

# THE CARTER CENTER



## **PRELIMINARY REPORT CARTER CENTER ELECTORAL EXPERT TEAM**

**General Elections, Bolivia 2020  
La Paz, October 23, 2020**

### **INTRODUCTION**

In response to the invitation extended by the Órgano Electoral Plurinacional (OEP) to observe the 2020 general elections, The Carter Center prepared to deploy a fully fledged international electoral observation mission to Bolivia but had to adapt its plans in response to the logistical and health conditions imposed by the COVID-19 pandemic. As a result, The Carter Center maintained its support for Bolivian democratic elections by establishing an international electoral expert team (EET) to closely monitor the electoral process through videoconference meetings with the principal stakeholders, as well as analysis of the legal framework for the elections, and other relevant sources of information. The team began its work remotely in mid-July. 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 continue their work on the ground.

The EET's work has focused on analysis of the legal framework for elections and of the election administration's independence, impartiality, transparency and technical efficiency, respect for political participation rights — particularly in the context of the pandemic — and freedom of the press. In collaboration with the fact-checking organization Chequea Bolivia, The Carter Center has also carried out an analysis of online disinformation targeting the electoral process and monitored political advertising in social media in the three months prior to election day.

Due to its limited size and scope, the EET was not able to observe the campaign in the field, although the pandemic caused a lot of campaign activity to shift to the media and social networks. Not having deployed long-term or short-term observers, the team is not in a position to carry out an evaluation based on firsthand observation of the voting and counting in polling stations and can only make a limited assessment of the results aggregation process. 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 EET.

The Carter Center's electoral expert team has assessed the Bolivian electoral process in the light of the national legal framework and the principles and commitments on democratic elections enshrined in the regional and international instruments Bolivia has ratified. The EET will continue its work until the definitive conclusion of the electoral process, after which The Carter Center will publish a final report with recommendations for future elections.

## BOLIVIANS TURN OUT IN LARGE NUMBERS ON A CALM AND WELL-ORGANIZED ELECTION DAY

**The Electoral Authority guaranteed political pluralism and conducted a complex election process with independence and impartiality, paving the way back to the constitutional framework.**

### EXECUTIVE SUMMARY

On Oct. 18, 2020, Bolivian citizens reaffirmed their commitment to democratic processes when they turned out to vote in record numbers despite the COVID-19 pandemic and the political tensions that have roiled the country in the past year. A calm and respectful atmosphere prevailed during the well-organized and incident-free election day, as well as during the counting of the votes, which was open to party agents, election observers and interested citizens. Transparency was also assured for the official aggregation of the results, which took into account every polling station's results.

The results indicate a clear victory for the Movimiento al Socialismo-Instrumento Político por la Soberanía de los Pueblos (MAS-IPSP), with 55% of the vote. The Carter Center welcomes the recognition of the results expressed by the interim government and the main force of the future opposition shortly after the first projections were released.

- From the time it was constituted as a result of wide political consensus at the end of 2019, the Tribunal Supremo Electoral (TSE) has consolidated its independence as a constitutional power and has demonstrated political impartiality and adherence to the law. The TSE also has shown a great propensity for dialogue with other state powers, political forces, and social actors, which has enabled it to ensure the electoral process took place, even in a context of great polarization and amid the challenges brought on by the pandemic, which caused the elections to be postponed several times. As a neutral institution, the TSE 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, such as the voter registry or the organization of out-of-country voting, by sharing procedural information and verifiable data on these subjects.
- The TSE and the Departmental Electoral Tribunals (*Tribunales Electorales Departamentales*, TED) operated with a high level of transparency during each stage of the process, from the updating and cleansing of the voter register to the publication of the official results. The TSE's prudent decision to cancel the DIREPRE preliminary results system (*Sistema de Difusión de Resultados Preliminares*) when it detected functional flaws did not affect this transparency, which was assured by the publication of official results. The decision did, however, significantly delay the availability of results from an official source. The election administration adopted biosecurity protocols and operational procedures adapted to the COVID-19 pandemic that were in line with the best international practices and invested significant efforts in public communication and training for its temporary staff.
- The legal framework for elections includes some provisions that excessively restrict the right to political participation, notably the cancellation of a party's legal status as a sanction for the mere revelation of internal polls by one of its candidates. In its interpretation of these provisions, the TSE aligned itself with the values and principles enshrined in the constitution and the international standards for democratic elections. By the same token, the TSE preserved the political pluralism of the election process.

