



ARGENTINA PRESIDENTIAL AND LEGISLATIVE ELECTIONS

OCTOBER 28, 2007

REPORT OF THE ELECTORAL OBSERVATION MISSION

PARLIAMENTARY CONFEDERATION OF THE AMERICAS

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INTRODUCTION

Created in 1997, the Parliamentary Confederation of the Americas (COPA) is an interparliamentary organization that brings together the congresses and parliamentary assemblies of unitary, federal and federated states, regional parliaments, and interparliamentary organizations of the Americas.

Its goals include strengthening parliamentary democracy and building a community of the Americas founded on the respect for dignity and human rights, peace, democracy, solidarity between peoples, social justice, and gender equality.

In order to support democracy, COPA seeks to play an increasingly active role in the area of electoral observation on the American continent.

A delegation of COPA parliamentarians thus visited Argentina, more particularly Buenos Aires, from October 25 to 29, 2007, to observe and report on the presidential and legislative elections held on October 28.

This was the sixth electoral observation mission conducted by COPA since it adopted a framework for organizing such missions. The first five electoral observation missions, which were held in December 2005 in Bolivia, in July 2006 in Mexico, in October 2006 in Brazil, in November 2006 in Nicaragua and in September 2007 in Guatemala, provided opportunities to develop know-how that contributed to the success of this sixth mission.

The goal of this report is to summarize the activities of the COPA mission during its visit to Argentina from October 25 to 29, 2007, and present the results of the observation. The report is divided into eight parts: **1) terms of reference of the mission; 2) composition of the delegation; 3) the pre-election political context; 4) the legal and institutional framework in which the October 28, 2007 elections were held; 5) mission activities prior to election day; 6) mission activities on election day; 7) findings of mission members; and 8) mission conclusions and recommendations.**

1. TERMS OF REFERENCE OF THE MISSION

Within the framework of the implementation of the COPA electoral observation mission program, the president of the organization, Mr. Carlos Jiménez Macías, in a letter addressed to the Chair of the COPA Committee on Democracy and Peace, Mr. Jean-François Roux (Appendix I), dated October 10, 2007, asked that the latter take measures in order that a COPA delegation be permitted to observe the elections in Argentina.

Argentinean electoral law does not provide for the presence of international observers to witness elections. However, the Ministry of the Interior and its National Electoral Directorate, responsible for the preparation, organization, conduct and supervision of the elections in Argentina, provided for "the possibility of inviting representatives of organizations specializing in elections, hailing from countries where electoral cooperation is permanent, as well as other international organizations specializing in this field", in order to enable the exchange of experiences within a framework of cooperation.

It is in this perspective that, on October 18, 2007, COPA received a letter from the authorities responsible for the organization of elections in Argentina (Appendix II), inviting them to form a delegation of COPA parliamentarians that would be welcomed as international guests to accompany the first round of the presidential and legislative elections on October 28, 2007.

As international guests, the members of the delegation took part in a four-day program prepared by the electoral authorities, in order to become acquainted with the Argentinean electoral process and voting procedures on election day.

Within the framework of the program established by the Argentinean electoral authorities, on October 5, 6, 7 and 8, 2008, the members of the mission attended information sessions given by representatives of institutions and organizations active in the electoral process in order to understand the organization of the Argentinean elections.

On election day, the members of the mission together with the other international guests were accompanied by the Argentinean electoral authorities to observe the conduct of the election operations.

2. COMPOSITION OF THE DELEGATION

The COPA delegation was composed of Mr. **Jean-François Roux**, mission leader, Chair of the COPA Committee on Democracy and Peace and Member of the National Assembly of Québec.

It was also composed of Mr. **Marcel Blanchet**, Chief Electoral Officer of Québec, Ms. **Norka Maria Cristina Lopez Zamarripa**, magistrate of the Electoral Tribunal of the Federal District of Mexico, and Mr. **Jacques Paquet**, advisor of the COPA Committee on Democracy and Peace.

3. THE PRE-ELECTION POLITICAL CONTEXT

It is in April 2003 that Mr. Néstor Kirchner, former governor of the Patagonian province of Santa Cruz and then relatively little-known figure on the national political scene, won the election following the withdrawal before the second round of Mr. Carlos Menem, the country's president from 1989 to 1999. Elected at the head of the Peronist Justicialist Party (PJ), Mr. Néstor

Kirchner was able, during the first years of his term of office, to capitalize on this image of a modern man who would transform Argentina.

Moreover, the 2005 mid-term legislative elections were largely perceived as a test for President Kirchner, who came into office when the country was still recovering from the economic crisis of 2001-2002. This crisis had then brought on a devaluation of the national currency and plunged the country into a situation of insolvency of unprecedented proportions. During the 2005 election campaign, the President defended his budget, affirming that his economic policies, based on the principle of a weak currency, were at the root of Argentina's economic redress.

A few months before the 2005 elections, the PJ decided to split up into two movements, the first led by former president Eduardo Duhalde and the other by acting president Néstor Kirchner, who created the Front For Victory (*Frente para la Victoria - FV*). President Kirchner won these elections which confirmed the stabilization of the political situation in Argentina. The political movement of the head of State, of Peronist allegiance, henceforth had the majority in Congress.

Following these legislative elections, several contested reforms (because they granted more power to the executive) were implemented: the modification of the composition of the superior judicial council, the act on decrees of necessity and urgency, known as the budget "super powers act". The recent reform of the Supreme Court, which progressively reduces to five the number of judges and thus goes back on a controversial law of the 1990s thanks to which Mr. Menem had automatically been assured majority in the Court, was on the other hand accepted.

