

ELECTION REPORT ☆

Analyzing Bolivia's 2020 General Elections

Final Report

THE
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Final Report
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EXECUTIVE SUMMARY

The October 2019 elections were followed by a post-electoral crisis that was characterized by extreme polarization between the country's political and social forces and numerous episodes of violence. Nonetheless, in the midst of this crisis, complex negotiations enabled the unanimous approval of the Nov. 24, 2019, Exceptional and Transitory Law for holding general elections. The law decreed the cancellation of the October 2019 elections and established deadlines for a new *Tribunal Supremo Electoral* (TSE) to organize a new electoral process.

From the time the TSE was constituted as a result of wide political consensus, the task of the election administration was particularly challenging: to organize elections in a short timeframe with largely new personnel and a significant part of its infrastructure demolished — all in the context of extreme political polarization. Most daunting of all, the new elections had to be organized at a time when, as a result of the political and electoral crisis of 2019, the credibility of the electoral administration was all but destroyed. In March 2020, the COVID-19 pandemic erupted onto this delicate scene, which prompted the TSE to twice postpone the elections. The tribunal sought consensus between the legislative and executive branches concerning these postponements. While this was at times difficult, this approach ultimately enabled unanimous approval of three postponement laws that were rapidly promulgated. By calling the elections on Oct. 18, 2020, the TSE ensured a balance between protecting the health of Bolivian citizens on the one hand and guaranteeing that elections concluded before the end of 2020 on the other. The date also complied with the January 2020 ruling of the Constitutional Court that the newly elected authorities should be sworn in by the end of the year.

Because of the COVID pandemic, instead of deploying a full observation mission, The Carter Center deployed a small, three-person international electoral expert team to assess the electoral process. The team began its work remotely in mid-July 2020. On Oct. 3, two members of the team arrived in Bolivia, where, after quarantining to reduce the risk of COVID-19 contagion following international travel, they continued their work in country.

The team's work focused on analysis of the legal framework for elections and of the election administration's degree of independence, impartiality, transparency, and technical efficiency, respect for political participation rights, and freedom of the press — particularly in the context of the pandemic. Due to its limited size and scope, and without long-term or short-term observers, the electoral expert team was not able to observe the campaign, nor to conduct firsthand observation of the voting and counting processes. However, the small team did make a limited assessment of the results aggregation process.

The Carter Center's preliminary report, published in La Paz on Oct. 23, 2020, highlighted the high turnout and a well-organized, incident-free election day. The Center also noted that the Electoral Authority guaranteed political pluralism and conducted a complex election process with transparency, independence, and impartiality, paving the way back to the constitutional framework.

The official results of the Oct. 18, 2020, election certified the first-round victory of the MAS-IPSP (*Movimiento al Socialismo - Instrumento Político por la Soberanía de los Pueblos*) presidential and vice presidential candidates, Luis Arce Catacora and David Choquehuanca, who obtained 55.1% of the vote. *Comunidad Ciudadana's* Carlos Mesa and the *Creemos* candidate, Luis Fernando Camacho, came some distance behind, with 38.8% and 14% of the vote, respectively. MAS-IPSP also won a majority in both legislative chambers, although it lost the two-thirds majority that is needed for some important appointments.

Legal Framework

Both the Bolivian Constitution (*Constitución Política del Estado* – CPE) and the laws framing the elections enable the holding of democratic elections generally in line with the principles and commitments enshrined in the international instruments ratified by Bolivia. The TSE made full use of its power to regulate numerous elements of the electoral process and published clear regulations that enabled all stakeholders, including voters, to be aware of the rules and procedures for the elections.

Nonetheless, Bolivian law retains some provisions for disproportionate sanctions for offenses that are of questionable gravity. The application of these sanctions could unjustifiably limit the right to political participation and curtail political pluralism. For example, Article 136.III of the Election Law instructs the Plurinational Electoral Body (*Órgano Electoral Plurinacional* – OEP) to sanction political parties that divulge internal opinion polls with immediate cancellation of their status as a legally registered party. In the same vein, Article 58.1(k) of the Law on Political Organizations (LOP) establishes that the TSE will cancel the legal status of political parties upon verified violations of restrictions concerning private and public financing and financial reporting mechanisms. As such, this provision constitutes a threat to political parties that could be excluded from the electoral race as a result of minor infractions of rules on financing and financial reporting.

It is worth noting that, unlike some of its predecessors, the current TSE's interpretation of these provisions is aligned with the values and principles enshrined in the constitution and international standards for democratic elections. By the same token, the TSE preserved the political pluralism of the election process. However, The Carter Center considers that priority should be given to replacing the sanction of cancellation of a political party's legal status, currently provided for by articles 136.III of the Electoral Law (*Ley del Régimen Electoral* – LRE) and 58.1(k) of the LOP, with sanctions that are more proportionate to the offenses and that do not jeopardize political pluralism.

Election Campaign and Campaign Financing

Despite the welcome return of presidential debates after a long absence, there was little space in general for program manifestos in the election campaign, which was somewhat dominated by accusations and criminal cases' being brought against candidates and political actors. In this respect, The Carter Center noted a proliferation of criminal cases brought by the government against MAS leaders, as well as arrests of several MAS candidates in connection with the roadblocks in July and August 2020. Some 50 violent incidents took place over the course of the campaign.

Electoral legislation does not establish campaign spending limits, except for spending on political advertising in the media, which can lead to great inequalities in resources for competing parties. In this respect, and with a view to a more level playing field for political competitors, The Carter Center recommends that Bolivia consider establishing limits for all campaign spending, not just political advertising in the media, as is currently the case. Although the use of state resources for campaign purposes is prohibited by law, the associated sanctions have little dissuasive weight. As such, it would be useful to establish sanctions that constitute a greater deterrent for this practice, which has been observed and denounced in several Bolivian electoral processes.

Voter Registration

Since 2009, the voter registry is biometric and permanently updated in Bolivia. It was found by the Organization of American States (OAS) 2017 audit to be generally reliable and was not cited among the allegations leading to the cancellation of the 2019 elections. However, it has been the subject of criticism, albeit in broad terms rather than on an evidentiary basis. The TSE nonetheless

launched an ambitious program to ensure utmost accuracy and inclusion and to eliminate features that could lead to negative perceptions of the registry's credibility, even if they did not affect the integrity of the electoral process. The TSE multiplied its approaches to ensure that deceased citizens did not remain on the voter registry, reinforced efforts to register youths who turned 18 before election day, and facilitated registration changes for Bolivians who returned from abroad at the outset of the COVID pandemic or who moved to a new department.

Furthermore, the TSE facilitated reintegration in the voter registry for disqualified citizens who had not voted in the previous two national-level elections. This measure was intended not as a sanction connected to the obligatory vote, but rather as a mechanism to suspend entries for citizens most likely to be deceased. The TSE ran large-scale information campaigns and required that applicants only request reinsertion, with a copy of their identification, either in person or on an internet platform.

In terms of transparency, the TSE not only communicated its initiatives to encourage public participation and discussed the voter registry at the Multiparty Roundtables, but it also opened Voter Registry Transparency Labs in all departmental capitals. For three weeks, political parties, civil society organizations, and interested citizens were able to request statistical and procedural information.

Election Administration

The TSE sought to rebuild the institution's authority and credibility by demonstrating its transparency and independence and its adherence to the law, the constitution, and international standards for democratic elections. The TSE also showed a great propensity for dialogue with other state powers, political forces, and social actors while, as a neutral institution, the tribunal avoided controversy with political actors and instead regularly made notable efforts to explain any aspects of the electoral process that became the subject of criticism. The Carter Center witnessed the TSE's impartial and professional administration of the election process and the significant efforts of both the TSE and the Departmental Electoral Tribunals (*Tribunales Electorales Departamentales* – TEDs) to invest in communication, using a wide range of channels.

The TSE published a detailed electoral calendar in line with the law and respected all deadlines, and it invested heavily in training its nationwide network of temporary staff and political party agents, as well as police and armed forces, concerning their roles in the process. The TSE produced a range of high-quality training materials and adapted training methods to COVID-related biosecurity requirements. To address a problem common to many elections, the TSE training program and materials heavily emphasized the completion of results forms. The TSE also improved the security of those forms.

Overall, The Carter Center considers that the degree of autonomy afforded to the TEDs for implementation of electoral preparations was appropriate, particularly in conjunction with close ongoing communication between the TSE and the TEDs as well as among the TEDs. Nonetheless, it could be advisable to review the areas in which harmonization is essential and implement checks to ensure progress, such as deadlines for selection of electoral staff, to ensure there are no overlaps between this stage of electoral preparations and others, such as training. In addition, it would be useful to simplify and reorganize the layout of the OEP's website.

Election Day

According to reports by the main national observation platforms (*Observa Bolivia*¹ and *Observación Ciudadana de la Democracia – OCD*²), election day was well-organized and smoothly implemented; according to official figures from the TSE, turnout was historically high at 88%. The TSE had prepared a series of COVID-related biosecurity measures, which were publicized well in advance and which all polling staff were trained to implement. *Observa Bolivia* found that secrecy of vote was respected in 97.5% of polling stations observed, that at least one political party agent was present at 93% of polling stations observed, and that in 70% of polling stations there were party agents from at least two political organizations. The completion of results forms reportedly went smoothly. Both *OCD* and *Observa Bolivia* found that in the vast majority of cases, vote counting was public and that copies of the results form were issued to party agents present. In its final report, *OCD* reported that its observers evaluated the performance of voting center coordinators as good or very good in 72% of cases and as adequate in 23% of cases. *OCD* observers evaluated the performance of poll workers as good or very good in 74% of cases and adequate in 26% of cases.

Results Aggregation and Publication

The TSE decided to cancel the system for preliminary results information, the *DIREPRE (Sistema de Difusión de Resultados Preliminares)*, as after multiple tests and rehearsals it was not convinced of the system's capacity to cover sufficient points of information. The Carter Center, along with other international and national election observation missions, publicly expressed its understanding of the TSE's decision to rely exclusively on the official aggregation system (*Sistema de Cómputo Oficial – SCORP*), which is provided for by law.

It is worth noting that by guaranteeing only limited results from rural areas, and none from out-of-country voting, even a successfully implemented *DIREPRE* system ran the risk of being insufficiently representative of overall results, with associated risks in political and general perception. A second factor to consider was its high purchase cost, which explains why the TSE decided to develop an in-house system. In terms of implementation, the TSE faced several specific challenges, both technological and related to human resources, and these ultimately contributed to the decision to suspend it. On election night, the vacuum left by *DIREPRE* was filled by a poll company, *CIESMORI*, and the civil society organization *Fundación Jubileo*, which released the results of their quick counts at midnight and were swiftly recognized by interim President Jeanine Añez and *Comunidad Ciudadana* presidential candidate Carlos Mesa.

The official results aggregation, based on the original results forms for all polling stations, was carried out by the TEDs (and by the TSE for out-of-country voting), in the presence of those party agents and observers who wished to attend. Neither political parties nor observation missions reported any restriction on their access to the results aggregation process. The official results website went live as soon as aggregation began and was constantly updated and, thanks to its procedural requirements and comprehensive publication system, the official aggregation system facilitated the highest degree of accuracy and transparency. The official results aggregation took a record five days, and the TSE presented the election results on Oct. 23.

Given the reliability and transparency of the official results aggregation process and the significant difficulties in ensuring that the preliminary results system is sufficiently representative of the elections results, The Carter Center recommends that unless a more financially feasible, fully representative, and realistically implementable system is found, the TSE should consider

¹ *Observa Bolivia*, Informe final de observación electoral 2020 <http://observabolivia.com.bo/informe-final/>

² *OCD*, Informe Final, Proceso Electoral 2020: <https://ocdbolivia.org/transmedia/informe.html>

abandoning the preliminary results system in future processes and rely from the outset exclusively on the official results system provided for by law.

Out-of-Country Voting

The TSE demonstrated excellent organizational skills and great determination to guarantee that Bolivians abroad would be able to vote. Efforts were made to ensure an accurate voter registry abroad, and the TSE produced training materials specifically for out-of-country voting procedures. One of the many challenges the TSE had to face was that of communication with voters abroad, which cannot be boosted through media and publicity programs. In this respect, it could be useful to dedicate a specific part of the TSE website and consider creating social network pages exclusively for voters abroad. After extensive and complex negotiations, out-of-country voting was facilitated in all countries where Bolivia has diplomatic or consular representation, with the exception of Panama and five cities in northern Chile, due to local COVID-related movement restrictions. On Oct. 18, Bolivians voted from 70 cities in 29 countries. In all, 301,631 voters were registered to vote outside the country.

Freedom of Press

Since the October 2019 elections, the National Association of Bolivian Press (APNB) has reported more than 50 cases of assault, threats, and intimidation against media professionals, as well as attacks on their media headquarters. No specific government or judicial protection exists, despite an increase in violent incidents. The Carter Center recommends that Bolivia consider adoption of legal provisions and accompanying implementation mechanisms to more effectively guarantee that the media and journalists can carry out their work. In addition, successive governments have exerted pressure on media companies through their control of budgets for institutional advertising. As such, it would be advisable that the distribution of institutional advertising be regulated according to objective and public criteria.

Disinformation on Social Media

The Carter Center's analysis of social media during the pre-election period clearly shows that disinformation was a significant factor in the Bolivian elections. The main social networks operating in the country served as vehicles for false or misleading messages about the candidates and the electoral process. This information toxification occurred at a difficult time for Bolivian democracy, as it followed a canceled election during a pandemic that twice forced the vote's postponement. Disinformation messages had two objectives: to discredit specific presidential candidates and to undermine confidence in the electoral process and its administrators.

On a positive note, verification organizations like *Chequea Bolivia*, the Carter Center's local partner, *Bolivia Verifica*, and *Universidad Católica de Bolivia* played a fundamental role in detecting and countering these disinformation campaigns. The Carter Center recommends that the TSE reach agreements with the leading social networks to provide access to their systems so that the entities authorized by the TSE can monitor content. In the same vein, the TSE should reach agreements with the leading social networks to enable mechanisms for reporting suspicious activity to facilitate a rapid response.

A comprehensive Carter Center analysis of disinformation on social media during the general election campaign is presented as an annex to this report.

Analysis of Facebook Political Advertising During the 2020 Bolivian Elections

Although most regulation on political advertising concerns conventional media, the law and regulations hold social networks to the same standards in a number of areas, particularly those concerning allowed timeframes, clear labeling of ads, a ban on governmental ads within the campaign period, prohibited content, and a ban on political advertising by anyone but the parties and candidates. Conventional media must register with the TSE to publish paid political advertising. This registration must include proposed tariffs which must be the same for all parties and no higher than recent commercial rates. Although the TSE monitors conventional media to check regulatory compliance, its monitoring of social networks is limited to candidates' official pages. TSE monitoring of political advertising in social networks was limited by a lack of resources, alongside insufficient facilitation of information from social network platforms.

Between July 1 and Sept. 18, 2020, The Carter Center monitored electoral advertising in social media, specifically on Facebook, which is by far the most widely used social network in Bolivia. The Carter Center's analysis found a number of areas in which the social network does not comply with Bolivian regulations, despite Facebook's commitment to respecting national regulations in the countries in which it operates, in accordance with the 2011 UN Guiding Principles on Business and Human Rights. The Carter Center also identified practices that make it difficult for the TSE or other bodies to monitor relevant information related to paid political advertising. The breaches of regulations concerned, among others, the permitted timeframe for electoral advertising, noncompliance with Bolivian law's provision that political advertising may only be run by political parties or alliances with candidates in the race, failure to label paid ads with the phrase 'paid for by' (*espacio solicitado*) and failure to ensure that rates for advertising are the same for all parties.

A comprehensive Carter Center analysis of Facebook political advertising during the 2020 Bolivian elections is presented as an annex to this report.

National Election Observation

After several years of reduced activity in this field, Bolivian civil society organizations launched large-scale, accredited missions to observe the 2020 elections. The two main missions were *Observa Bolivia* and *Observación Ciudadana de la Democracia (OCD)*, each composed of numerous civil society organizations, associations, and academic institutions. Both missions observed the election process from the early stages; *Observa Bolivia* deployed over 2,000 observers in Bolivia, while *OCD* deployed 180 observers throughout Bolivia and abroad. Both groups published objective and evidence-based reports.

The TSE's regulation for election observation provides a framework that facilitates national and international observation. Observers have the right to cover all stages of the election process provided they maintain a commitment to noninterference, objectivity, and impartiality. The TSE granted accreditation to all the organizations that applied.

Participation of Women

After the Oct. 18 general election, the Legislative Assembly for the 2020-2025 period will have gender parity, a huge achievement at the international level. Specifically, the Senate will be composed of 20 women (55.6% of the total 36 seats) and 16 men (44.4%), while the Chamber of Deputies will have 62 women (47.7% of the total 130 seats) and 68 men (52.3%). For the first time since it became a legal requirement, all political organizations presented gender-balanced candidate lists, where women represented 52% of all lists for the National Assembly and supranational assemblies. This positive development was in large part thanks to the TSE's insistence that political organizations comply with the legal requirements for gender parity and alternance, alongside the technical support it offered to contending parties.

In 2012 Bolivia passed Law 243 on harassment and political violence against women. This law is especially important as the strengthening of women's representation in government positions has been accompanied by an unfortunate increase in violence against them. According to the Association of Women Councilors of Bolivia (ACOBOL), of 589 cases of harassment and political violence against councilwomen presented between 2010 and 2019, not one resulted in effective sanctions. The Carter Center strongly recommends additional training and resources (financial, human, and administrative) for the key institutions in the system to prevent and punish political violence against women.

Participation of Indigenous Peoples

In 2007, Bolivia enacted Law 3760, which enshrined the United Nations Declaration on the Rights of Indigenous Peoples into binding national law. Bolivia has taken other positive steps in this regard, including establishing seven special constituencies for indigenous communities (*Autonomías Indígena Originario Campesinas – AIOC*) in the Lower House and establishing the right and procedure to constitute autonomous native rural entities. However, indigenous self-government is sometimes rejected by parts of the population (mainly women and youth), since indigenous customs have sometimes meant that only elder men can act as representatives. The Carter Center recommends that Bolivia explore mechanisms to harmonize indigenous community customs and constitutional rights.

The Carter Center noted the efforts by the TSE to facilitate the participation of indigenous peoples in the current election. The TSE developed voter education materials in indigenous languages and produced radio ads that, for the first time, were translated into six languages. Moreover, the TSE reached out directly to indigenous communities through facilitators who visited diverse and

remote communities and provided information and training to explain biosecurity measures and voting procedures. These facilitators were recommended by their own communities and spoke the local languages.

Participation of LGBTQI Persons

Bolivia has made significant progress in strengthening LGBTQI inclusion. The Carter Center praises the promulgation of Law 807 related to gender identity, as well as the Civil Registry Service's (SERECI) implementation of its provisions. For the first time, this law established an administrative procedure allowing transgender persons to update their name, sex, and image on all public and private documents, including the electoral register. The promulgation of this law in 2016 was accompanied by a strong information and registration campaign. However, in light of continued discrimination against LGBTQI communities, The Carter Center recommends continuing efforts to increase public awareness.

INTRODUCTION

In response to an invitation extended by the Plurinational Electoral Body (*Órgano Electoral Plurinacional – OEP*) to observe the 2020 general elections, The Carter Center had hoped to deploy a full-fledged international electoral observation mission to Bolivia. However, the Center had to adapt its plans in response to the logistical and health conditions created by the COVID-19 pandemic. As a result, The Carter Center demonstrated its support for Bolivian democratic elections by establishing a small, three-person international electoral expert team to assess the electoral process. The team began its work remotely in mid-July 2020. On Oct. 3, two members of the team arrived in Bolivia, where, after quarantining to reduce the risk of COVID-19 contagion following international travel, they continued their work in country.

The team's work focused on analysis of the legal framework for elections and of the election administration's degree of independence, impartiality, transparency and technical efficiency, respect for political participation rights, and freedom of the press — particularly in the context of the pandemic. Due to its limited size and scope, and without long-term or short-term observers, the team was not able to observe the campaign, nor to conduct direct observation of the voting and counting processes. Nevertheless, the small team did make a limited assessment of the results aggregation process.

In addition, in collaboration with the fact-checking organization *Chequea Bolivia*, The Carter Center carried out an analysis of online disinformation targeting the electoral process and monitored political advertising in social media in the two months prior to election day, the results of which are presented in annexes to this report. As a result of the pandemic, a lot of campaign activity shifted to the media and social networks.

The Carter Center recognizes the professional and objective work carried out by citizen observation networks *Observa Bolivia* and *Observación Ciudadana de la Democracia (OCD)*, which deployed observers throughout the country and shared their findings with the electoral expert team. A great deal of the analysis of election day in the Carter Center's preliminary report, and in this final report, is based on the observations of these two organizations.

The Carter Center's team of electoral experts wishes to thank the OEP for its openness and frankness, as well as the speed with which it responded to the team's numerous questions, providing information, figures, and documents on the process. The Carter Center team also wishes to thank the many candidates and party representatives, members of civil society and media organizations, as well as the United Nations agencies in Bolivia and the numerous diplomatic missions we had the opportunity to converse with over the course of the mission's five months. The greatest thanks go to the Bolivian people, who showed once again their profound commitment to democratic values and who generously made us feel welcome.

RECOMMENDATIONS

The Carter Center's electoral expert team assessed the Bolivian electoral process in terms of the national legal framework and the principles and commitments on democratic elections enshrined in the regional and international instruments Bolivia has ratified. On the basis of this analysis and evaluation, The Carter Center makes the following recommendations for the consideration of the authorities and citizens of Bolivia, with the aim of improving certain aspects of electoral processes. Some recommendations seek to ensure that Bolivian election processes are more aligned with international principles and commitments to democratic elections, while others aim to strengthen efficient implementation.

1. *Limitations on the right to stand.* Bolivian legislation retains some provisions that establish disproportionate sanctions for offenses of questionable gravity. The application of these sanctions could unjustifiably limit the right to political participation and curtail political pluralism.

One example is Article 136.III of the Election Law (LRE), which instructs the OEP to sanction political parties that divulge internal opinion polls with immediate cancellation of their status as a legally registered party; it also imposes a fine. The party or coalition thus ceases to exist, and all of its candidates are excluded from the electoral race.

In the same vein, Article 58.1(k) of the Law on Political Organizations (LOP, Law 1096 of Sept. 1, 2018) establishes that "the TSE will cancel the legal status of political parties and associations upon verified violations of the restrictions established by this Law concerning private and public financing and financial reporting mechanisms." Because of its excessively broad definition of the violations and the gravity of the corresponding sanction, The Carter Center considers that Article 58.1(k) threatens to exclude political parties from the electoral race for minor infractions of rules on financing and financial reporting.

The Carter Center considers that priority should be given to replacing the sanction of cancellation of a political party's legal status, currently provided for by Articles 136.III of the LRE and 58.1(k) of the LOP, with other sanctions that are more proportionate to the sanctioned offenses and that do not jeopardize political pluralism.

2. *Campaign finance.* Electoral legislation does not establish campaign spending limits, except for spending on political advertising in the media, which can lead to great inequalities in resources for competing parties. In this respect, and with a view to a more level playing field for political competitors, The Carter Center recommends that Bolivia consider establishing limits for all campaign spending, not just political advertising in the media, as is currently the case.

3. *Use of state resources.* Although the use of state resources for campaign purposes is prohibited by law, the associated sanctions have little dissuasive weight. As such, it would be useful to establish sanctions that constitute a greater deterrent for this practice, which has been observed and denounced in several Bolivian electoral processes.

4. *Regional electoral tribunals.* The Carter Center considers that overall, the degree of autonomy afforded to the TEDs for implementation of electoral preparations was appropriate, particularly in conjunction with close communication between the TSE and the TEDs, as well as among the TEDs. Nonetheless, it could be advisable to review the areas in which harmonization is essential and implement checks to ensure progress, such as deadlines for selection of electoral staff, to ensure there are no overlaps between this stage of electoral preparations and others, such as training.

5. *OEP website.* The TSE published a wide range of documents concerning all electoral preparations, including lists of voting center staff and training materials and calendars. To optimize public access to the information published by the TSE, The Carter Center recommends that the OEP simplify and reorganize the layout of its website to give clearer priority to publications directly relevant to the ongoing electoral process and make it easier to identify newer posts while giving less prominence to the more abstract and older publications. The page the TSE created just after the 2020 elections, presenting key elements of the process, is a good example of possible layout improvements for future processes.

6. *Electoral administration.* Many of the electoral preparations are carried out by the TSE's electoral processes department, which is responsible for production and packing of all election materials used in Bolivia, as well as for organizing the out-of-country voting. The department's responsibilities are heavily operational. The Center recommends that administrative approval for recruitment and disbursements be adapted to the complex and time-sensitive needs of the electoral processes department.

7. *Results publication.* Given the reliability and transparency of the official results aggregation process, and the significant difficulties of ensuring that the preliminary results system is sufficiently representative of the elections results, The Carter Center recommends that unless a more financially feasible, fully representative, and realistically implementable system is found, the TSE should consider abandoning the preliminary results system in future processes and rely from the outset exclusively on the official results system provided for by law.

8. *Out-of-country vote.* One of the many challenges of organizing the out-of-country vote is that of communicating with voters, particularly in the earlier phases of election preparations, before electoral staff has been selected, as unlike inside Bolivia, communication cannot be boosted through media and publicity programs. The Center recommends that the TSE consider dedicating a specific part of its website and creating social network pages exclusively for voters abroad, to facilitate election communication such as information on voter registration and voting centers.

9. *Protection of journalists.* Given the high number of threats and assaults against journalists and the poor efficiency of existing mechanisms to protect them, The Carter Center recommends the adoption of legal provisions and accompanying implementation mechanisms to more effectively guarantee that the media and journalists can carry out their work as watchdogs of democracy.

10. *Regulation of institutional advertising.* Bolivian news companies depend to a great extent on institutional advertising for their economic survival. As no law establishes these funds' allocation and distribution among the media, successive governments have used budgets for institutional advertising to exert pressure on media companies. The Carter Center recommends that the distribution of institutional advertising be regulated according to objective and public criteria.

11. *Right to information.* Although the right to information appears in the CPE and the Assembly recently promulgated a transparency law, very few state agencies publish reports on their management or respond to requests to provide data to the press. To better ensure that the media and journalists can inform the public and provide scrutiny of government programs, The Carter Center recommends that Bolivia regulate the state's obligation to publish information on its agencies' work, both on a regular basis and in response to inquiries.

12. *Social media and disinformation.* On the basis of its analysis of disinformation on social media, The Carter Center recommends that the TSE reach agreements with the leading social networks to provide access to their systems so that the entities authorized by the tribunal can monitor content, as is done with traditional media. In the same vein, the TSE could reach agreements with the leading social networks to enable mechanisms for reporting suspicious activity to them and facilitate a

rapid response. In addition, the Center recommends that the TSE consider requiring political parties to communicate their candidates' social network profiles to monitor what they publish.

13. *Political advertising on social media.* The Center recommends that some provisions of Bolivian law that already apply to traditional media be made more explicitly applicable to social networks. This should include the requirement, for the purposes of a level playing field for campaigning, that rates charged for electoral advertising be the same for all parties. In addition, the TSE could improve its monitoring of social networks to verify compliance with existing regulation, including permitted timeframes for electoral advertising, clear labeling of paid advertising, including the identity of the contractor, and the existing prohibition on third-party political advertising. In addition to its own monitoring for compliance, the TSE could consider establishing an online reporting mechanism to encourage social media users to report advertisements that may contravene regulations. The TSE could also require all candidates to submit the URL of their official social network pages to facilitate the TSE's monitoring of these pages.

14. *Political advertising on Facebook.* To facilitate more effective monitoring by the TSE as well as by civil society organizations, The Carter Center recommends the following measures to Facebook, which could also be considered by Bolivian lawmakers as possible legal requirements. First, Facebook should maintain and publish archives of all political advertisements run by Bolivian political parties and election contestants, alongside the precise cost for each advertisement. While this would still exempt social networks from the registration required of conventional Bolivian media, it would apply reporting requirements to both types of media equally.

