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REPORT OF THE ELECTORAL OBSERVATION MISSION TO GUATEMALA
1999 ELECTIONS

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ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C.

THE SECRETARY GENERAL

SG/UPD-930/00

August 31, 2000

Excellency:

I have the honor to address Your Excellency and to present to the Permanent Council herewith the reports of the OAS Electoral Observation Mission in Guatemala on the general elections held in November and December 1999 and the plebiscite of May 16, 1999.

Accept, Excellency, the renewed assurances of my highest consideration.

César Gaviria

His Excellency Ambassador Valter Pecly Moreira
Permanent Representative of Brazil
Chair of the Permanent Council of the
Organization of American States
Washington, D.C.

ORGANIZATION OF AMERICAN STATES

REPORT

**ELECTION OBSERVATION MISSION OF THE
ORGANIZATION OF AMERICAN STATES (OAS) TO GUATEMALA**

November-December, 1999

Unit for the Promotion of Democracy

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I. The Election Observation Mission

The Election Observation Mission of the Organization of American States in Guatemala (MOE-GUA 99) originated with an invitation from the Government of Guatemala to the Secretary General of the OAS, César Gaviria, to observe the 1999 elections, during which voting was to be held for President and Vice President, deputies to Congress (by national list and by electoral district), mayors and members of municipal councils, and deputies to the Central American Parliament (PARLACEN).

In response to this invitation, the Secretary-General instructed the Unit for the Promotion of Democracy (UPD) to organize and send to Guatemala a Mission to observe the electoral process. In a separate note, the Secretary General appointed Mr. Edgardo C. Reis, Principal Specialist in UPD, as Chief of Mission.

a. Objectives of the Mission

The objective of the OAS Election Observation Mission in Guatemala was to observe all aspects of the electoral process, to take note of its observations, and to submit a report to the Secretary General.

The Mission also had the following objectives:

- a) to cooperate with governmental, electoral and party authorities, and with the general public, in ensuring the integrity, impartiality and reliability of the electoral process;
- b) to discourage any attempts at electoral manipulation;
- c) to help establish an atmosphere of public trust and to encourage broad citizen participation in the electoral process;
- d) to make itself available to the key players in the process in order to help ensure that the procedures established by the country's legislation were respected, and that any conflicts were resolved in a manner consistent with those procedures;
- e) to serve as an informal channel for building consensus in the case of disputes between the various participants in the elections;
- f) to provide a tangible demonstration of international support for the holding of clean and transparent elections;
- g) to make recommendations for further improvements to the electoral system.

b. Deployment, composition and coverage of the Mission

The Mission was installed in Guatemala at the beginning of October, and established its central headquarters in Guatemala City. So as to be able to observe electoral proceedings throughout the country, the Mission also established eight regional offices in various district capitals, including

one in Guatemala City, with jurisdiction for the departments of Guatemala, Sacatepéquez, Escuintla, Chimaltenango and El Progreso. The remaining regional offices were located in Zacapa (with jurisdiction for the departments of Zacapa and Izabal); Jutiapa (with jurisdiction for the departments of Santa Rosa, Jutiapa, Jalapa and Chiquimula); Retalhuleu (with jurisdiction for the departments of Retalhuleu and Suchitepéquez); Quetzaltenango (with jurisdiction for the departments of Quetzaltenango, San Marcos, Totonicapán and Sololá); Huehuetenango (with jurisdiction for the departments of Huehuetenango and Quiché); Cobán (with jurisdiction for the departments of Alta and Baja Verapaz) and Petén (with jurisdiction for the department of Petén)

The core Mission consisted of the Chief of Mission, the Deputy Chief, the Financial Officer, the Chief of Operations, the Logistics Support Officer, the Liaison Officer and administrative personnel. To these were subsequently added officials responsible for the regional offices, election consultants and successive groups of observers, numbering 76 international observers during the first round and 77 during the second.

During the first round of elections, the Mission team consisted of 61 international observers, seven representatives of the Government of Japan, four representatives of the Government of Norway, two representatives of the Carter Center, a representative of the Soros Foundation, and a representative of the International IDEA organization. In total, 15 hemispheric countries were represented (Argentina, Bolivia, Brazil, Canada, Chile, Columbia, Costa Rica, El Salvador, Mexico, Peru, Nicaragua, Paraguay, United States, Uruguay and Venezuela), as well as three European countries (Austria, Norway and Spain) and one Asian country (Japan).

During the second round, the Mission consisted of 59 international observers, 10 representatives of the United States Government, four representatives of the Government of Japan, two representatives of the Government of Norway and two representatives of the Carter Center in the United States. In total, 17 hemispheric countries were represented (Argentina, Bolivia, Brazil, Canada, Chile, Columbia, Costa Rica, Ecuador, El Salvador, Mexico, Peru, Nicaragua, Panama, Paraguay, United States, Uruguay and Venezuela), as well as five European countries (Austria, Great Britain, Italy, Norway and Spain) and one Asian country (Japan)

c. Mission logistics

The Mission deployed itself logistically in four stages: installation and arrival of members of the core group; deployment of regional coordinators and observers; maintenance and preparation of the Mission for the second round of voting; and redeployment of regional coordinators and observers.

Logistic resources

In order to cover as much of the national territory as possible, the Mission rented several dozen vehicles, amounting to 56 on election day, November 7, and 61 on the second voting day, December 26. To ensure permanent communication links between members of the team, the Mission rented cellular telephones, personal beepers and VHS radio equipment. Communications were reinforced during the second round with the addition of a VHS radio base.

On election days, the Mission set up an Operations Center at its central headquarters, in order to coordinate observation work throughout the country, to meet operating needs reported from the field, and to receive data from the “quick count” (see chapters IV and VII).

d. Coordination with other groups of observers

In order to optimize the use of international observer resources in Guatemala, and to expand the radius of the Mission’s coverage, the Mission established a coordination mechanism with the United States Observer Mission to cover voting on November 7. The United States Mission was composed of some 30 observers belonging to the U.S. State Department and the Agency for International Development (USAID).

For covering the pre-election stage, both Missions agreed to share information on technical and security aspects of the elections and to coordinate the deployment of observers in the field. On election day, both groups agreed to use a common checklist, both for observing the voting itself and for observing the process of counting the votes and reporting the returns. Members of the U.S. Observer Mission also participated in the quick-count exercise conducted by the Mission to verify the transparency of the process of receiving and tallying the data (see Chapter IV).

The Mission also maintained a relationship of reciprocal and permanent collaboration and cooperation with the United Nations Verification Mission in Guatemala (MINUGUA) and the Election Observer Mission of the European Union.

II. The General Elections of 1999

Pursuant to the Elections and Political Parties Act, the Supreme Electoral Tribunal on May 18, 1999, issued a call for general elections to elect the President and Vice President of the Republic, Deputies to Congress, Deputies to the Central American Parliament, mayors and members of municipal councils. It set the date of these elections for Sunday, November 7, 1999.

In total, 12 political parties and two alliances competed in the 1999 general elections. Of the parties, only 9 presented their own presidential candidates (see Table 1). Since none of the participating political groupings won more than 50 percent of the votes, as required by law, those that came first and second had to proceed to a second, runoff vote which was held on December 26, 1999 (see Annex I)

a. The historical and political context

The general elections of 1999 were of particular significance in Guatemala's recent history. They took place against the background of two simultaneous political processes that were intimately related to each other: the process of reinstating democracy and the culmination of the peace process.

With respect to the peace process, these were the first elections to be held since the last peace accord was signed between the Government of Guatemala and the *insurgent Unidad Revolucionaria Nacional Guatemalteca* ["National Guatemalan Revolutionary Unit"] (URNG). This understanding, known as the *Acuerdo de Paz Firme y Duradera* ["Agreement for a Firm and Lasting Peace"], was the outcome of a dialogue that had gone on for ten years and had given rise to 11 previous agreements on different aspects of the national problem. The profound causes of the conflict suffered by Guatemalan society, and the length of that conflict, meant that the negotiation of agreements was a complex and wide-ranging process of long gestation. The peace negotiations in Guatemala therefore represented a process quite different from that in other Central American conflicts, where the time needed to arrive at agreements was significantly shorter and where those agreements were less comprehensive and more specific.

As a result of these agreements, the political organization formed by the guerrillas was taking part in elections for the first time. In accordance with the provisions of the "Agreement for a Firm and Lasting Peace" and the "Bases for the Legalization of the National Guatemalan Revolutionary Unit", the former insurgent organization demobilized its forces in the first months of 1997, and immediately began the process of registering itself as a political party. At the end of this process, the new party entered into an alliance with other organizations of the left, producing thereby the coalition known as the *Alianza Nueva Nación* [New Nation Alliance] (ANN)¹. Consequently, it may be said that these were the first elections there were characterized by no exclusions or proscriptions of any kind, a fact that lent the elections process an additional degree of legitimacy and strength.

It should also be noted that the 1999 general elections constituted the fourth successive elections since the restoration of democracy in 1985, which served to demonstrate the progress of consolidation and strengthening of the country's democratic institutions. As a result, these elections produced the third peaceful transfer of power from one civilian president to another.

1. The ANN won 11.26 percent of the votes cast on November 7.

b. The legal context

The Guatemalan electoral system has been regulated successively by the Constitution of 1789 and reforms thereto in 1903, 1921, 1927 and 1935; the Constitutions of 1945, 1956 and 1965, and various electoral acts, the most important of which were those of 1887, 1937, 1946, 1956 and 1965, with their respective amendments. The length of the presidential term has varied from one set of laws to the next (six years in 1879, four years in 1885, six years in 1887, six years in 1897, six years in 1903, four years in 1921, six years in 1927, six years in 1945, four years in 1956, five years in 1965, five years in 1985 and four years in 1993). The principal of non-reelection was introduced for the first time in 1879.

Universal direct and secret suffrage was introduced incrementally in Guatemala. The Constitution of 1879 established direct (popular) suffrage, giving the right to vote to all literate males 21 years of age who could demonstrate employment, income or means of support, and to soldiers 18 years of age. The electoral law of 1887 extended voting rights to males 18 years of age with a secondary school diploma from a national institution. In 1921, the right to vote was restricted to literate males or those holding public office, 18 years of age. In 1935 illiterate males 18 years of age who had an occupation were enfranchised. In 1937 the rules contained in the regulations of 1887 were re-established. The Constitution of 1945 and the Elections Act of 1946 introduced female suffrage, although it distinguished between compulsory and secret voting for literate males over 18, optional and secret voting for literate females and optional and public voting for illiterate males. In 1956 secret and compulsory voting was introduced for literate men and women, while voting was left optional for illiterate males (but not for females). Universal secret voting was introduced in 1965, and was made compulsory for all citizens over the age of 18 (including women) and optional for illiterates, while excluding police and army members on active duty.

In terms of eligibility, the Elections Act of 1937 introduced, among other restrictions, the principal whereby *caudillos* or leaders of a coup d'état, revolution or any other armed insurrection, including their relatives, were barred from election as president. Under this law, professors, representatives of university bodies and generals of the army were also barred from election as deputies. Political parties were recognized for the first time in the 1945 Constitution. According to the rules issued in that year, only political parties recognized as such could register candidates. To do so, they required a minimum of 50,000 members, of whom at least 20 percent must be literate. Consistent with previous regulations, the rules prohibited current or former senior military officers from standing for election. In addition, it prohibited candidates and parties for receiving money from foreign companies or from international associations or parties.

The proportional representation system was introduced in Guatemala in 1946. In terms of electoral districts, the country was divided into 38 districts of different size (electing between one and six deputies) in 1887. As of 1937, electoral constituencies coincided with the geographic division of the country into 22 departments. These could have one or several deputies, depending on the population of each unit, taking account of demographic change (between one and 10 representatives for the 76 deputies elected to the Legislative Assembly and between one and 12 for the 90 deputies elected to the Constituent Assembly). The Constitutions of 1956 and 1965 provided for the election of a minimum of two deputies for each constituency.

