



Preliminary Report of the OAS Electoral Observation Mission in Ecuador

August 22, 2023

The Electoral Observation Mission of the Organization of American States (EOM/OAS), headed by former Vice President and Foreign Affairs Minister of Panama, Isabel de Saint Malo, salutes the people of Ecuador for holding the early presidential and legislative elections and popular consultations on Yasuní and Chocó Andino this past Sunday, August 20. The Mission underscores the civic commitment and resilience of Ecuador's citizens, while acknowledging the efforts of polling stations members, electoral institution officials, the Armed Forces, and the National Police.

The EOM/OAS included 80 experts¹ and observers representing 20 nationalities, who observed the elections and the popular consultation in 20 of Ecuador's provinces and the metropolitan district of Quito. The Mission analyzed various aspects of the elections, such as electoral organization, electoral technology, political-electoral financing, electoral justice, women's political participation, electoral violence, and the political participation of indigenous and afro-descendant populations. In addition, its experts followed up the recommendations made by earlier OAS missions.

The members of the Mission arrived at the country in stages starting on August 10, 2023 and met with political actors, electoral and government authorities, candidates, and representatives of civil society to learn about the preparations and their perspectives on the elections. These meetings, analysis of regulations and other documents, and direct observation enabled the Mission to conduct a comprehensive analysis of the electoral process.

BACKGROUND

On May 17, 2023, the President of the Republic, Guillermo Lasso, issued executive decree No. 741,² exercising the power established in Article 148 of the Constitution to dissolve the National Assembly, called the "crossed death" (*muerta cruzada*) provision, invoking the grounds of a "serious political crisis and internal unrest." This is the first time that this provision has been invoked since enactment of the 2008 Political Constitution. Once the legislative branch was dissolved, the executive branch governed by economic emergency decree-laws.

The Constitution establishes that once this power is invoked, the National Electoral Council (*Consejo Nacional Electoral-CNE*) must call for presidential and legislative elections in the seven days following dissolution of the Assembly, which elections could be held within the next 90 days, as provided in Article

¹ 43 women and 37 men.

² Executive Decree No. 741. See:

http://esacc.corteconstitucional.gob.ec/storage/api/v1/10_DWL_FL/eyJYXJwZXRhIjoicm8iLCJ1dWlkljoiMmEyOTBI MzQtNjRlYi00MjAxLTlhZWtYwlyNDk5NjQzNTExLnBkZij9



87 of the Democracy Code. Pursuant to that provision, on May 23, 2023 the CNE called on the citizens to participate in the early presidential and legislative elections to be held on August 20, 2023, as well as a possible second round on October 15, 2023.³ The candidates elected in these elections will complete the remaining period in the current term until general elections are held in 2025.

In addition, on June 21, 2023 the CNE convened a popular consultation in the Yasuní to decide on oil drilling in the fields of Ishpingo, Tambococha, and Tiputini,⁴ and the popular consultation on mining metal in the communities of the Andean Chocó.⁵ Thus, both consultations were held along with the early elections.

PRE-ELECTORAL PHASE

- *Context of political and electoral violence*

One of the most serious and worrisome aspects of this electoral process is the widespread context of insecurity and fear in which the country finds itself, particularly the escalation of electoral violence. The OAS Mission deployed for the elections held in February 2023 had already pointed out in its preliminary report the unprecedented context of criminal and political violence in which those elections were held. It also emphasized that one of the most troublesome developments in those elections was the involvement of organized crime in the electoral contest. It also vigorously condemned all acts of political violence that occurred.

The Mission deployed for the early elections observed that the serious context of insecurity and violence continued to deteriorate. This is evidenced by a 68% increase in intentional homicides during the period between January 1 and August 19, 2023 in comparison with the same period in 2022.⁶ In addition, July was the month with the most intentional homicides (773) so far this year.⁷ Despite the measures taken by the executive branch to contain crime and violence,⁸ acts of political and electoral violence continued

³ Pursuant to Resolution PLE-CNE-6-23-5-2023 of May 23, 2023.

⁴ Pursuant to Resolution PLE-CNE-7-21-6-2023 of June 21, 2023.

⁵ Pursuant to Resolution PLE-CNE-8-21-6-2023 of June 21, 2023.

⁶ National Police of Ecuador, National Directorate of Information Analysis. Level of violence and crime at the national level from January 1 to August 19, 2023.

⁷ National Police of Ecuador, National Directorate of Information Analysis. Level of violence and crime at the national level from January 1 to August 19, 2023.

⁸ On July 24, 2023 the President of the Republic declared a 60-day state of emergency (Executive Decree No. 824) in the district of Durán, Guayas province, and in the provinces of Manabí and Los Ríos. Subsequently, considering the impact of the state of emergency on the elections, on July 28, 2023 the CNE informed the President of the Republic that it was imperative that electoral officials, members of polling stations, representatives of political movements and organizations, and national and international observers be excluded from the restrictions under the state of emergency. After the murder of candidate Villavicencio on August 9, 2023, the President of the Republic declared a new state of emergency (Executive Decree No. 841), this time covering the entire country.



to worsen and deeply affected the electoral process. Between June 17 and August 14, the Councilor of Esmeraldas, Jairo Olaya,⁹ was assassinated, as well as the Assembly candidate, Rider Sánchez,¹⁰ the mayor of Manta, Agustín Intriago,¹¹ and the party leader, Pedro Briones.¹² Added to this were attacks on the Mayor of Durán, Luis Chonillo,¹³ the Assembly candidate, Estefany Puentes,¹⁴ and the headquarters of the Prefecture of Esmeraldas¹⁵ between the months of May and August, as well as threats against electrical authorities¹⁶ and journalists.¹⁷ Through various entities, including the EOM, the OAS condemned these actions.¹⁸ This context of political and electoral violence grew even worse with the brutal assassination of the presidential candidate, Fernando Villavicencio, 11 days before the elections were held, an action that was strongly condemned by the OAS.¹⁹