Second, Facebook should proactively comply with regulations that already apply to social networks, including not accepting electoral advertising outside of the permitted timeframe or from anyone other than competing parties. In addition, Facebook should enable customized reporting on advertisements to enable Facebook users to report violations of political advertising regulations. Finally, Facebook should coordinate with the OEP and citizen election monitoring organizations to facilitate monitoring and reporting of political advertising violations.

15. *Participation of vulnerable and underrepresented groups.* Since the promulgation of the 2009 constitution, Bolivia has made important progress in removing barriers to the participation and representation of underrepresented and vulnerable groups, including women, indigenous peoples, people with disabilities, LGBTIQI communities, and youth. However, a key challenge is the national and local implementation of these laws. The principles and guarantees contained in these progressive laws also require a strong judicial system and adequate support so they can be implemented.

To improve the political participation of underrepresented and vulnerable groups, The Carter Center recommends that the Bolivian Plurinational State allocate sufficient institutional, human, material, and financial resources to ensure implementation of and compliance with the following laws: Law 3760, which elevated the United Nations Declaration on the Rights of Indigenous Peoples to national binding law (2007); Law 45 against racism and any form of discrimination (2010); Law 243 on political harassment and violence against women (2012); Law 342 on Youth (2013); and Law 348 to guarantee women a life free of violence (2013).

16. *Women's rights.* The Carter Center recommends additional training and financial, human, and administrative resources for the different institutions that make up the system to prevent and punish political violence against women, including the Special Force for Fighting against Violence (FELCV), the Plurinational Justice System (SIJPLU), the Plurinational Victim Support Service (SEPDAVI), the Public Prosecutor (*Ministerio Público*), Municipal Autonomous Governments, and the Plurinational Electoral Body (OEP). The Carter Center recommends granting more legal faculties to the TSE to strengthen the protection and to guarantee the rights of women candidates and officeholders.

17. *Rights of indigenous peoples.* In 2007, Bolivia enacted Law 3760, which enshrines the United Nations Declaration on the Rights of Indigenous Peoples into binding national law. Bolivia has taken other positive steps in this regard, including establishing seven special constituencies for indigenous communities (AIOC) in the Lower House and establishing the right and procedure to constitute autonomous native rural entities. However, indigenous self-government is sometimes rejected by parts of the population (mainly women and youth), since indigenous customs sometimes mean that only elder men can act as representatives. The Carter Center recommends that Bolivia explore mechanisms to harmonize the provisions of indigenous community customs with constitutional rights.

18. *Indigenous people's participation.* The Carter Center noted the efforts of the TSE to facilitate the participation of indigenous peoples in the 2020 election. The TSE reached out directly to indigenous communities located in the seven departments with special indigenous circumscriptions. The TSE visited diverse and remote communities and provided information and training to explain biosecurity measures and voting procedures. The TSE facilitators involved in this exercise were recommended by their own communities and spoke the local languages, thus improving the reach and effectiveness of the training. For future elections, The Carter Center recommends extending this program to more communities in all nine departments in the country.

19. *Protection mechanisms against discrimination.* The Carter Center recommends strengthening institutional, educational, and administrative resources for the effective implementation of the positive principles enshrined in Law 45 against racism and other forms of discrimination. This includes strengthening the vice minister for decolonization, and the National and Departmental Committees against Racism and all forms of Discrimination, in charge of monitoring the application of the law. The Carter Center also calls on all political organizations to consider the rights, interests, and needs of all groups in society in their programs, and the LGBTQI community in particular.

CONCLUSIONS

Context

The October 2019 elections were followed by a post-electoral crisis that was characterized by extreme polarization between the country's political and social forces and numerous episodes of violence. Nonetheless, complex negotiations enabled the unanimous approval of the Nov. 24, 2019, Exceptional and Transitory Law for holding general elections. The law decreed the cancellation of the October 2019 elections and established deadlines for a new *Tribunal Supremo Electoral* (TSE) to organize a new electoral process. Among other provisions, the law suspended the requirement to hold primary elections to determine presidential candidates and introduced a prohibition on candidacy for those who had already served two terms in the same elected post.

Six of the new TSE's members were unanimously elected by the Legislative Assembly, whose mandate was extended by the Jan. 20, 2020, Exceptional Law to prorogate the mandate of elected constitutional authorities (Law 1270), as were those of all elected officials. The seventh member of the Supreme Electoral Tribunal, Salvador Romero, was appointed by interim President Jeanine Áñez and was subsequently elected president by the other TSE members. The TEDs were also completely reconstituted following a competitive selection process based on merit, which meant that a significant number of staff members were replaced.

The task of the OEP was particularly challenging: to organize elections in a short timeframe with largely new personnel and a significant part of its infrastructure demolished, in the context of extreme political polarization. Most daunting of all, the new elections had to be organized at a time when, as a result of the political and electoral crisis of 2019, the credibility of the electoral administration was all but destroyed. In March 2020, the COVID-19 pandemic erupted onto this delicate scene, prompting the TSE to twice postpone the elections. The tribunal sought consensus between the legislative and executive branches concerning these postponements. While this was at times difficult, this approach ultimately enabled unanimous approval of three postponement laws that were rapidly promulgated. By calling the elections on Oct. 18, 2020, the TSE ensured a balance between protecting the health of Bolivian citizens on the one hand and guaranteeing that elections concluded before the end of 2020 on the other. The date also complied with the January 2020 ruling of the Constitutional Court that the newly elected authorities should be sworn in by the end of the year.

After the withdrawal of Áñez's *Juntos* coalition, former President Jorge Quiroga's *Libre 21* alliance, and *Acción Democrática Nacionalista (ADN)* party, whose presidential candidate was María de la Cruz Bayá, Bolivians chose a presidential ticket and their assembly members and senators from among candidates from five parties and alliances: former Minister of Economy and Public Finance Luis Arce's *Movimiento al Socialismo – Instrumento Político por la Soberanía de los Pueblos (MAS-IPSP)*; former President Carlos Mesa's *Comunidad Ciudadana (CC)*; Luis Fernando Camacho's *Creemos*; the *Frente para la Victoria (FPV)*, led by Chi Hyun Chung; and Feliciano Mamani's *Partido de Acción Nacional Boliviana (PANBol)*.

The Carter Center's preliminary report, published in La Paz on Oct. 23, 2020, highlighted the high turnout on a well-organized election day and noted that the Electoral Authority had guaranteed political pluralism and conducted a complex election process with independence and impartiality, paving the way back to the constitutional framework.

The official results certified the first-round victory of the MAS-IPSP presidential and vice presidential candidates, Luis Arce Catacora and David Choquehuanca, who obtained 55.1% of the vote. *Comunidad Ciudadana's* Carlos Mesa, and the *Creemos* candidate, Luis Fernando Camacho, came some distance behind, with 38.8% and 14% of the vote, respectively. MAS-IPSP also won a

majority in both chambers, although it lost the two-thirds majority needed for some important appointments. In the Senate, MAS obtained 21 seats, *Comunidad Ciudadana* 11, and *Creemos* four, while in the lower house (*Cámara de Diputados*), Arce's party obtained 75 legislators, *Comunidad Ciudadana* 39, and *Creemos* 16.

Legal Framework for Elections

According to international standards for democratic elections, elections must be conducted within a framework of laws guaranteeing the effective exercise of voting rights.³ In addition, international standards for democratic elections stipulate that there should be no unreasonable restrictions on the right to run for election.⁴

Both the constitution and the laws framing the elections enable the holding of democratic elections generally in line with the principles and commitments enshrined in the international instruments ratified by Bolivia. Nonetheless, Bolivian law retains some provisions that establish disproportionate sanctions for offenses of questionable gravity. The application of these sanctions could unjustifiably limit the right to political participation and curtail political pluralism. For example, Article 136.III of the Election Law instructs the TSE to sanction political parties that divulge internal opinion polls with immediate cancellation of their status as a legally registered party, as well as applying a fine. The party or coalition thus ceases to exist, and all its candidates are excluded from the electoral race. The Carter Center finds this sanction is manifestly disproportionate and contrary to international standards for democratic elections.

The TSE was confronted with this questionable legal provision when it received calls to cancel the legal status of MAS on the grounds that its presidential candidate, Luis Arce, had revealed an internal opinion poll during a television interview. In its resolution, the TSE referred its doubts about the sanction's constitutionality to the Constitutional Court (*Tribunal Constitucional Plurinacional* – TCP). Specifically, the TSE questioned the constitutionality of Article 136.III principally because, in the TSE's view, it jeopardizes the rights to active and passive suffrage and the right to political participation. In line with Article 25 of the International Covenant on Civil and Political Rights (ICCPR), the TSE reasoned that although these rights may, like all others, be subject to certain limits through sanctions established by law, these must be reasonable and proportionate to the gravity of the sanctioned behaviors, which is not the case with Article 136.III of the Election Law. The Carter Center considers that said article's application during the 2015 subnational elections in Beni cannot constitute a binding precedent. On the contrary, the cancellation of a political party's legal status and the disqualification of all its candidates for a relatively minor act constitutes a threat to political pluralism, as it did in 2015.⁵ As the 2020 general election process concluded, the TCP had not yet pronounced a ruling on the question of constitutionality submitted by the TSE.

In the same vein, Article 58.1(k) of the Law on Political Organizations (LOP, Law 1096 of Sept. 1, 2018) establishes that "the TSE will cancel the legal status of political parties and associations upon verified violations of the restrictions established by this Law concerning private and public financing and financial reporting mechanisms." Because of its excessively broad definition of the violations and the gravity of the corresponding sanction, Article 58.1(k) appears to represent a threat to political parties, as they could be excluded from the electoral race as a result of minor infractions of rules on financing and financial reporting. On Sept. 3, the *Creemos* alliance presented

³ International Covenant on Civil and Political Rights (ICCPR), General Comment 25, para 19.

⁴ Article 25, ICCPR.

⁵ In 2015, the TSE canceled the legal status of the regional party *Unidad Democrata del Beni* after a spokesperson referred to internal polls in an interview, disqualifying the well-positioned candidate for governor as well as the party's other 227 candidates.

a complaint against the MAS alliance on these grounds, calling for the cancellation of its legal status and, consequently, the cancellation of all MAS candidacies.

The Carter Center recommends that Bolivia consider replacing the sanction of cancellation of a political party's legal status, currently provided for by Articles 136.III of the LRE and 58.1(k) of the LOP, with other sanctions that are more proportionate to the sanctioned offenses and that do not jeopardize political pluralism.

Electoral legislation does not establish campaign spending limits, except for spending on political advertising in the media, which can lead to great inequities in resources for competing parties. In this respect, and with a view to a more level playing field for political competitors, The Carter Center recommends that Bolivia consider establishing limits for all campaign spending, not just political advertising in the media, as is currently the case.

Although the use of state resources for campaign purposes is prohibited by law, the associated sanctions have little dissuasive weight. The Center recommends that Bolivia consider establishing sanctions that constitute a greater deterrent for this practice, which has been observed and denounced in several Bolivian electoral processes.

The election law does not adequately address the consequences of candidate withdrawals, beyond a provision for financial sanctions to compensate for the costs incurred by withdrawal. When all of the *Juntos* coalition's candidates withdrew, as did, later, all candidates for *Libre 21*, this gap in legislation was bridged by the TSE, which determined that since it was no longer possible to interrupt the printing of ballot papers, any votes for these alliances would be considered spoiled ballots.

The TSE made full use of its power to regulate numerous elements of the electoral process and published clear regulations that enabled all stakeholders, including voters, to be aware of the rules and procedures for the elections. The Regulation on Electoral Offenses and Sanctions is noteworthy in that it illustrates the TSE's priorities by categorizing the most serious offenses as those that would harm the transparency or inclusivity of the electoral process or would limit freedom of choice or participation. For example, the gravest offenses listed for *jurados electorales* (polling staff) include impeding political party representatives from obtaining a copy or photographing results. For *notarios electorales* (voting center coordinators), the most serious offenses include failure to adequately report election results or carrying out any type of political activity. Public servants face the heaviest sanctions for impeding legitimate campaign activities, coercing employees into attending political events, or placing obstacles in the way of the election process. Private citizens' most serious offenses include violating others' secrecy of vote. Lastly, political parties are sanctioned for, among other offenses, any attempt to circumvent the rules on gender alternation on candidate lists, failure to respect the principle of equality by neglecting women candidates' campaigns, and failure to deal with accusations of political violence within their ranks. All electoral offenses have a statute of limitations of three months, and sanctions for electoral offenses have a statute of limitation of six months.

Voter Registration

International standards for democratic elections stipulate that elections should be determined by universal and equal suffrage.⁶ According to the United Nations Human Rights Committee, "States must take effective measures to ensure that all persons entitled to vote are able to exercise that

⁶ ICCPR, Article 25.

right [and] where registration of voters is required, it should be facilitated, and obstacles to such registration should not be imposed.”⁷

In Bolivia, all citizens 18 years and older have the right to vote, and voting is obligatory. For Bolivians age 70 or more, or who are outside the country at the time of the election, administrative penalties for not voting do not apply. For 90 days after elections, citizens who cannot provide either a voting certificate (*certificado de sufragio*) or proof of having paid the fine for not voting may not access public office, nor carry out bank transactions, nor obtain a passport. For the 2020 elections, the TSE established the fine for not voting at 10% of the minimum salary. It further declared that those who could provide evidence that they were ill or impeded from voting by circumstance or force majeure would also be exempt from penalty.⁸

Since 2009, the voter registry is biometric and permanently updated in Bolivia. It was found by the 2017 OAS audit to be generally reliable and was not cited among the allegations leading to the cancellation of the 2019 elections. However, it has been the subject of criticism, albeit in broad terms rather than on an evidentiary basis. The TSE nonetheless launched an ambitious program to ensure utmost accuracy and inclusion and to eliminate features that could lead to negative perceptions of the registry’s credibility, even if they did not affect the integrity of the electoral process.

The TSE multiplied its approaches to ensure that deceased citizens did not remain on the voter registry, primarily by cross-checking not only with the Civil Registry’s records of deaths, but also with cemeteries and a wide range of governmental authorities, including those concerning pensions and welfare. In addition, the TSE encouraged citizens to check if their deceased relatives were still registered and enabled them to report deaths directly, given that they may not have been able to report to the other authorities due to limits on movement and office closures during the peak of COVID confinement conditions. Overall, 73,238 such entries were removed in Bolivia and 349 abroad.

Most importantly, the TSE reinforced efforts to register youths who turned 18 before election day, carrying out several registration drives targeting high school graduates and youth in military service (obligatory between 17 and 22 years old), as well as decentralizing the permanent registration service in both urban and rural areas. As a result, the TSE registered 239,058 new voters in Bolivia and 11,747 abroad. The TSE also facilitated registration changes for Bolivians who returned from abroad at the outset of the COVID pandemic, or those who moved to a new department.

In accordance with the law, the TSE disqualified citizens who had not voted in the previous two national-level elections (the 2016 referendum and the 2017 election of judicial authorities, for voters within Bolivia). This measure was intended not as a sanction connected to the obligatory vote, but rather as a mechanism to suspend entries for citizens most likely to be deceased. The TSE disqualified 187,166 citizens on this basis, of whom 50,634 were outside of Bolivia; this was a first application of this measure since the out-of-country registries were created in 2009, based on citizens not voting in the past two elections open to out-of-country voters, the general elections of 2009 and 2014.

To ensure none were incorrectly excluded, the TSE also facilitated reintegration in the voter registry for those affected, by running large-scale information campaigns and requiring that applicants only request reinsertion, with a copy of their identification, either in person or on an internet platform. The TSE responded positively to 4,101 requests for reinsertion in Bolivia and

⁷ ICCPR, General Comment 25, “The right to participate in public affairs, voting rights and the right of equal access to public service,” para 11.

⁸ OEP 2020 Regulation on electoral offenses and sanctions.

245 outside. Of the 28,172 citizens who had been disqualified for not performing *jurado* (polling staff) duties in previous elections – a legal provision that confuses voter registry updating mechanisms with sanctions – the TSE applied the statute of limitations on this electoral offense (six months, according to the Election Law) and rehabilitated them on its own initiative in another measure clearly prioritizing inclusion.

In addition to the numerous measures taken to maximize inclusion and accuracy, the TSE compared its figures with those of population projections by the National Institute of Statistics (INE), finding that these were generally consistent, with some instances of greater growth in the voter registry where urban population growth has been rapid, specifically in areas on the edges of cities.

Finally, the TSE reduced the 17,466 entries that shared an identity number. Although of no consequence to the electoral process as biometric data confirmed these were entries for different people, the current TSE identified these vestiges of outdated forms of identity documents such as military service cards, and reduced the number of such entries to 336.

In terms of transparency, the TSE not only communicated its initiatives to encourage public participation and discussed the voter registry at the Multiparty Roundtables organized by the TEDs, it also opened voter registry transparency labs in all departmental capitals, where for three weeks political parties, civil society organizations, and interested citizens were able to request statistical and procedural information.

In accordance with the electoral calendar, the TSE presented the final voter registry on Sept. 15, 2020, and at the same time published several comprehensive statistical documents about the voter registry on its website. The voter registry for 2020 included 7,332,925 citizens, of whom 301,631 were registered outside of Bolivia.

Election Campaign

The full enjoyment of rights related to democratic elections necessarily includes freedom to engage in political activity individually or through political parties and other organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election, and to advertise political ideas.⁹

The 2020 election campaign was marked by the limits imposed by the pandemic, and largely shifted from traditional events to the mass media and social media. The Carter Center observed a relatively limited use of paid political advertising on social networks and, conversely, a proliferation of disinformation aimed at eroding not only candidates' reputations, but also the TSE's. The Carter Center regrets that despite calls from the TSE and other organizations for campaign events to take place in a respectful climate, violent confrontations took place between supporters of different political groups, as did some attacks on campaign headquarters and some assaults on candidates.¹⁰

After many electoral processes without them, The Carter Center welcomed the return of presidential debates as a rich element of the election campaign. Nonetheless, there was little space in general for program manifestos in a campaign that was somewhat dominated by the highly polarized atmosphere and by accusations and criminal cases being brought against candidates and political actors in general. In this respect, The Carter Center noted a proliferation of criminal cases

⁹ ICCPR General Comment 25, para 25.

¹⁰ Preliminary data recorded by the Technical Mission of the U.N. High Commissioner for Human Rights found that 47 violent incidents took place in Bolivia between Sept. 6 and Oct. 15.

brought by the government against MAS leaders, as well as arrests of several MAS candidates in connection to the roadblocks in July and August.

Campaign Financing

The Legislative Assembly voted unanimously to allocate the public funds normally granted to political parties toward paying for political advertising to the TSE, to cover the extra costs incurred by biosecurity measures and materials needed in the context of the COVID-19 pandemic.¹¹ As such, parties and coalitions had to fund their campaigns exclusively from private financing, which is only subject to a spending ceiling for political advertising in the media. In this context, the inequality between different parties' resources was amplified. With a view to a more level playing field for political competitors, The Carter Center recommends that Bolivia consider establishing limits for all campaign spending, not just political advertising in the media, as is currently the case.

Until the withdrawal of interim President Jeanine Añez's *Juntos*, a recurring complaint concerned the use of state resources in election campaigning, as well as the exploitation of governmental advertising for the purposes of election campaigning¹² – a complaint that also featured heavily in previous election processes in Bolivia. As noted above, although the use of state resources for campaign purposes is prohibited by law, the associated sanctions constitute little disincentive. The Center recommends that Bolivia consider imposing sanctions that constitute a greater deterrent for this practice. After *Juntos'* withdrawal, only a small number of complaints were submitted concerning the use of local government resources.

Election Administration

An independent and impartial electoral authority, functioning transparently and professionally, is essential to ensure that citizens can participate in genuine democratic elections.¹³

Established in 2010, the Plurinational Electoral Body (*Órgano Electoral Plurinacional – OEP*) is one of the four branches of public power, with equal constitutional rank as the legislative, executive, and judicial branches. The OEP's highest authority is the Supreme Electoral Tribunal (*Tribunal Supremo Electoral – TSE*), composed of seven members serving single six-year mandates, of whom at least three must be women and at least two must be indigenous (*de origen indígena originario campesino*). One TSE member is designated by the president of Bolivia, and the remaining members are elected by a reinforced majority (two-thirds) of the National Assembly.¹⁴ In practice, the election administration is most commonly referred to as the TSE. Its president and vice president are selected by its members every two years.¹⁵ The OEP also includes the Departmental Electoral Tribunals (*Tribunales Electorales Departamentales – TEDs*), each of which has one member named by the president of Bolivia, and whose remaining four members are elected by the National Assembly, following a process of technical evaluations carried out by departmental assemblies.¹⁶ Lastly, the OEP is also made up of its poll workers (*jurados*) and voting center coordinators (*notarios electorales*).

From the time the current TSE was constituted in December 2019, following political negotiation and unanimous approval by all political forces in the Plurinational Legislative Assembly (*Asamblea*

¹¹ Law 1314 of July 24, 2020. For 2020, public funding for campaigning had been set at 35,060,000 Bolivianos.

¹² Before *Juntos* withdrew from the race, the TSE ordered the removal of a governmental advertising spot, on the grounds that it in fact constituted electoral campaigning.

¹³ ICCPR, General Comment 25, para. 20.

¹⁴ Articles 12-13, Ley 018 del Organo Electoral Plurinacional, June 16, 2010.

¹⁵ Article 18, Ley 018 del Organo Electoral Plurinacional, June 16, 2010.

¹⁶ Article 33, Ley 018 del Organo Electoral Plurinacional, June 16, 2010.

Legislativa Plurinacional – ALP), it faced the exceptionally challenging task of organizing elections in a country left deeply polarized by the aftermath of the canceled 2019 elections, which also undermined the credibility of the electoral administration. The upheaval following the 2019 elections also resulted in significant damage to TED buildings and equipment in five of the nine departments,¹⁷ which increased the challenges for the concerned TEDs. Discussions The Carter Center held with TED members highlighted a widespread civic engagement and personal commitment to the 2020 electoral process as a crucial step forward from the instability wrought by the aftermath of 2019 elections.

In March 2020, the new TSE's challenge was heightened by the outbreak of the COVID-19 pandemic, which affected both the timing and the organization of the elections. The TSE should be commended for ensuring a balance between not unduly jeopardizing the health of Bolivian citizens and guaranteeing that elections concluded before the end of 2020, in line with the January 2020 ruling of the Plurinational Constitutional Court that the newly elected authorities should be sworn in by the end of the year.

The TSE sought to rebuild the institution's authority and credibility by demonstrating its independence, transparency, and professionalism, and its adherence to the law, the constitution and international standards for democratic elections. The main cadres of the TSE and the TEDs were renewed through meritocratic selection processes. At the same time, communication between the TSE and the TEDs has been, in general, open and regular, which facilitated the good organization of the elections. The Carter Center witnessed the TSE's impartial and professional administration of the election process and the significant efforts both the TSE and TEDs made to increase transparency and communication.

The TSE published a detailed electoral calendar in line with the law and respected all deadlines. Furthermore, the TSE and the TEDs published a wide range of documents concerning all electoral preparations, including lists of voting center staff and training materials and calendars. While these were not always easy to find on the TSE website — which could benefit from being redesigned to be more user-friendly — the detailed information was nonetheless available and contributed to the transparency of the process. Each TED also has its own website and social network pages, facilitating access to information for voters. In order to optimize public access to the information published by the TSE, The Carter Center recommends that the OEP simplify and reorganize the layout of its website to give clearer priority to publications directly relevant to the ongoing electoral process and make it easier to identify newer posts while giving less prominence to the more abstract and older publications.

Both at central and departmental level, key events, presentations and discussions were broadcast through social media and covered by traditional media, including training sessions, reception of electoral materials, and detailed explanations of key elements of the process, such as the voter registry and the results processing systems. Initially catalyzed by COVID-related conditions, these initiatives enhanced transparency and general awareness about the electoral preparations.

Selection of poll workers was carried out in accordance with the law, which provides for the TEDs to select registered voters at random, at an event to which political party representatives are invited. All TEDs and the TSE invited the media to broadcast all selection events live on social networks for the selection of poll workers. As a COVID-related measure, the TSE determined that poll workers would be selected from among citizens age 50 or under.

Voting center coordinators (*notarios electorales*) were contracted by the TEDs. Their role included delivering materials to polling stations and later, transporting them from polling stations to the TEDs for results processing, as well as providing guidance and oversight to poll workers and

¹⁷ Chuquisaca, Santa Cruz, Potosí, Pando, and Beni.

informing poll workers of their selection. According to the plan for the DIREPRE preliminary results system, voting center coordinators were responsible for sending results. TEDs were given significant discretion to determine schedules for selecting and training voting center coordinators; in some cases this contributed to overlapping timeframes, whereby some voting center coordinators were still being recruited or trained at a time when their services were already required, for example to notify selected poll workers or participate in DIREPRE trials.

The Carter Center considers that overall, the degree of autonomy afforded to the TEDs for implementation of electoral preparations was appropriate, particularly in conjunction with close ongoing communication between the TSE and the TEDs and among the TEDs. Nonetheless, the Center recommends a review of the areas in which harmonization is essential and the implementation of checks to ensure progress, such as deadlines for selection of electoral staff, to ensure there are no overlaps between this stage of electoral preparations and others, such as training.

The OEP invested heavily in training its nationwide network of temporary staff, most particularly the voting center coordinators, responsible for electoral materials and communicating election results, and the more than 200,000 poll workers, responsible for all voting and counting procedures. The TSE produced a range of high-quality training materials, including manuals and posters to place in polling stations, which also served to inform voters. Training methods were adapted to COVID-related biosecurity requirements, including smaller classes, an online course also available to the public, and reinforcement sessions on television and radio.

The TSE also carried out training for political party agents, as well as police and armed forces, concerning their roles in the process. To address a problem common to many elections, the TSE training program and materials heavily emphasized the completion of results forms. The TSE also improved the security of results forms by requiring that no parts may be left blank and providing transparent stickers to place over completed results forms to prevent modifications.

The TSE enabled selected polling station staff to request to be excused for reasons established by the law¹⁸, and widely publicized a clear procedure and timeframe. This created an orderly process for requests and enabled the TSE to ensure polling stations were fully staffed. In all, of the 204,942 poll workers selected in Bolivia, 16,562 submitted requests to be excused, of which 5792 were granted. Abroad, of the 8,658 poll workers selected, 190 requested to be excused, of whom 155 were granted permission.

The TSE deployed a comprehensive communications program, which was launched as soon as the final election date was confirmed. In addition to a series of films that promoted the idea that voting constituted an opportunity for Bolivians to unite, the TSE also prepared a series of technical and informative animated films. Subjects were as varied as the voter registry, how to check registration and possible selection as a poll worker, the biosecurity measures in place, and security of electoral materials at all times. These were widely broadcast on television, radio, and social networks, and printed in newspapers.

Much of the electoral preparation is carried out by the TSE's electoral processes department, which is responsible for production and packing of all election materials used in Bolivia, as well as for organizing out-of-country voting. The department's responsibilities are heavily operational, and it could be helpful if administrative approval for recruitment and disbursements were adapted to the complex and time-sensitive needs of the electoral processes department.

¹⁸ Selected poll workers may be excused in case of pregnancy, documented sickness, documented force majeure or circumstantial impediment, or if they are a political party candidate or leader. Article 65, Ley 018 del Órgano Electoral Plurinacional, June 16, 2010.

Election Day

As noted above, due to the small size and limited scope of the mission, The Carter Center was not able to conduct robust observation of voting and counting procedures and aggregation of results by the TEDs. As a result of these limitations, the content referring to observations on election day largely relies on the findings of the two main national citizen observation networks, *Observa Bolivia* and *Observación Ciudadana de la Democracia (OCD)*, which The Carter Center thanks for their openness.

