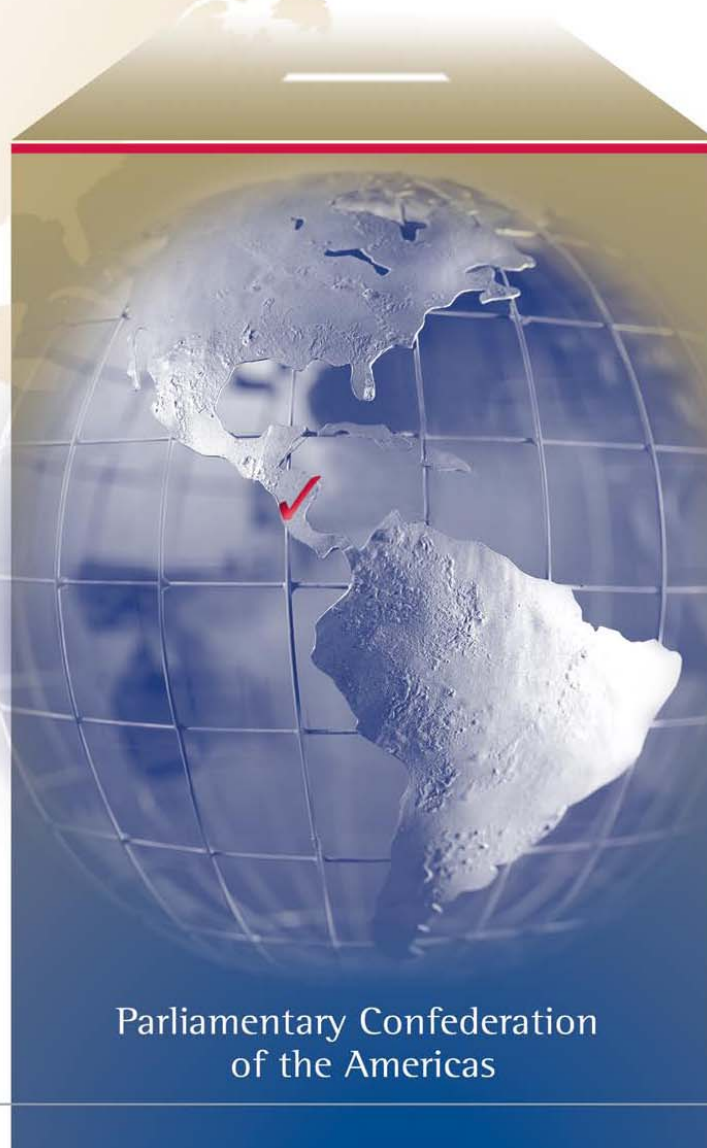




## EL SALVADOR'S PRESIDENTIAL ELECTION

MARCH 15, 2009

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 El Salvador, more particularly the city of San Salvador and the departments of San Salvador and La Libertad, from March 10 to 16, 2009, to observe and report on the presidential election held on March 15.

The know-how and expertise in electoral matters that COPA has developed over the years contributed to the success of this eighth mission.<sup>1</sup>

The goal of this report is to summarize the activities of the COPA delegation during its visit to El Salvador from March 10 to 16, 2009 and present the results of the observation mission. The report is divided into eight sections: **(1) mission terms of reference; (2) delegation members; (3) pre-election political context; (4) legal and institutional framework of March 15, 2009 election; (5) mission activities prior to election day; (6) mission activities on election day; (7) COPA mission findings; and (8) mission conclusions and recommendations.**

### 1. MISSION TERMS OF REFERENCE

In September 2008, the executive committee of the COPA approved an electoral observation mission to El Salvador for the legislative elections to be held on January 18 and the presidential election to be held on March 15, 2009. However, the COPA was unable to send an observation mission for the January 18 elections because it did not receive an official invitation from the Salvadoran electoral authorities.

During its last meeting in Argentina in January of 2009, at the request of the Salvadoran Legislative Assembly's representative, the executive committee decided to make another request for an official invitation from the Salvadoran electoral authorities to send a mission to observe the presidential election of March 15, 2009.

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1 COPA conducted observation missions during the following elections:

- Bolivian early general elections, December 18, 2005;
- Mexican presidential and legislative elections, July 2, 2006;
- 1st round of the Brazilian presidential and legislative elections, October 1, 2006;
- Nicaraguan presidential and legislative elections, November 5, 2006;
- 1st round of the Guatemalan presidential and legislative elections, September 9, 2007;
- Argentinean presidential and legislative elections, October 28, 2007;
- Paraguayan presidential election, April 20, 2008

In a letter dated January 30, 2009, the President of COPA reminded the Salvadoran authorities of COPA's willingness and availability to dispatch a delegation of parliamentarians for the March 15 ballot.

On February 23, 2009 the Supreme Electoral Tribunal of El Salvador authorized COPA parliamentarians to attend the proceedings of the Salvadoran presidential election as electoral observers.

In a letter dated March 3, 2009, the President of COPA notified the Salvadoran electoral authorities of the composition of the COPA delegation, headed by Edda Acuña, First Vice-President of COPA and Senator of the province of Buenos Aires in Argentina.

On March 11, 12, 13 and 14, 2009, the members of the mission, representatives from public and civil society organizations and other international observers attended important information sessions given by representatives of political parties and Legislative Assembly and Supreme Electoral Tribunal authorities. The sessions provided information on the electoral process and the country's prevailing situation in the days before the ballot.

On election day, the delegates visited nearly 50 polling stations in the capital region, San Salvador, and in the departments of San Salvador and La Libertad to observe the conduct of the election operations.

## **2. DELEGATION MEMBERS**

The COPA delegation included **Edda Acuña**, mission leader, First Vice-President of COPA and Senator of the province of Buenos Aires.

It was also composed of **Flor Ríos**, President of the Network of Women Parliamentarians of the Americas and Member of the National Assembly of the Bolivarian Republic of Venezuela; **Jhannett Madriz**, former President of COPA and Member of the Andean Parliament of Venezuela; **Milton Rodríguez Sarmiento**, Senator of the Republic of Colombia; **Danielle Doyer**, Member of the National Assembly of Québec; **Maris Nohemi Eizaga**, Member of the National Assembly of the Bolivarian Republic of Venezuela; and **Luiz Díaz Laplace**, Member of the Andean Parliament of Venezuela.

The parliamentarians were assisted technically and administratively by **Jacques Paquet**, Advisor of the COPA Committee on Democracy and Peace and by **Octavio Soares**, assistant to the Chief Electoral Officer of Québec and Director of Political Party Financing.

## **3. PRE-ELECTION POLITICAL CONTEXT**

El Salvador gained independence from Spain in 1821 and broke away from the United Provinces of Central America in 1841, when that federation was dissolved. The country had a republican political system dominated by landowners and was subject to foreign interference when the Salvadoran army took power in 1931. In 1980, five leftist revolutionary organizations united within the Farabundo Martí National Liberation Front (FMLN) to oppose the policies of President José Napoléon Duarte (Christian Democratic Party – centre left), put in place by putschist officers in 1979. The FMLN's powerful military offensive in January 1981 marked the

beginning of civil war, which many consider to have been triggered by the assassination of Archbishop Oscar Romero in March 1980.

In September 1981, the National Republican Alliance (ARENA — conservative) was founded with the support of rich landowners. In 1989, José Napoléon Duarte became the first Salvadoran President to hand over power democratically to his successor after the presidential election was won by the ARENA candidate. ARENA has held power ever since, winning the three subsequent elections in 1994, 1999 and 2004.

In January 1992, the signing of the Chapultepec Peace Accords brought an end to 12 years of civil war that left 75,000 people dead, including 40,000 civilians. Nearly 300,000 fled the country during the conflict. The accords formally enabled the FMLN guerillas to take part in the electoral process. During the 1994 presidential, legislative and municipal elections, the FMLN was recognized as a legitimate political party and won 21 of the 84 seats in the Legislative Assembly.

After failing to obtain an absolute majority in the legislative elections of 1997 and 2000, ARENA won 27 seats in 2003 and formed a coalition government with the National Conciliation Party (PCN), a right-wing party that held 16 seats. The FMLN won 31 seats, while the United Democratic Centre (CDU) and the Christian Democratic Party (PDC) each won five seats.

In the March 2004 presidential election, ARENA candidate **Elias Antonio Saca** beat legendary FMLN leader **Schafik Jorge Handal**. Following the presidential election, a new party called Democratic Change (CD) was created by former FMLN, CDU and PDC members.

The 2006 legislative elections were relatively peaceful, despite some irregularities noted by the electoral observation mission conducted by the Organization of American States (OAS).<sup>2</sup> The FMLN pledged to appeal to the Supreme Court to annul the Central American Free Trade Agreement (CAFTA) with the United States, which came into force in El Salvador on March 1, 2006. ARENA's campaign emphasized the country's good relations with the United States and highlighted the extension on February 24, 2006 of Temporary Protected Status to some 225,000 illegal Salvadoran migrants living on U.S. soil, granting them immunity for immigration violations. No party won an absolute majority.<sup>3</sup>

In preparation for the 2009 elections and in response to the rise of the left in Nicaragua and other Latin American countries, ARENA and the PCN consolidated their alliance to prevent the FMLN from taking power.<sup>4</sup> At the end of 2007, ARENA and the PCN used their majority in the Legislative Assembly to pass an amendment to the Electoral Code by a simple majority vote, providing that any ballot not stamped or signed by a polling station clerk would no longer be automatically rejected as was the case in the past. The FMLN and some other civil organizations, including Citizen Action for Democracy (*Acción Ciudadana para la Democracia*), are concerned about the measure, which they believe could lead to irregularities.<sup>5</sup> A few days

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2 In its report, the OAS noted the late opening of some polling stations and technical problems related to the indelible ink used to prevent multiple voting, which reportedly caused burns or allergic reactions and forced some voters to go to the hospital.

3 Interparliamentary Union (IPU) website (<http://www.ipu.org/parline-f/reports/1099.htm>), consulted on November 5, 2008.

4 Freedom House, "Freedom in the World 2008 – El Salvador", July 2, 2008. <http://www.unhcr.org/refworld/docid/487ca207af.html>, website consulted on October 30, 2008.

5 Daniel Valencia, "Como apoyar y rechazar una reforma electoral en 37 minutos", [www.elecciones2009.elfaro.net/Noticias41.html](http://www.elecciones2009.elfaro.net/Noticias41.html), website consulted on October 30, 2008; "FMLN denuncia plan

before the January 18 elections, the Tribunal approved a new regulation which imposes sanctions on polling station officials who fail to sign and stamp the ballots, thus requiring the validity of any unsigned and unstamped ballots to be approved by all the officials at the polling table.

