



Third Preliminary Report of the OAS Electoral Observation Mission in El Salvador

March 5, 2024

The Electoral Observation Mission (EOM) of the Organization of American States (OAS), led by the former Vice President and former Foreign Minister of Panama, Isabel de Saint Malo, congratulates the Salvadoran people on the elections for the Central American Parliament (PARLACEN) and the municipal councils held on Sunday, March 3.

The Mission notes that the Supreme Electoral Tribunal (TSE) implemented some recommendations made by the OAS, which resulted in a substantial improvement in the procedures for tallying and transmitting the vote, compared with the elections of February 4. It also emphasizes that the day of the election unfolded without violence, and recognizes the work done by the members of the polling stations, or JRVs (Juntas Receptoras de Votos).

The OAS/EOM laments the low electoral participation which all estimates placed under 30%.

The Mission comprised 30 persons¹ of 14 nationalities, who observed the elections in El Salvador's 14 departments. The Mission analyzed different aspects of the elections, such as electoral organization, electoral technology, electoral justice, and women's political participation. Its specialists also followed up on the recommendations issued by past OAS missions.

The Mission arrived in the country in stages, commencing on February 23, 2024, and met with electoral authorities as well as representatives of political groupings and civil society organizations, to learn about the preparations for and their perspectives on the elections. Through its meetings, direct observation, and analysis of the relevant law and other documents, the Mission was able to undertake a comprehensive analysis of the electoral process.

PRE-ELECTION STAGE

Electoral Reforms

The 2023 reforms that reduced the number of seats in the legislature and changed the formula for allocating them had the effect of reducing plurality in the Salvadoran political system.

The Mission observed the impact of the reforms that reduced the number of members of the Legislative Assembly from 84 to 60² and that replaced the Hare formula (quotient/remainder) for selecting winners

¹ 14 men and 16 women.

² Legislative Decree 755 (June 7, 2023).



by the D'Hont formula.³ With the final results now made official, civil society studies indicate that those reforms meant, first, that the Nuevas Ideas party obtained an overrepresentation of almost 20%, and that the political groups that would have been able to win one or more seats, either did not get a single seat, or got fewer than otherwise would have been the case.⁴

In a scenario in which neither of the reforms had been carried out – reducing the number of seats and changing the formula for allocating them – the non-governing parties would have won 24 seats, instead of the six they obtained with the reforms. Had the number of seats been reformed but the formula kept, the governing party would have obtained 44 of 60 seats, not 54.⁵

According to the same study, these results demonstrate the existence of a dominant-party system in El Salvador.⁶ This situation is aggravated by the fact that according to the election laws, in the event that a political party does not obtain legislative representation and has received fewer than 50,000 valid votes, its registration must be cancelled.⁷

While each country adopts the model best suited to its political-electoral reality, the Mission cannot ignore the fact that the reforms adopted in June 2023 for legislative elections, three months before they were called, and without a broad national debate which included the opinion of the Supreme Electoral Tribunal (TSE), resulted in a drastic reduction in political pluralism in El Salvador's highest decision-making and political oversight body. Numerous stakeholders with whom the OAS/EOM met expressed their concern and their discontent over both the content of the reform and the speed with which it was approved.

The Mission underscores that political plurality is a constitutive element of democracy, and especially of legislatures. The OAS/EOM also notes that the Constitution of El Salvador establishes that the “political system is pluralist and is expressed through the political parties.”⁸

The Inter-American Democratic Charter also emphasizes that the pluralistic system of political parties and organizations is one of the essential elements of representative democracy.⁹ Similarly, the Inter-American Court of Human Rights has stated:

³ Id.

⁴ Official X account of Acción Ciudadana (@CiudadanaAccio1). February 22, 2024. See: <https://twitter.com/CiudadanaAccio1/status/1760814461508559166?t=effla1l38j3MFFGVgFQsyw&s=19>

⁵ Observador Electoral 2024, Iniciativa Social para la Democracia.

⁶ Id.

⁷ Law on Political Parties, Article 47.

⁸ Constitution El Salvador, Article 85.

⁹ Inter-American Democratic Charter, Article 3.



The effective exercise of political rights constitutes an end in itself and, at the same time, a fundamental means for democratic societies to guarantee the other human rights provided for in the Convention. Moreover, in accordance with Article 23 of the Convention, the holders of these rights, i.e., citizens, must not only enjoy rights, but also “opportunities.” The latter term implies the obligation to guarantee through positive measures that every person who is the formal holder of political rights has the real opportunity to exercise them. Political rights and their exercise are conducive to the strengthening of democracy and political pluralism.¹⁰

The OAS/EOM also reiterates what was stated in its first preliminary report in February, in which it emphasized that democratic decision-making requires a plurality of political voices and that the diversity of thinking and ideas, like respect for minorities, is an asset and a value of democracy that fosters debate and generates knowledge.¹¹

Like the legislative elections, the municipal elections were defined by the adoption of the Special Law on Municipal Restructuring, which converted the country’s 262 municipalities into districts, and created 44 new municipalities.¹² Municipal reform is not a new issue in El Salvador. On the contrary, in 2013 an amendment was passed to make the municipal councils more plural.¹³ Before the change, and since 1994, municipal council seats were won with a simple majority of valid votes cast, which meant that the winning party would obtain all the positions on the municipal council. The 2013 reform, which was implemented for the first time in the 2015 elections, fostered greater plurality on the municipal councils.¹⁴ Nonetheless, in subsequent interpretations of the provisions on plurality the TSE reduced their scope.¹⁵

Various stakeholders with whom the Mission met said that the most recent reform, which reduced the number of municipalities, represents a setback for plurality on the municipal councils. The preliminary results show a slight increase (2%) in the number of mayors’ offices controlled by the governing party, compared with the previous division of municipalities. Awaiting the final vote count, and in keeping with the preliminary results, the Nuevas Ideas party and its allied parties won at least 39 of the 44 mayors’ offices, with one remaining in the hands of the opposition and four still awaiting a final outcome.¹⁶

¹⁰ I/A Court HR. Case of López Lone et al. v. Honduras. Preliminary Objection, Merits, Reparations and Costs. Judgment of October 5, 2015. Series C No. 302, para. 162. See, p.66: <https://www.corteidh.or.cr/sitios/libros/todos/docs/cuadernillo20.pdf>

¹¹ Electoral Good Practices Guide for Strengthening Electoral Processes, OAS, p.17. See: https://www.oas.org/documents/spa/press/VF_OEA_guia_buenas_practicas_WEB.pdf

¹² Legislative Decree 762 (June 13, 2023).

