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REPORT OF THE ELECTORAL OBSERVATION MISSION IN GUATEMALA -
REFERENDUM OF MAY 16, 1999 -
CONSTITUTIONAL AMENDMENTS

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ORGANIZATION OF AMERICAN STATES

ELECTORAL OBSERVATION

REFERENDUM OF MAY 16, 1999

**CONSTITUTIONAL AMENDMENTS
GUATEMALA 1999**

Unit for the Promotion of Democracy

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Introduction

On April 5, 1999, the Supreme Electoral Tribunal (Tribunal Supremo Electoral, TSE) of the Republic of Guatemala asked the Secretary General of the OAS, Cesar Gaviria, to send an OAS Observer Mission to Guatemala to observe the referendum on the 1999 constitutional amendments scheduled to be held on May 16, 1999 and in which all electoral districts were asked to vote yes or no on the questions posed by the Congress of the Republic concerning the constitutional amendments passed on October 16, 1998. The TSE request was seconded by the Government of the Republic of Guatemala in a letter addressed to the Secretary General on April 8, 1999.

The Secretary General approved the request and on April 13, 1999 issued instructions to the Unit for the Promotion of Democracy to take initial steps to obtain the necessary financing to cover the costs of the Electoral Observation Mission and its preparation.

The Secretary General appointed Edgardo C. Reis, Senior Specialist of the Unit for the Promotion of Democracy, as chief of the observer mission to be set up in Guatemala for the referendum on the 1999 constitutional amendments. The mission would at that time observe the electoral process, keep the Secretary General informed thereon, and cooperate with the Guatemalan people and their institutions in their efforts to give the process integrity, transparency, and credibility.

In fact, this would not be the first time the OAS had observed an electoral process in Guatemala. Earlier, in response to a request made by the government of that member state on July 25, 1995, the Secretary General had organized a mission of observers for the general elections held in Guatemala on November 12, 1995 and for the second-round presidential elections held on January 7, 1996.

With the passage of the constitutional amendments in 1998 and the establishment of an electoral timetable for the referendum, the OAS was once again present as an observer of electoral processes in the Republic of Guatemala. The preparation, development, and outcome of the referendum held on May 16, 1999 are the subject of this report.

1. Background and Call to Elections

Together with the signature of the peace agreements on December 7, 1996 in Stockholm, Sweden, the parties to the dispute—the representatives of the Government of the Republic of Guatemala and the Guatemalan National Revolutionary Unit (Unidad Revolucionaria Nacional Guatemalteca, URNG) signed the agreement on constitutional amendments and electoral regime, by means of which the government agreed to promote a draft constitutional amendment before the Congress of the Republic.

On October 16, 1998, the Congress of the Republic approved the constitutional amendments that fostered the restructuring of the State of Guatemala and compliance with the peace accords. Such amendments were to be subject to public approval by means of a referendum as a prior condition to their entry into force.^{1/}

The draft amendments to the Constitution, from the point of view of those favorable to their approval, were intended to strengthen democracy and the rule of law and to bring it in line with social and cultural conditions in Guatemala. The changes were foreseen in the peace accords and concerned such topics as recognition of the multiethnic nature of the country, citizen participation, modernization of the courts and public safety, and definition of the role of the army in a democratic society.

Nevertheless, the proposed amendments faced some opposition, e.g., from the Center for the Defense of the Constitution (Centro para la Defensa de la Constitución, CEDECON), which filed a complaint that they were unconstitutional, alleging that they were in violation of Articles 136 (b) and 173 concerning political rights and duties, as well as the procedure governing referendums.^{2/}

On February 8, 1999, the Constitutional Court declared Legislative Decree 41-98^{3/} partially unconstitutional, in that Article 2 would mistakenly guide a decision whether to hold a referendum by proposing a single question for all amendments. The Court's ruling was also challenged by some lawyers^{4/} who found that it contradicted an alleged jurisdictional incident that occurred in 1994 when

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1. *Reformas a la Constitución Política de la República de Guatemala*. Supreme Electoral Tribunal, Training, Dissemination, and Civic-Cultural Education Unit, March 1999 (Presentation).
 2. Article 136 - Political rights and duties. Citizens have the right and duty to:
 - a. Register in the Voter register;
 - b. To elect and to be elected.Article 173 - (Addendum) Consultative procedure. Policy decisions of special significance should be subject to referendum by all citizens. The referendum shall be called by the Supreme Electoral Tribunal at the initiative of the President of the Republic or the Congress of the Republic, which shall precisely determine the question or questions to be submitted to the citizenry. The constitutional law governing electoral procedures shall regulate all matters pertaining to a referendum.
 3. The Multiparty Instance, created during the 1997 legislative term to promote dialogue and seek general consensus, ultimately led to 50 constitutional amendments: 39 articles, 3 formal and 8 transitory. See *Dialogo*, Facultad Latinoamericana de Ciencias Sociales (FLACSO), no. 2, February 1999, Guatemala City, p. 6.
 4. *Ibid.*

a referendum entailed a definitive “yes” or “no” vote. Nevertheless, the circumstances then were different, since the set of 43 amendments could be grouped together with a sole objective (reform certain political conditions that undermined the principles), which would be totally different from the variety of topics set forth in the current proposal on constitutional amendments.

The Congress of the Republic (Legislative Accord 15-99) partially abided by the recommendations made by the Court of Constitutionality, repealed the prior legislative accord (41-98) and decided by consensus to formulate four questions broken down by subject:^{5/}

- **Question 1:** Do you endorse the amendments to the Political Constitution of the Republic of Guatemala approved by the Congress of the Republic in “Nation and Social Rights”, set forth in Articles 1, 66, 70, 94, 110, 135 (g), 143, transitory Articles 13, 30, and 32?
- **Question 2:** Do you ratify the amendments to the Political Constitution of the Republic of Guatemala approved by the Congress of the Republic on “Legislative Organism,” set forth in Articles 157, 164 (next to last paragraph), 166, 167, 171 (n), 173, 176, transitory Article 28?^{6/}
- **Question 3:**^{7/} Do you ratify the amendments to the Political Constitution of the Republic of Guatemala which were passed by Congress in the area of “Executive Organism”, set forth in Articles 182, 183(r) is deleted and subparagraph (t) is amended, 225, 244, 245, 246, 248, 249, 250. Transitory Article 33; and amendment of the heading of Title V, Chapter V, and the addition of the first and second section of the same, set forth in Articles 33, 34, and 40 of the Amendments to the Political Constitution of the Republic of Guatemala?
- **Question 4:** Do you ratify the amendments to the Political Constitution of the Republic of Guatemala, approved by the Congress of the Republic, concerning “Judiciary and Court Administration” set forth in Articles 203, 204, 205, 206, 207, 208, 209, 210, 213, 214, 215, 216, 217, 219, 222, 251? Transitory Articles 29, 31, and 34?

Article 121 of the Electoral and Political Party Act stipulates that the Supreme Electoral Tribunal is the maximum authority in the area and defines it as an independent organ not subject to any State body. It was thus its duty to organize and conduct the referendum.