Other measures adopted in anticipation of the 2009 elections are equally worrisome to the FMLN and civil organizations, especially the Supreme Electoral Tribunal decision to hold legislative and municipal elections on a different date from the presidential election. Initially, the three polls were to take place in March 2009.<sup>6</sup> The chair of the Tribunal is of the opinion that separate polls would consolidate and reinforce the democratic system and political pluralism. According to the National Conciliation Party (PCN), which is promoting the measure, holding the three elections on the same date could confuse voters and sway them to vote a straight party ticket and probably for one of the two main parties, ARENA or the FMLN. Opponents of the measure maintain that such logic creates more confusion than clarity and reveals a hidden agenda: to give an advantage to ARENA.<sup>7</sup>

During the election campaign, ARENA has promised Salvadorans that it will form a “citizen government” if it wins the 2009 election. ARENA’s presidential candidate, former National Civil Police chief **Rodrigo Ávila** has also stated that El Salvador has never been under such threat from other countries as it is today, referring to the significant financial support reportedly received by the FMLN from foreign governments.<sup>8</sup>

FMLN presidential candidate, journalist **Maurico Funes**, has promised that, if elected, he will keep the dollar as the national currency and respect the commercial agreements in force, including the free trade agreement with the United States.<sup>9</sup>

#### *Legislative and municipal elections of January 18, 2009*

On January 18, 2009, over 2 million Salvadoran voters went to the polls to fill the 84 seats of the unicameral parliament, to elect the political authorities of the country’s 262 municipalities and to designate the 20 Salvadoran deputies who are to sit in the Central American Parliament (Parlacen).

At the Legislative Assembly, the FMLN became the main political force with 35 deputies, 3 seats more than in 2006, but remained far from the 43 seats required to form the majority. ARENA obtained 32 seats, 2 seats fewer than in 2006. The balance of power went to the right-wing PCN party, with 11 seats; the PDC, with 5 seats; and Democratic Change (CD), with 1 seat. A coalition between the two right-wing parties (ARENA and PCN) is highly foreseeable, since it could give them a majority in the Assembly.<sup>10</sup>

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de fraude para elecciones de 2009 en El Salvador”, Agencia Informativa Latinoamericana, [www.prensalatina.com.mx/Article.asp?ID={55B70FB7-F47A-4AAF-85FF-6D1C87C8D0D7}&language=ES](http://www.prensalatina.com.mx/Article.asp?ID={55B70FB7-F47A-4AAF-85FF-6D1C87C8D0D7}&language=ES), website consulted on October 30, 2008.

6 In El Salvador, presidential and legislative elections coincide every 15 years.

7 Elaine Freedman, “El Salvador: How to read ARENA’s Electoral Campaign”, *Revista Envio*, [www.envio.org.ni/articulo/3838](http://www.envio.org.ni/articulo/3838), website consulted on October 30, 2008.

8 “Alianza ARENA ofrece “gobierno ciudadano” si gana en 2009 en El Salvador”, <http://actualidad.terra.es/articulo/html2/av22810817.htm>, website consulted on November 6, 2008.

9 “El Salvador: Funes promete continuar con dolarizacion y CAFTA”, AOL Latino, September 26, 2008, <http://www.centralamericadata.com/es/resources/printable/202491>, website consulted on November 3, 2008.

10 Pierre-Paul St-Onge, “Résultat final des élections de janvier 2009”, January 31, 2009, Institut d’études internationales de Montréal UQÀM, <http://www.ieim.uqam.ca/spip.php?rubrique122>, website consulted on February 12, 2009.

The big loser in the legislative elections is without a doubt the Revolutionary Democratic Front (FDR), which did not secure a single seat in the Parliament and obtained fewer than the 50,000 votes required to be recognized under Salvadoran electoral law. The FDR was formed in 2006 by a group of FMLN dissidents.

At the municipal level, it should be noted that the FMLN made a breakthrough by winning 18 more mayoral offices than in 2006, while the ARENA party lost 27 mayoral offices. On the other hand, ARENA made a gain by winning the mayor's office of the capital, San Salvador, an FMLN stronghold since 1997.<sup>11</sup>

According to the Central American University Election Bulletin, the January 18 elections were not without protest and denunciations, but generally proceeded uneventfully.<sup>12</sup> The San Isidro elections, in the department of Cabañas, however, were deferred until January 25, 2009 by the TSE (*Tribunal Supremo Electoral*), owing to complaints from the political parties (FMLN, PDC, PCN and CD) regarding foreign electors who allegedly tried to exercise their vote in the district.<sup>13</sup>

Generally speaking, observers who were present on site acknowledged the peaceful conduct of the elections despite a few isolated incidents and saluted the efforts made by Salvadorans in organizing transparent elections.<sup>14</sup> The observers from the Organization of American States (OAS) noted a delay in the opening of certain polling stations as well as the remote location of certain stations, which limited voter access.<sup>15</sup> The observers from the European Union noted the significant presence of political party staff at several polling stations to ensure the transparency of procedures. They underscored the work carried out thus far by the TSE, which was successful in organizing a generally transparent electoral process, "despite organizational weaknesses and the lack of a consensus regarding certain decisions, which can be explained by its partisan composition". They also hailed the initiative of the department of Cuscatlán, which established a system that allowed citizens to vote from their homes, thus making it possible to reach more electors and to reduce congestion at the polling stations.

They also praised the initiative to decentralize the polling stations in the department of Cuscatlán, which allowed more electors to vote and again reduced congestion at the polling stations. However, the report deplored the length of the election campaigns and the lack of legislation respecting political parties.<sup>16</sup>

Together with the revitalization of the agricultural industry and relations with the United States (free-trade treaty, transfer of funds by Salvadoran emigrants), the economy was one of the key issues of the election campaign. Corruption among public servants as well as the pervasiveness of criminality were also among citizens' concerns.

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11 Ibid.

12 Departamento de Sociología y Ciencias Políticas de la Universidad Centroamericana, « El Salvador 2009...en la mira », January 28, 2009, [http://www.ieim.uqam.ca/IMG/pdf/Bulletin\\_electoral\\_UCA.pdf](http://www.ieim.uqam.ca/IMG/pdf/Bulletin_electoral_UCA.pdf), website consulted on February 12, 2009.

13 European Union Election Observation Mission, El Salvador, January 20, 2009, [http://ec.europa.eu/external\\_relations/human\\_rights/eu\\_election\\_ass\\_observ/el\\_salvador/prelim\\_statement\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/eu_election_ass_observ/el_salvador/prelim_statement_en.pdf), website consulted on February 12, 2009.

14 Ibid. Organization of American States, January 19, 2009, Misión de observación electoral, <http://www.oas.org/electoralmissions/LinkClick.aspx?fileticket=KiKp3038XDA%3d&tabid=588&language=en-US>, website consulted on February 17, 2009.

15 Organization of American States, loc. cit.

16 European Union Election Observation Mission, loc. cit.

At the beginning of February 2009, PDC presidential candidate Carlos Rivas Zimora asked that the TSE withdraw his candidacy on the pretext of his lack of confidence in the electoral system of El Salvador.

At the same time, the TSE accepted the request made by PCN authorities to withdraw the candidacy of their presidential and vice-presidential aspirants despite the disapproval of Chévez and Garciaguirre, who in turn filed a complaint with the Human Rights Procurator claiming that their constitutional rights had been violated.

Consequently, the March 15, 2009 presidential election only opposed the ARENA candidate and that of the FMLN.

Political Party	Presidential candidate
<i>Alianza Republicana Nacionalista</i> (Republican National Alliance) (ARENA)	<b>Rodrigo Ávila</b>
<i>Cambio Democrático</i> (Democratic Change) (CD)	None
<i>Frente Democrático Revolucionario</i> (Revolutionary Democratic Front) (FDR)	None
<i>Frente Farabundo Martí para la Liberación Nacional</i> (Farabundo Martí National Liberation Front) (FMLN)	<b>Maurico Funes</b>
<i>Partido de Conciliación Nacional</i> (National Conciliation Party) (PCN)	None
<i>Partido Demócrata Cristiano</i> (Christian Democratic Party) (PDC)	None

#### 4. LEGAL AND INSTITUTIONAL FRAMEWORK OF MARCH 15, 2009 ELECTION

##### 4.1 Political institutions and electoral system

According to the Constitution of December 15, 1983, updated to 1992, **executive power** is held by the President of the Republic, who is both chief of state and head of government.

The President and Vice-President are elected in an absolute majority system, with a second round if needed, for a period of **five years**, without the possibility of immediate re-election.

**Legislative power** is unicameral, held by a Legislative Assembly made up of **84 members** and an equal number of substitutes.

Members are elected every **three years** under a closed party-list<sup>17</sup> proportional representation system and may be re-elected.

<sup>17</sup> Voters do not vote for a specific candidate, but rather for a list drawn up by a party, movement or alliance.

Presidential and legislative elections coincide every 15 years.

El Salvador is divided into 14 departments, including the department of San Salvador, the capital city, which constitute 14 ridings returning 64 members to the Legislative Assembly, each department electing a number of members in proportion to its population. Another 20 members are elected in a national riding.

<b>Presidential Election – March 15, 2009</b>	
<b>1st round</b>	The candidate who obtains an absolute majority by universal suffrage is declared President.
<b>2nd round</b>	If no candidate obtains an absolute majority in the first round, a second round is organized between the two candidates who obtained the greatest number of votes.

<b>Legislative Elections – January 18, 2009</b>	
<b>Members</b>	84 deputies
<b>Ridings</b>	-14 multi-member departmental ridings with 3 to 16 seats (total 64 seats) - 1 multi-member national riding with 20 seats
<b>Electoral system</b>	Proportional: closed party-list proportional representation (electoral quotient and greatest remainder) <sup>18</sup>  The 14 departments constitute 14 ridings returning a total of 64 members to the Legislative Assembly, each department electing a number of members in proportion to its population.  The other 20 members are elected in the national riding.  Vacancies arising between general elections are filled by substitutes elected at the same time as the members.

## 4.2 Electoral Code

El Salvador's *Código electoral* or Electoral Code (Order in council No. 417) came into force in 1994 and was last amended in 2007.

<sup>18</sup> The electoral quotient is obtained by dividing the total number of votes cast by the number of seats to be filled. Each list then obtains one seat for every multiple of the electoral quotient. Since the electoral quotient method does not allow all the seats to be distributed, the greatest remainder method is used to distribute the remaining seats. This method consists in subtracting the electoral quotients from the number of votes on each list and comparing the number of remaining votes on each list. The remaining seats are then distributed to each list according to the remaining number of votes, in descending order.

Under the Code, elections are by free, direct and universal suffrage and by secret ballot. Voting is both a right and a duty, is compulsory and may not be delegated (s. 3). However, there is no penalty for not voting.