¹³ The new Electoral Code was decreed on July 3, 2013, by Legislative Decree 413, which was published in Official Gazette 138, tome 400 of July 26, 2013.

¹⁴ Electoral Code, Article 219.

¹⁵ Sistema electoral salvadoreño: perspectivas de reformas (FUSADES, 2022, pp. 255-256). See: https://fusades.org/publicaciones/Libro_Sistema_Electoral_Salvadore%C3%B1o.pdf; Informe Preelectoral Elecciones de Concejos Municipales y PARLACEN (Observa El Salvador 2024). See: <https://drive.google.com/file/d/1R0QH46tadfipkDwACREPbaUvOFBzih-h/view>

¹⁶ Preliminary tally 2024, TSE. National level results. See: <https://preliminar.tse.gob.sv/dashboard-index-4.html> (as of March 5, 2024).



The explanatory memorandum of that law establishes that the reform is due to the fact that some of the previously existing municipalities did not comply with the population requirements established in Article 20 of the Municipal Code and to budgetary considerations in the municipalities.¹⁷ Nonetheless, multiple political and social actors told the OAS/EOM that the reform was not based on technical criteria, but on political-electoral interests, especially because of the reduction in the size of the municipal councils, which favors the largest political parties to the detriment of plurality. Civil society organizations are of the view that the reform harms political pluralism, tends to foster the accumulation of power, and follows a pattern of centralizing power.¹⁸ This is also evidenced in the reduction of the resources of the Fund for Economic and Social Development for the Municipalities (FODES: Fondo para el Desarrollo Económico y Social para las Municipalidades) and the creation of the National Municipal Works Department (DOM: Dirección Nacional de Obras Municipales) as an entity of the central government in charge of carrying out infrastructure projects in the municipalities.¹⁹

Various stakeholders also told the OAS/EOM that the reform was adopted hastily and three months from the calling of the elections, without publicizing the technical assessments mentioned in the explanatory memorandum, and without the TSE issuing an opinion in that regard. In addition, they said that the population was unaware of the new municipal boundaries. According to an opinion survey by an academic center conducted in January 2024, 73.7% of the citizens interviewed incorrectly identified the new municipality into which their home district had been grouped.²⁰ This may have been one factor contributing to the low voter turnout in these elections.

As stated in the Mission's first preliminary report, the reforms mentioned here (reduction in the number of legislators, change in the formula for allocating legislative seats, and modification of the municipal structure) were approved after the Legislative Assembly amended the Electoral Code on March 15, 2023, to allow for modifications to the rules that govern the electoral process up to one year before the elections. This change is at odds with internationally recognized best practices.²¹

¹⁷ Legislative Decree 762 (June 13, 2023), Considering VI.

¹⁸ Informe Preelectoral Elecciones de Concejos Municipales y PARLACEN (Observa El Salvador 2024). See: <https://drive.google.com/file/d/1R0QH46tdfipkDwACREPbaUvOFBzih-h/view>

¹⁹ Id. See also: <https://www.laprensagrafica.com/elsalvador/Aprueban-dictamen-para-la-reduccion-del-FODES-a-las-alcaldias-y-que-este-pase-del-10-al-1.5--20211008-0041.html>

²⁰ Instituto Universitario de Opinión Pública (Iudop) (January 2024).

²¹ Venice Commission (October 25, 2018). See: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-spa](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-spa)



Election Campaign

As with the legislative and presidential election, the polls were held under a state of emergency, accordingly, concerns expressed by various actors on that occasion persisted.²²

The Mission observed that one of the main factors that altered the development of the election campaign was the fact that the political parties had to use municipal campaign days to focus on the final vote count of the presidential and legislative elections,²³ the only vote count that took place, due to the impossibility of conducting the preliminary vote count at the end of election day.

In addition, and as happened in the February 4, 2024 elections,²⁴ the Mission noted the conduct of an inequitable campaign, due to the difficulty accessing advance payments of the political debt. The Mission learned that for these elections no political party accessed the political debt, and that only the FMLN accessed a percentage of the advance to which it was entitled before the presidential and legislative elections.

Studies on this topic reveal that as of January 31, 2024, of the US\$ 9,388,535.00 allocated within the general obligations of the State for covering “the complement of financial resources to political parties that participate in the presidential, legislative, and municipal elections of 2024,” only US\$ 800,000 had been delivered, equivalent to 8.5% execution of the total allocated for the political debt.²⁵ Once again, the OAS/EOM observed a political debt application process that was needlessly complex, along with a lack of timely action by State institutions for political groupings to access those resources. The Mission reiterates the findings and recommendations contained in its first preliminary report on this matter.

In addition, opposition political organizations stated that public officials felt intimidated and fearful of being removed or relocated from their posts simply due to their political preferences, which the OAS/EOM views with concern, and warns that in a democracy the separation between the State and the governing party is fundamental.

²² Preliminary Report of the OAS Electoral Observation Mission in El Salvador (February 6, 2024). See: <https://www.oas.org/fpdb/press/INFORME-PRELIMINAR---Informe-preliminar-de-la-Mision-de-Observacion-Electoral-de-la-OEA-en-El-Salvador.pdf>

²³ Second Preliminary Report of the OAS Electoral Observation Mission in El Salvador (February 21, 2024). See: <https://www.oas.org/fpdb/press/Segundo-Informe-Preliminar-MOE-OEA-El-Salvador---Feb2024-Distribuido.pdf>

²⁴ Preliminary Report of the OAS Electoral Observation Mission in El Salvador (February 6, 2024). See: <https://www.oas.org/fpdb/press/INFORME-PRELIMINAR---Informe-preliminar-de-la-Mision-de-Observacion-Electoral-de-la-OEA-en-El-Salvador.pdf>

²⁵ Informe Preelectoral Elecciones de Concejos Municipales y PARLACEN (Observa El Salvador 2024, p.8). See: <https://drive.google.com/file/d/1R0QH46tadfpkDwACREPbaUvOFBzih-h/view>



The Mission also observed that the campaign was marked by violence on social networks directed against women candidates for mayor, and even against recently-elected opposition women legislators. The section on women's political participation addresses in detail the problem of violence against women in the campaign.