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5. The Court of Constitutionality recommended, in an indicative manner, the separation into six thematic or conceptual components. For an evaluation and comparison of the amendments with the present-day Constitution, see *Reformas a la Constitución Política de la República de Guatemala*, Tribunal Supremo Electoral, Unidad de Capacitación, Divulgación y Educación Cívico-Cultural, March 1999.
 6. On May 10, 1999, the Court of Constitutionality suspended subparagraph n) of Article 171, which dealt with interference in communications. Although article 171(n) continued to appear on the ballots (there was no time to reprint them), the said subparagraph was invalidated.
 7. Pursuant to the amendment approved by the Congress of the Republic on March 4, 1999, the following text was added: “and amendment of the heading of Title V, Chapter V and the additions of Section One and Section Two, set forth in articles 33, 34 and 40 of the Amendments to the Political Constitution of the Republic of Guatemala.”

2. Supreme Electoral Tribunal (TSE)

The Supreme Electoral Tribunal has a six-year term of office and is composed of five principal magistrates and five alternates, all of whom should meet the same prerequisites and qualifications as the magistrates of the Supreme Court.

Operationally speaking, the Tribunal is an autonomous body. Jurisdictionally speaking, the rulings of the Tribunal may be challenged by recourse to the Supreme Court and/or appeal addressed to the Court of Constitutionality.

The Voters' Registry, the Office of the Inspector General, and General Secretariat, and Office of Audit fall under the jurisdiction of the Tribunal.

The Voters' Registry is responsible for all matters relating to voter registration and is in charge of preparing the electoral rolls (list of persons qualified to vote). The Registry has delegations in the departmental capitals and sub-delegations in the municipal capitals nationwide, i.e., its institutional presence covers the country. In Guatemala, the registration of civil status (understood in its broadest sense) is the responsibility of the Civil Registries, which are administered by the 330 municipalities within their respective jurisdiction. Thus, the centralization of citizen registration constitutes a guarantee of transparency in the Guatemalan electoral process.

The director of the Electoral Registry is an official who must meet the same qualifications as the magistrates of the Court of Appeals and is appointed by the Supreme Electoral Tribunal. The Registry is composed of the Department of Citizen Registration and Preparation of the Registry of Citizens Qualified to Vote, the Department of Political Organizations, and such units as may be established by decision of the TSE.

The Registry thus organized entails two major administrative aspects: the Department of Voter Registration and Preparation of Electoral Rolls is responsible for all operations relating to the registry of citizens' data, as well as the preparation and delivery of the electoral rolls within the time limits dictated by the Political Party and Electoral Law. The Department of Political Organizations is responsible for the registration and approval of legal entities foreseen in the law, i.e., political parties, civic committees, and politically oriented associations.

The Office of the Inspector General performs major functions under the law in terms of oversight of strict compliance with the law as well as the functioning of the political parties. By legal mandate, however, the Office of the Inspector General is responsible for supervising the staff of the Supreme Electoral Tribunal.

The Secretariat is responsible for all administrative and managerial aspects of the daily activities of the TSE.

The specific functions of the Audit Department are to audit the permanent accounting of the TSE and income derived by the political parties from public funding sources. In the electoral processes it is responsible for certain issues, i.e., oversight and supervision of candidate enrollment.

3. Civil, ID and Citizens' Registry

Under current Guatemalan law, the national registries of natural persons are divided into the Civil Registry, Residence (Identity) Registry and Citizens' Registry. These systems operate independently of one another, have their own legal foundation and related structure designed for purposes other than those one might generally deem appropriate at the present time.

At present the process for entering citizens' names on the register is slow and costly. At times, several offices are involved or the same office must be visited more than once to complete a single step in the procedure. The three registries are obviously related, especially if one considers that the Civil Registry should constitute the foundation for both the Identity Registry and the Citizens' Registry. It should also be noted that these are independent registries that meet different needs and are administered by two different state entities: the Citizens Registry by the TSE, and the other two by the municipalities.

The Civil Registry, or a registry of personal status, contains vital statistics and some legal steps affecting an individual throughout his whole life. It should be borne in mind that the Civil Registry files the name, sex, nationality, age of the individual, and other basic areas that are useful in the Identity Registry and the Citizens' Registry.

The identification card also contains the data originally entered in the registration book, those essential for establishing the identity of its holder. This then is a personal ID document which citizens must use for filing their names in the Electoral Registry. The identification card is regulated by a specific law enacted on June 4, 1931. The law stipulates that any citizen duly documented with an ID card has the right to sign up on the electoral rolls of the municipality where he resides. It is also a means for assessing internal migration of the population. The card is obligatory for all Guatemalans and all foreigners resident in Guatemala. Issuing this document was left under the control of the municipalities, thus creating a resident register for which the mayors and municipal clerks are directly responsible.

The Supreme Electoral Tribunal, through its Citizens Register, attempts to ensure the legality of the identification cards held and submitted by citizens at the time they file to register as voters. This is done by recourse through its electoral delegates and sub-delegates to the Resident or ID Registries of the respective municipality to see that the identification card submitted by a particular individual is a matter of record.

In this sense, any request for registration filed by a citizen whose Identification card is not legally recorded or the data of which differs from that submitted is rejected. The reliability of the Identification card is perhaps one of the major problems facing the Citizens Registry, since this is the document with which a citizen is entered on the voter register.

4. Electoral Bodies

Article 153 of the Electoral and Political Party Law stipulates that the electoral bodies are: the Citizens' Registry, the Departmental Electoral Boards, the Municipal Electoral Boards, and the Ballot Receiving Boards.

The legal headquarters of the Citizens' Registry is in the capital city, with delegations located in the departmental capitals and sub-delegations in the municipal capitals. The electoral law allows for the TSE to authorize additional agencies or offices. Nevertheless, this has been done only when massive voter enrollment campaigns have been conducted. The registry is in charge of citizen registration, preparation of the voter register, registration of political organizations, which it also oversees, and the registration of candidates for office by popular vote.

The municipal and departmental electoral boards are in charge of any electoral process in their respective jurisdiction. Their legal headquarters must be in the respective municipal or departmental capital cities or towns. The boards are composed of three principal members and two alternates, appointed by the TSE. The boards should be dissolved once the electoral process is concluded.

The law expressly provides that, in order to be a member of the electoral boards, a candidate must be in full exercise of his rights as a citizen, a resident of the corresponding municipality, he must be able to read and write, and may not hold a leadership position in any political organization. The powers of the departmental electoral boards are set forth in the Political Party and Electoral Law, article 177, the principal ones being:

- Declare the result and validity of municipal elections held in the department, or, if appropriate, their total or partial nullity, award the respective offices and notify the citizenry of the results of the election once there is a firm ruling; and forward to the TSE documentation relating to presidential or congressional elections, as well as referendums, once the relevant reviews have been made.
- Receive the electoral documentation and materials delivered by the municipal electoral boards and add up the provisional results of the vote conducted in the department, using for that purpose only those documents received from the municipal electoral boards.
- Deliver in writing to each one of the of the political parties and public electoral committees the results of the voting, and publicize such results immediately.
- Oversee compliance with the Political Party and Electoral Law.

The powers of the municipal electoral boards are set forth in Article 178 of the Political Party and Electoral Law, the principal ones being as follows:

- Stipulate the polling places, which must meet essential conditions, and publicize their location ahead of time by the appropriate means.
- Deliver the relevant materials and documentation to the chairmen of the ballot receiving boards.
- See that the ballot receiving boards begin work on the day of the election at the hour set by law and also see that they have all the materials and documentation necessary for the performance of their duties.
- Receive all the electoral documentation from the ballot receiving boards.

