipalities.⁵ On Thursday, October 26, the Registrar reported that there had been problems with the transfers to 72 municipalities: 21 due to public disturbances and 51 related to maintenance of the helicopters provided by the Army.⁶ However, the Mission ascertained that these problems were overcome.

Election environment

In these elections, 35 political groupings presented candidacies at the different levels of the contest - a substantial increase compared to the 17 groupings that competed in 2019.⁷ According to the electoral calendar, the campaign period began on July 29, with the authorization of political propaganda in public spaces and on August 2 with electoral propaganda in the media. It lasted until October 27.⁸

¹ [Ministry of the Interior, National Commission for Coordination and Monitoring of Electoral Processes.](#)

² See: <https://petro.presidencia.gov.co/prensa/Paginas/Con-90-medidas-se-define-Plan-Nacional-de-Garantias-Electorales-para-los-co-230317.aspx>

³ Information provided by the Electoral Management Department of the RNEC.

⁴ Information provided by the Electoral Management Department of the RNEC.

⁵ Information provided by the Electoral Management Department of the RNEC.

⁶ X Account of the Registrar's Office. Available at:

https://twitter.com/Registraduria/status/1717586110677696935?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Cwterm%5E1717586110677696935%7Ctwgr%5E537a67b1d97601b3613f6aa72d9af3c28588189e%7Ctwcon%5Es1 &ref_url=https%3A%2F%2Fcambiocolombia.com%2Fpais%2Felecciones-2023-72-puestos-de-votacion-aun-no-cuentan-con-material-electoral-por-problemas-de

⁷ [EOM Colombia. Electoral Context, 2023 Elections](#) (October 19, 2023)

⁸ <https://wapp.registraduria.gov.co/electoral/elecciones-territoriales-2023/CalendarioElectoralTerritorial.php>



Representatives of various sectors expressed their concern about the participation of government officials in the campaign, attending campaign events, and making statements in favor of certain candidates. This problem was the focus of most of the complaints reported both at the Immediate Reception Unit for Electoral Transparency (URIEL)⁹ and at the EOM Colombia's "Pilas con el Voto" (Watch Out with the Vote) platform.¹⁰ The Mission reiterates the importance that all actors, especially those holding public office, conduct themselves responsibly and abide by the provisions of the electoral regulations for the campaign period, so that the political debate and the presentation of proposals might take place without interference and in a context conducive to fairness in the contest.

On October 26, the national government announced measures to combat vote buying, a practice that has been frequent in previous electoral processes. This crime prompts many of the complaints filed through the main reporting channels. As part of its campaign and in coordination with various institutions, the government offered rewards to those who denounced this practice.¹¹ The Mission considers it important that attention be drawn to this practice and that it be repudiated, and that measures must be implemented to combat it. Accordingly, it encourages further debate on the best mechanisms and practices to deter such behavior.

The months leading up to the elections were characterized by an increase in episodes of violence and disturbances of public order, with serious incidents against candidates and officials, and widespread and predominant concern for this problem among the various actors with whom the Mission met. The OAS/EOM was notified that in some areas of the country political actors suffered threats, attacks, and even assassinations, as well as cases of voter coercion. In some regions, this led to fear of campaigning and posed challenges for the distribution of electoral materials. In this context, the Mission strongly condemns all types of violence in connection with these elections.

Between January and September 2023, there were 319 acts of violence against candidates and members of political organizations, with local candidates (for the positions of mayors and municipal council members) being the hardest hit.¹² More than half of the recorded incidents took place in the last two months prior to the election. Civil society¹³ reported 179 acts of violence against candidates for local elections, 30 of which involved lethal violence, with 22 attacks and 8 assassinations.¹⁴

The OAS/EOM highlights the work coordinated through the National Plan for Electoral Guarantees, which includes initiatives headed by the National Police and the Armed Forces to guarantee security during the electoral process. As part of these efforts, more than 250,000 members of the security forces were deployed. In addition, the initiative "Colombia Vota Segura" (Colombia Vote Safely),¹⁵ provided real-time

⁹ Information provided by the Ministry of the Interior at a meeting with the OAS/EOM.

¹⁰ [EOM Pre-electoral Report "Pilas con el Voto" \(Watch Out with the Vote\)](#).

¹¹ See: <https://petro.presidencia.gov.co/prensa/Paginas/El-Gobierno-del-Cambio-te-necesita-para-acabar-con-la-compra-de-votos-231026.aspx>

¹² Report of the Early Warning System of the Ombudsman's Office.

¹³ Electoral Observation Mission (EOM Colombia) - Civil society organization dedicated to national electoral observation.

¹⁴ EOM (2023) Eighth report presented by the EOM to the National Commission for the Coordination and Monitoring of Electoral Processes, October 10, 2023.

¹⁵ [Colombia vote safely | Colombian National Police \(policia.gov.co\)](#)



information on the situation at the polling stations, through reports from the security forces. It is also worth highlighting the work of the National Protection Unit, which provided protection measures to 1,525 candidates.¹⁶

Disqualification of candidates

Several stakeholders with whom the Mission met agreed that another relevant aspect of the pre-electoral stage was the process of registration and disqualification of candidates. The registration period began on June 29, 2023 and ended on July 29, 2023. As of August 3, a total of 132,553 nominations were reported as registered.¹⁷ This figure was reduced to 128,208 after the first reviews of compliance with the requirements by the National Registrar of Civil Status (RNEC) and was updated again with modifications made up to September 29, resulting in a total of 125,932 approved candidacies.¹⁸

However, one week before the elections, 602 recall petitions (*solicitudes de revocatoria*) were still pending resolution.¹⁹ The National Electoral Council (CNE) held hearings to resolve these cases even on the Friday prior to Election Day. Finally, the body revoked a total of 2,068 candidacies, which meant that on Election Day, the voting cards included candidates who had been disqualified. Accordingly, polling station members (*jurados de mesas*) were instructed to count the votes cast in favor of these candidates as valid and to record them in the tally sheets (forms E-14),²⁰ while the vote count commissions were instructed that the votes for disqualified candidates were to be considered as unmarked ballots (*tarjetas no marcadas*).²¹ As a result, in some cases, the preliminary and final minutes might not coincide.

