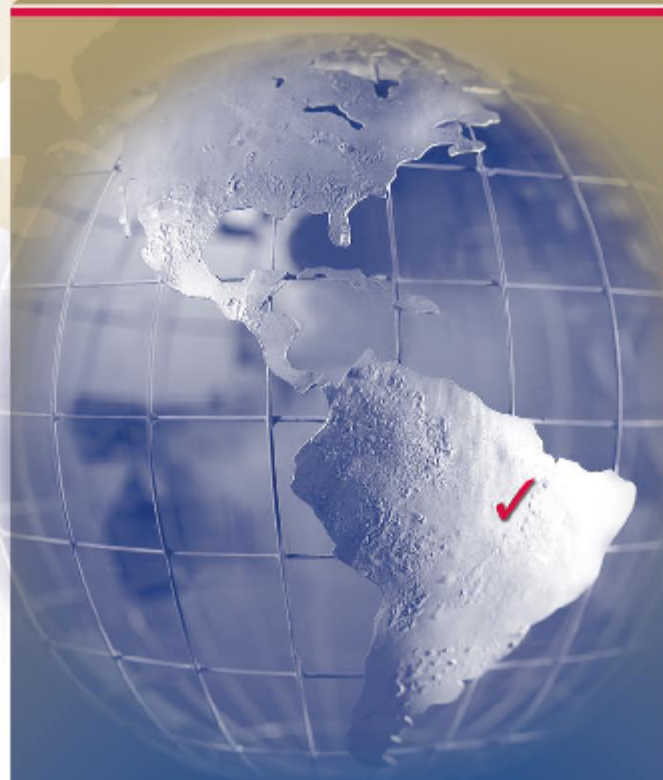




FIRST ROUND OF THE BRAZIL PRESIDENTIAL AND LEGISLATIVE ELECTIONS

OCTOBER 1ST, 2006

REPORT OF THE ELECTORAL OBSERVATION MISSION



Parliamentary Confederation
of the Americas



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FOREWORD

This third electoral observation mission conducted under the auspices of the Parliamentary Confederation of the Americas (COPA) was made possible by the invaluable assistance of a number of people.

To begin, I wish to extend warm thanks to the parliamentarians who participated in this electoral observation mission to Brazil. They fulfilled their mandate as international observers with professionalism, thoroughness, and impartiality, especially in collecting the information used to draft this report. I would like to thank Ms. Edda Acuña, first vice-president of COPA and senator of the Legislative Assembly of the province of Buenos Aires, Argentina, Ms. Jhannett Madriz Sotillo, former president of COPA and member of the Andean Parliament for Venezuela, Ms. Maria Elena D'Andrea, vice-president of the COPA Committee on Democracy and Peace and member of the Legislative Assembly of the province of San Luis, Argentina, Mr. Jacques Côté, member of the National Assembly of Québec, and Ms. Nora Estrada, member of the Legislative Assembly of the province of San Luis, Argentina.

I would like to express my utmost appreciation and sincerely thank the Superior Electoral Tribunal of Brazil and its associated bodies, their employees and support staff, for the warm hospitality they extended to us.

I would like to say a special thank you to Mr. Carlos Jiménez Macías, president of the COPA and senator of the United Mexican States, who supported the development of the COPA electoral observation mission program throughout his term in office and who played a primary role in the conduct of this electoral observation mission to Brazil.

I would be remiss if I did not draw attention to the invaluable collaboration of the entire staff at the secretariat of the COPA Committee on Democracy and Peace, especially the indispensable presence of Mr. Jacques Paquet, administrative secretary of the Committee, who supervised the organization of the mission and provided outstanding support to the parliamentary observers in the performance of their duties. In addition, I would like to thank Mr. Octavio Soares, assistant to the Chief Electoral Officer of Québec, who facilitated the work of the delegation with his advice and informed observations on electoral issues.

My utmost gratitude goes to Mrs. Maria José Maninha, member of the Federal Congress of Brazil and former president of the COPA, as well as to the staff of the COPA's Brazil Secretariat, who provided us with their indefatigable support in organizing and conducting this electoral observation mission

Lastly, I wish to thank His Excellency Guillermo E. Rishchynski, ambassador of Canada to Brazil, and his entire team, especially Mmes Anne-Marie Spain and Claudia Roso, for the support they provided to the secretariat of the COPA Committee on Democracy and Peace in arranging certain working meetings before election day.



ÉRIC R. MERCIER

Mission Leader,

Chair

COPA Committee on Democracy and Peace

Member of the National Assembly of Québec

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, federated, and associated states, regional parliaments, and interparliamentary organizations of the Americas.

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

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

A delegation of COPA parliamentarians therefore visited Brasilia, Brazil, from September 28 to October 2, 2006, to observe and report on the first round of the presidential and legislative elections held on October 1.

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

The goal of this report is to summarize the activities of the COPA mission during its visit to Brazil from September 28 to October 2, 2006, and present the results of the observation. The report is divided into eight parts: **1) terms of reference of the mission; 2) makeup of the delegation; 3) the pre-election political context; 4) the legal and institutional framework in which the October 1, 2006 elections were held; 5) mission activities prior to election day; 6) mission activities on election day; 7) findings of mission members; and 8) mission conclusions and recommendations.**

1. TERMS OF REFERENCE OF THE MISSION

Within the framework of the implementation of the COPA electoral observation mission program, the president of the organization, Mr. Carlos Jiménez Macías, in a letter dated September 7, 2006 (Appendix I), informed the Brazilian authorities that COPA was available and interested in organizing a delegation of parliamentarians to travel to Brazil to observe the presidential and legislative elections.

In Brazil, the laws do not provide for the presence of international electoral observers. However, the electoral authorities may invite foreign political authorities or parliamentarians who, accompanied by a public servant of the TSE, visit the polling stations and attend the counting of the votes.

Hence, on September 18, the director general of the Superior Electoral Tribunal of Brazil, Mr. Athayde Fontoura Filho, informed president Jiménez that the COPA parliamentarians would be hosted by the Brazilian electoral authorities "to accompany the first round of the general elections of October 1, 2006, as international guests and not as electoral observers". (Appendix II).

On September 28, 29 and 30, 2006, the members of the mission attended information sessions given by representatives of institutions and organizations active in the electoral process in order to understand the organization of the Brazilian elections.

On election day, the members of the mission together with the other international guests were accompanied by the Brazilian electoral authorities for the purpose of conducting a technical observation of the electronic vote and of the counting of results at two polling stations in the city of Brasilia.

2. MAKEUP OF THE DELEGATION

The COPA delegation was composed of Mr. **Éric R. Mercier**, mission leader, chair of the COPA Committee on Democracy and Peace and member of the National Assembly of Québec.

It was also composed of Mrs. **Edda Acuña**, first vice-president of the COPA and senator of the Legislative Assembly of the province of Buenos Aires, Argentina, Mrs. **Jhannett Madriz Sotillo**, former president of the COPA and Venezuelan member of the Andean Parliament, Mrs. **María Elena D'Andrea**, vice-chair of the COPA Committee on Democracy and Peace and member of the Legislative Assembly of the province of San Luis, Argentina, Mr. **Jacques Côté**, member of the National Assembly of Québec, and Mrs. **Nora Estrada**, member of the Legislative Assembly of the province of San Luis, Argentina.