Salvadoran citizens who reside in the country, are aged 18 or over, have their name on the Electoral Register and hold a sole identity document (*Documento Único de Identidad*) may exercise their right to vote (s. 9).<sup>19</sup>

For the March 15, 2009 presidential election, a transitory measure enabled Salvadorans living abroad to vote provided they were in the country on voting day. A voting centre comprising ten polling stations and located in the capital was set up for this purpose.

The Electoral Register is the basic tool for drawing up the voters list (s. 103), which is used in turn to make partial lists of up to 400 voters. Voters are registered in alphabetical order, by municipality.

The information in the Electoral Register is based on the information on the sole identity document issued by the National Register of Natural Persons (*Registro Nacional de las Personas Naturales*). The National Register is required by law to share this information with the Supreme Electoral Tribunal (s. 20).

The registration and revision process must be suspended 100 days before polling day and the Electoral Register closed 60 days before polling day. The period between the suspension date and the closing date is reserved for correcting errors, deleting the names of the deceased and removing fraudulent registrations. For example, it is during this period that citizens who are not on the Electoral Register but hold a sole identity document may ask to be registered (s. 30). The Chief Electoral Officer (*Registrador Electoral*), who is appointed by a simple majority vote of the judges on the Supreme Electoral Tribunal, is responsible for drawing up and updating the Electoral Register (s. 105).

Those who turn 18 years of age between the end of the registration period and the day before polling day may be registered if they applied for their sole identity document before the registration suspension date (s. 30).

For the March 15, 2009 presidential election, 4,226,476 citizens were registered on the voters list, 39,463 of them living abroad.

Elections must be called at least four months before polling day (s. 224).

Under section 151 of El Salvador's Constitution, to be elected President of the Republic, a candidate must

- be Salvadoran by birth;
- be born to a Salvadoran parent;
- be a layperson;
- be over 30 years of age;

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<sup>19</sup> The sole identity document is the only document that allows a voter to exercise his or her right to vote (s. 45). To be valid, the document must not have been altered nor must it be damaged to such a point that it is illegible (s. 47).

- be known as an upstanding, well-educated person;
- have been a full citizen for at least six years before polling day; and
- be affiliated with a legally recognized political party.

Under section 126 of the Constitution, to be elected as a Member of the Legislative Assembly, a candidate must

- be Salvadoran by birth;
- be born to a Salvadoran parent;
- be over 25 years of age;
- be known as an upstanding, well-educated person; and
- have been a full citizen for at least five years before polling day.

The period for registering as a candidate in a presidential or legislative election or in an election to the Central American Parliament starts the day after the election is called. Candidates may register to run in a municipal election as soon as the departmental electoral councils are sworn in and in place.<sup>20</sup> The registration period for candidates in a presidential election ends 60 days before polling day and for candidates in a legislative, municipal or Central American parliamentary election, 50 days before polling day (s. 196).

Political parties, coalitions and the media must cease all election advertising three days before polling day. Opinion polls may not be published from the 15th day before polling day until after the election results are announced (s. 230).

#### **4.3 Electoral authorities and bodies**

The following are electoral bodies under section 54 of the Electoral Code:

- the Supreme Electoral Tribunal (*Tribunal Supremo Electoral*);
- the departmental electoral councils (*Juntas Electorales Departamentales*);
- the municipal electoral councils (*Juntas Electorales Municipales*); and
- the polling stations (*Juntas Receptoras de Votos*).

##### Supreme Electoral Tribunal

The Supreme Electoral Tribunal is the highest authority on electoral matters (s. 55). It has full jurisdictional, administrative and financial autonomy and does not answer to any state body (s. 56).

The Supreme Electoral Tribunal is composed of five judges elected by the Legislative Assembly for a five-year term. Three of the five judges are elected from among the candidates proposed by the three political parties that won the most votes in the last presidential election, with each party proposing three candidates. The other two judges are elected by a two-thirds majority of the Legislative Assembly, from two lists of three candidates proposed by the Supreme Court of Justice. Five substitutes are elected in the same way.

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<sup>20</sup> The time required to appoint, swear in and set up the departmental electoral councils may vary (ss. 109 and 351).

The chair of the Supreme Electoral Tribunal goes to the judge proposed by the political party that won the most votes at the last presidential election (s. 59). It is currently held by **Walter René Araujo Morales**.

The functions of the Supreme Electoral Tribunal include calling, managing and overseeing elections, managing the Electoral Register and managing the resources allocated for electoral purposes (s. 79).

The Supreme Electoral Tribunal is also responsible for appointing the members of the departmental and municipal electoral councils and the other bodies involved in the election process, and for organizing their work (s. 80).

The Electoral Code also provides for an Electoral Oversight Council (*Junta de Vigilancia Electoral*), a permanent body responsible for overseeing the activities and operations of the internal units of the Supreme Electoral Tribunal and of the other electoral bodies (s. 139).

Each of the political parties and coalitions designates a member and a substitute to the Council (s. 140).

The Council also

- supervises the compilation, updating, purging and publication of the Electoral Register and the issuing of the voters lists; and
- enforces compliance with the Electoral Code (s. 143).

#### Departmental electoral councils

The departmental electoral councils are based in the respective seats of the country's 14 departments. There are at least three but no more than five members on each council, and the same number of substitutes. Four of the members are proposed by the four political parties or coalitions that won the most votes in the last election. The fifth is chosen by random draw from among the candidates proposed by the other parties or coalitions. The members of the departmental electoral councils are appointed by the Supreme Electoral Tribunal (s. 109).

The names of the candidates proposed by the political parties or coalitions must be submitted to the Supreme Electoral Tribunal no later than 10 days after the election is called. If the number of candidates proposed is insufficient for all the appointments to be made, the Supreme Electoral Tribunal appoints the persons it considers qualified to sit as council members (s. 109).

Each departmental electoral council must elect a chair from among its members. If the members cannot agree on who is to fill the seat, the chair is chosen by random draw from among the council members. Decisions are made by majority vote (s. 109).

The functions of a departmental electoral council include

- swearing in the members of the municipal electoral councils;
- supervising the municipal electoral councils and the polling stations;
- ruling on any incidents that occur on polling day and that are not adequately dealt with by the municipal electoral councils;
- providing the electoral municipal councils with all the necessary election materials; and

- working with the municipal electoral councils to select polling station locations and informing the Supreme Electoral Tribunal of the selected locations no later than 50 days before polling day (s. 112).

### Municipal electoral councils

There are 262 municipalities in the country. The municipal electoral councils are based and exercise their jurisdiction in their respective municipalities. There are at least three but no more than five members on each council, and the same number of substitutes. Four of the members are proposed by the four political parties or coalitions that won the most votes in the last election. The fifth is chosen by random draw from among the candidates proposed by the other parties or coalitions. The members of the municipal electoral councils are appointed by the Supreme Electoral Tribunal (s. 113).

The names of the candidates proposed by the political parties or coalitions must be submitted no later than 80 days before polling day. If the number of candidates proposed is insufficient for all the appointments to be made, the Supreme Electoral Tribunal appoints the persons it considers qualified to sit as council members (s. 113).

Each municipal electoral council must elect a chair from among its members. If the members cannot agree on who is to fill the seat, the chair is chosen by random draw from among the council members. Decisions are made by majority vote (s. 113).

The functions of a municipal electoral council include

- swearing in polling officials no later than 20 days before polling day;
- checking the composition of polling station staff at the beginning of the poll and taking all the necessary measures to ensure that it complies with the Electoral Code;
- looking into and resolving any situation that interferes with the normal polling process and informing the departmental electoral councils and the Supreme Electoral Tribunal of any complaint received about the work of a polling official;
- providing the polling officials with all the necessary election materials;
- seeing to the smooth running of the polling stations on polling day; and
- working with the departmental electoral council concerned and the political parties and coalitions to select polling station locations and submitting the locations to the Supreme Electoral Tribunal no later than 50 days before polling day (s. 116).

### Polling stations (*Juntas Receptoras de Votos*)

Under the Electoral Code, the Supreme Electoral Tribunal must finalize the staffing of polling stations 30 days before any type of election. Each polling station must be staffed by at least three but no more than five officials, each of whom must have a substitute. Four of the five officials are proposed by the four political parties or coalitions that won the most votes in the last election. The fifth is chosen by random draw from among the candidates proposed by the other parties or coalitions (s. 117).

The hierarchy within each polling station is as follows: the presiding officer, the clerk, the first official, the second official and the third official (s. 243). Their respective roles are described in the next section of this document.

The Supreme Electoral Tribunal must distribute the different polling station positions fairly among the proposed candidates so that each political party or coalition is assured of a 20% representation in polling stations across the country (s.117).

Forty-five days before any type of election, the political parties or coalitions must give the Supreme Electoral Tribunal a list of the names of people from their respective ranks they would like to see appointed as polling officials.

No political party or coalition may have more than one appointee per polling station.

However, for the March 15, 2009 presidential election, with the withdrawal at the beginning of February 2009 of both the Christian Democratic Party (PDC) and the National Conciliation Party (PCN) presidential candidates, the Supreme Electoral Tribunal went ahead and modified the composition of all the polling stations. Electoral authorities ruled that the two parties still in contention at the presidential election would each have two representatives (and two substitutes) in each of the country's 9,544 polling stations. The positions of presiding officer, clerk, first official and second official were to be divided equally between them.

If the political parties or coalitions do not submit names by the prescribed deadline or submit only a partial list of names, the Supreme Electoral Tribunal fills the vacant positions by appointing people who are on the lists described in section 120 of the Electoral Code—students, public servants, union members and so on (s. 118).

Polling officials and their substitutes may not, in the performance of their functions, wear anything that could reveal their political affiliation (s. 230).

No later than 60 days before polling day, the Supreme Electoral Tribunal determines the number of polling stations to be set up in each municipality (s. 125).

The functions of polling station staff include

- receiving the necessary election materials from the municipal electoral council;
- receiving voters and, after the closing of the poll, counting the ballots and entering the results in a statement of the vote; and
- ensuring compliance with the Electoral Code and all other provisions governing the electoral process (s. 126).

If, for any reason, a polling official is absent at the time the polling stations are to be set up, the municipal or departmental electoral council in charge appoints a person who satisfies all the conditions set out in the Electoral Code (s. 127).

Each political party or coalition may accredit one official representative and a substitute with the departmental and municipal councils, as well as an official observer and a substitute, for each polling station (s. 132).

Each polling station may be assigned a maximum of 400 voters (s. 241).

Generally, Salvadoran electors do not vote in polling stations located near their homes. Instead, the polling stations are centralized at the municipal level in voting centres that sometimes receive tens of thousands of voters. Voters are registered in alphabetical order and not according to their place of residence. This explains the remote location of some voting centres.