ELECTION DAY

The OAS/EOM observed how election day unfolded at the polling stations in the country's 14 departments and the capital, from their installation and opening to the vote count and transmission of results. The Mission witnessed an election day which, in general terms, unfolded normally.

Nonetheless, from early hours of the morning at specific voting centers, accredited members of some JRVs reported having been supplanted by unaccredited persons, even when they arrived at the time indicated to take their place as members.²⁶ In addition, candidates complained from before the elections²⁷ that citizens changed the residence on their IDs (DUI: Documento Único de Identificación) to be poll-watchers at polling stations) where they did not reside, and to be able to vote there for municipal councils, when they could only vote for PARLACEN. The OAS/EOM received two complaints, one for each of these situations, on election day.

In the majority of the polling centers visited by the Mission, both the security forces and personnel from the Attorney General's Office (FGR: Fiscalía General de la República) were present.

The Mission also observed that, at some voting tables, persons without proper credentials were present, giving instructions and even handling electoral materials without being authorized to do so. This happened when members of the JRV were present.

At the beginning of the day the OAS/EOM verified the time the polling stations opened. On average they did so at 7:09 a.m. According to information from the Supreme Electoral Tribunal, at 8:30 a.m. the 1,595 polling centers (100%) had reported that they were set up and fully operational with all materials necessary for the day. In addition, the OAS/EOM noted that the polling stations had the number of members per table required to be able to operate. In addition, it found that most of the tables were made up primarily of women. It also observed that pregnant women and/or women with children were not prioritized when they arrived to vote although preference was given to older persons and persons with disabilities and/or reduced mobility.

²⁶ See: <https://diario.elmundo.sv/politica/miembros-acreditados-de-jrv-denuncian-suplantacion-en-universidad-albert-einstein>;
<https://www.elsalvador.com/noticias/nacional/incidentes-antiguo-cuscatlan-elecciones-municipales/1126846/2024/>

²⁷ See: <https://www.elsalvador.com/noticias/nacional/milagro-navas-denuncia-cambio-de-residencia-empleados-publicos/1125846/2024/>;
<https://www.laprensagrafica.com/elsalvador/Polemica-en-La-Libertad-Este--por-senalamientos-de-fraude-electoral-20240228-0079.html>



While most of the voting center facilities were adequate for holding the election, the members of the OAS/EOM observed that in some of the polling stations the right to a secret ballot was compromised by the incorrect location of the voting screens.

The Mission also noted the presence of poll watchers from political parties in the electoral centers on election day. At the polling stations observed by the OAS, observers reported, as in the presidential and legislative elections, an overwhelming presence of poll-watchers from the Nuevas Ideas party compared with other political groupings.

On the morning of the elections the OAS/EOM learned that the web application for consulting where to vote had difficulties for approximately two hours (from 9:00 a.m. to 11:00 a.m.). Upon checking its functioning, it was observed that it could perform incorrectly when making consecutive queries with more than one ID number. This situation was reported to the Informatics Services Unit (USI), which later confirmed that the problem had been solved.

At 11:00 a.m. the president of the TSE reported in a press conference that the National Police had arrested a person in the district of Santiago Nonualco, municipality of La Paz Centro, for an alleged electoral offense. In addition, regarding the media she advised that “access for the press is guaranteed on election day,”²⁸ just as it is for national and international observers.

Throughout election day the Mission observed low participation by voters. The voter turnout, which no estimate placed over 30%, represents a significant decline compared to the legislative, municipal, and PARLACEN elections of February 28, 2021 (48.9%).²⁹

As it has done in other elections in the region with such a low level of participation, the OAS emphasizes the importance of considering each election as an opportunity for citizens to make their voices heard. In this regard, given the dimension of the challenge, it urges the various actors to pool their efforts in order to reverse this disconnection between representatives and the represented.

Regarding other issues reported during the day, OAS observers witnessed voters being transported and detected some problems with the sequence numbers of the ballots for PARLACEN representatives. In addition to the two complaints mentioned above, the Mission received three others regarding an assault on a journalist and vote inducement. The Asociación de Periodistas de El Salvador (APES) reported that by 12:00 noon they had recorded 55 attacks on journalists the day of the election, most of which consisted

²⁸ Official X account of the TSE (@TSEElSalvador). March 3, 2024. See: <https://x.com/TSEElSalvador/status/1764356536933974244?s=20>

²⁹ Election statistics (TSE, July 25, 2023). See: <https://info2024.tse.gob.sv/TSE/Estad%C3%ADsticas-electorales>



of “restricting the press, intimidation, threats, harassment, persons being stopped arbitrarily, and stigmatizing statements, among others.”³⁰

At 4:00 p.m. the members of the Mission reported that most of the polling stations observed had already received the equipment for the tally and transmission of results.

When the polling stations closed at 5:00 p.m. as scheduled, the Mission witnessed a slow process of tallying and transmitting results.

More than one hour after the polling stations closed, the OAS/EOM observed that the collegiate body was still issuing to the temporary electoral bodies, via social networks, instructions and amendments on the process for transmitting and retrieving election materials.³¹ It was also aware of the circulation, on social media, of a decision by the TSE collegiate body that the media could remain at the polling centers until 6:30 p.m.³² In response to this decision the OAS Chief of Mission issued a reminder, on social networks, of the importance of the journalistic role for the transparency of the count, transmission, and final tally,³³ to which the TSE responded clarifying that the media could cover the preliminary tally without any time limitation, so long as it respected the work space of the polling stations.³⁴ All of this demonstrates the disjointed nature of communication between the TSE and the temporary bodies, at the same time as it reflects the lack of clear, pre-established and previously communicated electoral instructions.