Related to the above, political and civil society organizations have repeatedly requested the publication and disclosure of the definitive list of candidates so that the citizenry would have certainty about the options to choose from. In addition, the fact that decisions were made at the last minute also contributed, in some areas of the country, to increased tension.

The Mission stresses the importance of adjusting the procedures and deadlines for registration, review of disqualifications, revocation, and resolution of appeals related to candidacies, so that both candidates and voters have sufficient and timely information to exercise their political rights within a framework of certainty.

¹⁶ Figure reported to the Mission by the Ministry of the Interior and the Committee for Coordination and Recommendation of Protection Measures in the Electoral Process (CORMPE) as of October 18, 2023.

¹⁷ See: <https://www.registraduria.gov.co/132-553-candidatos-se-inscribieron-para-las-elecciones-territoriales-2023.html>

¹⁸ See: https://wapp.registraduria.gov.co/electoral/elecciones-territoriales-2023/xlsx/CANDIDATOS_DEFINITIVO_ELECCIONES_2023.xlsx

(Accessible on October 25, 2023). This figure included resignations up to September 8 and changes due to revocation of mandate up to September 29, when the deadline for list modification expired.

¹⁹ Information provided to the Mission by the National Electoral Council, as of October 19, 2023.

²⁰ Press Release No. 68 of 2023 issued by the RNEC on October 25.

²¹ CNE, Circular No. 002 of 2023, October 24.



Electoral technology

One particularly notable technological innovation instituted in this election was the program implemented by the Registrar's Office to expand connectivity. This allowed rural and low coverage areas to receive a signal thanks to the installation of satellite antennas. Likewise, the creation of a robust cybersecurity system (Security Operations Center) was an important initiative undertaken by the electoral authority, which provided the institution with better response mechanisms for key phases of the electoral process.

During the ninth National Commission for the Coordination and Monitoring of Electoral Processes, the OAS/EOM became aware of the parties' concerns regarding failures in the platform for selecting polling station members by lot. Likewise, during the meeting, representatives of all political forces and civil society organizations requested the Registrar's Office convene a Technical Roundtable to address questions and concerns related to certain technological components. In response, the authorities promised to hold such a meeting, but it did not take place.

Along the same lines, several political forces stated that the information they received on the technological solutions implemented by the Registrar's Office was limited, and that there were few opportunities for exchanges of views with the authorities to present specific concerns on this matter. In this regard, the different stakeholders agreed on the importance of having sufficient time and programmed technical work opportunities to answer their questions and clarify their doubts.

ELECTION DAY

On election day, Mission members visited 192 polling stations (mesas) and 75 voting centers (puestos de votación) in 10 departments²² and Bogotá Capital District. In order to monitor the electoral process, the observers were present at the different stages: the opening of the polling stations, the actual voting, the counting of votes, and the transmission of the results. The OAS/EOM also monitored the Unified Command Post (PMU) located in the General Directorate of the National Police and the Ministry of the Interior.

For these elections, 12,922 polling stations were set up throughout the country. Urban stations accounted for 43.4% and rural stations for 56.6% of the total.²³ The Mission recognizes the coordination efforts of the authorities to ensure the distribution of all materials despite the challenges, including the replacement of the material after the fire at the Gamarra Registrar's Office (Department of Cesar), to enable voting to take place in the nine voting centers of the municipality. In this regard, it ascertained that, although there was a slight delay in some areas, 100% of the polling stations were installed. It also noted that, due to inclement weather, 12 polling stations were relocated to allow the voting to take place.²⁴

²² Atlántico, Antioquia, Cauca, Córdoba, Cundinamarca, Magdalena, Nariño, Norte de Santander, Santander, and Valle del Cauca.

²³ RNEC (2023), DIVIPOLE Territorial Elections 2023.

²⁴ Information provided by the National Registrar at a press conference after the closing of voting. See: <https://twitter.com/RevistaSemana/status/1718739358327484552>



The polling stations observed by the OAS/EOM opened on time and had all the materials needed to carry out the election. However, it was observed that not all of them were fully manned. It is worth noting that most of the members of polling stations were women. The Mission observed that most of the voting centers had adequate space and infrastructure; however, several centers were identified with limitations in terms of accessibility for those suffering from reduced mobility, such as persons with disabilities or the elderly.

There was a significant presence of security forces at the polling centers, who provided custody and security to the precincts and electoral materials. Likewise, representatives of the Prosecutor General's Office, the Attorney General's Office, the Ombudsman's Office, and national electoral observers were present in the precincts visited. The Mission also observed that at some polling stations there were no representatives of political organizations present. In this regard, it considers it very important that the political parties have trained witnesses to exercise oversight throughout the day.

Isolated incidents of violence were reported in some municipalities during the course of the day. Particularly notable were disturbances that occurred in Santiago (Putumayo) and Ricaurte (Nariño), which caused elections to be suspended in the polling stations where there was significant damage to electoral material. The Mission was also informed about incidents of lesser magnitude in other departments, which did not have a major impact on the electoral process.

According to information from the Immediate Reception Unit for Electoral Transparency (URIEL), the three main issues over which complaints were filed were political intervention by public servants, bribing of voters, and voter coercion.²⁵ PMU reports indicated that, as of 4 pm, there were five in flagrante delicto arrests in four departments (Santander, Antioquia, Meta and Guainía), related to seizure of money and impersonation of voters and electoral witnesses.²⁶

In accordance with the regulations, all the polling stations observed closed at 4:00 p.m. There were no reports of citizens in line who could not vote. The Mission remained at the voting stations for the count, which was carried out in accordance with established procedures, and ascertained that the new design of the results tally sheets (E-14 forms) helped expedite the work of the polling station staff.