⁹ PRIMICIAS. Concejal de Esmeraldas Jairo Olaya murió tras atentado (June 17, 2023). See:

<https://www.primicias.ec/noticias/sucesos/concejal-esmeraldas-herido-atentado/>

¹⁰ El Comercio. Asesinan a Rider Sánchez, candidato a la Asamblea Nacional en Ecuador (July 17, 2023). See:

https://elcomercio.pe/mundo/latinoamerica/asesinan-a-rider-sanchez-candidato-a-la-asamblea-nacional-en-ecuador-quininde-otto-sonnenholzer-esmeraldas-ultimas-noticia/#google_vignette

¹¹ PRIMICIAS. Así fueron las últimas horas del alcalde Agustín Intriago, asesinado en Manta (July 30, 2023). See:

<https://www.primicias.ec/noticias/en-exclusiva/agustin-intriago-asesinato-manta-alcalde-barrio/>

¹² La República. Asesinan a Pedro Briones en Ecuador, dirigente del partido Revolución Ciudadana (August 14, 2023). See: <https://www.larepublica.co/globoeconomia/asesinan-a-pedro-briones-en-ecuador-dirigente-del-partido-revolucion-ciudadana-3679563>

¹³ PRIMICIAS. Alcalde Luis Chonillo salió del país tras ataque armado en Durán (May 23, 2023).

<https://www.primicias.ec/noticias/politica/luis-chonillo-alcalde-atentado-duran-salida/>

¹⁴ El Espectador. Lo que se sabe del ataque contra una candidata a asambleísta en Ecuador (August 11, 2023). See:

<https://www.elespectador.com/mundo/america/lo-que-se-sabe-del-ataque-contra-estefany-puentes-candidata-a-asambleista-en-ecuador-noticias-hoy/>

¹⁵ PRIMICIAS. Esmeraldas: Prefecta confirma atentado y denuncia amenazas de muerte (August 18, 2023).

<https://www.primicias.ec/noticias/sucesos/prefectura-esmeraldas-atentado-explosivos/>

¹⁶ PRIMICIAS. Atamaint: Consejeros del CNE han recibido amenazas de muerte (August 7, 2023). See:

<https://www.primicias.ec/noticias/elecciones-presidenciales-2023/atamaint-cne-amenazas-muerte/>; El Universo. Diana Atamaint, presidenta del CNE, denunció que dirigente de Gente Buena la amenazó en redes sociales (August 15, 2023). See: <https://www.eluniverso.com/noticias/politica/diana-atamaint-presidenta-del-cne-denuncio-que-dirigente-de-gente-buena-la-amenazo-en-redes-sociales-nota/>

¹⁷ Deutsche Welle. Ecuador: periodistas de La Posta huyen por amenaza de muerte (July 26, 2023). See:

<https://www.dw.com/es/ecuador-periodistas-de-la-posta-huyen-por-amenaza-de-muerte/a-66348704>

¹⁸ Twitter Isabel de Saint Malo (August 14, 2023). See:

<https://twitter.com/IsabelStMalo/status/1691216470473154562>; Twitter CIDH-IACHR. See:

<https://twitter.com/CIDH/status/1683590504552751105?s=20>. Twitter Luis Almagro (July 24, 2023). See:

https://x.com/almagro_oea2015/status/1683251296394936320?s=46&t=2X86eP2jy6hr5G_-zANGvA. Twitter Special Rapporteurship for Freedom of Expression IACHR (August 20, 2023). See:

https://twitter.com/RELE_CIDH/status/1693246569867276548?s=20

¹⁹ OAS. Statement of the OAS Electoral Observation Mission on the Assassination of Ecuadorian Presidential Candidate Fernando Villavicencio (August 9, 2023). See:

https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-043/23



The murder of candidates and politicians in office is not only an irreparable loss but it also represents a democratic setback for Ecuador and the region. The Mission insists that political-electoral violence should not be normalized and reiterates that the loss of human life under such cruel circumstances is a somber reminder of the importance of preserving peace and guaranteeing security for the consolidation of democracy.

The assassination of candidate Villavicencio had a significant impact on the electoral process. It changed the narrative of the elections, generated fear, and forced the contenders to tighten their security measures, among other things by wearing bullet-proof vests and limiting their campaign activities in order to protect themselves and their teams. The Mission notes with concern that fear was the common denominator during the electoral campaign. All the presidential candidates or representatives of the binomial tickets with which the EOM/OAS met indicated they had received threats and admitted fearing for their lives.

Similarly, the Mission also faced challenges in this climate of insecurity and violence. In addition to implementing the standard security protocol of the EOM/OAS, it was necessary to take additional measures as recommended by the police. In extreme cases, in order to safeguard the integrity of the observers deployed in the province of Esmeraldas, they were instructed to use bullet-proof vests.

Beyond its most serious expressions, violence also affects the electoral process in other ways, for example by instilling fear in the citizens so that they won't exercise their right to vote, limiting the candidates' campaign activities due to security concerns, or forcing them to hire private security. The EOM/OAS strongly condemns all the acts of political violence that occurred in the pre-electoral phase and reiterates that there is no room for violence in a democracy. Thus, it emphasizes how important it is that acts of political violence, of any kind, be investigated by the competent authorities and do not go unpunished.