A project to decentralize voting centres, with the aim of bringing them closer to where voters live (*voto residencial*), was set in motion during the 2006 legislative elections, in seven municipalities in different departments. In 2009, this project expanded, touching 23 municipalities, including all those in the department of Cuscatlán.

For the 2009 presidential election, 9,544 polling stations were distributed among 461 voting centres. The country's largest voting centre was located in the municipality of San Miguel and consisted of 383 polling stations for 171,461 registered voters.

#### **4.4 Voting operations**

The municipal electoral councils or the Supreme Electoral Tribunal must have delivered the necessary election materials to the polling stations by 5:00 a.m. on polling day (s. 242).

The polling officials must begin setting up the stations in their designated locations at 6:00 a.m. on polling day and be ready to receive voters as of 7:00 a.m.

If one or more polling officials are absent at the time the polling station is to open, their respective substitutes, who must be on site as of 6:00 a.m., step in for them. If the substitutes are absent, the municipal electoral council must immediately be informed so that it can appoint replacements.

If a polling official and his or her substitute are both absent, the person next in line in the hierarchy is to take over the official's duties (s. 243).

Before opening the polling station, the polling officials must check the election materials and especially the ballot papers, which must be counted, checked, signed and stamped by the clerk. All these preliminary operations must be recorded in a statement that must be signed by the polling officials and the official representatives of the political parties or coalitions. If an official or official representative refuses to sign the statement, the reasons for the refusal must be recorded (s. 245).

A copy of the voters list for the polling station must be conspicuously posted on the premises so that voters may consult it (s. 246).

The ballot boxes, though not transparent, must be designed in such a way that it can be ascertained they are empty. They must be placed next to the voting table.

The voting booths must be placed in such a manner as to protect the secrecy of the vote (s. 247).

At 7:00 a.m., the presiding officer must call all the polling officials and the official representatives of the political parties or coalitions to cast their votes. The presiding officer is to keep their sole identity documents until after they have voted. The presiding officer then announces for all to hear that voting has begun and allows the citizens to vote each in turn (s. 248).

### Voting Process on March 15, 2009

- (1) The voter must give his or her sole identity document to the presiding officer at the voting table.
- (2) After checking the voter's sole identity document and making sure the voter is on the voters list, the presiding officer must give the voter a pencil and the ballot signed and stamped by the clerk earlier in the day.
- (3) The voter must take the ballot to the voting booth, make an X next to the name of the political party or coalition of his or her choice and fold it in two.
- (4) The voter must go back to the voting table and place the ballot in the ballot box.
- (5) The voter must then give the pencil back and the first official (*Premier Vocal*) must make sure the voter puts his or her signature or a fingerprint, ideally a right-hand thumbprint, in indelible ink, on the signature list (*Padrón de Firma*) (s. 250).
- (6) The voter's sole identity document is then returned to the voter.

A citizen may be denied the right to vote if

- the information on his or her sole identity document does not match the information on the voters list;
- the sole identity document is an obvious forgery;
- the sole identity document has visibly been altered;
- there are already traces of the indelible ink used in the voting process on his or her hands;
- or
- the citizen is not on the electoral list (s. 249).

The polling stations close at 5:00 p.m. (s. 251).

At the close of the poll, the polling officials, in the presence of the official representatives of the political parties or coalitions, must count the ballots and prepare a statement of the vote as follows:

- count the remaining and unusable ballots;
- open the ballot box and count the ballots, sorting them by political party or coalition;
- record the results of the count, describe any incidents that occurred during the day and outline any complaints made; and
- sign the statement and have it signed by the observers appointed by the political parties or coalitions (s. 253).

More specifically, the statement of the vote must contain the following information:

- the number of ballots received;
- the number of ballots handed out to voters;
- the number of valid ballots cast for each political party or coalition;
- the number of cancelled ballots;
- the number of blank ballots;

- the number of disputed ballots;
- the number of unusable ballots (damaged and so not handed out to voters);
- the number of remaining unused ballots;
- the number of missing ballots, if any;
- the number of registered voters who exercised their right to vote; and
- any incidents that occurred during the poll or the count (s. 253B).

A copy of the statement of the vote prepared by each polling station is then submitted to the departmental electoral council, the municipal electoral council concerned, the representatives of the political parties or coalitions and the Electoral Oversight Council.

The presiding officer must immediately give the original of the statement of the vote to the representative of the Supreme Electoral Tribunal on the premises, who then promptly sends it to the National Vote Processing Centre (*Centro Nacional de Procesamiento de Resultados Electorales*) (s. 254) by fax and by scanner. Every municipality is equipped with a transmission centre.

The Supreme Electoral Tribunal must then immediately process the valid ballots cast for each of the political parties or coalitions, using electronic means in order to rapidly obtain a provisional count (s. 254). Preliminary electoral results are made public at the Election Results Centre (*Centro de Difusión de Resultados Electorales*) and on the Internet.

The statements of the vote and any supporting documents are sent to the Supreme Electoral Tribunal by the departmental electoral councils together with the observers appointed by the political parties or coalitions (s. 258). The Electoral Code does not say how the statements and documents are to be sent to the Supreme Electoral Tribunal.

The Supreme Electoral Tribunal must start the final count no later than 48 hours after the polling stations close and complete it as soon as possible. The final count is to be made using the originals of the statements of the vote prepared by the polling stations (s. 259). If the final count is contested, only the Supreme Electoral Tribunal may order a recount (s. 260).

## **5. MISSION ACTIVITIES PRIOR TO ELECTION DAY**

### **5.1 Arrival of delegation and accreditation of members**

On arrival in San Salvador on March 10, 2009, the COPA mission issued a press release (Appendix V) announcing its objectives and the makeup of its delegation, and briefly introducing COPA.

### **5.2 Working meetings with representatives of institutions and bodies involved in the electoral process**

On March 11, 12, 13 and 14, 2009, the mission attended several working meetings in San Salvador with representatives of institutions and bodies involved in the electoral process in order to gain an understanding of how Salvadoran elections are conducted. The comments heard and information gathered during these meetings are summarized below<sup>21</sup>.

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<sup>21</sup> In this report, the members of the mission only present the comments made by institutional and organizational representatives. They do not endorse the opinions expressed by their interlocutors.

## **(A) Electoral authorities**

### **Walter Araujo, Chair of the Supreme Electoral Tribunal of El Salvador (TSE) — Wednesday, March 11, 2009, 5:00 p.m.**

The Chair of the TSE was confident that polling day would run smoothly. He pointed out that in order to prevent the problems encountered during the January 18 legislative and municipal elections, including delays in the opening of polling stations and congestion in voting centres, the TSE had improved the efficiency of the procedures to be followed by electoral staff.

He recalled that, at the request of the TSE, the Organization of American States had conducted an audit in 2008 of the entire process for drawing up and updating the electoral list, which resulted in the presentation of 56 recommendations.<sup>22</sup>

Araujo drew attention to a unique feature of the Salvadoran electoral system: polling stations are centralized in municipalities and voters are registered on partial electoral lists in alphabetical order and not according to their place of residence. As a result, in large cities such as San Salvador, voting centres are sometimes far from where voters live, forcing them to use public transportation or the transportation provided by the political parties.

Lastly, he was happy about the presence of 1,000 international observers and 3,000 national observers to report on polling day operations.

## **(B) Political parties**

During its stay in El Salvador, the COPA delegation met informally with the representatives and supporters of the two parties running in the presidential election, ARENA and the FMLN.

During these meetings, delegation members were informed about the main concerns as to the organization of the election and the conduct of polling day operations.

## **(C) Political authorities and international governmental organization**

### **Rubén Orellana, President of the Legislative Assembly of El Salvador — Thursday, March 12, 2009, 10:00 a.m.**

The President of the Legislative Assembly said he hoped that the election would be peaceful and that the political parties would conduct themselves in an exemplary manner. He also hoped that there would be a high participation rate.

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22 The most important recommendation addresses the need to make the electoral list more readily available to the political parties.

**Oscar Luna, Human Rights Ombudsman — Thursday, March 12, 2009, 3:00 p.m.**

Since its creation in 1992 following the Peace Accords, this public organization, whose goal is to protect and promote human rights in El Salvador, has carried out considerable work with respect to the monitoring of electoral processes.

For the electoral events of 2009, an Electoral Verification Plan (*Plan de Verificación Electoral*) was implemented in order to

- ensure respect for human rights during the election campaign;
- prevent political violence and irregularities;
- promote public participation by means of electoral observation;
- train volunteers in the exercise of rights and political duties; and
- promote the principles of peace, respect and understanding between political leaders to improve confidence in the electoral process and the credibility of election results.

Luna pointed out that he had coordinated the signing of a pact in October 2008 between the leaders of the four major political parties to prevent all acts of violence during the election campaign.

Luna also pointed out the main deficiencies and irregularities his organization had observed during the January 18, 2009 poll:

- significant delays in the opening of polling stations;
- numerous errors in the electoral list (e.g. holders of a sole identity document (DUI) who were not or incorrectly registered, names of numerous deceased voters); and
- numerous complaints concerning illegal voting by foreigners (unverified).

In anticipation of the March 15 election, Luna qualified as inadequate the transitional measure adopted by the TSE to allow Salvadorans living abroad to vote but requiring them to come to El Salvador to do so. His organization proposed that voting be allowed abroad.

Lastly, the office of the Human Rights Ombudsman planned to send 1,300 volunteers to the polling stations to observe polling day operations. As was done for the January 18 elections, a report will be written after the election.

**Gustavo Fernández, Chief of the Organization of American States (OAS) Electoral Observation Mission to El Salvador and former Minister of Foreign Affairs of Bolivia — Saturday, March 14, 2009, 2:00 p.m.**

Fernández informed the delegation that the OAS observation mission involved about 100 observers from all over the Americas.

He outlined the work carried out by the OAS prior to polling day. He recalled that the OAS was supporting the electoral process in a manner respectful of Salvadoran institutions and laws, but would nonetheless be expected to submit recommendations for the purpose of improving the system.

He pointed out that although the legislative and municipal elections in January had not been problem-free, the results had still been accepted by all the political parties. In his opinion, the March 15 poll seemed very well organized and enjoyed extensive media coverage.

Lastly, concerning the unreliable nature of the electoral list, Fernandez pointed out that this problem was not unique to El Salvador, but was also present elsewhere in Latin America.<sup>23</sup>

#### **(D) Civil Society Organizations**

**Ramon Villalta, Director of the *Iniciativa Social para la Democracia (ISD)* — Wednesday, March 11, 2009, 2:00 p.m.**

The Social Initiative for Democracy is a non-government civic education organization that promotes transparency in the public sphere and citizen participation.

For the 2009 elections, the ISD set up various projects intended, among other things, to exercise social control over electoral reform processes as well as electoral events in order to strengthen active citizen participation, democracy and governance in El Salvador. In addition to the electoral observation on polling day, the ISD gave its opinion on

- the reliability of the electoral list;
- the electoral process and compliance with the electoral calendar; and
- the work of the media.