The observers followed the tally sheets from the voting stations to the tallying commissions, where the presence of political parties varied from department to department. They also found that, in some places, the members of these commissions did not have information on the revoked candidacies.

Two hours after the beginning of the pre-count (6 p.m.), 83% of the preliminary tally sheets were processed for the mayoral election and 68% for the gubernatorial election. The transmission progressed without interruptions or setbacks, and two hours later (8 p.m.) reached 98% for both positions. The OAS/EOM commends the efforts of the electoral institutions and of the polling station staff and congratulates the elected authorities.

²⁵ URIEL Executive Report - Territorial Elections 2023 - October 29, 2023.

²⁶ National PMU. Bulletin 032 - Electoral Contest Follow-up. October 29, 2023



In some localities, where the differences in the preliminary results were narrow, there were isolated complaints and disturbances. The OAS/EOM stresses the importance of complaints being made in accordance with legal procedures and by the competent authorities. The Mission will continue to observe the work of the tally commissions in the department of Arauca, following up on the final tally.

FINDINGS AND RECOMMENDATIONS

With the aim of contributing to the strengthening of Colombia's democracy and based on a detailed analysis of the laws in force and the information gathered during its observation, the Mission presents the following preliminary findings and recommendations with regard to electoral organization, election technology, electoral justice, political financing, women's political participation, the political participation of indigenous and Afro descendant peoples, and electoral violence.

Organizational aspects

Electoral census and migration

For this election, 38,965,515 people were eligible to vote.²⁷ The ten-month period for I.D. registration²⁸ ended on August 29²⁹ and 3,168,260 citizens requested a change of their electoral residence.³⁰ The only requirement for this procedure is to present a valid citizenship card and perform a biometric verification, without the need to present proof of the new address.³¹ The OAS/EOM received concerns from the electoral authorities and civil society organizations regarding the persistence of irregular registration of I.D.s in certain municipalities, which in the country is known as “*trashumancia*” (migration).

The CNE, after conducting its investigations,³² denied the change request in 725,861 cases. In response to this decision, more than 47,000 appeals for reconsideration were filed, and the CNE rectified 25,192 cases.³³ The CNE continued issuing resolutions until the days prior to the election, although the closing of the electoral roll was on September 26.³⁴ For this reason, some of the CNE's decisions regarding voter registration were not updated either in the voter lists or in the electronic means of consultation.³⁵ As an

²⁷ See: <https://www.registraduria.gov.co/-Censo-electoral-918-.html>

²⁸ In the Colombian electoral system, applications for change of electoral residence and registration of foreigners eligible to vote are called I.D. registration.

²⁹ From October 29, 2022 to August 29, 2023. CNE (2022), Resolution No. 28229 approving the Electoral Calendar. Available at: https://registraduriaco.sharepoint.com/:b:/s/ComunicacionesyPrensaCNE/EWRdZJNYPS9OlzJd2_qinw8BerLG_gGqKog772FOlAYzDA?e=XCfMqE

³⁰ Information provided to the Mission by the CNE.

³¹ RNEC, Frequently asked questions about biometric control. Available at: <https://www.registraduria.gov.co/Aparte-del-dia-de-la-eleccion-la-biometria-es-utilizada-en-otra-actividad-del.html>

³² The Inspection and Surveillance Directorate informed the Mission that the CNE cross-checked information from the census with the databases of the General Social Security Health System Resources Administrator (ADRES), the System for the Identification of Potential Beneficiaries of Social Programs (SISBEN), and the Solidarity and Guarantee Fund (FOSYGA).

³³ Information provided to the OAS/EOM by the CNE.

³⁴ In Official Letter DRN- 050 of July 25, 2023, the Registrar's Office announced that it would only process changes until September 14, and the OAS/EOM was informed that the deadline was postponed until September 26.

³⁵ Information provided by the Electoral Census Department of the RNEC.



exceptional measure, the RNEC recorded some of these modifications in error or omission forms (E-12) and provided voting tables where people with favorable replacement appeals could vote according to their new residence.³⁶

The Mission reiterates, as in previous electoral processes, that the times allowed for changes of electoral domicile and their respective revisions are insufficient. This is so that the CNE can verify the information and reject the applications in case of irregularities; so that the affected persons can appeal those decisions; and when appropriate, the Registrar's Office can update the data in the census in a timely manner.

In order to combat migration (*trashumancia*) and ensure that citizens have timely information about their voting place, the Mission recommends:

- Redefining the deadlines and review mechanisms, so that any changes are made sufficiently in advance of the closing of the electoral roll, making it easier to file appeals.

Electoral materials and training

For this electoral process, the Registrar's Office presented innovations in the design of the voting cards to make it easier for the electorate to identify and mark the candidacies and lists in contention. It also introduced changes in the E-14 forms, such as color codes according to the type of official (*dignidad*) or watermarks to facilitate the filling out of the data.³⁷ Based on observations by the OAS/EOM, these changes helped expedite the completion of the tally sheets at the voting tables and facilitated the work of the polling station staff.

As regards training, the RNEC had various training tools, including audiovisual materials and digital platforms with a wide variety of content. Here, the Mission highlights the Integral Electoral Training System (SICE),³⁸ which provided a catalog of multimedia training materials. In addition, the educational platform i-Electo,³⁹ offered 12 virtual courses for different actors in the electoral process, with more than 1,100,000 registered participants.⁴⁰ This platform also included a repository of electoral regulations and guidelines covering the various aspects of the election process.

For these elections, the Registrar's Office was faced with the challenge of training the 106,710 designated members of the polling stations.⁴¹ Along with the aforementioned virtual tools, in-person training courses were conducted, in which a pedagogical kit similar to the actual electoral materials was used, facilitating the practical training of those in charge of the polling tables. This training was provided up to one day before the election, which resulted in 79.5% coverage of the polling station staff.⁴² However, the Mission

³⁶ RNEC (2023), Resolution 23596.