In terms of the forms of candidacy and voting procedures, while the two existing political groupings (liberal and conservative) generally put forward candidates for election, until 1946 there

were no express candidacy lists. Each voter thus had as many votes as there were deputies to be elected. The 1946 Elections Act introduced party lists, although it also permitted independent candidates. Voters could add other candidates to the list. In 1965 election by closed and blocked list was introduced. Since then, each voter has one vote to cast for deputy.

With respect to procedures for the distribution of seats, from 1887 deputies were elected by relative majority. The 1946 Elections Act maintained the system of relative majority in single-member constituencies and introduced the system of simple electoral quotas for multi-member constituencies. The remainder were distributed according to the principal of relative majority. If there were more than one seat left for distribution, these were distributed according to the system of modified electoral quota. As of 1965, in two-member constituencies the two candidates with the greatest number of votes were declared the winners. If the difference between the two was greater than 20 percent, the second candidate of the party obtaining the most votes was elected. In the larger constituencies, the d'Hondt² system was applied.

The current electoral system

From 1965 until the coup d'état of March 1982, the Guatemalan electoral system revolved around an Electoral Registry Director, appointed by the Executive, with the support of an Electoral Council made up of one member and an alternate designated by each of the political parties that was legally registered and that had obtained 15 percent of valid votes in the last election, one member and an alternate designated by the National Congress and one member and an alternate designated by the Council of State

The legal basis of the current electoral system is governed by the 1985 Constitution, drafted by the National Constituent Assembly convened in 1984, and the Elections and Political Parties Act (Decree 1-85 of the National Constituent Assembly) and the reforms thereto, as well as the Regulations to the Elections and Political Parties Act (Decision 181-87 of the Supreme Electoral Tribunal).

According to this system, the presidential term is four years, as is the term for deputies: there is an absolute prohibition on the reelection of a president, while deputies may be reelected.

The legislation also recognizes all Guatemalans over 18 years of age as citizens, but excludes from the franchise those citizens who are on active duty in the national army or the police forces, and those who have been appointed to any military commission or task. There are no provisions for extending suffrage to Guatemalans living abroad.

2. A method of proportional representation for distributing seats according to a formula (known as the d'Hondt system) which takes into account the number of seats that a party has won in a given electoral region/district. Under this method, the votes are counted first and the party obtaining the greatest number of votes wins the first seat in that district. The total of votes for each party is then divided by the number of seats already won, plus one. In other words, the party that won the first seat will see the total of its votes divided by two, while the others' totals will remain the same. Subsequently, the new vote totals are compared and the party with the greatest number wins the second seat. This process is repeated until all the seats available in that region or district have been awarded. The system is widely used in Surinam.

The Constitution also establishes a number of factors of ineligibility for the offices of President and Vice President, including a prohibition on the candidacy of *caudillos* or leaders of a coup d'état or revolution, and members of the army. Soldiers on active service may not stand for deputy. The President and Vice President are elected jointly by absolute majority. If, in the first round of voting, none of the lists obtains an absolute majority, a second ballot is held, where voting takes place between the two lists that have achieved the greatest number of votes in the first round.

With respect to parliamentary elections, the Congress consists of deputies elected directly from national lists and deputies elected from district lists, on the basis of the same system. In all cases the proportional representation system is used. Constituencies are multi-member and correspond to the administrative division of the country into 22 departments. The Department of Guatemala is divided into the Central District and the departmental municipalities. The district deputies are elected on the basis of one deputy for every 80,000 residents. Each department must have at least one deputy. Seats are distributed according to the d'Hondt method.

The Supreme Electoral Tribunal

On March 23, 1983, one year after the coup d'état, three basic laws were issued to effect the gradual return to a constitutional regime: the law establishing the Supreme Electoral Tribunal (Decree Law 30-83), the Citizens' Registration Act (Decree Law 31-83) and the Political Organizations Act (Decree Law 32-83).

Under the first of these laws, amended by Decree Law 38-83, a nomination committee was convened, consisting of the rector of the national university,³ a representative of the rectors of private universities, a representative appointed by the assembly of presidents of professional colleges and the deans of the law faculties headquartered in the capital city. This commission had the mandate to nominate 20 lawyers, from which the Supreme Court of Justice was to select five members and five alternates to constitute a Supreme Electoral Tribunal, which was to be permanent, autonomous in its functions, with jurisdiction throughout the Republic, and subordinate to no other authority or state agency. The members of this tribunal were to meet the same qualifications as those established for magistrates of the Supreme Court of Justice, had the same rights and immunities and were subject to the same responsibilities during their term of office, which was six years with possibility of reelection. The magistrates of the first Supreme Electoral Tribunal assumed their duties in August 1983.⁴

The powers of the Supreme Electoral Tribunal include the following: a) to take the initiative in formulating legislation relating to elections and other matters within its competence, and to see to the enforcement of legislation guaranteeing the right of the citizenry to organize and to participate politically; b) to take exclusive responsibility for organizing elections, declaring the validity of the vote and awarding office; c) to apply and interpret, in accordance with the Judicial Organisms Act and on an exclusive and compulsory basis, the legal provisions relating to elections and the

3. Universidad de San Carlos de Guatemala

4. The TSE consists of the following representatives: director of the University of San Carlos, who serves as its chair; a representative of the rectors of private universities; a representative of the College of Attorneys of Guatemala, elected in a general assembly; the dean of the Faculty of Legal and Social Sciences of the University of San Carlos, and a representative of all the deans of faculties of Legal and Social Sciences of the private universities.

registration and activities of political organizations; d) to resolve questions relating to registration, penalties and cancellation for political organizations; e) to appoint members of the departmental and municipal electoral boards and remove any of their members for just cause, and oversee the proper functioning of those bodies; f) to declare the validity of elections or, as necessary, declare their partial or total nullity, and g) to award office and notify successful candidates of their election.

III. The pre-election stage

From the time the Mission installed itself in the country until the date of the elections on November 7, the OAS observers worked to a very tight agenda of activities in order to observe, among other aspects, the organization and preparation of the elections by the electoral authorities and the progress of the election campaign. In this context, the Mission established contact with the authorities of the various dependencies of the Supreme Electoral Tribunal (TSE), interviewed many of the key players in the election process, and observed closely the campaign activities organized by various of the political groups participating in the elections. The Mission took special note of the efforts made by various sectors of Guatemalan society to encourage a high voter turnout, and also followed the election coverage provided by the communications media.

a. Relations with the electoral authorities

As part of its mandate, the Mission maintained permanent contact with the electoral authorities, and observed directly the activities conducted in several of the TSE's dependencies, such as the Elections Operations Center (COPE), the Office of the Inspector General, the Audit Office, the Civic Elections Training, Dissemination and Education Unit (CADE), and the Computer Center. Mission members also had repeated interviews with members of the Board of Magistrates of the TSE.

Board of Magistrates

The Mission held several interviews with magistrates of the TSE, including its president, in order to exchange impressions with respect to the progress of the elections. The Mission used these interviews to keep the electoral authorities informed of the activities conducted by the OAS observer team in the country, and to relay concerns over developments in certain facets of the electoral process, taking due note of the observations made in this regard by the members of the senior electoral body.

Elections Operations Center

The Elections Operations Center (COPE) is a temporary body of the TSE, the function of which is to design electoral documentation, oversee the distribution of electoral tools and supplies, establish the requirements for the departmental and municipal electoral boards [*juntas electorales*] and assist them in carrying out their duties. Once an election is called, the Department of General Administration and Services of the TSE is converted temporarily into the COPE, and the head of that body serves, for this time, as the General Coordinator of Elections.

The Mission observed closely the work performed by this agency, including the final stage of the process of packaging and shipping the electoral materials to the departmental electoral boards. In carrying out this task, the COPE team, consisting of 18 permanent employees and 75 temporary staff, worked intensely for long hours over many days. Each of the boards had to be delivered a kit with the voters' list and the ballots for their municipalities, as well as the official forms for recording the opening of polls, counting votes, checking voters, handling complaints, certifying vote counts, and other electoral materials. The Mission confirmed that the great majority of the boards duly received

these kits. In the few cases where materials were missing, they were swiftly supplied by the officials in charge.

The Mission also observed the maintenance, organization and distribution of election furnishings stored in the TSE warehouse, consisting of voting booths, chairs and desks. A COPE team was responsible for painting the booths and desks and for assembling the cardboard boxes used for packing the electoral tools and labeling them with the number of the respective polling station, department and municipality.

The tools and furnishings were transported in two trucks belonging to the TSE, and in other vehicles especially rented for this purpose. The tools were in all cases accompanied by an election auditor and an official of the COPE. The fact that there were no plans for cooperation with other state entities to provide transportation for the TSE helped to reinforce the tribunal's independence, and this in turn ensured the secure delivery of these materials.

From what the Mission could observe, COPE staff performed their tasks adequately, and showed themselves to be well organized, highly productive, and willing to work.

Office of the Inspector General

As soon as it was established in the country, the Mission made contact with the Office of the Inspector General of the TSE, in order to monitor complaints, since one of the duties of this office is to receive and investigate complaints and allegations from political organizations or private citizens, as well as any other situation that in its judgment might constitute an infringement or violation of electoral rules.

The Mission's work with the Office of the General Inspector of the TSE is described in further detail in the chapter dealing with complaints (see chapter VII). This section will note only that the Mission was able to confirm that this body fulfilled its tasks despite the shortage of human, technical and logistical resources.

Civic Elections Training, Dissemination and Education Unit

The Mission observed closely the work carried out during the elections process by the Civic Elections Training, Dissemination and Education Unit (UCADE). Among other activities, this office prepared a series of electoral training programs for TSE personnel (full-time and temporary) and for members of the various electoral bodies (departmental and municipal electoral boards, poll officials, the departmental delegations and municipal subdelegations), as well as the scrutineers from political organizations. Consistent with the TSE's dissemination program, the UCADE participated actively in a series of public campaigns intended to encourage voters to register, to understand the mechanisms of voting, and to turn out on election day.

As part of this effort, UCADE prepared a package of outreach materials, such as copies of documents dealing with electoral issues, manuals and posters. These materials included a copy of the Elections and Political Parties Act, instructions for departmental elections boards, municipal elections

boards and polling station committees (*Juntas Receptoras de Votos*, JRVs), the manual for political party scrutineers, and a couple of information documents on features of the elections process.

The posters promoted, among other activities, voter registration, exercise of the vote, female voting, and an understanding of voting mechanics. The Mission confirmed that these materials were very useful during the entire electoral process.

The schedule of tasks carried out by UCADE embraced all departments of the country. Among other activities, the Mission was able to observe some of the training sessions sponsored by this office for members of the polling station committees, and these were conducted satisfactorily.

The Mission confirmed that, thanks to its permanent contact with key players in the electoral process, UCADE had a comprehensive vision of the proceedings, and demonstrated a significant capacity for leadership.

Audit office

The TSE's audit office is responsible not only for controlling that body's expenses, but for conducting a general audit of the election process, including the election results. Given the importance of these tasks for the success of the election process, the Mission observed a great portion of the work conducted by this office during the run-up to the elections.

In conducting its audit of election results, the office made use of the "private mail" system, as specified in the instructions for the municipal election boards. Under this procedure, once the votes were counted, a person appointed by each of the electoral municipal boards was to go to Guatemala City by the swiftest and safest means possible, taking with him the poll-closing and vote-counting reports and a summary of all municipal poll counts. The intent of this means of control was to allow the office not only to obtain an alternative source of documentation but to audit the results completely independently of the means used by the TSE Computer Center.