In this phase, the Mission also observed that personal attacks and offensive messages predominated in the political discourse of the presidential candidates. In addition, it laments the aggressive tone of the campaigns and that programmatic proposals have not been the focus of the discussions and exchanges. Nonetheless, the Mission appreciates that a presidential debate was conducted as established by the reform introduced in the Democracy Code in 2020. In a context of high criminal, political, and electoral violence, it is fundamental that the candidates seek to reduce conflict instead of encouraging it. The governability and political stability of future governments begin with electoral campaigns. It is therefore crucial that they are conducted with tolerance and respect.

- ***Registration and finalization of candidacies***

An aspect that became particularly relevant in the pre-electoral phase and in response to the assassination of the *Movimiento Construye's* presidential candidate was the process of registering, replacing, and finalizing candidacies.



Ecuadorian legislation provides for various procedural moments and remedies, at both the administrative and judicial level, for challenging the registration of candidacies. The Mission observed that this regulatory framework encourages abusive or dilatory use by political organizations seeking to block the candidacies of their opponents, which undermines the fundamental right of political participation. Although political organizations have a legitimate interest in controlling the legality of the candidacies proposed by their adversaries, the Mission considers that this task should only be developed as auxiliary of the CNE, which is the authority responsible for qualifying candidates based on the legal requirements. In this sense, a person's political right to be a candidate should prevail over the legitimate interest of political groups to control such candidacies; thus, challenge processes and mechanisms should also safeguard that right.

Moreover, the EOM/OAS observed that the rules and process for the qualification of candidacies are established for the scenario of an election with regular dates and under ordinary circumstances and not for an extraordinary scenario of early elections. Both the design of the mechanisms for challenging candidacies and short deadlines in the election calendar for these early elections caused notable uncertainty in political organizations, some of which expressed to the Mission their concern regarding the failure to harmonize the electoral rules with the deadlines stipulated in the so-called "crossed death." In addition, they urged incorporation in the electoral system of provisions necessary for the differentiated treatment of a process of this kind.

Similarly, the Mission observed that although the CNE utilized all its institutional capabilities to handle as quickly as possible a replacement for the presidential candidacy of Fernando Villavicencio and to proceed with qualifying the candidacy of Christian Zurita, the implementation of the above-mentioned challenge system in an extraordinary context generated conditions of legal uncertainty and insecurity within days of when the election was held, which should not happen under ordinary or extraordinary circumstances in the qualification of candidacies.

On this subject in particular, the EOM/OAS will present in its next report recommendations for future electoral processes.

- ***Applicable reforms and electoral calendar***

In terms of electoral reforms applicable to this electoral process, the Mission favorably highlights the fact that for the first time parity is implemented in the heading of the lists for multi-person election tickets, as well as parity in forming the binomial presidential tickets. This reform dates from 2020 and was expected



to take effect by 2025,²⁰ but after considering the complaints received by civil society organizations,²¹ the Electoral Disputes Tribunal (*Tribunal Contencioso Electoral*-TCE) determined that this reform would be applicable for this election. The EOM/OAS acknowledges this advance and the fact that the political organizations complied with the legislation – although not without resistance – according to the information provided to the Mission by various actors with whom it met.

The Mission observed that due to their extraordinary nature, in this election the timeframes for the ordinary electoral process had to be reduced from 120²² to 89 days.²³ Although the EOM/OAS recognizes the efforts and the commitment of the electoral authorities to comply with the electoral calendar and conduct the elections in the established timeframe, the calendar was amended on various occasions.

Thus, for example, on July 12, 2023, once the candidacies for the binomial presidential tickets had been officialized, the CNE increased by 26 days the period provided for the campaign,²⁴ originally established at 10 days.²⁵ This allowed the binomial presidential tickets 36 days for campaigning, a period equal to that established in the general elections in 2021. It also enabled citizens to have a more informed vote. Something similar happened for the legislative candidates for the national and the overseas constituencies, who were allowed to begin their campaign five days earlier than planned.²⁶ However, the legislative candidates for the provincial constituency had only 10 days for campaigning as stipulated in the original calendar, as they barely completed their registration within the established period.

Some milestones in the electoral calendar observed by the Mission include the second national voting day drill, the telematic voting drill, the Computerized Counting and Results System (*Sistema Informático de Escrutinios y Resultados*-SIER) drill, the freezing and sealing of the SIER software, and the voting at home program. The EOM/OAS witnessed the assembly and deployment of the electoral materials and highlights the role played by the electoral authority and the Armed Forces to ensure that all electoral packages and equipment reached the polling stations on time and without major incidents.

²⁰ As provided in the Democracy Code, in its transitory provisions, paragraph three. Available at:

<https://www.gob.ec/sites/default/files/regulations/2020-03/Registro%20oficial%20codigo%20de%20la%20democracia.pdf>

²¹ Administrative complaint submitted to the CNE on May 30, 2023. See: <https://inredh.org/organizaciones-de-mujeres-presentaron-un-reclamo-administrativo-ante-el-consejo-nacional-electoral-para-que-cumpla-con-la-paridad-de-genero-en-las-elecciones-nacionales-de-agosto/>

²² Democracy Code, Article 85. Available at: <https://www.gob.ec/sites/default/files/regulations/2020-03/Registro%20oficial%20codigo%20de%20la%20democracia.pdf>

²³ From May 23 to August 20, 2023.

²⁴ Cf. PLE-CNE-1-12-7-2023, available at: https://www.cne.gob.ec/wp-content/uploads/2023/07/R-12-JULIO-2023-GH_firmado.pdf

²⁵ Between August 8 and 17, 2023, according to PLE-CNE-5-23-5-2023.