At 8:00 p.m., three hours after the polling stations closed, there were no processed tally sheets for any of the positions. This situation led candidates in some municipalities to proclaim themselves winners without yet having official results from the TSE. The Mission also learned of the pronouncement by the president-elect regarding the results.³⁵ Such proclamations without official data by those who hold public office influence public opinion and the institutional course of the vote count, generating expectations that could subsequently change, and discouraging parties from overseeing the post-electoral phase.

³⁰ Official X account of APES (@apeselsalvador). March 3, 2024. See:

<https://x.com/apeselsalvador/status/1764375170838397194?s=20>

³¹ Official X account of the TSE (@TSEElSalvador). March 3, 2024. See:

https://twitter.com/tseelsalvador/status/1764446433451671855?s=46&t=Eq-J-R4QRfF2_R2w78sZnA

³² Official X account of La Prensa Gráfica (@prensagrafica). March 3, 2024. See:

<https://twitter.com/prensagrafica/status/1764450166331801838?s=20>

³³ Official X account of Isabel de Saint Malo (@IsabelStMalo). March 3, 2024. See:

<https://twitter.com/IsabelStMalo/status/1764456894427509150>

³⁴ Official X account of the TSE (@TSEElSalvador). March 3, 2024. See:

<https://twitter.com/tseelsalvador/status/1764459850308751574?s=48&t=MvUwO2bCM-e7ERS5jfBcoQ>

³⁵ Official X account of Nayib Bukele (@nayibbukele) See: <https://x.com/nayibbukele/status/1764473353752949131?s=20>



While the OAS/EOM observed that the TSE was slow to release results, this announcement is the exclusive prerogative of the electoral authority. That candidates and other branches of government assume this power of the electoral organ, based on unofficial sources, disregards the supreme nature of the TSE and demonstrates a lack of institutionality and solemnity, which should prevail in electoral processes.

As regards the procedure for tallying the votes, OAS observers reported a lack of uniformity as some polling stations began by counting the votes for members of the PARLACEN, as the law stipulates, whereas others counted the votes for candidates for municipal councils first.

At 8:15 p.m. the results of the municipal elections began to be released. From that moment on, one could consult the first official figures at the TSE website; they reported that 5.26% of the tally sheets had been processed nationwide (451 of 8,562). Even though on this occasion there were improvements in the vote counting process, which made it possible to release preliminary results compared to the presidential and legislative elections held in February, the processes of transmission and dissemination were slow. At 12:00 a.m. on March 4, seven hours after the polling places closed, just 40% of the tally sheets for the municipal election had been processed and released by the TSE. At 6:15 a.m. that same day, 78.1% of the tally sheets for mayors and 77.9% of those for PARLACEN had been processed.

FINDINGS AND RECOMMENDATIONS

The Mission met with political actors, electoral authorities, candidates, and representatives of civil society organizations to learn about the preparations and their perspectives on the elections, in addition to collecting information on the ground related to its observation work.

In the interest of supporting the strengthening of Salvadoran democracy, based on a detailed analysis of the current legislation; of the data collected by its specialists and observers; and of the information received from different institutional, political, and social stakeholders, the Mission presents its preliminary findings and recommendations in the following substantive areas: electoral organization, electoral technology, and women's political participation.

I. Electoral Organization

Informed Vote

The Mission observed that although members of municipal councils are elected from a total of 3,362 competing candidates, the citizenry only had access, through the TSE, to the names of the 319 candidates for mayor.³⁶ This was due to the lack of a consolidated list of candidates for administrator (*síndico/a*) and

³⁶ Guía de Elecciones 2024 El Salvador - Sufragio nacional (TSE, December 22, 2022). See: <https://info2024.tse.gob.sv/elecciones-2024/inicio>



local council member (*regidores/as*) at the national level, which was both public and available to voters. The OAS/EOM learned that this is in part a negative holdover from the time when the municipal councils were not plural, and, therefore, the candidates for mayor figured preponderantly. In addition, no information was received on public debates among mayoral candidates.

In order to promote an informed vote and foster the plural nature of the municipal councils, the Mission recommends:

- Creating tools for citizens to consult on the candidates registered for all municipal positions, including information on the district they represent.
- The TSE should promote the holding of public debates featuring the candidates competing for office so they can make their proposals known.

Constitution of the Polling Stations (Juntas Receptoras de Votos) and Exercise of Electoral Oversight

The OAS/EOM observed that the members of the polling stations were mostly the same ones designated for the February 4 elections. In all, 85,620 persons were convened, including both principals and alternates, 60% of whom were named by the political parties, while the other 40% were citizens whose names were drawn by lot by the TSE.³⁷ This was done because the political parties had difficulty completing their proposals for members of the polling stations.

The Mission learned that on February 27, in the period between the first and second elections, and five days before the elections were to be held, seven political parties requested changes to the set of names they submitted to serve as members of the JRVs.³⁸ While in the press release the TSE had established February 23 as the deadline for making such substitutions,³⁹ the collegiate body told the Mission that it was obligated by the Electoral Code to make substitutions up to one day before the election.⁴⁰ The TSE approved a total of 1,253 substitutions requested by the political parties on February 27, five days before the elections were held. The OAS/EOM stresses that while the political groupings have the right to replace members of JRVs, doing so just a few days before the elections makes the electoral process more cumbersome.

³⁷ See: <https://www.laprensagrafica.com/elsalvador/TSE-elige-a-103-mil-ciudadanos-para-Juntas-Receptoras-de-Votos-nacionales-y-del-exterior-20231214-0050.html>

³⁸ The following parties requested substitutions ARENA, NI, GANA, FMLN, PDC, PCN, and CD.