The audit office had a presence, as the Mission observed directly, at the sites where the elections materials were packaged, transported and received, as well as at the printing shops where the ballots were being printed.

According to the Mission's observations, officers of the TSE Audit Office conducted their work with great discretion and professionalism.

Computer Center

The Mission's specialist in this area conducted an evaluation of the electoral computer system and the data transmission system adopted by the TSE for the 1999 general elections. In addition to the programs developed for this purpose, the analysis addressed procedures, control points, control mechanisms, security mechanisms and contingency plans adopted to ensure the integrity of the process, from the moment the polls closed until the provisional results were available.

The electoral information system of the TSE consisted of four independent modules covering all municipalities of Guatemala, with the exception of the Central District, the election board of which

hired a private company to develop and operate the vote counting system. These modules related to: 1) entry and verification of data by the JRVs and compilation by the Municipal Electoral Board; 2) entry and verification of data consolidated by the Municipal Elections Board; 3) consolidation of municipal, departmental and national data; and 4) release of partial and provisional results. The electoral information system for the Central District, for its part, consisted of two modules: the first was installed in each of the voting centers, for the purpose of entry, verification and transmission, while the second, referred to as the "central module", was installed in the server located in the information center.

To ensure the security of the data received or generated in the Computer Center, two communication networks were created that could be interconnected only at the command of the network administrator, using a specially designed program.

As the Mission observed, the process of transmitting data, from the return of the tally reports to the rendering of final results, was efficient and met the objectives for which the system was designed. The electoral information systems, both of the TSE and of the Central District Election Board, were designed with the use of tools considered standard in the market for ensuring the security of databases and information and the flexibility of the computer environment, while allowing integration with remote databases.

The division of responsibilities between the TSE and the Central District Election Board, however, led to a certain fragmentation in proceedings, which made it difficult to maintain an overall view of the process and created a degree of mistrust among representatives of political parties.

It should also be noted that more advanced and secure technologies are available on the market, which might have allowed the transmission of data and obtaining of results to be performed more rapidly and efficiently, eliminating duplication of activities and unnecessary control points and security schemes. Adoption of such means, nevertheless, should be balanced against the political necessity of guaranteeing absolute transparency.

b. Relations with political groupings

In order to publicize the Mission's objectives and to detect any concerns on the part of Guatemala's political groupings over the election proceedings, the Mission established a series of contacts with candidates, legal representatives, regional and local leaders and political activists.

Among other leaders, the Mission interviewed five of the 11 presidential candidates (Alvaro Colom, of the ANN; Catalina Soberanis, of the FDNG; Danilo Roca, of the UCN; Francisco Bianchi of the ARDE and Oscar Berger, of the PAN), two representatives of a sixth candidate (Francisco Reyes López and Luis Mijangos, on behalf of Alfonso Portillo, of the FRG), and several activists from various political parties and civic action committees. During these encounters, the Mission heard their opinions on the organization of elections, the media coverage devoted to the different political forces, views about other political groupings and the prospect of a second ballot, as well as opinions on the conduct of election campaign.

The election platforms put forward varied widely, from both a political and economic viewpoint. Political parties targeted women and young people, in particular, with their messages. With the exception of the presidential candidates for the PAN and the FRG, all the candidates interviewed complained that they had not received fair treatment from the communications media.

All those interviewed declared their confidence in the work of the TSE with respect to organization of the elections, and expressed their respective parties' full support for that body in carrying out its tasks. They were also unanimous in expressing their concern over the high rates of voter abstention recorded in previous elections and over the possibilities of violence that might mar the proceedings. With respect to voter abstention, they all agreed that such behavior was clearly inimical to the democratic process, and pointed to the legal difficulties that citizens face in attempting to register and vote as one of the factors discouraging a greater voter turnout. All those interviewed were in favor of reforming the Elections and Political Parties Act.

In addition to its interviews with candidates and national leaders at the highest level, the Mission also constant current contact with various local and regional political figures and activists, and with the general public. Most of the complaints that the Mission received came from people at this level.

TABLE 1

Political Parties Competing in the Elections	
Parties with their own presidential candidates	
Alianza Democrática	AD
Acción Reconciliadora Democrática	ARDE
I. Alianza Reconciliadora Nacional	ARENA
II. Frente Democrático Nueva Guatemala	FDNG
Frente Republicano Guatemalteco	FRG
Movimiento de Liberación Nacional	MLN
Partido de Avanzada Nacional	PAN
Partido Libertador Progresista	PLP
Unión del Centro Nacional	UCN
Parties with no presidential candidate	
Democracia Cristiana Guatemalteca	DCG
Partido Laborista Guatemalteco	PLG
Unidad Nacionalista	UN
Alliances of parties	
Alianza Nueva Nación (Desarrollo Integral Auténtico-DIA and Unidad Revolucionaria Nacional Guatemalteca-URNG)	ANN
Coalición UD-LOV (Unión Democrática-UD and La Organización Verde-LOV)	UD-LOV

TABLE 2

Electoral Committees (by departament)	
Departament	Committees
Guatemala	16
Alta Verapaz	2
Baja Verapaz	4
Chimaltenango	16
Chiquimula	2
El Progreso	4
Quiché	8
Escuintla	7
Huehuetenango	11
Izabal	1
Jalapa	1
Jutiapa	4
Petén	12
Quetzaltenango	23
Retalhuleu	3
Sacatepéquez	13
San Marcos	17
Santa Rosa	10
Sololá	10
Suchitepéquez	5
Totonicapán	3
Zacapa	4

The civic electoral committees

The civic electoral committees are political organizations of a temporary nature, the function of which is to represent the currents of public opinion at the local level. They are established with a certain minimum number of members who can read and write (1000 in the Metropolitan District, 500 in the departmental capitals and 100 in the municipalities,⁵) and they may nominate candidates for popular election to the municipal councils. Their legal existence is limited to the period between their official recognition and the declaration of election to the positions for which they have proposed candidates.

5. In the case of the municipalities, only 50 percent of members are required to be literate.

According to information supplied to the Mission by the Department of Political Organizations in the Citizens' Registry of the TSE, at the end of the time limited for submitting documents for the constitution of civic committees entitled to participate in the elections of November 7, 1999, 176 applications had been filed with the office, of which only one failed to meet the requirements for establishment (see Table 2). The applications were submitted from municipalities in all departments, indicating that there were many citizens everywhere who were interested in the conduct of political affairs at the local level.

The Mission maintain contact with representatives of several of these committees in different departments of the country, and heard their concerns about the conditions of participation for these organizations in the election process.

c. Observation of the election campaign

The Election Observation Mission was present at 23 public events consisting of meetings, demonstrations, gatherings and caravans, organized by different political forces in various regions of the country (seven in the Central District, three in the department of Guatemala, three in Zacapa, three in Retalhuleu, three in Jutiapa, two in Huehuetenango, one in Alta Verapaz and one in Suchitepéquez).

The events observed took place without incident and the behavior of participants was for the most part enthusiastic and respectful. In general terms, the events observed were preceded by sound organization, which was reflected in the liveliness of the programs, punctual adherence to schedules, the order of speeches, the quick pacing of events and the presence everywhere of T-shirts, ponchos and placards and other expressions of support for the party organizing the event.

d. Other activities of the Mission

As part of its activities, and in order to publicize the nature and objectives of international observation, members of the Mission took part in seminars, debates and conferences. Of particular note was the participation by the Deputy Chief of Mission at a seminar organized by the Indigenous Agency for Development Planning, with the support of the School of Communication Sciences of the University of San Carlos, the University of La Paz, *Acción Ciudadana* and other agencies, in the context of the awarding of the First Diploma in Interculturalism, sponsored by the indigenous agency. The Deputy Chief of Mission also gave a series of presentations on the objectives and activities of the OAS Mission at the headquarters of International IDEA, the United States Observer Mission and the European Union Observer Mission.

The Mission also made contact with representatives of various sectors of Guatemalan society, including representatives of the Mayan community.

IV. The elections of November 7, 1999

Observation of the general elections of November 7 was intended to verify compliance with the rules and procedures governing the installation and opening of voting stations, the voting itself, the counting and reporting of votes, and the reception and processing of data. On election day members of the Mission observed both the logistical organization of the event by the electoral authorities and the compliance with rules guaranteeing freedom of expression and movement. In particular, the observers verify that voters enjoyed free access to polling stations, that there were no acts of intimidation, and that the voting booths were installed in such a way as to ensure voting secrecy.

To inspect the conduct of elections, members of the Mission visited 3,273 polling stations in 238 municipalities, representing 43 percent of all polling stations in the country and 72 percent of all municipalities. Of the 22 departments in Guatemala, the Mission covered 21.

To verify the transparency of procedures for data transmission and processing, the Mission observed counting and data transmission processes at key polling stations, selected on the basis of a representative statistical sampling of the general characteristics of the Guatemalan electorate, and on the basis of results obtained in these 80 stations it performed a quick count (see Chapter VIII).

In addition, a Mission expert in electoral systems was assigned permanently to the TSE Computer Center, in order to verify the functioning of the TSE's vote counting system.

a. Mission logistics

In preparation for election day coverage, the Mission designed a series of observation routes. The observers went over these routes in the days leading up to the election so that they would have advanced familiarity with the location of the polling centers, the distances between them, the state of the roads and the conditions of communication between the voting centers and the Mission's regional offices and central headquarters.

b. Conduct of the vote

According to the findings of the Mission's observers, the general elections of November 7 proceeded normally, in a calm and free atmosphere. Voters exercised their franchise with no recorded cases of intimidation or coercion. The electoral procedures established for the various phases of election day were duly fulfilled, under the constant surveillance of political party scrutineers. The problems or incidents detected during voting day were minor and for the most part concerned the placement of election propaganda near the voting centers.

Installation of officials and opening of the polls

According to the findings of the Mission's observers, the formalities of installing poll officials and opening the polls were carried out on schedule and in an orderly manner, with the permanent presence of representatives of the TSE. Those few cases where poll officials failed to show up had for the most part no impact on the conduct of voting.

With respect to election materials, most of the polling stations had the required furnishings (tables, chairs, booths) and election tools (ballots, voters' list, reporting forms, etc.) necessary to ensure the proper conduct of voting.

Voting

Voting proceeded normally in nearly all parts of the country. The voter turnout was heavy in many cases, and voting was conducted in a peaceful, free and orderly atmosphere, with the result that election day became a genuine civic celebration. The Mission detected no incidents of voter intimidation or any problems or actions that might have interrupted or impeded the normal course of voting. The physical arrangements in the voting centers were for the most part adequate, and although in some cases there was crowding for lack of space, nowhere did this affect full respect of the principal of voting secrecy. In no case was any propaganda activity noted in the vicinity of the voting stations, and the security forces fulfilled their role of ensuring public order in an adequate manner.

In all of the cases observed, polling station officials behaved in exemplary fashion and performed their duties with an enormous sense of responsibility and civic spirit.

Closing, counting and tallying of votes

The processes of closing the polls and counting the votes were conducted in the same atmosphere of general calm that prevailed during the voting itself. As was the case with the installation and opening of the polls and the casting of votes, vote counting was in the great majority of cases conducted under proper surveillance by representatives of the political parties. Security conditions were also appropriate. Members of the National Civil Police (PNC) were present at all polling stations observed, and this helped to ensure the minimum conditions for voters to exercise their franchise freely.

Nevertheless, this atmosphere of normality began to deteriorate in certain municipalities as soon as the results for the mayoralty elections began to be announced. Among other isolated incidents of violence, the Mission learned of acts of vandalism in some municipalities, such as in Santa Lucia Cotzumalguapa in the department of Escuintla, and Chuarrancho in the department of Guatemala, where election materials were destroyed (see Chapter V).