According to reports by the main observation missions, election day was well organized and smoothly implemented; according to official figures from the TSE, turnout was historically high at 88%.¹⁹

The TSE had prepared a series of COVID-inspired biosecurity measures, which were publicized well in advance and which all polling staff were trained to implement. These included mandatory use of face masks for voters and workers alike, and distancing measures that included arranging for voters to line up outside voting centers rather than inside. These measures, alongside the high turnout, resulted in long lines. OCD found this was the case in just over half of the observed voting centers. In a bid to reduce overcrowding, the TSE also extended voting by one hour and recommended that voters go to polling stations either in the morning or afternoon according to the last digit of their ID card. The TSE also sought to decongest voting centers with more than 10 polling stations, where adequate distancing could not be ensured. As such, the number of voting centers was increased by 4.6%, to 5,369. *Observa Bolivia* found that in the small number of cases where a voting center had been changed at the last minute (6%), there was clear information for voters to direct them to the right location.

Observa Bolivia and OCD both found that polling stations were managed by at least three staff members in almost all of their observations. *Observa Bolivia* found that in just 6% of polling stations observed, fewer than three poll workers presented themselves, and that in these cases a voter was selected to perform as staff member, as indicated by the law. *Observa Bolivia* also found that secrecy of vote was respected in 97.5% of polling stations observed.

Observa Bolivia found that at least one political party agent was present at 93% of polling stations observed, and that in 70% of polling stations, there were party agents from at least two political organizations. The completion of results forms, frequently a challenging part of polling station duties, was reportedly carried out smoothly; OCD reported that the voting center coordinators reviewed results forms in almost all cases and found errors – which were duly corrected – in 15% of cases.

Both OCD and *Observa Bolivia* found that in the vast majority of cases, vote counting was public (99% and 97%, respectively) and that copies of the results form were issued to party agents present (96% and 91%, respectively).

Biosecurity measures, and the fact that in about one-third of cases (35% according to *Observa Bolivia*, 26% according to OCD) party agents exercised their right to record observations on the results form, slowed the completion of tally sheets, which in turn delayed delivery of results to the official counting centers at the TEDs and to the TSE for the out-of-country vote.

¹⁹ *Observa Bolivia*, Informe final de observación electoral 2020 <http://observabolivia.com.bo/informe-final/>; OCD, Informe Final, Proceso Electoral 2020: <https://ocdbolivia.org/transmedia/informe.html>.

Both observation platforms issued preliminary findings soon after election day, which are included in their final reports.

In its final report, OCD reported its observers evaluated the performance of voting center coordinators as good or very good in 72% of cases and as adequate in 23% of cases. OCD observers evaluated the performance of poll workers as good or very good in 74% of cases and adequate in 26% of cases.

Results Aggregation and Publication

The TSE decided to cancel the system for preliminary results information, the DIREPRE (*Sistema de Difusión de Resultados Preliminares*), as after multiple tests and rehearsals it was not convinced of the system's capacity to cover sufficient points of information. The Carter Center, along with other international and national election observation missions, publicly expressed its understanding of the TSE's decision to rely exclusively on the official aggregation system (*Sistema de Cómputo Oficial, SCORP*), which is provided for by law, uses the original results forms as a basis for data entry, and requires that TED council members (and TSE members in the case of out-of-country voting) examine all results forms before their data are included, and that the form be published on the TSE website.

The preliminary results system

The challenges facing implementation of the DIREPRE system bear relating, for the purposes of consideration of future processes. The DIREPRE preliminary results system — like its predecessor (the TREP), which was the source of consequential controversy in the 2019 elections — relies on polling station results' being communicated to the TSE by mobile internet technology. It must be noted that Bolivia's geography and infrastructure make this an ambitious endeavor. Bolivia is a large country (over 1 million square kilometers) characterized by extremely diverse topography, including the Andean, Sub-Andean and Plains regions. Its inhabited areas include some very remote zones with poor coverage. Although the TSE had foreseen a procedure for moving to areas of better connectivity to send results, geography remains a challenging factor, which particularly impacts rural areas.

The DIREPRE, like its predecessors, was also not designed to include results from out-of-country voting. By guaranteeing only limited results from rural areas, and none from out-of-country voting, even a successfully implemented DIREPRE system ran the risk of being insufficiently representative of overall results, with associated risks in political and public perception.

A second factor to consider is the high cost of DIREPRE systems. Procurement bids received by the TSE ranged from US\$5 million to almost US\$16 million, whereas the TSE estimated the total budget for the elections (not including any DIREPRE purchase) would be approximately 215 million bolivianos, equivalent to approximately US\$31 million. The high cost of externally procured systems contributed to the TSE's decision to build its own in-house system.

In terms of implementation, the TSE faced several specific challenges that contributed to the decision to suspend the DIREPRE in 2020. Following the 2019 electoral crisis, the TSE sought to implement recommendations for double authentication for sending results through the DIREPRE system: this required measures such as logging in as well as entering a code received by SMS. In practice, these layers of security made it difficult for some electoral staff to report results, whether for reasons of hardware (their own telephones), coverage, or technological ability. As a result, the TSE sought to simplify its log-in requirements, particularly after the first internal tests, which were carried out by TSE and TED employees, who were better trained to comply with the security requirements than the voting center coordinators, who faced more of the mentioned challenges.

Lastly, the TSE found many staff members were reluctant to be involved in the implementation of the DIREPRE, and reported that both the TEDs and voting center coordinators, who showed willingness, dedication, and engagement in all other areas of electoral preparations, tended to be wary of using the DIREPRE. Its predecessor, the TREP, was at the center of allegations that led to the cancellation of the 2019 elections, as well as the physical destruction of numerous TEDs, and the arrest of numerous electoral employees. The Carter Center spoke to numerous electoral workers of all ranks who reported that their families urged them not to take the risk of being involved with the elections in general and the DIREPRE in particular. This context contributed to the fact that in later DIREPRE trials, intended to involve a majority of voting center coordinators, only some 20% actually participated.

Lastly, the DIREPRE tests revealed a problem with a server that caused it to perform badly despite theoretically retaining sufficient capacity. This problem was addressed but reappeared in further tests on the day before the elections, leading the TSE to determine that implementation of the DIREPRE presented more risks than not using it.

On election night, electoral workers thus focused exclusively on delivering the election results forms from polling stations to the TEDs for official aggregation. At midnight, CIESMORI and *Fundación Jubileo* released the results of their quick counts, which projected that MAS presidential candidate Luis Arce had won the election with 52.4% and 53%, respectively (not including out-of-country voting). These figures were swiftly recognized by interim President Jeanine Áñez and rival candidate Carlos Mesa.

Official results aggregation

The official results aggregation system, unlike the DIREPRE, is provided for by law and is based not on a rapid and incomplete transmission of results, but rather on counting all votes, based on the original results forms for all polling stations. In accordance with the procedure established by law, results aggregation takes place in all TEDs, in the presence of those party agents and observers who wish to attend, using the original results forms delivered by the voting center coordinators. The TSE aggregated results for the out-of-country votes based on images of results forms sent by email and WhatsApp – email transmission is provided for by law, which also grants the TSE discretion in using other means – before the originals arrived by diplomatic bag. The TSE requested the services of a notary to certify the images as faithful to the originals. Neither political parties nor observation missions reported any restriction on their access to the results aggregation process.

The official results system is designed around a double data entry mechanism, with approval by the members of the TEDs (and the TSE members, in the case of out-of-country votes). TED and TSE members must be consulted if the two sets of data do not match; they also must review and approve all results forms. If any amendments are necessary, those also must be approved by TED/TSE members. This was the case, for example, when votes for withdrawn candidates and parties (*Libre 21*, *Juntos*, ADN) were mistakenly attributed to these parties, rather than being counted as spoiled votes. The TSE published a clarification in this regard. The system overall is thorough and transparent, thanks to the permitted presence of observers and agents as well as the detailed access to information in published results (see below).

The official results website went live as soon as aggregation began and was constantly updated. The TSE published overall results, as well as results by department, province, municipality, neighborhood, voting center and polling station. For each set of results, the website also provided information on turnout, blank and spoiled votes, and results forms processed up until that point. The website also showed the data entered from each results form and a high-quality scan of the

original results form. Thanks to its procedural requirements and comprehensive publication system, the official aggregation system facilitated the highest degree of accuracy and transparency.²⁰

The official results aggregation took a record five days — significantly less than in past elections — and the TSE presented the election results on Oct. 23, 2020.²¹ Published final results were detailed and informative,²² providing results for each department, as well as rates of spoiled and blank votes and turnout. Overall turnout (including out-of-country voting) was 88.42% (the second-highest ever recorded), and of the 6,404,008 ballots cast, 94.99% were valid, 3.6% were spoiled, and 1.41% were blank.

Given the reliability and transparency of the official results aggregation process and the significant difficulties in ensuring that the preliminary results system is sufficiently representative of the elections results, The Carter Center recommends that unless a more financially feasible, fully representative, and realistically implementable system is found, the TSE should consider abandoning the preliminary results system in future processes and rely from the outset exclusively on the official results system provided for by law.

Out-of-Country Voting

The TSE demonstrated excellent organizational skills and great determination to guarantee that Bolivians abroad would be able to vote. Efforts were made to ensure an accurate voter registry abroad, and the TSE produced training materials specifically for out-of-country voting procedures. In accordance with the electoral calendar, the TSE published the final list of voting centers throughout the world one week before election day. After extensive and complex negotiations involving the TSE, the Bolivian foreign service, national governments, and election administration bodies, out-of-country voting was facilitated in all countries where Bolivia has diplomatic and consular representation, with the exception of Panama and five cities in northern Chile, due to COVID-related movement restrictions. On Oct. 18, Bolivians voted from 70 cities in 29 countries. In all, 301,631 voters were registered to vote outside the country.

The out-of-country vote is a complex and demanding undertaking, requiring even in normal times extensive coordination with authorities in numerous host countries, as well as remote logistical arrangements. For elections in the midst of the COVID-19 pandemic, the complexities of the operation increased exponentially, as contagion risks and associated measures created challenges that vary even within countries and that evolved over time. COVID-related conditions also prompted the need to identify new voting centers, as locations used in the past had been assigned different purposes. Some 400 staff members were hired, and 8,568 out-of-country poll workers were selected at random from the voter registry, just as in Bolivia.

One of the many challenges of organizing the out-of-country vote is that of communicating with voters, particularly in the earlier phases of election preparations, before electoral staff has been selected, as unlike inside Bolivia, communication cannot be boosted through media and publicity programs. It could be useful to dedicate a specific part of the TSE website and consider creating social network pages exclusively for voters abroad, to facilitate election communication such as information on voter registration and voting centers.

²⁰ <https://computo.oep.org.bo/>.

²¹ The official count for previous elections in 2014 and 2009 took 15 and 16 days, respectively. Results for elections in Bolivia since 1989 had taken up to 32 days.

²² https://www.oep.org.bo/wp-content/uploads/2020/10/Separata_Resultados_EG_2020.pdf.

Freedom of the Press

Democratic elections depend in part on “a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.”²³

The Bolivian Constitution guarantees the “right to freedom of expression, opinion and information, right of reply and rectification, and the right to freely express ideas through any medium.” It extends these rights to journalists and grants media and press associations the right to self-regulate their codes of ethics. In addition, the constitution prohibits monopolies or cartels, promotes the creation of community media, and grants the right to indigenous nations and peoples to create their own media and communication networks. For its part, the Telecommunications Law aims to prevent concentration of media powers by allocating one-third of the broadcast frequencies to the public sector, one-third to the private sector, and one-third to social movements and *pueblos indígena originario campesinos* (indigenous rural native peoples). However, in practice, the private sector dominates three-quarters of the 1,400 available radio and television frequencies.

The Press Law, almost a century old, provides for press-related offenses to be dealt with by special courts, in principle to protect journalists from abusive criminal prosecution. However, in practice the press courts are barely functional, resulting in a lack of protection for press workers, particularly in times of political conflict. Since the October 2019 elections, the National Association of Bolivia’s Press (*Asociación Nacional de la Prensa de Bolivia – ANPB*) reported more than 50 cases of assault, threats, and intimidation against media professionals, as well as attacks on their media headquarters. No specific government or judicial protection scheme exists, despite an increase in violent incidents. Given the high number of threats and assaults against journalists, and the poor efficiency of existing mechanisms to protect journalists, The Carter Center recommends that Bolivia consider adopting legal provisions and accompanying implementation mechanisms to more effectively guarantee that the media and journalists may carry out their work as watchdogs of democracy.

Bolivian news companies depend to a great extent on institutional advertising for their economic survival. As no law establishes these funds' allocation and distribution among the media, successive governments have used budgets for institutional advertising to exert pressure on media companies. Soon after coming to power in 2006, MAS reduced or eliminated advertising in the media most critical of the party, such as the *Agencia de Noticias Fides*, the *Erbol* network of broadcasters and, later, the *Página Siete* newspaper. For its part, the government of President Jeanine Áñez withdrew advertising and infrastructure from at least 50 community radio stations and reduced the network of radio broadcasters. It also significantly modified the editorial line of the *Pueblos Originarios* network, a state initiative, in cooperation with *Deutsche Welle Akademie*, to give rural areas alternative news sources to those from La Paz, Santa Cruz, and Cochabamba. The Carter Center recommends that the distribution of institutional advertising be regulated according to objective and public criteria.

The interim government also promulgated three decrees with emergency measures against the pandemic that included provisions criminalizing any information that negatively affected public health, whether through traditional media or any other medium, including artistic media. Following widespread criticism, these decrees were soon abandoned.

Lastly, although the right to information appears in the CPE and the Assembly recently promulgated a transparency law, very few state agencies publish reports on their management or respond to requests to provide data to the press. To better ensure that journalists may inform the public and provide scrutiny of government programs, The Carter Center recommends that Bolivia

²³ General Comment 34 on Article 19 of the UDHR, para 13.

consider specifically legislating the state's obligation to publish information on its agencies' work, both on a regular basis and in response to inquiries.

Impact of COVID-19 on the Election

The COVID-19 pandemic has had a profound impact on society, changing the way we live, how we campaign, and how we vote. As a result, from Feb. 21 to Oct. 18, 2020, at least 73 countries and territories across the globe postponed national and subnational elections due to COVID-19. Out of these, at least 39 countries postponed national elections²⁴. Bolivia was among them, as it had to move the election date twice. The TSE sought consensus between the legislative and executive branches concerning these postponements, ultimately leading to an agreement and a law to hold the election on Oct. 18.

In response to COVID-19 and to keep voters safe, the TSE prepared a comprehensive biosecurity protocol. The measures in the protocol include: a) increasing the number of voting centers; b) extending voting hours; c) prohibiting commercial activity around centers (a typical custom in Bolivia); d) establishing two different voting schedules, based on voters' ID cards, to avoid overcrowding; e) providing key information for voters; and f) relevant hygiene safeguards (social distancing, mandatory use of face masks, disinfection of voting compartments, frequent use of hand sanitizer, etc.).²⁵

This protocol is in line with — and contributes to — international best practice and experience as shared by international organizations and national and local election management bodies. A positive contribution is that the TSE not only provided adequate facilities and material for voters, but also ensured that electoral guides visible in all polling stations informed properly about the biosecurity protocol. In this regard, the TSE should be commended for ensuring a balance between safeguarding the right to vote and protecting the health of Bolivian citizens.

National Election Observation

The preamble to the Declaration of Global Principles for Nonpartisan Election Monitoring and Observation by Citizen Organizations states: "Nonpartisan election observation and monitoring by citizen organizations exercises [...] the right to seek, receive and impart information that is vital to transparency. [...] Establishing an election process that is open to citizen examination is essential because citizens not only have the right to genuine elections, they have the right to know whether the election process provided an opportunity for free expression of the will of the electors and accurately recorded and honored the electors' will."²⁶

After several years of reduced activity in this field, Bolivian civil society organizations launched large-scale and accredited missions to observe the 2020 elections. The two main missions were *Observa Bolivia* and *Observación Ciudadana de la Democracia* (OCD), each composed of numerous civil society organizations, associations, and academic institutions. Both missions underlined the heightened need for election observation in 2020, in light of the crisis the country experienced following the canceled 2019 elections and the crucial need to return to the constitutional framework.

²⁴ IDEA (2020) Global overview of COVID-19: Impact on elections. Available at: <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections>.

²⁵ TSE-Bolivia (2020) Protocolo de Bioseguridad por la Emergencia del COVID-19. Available at: <https://www.iidh.ed.cr/capel/media/1831/protocolo-de-bioseguridad-tse-bolivia.pdf>.

²⁶ Preamble, Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, commemorated April 3, 2012, at the United Nations.

Both missions observed the election process from the early stages. *Observa Bolivia* has also contributed to fact-checking social media disinformation targeting the TSE. *Ruta de la Democracia*, a leading member of OCD, has published regular newsletters publicizing and evaluating electoral preparations. OCD launched a crowdsourcing platform (*yoreportobolivia.org*) enabling citizens to upload observations and election results. *Observa Bolivia* deployed more than 2,000 observers to over 1,000 polling stations in Bolivia, while OCD deployed 130 observers throughout Bolivia and 50 abroad (Argentina, Brazil, and Chile). Both platforms published objective and evidence-based reports throughout election day and after the conclusion of voting and counting.

The TSE's regulation for election observation provides a framework that facilitates national and international observation. Observers are able to assess all stages of the election process, assuming they maintain a commitment to noninterference, objectivity, and impartiality. The TSE granted accreditation to all the organizations that applied and issued some 2,500 individual accreditations in all: The vast majority (at least 2,235) were for national observation missions (*Observa Bolivia* with over 2,100, and OCD with 135), with the remaining for international observers (The Carter Center, the European Union, the OAS, and the Inter-American Union of Election Bodies – UNIORE) and international guests including the Permanent Conference of Political Parties of Latin America and the Caribbean (COPPAL), MERCOSUR parliament's Observatory for Democracy (ODPM), diplomatic missions, and several political parties and associations.

Participation and Representation

The U.N. Human Rights Council has urged all states to ensure the full, effective, and equal participation of all citizens in political and public affairs, including by taking “proactive measures to eliminate all barriers in law and in practice that prevent or hinder citizens, in particular women, persons belonging to marginalized groups or minorities, persons with disabilities and persons in vulnerable situations, from participating fully in effectively in political and public affairs, including, inter alia, reviewing and repealing measures that unreasonably restrict the right to participate in public affairs, and considering adopting, on the basis of reliable data on participation, temporary special measures, including legislative acts, aimed at increasing the participation of underrepresented groups in all aspects of political and public life.”²⁷

This section of the report pertains to the participation and representation of underrepresented and vulnerable groups in Bolivia, including women, indigenous peoples, persons with disabilities, LGBTIQI communities, and youth. The assessment is based on best practice and international human rights obligations and standards for democratic elections, including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, the Iberoamerican Convention on Young People's Rights, the Convention on the Rights of Persons with Disabilities, the United Nations Declaration on the Rights of Indigenous Peoples, and the International Labor Organization's (ILO) Convention 169 on Indigenous and Tribal Peoples, all signed and ratified by the Plurinational State of Bolivia²⁸.

Bolivia has made important progress with the promulgation of the 2009 constitution. Among other key provisions, this constitution establishes equality between men and women and self-determination for indigenous peoples; it recognizes plurality in society and rejects all forms of racism and discrimination. Moreover, Bolivia promulgated several laws for guaranteeing the rights of individuals and of underrepresented and vulnerable groups. These include Law 3760, which

²⁷ UNHRC, 30th session, September 2015 Equal Participation in Political and Public Affairs, Article 6(d).

²⁸ UPR info (2020) Lista de instrumentos internacionales y regionales de derechos humanos ratificados por Bolivia. Available at: https://www.upr-info.org/sites/default/files/document/bolivia_plurinational_state_of/session_07_-_february_2010/a_hrc_wg6_7_bol_1_state_plurinational_of_anexoiiii_s.pdf.

elevates the United Nations Declaration on the Rights of Indigenous Peoples to national binding law (2007); Law 45 against racism and any form of discrimination (2010); Law 243 on political harassment and violence against women (2012); Law 342 on Youth (2013); and Law 348 to guarantee women a life free of violence (2013).

However, implementation of these laws at the national and local levels is still a challenge. The principles and guarantees contained in these progressive laws also require a strong judicial system and adequate support so they can be applied properly. A key example, which will be detailed below, is Law 243 on political harassment and violence against women. While Bolivia became the first country in the Americas with this type of regulation, its results have been limited. The Carter Center recommends that the Bolivian state provide sufficient institutional, human, material, and financial resources to ensure implementation of and compliance with these laws.

A positive development is the work of the TSE to strengthen inclusion. Starting in 2016, the TSE has conducted internal performance assessments considering the needs and interests of key groups with five different approaches: gender, generational, plurinational, intercultural, and people with disabilities. The 2020 evaluation focused on the TSE's work in three areas: registration and integration of candidate lists following parity and alternation criteria, training materials, and public information campaigns.

Participation of Women

Bolivia has made great progress in strengthening women's participation and representation. The 2009 constitution affirms its commitment to inclusion and establishes equitable political participation for women and men. It is complemented by the 2010 Electoral Regime and Electoral Body Laws, which recognize that democracy in Bolivia guarantees gender equality and establish gender parity and alternation in the appointment of all government and representation positions in the country, in the internal selection of political party leaders and candidates, and in the election of candidates and authorities of indigenous rural native peoples. As a result, according to the Inter Parliamentary Union, Bolivia's outgoing National Assembly was the third parliament globally with the greatest proportion of women: 53.1% of seats held by women in the lower house, while 47.2% of seats are held by women in the Senate²⁹.

Specifically, the Electoral Regime Law states that gender parity and alternation should be applied in candidate lists for a number of representation bodies, including the Senate and the Chamber of Deputies. For these, candidate lists should include first a principal female candidate, followed by a principal male candidate, an alternate male candidate, and an alternate female candidate, in that order. Therefore, parity is an affirmative action that constitutes a floor and not a ceiling for women's representation. As such, lists should contain at least 50% women candidates. Similarly, lists for indigenous rural native peoples should at least have 50% principal female candidates.

However, previous electoral processes have shown that not all political organizations have followed this legal requirement. In the October 2019 elections, eight out of nine political organizations failed to meet the parity and alternation criteria³⁰. For this reason, from the beginning of the 2020 electoral process, the TSE emphasized the importance of this principle, urged political organizations to comply with the legal requirements for gender parity and alternation, and provided technical support to that end. Some of these efforts include: a press release asking

²⁹ IPU (2020) Women in Parliaments: World Classification. Available at: <http://archive.ipu.org/wmn-e/classif.htm>.

³⁰ Coordinadora de la Mujer (2019) 8 de las 9 organizaciones políticas incumplen la paridad y alternancia en sus listas. <http://www.coordinadoradelamujer.org.bo/observatorio/index.php/tematica/3/destacado/3/registro/97>.

political organizations to replace ineligible candidates (July 15); drafting and sharing a report on compliance of parity and alternation criteria in candidate lists (July 29); a call asking all eight political organizations to publicly pledge to support gender equality through signing a formal commitment (Aug. 27); a meeting between the TSE's gender unit and political organizations to share the state of their candidate lists (Aug. 28); and bilateral meetings with political party delegates to review their lists and provide support to make sure they meet the legal requirements (Oct. 8). These meetings were hosted by the TSE with the participation of the chamber secretary and the gender unit, while the NGO network "women's coordinator"³¹ participated as observer.

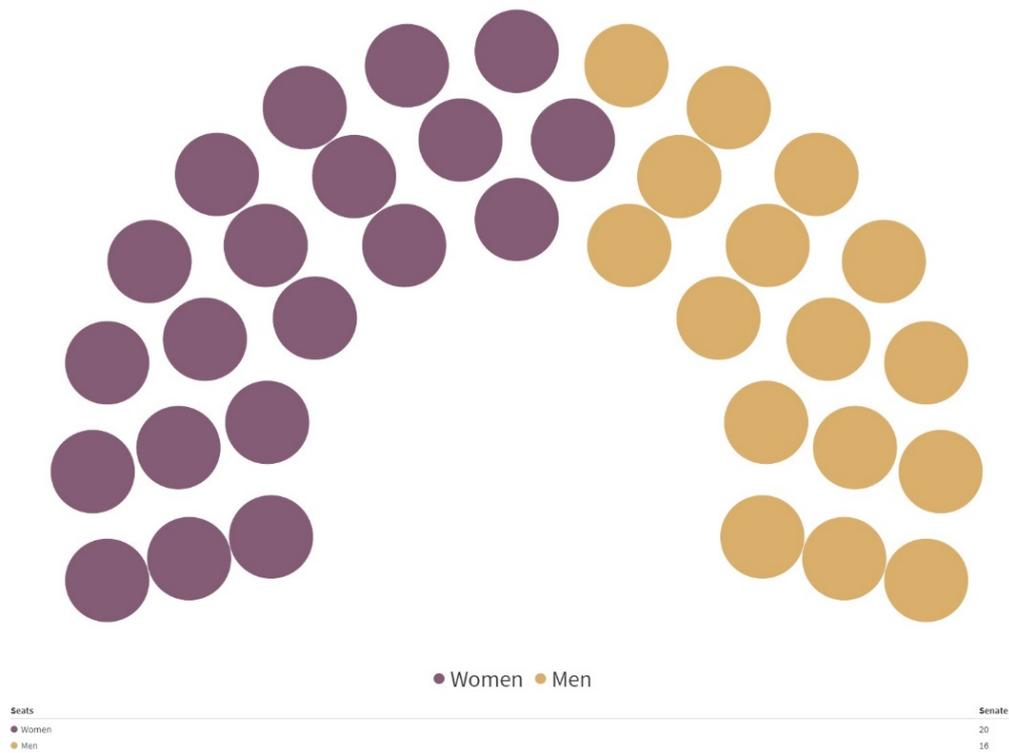
As a result, for the first time, all political organizations presented gender-balanced candidate lists, with 52% female representation in all lists for the National Assembly and the Andean Parliament. It is important to highlight that Article 107 of the Electoral Law establishes that when political organizations fail to meet the requirements of alternation and parity, their entire candidate list shall not be admitted.

The Oct. 18, 2020, general election results led to gender parity in the Legislative Assembly for the 2020-2025 period. Specifically, the Senate will be composed of 20 women (55.6% of the total 36 seats) and 16 men (44.4%), while the Chamber of Deputies will have 62 women (47.7% of the total 130 seats) and 68 men (52.3%). Out of the 62 women deputies, 31 were elected by proportional representation, 27 by majority, and four as indigenous deputies. Figure 1 (*next page*) illustrates the gender composition of the National Assembly.

³¹ Coordinadora de la Mujer (2020) "Quienes somos." Available at: <http://www.coordinadoradelamujer.org.bo/web/index.php/qsomos/intro>.

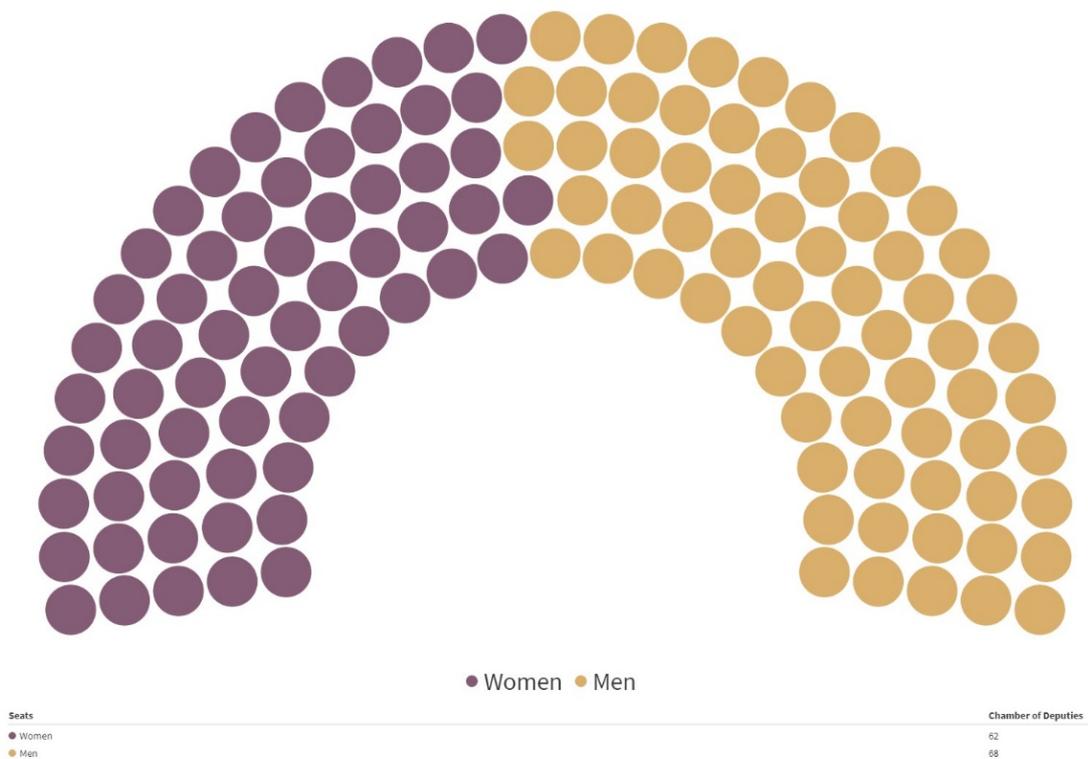
Figure 1. Plurinational Legislative Assembly of Bolivia: Percentage of Women in Both Houses.