- Despite the welcome return of presidential debates after a long absence, there was little space in general for program proposals in the campaign, which was somewhat dominated 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 brought by the government against MAS leaders, as well as arrests of several MAS candidates in connection with the roadblocks in July and August. The Carter Center regrets that almost 50 violent incidents took place over the course of the campaign, although fortunately they did not have grave consequences.
- The Carter Center notes since the October 2019 elections, the National Association of Bolivian Press (*Asociación Nacional de la Prensa de Bolivia*, ANPB) 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 scheme exists, despite an increase in violent incidents. In addition, successive governments have exerted pressure on media companies through their control of budgets for institutional advertising.
- The Carter Center observed a proliferation of disinformation on social media aimed at eroding not only candidates' reputations, but also the TSE's. Conversely, there was a limited use of paid political advertising on social media.
- For the first time since it became a legal requirement, this year 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, from the outset the 2020 election process, that political organizations comply with the legal requirements for gender parity and alternance, alongside the technical support it offered to contending parties.

## PRELIMINARY CONCLUSIONS

### Context

In the midst of a postelectoral crisis characterized by extreme polarization between the country's political and social forces and numerous episodes of violence, 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 running 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 Law 1270, as were those of all elected officials. The seventh, Salvador Romero, was appointed by interim President Jeanine Áñez and was subsequently elected president by the TSE members. The Tribunales Electorales Departamentales (TED) 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 election administration was particularly challenging: organizing 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 the year before, the credibility of the electoral administration was all but destroyed. In March, 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 powers concerning these postponements; while this was at times difficult, this approach

ultimately enabled unanimous approval of three postponement laws that were rapidly promulgated by interim President Áñez.

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 (MAS); 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).

### **Legal Framework for Elections**

Both the constitution and the main laws framing the elections enable, in general terms, the holding of democratic elections in line with the principles and commitments enshrined in the international instruments ratified by Bolivia. Nonetheless, Bolivian legislation retains some provisions that establish disproportionate sanctions for offences of questionable gravity. The application of these sanctions could unjustifiably limit the right to political participation and curtail political pluralism. Such is the case of article 136.III of the Election Law, which instructs the TSE to sanction political parties who 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 of its candidates are excluded from the electoral race. It is the view of the Carter Center that such a draconian sanction is manifestly disproportionate and contrary to a number of 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. 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 in Article 136.III of the Election Law. The Carter Center considers that said article's application during the 2015 regional 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 such a trivial act constitutes as much of a threat to political pluralism today as it did in 2015.<sup>1</sup> At the time of writing, the Constitutional Court 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 1 September 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(j) represents 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. On Sept. 3, the Creemos alliance presented a complaint against the MAS alliance on these grounds, calling for the cancellation of its legal status and, consequently, the cancellation of all of MAS candidacies.

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 addition,

---

<sup>1</sup> In 2015, the TSE canceled the legal status of the regional party Unidad Demócrata 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.

although the use of state resources for campaign purposes is prohibited by law, the associated sanctions have little dissuasive weight.

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.

### **Voter Registry**

The voter registry is biometric and permanently updated in Bolivia since 2009. 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 ensuring 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), a measure the law intends 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 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. In order 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 of applicants only that they 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 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, 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 set about reducing 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, but 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 and at the same time published several comprehensive statistical documents about the voter registry on its website. The voter registry for 2020 now represents 7,332,925 citizens, of whom 301,631 are registered outside of Bolivia.

## **Election Campaign**

The 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.<sup>2</sup>

After many electoral processes without presidential debates, the Carter Center welcomes their return, as a rich element of the election campaign. Nonetheless, there was little space in general for program proposals in a campaign which 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 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 exceptionally reassign the public funds normally granted to political parties toward paying for political advertising to the TSE, to cover the extra costs incurred by

---

<sup>2</sup> Preliminary data recorded by the Technical Mission of the UN High Commissioner for Human Rights found that 47 violent incidents took place in Bolivia between Sept. 6 and Oct. 15.

biosecurity measures and materials needed in the context of the COVID-19 pandemic.<sup>3</sup> As such, parties and coalitions had to fund their campaigns exclusively from private financing, which is barely subject to any spending ceiling. In this context, the inequalities between different parties' resources were amplified. Until the withdrawal of 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 campaigning<sup>4</sup> — 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. After Juntos' withdrawal, only a small number of complaints were submitted concerning the use of local government resources.