During the meeting, Villalta outlined what he considered to be the main weaknesses of the Salvadoran electoral system, including

- the partisan make-up of the TSE;
- the dual administrative and judiciary functions of the TSE;
- the absence of legislation governing political parties;
- the absence of rules to regulate political party financing and election spending; and
- the centralization of polling stations in municipalities, resulting in some stations being far from voters' homes, thus causing congestion around and inside vast voting centres and facilitating voter coercion.

Villalta expressed concern about the political parties being represented by four members, two for ARENA and two for the FMLN, at each polling station on March 15. This could certainly delay the process should there be disagreement as to the validity of a ballot at the vote-counting stage. Furthermore, the Electoral Code prohibits political parties from having more than one representative each per polling station.

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23 According to the Report of the Human Rights Ombudsman after the January 18, 2009 elections (Informe Especial de la Procuraduría para la Defensa de los Derechos Humanos sobre las Elecciones Legislativas y Municipales del 18 de enero de 2009), the Organization of American States certified in December 2007 that the electoral list was reliable for 95% of the registered voters. The OAS also confirmed that the names of 89,000 deceased persons remained on the list. At the end of the last quarter of 2008, the TSE had managed to remove 6,658 (7.5%) of those names from the list.

Lastly, Villalta pointed out that, since 1994, several projects to overhaul the Electoral Code have been proposed but so far none has been adopted and implemented. The purpose of such a reform would be to correct current inadequacies, including the absence of legislation on political party financing and election spending.

**José Maria Amaya, Secretary General of the *Central de Trabajadores Democráticos de El Salvador* (CTD), with his colleagues — Friday, March 13, 2009, 9:00 a.m.**

The Democratic Workers' Union of El Salvador, established in 1980, is affiliated with the International Union Confederation. Its members come from the health sector, the private sector (transport) and the agriculture sector, among others. Part of Amaya's presentation addressed the difficulties faced by El Salvador's workers and the Salvadoran union movement in general.

With respect to the March 15 election in particular, Amaya expressed concern about the fact that the political parties had not respected the campaign election period prescribed by law.

He also called attention to the fact that citizens living in rural areas would be required to travel great distances to exercise their right to vote and that political parties would provide free bus transportation to their supporters.

Lastly, with respect to the possibility of fraud on polling day, Amaya affirmed that the presence of electoral observers would be a determining factor in ensuring the recognition of election results.

**Napoléon Guerrero Berríos, President of the *Asociación Salvadoreña de Industriales* (ASI), accompanied by Jorge Arriaza, Executive Director — Friday, March 13, 2009, 11:00 a.m.**

The Salvadoran Industrial Association, founded in 1958, is a corporate organization whose goal is to participate in the economic and social development of the country through strengthening the industrial sector, protecting national industrial production and defending the interests of manufacturers and their associates.

Guerrero expressed full confidence in the reliability of the electoral process. He did not anticipate any serious problems on polling day, but was aware that the election outcome would not please everyone. For that reason, he said he hoped that the electoral authorities would respond quickly the day after the election and inform the Salvadoran population in a transparent manner to forestall any possible crisis.

Guerrero mentioned the need to improve the Electoral Code, particularly in order to

- make political party financing and election spending more transparent;
- limit the length of the election campaign, which lasted 18 months for this election; and
- make more room for smaller political parties.

Lastly, he stressed that the presence of internal observers was fundamental, especially to ensure that the election was conducted properly.

**Benjamin Cuellar, Director of the *Instituto de Derecho Humanos de la Universidad Centroamericana* (IDHUCA) — Friday, March 13, 2009, 2:00 p.m.**

The Institute for Human Rights of the University of Central America was founded in 1985 in the middle of a civil war to help promote, protect and defend human rights, especially through consolidating State institutions and supporting individuals and groups seeking just solutions to their problems.

The meeting with Cuellar allowed the COPA delegation to learn more about the general context and key elements of the January 18 legislative and municipal elections and the March 15 presidential election.

He discussed the various strategies used by the two main political parties to capitalize on the results of January 2009 legislative and municipal elections, and also talked about the composition of the TSE and its partisan nature.

Citing the premature launch of the election campaign as an example, Cuellar was of the opinion that several provisions of the Electoral Code had not been respected.

Lastly, Cuellar was convinced that the presence of international electoral observers would ensure smooth polling day operations.

**María Eugenia Aguilar Castro, President of the *Instituto para el Rescate Ancestral Indígena Salvadoreño* (RAIS), with her colleagues — Friday, March 13, 2009, 4:00 p.m.**

The Salvadoran Institute for Indigenous Ancestral Resurgence is a non-government organization which strives to preserve and help revive the historical and ancestral memory of the indigenous peoples of Central America.

The members of the delegation were informed of the current situation of El Salvador's indigenous peoples. Aguilar recalled that, in the 2007 census, the Government decided to no longer gather statistics on the ethnic origins of the population. Only 1% of those polled voluntarily declared themselves to be members of First Nations peoples. Before 2007, 20% of the Salvadoran people declared indigenous origins.

**Leslie Schuld, Director of the *Centro de Intercambio y Solidaridad* (CIS), with his colleagues — Saturday, March 14, 2009, 9:00 a.m.**

The Centre for Exchange and Solidarity was founded in 1993 after the signing of the Peace Accords. Its mission is to promote solidarity and exchanges between the Salvadoran people and the other peoples of the world. Among other things, the CIS has set up a program to observe Salvadoran electoral processes and to support citizens in their efforts to establish real democratic participation. Since its foundation, the organization has observed all of El Salvador's elections.

The CIS has also been promoting a thorough reform of the Electoral Code in order, among other things, to make the system more transparent. It would also like to see this reform make it possible for citizens to vote in voting centres located near their place of residence (*voto residencial*).

The CIS is of the opinion that, until a "proximity vote" has been established, the TSE should provide neutral and free transportation to the many citizens who must travel far to reach their polling station. For the time being, the political parties offer this service, with possible foreseeable consequences with respect to secrecy of the ballot or to possible voter coercion.

Following its observation of the January 18 legislative and municipal elections, the CIS also formulated approximately 15 recommendations, including recommendations to

- provide more training for electoral staff to prevent disorder and doubts as to the transparency of the process;
- facilitate the participation of voters with reduced mobility; and
- apply the rules governing election advertising.

## 6. MISSION ACTIVITIES ON ELECTION DAY

### 6.1 Composition and deployment of COPA observation teams

On election day, the mission members divided into three teams of observers.

- (1) The first team, made up of representatives of Argentina, Colombia and Venezuela, that is, **Edda Acuña**, mission leader, **Milton Rodríguez Sarmiento** and **Flor Ríos**, observed voting operations in 17 polling stations in the city of San Salvador and the department of La Libertad.

City/Department	Name of voting centre	No. of polling station	Arrival time	Departure time
San Salvador/San Salvador	Feria Internacional de El Salvador	007	6:50	7:10
San Salvador/San Salvador	Feria Internacional de El Salvador	020	7:15	7:30
San Salvador/San Salvador	Feria Internacional de El Salvador	026	7:30	7:45
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5026	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5039	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5034	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5080	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5078	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5077	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5025	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Alianza	5070	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Barrio El Calvario	5084	14:00	NA
Puerto La Libertad/La Libertad	Centro Escolar Barrio El Calvario	5086	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Barrio El Calvario	5085	NA	NA

City/Department	Name of voting centre	No. of polling station	Arrival time	Departure time
Puerto La Libertad/La Libertad	Centro Escolar Barrio El Calvario	5088	NA	NA
Puerto La Libertad/La Libertad	Centro Escolar Barrio El Calvario	5083	NA	15:30
San Salvador/San Salvador	Feria Internacional de El Salvador	ND	16:45	ND

(2) The second team, made up of representatives of Venezuela, that is, **Jhannett Madriz**, **Maris Nohemi Eizaga** and **Monica Casazza**, observed voting operations in 17 polling stations in the city of San Salvador and the department of San Salvador.

City/Department	Name of voting centre	No. of polling station	Arrival time	Departure time
San Salvador /San Salvador	Colegio Cristóbal Colon	647	6:40	6:50
San Salvador /San Salvador	Colegio Cristóbal Colon	621	6:40	7:05
San Salvador /San Salvador	Colegio Cristóbal Colon	635	6:55	7:10
San Salvador /San Salvador	Colegio Cristóbal Colon	644	7:00	7:05
San Salvador /San Salvador	Instituto Albert Camus	613	7:10	7:15
San Salvador /San Salvador	Instituto Albert Camus	605	7:20	7:25
San Salvador /San Salvador	Instituto Albert Camus	609	7:25	7:30
San Salvador /San Salvador	Instituto Albert Camus	611	7:30	7:45
San Salvador /San Salvador	Instituto Albert Camus	621	7:40	8:05
San Salvador /San Salvador	Instituto Albert Camus	607	7:40	7:50
Soyapango/ San Salvador	Colégio Don Bosco	1476	12:00	12:15
Soyapango/ San Salvador	Colégio Don Bosco	1478	12:15	12:30
Soyapango/ San Salvador	Colégio Don Bosco	1483	13:00	13:05
Soyapango/ San Salvador	Colégio Don Bosco	1479	13:06	13:08
Soyapango/ San Salvador	Colégio Don Bosco	1473	13:10	13:20
Soyapango/ San Salvador	Colégio Don Bosco	1482	13:15	13:20
Soyapango/ San Salvador	Colégio Don Bosco	1477	13:20	13:30

(3) The third team, made up of representatives of Québec, that is, **Danielle Doyer**, **Jacques Paquet** and **Octavio Soares**, observed voting operations in 11 polling stations in the city and the department of San Salvador.

City/Department	Name of voting centre	No. of polling station	Arrival time	Departure time
San Salvador/ San Salvador	Gimnasio Nacional Adolfo Pineda	302	6:40	6:55
San Salvador/ San Salvador	Gimnasio Nacional Adolfo Pineda	299	7:00	7:15
San Salvador/ San Salvador	Gimnasio Nacional Adolfo Pineda	312	7:40	7:55
Ilopango/ San Salvador	Centro escolar Cantón San Bartolo	1868	9:00	9:20
Ilopango/ San Salvador	Centro escolar Cantón San Bartolo	1867	9:20	9:35

City/Department	Name of voting centre	No. of polling station	Arrival time	Departure time
Ciudad Delgado/ San Salvador	Centro Escolar Refugio Sifontes	659	10:55	11:05
Ciudad Delgado/ San Salvador	Centro Escolar Refugio Sifontes	668	11:10	11:25
Tonacatepeque/ San Salvador	Presbítero Nicolás Aguilar	2489	12:15	12:25
Tonacatepeque/ San Salvador	Presbítero Nicolás Aguilar	2507	12:25	12:35
Antiguo Cuscatlan/La Libertad	Centro Walter Thilo Deininger	5136	15:20	15:45
San Salvador /San Salvador	Gimnasio Nacional Adolfo Pineda	302	16:30	18:30

## 6.2 Aspects observed

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 (see Appendix VII). The grid, a copy of which was completed at all polling stations visited, is based on the provisions of the Salvadoran Electoral Code and is divided into eight sections:

- (1) general information (on the observer and the polling station);
- (2) polling station;
- (3) election materials;
- (4) voters;
- (5) complaints;
- (6) other observations;
- (7) vote count; and
- (8) overall evaluation.