Senate, 2020–2025



Source: TSE data.

Chamber of Deputies, 2020–2025



Source: TSE data.

Political violence against women

In 2012 Bolivia proclaimed Law 243 on harassment and political violence against women. This law is especially important as the strengthening of women's representation in government positions has unfortunately been accompanied by an increase in violence against them. The law has enabled cases to be presented and has made harassment and violence more visible. Moreover, the law is in line with Bolivia's international commitments, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, better known as the Belém do Pará Convention.

However, the principles and guarantees set forth in the law also require a strong judicial system and adequate support so they can be applied. Unfortunately, this is not always the case. According to the Association of Women Councilors of Bolivia (ACOBOL), 589 cases of harassment and political violence against councilwomen were presented between 2010 and 2019. None of them resulted in effective sanctions. The Carter Center recommends the provision of additional training and financial, human, and administrative resources for the key institutions responsible for preventing and punishing violence against women, including the Special Force for Fighting against Violence (FELCV); the Plurinational Justice System (SIJPLU), the Plurinational Victim Support Service (SEPDAVI), the Public Prosecutor (*Ministerio Público*), municipal autonomous governments, and the Plurinational Electoral Body (OEP).

Regarding the TSE, the 2020 regulation on electoral offenses and sanctions includes a chapter addressing harassment and political violence, provides for such cases to be given priority, and establishes sanctions and protection measures. Nonetheless, Law 243 states that the TSE is only responsible for receiving complaints and for referring cases to the public prosecutor's office. Therefore, The Carter Center recommends granting more authority to the TSE to strengthen the protection and for guaranteeing the rights of women candidates and officeholders.

Participation of Indigenous Peoples

Bolivia has ratified the International Labor Organization (ILO)'s Convention 169 on Indigenous and Tribal Peoples and, most importantly, has enacted Law 3760, which enshrined the United Nations Declaration on the Rights of Indigenous Peoples into binding national law. Bolivia has taken other positive steps in this regard, including establishing seven special constituencies for indigenous communities in the Lower House, establishing the right and procedure to constitute autonomous native rural entities (AIOC), and creating a legal obligation for the government to consult with indigenous peoples on certain decisions.

However, some obstacles remain. First, while indigenous peoples' legislative representation has increased, this has not been reflected in the power distribution within Congress. Indigenous peoples have been generally excluded from leadership positions (the presidency, vice presidencies, and secretaries) and leadership of key commissions. Second, while Bolivian law recognizes the U.N. declaration and with it the obligation to consult with indigenous peoples, this right is only partially guaranteed. The Electoral Law limits consultation to natural resource affairs and establishes that results of consultations will not be binding. Third, the constitution of indigenous autonomies has faced lengthy and complicated processes. Moreover, indigenous self-government is sometimes rejected by parts of the population (mainly women and youth), since indigenous customs sometimes mean that only elder men can act as representatives. The Carter Center recommends exploring mechanisms to harmonize constitutional rights with indigenous community customs.

The Carter Center notes the efforts of the TSE to facilitate the participation of indigenous peoples in the 2020 general elections. The TSE developed voter education materials in indigenous languages. Printed guides were produced in multiple languages — Quechua, Aymara, Guaraní, Bésiro, Tsimane, and Spanish — including two languages translated for the first time: the Bésiro language from the Santa Cruz and Beni departments, and the Tsimane from the Beni department. The TSE also produced radio content in the form of “microshows” and 30-second ads. For the first time, ads were translated into six languages.

Moreover, the TSE reached out directly to indigenous communities located in the seven departments with special indigenous circumscriptions. Through one coordinator and 23 facilitators, the TSE visited diverse and remote communities and provided information and training to explain biosecurity measures and voting procedures. These facilitators were recommended by their own communities and spoke the local languages, thus improving the reach and effectiveness of the training. For the future, The Carter Center recommends extending this program to more communities in all nine departments in the country.

People With Disabilities

The Carter Center commends the measures taken to facilitate voting by people with disabilities. The Electoral Law provides for assisted voting for people with disabilities and citizens over 60 years old. Upon request, the presiding polling officer and a person accompanying the voter, or alternatively a witness taken from the people present at the polling station, provide assistance. Those providing assistance shall describe the options on the ballot and, if needed, support in marking it. In addition, the law establishes voting preference for senior citizens, people with disabilities, pregnant women, and people accompanied by infants under 1 year of age.

The TSE developed a protocol for assisted and preferential voting and implemented measures to facilitate voting. Training for poll workers emphasized assisted voting. Poll worker guides, training videos, and a novel interactive training game all describe the protocol for this type of voting. In this regard, The Carter Center commends the TSE for producing 21 instructional videos for poll workers and the general public, all of them with subtitles and sign language. In addition, the TSE implemented key practical access measures at polling stations. These included providing Braille templates for blind and partially sighted persons, posters with clear instructions on voting procedures for those with hearing impairments, and facilitating voting materials and ballot boxes for persons with impaired mobility.

LGBTQI Persons

Bolivia has made significant progress in strengthening LGBTQI inclusion. The 2009 constitution establishes the principle of nondiscrimination and provides that the state shall guarantee the rights contained in national and international laws for any person or group. Furthermore, Law 45 details the procedures to prevent and sanction acts of racism and any other forms of discrimination and establishes its universal application, with no exceptions, to all Bolivian citizens, government officials, civil society organizations, and diplomatic missions in the country.

Implementation of this progressive law, however, is incomplete. The vice minister for decolonization and the National and Departmental Committees against Racism and all forms of Discrimination, in charge of monitoring the application of the law, have a limited mandate and lack the human, material, and financial resources to ensure compliance. The Carter Center recommends that Bolivia strengthen institutional, educational, and administrative resources for the effective implementation of the positive principles enshrined in the law.

Another area of opportunity is the inclusion of the LGBTQI community in political party platforms. The Carter Center conducted a content analysis of the electoral platforms of the eight original political organizations registered for the 2020 presidential election. The analysis focused on identifying mentions of a) relevant international instruments b) relevant key words (such as “LGBTQI community/rights,” “(sexual) diversity,” “gender identity,” etc., and c) public policy proposals for these groups. Findings revealed that while there are light references to human rights, to gender equality, and to the importance of diversity, none of the political organizations specifically mentioned the LGBTQI community or LGBTQI rights in their platforms. The Carter Center calls on all political organizations to consider the rights, interests, and needs of all groups in society, and the LGBTQI community in particular.

The Carter Center commends the promulgation of Law 807 related to gender identity, as well as the Civil Registry Service’s (SERECI) implementation of its provisions. For the first time, this law establishes an administrative procedure allowing transgender persons to update their name, sex, and image on all public and private documents, including the electoral register. While the promulgation of this law in 2016 was accompanied by a strong information and registration campaign, and in light of continued discrimination against LGBTQI communities, The Carter Center recommends continuing these efforts to increase public awareness.

Youth

The participation of young people in Bolivian politics still faces challenges, from underrepresentation in politics to a marginal inclusion of young people’s agenda in political organization platforms. While Bolivia is a young country, with a median age of 22.8 years of age, young people are often excluded from political decision-making both as candidates and as lawmakers. For the 2020 elections, only 11% of registered candidates were between 18 and 28 years of age. While low, this represented an increase from the 2014 elections, with only 3% young candidates³².

Young people are also underrepresented in parliament. In the last four decades, only 3.9% of parliamentarians were under 30 years of age³³. In Bolivia, young people under 32 make up approximately 38% of the voter registry³⁴. However, in the 2020 general elections, according to *Protagonistas*, the campaign for equal participation for women and youth, only 4.57% of elected parliamentarians (including representatives to supranational bodies) were under 28 years old³⁵. As in the last four decades, for the recently elected Congress the average age of parliamentarians is 44 years. Therefore, The Carter Center urges political organizations to increase the role played by young people in decision-making and as candidates.

During the 2020 electoral process, the TSE conducted two special campaigns for registering young voters turning 18 years old (the legal voting age in Bolivia) before the election. The first registration campaign was conducted in July and was aimed at those turning 18 before Sept. 6 (second scheduled date for the general election), while the second campaign took place in August, for those turning 18 before Oct. 18 (final election date). Thanks to these efforts, the SERECI registered 69,411

³² OEP (2020) Estado de la participación de candidaturas jóvenes. Available at: <https://prezi.com/p/ww1sepw-qjad/candidatas/>.

³³ Protagonistas (2020) Cifras Juventudes. Available at: <http://www.protagonistas.cm.org.bo/index.php/cifras/tipo/id/2>.

³⁴ OEP (2020) Estado de la participación de candidaturas jóvenes. Available at: <https://prezi.com/p/ww1sepw-qjad/candidatas/>.

³⁵ Protagonistas (2020) Ocho Jóvenes ingresarán a la ALP; el promedio de edad de los nuevos asambleístas es 44 años. Available at: <http://www.protagonistas.cm.org.bo/index.php/novedades/index/id/105>.

new young voters between 18 and 20 years old. The Carter Center encourages similar efforts that complement the permanent voter registration procedure.

During the 2020 electoral process, the TSE and departmental electoral tribunals conducted various activities to reach out and engage with youth organizations across the country for disseminating election information, voting procedures and other key participation topics. The Carter Center commends these efforts, especially the TSE-sponsored dialogues with young women candidates.

Disinformation on Social Media

The Carter Center's analysis of social media during the pre-election period clearly shows that disinformation has been a significant factor in the Bolivian elections. The main social networks operating in the country (Facebook, Twitter, Instagram, and WhatsApp) served as vehicles for all kinds of false or misleading messages about the candidates and the electoral process. This information toxification occurred at a difficult time for Bolivian democracy, following a canceled election and during a pandemic that twice forced the postponement of elections. In this context, the disinformation messages — at least 195 hoaxes detected in the two months preceding the vote — appear to have had two objectives: to discredit specific presidential candidates and to undermine confidence in the electoral process and its administrators.

The most targeted politician was presidential candidate Carlos Mesa (*Comunidad Ciudadana*), who saw all kinds of suspicions and misinformation projected onto his political figure. Apart from the official candidates, former Bolivian President Evo Morales (MAS-IPSP) and former interim President Jeanine Áñez (*Juntos*) were heavily targeted by false information that aimed to discredit them. In contrast, false or misleading messages were detected that appeared to try to favor Luis Arce (MAS-IPSP) and Luis Fernando Camacho (Creemos), particularly in the last days of the campaign.

In September 2020, Facebook announced that it had suspended the accounts of CLS Strategies, a public relations firm based in Washington, D.C. This company had been found to have made malicious use of anonymous profiles to manipulate political discourse in Venezuela, Mexico, and Bolivia, in violation of the social network's rules regarding noninterference in foreign countries. In the case of Bolivia, CLS Strategies had acted by propagating and emphasizing the narrative of fraud in the October 2019 elections and supporting Áñez's administration, which shortly after admitted that the firm was hired to seek "support for the Bolivian democracy." After the suspension of CLS Strategies' Facebook accounts, the number of hoaxes aimed at undermining the reputation of MAS drastically declined.

The election administration was not spared from disinformation campaigns. The TSE and its president, Salvador Romero, were the target of several hoaxes intended to question their impartiality, especially as election day approached. A proliferation of messages was also recorded, which appeared intended to mislead voters about the voting procedure and invalidate their ballots.

Botnets, or fake Twitter profiles operated fraudulently, were also active in the Bolivian campaign. On Twitter alone, they accounted for more than 4.2% of the users who intervened in the political debate. These fake accounts have been used to discredit and verbally attack the presidential candidates and artificially promote and spread many of their messages.

In a country that is highly polarized politically, hate speech made its way into the campaign. According to the Carter Center's analysis of Twitter, messages with racist or xenophobic, homophobic, or sexist content accounted for around 0.18% of the political debate tweets. Sexist tweets were particularly severe, and mostly directed at Áñez.

Verification organizations played a fundamental role in detecting and countering these disinformation campaigns. *Chequea Bolivia*, the Carter Center's local partner, *Bolivia Verifica* and *Universidad Católica de Bolivia* identified, analyzed, and checked most of the false or misleading messages spread on social networks during this campaign.

On the basis of its analysis of disinformation on social media, The Carter Center recommends that the TSE consider reaching agreements with the leading social networks to provide access to their systems so that the entities authorized by the tribunal can monitor content, as is done with traditional media. In the same vein, the TSE could reach agreements with the leading social networks to enable mechanisms for reporting suspicious activity to them to facilitate a rapid response.

In addition, it would be helpful for the TSE's monitoring if political parties were required to communicate their candidates' social network profiles, to monitor what they publish.

A comprehensive Carter Center analysis of disinformation on social media during the general election campaign is presented as an annex to this report.

Analysis of Facebook Political Advertising During the 2020 Bolivian Elections

Between July 1 and Sept. 18, 2020, The Carter Center monitored electoral advertising on social media, specifically on Facebook, which is by far the most widely used social network in Bolivia. With a population of 11.5 million, 7.7 million people have Facebook accounts in Bolivia. This grants the network a theoretical reach far beyond that of conventional media. During the pandemic, when much of the election campaign shifted away from meetings and rallies, the reach of social networks was particularly important.

Electoral political advertising is extensively regulated in Bolivia, primarily by the Election Law and the law on political parties, alongside regulations issued by the TSE. Although most regulation concerns conventional media, the law and regulations on political advertising hold social networks to the same standards in a number of areas, particularly those concerning allowed timeframes, clear labeling of ads, a ban on governmental ads within the campaign period, and prohibited content³⁶ and a ban on political advertising by anyone but the parties and candidates in the race. Conventional media must register with the TSE to carry paid political advertising, and this registration must include proposed tariffs, which must be the same for all parties and no higher than recent commercial rates.

The TSE monitored conventional media to check regulatory compliance and required them to report an account of the income received for political advertising, detailing the amounts charged

³⁶ Prohibited features are: anonymity; encouraging electoral abstention; violation of public decency; violation of the honour, dignity or privacy of candidates or citizens in general; direct or indirect promotion of violence; discrimination or any type of intolerance; implication of offer of money or any good; direct or indirect use of religious symbols or references; use of national symbols or leaders of other countries; the use of symbols, colors, slogans, images, or photographs of other political organizations or candidates; "direct" images of children; images of the handover of public works, goods, services, programs, or projects; use of electoral results or opinion polls for the purposes of gaining electoral support; and the use of state symbols.

Article 119, Election Law. Article 50 of the OEP Regulation on Propaganda 2020 has further prohibited the following features in advertising in any type of media: the use of symbols, slogans, election materials or other identifiers of the OEP or any other state body or agency; the unauthorized use of images of individual adults or children; political advertising contracted by anyone other than the political organizations with candidates in the race; and advertising published by nonregistered media.

to each political organization, and specifying the time or space allocated and the rates charged. Regarding social networks, the TSE was limited to monitoring candidates' official pages.

The Carter Center's analysis of paid political advertising on Facebook found a number of areas in which social network activity did not comply with Bolivian regulations, despite Facebook's commitment to respecting national regulations in the countries in which it operates, in accordance with the 2011 U.N. Guiding Principles on Business and Human Rights. The Carter Center also identified practices that make it difficult for the TSE or other bodies to monitor relevant information related to paid political advertising.

The most frequent breach of regulations on Facebook concerned the permitted timeframe for electoral advertising, which is only allowed from 30 days before election day until 72 hours before election day. The Carter Center's analysis of a sample of 775 advertisements published between July 1 and election day on Oct. 18 found that more than half (51.5%) had been published outside the permitted timeframe: 397 were run between July 1 and Sept. 17, before the official election campaign period; and three were run between Oct. 15 and 18, after the campaign closed.

Second, Facebook failed to comply with Bolivian law's provision that political advertising may only be run by political parties or alliances with candidates in the race.³⁷ The Carter Center identified six paid political advertisements run by organizations other than parties: One was run by a page associated with Carlos Mesa (*Bolivia Libre y Soberana*), and five were run by pages associated with MAS (three by the *Organizaciones Revolucionarias de Bolivia* page and two by the Lucho Canastas Arce page).

In another common failure to comply with Bolivian regulations, political advertisements on Facebook did not always comply with the company's policy, introduced on Aug. 5, 2020, of labeling paid ads with the phrase "paid for by." As such, these unlabeled ads did not comply with Bolivian regulation, which stipulates that paid political advertising must be marked with the label "*espacio solicitado*" to indicate it has been paid for. Another element of Facebook's policy of Aug. 5 required political parties and candidates to complete an authorization process with the platform, which included providing a form of identification and agreeing to comply with certain basic guidelines. However, several political ads identified by The Carter Center were by entities that had not registered in this way and thus were not possible to reliably identify.

The TSE is responsible for all oversight of election campaigning, including political advertising, and its Intercultural Service for the Strengthening of Democracy (SIFDE) is responsible for monitoring political propaganda in the media. The SIFDE evaluated a dozen cases of political advertising that violated Bolivian legislation, as a result of which at least three sanctions were imposed on the interim government of Jeanine Áñez for the use of state resources for her party's election campaign and its distribution on online media. Beyond these instances, though, SIFDE's monitoring was limited by a lack of resources and insufficient facilitation of information from social network platforms.

Indeed, Facebook makes only very limited information available to verify compliance with national law. For example, Facebook does not store the ads that appear on its pages or provide an accurate record of the money spent by each advertiser. In the sample analyzed by The Carter Center, it was found that the amount paid by the parties for advertising outside the election period was approximately \$90,000 or less. This amount is small compared to other electoral budgets, but it is not subject to any reporting or oversight, which means campaign spending by parties cannot be

³⁷ Article 115, Election Law. This restriction is loosened in the case of referendums or votes on revoking mandates, in which civil society organizations may also register to run political advertising. See also Article 50(c), *Reglamento de Propaganda y Campaña Electoral*, OEP 2020.

verified, and it is not possible to verify Facebook's compliance with Bolivian legislation's requirement that rates for advertising be the same for all parties.

On the basis of its analysis, The Carter Center proposes the following recommendations to align social networks' actions with Bolivian law and to facilitate monitoring of these actions by Bolivian authorities and civil society organizations.

First, some provisions of Bolivian law that are already applied to traditional media should be made more explicitly applicable to social networks. This should include the requirement, for the purposes of a level playing field for campaigning, that rates charged for electoral advertising be the same for all parties. In addition, the TSE should improve its monitoring of social networks to verify compliance with existing regulation, including permitted timeframes for electoral advertising, clear labeling of paid advertising, including the identity of the contractor, and the existing prohibition on third-party political advertising. In addition to its own monitoring for compliance, the TSE should consider establishing an online reporting mechanism to encourage social media users to report advertisements that may contravene regulations. The TSE should also require all candidates to submit the URL of their official social network pages to facilitate the TSE's monitoring of these pages.

To facilitate more effective monitoring by the TSE as well as by civil society organizations, The Carter Center recommends the following measures to Facebook, which should also be considered by Bolivian lawmakers as possible legal requirements. Firstly, Facebook should maintain and publish archives of all political advertisements run by Bolivian political parties and election contestants, as well as the precise cost for each advertisement. While this would still exempt social networks from the registration required of conventional Bolivian media, it would apply reporting requirements to both types of media equally. More generally, Facebook should proactively comply with regulations that apply to social networks already, including not accepting electoral advertising outside of the permitted timeframe, nor from anyone other than competing parties. Facebook also should enable customized reporting on advertisements so Facebook users can report violations of political advertising regulations. Finally, Facebook should coordinate with the OEP and citizen election monitoring organizations to facilitate monitoring and reporting of political advertising violations.

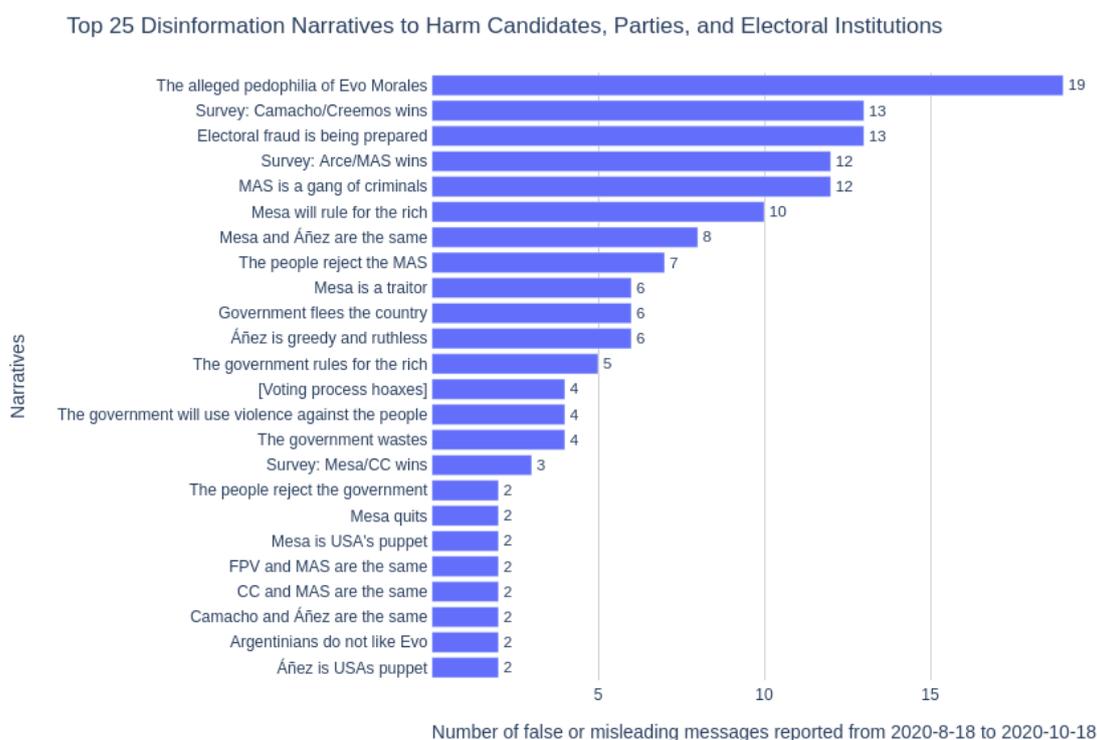
A comprehensive Carter Center analysis of Facebook political advertising during the 2020 Bolivian elections is presented as an annex to this report.

ANNEX A: DISINFORMATION ON SOCIAL MEDIA DURING THE BOLIVIAN 2020 GENERAL ELECTIONS

The Bolivian 2020 general election campaign saw intense disinformation activity. The independent fact-checking organization Chequea Bolivia, a partner of The Carter Center, detected and analyzed at least 195 pieces of false or misleading content distributed on the main social networks (Facebook, Twitter, Instagram, and WhatsApp), during the two months prior to the vote. The narrative of this false or misleading content ran parallel to the campaign's current news, aimed at discrediting the candidates or at sowing mistrust in the electoral process.

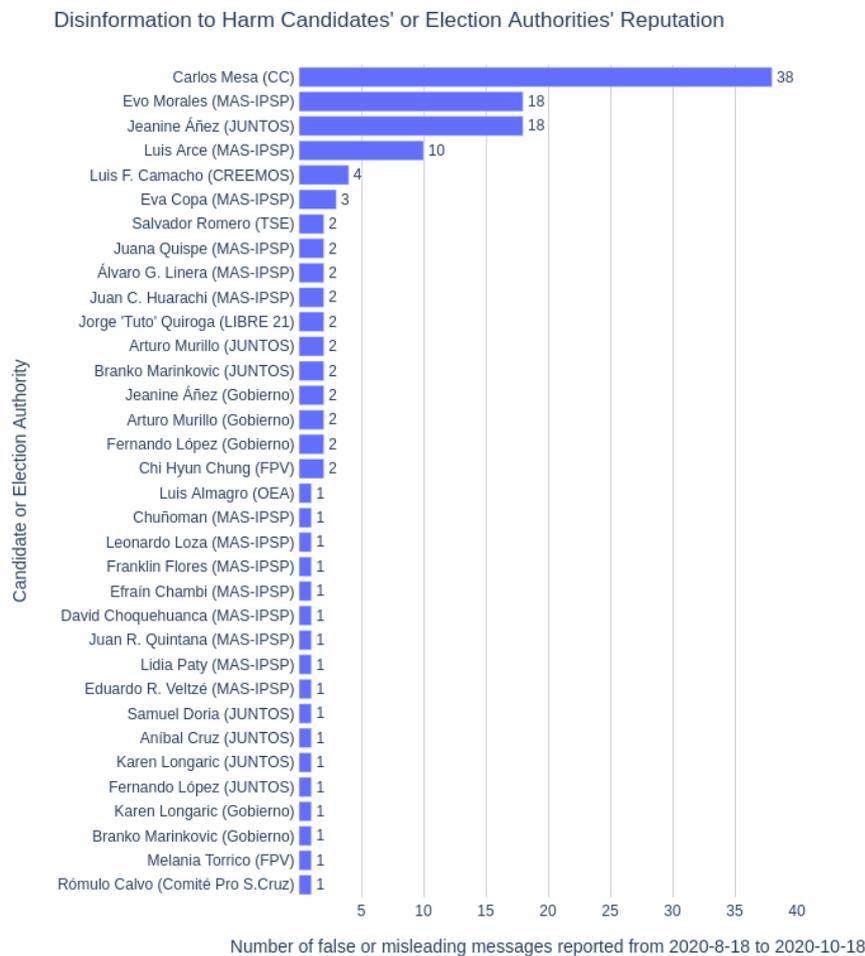
The Carter Center's methodology defines electoral disinformation *as false or misleading information* that seeks to damage candidates' and institutions' reputation, advance a false or misleading political agenda, question the security and legitimacy of the electoral process, or even induce violence. During this campaign, most of the hoaxes detected can be classified in the former group, and none in the latter.

The narratives used varied from personal attacks to deliberate manipulation of voting intention surveys. They also attempted to affect the electoral process's legitimacy, disseminating the idea that fraud was being perpetrated for the Oct. 18, 2020, elections. Insinuating electoral fraud was a particularly sensitive issue, only one year after the accusations of fraud that hovered over the 2019 elections.



The Candidates Most Harmed and Helped by Disinformation

On an individual basis, presidential candidate Carlos Mesa (Comunidad Ciudadana-CC) was the most affected by the publication of hoaxes. False and misleading information positioned him as a politician who would continue interim President Jeanine Áñez's policies and privatize Bolivian public assets. Before withdrawing from the elections, Evo Morales (MAS-IPSP) and Áñez (JUNTOS) were the most frequent subjects of false or misleading information, which diminished dramatically after their withdrawal. Morales was not allowed to run for senator for Cochabamba, and Áñez gave up her presidential race. In consolidating this information by party, the MAS-IPSP was the most affected, followed by CC and JUNTOS. Fourth place goes to the Supreme Electoral Tribunal (TSE), which endured the most hoaxes aimed at undermining confidence in the electoral process.