- Determine the outcome of the voting in their jurisdiction, using for that purpose such documents as are delivered to them by the chairmen of the ballot receiving boards following due publication of such results by the latter.

A reading of the duties set forth by law for the electoral boards leads to the conclusion that the departmental boards have jurisdictional and operational functions while the municipal boards have merely operational functions.

The ballot receiving boards are in charge of and responsible for the receipt, count and tally of the ballots within their sphere of action. Such boards are composed of three titular members who are appointed by the Municipal Electoral Board and hold the offices of chairman, clerk, and member. Their attributes are set forth in the Political Party and Electoral Law, Article 178, the principal ones being:

- Open and close the voting pursuant to law.
- Review the electoral documents and materials.
- Perform, in the presence of the poll watchers of the political parties and civil electoral committees, the count and tally of the votes cast in its presence.
- Draft the corresponding minutes in the official registers.
- Transfer and deliver all paper materials used to the municipal electoral board.

The Mission

The mission to observe the referendum established its presence in Guatemala in late April 1999 when an exploratory mission, headed by the Chief of Mission, A. Edgardo C. Reis, visited Guatemala City for the purpose of determining the needs and logistics of such observation nationwide. At that time the first contacts were made with the electoral authorities, delegates of the political parties, representatives of diplomatic missions, international organizations, and the media, plus other civic leaders.

By mandate of the General Assembly of the Organization, all electoral observer missions must be financed by means of voluntary contributions from the member states and/or observer nations. Consequently, the mission had to request the support of the member states and permanent observers in order to finance the observer activities, for which it had a significant contribution from the Government of the United States, and the collaboration of the Government of Canada.

One of the mission's first activities was to set up a timetable of observation so as to cover all the events associated with the referendum process, i.e., meetings and political campaigns, media coverage, the performance of the electoral bodies and others tied to the process, activities on the day the referendum was held, and the official announcement of the outcome, when the mission terminated its activities.

A group of thirty observers and data recipients, made up of men and women from 13 member states of the Organization (Argentina, Brazil, Canada, Colombia, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, United States, and Uruguay) observed the process prior to the referendum as well as the activities on the date of the referendum and the later process of the ballot count and tally.

The observers initially established contacts with the electoral authorities, representatives of political organizations, the media, and the people in general. Part of their early activities was to observe the distribution of electoral materials for the referendum. Meetings were also held in the capital with the chairman and members of the Supreme Electoral Tribunal. The observers also visited the tribunal's storage sites and computer centers.

Objectives

The objective of the mission was to assess the integrity, transparency and reliability of the referendum in each of its stages, and to work with governmental, electoral, and party officials and the public in general on compliance with the regulations set forth for that process. The frames of reference used were basic instruments such as the OAS Charter, the Constitution of the Republic of Guatemala, the Political Party and Electoral Law, and agreements signed by the General Secretariat with the Supreme Electoral Tribunal on the electoral observation procedure, and with the Government of the Republic of Guatemala on the privileges and immunities of the observers.

The contacts and conversations with representatives of governmental, electoral, political, and nongovernmental (NGOs) organizations, made it clear that there was no concern or fear on their part (nor on the part of the media or the people in general) with respect to the possibility of fraud or actions that might affect the integrity, transparency, and reliability of the process. Nevertheless, a

high level of abstention in the referendum was expected. Therefore, the mission added as a further objective to focus its activities mainly on citizen participation, in addition to the following goals:

- Demonstrate existing international support for the electoral and democratic process.
- Help to firmly establish an atmosphere of trust within the framework of which the referendum might be conducted normally.
- Through an active, disciplined international presence, reduce any possible attempts at manipulation of the electoral process.
- Verify the validity of the official results.
- Encourage the voluntary participation of the voters in the referendum process.
- Make suggestions and recommendations with a view to helping to strengthen the system and electoral processes in the Republic of Guatemala.
- Provide useful documentation and information on the electoral process for application in future elections, both in the Republic of Guatemala and in other countries.

Within that context, the mission drew up an intensive agenda for the observers which included, in the period prior to the referendum, ongoing contact with electoral officials (Supreme Electoral Tribunal and departmental and municipal electoral boards), with representatives of political organizations and leaders of civic associations and organizations, as well as with the people as a whole to the end of observing how the process evolved.

The tasks of observation also involved follow-up of briefing campaigns, training (members of the ballot receiving boards) and public information (TSE, the media, political parties, associations, and NGOs) concerning the substance of the referendum, movements in favor of and against the referendum, and complaints filed with the mission by those involved in one way or another with the electoral process.

Furthermore, as part of the goal of assessing citizen participation, instructions were given to the observers to acquire as much information as possible on the reasons for voter abstention or possible impediments to casting a vote, such as distance from the home to the ballot receiving boards, language, etc.

Lastly, the usual visits were made to local authorities, electoral officials, political organizations, ethnic groups/representatives, the media, and a strong presence was maintained with the citizens in general as part of the efforts to give the mission visibility.

On the date of the referendum, an effort was made to focus mainly on observing events tied to citizen participation, there being no indications of possible serious incidents or irregularities that might compromise the transparency of the election or the process of counting the ballots and totaling the vote.

With a view to measuring citizen participation, the mission conducted a “quick-count” which made it possible to audit the total ballot count, project absenteeism in the different regions of the country, and measure the participation of men and women. Similarly, instructions were also given to those observers assigned to regions where armed confrontations had occurred in the past for them to be alert and to observe access by the disabled to the ballot receiving boards, as well as technical or legal aspects that might impede or intimidate someone from voting or interfere with his right to vote, plus communications problems, information on and clarification of the constitutional amendments and their co-relationship or lack thereof with the rate of abstention (language as a component thereof, the problems some ethnic groups experienced in reading the ballots in Spanish; distance to the voting places, since in Guatemala the ballot receiving boards are only located in the departmental and municipal capitals).

The Electoral System

1. Political Division and Electoral Distribution

The Republic of Guatemala is politically organized into 22 departments, which in turn are divided into 330 municipalities (municipios). On October 16, 1998, the Congress of the Republic passed constitutional amendments with a view to restructuring the State and complying with the 1996 peace agreements. Such amendments were subject to public referendum as a prior condition to their entry into force. On March 1, 1999, the Supreme Electoral Board convened a referendum to be held on May 16, 1999 for public approval or rejection of the constitutional amendments.

As of February 17, 1999, there were a total of 4,085,832 registered voters (374,243 more than in the 1995 elections when there were 3,711,589 registered voters), divided among 6,971 polling stations.

Departments	Municipalities	Polling Stations	Voters
Guatemala	17	1,813	1,081,851
Sacatepequez	16	147	84,860
Succhitepequez	20	270	156,309
Chimaltenango	16	254	146,797
El Progreso	8	98	56,772
Quetzaltenango	24	456	268,206
Totonicapan	8	164	96,410
San Marcos	29	476	277,893
Huehuetenango	31	430	248,100
Baja Verapaz	8	125	73,072
Alta Verapaz	15	312	182,600
Peten	12	194	112,333
Chiquimula	11	201	116,942
Izabal	5	199	117,702
Jalapa	7	133	77,749
Zacapa	10	144	83,678
Jutiapa	17	290	16,930
Retalhaleu	9	183	106,632
Escuintla	13	378	221,896
Sololá	19	167	93,201
El Quiche	21	294	171,838
Santa Rosa	14	243	141,687
National Total	330	6,971	4,085,832

For purposes of projecting the participation of men and women in the referendum, which was done as part of the team's work, the mission used the following data for later comparison (the results of the projection are in the "Quick Count" evaluation).