The head of State, though enjoying a very high level of popularity, chose to withdraw from the October 2007 presidential election in favour of his wife, Senator Cristina Fernandez de Kirchner, who officially announced her candidacy on July 19, 2007.

During the 2007 pre-election period, the opposition was much divided and the political scene was still struggling to rebuild itself following the near disappearance, during the 2002 crisis, of traditional bipartisanship (Peronists and radicals). Only the social movements at the left of the head of State with regard to certain key issues could impede the government. However, the outstanding victory of Mauricio Macri (PRO, right center), at the end of June 2007, as the Head of Government (mayor) of the Autonomous City of Buenos Aires, opposite a ministerial candidate of the Kirchner government, perhaps signalled the beginning of the rebirth of a reinforced opposition.

In September 2007, the muddled results of certain provincial elections, particularly in Cordoba (September 2) and in Chaco (September 16), raised concerns as to possible acts of electoral fraud. Certain opposition candidates consequently demanded that measures be taken for greater transparency in view of the upcoming elections and for this purpose asked that international observers be summoned. On October 2, the country's electoral authorities met with the political party representatives who were given the opportunity to express their apprehensions. It was thereupon decided to not proceed with the invitation to international observers.

On October 28, 2007, Argentineans went to the polls to elect their president and vice-president, half (130) of the members of the Chamber of Deputies, one-third (28) of the national senators, as well as the governor and legislators of the following provinces: *Buenos Aires, Formosa, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Salta and Santa Cruz*.

With a view to the presidential election, 14 political parties and coalitions presented a candidate. The following is a list thereof, by party or alliance:

- Alianza Concertación *Una* – Mr. Roberto Lavagna
- *Alianza Frente Amplio hacia la unidad latinoamericana* – Mr. Luis Alberto Ammann
- *Alianza Frente Justicia Unión y Libertad* – Mr. Alberto Rodríguez Saá
- *Alianza Frente para la Victoria* – Ms. Cristina Fernández de Kirchner
- *Alianza Frente PTS más Izquierda Socialista* – Mr. José Alberto Montes
- *Confederación Coalición Cívica* – Ms. Elisa Carrio
- *Confederación Lealtad Popular* – Mr. Juan Rocardo Mussa
- Coalition des partis *El Movimiento de la Provincias Unidas, Movimiento por la Dignidad y la Independencia, Unión Popular et Movimiento de Acción vecinal* – Mr. Jorge Omar Sobisch
- *Movimiento independiente de jubilados y desocupados* – Mr. Raúl Anibal Castel
- *Movimiento Socialista de los Trabajadores* – Ms. Vilma Ripoll
- *Partido Obrero* – Mr. Néstor Antonio Pitrola
- *Partido Popular de la Reconstrucción* – Mr. Gustavo Breide Obeid
- *Partido Socialista Auténtico* – Mr. Fernando Solanas
- *Recrear para el Crecimiento* – Mr. Ricardo López Murphy

4. THE LEGAL AND INSTITUTIONAL FRAMEWORK OF THE OCTOBER 28, 2007 ELECTIONS

4.1 The electoral system

Argentina is a federal republic with a presidential form of government.

The executive power is held by a president directly elected by universal suffrage to a four-year term, limited to two consecutive terms. The president is the head of State and of government. President Néstor Carlos Kirchner currently holds this position.

The legislative power is exercised by the National Congress (*Congreso de la Nación*). This bicameral institution is composed of a Chamber of Deputies of 257 members, with half of the members being elected every two years, and of a Senate of 72 elected members (three per province), one-third of whom stand for election every two years. The presidents of these chambers at election time were, respectively, Mr. Alberto Edgardo Balestrini and Mr. Daniel Osvaldo Scioli.

Within the federal system, the 23 provinces and the federal district of Buenos Aires are headed by a governor directly elected by universal suffrage to a four-year term and by regional assemblies. The Constitution gives the central power (the Nation) the kingly powers (external affairs, defence, currency, credit) and social security. Most of the taxes are collected by the central power and redistributed to the provinces and municipalities, which supply public goods and services.

	Legislative elections	
	Chamber of Deputies (<i>Cámara de diputados</i>)	Senate (<i>Senado</i>)
Members	257 (direct election)	72 (direct election)
Constituencies	24 multi-member constituencies corresponding to the country's 23 provinces in addition to the federal district of Buenos Aires	24 multi-member constituencies (3 seats) corresponding to the country's 23 provinces in addition to the federal district of Buenos Aires
Voting method	Direct election by list with proportional representation of seats in accordance with the D'Hondt ¹ method. If a vacancy of seats arises during a legislature, elected alternates are called upon at the same time as titulars.	Direct plurality system (multi-member lists): 2 seats on the plurality list and 1 seat on the following list. If a vacancy of seats arises during a legislature, elected alternates are called upon at the same time as titulars.

	Presidential election
1st round	At universal suffrage, a candidate is elected president if he obtains no less than 45 % of the votes or 40 % if there is at least a 10 % difference separating him from the second candidate having obtained the most votes.
2nd round	A second round is organized between the two candidates having obtained the largest number of votes when no candidate has obtained the relative majority provided for in the law.

4.2 The electoral laws

The National Electoral Code (*Código electoral nacional*) of Argentina was adopted in 1983 and amended for the last time in 2002. It governs all matters relating to the electorate, the electoral authorities, all stages of the electoral process as well as the national electoral system.

In accordance with the Electoral Code, electors are citizens of both sexes, aged 18 years and over, and who are not disqualified under the provisions of the law (s. 1). Voting is secret and obligatory, with exceptions (advanced age, illness, distance from polling stations). Abstention is penalized by the prohibition to hold any public office or employment for a three-year period.

Since November 1991, a modification to the Electoral Code stipulates that all party lists must contain a minimum of 30 % of women candidates.