³⁹ Official X account of the TSE (@TSEElSalvador). February 21, 2024. See: <https://twitter.com/TSEElSalvador/status/1760318805044080677>

⁴⁰ According to the interpretation of Article 115 of the Electoral Code, which says that the members of JRVs “shall be appointed within eight days following the date of their proposals,” without establishing a maximum term for making applying for substitutions.



Even though the requests represented 3% of the titular members of the JRVs, the OAS/EOM observed that these changes just a few days before the elections gave rise to a series of problems that could have been avoided. Thus, for example, the electoral organ had to verify that these persons met the requirements in just a few days and issue credentials in a hurried fashion. Also, there was no time for these new members of the JRV to be trained, as mandated by the election laws.⁴¹ Once notice was given of the substitutions, political groupings complained because not all their requests were approved and there was no justification concerning the ones rejected.⁴² This meant that two days before the elections some members of the collegiate body asked for explanations from the person in charge of the Informatics Services Unit (USI) of the TSE about the rejection of substitutions in the system, which in turn delayed other processes involving electoral technology.

The Mission also observed that the temporary bodies and the citizenry in general did not have a clear understanding of different issues related to the members of the JRVs, such as who would exercise this role (despite the fact that the TSE set up a site for checking who had been selected), when the members of the JRVs for the February 4 elections would be paid,⁴³ and whether the credentials from the first election would continue to be valid for the second one. On this last point, on February 29, two days before the elections, the TSE issued a press release clarifying the validity of the credentials, the substitution of members, and payment for members of the JRVs.⁴⁴ All the foregoing denotes the absence of clear, timely, and continuous communication by the TSE with the temporary bodies and the citizenry, as well as a high level of dependence on social networks for transmitting information. It should be noted that access to social networks is limited in several parts of the country.

In order to improve the process of constituting the JRVs, the Mission recommends:

- Establishing a maximum and reasonable time limit for members of political parties to request substitutions of JRV members, other than for causes of *force majeure*, in both individual elections and when there are consecutive elections.
- That the TSE establish varied, timely, and permanent communication channels and mechanisms with the temporary bodies and the citizenry regarding the composition, functions and remuneration of JRV members.

The Mission also observed that the reconfiguration of the Salvadoran political-electoral landscape has resulted in the disappearance of the mutual checks and balances exercised by the majority political forces in elections since the signing of the Peace Accords in 1992, including in the JRVs.

⁴¹ Electoral Code, Article 101.

⁴² See: <https://www.elsalvador.com/noticias/nacional/arena-la-libertad-elecciones-2024-tse-sustituciones-jrv/1126637/2024/>

⁴³ The TSE had yet to make the payment of the members of the 2,050 JRVs that did not transmit any tally sheet on the day of the presidential election.

⁴⁴ Official X account of the TSE (@TSEElSalvador). February 29, 2024. See: <https://twitter.com/TSEElSalvador/status/1763298726083166557>



At the same time, it was observed that the governing party held a dominant position in the different critical stages of the electoral process, and, on occasion, over the electoral institutions. In some instances, representatives of that political grouping were observed giving orders at the provisional facilities of the TSE in San Salvador, at the polling centers, and in the JRVs, abusively exercising their right to serve as poll watchers and performing functions that by law do not correspond to them.

In this respect, the Mission notes that the day before the election, the collegiate body urged that electoral oversight be exercised within legal limits,⁴⁵ although this did not have much effect on the controlling behavior of the governing party. This conduct, moreover, was visible since the February 4 election and throughout the electoral process.

In that context, the Mission also observed that even though the opposition political parties have the constitutional right to oversee the entire electoral process, this oversight was practically non-existent in the electoral preparatory activities. It was noteworthy that the opposition political groupings did not occupy all the poll watcher positions that they could have by law, which was detrimental to the quality of the electoral process.

The OAS/EOM notes that several of the concerns expressed by the political groups in the meetings convened, could have been directly observed by them and, if applicable, they could have demanded that the TSE take corrective measures.

All the foregoing introduced inequities and distortions in the election process, while also fueling distrust in the electoral authority.

The Mission recognizes, however, that the opposition political parties stated that they had difficulties accessing advances of the political debt and advances to pay their poll watchers, and that citizens stated that they were fearful of working with opposition parties.

In this context the Mission recommends:

- Moving towards a citizen model of the electoral authority, including the collegiate body, the temporary bodies, and the JRVs.
- That the TSE establish with greater clarity which functions correspond to the Tribunal, and which correspond to the political parties in the electoral process.

⁴⁵ Official X account of the TSE (@TSEElSalvador). March 2, 2024. See: https://twitter.com/tseelsalvador/status/1764128538926415962?s=46&t=Eq-J-R4QRfF2_R2w78sZnA



- That the TSE have effective tools to ensure that the exercise of oversight is done in accordance with the law.
- That the TSE, in conjunction with the political groups, strengthen the institutional mechanisms for electoral oversight, particularly by providing the Electoral Oversight Boards (JVE: Junta de Vigilancia Electoral) the resources needed to operate.
- That the TSE's collegiate body establish reinforced, effective, and permanent channels of communication with the JVE.

Training

The Mission learned that on February 24 and 25, 300 workshops were held that included the participation of 4,787 members of JRVs who had not been trained before the presidential election.⁴⁶ Nonetheless, it observed that short refresher courses were not organized for the 76,000 persons who had already received training in the legislative and presidential elections.

While the operations of the JRVs were quite similar in both elections, there were some particularities in this process that distinguish it from the February 4 elections. First is the order of the count, which on this occasion was to begin with the ballot for members of PARLACEN. In addition, changes were made to the transmission system with which the members of the JRVs had to become familiar. This is why the TSE approved having the 415 training facilitators and coordinators deploy in the polling centers and provide information and support to the JRVs.⁴⁷

In order to guarantee the optimal functioning of the JRVs, the Mission recommends:

- Training the members of the JRVs in each election process, in-person or virtually, even when they have participated in previous elections, as each election has its particularities.
- Establishing and complying with dates in the electoral calendar for training JRV members, both in-person and virtually, for all the elections in case of consecutive elections.
- Creating the position of facilitator for each polling center, under the TSE, entrusted with clarifying doubts and providing support to JRV members.