³⁷ See: <https://www.wradio.com.co/2023/07/10/registraduria-da-a-conocer-material-para-elecciones-regionales-de-octubre-2023/>

³⁸ See: [Electoral Training - SICE - National Civil Registry \(registraduria.gov.co\)](http://Electoral Training - SICE - National Civil Registry (registraduria.gov.co))

³⁹ See: https://i-electo.registraduria.gov.co/escena_28_10_23/

⁴⁰ Information provided by the Center for Studies of Democracy and Electoral Matters of the Registrar's Office.

⁴¹ See RNEC YouTube official channel: [Lots were drawn for the designation of polling station staff](#) (October 7, 2023)

⁴² Information provided to the Mission by the RNEC.



found that these data were not disaggregated by table. On the other hand, the OAS/EOM witnessed training sessions for polling station staff and delegates and members of tallying commissions, in which it observed that the issue of revoked candidacies appearing on the ballots caused doubts among those attending the training sessions.

The Mission recognizes the institutional effort that went into providing training programs and recommends:

- Continuing to improve the design of the electoral materials, in order to simplify the completion of the different documents at the closing of voting.
- Developing a mechanism that allows the Registrar's Office to ensure the training of at least one polling station staff member for each table.

Electoral technology

For these elections, the Registrar's Office implemented a program designed to bring satellite communication to more than 200 municipalities in rural and remote areas with little or very low signal.⁴³ In addition, the Security Operations Center (SOC) was created to monitor the security of information systems, and to mitigate and resolve cybersecurity incidents. These initiatives constituted a major effort for this electoral process. The OAS/EOM recognizes the improvements in connectivity to strengthen the electoral results transmission process, which allowed the country, once again, to have preliminary results in an expeditious manner shortly after the conclusion of the voting process. Furthermore, the cybersecurity measures adopted made it possible to stop the more than 2 million attacks identified during Election Day.⁴⁴

In relation to the selection of polling station staff, 24 days before the election, the Registrar's Office decided to suspend the use of the platform hired to carry out the drawing of lots and designation of these polling station members, after conducting in-house tests that revealed persistent failures.⁴⁵ On the other hand, the Mission was able to verify that there were difficulties and some delays involving the platform for the registration and accreditation of electoral witnesses on Friday, October 27, so that a series of adjustments were needed to stabilize the platform. The authorities took measures that successfully overcame those difficulties.⁴⁶ The Mission was told that these problems generated concern among political forces and civil society organizations.

Regarding the participation of political forces in the various tests and demonstration exercises of the technological components, representatives of parties of all political stripes and civil society organizations with which the OAS/EOM met stated that the time for carrying out these activities was insufficient, that the information received was limited, and that, as a result, they had not had the opportunity to conduct an

⁴³ They were located in the departments of Vichada, Vaupés, Nariño, Guainía, Cauca, and Chocó

<https://registraduria.gov.co/Registrador-nacional-Alexander-Vega-Rocha-lanzo-el-programa-La-Registraduria.html>

⁴⁴ Information reported by the National Registrar at a press conference after the close of voting, October 29, 2023. See:

<https://twitter.com/RevistaSemana/status/1718739358327484552>

⁴⁵ <https://caracol.com.co/2023/10/05/registraduria-suspende-simulacros-de-sorteos-de-jurados-de-votacion-para-elecciones/>

⁴⁶ In the case of the polling station staff, a contingency plan was activated to carry out the drawing of lots. As for witnesses, the CNE extended the registration and accreditation deadline until Saturday, October 28 at 5 p.m.



effective audit of the systems. It is important to mention that the fact that many of the electoral technology components and services are outsourced and, therefore, that companies may be responsible for some aspects of those systems, does not remove the ultimate responsibility of the electoral authorities to be accountable for the queries and concerns of political groups.

Similarly, the Mission heard concerns from some political parties and civil society regarding the rules governing the hiring of outsourced election-related services. In this regard, the Mission acknowledges the complexity of these contractual processes. However, as these are fundamental public services for citizens, these acquisitions must be carried out in accordance with the principles of maximum publicity and transparency.

In the interest of contributing to the strengthening of, and confidence in, electoral technology, the Mission recommends:

- Conducting additional tests in sufficient time to ensure the proper functioning of the polling station staff and witness platforms.
- Encouraging political groups to start accrediting their witnesses earlier, and involve them in joint evaluations of technological solutions to identify possible improvements to the registration process.
- Reviewing the mechanisms for public procurement of services in order to extend the deadlines for the presentation of proposals and reviews, and to ensure that they are carried out in accordance with the principles of maximum publicity and transparency.
- Developing, sufficiently in advance, a schedule of audits and tests that encourages greater participation by political forces and civil society in order to provide more information in a timely and complete manner.

Electoral justice

Disqualification rules

The OAS/EOM observed that, as a result of the dispersion of regulations in the country, the catalog of disqualifications, incompatibilities, and impediments for the various elected positions at different levels continues to expand.⁴⁷ This affects the review and control processes that should be carried out expeditiously in the pre-electoral phase. In this regard, the Mission emphasizes that, according to international standards, the requirements and restrictions related to the registration of a candidacy, insofar as they affect political rights, must be reasonable, justified, and proportional.⁴⁸

At the same time, the rules governing incompatibilities and sanctions for those who hold public office are stipulated in the General Disciplinary Code,⁴⁹ which was revised in 2022 to make it compatible with the provisions of the Inter-American Court of Human Rights (I/A Court H.R.).⁵⁰ Although the amendment to the

⁴⁷ Compiled in *Libro Homenaje a la Magistrada Rocío Araújo Oñate*, Council of State, Section Five.

