



EARLY GENERAL ELECTIONS IN BOLIVIA

DECEMBER 6, 2009

REPORT OF THE ELECTORAL OBSERVATION MISSION



Parliamentary Confederation
of the Americas



EARLY GENERAL ELECTIONS IN BOLIVIA

DECEMBER 6, 2009

REPORT OF THE ELECTORAL OBSERVATION MISSION

PARLIAMENTARY CONFEDERATION OF THE AMERICAS

TABLE OF CONTENTS

INTRODUCTION	4
1. MISSION TERMS OF REFERENCE	5
2. DELEGATION MEMBERS	5
3. PRE-ELECTION POLITICAL CONTEXT	6
3.1 HISTORICAL OVERVIEW	6
3.2 THE NEW POLITICAL CONSTITUTION OF THE STATE (NCPE).....	6
3.3 TRANSITIONAL ELECTORAL SYSTEM (<i>REGIMEN ELECTORAL TRANSITORIO</i>).....	8
3.4 DEPARTMENTAL AUTONOMY	9
3.5 2009 ELECTION CAMPAIGN	10
3.6 POLITICAL PARTIES AND PRESIDENTIAL CANDIDATES	11
4. LEGAL AND INSTITUTIONAL FRAMEWORK OF DECEMBER 6, 2009 ELECTIONS	11
4.1 EXECUTIVE AUTHORITY:.....	11
4.2 LEGISLATIVE AUTHORITY:.....	12
4.3 ELECTORAL AUTHORITY :	13
4.4 MAIN POWERS, FUNCTIONS, AND DUTIES OF THE ELECTORAL ORGANIZATIONS.....	15
4.5 ELECTION DAY VOTING	16
5. MISSION ACTIVITIES PRIOR TO ELECTION DAY	19
5.1 ARRIVAL OF DELEGATION AND ACCREDITATION OF MEMBERS.....	19
5.2 WORKING MEETINGS WITH REPRESENTATIVES OF INSTITUTIONS AND BODIES INVOLVED IN THE ELECTORAL PROCESS	19
6. MISSION ACTIVITIES ON ELECTION DAY	24
6.1 COMPOSITION AND DEPLOYMENT OF COPA OBSERVATION TEAMS	24
6.2 ASPECTS OBSERVED	26
7. COPA MISSION FINDINGS	27
7.1 POLLING STATIONS	27
7.2 ELECTION MATERIALS	28
7.3 COMPLAINTS.....	29
7.4 GENERAL OBSERVATIONS	29
7.5 VOTE COUNT	30
8. MISSION CONCLUSIONS AND RECOMMENDATIONS	31
9. APPENDICES.....	33
APPENDIX I – RECOMMENDATION	34
APPENDIX II – COPA’S LETTER OF INTEREST AND AVAILABILITY	35
APPENDIX III – LETTER OF ACCEPTANCE	37
APPENDIX IV – LETTER OF DESIGNATION.....	38
APPENDIX V – PRESS RELEASE, DECEMBER 2, 2009	40
APPENDIX VI – PROGRAM	41
APPENDIX VII– OBSERVER’S GRID	45
APPENDIX VIII – PRESS RELEASE, DECEMBER 8, 2009	49

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.

Accordingly, from December 2 to 7, 2009, a delegation of COPA parliamentarians was in Bolivia (La Paz and neighbouring cities) to observe and report on the general elections and autonomy referendum held on December 6.

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

The goal of this report is to summarize the activities of the COPA delegation during its visit to Bolivia from December 2 to 7, 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 December 6, 2009 elections;**
- 5) mission activities prior to election day;**
- 6) mission activities on election day;**
- 7) COPA mission findings;**
- 8) mission conclusions and recommendations.**

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
- Salvadoran general elections, March 16, 2009
- Mexican legislative elections, July 5, 2009

1. MISSION TERMS OF REFERENCE

This was COPA's second electoral observation mission to Bolivia. The first was deployed for the early general elections of December 18, 2005, when COPA's three observers reported on the electoral process as it unfolded at some 20 polling stations in the municipalities of La Paz and El Alto.

On September 18, 2009, in Salta, Argentina, COPA's General Assembly adopted a recommendation (Appendix I) proposing that an electoral observation mission be sent to Bolivia for the early general elections to be held on December 6, 2009.

In a letter dated September 30, 2009, the President of COPA reminded the Bolivian authorities of COPA's willingness and availability to dispatch a delegation of parliamentarians for the December 6 ballot.

On November 4, 2009, the National Electoral Court of Bolivia authorized COPA parliamentarians to attend the proceedings of the Bolivian early general elections and autonomy referendums as electoral observers.

In a letter dated November 27, 2009, the President of COPA notified the Bolivian electoral authorities of the composition of the COPA delegation, headed by **Edda Evangelina Acuña**, President of COPA and Senator of the province of Buenos Aires in Argentina.

On December 2, 3, 4 and 5, 2009, the delegation participated in important working meetings with political party representatives, authorities from the Legislative Assembly and the National Electoral Court, representatives of public agencies and private organizations, and other international observers in order to learn more about the electoral process and the situation prevailing in the country on the eve of the ballot.

On polling day, the delegates observed the electoral process at over 50 polling stations, both urban and rural, in the large department of La Paz.

2. DELEGATION MEMBERS

The COPA delegation included **Edda Evangelina Acuña**, mission leader, President of COPA and Senator of the Province of Buenos Aires.

The other mission members were **Gloria Bidegain**, Deputy of the Congress of the Nation of Argentina and COPA Executive Committee member; **Edgar Carrasco**, Member of the Legislative Council of the State of Anzoátegui, Venezuela, and COPA Executive Committee member; **María Alejandra Vucasovich**, Deputy of the Province of Santa Fe, Argentina, and Vice-Chair of COPA's Committee on Democracy and Peace; **Antonio Morante**, Deputy of the Congress of the Nation of Argentina; **Raúl Patricio Solanas**, Deputy of the Congress of the Nation of Argentina; **José Antonio Vilariño**, Deputy of the Congress of the Nation of Argentina; **Antonia Josefa Alegre**, Deputy of the Province of La Pampa, Argentina; **Patrick Huot**, Member of the National Assembly of Québec; and **José Vicente Coss**, Deputy of the State of Mexico, Mexico.

The parliamentarians were assisted technically and administratively by **Denis Fontaine**, election specialist and Secretary General to the Chief Electoral Officer of Québec, and by **Christiane Bérubé**, advisor of the COPA Committee on Democracy and Peace.

3. PRE-ELECTION POLITICAL CONTEXT

3.1 Historical Overview

Bolivia obtained its independence in 1825. Its political history has been fraught with military dictatorships, revolutions and civil wars. It is said that the country was beset by more than 200 coups d'état in the fifty-year period between 1930-1970.²

Bolivia is the only country in Latin American where indigenous peoples form a majority, accounting for some 60% of the population (including mestizos, who identify as natives). Some experts even affirm that the vast majority of the population (app. 80%) is of mixed origin.³

The indigenous peoples have long fought for constitutional reform, including the nationalization of Bolivia's oil and gas industry, and indigenous participation in Bolivian democracy. In 2003 and 2005, President Sánchez de Losada and Vice-President Carlos Mesa successively resigned in the face of massive public protests. Supreme Court chief justice Eduardo Rodríguez stepped into the breach to serve as acting president until January 22, 2006.

Evo Morales won the December 18, 2005 presidential election with 53.7% of the popular vote, becoming the first indigenous president in modern Bolivian history. His party, the Movement to Socialism (MAS), took 72 of the 130 seats in the Chamber of Deputies, as well as 12 of the 27 Senate seats. The main opposition party PODEMOS (Social and Democratic Power) won 43 seats in the Chamber of Deputies and 13 seats in the Senate. Two other parties, the National Unity Front (UN) and the Nationalist Revolutionary Movement (MRN) obtained 8 and 7 seats respectively in the Chamber of Deputies, and one seat each in the Senate.

However, MAS only won three of the nine departmental prefectural elections.

On May 1, 2006, President Morales issued a decree nationalizing the oil and gas industry and forcing the renegotiation of all contracts with foreign companies. The state-owned company *Yacimientos Petrolíferos Fiscales Bolivianos* (YPFB) obtained a monopoly on Bolivian oil and gas reserves.

3.2 The New Political Constitution of the State (NCPE)

On July 2, 2006, voters went to the polls to elect representatives to the Constituent Assembly promised by President Morales during his election campaign. MAS won 55 of the 70 single-member Assembly seats with 50.7% of the popular vote.

A new constitution was adopted by national referendum on January 25, 2009, with 61% of the popular vote.

² Université Laval, 2009, Information sheet on Bolivia (French only)
<http://www.tlfq.ulaval.ca/axl/amsudant/bolivie.htm>

³ For reference and information, see Latin Reporters, January 26, 2009, "Bolivie : l'essentiel de la Constitution plurinationale d'Evo Morales."

The new Constitution, enacted on February 7, 2009, contains 411 articles. With respect to principles, it seeks to accord “a preponderant role to indigenous communities, social justice, and the role of the state.”⁴ Politically, it allows the outgoing president to seek re-election for a second term (art. 168, NCPE). It also modifies presidential election requirements (50% +1 of the popular vote, or 40% with a minimum 10% difference with the closest contender – art. 166, NCPE).

The Constitution guarantees the legislative representation of the country’s indigenous majority and entrenches their equality rights. It recognizes 36 different indigenous groups, along with their languages, beliefs and political, legal and economic systems. Self-determination, territorial rights and community property are also mentioned (art. 30-32 and chapter 7). Indigenous representation is now guaranteed in the Plurinational Legislative Assembly, which replaces the existing National Congress, as well as in other state bodies such as the Constitutional Tribunal. Many of the rights recognized by the United Nations Declaration on Indigenous Peoples (September 2007) have been constitutionalized in Bolivia, a first in the hemisphere.

The new constitution also strengthens state control over natural resources and makes the government the central actor of an economic model under which organizations are obliged to provide “dignified” employment and help eradicate poverty and build economic sovereignty. Natural resources, including oil and gas, are proclaimed the “property of the Bolivian people.” As such, they are to be managed and administered in the public interest by the state, which assumes control and leadership over prospecting, development, industrialization, transportation and marketing of strategic resources (art. 306–318, NCPE).