General Summary of Statistics in the Voter Registration Rolls as of February 17, 1999					
Literate Citizens		Illiterate Citizens		Total	Deceased
Male	Female	Male	Female		
1,683,234 (41%)	1,128,129 (28%)	703,372 (17%)	571,097 (14%)		
2,811,363 (69%)		1,274,469 (31%)		4,085,832 (100%)	210,715
		Total Male		2,386,606	
		Total Female		1,699,226	

Source: Supreme Electoral Tribunal

The voting population, broken down by age groups, was as follows:

Breakdown of Voters by Age Groups as of February 17, 1999	
Registered voters between 18 and 30 years of age	1,118,847
Registered voters between 30 and 50 years of age	1,906,566
Registered voters between 50 and 70 years of age	833,668
Registered voters over 70 years of age	226,751
Total	4,085,832

2. Referendum features and procedures

The electoral process involved in a popular referendum begins with the call to vote and ends when the Supreme Electoral Tribunal declares its conclusion, pursuant to the Political Party and Electoral Law, Article 193. The law also clarifies that the process must take place in a setting of freedom and full enforcement of constitutional rights. There may be no restriction on such freedom and rights nor may a state of emergency be decreed while the process is still under way.

The system of a relative majority is applicable to referendums, which means that for each of the questions asked the voters, the highest number of valid “yes” or “no” votes wins.

Guatemalan citizens are completely free to cast their vote and no one under law⁸ may, either directly or indirectly, compel them to vote or to do so for a given list or political party, or, “in the case of a referendum as considered in Article 173 of the Constitution, to vote in a predetermined way.” Voting is not compulsory and failure to do so is not punishable as an electoral offense.

8. Electoral and Political Party Law, Article 13.

This version is subject to revision and will not be available to the public until after it has been reviewed, if need be, by the Permanent Council.

Any citizen duly documented with an identification card has the right to register as a voter in the municipality where he resides by going to the municipal sub-delegations or departmental delegations and Citizens' Registry posts. Upon presentation by the applicant of his identification card and if the applicant is a Guatemalan citizen and over 18 years of age, the keeper of the voter roll will indicate a date on which he will be given his original ticket and his identification card will be validated. The card will indicate the holder's voter registration number and municipality where he is to cast his ballot.

The duly validated identification card is the document a citizen must submit at the polls in order to be able to vote, it being understood that no one may, either directly or indirectly, force him to vote.

Anyone on active duty in the National Army or police force or who has been appointed for any task of a military nature may not exercise the right to vote.⁹ Anyone whose rights as a citizen have been temporarily suspended or who has lost his citizenship may not exercise the right to vote.

Three months prior to each election, and in the case of the referendum held on February 17, 1999, voter registration is curtailed for citizens residing in the municipalities where the elections are held. As of the same date, the lists of voters are closed, meaning that only those citizens who as of that date appear correctly registered on the rolls of each polling station may cast their ballot in the elections

3. Voting Mechanics

On the date of the election, a citizen goes to his polling station, or ballot receiving board, and hands his identification card to the person presiding. After checking that both the citizen and document meet the legal requirements, the voter will be given, in the case of the referendum, four ballots (see Annexes) duly folded in four.

The citizen then proceeds to the booth intended to protect the secrecy of the vote to mark his ballots and returns to the table outside and deposits each one in the proper ballot box. The voter then signs or leaves his fingerprint on the voter register. The identification card is stamped with the seal of the election signed by the presiding officer. The voting cycle ends with the application of indelible ink on the index finger of the right hand of the voter, which prevents him from voting again, and the return of his identification card.

The polls open at 7 a.m. and close at 6 p.m., provided there is no voter in line waiting for his turn to cast his ballot. The chairman of the ballot receiving board then closes the voting. Next, the left-over ballots are counted and stamped with a seal that says UNUSED and placed inside the bag intended for that purpose. Next, the box with the ballots on Question 1 is opened and the ballots unfolded. The number of registered voters on the voter register is verified and compared with the results of the count of all the ballots.

The chairman takes the ballots one by one and announces whether they are "valid" (Yes or No), "null and void" or "blank". Any objection is put to a vote among the members of the ballot

9. Article 14 of the Political Party and Electoral Law.

receiving board, who decide by majority vote. The poll watchers have the right to challenge the decision if they do not concur. Once the classification of each one is complete, the votes in each pile are counted, the result is announced and entered in the Final Minutes. Next, the ballot count certificate is drawn up and immediately delivered to the poll watchers legally accredited to the ballot receiving board.

The mission wishes to point out the high degree of cooperation given by the chairman and members of those polling stations which were part of the sample, for they were asked to identify the voters by sex, which was not part of their obligations. Each person on the list of voters was identified as male or female by a mark or letter. This made it possible to make the projections set forth in this report on the participation of men and women in the referendum.

The Observation

The observers were spread out among twelve “regional observation cells.” Their headquarters was in Guatemala City. The twelve regional sites for observation were Quezaltenango, San Marcos, Huehuetenango, Salamá, Chiquimula, Flores, Mazatenango, Escuintla, Solalá, Santa Cruz del Quiche, and Santa Rosa, covering most of the municipalities in 17 of the country’s 22 departments.

	Headquarters/ Regional	Departments	Municipalities	Polling Stations	Voters
1	Cd. Guatemala	Guatemala	17	1,813	1,081,851
		Chimaltenango	16	254	146,797
2	Quezaltenango	Quezaltenango	24	456	268,206
		Totonicapan	8	164	96,410
3	San Marcos	San Marcos	29	476	277,893
4	Huehuetenango	Huehuetenango	31	430	248,100
5	Salamá	Baja Verapaz	8	125	73,072
6	Flores	Peten	12	194	112,333
7	Chiquimula	Chiquimula	11	201	116,942
		Izabal	5	199	117,702
		Zacapa	10	144	83,678
		Suchitepequez	20	270	156,309
8	Masatenango	Retalhuleu	9	183	106,632
		Escuintla	13	378	221,896
9	Escuintla	Escuintla	13	378	221,896
10	Sololá	Sololá	19	167	93,201
11	Santa Cruz del Q.	El Quiche	21	294	171,838
12	Santa Rosa	Santa Rosa	14	243	141,687
		Total Coverage	267	5,991	3,514,547
		OAS			
		National Total	330	6,971	4,085,832

The observers’ activities differed in terms of the period of observation. The activities prior to the referendum were geared more towards giving the mission visibility, and the observers attempted to cover as many localities as possible. During that time they attempted to make contact with local election officials, representatives of political parties and the media, and the public in general. During those contacts one of their tasks was to give a detailed explanation of the mission’s goals (see Chapter II, Goals) and, secondly to listen to any formal complaints relating to the electoral process.

1. Activities prior to the referendum

During the activities prior to the referendum, the observers listened to formal complaints concerning the process. The observers complied with the goals of the mission and their presence was widely publicized in the media. According to the mission reports, in all the localities the mission visited, there was a certain apathy and lack of interest on the part of the people with respect to participation in the referendum for a variety of reasons ranging from ignorance on the substance of the referendum to transportation problems for reaching the polls.

