

**IRI**  
**Advancing Democracy Worldwide**

**Republic of Ecuador**  
**National Elections**  
October 20 & November 24, 2002

**Election Observation Mission**  
**Report and Recommendations**

**International Republican Institute**  
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**IRI DELEGATION  
FIRST ROUND OF ECUADORIAN ELECTIONS  
OCTOBER 16 - 22, 2002**

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SECOND ROUND ECUADORIAN ELECTIONS  
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**FIRST ROUND PRESIDENTIAL ELECTIONS  
OCTOBER 20, 2002**

<b>FINAL RESULTS PRESIDENTIAL ELECTION</b>	<b>NUMBER OF VOTES</b>	<b>PERCENTAGE OF VOTES</b>
<b>Lucio Edwin Gutiérrez Borbua</b> <i>PSP/ MUPP-NP</i>	913,113	20.43%
<b>Alvaro Fernando Noboa Pontón</b> <i>PRIAN</i>	776,132	17.37%
<b>Leon Roldós Aguilera</b> <i>RP</i>	689,438	15.43%
<b>Rodrigo Borja Cevallos</b> <i>ID</i>	627,501	14.04%
<b>Antonio Xavier Neira Menéndez</b> <i>PSC</i>	544,335	12.18%
<b>Jacobo Bucarám Ortíz</b> <i>PRE</i>	529,938	11.86%
<b>Jacinto Velazquez Herrera</b> <i>TSI</i>	167,065	3.73%
<b>Ivonne Leyla Juez Abuchakra</b> <i>PLRE/META</i>	78,978	1.76%
<b>César Augusto Alarcon Costa</b> <i>PL</i>	55,085	1.23%
<b>Oswaldo Hurtado Larrea</b> <i>MPS</i>	48,238	1.07%
<b>Carlos Antonio Vargas Guatatuca</b> <i>MIAJ</i>	38,221	0.85%
<b>VALID VOTES</b>	4,468,044	86.27%
<b>BLANK VOTES</b>	239,806	4.63%
<b>NULL VOTES</b>	471,035	9.09%
<b>TOTAL VOTES</b>	5,178,885	

Source: Tribunal Supremo Electoral

**SECOND ROUND  
PRESIDENTIAL ELECTIONS  
NOVEMBER 24, 2002**

<b>FINAL RESULTS PRESIDENTIAL ELECTION</b>	<b>NUMBER OF VOTES</b>	<b>PERCENTAGE OF VOTES</b>
<b>Lucio Edwin Gutiérrez Borbua</b> <i>Partido Sociedad Patriótica PSP/ MUPP-NP</i>	2,803,243	54.79%
<b>Alvaro Fernando Noboa Pontón</b> <i>PRIAN</i>	2,312,854	45.21%
<b>VALID VOTES</b>	5,116,097	88.10%
<b>BLANK VOTES</b>	50,938	0.88%
<b>NULL VOTES</b>	640,074	11.02%
<b>TOTAL VOTES</b>	5,807,109	

Source: Tribunal Supremo Electoral



## **I. Executive Summary**

The 2002 National Elections were of historic importance in the consolidation of Ecuador's democracy. Since 1996, the country has suffered political instability, with two popularly elected presidents removed from office before the end of their terms. During this tumultuous period, a total of six presidents held office, whose terms ranged from a mere three days to the relatively stable three years served by President Gustavo Noboa Bejarano (2000-2003). Additionally, accusations of fraud in the 1998 National Elections damaged popular confidence in electoral institutions. That the 2002 elections be deemed free and fair, and result in a constitutional alternation of power, was critical to Ecuadorian democracy.

On October 20, national elections were held for President and Vice President, Deputies to the National Assembly, Consejeros Provinciales (regional assembly representatives), Concejales Municipales (local assembly representatives), and National Representatives to the Andean Parliament. With more than eight million Ecuadorians designated to cast their ballots at more than 37,000 voting stations in five separate electoral contests, the elections represented a massive logistical undertaking. This was followed by a November 24 runoff presidential election.

The Supreme Electoral Tribunal (TSE) undertook an impressive effort to guarantee the integrity of the electoral process. In general, participating political parties and organizations demonstrated a genuine commitment to abide by the established rules of the game and recognize the will of the Ecuadorian electorate. The Ecuadorian people should be congratulated for their patience and persistence, participating in a transparent, if somewhat complicated, electoral process.

The International Republican Institute (IRI), with funding from the U.S. Agency for International Development, conducted an international observation of the entire 2002 electoral process. Beginning four months prior to the first round election on October 20, IRI conducted three pre-election assessment missions to gauge the preparedness of the TSE and assess the political climate in the country. Participants in these missions included election experts from countries throughout the region. The assessment missions, which covered a total of seven provinces, were also used to determine where IRI would focus its Election Day observation efforts. Following each mission, IRI issued an assessment report and communicated recommendations and concerns directly to the TSE. (Reports for each mission are available at [www.iri.org](http://www.iri.org))

A month prior to the October 20 election, IRI opened an office in Quito to maintain steady communication with the electoral authorities, political parties, and other relevant actors. A team of five election experts arrived on October 12 to become familiar with the technical aspects of the Ecuadorian electoral process and troubleshoot for weaknesses. The remainder of the 26 member delegation, led by former President of Bolivia Jorge Quiroga, arrived four days before the election for briefings and

deployment.