²⁶ On August 3, 2023. See: <https://www.cne.gob.ec/wp-content/uploads/2023/08/R-2-AGOSTO-2023.pdf>



The Mission also witnessed the presidential debate and learned about its preparations. Although the EOM/OAS celebrates the fact that the debate was held, various participants expressed disagreement with the rigid format and the role of the moderators in the exchange of ideas. In addition, the strict participation rules limited the ability of one of the competing political organizations to disseminate its proposals.

ELECTION DAY

On election day, the EOM/OAS observers visited a total of 1,420 polling stations (*Juntas Receptoras del Voto* - JRV) distributed in 313 voting centers in the provinces of Azuay, Bolívar, Cañar, Chimborazo, Cotopaxi, El Oro, Esmeraldas, Guayas, Imbabura, Loja, Los Ríos, Manabí, Napo, Orellana, Pastaza, Pichincha, Santa Elena, Santo Domingo de los Tsáchilas, Sucumbíos, and Tungurahua. The Mission observed the elections from the the set up and opening of the polling stations until the closing of the voting, the vote count, the transmission of results, and the retrieval of the electoral material.

During the opening, in the JRV observed the Mission found that only 64% of titular JRV members attended. Even so, the polling stations were able to set up and operate appropriately without any extended delays. The EOM/OAS also observed that, on average, the polling stations opened at 7:15 a.m. and most of them had all the materials necessary to conduct the election. Regarding the self-identification of the individuals who made up the JRVs, 14% of the polling stations were presided over by indigenous persons and 11% were presided over by Afro-Ecuadorians. The mission celebrates the increase in their participation in comparison with past general elections.²⁷

The EOM/OAS highlights the notable participation of women as delegates to the JRVs from political organizations, carrying out an essential role of election monitoring. Although a variation in the quantity of party delegates at the polling stations was observed throughout the day, their presence increased before the closing of the voting, which contributed to the transparency of the count.

The Mission observed that 82% of the polling stations visited had a Special Attention Polling Station (*Mesa de Atención Preferente*) for seniors and disabled persons, but it did identify some centers with limitations on accessibility. Although most of the special attention polling stations provided an appropriate setting allowing citizens to exercise their right to vote, the EOM/OAS found that some of them did not ensure the secret nature of the vote. The Mission also noted that women who were pregnant or with children were given special attention for recording their votes at 87% of the polls where the Mission was present.

Although long lines were reported at times, the Mission's members noted that the procedures for recording votes were efficient and allowed people to cast the vote in an average of 2.05 minutes.

²⁷ In the second presidential round in 2021, the OAS Mission reported that 5% of those who presided over the JRVs were identified as indigenous or Afro-Ecuadorian.



Despite tensions during the pre-electoral phase due to the violence the country has experienced, election day unfolded without major incidents and with security forces present at all the polling stations. The EOM/OAS was present at the ECU 911 Integrated Security Service (*Servicio Integrado de Seguridad ECU 911*) that brings together more than 20 agencies of the Ecuadorian State and from there it were informed of all incidents occurring during the day. None of the 109 incidents reported by the National Police had a direct or significant impact on the voting process, citizens, candidates, facilities, and voting materials. The Mission is pleased that the Ecuadorian people were able to vote under secure conditions.

Starting early on Sunday and continuing throughout election day, the Mission received various complaints regarding problems that overseas Ecuadorians had enrolling and voting remotely (*telemáticamente*). At about 9:25 a.m., the Mission noted that the CNE declared that the system was operating normally and even refuted reports from citizens who channeled their complaints through social media. The Mission noted that these statements from the electoral authority reduced confidence in this voting system and that the complaints made by those who did not succeed in voting increased moments before the voting hours ended in Europe. The Mission urged the CNE to address these complaints and resolve them expeditiously.²⁸ Ecuador's Foreign Affairs Ministry also added to the call asking the CNE to take urgent technical measures to correct the problems.²⁹ Although the experts from the company contracted by the CNE took some actions to remedy the challenges of telematic voting, the problems persisted.

The EOM/OAS notes that the JRVs closed on time and at that point there were no longer people in line waiting to vote at most of the polling station. The Mission found that 62% of the polling stations observed followed the protocol established for counting the votes³⁰ and that party delegates received copy of the tally sheets in most cases. The results were transmitted in accordance with the established procedures in most of the polls observed. Finally, the Mission observed the retrieve of electoral materials at the provincial Electoral Processing Centers (*Centros de Procesamiento Electoral-CPE*) in 18 of the 20 provinces where it was present; this was done according to the established protocols and with proper safeguarding by the security forces.

The Mission noted that the transmission of tally sheets and announcement of results began at about 6:00 p.m. Citizens were able to receive information through various channels that the CNE made available,

²⁸ La República. La OEA ve normalidad en primeras horas de elecciones en Ecuador, salvo el voto telemático (August 20, 2023). See: <https://www.larepublica.ec/blog/2023/08/20/la-oea-ve-normalidad-en-primeras-horas-de-elecciones-en-ecuador-salvo-el-voto-telematico/>; Twitter PRIMICIAS (August 20, 2023). See: <https://twitter.com/Primicias/status/1693296639127986212?s=20>; Twitter La Hora Ecuador (August 20, 2023). See: <https://twitter.com/lahoraecuador/status/1693318943178371190?s=46>

²⁹ Twitter Foreign Ministry of Ecuador (August 20, 2023). See: <https://twitter.com/cancilleriaec/status/1693285021480628370?s=48&t=CkO-W8kjYL1mvyE5iBWZCA>

³⁰ In the rest, some JRV members separated and counted the ballots for one position in the electoral contest and others did the same for another position at the same time.



which included the CNE App and the official page of the electoral authority. The EOM/OAS found that the tally sheet processing flow was uninterrupted and quick, allowing citizen access to timely and transparent information regarding progress made in counting the votes in the country.