The maximum size limit for large farms has been set at 5,000 hectares by voters in response to a complementary constitutional referendum question giving the choice between this size and 10,000 hectares. “All properties exceeding the chosen limit will be expropriated. But this measure is not retroactive, which has diffused its initially explosive impact.”⁵

Along with the autonomy of the indigenous peoples, departmental autonomy is also theoretically recognized.⁶ The Catholic religion loses its official status. The coca leaf is protected as part of Bolivia’s “cultural heritage” and as a “factor of social cohesion.”

One of the theoretical virtues of the Constitution is the scope of the basic, civil, political, social and economic rights it seeks to entrench. Chapters 5 and 6 notably accord rights to health, education and the environment, as well as universal access to water, electricity, gas and telecommunications. In practice, however, many experts have doubts that these measures can be extended to the entire population.

Despite the majority, not all Bolivians are in favour of the changes the new constitution will bring about. Majorities in the four autonomist regions of Santa Cruz (east), Tarija (south), Pando (north) and Beni (north)—the mainstays of the country’s economy—all rejected the constitutional reform.

⁴ Burgoa, Raul, January 25, 2009, “Evo Morales proclame la refondation de la Bolivie,” AFP.

⁵ Latin Reporters, January 26, 2009, “Bolivie: l’essentiel de la Constitution plurinationale d’Evo Morales.”

⁶ In theory, full departmental autonomy is recognized. However, as political events of recent months show, the issue remains a topic of heated debate as the autonomist departments demand the financial resources to exercise their autonomy.

Opponents of the Constitution are critical of it for three main reasons: the way it discriminates in favour of indigenous populations by granting them more rights than for other Bolivians, particularly with respect to territorial and judicial autonomy; the supposed shortcomings of departmental autonomy (which, without clear financial resources, is deemed insufficient by the eastern departments); and the way it deals with religious beliefs, which has ruffled the Bolivian Episcopal Conference by depriving Catholicism of its official status as state religion.

3.3 Transitional Electoral System (*Regimen Electoral Transitorio*)

The *New Political Constitution of the State* stipulated that a new electoral law had to be approved by parliamentarians. After a period of intense political tensions between the governing party and the opposition parties, the Transitional Electoral System was adopted. It contains 76 sections and will be in effect for the presidential, legislative, departmental and municipal elections, as well as the autonomy referendums scheduled for December 6, 2009 and April 4, 2010. It will eventually be replaced by a new Electoral Code.

All matters not specifically covered in the Transitional Electoral System Act are governed by the Electoral Code (Act No. 1984 – June 25, 1999) and amendments thereto, the Political Parties Act (Act No. 1983 – June 25, 1999), the Citizen Association and Indigenous Peoples Act (Act No. 2771 – July 7, 2004) and the regulations adopted by the National Electoral Court, so long as they do not conflict with the NCPE or the Transition Electoral System (sec. 2, RET).

The main provisions of the Act deal with the redistribution of seats in the Legislative Assembly, the reform of the voters list and the extension of voting rights to expatriate Bolivians.

The number of seats set aside for indigenous peoples in the Legislative Assembly is seven, or one per department with the exception of Potosí and Chuquisaca (sec. 30-38, RET). Originally there were 14 such seats, but this number was halved in response to criticisms from the opposition, which feared that indigenous peoples would be overrepresented in the Legislative Assembly.

The voters list (*patrón electoral*) has been completely reconfigured (sec. 19-24, RET). A computerized biometric system (digital photos and fingerprints, voter signatures and information) will replace the old voter card-based system. The new system, a longstanding opposition party demand, was initially rejected by the government on the grounds that it was too complicated to put in place. However, funding was eventually secured with international assistance and by using money originally slated for the purchase of a presidential airplane. The RET also delegates the necessary authority and budget to the National Electoral Court to implement the new system by December. Unlike in Europe (notably in Switzerland), there has been no opposition to the biometric system on the grounds that it could potentially undermine basic liberties.

Bolivians living abroad will now have the right to vote (sec. 43-50, RET). A maximum of 300,000 Bolivians (6% of expatriates) will be allowed to vote in 2009 and 2010. This is a provisional measure because the technical requirements involved in implementing the biometric system are such that the voters list cannot be completed in time for the election. No single country is permitted to represent over 50% of the total expatriate vote (this could be the case of Argentina).

The new Transitional Electoral System Act came into effect on April 14, 2009 to guarantee that early general elections would be held on December 6.

3.4 Departmental Autonomy

Since the mid-1990s, Bolivia's nine departments⁷ have been granted more and more autonomy, notably under the decentralization law of 1995. Their level of autonomy increased even further when the Meza government passed legislation introducing elections for department prefects. The first prefectural elections were held on December 18, 2005.

On July 2, 2006, the day of the Constituent Assembly election, a national referendum was also held on departmental autonomy, despite the fact the notion of "autonomy" was not clearly defined.⁸ The "no" side, which was opposed to departmental autonomy and backed by MAS supporters, won the day with 56.7% of the vote. However, the results masked the east–west fracture that divides the country. The four departments of the *Media Luna* (half-moon) region—Santa Cruz, Tarija, Pando and Beni—all voted largely in favour of departmental autonomy.

The *Media Luna* departments represent over 30% of Bolivia's population and approximately 70% of its territory. They control a significant portion of the country's agricultural and industrial resources and almost all of its gas and oil reserves. Their population is predominantly white and mestizo, and is principally represented by PODEMOS in Congress.

These four departments are calling for greater autonomy and the tools this requires. They also want to forestall any limits that could be placed on their autonomy through the creation of regional indigenous governments. Furthermore, they oppose the redistribution of natural gas revenues and want to maintain control over their gas resources.

The other departments (La Paz, Potosí, Cochabamba and Oruro⁹ in western Bolivia), all of which are less well off, denounce these autonomist ambitions and call for greater representation of the indigenous minorities in Congress (recently renamed the Plurinational Legislative Assembly). The Andean plateau region is the bastion of MAS. Its inhabitants not only make their homes at high altitudes in harsh conditions, but also live for the most part well under the poverty line.¹⁰

The first departmental referendum on autonomous status was held in May 2008 in the department of Santa Cruz on the initiative of its prefect, Ruben Costas. The departments of Pando, Beni and Tarija followed suit, voting in favour of autonomous status in referendums organized by departmental authorities in May and June 2008. The central government refused to recognize the consultations, which President Evo Morales described as "illegal and separatist."¹¹

In response to what he perceived as an attack on his electoral legitimacy, President Morales decided to put his presidency on the line and called a recall referendum on August 10, 2008. He won with 67.5% of the popular vote.

⁷ Bolivia is made up of nine departments: La Paz, Santa Cruz, Cochabamba, Potosí, Chuquisaca, Oruro, Tarija, Pando and Beni.

⁸ Rousseau, Stéphanie, 2007, "La Bolivie en transformation: Pluri-nation, décolonisation et autonomie," *La Chronique des Amériques*, No. 14, June 2007, Observatoire des Amériques, Université du Québec à Montréal.

⁹ The department of Chuquisaca is considered, to a lesser extent, as one of the autonomist departments.

¹⁰ Human Rights Watch, 2009, *Informe Mundial: Bolivia*.

¹¹ Hubert Garrido, Mario, 2008, "Gobierno boliviano insiste en ilegalidad de consultas autonómicas," *Prensa Latina*, May 7, 2008.

The new Bolivian constitution creates a four-tiered system of autonomies: departmental, municipal, indigenous and regional. Transfer of jurisdiction is scheduled for 2010, but the process transfer has yet to be determined.

3.5 2009 Election Campaign

The election campaign officially began on October 5, 2009.

PODEMOS, the current official opposition party, has been unable to find a presidential candidate. Party leader and former president Jorge Quiroga withdrew from the race on the grounds that the party had no chance of winning.

According to recent polls, the principal opposition will come from the coalition formed by the *Plan Progreso para Bolivia* (PPB) and *Convergencia Nacional* (CN) parties led by presidential candidate Manfred Reyes Villa and his vice-presidential running mate—and former prefect of Pando—Leopoldo Fernández.

Mr. Fernández has been incarcerated since September 2008 for his possible involvement in a massacre that left 11 farmers and students dead in Porvenir earlier the same month. He has not been convicted, so the Plurinational Electoral Council (OEP) deems that he has a right to campaign. However, the government maintains that incarcerated persons may not organize an electoral campaign. Denied access to communications media, Mr. Fernández has had to run his campaign via his allies.

With regard to election issues, debate on party platforms is virtually non-existent.¹² The campaign is shaping up as a confrontation between candidates rather than between ideas, as borne out by the imbroglio involving MAS and PPB-CN candidates. No public debates are planned, and the political polarization reflects the fault lines dividing the Bolivian people.

MAS, the favorite in the presidential race, is nonetheless promising more state control over big industry. After having nationalized the natural gas, mining and telecommunications sectors, President Morales is calling for the nationalization of the cement, paper and dairy industries. MAS is also promising to invest in the natural gas industry to boost production and develop a range of derivative products. It also has plans to develop the lithium industry¹³ and build hydroelectric dams to export energy. In the social policy field, MAS wants to continue investing in education as well as in the construction of schools, hospitals and roads.

The right wing candidate for the PPB-CN, Manfred Reyes Villa, is promising a US \$1,000 grant to one million families if elected. The former prefect of Cochabamba is also calling for measures to reassure investors in order to attract foreign investment to Bolivia. As a former army captain, he wants to give the armed forces a greater role in domestic security and in the fight against organized crime. In addition, he plans to release his running mate Leopoldo Fernández.

¹² La Prensa, 2009, “Los insultos relagan a los planes de gobiernp de la lid electoral,” La Paz, October 18, 2009.

¹³ Bolivia is home to the world’s largest lithium reserves.

The center-right candidate for the National Unity Front (UN), Samuel Doria Medina, promises to diversify the Bolivian economy and make it less dependent on gas and mining by developing organic agriculture and investing in tourism. The businessman also has plans to invest US\$175 million over five years to modernize the education system through measures such as improved teacher training, renovations to 5,000 schools and the opening of nine universities.

During its plenary assembly of November 25, 2009, the Plurinational Electoral Council passed electoral resolution 310/2009, which requires 400,671 electors to present their birth certificates in order to vote. This decision was based on the fact that inconsistencies with regard to these electors were revealed when the new voters list was compared with civil registry information. Under mounting media and political pressure, the National Electoral Court and the departmental electoral courts made a joint decision to grant these electors the right to vote in the general elections of December 6, 2009, though they will still have to regularize their voter status in order to vote in the elections planned for April 2010.