IRI focused its observation efforts on the coastal provinces where past irregularities and continued concerns were raised during assessment missions. Delegates deployed to the provinces of Pichincha, Guayas, Manabí, Esmeraldas, Machala, and Los Rios on the morning of October 19 and conducted meetings with representatives of the Provincial Electoral Tribunals (TPE), political parties, military, police, local government, non-governmental organizations and the press. On Election Day, IRI delegates observed the voting process from the opening of polling stations to the vote count and transmission of results. Visiting more than 500 polling stations across 6 provinces, a concerted effort was made to cover polling stations in both urban and rural districts. The IRI technical team was deployed in Quito and Guayaquil to monitor the transmission of results.

A preliminary statement was issued on October 21 detailing IRI's observations and recommendations. IRI found no evidence of systematic or widespread irregularities and expressed confidence in the election results. In this preliminary statement, and the subsequent detailed report, IRI made a number of recommendations to the TSE related primarily to logistics. (Statement available at [www.iri.org](http://www.iri.org))

No presidential candidate in the October 20 election garnered the legally required percentage to win the presidency. The top two candidates, Alvaro Noboa of the PRIAN and Lucio Gutierrez of the Patriotic Society Party (PSP) participated in a runoff election on November 24. IRI returned to Ecuador for the second round election, and followed the same methodology employed in October: the opening of an office to establish a constant in-country presence, the early arrival of a technical team, and the deployment of a fully briefed delegation the day prior to the election. The 22 person delegation, deployed to the same provinces covered in the first round, save Machala, where observers were impressed by the preparedness demonstrated during the first round elections. A preliminary statement was again released the day following the election with IRI's observations and recommendations. (Statement available at [www.iri.org](http://www.iri.org))

In this report, the International Republican Institute chronicles the challenges, deficiencies and successes in Ecuador's 2002 election process and makes several recommendations for the consideration of the TSE for strengthening the system. The report scrutinizes administrative aspects of the electoral apparatus, such as electoral institutions, voter registration, the organization of polling stations, the voting and ballot counting processes and the transmission of results, among others. The report also surveys the electoral environment, focusing on voter participation and campaign activities. Furthermore, the report surveys the political landscape leading to and during the elections.

Reflecting on the findings of IRI missions to assess pre-electoral conditions and official preparations for the country's elections, as well as its observation of the first and second rounds, the following observations are made:

1. **Poll Worker Training:** Insufficient training remained a problem through the first and second rounds and contributed to significant delays in accurate reporting of results from the JRV's.
2. **Treatment of Poll Workers:** Poll workers were expected to work an exhausting 12+ hour day with limited or no sanitary facilities, and no food or beverages. The failure of poll workers to arrive on time, or at all, was often the cause of delayed voting table openings.
3. **Voter Confusion:** During the October 20 elections, IRI observers noted a significant level of voter confusion in locating their assigned JRV. For the second round, the TSE added information tables at large voting centers, greatly improving the situation.
4. **Absence of Political Party Poll Watchers:** IRI delegates reported the absence of political party poll watchers in all the observed provinces. This was consistent with the lack of engagement by political parties in election oversight throughout the process.
5. **Voter Education/Absenteeism:** Voter education was a major weakness of the 2002 electoral process. The high level of absenteeism can be attributed in part to the lack of a get out the vote or civic education campaign.
6. **Campaign Finance Regulations:** The current campaign finance regulations call for low limits on spending. Those limits were exceeded by a number of candidates, thus far without penalty.
7. **Politicization of the TSE:** The composition of the electoral authority reflects the relative power of competing political parties. Political competition and infighting create unnecessary hurdles in an already complex process demanding effective communication both within the TSE and between the TSE and Provincial Tribunals.

## **II. Election Administration**

The TSE and 22 TPEs faced significant challenges entering the 2002 national elections. An electoral reform bill, designed to make the electoral process more agile, languished in the National Assembly. Under the leadership of TSE President Carlos Aguinaga, the Ecuadorian electoral authorities, in coordination with the National Civil Registry, National Police and Armed Forces, put forth an impressive effort to ensure free and fair elections. The following is a summation of IRI's observations of the preparations for and execution of the October 20 national elections and November 24 second round presidential election.

### Candidate Registration

This component of the electoral process encountered fewer obstacles than initially anticipated. Unlike other countries, the TSE in Ecuador is not solely responsible for the registration of all candidates. The TSE is charged with the registration of national level candidates only. The TSE oversaw the registration of only the presidential candidates and the candidates for deputies to the Andean Parliament. The 22 TPEs were charged with registering the candidates for the other three elections: provincial representatives to the National Congress, provincial council members, and municipal council members. The registration of the mayoral candidates for the two recently created municipalities was handled by the respective TPE.

