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REPORT TO THE PERMANENT COUNCIL¹
ELECTORAL OBSERVATION MISSION
Plurinational State of Bolivia
Constitutional Referendum
February 21, 2016

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Representatives of OAS Member States and Permanent Observers

Background

On November 5, 2015, the Secretary General of the Organization of American States (OAS), Luis Almagro, received an invitation from the Supreme Electoral Tribunal (TSE) of the Plurinational State of Bolivia to deploy an Electoral Observation Mission (EOM) to observe the Constitutional Referendum held on February 21, 2016. The OAS Secretary General accepted the invitation and appointed Leonel Fernández, former President of the Dominican Republic, to head the Mission. This Mission follows 15 electoral processes observed in Bolivia by the OAS since 1966, including the referendums of 2004, 2006, 2008, and 2009. Although this is Bolivia's sixth referendum, it is the first to decide on a transitional amendment of the constitution through an exercise in direct democracy. As the transfer of power is an intrinsic element of the exercise of democracy, it is understandable that the people be consulted concerning the possibility of deciding about such a key aspect of the institutional structure of the country.

The referendum consulted the Bolivian people concerning modification of the article in the Constitution that establishes the number of consecutive re-elections for Presidents and Vice-Presidents. The question asked was: Do you agree with amending Article 168 of the Political Constitution of the State so that the President or Vice President of Bolivia can be consecutively re-elected twice? The OAS Mission considered that the question was clear and comprehensible, and for that reason helped facilitate the participation and decision of Bolivian citizens at the polls.

Pre-electoral phase

The OAS mission started work in situ in the first week of February, 2016, with a preliminary visit by the Head of the Mission to the Plurinational State of Bolivia. During the visit, there were meetings with President Evo Morales and members of his cabinet, electoral authorities, and political parties. The objective of these meetings was to gather information about how the Constitutional

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Referendum was being organized, observe the atmosphere surrounding the electoral campaign, and get to know the positions of the main political players.

One week before the voting, the OAS/EOM dispatched 63 international observers and specialists in organizing elections, media, political analysis and direct democracy mechanisms from 17 OAS Member States and 3 OAS Observer countries. Thirty-three of the observers were women and 32 men. Sixty-one observers were deployed in the nine departments of the Plurinational State of Bolivia and two were dispatched abroad. The OAS observers met with government authorities, political parties, and grass-roots social organizations prior to the voting.

Election Day

On February 21, 2016, 6,243,089 Bolivians in Bolivia and 258,990 citizens residing abroad were called upon to decide on whether or not to amend the article in the Constitution referring to the number of times the President and Vice President of the country may be re-elected. The day of the vote, 61 international observers of the OAS were present in all of Bolivia's departments and visited 713 voting stations in 447 precincts. The two remaining observers visited 24 voting stations in three precincts in Virginia and in Washington, D.C. in the United States.

In general, the OAS mission found that the stations they observed opened on time and a large percentage of them had the electoral materials they needed to do the job. Nevertheless, it did take note of specific instances in which the materials were not delivered on time. As a result, these stations opened with significant delays and there were acts of vandalism that led to the voting being canceled in 24 voting stations in the department of Santa Cruz, plus two more in the department of La Paz. These incidents, although isolated events, were magnified via social media networks.

The OAS/EOM considered it appropriate that the Supreme Electoral Tribunal (TSE) issued a resolution authorizing a minimum of eight working hours from the time of opening for the stations that experienced delays, along with a decision that the canceled voting would be conducted at special polls on March 6. In short, the TSE's leadership that day made it possible to find efficient solutions to complex problems and thereby protect citizens' right to vote.

In addition, the Mission ascertained that the voting stations it observed were comprised of the appropriate titular members with a significant presence of delegates representing the different referendum options, and highlighted the equitable participation of men and women, although it did note the absence of national observers in the voting stations. The OAS mission recommends that national observers should be present, as this strengthens citizen participation in electoral processes.

Post-electoral phase:

The process of vote-counting, transmission and disclosure of results proceeded according to the legally-established procedures. Considering the close margin between the two options, the results were made known relatively rapidly. However, the OAS Mission once again noted that, due to the rules that had been established, vote processing was slow and thus prevented the results being known on the day of the vote. It also noted that the publication of exit polls and unofficial rapid vote counts on the polling day triggered uncertainty as to the results of the vote and public demonstrations of mistrust on the part of the different sides taking part in the referendum.

For that reason, the OAS/EOM recommends making the legislative and institutional changes needed to design and implement an official preliminary outcomes mechanism that enables the TSE to declare the results of voting as soon as possible, with a higher degree of accuracy and greater flow of information, thereby avoiding the questioning of the electoral process.