In addition, at about 8:30 p.m., the Mission observed that a significant number of tally sheets from the elections for the legislative provincial constituency from overseas had “observations” (*novedades*). Several political groups expressed concerns to the CNE on this, seeking explanations on the reason for the observations in the tally sheets that had not been filled out by hand but through the telematic voting data system. As the CNE provided no answers, the political organizations presented these concerns to the OEM/OAS.

At about 9:00 p.m., the president of the CNE, Diana Atamaint, announced that the binomial tickets consisting of Luisa González and Andrés Arauz from the Citizen Revolution movement, and Daniel Noboa and Verónica Abad from the National Democratic Action movement, went on to the second round to be held on October 15. The CNE president also highlighted the civic and peaceful atmosphere in which election day was held.³¹

The Mission celebrates the large voter turnout throughout the day, which was reflected in a participation rate of more than 80%.³² In addition, the EOM/OAS observed with satisfaction that all the candidates in the presidential contest acknowledged the results and made a call to respect the electoral institution. This is a valuable and necessary gesture for democratic coexistence, particularly in a region where the results of elections are increasingly disregarded, even when elections are held under conditions of integrity and transparency.

FINDINGS AND RECOMMENDATIONS

Bearing in mind the direct observations made by specialists and observers, the meetings held with various participants in the process, and the analysis of current regulations, the EOM/OAS presents below its findings and recommendations, which are specifically intended to help improve the second presidential round.

After the second round, the EOM/OAS will publish a second report with findings on all the subjects observed and with recommendations for improving Ecuador’s electoral system for future electoral processes.

³¹ Twitter Diana Atamaint (August 21, 2023). See:

<https://twitter.com/dianaatamaint/status/1693451675611304435?s=48&t=MvUwO2bCM-e7ERS5jfBcoQ>

³² According to data from the CNE results portal: <https://elecciones2023.cne.gob.ec>



I. Electoral Organization

Training for members of the Polling Stations (Juntas Receptoras del Voto-JRV)

In the days leading up to the election, the CNE reported that 230,946 (82.71%) of JRV members had been trained although the percentages varied by province. While Galápagos reported that 99.60% were trained, Guayas reported that 64.43% were trained. According to official information, 99.34% of JRV members were given in-person training.

The Mission notes that the election calendar does not include notification of the JRV members, on which training depends. For the second round, the roles of JRV members will be carried out by the same people as in this election, so that the EOM/OAS recommends:

- Establishing in the electoral calendar the period for notifying titular and substitute JRV members, allowing sufficient time so that they can be trained later in a timely manner.
- Increasing the number of JRV members trained at the provincial level, using in-person and virtual training programs.

Delegates from political organizations

Political organizations have the right to monitor electoral processes in all phases through their duly accredited delegates, which includes their presence at the JRVs. With no breakdown by the number of delegates present, the CNE reported in the morning hours that during election day representatives were present from parties, alliances, and movements at 71.44% of the JRVs.

However, the Mission noted and received information on cases in which the delegates from accredited political groups were not authorized to be present at the JRVs. Although this was not a widespread problem, in some instances members of the Armed Forces told them they should observe the voting process from outside the classrooms. For the second round the Mission recommends:

- That the CNE issues clear guidelines ensuring and encouraging the presence of delegates from political groups in the JRVs and in all phases of the electoral process in which they can participate.

Secret Vote

At the polling stations where the Mission was present, it noted that sometimes the secret nature of the vote was not observed with respect to those who voted at the Special Attention Polling Stations and in the in-home voting program. In both cases, it noted that the screens were displayed in such a way that others could see for whom they voted. In this regard, the Mission recommends:

- Strengthening the training for JRV members on the protocols for ensuring the secrecy of the vote for cases where votes are cast at Special Attention Polling Stations or at home.



- Instructing polling station coordinators to conduct supervisory rounds during setup and throughout the day to correct the location of the screens to guarantee secrecy of the vote.

II. Electoral technology

Telematic voting for Ecuadorians residing overseas

In these elections, for the first time, telematic voting applied for all of the 101 overseas electoral zones.³³

According to the data compiled by the EOM at the CNE monitoring center, of the 409,250 citizens registered overseas, a total of 123,854 (30.26%) enrolled to vote in these elections, including those who did so to vote in the elections of February 5³⁴ (23,245) and the newly enrolled citizens between June and August 20, 2023 (100,609). Of the total number who enrolled, only 51,643 (41.70%) voted.

The low participation of overseas citizens could be related to problems with the telematic voting system throughout the day, which in many cases prevented people from exercising the vote, as described in the section on election day.

Although the specific causes for the system failure are still unknown, the Mission found that the use of telematic voting entails distinct risks, including that a company controls the application, insecurities related to the voting environment, and the possibility of a single device issuing multiple votes, among other factors. Based on this, the EOM/OAS advised the CNE on the need to comprehensively address the threats to this voting method.

The EOM/OAS noted that on election day the CNE provided information on social networks that was in contradiction with what was reported at press conferences regarding what was happening with the telematic voting system and it even stated that the system was operating normally, when the problems persisted.³⁵ This contrasts with the statements made by the CNE president, Diana Atamaint, moments after the closing of voting on election day, to the effect that the telematic voting system had suffered cyber-attacks.³⁶ Once the transmission of results was initiated, the Mission observed that the telematic

³³ In the February elections, only 25% (97,100) of the voter registry overseas were able to vote remotely. However, the voter registry overseas was the same for these elections (409,250 people).