By the August 20 deadline to register candidates, 13 political parties and organizations had presented presidential nominees. Following several days of close scrutiny by the TSE, three candidacies were disqualified. According to TSE President Carlos Aguinaga, those three candidacies failed to meet the necessary requirements. Ecuadorian electoral law stipulates that candidates must present the signatures of at least one percent of the electorate in order to participate in the presidential election. With 8,154,424 eligible voters, this translates to more than 81,000 signatures.

The indigenous Amauta Jatari Movement, the Popular Patriotic Project, and the Revolutionary Intellectual Movement of the People had their presidential candidacies disqualified, reducing the field of hopefuls to ten. In addition, the TSE's Aguinaga threatened to bring charges against these organizations for deliberately including falsified information along with the signatures. All three organizations appealed the TSE's decision, taking the matter to the Constitutional Tribunal (TC). On September 3, the TC overturned the TSE's ruling on the Amauta Jatari's candidacy, paving the way for its participation in the presidential contest and increasing the field of presidential hopefuls to eleven. The TC upheld the TSE's decision in the case of the other two organizations. Aguinaga promised to abide by the TC's decision, but insists the initial

disqualification of Amauta Jatari was justified. The president of the TSE believes that political pressure from various directions might have influenced the TC to vote in favor of allowing the powerful indigenous movement to run in the presidential contest.

### Voter Registry

Voter registration was probably the most successful component observed during the pre-electoral and electoral observation process. While the TSE was not exclusively responsible for carrying-out the registration, its success can be largely credited to the important role it played. Based on population figures calculated by the National Civil Registry Office, the TSE was able to determine and produce voter lists. Before this process began, estimates indicated that more than half a million citizens appeared on the voter registry erroneously, most of these deceased. With considerable technical assistance from the International Foundation for Elections Systems (IFES) and the Organization of American States (OAS), and USAID funding, the TSE was able to clean-up and update the voter registry. A total of 8,154,424 Ecuadorian citizens were eligible to exercise their right to vote in the elections. However, an estimated one million of these Ecuadorian citizens have emigrated, bringing the actual voting population in Ecuador closer to seven million people.

With the comprehensive voter list set, the TSE proceeded to prepare 38,000 individual *padrones electorales* (voter lists) corresponding to the same number of JRVs (voting tables) distributed throughout the country. Once the TSE concluded this process, it successfully sent the completed *padrones* to the 22 TPEs. The materials were sent out ahead of schedule, ensuring a smooth process when voting booths opened.

### Voting Credentials

The National Civil Registry Office is the government entity responsible for issuing all Ecuadorian citizens a national identity card, or *cédula*. In order to vote, eligible Ecuadorians must present their *cédula*, the only acceptable voting credential. In an effort to ensure that every eligible Ecuadorian citizen was able to vote on Election Day, the National Civil Registry Office announced in early September the implementation of a massive *cédula* distribution campaign. According to the office's director, 3.5 million credentials (new and renewals) were to be produced and distributed throughout the country in time for the October 20 elections. This effort was to be carried-out by the provincial offices of the government entity.

During its third pre-election assessment mission, the IRI delegation found that the National Civil Registry Office lacked the materials to manufacture the *cédulas*. In

several provincial capitals visited by the IRI mission, citizens complained about the situation and expressed concern over the possibility that they would not be able to vote. While IRI was told materials would be ensured, the inability of the National Civil Registry Office to produce, much less distribute credentials one month before the election was of concern. While IRI does not believe this was deliberate, every effort should have been made further in advance to ensure that every eligible Ecuadorian held a *cédula* on Election Day. Although it appeared that the issue was not significant enough on election day to skew the voting results or that many Ecuadorians were denied the right to vote, it bears mention that in other countries where IRI has observed, electoral authority or civil registry office typically undertakes a massive distribution campaign for *cédulas*, ensuring that all citizens have the ability to vote. Indeed, electoral authorities actually organize a home delivery campaign where *cédulas* are hand delivered to ensure that no voter is disenfranchised. Because voting is mandatory in Ecuador, in the future, the government should make a greater effort to facilitate the distribution of credentials.

#### Formation of Polling Stations

Perhaps the greatest challenge for the TSE in the pre-electoral period was the formation and organization of the close to 38,000 polling stations, or *juntas receptoras de voto* (JRVs). With seven poll workers per JRV -- five principal members and two alternates -- more than 260,000 Ecuadorian citizens were needed to staff polling stations across the country on October 20 and November 24. Some political party representatives claimed this to be the Achilles' heel of the electoral process. In the past, the JRVs were staffed exclusively by party loyalists, whose behavior at the voting table was often the source of accusations of fraud. Additionally, political parties with lesser representation claimed they were at a disadvantage and called into question the process, and in some cases, the election results. In an effort to curtail these criticisms and soothe concerns, the TSE adopted a new mechanism aimed at de-politicizing the make-up the JRVs.