The parliamentarians were assisted by Mr. **Jacques Paquet**, secretary of the Committee on Democracy and Peace, and Mr. **Octavio Soares**, assistant to the Chief Electoral Officer of Québec and electoral expert.

3. THE PRE-ELECTION POLITICAL CONTEXT

The 1980s and 1990s were very difficult economically and socially for Brazil and the domestic situation remained precarious until the 2000s. However, on the political scene, the Brazilian regime has been considered democratic and stable since the late 1980s, at which time the country entered into a democratic process aiming to end dictatorship.

It was in the midst of a financial crisis, faced with a weakened currency, very high public debt and a population that was increasingly concerned with poverty and the lack of social policies that Brazil had entered into the electoral process of 2002. This election was won by Luiz Inacio Lula da Silva, member of the Workers' Party (PT - *Partido dos Trabalhadores*) and foremost left-wing militant at the head of Brazil for over 40 years. Placing his priorities on the aboriginal issue, social reforms and the fight against poverty, his mandate could be considered as a break with the priorities of former governments.

Coming from civil society, the president of Brazil seemed to be invested with great legitimacy in the eyes of the population. Indeed, his economic management had enabled certain growth in Brazil and a return to economic stability, and his policies to fight against poverty had provided meaningful results, which secured him the support of the people. Mr. da Silva thus was once again a candidate in the election of October 1, 2006.

It should be recalled that in 2005, his party had been at the centre of a major corruption scandal, which had adversely affected his popularity. Nonetheless, according to the opinion polls, Mr. da Silva remained first in the presidential race, far ahead of his adversaries. It is equally important to mention that on the eve of the 2006 elections, other corruption scandals involving Mr. da Silva surfaced, which could reduce his lead in the presidential race of the Republic.

The former governor of São Paulo, Mr. Geraldo Alckmin, of the Brazilian Social Democracy Party (PSDB - *Partido da Social Democracia Brasileira*) was the second candidate having the most support among the population. During the campaign, he blamed Mr. da Silva for having sacrificed Brazil's growth in favour of monetary stability. He recalled that Brazil's growth in 2005 (2.3 %) ranked second to last before Latin America. Mr. Alckmin also stated that the corruption scandals in which several heads of the PT were involved were greatly detrimental to the development of Brazil.

In addition, the senator of the State of Alagoas, Mrs. Heloísa Helena, was in the presidential race representing the party she had helped found in 2004, the Party of Socialism and Liberty (PSOL - *Partido Socialismo e Liberdade*). The PSOL stems from a split up within the PT and consists mainly of former PT members who were disappointed with Mr. da Silva's regime, in a clearly anti-capitalist movement. Mrs. Helena primarily focussed on social reforms.

Another candidate is worthy of mention here: Mr. Cristovam Buarque, of the Worker's Democratic Party (PDT - *Partido Democrático Trabalhista*), former Minister of Education under President da Silva, who is also a dissident PT candidate in the presidential election. Education was at the centre of his campaign.

The main electoral issues included urban violence, which is highly prevalent in certain cities, especially in São Paulo. The fight against corruption was also at the heart of the debates between candidates since the scandal that erupted in 2005. Other key issues were the aboriginal question, the fight against poverty, social reforms, growth (economic development), employment, education, the government's social programs, social security (pensions) and taxation.

The main political parties and coalitions as well as their candidates for the first round of the Brazilian presidential election were as follows:

- **Coalition for a Decent Brazil** (*Coligação Por Um Brasil Decente*), formed by the **PSDB** (Brazilian Social Democracy Party - *Partido da Social Democracia Brasileira*), in coalition with the **PFL** (Liberal Front Party - *Partido da Frente Liberal*) - Candidate: **Geraldo Alckmin**
- **Social Liberal Party** (PSL- *Partido Social Liberal*) - Candidate: **Luciano Bivar**
- **Worker's Democratic Party** (PDT - *Partido Democrático Trabalhista*) - Candidate: **Cristovam Buarque**
- **The People's Force** (*A Força do Povo*), formed by the **PT** (Worker's Party - *Partido dos Trabalhadores*), in coalition with the **PCdoB** (Brazilian Communist Party - *Partido Comunista do Brasil*) and the **PRB** (Brazilian Republican Party - *Partido Republicano Brasileiro*) - Candidate: **Luiz Inácio Lula da Silva**
- **Christian Social Democrat Party** (PSDC - *Partido Social Democrata Cristão*) – Candidate: **José Maria Eymael**
- **The Left Front** (*Frente de Esquerda*), formed by the **PSOL** (Socialism and Freedom Party - *Partido Socialismo e Liberdade*), in coalition with the **PCB** (Brazilian Communist Party - *Partido Comunista Brasileiro*) and the **PSTU** (United Socialist Workers' Party - *Partido Socialista dos Trabalhadores Unificado*) - Candidate: **Heloísa Helena**
- **Progressive Republican Party** (PRP - *Partido Republicano Progressista*) – Candidate: **Ana Maria Rangel**
- **Workers' Cause Party** (PCO - *Partido da Causa Operária*) - Candidate: **Rui Costa Pimenta**

4. THE LEGAL AND INSTITUTIONAL FRAMEWORK OF THE OCTOBER 1, 2006 ELECTIONS

Brazil is a federation composed of 26 states and of one Federal District, Brasília. Hence, on October 1, 2006, the presidential election, the federal legislative elections as well as the elections of the governors and deputies of all of the federated states and of the Federal District were held simultaneously.

The next section concerns the electoral system, the electoral laws, the election authorities and organizations as well as the voting operations.

4.1 The electoral system

The **executive** authority:

Executive power is exercised by the president of the Republic. The candidate who attains an **absolute majority** of the valid votes is elected president for a term of four years. If no candidate attains an absolute majority in the first round of voting, a second round is held between the two candidates with the largest number of votes.

Fixed-date elections are held every four years on the first Sunday in October (and the last Sunday in October for the second round).

At the head of each federated state and of the Federal District is a governor who is also elected by an absolute majority for a term of four years.

The **legislative** authority:

At the federal level, the legislative power is exercised by the **National Congress** (*Congresso Nacional*), which consists of two chambers: the **Chamber of Deputies** (*Câmara dos Deputados*) and the **Federal Senate** (*Senado Federal*).

The **Chamber of Deputies** is composed of 513 members directly elected for a four-year term of office by proportional representation in each state, territory and in the Federal District.

The number of members elected in the states and the Federal District are in proportion to the population of each of these. The data on the population and the number of members is adjusted the year before the election. However, no state may have fewer than eight or more than 70 seats.

The **Senate** is composed of 81 senators, who are elected by simple majority for an eight-year term of office.