3.6 Political Parties and Presidential Candidates

The main political parties and presidential candidates confirmed by the Plurinational Electoral Council (OEP) were as follows:

- Social Alliance (AS – *Alianza social*) – René Joaquino
- Social Democratic Bolivia (BSD - *Bolivia Social Demócrata*) – Rime Choquehuanca
- GENTE (*Agrupación GENTE*) – Román Loayza
- Movement to Socialism (MAS – *Movimiento al Socialismo*) – Evo Morales
- Patriotic Social Unity Movement (MUSP – *Movimiento de Unidad Social Patriótica*) – Ana María Flores
- *Plan Progreso para Bolivia – Convergencia Nacional* (PPB-CN) – Manfred Reyes Villa
- Peoples for Liberty and Sovereignty (PULSO – *Pueblos por la libertad y Soberanía*) – Alejandro Véliz
- National Unity (UN – *CP Alianza por el Consenso y la Unidad Nacional*) – Samuel Doria Medina

4. LEGAL AND INSTITUTIONAL FRAMEWORK OF DECEMBER 6, 2009 ELECTIONS

On December 6, 2009, Bolivians went to the polls to elect a new president and representatives to both houses of the Plurinational Legislative Assembly, the Chamber of Deputies and the Chamber of Senators.

The same day, voters in the departments of La Paz, Potosí, Chuquisaca, Oruro and Cochabamba, as well as in Gran Chaco province in the department of Tarija, voted in a referendum on departmental autonomy.

Departmental and municipal elections will be held on April 4, 2010.

4.1 Executive Authority:

Executive authority is vested in the president, who is elected by universal suffrage for a five-year term. To be elected president, a candidate must win a **simple majority** (50% + 1) or a minimum of 40% of the vote, with an advance of least 10% over the second-place candidate.

Failing this, a runoff election is held. The outgoing president can only seek re-election once (sec. 28, Transitional Electoral System Act).

Presidential Election – December 6, 2009	
1st Round	<u>Universal suffrage</u> : 50% + 1 of the votes or a minimum of 40% of the vote, with an advance of least 10% over the second-place candidate. If neither of these percentages is achieved, a second round of voting will be held within 60 days.
2nd Round	<u>Universal suffrage</u> : Between the two candidates having obtained the most votes. Simple majority.

4.2 Legislative Authority:

The Plurinational Legislative Assembly is made up of two chambers: the Chamber of Deputies and the Chamber of Senators. Members are elected for five years and are only eligible for re-election for one consecutive term.

The **Chamber of Deputies** has 130 members:

- Each of the nine departments has a certain number of single member districts and a certain number of multi-member districts whose members are chosen by proportional representation.
- In the 70 single-member districts and the 7 indigenous special districts, candidates are elected on a first-past-the-post basis from the names listed on the ballot.
- In the 53 multi-member districts, seats are allocated in proportion to the number of votes received by the various presidential candidates using the lists provided by the political parties. The results are divided by natural numbers 1, 2, 3, 4, 5, etc., as per the Hondt method. Seats are allocated to candidates on the various party lists according to the number of seats proportionately won by each party within each department (sec. 38, Transitional Electoral System Act).
- Under the Transitional Electoral System Act, seven indigenous special districts have been created in rural regions. Members and alternate members are elected by simple majority. These districts differ from the others in that they do not have to meet population density or geographic continuity criteria. However, they must be rural and represent minority populations (art. 146 and 147, Constitution / sec. 35, Transitional Electoral System Act).

Composition of the Chamber of Deputies Sec. 32, Transitional Electoral System Act – April 14, 2009					
Department	Single-member	Multi-member	Special Districts	Indigenous minorities	Total
La Paz	15	13	1	<i>Afroboliviano, Mosaic, Leco, Kallawaya, Tacana and Araona</i>	29
Santa Cruz	13	11	1	<i>Chiquitano, Guarani, Guarayo, Ayoreo, Yuracaré and Mojeño</i>	25
Cochabamba	10	8	1	<i>Yuki et Yuracaré</i>	19
Potosí	8	6	-		14
Chuquisaca	6	5	-	<i>Guarani</i>	11
Oruro	5	3	1	<i>Chipaya and Murato</i>	9
Tarija	5	3	1	<i>Guarani, Weenayek, Tapiete</i>	9
Beni	5	3	1	<i>Tacarta, Pacahuara, Itonama, Joaquiniano, Maropa, Guarasugwe, Mojeño, Sirionó, Baure, Tsimane, Movima, Cayubaba, Moré, Cavineño, Chácobo, Canichana, Mosaic and Yuracaré</i>	9
Pando	3	1	1	<i>Yaminagua, Pacahuara, Esse Eija, Machineri and Tacana</i>	5
Total	70	53	7		130

The **Chamber of Senators** has 36 members:

- Four senators are elected in each of the nine departments under a proportional representation system.
- For the 36 members, seats are allocated in proportion to the number of votes received by the various presidential candidates using the lists provided by the political parties. The results are divided by natural numbers 1, 2, 3, 4, 5, etc., as per the Hondt method. Seats are allocated to candidates on the various party lists according to the number of seats proportionately won by each party within each department (sec. 39 and 40, Transitional Electoral System Act).

4.3 Electoral Authority:

The Plurinational Electoral Council (OEP) is hierarchically structured as follows:

- Supreme Electoral Tribunal (or National Electoral Court)¹⁴
- Departmental electoral tribunals (9) (or departmental electoral courts)
- Electoral judges (*jueces electorales*)
- Electoral juries (*Jurados de las mesas de sufragio*)
- Electoral notaries (*notarios electorales*)
- Other officials

The National Electoral Court (or TSE) is the ultimate authority in electoral matters.

¹⁴ The new constitution has changed the names of the electoral organizations. However, the Transitional Electoral System Act uses the former names, which remain in effect until further notice. They are given in parentheses.

Bolivian electoral organizations are independent in overseeing the electoral process and are neither functionally linked nor subordinate to any state institutions (art. 3, Electoral Code).

To ensure the constitutional principle of electoral autonomy, independence and impartiality is respected, the National Electoral Court is empowered to make its own budget, administer its own resources and approve its own internal bylaws (art. 12). It directs and administers electoral processes throughout the country or delegates them to departmental electoral courts (sec. 12, Transitional Electoral System Act).

All National Electoral Court and departmental electoral court decisions must be made by an absolute majority of their members, as per the legal quorum (sec. 16, Transitional Electoral System Act).

Decisions by the National Electoral Court are irreversible and binding, except as set forth in the Constitution (sec. 17, Transitional Electoral System Act).

According to the Electoral Code, no government institutions are involved in the electoral process.

The National Electoral Court is made up of five members,¹⁵ two of whom must be practicing lawyers. The departmental electoral courts are also made up of five members, with the exception of the courts in La Paz and Santa Cruz, which have ten members, and the court in Cochabamba, which has seven (art. 26, Electoral Code).

One member of the National Electoral Court is appointed by the president of the republic, as is one member of each of the departmental electoral courts.

The four additional members of the National Electoral Court are designated by the Legislative Assembly in a secret ballot requiring a two-thirds majority of all members present.

The four additional members of the departmental electoral courts are chosen from a list of candidates submitted by the National Electoral Court to the Legislative Assembly in a secret ballot requiring a two-thirds majority of all members present. In the case of the departments of La Paz and Santa Cruz, Congress must choose nine members and, in the case of Cochabamba, six.

Members of the national and departmental electoral courts are elected for four years and are eligible for re-election. The president of the National Electoral Court is elected by the other members of the court in a secret ballot requiring a two-thirds majority.

Members of the National Electoral Court cannot be suspended or removed from office except in cases specifically provided for in the Electoral Code and the Responsibilities Act. (Responsibilities Act; art. 25, Electoral Code).

¹⁵ Under sec. 13, paragraph III of the Transitional Electoral System Act, electoral court members for the December 2009 and April 2010 elections will be designated according to the provisions of the Electoral Code. Article 206 of the new constitution modifies the makeup of the TSE.

Furthermore, all political parties and citizen and aboriginal groups with a recognized juridical personality are entitled to delegate one permanent and one alternate member to represent and speak for them at the National Electoral Court and each departmental electoral court (art. 31 and 36, Electoral Code).

4.4 Main Powers, Functions and Duties of the Electoral Organizations

National Electoral Court and Departmental Electoral Courts

The powers, functions and duties of the National Electoral Court include the following:

- Recognizing the judicial personality of the political parties participating in general elections
- Drawing up and maintaining the voters list
- Registering candidates from the various parties
- Approving and publishing the electoral calendar no later than 15 days after the issue of the writ of election
- Publicly undertaking the definitive national count of all votes cast in every election and publishing them in national media
- Swearing in elected candidates
- Planning, organizing, overseeing, coordinating, implementing, controlling and evaluating election-related technical and administrative tasks (art. 29, Electoral Code)

The powers, functions and duties of departmental electoral courts include the following:

- Appointing electoral judges, notaries and inspectors
- Publicly counting the votes cast in their respective departments and reporting the results to the National Electoral Court
- Looking into complaints and reported electoral irregularities and taking appropriate legal action
- Planning, organizing, overseeing, coordinating, implementing, controlling and evaluating election-related technical and administrative tasks in their respective districts in keeping with the guidelines issued by the National Electoral Court (art. 35, Electoral Code)

Electoral Judges

Electoral judges (*jueces electorales*) are appointed by the electoral courts in each department in numbers deemed necessary by each court. Their principal role is to oversee the organization and running of notarial services, juries and polling stations. They have the power to sanction jury members, notaries and other individuals. They must report all irregularities to the departmental electoral court and can call upon public authorities for assistance in performing their duties (art. 38–41, Electoral Code).

Electoral Juries

Electoral juries (*Jurados de las mesas de sufragio*) are responsible for polling station management. Each polling station jury consists of three jurors and three alternates whose names are drawn at random during public assemblies organized by the departmental electoral courts (and attended by representatives of political parties, citizen groups, indigenous communities and political alliances). One of the three jurors is selected to be the presiding

officer of the polling station by mutual agreement or random draw. A second acts as secretary, and the third as a member. Jury duty is compulsory (art. 48-59, Electoral Code).