Transmission, reception and processing of data

According to the Mission's findings, the processes of transmitting, receiving and processing data were conducted normally, in accordance with adequate technical and security standards. The results of the quick count procedure allow the Mission to confirm that the process of computing and tallying partial results reflected the popular will as expressed at each of the voting stations throughout the country.

The decision of the electoral authorities to delay the release of partial results, however, created some concern and unease among political party scrutineers, and this contributed to the rather strained atmosphere that prevailed in the Computer Center.

c. Complaints received

During the course of election day, the Mission was aware of no complaints that might have affected or hindered the normal conduct of voting. The most important complaint received by the Mission referred to an allegedly deliberate stoppage of public transit in the metropolitan district of Guatemala City, with the intention of preventing certain sectors of the population from going to the polls. This complaint, submitted by the national scrutineer for the FRG, Francisco Reyes López, was forwarded to the competent electoral authorities, pursuant to the Procedural Agreement signed between the TSE and the Mission. The Mission officer responsible for investigating complaints followed the subsequent handling of this complaint in the TSE General Inspector's Office (See Chapter VII).

d. Conclusions

On the basis of its observation of the November 7 elections, the Mission concluded that they were free, clean and transparent. In a press release issued on the morning of the following day, the Mission hailed this fact as a significant achievement that was due, in large measure, to the sound organization of the elections by the authorities, officials and staff of the TSE, who at all times exhibited great professionalism and dedication.

V. The period between rounds

The tally of votes cast on November 7, 1989, produced victory for the candidates of the FRG in the voting for President and Vice President. These candidates however, failed to achieve an absolute majority as required by article 184 (2) of the Constitution, and for this reason the TSE was obliged to call for a second ballot. The second round was scheduled for December 26, 1999.

In order to observe the conduct of the period between rounds, the Mission maintained a permanent presence in Guatemala during this time. Among other aspects, the Mission observed the handling and disposal of appeals brought before the TSE, incidents of public disorder occasioned by the refusal to accept election results in some municipalities, preparations for the new round of voting, evaluation of the first round, the handling of election complaints and the characteristics and tone of the political campaign.

a. Incidents

After the polls had closed and the counting and tallying of ballots began, the Mission became aware of a series of incidents of public disorder that were directly related to the election process. These occurred in 32 localities in 17 departments (see Table 3).

TABLE 3

Incidents In the post-voting phase (by municipality)	
Municipality	III. Department
Churrancho and Santa Catarina Pinula	Guatemala
Santa Lucía Milpas Altas and Magdalena Milpas Altas	Sacatepéquez
Parramos, San Martín Jilotepeque and Acatenango	Chimaltenango
San Agustín Acasaguastlán	El Progreso
Santa Lucia Cotzumalguapa and Iztapa	Escuintla
Chiquimulilla, Barberena and Ixhuatán	Santa Rosa
San Lucas Tolimán and San Antonio Palopo	Sololá
Momostenango	Totonicapán
Quetzaltenango	Quetzaltenango
San José El Idolo and San Antonio Suchitepequez	Suchitepequez
San Lorenzo, Nuevo Progreso, Concepción Tutuapa and Sibinal	San Marcos
San Rafael Petzal, San Mateo Ixtatán and Santiago Chimaltenango	Huehuetenango
San Pedro Jocopilas	Quiché
Purhulá	Baja Verapaz
Gualán	Zacapa
Quezada and Zapotitlán	Jutiapa
San Luis Jilotepeque	Jalapa

In nearly all cases, these incidents arose from the fact that certain sectors refuse to accept the results of the municipal voting, particularly in cases where mayors were reelected. These incidents were sparked by candidates, scrutineers, political activists and private citizens alike. In some cases, they were inspired by unofficial announcements of voting results (especially by certain scrutineers), confrontations between scrutineers (generally belonging to the two majority parties) and the early celebration of election results.

As a result of these incidents, some representatives of the TSE, including delegates, subdelegates, election board members and municipal and departmental inspectors, were physically attacked, and in some cases their lives were endangered, as was the case with a municipal inspector in San José, department of Suchitepequez, to mention one example. As a result of these incidents, some

of these officials had to be transferred, alone or together with their families, to other municipalities. A great many public buildings and private properties were the target of these protesters.

The TSE General Inspector's Office, as the Mission confirmed, played a key role during these incidents. Despite mistreatment, threats and risk of physical injury, several inspectors from the agency took swift and appropriate action and in most cases they were able to rescue the ballot boxes and tally reports, and in this way frequently provided legal support for subsequent confirmation of the results by the TSE, as happened in the municipalities of Chiquimula, in the department of Guatemala, and in Iztapa and Santa Lucia Cotzumalguapa, in the department of Escuintla.

In the wake of these events, the Inspector General investigated responsibilities and in many cases concluded that, given the general nature of the legal definition of electoral crimes, the agency had no authority to act, since in nearly all cases the behavior in question was a matter for common law.

The Mission observed closely the unfolding of events, both on-site and within the Office of the General Inspector of the TSE, where the actions taken by the electoral authorities to resolve these problems were constantly monitored. In some cases, the Mission acted as mediator between the parties to the dispute, as was the case in San Lucas Tolimán, in the department of Sololá. In an effort to discourage acts of violence, the Mission maintained an institutional presence in this municipality, engaged in dialogue with the municipal authorities and representatives of local civic organizations, and made contact with party leaders at the national level, in order to convey the Mission's concern over these events.

Aware of the seriousness of these events, and of the danger that the spread of such behavior could pose for the democratic process, the Mission publicly expressed its concern over the outbreak of violence in the municipalities referred to, calling upon political leaders to exercise their influence over disorderly elements in order to maintain calm.

b. The Quetzaltenango case

The municipality of Quetzaltenango is located in the northwestern part of the country in a region that was the scene of frequent armed combat and paramilitary action during the confrontations that preceded the signing of the peace agreements. The capital of the municipality, Quetzaltenango, is considered the second most important city in Guatemala, after Guatemala City, and its population is largely of indigenous origin.

During the elections of November 7, the candidate of the Xel-Ju Civic Committee, whose political base was predominantly among the indigenous community, won the municipal mayoralty for the second time. The local scrutineers for the FRG in Quetzaltenango, however, demanded that the election be set aside, on the grounds that Xel-Ju had engaged in acts that altered the outcome of the election and had committed coercion, violence and threats against members of the Departmental Elections Board. In a minute dated November 11, 1999, the Board accepted the FRG's request, annulling the election and recording its decision in the Citizens' Registry for purposes of canceling

the legal recognition of the Civic Committee, and thereby preventing it from participating in any further ballot.

The Mission was made aware of the decision by the Departmental Elections Board to annul the election, and the request to cancel the registration of the Committee, through a telephone call from the candidate targeted by that decision. The candidate also advised the Mission that his political movement intended to appeal the decision of nullity. Given the importance of this case, the Mission appointed a group of observers to monitor proceedings on a permanent basis.

The TSE, acting under the powers accorded it by the Elections Act, considered the appeal submitted by the legal representative of the Xel-Ju Committee and rejected it, by means of Resolution of 579-99 of November 22, 1999, on the grounds that it had not been submitted within the established time limits. The Xel-Ju Civic Committee thereupon submitted an appeal for review of that resolution. The TSE, by means of Resolution 6 22-99 of November 29, 1999, then declared the validity of the municipal elections in Quetzaltenango, on the grounds that the scrutineer requesting the declaration of nullity had no standing and had furthermore submitted the application improperly and prematurely.

The Mission followed this case closely as it unfolded, and interviewed some of the key players in the dispute, including the president of the Departmental Elections Board of Quetzaltenango and the candidate of the Xel-Ju Civic Committee. The Mission also observed the manner in which the elections body handled the appeals submitted by that committee, examined the resolutions issued and maintained permanent contact with the responsible authorities.

In a press release issued the day following the final decision of the TSE, the mission declared that the tribunal had acted in accordance with law, and that it had thereby strengthened both the electoral process and the validity of the country's democratic institutions. The Mission also noted the high degree of civic responsibility demonstrated by the parties to the conflict, who at all times were careful to follow established legal procedures, and who acted with calm and maturity in respecting fully the decision of the Electoral Tribunal.

It should be noted that on December 8, 1999, little more than one week after the TSE resolution declaring the municipal elections in Quetzaltenango to be valid, the Quetzaltenango Community Civic Electoral Committee brought an appeal on constitutional grounds [*amparo*] before the Supreme Court of Justice, arguing that the Electoral Tribunal had exceeded its legal powers to the prejudice of procedural security and guarantees, had violated due process, and had erred in law by passing judgment on an issue that was not properly subject to an appeal for review. In its deposition, the committee noted that the TSE had considered the issue in substance, and had reviewed the entire proceedings although they did not relate to the decision appealed.⁶

c. Assessment of the electoral process

6. At the time this report was submitted, this appeal was still before the Supreme Court of Justice.

Two weeks after the elections of November 7, UCADE conducted an exhaustive evaluation of the electoral process in order to identify problems encountered during the first round of voting and to examine possible solutions and recommendations. This evaluation involved a series of group workshops and plenary sessions with municipal and departmental inspectors from the Office of the Inspector General of the TSE and with departmental delegates from the Citizens' Registry. The evaluation focused on two broad issues: 1) concrete cases of problems and their possible solutions, and 2) recommendations for improving the electoral process. During these activities a need was recognized to transmit the conclusions to the municipal subdelegates, to which end participants were instructed to repeat the workshops and sessions in their respective departments.

The Mission observed closely the evaluation sessions with the departmental delegates, and found them to be highly useful in correcting the shortcomings noted during the first round of elections. The short time that elapsed between the election and the evaluation, the sound organization of the event by UCADE, the method of analysis used and the expertise and leadership shown by the organizers all contributed to the success of the event.

According to the Mission's field findings, participants in the evaluation event conducted in Guatemala City were able to repeat satisfactorily the feedback exercise described above in various departments. This contributed to the sound organization of the second ballot, which was almost entirely free of technical and logistical problems.

d. Printing of ballots and packaging of materials

During the period between the two rounds of voting, the Mission observed the printing of the ballots to be used in the second round. The Audit Office and the Office of the Inspector General of the TSE established special shifts for their staff so that all the printing work could be accomplished within a period of six days. As required by the election authorities, two officials of the Audit Office and two from the Inspector's Office remained on-site at all times in order to supervise and control the entire printing process, from the supply of paper to the packaging and transportation of the ballots to COPE. Among other tasks, these officials checked the quality of the printing and the colors, the quantity of paper used and the amounts left over, as well as the number of ballots printed, and supervised the destruction of excess ballots. The auditors were also responsible for the safekeeping of used and unused plates, and for destroying them at the end of the printing run.

The Mission also observed the shipment of materials from the installations of the COPE to the departmental elections boards, and found that, as with the first round of voting, officials in charge of this task performed their work efficiently. The experience acquired during the first round was of great help in this regard.

e. Computer Center

As it did during the first round of elections, the Mission appointed a permanent technical observer to the TSE Computer Center in order to observe work in the Data Processing Department for tallying the election results. The Mission specialist examined the components of the Computer

Center network, the database containing the voters' list, the method for receiving voting information and the software used (for reports and results). The structure and methodology and the software used in the Computer Center were identical to those employed in the first round.

On December 23 the Mission observed the input of test data into the results system and on December 26 it witnessed the return to zero for all variables in the database. Both tests were satisfactory.