Each federated state and the Federal District elect three senators. Senate elections are held every four years, alternating between one-third and two-thirds of the seats. In 2006, 27 senators were elected.

As regards the federated states and the Federal District, the legislative power is ensured by a legislative assembly whose number varies according to each state and whose members are elected proportionately. There are no senators at this level.

Legislative Elections of October 1, 2006 National Congress (Congresso Nacional)		
	Chamber of Deputies (<i>Câmara dos Deputados</i>)	Federal Senate (<i>Senado Federal</i>)
Members	513 (direct election)	81 (direct election)
Constituencies	a. 27 multi-member (26 states and the Federal District)	a. 27 multi-member (26 states and the Federal District)
Voting method	a. Direct from party list with seats allocated on a proportional basis	a. Direct majority: 3 senators are elected per State and for the Federal District

The political parties and coalitions were to officially choose their election candidates between June 10 and 30, 2006 (Law n° 9504/97, s. 8). The regional electoral tribunals (TREs) had up to 45 days prior to election day to submit to the Superior Electoral Tribunal (TSE) the list of candidates in the majority and proportional elections (Law n° 9504/97, s. 16). Lastly, election advertising was permitted only beginning on July 6, 2006 (Law n° 9504/97, s. 36).

The electoral laws and election organizations will be the focus of the two following sections of this document.

4.2 The electoral laws

Elections in Brazil are governed by a series of federal laws, decrees and resolutions, the main two being Law n° 4737/65, establishing the Brazilian Electoral Code, and Law n° 9504/97, setting the standards for the holding of elections. They were adopted respectively in 1965 and in 1997.

During recent years, four new laws have partly amended the aforementioned laws, namely Law n° 9840/99, which aims to combat electoral corruption, Law n° 10408/02, whose purpose is to ensure electronic voting security, Law n° 10740/03, regarding electronic ballot boxes, and Law n° 11300/06, which establishes the provisions concerning election advertising and the financing of election campaigns.

Another act is also worthy of mention: Law n° 9096/95, adopted in 1995, which prescribes the provisions pertaining to political parties. This act was amended in 1996 by Law n° 9259/96 and in 1998 by Law n° 9693/98.

4.3 Election authorities and organizations

The electoral power is shared among four levels of authority: the Superior Electoral Tribunal (*Tribunal Superior Eleitoral*), the regional electoral tribunals (*Tribunais Regionais Eleitorais*), the electoral judges (*Juizes Eleitorais*) and the electoral juntas (*Juntas Eleitorais*).

The members of the tribunals, first instance judges and the members of the electoral juntas cannot be removed from office (Constitution – s. 121, paragraph 1). The term of the electoral tribunal members is of two years and cannot be renewed more than twice consecutively (Law n° 4737/65, s. 14).

- The **Superior Electoral Tribunal (TSE)**

- ❖ The TSE is located in the capital of the Republic and has jurisdiction throughout the country.
- ❖ It is composed of no less than 7 members:
 - five members are elected by secret ballot among the ministers of the Supreme Federal Tribunal (3) and the members of the Superior Justice Tribunal¹ (2);
 - 2 members are appointed by the President of the Republic, on the proposal of the Supreme Federal Tribunal.
- ❖ The TSE elects its president and vice-president among the ministers of the Supreme Federal Tribunal and its electoral attorney (*Corregedor Eleitoral*) among the ministers of the Superior Justice Tribunal.
- ❖ The TSE has the authority to rule on:
 - the validity of the registration of the political parties and of their national authorities, as well as the candidacies for president and vice-president of the Republic;
 - the jurisdiction conflicts between the regional tribunals;
 - the applications related to the legal obligations of political parties with regard to their financing;
 - contestation regarding the final result of the ballot count;
 - appeals from the regional electoral tribunals.
- ❖ The TSE also has the authority to:
 - approve the division of states into electoral zones;
 - answer questions submitted by the federal authorities or the national authorities of the political parties with regard to electoral matters;
 - authorize the counting of ballots by the polling stations, when asked by the regional electoral tribunal of a state;
 - publish an electoral bulletin;
 - take any other measure deemed necessary for the implementation of the election act.

- The **regional electoral tribunals (TRE)**

- ❖ The TRE are located in the capital of each state, in the Federal District and, on the proposal of the TSE, in the capital of the territories.

¹ The Supreme Federal Tribunal (*Supremo Tribunal Federal*) and the Superior Justice Tribunal (*Superior Tribunal de Justiça*) are the highest courts of the judicial power of Brazil.

- ❖ They are composed of no less than 7 members:
 - four members are elected by secret ballot: two amongst the judges of the Appellate Court of the Justice Tribunal² and two are elected among the first instance judges, appointed by the Justice Tribunal;
 - one member is from the Federal Regional Tribunal;
 - two members are appointed by the President of the Republic, on the proposal of the Justice Tribunal.
- ❖ The TRE elect their president and vice-president among the judges of the Appellate Court of the Justice Tribunal. The regional attorney (*Corregedor Regional*) also hails from the Justice Tribunal.
- ❖ The TRE have the authority to rule on:
 - the validity of the registration of the state and municipal authorities of the political parties, as well as the candidacies for governor, vice-governor and for member of the National Congress or of the legislative assemblies;
 - jurisdictional conflicts among the electoral judges of the various states;
 - the applications related to the legal obligations of political parties as regards their financing;
 - appeals from the electoral judges and the electoral juntas.
- ❖ The TRE also have the authority to:
 - constitute the electoral juntas;
 - indicate to the TSE the electoral zones where the counting of ballots must be carried out by the polling station;
 - answer questions submitted by the public authorities or the political parties with regard to electoral matters;
 - divide the territory into electoral zones, on approval of the TSE;
 - keep the state register of electors.
- The **electoral judges**
 - ❖ Each electoral zone falls within the jurisdiction of a practicing first instance judge.
 - ❖ The electoral judges have the authority to:
 - enforce and have the TSE and TRE rulings enforced;
 - carry out the necessary measures for the provision of electoral services;
 - receive the complaints filed and determine the steps to be taken in each case;
 - preside over the electoral processes and rule on the registration and exclusion of electors;
 - divide the zone into electoral sections and have the electoral lists for each section prepared;
 - rule on the validity of the registration of candidates for municipal elections;
 - designate, 60 days prior to the holding of the election, the place of the electoral sections;

² The Justice Tribunal (*Tribunal de Justiça*) is composed of second instance judges from the same jurisdiction, who have the authority to rule on sentences rendered by the first instance as well as cases that are assigned to them. A Justice Tribunal is found in each State. Rulings are rendered following collegial consultation.

- appoint, 60 days prior to the holding of the election, the members of the polling stations (*membros das mesas receptoras*);
- take the necessary measures to resolve problems arising in the polling stations;
- communicate to the TRE and to the delegates of the accredited parties the total number of electors having voted in the zone falling within their respective jurisdictions.