³⁴ Those who enrolled to vote from overseas in the local February elections were able to vote in these elections without having to enrolling again.

³⁵ CNE Twitter (August 20, 2023). See: <https://twitter.com/cnegobec/status/1693299963164336211?s=20>; Twitter PRIMICIAS (August 20, 2023). See: [https://twitter.com/primicias/status/1693271592090878211?s=48&t=I0N5gaLbsnNTN20_KUrlIw](https://twitter.com/primicias/status/1693271592090878211?s=48&t=I0N5gaLbsnNTN20_KUrlIw;);

³⁶ Ecuavisa. Elecciones Ecuador 2023 | El CNE reconoce que su plataforma de voto telemático fue atacada desde siete países (August 20, 2023). See: <https://www.ecuavisa.com/noticias/politica/diana-atamaint-elecciones-2023-XF5799189>



voting system showed a large number of “tally sheets with observations” and “pending tally sheets” about which there was no clarity, as indicated in the section on election day.

At noon on August 21, the EOM/OAS held a meeting with the CNE magistrates plenary at which it expressed its concerns regarding the possible impact of attacks on the telematic voting system, transmitted the concerns of the political organizations, and urged the CNE to inform all interested parties regarding the situation of overseas tally sheets that could not be validated in the Special Overseas Board (*Junta Especial del Exterior* - JEE).

At 5:00 p.m. on August 21, the processing of the overseas tally sheets continued suspended. The EOM/OAS observed that the JEE had to suspend its activities because they did not have the tally sheets with which to proceed with their validation and counting. The dissatisfaction of the political organizations present at the JEE increased given that their concerns were not being addressed and the CNE did not offer any information regarding the status of these tally sheets.

At about 6:00 p.m., the Mission released a message related to its observations on the day and reiterating its concern regarding the difficulties in voting overseas and possible breaches to the integrity of the telematic voting system. In this context, it also asserted that the Mission has no reason to doubt the result of in-person voting at the national level and that the results reported by the CNE for the presidential election coincided with the information gathered by the EOM/OAS.

In this message, the Mission publicly reiterated two recommendations made to the CNE:

- That the source, causes, and impact of those attacks on the telematic voting system be investigated transparently, including providing the citizens and political forces with timely information.
- That the CNE give serious, in-depth consideration as to whether this voting method really guarantees the right of overseas Ecuadorians to vote, while at the same time providing the necessary levels of security, integrity, and transparency. In this respect, it should consider the impacts suffered by Ecuadorians residing overseas who were unable to exercise their vote, as well as the impact on the election of assembly members in the overseas constituency.

At about noon on August 22, the Mission noted that the JEE began its session once again but had to suspend it because it did not have tally sheets to validate and process.

The Mission regrets that, with two days having passed since election day, the electoral authorities are still not informing citizens regarding the status of votes cast overseas and the actions that the electoral organization is undertaking to resolve this situation.



The EOM/OAS reiterates that it is important to reflect on the conditions of telematic voting to guarantee the right to vote. If it is decided to use this voting system for the second presidential round, the EOM/OAS recommends:

- Strengthening the various aspects related to voter enrollment.
- Strengthening security in all its phases.
- Encouraging the implementation of security measures for the voting device and applying a change management procedure.

And it reiterates the recommendations made in February:

- Conduct all stress and connectivity tests necessary to ensure that that the telematic voting system does not suffer interruptions on election day, as well as exhaustive analyses of the incidents that occurred, with the purpose of implementing corrective measures in the future.
- Provide periodic reports to the citizens on incidents to avoid speculation.

The Computerized Counting and Results System (Sistema Informático de Escrutinio y Resultados - SIER)

The Mission welcomes the fact that the electoral authority publicizes the images of the tally sheets through various channels. Nonetheless, it found out that, of the three pages of the tally sheet on the website, only the first page can be visualized. To access the complete tally sheet it is necessary to scan the QR code. Considering the second round, the Mission recommends:

- To publish all pages of the tally sheet on the website.

Electoral Processing Centers (Centros de Procesamiento Electoral - CPE)

At the Electoral Processing Centers (CPE), the numerical results are digitized once the images of the tally sheets of the Computerized Counting and Results System (SIER) are scanned and incorporated in order to create the results databases. The Mission learned that to do so a CPE was installed in each province, and one was set up in Quito for the overseas constituency. The EOM/OAS observed that despite the central importance of the CPEs for the operation of the SIER, the CNE does not have a formal contingency plan documented in the event of an attack on, or sabotage of, the CPEs infrastructure, which could endanger processing of the tally sheets.

For the second round the Mission recommends:

- Preparing a contingency plan for the CPEs to include the alternate site or sites to which technological assets should be moved, when they should be moved, and when operations should be restarted.



Main Data Center

The computational infrastructure resides mainly in the Main Data Center in Quito and in Microsoft Azure cloud services to increase capacity and security for the electoral process.

Although the EOM/OAS observed that a contingency is planned in the Azure cloud in the event that the Main Data Center ceases to function (which is adequate from a technological point of view), there is no defined and disseminated contingency plan explaining that in the event of that contingency all the Tally Sheet Digitization Centers (*Centros de Digitalización de Actas - CDA*) must be physically moved to the closest CPE, as they have no connection to the Azure cloud.

The Mission emphasizes that this is a highly critical aspect for the electoral process and merits rigorous analysis by the team responsible for the SIER. Accordingly, for the second round, the Mission recommends:

- Having a contingency plan clearly documenting the strategy for mass transfer of the CDAs to the closest CPE if the Main Data Center ceases to operate.