In light of concerns over the delay in delivering voting results from the first round (see Chapter IV), and since such circumstances could impede activities of the TSE during the second round, the Mission conveyed this concern to the Chief of the Computer Center. He explained that the delay was due, among other factors, to the extension of voting as a result of such factors as long voters lineups at the voting stations shortly before they were to close, the time required to count the votes for all five elections, and the confusion caused by the similarity in the colors used to distinguish some of the ballots. He added that the computerized programs for counting votes were underutilized, since they were used primarily as a check of the manual count. In addition, members of many municipal election boards failed to make use of the alternate points for transmitting the results, preferring to take the data personally to the departmental capital on the next day, allegedly for reasons of security. Nevertheless, this official indicated that the shortcomings detected were being corrected, and that there were unlikely to be delays of this kind in delivering the results from the second round.

f. Contact with key players in the elections process

In order to obtain the impressions of the key players in the electoral process as to the handling of the stage between the two rounds, the incidents that arose in the municipalities referred to above, and the holding of the second round, the Mission maintained contact during this time with candidates, political party representatives, members of NGOs and citizens at large, as well as with leading figures of the country such as Guatemala's winner of the Nobel Peace Prize, Rigoberta Menchu Tum. Among other activities, Mission observers were present at the press conference at which this eminent public figure expressed her concern over the climate of violence that broke out upon announcement of the results from the November 7 elections. She also paid tribute to the clear and measured action of the TSE, and requested the international community to give its full support to the work of this body.

VI. The second round of voting

In observing the second round of voting, Mission observers visited a similar number of municipalities and departments, using the observation routes that had been designed during monitoring of the first round. In order to maximize the preventive role of observation, these routes included all municipalities identified as potential sources of conflict during the previous round of voting.

As it did during the first round, the Mission used the 80 polling stations in a statistical sample representative of general trends in the Guatemalan electorate to verify the transparency of procedures for transmitting, receiving and processing data in the Computer Center. Again consistent with its actions during the first round, observers were present for the counting and tallying of votes at these selected polls, from which they sent results to the Mission Operations Center. In order to supplement its verification of transparency in these processes, the Mission again assigned a computer specialist to the Computer Center, to observe operations of the system installed there for tallying the results.

a. Conduct of the voting

According to the Mission's findings, the second electoral round was conducted in a calm and normal atmosphere similar to that prevailing during the first round. Citizens went peacefully to the polls and although the turnout of voters was much lower than in the first round, they cast their vote with no restrictions or problems of any kind.

The voting procedures established for this occasion were also respected and TSE officials and technicians fulfilled their tasks swiftly and efficiently. Most of the weaknesses observed during the first round were corrected for the second round, thanks among other things to the evaluation conducted in the UCADE (see Chapter III). An example of this could be seen in the departmental elections board of Escuintla, which, as a precaution against a possible repetition of the incidents caused by long lineups of voters, took the decision to change the location of some voting centers. The election board for the Central District decided to divide one of the polls under its jurisdiction into two separate polls, for similar reasons.

The security forces carried out their duties normally within established legal parameters. At all polls observed, an atmosphere of cordiality and cooperation prevailed, both among the scrutineers themselves and between them and polling station officials. As was the case during the first round, these officials behaved at all times in an exemplary fashion, conducting their work with an enormous sense of responsibility, expertise and dedication.

Opening of polls, voting and counting

With respect to the processes of installing and opening the polls, the Mission found that all poll committees complied fully with electoral provisions. Most of them opened at the established hour and had a full complement of members on hand.

The voting process unfolded in a completely normal manner, and no significant incidents or complaints were recorded. While there were challenges at some polls for minor reasons (such as the presence of signs written in pencil on the walls of the booths exhorting people to vote for the candidates of one party or another), these were not pursued.

Finally, with respect to pull closings and counting of the votes, the Mission found that these activities were conducted within the parameters set by the electoral authorities, and no incidents were recorded. Given the accumulated experience, and the fact that in this case there was only one election, the vote counting was conducted much more swiftly than during the first round.

Computer Center

The computerized reception and processing of data proceeded completely normally. By midnight on the day of the elections information on 98.4 percent of votes cast, covering 95.6 percent of the 330 municipalities in Guatemala, had been entered into the principal database at the Computer Center.

b. Conclusions

Generally speaking, the election proceedings of December 26 may be considered exemplary. In its press release on conduct of the vote, the Mission congratulated the authorities, technicians and officials of the TSE for their work, as well as members of the polling stations, noting the great civic spirit that prevailed throughout election day.

VII. Electoral complaints

Complaints brought during the 1999 elections referred for the most part to conduct of a kind that did not merit being pursued through the courts. Nearly all complaints presented to the election authorities fell into the category of errors and as such were handled by officials of the TSE General Inspection Office, who were able to resolve them satisfactorily through various forms of mediation.

The fact that most of the people submitting complaints were members or sympathizers of political organizations, and that the allegations were directed against members or sympathizers of other political organizations, with little or no proof, suggests that they were for the most part motivated by passions arising from the heat of the election campaign. This view is reinforced when it is recognized that, at the end of the campaign, plaintiffs lost interest in the processing and outcome of their complaints. Most of the complaints in this category related to the placing of election propaganda in places prohibited by regulation for the posting of political advertising.

In addition to these complaints, there were complaints laid against particular citizens, complaints against political organizations, complaints against officials of the TSE, complaints against mayors and complaints against the President of the Republic and the governing party. In total, 108 complaints were received during the election process.

The complaints against the activity of mayors referred for the most part to the alleged issuing of residency certificates to Guatemalans not living in their municipalities, or to foreigners from neighboring countries, and the alleged granting of voter identification cards to citizens who did not belong to the municipality. Complaints involving members of the TSE were generally directed against delegates and subdelegates of the Citizens' Registry for allegedly omitting citizens from the voters' list or for attempting to influence people's votes.

The most important complaints were directed against the President of the Republic and the governing party for the alleged misuse of state property for electoral purposes, the use of the governing party's colors in the painting of public works, and the posting of official propaganda for electoral purposes.

The most notable complaint on election day, November 7, was submitted by the FRG in relation to the shutdown of public transit services in Guatemala City, allegedly engineered in order to prevent certain sectors of the population from going to the polls. (See Chapter IV).

a. Handling of complaints

The Inspector General's Office in the TSE has no legally established procedure for investigating complaints brought by individuals or political organizations, or for initiating investigations on its own. Generally speaking, the office acts through normal procedures, such as receiving a complaint, opening a file and naming a person responsible for the corresponding investigation (generally an official of the office who is assigned a specific geographic area). The official appointed to conduct the investigation generally visits the site of the events, seeks out the

plaintiff and the defendant in order to gather further information, interviews witnesses if present or determines whether there were witnesses, collects additional evidence and prepares a report that is submitted to the Inspector General, who in turn forwards it to the Tribunal to decide on further action. The Tribunal may decide to set aside the case, expand the investigation or refer it to the courts, in which case it is returned to the Inspector General's Office with the respective decision.

During the election process, the Inspector General's Office in most cases dispatched officials to the site of the alleged acts. Despite the lack of technical and logistical support, these officials fulfilled their duties properly, and submitted the appropriate reports to the Inspector General. Given the shortage of personnel and the great number of issues pending, these officials were obliged to prioritize their selection of cases, giving preference to those that in their judgment deserved the greatest attention.

Taking a proactive attitude, the Inspector General's Office used its departmental inspectors to undertake detailed monitoring of complaints submitted to justices of the peace. In conversations with the Mission observer responsible for monitoring complaints, inspectors lamented the lack of interest shown by the regular justice system in electoral crimes, and called for in-depth reforms in the codification and processing of electoral crimes, as well as for the creation of a specialized jurisdiction.

b. Monitoring of complaints by the Mission.

As noted in chapter III, the Inspector General's Office in the TSE was the agency responsible for processing the 108 files that were opened during the elections, either in response to a complaint or at its own initiative. The Mission monitored the handling of complaints submitted, using these files as its basis.

The Mission had direct access to these files at all times and additional information was provided in a timely manner whenever requested. A working plan was agreed between the Inspector General, the Deputy Inspector and an inspection officer and the Mission observer responsible for monitoring complaints, for classifying and updating information on the handling of these cases, as well as for training departmental inspectors in the most important aspects of their functions and in the manner in which they should submit their reports.

For updating information and keeping records in a technical file, the Inspector General formed a group of five inspectors and one secretary, under the coordination of an inspection officer. This team compiled the basic information that the Mission subsequently used for final preparation of the file. The work conducted in this regard was subsequently shared with the Inspector General's Office as a contribution to its internal organization.

VIII. The challenge of participation

Popular participation constitutes one of the principal concerns of those who seek to analyze citizen behavior during elections. Such concerns are for the most part justified, since the average level of voter abstention in the hemisphere stands at around 50 percent. In Guatemala, the average has been higher than this figure since 1950, varying between 69 percent and 80 percent.⁷

The Mission relied on statistical methods both for evaluating the transparency of the election results for November 7 and December 26, and for measuring the level of popular participation in these events, especially turnout by women. In order to make certain that voting was conducted within the time limits established by law, and that voters were able to cast their vote freely, without obstacle or intimidation, these conditions were measured by means of a statistical projection of opening and closing times for the polling stations, and the incidence of cases of voter intimidation, both in the central district and in the interior.

To this end, the Mission utilized a statistical procedure known conventionally as the “quick count”. This chapter explains the objectives and application of the quick count method and assesses the results of the projections that were made during elections of November 7 and December 26, and provides comparative tables for the two rounds, both for total votes cast and for the rate of voter turnout, with a special focus on women’s participation. Since the OAS also observed the Public Consultation held on May 26, 1999, and conducted a similar evaluation of public participation at that time, this chapter also provides a comparison with the results obtained then.

a. The quick count

The quick count is as statistical procedure the objective of which is to audit the official counting of votes during an election. In applying this procedure, a representative sample is taken of voting stations around the country in order to project the results of those polls, using statistical methods, against the results obtained from the universe of all polls in the country. The official election results are then compared with the results of the projection based on the quick count. If there is a discrepancy in the results, within a certain margin of error, problems with the official count may be suspected. It is important, nevertheless, to bear in mind that the quick count is not intended to forecast the winner of the election, but rather to indicate the possibility that there may be deviations in the official count.⁸ In order to guarantee and certify the results from each of the polling stations in the sample, Mission observers witnessed the counting of votes at each of those polls. This procedure has been implied by the OAS to verify the transparency of transmission, reception and processing of results in many elections around the hemisphere.

7. *Voter Participation in Guatemala*, October 1999, study prepared by Accion Ciudadana, investigates citizen alienation and analyzes the record of voter participation since 1984.

8. Standard deviation is a statistical term used to designate the dispersal of data around their mean value. For example, considering two sets of data each with a mean of 10, if the first set of data has 95 percent of its values between 5 and 15 and the second set has 95 percent of its values between 1 and 20, the first set will have a smaller dispersal of data around the mean (10 percent) than that of the second set: in other words its standard deviation will be lower than that of the second

Given the limited number of observers available to the Mission in Guatemala, it was decided to take two samples of 40 polls in each of the elections. The first sample constituted the “primary sample”, and the second the “secondary sample”. After observing the count, and obtaining the results from the sample polling station, the observer immediately transmitted this information to the Mission’s computer center. The less-experienced observers were assigned to the polls in the secondary sample, realizing that any problems of reliability in the information they collected would not affect the final results, since the projection was based primarily on data from the primary sample.

Although voters were to elect not only a new President and Vice President but also members of the National Assembly, the Central American Parliament and municipal councils during the first round of elections, the sample focused exclusively on the presidential election.

Given the Mission’s interest in verifying compliance with the rules governing the opening and closing of polls, the counting of votes and the guarantee of voting freedom, the sample included three specific questions (see Table 8), in addition to questions on voter participation in general, and that of women in particular:

Question 1: Were the polls opened at the time established by law?

Question 2: Were there any cases of intimidation?

Question 3: Did vote counting proceeds are Molly?