Jurors' duties include the following:

- Ensuring that the polling station number is visible and the polling station environment is safe and suitable for ensuring voter secrecy
- Setting up the polling station and filling in the voting record book: station number; location; department; opening time; names of jurors, political parties, citizen associations or indigenous communities present; jurors' signatures
- Asking political party, citizen association and indigenous community representatives whether they wish to initial the ballots
- Deciding by a majority of jurors present what action to take in response to protests, complaints or doubts raised during the voting
- Calling in law enforcement officers to expel anyone interfering with voting procedures
- Remitting to the electoral notary, upon acknowledgment of receipt, the original voting record book, statement of the vote and voters list
- Providing a copy of the voting record book and statement of the vote to the representatives of the political parties, citizen associations and indigenous communities present.

Electoral Notaries

Official staff of the Civil Registry (*Registro Civil*) are appointed as electoral notaries (*notarios electorales*) by the departmental electoral courts. Notary duties include registering citizens on the voters list for the appropriate district, providing registration forms and lists to the departmental electoral court, distributing election materials from the departmental electoral courts to polling station officials and returning the voting record books, statements of the vote and election materials to the court after the election (art. 42–47, Electoral Code).

4.5 Election Day Voting

Under the Transitional Electoral System in effect in Bolivia since April 14, 2009, the vote is equal, universal, direct, secret, free and compulsory (sec. 5, paragraph a).

Voting

Polling station officials greet voters, facilitate voting and count the ballots.

Polling stations must have sufficient space to accommodate the electoral jury in one section, while providing a suitable environment for voters in another. Ideally, polling stations should be in a public building.

Polling stations are to open at 8 a.m. on election day. All jurors must arrive 30 minutes prior to opening and stay until the polling station closes. Quorum is three jurors.

Polling stations must remain open for at least eight hours, or until the last voter on the list has cast his or her ballot. If anyone is still waiting to vote after 8 p.m., the polling station must remain open until all voters present have cast their ballots (art. 136–137, Electoral Code).

The departmental electoral courts are responsible for supplying the necessary election materials. By 6 a.m. on election day, electoral notaries are to distribute the following material to polling station presidents in exchange for a receipt:

- Voting record book and statement of the vote. It bears the same number as the polling station
- A ballot box bearing the same number as the polling station
- An equivalent number of ballots to the number of names on the voters list
- Two security envelopes, one to send the voting record book and statement of the vote to the corresponding departmental electoral court, the other to return remaining election materials to the same
- The list of registered voters (art. 132-133, Electoral Code)

Each polling station is to have a list of no more than 300 voters (art. 82, Electoral Code).

The voting record book and statement of the vote is an official document with its own sequential number. It is printed by the National Electoral Court in sufficient numbers for all participating political parties, citizen associations and indigenous communities to receive one.

Just prior to the opening of the polling station, the presiding officer must show the empty ballot box to the jurors and citizens present and ensure it is safely installed. The jurors must set up the necessary voting materials.

The jurors who are present vote first. Citizens vote in the order in which they arrive. However, priority is given to election officials, candidates, senior citizens, pregnant women and the disabled.

In order to cast a ballot, voters must present proof of identity, a military service book or a National Registry card.

Once identified, voters must sign or fingerprint the corresponding list.

Each voter obtains an unused ballot. In the event of doubt as to the voter's identity, the members of the electoral jury decide whether to allow the person to vote.

Voters must make their choice with reasonable dispatch and deposit the ballot, folded in half, in the ballot box, which must be in public view.

One of the jurors is to mark the voter's name on the voters list.

The presiding officer returns the identity document(s) to the voter once his or her ballot has been cast (art. 146, Electoral Code).

Ballots are divided as follows:

- The top portion for cumulative votes: president, vice president, senators and deputies elected to multi-member districts
- The bottom portion for selective votes: deputies running for single member or special indigenous districts
- For referendum questions, voters must select from one of the two options shown on the ballot (art. 147, Electoral Code).

The ballot shall be considered null and void if the voter displays it publicly or tries to deposit any paper other than the official ballot in the ballot box.

Ballot Counting and Results

Ballots are counted in public under the supervision of at least three jurors and in the presence of party, citizen association and indigenous community representatives.

Polling station results are definitive and binding.

Delegates from the political parties, citizen associations and indigenous communities may file complaints and appeals, but must do so before the results are made public. The electoral jury must record all complaints in the voting record book and pass it on to the appropriate departmental electoral court (art. 134-135, Electoral Code).

The jurors must check to ensure that the number of ballots in the ballot box is equal to the number of voters who cast ballots.

The ballots are then opened one by one. The secretary (the juror so designated) reads the vote aloud, then passes it to the presiding officer for verification and display to the other persons present.

The results are compiled and recorded in the statement of the vote under the supervision of the jurors.

The following shall be considered null and void:

- Votes recorded on anything other than official ballots
- Torn, incomplete or improperly printed ballots
- Ballots with more than one mark in a single section
- Ballots that have deliberately been spoiled

Jurors must write the word *NULO* on each spoiled ballot (art. 156-157, Electoral Code).

The statement of the vote must contain the following information:

- Name of the department, province and municipality, and the polling station number
- Polling station opening and closing time
- Total number of registered voters, voters who voted, valid votes, blank ballots and invalid votes
- Total number of cumulative and selected votes for each political party, citizen association, indigenous community or political alliance, as well as the total number of votes
- Observations, complaints or other remarks made by representatives of the political parties, citizen associations, indigenous communities or political alliances
- The signatures or fingerprints of the polling station jurors and the representatives of the political parties, citizen associations, indigenous communities and political alliances.

The voting record book and statement of the vote (or statements in the event of a referendum) must be turned over to the electoral notary in a security envelope. A copy of the record book and statement of the vote must also be provided to the notary and to the representatives of the political parties, citizen associations, indigenous communities and political alliances (art. 158, Electoral Code).

In addition to the original voting record book and statement of the vote, the presiding officer shall also enclose in the security envelope the voters list with the signatures or fingerprints of the voters. The envelope must be signed by at least three jurors, the electoral notary and the representatives of the political parties, citizen associations, indigenous communities and political alliances. The envelope is then given to the notary in exchange for a receipt, as is the ballot box and all remaining election materials.

Ballots can only be counted by the polling station electoral juries and cannot be recounted by any other electoral organization.

The departmental electoral courts undertake the departmental vote count beginning at 6 p.m. on election day. Results from each polling station are announced at the court in the presence of the representatives of the political parties, citizen associations, indigenous communities and political alliances. The departmental electoral courts have 20 business days to count the votes for their respective territories (art. 166, Electoral Code).

The results are transmitted to the National Electoral Court, which is responsible for the final national count. It has 5 business days after receiving the last departmental results to complete this count (art.177, Electoral Code).

Articles 164 to 175 of the Electoral Code describe the procedure to be followed for the departmental and national counts.

5. MISSION ACTIVITIES PRIOR TO ELECTION DAY

5.1 Arrival of Delegation and Accreditation of Members

On arrival in Bolivia on December 2, 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 December 2, 3, 4 and 5, 2009, the mission attended several working meetings in La Paz with representatives of institutions and bodies involved in the electoral process in order to gain an understanding of how Bolivian elections are conducted. The comments heard and information gathered during these meetings are summarized below¹⁶.

(A) Electoral Authorities

Antonio Costas, President of the National Electoral Court of Bolivia (CNE) / Dr. Amalia Oporto, Vice-President — Friday, December 4, 2009, 3:30 p.m.

Mr. Costas had every confidence that all would run smoothly on polling day. He believed that electoral preparations had generally gone well and that everything was ready for the vote. He expected voter turnout to be in the neighbourhood of 80%.

¹⁶ 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.

Mr. Costas summarized the CNE's four major challenges under the Transitional Electoral System of 2009 (Act No. 4021): to draw up a new biometric voters list; to organize the vote for Bolivians residing outside the country; to set the boundaries of special indigenous districts; and to organize referendums for the 12 municipalities, the province of Gran Chaco and the 5 departments voting on departmental autonomy.

The complexity of the CNE's task was compounded by its having only a few months to draw up the new list and by certain legal restrictions, one of which provides that no more than 6% of Bolivians residing outside the country may exercise the right to vote.

As for the approximately 400,000 electors under review, Mr. Costas affirmed that they would be able to vote on election day as per the joint agreement between the CNE and the departmental electoral courts. These electors are said to be "under review" because of minor inconsistencies between the information appearing on the new voters list and that contained in the existing civil registry. These problems will be cleared up, said Mr. Costas, in time for the April 2010 municipal elections.

He also confirmed that the existence of the "10% rule", which allows the number of compiled ballots to exceed the number of votes cast by up to 10% without nullifying the result. This rule is provided for in article 169(f) of the Electoral Code.

Lastly, Mr. Costas stated that results would be consolidated on a department-by-department basis, with official results being known only 3 or 4 days after the vote.

(B) Political Authorities and International Governmental Organization

Hilario Callisaya, First Vice-President of the Chamber of Deputies, Plurinational Legislative Assembly of Bolivia — Friday, December 4, 2009, 11:00 a.m.

According to Mr. Callisaya, December 6 "will be a day of democratic celebration." He anticipated no problems and expressed his support for the credible work done by the CNE. He mentioned that his earlier doubts concerning the new biometric voters list had been fully put to rest. He invited the COPA delegation to visit polling stations in certain rural areas where, according to some, problems may arise.

Mr. Callisaya noted that only two persons would be running for re-election to the Chamber of Deputies (130 members) or the Chamber of Senators (36 members). He added that the December 6 elections would help unify Bolivia, a country characterized by a diversity of systems of social organization.

The question of regional autonomy, he maintained, would be the most important issue facing Bolivia after the referendums, and the main challenge would be to strike a satisfactory balance between regional autonomy and national unity.

Horacio Serpa Uribe, Governor of Santander (Colombia) and Head of the Organization of American States (OAS) electoral mission to Bolivia — Saturday, December 5, 2009, 10:00 a.m.

Mr. Serpa Uribe noted that the OAS was present in Bolivia for the early elections of 2005 and that it has played a support role with respect to Bolivia's electoral processes over the past few

years. It also helped develop the new voters list. The OAS delegation was composed of 124 international observers dispatched throughout the country.

According to Mr. Serpa Uribe, the CNE has gained the confidence of the main players involved in the electoral process and of the OAS. In addition, electoral personnel had all the tools they needed to develop an effective voters list. He hoped that the new list would be properly administered in the future.