To collect this information, the observers mainly talked to polling station presiding officers.

The three teams also wanted to obtain a fair sampling of voting practices by visiting voting centres in various types of neighbourhoods and municipalities. Thus, in the capital, San Salvador, and in the departments of La Libertad and La Paz, they visited voting centres in working- and middle-class municipalities as well as in more affluent municipalities.

## 7. COPA MISSION FINDINGS

The main findings of the observation mission are shown here in the form of tables based on the observation grid provided to COPA delegation members. The tables cover the following aspects: **(1) polling stations; (2) election materials (2 tables); (3) complaints; and (4) general observations.** A fifth aspect—the vote count—is not illustrated by a table. The compiled results are as follows.<sup>24</sup>

<sup>24</sup> These results are but a reflection of the observations made by the members of the COPA delegation.

## 7.1 Polling stations

At the vast majority of the polling stations observed, voting began at 7:00 a.m. as required by law. There was a slight delay, however, at polling station no. 644 at the *Colegio Cristóbal Colon* voting centre in San Salvador because of a disagreement between the representatives of the two political parties.

	YES	NO	No answer
<b>Suitable polling station site and set-up</b>	44	0	1
<b>Polling station is complete</b>	44	0	1
<b>Presence of security forces</b>	44	0	1
<b>Presence of candidate/party representatives</b>	44	0	1
<b>Presence of election advertising on site</b>	0	44	1
<b>Acts of voter intimidation</b>	0	43	2

The set-up of certain voting centres was unusual in that voters often found themselves in cramped spaces.

At the *Centro Escolar Canton San Bertolo* voting centre in Ilopango, observers noted access problems for voters with a mobility impairment.

COPA observers found that political party representatives and supporters wore the colours and symbols of the parties in contention in and around voting centres, which could be considered election advertising inside the centres.

## 7.2 Election materials

Generally, election materials were provided in sufficient quantity and in compliance with the prescribed standards.

	YES	NO	+ or -	No answer
<b>Voting booths ensuring voter secrecy</b>	25	9	0	11
<b>Voters list</b>	31	1	0	13
<b>Ballots in sufficient quantity</b>	32	0	0	13

However, the set-up of certain polling stations could have compromised ballot secrecy. For instance, at the *Centro Escolar Refugio Sifontes* voting centre in Ciudad Delgado, booths were set up in such a way that it was possible to see how voters voted.

COPA observers found that ballot boxes were not properly sealed at the following polling stations:

- polling stations nos. 5025, 5026 and 5080 at the *Centro Escolar Alianza* in La Libertad;

- polling stations nos. 5083, 5084 and 5085 at the *Centro Escolar Barrio El Calvario* in La Libertad;
- polling stations nos. 007 and 020 at the *Feria Internacional de El Salvador* in San Salvador; and
- polling station no. 0611 at the *Instituto Albert Camus* in San Salvador.

	Very good	Good	Poor	Very poor	No answer
<b>Election materials</b>	20	6	3	0	16
<b>Work of polling station officials</b>	18	4	4	0	19

As a rule, polling station members carried out their tasks flawlessly, showing discipline and mutual respect, and the procedures prescribed by law were followed. For instance:

- At polling station no. 0607 at the *Instituto Albert Camus* in San Salvador, election workers reported that a vote had to be cancelled because a voter showed the ballot he had filled out, revealing who he had voted for.
- At polling station no. 0611 at the *Instituto Albert Camus* in San Salvador, a voter presented a damaged sole identity document (DUI). He was not allowed to vote.
- At polling station no. 0668 at the *Centro Escolar Refugio Sifontes* in Ciudad Delgado, authorities reported that a voter showed up with indelible ink on his thumb. He was not authorized to vote.

COPA observers occasionally found that there was not enough of the indelible ink to mark voters' thumbs and that the quality of the ink was so poor that it could easily be washed off and removed.

As for the reliability of the voters list, election workers at polling stations nos. 1473 and 1479 at the *Colégio Don Bosco* in Soyapango indicated they had found names of deceased voters on their lists.

Finally, it took an average of two to two and a half minutes to vote and there was very little waiting time at the polling stations observed.

### 7.3 Complaints

Generally, there were few complaints from party representatives, candidates or citizens.

	YES	NO	No answer
<b>Complaints by party or candidate representatives</b>	2	32	13
<b>Complaints by voters</b>	3	31	13

However, at polling station no. 0607 at the *Instituto Albert Camus* in San Salvador, FMLN representatives complained that voters went around the voting centre with pamphlets advertising the opposing party.

At polling station no. 1473 at the *Colégio Don Bosco* in Soyapango, party representatives complained that no wheelchairs were available to help the elderly get around in voting centres.

At polling station no. 0647 at the *Colegio Cristóbal Colon* in San Salvador, a representative of the ARENA party complained that opposing party representatives wore their party's colours, which he thought was illegal.

At polling station no. 0668 at the *Centro Escolar Refugio Sifontes* in Ciudad Delgado, officials reported to COPA observers that they had not received any official complaints but that voters openly voiced their discontent with the overall electoral process.

At polling station no. 1867 at the *Centro Escolar Canton San Bertolo* in Ilopango, an ARENA party representative protested against the confiscation of a damaged sole identity document by polling station officials.

Lastly, voters and officials alike strongly complained to COPA observers about the insalubrious sanitary facilities, particularly at the *Instituto Albert Camus* in San Salvador and the *Centro Escolar Refugio Sifontes* in Ciudad Delgado.

#### 7.4 General observations

In general, the Electoral Code was respected where the following elements are concerned:

	YES	NO	No answer
<b>Respect for ballot secrecy</b>	22	1	22
<b>Presence of more than one voter in the voting booth</b>	0	22	23
<b>Electoral staff compliance with procedures</b>	23	0	22
<b>Voter understanding of procedures</b>	23	0	22
<b>Presence of unauthorized persons in the polling station</b>	0	21	24
<b>Visit by other international observers</b>	15	5	25
<b>Visit by national observers</b>	21	0	24
<b>Orderly conduct of voting</b>	21	1	23
<b>Interruption in voting during the day</b>	2	18	25

At polling station no. 0607 at the *Instituto Albert Camus* in San Salvador, voting was interrupted during the day because of discussions between the officials at the table. They could not agree on the relevance of cancelling a certain ballot. The vote was also interrupted briefly at polling station no. 1483 at the *Colégio Don Bosco* in Soyapango because of discussions over a damaged sole identity document.

Finally, when COPA observers visited polling station no. 0668 at the *Centro Escolar Refugio Sifontes* in Ciudad Delgado around 11:10 a.m., they found that voters were jostling each other because the station was small and booths were not set up to ensure ballot secrecy.

## **7.5 Vote count**

COPA observers reported on the vote count at the *Gimnasio Nacional Adolfo Pineda* and *Feria Internacional* voting centres in El Salvador. Both are located in the capital city of San Salvador. The count was carried out conscientiously, with the necessary calm and transparency, and in compliance with the Electoral Code.

COPA observers were present when the presiding officer of polling station no. 0302 of the *Gimnasio Nacional Adolfo Pineda* gave the original of the poll closing report and statement of the vote to the Supreme Electoral Tribunal representative. However, the observers were not present when the document was sent by fax and scanner to the National Vote Processing Centre (*Centro Nacional de Procesamiento de Resultados Electorales*).

## **8. MISSION CONCLUSIONS AND RECOMMENDATIONS**

In conclusion, the members of the COPA delegation found that polling operations were carried out in a peaceful and enthusiastic environment, fully respectful of the Electoral Code. They did not note any delay in opening times or any significant irregularities at the polling stations observed.

They were very impressed by the sense of civic duty and the conscientiousness demonstrated by the voters and the electoral staff during the election. In addition, the COPA delegation issued a press release (schedule VIII) congratulating electoral staff and political party representatives for the rigour, maturity and mutual respect they showed in the performance of their duties.

Their observations on polling day and during their working meetings on March 11, 12, 13 and 14, 2009 with the representatives of the institutions and bodies involved in the electoral process allowed the delegates to gather information on the presidential election process in El Salvador and on the main concerns as to that process. Four of these concerns stood out : i) allegations that certain provisions of the Electoral Code were not complied with; ii) the centralization of polling stations at the municipal level; iii) the incomplete updating of voters lists; and iv) the absence of rules on political party financing and election spending.

The COPA delegation members understood from several people they met at the working meetings held before the elections that the Supreme Electoral Tribunal was not able to fully enforce certain legal provisions such as section 81 of the Constitution and section 230 of the Electoral Code, which set the dates on which election advertising periods are to begin and end. The delegation members did not have the opportunity to discuss the matter with the president of the Supreme Electoral Tribunal during their stay in El Salvador. A closer look at the Electoral Code revealed that section 290 provides for payment of a fine if the rule is contravened.

As for the centralization of polling stations in voting centres set up in municipalities, the COPA mission recommends that electoral authorities extend the project to the rest of the country. The project was first tested in 2009 in all the municipalities of the department of Cuscatlán, with a view to bringing voting centres closer to voters' homes. The size of voting centres would thus be reduced, as would the heavy traffic in and around the voting centres. Voters, who sometimes

have to travel long distances to vote, would be less exposed to pressure from the political parties aboard the means of transportation to and from the voting centres, which, pointedly, is provided free of charge by the parties.

The COPA delegation also recommends that legislative or administrative amendments be made to change the way in which the voters list is drawn up and updated in order to increase its reliability and correct the many errors that were noted: holders of a sole identity document who were not or incorrectly registered, names of numerous deceased voters, etc. This would help reduce any doubts harboured by the population about the voters list, limit the risk of irregularities and ensure that elections run smoothly on polling day.

Finally, with regard to the absence of rules on political party financing and election spending, the COPA delegation members believe political parties are the mainstay of any democratic regime and that they must be able to count on sufficient and fair financing to run their election campaigns and cover the cost of their daily activities outside campaign periods. However, several factors make for a playing field that is not always level, particularly with regard to collecting funds prior to election campaigns. The regulation of political party financing and election spending would make it possible to safeguard the principles of fairness, transparency and integrity that should prevail in any democracy. The COPA delegation wishes to bring this concern to the attention of the Salvadoran authorities.