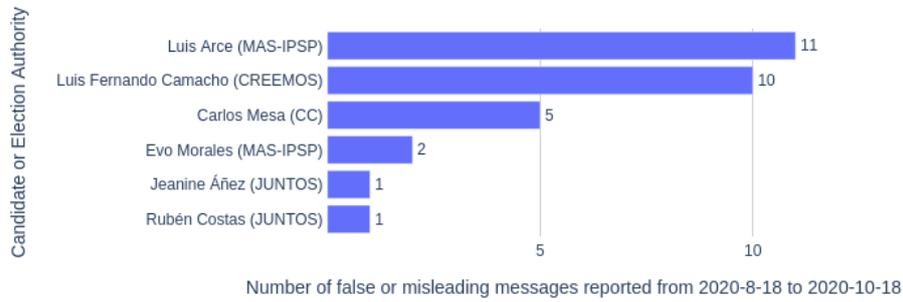


Disinformation to Harm Parties' or Electoral Authorities' Reputation



MAS and CREEMOS, and their respective presidential candidates, Luis Arce and Luis Fernando Camacho, were the most frequent beneficiaries of false or misleading narratives favorable to their nominations.

Disinformation to Favor Candidates' or Election Authorities' Reputation



Disinformation to Favor Parties' or Electoral Authorities' Reputation



Evolution of Disinformation During the Campaign

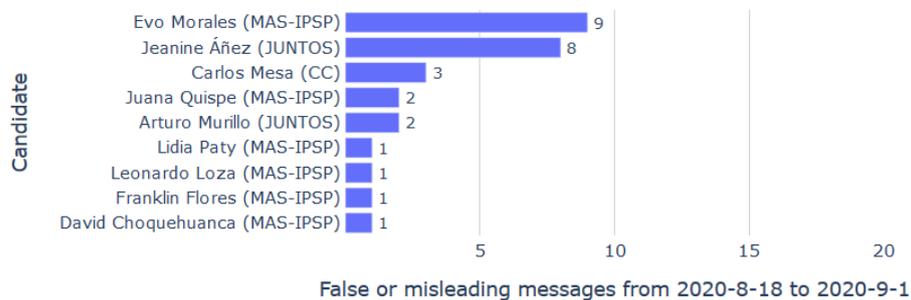
From Aug. 18 to Sept. 1

In the first part of this study, the campaign was dominated by the second postponement of the elections, initially scheduled for May 3 and then for Sept. 6. Finally, it was agreed to hold them on Oct. 18. While they were still participating in the electoral contest, President Jeanine Áñez and former President Evo Morales were the main targets of false and misleading content spread on social networks.

Most Common Narratives of Disinformation



Disinformation to Harm Candidates' or Electoral Authorities' Reputation



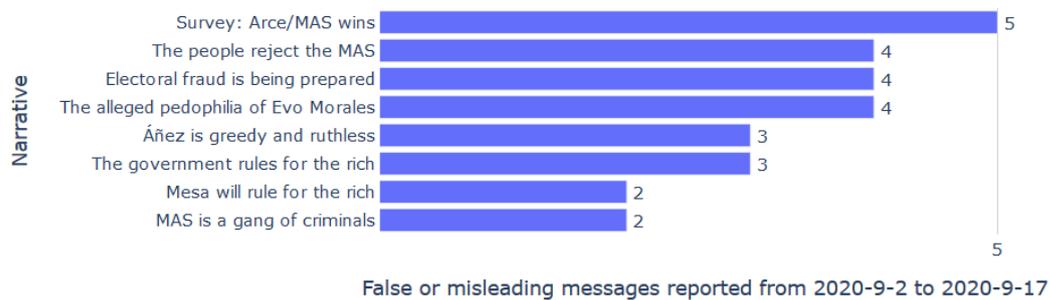
Disinformation to Harm Parties' or Electoral Authorities' Reputation



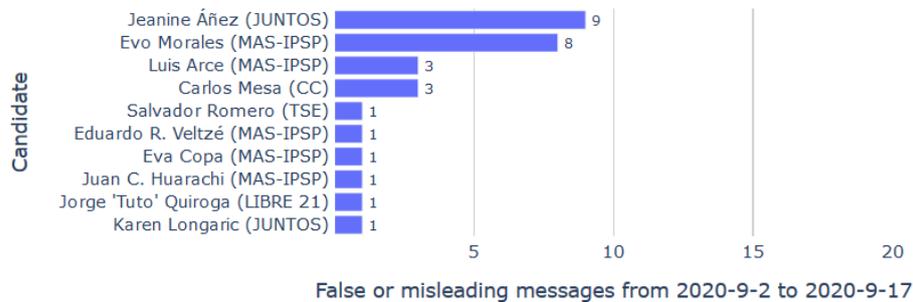
From Sept. 2 to Sept. 18

In this period, three events in quick succession changed disinformation’s development in the Bolivian campaign. On Sept. 2, Facebook suspended CLS Strategies’ accounts for fraudulent use. This PR firm was hired by the Áñez administration to “support democratic process,” but Facebook detected an online behavior aimed at skewing democratic debate. After the suspension of CLS’s accounts, the hoaxes against Morales dropped significantly. On Sept. 7, the Constitutional Court confirmed the disqualification of Morales as a candidate for the Senate. Ten days later, Áñez withdrew from the presidential race.

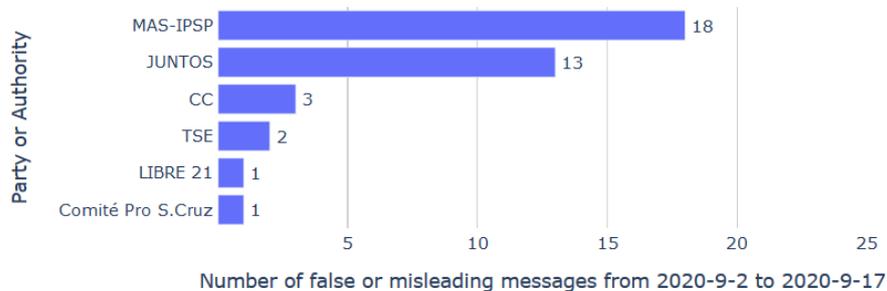
Most Common Narratives of Disinformation



Disinformation to Harm Candidates' or Electoral Authorities' Reputation



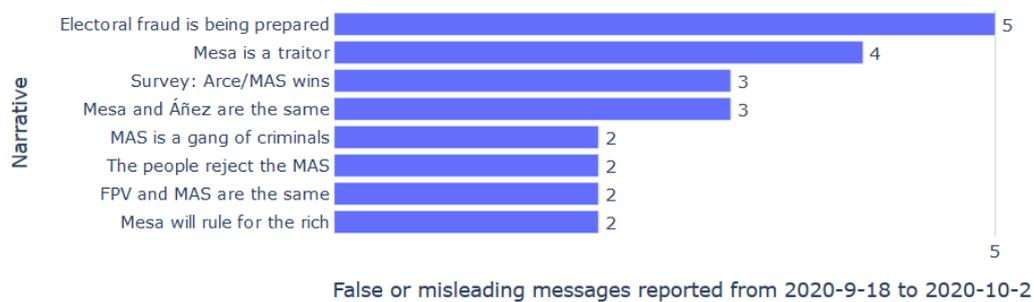
Disinformation to Harm Parties' or Electoral Authorities' Reputation



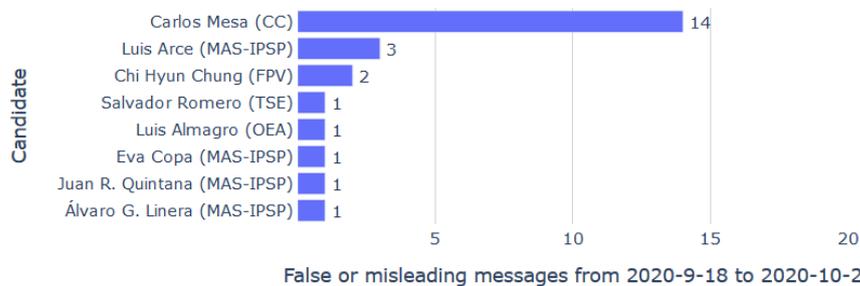
From Sept. 18 to Oct. 2

With Áñez and Morales out of the elections and CLS Strategies deactivated, Bolivia's former President and the interim President were no longer the target of disinformation, which shifted to focus almost exclusively on CC's presidential candidate, Carlos Mesa. The Tribunal Supremo Electoral (TSE) and its president, Salvador Romero, began to suffer attacks, not only as an electoral administrative institution, but also with messages aimed at confusing the population with misleading or nonexistent electoral regulations. Salvador Romero's alleged dinner with Carlos Mesa, a son of Áñez working at the TSE, or images of the TSE using logos of the Venezuelan National Electoral Council are some examples of this false content.

Most Common Narratives of Disinformation



Disinformation to Harm Candidates' or Electoral Authorities' Reputation



Disinformation to Harm Parties' or Electoral Authorities' Reputation



Some examples of disinformation targeting TSE and Salvador Romero.

Fake TSE Facebook page:

Crean grupo falso del TSE

Sat, 10/10/2020 - 11:13 Posted in: #Falso 0 comments

El TSE aclaró que se trata de un grupo falso, y lo reportó a Facebook.



False accusations: USAID has an office in TSE's headquarters:



USAID TIENE OFICINA DENTRO DEL TSE

POLÍTICA 4 marzo, 2020 primeral

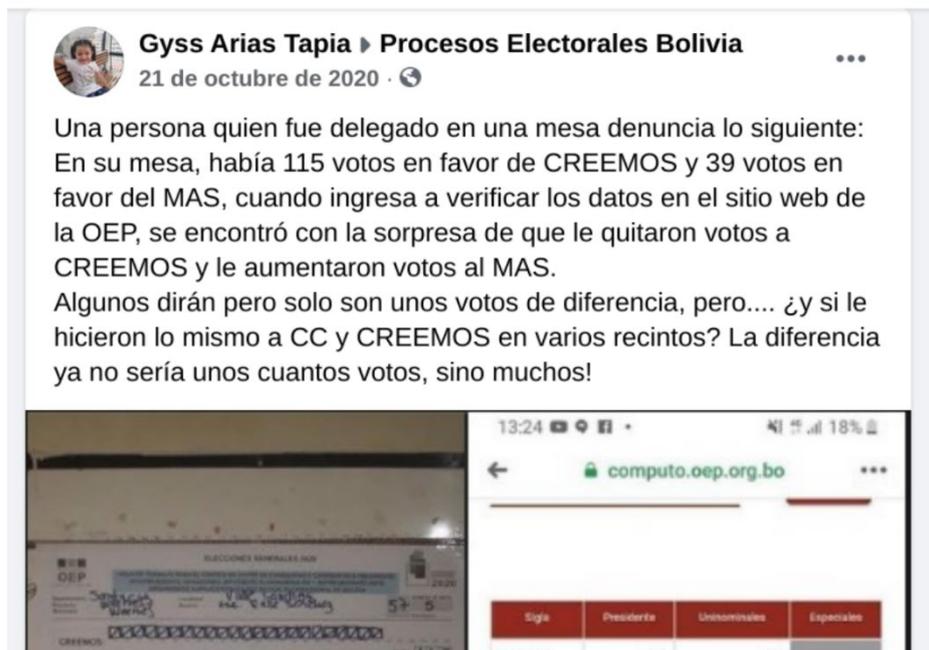


"Apoyo a la Democracia", se denomina el programa de la Agencia de Estados Unidos para el Desarrollo Internacional (USAID), sin embargo, su tarea será la de fraguar las elecciones a favor de los partidos golpistas.

Presidential candidate Carlos Mesa dining with the president of TSE, Salvador Romero (four years ago):



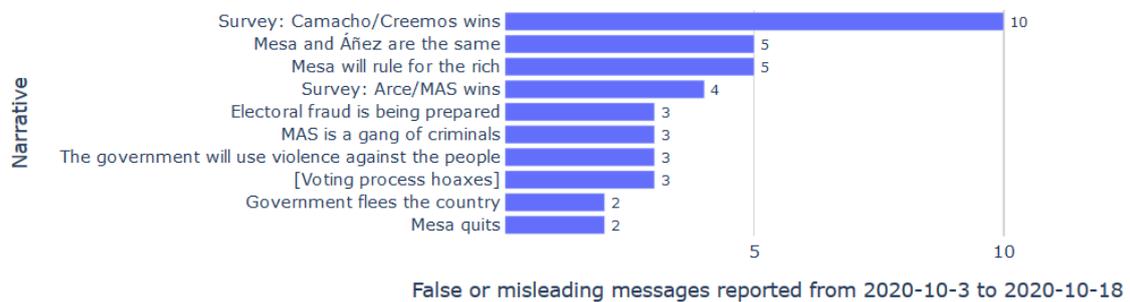
False election fraud claims:



From Oct. 3 to Oct. 18

On Oct. 11, LIBRE 21 presidential candidate Jorge “Tuto” Quiroga withdrew from the election. Disinformation messages detected in the last fortnight of the campaign were characterized mainly by a narrative stating that Camacho was ahead in the polls and the opposition's real leader. At the same time, Mesa was attacked on several fronts: for his government's alleged continuity with respect to Áñez's administration; for an alleged plan of privatizations to give public companies to the rich people and foreign companies; or even for supposedly suffering from Alzheimer's disease. Camacho was, according to this narrative, the right alternative, the option for the future.

Most Common Narratives of Disinformation



Disinformation to Harm Candidates' or Electoral Authorities' Reputation



Disinformation to Harm Parties' or Electoral Authorities' Reputation



Some Presidential Candidates' Tweets Supporting Disinformation Narratives

Jeanine Añez Chavez @JeanineAñez

Bolivia debe decirle NO otra vez al dictador, que si vuelve al país debe ser únicamente para responder ante la justicia por los atropellos cometidos y muy especialmente por el abuso sexual a menores que poco a poco se va conociendo a nivel mundial.

2:58 p. m. · 3 sept. 2020 · Twitter for iPhone

Jeanine Añez Chavez @JeanineAñez

Los delitos de estupro y pedofilia son indignantes e imperdonables, sobre todo si son cometidos por un ex mandatario. Es una vergüenza para todos los bolivianos. Esos actos tienen que ser castigados. Les aseguro que esto no quedará en la impunidad.

11:19 p. m. · 26 ago. 2020 · Twitter for iPhone

Jeanine Añez Chavez @JeanineAñez

Evo Morales debe dar explicaciones por el horror del abuso sexual contra menores. Explicaciones ante la justicia y explicaciones ante el país.

2:59 p. m. · 28 ago. 2020 · Twitter for iPhone

Jeanine Añez Chavez @JeanineAñez

No podemos permitir que el más perverso de los abusos de poder que se ha cometido en Bolivia quede impune. Que Evo Morales vuelva a Bolivia, pero no a seguir humillándola como lo ha hecho, sino a responder a las denuncias de pedofilia que crecen en su contra.

4:40 p. m. · 4 sept. 2020 · Twitter for iPhone

Samuel Doria Medina @SDoriaMedina

Ni Eva Copa ni Sergio Choque pondrían las manos al fuego por Evo Morales. Pero consideran que el estupro es un asunto privado y no se meten en la vida ajena. Sin embargo en el MAS el asunto está que arde. Víctor Borda afirma que el ciclo de Evo ha concluido.

4:04 p. m. · 26 ago. 2020 · Twitter for iPhone

Samuel Doria Medina @SDoriaMedina

Durante 14 años de corrupción, saqueo, derroche y relajo moral, Carlos Mesa nunca reclamó nada. Al contrario, trabajó para el tirano de Orinoco y sólo fue opositor cuando quiso quedarse para siempre con el cargo al que Mesa también aspiraba.

11:48 p. m. · 3 sept. 2020 · Twitter for iPhone

Samuel Doria Medina @SDoriaMedina

Ha quedado flotando una pregunta inquietante. ¿Es verdad que alguien de los altos mandos del MAS, dio precisiones y detalles comprometedores sobre amoríos ilícitos de alguien hoy en apuros terminales?

10:46 p. m. · 24 ago. 2020 · Twitter for iPhone

Carlos D. Mesa Gisbert @carlosmesag

#EntrevistaRedUno

Evo Morales debe ser juzgado y condenado por el delito de fraude electoral. Soy el único candidato que ha presentado un juicio en su contra.

4:04 p. m. · 26 ago. 2020 · Twitter for iPhone

Carlos D. Mesa Gisbert @carlosmesag

El único pacto de impunidad es el de Arce con su jefe Evo Morales para evitar que se investiguen el fraude, la corrupción, el abuso de poder y las acusaciones que involucran a menores de edad. En nuestro gobierno los delitos de Evo Morales no quedarán sin castigo

5:28 p. m. · 10 oct. 2020 · Twitter for iPhone

Luis Fernando Camacho @LuisFerCamachoV

No fue un solo caso: Evo Morales fue un pedófilo sistemático. El candidato del MAS, Luis Arce, no puede hacerse el desentendido, Evo, el pedófilo, es su jefe de campaña. Los bolivianos tenemos que acabar con esta mafia de corruptos y violadores de menores. El MAS nunca más.

10:46 p. m. · 24 ago. 2020 · Twitter for iPhone

Luis Fernando Camacho @LuisFerCamachoV

¿Y ahora qué van a decir aquellos que exigían "voto útil"? Voto útil para negociar y pactar con el MAS.

Es una vergüenza que Carlos Mesa le proponga esto al país: ACUERDO CON EVO MORALES. SIGUE...

eju.tv @eju.tv · 8 oct.
Mesa apuesta por coalición para zanjar crisis en Bolivia eju.tv/2020/10/mesa-a-...

3:18 p. m. · 8 oct. 2020 · Twitter for Android

Luis Fernando Camacho @LuisFerCamachoV

Aquí el único que cayó fuiste vos. Caíste por dictador, corrupto y pedófilo. Hoy nos atacás porque sabés que con nosotros no hay pacto. Llegaré a la Presidencia y serás procesado por el fraude y todos tus crímenes. ¡No vamos a permitir que toqués a ni una niña más! ¡Es mi palabra!

Evo Morales Ayma @evoespueblo · 2 sept.
Camacho primero dijo que era cívico y no político. Luego fue el candidato que grabó a su Vice. Después hicieron las paces, ¿con dinero de por medio? Ahora no sabe qué inventar para bajarse de la candidatura. 5 % y cayendo. No le va dar ni para alcalde.

3:18 p. m. · 8 oct. 2020 · Twitter for Android

Luis Fernando Camacho @LuisFerCamachoV

ENTRE EL MESISMO Y EL MASISMO solo hay una letra de diferencia.



6:57 p. m. · 18 ago. 2020 · Twitter for Android

Luis Fernando Camacho @LuisFerCamachoV

La realidad se impone: Evo Morales fue un delincuente y un enfermo pedófilo. Lo lamentable es que la justicia y el gobierno actual no hagan nada concreto para procesarlo y sea la prensa internacional la que revele estos hechos. Sigue...

3:18 p. m. · 8 oct. 2020 · Twitter for Android

Evo Morales Ayma @evoespueblo

La alianza Añez y Mesa aprobó el D.S 4347 para la privatización aeropuertos que comienza con Viru-Viru. Los gobiernos de la derecha llamaron a la entrega de bienes del Estado capitalización, joint venture y ahora alianza estratégica de inversión para beneficiar a sus amigos.



3:56 p. m. · 29 sept. 2020 · Twitter for Android

Evo Morales Ayma @evoespueblo

Los que tienen cuentas en "paraísos fiscales" privatizaron nuestras empresas estratégicas y apoyan a que un estadounidense presida el BID; ahora, se oponen al impuesto a las grandes fortunas. No cuidan la Patria, cuidan sus bolsillos.

#VamosASalirAdelante

9:05 p. m. · 30 ago. 2020 · Twitter for Android

Evo Morales Ayma @evoespueblo

Se confirma: la alianza Añez y Mesa ya empieza a negociar. La mega coalición que provocó una catástrofe económica y social en 20 años de neoliberalismo y que en 10 meses ha destruido el país, pretende volver para rifar el destino de los bolivianos. El pueblo tiene memoria.

4:15 p. m. · 24 sept. 2020 · Twitter for Android

Evo Morales Ayma @evoespueblo

Murillo se fue de viaje a EE.UU: ¿Será para someterse a las políticas de saqueo, conspirar contra el proceso electoral o para preparar su fuga? Los responsables de las masacres, el descalabro económico y la corrupción buscarán impunidad a cualquier precio.

3:56 p. m. · 29 sept. 2020 · Twitter for Android

Evo Morales Ayma @evoespueblo

El objetivo del gobierno de la crisis es claro: pretende que las y los bolivianos no ejerzan su derecho al voto en el exterior y sobre todo en **Argentina**. Pedimos al @TSEBolivia informar al pueblo sobre el estado de la organización de la votación fuera de **Bolivia**.

8:23 p. m. · 24 sept. 2020 · Twitter for Android

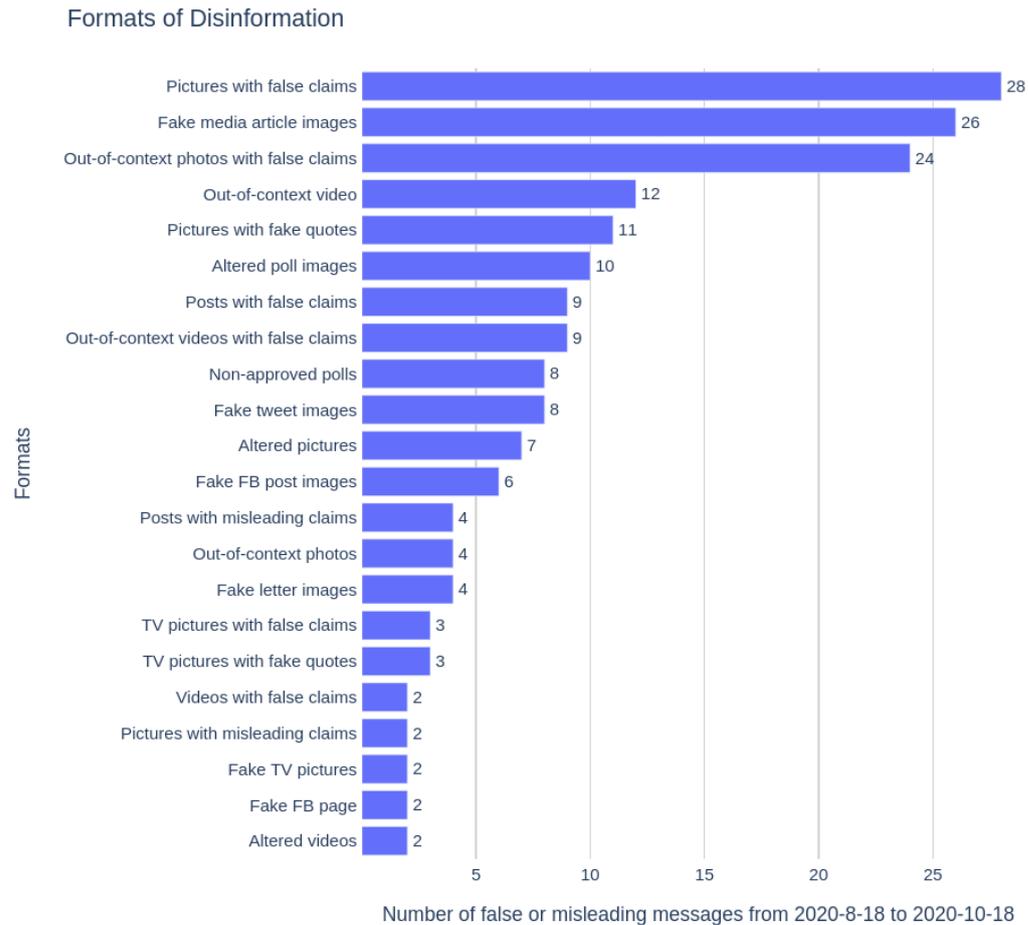
Luis Arce Catacora (Lucho Arce) @LuchoXBolivia

Alertamos a la comunidad internacional sobre los riesgos que enfrenta la recuperación de la democracia en **Bolivia**, por lo cual les solicitamos su apoyo y observación activa durante la campaña electoral, la jornada del 18 de octubre y los días posteriores a las **EleccionesBo**

8:23 p. m. · 24 sept. 2020 · Twitter for Android

Formats of Disinformation

In the Bolivian 2020 general election campaign, simple pictures and out-of-context photos with false claims were the preferred formats of disinformation. No “deepfakes” or state-of-the-art technologies for distributing disinformation messages on social networks were detected. The breadth, scope, and influence of digital media also gave credibility to false and misleading quotes and claims.



Bots and Fraudulent Use of Social Media

On Twitter, bots³⁸ often are used to retweet some candidates' messages to give the false impression of widespread support for a candidate or opposition to a rival. It is not possible to know with certainty who operates these accounts. However, some tools allow us to detect bot activity with a degree of probability. It is also possible to analyze the discourse and how it works to know the objective pursued with that behavior and the politicians and parties that benefit from it.

More than 120,000 Twitter profiles³⁹ that interacted with the candidates during the two months prior to the elections (Aug. 18 to Oct. 18, election day) were analyzed for fraudulent behavior. The Carter Center sent these accounts to the Botometer system of the Observatory of Social Media at Indiana University (USA)⁴⁰, which uses an algorithm to detect whether they are legitimate or not. For each account sent, Botometer returns a score in the form of a percentage representing the probability of that profile being a bot.

This study includes only those accounts with a probability equal to or greater than 85% of being a bot. Under these conditions, the system detected 5,144 fake accounts, 4.2% of the sample provided. So at least four out of every 100 profiles that retweeted, responded or quoted a candidate's tweets did so in a fraudulent and organized manner.

In general, the activity of these bot networks (botnets) consists of:

- 1. The promotion of thematic labels (hashtags)**

The retweeting or mass posting of messages with associated tags makes them appear on Twitter's Trending Topics list, giving them a relevance that they would not usually achieve within the social network's regular activity.

- 2. The dissemination of campaign or disinformative messages**

Bots can introduce issues into public debate in an artificial way, either by massively rehashing specific political messages or by publishing false or misleading content that they spread through their networks.

- 3. Verbal attacks on candidates**

The bots often taunt the candidates with insults that color almost all their interventions through answers and quotes. This activity envelops the candidate in a halo of controversy that weakens and debases the original political discourse.

38 Bots are accounts operated by a person or a computer program posing as legitimate social network users. These profiles act in a coordinated manner to distort political discourse by amplifying specific messages, praising or denouncing candidates, or disseminating false information during the campaign. This behavior is intended to create states of opinion and influence the vote artificially.

39 From a total sample provided by the Twitter API: 2,410,368 tweets published by 354,668 accounts during the two months prior to the election date: from Aug. 18 to Oct. 18, voting day, inclusive.