- The **electoral juntas**

- ❖ The electoral juntas are composed of a first instance judge, acting as president, and of two to four citizens of proven abilities.
- ❖ The members of the electoral juntas are appointed by the TRE 60 days prior to the holding of the election.
- ❖ The electoral juntas have the authority to:
 - carry out the counting of votes in their respective electoral zone, within a delay of 10 days following the holding of the vote;
 - resolve disputes occurring during the counting of ballots;
 - forward the statements of votes.

4.4 Voting operations

Besides the general overview, we will take a look, in this section, at the main aspects related to the electoral list, the polling officers and the conduct of operations on election day.

General overview

According to the Electoral Code in effect in Brazil since 1965, voting is universal, direct, compulsory and secret (Law n° 4737/65, s. 82).

Brazil is the first country in the world to hold computerized elections throughout its territory. In 1996, the first tests were conducted in the State of Santa Catarina. Since 2000, all Brazilian electors, with exceptions prescribed by law, vote via an electronic ballot box.

Brazilian electoral authorities have implemented a transparent process as regards validation and accessibility to the electronic system used. In addition to submitting the programs used by the electronic ballot boxes to a group of university experts (University of Campinas) for validation, the following steps are provided for:

- Presentation of programs to the political parties;
- Convening of parties to attend the installation of the programs and to verify the ballot boxes;
- Publication of the programs' digital signatures;
- Verification of the authenticity of the ballot box programs;
- Parallel vote (ballot paper vs. electronic ballot box);
- Release of ballot box reports to the political parties and to the media;
- Publication and accessibility of source code at all times.

Despite the fact that certain questions remain regarding the security of the electronic voting system, no cases of fraud have been recorded up to date. The system has widely been accepted as it greatly reduces the time required to count the votes. For example, during the presidential election of 1989, it took 9 days to disclose the results. In 2002, it took less than 12 hours.

Nonetheless, certain Brazilians are concerned about the amendments made to Law n° 9504/97 which had itself been amended by Law n° 10408/02 in January 2002. Indeed, the new provisions regarding electronic voting introduced by Law n° 10740/03 in October 2003 "eliminate the printed ballot checked by the voter". Henceforth, the electronic ballot boxes identify "the voter by the typing of his elector number on a keypad connected to the same machine that collects his vote". Also, the new provisions "lift the obligation on the part of the Electoral Justice to conduct an open audit of its computerized system before the publication of the final results".³

Furthermore, it is important to note that it was possible for Brazilian citizens living outside of the country to exercise their right to vote for their president and vice-president. This was carried out in the embassies and consular offices of Brazil (Law n° 4737/65, ss. 225, 228 and 231). According to the Superior Electoral Tribunal, 86,360 Brazilians living outside of the country were registered to vote.

However, no advance polling was conducted (Law n° 4737/65, ss. 142, 144 and 153).

The electoral list

Elector registration 70 days prior to election day and voting are compulsory for Brazilians aged 18 years and over, subject to the exceptions prescribed by law (Law n° 4737/65, ss. 4 and 6). For those aged between 16 and 18 years, registration is not obligatory. Several penalties are provided for regarding electors who fail to vote and to pay the fine prescribed by law (Law n° 4737/65, s. 7).

Citizens must register on the electoral list no later than 70 days before the elections (Law n° 4737/65, s. 114). Each citizen has an elector's card (*título eleitoral*) proving that he is registered on the electoral list. This document must be signed by the president of the polling station to prove that the elector has voted (Law n° 4737/65, s. 46, paragraph 4).

Each electoral section will be comprised of a maximum of 400 electors in the capitals and of 300 in the other municipalities, and of a minimum of 50 (Law n° 4737/65, s. 117). The electoral judges are charged with forwarding the electoral list of each section to the presidents of the polling stations (Law n° 4737/65, s. 118).

The electoral list is otherwise entirely computerized.

³ *Manifesto dos Professores e Cientistas : Alerta contra a Insegurança do Sistema Eleitoral Informatizado*, www.votoseguro.com/alertaprofessores/bottom.html (Internet page consulted on 2006-09-14)

Polling officers

Each electoral section corresponds to a polling station (Law n° 4737/65, s. 119). The polling station is composed of a president, two members (*mesários*), two secretaries and a substitute (Law n° 4737/65, s. 120). They receive several hours of instruction on the electoral process.

The president of the polling station must be present for the opening and closing of the election (Law n° 4737/65, s. 123, paragraph 1). Polling station members may replace the president, so that one of them is always in a position to be personally accountable for the proper conduct of the electoral process (Law n° 4737/65, s. 123).

Each political party may appoint two persons per polling station to supervise voting operations (Law n° 4737/65, s. 131).

Public campaign events are prohibited 48 hours prior to and 24 hours following the taking of the vote (Law n° 4737/65, s. 240). Furthermore, during the fifteen days leading up to the election, it is prohibited to publish opinion poll results (Law n° 4737/65, s. 255).

The presence of law enforcement officers will not be permitted in the building where a polling station is located without the permission of the president of the said station (Law n° 4737/65, s. 141).

Election day

On election day, the members of the polling station meet at 7.00 a.m. to verify compliance of the election materials and the ballot boxes (Law n° 4737/65, s. 142). The president declares the polling station open at 8.00 a.m. (Law n° 4737/65, s. 143).

Electors may vote solely in the electoral section where they are registered, subject to the exceptions provided for in section 145 of the law (Law n° 4737/65, s. 148).

According to section 59 of Law n° 9504/97, the vote and the counting of votes must be carried out by an electronic system. However, the Superior Electoral Tribunal (TSE) may authorize, exceptionally, the application of the rules established by sections 83 to 89 of the same law. These sections, which shall not be elaborated upon within the framework of this document, describe how the vote is conducted when using traditional ballot boxes and papers.

The main characteristics of electronic voting are thus presented as follows (Law n° 9504/97, s. 59, paragraphs 1 to 7):

1. The electronic vote must be carried out with the number of the candidate or his party's emblem, and the name and picture of the candidate as well as the name of the party or the party emblem must appear in the window of the electronic ballot with the expression that designates the office applied for.
2. During proportional elections voting, ballots on which the identification of the candidate is impossible must be tallied using the party emblem, on the condition that the identification number of the party is correctly indicated.
3. The electronic ballot box must first display for the elector the windows concerning proportional elections and then the windows concerning majority elections.

4. The electronic ballot box must be equipped with resources that, thanks to the digitized signature, will permit the digitized recording of each vote and the identification of the ballot box where the vote was recorded, while maintaining the elector's anonymity.
5. The Electoral Justice is responsible for defining the security code and identifying the electronic ballot box as mentioned in paragraph 4.
6. At the close of the elections, the electronic ballot box must place a digitized signature on the archived ballots, by recording the hour and the archived ballot in the electronic ballot box, so as to prevent the substitution of votes and the modification of the records at the beginning and at the close of the voting period.
7. The Superior Electoral Tribunal must place electronic ballot boxes at the disposal of the electors for learning purposes.

Polls close at 5.00 p.m., but the polling station remains open as long as electors are waiting to exercise their right to vote (Law n° 4737/65, s. 153).