Based on information provided by local government entities and private sector organizations, the TSE and its 22 provincial structures developed a database of high school and college students, as well as public and private sector employees. A computer software program was then charged with randomly selecting the more than 260,000 poll workers. While this mechanism was designed to address the concerns over political parties and organizations manipulating the process at the JRV level, an important by-product resulted: to a certain extent, this new procedure guaranteed that Ecuadorians working at the JRVs had some level of education. Previously, as the political parties and organizations scrambled to assign loyalists to work as poll workers, some JRVs ended up staffed by ill-equipped citizens. While this new approach is

innovative and widely accepted, it does not prevent party members or sympathizers from staffing the polling stations altogether.

One month before the elections, the designation of citizens to work as poll workers on Election Day during the first round was still not complete. Despite the September 5 deadline to name JRV workers, the TSE was far from finishing this vitally important task. In meetings with provincial electoral authorities, IRI delegates were told that information on JRV candidates was being processed in Quito and final assignments would subsequently be sent to the country's 22 TPEs. This was a cause of serious concern for IRI. With so little time remaining to notify citizens of their Election Day assignments and administer their training, IRI expressed to the TSE its concerns over the process' delays. The delays also aroused suspicion among some political parties. It was these suspicions that led to the detection of anomalies in the JRV formation process in the province of Guayas, Ecuador's most populous province.

After concluding the process of designating the nearly 75,000 poll workers needed to staff the 10,706 JRVs in Guayas, representatives of the Social Christian Party (PSC) claimed discrepancies existed in a significant number of polling stations. An audit performed by the TSE found that close to 5,000 members of the Ecuadorian Roldosist Party (PRE) had been assigned to staff 1,923 polling stations. The discovery led to the removal by the TSE of Pedro Caicedo, a member of the PRE, as President of the Guayas TPE on October 1, just 19 days before the elections. Enrique Pita (Democratic Left Party, ID), the new President of the Guayas TEP, performed a full audit of the Guayas' polling stations in the week prior to the election, at which time final poll worker designations were made.

Given the controversial electoral history of the province, IRI focused special attention on Guayas. Due to the limited amount of time that authorities had to notify selected citizens of their JRV assignments and provide them with the necessary training, the TEP in Guayas exceeded expectations. Inadequate preparation of poll workers in the country's most populated province could have resulted in major challenges on Election Day and left the entire process, and its results, vulnerable to doubt and questioning. Guayas authorities were aware of this and in IRI's opinion made every effort to reassure the public and observers of the integrity of the process. IRI closely monitored the developments in the province and deployed approximately 20% of its observers to Guayas on Election Day.

### Poll worker Training

Due to the new procedure being employed by the TSE to select poll workers, an overwhelming majority of citizens assigned to staff the JRVs on Election Day had no experience. In addition, some aspects of the voting procedures had changed. Thus, a

comprehensive and thorough training of poll workers was essential to ensure a smooth process on October 20 and November 24. Unfortunately, the TSE was unable to meet many of its self-imposed deadlines. As the formation and organization of JRVs encountered delays, so too did the training of JRV workers. IRI repeatedly expressed concern over the inadequate time given to the training of more than 260,000 poll workers. Political party representatives were also keenly aware of this potential deficiency in the process.

The TSE received assistance on this matter from the Inter-American Human Rights Institute's Center for the Promotion of Electoral Processes. The first phase of training activities consisted in training 28 "master" trainers, who, in turn, provided training to more than 280 "junior" trainers. These were subsequently deployed to the country's 22 provinces to train the more than 260,000 pollworkers. Notwithstanding internal TSE deadlines, training of the "master" trainers was not completed until September 15. At the conclusion of IRI's third pre-election assessment mission (September 22), training activities for the "junior" trainers had not yet begun. With less than one month before the elections, the preparation of more than a quarter of a million poll workers was a formidable challenge.

Poll workers were the only representatives of the electoral authority to have direct contact with voters on Election Day. Thus, their adequate preparation and comprehensive understanding of Election Day procedures was vital to ensuring confidence in the process. In meetings with representatives of various TPEs, IRI found that even elections officials were either unclear, or completely unaware, of certain procedures. Without uniform procedures from JRV to JRV, the electoral process could be called into question, marring the validity of results. While IRI believes the TSE generally was able to improve this weakness prior to the October 20 and November 24 elections through increased communications between the TSE and the TPEs, more advance planning, training and communications should take place in future elections.

### Civic Education

After an August 2002 second pre-election assessment mission, IRI noted civic education efforts in Ecuador had been mostly absent. With time beginning to run short, many citizens expressed an overall lack of knowledge about the upcoming vote. Although there were no official figures, some analysts believed that close to one million Ecuadorians would be voting for the first time. With five elections taking place, IRI was concerned with the potential for confusion. Confusion in the polling stations could result in delays, which could result in frustrations and lead voters to stay home.