¹ The votes gathered by party lists are divided by 1, 2, 3, 4, etc. The results of these divisions are classified in order of size, from the largest to the least, and seats are successively allotted to the parties having obtained the highest quotients, until the total number of seats has been distributed.

A dozen other documents or laws, either in totality or in part, govern the electoral process in Argentina, among which are: the National Constitution (*Constitución Nacional*), the Law on the creation of the National Electoral Chamber (*Ley de creación Cámara Nacional Electoral*), the Law on political parties (*Ley Orgánica de los Partidos Políticos*), the Law on the funding of political parties (*Ley de Financiamiento de los Partidos Políticos*), the Referendum Law (*Ley de Consulta Popular*), the Law on election concurrence (*Ley de Simultaneidad de Elecciones*), the Law on voting abroad (*Voto en el exterior*), the Law on popular legislative initiatives (*Ley de Iniciativa Legislativa Popular*) and the Regulation on quotas for women (*Reglamentación de la ley de Cupo Femenino*).

4.3 Electoral authorities and agencies

The authorities and agencies responsible for the preparation, organization, conduct and monitoring of elections in Argentina are the Ministry of the Interior and its National Electoral Directorate, the National Electoral Chamber and the election judges, the Electoral Committees and, lastly, the polling stations.

The Ministry of the Interior and the National Electoral Directorate

The following fall under the jurisdiction of the Ministry of the Interior: the exercise of the political rights of citizens; the electoral system, political parties and their funding, the right of initiative and referenda. The Interior Ministry's National Electoral Directorate is responsible more specifically for:

- being informed of the programming and enforcement of the national electoral policy;
- implementing pertinent methods to facilitate and perfect the record maintenance of the National Register of Electors;
- assisting the associate secretariat with draft announcement proposals in view of the electoral acts and taking part in the public broadcasting of procedures to be followed by citizens;
- programming, organizing and conducting the national elections provisional voting;
- carrying out the necessary work in order to produce statistical studies on the electoral documents;
- assisting the associate secretariat in granting franchises as well as in distributing the Permanent Party Fund to the political groups.

The National Electoral Chamber (*Cámara nacional electoral*) and the election judges (*jueces electorales*)

The electoral tribunal is composed of 24 federal trial judges having jurisdiction in each of the electoral districts that divide the country (23 provinces in addition to the federal capital) and a single appeal tribunal, the National Electoral Chamber, which exercises its jurisdiction throughout the Republic and constitutes the supreme authority in the matter.

The National Electoral Chamber, composed of three judges and two appointed secretaries, has the following duties:

- conducts and controls the operation of the National Register of Electors and controls those of the districts in pursuance of legislation in force;

- conducts and controls the operation of the National Register of political party members and controls those of the districts in pursuance of legislation in force;
- lays down the standards for training and the operation of the General Registers, particularly of districts, citizenship cards and election violations;
- organizes a Control Unit to verify the accounting statements of political parties and to ensure that the applicable legal provisions are respected;
- implements a communications media monitoring system;
- administers resources from fees collected by the organization.

Each of the 24 election judges (*jueces electorales*) is assisted by an election secretariat whose responsibility is entrusted to a secretary and an acting secretary. The election judges have the following powers and obligations:

- to designate the persons who will fill the positions of secretary, acting secretary and of the other election secretariat positions;
- to organize, conduct and control the registration file of their jurisdiction;
- to correct and have printed the temporary lists and electoral lists;
- to handle claims of citizen representatives of political parties with regard to data concerning them;
- to appoint assistants to the national, provincial and municipal public servants, in view of carrying out various election tasks.

The National Electoral Committees (*juntas electorales nacionales*)

In each provincial and territorial capital, as well as in the federal capital, an Electoral Committee is established and commences its work sixty days prior to the elections.

In the federal capital, the Committee is composed of the chairman of the Court of Appeals of the federal administration department, the chairman of the Civil Court of Appeals and the election judge. In the provincial capitals, they are formed by the chairman of the Federal Chamber, the election judge and the chairman of the province's Superior Tribunal of Justice. In provinces where there is no Federal Chamber, the federal sector judge is called upon to participate. The territorial Electoral Committees have the same composition.

In the federal capital, the chair of the Electoral Committee is held by the chairman of the Court of Appeals of the federal administration department. In the provinces, it is the chairman of the Federal Chamber or the election judge who fills this position.

The National Electoral Committees have the following duties:

- approve the ballot papers;
- appoint the polling station authorities (*mesa electoral*) and determine how the vote will be conducted;
- rule on objections, protests brought to their attention;
- under their judgement, rule on the grounds for the validity or nullity of the election;
- carry out the district's electoral event and declare the results;
- appoint the interim personnel and designate that of the election secretariat;
- keep a special log of the acts attesting to each election.

Voting tables

Each voting table has as its sole authority a public servant who acts as president. An alternate is also appointed as assistant president. The Electoral Committee appoints the authorities for each electoral table (s. 72). They receive their summons by messenger and obtain a premium of 60 Argentine pesos (approximately \$20 US.) Any person who refuses to fulfill his duties of voting table president may be subject to penalties.²

No authority, nor any election judge, may order the voting table president to allow the vote of a citizen whose name does not appear on his copies of the election register (s. 87).

4.4 Voting operations

On election day, 73,767 voting tables located in 12,760 schools throughout the country were ready to receive the approximately 27 million Argentinean electors.

There is no advance polling. Since 1997, Argentines living abroad may register to vote. In 2007, 45,508 Argentine expatriates were qualified to vote.

On election day, it is particularly prohibited to hold any type of entertainment event and public meetings, outside or in a closed auditorium, or to open an establishment for the purpose of selling alcohol (s. 71).