He also pointed out that, in the course of 75 days, the CNE had managed data relating to 5 million electors. In 2005, only 3.5 million Bolivians were on the voters list, compared to 5 million today. He noted that the unreliability of the old voters list and the civil registry had complicated the CNE's work and resulted in there being 400,671 electors under review. At Mr. Serpa Uribe's estimate, approximately 4,000 persons may be turned away if they do not provide adequate identification on polling day.

Mr. Serpa Uribe said that the Bolivian elections constituted a celebration for his country, and that voter turnout would be extraordinarily high. He anticipated no major problems.

He reminded those present that the 10% margin of error with regard to the vote count was a rule and a tradition in Bolivian democracy. He also mentioned that the members of some rural communities met to decide beforehand who they would vote for in their district. This he saw as a cultural phenomenon and not a pressure tactic.

Lastly, he mentioned the principle of "preclusion" which is to be upheld on election day. This principle imparts to the act of voting—the single valid point of reference once the votes have been counted—its definitive character.

(C) Political Parties

David Vargas, Election Campaign Director and *Social Alliance (AS)* candidate for the position of Deputy in the department of La Paz – Friday, December 4, 2009, 5:00 p.m.

The Social Alliance party (AS – *Alianza social*) has been in existence for only three years but has run candidates in all of Bolivia's departments. Mr. Vargas characterized it as the people's party.

The AS has a campaign budget of US\$50,000 while the other political parties have between US\$4 million and US\$10 million. MAS electoral spending figures were unavailable. Mr. Vargas said that inequality of means considerably affected election outcomes. He deplored the abolition of State subsidies for political parties, and called for improved political party funding in the future.

He expressed confidence in the CNE's ability to organize the elections. However, he also said that the political parties had been unable to do their pre-election work properly, since the voters list was not given to them a month before election day as provided for in the Electoral Code. He advocated increased transparency on the part of the CNE.

With regard to the electors under review, Mr. Vargas was confident that they would all be admitted on election day. What he did fear, however, was that the CNE's decisions and actions might be used by right-wing parties as a pretext to nullify the elections.

Mr. Vargas foresaw no major problems with regard to electoral procedures and operations, and he expected his party to have observers at all polling stations.

Fernando Ascarrunz Landa, *Convergencia (PPB-CN)* candidate for the position of plurinomial Deputy in the department of La Paz, – Saturday, December 5, 2009, 4:00 p.m.

The PPB-CN, an alliance between the *Plan Progreso para Bolivia* (PPB) and the *Convergencia Nacional* (CN), is running candidates throughout the country.

According to Mr. Ascarrunz Landa, the government that should have brought reconciliation to Bolivia has instead aggravated the atmosphere of confrontation by excluding non-indigenous persons and granting more autonomy to cities and regions to the detriment of departments.

For the PPB-CN, there are serious problems with the new voters list. Statistics at the ready, party representatives mentioned that the number of electors had grown by 15.8% in a very short time, and that the list had not been given to the political parties a month before polling day as required by the Electoral Code.

Problems with computer equipment were also raised. The PPB-CN maintained that data for 3,000 electors had been entered even before the updating of the voters list had begun. According to Mr. Ascarrunz Landa, the president of the CNE has admitted as much.

Mr. Ascarrunz Landa deplored the fact that the requests addressed by the PPB-CN to the CNE went unanswered, and expressed doubts as to the quality of the biometric voters list.

He also pointed to the significant imbalances that exist with regard to the financial resources of the various political parties. Public funding of political parties was abolished two years ago, forcing the parties to look elsewhere for their funding. Mr. Ascarrunz Landa asserted that people were reluctant to fund opposition parties for fear of reprisals. In addition, opposition parties must publish a register of their funding, but the government does not do likewise.

Finally, Mr. Ascarrunz Landa said he was extremely preoccupied by the violence in Bolivia and by the situation with regard to human rights. He added that one PPB-CN candidate had been beaten up and that party supporters had been persecuted. He deplored the fact that, lacking sufficient magistrates to make quorum, the Constitutional Tribunal had been unable to operate for more than six months. He also thought that security problems might arise on polling day.

(D) Civil Society Organizations

Ronald Grebe López, President of the Association of Journalists of La Paz (*Asociación de Periodistas de La Paz - APLP*) – Wednesday, December 2, 2009, 5:00 p.m.

Formed in 1930, the APLP is an advocate of freedom of expression; its members consist of print, television and radio journalists, as well as photographers.

Mr. Grebe López said that there had been tensions between journalists and the government right from the outset of Evo Morales's term in 2005. He informed the delegation that, during the previous week in the department of Santa Cruz, a conflict between police and two journalists had resulted in injuries. An investigation is in progress.

A printing law (*Ley de imprenta*) in force since 1925 allows legal action to be taken against journalists who publish erroneous information. However, the 12-citizen tribunal with jurisdiction in this field is inactive owing to the resignation of two members and the death of a third.

Mr. Grebe López enthusiastically welcomed the new Constitution which, by contrast with the old, provides guarantees concerning the work and independence of communications media.

He considered that the media had been able to cover the election campaign in an environment of unimpeded freedom.

He maintained that there was a polarization of the media that reflected the east-west division of the country, and that President Morales had created his own communications network as a counterbalance to media that, in his view, were overly critical of his government.

Lastly, Mr. Grebe López affirmed that the National Electoral Court had the credibility it needed to exercise its functions. On the other hand, he advised the delegation to send observers to rural areas since, in his view, electors there may be subjected to pressure from certain political parties.

Meeting with the National Confederation of Indigenous Rural Women of Bolivia (*Confederación Nacional de Mujeres Campesinas Indígenas Originarias de Bolivia – CNMCI OB*) — Thursday, December 3, 2009, 9:00 a.m.

- Leonida Zurita Vargas, Executive Secretary

- Dr. Ramiro Llanos, Co-ordinator

The CNMCI OB is a labour union that has been defending women's rights in Bolivia since 1980. Its chief objective is to strengthen women's position and to promote social, economic, political and cultural development in a way that respects cultural identity and the principle of equity.

Dr. Llanos explained to the delegation that, under the new electoral system, party candidate lists must be composed of 50% men and 50% women, of which 25% must be indigenous candidates. While the new Constitution favours women in theory, Dr. Llanos noted that in practice Bolivians of both sexes voted predominantly for male candidates. The CNMCI OB is attempting to change this behaviour, especially in rural areas, through its awareness activities. Dr. Llanos expected that, if re-elected, the government of Evo Morales would be formed of an equal number of men and women.

Bolivia currently has four distinct branches of power: the Executive, the Legislative, the Judicial and the Electoral. The CNMCI OB would like to see the addition of a fifth branch, that of the People. Dr. Llanos advocated democratic renewal on the basis of broader consensus—on the basis of a participatory democracy that would foster greater citizen involvement in political life.

Doctor Llanos also maintained that, though all of Bolivia's social organizations back the Morales government and form the grass-roots support of MAS, the government, in its electoral strategy, chose candidates from the middle class to the detriment of the representatives of those organizations. The CNMCI OB is concerned that, once the elections are over, the laws adopted will be lacking in the kind of strong social commitments advocated by the country's main labour unions.

In the opinion of the CNMCIOB, corruption in the army and the police force is a problem. On September 11, 2008, in Porvenir, both security forces apparently refused to follow the orders of the president—a coup d'état according to the CNMCIOB representatives present, who also advocated the adoption of a law against impunity, to be effective retroactively.

La CNMCIOB supports the new voters list despite some initial doubts at the beginning of the process. They expressed concern for Bolivians living outside the country, and asserted that a fair number of these, lacking the proper papers, would refrain from voting for fear of being arrested by the local authorities.

Lastly, Ms. Zurita Vargas was concerned about Bolivians under review, and maintained that a fair number of these electors could be turned away, especially in rural areas. She also feared that ballot boxes might be burned or stolen by the opposition.

Meeting with the Confederation of Rural Workers (*Confederación Sindical Única de Trabajadores Campesinos – CSUTC*) — Friday, December 4, 2009, 9:30 a.m.

- Dionisio Cabrera Chura, Secretary
- Dr. Victor Camacho, Legal advisor

La CSUTC, founded in 1979, is the umbrella organization for a number of labour unions. It defends the rights of citizens in rural areas and is a supporter of MAS and of the Morales government.

The CSUTC put pressure on the electoral authorities to regularize the situation of the 400,671 electors under review on the grounds that the civil registry information, which had been used as the basis for the new voters list, was unreliable. However, the organization has come to view the voters list in a more favourable light since the National Electoral Court decided to reintegrate these electors, and is asking the electoral authorities to continue updating the register.

The CSUTC supports the biometric voters list with fingerprinting. This requirement, it believes, will obviate the problem of double-voting. It also maintained that the law should be amended to extend the vote to all Bolivians living outside the country.

La CSUTC foresaw no security problems on polling day. The representatives present explained voting procedures to the delegation, as well as the method of selecting and training electoral officers (jurors).

Lastly, the CSUTC believes that the Electoral branch should continue its process of consolidation. It is well on its way to becoming a branch of power independent of the other powers of State but there is more work to be done in this area.

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 and Venezuela, that is, **Edda Evangelina Acuña**, mission leader, **María Alejandra Vucasovich**, **Antonia Josefa Alegre**

and **Edgar Carrasco**, observed voting operations in 16 polling stations in the municipalities of La Paz and El Alto and in some neighbouring rural municipalities.

Municipality/ District	Name of voting centre	Polling station	Arrival time	Departure time
La Paz/San Antonio	Escuela 6 de Agosto	003	8:40 am	9:15 am
La Paz/San Antonio	Escuela 6 de Agosto	001	8:45 am	9:00 am
La Paz/San Antonio	Escuela 6 de Agosto	004	8:45 am	9:00 am
La Paz/San Antonio	Escuela 6 de Agosto	005	9:15 am	9:30 am
El Alto/16 de Julio	San Luis de Gonzaga	001	9:45 am	10:00 am
El Alto/16 de julio	San Luis de Gonzaga	002	9:45 am	10:00 am
El Alto/Urb. Bautista Saavedra	Bautista Saavedra	017	10:15 am	11:00 am
Tiquina	Escuela San Pablo de Tiquina	003	12:30 pm	12:50 pm
Tiquina	Escuela San Pablo de Tiquina	002	12:30 pm	12:50 pm
Janko Amaya	NA	001	13:10 pm	13:25 pm
Janko Amaya	NA	002	13:10 pm	13:25 pm
Chua Visalaya	NA	001	13:25 pm	13:45 pm
Chua Visalaya	NA	002	13:30 pm	13:45 pm
Copancara	NA	001	15:30 pm	15:45 pm
Copancara	NA	002	15:30 pm	15:45 pm
La Paz/San Antonio	Escuela 6 de Agosto	017	17:30 pm	18:30 pm

- (2) The second team, made up of representatives of Argentina and Mexico, that is, **Antonio Morante, Raúl Patricio Solanas, José Antonio Vilariño** and **José Vicente Coss**, observed voting operations in 28 polling stations in the municipalities of La Paz and El Alto.