⁴⁶ Total number of persons trained, according to figures provided by the TSE.

⁴⁷ Memorandum SG48/18, February 21, 2024.



Security and Distribution of Equipment and Electoral Material

Unlike the presidential election, in which monitoring was done by forms and calls, in this election a mobile application was implemented, along with zoned WhatsApp groups, for the reports by those in charge of polling centers at the Bureau of Electoral Organization (DOE: Dirección de Organización Electoral).

The OAS/EOM notes that this tool enabled the DOE to have real-time information on 19 different logistical processes, among them the setup of the polling center, the deployment of the material, and the opening of the JRVs, among others.

Nonetheless, the Mission observed that the monitoring focused only on logistical issues, and that there was no mechanism for reporting other types of incidents such as irregularities in the makeup of the JRVs, accreditation of poll-watchers, or political proselytizing.

For these elections the JRVs received three boxes of electoral material: the electoral packages, the technology kits, and the pouches for transmitting the ballots.⁴⁸ The Mission learned that the Bureau of Electoral Organization (DOE) was in charge of preparing and distributing the electoral packets, and the Informatics Services Unit (USI) the equipment and materials for transmission, which meant that each office developed its own logistics arrangements, label or tag design, and timetable for distribution.

With respect to the electoral packages, the OAS/EOM observed that the process of compiling and delivering them to the JEDs was completed on February 26. Nevertheless, the Mission noted that the packages were sealed using common packaging tape, and did not have unique sealing mechanisms such as locks or adhesives (which they had in the 2021 elections). The packages were verified manually, and this was certified through certificates of delivery and receipt. On election day the persons in charge of the polling centers had a mobile application for reporting 19 processes, including the deployment and retrieval of material.

On the other hand, the kits for transmission were prepared up to the eve of the election. The Mission observed that 79 kits from nine different sites arrived with the security seals broken, or with detached labels. The TSE ordered that the equipment be replaced, which meant one additional process for electoral logistics, which was already working with tight deadlines. The kits were distributed at the polling centers from the day before the election.

In order to improve electoral logistics processes, the Mission recommends:

- Standardizing procedures for packaging, securing, and distributing electoral material and technological equipment in order to save institutional resources.

⁴⁸ Official YouTube account of the TSE (TSE El Salvador). See: https://www.youtube.com/watch?v=9GfSnKoot0Q&ab_channel=TSEElSalvador



- Extending the use of the mobile application to report incidents and irregularities during election day.

Likewise, in order to ensure the security of the electoral material, the Mission reiterates the recommendations made in its first preliminary report:

- Having standardized identification labels and security seals for all the components of the electoral material, which are of good quality and contain special characteristics such as screening, codes, or logos that confirm the integrity of the material.
- Strengthen the implementation of traceability mechanisms for electoral materials at all stages of the process.

Payment of Party Poll Watchers

The right of political parties to monitor the entire electoral process is guaranteed in the Political Constitution.⁴⁹ In order to exercise this right on election day, the legislation establishes that the TSE will pay party poll watchers once the elections are held, or, instead, political parties may request an advance in order to pay their poll watchers and then be reimbursed by the TSE, for which they must provide a sufficient surety.⁵⁰

Several political actors with whom the Mission met stated that they had difficulties accessing this advance, both because additional requirements were imposed and because, in some cases, the surety was insufficient.

The OAS/EOM learned that only the ARENA party accessed this advance. It also received complaints about the possible direct payment to the poll watchers of 2,050 JRVs who worked in the presidential and legislative elections based on the opening minutes, and not the closing and preliminary tally minutes, as established by law, since those JRVs were unable to prepare the closing tally sheets.

The Mission understands that it is the TSE's prerogative to evaluate the requirements and the surety offered, yet it notes the absence of a clear regulation for requesting the advance payment, that establishes specific requirements and the percentage of the surety, and that is available to the parties on the TSE's website. In this regard, the Mission recommends:

⁴⁹ Constitution, Article 209.

⁵⁰ Electoral Code, Article 111.



- That the TSE issue a regulation that clearly establishes the procedure and the specific requirements for requesting advances for paying poll watchers, in line with the simplified procedure provided by the Electoral Code, and that the TSE publish it on its website.
- That the TSE socialize this regulation with the persons in charge of the finances of political parties with due lead time before an electoral process.

II. Electoral Technology

Tally, Transmission, and Dissemination of Preliminary Results

The Mission recognizes that the TSE, both the collegiate body and its technical staff, was open to receiving observations and recommendations from its specialists throughout the electoral process. Specifically, it recognizes the convening of a meeting on Thursday, February 29, to reiterate some of the observation findings identified up to that date in order to improve the technological processes in place and ensure the transmission of results on election night.

In that regard, substantial changes were observed in the system for tallying and transmitting the preliminary results, compared to the February 4 elections. The main change was the decision not to use the online mode as the main method for processing the results. Instead, offline processing was chosen, which made it possible to process the results locally on the JRVs' computers.

While this change made it possible to have preliminary tally sheets and to process nearly 80% of them,⁵¹ the OAS/EOM observed that the TSE did not conduct simulations to evaluate how this change functioned at the different polling centers, which prevented it from knowing in advance the correct performance of the platforms and the systems. Similarly, it was observed that the connection tests to the 25 logistics centers that functioned as transmission centers in case of any contingency were scheduled for the day before the elections, which is contrary to good practices in this regard. The same happened with the load and stress tests of the application and infrastructure that were observed, which were conducted less than 48 hours before the start of election day. However, the personnel who conducted them did have sufficient knowledge and the basic tools to conduct them.

Regarding socialization of the changes made to the tally and transmission processes, there was no timely and effective training of JRV members responsible for these processes. This translated into a high number of calls to the call center on election night to receive guidance and instructions on how to proceed.

For future electoral processes, the Mission recommends:

⁵¹ Cut-off as of March 4, 2024, 2:00 p.m.