At 8 a.m., on the scheduled day of elections, the voting table president announces the opening of the poll and draws up the electoral act by filling out the empty spaces on the printed form contained in the registers corresponding to the table (s. 83).

Once the voting table is open, electors present themselves in person, in the order of arrival, with their civil identification document (s. 84). In actual fact, three documents are permitted to exercise the right to vote: the *Libreta de enrolamiento*, the *Documento nacional de identidad* (DNI) and the *Libreta civica*.

Men and women vote at separate voting tables.

Secrecy of the vote is obligatory during the entire conduct of the voting act. No elector may present himself at the table exhibiting his ballot paper, nor may he make any form of gesture that would violate such secrecy (s. 85).

Electors bearing a civil identification document may vote only at the voting table on whose list their name appears. The president verifies if the citizen to whom the identification document belongs appears on the election register of the table (s. 86).

If the identity of the elector is not contested, the president gives the elector an open and empty envelope, signs the act by his own hand, and invites the elector to make his way to the polling booth to vote (s. 93).

² Incidentally, within the framework of the 2007 elections, it was reported that 25 % of the voting table president positions of the Federal Capital had not been filled on the day prior to the elections. The election authorities thereupon called upon volunteers or justice officials to fill these positions.

The president ensures that a sufficient number of ballot papers of all parties are available, in such manner that it is easy for each elector to differentiate them and retrieve one (s. 98). In actual fact, the party representatives are also responsible for ensuring that there are adequate supplies of ballot papers of their respective parties.

The ballot papers are submitted for approval to the National Electoral Committee by the political parties. They must be in sufficient numbers and must be the exact model of ballot papers that are earmarked for use on election day. The ballot papers of all political parties must be identical, as stipulated in section 62 of the Electoral Code.

Having entered the voting booth, the elector makes a selection and places his ballot paper in the envelope. It is possible to vote using a single ballot paper or by dividing it into sections and choosing among the candidates of different political parties for each category of elective position. To achieve this, one must cut along the dotted line that separates the different elective positions on a single ballot paper.³

If there are no more ballot papers in a voting booth, the elector must notify the president of the voting table, simply telling him that ballot papers have run out, without mentioning for which party and without making any political comments.

Once he has made his selection, the elector immediately returns to the voting table. The closed envelope is placed in the ballot box by the elector. The president, of his own initiative or at the request of political party representatives, may order that verification be made to ensure that the envelope is indeed the one that was submitted (s. 94).

The president writes down in the polling station's register of electors, in view of the political party representatives and of the elector himself, the word "vote" in the column provided for this purpose. The same inscription, which is dated, stamped and signed, is made in the elector's civil identification document (s. 95).

Voting ends at 6 p.m. The president then orders that access to the polling station be closed but continues to receive the votes of those who are waiting their turn. (s. 100).

5. MISSION ACTIVITIES PRIOR TO ELECTION DAY

It is necessary to recall that, on October 18, 2007, COPA received an invitation from the authorities responsible for organizing the elections in Argentina to form a delegation of COPA parliamentarians who would be welcomed as international guests to accompany the first round of the presidential and legislative elections of October 28, 2007.

As international guests, the delegation members attended a four-day program (Appendix IV) prepared by the electoral authorities, to familiarize them with the Argentinean electoral process and the voting procedures on election day.

In addition to the COPA delegation, there were over eighty other international guests hailing from Latin America and Europe, among other places.

³ There are smaller ballot papers for parties that do not have a candidate for each elective office.

5.1 Working meetings with representatives of institutions and organizations involved in the electoral process

A) The electoral authorities

On **Thursday, October 25**, at 12.00 p.m., the program prepared by the National Electoral Directorate for the international guests began.

The international guests were first invited to a meeting with the president of the National Electoral Chamber, Mr. **Rodolfo Emilio Munné**. During this meeting, they were given a brief overview of the various parameters of the organization of elections in Argentina. The vice-president of the National Electoral Chamber, Mr. **Alberto Ricardo Dalla Via**, and the Chamber judge, Mr. **Santiago H. Corcuera**, also attended this first meeting.

On **Friday, October 26**, at 10.00 a.m., the international guests took part in a working meeting with the National Electoral Director of Argentina, Mr. **Alejandro Tullio**.

During this meeting, Mr. Tullio gave a more detailed presentation of the Argentinean electoral system. In so doing, he also touched on two weaknesses that distinguish it:

1) The electoral list: It was mentioned in particular that close to 26,000 names of persons of over one hundred years of age, presumably deceased, were allegedly still registered on the electoral list of 2007. The National Electoral Chamber was not in a position to purge this list, as the law requires that the civil documents of the deceased be received in order for their names to be removed from the list. If the families of the deceased do not submit this document, no modifications may be made. However, the electoral authorities were not worried that irregularities or fraudulent acts would be linked to this.

2) The Law concerning political parties: Mr. Tullio also mentioned the importance of making revisions to the Law concerning political parties to correct the decline that traditional political parties are facing. Indeed, in recent years, the latter have split up into several factions led by charismatic politicians or candidates. The trend towards the personalization of politics is such that it has now become almost impossible to tell which candidate belongs to which party. The traditional parties are no longer at the fore of the electoral scene.

On **Friday, October 26**, at 2.30 p.m., a working meeting was held with the authorities of the National Electoral Command at the Ministry of Defence. During this meeting, the international guests were informed that over 100,000 persons (80,475 military officers and 20,000 reservists), would be mobilized on election day to ensure, if necessary, the security and proper conduct of operations.

On **Saturday, October 27**, at 11.00 a.m., the Argentinean electoral authorities presented to the international guests the results compilation and disclosure procedure during the visit to the national vote compilation center located at the Communications Building. The center was established and is operated by Indra, a Spanish firm mandated by the Argentinean Ministry of the Interior to record and disclose the results of the October 28 elections.