With the exception of the week prior to the referendum, there was little substantive coverage in the media and little publicity by the political parties or departmental or local officials. During talks with party representatives, it was clear that the referendum was not an electoral goal and therefore the parties had decided not to devote much effort or financial resources, preferring instead to focus on the general elections scheduled to be held on November 7, 1999. Even so, as the day of the referendum approached, the campaign by the Supreme Electoral Tribunal to brief the public and clarify the goals of the referendum was intensified. The campaigns by the different political parties and other groups (entrepreneurial, business, labor) for a “yes” or “no” vote were also stepped up.

2. Activities during the Referendum

On the day of the referendum, efforts were focused on those departments and municipalities that were part of the sample for the “Quick Count” (see Chapter IV). Each observer was assigned two polling stations – primary (at which he was present when the ballots were counted) and secondary (at which he obtained the results by copying the tellers’ minutes). Each one was instructed to be present when the voting at the primary poll opened and closed. It was also recommended that during the day he visit as many polling stations as possible. The activities and observations made prior to, during, and after the casting of the ballots are explained below.

Regional reports

Headquarters, Guatemala City

The observers visited nearly 80 voting centers, with a total of almost 2,400 stations. Most of the voting centers were located in schools, and in each one there was an average of 30 polling stations with enough space for each one to function well. In the region, generally speaking the members of the polling stations and other election officials arrived on time to make preparations so that voting could get under way normally at 7 a.m. This was evident in the stations that were visited. Generally speaking, the polling stations had received complete voting materials ahead of time. Whenever some type of material was lacking, the TSE delegate replaced it himself or had the missing material brought in. From start to finish on the day of the referendum, except a very small number of poll watchers from the Guatemalan Republican Front (Frente Republicano Guatemalteco, FRG), no political party had accredited poll watchers or representatives present at the polling stations.

The observers underscored the low voter participation, even in easily accessible polls. Based on talks the observers had with the voters, it took most of them 20 or 30 minutes to reach the voting center. For a good portion of Guatemala City residents, the favorite means of transportation was by private vehicle. Nevertheless, many arrived on foot and about 30 percent used public transportation or private vans that operate as buses. Some voters were accompanied by other family members. In most instances, the family members of voting age were registered at polls located in the same Voting Center.

In those Voting Centers visited by the observers, the low rate of participation meant that there were no lines to delay the voter in casting his ballot. As a general rule, it took the voter about three minutes to cast his ballot. The only problem for some of the voters was in locating their polling stations. No voter faced any legal obstacles to casting his ballot and in all the polling stations visited the voting was conducted in secret. Men and women came to vote with small children and access was given to people who were not going to vote. There were adequate facilities for people with

disabilities to exercise their right to vote, including the availability of the ballots in Braille. In those exceptional cases in which the voter could not cast his vote, this was often due to the fact that he had registered after the voters' rolls for the referendum had closed.

In the centers visited by the observers, the members of the polling station (generally teachers and a few students) arrived punctually at 5 a.m. Most stations had an alternate member. Among the members of the station, there were a small number of indigenous people, mostly alternates who worked during the entire process of voting and tallying the ballots. The station members, throughout the day, proved to be well trained and gave adequate assistance to the voters.

In addition to the well-prepared members of the polling stations and local electoral officials, the national police provided security with a high degree of professionalism. There was total calm and order throughout the day. The police stayed outside the voting centers, patrolling access streets and roads leading into the municipalities. No campaigning was observed in the voting centers.

In the Department of Guatemala, the observers were present in Guatemala City, Mixco, Palencia, Villa Nueva, and Villa Canales. On the day of the referendum they visited almost all the polls in the municipalities of San Andres de Itzapa, Zaragoza, and Comalpa in the Department of Chimaltenango. It should be pointed out that in the municipality of Chimaltenango, there are approximately 80,000 people of voting age but thus far only 21,963 have registered to vote.

Quezaltenango SubDistrict

The following municipalities were visited on the day of the referendum in the Department of Quetzaltenango: Sibilia, Cajola, Esperanza, San Mateo, San Juan Ostuncalco, Concepción, Chiquivichapa, San Martin Sacatepeche, and Colamba.

The day's activities progressed on schedule. The ballot receiving boards had received complete electoral materials in order. The poll members demonstrated that they were trained and able to perform the work assigned them.

During the entire referendum, the political parties had no major presence or involvement; nor, generally speaking, did they accredit representatives to watch the voting process. There were few voters on hand in the places assigned for observation and, throughout the day, abstention was quite noticeable. Among other reasons, this was due to the notable lack of public understanding of the substance of the amendments submitted to referendum.

There was no ongoing presence of the police at the voting places. Rather, they did periodic patrols.

Solalá SubDistrict

During the elections, a considerable number of polling places were visited in the Solala Department. These were located in the following municipalities: Panajachel, Santa Clara de la Laguna, San Juan la Laguna, San Marcos la Laguna, Santa María Visitación, San Pablo la Laguna, San Pedro la Laguna, and Sololá.

The polls opened on time. No poll watchers from the political parties were present at any time during the day. In every instance, the polling places visited had received complete sets of electoral materials.

As a general rule, there was very low voter participation. For the most part, the voters who attended lived near the polling station. The considerable distance in some cases between ballot receiving centers (located in urban centers of the municipalities) and the places where the voters resided contributed to the low turnout, according to comments made by some of the voters who were interviewed.

Very few polling station members were absent or failed to comply with the civic obligation. Of 33 polling places visited, some of the members were missing in only five. In the ballot receiving boards in the municipality of Sololá, very few station members were indigenous. The local indigenous organizations (NGOs) expressed their concern to the mission observers that the stations in Sololá were not staffed by indigenous groups (Conavigua, C.V.C., Conic, Defensoria Maya, Association of Mayan Students and Professionals, Coordinator of Mayan Organizations in Sololá).

Department-wise, the police were present close by the voting centers but took no part in the process. As to the departmental and municipal electoral authorities, they were very well predisposed and ready to collaborate with the agenda of activities of the OAS mission.

Among the voters, there was a very low percentage of female attendance: 41.5% of the voter roll of Polling Station 1 in the Municipality of Santa Clara, was female, but only 12% voted. This was repeated in the other polling stations that were visited.

San Marcos SubDistrict

During the observation conducted on the day of the referendum, a few qualitative aspects stood out that were a common denominator during the mission's presence in the department. The ballot receiving boards fully assumed the tasks given them, the polling station members proved to be qualified and able to perform their work and all the necessary electoral materials were complete and in order. The political parties had no major presence or involvement during the voting.

The people who went to the voting centers to cast their ballot had no major problems in getting there. There were few voters present at the sites assigned the mission for observation. There was no ongoing presence of the police at the polls, but rather their work was done through periodic patrols.

It should be mentioned that the participants in the voting indicated they had no substantive understanding of the amendments being submitted to referendum. Ignorance was even evident in some of the officials responsible for guiding the process. A contributing factor was the failure to publicize the substance of the proposed amendments to the National Constitution, and/or partial dissemination of their substance, mostly in response to the private or sectoral interests of various groups, agencies, and institutions. In the days prior to the referendum, there was a noticeable increase in publicity on behalf of one position or another, but without including or touching upon the substance of the amendments. This helped generate greater confusion among the voters.