- Conducting stress and load tests, as well as functional tests, of all components of the system (including verifying the control of data and information entered and the correct tallying and dissemination of the results) in order to evaluate its operation with sufficient lead time to make corrections before election day.
- Having a formal testing plan and sufficient time to execute it.
- Having formal test plans to evaluate its objectives, scope, performance, and results.
- Complying with the deadlines in the electoral calendar for making changes to the systems.
- Integrating electoral calendar deadlines for system changes with plans for training technical personnel and the members of the JRVs.
- On election night, improve the dissemination time for preliminary results and increase the percentage of tally sheets processed in the preliminary count.

During the process of zeroing the system at 3:45 p.m. on election day, in which the contents of the database were verified to confirm that they did not contain information, it was detected that the server's time did not match the current time. For future zeroing processes, the Mission recommends:

- Verifying the time in all components of the system and maintaining automated procedures that adjust the time according on the time zone used in El Salvador.

Finally, regarding the dissemination of results, it was observed that at 10:35 p.m. the website earmarked for this purpose began to operate intermittently. The staff of the Informatics Services Unit (USI) reported that a distributed denial-of-service attack (DDoS) had occurred, which was mitigated by the security team, thus allowing the publication of results to continue.

After 11:00 p.m. it was observed that the release of results was sluggish. Although the system had a larger percentage of tally sheets received than those published, the process of consolidation and publication was delayed. USI staff reported that this was due to the fact that server resources were being prioritized for the receipt of tally sheets, which negatively affected the processes necessary for publication.

At 11:21 p.m. it was reported that at some polling centers, where a red label should have been placed on the JRV equipment that could not transmit, this was not done.

In order to improve the results dissemination process, the Mission recommends:



- Reviewing the planning of the server infrastructure setup in order to keep the processing and dissemination services separate, which would allow sufficient resources to be allocated to each, without making them dependent on each other.
- Including actions in the test plan that make it possible to simulate load scenarios similar to the electoral process, which would improve processes and make them more efficient.
- In case of a change in software, reinforce training for the JRV personnel and provide quick reference documents detailing the different elements required for the electoral process, as well as the actions to be taken in the event exceptions are requested.

Preparation of the Technological Equipment

In the process of cloning and preparing the technology kits, there was no automated system to ensure that the laptop computer, after configuration, had the latest version of the image and programs installed. Instead, these verifications were carried out visually by quality control personnel.

Finally, the OAS/EOM found that technology kits were sent without tags (labels) placed on the boxes, which jeopardizes the proper delivery of the equipment, and could affect the unfolding of the electoral process at specific polling centers.

In order to guarantee the correct preparation of the technological equipment, the Mission recommends:

- Reinforcing controls in the areas of logistics and dispatch of the technology kits so as to ensure detailed follow-up on their configuration, cloning, dispatch, and distribution.

III. Electoral Justice

As noted in the preliminary report for the presidential and legislative elections of February 4, the OAS/EOM heard numerous concerns about the deficient actions of the TSE, both in its administrative and jurisdictional functions, which prevented it from having an effective electoral justice system that would guarantee conditions of fairness, legal certainty, and juridical security. That circumstance was also noted in these elections, especially with the events and incidents that occurred during the campaign, which helped to shape an inequitable pre-electoral phase with multiple complaints about violations of the applicable law.

Various social and political groupings shared with the OAS/EOM their discontent with the inaction of the TSE, the temporary bodies (Departmental Electoral Boards – JED [Juntas Electorales Departamentales] and Municipal Electoral Boards – JEM [Juntas Electorales Municipales]) and other state oversight



authorities, in enforcing the rules prohibiting illegal campaigning (early or negative campaigning),⁵² government advertising during campaign time,⁵³ and taking advantage of the position to engage in party politics (in the case of public officials and employees).⁵⁴

Out of approximately 40 cases of illegal propaganda reported to the TSE, in only 17 did the TSE issue precautionary measures (without getting into the merits), while in the rest either nothing more was done regarding the cases, or there is no way to find out whether they were admitted or dismissed.⁵⁵ Likewise, between January 29 and February 23, there were 235 cases of possible use of public resources in election campaigns for municipal government offices.⁵⁶ Several representatives of political parties and candidates also told the OAS/EOM that their advertising was damaged or removed illegally by both local authorities and supporters of other parties.

Regarding these actions and incidents, it is important to note that the TSE has an Election Advertising Monitoring Committee, made up of employees of the institution, to detect all types of illegal campaigning. Thus the collegiate body, together with the Adjudicative Bureau (Dirección Jurisdiccional), is in charge of analyzing whether or not there was a violation of the election law. Despite the formal existence of this Committee, the OAS/EOM observed a passive stance by the electoral authority in enforcing legislation and preventing the development of a campaign marked by illegal conduct, thereby generating conditions of inequity among the candidates, and indirectly encouraging political parties and their supporters to violate the law and intimidate their political rivals.

The Mission emphasizes that the issue of illegal campaigning was a recurring one in the various meetings it held, and calls for this control to be exercised in future elections in order to avoid the normalization of illegal and intimidating campaigns.

In relation to this finding, as well as others throughout this report, the political actors stated that they were defenseless in the face of the TSE's inaction and lack of response and decision, which fuels not only distrust in the collegiate body but also a culture of non-reporting.

The OAS/EOM views with concern that a large number of petitions, consultations, and written communications of political parties receive no substantial response from the TSE; in some cases, they do not receive any response. This conduct jeopardizes the right to petition and the existence of effective remedies in electoral matters. Similarly, it violates the principles of transparency and publicity that should prevail in electoral matters.

⁵² Electoral Code, Articles 173 and 175.

⁵³ Electoral Code, Article 178.

⁵⁴ Constitution, Article 218; Electoral Code, Article 184.

⁵⁵ Informe Preelectoral Elecciones de Concejos Municipales y PARLACEN (Observa El Salvador 2024, p.8). See: <https://drive.google.com/file/d/1R0QH46tadfpkDwACREPbaUvOFBzih-h/view>

⁵⁶ Id.