B) The political parties

On **Friday, October 26**, at 6.30 p.m., the electoral authorities organized a working meeting with a deputy candidate from the Civic Coalition (*Coalición Cívica*) Ms. **Patricia Bullrich**, and her work team.

From the outset, these representatives of the Civic Coalition informed the international guests that the opposition parties had for the longest time requested the presence of international guests.

The team brought up and denounced the desire of the ruling political coalition to attempt to integrate the opposition parties within a large coalition of unconditional partisans of the current government (*Partido oficialista*), whose effect would be to create a large hegemonic party. In their opinion, the various political trends prevailing in the country must have the opportunity to express themselves independently.

It was also mentioned that this desire to build a large hegemonic party could be depicted in the distortion of constitutional mechanisms, that is, by the concentration of power, by arbitrary decisions and by the misuse of decrees. Some members of her team also mentioned the misuse of government planes within the framework of the ruling party's election campaign.

Two days prior to the elections, the Civic Coalition representatives were clearly worried regarding the conduct of operations on election day. Indeed, they recalled that since voting table chairmen and their designated substitutes are convened only shortly before election day, several of these were still missing. Certain interlocutors even wondered if all of the notifications to appear (*telegramas*) had been sent.

They also indicated that the coalition in power, the Front For Victory (*Frente para la Victoria*), paid its representatives for their work on election day and that this explained why it would not have any problems finding personnel to represent it. They are of the opinion that if a political party does not have a representative for each of the approximately 70,000 voting tables throughout the country, it can hardly expect to win the election.

The representatives then brought up the opposition parties' intention to proceed with a rapid counting of the results at the polling station exits.

During this working meeting, discussions also focussed on the firms responsible for opinion polls. According to them, these firms disclosed their conclusions so as to suggest that the election results were already known and, furthermore, it was alleged that the opinion polls historically contained a 10 % margin of error when compared with the final results.

The problem regarding the multiplication of lists and ruling party candidates, and consequently the multiplication of ballot papers, particularly in the greater metropolitan region of Buenos Aires, was then discussed. Indeed, in their opinion, this could create some confusion with electors who will have to choose among several candidates from the same party or from the same sphere of influence.

Lastly, the team members reported that during the mid-term legislative elections in 2005, 35,000 identification cards required to exercise the right to vote were allegedly falsified.

C) Civil society organizations

On **Thursday, October 25**, at 3.30 p.m., a working meeting was held with scholars Ms. **Delia Ferreira Rubio**, Ms. **Liliana de Riz**, Mr. **Daniel Sabsay** and Mr. **Manuel Mora y Araujo** and the journalist from *La Nación*, Mr. **Pablo Mendelevich**, concerning the organization of elections on October 28. During this meeting, the international guests were informed of the following comments and elements:

- The voting system is generally very transparent. Nonetheless, problems could arise owing to the fact that each political party must prepare his own ballot paper, and this, for each elective position.
- In Argentina, there is no regulation on opinion polls.
- Less than 48 hours prior to the holding of the election, it is prohibited to conduct election advertising and to publish opinion polls. In addition, opinion polls may not be published before 9.00 p.m. on election day.
- There are no leadership races within the political parties. For example, it is the president of the Republic who chose his successor.
- Voting is obligatory under threat of penalty. In general, between 75 % and 78 % of citizens exercise their right to vote.
- The electoral list is allegedly unreliable, as several names appearing thereon are those of deceased persons.
- The two traditional parties (*Partido Justicialista*, *Unión Cívica Radical*) are not very present in the current election campaign, which would illustrate the political party crisis in Argentina. In this election, attention focuses on the candidates and not on the parties, which seems to cause some confusion with electors.
- It would appear that the party system is presently dysfunctional and in a weak position as an increasing number of factions, affiliations, coalitions and political groups are being created.

Furthermore, certain scholars raised the issue of electoral law violation within the framework of this campaign, reporting, for example, that the president's fleet of planes and helicopters were allegedly used by the candidate of the Alliance for Power, Ms. Christina Fernandez de Kirchner.

Since voting table authorities were missing only three days before the elections, the persons participating in the discussion feared that the party in power would recruit partisans to fill this position.

As regards areas that could possibly present problems on election day, they reported that the suburbs of the capital had to be more closely monitored.

They recalled that all opposition political parties had come together to work towards the rapid counting of votes at polling station exits. They had apparently selected between 1,500 and

1,700 voting tables from which they attempted to make an estimation of election results at approximately 8.00 p.m. on the evening of the election.

They underlined that there had been much improvement concerning access to information, noting, for example, that the Internet site of the Argentinean electoral authorities provided a wealth of information.

On **Saturday, October 27, 2007**, at 9.30 a.m., the electoral authorities organized a working meeting with representatives of civil society organizations: Ms. **Laura Alonso**, executive director of *Poder Ciudadano*, Mr. **Pablo Secchi**, coordinator of *Poder Ciudadano*, Ms. **Aleandrina Chichizola** of *Unidos del Sud*, and Mr. **Thomas Legler** of *Democracia Representativa*.

The representatives of civil society organizations underlined that there apparently had been no progress made concerning the electoral law since the end of the dictatorship in 1983.

They suggested that there existed significant problems in establishing the electoral list, mentioning, for example, that obtaining the identity card in certain poorer areas was difficult and therefore several citizens apparently had not obtained this card, which is nevertheless necessary to exercise the right to vote.

Those taking part in the discussion further maintained that communications would be difficult between the National Register of Persons (*Registro Nacional de las Personas*), which issues the national identity card, and the electoral justice, which establishes the electoral list.