In closing, the COPA delegation members greatly appreciated the warm welcome extended by the representatives of the institutions and bodies involved in the electoral process during their working meetings before polling day, and by voters and election workers in the various voting centres.

## 9. APPENDICES

**Appendix I – Recommendation**

**PARLIAMENTARY CONFEDERATION OF THE AMERICAS  
8th GENERAL ASSEMBLY  
MEXICO CITY, FEDERAL DISTRICT AND TOLUCA, STATE OF MEXICO, MEXICO  
SEPTEMBER 10-13, 2008**

**Committee on Democracy and Peace**

**Recommendation on the dispatch of an electoral  
observation mission to El Salvador**

**WHEREAS** legislative elections are to be held in El Salvador on January 18, 2009, followed by presidential elections on March 15, 2009;

**WHEREAS** the participation of parliamentarians from COPA in multilateral electoral observation missions is a matter of priority in order to attain the COPA objective of contributing to the strengthening of parliamentary democracy and to the edification of a community of the Americas founded upon respect for human rights and dignity, peace, democracy, solidarity among peoples, social justice, and equity between women and men; and

**WHEREAS** the legislative and presidential elections in El Salvador are particularly significant for the community of the Americas;

***WE, the representatives of the congresses and parliamentary assemblies of the unitary, federal and federated states, regional parliaments, and interparliamentary organizations gathered in Mexico City, Federal District, and Toluca, State of Mexico, in Mexico for the 8th General Assembly of the Parliamentary Confederation of the Americas,***

***And acting upon the recommendation of the Committee on Democracy and Peace:***

**DECLARE** our support for and our solidarity with Salvadoran society and the democratic institutions of that country in organizing legislative elections next January 18 and presidential elections next March 15;

**PROPOSE** the dispatch of a COPA electoral observation mission to the next legislative and presidential elections in El Salvador, with due respect for the national sovereignty of that country;

**PLEDGE OURSELVES** to uphold the principles of regional balance and political pluralism in forming a delegation of parliamentarians from the Americas, and to make sure that the observation mission will carry out its task in an independent and impartial manner as stipulated in the By-laws of COPA Electoral Observation Missions.

2008-09-18

## Appendix II – COPA’s letter of interest and availability



30 de enero de 2009

**Señor Walter René Araujo Morales**  
**Presidente del Tribunal Supremo Electoral**  
**Tribunal Supremo Electoral**  
**15 calle poniente nº 4223, Colonia Escalón**  
**San Salvador**  
**EL SALVADOR**

**Objeto:** Elecciones presidenciales del 15 de marzo de 2009

*De mi mayor consideración:*

*La organización que tengo el honor de presidir, la Confederación Parlamentaria de las Américas (COPA), fundada en 1997, reúne a los congresos y las asambleas parlamentarias de los Estados unitarios, federales y federados, los parlamentos regionales y las organizaciones interparlamentarias de las Américas. Su principal objetivo es contribuir al fortalecimiento de la democracia parlamentaria y la edificación de una comunidad de las Américas basada en el respeto de la dignidad y los derechos humanos, la paz, la democracia, la solidaridad entre los pueblos, la justicia social y la equidad entre los sexos.*

*Para lograr alcanzar este objetivo, nuestra organización expresó el deseo de participar de manera activa en materia de observación electoral en la escena internacional al adoptar en mayo de 2005 el "Reglamento sobre las Misiones de Observación Electoral de la COPA". Desde entonces, la COPA ha implementado la realización de siete misiones de observación de elecciones, tanto en Bolivia (diciembre de 2005) como en México (julio de 2006), en Brasil (octubre de 2006), en Nicaragua (noviembre de 2006), en Guatemala (septiembre de 2007), en Argentina (octubre de 2007) y en Paraguay (abril de 2008).*

*En el marco de la implementación del programa de misiones de observación electoral, los miembros de nuestra organización, en la VIII Asamblea General de la COPA celebrada en la Ciudad de México, Distrito Federal, y en Toluca, Estado de México, en México, del 10 al 13 de septiembre de 2008, adoptaron una recomendación, que adjuntamos a la presente, en la que se propone, si las autoridades competentes de su país manifiestan su deseo, "el envío de una misión de observación electoral de la COPA a las próximas elecciones legislativas y presidenciales en El Salvador, en pleno respeto de la soberanía nacional de El Salvador".*



...2

*Por la presente, como Presidenta de la COPA, le informo del interés y la disponibilidad de nuestra organización para constituir una delegación de parlamentarios de las Américas, respetando los principios de equilibrio regional y pluralismo político, que podría viajar a El Salvador, en el marco de una misión de observación electoral, con motivo de las elecciones presidenciales del 15 de marzo de 2009. Nuestra misión se desplegaría en la Ciudad de San Salvador y sus alrededores.*

*Para su información, envié recientemente una carta al señor Rubén Orellana, Presidente de la Asamblea Legislativa de su país, para informarle de la disponibilidad de nuestra organización con este fin.*

*Si esta propuesta es de su agrado, nuestra organización podría iniciar desde ya las gestiones tendientes a formar la delegación de parlamentarios. Le agradezco de antemano todas las disposiciones que tenga usted a bien adoptar con respecto a nuestra organización, con el fin de facilitar los arreglos logísticos necesarios para la implementación de una misión de este tipo, en especial en lo relativo a la obtención de las credenciales.*

*Para ello, designo al señor Jacques Paquet, asesor de la Comisión de Democracia y Paz de la COPA (teléfono (1-418-644-2888) o correo electrónico ([copa@assnat.qc.ca](mailto:copa@assnat.qc.ca))) para establecer los contactos con su organización.*

*Deseándole el mayor de los éxitos en la organización de estos importantes comicios, le ruego reciba mis más cordiales saludos.*



**SELVA JUDIT FORSTMANN**

*Presidenta de la Confederación Parlamentaria de las Américas  
Senadora de la Nación Argentina*

*Se adjunta documentación:*

- *“Reglamento de las Misiones de observación electoral de la COPA”*
- *“Recomendación sobre el envío de una misión de observación electoral en El Salvador”, adoptada en la VIII Asamblea General de la COPA celebrada en la Ciudad de México, Distrito Federal, y en Toluca, Estado de México, en México, del 10 al 13 de septiembre de 2008*

### **Appendix III – Letter of acceptance**



*Tribunal Supremo Electoral*

*Presidencia*

San Salvador, 23 de febrero de 2009

Distinguida Senadora:

Nos complace responder la atenta nota que en su nombre recibimos de la Confederación Parlamentaria de las Américas (COPA) y agradecemos profundamente la declaratoria de apoyo y solidaridad con la sociedad salvadoreña y sus instituciones democráticas en la organización de las elecciones 2009, manifestada en la VIIIª Asamblea General de la Confederación, celebrada en septiembre del año recién pasado en México.

Como Tribunal Supremo Electoral de la República de El Salvador, nos identificamos y compartimos plenamente el objetivo de la COPA cual es el de contribuir al fortalecimiento de la democracia parlamentaria y la edificación de una comunidad de las Américas basada en el respeto de la dignidad y los derechos humanos, la paz, la democracia, la solidaridad entre los pueblos, la justicia social y la equidad entre los sexos.

De igual manera, celebramos las iniciativas de observación electoral por constituirse en auténticas ventanas al fortalecimiento de la confianza y la transparencia de los procesos eleccionarios en cualquier país y en El Salvador como parte del concierto de naciones democráticas, valoramos y apreciamos estos esfuerzos, tal cual lo demuestra la presencia de misiones de observación electoral internacional, de corto y largo plazo, provenientes de la Organización de los Estados Americanos (OEA), Unión Europea, Unión Interamericana de Organismos Electorales (UNIORE) y de otras organizaciones con presencia internacional de observadores electorales no oficiales, a lo que se suma la participación de entidades académicas y organizaciones de la sociedad civil con participación en calidad de Observación Electoral Nacional.

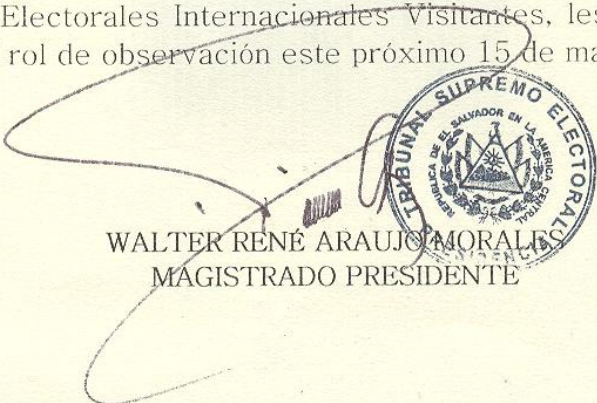


*Tribunal Supremo Electoral*  
*Presidencia*

En tal sentido, nos agrada conocer del interés de la COPA y la disponibilidad de esta organización para constituir una delegación de parlamentarios de las Américas que en el marco del respeto a los principios de equilibrio regional y pluralismo político, integren una misión de observación electoral con motivo de las elecciones de Presidente y Vicepresidente de la República de El Salvador a celebrarse el 15 de marzo del año en curso para desplegarse en la ciudad de San Salvador y sus alrededores.

Al respecto, tenemos a bien comunicarle que este Tribunal cuenta con toda la buena voluntad de otorgar a la Confederación Parlamentaria de las Américas, la autorización de la Misión de Observación Electoral que designe, entendiendo que la inversión financiera que requiere estaría enteramente cubierta por la Confederación y su marco de acción, bajo el cumplimiento del “Reglamento General para la Observación Electoral en El Salvador”, cuyo contenido podrán encontrar en nuestro sitio de Internet [www.tse.gob.sv](http://www.tse.gob.sv)

Para el Tribunal Supremo Electoral de El Salvador será un gusto conceder a los parlamentarios designados, las credenciales que en la categoría de Observadores Electorales Internacionales Visitantes, les estaría facultando para ejercer el rol de observación este próximo 15 de marzo.