During meetings with the TPEs of Esmeraldas, Manabí, Los Ríos, El Oro, and Guayas, authorities expressed their concerns, and in some cases displeasure, with the TSE's efforts to organize and implement the civic education campaign. According to these provincial elections officials, the TSE in Quito neglected to consult with local authorities in the formulation of the campaign. As citizens of these provinces, the local officials felt they could have provided the TSE with valuable information regarding province-specific strategies, the best media outlets in the provinces, as well as the best forms in which to reach the public. TSE officials in Quito, they said, monopolized the effort and thus formulated a Quito-centric education campaign; one that they feared would not be successful. Closer coordination with the country's 22 TPEs could have greatly facilitated this initiative. With just under two months remaining before the October elections, IRI recommended that the TSE initiate an aggressive and decentralized educational campaign.

In September and October, the TSE undertook an innovative and modern voter education effort aimed at informing citizens of their assigned JRVs. The TSE set-up an "800" number where *cédula* holders could call and check to see which polling station they were assigned to; this service was also provided through the TSE's webpage. Voters could check this information 24 hours a day.

In addition, the TSE set-up more than 200 information centers across the country to provide voters with this information. In an effort to set-up the information centers in visible and central locations, the TSE signed an agreement with the Ecuadorian Association of Municipalities (AME). Through this agreement, the more than 200 municipalities in Ecuador lent the TSE a minimal amount of office space in the various mayors' offices where the information centers functioned. However, a general lack of information regarding this agreement spurred widespread speculation that the mayors' offices would provide this service only to members of the respective mayors' political parties. Misinformation unnecessarily caused suspicions to arise.

As the TSE continued creating the 38,000 *padrones*, this information was not available to all *cédula* holders. While the information outlets were useful, a more substantive effort aimed at informing the public of the electoral process itself would have proven very beneficial. An educated electorate that understands the electoral process is less likely to contest or question any aspect of the elections.

There was widespread confusion among Ecuadorian citizens leading up to the October 20 first round election. Obviously, with only two candidates vying for the Presidency in the November 24 election, this process was considerably more agile. Prior to the first round elections, many citizens with whom IRI spoke were unaware that five elections were taking place on October 20. Others expressed confusion as to the date of the elections themselves. The civic education campaign to inform voters on the electoral process was deficient, if not altogether absent. The TSE has gone to great

lengths to strengthen several aspects of the electoral process, but civic education was the weakest component.

### Transmission of Results

Ecuador's most recent electoral processes have been marred by allegations of fraud. In fact, anomalies were proven during the country's 2000 provincial and municipal elections, leading to a repeat of the process in the province of Los Ríos. The allegations of fraud, and the proven anomalies, have centered on the consolidation and transmission of results. To remedy these deficiencies, the TSE recruited the assistance of both public and private international organizations to help them implement an efficient, effective and credible results transmission system. Consequently, two transmission processes were activated for the October 20 and November 24 votes: one implemented by a private consortium of Colombian and Ecuadorian firms produced unofficial but rapid results; the other, designed with the help of the Organization of American States (OAS) and carried out by the TSE, produced official results.

Consortio Comicios Ecuador 2002, the Colombian-Ecuadorian partnership, implemented a rapid results transmission process with the guarantee of ensuring a representative sample of results on election night. Three copies of the *actas de escrutinio*, or vote tallies, were used in each of the 38,000 JRVs for each election, except for the presidential and congressional vote. The method being employed by Consortio Comicios Ecuador 2002 utilized what is commonly referred to as the *cuarta acta*, or fourth tally sheet.

After counting the presidential ballots, poll workers completed an *acta de escrutinio*, which in the case of the presidential vote had four copies and was to be distributed as follows: 1 - placed in a sealed envelope and immediately transported to the TPE by military personnel; 2 - placed with the counted ballots, transported to the TPE, and held under guard; 3 - posted on the wall of the JRV for public dissemination; and 4 - placed in a sealed envelope and transported by a member of the National Police to one of the 22 provincial Consortio Comicios Ecuador 2002 transmission centers. The same process was implemented for the congressional deputy election. From the 22 provincial transmission centers, the information was sent to five Consortio Comicios Ecuador 2002 reception centers (two in Quito and three in Guayaquil), where the results were processed and verified before being transmitted to a Consortio Comicios Ecuador 2002 national reception center in Quito, where the results were consolidated and subsequently disseminated. It is important to note, however, that these results were unofficial.

The TSE's procedure followed roughly the same route, with some variations. The first *actas* were transported by military personnel to the 22 TPEs, where provincial

transmission centers were set-up. From the TPEs *Centros de Cómputo*, or computation centers, the results were transmitted to the TSE's national *Centro de Cómputo* in Quito, where the information was consolidated.

Thus, there were two parallel, but autonomous results transmission systems functioning after the 5pm closing of JRVs on October 20 and November 24. While there have been many questions surrounding the two systems, IRI found in its assessment missions that most political parties had neglected to inform themselves on the procedures to be set in motion on the evening of October 20 and November 24. In many cases, the political parties expressed little interest in learning about the systems. IRI encouraged political party representatives to be thoroughly informed about these procedures. Both the TSE and Consorcio Comicios Ecuador 2002 expressed their willingness and availability for this purpose.