When discussing the problems that arose during the provincial elections in Cordoba on September 2, 2007, the representatives pointed out that there had not necessarily been fraudulent acts committed, but rather weaknesses in the procedure that led to irregularities. They contended that if the results were close on election day, as was the case in Cordoba, there could be problems.

They also raised the concerns linked to the issuing of convocations to those responsible for the voting tables. In this regard, they denounced the weaknesses of the system and deplored the fact that several convocations to voting table chairmen apparently had been lost on the way.

They mentioned that Indra, the Spanish firm responsible for counting the votes on election day, had not been required to call for tenders to obtain this contract, having been the sole company to apply.

They commented that journalistic coverage had not been equitable to all presidential election candidates. According to them, only the campaigns of seven of the fourteen candidates had received adequate coverage.

6. MISSION ACTIVITIES ON ELECTION DAY

On election day, owing to its status as an international guest, the COPA delegation followed the program that had been prepared by the National Electoral Directorate especially for international guests.

Hence, on Sunday, October 28, at 9.30 a.m., the members of the National Electoral Directorate accompanied the international guests to the polling station located at School N° 6 *General Manuel Belgrano* in the city of La Florida, in the province of Buenos Aires, to observe the voting operations and conduct of elections.

At 3.00 p.m., the international guests, still accompanied by representatives of the National Electoral Directorate, observed the operations at a polling station in the *La Recoleta* district of the city of Buenos Aires.

At 8.00 p.m., the electoral authorities accompanied the COPA delegation to the election results center reserved for the press where the provisional results were announced at approximately 9.00 p.m.

7. COPA MISSION FINDINGS

To help them perform their work as observers, the parliamentarians had received an electoral observation grid prepared by the secretariat of the COPA Committee on Democracy and Peace. This grid, which is in Appendix V and of which a copy was completed for both polling stations visited, was divided into eight parts and was based on the provisions of the Argentinean Electoral Act. The grid covered the following areas of the electoral process:

- 1) General information on the observer and the polling station;
- 2) The polling station;
- 3) Election materials;
- 4) Electors;
- 5) Complaints;
- 6) Other observations;
- 7) Vote count;
- 8) Overall assessment.

The program prepared for international guests did not include a visit to a polling station at opening and closing hours to observe voting operations.

In both voting centers visited, the physical setup of the polling stations was distinctive, as electors were often cramped for space. However, this seemed to be customary.

At the voting center located in the *La Recoleta* district in Buenos Aires, the delegation observed significant congestion in front of the voting tables less than 45 minutes before the closing of the polls.

Incidentally, a few electors spoke to the members of the COPA delegation during their visit to denounce the lack of organization, delays and long waiting lines.

As regards the election materials, the members of the COPA delegation were able to visit two voting booths (*cuartos oscuros*) that were located in classrooms. The various piles of ballot papers were placed randomly in the booth. It was difficult to evaluate whether ballot papers were missing or not owing to the high number of parties, coalitions and alliances presenting candidates and the short amount of time granted to the delegation members to observe.

However, the delegation members noticed, for example, that it may have been possible, if not easy, for an elector to make off with the pile of ballot papers belonging to a party that he did not support. If this had occurred, it would have been the responsibility of the voting table president and the representatives of the concerned parties to ensure that there remained a sufficient number of ballot papers.

Though the COPA delegation members did not witness the theft of ballot papers, the following day, seven political opposition parties jointly presented to the National Electoral Chamber a formal complaint denouncing the "systematic and massive theft" of ballot papers throughout the country and especially in the metropolitan area of Buenos Aires. However, according to the Minister of the Interior, the renewal and control of ballot papers come under the responsibility of the political parties and not of the Ministry of the Interior. There seems to be a vagueness of the law in this regard.

The COPA mission also noted that the time required to exercise the right to vote could be rather lengthy and, consequently, slow down operations. The delegation members were of the opinion, for example, that if an elector, once in the booth, decides to cut out the ballot papers to choose candidates from different parties for each elective position category or if ballot papers have run out, this could take more than 10 minutes. However, the delegation did not witness any electors taking an excessive amount of time to vote.

It was not possible to speak with a voting table president concerning the conduct of operations owing, particularly, to the prevailing atmosphere. Indeed, the long waiting lines appeared to generate great tension and complaints on the part of electors.

Nonetheless, generally speaking, electors seemed to be comfortable with the system and method of voting in effect. The COPA mission did not notice any other details that could potentially interfere with the conduct of the vote.

8. MISSION CONCLUSIONS AND RECOMMENDATIONS

The delegation observed that voting operations in the polling stations visited were performed in compliance with the electoral rules in effect for this election. It appears that no official complaint was made by the political parties or by the electors in both polling stations visited by the members of the delegation, and this, despite the long waiting lines and the atmosphere of disorganization that prevailed more particularly in the second station. However, sampling remains too limited to provide a significant quantitative evaluation.

Hence, the members of the delegation would have liked to observe the electoral process in a greater number of polling stations, and this, in different types of communities in the metropolitan region of Buenos Aires. They also would have liked to observe the opening and closing of a

voting table. However, this was not provided for in the program prepared for the international guests.

The working meetings attended by the delegation members on October 25, 26 and 27, 2007, with representatives of institutions and organizations involved in the electoral process enabled them to become acquainted with the organization of elections in Argentina as well as with the main concerns that prevailed in this regard. Four main problems were retained: the preparation and control of ballot papers, the decline in political parties, the updating of the electoral list and the designation of voting table authorities.