  
WALTER RENÉ ARAUJO MORALES  
MAGISTRADO PRESIDENTE

SEÑORA  
SELVA JUDIT FORSTMANN,  
SENADORA DE LA NACIÓN ARGENTINA,  
PRESIDENTA DE LA CONFEDERACIÓN  
PARLAMENTARIA DE LAS AMÉRICAS

## Appendix IV – Letter of designation



*Senado de la Nación Argentina, 3 de marzo de 2009*

*Señor Walter René Araujo Morales  
Presidente del Tribunal Supremo Electoral  
Tribunal Supremo Electoral  
15 calle poniente no 4223, Colonia Escalón  
San Salvador  
EL SALVADOR*

*Objeto: Elecciones presidenciales del 15 de marzo de 2009*

*De mi consideración:*

*En consideración a la decisión que el Tribunal Supremo Electoral de la República de El Salvador decidiera de acreditar a los miembros de la Confederación Parlamentaria de las Américas (COPA) para que participen como observadores en las próximas elecciones presidenciales que se desarrollarán en dicho país el día 15 de marzo del año 2009, es un placer informarle que la misión de observación electoral de la COPA, que se llevará a cabo entre el 10 y 16 de marzo de 2009 en la Ciudad de San Salvador, estará compuesta de las personas siguientes:*

*Jefa de la misión:*

*Sra. Edda Acuña, Primera Vicepresidenta de la COPA y Senadora de la Provincia de Buenos Aires*

*Miembros:*

*Sr. Milton Rodríguez Sarmiento, Vicepresidente de la COPA – Región Andina y Senador de la República de Colombia*

*Sra. Iris Varela, Vicepresidenta de la COPA – Región Andina y Diputada de la Asamblea Nacional de la República Bolivariana de Venezuela*

...2

*Sra. Flor Rios, Presidenta de la Red de mujeres parlamentarias de la COPA y Diputada de la de la Asamblea Nacional de la República Bolivariana de Venezuela*

*Sra. Jhannett Madriz, Ex presidenta de la COPA y Diputada del Parlamento Andino de la República Bolivariana de Venezuela*

*Sra. Alice Portugal, Diputada federal, Cámara de Diputados de Brasil*

*Sr. Mario López Valdéz Delegado, Senador del Congreso de la Unión Mexicana*

*Sr. Martín C. Olavarrieta, Diputado de la Asamblea Legislativa del Distrito Federal de México*

*Sra. Danielle Doyer, Diputada de la Asamblea Nacional de Québec*

*Sra. Maris Nohemi Eizaga, Diputada de la Asamblea Nacional de la República Bolivariana de Venezuela*

*Sr. Luis Bigott, Diputado del Parlamento Andino de la República Bolivariana de Venezuela*

*Sr. Luis Diaz Laplace, Diputado del Parlamento Andino de la República Bolivariana de Venezuela*

*Sr. Victor Hugo Morales, Diputado del Parlamento Andino de la República Bolivariana de Venezuela*

*Sr. Yul Jabour, Diputado del Parlamento Andino de la República Bolivariana de Venezuela*

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

*Sr. Octavio Soares, experto en materia electoral y Asistente del Director General de Elecciones de Québec*

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

*Atentamente*



**SELVA JUDIT FORSTMANN**  
*Presidenta de la Confederación Parlamentaria de las Américas (COPA)*  
*Senadora de la Nación Argentina*

## **Appendix V – Press release, April 16, 2008**

### **Delegation of representatives of the Americas to observe the Salvadoran presidential election**

San Salvador, March 10, 2009 – Parliamentarians delegated by the **Parliamentary Confederation of the Americas** (COPA) arrived today in El Salvador to observe the March 15<sup>th</sup> presidential election. The senator of the province of Buenos Aires in Argentina and COPA 1<sup>st</sup> Vice-President, Edda Acuña, will head up the electoral observation mission from March 11 to 16. More than a dozen parliamentarians from Columbia's Senate, Brazil's Chamber of Deputies, Mexico's Senate, the Legislative Assembly of the Federal District of Mexico, Québec's National Assembly, Venezuela's National Assembly and Venezuela's Andean Parliament are also taking part in the mission.

Invited by El Salvador's Supreme Electoral Tribunal as international observers, the COPA parliamentarians will cover as many polling stations as possible on election day. The delegation will also meet with key actors in the electoral process in order to be better positioned to assess election organization in the country. The presidential candidates and the heads of a number of public bodies and civil society organizations will be among those consulted by the COPA delegation. Following the mission, the parliamentarians will present a report of their observations to the Salvadoran electoral authorities and to COPA authorities.

This is the 8<sup>th</sup> such mission for COPA. By taking an increasingly active role in election monitoring throughout the Americas, COPA has established its strategic importance in the consolidation of democracy.

Founded in Québec City in 1997, the Parliamentary Confederation of the Americas (COPA) brings together over 300 parliamentary assemblies of unitary, federal and federated states, as well as the regional parliaments and interparliamentary organizations of the Americas. For additional information on previous COPA electoral observation missions, please visit the following website: [www.copa.qc.ca](http://www.copa.qc.ca).

Appendix VI – Program

**COPA ELECTORAL OBSERVATION MISSION  
MARCH 11 TO 16, 2009  
SAN SALVADOR, EL SALVADOR**

PROGRAM

(2009-04-01)

TUESDAY, MARCH 10

**All day** Settling in of the members of the delegation at the Hotel Hilton Princess, San Salvador

Accreditation of the observer parliamentarians by the Supreme Electoral Tribunal (TSE)

Confirmation of the appointments scheduled on the program

Confirmation of car rentals

WEDNESDAY, MARCH 11

**All day** Settling in of the members of the delegation at the Hotel Hilton Princess, San Salvador

**2 p.m.** **Mr. Ramon Villalta**, Director of the *Iniciativa Social para la Democracia* (ISD)

**5 p.m.** **Mr. Walter Araujo**, Chair of the Supreme Electoral Tribunal of El Salvador

THURSDAY, MARCH 12

**10 a.m.** **Mr. Rubén Orellana**, President of the Legislative Assembly of El Salvador

**3 p.m.** **Mr. Oscar Luna**, Human Rights Ombudsman

**7 p.m.** Dinner reception offered by the Supreme electoral Tribunal for International observers

## FRIDAY, MARCH 13

- 9 a.m. **Mr. José María Amaya**, Secretary General of the *Central de Trabajadores Democráticos de El Salvador* (CTD)
- 11 a.m. **Mr. Napoléon Guerrero Berríos**, President of the *Asociación Salvadoreña de Industriales* (ASI)
- 2 p.m. **Mr. Benjamin Cuellar**, Director of the *Instituto de Derecho Humanos de la Universidad Centroamericana* (IDHUCA)
- 4 p.m. **Ms. María Eugenia Aguilar Castro**, President of the *Instituto para el Rescate Ancestral Indígena Salvadoreño* (RAIS)
- Late afternoon Working meeting of the members of the mission:
- Debriefing and sharing of observations with a view to the drafting of the mission report
- 7.30 p.m. Dinner offered by the Supreme electoral Tribunal for International observers

## SATURDAY, MARCH 14

- 9 a.m. **Ms. Leslie Schuld**, Director of the *Centro de Intercambio y Solidaridad* (CIS)
- 2 p.m. **Mr. Gustavo Fernández**, Chief of the Organization of American States (OAS) Electoral Observation Mission to El Salvador
- 4 p.m. Working meeting of the members of the mission:
- Debriefing and sharing of observations with a view to the drafting of the mission report;
  - Preparation for election day:
    - Deployment plan
    - Observation teams

## SUNDAY, MARCH 15 : ELECTION DAY

- 6 a.m. Deployment of the observers and observation at the polling stations of the capital region, San Salvador, and the department of La Libertad
- 5 p.m. Witness the counting of the votes
- 8 p.m. Observation at the Election Results Centre

**MONDAY, MARCH 16**

**9 a.m.**

Working meeting of the members of the mission:

- Sharing of observations;
- Determination of a common position;
- Preparation of the press release and approval by the entire mission;

**All day**

Departure of participants for their places of origin

**TUESDAY, MARCH 17**

**All day**

Departure of participants for their places of origin

**Appendix VII– Observer’s grid**



**SALVADORAN PRESIDENTIAL ELECTION  
March 15, 2009**

**ELECTION OBSERVER’S GRID**

**1. GENERAL INFORMATION**

Name of observer: \_\_\_\_\_

City/District: \_\_\_\_\_

Voting Centre: \_\_\_\_\_

Polling station: \_\_\_\_\_

Arrival time: \_\_\_\_\_

Departure time: \_\_\_\_\_

**2. POLLING STATION**

Opening time: \_\_\_\_\_

Reasons for delay (if any): \_\_\_\_\_  
\_\_\_\_\_

	YES	NO
Suitable polling station site and set-up		
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
Voting booths ensuring voter secrecy		
Voters list		
Ballots in sufficient quantity		

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

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
<b>Complaints by party or candidate representatives</b>		
<b>Complaints by voters</b>		

**Details:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**6. OTHER OBSERVATIONS**

	YES	NO
<b>Respect for ballot secrecy</b>		
<b>Presence of more than one voter in the voting booth</b>		
<b>Electoral staff compliance with procedures</b>		
<b>Voter understanding of procedures</b>		
<b>Presence of unauthorized persons in the polling station</b>		
<b>Visit by other international observers</b>		
<b>Visit by national observers</b>		
<b>Orderly conduct of voting</b>		
<b>Interruption in voting during the day</b>		

**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:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Appendix VIII – Press release, April 21, 2008

### **COPA Electoral Observation Mission in El Salvador**

#### **PARLIAMENTARIANS CONGRATULATE THE PEOPLE OF EL SALVADOR FOR THE SUCCESSFUL CONDUCT OF THE PRESIDENTIAL ELECTION**

**San Salvador, March 16, 2009** – A delegation of seven parliamentarians of the **Parliamentary Confederation of the Americas (COPA)**, headed by Edda Acuña, first Vice-President of COPA and senator for the province of Buenos Aires in Argentina, observed the presidential election of March 15, 2009 in El Salvador. The COPA delegation, composed of parliamentarians from Columbia’s Senate, Québec’s National Assembly, Venezuela’s National Assembly and Venezuela’s Andean Parliament, noted that the ballot took place in a peaceful and enthusiastic environment, fully respectful of the electoral laws in force.

On election day, the members of the delegation went to the capital, San Salvador, and the La Libertad and La Paz departments to observe voting in close to 50 polling stations.

The members of the delegation did not note any delay in opening time or any significant irregularities at the polling stations observed. They were very impressed by the sense of civic duty and the conscientiousness demonstrated by the voters and the electoral staff during the election. “The members of the delegation wish to highlight the rigour, maturity and mutual respect shown by the electoral staff and the representatives of the political parties in the performance of their duties,” declared Senator Acuña.

In addition to observing the balloting in the polling stations, the members of the COPA delegation began holding meetings upon their arrival on March 10 with representatives of the political parties, authorities from the Legislative Assembly and the Supreme Electoral Tribunal, and representatives from public bodies and civil society and other international observers in order to gather information on the electoral process and the state of affairs in El Salvador on the eve of the election.

This is the 8th such mission for COPA. By taking an increasingly active role in election monitoring throughout the Americas, COPA has established its strategic importance in the consolidation of democracy. Founded in Québec City in 1997, the Parliamentary Confederation of the Americas brings together over 300 parliamentary assemblies of unitary, federal and federated states, as well as the regional parliaments and interparliamentary organizations of the Americas.