Another problem that interfered with citizen participation had to do with the great distance voters had to travel to reach the towns where the polling places were located, plus the fact that the local rank and file of the political organizations failed to display enough interest to motivate the people to exercise their right to vote.

The lack of information caused by the little access many citizens have to the mass media such as the press, radio, and television, plus the high rates of illiteracy and language barriers in some regions of the country, were other factors responsible for the lack of participation in San Marcos.

Huehuetenango SubDistrict

On the day of the referendum 150 polling places were visited in the Department of Huehuetenango. These were located in the various voting centers in the municipalities of Aguacatan, Colotenango, Chantla, Huehuetenango (municipal capital), La Democracia, La Libertad, Nenton, San Juan Atitan, San Rafael Petzal, San Sebastian Coatan, and Santa Ana Huista.

The observers noted that all the polling places they visited in the region opened on schedule and, with few exceptions, had complete electoral materials available. During the course of the day, no poll watchers or representatives of the political parties were present at the voting centers.

Most voters who took part in the referendum indicated they had had to walk two or three hours to get to their precincts. Those who came by bus took just about as long. Generally speaking, any transportation used was either van or bus. Since Sunday is a typical market day and day to attend mass, most of the voters came to the polls with their family.

In some municipalities there was no need for the voters to wait in line to cast their vote; in others, there were lines of 10 or 15 people. Generally speaking, the average voting time was two minutes. In some cases, the voters had trouble finding their particular polling place. In all of the polls that were visited, only three instances were noted of people who were unable to vote because their names did not appear on the voter register.

The three required members were present at all the polling stations visited by the mission, and they performed properly. In the nearby areas, no electioneering activity interfered with the normal voting process. The day went along in a general climate of absolute safety, with few policemen patrolling in the area close by the polls.

Salamá SubDistrict

The voting began on time (7 a.m.) and no irregularities were reported. All the polling places had complete election materials available and generally speaking the voting was well organized. Nevertheless, there was a low rate of voter participation for a variety of reasons, ranging from problems in reaching the voting centers to lack of interest on the part of the voters, who were apparently little informed of the topics covered in the referendum.

Flores subdistrict

In the Department of Peten, the observers visited the municipalities of Santa Ana, San Benito, Flores, Libertad, Sayaxche, San Luis, Poptun, and Dolores. On the days prior to the referendum,

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contacts were made with election officials, National Police officers, and some political party members. Talks were also held with several citizens, including a community of 34 indigenous families near the locality of Ceibal.

The referendum was generally conducted efficiently in the department, since the people running the polling stations were for the most part teachers with prior experience, which facilitated the voting. Nevertheless, voter participation at the stations visited by the mission was very low, an average of 10%. The participation of women was particularly low, in some places less than 10%.

There was a serious lack of information available to the public. Most citizens had no idea of the benefits that might ensue from a “yes” or “no” vote. Add to this the absence of substantive interest displayed by the political parties during the course of the referendum.

An additional problem that affected the voting had to do with the lack of access or problems in reaching the polls. Most rural people live quite far from the main town in the municipalities and, thus, getting to the polls represents an enormous effort and expense. Add to this the lack of suitable transportation in many cases. In places where there were active indigenous associations, such as in the municipality of San Luis, the voter turnout was substantially higher.

Mazatenango subdistrict

On the day of the referendum the mission visited almost all the municipalities in the Department of Mazatenango. The voting process went along well and in accordance with the procedures agreed upon and suggested by the TSE. Generally speaking, the polls were fully staffed and had voting materials available and on hand ahead of time. As a result, the voting got under way promptly.

This department is an agricultural area and, as a result, has a high rate of rural population. The voters therefore had problems in going from their homes to the main town of the municipalities to cast their vote. This was not the only cause for the high rate of absenteeism. The lack of information or publicity on the substance of the amendments and consequent voter unfamiliarity with the issues were essential factors in determining whether or not they decided to vote.

At the voting centers, the voting took place in secret and the ballots were deposited properly in the bags provided for that purpose. The police had no part in the process and conducted sporadic patrols at a prudent distance from the polls.

The polling places were closed and the votes tallied on schedule, in a calm, orderly manner, which was typical of the process throughout the day. The unused ballots were sealed before the polling stations were closed.

Chiquimula subdistrict

In the Department of Chiquimula, almost all the 66 ballot receiving boards located in the municipalities of Chiquimula and San Jose la Arada were visited by the observers, as well as the 50 located in the municipalities of Zacapa and Estanzuela, department of Zacapa. Generally speaking, the ballot receiving boards opened on time. The members of the polling stations were well briefed on

what they had to do and on the voting process. The election officials performed effectively and impartially.

Throughout the day, the voters had no trouble finding their ballot sites, and it took them about three minutes to cast their vote. In the polling stations that were visited, there were no political party representatives present acting as poll watchers.

During the entire day, no complaints at all on the regularity of the referendum process were made to the mission of observers.

Escuintla subdistrict

The electoral process in the Department of Escuintla was no different than in the other departments, and basically the same observations were made, i.e., low voter participation, well-trained poll members, duly organized voting centers, and problems of access, which made it difficult for many voters to get to the polls.

On average there were four polling places at each voting center. These opened between 7 a.m. and 7:10 a.m. There was enough space allowed for the polling places but, because the heat caused people to seek shade, the distance between the polling places shrank. The materials were complete and no political party representatives were present. The most common means of transportation was by bicycle. Family members were not registered in the same center because they are registered by age.

Since there were no lines, the voting process was very quick. Many of the voters approached by the mission observers said they had little knowledge of the proposed amendments and pointed to that problem as one of the reasons for the high degree of voter abstention.

Santa Cruz del Quiche subdistrict

In the department of Santa Cruz del Quiche, the mission visited, among others, the municipalities of Cunén, Nebaj, Sacapulas, and Uspantán. The ballot receiving boards opened quite punctually at 7 a.m. There was a high level of organization, and, generally speaking, complete voting materials were on hand. In no instance were political party representatives (poll watchers) observed.

The vote was secret in the voting centers. There was no campaigning going on inside the centers or nearby that could harm the orderliness of the process. Nor was there any intimidation noted which might have kept the voters from casting their ballots.

The level of absenteeism was obviously high. By three o'clock in the afternoon only 16.7% of those registered at one of the polling places had voted, and the same tendency was noted at all the stations. In talks with the people, the main arguments for the failure to vote were unfamiliarity with the Spanish language (the region has a large Mayan population) and unfamiliarity with the substance of the amendments. An additional problem was the lack of suitable transportation (and its high cost) from the villages to the municipality.

Santa Rosa subdistrict

The observers visited eight municipalities (Santa Cruz Naranjo, Taxisco, Chiquimulilla, Pueblo Nuevo Vinas, Cuilapa, Santa Rosa de Lima, Barberena, and Santa Maria Ixhuatan) and concentrated on observing 30 polling places. The polling places were well distributed in the voting centers and the space between one and another was enough for an orderly vote. The voting materials were complete, although it has been learned that at some of the polling places some of the ballots were blank pieces of paper. Some of the forms for challenging and justifying the vote count were also missing.

There were no political party representatives in the voting centers. The voting process (each voted took an average of five minutes to cast his ballot) was orderly and calm, with no lines for voting and with the materials placed and the ballot site located in such a way as to allow the citizens to vote in secret. All the polling stations visited were staffed by all their members.