Despite being a source of considerable controversy, IRI observers were impressed by the rapid transmission of results undertaken by Consorcio Comicios Ecuador 2002 on both October 20 and November 24. Ecuadorian citizens, the media, and participants in the election were given near real-time results beginning at a responsible hour after the polls were closed. The rapid count contributed to a calm environment following the vote and added a new layer of legitimacy to the electoral process. Because of technical problems associated with the rapid transmission of results on election night, Consorcio Comicios Ecuador 2002 was not able to report on one hundred percent of the JRVs. The firm received criticism for failing to complete its obligations under a multi-million dollar contract. After a subsequent investigation by the electoral authorities, it quickly became obvious that the issue was actually a lack of training for poll workers, resulting in the mishandling of the ballots and delayed transmission of results. In the second round on November 24, Consorcio Comicios Ecuador 2002 revised their methods for rapid transmission of results and removed the plastic sheeting from the ballots, which were jamming the machines during the first round, causing a delay in an accurate collection of results. This made a notable difference during the second round, and the firm was successful in transmitting results of the election to the nation almost immediately following the closing of the voting booths, to the eventual final tally the following morning.

### Politicization of TSE

The 2002 Ecuadorian national elections were a technical success. A massive logistical undertaking, to the credit of the electoral authorities and the Election Day volunteers, they were carried out with only minor hiccups. The elections were untainted by fraud. This achievement is all the more commendable given the inherent politicization of the Supreme Electoral Tribunal as defined in the Ecuadorian constitution. IRI's assessment

of the electoral process would be incomplete without a mention of this structural weakness.

Article 137 of the Ecuadorian Constitution establishes a selection process for *vocales*, the seven members of the TSE leadership, through the National Congress. The composition of the electoral authority therefore reflects the relative power of competing political parties. Political competition and infighting create unnecessary hurdles in an already complex process demanding effective communication both within the TSE and between the TSE and Provincial Tribunals. The electoral authorities should be applauded for surmounting these obstacles in the recent elections, but even when coordination and cooperation are possible, a politicized TSE is more vulnerable to accusations of fraud. In the most basic terms, electoral authorities should not have a stake in the outcome of an election. The example of the Guayas TEP President Pedro Caicedo's removal for manipulating the selection of JRVs workers to favor the Partido Roldosista Ecuatoriano (PRE) demonstrates this fundamental conflict. Every effort should be made to depoliticize the leadership and staff of the electoral authorities. In particular, selection should focus on technical expertise, not political party loyalty.

### **III. Electoral Environment**

The 2002 election was the first since President Jamil Mahuad was ousted by a military-indigenous coup d'état in 2000. There is widespread disillusionment with the political system and with political parties which remain complacent, undemocratic, and generally unwilling to reform. When asked in an early June poll what was of most importance to the country, 66 percent of Ecuadorians answered the World Cup soccer games, compared to a mere 5 percent who were concerned with the electoral process. An 80% undecided rate in polls just a month before the first round election was even more telling. It can be said that President Gutierrez represents the product of the wholesale rejection of his country's traditional political class, which has failed to deliver tangible benefits to vast sectors of the population. Gutierrez and his opponent in the second round of voting, Alvaro Noboa, are the consummate political "outsiders", showing that most Ecuadorians have little appetite for the traditional political actors.

Consequently, the electoral environment, particularly leading up to the October 20 elections, was dominated by an unusual combination of uncertainty and apathy. With a mandatory vote and the vast majority of Ecuadorians uncommitted to any one of the candidates, the electoral results were entirely unpredictable.

### Domestic election observation

Participacion Ciudadana (PC), a recently created civil society organization, played an invaluable role in the electoral process. The group successfully won the signature of all presidential candidates on a *Compromiso Electoral* (electoral commitment), pledging to conduct clean, issue-based campaigns. PC was also active in tracking the management of the election by the electoral authorities and compliance with the law and codes of conduct for the election. PC helped lend the process credibility by regularly informing the public on the status of the electoral process, and when necessary leveling criticism at candidates and the electoral authorities on certain issues, such as calling on the candidates to clarify and publicize their platforms and scrutinizing campaign expenditures.

By conducting a quick count during the first and second rounds, the domestic observation carried out by PC served as a check and balance on the TSE's vote counting methods. In most voting stations throughout the country where IRI observed the elections, representatives from PC were present. It bears mention that this domestic observation effort depended on the participation and commitment of youth throughout Ecuador. By recruiting young volunteers to observe the election, PC engaged a new generation in the mechanics of their democracy.

### Duration of Official Campaign

The official campaign period for the Ecuadorian presidential election was just 45 days. The abbreviated campaign period, in conjunction with low spending limits, was designed to give equal footing to candidates with widely disparate funding. Unfortunately, it drastically limits the opportunity candidates have to introduce their positions to the electorate. Campaigns are the means through which candidates and parties disseminate their platform and plan for the country. With a field of 11 candidates, Ecuadorian voters had little time to make an informed decision on their future leaders. The limited campaign period did not favor any one candidate, but the issue of providing sufficient time for voters to educate themselves on their choices merits future consideration.