Margin of error

While it is difficult to gauge in advance the margin of error in any projection made with the quick count method (this information depends on data from the election that has yet to occur), there is a sampling procedure for obtaining a smaller margin of error for the same size of sample, known technically as “stratified sampling”. To use this technique the population must be divided into homogeneous strata, taking subsets within the universe of polling stations in which the results can be expected to vary only slightly. The expected variability between the subsets (strata) must be greater than the variability within them. This process was used in the quick count conducted during observation of the Public Consultation in Guatemala. Since there was a special interest in examining separately the behavior of voters in the capital and in the interior, the factor selected for this ratification was the location of the polling stations. The projections, made separately for each stratum, were combined at the end of the exercise to produce an estimate of the proportion of votes marked “yes”, “no”, blank ballots, invalid ballots, and voter participation by sex. The sampling scheme selected was thus one of “random stratified sampling”.

b. The first round

The Mission’s interest in the first round was not only to make projections of the results of the election but also to gauge voter participation in general and that of women in particular. This was done by projecting the percentages of votes of men and women, and the percentages of participation by men and women among those on the voters’ list and among those did not vote.

Using a stratified sampling procedure, the population was divided into homogeneous strata, subsets of the universe of polling stations, within which low results variability could be expected. On the other hand, the expected variability between the subsets (strata), as noted above, should be greater than the variability within those subsets. The Mission also had a special interest in understanding the behavior of voters in the capital city and in the interior. For this reason, the factor taken to perform this ratification was the location of the polling stations, both in the capital and in the interior. The projections made separately for each stratum were combined at the end to produce an estimate of the proportion of votes for each candidate, blank ballots, invalid ballots, contested ballots, and the participation of voters by sex. The sampling scheme selected was thus one of random stratified sampling.

Of the total polling stations in the country (7,295), the “capital” stratum contained 1,265 polls (17.3 percent of total polls) and the “interior” stratum had 6,030 polls (82.6 percent of the total). The primary and secondary samples had seven polls each for the capital city (a total of 14 for the primary and secondary samples) and 33 for the interior (66 in total).

Before calculating the projections, a statistical test was applied to compare the primary and secondary samples. Since no difference was discovered between them, the two samples were combined to produce a set of 80 polls. Next, vote percentages were estimated for each political party, as well as the percentage of blank ballots, invalid ballots and contested ballots. In terms of participation by sex, the percentage of votes cast by men and women was estimated, and the percentages of their votes were compared with the number of voters registered. The abstention rate was then estimated. Projections were made separately for the capital city, for the interior, and for the country as a whole, combining the results from the two strata. The confidence coefficient for each estimate of the margin of error was estimated at 99.0 percent.⁹

Following is a presentation of the results obtained. It is important to note that the confidence factor of 99 percent is valid for each of the separate estimates (i.e., by individual results), but it is not valid for all estimates at once. In the first place, the projections are shown for votes cast by party, with their respective margins of error (see table 4).

9. Calculations were done on a microcomputer, using the SAS system in a Windows 98 environment. The programs used for the calculations were tested on simulated populations in the computer.

TABLE 4

Percentage of Votes by Party – Entire Country			
Confidence Limit of 99 percent			
Party	Percentage	Lower Limit	Upper Limit
FRG	48.13	44.27	51.99
PAN	31.42	27.88	34.96
DIA-URNG	11.31	8.61	14.01
PLP	2.81	2.06	3.56
ARDE	2.12	1.35	2.89
UCN	1.30	0.64	1.96
FDNG	1.14	0.61	1.67
LOV-UD	1.05	0.15	1.95
MLN	0.31	0.13	0.49
AD	0.28	0.15	0.41
ARENA	0.14	0.08	0.20

Percentage of Votes by Party – Capital			
Confidence Limit 99 percent			
Party	Percentage	Lower Limit	Upper Limit
PAN	43.88	38.08	49.68
FRG	40.38	35.55	45.21
DIA-URNG	9.51	8.06	10.96
PLP	2.22	1.40	3.04
ARDE	2.11	1.40	2.82
LOV-UD	0.57	0.23	0.91
FDNG	0.48	0.16	0.80
UCN	0.46	0.22	0.69
AD	0.17	0.04	0.31
ARENA	0.11	0.00	0.21
MLN	0.11	0.00	0.21

Percentage of Votes by Party – Interior			
Confidence Limit 99 percent			
Party	Percentage	Lower Limit	Upper Limit
FRG	49.75	45.19	54.31
PAN	28.80	24.70	32.91
DIA-URNG	11.69	8.43	14.94
PLP	2.93	2.04	3.82
ARDE	2.12	1.20	3.04
UCN	1.47	0.68	2.27
FDNG	1.27	0.64	1.91
LOV-UD	1.15	0.07	2.23
MLN	0.36	0.15	0.57

AD	0.31	0.15	0.46
ARENA	0.14	0.08	0.21

TABLE 5

Percentages of Invalid Ballots, Blank Ballots, Contested Ballots and Abstention Entire Country Confidence Limit 99 percent			
Votes	Percentage	Lower Limit	Upper Limit
Invalid ballots	4.47	3.64	5.30
Blank ballots	3.33	2.31	4.35
Contested ballots	0.07	0.00	0.23
Participation	44.28	40.41	48.15

Participation by Sex – Entire Country Confidence Limit 99 percent			
Type of participation	Percentage	Lower Limit	Upper Limit
Men's votes	61.73	56.46	67.00
Women's votes	38.27	33.00	43.54
Participation of men	53.84	48.39	59.29
Participation of women	48.22	42.58	53.86

Percentage of Invalid Ballots, Blank Ballots Contested Ballots and Abstention Capital Confidence Limits 99 percent			
Votes	Percentage	Lower Limit	Upper Limit
Invalid ballots	1.33	0.72	1.93
Blank ballots	0.19	0.04	0.35
Contested ballots	0.00	0.00	0.00
Participation	44.46	35.55	53.38

Table 5 (Cont.)

Participation by Sex – Capital Confidence Limits 99 percent			
Type of participation	Percentage	Lower Limit	Upper Limit
Men's votes	53.03	46.21	59.85
Women's votes	46.97	40.15	53.79
Participation of men	60.96	45.10	76.81
Participation of women	49.15	40.82	57.48

Percentages of Invalid Ballots, Blank Ballots Contested Ballots and Abstention Interior Confidence Limits 99 percent			
Votes	Percentage	Lower Limit	Upper Limit
Invalid ballots	5.13	4.13	6.12
Blank ballots	3.99	2.76	5.22
Contested ballots	0.09	0.00	0.28
Participation	44.24	39.94	48.54

Participation by Sex – Interior Confidence Limits 99 percent			
Type of participation	Percentage	Lower Limit	Upper Limit
Men's votes	63.56	57.34	69.77
Women's votes	36.44	30.23	42.66
Participation of men	52.34	46.65	58.03
Participation of women	48.02	41.42	54.62

TABLE 6

Percentages of Votes by Party – Entire Country Confidence Limits 99 percent			
Party	Percentage	Lower Limit	Upper Limit
FRG	67.45	64.1	70.8
PAN	32.55	29.2	35.9

Percentages of Invalid Ballots, Blank Ballots Contested Ballots and Abstention Entire Country Confidence Limits 99 percent			
Votes and abstention	Percentage	Lower Limit	Upper Limit
Invalid ballots	2.98	2.49	3.47
Blank ballots	0.25	0.16	0.34
Contested ballots	0.01	0.00	0.02
Abstention	57.51	54.21	60.81

Percentages of Votes by Party – Capital Confidence Limits 99 percent			
Party	Percentage	Lower Limit	Upper Limit
FRG	50.97	45.50	56.44
PAN	49.03	43.56	54.50

Percentages of Invalid Ballots, Blank Ballots Contested Ballots and Abstention Capital Confidence Limits 99 percent			
Votes and abstention	Percentage	Lower Limit	Upper Limit
Invalid ballots	2.32	1.59	3.05
Blank ballots	0.12	0.00	0.27
Contested ballots	0.00	0.00	0.00
Abstention	52.26	45.77	58.76

TABLE 6 (Cont.)

Percentages of Votes by Party – Interior			
Confidence Limits 99 percent			
Party	Percentage	Lower Limit	Upper Limit
FRG	70.91	67.03	74.80
PAN	29.09	25.20	32.97

Percentages of Invalid Ballots, Blank Ballots			
Contested Ballots and Abstention			
Interior			
Confidence Limits 99 percent			
Votes and abstention	Percentage	Lower Limit	Upper Limit
Invalid ballots	3.12	2.55	3.69
Blank ballots	0.28	0.17	0.39
Contested ballots	0.01	0.00	0.02
Abstention	58.61	54.85	62.36

TABLE 7

Participation by Sex – Entire Country			
Confidence Limits 99 percent			
Type of participation	Percentage	Lower Limit	Upper Limit
Men's votes	63.20	58.70	67.70
Women's votes	36.80	32.30	41.30
Participation of men	45.65	42.16	49.14
Participation of women	35.35	31.04	39.66

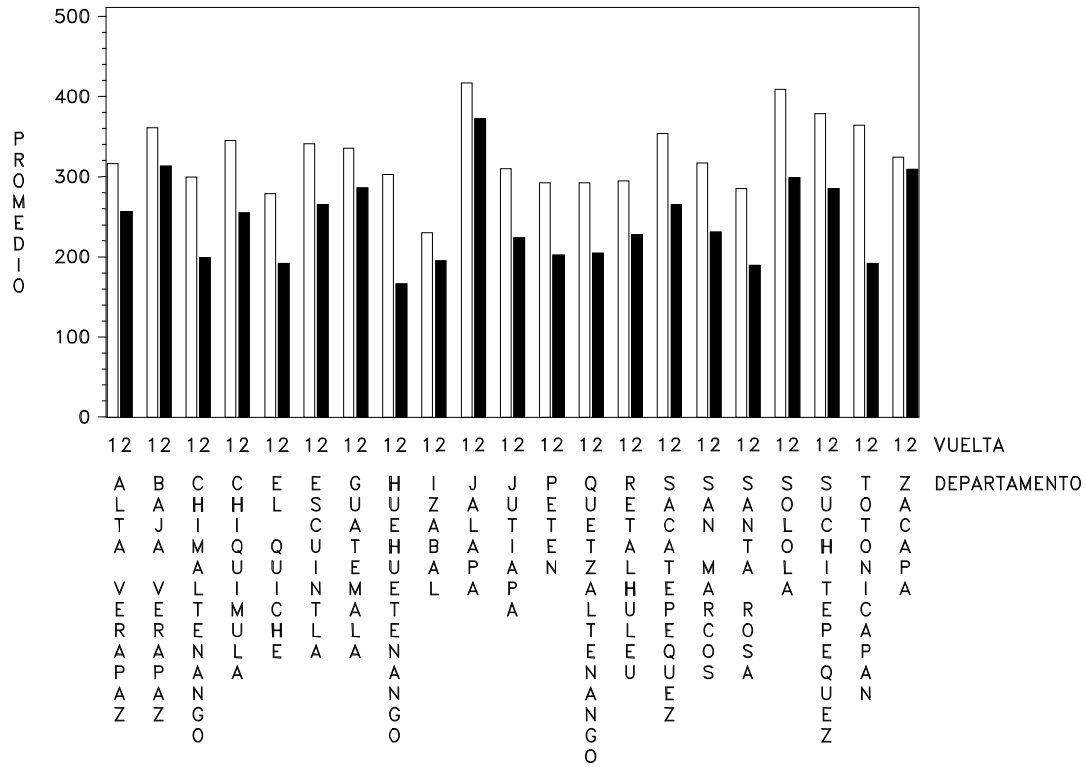
Participation by Sex – Capital			
Confidence Limits 99 percent			
Type of participation	Percentage	Lower Limit	Upper Limit
Men's votes	52.94	47.69	58.20
Women's votes	47.06	41.80	52.31
Participation of men	51.37	43.32	59.42
Participation of women	42.33	34.16	50.50