40 *Detection of Novel Social Bots by Ensembles of Specialized Classifiers*. Mohsen Sayyadiharikandeh, Onur Varol, Kai-Cheng Yang, Alessandro Flammini, Filippo Menczer <https://arxiv.org/abs/2006.06867>

Botnet Activity

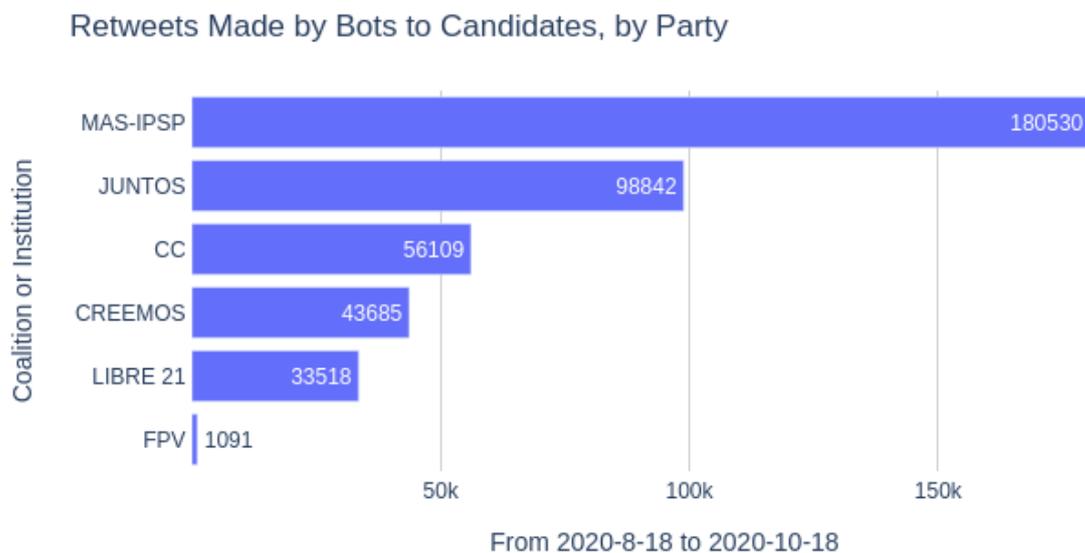
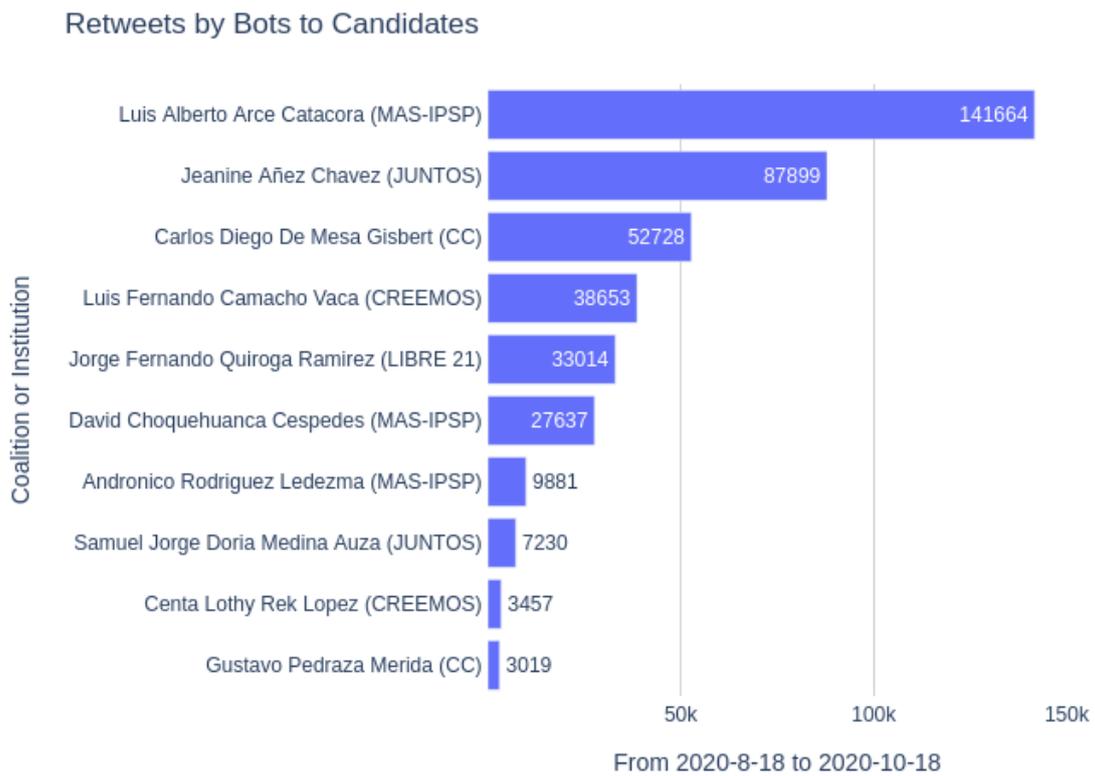
Promotion of Thematic Labels (Hashtags)

Among the 50 hashtags most utilized by the bots, at least five were pro-MAS and pro-CC, and one pro-ADN. These favorable labels mostly coincide with the campaign slogans of these political formations. Two anti-MAS hashtags were also widely utilized by fraudulent accounts, such as the hashtag #EvoPedófilo, which appeared following reports of the former Bolivian President's alleged relationships with minors.

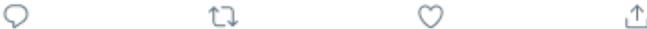
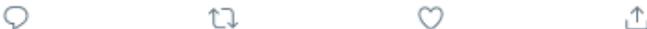
# mentions	Hashtag	Polarity
1	8,141 #Bolivia	
2	3,015 #VamosASalirAdelante	Pro-MAS
3	1,001 #Cuba	
4	750 #EvoPedofilo	Anti-MAS
5	744 #COVID19	
6	670 #SantaCruz	
7	666 #BoliviaMereceMAS	Pro-MAS
8	583 #PrimeroLaGente	Pro-CC
9	573 #LaPaz	
10	564 #Cochabamba	
11	552 #EleccionesBolivia2020	
12	509 #YoMeQuedoEnCasa	
13	495 #Tarija	
14	488 #MesaPresidente	Pro-CC
15	466 #MesaGanaDebate	Pro-CC
16	459 #MAS	
17	400 #CoronavirusEnBolivia	
18	376 #DeZurdaTeam	
19	376 #LegislandoConAltura	Pro-MAS
20	365 #Beni	
21	350 #OEA	
22	346 #Colombia	
23	332 #CIDH	
24	326 #EleccionesBolivia	
25	324 #Oruro	
26	317 #Venezuela	
27	310 #Chuquisaca	
28	305 #MesaDigital	Pro-CC
29	295 #Argentina	
30	293 #TeCuidoMeCuidas	
31	285 #Pando	
32	277 #ONU	
33	269 #EEUU	
34	262 #Potosi	
35	258 #EIMasNuncaMas	Anti-MAS
36	249 #ALP	
37	233 #EleccionesGenerales2020	
38	229 #LaPazConCarlosMesa	Pro-CC
39	228 #UE	
40	224 #EleccionesBo	
41	219 #LuchoPresidente	Pro-MAS
42	219 #coronavirus	
43	211 #LaPatriaPrimero	Pro-ADN
44	202 #EvoMorales	
45	202 #IglesiaBolivia	
46	175 #DDHH	
47	170 #EIAIto	
48	164 #TropaCHE	
49	163 #Elige2020LT	
50	160 #LuchoYDavid	Pro-MAS

Promotion of Campaign Messages and Disinformation

The party that benefited most from the botnets' artificial amplification was MAS-IPSP, with more than 180,000 tweets or retweets. Most of them were messages from Luis Arce in the social network, which botnets helped gain more relevance in the Twitter ecosystem, a practice known as "astroturfing." Outside the official nominations, Evo Morales' messages also had generous support from these networks.

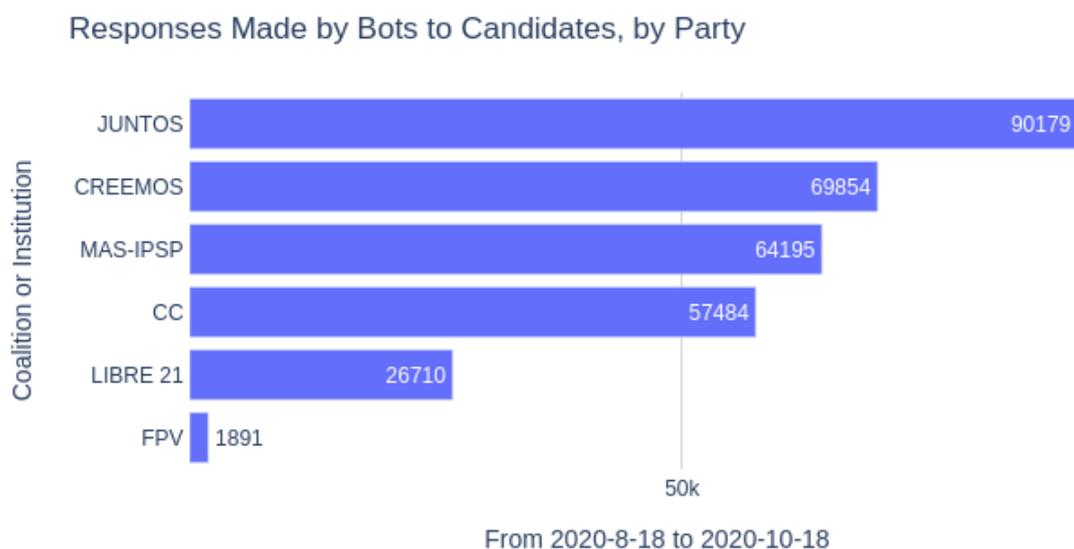
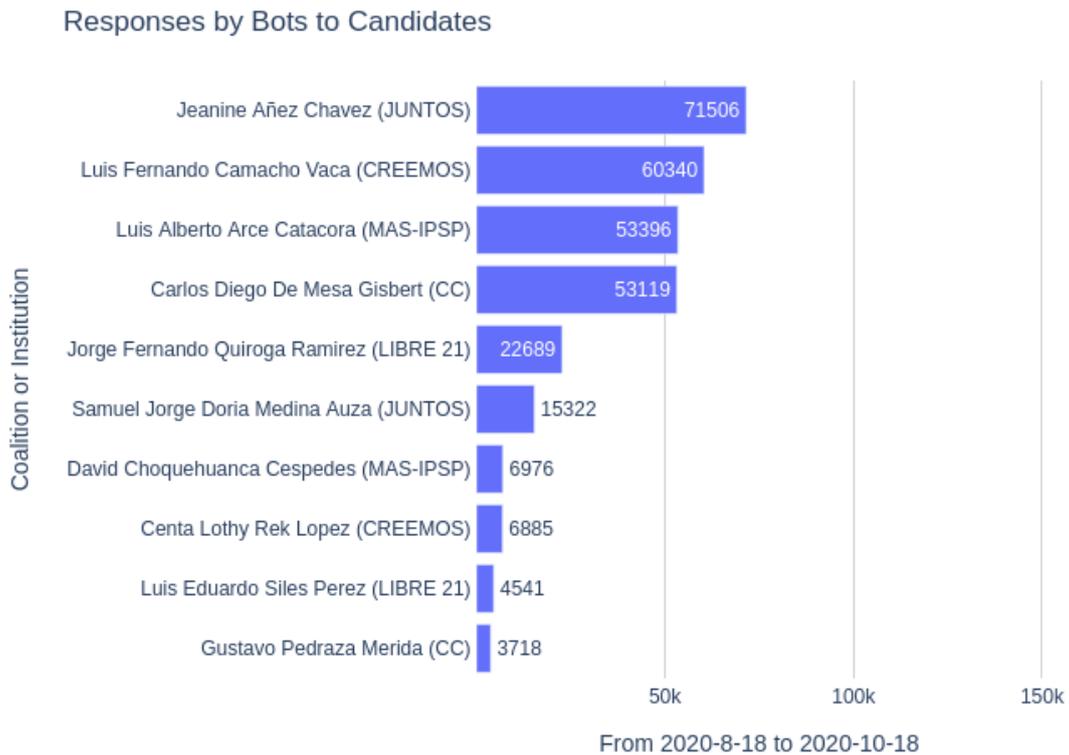


Example of support messages dissemination with bots through the accounts of candidates or other electoral actors:

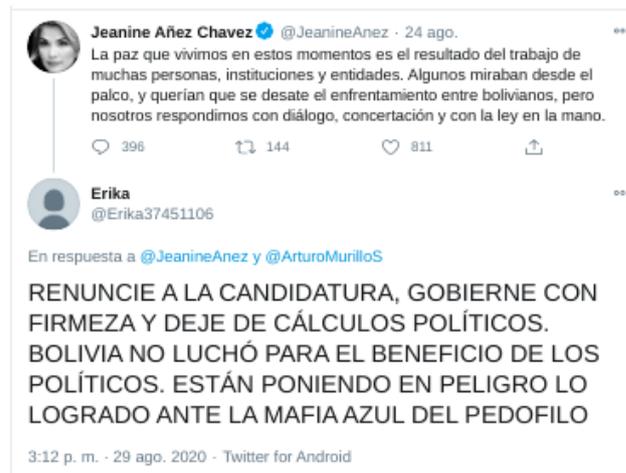
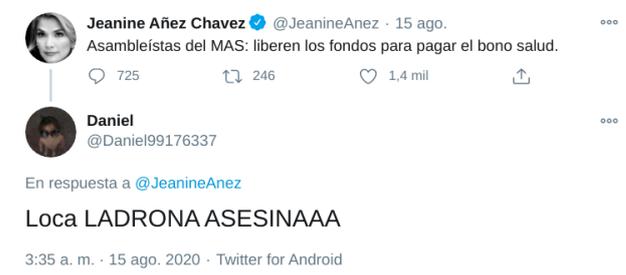
-  **Emiliano Zapata Ramirez** @Emilian92116928 · 18 oct. ...
En respuesta a @evoespueblo
Grande @evoespueblo grande @LuchoXBolivia ARRASARÁ en 1era vuelta a derecha cavernaria de @JeanineAnez @carlosdmesag @tutoquioga @LuisFer50056278 @SDoriaMedina
Hoy Bolivia RECUPERARA su DIGNIDAD...todos a VOTAR somos millones, somos MAS...!!!
- 
-
-  **Emiliano Zapata Ramirez** @Emilian92116928 · 18 oct. ...
En respuesta a @Julioce71000275 y @diegoVal876
Grande @evoespueblo grande @LuchoXBolivia ARRASARÁ en 1era vuelta a derecha cavernaria de @JeanineAnez @carlosdmesag @tutoquioga @LuisFer50056278 @SDoriaMedina
Mañana Bolivia RECUPERARA su DIGNIDAD
- 
-
-  **Emiliano Zapata Ramirez** @Emilian92116928 · 18 oct. ...
En respuesta a @canguil31 y @ChalecosAmarill
Grande @evoespueblo grande @LuchoXBolivia ARRASARÁ en 1era vuelta a derecha cavernaria de @JeanineAnez @carlosdmesag @tutoquioga @LuisFer50056278 @SDoriaMedina
Mañana Bolivia RECUPERARA su DIGNIDAD...!!!
- 
-
-  **Emiliano Zapata Ramirez** @Emilian92116928 · 18 oct. ...
En respuesta a @edisabela1 y @JOTACE7777
Grande @evoespueblo grande @LuchoXBolivia ARRASARÁ en 1era vuelta a derecha cavernaria de @JeanineAnez @carlosdmesag @tutoquioga @LuisFer50056278 @SDoriaMedina
Mañana Bolivia RECUPERARA su DIGNIDAD...!!!
- 
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-  **Emiliano Zapata Ramirez** @Emilian92116928 · 17 oct. ...
En respuesta a @diegoVal876
Grande @evoespueblo grande @LuchoXBolivia ARRASARÁ en 1era vuelta a derecha cavernaria de @JeanineAnez @carlosdmesag @tutoquioga @LuisFer50056278 @SDoriaMedina
Mañana Bolivia RECUPERARA su DIGNIDAD
- 
-
-  **Emiliano Zapata Ramirez** @Emilian92116928 · 17 oct. ...
En respuesta a @KatyGIVENCHYGDB
Grande @evoespueblo grande @LuchoXBolivia ARRASARÁ en 1era vuelta a derecha cavernaria de @JeanineAnez @carlosdmesag @tutoquioga @LuisFer50056278 @SDoriaMedina
Mañana 18, BOLIVIA RECUPERARÁ SU DIGNIDAD...!!!

Verbal Harassment of Candidates

Jeanine Áñez (JUNTOS), Luis Fernando Camacho (CREEMOS) and Luis Arce (MAS-IPSP) were the candidates who suffered the most harassment and verbal attacks on Twitter. Almost all their interactions on the social network involved a high number of insults from anonymous accounts. Outside of the official candidates, Morales and the president of the Organization of American States, Luis Almagro, received the highest number of attacks in the form of responses.



Examples of verbal aggressions directed at candidates from botnets:

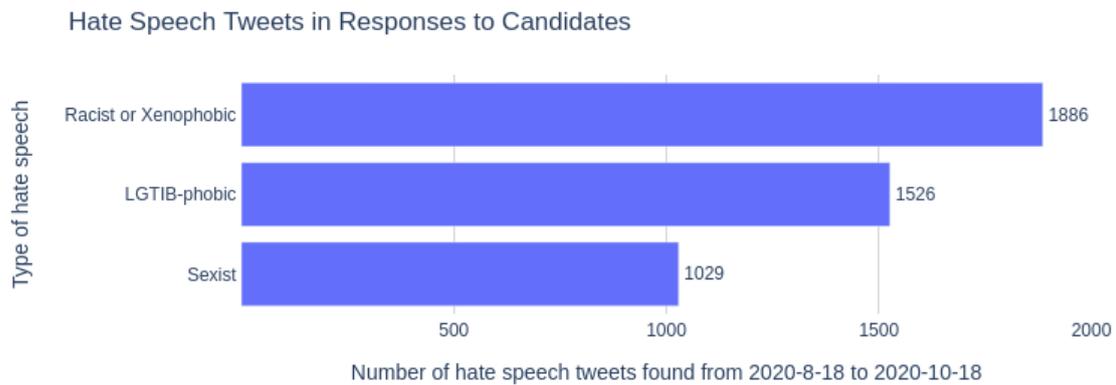


5:42 a. m. · 14 oct. 2020 · Twitter for Android

Hate Speech

Hate speech is intended to impose a group’s discriminatory view, usually a minority or disadvantaged group. In Bolivia, a plurinational and diverse state, some Twitter profiles have introduced racism, homophobia, or machismo into the political debate, with the intention of polarizing and breaking the discussion.

A machine learning system⁴¹ has analyzed hate speech on this campaign, reviewing more than 2,400,000 tweets addressed to candidates during the two months before the vote. This system is able to detect and classify with more than 80% accuracy those messages that include some racist or xenophobic comment (1,886 - 0.08%), LGTIB-phobic (1,526 - 0.06%), and sexist (1,029 - 0.04%).



Of the tweets identified as sexist, Jeanine Áñez (JUNTOS) was the target of 75%.

⁴¹ Machine learning classifier developed with Python programming language and a Google BERT model. This technology (bidirectional encoder representations) uses big pretrained language models to improve accuracy on natural language processing tasks. This model was also trained with three specific hate speech datasets with thousands of racist, xenophobic, sexist, and LGBTQ-phobic messages previously classified.

Conclusions

- Disinformation was widely spread on social networks before and during the campaign.
- The narratives of this false and misleading content were aimed at discrediting the candidates and sowing mistrust in the electoral process.
- Some of these narratives were used in candidates' tweets to attack competitors.
- Carlos Mesa (CC) was the most affected by disinformation, intended to show him as a politician who would continue Jeanine Áñez's policies and privatize Bolivian public assets.
- Before their withdrawal from the electoral process, Evo Morales (MAS-IPSP) and Jeanine Áñez (JUNTOS) bore the most significant burden of false or misleading content.
- Hate speech mainly affected female candidates. Áñez was the main target of sexist messages.

Recommendations to the Supreme Electoral Tribunal:

- Totally or partially finance the public or private entities in charge of tracking the digital media in which disinformation circulates.
- Reach agreements with the leading social networks to provide free access to their systems so that the entities authorized by the tribunal can monitor the suspicious activity, as is done with the offline media.
- Reach agreements with the leading social networks to enable mechanisms for reporting suspicious activity to facilitate a rapid response from these companies.
- Require parties to register and publish the social network profiles of their candidates to monitor their activity and identify illegitimate networks that intend to interfere with their campaigns.

**ANNEX B:
ANALYSIS OF FACEBOOK POLITICAL ADVERTISING
DURING THE 2020 BOLIVIAN ELECTIONS**

Executive Summary

Election candidates and noncandidates worldwide are increasingly using social media platforms to advertise political ideas. Although most countries have domestic regulations that govern political advertising in broadcast and print media, few countries have developed regulations addressing social media advertising. Meanwhile, social media platforms have adopted blanket self-regulatory policies that disregard domestic regulations and place the onus on advertisers themselves to self-police by such regulations.

Even though many countries have not yet devised specific regulations to govern social media political advertising, regulations on who can run ads and when they may run and how much can be spent on campaigns are eminently relevant and applicable. Such regulations are important to ensuring transparency, accountability and a level playing field. Whether political advertisements are run in broadcast, print, or social media, these regulations should be respected and observed by election stakeholders and social media companies.

Bolivia has a population of 11.5 million people and more than 7.7 million Facebook users, making Facebook a valuable medium to appeal to would-be voters. Given the impact of COVID-19, the use of social media for campaign purposes in general — and Facebook political advertising in particular — has emerged as an essential mechanism for influencing public opinion and mobilizing voters to support or oppose an election contestant. In this context, The Carter Center examined how Facebook political advertising was used in Bolivia ahead of the October 2020 general election. Specifically, The Carter Center:

- Analyzed Bolivian political advertising regulations to identify which are relevant and applicable to social media advertising and where there may be gaps or weaknesses that need to be addressed.
- Analyzed Facebook political advertising policies to assess where such policies conflict or inhibit evaluation of compliance with Bolivian political advertising regulations.
- Collected and analyzed advertising data from the Facebook Ad Library to assess the degree to which political advertisements were used and identify potential violations of domestic regulations.

Conclusions

Based on its cumulative analysis of Bolivian political advertising regulations, Facebook policies, and advertising data collected from the Facebook Ad Library, the Center found:

- Political advertising is extensively regulated in Bolivia. Regulations hold social media platforms to the same standards as print and broadcast media, notably ensuring regulatory compliance and removing advertisements that constitute violations.
- Facebook is obliged to comply with regulations in countries where it operates in accordance with the United Nations Guiding Principles on Business and Human Rights. However, Facebook has not assumed responsibility for compliance with basic political advertising regulations in Bolivia.
- At a minimum, Facebook should have abided by the provision restricting political advertising to permitted entities and within the designated campaign period.
- Facebook failed to enforce its self-regulatory policy effective Aug. 5, 2020, that required political parties and candidates campaigning in upcoming elections to complete the authorization process and place “paid for by” disclaimers on all of their ads.
- It is understood that social media platforms are exempt from media registration requirements applicable to domestic media and so are not required to provide equal and consistent advertising rates to candidates. From a practical standpoint, while exempting social media platforms from the registration requirement is understandable, lawmakers should consider requiring social media platforms to provide equal rates for political advertising to ensure a level playing field. The lack of equal rates may, albeit inadvertently, disadvantage smaller, under-resourced candidates who may be outbid by larger or better-financed candidates.
- To facilitate the evaluation of compliance with campaign finance reporting rules, Facebook should have included advertisements run by candidates in its ad archive along with actual costs for individual political advertising.

Based on advertising data collected and analyzed from the Facebook Ad Library, the Center found:

- A sample of 775 paid ads from July 1 to election day (Oct. 18) run by some candidates and parties.
- Some 397 ads (51.2% of the sample) were run before the start of the official campaign (July 1–Sept. 17).
- Three ads (0.4%) were run during the silence period (Oct. 15–18). Six ads (0.8%) were published by non-official and non-authorized profiles.

Recommendations

To Bolivian lawmakers:

Require social media platforms to:

- Maintain and publish archives of all political advertisements run by Bolivian political parties and election candidates.
- Restrict advertisements to permitted campaign periods.
- Include actual cost data for individual political advertisement expenditure.

Consider requiring:

- Political advertisements to be labeled with a disclaimer indicating who is responsible for advertising content.
- Equal and transparent rates for political advertising to ensure a level playing field.

- Campaign finance reports to be made public to promote transparency and accountability.

To the Plurinational Electoral Body (OEP):

- Require political candidates to submit social media account URLs used for campaign purposes with candidate nomination submissions.
- Establish a dedicated oversight mechanism to monitor social media political advertisements in accordance with regulations.
- Establish a formal complaint mechanism and process to receive political advertising complaints.
- Establish an online reporting mechanism to encourage social media users to report advertisements that may contravene regulations. Facebook does not restrict political advertisements to election candidates.

To Facebook:

- Maintain and publish archives of all advertisements run by elected officials and political parties.
- Archive and publish all advertisements from accounts of election candidates that submit their account URL to the OEP during the candidate nomination process.
- Provide a custom, publicly accessible web interface to present all advertisements by registered political parties and candidates contesting elections.
- Proactively restrict political advertising content by election candidates to permitted campaign periods.
- Provide actual cost data for political advertising expenditures by political parties and candidates.
- Conduct digital-awareness-raising to ensure all advertisers are educated on political advertising regulations.
- Provide a customized reporting mechanism on advertisements to enable Facebook users to report violations of political advertising regulations.
- Coordinate with the OEP and citizen election monitoring organizations to facilitate monitoring and reporting of political advertising violations.

Why The Carter Center Is Analyzing Social Media Political Advertising

The right to advertise political ideas during an electoral process is enshrined in the right to freedom of expression. However, political advertising may be subject to reasonable limitations through regulations imposed by domestic law: who can run political advertisements, when and where advertisements may be run, restrictions on advertising expenditure levels, and reporting and disclosure requirements. These kinds of regulations are important to ensuring transparency, accountability, and a level playing field.

In accordance with United Nations Guidelines and Principles on Business and Human Rights, countries are responsible for devising and enforcing laws requiring social media platforms to respect human rights. They have to periodically assess the adequacy of these laws to address any gaps as well. The UNGPs also oblige social media companies to comply with regulations in countries where they operate and prevent harms that may arise from their business practices. Thus, countries must close regulatory loopholes and social media companies must comply.

Given the challenges of novelty, opacity, and extraterritoriality of social media platforms, countries grapple with how to devise appropriate and enforceable regulations. Social media companies are required to ensure compliance with relevant and applicable regulations in countries where they operate. However, they have adopted blanket self-regulatory policies that acknowledge domestic political advertising regulations but place the onus on advertisers to comply with them.

According to their policies, Facebook and Google require advertisers to register in order to run political advertisements in select countries. Political ads run by registered advertisers are stored in public archives with data on ad targeting and expenditure. If advertisers are not registered, Facebook displays in its Ad Library copies of ads while actively running. However, no ad targeting or expenditure data is provided — and once an advertisement stops running, it disappears without a trace.

The accessibility of social media political advertising data enables The Carter Center to scrutinize advertising activity under existing domestic regulations. The Center 1) analyzed domestic regulations that apply to social media political advertising; 2) analyzed social media advertising policies to assess the degree to which they facilitate — or inhibit evaluation of — compliance with domestic regulations; and 3) collected and analyzed social media political advertisements under domestic regulations.

Based on its findings and analysis, The Carter Center offers specific recommendations aimed at domestic lawmakers that should be taken into consideration to devise appropriate and enforceable regulations on social media political advertising. The Center also offers specific recommendations to social media platforms regarding policy reforms that should be implemented to comply with domestic regulations to ensure transparency, accountability, and a level playing field. The Carter Center hopes these recommendations can help to bridge the gap between domestic lawmakers and social media companies to promote electoral integrity.

Analysis of Bolivian Political Advertising Regulations

Political advertising is extensively regulated in Bolivia, primarily by the Election Law, Political Parties Law, and a series of regulations issued by the Plurinational Electoral Body (Órgano Electoral Plurinacional, or OEP). The power to establish administrative

requirements and responsibility for oversight and enforcement in accordance with laws and regulations is vested in the OEP. This body comprises the Intercultural Service for Democracy Strengthening (Servicio Intercultural de Fortalecimiento Democrático, SIFDE), Supreme Electoral Tribunal (Tribunal Supremo Electoral, TSE) and its Departmental Electoral Tribunals (Tribunales Electorales Departamentales, TEDs). The following is a breakdown of existing Bolivian regulations governing political advertising most relevant and applicable to social media political advertising.

How is Political Advertising Defined?

Political advertising is referred to interchangeably as “paid electoral propaganda” or “paid political propaganda.” Article 5(f) of the TSE Regulations on Electoral Propaganda and Campaigning (2020) defines “paid electoral propaganda” as “every message spread in a space or time contracted by political organizations with the purpose of promoting and/or soliciting votes.” Regulations specifically acknowledge and permit political advertising on “[d]igital social networks which spread paid advertising.”

When May Political Advertisements be Run?

