



Carter Center Election Observation Mission in Bolivia

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Background and Observation Methodology

The Carter Center observed the process of voter registration from mid-August to Oct. 15. Since October, the Center has observed the process of screening the biometric registration data base for duplicate records.

The Carter Center observation is based on Bolivia's electoral legislation, its Constitution, and its international obligations to conduct genuine democratic elections.

In Bolivia, the Center's mission has consisted of three core activities:

- (a) a study of current electoral legislation and international commitments related to the organization and administration of democratic elections;
- (b) the direct observation of the registration process focusing on the infrastructure of registration centers, the technical aptitudes of operators, the degree of citizen information and the participation of Departmental Electoral Courts;
- (c) an analysis of the logistical and technical aspects of the capture, transmission, custody, storage and processing of the biometric information, on the basis of which the biometric register is currently being prepared.

As part of the mission, the Center's representatives in La Paz have met regularly with authorities and representatives of the CNE, Electoral Departmental Courts, the principal political parties and movements, the media, international organizations, and scholars.

In the field, Carter Center observers recorded their findings on observation checklists. In addition, observers interviewed officials responsible for the citizen registers, and have maintained regular contact with Departmental Electoral Courts. Observers also interviewed different social and political stakeholders, including representatives of civil society organizations, political parties, religious congregations, civic committees, social movements, indigenous organizations, intellectuals, labor unions and communicators, amongst others.

Carter Center observers visited all departments of Bolivia, traveling close to 30,000 kilometers. In addition, special teams visited twelve registration centers in the cities of New York and Washington, D.C. (United States), six in Buenos Aires, and one in Mendoza (Republic of Argentina), and six registration centers in Madrid and Barcelona (Spain). In

total, the Center observed 327 registration centers in Bolivia, Brazil, Spain, Argentina, and the United States.

Carter Center observers collaborated closely with Bolivia Transparente, the consortium of Bolivian NGOs, by sharing information regarding electoral observation methods.

The mission's expert on information technology visited the Processing Center (Data Center), though access was limited. The expert also visited registration centers in Coroico, the Lake Titicaca zone (Copacabana), Huanuni, Cobija, Santa Rosa del Abuná, Senda, Madre de Dios and Riveralta. He was also able to observe data transmission from several registration centers that had Internet connection (*online*) in La Paz and El Alto.

Legal framework of the Bolivian electoral process

The present electoral process is governed by the Political Constitution of the State (CPEB in Spanish) and the Transitory Electoral Regime (RET, Law 4021). This norm establishes the application of the Electoral Code, the Political Parties Law, and the Citizens and Indigenous Peoples Unions Law when faced with omissions on the part of the RET. The National Electoral Court and Departmental Courts issue circulars and guidelines with the purpose of making operative the electoral process.

The CC carries out its observation and analysis activities on the basis of these legal commitments and following internationally agreed precepts for the organization and administration of democratic elections, to which the Plurinational State of Bolivia adheres voluntarily.¹

The present legal framework provides a solid basis for democratic elections and an electoral system that guarantees the rights recognized by international standards for democratic elections. Nonetheless, during the biometric voter registration, the Carter Center's mission has identified some areas of concern which should be addressed to guarantee the full expression of these rights:

1. Designation of the total number of CNE Directors
2. A continual updating of the CNE Web page
3. Clarify the criteria to be applied in the territorial delimitation of Special Constituencies for the assignment of seats in the Chamber of Representatives of the Plurinational Assembly
4. Establish criteria relative to the relocation of citizens during electoral processes
5. Compliance with the terms established in the electoral calendar
6. Creation of a system that permits citizens the right of appeal

7. Promote compliance with parity in the representation of women in the lists of candidates for the Plurinational Legislative Body
8. Permit the registration and voting of all Bolivian citizens living abroad

Technical analysis of data processing

Although the Center's technical expert had very limited access to key data processing centers and information, the Center was able to observe the process for the capture, transmission, custody, storage, processing and depuration of demographic biometric information for the elaboration of the new biometric electoral register.