The voting processes canceled in 24 voting stations in the department of Santa Cruz, and in two more in the department of La Paz, were then carried out in special polls held on March 6, 2016. The OAS Mission deployed two international observers to Santa Cruz to observe that process, which it found to be peaceful, well organized, and with high levels of citizen participation.

At the end of the day, out of a total number of 6,502,069 people registered as eligible to vote, 5,490,919 votes were tallied. In other words, 84.45% of the Bolivian electorate took part in the Constitutional Referendum. The OAS Mission congratulates the Bolivian people on its high level of turn-out, civic mindedness, and democratic zeal. As for the vote itself, 2,546,135 Bolivians (48.7%) voted in favor of amending the article in the Constitution, while 2,682,517 (51.3%) voted against; whereby the reform of the constitutional article that sought to modify the number of times the President and Vice President of the country may be re-elected was not approved.

Conclusions and recommendations

Based on its observations and information garnered in situ, as well as meetings with electoral authorities, members of the Government, representatives of the various options, and civil society, the OAS/EOM presents the following conclusions and recommendations:

Organizational aspects of the vote

The EOM recommends improving inter-agency coordination mechanisms in such a way as to strengthen the chain of custody of electoral or polling materials from the time they leave polling stations until they arrive at the vote counting and computation centers.

In regards to training, the Mission ascertained that, as of February 15, 2016, only 53.02% of the Electoral Juries manning the polling stations had received training. The OAS/EOM recommends planning training courses well in advance and putting alternative mechanisms in place to improve Electoral Jury training processes.

The OAS mission noted with concern the moving of the Supreme Plurinational Electoral Tribunal (TSE in Spanish) of Bolivia to Sucre, the capital of the Department of Chuquisaca, due to the failure to appoint new members of the Departmental Electoral Tribunal (TED in Spanish) following the resignation and dismissal of the previous members at the end of 2015. In the opinion of the OAS/EOM, this development and the events that occurred in Santa Cruz point to qualitative disparities in the organization of elections/referendums from one department of the country to another. The way the system is currently set up, there are differences in procedures that should be homogeneous, uniform and standardized nationwide. The Mission considers it important that a review be conducted aimed at achieving better coordination among departmental bodies and the TSE.

The voter registration list

The OAS Mission recognizes the progress made by the current electoral authorities with respect to the voter registration list. Nevertheless, the Mission repeatedly received complaints from all parties to the referendum regarding failure to update the list.

The OAS/EOM considers that the Bolivian electoral system would benefit greatly if it were possible to dispel existing doubts regarding the voter list. In spite of this, we congratulate the current electoral authorities for the tangible efforts in favor of transparency and the strengthening of public confidence.

To that end, the OAS/EOM recommends a comprehensive and in-depth audit of the voter registration list and that a comprehensive, institutionalized system be developed and implemented for screening the list and keeping it continuously up-to-date. The OAS Mission also considers it important that the parties in an election or referendum have access to the voter registration list prior to polling.

Equity during the campaign

The OAS Mission ascertained that there is no direct government financing for the campaigns of the various positions. As a result, they are funded entirely by private money, which poses a risk of inequity. The absence of regulations needed to ensure equitable access of all sides to the media was also noted. It was also observed how the TSE's efforts to regulate that matter, specifically regarding limitations on publicizing public work projects during campaigns, were thwarted by the Plurinational Constitutional Tribunal (TCP).

Accordingly, the OAS/EOM reiterates the 2014 recommendation that a law on political organizations be debated that addresses the issue of inclusive access to the media and campaign financing, with a view to improving conditions for competition. The Mission considers it important that the TSE should have the power to regulate access to the media during any campaign, based on laws currently in force, and that it be an active participant in any reform to that effect.

With respect to the referendum campaign, the OAS Mission observed that the representatives of the various positions freely stated and disseminated the positions they supported. Nevertheless, that freedom was frequently exercised for personal attacks and to exacerbate the negative tone of the campaigns. The OAS mission recommends increasing and promoting opportunities for debate and calls upon the different sides involved in such referendums to focus on the issues of substance posed by the referendum in question.

Overseas voting

The OAS Mission ascertained that, in coordination with the Ministry of Foreign Affairs, the TSE arranged the required logistics and distributed the electoral materials needed for 1,143 polling stations set up in 139 polling centers in 33 countries throughout the world. 31.31% of the 258,990 Bolivians registered to vote abroad took part in the Constitutional Referendum. The OAS mission congratulates those Bolivians living abroad on their participation, acknowledges the TSE's efforts to include all citizens in the polling process, regardless of their place of residence, and invites the electoral authorities to continue down the path of ever-increasing participation.

Acknowledgments

Finally, the Mission wishes to thank the Supreme Electoral Tribunal, the Departmental Electoral Tribunals, and the social and political actors taking part in the referendum for their openness in working with the Mission. It would also like to thank Canada, France, Italy, Korea, Luxembourg, Spain, Turkey, and the United States for their financial contributions.