Many voters said they were undecided on how to vote because they did not understand what they were voting on. At the voting centers the observers visited, few of the voters asked said they had problems in getting there, and most went in private vehicles. The police were present at the voting centers where there was a large number of voters, but the others were also under surveillance. There was no violence.

According to data supplied by the chairman of the Municipal Board of Santa Rosa de Lima, by 10 a.m. only 3% of the registered voters had signed in. By 2 p.m., the figure was only 8%.

1. Introduction

The quick count is a statistical process for auditing the official vote tally in an election. The quick count requires a sample from the polling stations where the OAS observers are present when the votes are counted, thus making it possible to guarantee and certify the results obtained at said polling places. Statistical methods are used to project the results of those polling stations for the entire country. The official results of the election are compared with the results of the quick-count projection. If there is any difference in the results, allowing for a certain margin of error, it might be suspected that there were problems in the official tally. Based thereon, it should be noted that the quick count is meant not to foresee the winner of the election but, as mentioned above, to indicate whether the official count has any suspicious deviations. This process has been used by the Organization of American States in other elections and was once again used in the referendum in Guatemala that is the subject of this paper.

Since the number of observers available was limited, it was decided to take two samples with 30 polling stations in each one from among all the polling stations in the country. The first of the two samples we call the “primary sample” and the second the “secondary sample.” After observing the counting of the ballots and obtaining the vote count from the station in the primary sample, the observer immediately transmitted the data to the mission’s computer center and, afterward, sought and transmitted the result of the count from the secondary station.

The purpose of the referendum in Guatemala was to consult the people on several amendments to the Constitution, for which they had to respond to four questions (copies of the ballots used in the referendum are in the Annexes). The quick count was of special interest to the mission, not only for making the projections of the results of the voting on the four questions, but also for determining the degree of participation by the voters in general and also by sex, since a high percentage of abstention was expected.

2. The Sampling Process

It is very difficult to determine beforehand what the margin of error will be in the projection made with the quick count, since this depends on the data from the election that is to be held. Nevertheless, there is a sampling method that gives a smaller error for the same size sample. This method is known technically as “stratified sampling.” To employ this method, one must divide the population into homogeneous strata, i.e., take subgroups of the universe of polling stations within which little variability is expected in the results. Secondly, the expected variability between the subgroups (strata) should be greater than the variability within them. This was the process used in the quick count for the referendum in Guatemala. There was also special interest in determining the behavior of the voters in Guatemala City and in the interior. Therefore, the factor used in making the stratification was the location of the polling stations in Guatemala City and in the interior.

The projections made separately in each stratum were ultimately combined to give an estimate of the percentage of “yes” votes, “no” votes, blank ballots, and those that were null and void and for voter participation by sex. Therefore, the sampling method chosen was that of a “stratified random sample.”

Of the total polling places in the country (6,971), 1,234 were drawn from the “capital” stratum (17.7% of the total) and 5,737 from the “interior” stratum (83.3% of the total). The primary and secondary samples each had, for the capital, a total of 9 polling places (18 altogether) and, for the interior 21 (a total of 42).

3. Estimate

Before making the projections, a statistical test was used to compare the primary and secondary samples. Since no evidence of difference between them was found, the two samples were joined to work with the 60 ballot receiving places.

For each of the four propositions, estimates were made of the percentage of “yes,” “no,” blank votes and votes that were null and void, as well as the percentages of male and female abstention, and the total rate of abstention. The projections of the percentage of voters who did not cast a ballot, broken down by sex, were made using the total number of registered voters as 100%. The projections were made for the capital, the interior, and for the nation as a whole. The margin of error of each estimate was also figured, for a reliability coefficient of 95%. The calculations were done by microcomputer, using the SAS system on Windows 98. The programs used for the calculations were tested on simulated populations on the computer. The mathematical expressions of the estimators used are shown in the Annex

4. Results

The results are shown below. It is important to note that the 95% rate of reliability is valid for each one of the separate estimates (i.e., by individual result). It is not valid as a whole for all the estimates combined.

**Percentage of YES, NO Votes, Blank and Invalid Votes
Abstention and Participation by Sex – GUATEMALA CITY
Reliability limits 95%**

..... QUESTION 1

Result	Percentage	Lower Limit	Upper Limit
YES	26.57	24.85	28.29
NO	73.43	71.71	75.15
BLANK BALLOT	0.37	0.06	0.68
INVALID VOTES	3.31	2.43	4.19

..... QUESTION 2

Result	Percentage	Lower Limit	Upper Limit
YES	20.37	18.34	22.40
NO	79.63	77.60	81.66
BLANK BALLOT	0.61	0.26	0.96
INVALID VOTES	3.26	2.48	4.05

..... QUESTION 3

Result	Percentage	Lower Limit	Upper Limit
YES	23.57	21.53	25.61
NO	76.43	74.39	78.47
BLANK BALLOT	0.56	0.23	0.88
INVALID VOTES	3.31	2.65	3.97

..... QUESTION 4

Result	Percentage	Lower Limit	Upper Limit
YES	27.71	25.39	30.04
NO	72.29	69.96	74.61
BLANK BALLOT	0.84	0.28	1.40
INVALID VOTES	2.94	2.14	3.73

ABSTENTION

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Result	Percentage	Lower Limit	Upper Limit
Male abstention	47.15	43.61	50.59
Female abstention	52.85	49.31	56.39
Total abstention	79.93	77.40	82.46

**Percentage of YES, NO Votes, Blank and Invalid Votes
Abstention and Participation by Sex – INTERIOR
Reliability limits 95%**

..... QUESTION 1

Result	Percentage	Lower Limit	Upper Limit
YES	51.92	45.09	58.76
NO	48.08	41.24	54.91
BLANK BALLOT	3.21	2.34	4.09
INVALID VOTES	7.58	6.23	8.92

..... QUESTION 2

Result	Percentage	Lower Limit	Upper Limit
YES	44.64	37.88	51.40
NO	55.36	48.60	62.12
BLANK BALLOT	4.92	3.79	6.05
INVALID VOTES	7.89	6.51	9.27

..... QUESTION 3

Result	Percentage	Lower Limit	Upper Limit
YES	46.10	39.65	52.55
NO	53.90	47.45	60.35
BLANK BALLOT	4.65	3.58	5.73
INVALID VOTES	8.09	6.72	9.45

..... QUESTION 4

Result	Percentage	Lower Limit	Upper Limit
YES	50.64	44.13	57.16
NO	49.36	42.84	55.87
BLANK BALLOT	4.32	3.26	5.38
INVALID VOTES	7.58	6.19	8.96

ABSTENTION

Result	Percentage	Lower Limit	Upper Limit
Male abstention	61.77	58.09	65.44
Female abstention	38.23	34.56	41.91
Total abstention	81.48	79.17	83.80

Percentage of YES, NO Votes, Blank and Invalid Votes
 Abstention and Participation by Sex – TOTAL
 Reliability limits 95%

..... QUESTION 1

Result	Percentage	Lower Limit	Upper Limit
YES	47.44	41.81	53.07
NO	52.57	46.93	58.19
BLANK BALLOT	2.71	1.99	3.43
INVALID VOTES	6.82	5.70	7.94

..... QUESTION 2

Result	Percentage	Lower Limit	Upper Limit
YES	40.34	34.76	45.92
NO	59.66	54.08	65.24
BLANK BALLOT	4.15	3.22	5.08
INVALID VOTES	7.07	5.93	8.21

..... QUESTION 3

Result	Percentage	Lower	Upper
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		Limit	Limit
YES	42.11	36.79	47.43
NO	57.89	52.57	63.21
BLANK BALLOT	3.93	3.04	4.82
INVALID VOTES	7.24	6.11	8.37

QUESTION 4

Result	Percentage	Lower Limit	Upper Limit
YES	46.58	41.20	51.96
NO	53.42	48.04	58.80
BLANK BALLOT	3.70	2.82	4.58
INVALID VOTES	6.76	5.61	7.91

ABSTENTION

Result	Percentage	Lower Limit	Upper Limit
Male abstention	59.18	56.09	62.27
Female abstention	40.82	37.73	43.91
Total abstention	81.21	79.25	83.17

Below are the projections on abstention by sex for the capital stratum, interior and countrywide, considering male and female registered voters as 100% of the electorate, i.e., of the registered voters of each sex, the percentages are given of those voters who did not cast a ballot.