The observation of this process has permitted the Carter Center's mission to identify three elements which could effect the preparation of the biometric electoral register. However, it is important to highlight that restricted access to biometric information processing centers in La Paz has prevented the mission from generating a comprehensive and final technical analysis of this process.

Storage, custody, and transmission of data: According to the initial plan, registration centers with an Internet connection would transmit registration data in real time to the data center in La Paz. Mobile registration centers and those that did not have a connection to Internet would send their registration data in compact discs daily to one of the 50 centralization offices, which would store the information and send it via Internet to the data center.

This transmission scheme was not executed primarily due to: 1) the difficulty in obtaining Internet lines with sufficient broad band capacity; 2) technical problems with the software that registration centers/centralization offices would use to communicate with the data center servers; 3) delays in the setting up of the principal and secondary data centers. Due to these delays, the principal data center, which should have been in operation from the beginning of the biometric registration process, only began to operate on Oct. 15. The secondary data center started operations on Sept. 5.

As a result of these limitation and technical difficulties, the CNE implemented a system for the collection of registration data through compact discs (CDs). The data CDs were collected by inspectors at the registration centers, then stored in the Departmental Electoral Courts and later sent to the data centers in the city of La Paz. For future elections, the Center recommends that the transmission of biometric data be done via the Internet to ensure greater efficiency and transparency.

Information processing speed: The principal data center was intended to have the capacity to store biometric data for the entire Bolivian population and screen 60,000 registers per day. The secondary data center should have been able to screen 10,000 registers per day.

According to the information supplied by CNE, the AFIS¹ of the secondary data center was not able to screen 10,000 registers during the first weeks of operation. Officials originally expected that this number would be greater, taking into consideration that the speed of the screening process (in this case, 10,000 registers per day) was calculated starting from a “full” data base. However, according to information received by the mission, the AFIS of the secondary data center is now processing 50,000 registers per day. The faster processing speed is due to the fact that new servers have been added in order to increase the data center’s capacity and processing speed.

The CNE informed The Carter Center that it adopted contingency measures in order to avoid additional delays in the electoral calendar and the elections scheduled for Dec. 6. However, the lack of access to information on these key aspects of the registration process prevented the Center from being able to fully assess data processing and the pertinence of the contingency measures. In the absence of clear public information about these issues, the media and general public have expressed doubts about the screening and cleansing processes via the AFIS system. The Center believes that greater transparency on procedures for data processing will help clarify these issues

Screening / cleansing of biometric registers: At the time of writing, the Center has been granted access to the data center only once. The Center observed the data center on Oct. 15, at which time 1,812,528 biometric registrations had been processed and 13,000 registrations had been identified by the AFIS system as possible duplicates. These cases were remitted for verification to the fingerprint experts who indicated that approximately 50 percent of such cases had been confirmed as duplicates. Thus there has been an identification of a 0.38 percent of duplicates on the basis of 1.8 million registrations.

During field work, observers identified four possible causes for duplicate registrations: 1) in the absence of the *online* correction system, citizens registered more than once in an attempt to correct errors in the registers; 2) due to pressure exerted by labor unions and/or social groups associated with the mine in Huanuni, persons registered near the mine as well as at the site of their residence; 3) when faced with the loss of the registration form and the difficulties to obtain a copy, citizens opted for a new registration in order to avoid penalties (i.e. restrictions for banking procedures); and 4) citizens who registered more than once did so to be able to obtain a document with a better photograph.

The Carter Center’s mission does not have the technical capacity to refute the existence of that 0.38 percent of duplications. Thus the information that the CNE may share will help dispel doubts about the new electoral register that national stakeholders are beginning to voice to the media.

¹ AFIS: Automated Fingerprint Identification System: Sistema Automatizado para Identificación de Huellas Dactilares.