⁴⁸ I/A Court H.R. *Case of Castañeda Gutman v. Mexico. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of August 6, 2008. Series C No. 184,150.

⁴⁹ Law 1952 of 2019.

⁵⁰ I/A Court H.R. *Case of Petro Urrego v. Colombia, Preliminary Objections, Merits, Reparations, and Costs*. Judgment of July 8, 2020.



Code provided that the punitive decisions of the Chief Public Prosecutor's Office may be reviewed and enforced by the jurisdictional authorities,⁵¹ there are no expeditious remedies for those suspended or disqualified to challenge and have their rights reinstated in the pre-electoral phase.⁵²

In this regard, the Mission offers the following recommendation:

- Review the regime of disqualifications, incompatibilities, and impediments to guarantee the rights of persons to be registered, to be voted for, and to hold office.
- Revise the General Disciplinary Code in order to distinguish the grounds for disqualification, incompatibility, and impediments for persons who hold or have held public office, and those who run for elected office.

Registration and revocation of candidacies

In Colombia, the determination of the final lists of candidates requires several steps. First, registration by the political groups,⁵³ followed by verification by the Registrar's Office that they comply with the requirements.⁵⁴ The PGN must then verify the existence of disqualifications and incompatibilities⁵⁵ and forward this information to the CNE, which is responsible for deciding on the revocation of candidacies.⁵⁶ The time it takes for each body to comply with the procedures leads to longer deadlines for these activities.

In addition, the law does not establish a definite period of time for the presentation of requests for revocation of candidacies, which can be filed up to dates very close to Election Day. According to information provided by the CNE as of October 18, of the 4,658 candidacies reviewed, 2,057 had been revoked, and 602 were pending resolution. In this regard, it is important to mention that the deadline for the modification of the lists ended on September 29.⁵⁷ The body continued to meet to decide on these cases until the Friday prior to the election and, according to information received by the Mission, the final number of disqualified candidates was 2,068.⁵⁸

In addition, the system offers resources to review all electoral acts, which are handled by numerous bodies and through processes that are not always sufficiently regulated. In the area of electoral justice, appeals of a jurisdictional nature may be heard by the contentious-administrative courts,⁵⁹ Section Five of the Council of State,⁶⁰ the ordinary jurisdiction via protection actions (*acciones de tutela*)⁶¹ and, in the last instance, by

⁵¹ Article 2. Law 2094 of 2021.

⁵² As of September 23, 724 candidacies had annotations in PGN's SIRI system. Information posted at: <https://www.procuraduria.gov.co/micrositio-control-electoral-2021-2022--menu-control-electoral-2021-2022/Pages/default.aspx> (date of consultation: October 27)

⁵³ Article. 28, Statutory Law 1475 of 2011.

⁵⁴ Article. 32, Statutory Law 1475 of 2011.

⁵⁵ Article. 33, Statutory Law 1475 of 2011.

⁵⁶ Article. 31, Statutory Law 1475 of 2011.

⁵⁷ [Electoral Calendar Territorial Elections 2023](#)

⁵⁸ Information provided by the RNEC.

⁵⁹ Article 106 of Law 1437 of 2011, Code of Administrative Procedure and Administrative Litigation.

⁶⁰ Article 237 of the Constitution: Article 111 of Law 1437 of 2011.

⁶¹ Article 37 of Decree 2591 of 1991, which regulates the action for protection.



the Constitutional Court.⁶² This multiplicity of actors makes it difficult to know with certainty the competencies that correspond to each one in electoral matters.⁶³ Added to this is the complexity of the acts that can be challenged and the resources to do so in the pre-electoral, electoral, and post-electoral phase, as well as imprecision regarding the deadlines for challenging and resolving them.

As a result, the final decisions were made after the deadline for the political groups to replace the revoked candidacies, so that people who were disqualified appeared on the voting ballots. Thus, candidates were unclear as to the status of their registration, and voters lacked certainty regarding the validity of certain candidates when it came to casting their vote.

In the interest of contributing to guaranteeing the exercise of political rights in an environment of certainty, the OAS/EOM recommends:

- Establishing deadlines for the registration and final approval of candidacies, so that the process is carried out at a stage prior to the start of the campaigns, sufficiently in advance to allow for the timely resolution of any challenges that may arise.
- Clearly defining and systematizing electoral appeals in order to reduce complexity, adjust their conditions and terms of admissibility and resolution, and guarantee that they have the capacity to restore to individuals, in an expeditious manner, the exercise of their rights of democratic participation, in accordance with international standards.

Political and campaign finance

Access to finance

The political-electoral financing scheme in Colombia is of a mixed nature, in that political parties and candidates may receive public and private contributions. Direct public financing for campaigns is carried out through advances, as well as post-election replenishment payments.⁶⁴ In order to access the advance financing, political groups must present a guarantee policy from an insurance company, which will be effective in the event that they do not access financing because they have not reached the minimum threshold of votes required.⁶⁵ The replenishment of expenses is based on the number of valid votes obtained. For this purpose, the authority calculates the value of the votes⁶⁶ and determines the campaign expenditure limits, adjusting both figures for each type of election according to inflation. Some civil society

⁶² Article 86 and Article 241, section 9 of the Constitution. Article 2º of Decree 2591 of 1991.

⁶³ Article 2. Law 2094 of 2021.

⁶⁴ Law 1475 of 2011, Articles 21 and 22.

⁶⁵ Law 1475 of 2011, Article 21. In elections for public corporations, the lists that obtain at least 50% of the threshold determined for the respective corporation will be entitled to state financing (this varies according to the type of corporation, whether assembly or councilors, as well as the department in which it is located). In mayoral and gubernatorial elections, the candidate must obtain 4% or more of the total valid votes.

⁶⁶ Law 1475 of 2011, Article 21 and CNE Res. 0672 of 2023. For the governor's office and assembly, it is \$4,590, and for the mayor's office and council, \$2,445.



organizations and academics have pointed out the need to update spending limits by conducting new studies, since the indicators currently used do not reflect the real costs of a campaign.