Two sections of Law n° 9504/97 deal more specifically with the counting of the ballots. They read as follows:

- The electronic voting system allots one vote for one emblem when the elector identifies the party number upon voting for a specific office and it must be recorded solely for this office (Law n° 9504/97, s. 60)
- The electronic ballot box must record each vote, while protecting confidentiality and inviolability and by ensuring large-scale control to the political parties, the coalitions and the candidates (Law n° 9504/97, s. 61).

Thus, at the closing of the polling stations, the data contained in the electronic ballot boxes is transferred on secure diskettes or via satellite telephone to central tallying stations. These in turn transmit data electronically to tabulating machines at the Superior Electoral Tribunal in Brasília, where the results are consolidated and broadcast.

Over 360,000 electronic ballot boxes were used throughout the Brazilian territory.

4.5 The financing of parties and control of electoral expenses

Over the years, Brazilian legislation has introduced a certain number of rules providing a framework for financing and permitted electoral expenses, the principal of which are the following:

- it is forbidden for foreign corporations and government-owned corporations to contribute to the financing of parties and candidates;
- contributions from corporations and individuals may be limited;
- the political party establishes the electoral expense ceiling of each candidate;
- certain advertising expenses are defined and supervised (for example: it is forbidden to hire entertainers, no advertising is allowed during the 48-hour period before and the 24 hours following the elections, which includes opinion poll results, etc.);
- the State incurs broadcast expenses (television and radio) for each of the parties in proportion to the number of candidates per party at the dissolution of the House;
- the obligation to present a budget, to keep a statement of expenses and to release it during the electoral period;
- the State does not take part in the financing of political parties.

5. MISSION ACTIVITIES PRIOR TO ELECTION DAY

5.1 Arrival of the delegation and accreditation of members

Upon their arrival in Brasilia on September 28, 2006, the COPA mission issued a press release (Appendix III) announcing its objectives and the makeup of its delegation, and briefly introducing COPA.

It is necessary to recall that on September 18, 2006, the director general of the Superior Electoral Tribunal of Brazil, Mr. Athayde Fontoura Filho, informed the president of COPA, senator Carlos Jiménez Macías, that the COPA parliamentarians would be hosted by the Regional Electoral Tribunal of the Federal District to accompany the first round of general elections on October 1, 2006, as international guests. Obtaining accreditation was a mere formality.

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

To gain a better understanding of the Brazilian electoral process, on September 28, 29 and 30, 2006, the COPA delegation attended several working meetings in Brasilia with representatives of institutions and organizations involved in the electoral process. Their comments are summarized below.⁴

A) Electoral officials

The program prepared by the Federal District's Regional Electoral Tribunal for the international guests commenced on **Saturday, September 30**.

The international guests were first convened to a meeting with the president of the Regional Electoral Tribunal (TRE), Mr. **Otávio Augusto Barbosa**. During this meeting, they were informed of the various parameters regarding the organization of elections in Brazil and of the operation of the electronic ballot box. The vice-president of the TRE, Mr. **Estevam Carlos Lima Maia**, and the director general of the TRE, Mr. **Guilherme de Sousa Juliano**, also attended this first meeting.

During this work session, the president of the TRE recalled to those present that the electoral system had been extensively transformed a few years earlier with the introduction of the electronic ballot box and that this had contributed to eliminating the possibility of fraud.

The electoral authorities also presented various alternative plans in the event of technical or other problems arising and affecting the electronic ballot boxes on election day. For example, if there were to be a power failure, the electronic ballot boxes could operate with 12-hour batteries.

⁴ Members of the mission only report the comments made by institutional and organizational representatives, without passing judgment thereon.

The international guests questioned the electoral authorities on the fact that the electronic ballot boxes did not allow for a physical recount of ballots. According to the president of the TRE, printing a paper voting record for each elector would take far too much time. He added, however, that if the political parties, whose representatives monitor the process throughout, had any doubts as to the operation of the electronic ballot boxes, they would have the right to go to the electoral authorities. Furthermore, he deemed it important to recall that the electronic ballot boxes were not linked in a network, which reduced the possibility of fraud. Incidentally, the technology used was developed by the Brazilian electoral authority.

Subsequently, the electoral authorities informed the international guests that the electronic ballot boxes were programmed to begin operating at 8.00 a.m., at the opening of the polling stations to the electors. This apparatus could also reduce the possibility of fraud.

On a completely different matter, it was underlined that the votes of Brazilians living outside the country were also permitted and that the Federal District TRE was responsible therefor. There were thus over 260 electronic polling stations located in 77 countries serving the 80,000 registered electors.

Later on, the international guests visited the Brasilia University Center (UnICEUB) to observe the setting up of a polling station.

In addition to the COPA delegation there were approximately fifty other international guests hailing from Argentina, El Salvador, Colombia and Mexico.

B) Political parties

Mr. Luiz Silva Araújo, campaign director of the Party of Socialism and Liberty (PSOL) candidate for president of the Republic, and Mrs. Maria José Maninha, member of the federal Congress and PSOL candidate - Friday, September 29, 2006, 7:30 a.m.

The PSOL campaign director discussed with the members of the COPA delegation the difficulties facing smaller political parties like his, especially with regard to the financing of election campaigns.

Indeed, it is a very costly venture to enter into an election campaign in Brazil, particularly owing to transportation costs and to the fact that the law does not set a limit on the expenses permitted. As regards broadcast time allotted to political parties, according to the legislation in effect, the State defrays television advertisement expenses on the basis of each party's representation in the House.

Mrs. Maria José Maninha, PSOL candidate in the Federal District, discussed the electronic voting issue. In her opinion, there is no possibility of fraud, since all is properly controlled by the electoral authorities. Furthermore, very few objections were raised regarding the electoral system though the political parties, party coalitions and candidates had the opportunity of challenging the electoral process if they deemed that irregularities had occurred.

Mr. Georges Michel Sobrinho, vice-president of the Worker's Democratic Party (*Partido Democrata Trabalhista* - PDT) – Friday, September 29, 2006, 3 p.m.

Mr. Sobrinho recalled to the members of the COPA delegation that the PDT remains very critical regarding the existing voting system, as the electronic ballot boxes do not allow for a physical recount of ballots. During the 1998 and 2002 elections, his party requested that there be a partial recount using electronic ballot boxes allowing for a physical recount of ballots. Also, he submitted that irregularities could arise when the software was inserted into the electronic ballot box and deplored that the software in question could not be audited.

He nonetheless recognized that very few people questioned the existing electronic voting system.

Mr. Sobrinho also discussed his party's relations with the media and the importance of maintaining compulsory voting, the implication of foreign businesses in the financing of the election campaign and broadcast time allotted to political parties.

Mr. Eduardo Jorge, assistant general campaign coordinator of the Brazilian Social Democracy Party (PSDB) – Friday, September 29, 2006, 5 p.m.

During this working meeting, the PSDB representative discussed the issues surrounding the electronic ballot box, his party's relations with the media, public financing of political parties and the compulsory right to vote.

Mr. Jorge further informed the delegation members that his party had witnessed the introduction of the computerized voting system in 1996, when the first electronic ballot boxes were used.