Preliminary assessment of the biometric registration

On the basis of the methodology previously described, and the observation work in the field during the citizen registration process, The Carter Center mission offers the following preliminary assessment:

1. Carter Center observers had free access to all registration centers and to the information provided by mobilizers, operators, notary publics, and inspectors at the registration centers and officials of the Departmental Electoral Courts and CNE. Furthermore, there was evidence that the work carried out by the CNE, Departmental Electoral Courts and their officials was performed with transparency and dedication.
2. After the registration process was finalized in October, the CNE imposed strict limitations on observer access to the principal data center and to information about the processing of biometric information.
3. Overall the training of operators, notaries, mobilizers, and inspectors was adequate, permitting the citizenry to exercise the right to register without unfounded restraints. Nonetheless, observers noted that on several occasions the guidelines imparted by the CNE and the individual decisions taken by the Departmental Electoral Courts caused confusion and led to inconsistent procedures at sensitive points in the process. For example: a) the information regarding the procedure for citizens who wished to register, particularly if they had to wait for the arrival of notices; b) the validity of the necessary documentation to be able to register when living abroad; c) procedures to establish the criteria for citizens' place of residence; d) procedures for the daily transmission of the information gathered by supervisors; e) the protocol for sending the information to the central level and the follow-up with compact discs containing biometric information.
4. Civic and electoral education campaigns abroad were not able to effectively inform the Bolivian population regarding the electoral registration calendar, the use of biometric data at the registration centers, the decision of not transmitting this information electronically and the application of penalties. In spite of these problems, the work of the CNE representatives in each one of the foreign nations should be commended, as they worked tirelessly to create education and dissemination campaigns to increase the participation of Bolivian citizens.
5. The delay caused at the start of the registration of citizens abroad (from September 1 to 15) and the absence of an information mechanism to clarify doubts and confusions regarding the delay, contributed to a lack of trust and reduced the motivation of the Bolivian population living abroad.
6. In general, the equipment at the registration units operated effectively. There were two types of difficulties present in all registration centers: a) fingerprint scanners were not able to capture complete fingerprints in cases of the elderly or of those with worn out fingerprints; b) every 8-10 persons registered in the unit faced technical problems that made it necessary to start from the beginning. These faults affected the speed of

registration, but in the end did not constitute a serious obstacle to the satisfactory development of the process.

7. During fieldwork, Carter Center observers did not perceive cases of discrimination or intimidation that would suggest the presence of organized strategies for discrimination vis-à-vis groups of citizens purposefully preventing some people from registering.
8. Citizens have been allowed to register in centers outside of their zone, city or department of residence. This provision has generated accusations by parties of the opposition, in particular reference to citizens that have registered outside of the Pando Department with the intention of voting there during the Dec. 6 elections. These accusations are not unfounded. The number of citizens registered in Pando increased by 34 percent (from 32,510 to 43,855) with respect to the previous electoral register. Whether this increase represents a registration pattern that is unique to Pando cannot be assessed without statistical information on the number of citizens that registered out of their area of residence in the nation.
9. In compliance of article 21 of the law N° 4021 (Régimen Electoral Transitorio) the CNE compared its biometric data with the data base of the Civil Registry. As a result, 400,671 citizens, which had previously registered in the biometric electoral list using the valid documents permitted by law (Cédula de Identidad, Registro Único Nacional o Libreta de servicio Militar), were conditionally included in the voter's list by the CNE upon presenting their birth certificate. This decision, not foreseen in the law, was based on the fact that those citizens, while registered to vote, do not appear in the data base of the Civil Registry. The Carter Center believes this has been a difficult but wise decision.
10. The Center recognizes the good will demonstrated by the CNE to assure the participation of citizens in the electoral processes. This is reflected in the accreditation of national observers of the Bolivia Transparente consortium. The participation of civil society organizations strengthens citizens' confidence in Bolivian institutions and contributes to a transparent electoral process.

Recommendations

On the basis of the information collected, the events described and the issues discussed in this report, the Carter Center's mission presents the following recommendations:

Relative to norms:

1. The Center urges the CNE to propose to the National Congress the nomination of the two remaining directors to complete the Plenary Court of the highest electoral authority, in accordance with article 29, section f, of the Electoral Law (LE in Spanish). The appointment of the total number of directors will permit the CNE to have a quorum for meetings, even if some directors are absent, and it will resolve with greater celerity the matters under its jurisdiction. At present, three members of

the CNE represent a minimum quorum to meet in the Plenary Court, thus increasing the responsibilities of each one of its directors.