### Campaign Finance

For the first time, the 2002 elections established limits on campaign expenditures. This is largely due to the of controversy surrounding campaign spending during the 1998 elections when candidates Alvaro Noboa and Jamil Mahuad spent roughly \$12-15

million each during the second round. To establish a level playing field, the TSE took the lead in placing limits on campaign spending, monitoring expenditures and attempting to sanction candidates that surpassed the limit. The limits placed were \$1,139,882 for the first round of the presidential elections and \$227,976 for the second round. The sanction for over-spending was a fine equal to twice the amount of the excess. During both the first and second rounds, three candidates exceeded the allowable amount: Alvaro Noboa in both the first and second rounds, Jacobo Bucaram during the first round and Lucio Gutierrez in the second round. All were given fines to pay ranging from \$4.5 million to \$500,000, and all three candidates have appealed the fines. The main issue for campaign finance is that there is a legal vacuum with regard to the sanctions for those who exceed the limits.

The TSE was able to adequately monitor press and television expenditures. Only a third of the nation's radio stations were monitored, and additional campaign expenses such as billboards, t-shirts, etc., were monitored very infrequently, if at all. Financial penalties as the only recourse for the TSE to enforce the electoral law leave large loopholes for candidates with vast resources who may ignore the authority of the Tribunal and continue to overspend. Finally, it should be noted that campaign limits are exceedingly low when compared to other countries in the world, and given the high costs of advertising in the country's newspapers and television, campaign expenditure limits are easily surpassed.

### Voter Participation

Voter participation was a clear sign of the apathy felt by the Ecuadorian people. Voting is mandatory in Ecuador. If an eligible Ecuadorian voter does not receive a card certifying that he or she at least attempted to vote, they must either pay a fine or deal with significant inconveniences such as the inability to cash a check or leave the country. Given the seriousness of the mandatory vote, the level of absenteeism, 34.97% in the first round and 30% in the second round, was high even if one considers that some portion of this group no longer lives in Ecuador. Further, of those who did cast ballots, 13.76% were blank or null in the first round, 11.9% in the second.

### Role of the Media

Ecuador's media did an admirable job of providing extensive, unbiased reporting of the electoral contest. The national newspaper El Comercio made a particularly active contribution to voter education through special reports on all 11 presidential candidates, including their platforms, a running column on the voting process, and a portion of the paper's website dedicated exclusively to the election.

Throughout its observation of Ecuador's electoral process, IRI was encouraged by the access afforded to the media by election authorities, both at the national and provincial levels. This open relationship was instrumental in ensuring the transparency of the election and assuring the confidence of the Ecuadorian people.

### Political Party Poll Watchers

In past elections in Ecuador, party loyalists manned the voting tables. This system, which invited accusations and some actual occurrences of fraud, was replaced for the 2002 elections with a database of public employees and students. The removal of partisans from the administration of voting tables was a major improvement, but IRI observers noted on a national level the general absence of political party poll watchers. Political parties seem to be lagging in their response to the new system and failed to train and deploy significant numbers of poll watchers during both rounds. As the major actors in an electoral contest, political parties have a responsibility to contribute to the integrity of the election by observing as many JRVs as possible.

### Secrecy of the Vote

Voting in Ecuador is ostensibly secret. However, the design of election materials and the setup of many JRVs failed to provide the privacy necessary for a secret vote. In both the October 20 and November 24 elections, IRI observers noted that voters and ballots were clearly visible to poll workers, other voters, and often anyone milling around the area. While the 2002 elections were notably free of voter intimidation, it is the responsibility of the TSE and TPEs to provide every voter with an environment suitable to a secret vote.

### Security Situation

A secure electoral environment, in which competing views can be expressed without fear of retribution, is vital to a healthy democracy. Ecuador undoubtedly achieved this in the 2002 elections. The *ley seca*, which prohibits the consumption of alcohol in the days prior to and following the election, was actively enforced. On Election Day, the military and police were dispersed throughout voting centers. When tense situations did arise, IRI observed these officials behaving with the appropriate professionalism. The lion share of the credit for the peaceful electoral environment goes to the Ecuadorian people, who exercised their democratic rights with patience and tolerance.

The Armed Forces play an exceptionally large role in the Ecuadorian electoral process, from the printing and distribution of materials to the transmission of results. While IRI observed these responsibilities carried out with seriousness and correctness, in most countries these tasks are executed by a cadre of trained civilians to maintain the integrity of the separation of the Armed Forces from democratic politics. This issue merits consideration for future elections.

#### **IV. Findings and Recommendations**

##### **Finding 1: Poll Worker Training**

Insufficient training remained a problem through the first and second rounds and contributed to significant delays in accurate reporting of results from the JRVs. With an almost entirely inexperienced force of poll workers due to a reform of the selection system, poll worker training should have been a priority of the TSE and TPEs. Delays in the selection and notification of poll workers left little time for training. The TSE calendar for these processes allowed no room for error.