He submitted that the system is very safe. Political party representatives were able to monitor the process throughout, particularly when the software was inserted into the electronic ballot boxes.

He indicated that despite the fact that paper verification of voting no longer existed, he did not foresee any serious contestation and had complete confidence in the work of the Superior Electoral Tribunal, an organization that, in his opinion, is historically neutral.

He considered that relations between his party and the communications media were very good.

Furthermore, the PSDB hoped that political parties could benefit from public financing during elections.

Lastly, as regards compulsory voting, he was of the opinion that if this obligation did not exist, citizens from the most remote regions would no longer go to vote.

C) Civil society

Mr. Carlos Macedo, administrator of the Indigenous Work Center (*Centro de Trabalho Indigenista* – CTI) – Thursday, September 28, 2006, 11 a.m.

This non-governmental organization committed to strengthening the indigenous communities with which it works has in recent years developed several projects aiming to promote economic alternatives and cultural activities for the benefit of these communities. The organization also provides technical support for Portuguese language learning so that the indigenous communities may defend their own interests.

The representatives of the Indigenous Work Center agreed that 10 % of indigenous people would exercise their right to vote in the 2006 elections. They explained this low turnout by the fact that access to polling stations has always been very difficult for indigenous people. Moreover, Mr. Macedo estimated that at all elective levels, there probably were only forty-odd indigenous candidates.

With regard to the use of electronic ballot boxes, Mr. Macedo added that he had great confidence in the existing electoral process.

Mr. Raimundo Cezar Britto Aragão, secretary general of the Federal Council of the Brazilian Order of Lawyers (*Conselho Federal da Ordem dos Advogados do Brasil* – OAB) – Thursday, September 28, 2006, 2:30 p.m.

The secretary general of the OAB began by informing the COPA delegation that the Order was part of the national committee that had been established to fight electoral corruption. The *Comitê Nacional do Movimento à Corrupção Eleitoral*, composed of over 25 civil society organizations, promoted the application of Law n° 9840. This law, which was adopted in 1999, aims to fight the buying of votes and the improper use by political parties of the administrative machinery during the electoral period.

Through its participation within this Committee, the Order of Lawyers wanted to make certain that the election results reflected the true opinion of the people. Mr. Britto believed that Law n° 9840 had been most efficient in the fight against corruption, for it had, in recent years, led to the immediate suspension of 11 senators and 400 deputies at all elective levels.

With regard to electronic voting, Mr. Britto indicated that no fraud had ever been reported since its inception. In his opinion, the electronic ballot boxes were very advanced.

Cardinal Geraldo Majella Agnelo, president of the National Conference of Bishops of Brazil (*Conferência Nacional dos Bispos do Brasil* – CNBB) – Thursday, September 28, 2006, 4 p.m.

The Cardinal spoke about the active participation of the CNBB in the aforementioned National Committee of the Movement against Electoral Corruption (*Comitê Nacional do Movimento à Corrupção Eleitoral*). Furthermore, the CNBB strongly urged the population to be vigilant with regard to all forms of corruption.

When asked whether Brazilian electors had complete trust in the electoral system, the Cardinal answered that the people had had a positive experience as regards the electronic vote, that there had been no contestation and that the system had functioned properly until now.

The Cardinal mentioned that the CNBB had invited all citizens to actively take part in the political process. In this regard, the Conference published a document on the 2006 elections in which measures to limit corruption and to fight against corruption were proposed. The document, which did not favour any candidate or any party, recommended a procedure in order for citizens to correctly exercise their right to vote.

As regards the financing of political parties within the framework of the election campaign, the Cardinal recalled to the members of the COPA delegation that there had not been any public financing in Brazil. He underlined that there had been reforms aiming to reduce the permitted electoral expenses, but in his opinion these reforms remained ambiguous. In this respect, he gave the example of the reform that has obliged political parties to provide a statement of the amounts received before the elections are even held, whereas in the past, financial resources of political parties were to be made public after the elections.

Mrs. Marina Santos, political coordinator of the Landless Workers' Movement (*Movimento dos Trabalhadores Rurais sem Terra – MST*) – Thursday, September 28, 2006, 5:30 p.m.

Mrs. Santos explained to the members of the COPA delegation that the MST is a movement to fight for access to land, for an agrarian reform and for a more just society.

As regards the elections, Mrs. Santos pointed out the problem that several citizens had to walk long hours to reach a polling station.

Mmes. Myllena Calasans and Elizabeth Saar, advisors at the Feminist Center for Studies and Advisory Services (*Centro Feminista de Estudos e Assesoria – CFEMEA*) – Friday, September 29, 2006, 11 a.m.

This non-governmental organization follows up on bills and public policies concerning the rights of women in Brazil.

Mmes. Calasans and Saar discussed within the framework of this working meeting the programs that exist to help women take part in politics. They indicated that the participation of women in politics had declined since 2002 and that it had even become more difficult in recent years because of the increase in electoral campaign expenses.

They spoke of their complete confidence in the electoral system and the electronic ballot boxes, but did not exclude the possibility that irregularities could occur.

6. MISSION ACTIVITIES ON ELECTION DAY

On election day, owing to its status as an international guest, the COPA delegation followed the program that had been prepared by the Regional Electoral Tribunal of the Federal District intended for international guests.

Hence, on Sunday, October 1, at 6:30 a.m., the Regional Electoral Tribunal accompanied the international guests to the Brasilia University Center (UniCEUB) to observe the operations that precede the opening of the polling stations and to witness, at 8:00 a.m., the opening of polling station nº 201.

At 11:00 a.m., the international guests, still accompanied by representatives of the Regional Electoral Tribunal, observed the administrative conduct of the election at the *Instituto Mackenzie*, at polling station nº 269.

At 3.00 p.m., the international guests attended the parallel vote organized by the Regional Electoral Tribunal. This voting simulation was conducted to reassure the political parties in particular that the electronic ballot boxes were operating properly. To achieve this, the political parties asked their supporters to fill out mock ballot papers. Students were also asked to take part therein.

Shortly before 5:00 p.m., the members of the COPA delegation returned to the Brasilia University Center (UniCEUB) to observe the closing of polling station nº 201 and to attend the electronic vote tallying.

At approximately 6:00 p.m., the international guests headed for a Vote Tallying Committee (*Junta Apuradora*). This is where the diskettes containing the voting results from each electronic ballot box of a given territory were brought for centralized tallying. This data was subsequently electronically transferred to results classification equipment at the Regional Electoral Tribunal in Brasilia. There, the results were consolidated and released.

Later on in the evening, at the Regional Electoral Tribunal headquarters, the members of the COPA delegation attended a press conference in which the mission leader, Mr. Mercier, gave a brief overview of the day's activities and the first impressions of the delegation members as to the conduct of the elections. A meeting with the president of the TRE was also held. The latter took this opportunity to announce that at 9:45 p.m. all of the Federal District ballot boxes had been tallied and that, according to preliminary reports issued by his organization, the system had not encountered any fraud.