In a meeting with the Mission, the *Fondo Nacional de Financiamiento de Partidos y Campañas Electorales* (National Fund for Financing of Parties and Electoral Campaigns), the CNE's body in charge of managing and supervising public funds,⁶⁷ reported that 12 political organizations initiated the application for advances, and that five days before the election only two had submitted their policies and complied with the requirements, so that the advances would be transferred two days before the election. According to information received by the Mission, this low number is due, in part, to the multiple requirements and the high cost of obtaining the policy. Thus, the replenishment of expenditures is the general rule for public financing. In addition, the main source of campaign resources is private income, including, in particular, income from loans or contributions from candidates, their spouses or relatives, which represents on average 56% of what is reported in the "Cuentas Claras" application.⁶⁸ In this regard, it is important to note that there are no individual limits on the amounts that these three groups can contribute to campaigns.⁶⁹ The sum of these factors benefits those who have access to credit, large private donors, and/or large family wealth, and disadvantages candidates from more vulnerable socioeconomic sectors. This phenomenon not only generates inequity in the contest, but could also encourage the search for illicit funds and cash donations for political campaigns.

In order to contribute to greater equity in access to public financing, the Mission recommends:

- Continuing to make efforts to streamline the procedure and facilitate access to policies or guarantees, so that advance financing is timely and effective and allows groups with fewer resources of their own to finance their campaigns.
- Conducting a study and updating the Electoral Campaign Cost Index (ICCE),⁷⁰ thereby establishing values closer to the real costs.
- Establishing individual limits on contributions by candidates and family members, and strengthening control mechanisms to combat under-reporting and illicit financing.

Accountability and transparency

The Mission reiterates its acknowledgment of the efforts made by the CNE to promote the use of the "Cuentas Claras" platform, including the administrative obligation of all political organizations and candidates to use the tool to report their income and expenditures during the campaign. However, three days before the election, only 9% of the candidates had reported income and/or expenses,⁷¹ which demonstrates a low level of accountability.

⁶⁷ Law 130 of 1994, Article 38.

⁶⁸ [Election environment: Local Elections 2023](#) (19/10/2023) of the Electoral Observation Mission (EOM) of Colombia.

⁶⁹ Law 1475 of 2011, Article 23.

⁷⁰ In 2014, the National Administrative Department of Statistics constructed the Electoral Campaign Cost Index (ICCE) to measure annual changes in campaign costs, based on information from "Cuentas Claras". Resolution 0670 of 2023.

⁷¹ [Third Report on Electoral Financing Follow-Up](#) by *Transparencia por Colombia*, dated October 26.



One of the requirements that most of the candidates must comply with is the opening of a bank account in which campaigns' transactions are registered.⁷² Some political parties, as well as the electoral authority, stated that there are frequent difficulties in complying with the provision, in as much as banks set requirements that are difficult to meet and, once the accounts are opened, users are faced with various restrictions.

Finally, it is important to point out that the National Fund for the Financing of Parties and Electoral Campaigns has a reduced staff and budget, which makes it difficult, on the one hand, to exercise oversight in a more expeditious manner⁷³ and, on the other hand, to have more tools to compare the income and expenses reported.

In this regard, the Mission reiterates some of its recommendations:

- Implement more effective mechanisms for parties and candidates to access the accountability platform and reinforce training campaigns on the use and management of information in the tool. At the same time, the Mission calls on the parties to redouble their efforts to report their campaign income and expenditures in a timely and complete manner.
- Explore an institutional approach with the banking sector to grant facilities to parties and candidates to comply with the requirements established by law.
- Institutionally strengthen the electoral authority with the necessary personnel, technology, and financial resources to audit party income and expenditures in a timely manner.

Women's political participation

Access to positions of representation

In 2011, statutory law 1475 introduced a 30% gender quota in electoral lists where five or more seats are chosen for popularly elected corporations. The sanction for non-compliance is to deny official status of the lists needed to compete.⁷⁴ However, this affirmative action is limited, among other things, by the possibility of using an open list, the majority option among the political forces, with the consequent need for individual campaigns. These are difficult to assume for women, who have less access to resources,⁷⁵ a situation that is exacerbated by the fact that there is no public funding reserved for the promotion of women's campaigns.⁷⁶

⁷² Law 1475 of 2011, Article 25. Those candidacies whose expenses covered by private financing sources exceed 200 legal minimum monthly wages must open accounts.

⁷³ In a meeting with the Mission, several electoral authorities, political parties, and organizations pointed out that there are still pending reviews from four years ago, which are largely related to the lack of response from candidates or political parties to the authority's requests, which prevent finalization of the reports.

⁷⁴ [Law 1475](#), Article 28.

⁷⁵ According to interviews with academics, civil society organizations, and candidates.

⁷⁶ According to Article 17.6 of Law 1475, parties receive a financial incentive proportional to the number of women elected from their lists for public corporations. Thus, 5% of the total budget of state resources for parties is distributed, but this amount is not subject to obligations in its use. In addition, Article 18 of the Law establishes that parties must allocate at least 15% of public funding for political-electoral education and training for women and traditionally excluded populations.