Participation by Sex – Interior			
Confidence Limits 99 percent			
Type of participation	Percentage	Lower Limit	Upper Limit
Men's votes	65.35	60.02	70.68
Women's votes	34.65	29.32	39.98
Participation of men	44.45	40.59	48.32
Participation of women	33.89	28.96	38.82

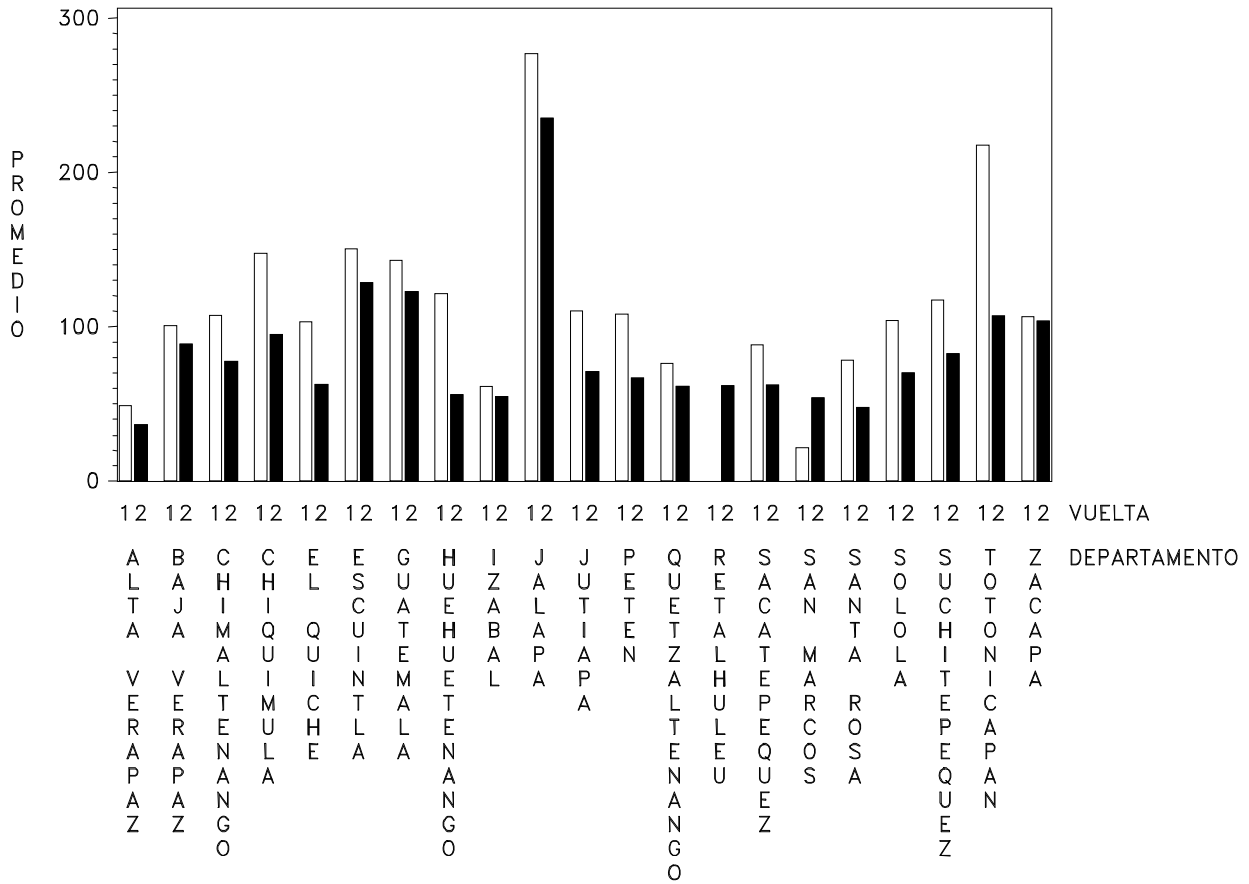
TABLE 8

Questions to verify compliance with polling hours, guarantees of voter freedom and counting						
	Question 1		Question 2		Question 3	
	YES	NO	YES	NO	YES	NO
Capital	92.9	7.1	100.0	0.0	0.0	100.0
Interior	98.5	1.5	96.9	3.1	1.5	98.5
TOTAL	97.5	2.5	97.4	2.5	1.2	98.7

PROMEDIO DE VOTOS EMITIDOS POR JRV



PROMEDIO DE VOTOS DE MUJERES POR JRV



Projections for the percentages of blank ballots, invalid ballots, contested ballots and abstentions and, finally, projections of the percentages of votes showing participation by sex, for the strata “capital”, “interior” and “entire country”, are explained in Table 5 (under the headings “Men’s votes” and “Women’s votes”. These show the results of the projection of percentages of votes cast by male and female voters respectively, among all votes cast, including votes for a given candidate, blank ballots, invalid ballots and contested ballots. Under “Participation of Men” and “Participation of Women” are shown the results of the projection of percentages of men and women voting, compared to the voters’ list).

c. The second round

For the second round of voting the same methodology was used as in the first round, taking the same primary and secondary samples. Since the Mission had available information on the votes cast during the first round, it was able to make a comparison between the results of the two rounds in terms of voter participation.

Statistically speaking, there was no significant difference between the data from the primary and secondary samples ($p = 0.3099$). For this reason, the two samples were combined for making projections. As with the first round, the confidence limit of 99.0 percent is valid for each of the separate estimates (i.e., each individual result), but it is not valid overall for the estimates as a whole.

Table 6 shows projections of votes by party in the second round, with the respective margins of error, projections of percentages of blank ballots, invalid ballots, contested ballots and abstention, and finally projections for the percentages of votes for participation by sex, for the capital, the interior and the entire country.

Under the headings "Men's votes" and "Women's votes" are shown the results of the projection of percentages of votes cast by male and female voters respectively, among all votes cast, including votes for any single candidate, blank ballots, invalid ballots and contested ballots. Under the heading "Participation of men" and "Participation of Women" are shown the results of the projection of percentages of men and women who voted, compared to the voters' list.

In comparing the votes from the two rounds, an adjustment was made using a linear model with repeat measures (first and second rounds). The comparison between the behavior of voters in the first and second rounds shows statistically significant differences ($p = 0.0026$). There is evidence of a highly significant statistical difference between voting by women in the two rounds ($p = 0.0021$). Table 7 shows the averages of votes cast by voting station, by department, in the first and second rounds

d. Voter participation and electoral organization

Forecasts predicting a likely reduction in voter turnout during the second round proved to be correct. In fact, participation by women declined significantly. Although the Mission did not attempt to identify the reasons for this higher rate of abstention, they could well be related to the fact that the timing of the election fell during the Christmas period, the advance perception that one of the candidates was a sure winner, the fact that it was harvest time in the interior, the persistent problem of transportation, and the apathy of Guatemalan voters.

In comparison with the abstention rate recorded in the Public Consultation of May 26, 1999, when barely 20 percent of registered voters cast their votes, there was a significant increase in voter participation in the most recent elections. Nevertheless, the participation declined in the second round, although the turnout was still higher than for the Public Consultation. The Mission's projections show that fewer than half of registered voters actually cast their vote (about 42.5 percent) in the elections of December 26, producing an abstention rate of 57.5 percent (see Graph).

Women's participation nationwide declined significantly during the second round, to approximately 35.4 percent, in comparison with 48.2 percent during the elections on November 7. Because of this, during the second round, the relative balance with male voter participation (which was approximately 45.65 percent on December 26 and 53.8 percent on November 7) that existed during the first round disappeared. Once again, the department of Jalapa recorded the highest number of women voters (see Graph)

In terms of electoral organization, projections with respect to the opening and closing of polls showed that 97.5 percent of polls (98.5 percent in the capital city and 92.9 percent in the interior) opened at the proper time (7 AM). The closing of the polls was handled completely normally in the capital city, and the number of abnormalities at polls in other departments of the country was insignificant. Similarly, the number of cases of voter intimidation in other departments of the country was insignificant (see Table 8).

IX. Conclusions and recommendations

In carrying out its mandate, the Mission observed the Guatemalan election process in its totality, using to this end the working techniques and methodologies developed by the OAS in recent years for its election observation work. Through these efforts the Mission team sought to obtain an overall vision of the functioning of the electoral system, in order to identify its strengths and weaknesses and to make recommendations that might assist the electoral authorities in their efforts to improve the system.

a. Conclusions

1. During both the first and second rounds of the elections, voters went to the polls in a completely peaceful climate. Voting was conducted quickly and in an orderly manner.
2. Forecasts predicting a likely reduction in voter turnout during the second round proved to be correct. Participation by women declined significantly in comparison with the first round. Although the Mission did not attempt to identify the reasons for this higher rate of abstention, they could well be related to the timing of the election during the Christmas period, the perception that one of the candidates was a sure winner, the fact that it was harvest time in the interior, the persistent problem of transportation, and the apathy of Guatemalan voters.
3. In terms of electoral organization, projections with respect to the opening and closing of polls revealed almost complete normalcy: 97.5 percent of polls (98.5 percent in the capital city and 92.9 percent in the interior) opened at the established time (7 AM). The closing of the polls was handled completely normally in the capital city, and the number of abnormalities at polls in other departments of the country was insignificant. Similarly, the number of cases of voter intimidation in other departments of the country was insignificant).
4. The Mission recognized and deplored publicly the acts of violence reported to it that occurred in some cities during the election process, as detailed in this report. It had in fact called on all those involved in the process, and on the citizens in general, to maintain a climate of peace and calm, within the juridical and constitutional framework.
5. Despite the irregularities observed during the process, and the acts of violence and other complaints described in this report, the Mission concluded that the elections, during both the first and second rounds, were clean and transparent, demonstrating once again the great civic and democratic spirit of the people of Guatemala.

b. General recommendations**Consolidation of a single citizens' registry, issuance of a single identity document, and preparation and automatic updating of the voters' list, within a single system**

All players interviewed by the Mission during the election process declared their support for a reform of the election system, particularly with respect to the civil registry. This issue was widely debated during the elections, and the various sectors of Guatemalan society demonstrated a keen interest in the issue. The OAS, through the election observer missions that had monitored the elections in 1995 and the public consultation of 1999, had already noted, examined and made recommendations on the situation.

In light of these circumstances, the Mission considers it feasible to propose not only specific reforms to individual articles of the Elections and Political Parties Act, but to implement a new system that would integrate the citizens' registry, the issuance of a single identity document and the preparation and automatic updating of the voters' list within a single system, preferably under the responsibility of the agency in charge of organizing elections.

If such a system is to be in operation for the next elections, a decisional have to be taken shortly to allocate responsibilities to this end among the various players in the electoral process, such as the political parties, the executive branch, the Congress and the TSE. The TSE, given its role in organizing and supervising the election process, is in the best position to continue fostering debate on the issue, and to compile the concerns of the various sectors of Guatemalan society.

For technical reasons, thought might be given to passing separate legislation on the rules governing the civil registry, the election process and political parties.

c. Specific recommendations**Electoral crimes**

The processing of complaints and the prosecution and adequate punishment of criminal conduct constitute one of the guarantees that the state owes its citizens in the context of the electoral process. Nevertheless, if prosecution is to be effective, there must be a clear description and codification of the conduct that constitutes a crime, free of any ambiguities, confusion or generalities. The Criminal Code of Guatemala does not contain much detail on electoral crimes (which are dealt with in only four articles). As a result, serious offenses may be treated as mere electoral errors, and punished with ridiculously low fines or simple injunctions. Consequently, the Mission recommends that consideration be given to adopting a precise codification of electoral crimes, with their own system of processing and jurisdiction.