Concerning ballot papers, the COPA delegation members wonder about the pertinence of giving the political parties the responsibility of preparing their own ballot papers in sufficient numbers and of ensuring, throughout election day, that there are a sufficient number of these in the polling booths. In a context where there is a breakdown of the traditional bipartite system, this approach would penalize the smaller parties which do not have enough representatives at the voting tables on election day. The COPA mission is concerned by the major risk of irregularities linked to this method of operation and recommends that the authorities consider appropriate measures to avoid the possibility of ballot paper theft and evaluate the pertinence of giving the electoral authorities exclusive responsibility for the preparation, production and distribution of ballot papers.

In relation to the decline of political parties reported by those who met with the delegation members, the COPA mission recalls that democracies could not function without the existence of political parties. The latter represent the citizens and constitute the direct link between a pluralistic society and its political institutions. Hence, the COPA delegation wishes to raise the awareness of the competent Argentinean authorities with regard to these concerns and recommends that they envisage the implementation of legislative measures enabling the strengthening of political parties in Argentina.

Lastly, it would be essential that legislative and administrative modifications be made to the procedures for the establishment and updating of the electoral list as well as to the procedures used to designate voting table authorities, and this, in order to diminish any uncertainty hanging over them, to limit the risk of irregularities and to enable the proper conduct of operations on election day.

The members of the delegation wish to underline the warm and friendly welcome they received from the National Electoral Directorate and all of its personnel within the framework of the program for international guests, from the various participants at the working meetings held prior to the elections, as well as from the citizens and election workers during their polling station visits.

9. APPENDICES

Appendix I – Letter of interest from the president of COPA

TRADUCTION



Senate of the Republic, October 10, 2007

***Member Jean-François Roux
President of the Committee on Democracy and Peace of COPA
Parliament Building
1045, rue des Parlementaires
RC, Bureau RC.96
Québec City (Québec)
G1A1A4***

Object: *Presidential and legislative elections of October 28, 2007, Republic of Argentina.*

Dear Sir:

The Parliamentary Confederation of the Americas (COPA) has demonstrated, throughout its ten years in existence, its firm and unending commitment to the establishment of a regional parliamentary system which is based on multilateral cooperation to discuss issues falling within the scope of our national agendas, issues that we without a doubt can resolve by sharing our experiences and responsibilities.

As you know, COPA is making tremendous efforts to consolidate one of its main objectives, that is, the strengthening of democracy. One of the most important expressions of this commitment took shape at the General Assembly in Foz do Iguaçu, Brazil, in May 2005. The desire to actively participate in the observation of elections on the international scene thus led to the adoption of the "Regulation on the COPA Electoral Observation Missions".

You yourself have contributed in a decisive manner, as president of the Committee on Democracy and Peace, to the strengthening of democracy in various countries of the continent, and this, through the electoral observation missions in which the COPA members have participated. These missions have been an essential vehicle for the improvement of electoral procedures and for the respect of the right of our peoples to vote freely and without restraint.

To this day, our organization has conducted electoral observation missions in Bolivia (December 2005), Mexico (July 2006), Brazil (October 2006), Nicaragua (November 2006) and more recently, in Guatemala (September 2007).

During the "Women Parliamentarians" forum, which took place in the city of Zacatecas, Zacatecas, Mexico, from September 26 to 29, 2007, I had the opportunity of being approached by senator and 1st vice-president of COPA, Ms. Edda Evangelina Acuña, requesting that a COPA delegation take part in the next presidential and legislative elections in the Republic of Argentina, on October 28, 2007.

The COPA presidency understands that the Argentinean constitution does not provide for the participation of electoral observers, which is why I am kindly asking you for your help in exploring the possibilities of attending the Argentinean elections via a mechanism similar to that used for the elections in Brazil. The COPA parliamentarians had at that time taken part in the observation of the elections as international guests.

Respectfully, I am asking you to take the appropriate measures to obtain from the Argentinean electoral authorities the information that will enable to determine and analyze the possibilities of participating as an invited delegation in the upcoming elections.

I also would like to inform you that the former president of COPA, Member Jeannet Madriz Sotillo, has confirmed that she wishes to attend the elections of October 28 in Argentina. I would ask you to take this information into consideration if your request to attend the elections of this important Southern Cone nation is accepted.

Lastly, may I take this opportunity to reiterate my sincerest congratulations on your successful electoral observation work in Guatemala. Through the information that I received from the Mexican delegation having taken part in the mission, I was familiarized with the important data and experiences gathered during this major exercise in sovereignty. The Committee report is without a doubt an important reference that will enrich the political accomplishments of the Parliamentary Confederation of the Americas. It is this success that prompts me to ask you to consider the opportunity of forming a delegation that would attend the second round of elections in Guatemala scheduled to take place next November.

Thank you in advance for your attention to these requests.

Yours sincerely,

Sen. CARLOS JIMÉNEZ MACÍAS

*President of the Parliamentary
Confederation of the Americas (COPA)
Senator of the Congress of the Union of
Mexico*

Office of the COPA president, San Lázaro Legislative Building, Headquarters of the Chamber of Deputies of the Congress of Mexico, D Building, Second floor, tel. (52) 55 57 16 82 53 fax 01 800 718 42 91 ext. 1257 e-mail presidencia.copa@gmail.com

Appendix II – Invitation letter

BUENOS AIRES, October 18, 2007

**Mr. President of the Parliamentary
Confederation of the Americas
Senator Carlos Jiménez Macías**

Next October 28, 2007, the presidential and legislative elections will be held in the Argentine nation.

Electoral cooperation in recent years has enabled to exchange experiences and to bring our national reality closer to the countries that have shown interest in the manner in which various problems linked to electoral procedures are resolved in Argentina or those that wished to receive technical assistance in this matter.

Within this context, the National Directorate (*Dirección Nacional*) has provided for the possibility of inviting the authorities of organizations specializing in electoral issues, hailing from countries where electoral cooperation is permanent, as well as other international organizations specializing in this field.