2. The CNE should take advantage of the Internet web page resource to provide daily information and rapidly disseminate decisions and guidelines that affect the development of the elections process. This would create more confidence among stakeholders and citizens, demonstrating transparency in the actions of the CNE and guaranteeing the right of access to information.
3. To guarantee the right to universal suffrage, equity and the absence of all forms of discrimination at elections, the criteria for territorial delimitation of the Special Constituencies should be clearly defined -- for the assignment of seats as well as for the procedure to be followed during the electoral registration.
4. The CNE should anticipate possible conflict situations in regions where the National Plan for the Distribution of Land and Settlements is being developed. These situations may have hindered registration or increased the possibility of duplicate records of citizens in the resettlement process. For future elections, it is advisable that the relocation programs be suspended during election processes. If this is not possible, the CNE should adopt measures to guarantee that all citizens can register.
5. Citizen registration should be carried out without affecting the elections calendar. In this case, the adjustments to the calendar have resulted in a very short period for the publication of the electoral register, with very little time before the presidential and legislative elections, hindering the ability of political parties and citizens to process corrections and/or present claims, which if not duly answered could limit the political rights of citizens.
6. In an effort to increase the protection of citizens' rights, the creation of a system that allows citizens the recourse of appeal at different levels is important, including the scope of constitutional protection of the fundamental rights.
7. Respect for gender equality between men and women does not exclusively depend on the existence of a norm, but requires affirmative action on the part of the State. The State should assure its application and also generate a greater social awareness of gender equity. In this sense, the CNE should exercise a leadership role by means of a massive campaign of civic education that actively promotes the rights of women and gender equality.
8. For future elections, the CNE should consider steps to promote the rights of Bolivians living abroad to vote. This may require changes to the electoral law in order to preserve the principles of equality, universal suffrage, and the rights against discrimination.

Technical matters (electronic data processing):

9. To provide greater transparency and to clarify questions about the process of creating and screening the biometric electoral register, the CNE should:
 - a) Guarantee free access to Carter Center observers to all data processing centers and complete information regarding the screening of the registers, as stipulated in the agreement signed by both parties on Aug. 19, 2009; and
 - b) Provide additional public reports about the characteristics of the processing of the information on the biometric electoral register.
10. For future elections, the CNE should consider transmission via the internet for biometric data. If the use of the CDs is to continue in the future as a principal system, the Center recommends the introduction of a system for “*asset tracking*” (bar code, RFID, or similar) for an adequate control and follow-up of the CDs in the system.
11. Considering the technical limitations of the AFIS system for future elections, with respect to the speed of data processing. The CNE should take measures to ensure that the registration process is carried out within the periods of time required by the AFIS system for an effective processing of information.
12. With the goal of guaranteeing the political rights of citizens who were given conditional voting status in the biometric registry, the CNE should take the necessary measures to facilitate and include them in the biometric voter registry. In this way, those citizens will also be able to exercise their right to vote on Dec. 6.

Operational Recommendations:

13. The CNE should design and supervise procedures that will assure a uniform compliance by the Departmental Electoral Courts. This will permit the systematization of information to guide citizens regarding the procedures to be followed during the electoral registration process.
14. Civic and election education campaigns carried out abroad should effectively inform the Bolivian population on all matters pertaining to the electoral process. This should include explanations for delays and any repercussions on the election process itself.
15. For future elections, in order to prevent the possibility of manipulation of the citizen register by persons voting outside their place of residence, the CNE should recommend the design and distribution of a new document for the identification of citizens. This document should be prepared on the basis of the biometric electoral register and would facilitate the confirmation that the voter effectively lives in the place where he/she is exercising the right to vote independently from the site where the registration took place.

The Carter Center conducts election observation missions in accordance with the Declaration of Principles of International Election Observation and Code of Conduct that

was adopted at the United Nations in 2005 and has been endorsed by 33 election observation groups.