In order to improve the administration of electoral justice in El Salvador, the OAS/EOM reiterates the recommendations made in its first preliminary report, and issues new ones:

- Strengthening the jurisdictional area of the TSE, with more personnel possessing the necessary specialization in electoral justice.
- That the TSE strengthen the procedures for responding to complaints and other submissions made by candidates and political groups.
- Developing in a more detailed manner the norms applicable to the means of challenge established in the electoral legislation, ideally through approving a law on electoral procedure that addresses the matter.
- Modifying the deadlines for resolving the sanctioning procedure so that it is brief and is definitively resolved during the electoral process.
- Making electoral jurisprudence available to the public, systematizing it thematically, so that it is fully and easily accessible.
- Making available to the public information about the progress of cases presented to the TSE.

IV. Women's Political Participation

Conditions of Access and Participation

In 2013, a 30% gender quota was introduced in Salvadoran law for the composition of the lists for deputies in the Legislative Assembly, PARLACEN, and members of the municipal councils.⁵⁷ However, in practice this affirmative action loses effectiveness for three main reasons. First, because there is no position mandate; second, because it applies to the list for both principal and alternate candidates;⁵⁸ and third, because the electoral system includes open and unblocked lists⁵⁹ for the legislative election and PARLACEN.

Due to the absence of preliminary results during the legislative and presidential elections, the Mission's first preliminary report could not account for women's political participation in the new Legislative Assembly. According to the official data for the final count, 19 women were elected as principal legislators (31.6%) out of a total of 60, an increase of two percentage points in relation to the women elected as

⁵⁷ Law on Political Parties, Legislative Decree 307.

⁵⁸ Law on Political Parties, Article 38.

⁵⁹ Código Electoral, Article 185.



principals in the previous elections. In addition, for the first time the result attained and surpassed the 30% quota in the results for women elected as principals. For the Mission, while achieving the quota represents progress in the political participation of Salvadoran women, this should not be taken as a ceiling but as a floor, and, therefore, it is important to continue advancing towards the full and equal participation of women.

As regards the election of municipal councils, there was a slight increase in the percentage of women candidates for mayoral office (18.5%) with respect to 2021 (17.2%). Even so, the number of women candidacies for mayor in these elections (59, or 18.5%) continues to be extremely low compared to the number of male candidates (260, i.e. 81.5% of all candidacies). According to preliminary estimates,⁶⁰ in this election eight women were elected: five for Nuevas Ideas, 1 for GANA, 1 for Fuerza Solidaria, and 1 for ARENA, which also represents a slight increase (18%) compared to 2021 (17.2%). These data, however, indicate the underrepresentation of women in positions of local authority in El Salvador.

While the OAS/EOM observed that the 30% quota is complied with in the registration of municipal corporation slates, which includes the mayor's office, in the absence of a position mandate, women are primarily candidates for local council seats, and mainly for alternate local council seats.

In the case of the election of deputies to PARLACEN, of the 160 candidates, 83 were women, i.e. 51.8%, compared to 77 men, or 48.2%.

The Mission reiterates the recommendation made in its first preliminary report, to:

- Carry out the pertinent reforms to move promptly towards vertical and horizontal parity, applicable to the lists of titular candidacies and establishing a position mandate.

Financing for Women's Political Participation

Regarding the existing barriers to accessing candidacies, various stakeholders and women candidates with different political affiliations told the Mission of the enormous difficulty in financing their electoral campaigns due to the difficulties accessing the political debt, in general, and specifically the non-existence of public financing reserved for promoting women's political participation and their campaigns. Therefore, it is the women candidates themselves, in local contexts where women have less access to resources, who must finance their campaigns with their own resources, loans, and donations, among others. In addition, with the recent municipal reorganization, campaigns became costlier due to the need to campaign in a larger area. In this respect, the Mission reiterates its recommendation to:

- Establish, in the legislation, a specific percentage of public financing earmarked for the political education and training of women and support their election campaigns.

⁶⁰ National Democratic Institute (NDI) and Asociación de Regidoras y Alcaldesas de El Salvador (ANDRYASAS).

Political Violence against Women

Authorities and various political and social actors agree that political violence against women is a growing, systemic phenomenon, especially on social networks, and that it constitutes one of the main barriers to women's access to and continuity in politics.

As mentioned in the preliminary report of February 6, civil society organizations have recorded the various forms of violence that women suffer due to their political participation and the magnitude of this phenomenon.⁶¹

The Mission observed that all the women candidates with whom it met, from the different political parties, said they had suffered some type of violence during the current election campaign, especially violence in social networks, where they are attacked, denigrated, defamed, and mocked, among other actions. They also said their rights were violated by the removal of their political ads by municipal authorities. In most cases women have not reported gender-based political violence, some out of fear, others because they are unaware of the specific process, and others because they believe their complaints will not be addressed, as has already occurred in several cases. The OAS/EOM rejects all use of violence that is detrimental to women's political participation.

At the same time, it notes as major progress that in 2021 Article 10 of the Special Comprehensive Law for a Life Free from Violence for Women (LEIV) was amended to include political violence as one of the forms of violence against women.⁶² Nonetheless, the OAS/EOM took note that despite its inclusion, no sanctions were established.

In addition, for the current electoral process the TSE developed a "Protocol for Prevention and Attention to Women Victims of Political Violence." While the protocol is already in force, it has not been duly promoted, nor have the institutions involved coordinated among themselves, thus the number of complaints has been minimal: 11 lodged with the TSE and one with the Attorney General's Office.

In view of the foregoing, the Mission recommends:

- Introducing in the LEIV and its complementary laws elements for preventing, punishing, and adopting a comprehensive approach to political violence against women.
- Fully implementing the "Protocol for Prevention and Attention to Women Victims of Political Violence" through inter-institutional coordination and harmonization and the establishment of specific assistance guidelines.

⁶¹ See: https://andrysas.org.sv/wp-content/uploads/2024/02/Informe_Violencia_politica.pdf

⁶² LEIV, Article 10.



- Creating an Observatory of Political Violence against Women that keeps records of and follows up on complaints, generates statistics, analyses, and information that allows for the design and implementation of public policies and concrete actions to fight this problem.

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