In this regard, the Mission was pleased to note that, compared to the 2019 territorial elections, the number of female candidates increased for all the offices contested in these elections. For these elections, in which women represent 51.4% of the electoral roll, the presence of female candidates for governor and municipal mayors is 19.03% and 16.04%, respectively, compared to 12.10% and 15.20% in 2019. On the other hand, in the lists for Departmental Assemblies, Municipal Councils and JAL, women candidates accounted for an average of 41.27%, compared to 39.60% in the previous local elections.⁷⁷ Despite the fact that the greatest increase occurred in candidacies for governorships, the figures indicate that, despite the clearest advances in local corporations, the presence of women continues to be very low in executive offices, where horizontal quotas are not applied. This is reflected in the fact that in 8 of the country's departments there were no female candidates for governor and in 454 municipalities there were no female candidates for mayor.⁷⁸ It is worth mentioning that the percentages decrease when considering women who were elected. However, the Mission highlights that, according to preliminary results, there was an increase from 2 female governors elected in 2019 (6.2%) to 6 elected in these elections (18.7%). As for mayoralities, 143 women won electoral victories in local executives (13%), compared to 132 in 2019.⁷⁹

In order to achieve greater equity and inclusion, the OAS/EOM recommends:

- Creating a Gender Unit within the Registrar's Office to promote mechanisms for greater participation of women in politics, and actions within the electoral institution.
- As reiterated by previous Missions, and following the provisions of the Constitution, carrying out the pertinent reforms that will make it possible to move towards parity, including horizontal parity, and thus generate more equitable conditions for the participation of women at all levels.
- Establishing, within public campaign financing, a percentage of resources to be used exclusively for the promotion of women's candidacies.

Violence against women in politics

Several actors, especially women candidates from various political parties and movements, agree that violence against women in politics is a systematic phenomenon, and one of the main barriers to women entering and staying in politics. Civil society reported that from May 2 to October 10, 2023, 52 acts of violence were reported, including, notably, threats (39), attacks (2), kidnapping (1), symbolic violence (8) and homicides (2). The most affected women were mayoral candidates who suffered 59% of the aggressions, followed by council candidates, with 24% of the cases. In 17 situations (33%), the alleged perpetrators of the violent action were illegal armed groups, who not only threaten the lives of the

⁷⁷ For the 2019 data, we consulted the EOM's report on [Electoral Context 2023](#). The calculations for 2023 are the OAS/EOM's own based on the list of candidates published by the RNEC [List of candidates published by the RNEC](#), available as of October 25.

⁷⁸ OAS/EOM calculations based on the list of candidates published by the RNEC, available as of October 25. Departments without female gubernatorial candidates are: Amazonas, Antioquia, Caldas, Caquetá, Guaviare, Norte de Santander, Putumayo, and Santander.

⁷⁹ UN Women - Preliminary Pre-count Bulletin - Women Elected to Uninominal Positions.



candidates, their families, and work teams, but also demand the withdrawal of their candidacies and that they abandon the municipalities.⁸⁰

In this regard, the OAS/EOM notes that the Congress approved, with the participation of women legislators from different political parties and civil society organizations, a bill to prevent and eradicate violence against women in political life,⁸¹ which is currently under review by the Constitutional Court. Also noteworthy is the creation in 2021 of the Observatory of Violence Against Women in Politics⁸² based on a partnership between the CNE, the President's Advisory Council and governmental institutions and international organizations. However, the Mission found that there is no unit within the Registrar's Office dedicated exclusively to gender issues that would contribute to promoting women's political participation.

In light of the above, the EOM recommends:

- The approval and full implementation of the bill to prevent and eradicate violence against women in politics, so that specific courses of action can be pursued to deal with the issue, along with prevention, protection, and attention measures by the different actors.
- Providing the Observatory of Violence Against Women in Politics with the necessary resources to register and follow up on complaints, as well as to generate consolidated statistics, analysis, and information that will allow for the development of public policies and concrete actions.

Participation of indigenous and Afro-descendant populations

According to figures from the National Population and Housing Census (2018), the Colombian indigenous population amounts to 1,905,617 people which is equivalent to 4.4% of the country's total population who, in turn, belong to 115 different native peoples. Self-identified Black, Afro-Colombian, Raizal, or Palenquero (NARP) people number 2,982,224, representing 5.9% of the Colombian population.⁸³ Unlike in general elections,⁸⁴ for territorial elections the law does not contemplate affirmative measures such as quotas, seats, or special constituencies for indigenous peoples or NARP.

In line with the recommendations of previous missions, the electoral authorities reported that, for the first time in an electoral process, an ethnic self-identification box was generated in the E-6 candidate registration form, which has made it possible to know that there are a total of 1006 candidates (0.84% of the total) who recognize themselves as belonging to an indigenous people (399) or NARP (607).⁸⁵ This

⁸⁰ [Eighth Report Submitted by the EOM to the National Commission for the Coordination and Follow-up of the Electoral Processes](#)

⁸¹ [Draft Statutory Bill 006/2022S - 320/2022C.](#)

⁸² Observatory of Violence Against Women in Politics: <https://mujerpoliticasinviolencia.com/>. The Laboratory indicated that between May and October it identified 34 cases of violence, occurring mainly in the departments of Antioquia (20.6%), Cesar (14.7%), and Sucre (8.8%). See: <https://caracol.com.co/2023/10/27/gobierno-alerta-por-incremento-de-violencia-politica-contra-mujeres-durante-elecciones/>

⁸³ National Administrative Department of Colombia. [Population and ethnic group statistics.](#)

⁸⁴ The Political Constitution of Colombia, in its Articles 171 and 176, recognizes for the national legislative elections 2 indigenous seats for the Senate, and 1 indigenous seat and 2 Afro-descendant seats for the House of Representatives.

⁸⁵ Electoral Observation Missions - EOM. (2023) [Report on Inclusive Nominations.](#)



percentage is still small with respect to the total number of candidates who have registered to participate in this electoral contest and compared to the relative weight of these groups in the population.