Political advertising is allowed from 30 days before up until 72 hours before election day. While the election campaign may begin 90 days before election day, paid political advertising is not permitted until 30 days before election day. For the Oct. 18 general elections, paid advertising, including on social media, could begin on Sept. 18 and had to cease on Oct. 14. In the event of a second round of elections, political advertising could begin at the time the second round was called and had to cease 72 hours before the second-round voting day.

Who is Permitted to Run Political Advertisements?

In accordance with Article 115 of the Election Law (2010), only political parties and alliances that have candidates running in an election may run political advertisements. Per Article 50(c) of TSE Regulations on Electoral Propaganda and Campaigning, “electoral propaganda that is contracted by people other than political organizations and alliances that present candidates in general elections is prohibited.”

Are There Limits on Campaign Advertising Expenditure?

There is no limit on general campaign expenditure, but there are limits on what can be spent on political advertising. (See *Are There Limits on Political Advertising Expenditure?* below.)

Are There Requirements for Campaign Expenditure Reporting and Disclosure?

Parties must submit financial records to the OEP on an annual basis and must fund all operations from a single declared bank account, which the OEP is authorized to investigate. In addition, parties must submit a yearly program of activities and corresponding budgets in advance of their execution. They must also provide accounts recording, at minimum, yearly contributions from members; donations; investment dividends; loans and profits from fund-raising activities; and a record of activities carried out within the framework of public subsidies and any internal complaints processes (Articles 82–84 & 88, Political Parties Law). There is no public disclosure requirement to facilitate public scrutiny in line with global best practices for promoting transparency and accountability in campaign expenditures.

Are There Limits on Political Advertising Expenditure?

Private political advertising expenditure (“contracting of radio, television and print media for campaign and propaganda purposes”) may not exceed 35% of the amount given to political parties in public funding for campaigning (Article 77, Political Parties Law). This amount is calculated, for each process, by adding 20% to the total budget of

the previous elections, and for 2020, was fixed at 35,060,000 Bolivianos. However, in 2020, this amount was not given to political parties, and was instead diverted to ensuring biosecurity measures and materials to avoid Covid-19 contagion during the elections (Law 1314 of 24th July 2020, Transitional Law re-assigning public funds for campaigning). According to the TSE, the figure that set the ceiling for total spending on political advertising still stood despite this reassignment of public funds, and as such no party could spend more than 12,271,000 Bolivianos (approximately 1,778,500 US dollars) on political advertising in the media for the 2020 elections.

Are There Requirements for Political Advertising Expenditure Reporting and Disclosure?

Through mechanisms further regulated by the OEP, political parties must present accounts of their capital and funding sources at the time that elections are called, as well as an updated balance within 60 days of election day, which must include details of all spending on electoral propaganda (Articles 265 & 266, Election Law).

Are There Limits on the Number of Advertisements That Can Be Run?

Limits on advertising amounts exist for print and broadcast, but not for social media. A political party may not run more than 10 minutes of paid propaganda on each television and radio station. In print, a party may pay for up to two advertising pages per day in each newspaper and a 12-page weekly supplement. (Article 118, Election Law). Television spots may be up to 30 seconds long, and for radio, advertising may last up to one minute at a time (Article 48, Regulation on Electoral Propaganda 2020).

Are There Requirements for Political Advertisements to Be Labeled with a Disclaimer?

Political advertising must be labeled with a disclaimer that includes the term “*espacio solicitado*” (*requested space*) (Article 115 (d), Election Law). Advertising paid for with public campaign financing (TBC for 2020) must be marked “*Espacio de Fortalecimiento Público*” (*Space for Public Empowerment*) and subsidized audiovisual content must include a sign language interpretation (Article 48(b)(c) 2020 Regulation on Electoral Propaganda). Anonymous propaganda is banned by law (Article 119, Election Law).

Are There Requirements for Media Platforms to Register to Run Political Advertisements?

Print and broadcast media (including online digital media) must register with the TSE to enable political advertisements to be run on their platforms. Although regulations do not stipulate that social media platforms are exempt from registration, the explicit mention of other media types and omission of social media implies this provision does not apply to social media platforms.

Are There Requirements for Equitable Rates to be Provided for Political Advertisements?

As part of the TSE registration dossier to enable advertisements to be run on their platforms, the media must detail their rates for different formats and spaces. These cannot be higher than the commercial advertising rates they charged in the previous semester and must be charged equally to all political parties. No party may be refused access to paid advertising. While regulations do not stipulate that social media platforms are exempt, the rates are tied to the above registration provision, seemingly not applying to these companies.

Is There an Oversight Body Responsible for Enforcing Political Advertising Regulations?

Oversight and enforcement of political advertising regulations are vested in OEP. SIFDE handles direct oversight, while enforcement, including the adjudication of electoral offenses and issuance of sanctions, is handled by TSE. These responsibilities include oversight of spending on political advertising; oversight of adherence to political advertising regulations; registering media that intend to publish or broadcast political

propaganda; and registering political parties, auditing their spending in general and on campaigning in particular.

Are Violations Enumerated in Political Advertising Regulations?

The following violations are enumerated in the OEP Regulation on Propaganda and Election Campaigning and Article 119 of the Election Law:

- Advertising prior to the permitted campaign timeframe
- Advertising during the campaign silence period
- Advertising that uses opinion polls for electoral gain
- Advertising that contravenes the provisions on disseminating electoral propaganda (i.e., run by a noncontestant who is prohibited from running advertisements)
- Advertising that is anonymous (i.e., does not include a disclaimer)
- Advertising that promotes electoral abstention
- Advertising that violates the honor, dignity, or privacy of candidates or citizens
- Advertising that directly or indirectly promotes violence, discrimination, or intolerance
- Advertising that implies the offer of money or goods
- Advertising that makes direct or indirect use of religious symbols
- Advertising that uses national symbols or images of leaders of other countries
- Advertising that uses symbols, colors, or images of other parties or candidates
- Advertising that uses direct images of children
- Advertising that uses images of the delivery of public works, goods, services, or projects
- Advertising that uses state symbols
- Advertising in unregistered media
- Failure to immediately remove propaganda that contravenes regulations

The failure to immediately remove propaganda that contravenes regulations effectively assigns intermediary liability to media outlets. Under Article 55 of The OEP Regulation on Propaganda and Election Campaigning, the penalty imposed on media is a fine of “twice the highest registered rate for advertising.” However, given the implication that social media platforms are not required to register and provide detailed rates, regulatory enforcement and application of sanctions is seemingly impossible.

How are Violations Brought to the Attention of Relevant Authorities?

Any authorized organization may submit a complaint to the TSE on the grounds that advertising is in breach of regulations, and any individual may do so because the propaganda’s content directly aggrieves them. The TSE may also act on its own initiative. In either case, it may determine that the offending propaganda must be removed, appropriate sanctions applied, and referral made to the Public Prosecutor’s Office or General State Comptroller, if applicable (Article 119 & 121, Election Law).

Which Authorities are Responsible for Adjudicating Violations and Imposing Sanctions?

The OEP is exclusively responsible for assessing violations and imposing sanctions. However, where appropriate, it may also refer evidence to the Public Prosecutor’s Office or the General State Comptroller for investigation.

Social Media Advertising Policy Analysis

Facebook has established self-regulatory policies regarding “ads about social issues, elections or politics” on its platform. These policies are found on different pages, are frequently updated, and vary by country. In some cases, Facebook self-regulatory policies may be consistent — or facilitate compliance — with domestic regulations. In other cases, Facebook policies may conflict — or inhibit evaluation of compliance — with these laws.

How Does Facebook Define Political Advertising?

Facebook does not have a stand-alone definition of political advertising but instead includes it as a subset of a broader category of “ads about social issues, elections or politics.” According to Facebook, these ads are:

- Made by, on behalf of, or about a candidate for public office, a political figure, or a political party or advocates for the outcome of an election to public office; or
- About any election, referendum, or ballot initiative, including “go out and vote” or election campaigns; or
- About social issues in any place where the ad is being placed; or
- Regulated as political advertising.

It is understood that advertisements “[m]ade by, on behalf of, or about a candidate for public office, a political figure, a political party or [that advocate] for the outcome of an election to public office” as well as “[a]bout any election, referendum, or ballot initiative, including ‘go out and vote’ or election campaigns” are considered by Facebook to be ads about politics and elections.

Analysis: Facebook’s definition of “ads about social issues, elections or politics” encompasses but is much broader than the definition of political advertising articulated in Bolivian political advertising regulations: “every message spread in a space or time contracted by political organizations with the purpose of promoting and/or soliciting votes.”

Who Can Run Political Advertisements on Facebook and When Can They Run Them?

Facebook allows candidates and noncandidates to run “ads about social issues, elections or politics” provided they complete the authorization process stipulated by the platform. Effective Aug. 5, 2020, Facebook issued a revised policy stipulating that all election candidates must obtain authorization: “Identified political parties and candidates campaigning in upcoming elections will be required to complete ad authorizations and place ‘Paid for by’ disclaimers on all of their ads.”

To obtain authorization, the advertiser must be the Facebook page administrator or someone planning to run ads on it. His or her identity must be confirmed with documentation Facebook deems legally acceptable. Thus, while a Facebook page may have multiple administrators located in multiple countries, documents submitted for proof of an administrator’s identity must be issued by the country in which the ads will be targeted.

Facebook does not proactively restrict “ads about social issues, elections or politics” to campaign timeframes. Provided an advertiser obtains authorization, the onus of complying with domestic regulations is placed on the advertiser, regardless of whether he or she is permitted to run political advertisements: “In all cases, it’ll be up to the advertiser to comply with any applicable electoral or advertising laws and regulations in

the country they want to run ads in.” The policy further stipulates that: “If relevant authorities make us aware of an ad that is in violation of the law, we’ll review carefully and take appropriate action.”

“Ads about social issues, elections or politics” run by authorized advertisers are automatically added to the Facebook Ad Library, stored and archived for seven years, and annotated with information about who sponsored the ad, a range of how much they spent, and the reach of the ad across demographic audiences.

If an advertiser wishes to run “ads about social issues, elections or politics” but does not obtain authorization, he or she is not prevented from running them. However, Facebook reserves the right to take “enforcement action,” which may include removing ads run by the advertiser or restricting the advertiser’s ability to run ads in the future. In accordance with Facebook policy, advertisements run by unauthorized advertisers are still added to the Facebook Ad Library but are only visible while they are actively running. They are not annotated with data on sponsorship, expenditure, or audience reach and are not archived.

Analysis: Facebook neither restricts who can run political advertisements nor when they can run them in accordance with Bolivian regulations. The burden of responsibility for regulatory compliance is vested in candidates and noncandidates who complete the authorization process stipulated by the platform. If an advertiser does not obtain authorization, they are still permitted to run political advertisements but may be subject to “enforcement action” (ad removal and prevention of running ads in the future) if they violate Facebook policy or Bolivian regulations. Thus, Facebook enables anyone to run ads, expects advertisers to self-police, and outsources responsibility to “relevant authorities” for bringing violations to its attention.

Does Facebook Require Political Advertisements to Include a Disclaimer?

Facebook policy states that “ads about social issues, elections or politics” run by authorized advertisers must include a “Paid for by” disclaimer with the name and entity that purchased the ads.

Such disclaimers must be displayed directly on the advertisement and accurately represent the name of the entity responsible for the content. If an ad is run by an authorized advertiser but does not include a disclaimer, Facebook policy stipulates that it will be paused and disapproved. However, it will be added to the Facebook Ad Library until the advertiser completes the authorization process. If Facebook determines that the disclaimer provides false or misleading information about the advertiser, it reserves the right to disable the page. The social media platform can eliminate existing ads as well as restrict further advertising.

If a political party or candidate ad is reported as missing a disclaimer, the advertiser will be disallowed from placing new ad orders until they complete authorizations and mark ads as about social issues, elections, or politics.

Analysis: While this disclaimer policy does not directly comply with the explicit labeling stipulated in Bolivian regulations, it is consistent with the spirit of the law and clearly denotes advertisements are sponsored content. Facebook policy does not indicate how false and misleading information is determined; it seemingly outsources responsibility to “relevant authorities” for bringing violations to their attention. Moreover, it should be noted that disclaimers are only included on “ads about social issues, elections or politics” run by authorized users; thus advertisements run by unauthorized users will not include disclaimers.

Does Facebook Enable Evaluation of Compliance with Political Advertising Expenditure Limits?

As noted earlier, “ads about social issues, elections or politics” by authorized advertisers are automatically added to the Facebook Ad Library. They are annotated with sponsorship information on how much was spent on them. In the case of ads run by unauthorized advertisers, no expenditure data is made available and, since the ad disappears without record, there is no “paper trail” to verify that it was run in the first place.

Facebook’s policy on advertising rates for “ads about social issues, elections or politics” is consistent with its general advertising policy. In simplified terms, advertisers set a time frame during which they would like to advertise, the audience they would like to target, and a cost expenditure ceiling. Rates fluctuate depending on the competition to reach a target audience: If demand is high, advertisers must bid to purchase the ad space. Actual costs for a given ad will vary based on rates and user interactions — impressions and clicks — with an advertisement.

Analysis: In theory, the inclusion of expenditure data promotes accountability and facilitates Bolivian authorities’ campaign finance oversight efforts. However, in practice, advertisement expenditure costs are provided in the form of an “amount spent” range rather than actual costs. The lack of actual-cost expenditure data inhibits relevant authorities tasked with campaign finance expenditure oversight to verify expenditure listed in contestant reports. The absence of annotated expenditure data enables advertisers to run political advertisements unabated and to skirt domestic political advertising requirements that ensure transparency and accountability.

Ultimately, Facebook’s advertising rate policy is inherently inconsistent with Bolivian political advertising regulations, which require equal rates for advertisements run by candidates. However, given the implication that social media platforms are seemingly exempt from registration requirements to be permitted to run advertisements and provide equitable and transparent advertising rates, it would seem this is not a direct conflict with the regulations.

What Does Facebook Consider to be Political Advertising Violations?

Facebook does not enumerate specific violations in its policies regarding “ads about social issues, elections or politics.” However, the platform has established general advertising rules regarding prohibited content. Some of them are particularly relevant with respect to political advertising and may intersect with domestic political advertising regulations, notably:

- Discriminatory practices: “Ads must not discriminate or encourage discrimination against people based on personal attributes such as race, ethnicity, color, national origin, religion, age, sex, sexual orientation, gender identity, family status, disability, medical or genetic condition....[A]dvertisers may not (1) use our audience selection tools to (a) wrongfully target specific groups of people... or (b) wrongfully exclude specific groups of people from seeing their ads; or (2) include discriminatory content in their ads.”
- Misinformation: “Facebook prohibits ads that include claims debunked by third-party fact-checkers or, in certain circumstances, claims debunked by organizations with particular expertise. Advertisers that repeatedly post

information deemed to be false may have restrictions placed on their ability to advertise on Facebook.”

Facebook’s policy on discriminatory practices is comprehensive and encompasses a wide range of practices that may be considered discriminatory based on protected characteristics. However, it may reasonably be interpreted as prohibiting political advertisements that contain hate speech or incitement speech or aim to disenfranchise discrete segments of the population. Facebook’s policy on misinformation is straightforward, and it may reasonably be assumed that an election management body or election observation organization would constitute an organization with particular expertise in electoral processes that would be well-positioned to identify content that contains false claims.

Facebook requires that all advertisements on its platforms undergo a review process before they are published. Per its policy, the “images, text, targeting, and positioning” of the advertisement are evaluated and an advertisement may not be approved if it “doesn't fully comply with our Advertising Policies.”

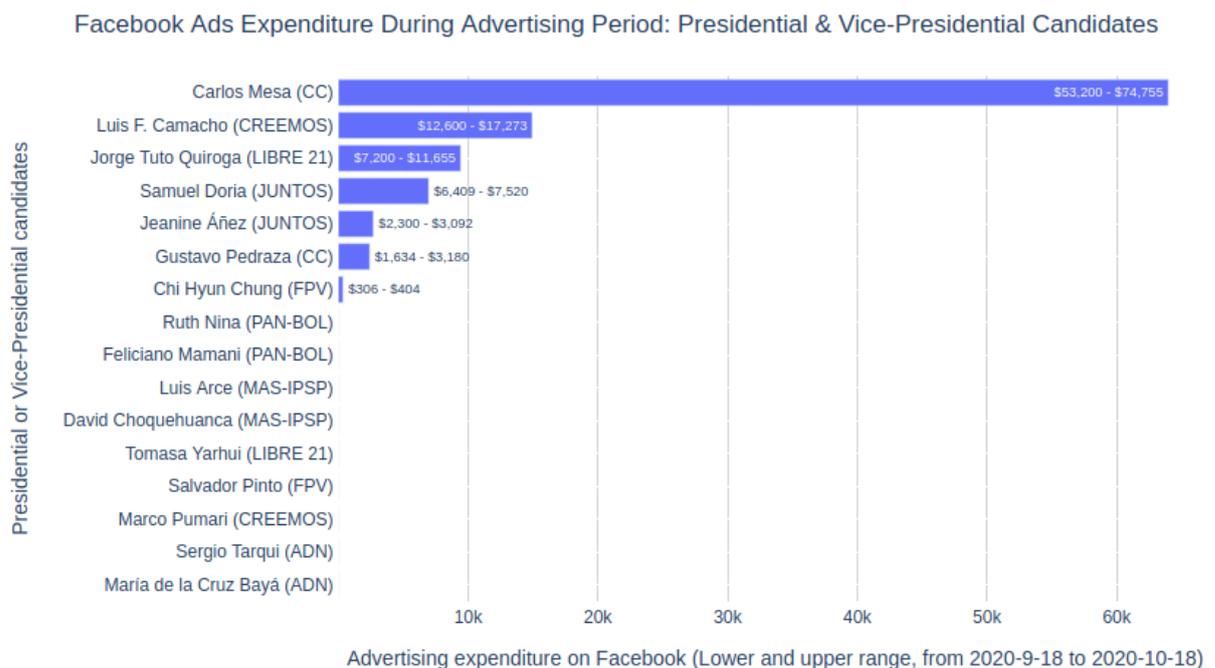
Analysis: Facebook’s policy on discriminatory practices, while subject to interpretation, seemingly corresponds to the Bolivian regulatory prohibition on “advertising that directly or indirectly promotes violence, discrimination or intolerance.” It is unclear which authorities at Facebook are responsible for evaluating advertisements according to its policy on misinformation and whether, if any, Bolivian organizations with particular expertise, e.g. OEP, Chequea Bolivia, or election observation groups, are consulted in the review process.

Political Advertising Data Analysis

In Bolivia, with over 11 million citizens, more than 7 million are regular users of social networks. In this group, Facebook stands out, with approximately 94% of Bolivians using its online service.⁴²

Despite a user base of almost two-thirds of the country's total population, only seven of the 16 presidential and vice presidential candidates advertised on Facebook during the period allowed for electoral propaganda⁴³. Their ads were displayed on the social network an average of 250,000 times to an average potential audience of 775,000 users⁴⁴.

The total advertising budget during the campaign barely exceeded \$100,000 (between \$83,649 and \$117,879). Comunidad Ciudadana's presidential candidate Carlos Mesa's Facebook page purchased 63% of the total advertising budget. That's a long way from the 14% purchased by Luis Fernando Camacho (CREEMOS), 9% by Jorge "Tuto" Quiroga (LIBRE 21) and 6% by Samuel Doria (JUNTOS)⁴⁵. The pages of Luis Arce and David Choquehuanca (MAS-IPSP), winners of the election by more than 26 points, are in the majority group of candidates who did not purchase a single ad on this social network.



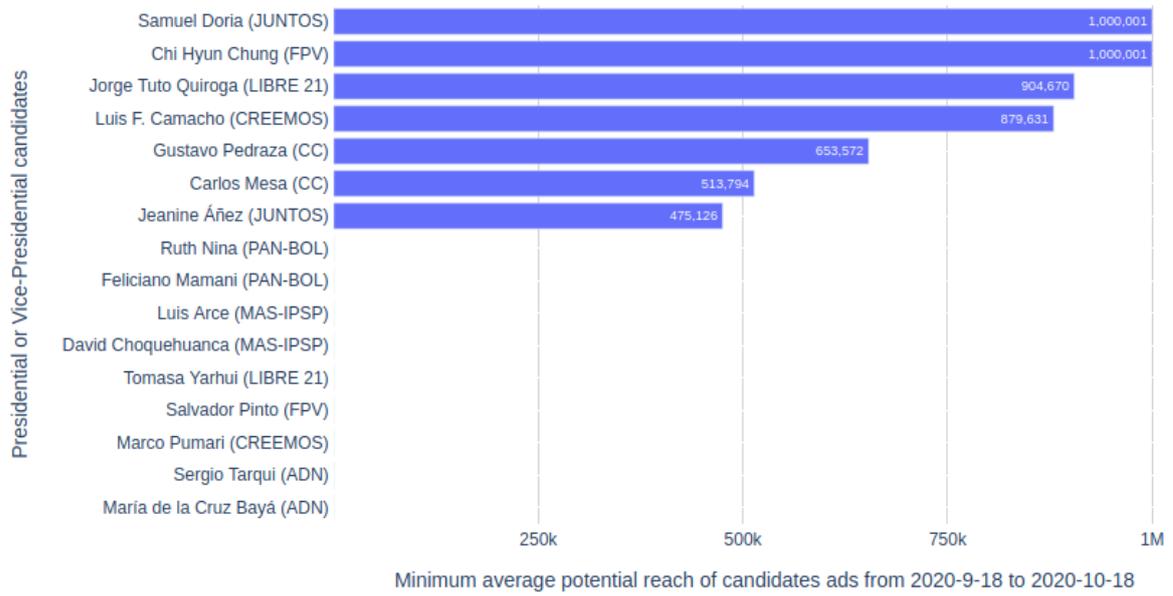
42 According to the latest official study by the Agency for Electronic Government and Information and Communication Technologies (AGETIC, 2017): 94% Facebook, 91% WhatsApp, 40% YouTube, 17% Twitter, 14% Instagram, 8% Telegram, 6% Snapchat, and 4% Skype.

43 From Sept. 18 to Oct. 18, excluding the silence period in the three days before the vote.

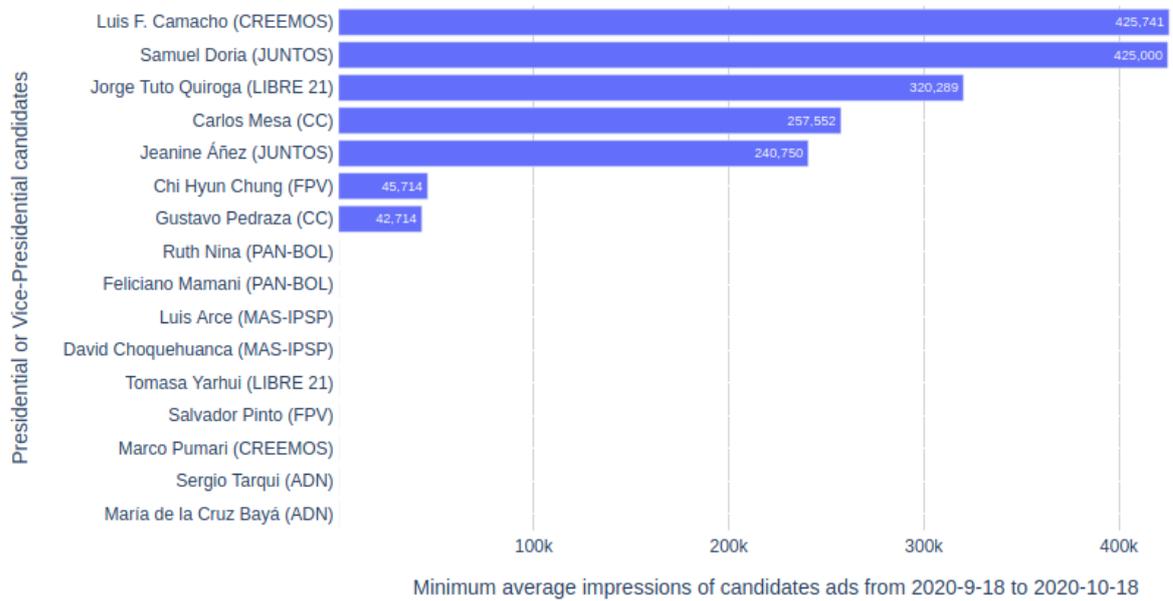
44 Facebook does not offer precise data on the advertising expenditure of its advertisers, nor does it provide exact data on contracted impressions — the number of times the ad was displayed — or its potential reach — the number of users it could reach. It only provides a range of upper and lower limits without specifying the exact quantity.

45 Jeanine Áñez and Samuel Doria withdrew on Sept. 7 but did not deactivate the ad campaigns purchased on Facebook, which continued to work well into the beginning of the campaign. Jorge "Tuto" Quiroga withdrew on Oct. 11, just one week before the vote.

Facebook Ads Potential Reach: Presidential & Vice-Presidential Candidates



Facebook Ads Impressions: Presidential & Vice-Presidential Candidates



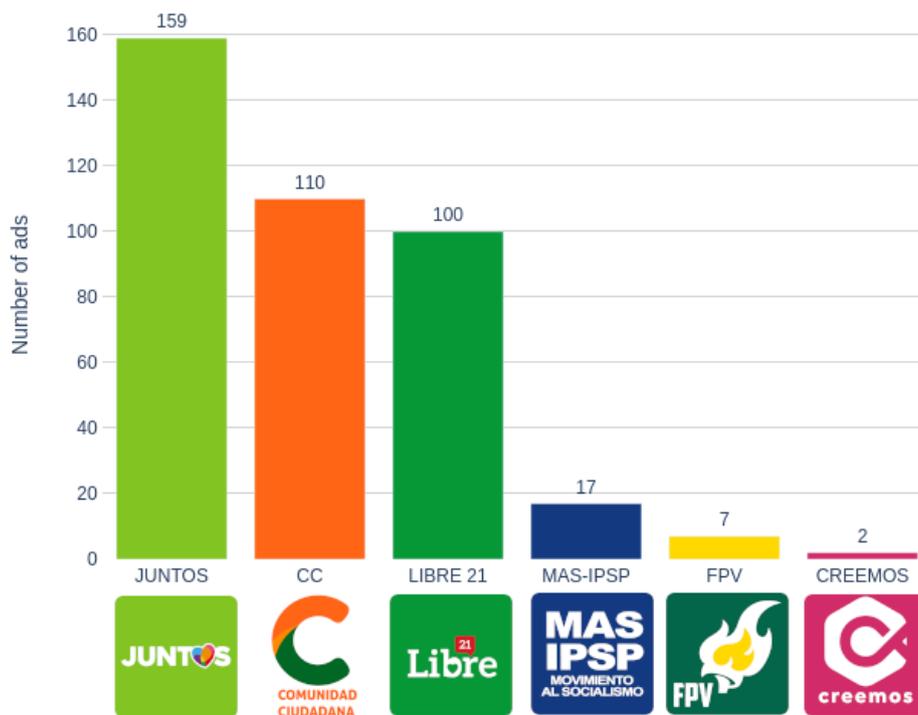
Advertising Outside Permitted Period

The Carter Center compiled a sample of political advertisements run between July 1 and Oct. 18 (election day). During this period, 775 paid ads were purchased by candidates and parties, and only 369 of them (47.6%) were run during the campaign period.

Political advertising is allowed from 30 days before up until 72 hours before election day; in the event of a second round of elections, political advertising may begin at the time the second round is called and must cease 72 hours before election day.