Civic electoral committees

Electoral committees constitute a valuable opportunity for democratic participation in Guatemala's municipalities. The potential is limited, however, by the strict legal constraints on their existence, since they must be dissolved after each election. This requirement fails to take account of the fact that many of these political movements have produced winning candidates for mayor, trustee or councilor, and that in the exercise of their mandates these people require continuous guidance from the movement that brought them to power. These committees should also oversee fulfillment of the work plans and platforms put forward during the election campaign.

Branches of the TSE

- a) Inspector General's Office. The presence of officials from the Inspector General's Office of the TSE in the various municipalities and departments of the country has helped to strengthen the electoral process not only through the specific functions they fulfill but also through the communications network that they provide in practice for publicizing information and guidance about the elections. The Mission therefore recommends that the TSE consider establishing this network on a permanent basis, at least at the departmental level.
- b) UCADE. Given the nature of its functions, UCADE represents an important attempt to equip the TSE with an institutional memory. The Mission therefore recommends that consideration be given to establishing this unit on a permanent basis. If it is decided to proceed with the creation of a single citizens' registry, the issuing of a single identity document and the preparation and automatic updating of the voters' list, UCADE would have an important role to play in terms of training and dissemination.

Tallying of results

With respect to the process of transmitting, receiving and processing data in the TSE, the Mission recommends reconsideration of the current division of responsibilities between the TSE and the Central District Electoral Board, since, as noted in Chapters III and IV, the process is currently fragmented, making it impossible, among other things, to maintain an overall view of proceedings. In addition, the Mission recommends steps to improve security in the areas where computers are installed in the voting centers and local tally offices; developing a program for entering, checking and publishing data from the consolidated municipal returns; publishing data by polling station, by municipality, and overall data, via the Internet, and through the Information Center publicity network; adopting a package for encrypting data and filtering access in order to protect the communications network and prevent unauthorized entry; installing a telecommunications system with its own server dedicated exclusively to communication with the tally centers and transmitting data to the main

server, and preparing a permanent training program for technical staff of the TSE to keep them abreast of new technological developments.

Voting mechanics

During its observation of the voting in the first and second rounds, Mission members heard concerns from many electoral officials, polling station members and the public in general about the mechanics of voting. In light of these concerns, and the direct observations of OAS delegates, the Mission recommends that consideration be given to making the following changes for the next elections:

1. Improve the graphic design of ballots, including rules governing their color, so as to avoid confusion and to make it easier for voters to cast their ballots and for polling station officials to prepare for the count.
2. Improve the graphic presentation of the reporting forms so that they can be more easily completed and read.
3. Consider eliminating the stamping of unused ballots, since this adds nothing to voting security and represents a considerable waste of time for polling station officials.
4. Consider the possibility of placing translators at voting stations in indigenous areas where people do not speak Spanish, in order to help voters understand the voting process.

X. Informe Financiero (HARD COPY)

XI. Anexos

1. First and second round of voting
2. Mission Organization Chart
3. List of observers

Annex 1

FIRST ROUND OF VOTING
PROVISIONAL NATIONAL RESULTS
PRESIDENT AND VICE PRESIDENT

	VOTES	
PAN PARTIDO DE AVANZADA NACIONAL	660,404	OSCAR BERGER PERDOMO
FRG FRENTE REPUBLICANO GUATEMALTECO	1,037,775	ALFONSO ANTONIO PORTILLO CABRERA
DIA-URNG	268,001	ALVARO COLOM CABALLEROS
UCN UNION DEL CENTRO NACIONAL	22,787	DANILO JUALIAN ROCA BARRILLAS
FDNG FRENTE DEMOCRATICO NUEVA GUATEMALA	27,832	ANA CATALINA SOBERANIS REYES
ARDE ACCION RECONCILIADORA DEMOCRATICA	45,143	JUAN FRANCISCO BIANCHI CASTILLO
LOV-UD	25,208	JOSE ENRIQUE ASTURIAS RUDEKE
ARENA ALIANZA RECONCILIADORA NACIONAL	2,698	FLOR DE MARIA ALVARADO SUAREZ DE SOLIS
MLN MOVIMIENTO DE LIBERACION NACIONAL	13,028	CARLOS HUMBERTO PEREZ RODRIGUEZ
AD ALIANZA DEMOCRATICA	4,902	EMILIO EVA SALDIVAR
PLP PARTIDO LIBERADOR PROGRESISTA	67,680	IV. ACISCLO VALLADARES MOLINA
Invalid ballots: 118,737		Number of voters: 4,458,744
Blank ballots: 84,794		Abstention rate 46.64 %
Total ballots cast: 2,378,989		Participation rate 53.36%

Source: TSE

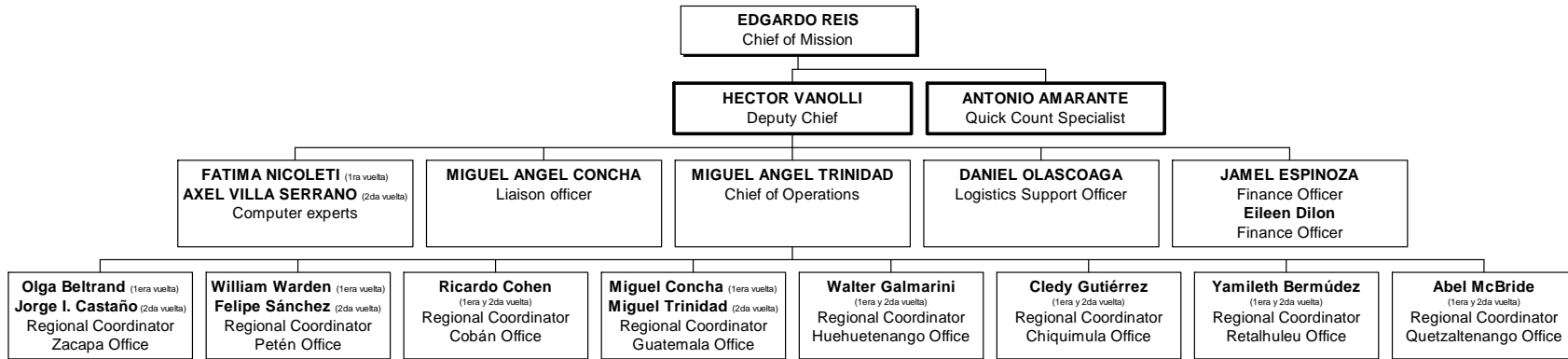
**SECOND ROUND OF VOTING
PROVISIONAL NATIONAL RESULTS
PRESIDENT AND VICE PRESIDENT**

	VOTES	
PAN PARTIDO DE AVANZADA NACIONAL	549,936	OSCAR BERGER PERDOMO
FRG FRENTE REPUBLICANO GUATEMALTECO	1,185,160	ALFONSO ANTONIO PORTILLO CABRERA
Invalid ballots: 55,367		Number of voters: 4,458,744
Blank ballots: 10,213		Abstention rate 59.61%
Total ballots cast: 1,800,676		Participation rate 40.39%

Source: TSE

Annex 2

MISSION ORGANIZATION CHART



Annex 3

LIST OF OBSERVERS

NAME	NATIONALITY
<u>Core Group</u>	
Edgardo C. Reis	Brazil
Héctor A. Vanolli	Argentina
Miguel Angel Trinidad	Argentina
Miguel Angel Concha	Colombia
Antonio Amarante	Brazil
Fátima Nicoletti	Brazil
Axel Villa Serrano	Ecuador
Daniel Olascoaga	Uruguay
Jamel Espinoza	Bolivia
<u>Coordinators</u>	
William Warden	Canada
Abel McBride	USA
Yamileth Bermúdez	Costa Rica
Ricardo Cohen	Argentina
Walter Galmarini	Uruguay
Cledy Gutiérrez	Peru
Olga Beltrand	Uruguay
Felipe Sánchez	Mexico
Jorge Ignacio Castaño	Colombia

Observers

Constance Ruth Buvollen		USA
Finola Shankar		
John Tumaylle	Canada	
Guido Iñigo	USA	
Javier Salked	Argentina	
Marcia Esparza	Peru	
Alexis del Pozo	Chile	
Ana Cristina Borges	Chile	
Daniela Piñeiro	Brazil	
Darren Nance	Argentina	
David Swaney	USA	
Fernanda Zavaleta	USA	
Fernanda Juárez	Bolivia	
Jorge Zambrana	Argentina	
Diógenes Ruiz	Bolivia	
Salvador Paz	Nicaragua	
Mario Rivera	Argentina	
Silio Boccanera	El Salvador	
Andrew Kaufman	Brazil	
Laura Núñez		USA
Eileen Dillon	Paraguay	
María Paulina García	USA	Colombia

Peter Brawick	USA	
Ana Carina Baquero		Ecuador
Laura Montes	Spain	
Valeria D'onofre		Argentina
Emilio Rabasco	Spain	
Estuardo Cobo	Spain	
Javier Montes	Bolivia	
Nancy Irigoyen	Bolivia	
Andrés Talero	Colombia	
José María Barragán		Peru
Ingrid Breier	Argentina	
Carlos Enciso	Uruguay	
Luc Lapoint	Canada	
Gregorio Molano		Colombia
Nilson Guerra	Venezuela	
Gladys Salazar	Bolivia	
Alma Jenkins	Panama	
Stephen Mauer	Austria	
Milagro Martínez		El Salvador
Judith Lobos	Chile	
Moisés Benamour		Venezuela
Raúl Rosende	Uruguay	
Rebeca Zúñiga	Nicaragua	
Carol Lasbrey		UK
Rosa Maria Torres		El Salvador
Giovanna de Steffani		Italy
Carmen Sánchez		Spain

Pilar Barrios	Spain	
Teresa Belmonte		Spain
Elizabeth Dambolena		Uruguay
Alejandro Arigón		Peru
Guillermo Burga		Peru
Melise Nanetti		
Stener Ekern	Brazil	
Henrik Hovland	Norway	
Trygve Bendisksby	Norway	Norway
Mette Eriksen		
Tomomi Kozaki	Norway	
Osamu Houkida		Japan
Hiroshi Ezaki	Japan	
Kenji Maehigashi	Japan	Japan
Yasuo Aonishi		
En Tobinaga	Japan	
Atsuko Kondo	Japan	
Takakiyo Koizumi	Japan	Japan
Takashi Tanaka		
Carlos Márquez	Japan	
Leticia Márquez	USA (<i>US AID</i>)	
Brian Rudert	USA (<i>US AID</i>)	
Laura Rudert	USA (<i>US AID</i>)	
Brian Wilson	USA (<i>US AID</i>)	
Vernelle Trim	USA (<i>US AID</i>)	
Anthony Troche	USA (<i>US AID</i>)	USA (<i>US</i>
<i>AID</i>)		
UPD00075E05.DOC		

Elizabeth Bausch <i>AID</i>)		USA (<i>US</i>
Jason Donovan	USA (<i>US AID</i>)	
Erin Rupprecht	USA (<i>US AID</i>)	
Laura Neuman	USA (<i>Carter Center</i>)	
Faith Corneille	USA (<i>Carter Center</i>)	
Dennis Jett	USA (<i>Carter Center</i>)	
Shelley McConnell	USA (<i>Carter Center</i>)	
Claudia Hernández (Fundación Soros)	USA (<i>Carter Center</i>)	Nicaragua
Myriam Méndez (<i>International IDEA</i>)		Colombia
Advisory and special services		
Judith Lobos	Chile	
Moisés Benamour	Venezuela	
Raúl Rosende	Uruguay	
Administrative staff		
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