Blockchain Technology

For these elections, the CNE has implemented blockchain technology in the tally sheets. This is a technological architecture in the form of a chain where the data is organized in sets (or blocks) and individually secured with cryptographic technology. With this process, each of the scanned tally sheets are assigned a digital certificate, which makes the documents immutable and traceable. Although this is a valuable initiative for transparency in the process, the Mission noted aspects related to security in the implementation of blockchain and the lack of maturity regarding this technology in the CNE, for which it recommends:

- Advancing in the training of CNE personnel for the use of blockchain technology in tally sheets.
- Establishing audit mechanisms in case of complaints on the use of this technology.
- Maintaining timely review of security in blockchain implementation and management prior to each electoral event.

Protection of other technological and information assets

Consistent with best practices in process security and continuity, the electoral authority issued the "Technical contingency plan of the technological platform for the SIER for the early presidential and legislative elections of 2023, and popular consultations: Yasuní and Chocó Andino." The document describes the technological architecture of the SIER, identifies risks, establishes protocols in the event of contingencies, details the flow of contingency activities, and identifies organizational structures and those responsible for each activity.



Although the CNE worked on the SIER's attack surface, the Mission noted that there are other technological and information assets, such as CNE websites and services that are exposed to the Internet and that have security vulnerabilities. If any of these assets is attacked during election day, this could undermine trust in the electoral process and affect the reputation of the electoral body.

With respect to the above, the EOM/OAS recommends prior to the second round:

- Analyzing and strengthening the attack surface, considering the assets assigned to the SIER and the other institutional technological and information assets that may be exposed to the Internet.

III. Political and electoral violence

The EOM/OAS defines electoral violence as any form of intimidation or physical violence targeting interested parties in the electoral process, the interruption of the process, or the damage to electoral materials, affecting the free and transparent conduct of the electoral process and/or influencing its results. Electoral violence is part of political violence, which encompasses different forms of aggression affecting the fundamental right to political participation.

The assassination of candidate Villavicencio had consequences for the development of the electoral process under conditions of liberty, security, and equity. Beyond the events related to the replacement of the Villavicencio candidacy, which was discussed in the section on the pre-electoral phase, it is clear that the participation of his political movement was profoundly affected due to the insecurity and threats against its leaders and followers.

Similarly, all the political groups with which the Mission met reported that they had to strengthen their security measures to ensure their physical safety. The EOM/OAS noted that, during the closing days of their campaigns, the candidates participated wearing helmets and vests and under strict security measures. Some images that circulated in the media on these canvassing events contrast with the festive spirit that should characterize them in a democratic society. In the case of a specific political group, one of its caravans had to be suspended because shots were fired as it passed by.³⁷

Likewise, the Mission learned about a violent incident close to where one of the presidential candidates was with his family on the day before the election.³⁸ Also on that same day one of the candidates reported having received death threats and requested precautionary measures from the State of Ecuador, before

³⁷ Twitter OAS (August 18, 2023). See: https://twitter.com/OEA_oficial/status/1692320562436063407?s=20

³⁸ Twitter OAS (August 19, 2023). See: https://twitter.com/OEA_oficial/status/1692983219069595811?s=20



the Inter-American Commission on Human Rights (IACHR),³⁹ which were subsequently granted.⁴⁰ The Mission reiterates its rejection of any act of violence that seeks to undermine political-electoral participation.

Although some political groups and even presidential binomials opted to maintain a private security scheme,⁴¹ the Mission was informed about the high number of requests for police protection⁴² on the part of candidates for various positions, and also of mayors currently in office.

The EOM/OAS learned that such protection is provided depending on the risk profile of the person seeking it and varies in terms of the type of security offered. In all cases, it involves protective personnel and, in some cases, protective gear as well. However, the Mission was informed that current demand exceeds the capacities of the National Police in terms of material, human, technical, and financial resources. In view of these limitations, some organizations had to acquire or redirect financial resources to protect their candidates running for different positions, which could have been used in other electoral activities. In some cases, candidates from some political groups indicated to the Mission that party resources were insufficient to offer protection to everyone entered on the party lists.

Despite such limitations, the EOM/OAS recognizes the various efforts made for this election in response to the increase in political-electoral violence. Recognizing the existence of the problem is the first step in undertaking responses seeking short- and long-term solutions. In this respect, the Mission emphasizes the deployment of an additional security contingency in the 161 risk zones, the implementation of new security measures for election day, as well as the prohibition on street vendors, the inspection of backpacks and packages, and the seizure of the voting centers four days in advance by the State security forces. In addition, the Mission recognizes the authority's statements regarding an operational risk management plan at the territorial level, the delimitation of security perimeters, and the signing of an agreement with the Association of Municipalities of Ecuador for protection in the area outside the polling sites.

Once again, the Mission reiterates that the context of violence in which the election took place, with candidates wearing bullet-proof vests and accompanied by large displays of security, journalists and observers working in an environment of insecurity, and citizens exercising the right to vote in fear, cannot be normalized.

To guarantee security in the second electoral round in all its phases, the EOM/OAS recommends:

³⁹ Twitter Christian Zurita (August 19, 2023). See:

<https://twitter.com/christianzr/status/1693089823731401141?s=46&t=e8Vi1dmZE69OBit7kPZL8g>

⁴⁰ CIDH otorga medidas cautelares a Christian Zurita periodista y candidato presidencial, en Ecuador. See:

<https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2023/188.asp>

⁴¹ Alianza Actuemos and Alianza Democrática Nacional.

⁴² The Mission received information of more than 46 requests as of August 19, 2023.