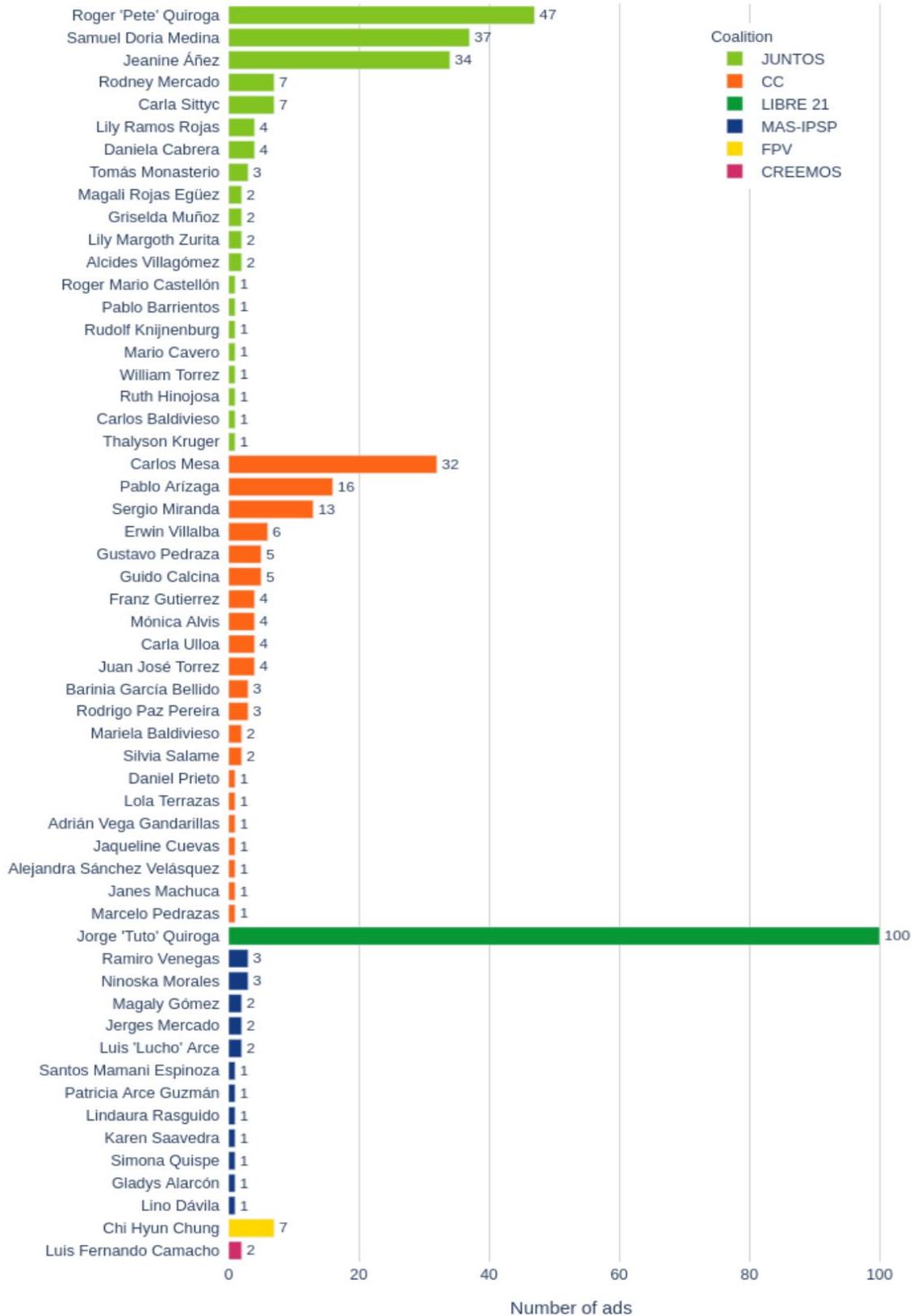
The ads reported below were run prior to the start of the official campaign (July 1–Sept. 17). In this period more than half of all advertisements (397, 51.2%) were run by political candidates. Three ads (0.3%) were run during the silence period (Oct. 15-18). Six ads (0.8%) were published by non-authorized supporter profiles.

Facebook Ads Outside Advertising Period: Coalitions

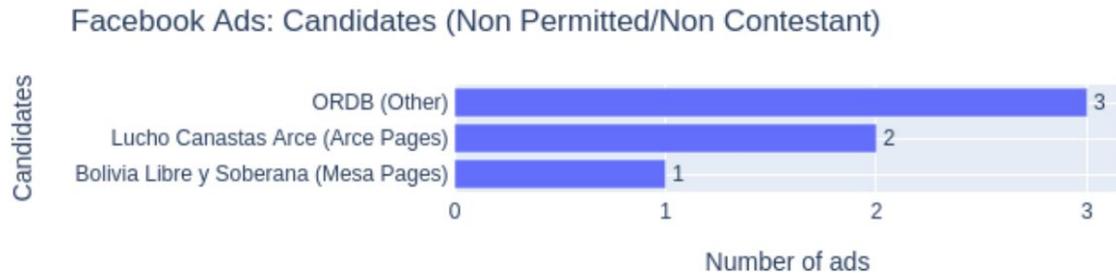


The chart indicates intense activity by the first three opposition parties. The withdrawn Juntos alliance of ex-interim President Jeanine Áñez; Carlos Mesa’s Comunidad Ciudadana, and Jorge “Tuto” Quiroga’s Libre 21, have collectively been responsible for almost 93% of the political ads published on the social network.

Facebook Ads Outside Advertising Period: Candidates



Only political parties and alliances that have candidates running in an election may run political advertisements. Advertisements run by noncandidates should be prohibited. Six ads were found in this group: five supporting MAS-IPSP (ORDB and Lucho Canasta Arce), one supporting Comunidad Ciudadana (Bolivia Libre y Soberana).



Once the OEP officially recognized candidates as candidates, Facebook could have assumed primary gatekeeping responsibility to prohibit political advertising content by those candidates outside the campaign period to ensure a level playing field and promote electoral integrity. However, it appears that Facebook did not make such efforts to proactively restrict political advertising on its platform to permitted entities or permitted campaign periods stipulated by Bolivian regulations.

Facebook Pages Verification

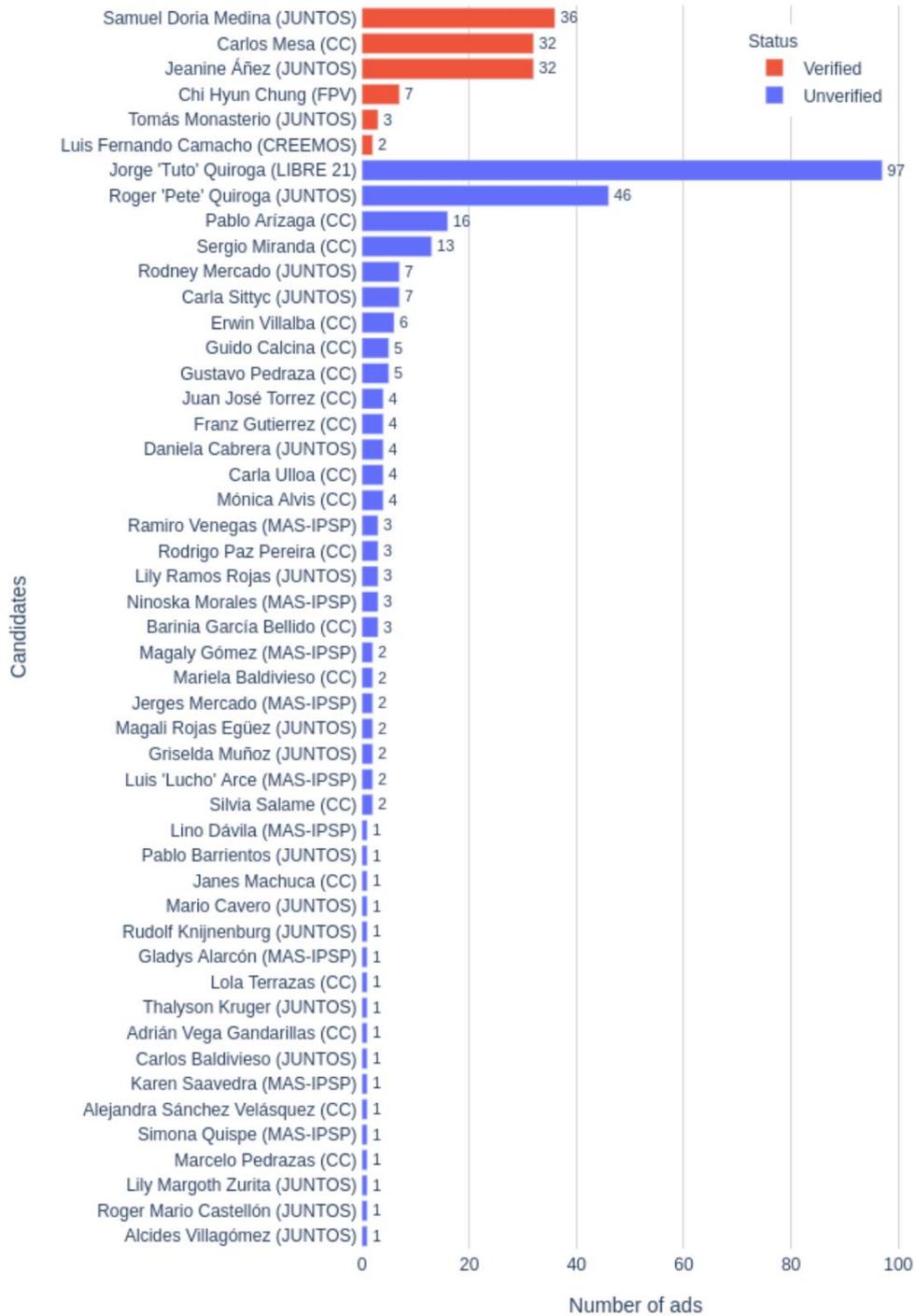
In accordance with Facebook policy, “ads about social issues, elections or politics” run by authorized advertisers are automatically added to the Facebook Ad Library, stored and archived for seven years, and annotated with information about who sponsored the ad, a range of how much they spent, and the reach of the ad across demographic audiences.

If an ad is run by an authorized advertiser but does not include a disclaimer, it will be paused until the authorization process is completed. However, it will be added to the Facebook Ad Library. Advertisements run by unauthorized advertisers are also added to this library but are only visible while they are actively running, are not annotated with data on sponsorship, expenditure or audience reach, and are not archived.

Absent self-declaration by an advertiser request to run “ads about social issues, elections or politics,” it is unclear how Facebook determines whether individual ads are political and thus should be subject to enforcement.

Only six advertisers that ran political advertisements completed the authorization process as required by Facebook. Therefore, only these pages used by the candidates had been verified by the social network as belonging to whom they claimed to represent.

Facebook Ads Outside Advertising Period: Verified and Unverified Candidates

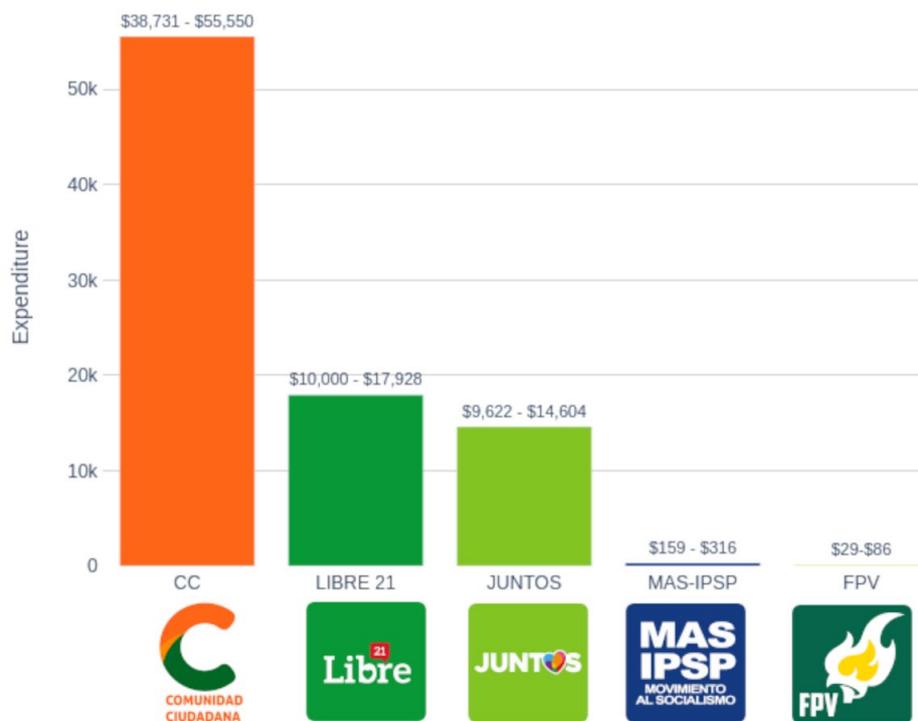


Advertising Expenditure Outside Permitted Period

As was noted previously in this report, the COVID-19 emergency led to a modification in political advertising expenditure ceiling regulations. (See: *Are There Limits on Political Advertising Expenditure?*) Through mechanisms further regulated by the OEP, political parties must present accounts of their capital and funding sources at the time that elections are called, as well as an updated balance within 60 days of election day, which must include details of all spending on electoral propaganda (Articles 265 & 266, Election Law). There is no indication that expenditure reports were made public.

Facebook began registering Bolivian candidates' advertising expenditures on Aug. 5. This information is not provided as an exact figure, but a lower/upper range of the candidates' payments. From Aug. 5 to Sept. 17, Comunidad Ciudadana's candidate, Carlos Mesa, spent 60% of all candidates' advertising budgets.

Facebook Ads Outside Advertising Period: Coalitions



Facebook Advertising Expenditure in US Dollars from 2020-8-5 to 2020-9-17

Before the official campaign period began, candidates spent between \$58,541 and \$88,484 (lower and upper figures provided by Facebook) on paid advertising on Facebook. The three main parties opposing the MAS spent 99.5% of that amount: Comunidad Ciudadana (62.7%), Libre 21 (20.3%) and Juntos (16.5%). Only Creemos didn't invest in political advertising on the social network.



Conclusions

Based on its analysis of Bolivian political advertising regulations vis-a-vis social media advertising, The Carter Center determined the following:

- Political advertising is defined as “every message spread in a space or time contracted by political organizations with the purpose of promoting and/or soliciting votes.”
- Political advertising is allowed from 30 days to 72 hours before election day.
- Only political parties and alliances that have candidates running in an election may run political advertisements.
- Political advertising must be labeled with a disclaimer that includes the term “*espacio solicitado*” (*requested space*).
- Print and broadcast media (including online digital media) must register with the TSE to enable political advertisements to be run on their platforms. However, social media platforms appear to be exempt from registration requirements.
- Advertising rates must be detailed and charged equally to all political parties, and no party may be refused access to paid advertising. The provision of rates is tied to registration from which social media platforms are seemingly exempt.
- Private political advertising expenditure may not exceed 35% of the amount given to political parties in public funding for campaigning. This amount is calculated, for each process, by adding 20% to the total budget of the previous elections. However, in 2020, that amount was not given to political parties, and was instead diverted to ensuring biosecurity measures and materials to avoid Covid-19 contagion during the elections. According to the TSE, the figure that set the ceiling for total spending on political advertising still stood despite this reassignment of public funds.
- Political parties must present accounts of their capital and funding sources at the time that elections are called, as well as an updated balance within 60 days of election day, which must include details of all spending on electoral propaganda.
- There is no public disclosure requirement to facilitate public scrutiny in line with global best practices for promoting transparency and accountability in campaign expenditures.
- The OEP is exclusively responsible for assessing violations and imposing sanctions, with assistance from TSE.
- The procedures for organizations and individuals to submit complaints are well articulated; besides, TSE has independent monitoring authority to determine whether advertisements violate regulations and must be removed.
- Enumerated violations of political advertising regulations are stipulated, and media outlets are responsible for immediately removing advertisements that constitute violations (intermediary liability).

Based on its analysis of Facebook political advertising policies to assess where policies may conflict — or inhibit evaluation of compliance — with Bolivian regulations, The Carter Center found:

- Facebook’s definition of “ads about social issues, elections or politics” encompasses but is much broader than the definition of political advertising articulated in Bolivian political advertising regulations.
- Bolivian regulations establish a fixed campaign period from 30 days before until 72 hours before election day. In conflict with Bolivian regulations, Facebook does

not restrict when entities can run political advertisements, provided they obtain authorization from Facebook according to its platform policies.

- Bolivian regulations establish that only election candidates are permitted to run political advertisements. In conflict with Bolivian regulations, Facebook does not restrict who can run political advertisements, provided they obtain authorization from Facebook under its platform policies.
- Facebook’s disclaimer policy (“Paid for by”) on “ads about social issues, elections or politics” imposes a different standard than what exists in Bolivian regulations (“*Espacio solicitado*”). While Facebook’s policy does not directly comport with Bolivian regulations, it is consistent with the spirit of the law and clearly denotes ads as sponsored content.
- Facebook’s advertising rate policy is inherently inconsistent with Bolivian regulations, which require the provision of equal rates for advertisements run by candidates. However, given the implication that social media platforms are seemingly exempt from registration requirements to run advertisements and provide equitable and transparent advertising rates, it would seem this is not a direct conflict with the regulations.
- Facebook includes costs for advertising expenditures in the form of an “amount spent” range rather than actual costs. The lack of actual cost expenditure data inhibits relevant authorities tasked with campaign finance expenditure oversight to verify expenditure listed in contestant reports. The absence of annotated expenditure data on ads run by unauthorized advertisers enables them to run ads unabated and skirt provisions that ensure transparency and accountability.
- *Contrary to its policy that “ads about social issues, elections or politics” are added to the Facebook Ad Library even if the advertiser who ran an advertisement hasn’t completed the authorization process, it appears Facebook does not treat advertisements that meet its definitional criteria in the same manner with which it treats ads by authorized advertisers. Advertisements run by Bolivian political candidates who have ostensibly not received authorization were only visible in the Facebook Ad Library while they were actively running, were not annotated with expenditure and reach data, and were not archived. Once a political advertisement was no longer running, it disappeared without a trace.*

Based on advertising data collected and analyzed from the Facebook Ad Library, The Carter Center found:

- At least 397 ads (51.2% of the sample) were run prior to the start of the official campaign (July 1–Sept. 17). Three ads (0.3%) were run during the silence period (Oct. 15–18).

Based on its cumulative analysis of Bolivian political advertising regulations, Facebook policies, and advertising data collected from the Facebook Ad Library, The Carter Center found:

- Political advertising is extensively regulated in Bolivia, and regulations hold social media platforms to the same regulatory standards as print and broadcast media, notably ensuring regulatory compliance and removing advertisements that constitute violations.
- Facebook is obliged to comply with regulations in countries where it operates in accordance with the UNGPs. However, it has not assumed responsibility for compliance with basic political advertising regulations in Bolivia.

- At a minimum, Facebook should have abided by the provision of restricting political advertising to permitted entities and within the designated campaign period.
- Facebook failed to enforce its self-regulatory policy effective Aug. 5, 2020, that required political parties and candidates campaigning in upcoming elections to complete the authorization process and place “Paid for by” disclaimers on all of their ads.
- It is understood that social media platforms are exempted from media registration requirements applicable to domestic media and, in turn, not required to provide equal and consistent advertising rates to candidates. From a practical standpoint, while exempting social media platforms from the registration requirement is understandable, consideration should be given by lawmakers to require social media platforms to provide equal rates for political advertising to ensure a level playing field. The lack of equal rates may, albeit inadvertently, disadvantage smaller, under-resourced candidates who may be outbid by larger and/or well-financed candidates.
- To facilitate the evaluation of compliance with campaign finance reporting rules, Facebook should have included advertisements run by candidates in its ad archive along with actual costs for individual political advertising expenditure.

Despite regulatory weaknesses and gaps, Facebook has a responsibility to comply with Bolivian political regulations to the extent possible under international human rights obligations. Facebook’s default policy of placing the burden of compliance with domestic regulations on advertisers themselves is incompatible with such obligations. Establishing blanket self-regulatory measures that disregard domestic regulations and outsourcing responsibility to advertisers to self-police is an inadequate approach.

At the same time, the UNGPs place the onus on countries to periodically assess existing laws’ adequacy and address any gaps that may inhibit enforcement. Given challenges of novelty, opacity, and extraterritoriality, countries grapple to devise appropriate and enforceable regulations that consider the affordances of social media advertising. Bolivian lawmakers have a duty to address weaknesses and gaps in existing regulations through practical reforms, and social media companies must comply.

Such reforms should be made in parallel by lawmakers and social media platforms to align regulations and self-regulations, respectively. They also must promote transparency, accountability and a level playing field in line with international human rights principles. In addition to regulatory reforms, there are also practical steps that can and should be taken by election management bodies and social media platforms to coordinate and address potential harms during an electoral process.

Recommendations

In accordance with international human rights principles, and in the spirit of respect and cooperation, The Carter Center offers the following recommendations:

To Bolivian lawmakers:

- **Require social media platforms to maintain and publish archives of all political advertisements run by Bolivian political parties and election candidates.** *At minimum, regulations should stipulate that archives be maintained and published once the candidate nomination process is finalized. Consideration*

should be given to requiring that archives be maintained and published once candidates submit nomination documents.

- **Require social media platforms to restrict advertisements to permitted campaign periods.** *At minimum, advertisements by political parties and candidates registered to contest elections should be restricted prior to the start of the campaign period and during the campaign silence period to promote accountability and a level playing field.*
- **Require social media platforms to include actual cost data for individual political advertisement expenditure.** *The lack of provision of actual-cost expenditure data inhibits designated authorities tasked with campaign finance expenditure oversight to verify expenditures itemized in candidate campaign finance reports.*
- **Consider requiring political advertisements to be labeled with a disclaimer indicating who is responsible for advertising content.** *Bolivian regulations require that disclaimers ('espacio solicitado') be placed on political advertisements to ensure that they are clearly identifiable as sponsored content to audiences. Political advertisements run by authorized advertisers are also labeled with a "Paid for by" disclaimer that makes them easily identifiable to users. This disclaimer complies with the spirit, if not the letter, of the law, and the practice should be taken into favorable consideration by Bolivian lawmakers when revising existing regulations.*
- **Consider requiring social media platforms to provide equal and transparent rates for political advertising to ensure a level playing field.** *It is understood that social media platforms are exempted from media registration requirements applicable to domestic media and, in turn, not required to provide equal and consistent advertising rates to candidates. Lawmakers should consider requiring social media platforms to charge equal and transparent rates to election candidates to ensure equal opportunities and a level playing field.*
- **Consider requiring campaign finance reports to be made public to promote transparency and accountability.** *There is no public disclosure requirement to facilitate public scrutiny in line with global best practices for promoting transparency and accountability in campaign expenditures. Lawmakers should consider requiring that campaign expenditure reports submitted by political parties be made publicly available to ensure greater transparency and accountability in the electoral process.*

To the OEP:

- **Require political candidates to submit social media account URLs used for campaign purposes with candidate nomination submissions.** *Political parties and candidates should be asked to register the Facebook pages they plan to use for campaign purposes as part of the candidate registration process. This requirement should facilitate the archiving of political advertisements in the Facebook Ad Library.*
- **Establish a dedicated oversight mechanism to monitor social media political advertisements in accordance with regulations.** *Under an oversight mechanism, OEP should initiate memorandums of understanding with social media*

platforms and establish direct reporting procedures to enable platforms to immediately remove advertisements that contravene regulations, as determined by OEP.

- **Establish a formal complaint mechanism and process to receive political advertising complaints.** *As noted above, the OEP has no exact legal role stipulated for the OEP in receiving complaints during the election period or in adjudicating them. Consequently, no policies regulate the acceptance of complaints during the election nor procedures or forms to submit them.*
- **Establish an online reporting mechanism to encourage social media users to report advertisements that may contravene regulations.** *Facebook does not restrict political advertisements to election candidates; therefore, noncandidates may run advertisements. The establishment of an online reporting mechanism would enable election observation groups and citizens alike to bring potential violations to the attention of the OEP to decide whether such advertisements violate regulations.*

To Facebook:

- **Maintain and publish archives of all advertisements run by elected officials and political parties.** *Regardless of the time when they are run, and whether they may be considered political or not, advertisements run by elected officials and political parties are in the public interest and should be made publicly available by default.*
- **Archive and publish all advertisements from accounts of election candidates that submit their Facebook URLs during the candidate nomination process to the OEP.** *If the OEP does not require URL submission, Facebook should obtain lists of election candidates officially recognized by the OEP. Then reach out to political parties and candidates to obtain the URLs of the Facebook pages they are using for campaign purposes, and archive and publish all advertisements run by those accounts.*
- **Provide a custom, publicly accessible web interface to present all advertisements by registered political parties and candidates contesting elections.** *While the Facebook Ad Library has an application programming interface that makes it possible for developers to access this data, Facebook should reduce as many barriers as possible to ensure the utmost transparency and accountability. Making political advertising data available and accessible in an interface based on human-centered design principles and in Bolivian languages would be a gesture that signifies Facebook's commitment to election integrity.*
- **Proactively restrict political advertising content by election candidates to permitted campaign periods.** *Advertisements by parties and candidates registered to contest elections should be restricted prior to the start of the campaign period and during the campaign silence period to promote accountability and a level playing field.*
- **Provide actual cost data for political advertising expenditures by political parties and candidates.** *Regardless of whether regulations require the provision*

of actual cost data, Facebook should include such data to facilitate the evaluation of compliance of campaign finance expenditure oversight.

- **Conduct digital awareness raising to ensure all advertisers are educated on political advertising regulations.** *Absent assuming gatekeeper responsibility, and beyond merely placing the onus of compliance with political advertising regulations on advertisers themselves, Facebook should, at a minimum, assume responsibility **for** providing regulatory information. **Education** on applicable political advertising regulations in Bolivia should not be a substitute for assuming intermediary responsibility, but it would be a positive gesture to mitigate potential harms.*
- **Provide customized violation reporting on advertisements to enable Facebook users to report violations of political advertising regulations.** *At present, Facebook enables users to report violations of advertisements under its policies. To facilitate compliance with domestic regulations, Facebook should customize its violation reporting form to enable citizens to flag violations of Bolivian regulations. **Additionally**, it should conduct digital awareness raising efforts to promote citizen engagement in reporting violations.*
- **Coordinate with the OEP and citizen election monitoring organizations to facilitate monitoring and reporting of political advertising violations.** *Facebook should establish memorandums of understanding with the OEP to provide access to political advertising violations flagged by users for review and enforcement action. Also, Facebook should provide data to citizen election monitoring groups on advertisements that have been flagged and removed to facilitate the efforts of election monitoring organizations to promote public confidence in the electoral process.*

Methodology

The analysis of Facebook political advertising during the 2020 Bolivian elections was coordinated by Andrea Nelli Feroci, associate director of the Carter Center’s Democracy Program, and Michael Baldassaro, the Carter Center’s senior advisor and an expert in elections, technology, and data science.

To analyze Bolivian political advertising regulations relevant and applicable to Facebook advertising, The Carter Center contracted Naledi Lester, an election law expert with more than 20 years of experience. Lester performed the analysis in July 2020 in accordance with the Carter Center’s *Checklist for Political Advertising Regulations Analysis*.

To assess the degree to which Facebook political advertising policy conflicts — or inhibits evaluation of compliance — with relevant and applicable regulations, The Carter Center enlisted the services of its senior advisor, Michael Baldassaro, and intern Aleksei Kaminski. Baldassaro performed the analysis vis-a-vis the political advertising regulations analysis provided by Lester and data collected via the Facebook Ad Library.

To identify electoral candidates that may run Facebook political advertisements, Carter Center Program Associate Carlos Lemos and intern Gabriel Capuano compiled a list of accounts of major political parties, likely presidential and vice presidential candidates,

and a large number of likely legislative candidates beginning in March 2020. To identify noncandidates that may run Facebook political advertisements, Baldassaro conducted a snowball sample of Facebook accounts that shared content from the pages of likely presidential and vice presidential candidates in April 2020.

To capture all political advertising data for monitoring and analysis purposes, The Carter Center checked daily whether pages were running ads and collected data from the Facebook Ad Library while ads were actively running. This data was stored in a third-party archive for data analysis purposes. To capture archived data to evaluate the effectiveness of Facebook's policy requiring advertisers to obtain authorization, The Carter Center collected available data via an application programming interface.

Data analysis was performed by Pedro de Alzaga, a journalist with more than 25 years' experience, data specialist, and social media analyst. Advertisement fact-checking was performed by The Carter Center local partner in Bolivia, Chequea Bolivia.

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