##### ***Recommendation:***

*The TSE can easily correct this problem by designing the electoral calendar to ensure sufficient time to ensure that not only are personnel fully notified of their appointment as poll worker, but are given the necessary training to be able to execute their responsibilities.*

##### **Finding 2: Treatment of Poll Workers**

Poll workers were expected to arrive at 6:00 am and work without breaks through the 5:00 pm closing of tables until the vote count was complete. During the first round, this meant an exhausting 12+ hour day. Public employees were compensated for their efforts with a day of vacation and students with academic points, but poll workers were provided with limited or no sanitary facilities, and no food or beverages for the entire day. The failure of poll workers to arrive on time, or at all, was often the cause of delayed voting table openings.

##### ***Recommendation:***

*It would be a good investment of TSE funds to provide water and lunch for poll workers. By easing the hardship of the day, the TSE would remove a significant disincentive for participation, and lessen fatigue and the chance of human error.*



**Finding 3: Voter Confusion**

During the October 20 elections, IRI observers noted a significant level of voter confusion in locating their assigned JRV. A new system that separated voting by gender in some cases caused members of the same family to be assigned to entirely different voting centers. Within large voting centers, containing hundreds of JRVs, voters reported spending hours seeking out their JRV. Responding to recommendations from all observer groups, the TSE made two highly effective changes in preparation for the second round. Voting centers were marked with giant posters indicating which voters pertained to them and Information Centers were installed at almost all large voting centers to assist voters in locating their JRV.

***Recommendation:***

*The addition of the posters and Information Centers greatly eased the voting process and lessened voter confusion and frustration. These two innovations should be used in future elections. Additionally, IRI recommends that the system of separating voting by gender be studied to find a way to assign voting centers consistently.*

**Finding 4: Absence of Political Party Poll Watchers**

IRI delegates reported the absence of political party poll watchers throughout the observed provinces. This was consistent with the lack of engagement by political parties in election oversight throughout the process. Political parties seemed unwilling to fulfill their responsibility to understand and monitor the entire electoral process, even in cases in which they expressed concern over a particular aspect of the process, such as the rapid transmission of results. The presence of well informed and trained representatives of political parties at voting tables throughout the day is vital to ensuring the legitimacy of the electoral process.

***Recommendation:***

*In preparing for future elections, political parties should treat the oversight of the electoral process as a primary responsibility. A major component of this oversight is the recruitment and training of poll watchers for Election Day.*

**Finding 5: Voter Education/Absenteeism**

Voter education was a major weakness of the 2002 electoral process. Beyond providing voters with information of where they are assigned to cast their ballots, a more robust campaign to explain the rather complex election was in order. The high

level of absenteeism can be attributed in part to the lack of a get out the vote or civic education campaign.

***Recommendation:***

*Voter education campaigns in future elections should begin sooner and be more widely disseminated, even if this means the investment of more resources. Greater coordination with TPEs would help ensure an effective national campaign.*

**Finding 6:** Campaign Finance Regulations

The current campaign finance regulations call for exceedingly low limits on spending. Those limits were exceeded by a number of candidates, thus far without enforcement. Penalties in the form of fining twice the exceeded amount favor candidates with unlimited resources. Failure to enforce the fines creates a bad precedent for future electoral campaigns.

***Recommendation:***

*The campaign finance regulations should be reformed to set more reasonable caps of expenditure and non-financial penalties. These penalties should be wholly enforceable by the TSE.*

**Finding 7:** Politicization of the TSE

Article 137 of the Ecuadorian Constitution establishes a selection process for *vocales*, the seven members of the TSE leadership, through the National Congress. The composition of the electoral authority therefore reflects the relative power of competing political parties. Political competition and infighting create unnecessary hurdles in an already complex process demanding effective communication both within the TSE and between the TSE and Provincial Tribunals. The electoral authorities should be applauded for surmounting these obstacles in the recent elections, but even when coordination and cooperation are possible, a politicized TSE is more vulnerable to accusations of fraud.

***Recommendation:***

*Every effort should be made to depoliticize the TSE and TPEs. The selection process should be reformed to focus more on technical expertise and less on political party loyalty.*

## DEFINITION OF KEY TERMS

### *Actas de Escrutinio*

The official documents used to tally votes at each polling station.

### *Cédula*

National identity card required to vote.

### *Padrón Electoral*

Voter List.

### *Centros de Cómputos*

Results transmission centers located in the Provincial Tribunals.

### *Impugnaciones*

Challenges to election results.

### *Juntas Receptoras de Votos (JRV)*

Voting stations.

### *Recinto Electoral*

One central location where multiple JRVs are located.

### *Participacion Ciudadana*

Citizen Participation, a newly formed NGO which will be running a domestic election observation and quick count effort.

### *Tribunal Provincial Electoral (TPE)*

Provincial electoral authorities. There are 22 provinces in Ecuador.

### *Tribunal Supremo Electoral (TSE)*

The Supreme Electoral Tribunal. The TSE is charged with organizing Ecuador's elections.