I hereby have the pleasure of inviting you in order that we may welcome you as a special guest within the framework of the aforementioned national elections.

Please find enclosed the program of activities that has been prepared for this occasion, to which have been added activities that are specific to your status of parliamentary member of COPA.

Yours sincerely,

Dr. Alejandro Tullio
National Electoral Director

Appendix III – Designation letter



Senado de la República Mexicana, 23 de octubre de 2007

***Dr. Alejandro Tullio
Director Nacional Electoral
Ministerio del Interior
25 de Mayo 101/145
C1002ABC Buenos Aires
ARGENTINA***

Objeto: Elecciones presidenciales y legislativas del 28 de octubre de 2007

Estimado Señor Director:

En consideración a la decisión que la Dirección Nacional Electoral del Ministerio del Interior de Argentina el día 18 de octubre de 2007, de recibir a la Confederación Parlamentaria de las Américas (COPA) como invitado especial a la celebración de las próximas elecciones generales que se desarrollarán en dicho país, para elegir Presidente, Vicepresidente, Diputados y Senadores el día 28 de octubre del presente año, es un placer informarle que la delegación para la misión de la COPA, que se llevará a cabo entre el 25 y 29 de octubre de 2007 en la Ciudad de Buenos Aires, estará compuesta de las personas siguientes :

Jefe de la misión:

Sr. Jean-François Roux, Diputado de la Asamblea Nacional de Québec y Presidente de la Comisión de Democracia y Paz de la COPA

Miembros:

Sr. Marcel Blanchet, Director General de las Elecciones de Québec

Sra. Norka Maria Cristina Lopez Zamarripa, Magistrada del Tribunal Electoral del Distrito Federal, México

Sr. Jacques Paquet, Asesor de la Comisión de Democracia y Paz de la COPA

Sra. Maria Elgue, Intérprete

Sin más por el momento, reciba las seguridades de mi consideración más distinguida y aprecio.

Atentamente

CARLOS JIMÉNEZ MACÍAS
Presidente de la Confederación Parlamentaria de las Américas (COPA)
Senador de la República

Appendix IV – Mission’s Program

Program of activities for the mission of foreign guests October 25 to 29, 2007

Thursday, October 25

12.00 noon	Meeting with the judges of the National Electoral Chamber
1.30 p.m.	Welcoming reception at the National Electoral Chamber
3.30 p.m.	Meeting with scholars and journalists (NH City Hotel)
6.00 p.m.	Free evening

Friday, October 26

10.00 a.m.	Meeting with the Minister of the Interior and the National Electoral Director
12.00 noon	Visit of "The Argentine vote" photo exhibit in Puerto Madero, wharf no 3
12.30 p.m.	Lunch
2.30 p.m.	Meeting with the General Electoral Command
5.30 p.m.	Meeting with political party representatives (NH City Hotel)
7.00 p.m.	Free period
8.30 p.m.	Dinner

Saturday, October 27

9.30 a.m.	Meeting with civil society organizations (<i>Poder Ciudadano, Conciencia, Democracia Representativa, Unidos del Sud</i>) (Communications Building)
11.00 a.m.	Presentation of the vote recounting system (Communications Building)
12.30 p.m.	Analysis session on the election outlook Brunch (Communications Building)
4.00 p.m.	Free evening

Sunday, October 28

9.30 a.m.	Visit of polling stations
12.30 p.m.	Lunch
3.00 p.m.	Continuation of polling station visit
8.00 p.m.	Visit of vote compilation center

Monday, October 29

All day	Departure of participants
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Appendix V – Observer’s grid

**ARGENTINEAN PRESIDENTIAL AND LEGISLATIVE ELECTIONS
October 28, 2007**

ELECTION OBSERVER’S GRID

1. GENERAL INFORMATION

Name of observer: _____
District: _____
Polling station: _____
Arrival time: _____
Departure time: _____

2. POLLING STATION

Opening time: _____
Reasons for delay (if any): _____

	YES	NO
Suitable polling station site and setup		
Polling station is complete		
Presence of security forces		
Presence of candidate/party representatives		
Presence of election advertising on site		
Acts of voter intimidation		

Details: _____

3. ELECTION MATERIALS

	YES	NO
Properly sealed ballot boxes		
Voting booths ensuring voter secrecy		
Voters list		
Ballots in sufficient quantity		

	Very good	Good	Poor	Very poor
Election materials				
Work of polling station officials				
Work of the security agents				

Details: _____

4. VOTERS

Number of voters registered: _____

Waiting time: _____

Average time required to vote: _____

Voters without voter registration cards: _____

Voters who were not on the voters list: _____

Details: _____

5. COMPLAINTS

	YES	NO
Complaints by party or candidate representatives		
Complaints by voters		

Details: _____

6. OTHER OBSERVATIONS

	YES	NO
Respect for ballot secrecy		
Presence of more than one voter in the voting booth		
Electoral staff compliance with procedures		
Voter understanding of procedures		
Presence of unauthorized persons in the polling station		
Orderly conduct of voting		
Interruption in voting during the day		

Details: _____

7. VOTE COUNT

Vote count start time: _____

Number of voters registered:: _____

Number of people who voted: _____

Invalid ballots: _____

Blank ballots: _____

Challenges by representatives: _____

Details: _____

Signature of tallies by representatives: _____

Level of security for transport of material to the District Council

Excellent ()

Average ()

Low ()

Details: _____

8. OVERALL EVALUATION

Irregularities to report: ()

Minor irregularities: () **Specify**

Serious irregularities capable of affecting the integrity of the electoral process: ()

Specify _____

Remarks: _____