At 10:30 p.m., the COPA delegation headed to the election results announcement center reserved for the press.

At 10:40 p.m., the Regional Electoral Tribunal issued a news release in which it specified that, owing to operational errors of certain electronic ballot boxes, 3359 of these had been replaced during the day of the election, out of a total of 361,431. This corresponded to 0.93 % of the total number of ballot boxes. Furthermore, the news release stated that, as prescribed by law, a manual election was also conducted in 102 voting sections throughout the country, that is, in 0.028 % of the total number of sections.

7. COPA MISSION FINDINGS

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

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

The main findings of the observation are as follows:

District n° 14^a (UniCEUB), polling station n° 201 (opening and closing)

At the opening of the polling station at 8:00 a.m., the station president had the electronic ballot box statement printed out indicating that the numbers for each elective office were at zero.

Concerning the election materials, during the first visit to this polling station, a voter had difficulty using the electronic ballot box. The polling station secretary provided explanations while remaining at her seat, thus avoiding derogation to the principle of vote secrecy. However, the voter told her for whom she intended to vote.

Later on, a voter arrived with his elector's card on hand, but his name was not on the list. The polling station officials told him that according to their information, he had not voted in the last three elections. His card was removed and he was not permitted to vote. He was told that he will be required to go before the electoral tribunal to provide explanations and, if applicable, face the penalties provided for in the Brazilian Electoral Code.

Generally speaking, voters seemed at home with the system and the method of voting in force.

During both visits to this polling station, no complaint was brought to the attention of the members of the COPA delegation. The party representatives seemed satisfied with the conduct of the electoral event.

During the electronic ballot box tallying, no incident was reported by the party representatives. They were given a copy of the ballot box results, as is stipulated in the procedure. Polling station personnel was required to print out five copies and could print up to 15 copies if necessary.

The transmission of the ballot box results was carried out, as expected, using a diskette. The transportation procedure from the station to the area for diskette reception and release of the results did not seem adequately monitored. Nevertheless, no incident was reported.

All participants seemed satisfied with the conduct of the election.

District n° 2089 (Instituto Mackenzie), polling station n° 269 (11:20 to 11:40 a.m.)

The members of the COPA delegation noticed that certain voters donned partisan advertisement on their shirts while this was not permitted. The electoral judge who was present informed the delegation members that this advertisement was tolerated, but that any other form of advertisement, having more impact, was prohibited.

Police presence on site was adequate.

Upon the arrival of the delegation, the members noted that there were lineups of 25 to 30 voters. As they were leaving, they noticed that the number of persons waiting in line had been reduced by at least half.

The COPA mission did not observe any other events likely to interfere with the proper conduct of the election.

8. MISSION CONCLUSIONS AND RECOMMENDATIONS

The delegation observed that voting operations in the polling stations visited were performed calmly and in compliance with the electoral rules in effect for this election. Incidentally, no complaint was made by the political parties or by the electors in the polling stations visited by the members of the delegation. However, the sampling is still too limited to provide a significant quantitative evaluation.

Hence, the members of the delegation would have liked to observe the electoral process in a greater number of polling stations, in different types of communities in the Federal District, but the status of international guest granted to the COPA by the Regional Electoral Tribunal did not allow this.

Regarding the risks related to the use of electronic ballot boxes that do not allow for the physical recounting of votes, the mission observed that there was very little mistrust in the system. This system, used throughout the country, was developed by Brazilians who seem to be satisfied with it. Furthermore, the authorities prepared various alternative plans and scenarios in the event of technical or other problems arising on election day. No such incident was reported by political party representatives or by electors.

However, and despite all contrary opinions expressed to them within the framework of this mission, the delegation members would have preferred that there be paper records of the voter's choice that could be used by the election authorities in case of judicial contestation. This could only increase the confidence Brazilians have in their electoral system.

The working meetings attended by the delegation members on September 28, 29 and 30, 2006 with representatives of institutions and organizations involved in the electoral process also enabled them to note that the political parties do not all start on equal footing as regards their financing and permitted electoral expenses.

Regarding the financing of political parties and of election campaigns, the members of the COPA observation mission invite Brazilian legislators to envisage the implementation of legislative measures allowing equitable treatment among parties, by ensuring that they receive sufficient and transparent financial resources.

Lastly, the members of the delegation wish to underline the warm and friendly welcome they received from the Regional Electoral Tribunal of the Federal District within the framework of the program reserved for international guests, from the various participants at the working meetings held prior to the elections, as well as from the citizens and election officials during their polling station visits.

9. APPENDICES

Appendix I – Letter of interest from the COPA president

2



Palacio Legislativo de San Lázaro 8 de septiembre de 2006

Señor Marco Aurélio Mendes De Farias Mello
Presidente del Tribunal Superior Electoral
Praça dos Tribunals Superiores – Bloco C
CEP: 70.096-900
Brasília DF
Brasil

Objeto: Elecciones presidenciales y legislativas del 1° de octubre de 2006

De mi mayor consideración:

La organización que tengo el honor de presidir, la Confederación Parlamentaria de las Américas (COPA), fue fundada en 1997. La COPA es una organización interparlamentaria que reúne los congresos y las asambleas parlamentarias de los Estados unitarios, federales, federados y asociados, 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, en su Asamblea General, celebrada en Foz do Iguaçu, Brasil, en mayo de 2005, nuestra organización expresó el deseo de participar de manera activa en materia de observación electoral en la escena internacional al adoptar el "Reglamento sobre las Misiones de Observación Electoral de la COPA". Según este reglamento, nuestra organización puede decidir el envío de misiones de observación a pedido de los países que manifiesten el deseo a la presidencia de la COPA. De esta forma, una primera misión de observación de la COPA pudo observar las elecciones generales anticipadas de diciembre de 2005 en Bolivia y una segunda misión, las elecciones presidenciales y legislativas mexicanas de julio de 2006.

En el marco del Programa de misiones de observación electoral de la COPA, nuestra organización desea constituir una delegación de parlamentarios que podrían viajar a Brasil, con motivo de las elecciones presidenciales y legislativas previstas para el 1º de octubre.

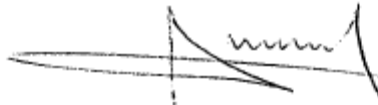
Para su información, el 7 de septiembre pasado, les envié una carta a los señores Aldo Rebello, Presidente de la Cámara de Diputados de su país y José Renan Vasconcelos Calheiros, Presidente del Senado Federal, para informarles del interés y de la disponibilidad de nuestra organización con este fin.

Para tal efecto, en caso de que las autoridades de su país manifiesten el deseo de que nuestra organización participe a la observación de esas próximas elecciones, le agradezco de antemano todas las disposiciones que usted adopte con respecto a nuestra delegación, con el fin de facilitar los arreglos logísticos necesarios para la implementación de nuestra misión, en especial en lo relativo a la obtención de las credenciales.

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

Agradeciéndole de antemano su colaboración, le ruego reciba mis más cordiales saludos.