Municipality/ District	Name of voting centre	Polling station	Arrival time	Departure time
La Paz/Koani	Instituto Domingo Savio	001	8:05 am	8:15 am
La Paz/Koani	Instituto Domingo Savio	002	8:05 am	8:20 am
La Paz/Koani	Instituto Domingo Savio	005	8:05 am	8:20 am
La Paz/Koani	Instituto Domingo Savio	003	8:05 am	8:25 am
La Paz/Chasquipampa	Escuela Chasquipampa	012	8:50 am	9:10 am
La Paz/Chasquipampa	Escuela Chasquipampa	014	8:50 am	9:10 am
La Paz/Chasquipampa	Escuela Chasquipampa	011	8:50 am	9:15 am
La Paz/Chasquipampa	Escuela Chasquipampa	013	8:50 am	9:15 am
La Paz/Rosales	Unidad Educativa Betesta	002	9:30 am	9:50 am
La Paz/Rosales	Unidad Educativa Betesta	006	9:30 am	9:50 am
La Paz/Rosales	Unidad Educativa Betesta	001	9:30 am	9:55 am
La Paz/Rosales	Unidad Educativa Betesta	003	9:30 am	9:55 am
La Paz/San Miguel	Colegio Loretto	001	10:05 am	10:20 am
La Paz/San Miguel	Colegio Loretto	002	10:05 am	10:20 am
La Paz/San Miguel	Colegio Loretto	010	10:05 am	10:20 am
La Paz/San Miguel	Colegio Loretto	ND	10:05 am	10:20 am
La Paz/Obrajes	Instituto Americano	001	10:30 am	11:00 am
La Paz/Obrajes	Instituto Americano	002	10:30 am	11:00 am
La Paz/Obrajes	Instituto Americano	006	10:30 am	11:00 am
La Paz/Obrajes	Instituto Americano	008	10:30 am	11:00 am
El Alto/Ciudad Satelite	Escuela Puerto Mejillones	017	14:40 pm	15:00 pm
El Alto/Ciudad Satelite	Escuela Puerto Mejillones	019	14:40 pm	15:00 pm
El Alto/Ciudad Satelite	Escuela Puerto Mejillones	028	14:40 pm	15:00 pm
El Alto/Ciudad Satelite	Escuela Puerto Mejillones	030	14:40 pm	15:00 pm

Municipality/ District	Name of voting centre	Polling station	Arrival time	Departure time
El Alto/Villa Dolores	Escuela Eva Perón	010	15:20 pm	18:30 pm
El Alto/Villa Dolores	Escuela Eva Perón	015	15:20 pm	18:30 pm
El Alto/Villa Dolores	Escuela Eva Perón	009	15:20 pm	18:35 pm
El Alto/Villa Dolores	Escuela Eva Perón	011	15:20 pm	NA

- 1) (3) The third team, made up of representatives of Québec, that is, **Gloria Bidegain, Patrick Huot, Denis Fontaine** and **Christiane Bérubé**, observed voting operations in 12 polling stations in the municipalities of La Paz and El Alto.

Municipality/ District	Name of voting centre	Polling station	Arrival time	Departure time
La Paz/Pampahasi alto	Colegio Topater	002	8:00 am	9:35 am
La Paz/Pampahasi alto	Colegio Topater	003	8:00 am	9:35 am
La Paz/Pampahasi alto	Colegio Topater	012	8:00 am	9:35 am
La Paz/Miraflores alto	Técnico Ayacucho	008	10:30 am	10:45 am
La Paz/Tacagua	Colegio Ignacio Calderon	003	11:10 am	11:35 am
La Paz/Tacagua	Colegio Ignacio Calderon	005	11:15 am	11:35 am
El Alto/Villa Exatación	Libertad de las Américas	002	13:45 pm	14:00 pm
El Alto/Villa Aroma	Unidad Educativa Dr. Aniceto Arce	007	14:15 pm	14:30 pm
El Alto/1º de Mayo	1º de Mayo	017	14:45 pm	15:10 pm
La Paz/Sopocachi	Instituto Americano	003	15:50 pm	16:10 pm
La Paz/Sopocachi	Instituto Americano	002	16:10 pm	18:30 pm
La Paz/Sopocachi	Escuela Aspiazu	002	16:10 pm	18:30 pm

6.2 Aspects Observed

To help them perform their work as observers, the parliamentarians had received an election 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 Bolivian 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;
- (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 Department of La Paz, they visited voting centres in working- and middle-class municipalities as well as in more affluent municipalities. On the strength of recommendations made by numerous persons in the course of pre-election meetings, one team concentrated its efforts on rural areas.

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 table¹⁷. The compiled results are as follows:

7.1 Polling Stations

At the vast majority of the polling stations observed, voting began at 8:00 a.m. as required by law. Five stations opened slightly (30 minutes or less) late, mainly because materials were not ready on time. Four stations opened an hour or more late owing to materials not being delivered on time or to the absence of one or more jurors. For example, at polling station 8 in the *Instituto Americano (Obrajes)*, voting began at 9:15 a.m. because a person had to be trained to replace an absent juror.

	YES	NO	No answer
Suitable polling station site and set-up	50	2	4
Polling station is complete	50	0	6
Presence of security forces	40	9	7
Presence of candidate/party representatives	41	7	8
Presence of election advertising on site	5	46	5
Acts of voter intimidation	0	51	5

In the great majority of cases, the sites of polling stations were well chosen and the premises well set up for voting.

At some stations, COPA observers noted a lack of ready access for persons with mobility impairments.

At a few stations, COPA observers noted the presence of electoral publicity, which is prohibited under article 124 of the Electoral Code. At the entrance of the *Dr. Aniceto Arce* education centre, there were a number of MAS posters on the walls, and a huge photograph of president Morales was clearly visible at polling station 1, in Mayo.

In and around polling stations, political party representatives could be seen wearing the colours and symbols of their political parties—a violation, no doubt, of the ban on electoral publicity in polling stations. Article 124 of the Electoral Code does, however, permit the use of distinctive signs (caps and bracelets) for political party representatives.

Political party representatives, mostly from MAS and, to a lesser degree, PPB-CN, were present at 73% of the polling stations observed.

¹⁷ These results are but a reflection of the observations made by the members of the COPA delegation.

7.2 Election Materials

Election materials were provided in sufficient quantity, and satisfied the prescribed standards, in all the polling stations observed.

	YES	NO	+ or -	No answer
Properly sealed ballot boxes	49	0	0	7
Voting booths ensuring voter secrecy	48	0	0	8
Voters list	48	0	0	8
Ballots in sufficient quantity	43	0	0	13

In most of the polling stations observed, voting booths were located in empty rooms, thus ensuring the secrecy of the ballot.

	Very good	Good	Poor	Very poor	No answer
Election materials	29	17	0	0	10
Work of polling station officials	26	17	1	1	11

For the most part, the work of jurors was exemplary. They were rigorous and mutually respectful. They followed the procedure prescribed by law and readily collaborated with visiting observers. A single negative observation was made: At polling station 12 in *Topater* college, the jurors seemed ill-prepared for their task. They did not know what to do when the polling station opened, which caused a long delay.

As for the reliability of the voters list, the observers began by noting the clear improvement that had taken place since the last general elections, held in 2005. Electors arriving at a polling station were generally on the list and were able to freely exercise their right to vote.

- One team of observers reported that at polling station 1 in the *San Luis de Gonzaga* centre, 5 electors under review were allowed to vote without hindrance or complication, in accordance with the ruling handed down by the National Electoral Court a few days before.

It appeared, however, that electors were not given clear instructions on where to vote. Some electors arrived at one polling station only to be sent to another, where they had to stand in line a second time. A number of observers took note of this confusion.

- At polling station 17 in the *Bautista Saavedra* voting centre, it was reported that electors did not know which polling station to vote at.
- At polling station 10 in *Loretto* college, some electors were not at the right polling station, having, out of confusion, gone to another station.

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. Only two exceptions were reported:

- Polling station 12 in *Topater* college opened late, which resulted in a waiting time of approximately 1 hour.
- At polling station 5 in *Ignacio Calderon* college, the waiting time exceeded 30 minutes.

7.3 Complaints

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

	YES	NO	No answer
Complaints by party or candidate representatives	2	38	16
Complaints by voters	11	30	15

Still, some electors complained informally to observers about inordinately long lines. At polling station 13 in *Chasquipampa* school, and at polling station 5 in *Ignacio Calderon* college, electors complained about people trying to jump the queue.

At *Topater* college, a women complained to an observation team that she had not been permitted to accompany her disabled son into the polling booth. Physically unable to cast his ballot without assistance, the son was effectively denied his right to vote.

At polling station 2 in the *Aspiazu* school, PPB-CN representatives complained of last-minute changes in the layout of voting centres. They claimed that the location of a number of polling stations had been changed at the last moment, creating confusion among electors. And since this area of the city is known to support the opposition, the PPB-CN representatives further maintained that the changes had been made to disorient electors and discourage them from voting.

At polling station 3, in *Ignacio Calderon* college, the representatives of parties without National Electoral Court accreditation complained that they had not been permitted to sign ballots. The polling station authorities admitted them as observers, but did not allow them to initial the ballots.

Other complaints concerned the fact that polling stations were assigned alphabetically according to electors' last names, a system which some electors found confusing.

Finally, in 5 of the polling stations observed, some electors stated that their names were not on the voters list. In fact, however, a number of these electors were at the wrong polling station.

7.4 General Observations

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

	YES	NO	No answer
Respect for ballot secrecy	51	0	5
Presence of more than one voter in the voting booth	47	0	9
Electoral staff compliance with procedures	48	0	8
Voter understanding of procedures	46	1	9
Presence of unauthorized persons in the polling station	1	45	10
Visit by other international observers	15	28	13
Visit by national observers	13	27	16
Orderly conduct of voting	47	1	8
Interruption in voting during the day	0	39	17

A team of observers at polling station 1 in the *Instituto Americano (Obrajes)* reported that one juror was visibly hostile to the presence of international observers. In contrast, jurors at polling station 2 in the *Unidad Educativa Betesta* were delighted by the presence of observers, telling them that they were the first to take an interest in how the vote was proceeding.