- Training security forces and candidates on how to handle critical situations to prevent attacks against them and to address threats effectively, without resorting to unnecessary violence.
- Considering the cooperation, technical assistance, and advice of international organizations with expertise in electoral security to enhance the development of effective strategies.
- Granting protective measures to candidates who ask for them to ensure their security and political participation rights.
- Tightening collaboration between State security forces and other competent institutions to ensure a coordinated response to threats.
- Initiating as soon as possible rigorous studies on the origin and impact of political and electoral violence on the democratic process and its differentiated effects for national and local government authorities, political organizations, candidates, and citizens in general, including the collection of data and differentiated statistics, as was recommended in the local election of February 2023.
- Maintaining the protection schemes for candidates who participated in the contests of August 20 and who ask for them.

Violence against journalists

Violence and insecurity in Ecuador have also affected and been particularly hostile to those practicing journalism. According to a study from a civil society organization, 306 attacks against journalists were recorded in 2022, including 76 threats, 69 physical attacks, seven attempts, four kidnappings, three murders, one disappearance, and one femicide, among other types of attacks.⁴³ From January to June 2023, the same study recorded 154 attacks against journalists.

Exercising freedom of the press and expression is fundamental to democratic coexistence and for the development of free, fair, and transparent electoral processes. To guarantee this, all States “should be particularly scrupulous about promoting and protecting media freedom and independence during elections, including by respecting the right of the media to report freely during election periods and to criticize government policy and political figures”.⁴⁴

⁴³ FUNDAMEDIOS. El periodismo ecuatoriano, blanco del crimen organizado. Informe de libertad de expresión (2022). See: <https://www.fundamedios.org.ec/wp-content/uploads/2023/01/LIBERTAD-DE-EXPRESIO%CC%81N-2022.pdf>

⁴⁴ Joint Declaration on Media Independence and Diversity in the Digital Age (2018). See: <https://www.oas.org/es/cidh/expresion/showarticle.asp?artID=1100&IID=2>; Twitter Special Rapporteurship for Freedom of Expression IACHR (August 20, 2023). See: https://twitter.com/rele_cidh/status/1693246569867276548?s=46&t=2X86eP2iy6hr5G_-zANGvA



In this respect, the Mission favorably highlights the reform of the Communication Organic Law in November 2022, which introduced the State's duty to promote "respect toward journalists and communications workers; to this end, it shall establish protective measures for those journalists and workers exposed to extraordinary or systemic risks"⁴⁵ and created the Mechanism for Prevention and Protection of Journalism as a responsibility of the Council for the Development and Promotion of Information and Communication.⁴⁶ However, the Mission was informed that the issuance of the regulations for this protection mechanism is still pending and thus the mechanism is not in operation despite the existence of a legal mandate.

Therefore, the EOM/OAS recommends with a view to the second presidential round:

- Regulating the Mechanism for Prevention and Protection of Journalism, as provided in the Communication Organic Law.
- Considering, in the implementation of the Mechanism for Prevention and Protection of Journalism, early warning initiatives and State responses to specific contexts, such as election periods, consistent with the inter-American standards.

Political violence against women

Political and electoral violence also affects women because of their gender. Despite advances made in classification,⁴⁷ visibility,⁴⁸ and punishment of gender-based political violence,⁴⁹ various actors and candidates with whom the Mission met indicated that they had been victims of violence within political groups in the form of intimidation and lack of autonomy, underestimation and instrumentalization, as well as the lack of resources to cover security expenses in electoral campaigns in response to the current scenario of violence. In addition, high levels of violence against women persist in social networks. According to a monitoring by a civil society organization, from February to July 2023, the period between the local elections and the current election, 3,126 digital publications with violent content were

⁴⁵ Communication Organic Law, Article 9.1.

⁴⁶ Communication Organic Law, Article 42.1.

⁴⁷ Democracy Code, Article 280. See: <https://www.igualdadgenero.gob.ec/wp-content/uploads/2020/02/Ley-Org%C3%A1nica-Electoral-C%C3%B3digo-de-la-Democracia.pdf>

⁴⁸ UN Women/TCE. Campaña "Violeta sí, violencia no." Iniciativa "Estrategias de divulgación sobre normativa en torno a la violencia política de género." See: <https://violetasi.com/>.

⁴⁹ There are six cases with penalties in 2022: 1297-2021-TCE, 024-2022-TCE, 026-2022-TCE, 072-2022-TCE, 180-2022-TCE, 490-2022-TCE. TCE. Causas por Violencia Política de Género de 2020 a 2023 (August 14, 2023).



generated.⁵⁰ Along the same lines, the Mission observed direct attacks on social networks against the only female presidential candidate in the electoral contest.⁵¹

With a view to the second round, the Mission recommends:

- That candidates and political groups use formal reporting mechanisms against acts of gender-based violence, so that existing legal penalties can be imposed, and this type of violence can be discouraged.

POST-ELECTORAL PHASE

A technical team will remain in the field to follow up with the findings on telematic voting and the actions undertaken by the electoral body to safeguard the right to vote of those residing overseas. The Mission is in its best disposition to cooperate with electoral authorities in the implementation of the recommendations of this report with a view to the October 15 elections.

ACKNOWLEDGEMENTS

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⁵⁰ Corporación Participación Ciudadana. *Violencia Política Contra la Mujer* (August 7, 2023). See: <https://www.participacionciudadana.org/web/2023/08/07/14-676-tuits-violentos-contra-mujeres-registra-el-monitoreo-numero-44/>

⁵¹ TikTok. "Barbie correísta." See: <https://www.tiktok.com/@guayaquilcaliente/video/7264586012557331718>