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



CARLOS JIMÉNEZ MACÍAS

*Presidente de la Confederación
Parlamentaria de las Américas
Senador del Congreso de la Unión de
México*

Se adjunta documentación: "Reglamento sobre las Misiones de Observación Electoral de la COPA"

Oficina de la Presidencia de COPA, Palacio Legislativo de San Lázaro, Sede de la Cámara de Diputados del Congreso de México, Edificio D Segundo Nivel, tel (52) 55 57 16 82 53 ó fax 01 800 718 42 91 ext. 1257
correo electrónico presidencia.copa@gmail.com

Appendix II – Invitation from the Superior Electoral Tribunal of Brazil



TRIBUNAL SUPERIOR ELEITORAL

Ofício nº 6.151

Brasília, 18 de setembro de 2006.

Senhor Presidente,

De ordem do Excelentíssimo Senhor Ministro Presidente do Tribunal Superior Eleitoral, e em atenção à solicitação contida no documento encaminhado em 15 de setembro de 2006, informo a Vossa Excelência que os parlamentares da Confederação Parlamentar das Américas – COPA serão recepcionados pela Justiça Eleitoral para acompanhar o primeiro turno das eleições gerais em 1º de outubro de 2006, não na condição de observadores, mas de convidados internacionais.

Esclareço que o Tribunal Regional Eleitoral do Distrito Federal será o anfitrião da delegação da COPA, na cidade de Brasília, sendo que, doravante, as tratativas referentes ao credenciamento dos delegados, programação, hospedagem e demais informações serão efetuadas diretamente com aquele Tribunal, com o servidor Eduardo Castro, pelo telefone: (61) 3441.1259 ou 3441.1195, *email*: eduardocastro@tre-df.gov.br, no horário das 13 às 19h.

Reitero, por oportuno, que este Tribunal não poderá arcar com as despesas de deslocamento, alimentação e estadia, entretanto, os deslocamentos urbanos referentes ao acompanhamento das eleições serão fornecidos pelo TRE/DF.

Respeitosamente,

ATHAYDE FONSECA FILHO
Diretor-Geral

A Sua Excelência o Senhor
CARLOS JIMÉNEZ MACÍAS
Presidente da Confederação Parlamentar das Américas
Senador do Congresso da União do México

18/09/06
RECEBI EM
a pasta desta ofício
SEDEXT/COPEMISE

TRANSLATION
[sceau]
Tribunal Superior Eleitoral

Decree No. 6.151

Brasília, September 18, 2006

Dear Sir:

In accordance with the order of the Honourable Minister-President of the *Tribunal Superior Eleitoral* and in answer to the request submitted on September 15, 2006, I wish to inform you that the parliamentarians of the Parliamentary Confederation of the Americas (COPA) will be hosted by the Electoral Justice to accompany the first round of general elections on October 1, 2006, as international guests and not as electoral observers.

I would like to specify that the *Tribunal Regional Eleitoral* of the Federal District will host the COPA delegation, in Brasília. Consequently, accreditation procedures for the delegates, the program of activities, lodging as well as any other information will be coordinated directly at this level by Mr. Eduardo Castro, whom you can reach from 1:00 p.m. to 7:00 p.m. by telephone at 011-55-61-3441-1259 or 011-55-61-3441-1195 or by e-mail at the following address: eduardocastro@tre-df.gov.br.

The Tribunal will not defray the expenses incurred by the delegation with regard to travel, meals and lodging. However, travel within the city in relation to the follow-up of elections will be provided by the *Tribunal Regional Eleitoral* of the Federal District (TRE-DF).

Yours sincerely,

ATHAYDE FONTOURA FILHO
Director-general
[signature]

TO MISTER
CARLOS JIMÉNEZ MACÍAS
President of the Parliamentary Confederation of the Americas
Senator of the Congress of the Union of Mexico

Appendix III – Press release, September 28, 2006

Delegation of observers from the Americas to monitor Brazilian Elections

Brasília, September 28, 2006 – Member of the National Assembly of Québec and chair of the Committee on Democracy and Peace of the **Parliamentary Conference of the Americas (COPA)** Éric R. Mercier is to lead COPA's third electoral observation mission, from September 28 to October 2. After missions in Bolivia in December 2005 and Mexico in June 2006, Brazil's capital, Brasilia, will be the destination for COPA's parliamentarians, invited as international observers to the conduct of the presidential and legislative elections taking place October 1. Rounding out the delegation will be Edda E. Acuña, COPA First Vice-President and senator of Buenos Aires province (Argentina); Jhannett Madriz Sotillo, former COPA President and Vice-President of the Andean Parliament (Venezuela); María Elena D'Andrea of the Chamber of Deputies of San Luis province, Argentina; Jacques Côté of the National Assembly of Québec; Nora Estrada of the Chamber of Deputies of San Luis province, Argentina; and Efraín Villanueva of the Congress of Quintana Roo State, Mexico.

Invited by the Brazilian Superior Electoral Court, COPA's parliamentarians will conduct a technical observation on election day in this country that, in 2000, became the first in the world to computerize the voting process over its entire territory. They also plan to meet with representatives from institutions and organizations involved in organizing the elections, in particular candidates, leaders of political parties, and organizations from civil society.

The parliamentarians will be assisted by the Secretary of the Committee on Democracy and Peace Jacques Paquet and Québec's Assistant Chief Electoral Officer Octavio Soares.

Founded in Quebec City in 1997, the Parliamentary Confederation of the Americas (COPA) brings together over 300 parliamentary assemblies of unitary, federal, federated, and associated states, as well as the regional parliaments and interparliamentary organizations of the Americas. It promotes dialog on issues related to inter-American cooperation and continental integration and helps strengthen parliamentary democracy and build the Americas into a community founded on respect for human rights and dignity, peace, democracy, solidarity among peoples, social justice, and gender equality.

Appendix IV – Observer's Grid

**PRESIDENTIAL AND LEGISLATIVE ELECTIONS IN BRAZIL
October 1, 2006**

ELECTION OBSERVER'S GRID

1. GENERAL INFORMATION

Name of observer: _____

District: _____

Polling station: _____

Arrival time: _____

Departure time: _____

2. POLLING STATION

Opening time: _____

Reasons for delay (if any): _____

Polling station composition: _____

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

Details: _____

3. ELECTION MATERIALS

	YES	NO
Electronic ballot boxes operational		
Voting booths ensuring voter secrecy		
Voters list		

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

Details: _____

4. VOTERS

Number of voters registered: _____

Waiting time: _____

Average time required to vote: _____

Voters admitted without voter registration cards:

Voters admitted who were not on the voters list: _____

Details: _____

5. COMPLAINTS

	YES	NO
Complaints by party or candidate representatives		
Complaints by voters		

Details: _____

6. OTHER OBSERVATIONS

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

Details: _____

7. VOTE COUNT AND TRANSMISSION

Vote count start time: _____

Number of voters registered: _____

Number of people who voted: _____

Challenges by representatives: _____

Details: _____

Signature of tallies by representatives: _____

Level of security for data transmission

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: _____