At polling station 1 in the *San Luis de Gonzaga* voting centre, one juror suggested to COPA observers that a new model was needed for the operation of polling stations, some of which were very busy while others remained empty. He suggested a maximum of 100 electors per polling station.

At polling station 5, in *Ignacio Calderon* college, observers became concerned about the overflow in the course of the day. Some electors became impatient while waiting in a very long line, and security forces had to intervene. Electoral officers also seemed to have a difficult time carrying out their tasks efficiently.

A number of observers noted that, in some voting centres, electors were at a loss to locate their polling station. As their electoral maps did not indicate polling station numbers, these electors had to refer to an alphabetical list that was, it would appear, occasionally incomplete.

Finally, the observation grid has a box referring to the presence of unauthorized persons in the voting centre. We cannot take these figures into account since, strictly speaking, the only areas off limits to the public were the voting booths.

7.5 Vote Count

COPA observers also reported on the vote count at voting centres in *Aspiazu* school, in the *Instituto Americano (Sopocachi)*, in *Agosto* school 6 (municipality of La Paz) and in *Eva Perón* school (municipality of El Alto). The count was carried out in a responsible, calm and transparent manner, with no violations of the Electoral Code.

COPA observers were struck by the public nature of the vote count. The fact that citizens and political party representatives were present for the count was initially a cause for some concern on the part of the observers, who were uncertain of public reaction and feared that the process might run awry. But in the end they were impressed by Bolivians' sense of civic duty, and noted that the public nature of the count favoured transparency.

One team of observers witnessed a recount requested by a member of the National Election Court. The jurors had nullified all ballots marked in the box reserved for the candidate's photo, which effectively entailed the cancellation of nearly all ballots lacking a photo (white box), to the detriment of those with a photo.

COPA observers were not present for the transfer of results or the announcement of the final result. They expressed interest in the principal of "preclusion", which imparts to the act of voting (in a public context) its definitive and irrevocable character. The COPA delegation left La PAZ just prior to the announcement of the final result, which occurred a few days after polling day.

8. MISSION CONCLUSIONS AND RECOMMENDATIONS

At the end of the mission, the COPA delegation considered that voting had proceeded in an atmosphere of calm, and that the applicable electoral rules and the majority of international standards for democratic elections had been observed. Though a few polling stations were late in opening, there were no serious irregularities.

The delegation was impressed by the sense of responsibility and civic duty manifested by electors and electoral officers alike, and underlined in a press release (see Appendix VIII) the Bolivian people's respect for their institutions along with their enthusiastic participation in the electoral process.

As with the early elections held in Bolivia in December 2005 (see the COPA report on that mission), the delegation once again appreciated the festive atmosphere of polling day. It also wishes to call attention to the extremely high voter turnout (94.55%).¹⁸

Through its working meetings with the representatives of institutions and organizations involved in the electoral process, and through its actual observation of the vote on December 6, the COPA delegation was able to gain an awareness of Bolivia's electoral process and of the chief matters of concern with regard to the elections. The following four elements were singled out by the delegation for special attention: (i) the new biometric voters list and the 400,671 electors under review; (ii) the confusion in polling stations (iii) the absence of clear rules on political party funding and electoral expenses; and (iv) the absence of a functioning Constitutional Tribunal.

The new biometric voters list, used for the first time in Bolivia, has considerably improved voting operations in that country. In 2005, the COPA delegation deplored the fact that, under the law, some electors were excluded from the voters list and were thus unable to exercise their right to vote. The voters list was seen by the delegation as the weak point in Bolivia's electoral system, and a recommendation was sent to the proper authorities urging them to improve the list in time for the next elections.¹⁹

The new voters list, prepared by the National Electoral Court, the departmental electoral courts and their partners (including the OAS), is an improvement in terms of both completeness and security. And while the delegation did witness cases of electors who were not on the list, this did not in its view compromise the integrity of the electoral process as a whole. Indeed, the Bolivian authorities must be commended for remedying the various problems relating to the accuracy and comprehensiveness of the information on the voters list. The delegation encourages electoral authorities to continue their efforts to permanently register electors under review in time for the elections of April 4, 2010.

On polling day, COPA observers noted that a certain amount of confusion was caused by the system of assigning ballot boxes alphabetically on the basis of electors' last names. On the maps distributed to electors, voting centres were assigned to electors without specifying a polling station number. In most cases an alphabetical list was posted at the entrance of the voting centre, indicating to electors which polling station they should vote at. This system occasioned minor annoyances, as electors did not seem familiar with it.

¹⁸ Corte Nacional Electoral, *Acta de computo nacional*, <http://www.cne.org.bo>.

¹⁹ Parliamentary Confederation of the Americas, 2006, *Report of the Electoral Observation Mission: Early general Elections in Bolivia*, December 18, 2005.

Consequently, the COPA delegation recommends that Bolivian electoral authorities implement clear mechanisms to identify polling stations, either by numbering them for electors in advance or by having staff members direct electors to the right station.

In the course of working meetings, some political party representatives were apprehensive that the vast imbalances in party funding would have an impact on election results. Given their short stay in Bolivia, the members of the COPA delegation were unable to verify these allegations. However, the fact remains that the abolition of public funding for political parties and election campaigns under Act No. 3925/2008 has considerably limited the financial resources of various parties, citizens' groups, indigenous communities and alliances, while increasing the disparity of means among the main stakeholders. It should also be noted that, with the abolition of public funding for political parties, certain provisions of the Political Parties Act concerning the private funding of electoral campaigns became obsolete, notably those which prescribed the suspension of public funding as a principal sanction.

Political parties are, in the opinion of the COPA delegation, one of the pillars of any democratic system, and must therefore be adequately and equitably funded both for running electoral campaigns and for paying the day-to-day costs of non-campaign activities. A new regulation on political party funding and campaign spending would help ensure respect for the principles of equity, transparency and integrity that must prevail in this regard in any democracy. The COPA delegation wishes to make the competent Bolivian authorities aware of this concern.

Finally, it is deeply regrettable that the Constitutional Tribunal of Bolivia, ultimate guardian of the fundamental rights of the Bolivian people, has been inoperative for several months. The COPA delegation considers that adjudicative bodies are essential to democratic systems, that they must be fully operational and that they must be accorded the autonomy they need to guarantee the rights provided for in the Constitution.

The members of the COPA delegation would like to acknowledge the warm welcome they received at pre-election working meetings from the representatives of the institutions and organizations involved in the electoral process, and, on the occasion of their polling station visits, from electors and electoral officers.

Copies of this report will be sent to the Bolivian electoral authorities, the Bolivian foreign ministry and the persons in charge of the Unit for the Promotion of Democracy at the Organization of American States (OAS).

9. APPENDICES

Appendix I – Recommendation

PARLIAMENTARY CONFEDERATION OF THE AMERICAS 9th GENERAL ASSEMBLY SALTA (SALTA), ARGENTINA SEPTEMBER 14 – 20, 2009

Recommendation on the dispatch of an electoral observation mission to Bolivia

WHEREAS early general elections are to be held in Bolivia on December 6, 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 these early general elections in Bolivia 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 Salta, Argentina, for the 9th 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 Bolivian society and the democratic institutions of that country in organizing early general elections legislative elections next December 6;

PROPOSE the dispatch of a COPA electoral observation mission to these elections in Bolivia, 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.

2009-09-18

Appendix II – COPA's Letter of Interest and Availability



30 de septiembre de 2009

Señor Antonio José Costas Sittic
Presidente de la Corte Nacional Electoral
Av. Sánchez Lima esq. Pedro Salazar (Sopocachi)
La Paz, CP 8748
BOLIVIA

Objeto: Elecciones generales del 6 de diciembre 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 nueve misiones de observación de elecciones en varios países, de las cuales una en Bolivia para las elecciones presidenciales y legislativas de diciembre de 2005.

En el marco de la implementación del programa de misiones de observación electoral, los miembros de nuestra organización, en la IX Asamblea General de la COPA celebrada en la Ciudad de Salta, Provincia de Salta, Argentina, del 14 al 20 de septiembre de 2009, 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 elecciones generales anticipadas en Bolivia, en pleno respeto de la soberanía nacional de Bolivia".

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 Bolivia, en el marco de una misión de observación electoral, con motivo de las elecciones generales del 6 de diciembre de 2009. Nuestra misión se desplegaría en la Ciudad de La Paz y sus alrededores.

Para su información, envié recientemente una carta al señor Óscar Ortiz Antelo, Presidente de la Cámara de Senadores, y al señor Edmundo Novillo Aguilar, Presidente de la Cámara de Diputados de su país, para informarles 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 a la señora Christiane Bérubé, asesora de la Comisión de Democracia y Paz de la COPA (teléfono (1-418-644-2888) o correo electrónico (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.



EDDA EVANGELINA ACUÑA
Presidenta de la Confederación Parlamentaria de las Américas
Senadora de la Provincia de Buenos Aires

Se adjunta documentación:

- "Reglamento de las Misiones de observación electoral de la COPA"
- "Recomendación sobre el envío de una misión de observación electoral en Bolivia", adoptada en la IX Asamblea General de la COPA celebrada en la Ciudad de Salta, Provincia de Salta, Argentina, del 14 al 20 de septiembre de 2009.

Appendix III – Letter of Acceptance



Corte Nacional Electoral
Estado Plurinacional de Bolivia

La Paz, 4 de noviembre de 2009
VICEPRES-SC-1137/2009

Excma. Señora
Edda Evangelina Acuña
PRESIDENTA
CONFEDERACION PARLAMENTARIA DE LAS AMERICAS (COPA)
Buenos Aires – Argentina.-

De mi consideración:

Mediante la Constitución Política del Estado y la Ley N° 4021 del Régimen Electoral Transitorio se ha convocado a Elecciones Generales y Referéndum Autonómico para el domingo 6 de diciembre de 2009, facultando a la Corte Nacional Electoral y a las Cortes Departamentales Electorales la administración de los citados procesos.

La Corte Nacional Electoral a través del conducto regular y de protocolo, mediante nota PRES-SC-876 (adjunta) solicitó a la Cancillería de la República de Bolivia el inicio de las gestiones para la participación de misiones de Observación Electoral de organismos internacionales en los nombrados procesos electorales.