Regarding access to voting, the Mission was informed by indigenous and civil society organizations about the challenges of accessing voter registration for ethnic populations. The remoteness of indigenous and NARP communities has been a factor that has affected the right to identity as the first barrier to access political rights, among other fundamental rights. As an example, in the department of Amazonas the indigenous population accounts for 57.7% of the total⁸⁶ and is dispersed across an extensive territory, with only two offices of the RNEC⁸⁷ in the municipal capitals, distant from the indigenous communities and reservations (*resguardos*). In this regard, the Mission was pleased to note that the electoral authorities have implemented new voting stations for these elections, 25 in indigenous reservations and 12 in community councils.⁸⁸

Another challenge these groups face to their full political participation is violence. According to reports consulted by the Mission,⁸⁹ the departments of Chocó, Nariño, Antioquia, and Cauca pose the greatest risk for voters and candidates. In these territories, characterized by high levels of violence, large percentages of people belonging to indigenous peoples and NARP are concentrated. Indigenous leaders suffered the most violence, accounting for 35.7% of the total number of attacks on social leaders and 46.9% of lethal violence.⁹⁰ Likewise, the Mission rejects the existence of racist propaganda in Cali, against NARP candidates,⁹¹ and the kidnapping of a young indigenous woman of the Nasa people in Cauca, one day before the electoral process.⁹²

The OAS/EOM recommends:

- Promoting affirmative measures in territorial elections, mainly in regions with a significant percentage of indigenous or NARP population.
- Maintaining ethnic self-identification data in the candidate registration form in order to obtain information that will allow the design of policies to promote the participation of ethnic candidates.
- Implementing mobile and periodical ID campaigns in indigenous communities and reservations, as well as in community councils.
- Continuing the creation of new voting stations in areas with indigenous and Afro-descendant populations to promote greater access to the vote.
- Strengthening protection in the territories and for political actors of indigenous peoples and NARP to guarantee their electoral participation in a context of security and free from discrimination.

⁸⁶ National Administrative Department of Colombia. [Data on Indigenous Peoples CNPV 2018](#).

⁸⁷ National Registrar' State Civil (2023). [Registrar's offices in Colombia](#).

⁸⁸ Electoral Observation Missions - EOM. (2023) [Report on the creation of new voting stations](#).

⁸⁹ Office of the Ombudsperson. [Early Warning Report August 2023](#). And Electoral Observation Missions - EOM. [Electoral Risk Map - September 28th, 2023](#).

⁹⁰ Electoral Observation Missions - EOM. [Fifth Pre-electoral Report on Violence against Leaders](#).

⁹¹ See: https://twitter.com/onuhumanrights/status/1718030661510906342?s=48&t=Eq-J-R4QRff2_R2w78sZnA

⁹² Denounced by the Asociación de Cabildos Indígenas del Norte del Cauca - Noticias Regionales W (October, 2023). Abduction of an indigenous community member in Cauca is denounced. See: <https://www.wradio.com.co/2023/10/28/denuncian-el-secuestro-de-una-comunera-indigena-en-el-cauca/>



Electoral violence

According to the report of the Early Warning System of the Ombudsman's Office, between January and September 2023, there were 319 acts of violence against candidates and members of political organizations, with candidates at the local level (mayors and councils) being the most affected. More than half of the recorded incidents took place in the last two months prior to the election. Among the most frequent events were threats and attacks, as well as 22 homicides.⁹³ From civil society, the Electoral Observation Mission (EOM Colombia)⁹⁴ reported 179 acts of violence against candidates for local elections; of which 30 correspond to lethal violence, with 22 attacks and 8 murders.⁹⁵

In terms of a coordinated response, 28 entities participate in the National Plan of Electoral Guarantees,⁹⁶ which includes the Democracy Plan, led by the National Police, and the Ayacucho Plan, led by the Armed Forces, to guarantee security during the electoral process. As part of these efforts, more than 250,000 law enforcement personnel were deployed. In addition, the “Colombia Vota Segura” initiative⁹⁷ allowed the Police to report in real time the situation at the voting stations. Also worth highlighting is the work of the National Protection Unit, which provided protection measures to 1,525 candidates.⁹⁸ The Mission recognizes the efforts made by the various authorities to address this problem.

Based on the public order assessment conducted by the Ombudsman's Office, there were 113 municipalities with an extreme level of risk and 286 with a high level of risk.⁹⁹ For its part, EOM Colombia identified 209 municipalities at risk; in 101 the risk level was rated “extreme” and in 62 as “high”.¹⁰⁰ After an analysis of the information received from various stakeholders, the Ministry of the Interior and the National Police identified 43 municipalities as a priority risk, while 143 required and received public order and security measures due to factors specifically related to the electoral process.¹⁰¹ In this regard, the Mission noted that there are multiple sources of information and analysis on the subject, the systematization of which could strengthen the measures implemented.

The OAS/EOM condemns the acts of violence that took place in the days prior to the election and the fact that due to public disturbances the elections had to be suspended in two municipalities in the country.

While recognizing the important efforts made by the Colombian authorities, the Mission recommends:

⁹³ Follow-up report 024-23 to Early Warning 030-23, submitted to the Mission by the Ombudsman's Office.

⁹⁴ Civil society organization dedicated to national electoral observation.

⁹⁵ EOM (2023) Eighth report presented by the EOM to the National Commission for the Coordination and Monitoring of Electoral Processes, October 10, 2023.

⁹⁶ Originally developed in the National Commission for the Coordination and Monitoring of the Electoral Processes.

⁹⁷ [Colombia vote safely | Colombian National Police \(policia.gov.co\)](https://policia.gov.co)

⁹⁸ Figure reported to the Mission by the Ministry of the Interior and the Committee for Coordination and Recommendation of Protection Measures in the Electoral Process (CORMPE) as of October 18, 2023.

⁹⁹ Office of the Ombudsperson. (2023), Election Early Warning 2023. Pp. 6-18.

¹⁰⁰ EOM Colombia press release - October 28, 2023

¹⁰¹ Information provided by the Ministry of the Interior in meetings with the OAS/EOM.



- Establishing a body that centralizes and systematizes all information related to violence during the electoral cycle, so that targeted policies can be designed and implemented to combat this problem.
- As already mentioned by previous Missions, strengthening the capacities of the institutions that provide protection to candidates, so that these measures can be implemented well in advance of the elections.

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