Percentages of Abstention by Sex - CAPITAL
95% reliability limits

Result	Percentage	Lower Limit	Upper Limit
Male abstention	77.41	74.32	80.50
Female abstention	82.33	79.87	84.79

Percentages of Abstention by Sex - INTERIOR
95% reliability limits

Result	Percentage	Lower Limit	Upper Limit
Male abstention	79.03	75.48	82.58
Female abstention	85.78	82.07	89.48

Percentages of Abstention by Sex - TOTAL
95% reliability limits

Result	Percentage	Lower Limit	Upper Limit
Male abstention	78.74	75.77	81.71
Female abstention	85.17	82.09	88.25

Appendix

Estimators used

The estimates were made separately on each stratum, and, at the end, were combined with equal weight to the voting place percentages in the stratum:

- size of sample in the stratum
- number of polling places in the stratum
- estimator of the percentage of “yes” and “no” votes
- total votes cast at polling place j for the response i , $j=1,\dots,n$
- number of invalid votes cast at the polling place
- number of those who did not vote
- total “yes” or “no” votes at the polling place (valid votes)
- total votes cast at the polling place
- average number of valid votes per polling place
- estimate percentage of invalid votes
- estimate percentage of abstentions
- estimator of variance in the estimates

Bibliography^{10/}

1. Cochran, W.G., *Sampling Techniques*, third edition, John Wiley & Sons, Inc., New York, N.Y., 1977.
2. Sukhatme, P.V. and Sukhatme, B.V., *Sampling Theory of Surveys with Applications*, second revised edition, Iowa State University Press, Ames, Iowa, 1970.

10. The mathematical formula is available to those interested at the Unit for the Promotion of Democracy, 1889 F Street, N.W., Washington, D.C. 20037, USA.

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Conclusions and Recommendations

The referendum held in Guatemala on May 16, 1999, which rejected the constitutional amendments passed by the Congress of the Republic on October 16, 1998, was clearly noted for the high rate of abstention (81.2%). There were a number of reasons for this, ranging from lack of interest and lack of information on the part of the voters, despite the intensive publicity efforts made during the final weeks before the referendum, to the electoral logistics itself.

The lack of understanding by the public as a whole of the proposed amendments, the expansion by the Congress of the Republic of the amendments beyond those originally foreseen in the peace agreements, the location of the voting centers in the main towns in the municipalities and resulting problems of transportation, failures in the process of voter registration, lack of access by many citizens to the mass media, in addition to the high rates of illiteracy and the self-evident language barriers in some regions of the country, the high rate of female abstention in both the capital (82.3% of registered female voters) and the interior (85%), obviously had an impact on public attendance at the ballot box.

The civil registries pose problems, e.g., citizens' data is being recorded in different places, with different documents and procedures. There appears to be no uniformity in how registration and certification of the civil registries is dealt with. The status of the identity registries is similar to that of the civil registries. The biggest problem is the lack of standards in the different support and service areas. In some municipalities the civil registries are headed by the same person as the identity registries. In each municipality the resources, paper, format, and colors used were of different types even though the law requires uniformity and the centralized issuance of identification cards. There may be dual registration, the identification card itself has no level of security, its stamps are easily falsified, i.e., there is no need to falsify the birth certificate if one wants to get a false identification card, for example.

Probably because this was not an election of officials for public office, the political parties were not particularly involved and, according to conversations with party representatives, few resources were devoted to educating and informing the electorate of the available options, still less to encouraging them to vote or, finally, to having poll watchers at the voting centers. With the exception of the final days before the referendum, public officials made little or no effort to provide incentives for the people to vote.

Nevertheless, those who did vote did so in a setting of order and serenity, thus testifying to civic and democratic awareness on the part of the public. During the voting, no problems, events, or incidents were witnessed that might have interfered with the normal casting of ballots, nor were there instances of voter intimidation. The mission, however, did observe cases where voters failed to understand how the polling places were distributed and went to those that were not their own. Spatial distribution at the voting centers was, for the most part, adequate and there was total secrecy of the ballot.

No formal complaints were received either before or during the voting process. Nevertheless, indigenous organizations, specifically in the department of Sololá, expressed their concern to the mission over the failure to have the polling places in that region attended by indigenous people.

Based on projections of trends and system evaluations made by the mission during the process, the mission considers that the referendum on the constitutional amendments held on May 16, 1999, was clean, free, and transparent.

The mission underscores the exemplary conduct of the public, which contributes to the consolidation of the democratic system. It also wishes to recognize the intensive efforts put forth by the Supreme Electoral Tribunal and the departmental and municipal electoral boards to organize the electoral process, and the sense of responsibility and impartiality displayed by their members. The mission considers the work done by the electoral officials in transmitting, presenting, and disseminating the outcome of the referendum to be of great value and importance to future electoral events.

The mission wishes to point out that, based on the principle of national self-determination, the citizens of Guatemala were the only legitimate source for deciding whether or not the constitutional amendments passed by the Congress of the Republic on October 16, 1998 fit within the framework of their democratic institutions. It is definitely not up to the mission to make value judgments thereon.

Recommendations

The mission repeats the recommendations made in the report of the mission that observed the 1995-1996 elections¹¹ with respect to identification cards and voter registration, civic education and citizen participation. The mission believes it is recommendable to consider:

- the installation of ballot receiving boards in localities that would facilitate voter access and thus promote greater citizen participation in the electoral processes.
- modernization of the registration process and of the voter registry
- ongoing programs of public education geared to providing incentives for voters to participate in elections, mainly in the rural regions.

Bearing in mind the current phase of the peace process, it is recommended that greater attempts be made to overcome present-day social and political polarization evident in the call to the referendum, and which are completely at odds with the spirit and desire for national reconciliation.

Civic development in the various social sectors, political parties, and government agents must be promoted in the various phases of citizen involvement as a contribution to the present process of national reconciliation.

The low rate of participation of women in the referendum suggests the need to promote better strategies for involving that sector of the population, which is considered a key factor in any proposal for economic, political, and/or social change.

11. *Observaciones electorales en Guatemala 1995-1996*, Unit for the Promotion of Democracy, Washington, D.C. This document is also available in digital form on the Internet (www.oas.org/UPD). This version is subject to revision and will not be available to the public until after it has been reviewed, if need be, by the Permanent Council.