En ese marco, el máximo organismo electoral de Bolivia, bajo los principios de transparencia e imparcialidad expresa a usted el deseo de que vuestra organización acredite una Misión de Observación Electoral Internacional que acompañe estos procesos democráticos. Sin duda, la presencia de los observadores internacionales constituirá para Bolivia un enorme estímulo que será reflejado en el fortalecimiento del sistema democrático y de la administración electoral boliviana.

Con este motivo, saludo a usted con las consideraciones más distinguidas.

Dra. Amalia Oporto de Iriarte
VICEPRESIDENTA
CORTE NACIONAL ELECTORAL

Appendix IV – Letter of Designation



27 de noviembre de 2009

*Señor Antonio José Costas Sitic
Presidente de la Corte Nacional Electoral
Av. Sánchez Lima esq. Pedro Salazar (Sopocachi)
La Paz, CP 8748
BOLIVIA*

Objeto: Elecciones generales del 6 de diciembre de 2009

De mi mayor consideración:

En consideración a la decisión de que la Corte Nacional Electoral del Estado Plurinacional de Bolivia haya decidido acreditar a los miembros de la Confederación Parlamentaria de las Américas (COPA) para que participen como observadores en las próximas elecciones generales que se desarrollarán en dicho país el día 6 de diciembre del año 2009, es un placer informarle que la misión de observación electoral de la COPA, que se llevará a cabo entre el 2 y el 7 de diciembre de 2009 en la Ciudad de La Paz, estará compuesta de las personas siguientes:

Jefa de la misión:

Sra. Edda Acuña, Presidenta de la COPA y Senadora de la Provincia de Buenos Aires

Miembros:

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

Sr. Eduardo Nava Bolaños, Vicepresidente de la COPA – Región América del Norte y Senador de la Unión de los Estados Unidos Mexicanos

Sr. Luis Tascón, Miembro del Comité Ejecutivo de la COPA y Diputado de la Asamblea Legislativa de la República Bolivariana de Venezuela

Sr. Edgar Carrasco, Miembro del Comité Ejecutivo de la COPA y Diputado del Consejo Legislativo del Estado Anzoátegui, Venezuela

Sra. María Alejandra Vucasovich, Vicepresidenta de la Comisión de Democracia y Paz de la COPA y Diputada de la Provincia de Santa Fe, Argentina

Sr. Antonio Morante, Diputado de la Nación Argentina

Sr. Raúl Patricio Solanas, Diputado de la Nación Argentina

Sr. José Antonio Vilarinho, Diputado de la Nación Argentina

Sra. Antonia Josefa Alegre, Diputada de la provincia de La Pampa, Argentina

Sr. Santiago Mascheroni, Diputado de la Provincia de Santa Fe, Argentina

Sr. Patrick Huot, Diputado de la Asamblea Nacional de Québec, Canadá

Sr. Pablo Basañez, Diputado del Congreso del Estado de México

Sra. Christiane Bérubé, Asesora de la Comisión de Democracia y Paz de la COPA

Sr. Denis Fontaine, Secretario General del Director General de Elecciones de Québec

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

Atentamente



EDDA EVANGELINA ACUÑA
Presidenta de la Confederación Parlamentaria de las Américas
Senadora de la Provincia de Buenos Aires

Appendix V – Press Release, December 2, 2009



Delegation of members of Parliament of the Americas to observe the Bolivian election

La Paz, December 2, 2009 – Parliamentarians representing the **Parliamentary Confederation of the Americas** (COPA) arrived today in Bolivia to observe the early general election set for December 6. The Senator of the province of Buenos Aires and President of COPA, Ms. Edda Evangelina Acuña, will head up the electoral observation mission from December 2 to 7.

An estimated fifteen parliamentarians coming from the Honourable Chamber of Deputies of Argentina, the Chamber of Deputies of the province of La Pampa, the Chamber of Deputies of the province Santa Fe, the National Assembly of Québec (Canada); the Senate of Mexico, the Congress of the State of Mexico, the National Assembly of Venezuela, the Legislative Council of Antioquia and the Andean Parliament of Venezuela are also taking part in the mission.

Invited by Bolivia's National Electoral Court 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 the state of election organization. Certain candidates and representatives of 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 Bolivian electoral authorities and to COPA authorities.

This is the 10th 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. COPA has previously observed the Bolivian presidential and legislative elections of December 2005.

Founded in Québec City in 1997, 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

Appendix VI – Program

COPA ELECTORAL OBSERVATION MISSION
DECEMBER 2 – 7, 2009
LA PAZ, BOLIVIA

PROGRAM

TUESDAY, DECEMBER 1, 2009

All day	Arrival and settling in at the Camino Real Hotel, La Paz
----------------	---

WEDNESDAY, DECEMBER 2, 2009

All day	Arrival and settling in at the Camino Real Hotel, La Paz
----------------	---

Afternoon	Accreditation of observers by the National Electoral Court
------------------	--

5:00 p.m. Working meeting with the Association of Journalists of La Paz (Asociación de Periodistas de La Paz)

Ave. 6 de Agosto
Edificio las dos Torres, Piso T

Issue of press release to announce the arrival of the delegation and its composition

7:30 p.m. Working meeting of members of the observation mission:

- Basic preparation

Camino Real Hotel, La Paz

THURSDAY, DECEMBER 3, 2009

9:00 a.m. Working meeting with the National Confederation of Indigenous Rural Women of Bolivia (*Confederación Nacional de Mujeres Campesinas Indígenas Originarias de Bolivia*)

Afternoon Free

Evening Working meeting of the members of the mission:

- Sharing of observations with a view to the mission report

Camino Real Hotel, La Paz

FRIDAY, DECEMBER 4, 2009

9:30 a.m. Working meeting with the Confederation of Rural Workers (*Confederación Sindical Única de Trabajadores Campesinos*)

Av. Saavedra, no 2045
Zona Miraflores, La Paz

11:00 a.m. Working meeting with Hilario Callisaya, First Vice-President of the Chamber of Deputies

Palacio legislativo, Plaza Murillo

3:30 p.m. Working meeting with Antonio Costas, President of the National Electoral Court

Corte Nacional Electoral
Av. Sánchez Lima esq. Pedro Salazar (Sopocachi)

5:00 p.m. Working meeting with representatives of the Social Alliance Party (*Alianza Social - AS*)

c/. Misael Karachi, frente a la Cruz roja y a la guardaría
“Bichito de luz” (Miraflores)

6:30 p.m. Working meeting of the members of the mission:

- Sharing of observations with a view to the mission report

Camino Real Hotel, La Paz

SATURDAY, DECEMBER 5, 2009

10:00 a.m.

Working meeting with Horacio Serpa Uribe, Governor of Santander (Colombia) and head of the Organization of American States (OAS)

Radisson Plaza Hotel, La Paz
Salón Wara

4:00 p.m.

Working meeting with representatives of the Convergence Party (*Plan Progreso para Bolivia – Convergencia Nacional (PPB-CN)*)

Camino Real Hotel
Restaurante la Tranquera

6:30 p.m.

Working meeting of the members of the mission:

- Sharing of observations with a view to the mission report
- Preparation for election day:
 - Deployment plan
 - Observation teams

Camino Real Hotel, La Paz

SUNDAY, DECEMBER 6, 2009: ELECTION DAY

All day

Observation of voting at polling stations

Evening

Witnessing of the vote count and the closing of polling stations

MONDAY, DECEMBER 7, 2009

Morning

Working meeting of the members of the mission:

- Sharing of observations;
- Definition of a common position;
- Preparation of a press release;
- Adoption of a drafting plan for the mission report

Camino Real Hotel, La Paz

Afternoon and evening

Departure of delegation members

Sending of press release containing the findings of the electoral observation mission

TUESDAY, DECEMBER 8, 2009

All day

Departure of delegation members

Appendix VII– Observer's Grid



BOLIVIAN GENERAL ELECTION December 6, 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): _____

Composition of the polling station: _____

	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
Properly sealed ballot boxes		
Voting booths ensuring voter secrecy		
Voters list		
Ballots in sufficient quantity		

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

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: _____

Comments on the new electoral list: _____

5. COMPLAINTS

	YES	NO
Complaints by party or candidate representatives		
Complaints by voters		

Details: _____

6. OTHER OBSERVATIONS

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

Details: _____

7. VOTE COUNT

Vote count start time: _____

Number of voters registered: _____

Number of people who voted: _____

Invalid ballots: _____

Blank ballots: _____

Challenges by representatives: _____

Details: _____

Signature of tallies by representatives: _____

Level of security for transport of material to the District Council

Excellent ()

Average ()

Low ()

Details: _____

8. OVERALL EVALUATION

Irregularities to report: ()

Minor irregularities: () Specify

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

Remarks: _____

Appendix VIII – Press Release, December 8, 2009



COPA electoral observation mission in Bolivia

PARLIAMENTARIANS SALUTE AND CONGRATULATE THE BOLIVIAN PEOPLE ON CONDUCTING SUCCESSFUL GENERAL ELECTIONS

La Paz, December 8, 2009 – A delegation of nine parliamentarians from the Parliamentary Confederation of the Americas (COPA) led by Edda Acuña, COPA president and senator of the province of Buenos Aires, observed the early general election in Bolivia held December 6, 2009. The COPA delegation, consisting of parliamentarians from the Chamber of Deputies of Argentina, the Chamber of Deputies of the province of La Pampa, Argentina, the Chamber of Deputies of the province of Santa Fe, Argentina, the National Assembly of Québec, Canada, the Congress of the State of Mexico, Mexico and the Legislative Council of Anzoátegui, Venezuela, reported that voting was orderly and in compliance with the rules in effect.

On election day, the delegates went to urban and rural areas in the large Department of La Paz to observe balloting in almost fifty polling stations.

Delegation members reported some delays in the opening of several polling stations, but did not witness any significant irregularities. They were impressed by the rigour and sense of civic duty shown by citizens and electoral personnel during the election. Delegation members also underscored Bolivians' respect for their institutions and enthusiastic participation in the election process.

In addition to observing the polling stations on election day, the COPA delegation held important meetings with various key actors. Shortly after arriving on December 2, delegates met with political party representatives, authorities from Bolivia's multinational Legislative Assembly and National Electoral Court, and representatives from civil society and other international observers in order to gather information on the electoral process and the situation prevailing in the country on the eve of the elections.

This was COPA's 10th observation mission and its second in Bolivia. 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, 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.