## **Election Administration**

From the time the TSE was constituted in December 2019 following political negotiation and unanimous approval by all political forces in the Plurinational Legislative Assembly (*Asamblea Legislativa Plurinacional*, ALP), it has 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. In March 2020, the new TSE's challenge was heightened by the outbreak of the COVID-19 pandemic, which has 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 Pluri-national Constitutional Court that the newly elected authorities should be sworn in by the end of the year.

The TSE has sought to rebuild the institution's authority and credibility by demonstrating its independence and its adherence to the law, the Constitution and international standards for democratic elections, as well as its transparency and professionalism. All leadership positions in the TSE and the TEDs were renewed through competitive selection procedures, and communication between the TSE and the TEDs has been regular and open, to the benefit of the organization of the elections. The Carter Center has witnessed the TSE's impartial and professional administration of the election process and the significant efforts both the TSE and TEDs have invested in transparency and communication.

The TSE published a detailed electoral calendar in line with the law and respected all deadlines. Furthermore, the TSE and TEDs published a wide range of documents concerning all electoral preparations, including lists of voting center staff, training materials and calendars. These were not always easy to find on the TSE website, but the detailed information was nonetheless available and contributed to the transparency of the process.

Both at central and departmental level, key events, presentations and discussions were broadcast through social media and covered by traditional media, including the random selection of polling station staff, 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.

The TSE 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. In order to address a problem common to many elections, the

---

<sup>3</sup> Law 1314 of 24 July 2020.

<sup>4</sup> 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.

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 law, and widely publicized a clear procedure and timeframe. This created an orderly process for requests and enabled the TSE to plan ahead to ensure polling stations were fully staffed.

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 fictional 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, newspapers and social networks.

## **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, smoothly implemented; according to official figures from the TSE, turnout was historically high at 88%.

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 which 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 centres 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.

### **Results Aggregation and Publication**

The TSE decided to cancel the system for rapid 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 that 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.

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 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.

### **Out-of-Country Voting**

The TSE demonstrated excellent organizational skills and great determination to guarantee that Bolivians abroad would be able to vote. Particular 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 planned countries, with the exception of Panama. On Oct, 18, Bolivians voted from 70 cities in 29 countries. In all, 301,631 voters are 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 which 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 members of staff were hired through a selection process, and out-of-country poll workers were selected at random from the voter registry, just like in Bolivia.

## Freedom of the Press

The 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 indigena 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 *Asociación Nacional de la Prensa de Bolivia* (ANPB) 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 scheme exists, despite an increase in violent incidents.

Successive governments have exerted pressure on media companies through their control of budgets for institutional advertising. 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 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 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 derogated.

Bolivian law prohibits paid electoral propaganda up until 30 days before election day. This prohibition applies to traditional print and broadcast media, as well as to their internet versions and social media that sell advertising space. The Carter Center did not monitor electoral advertising in conventional media, but did monitor social media. In the period between July 1 and Sept. 18, The Carter Center identified at least 397 paid propaganda messages on Facebook, contracted by several dozen candidates from all of the parties running in the 2020 elections. These campaigns cost relatively little — less than US\$90,000 in all — and were almost entirely paid for (99.5%) by three of the main political formations (Comunidad Ciudadana, Libre 21 and Juntos).

## Disinformation on Social Media

The Carter Center’s analysis clearly shows that disinformation was actively weaponized for electoral purposes. False or misleading content on social media has tainted the electoral debate for almost a year, and with particular virulence in the last two months before the election. Since Jeanine Áñez’s withdrawal, the number of hoaxes aimed at the interim president significantly decreased, somewhat confirming that they were intended to undermine her candidacy. Once her race for the presidency ended, disinformation increasingly targeted Carlos Mesa (CC) and Luis Arce (MAS-IPSP).

Arce and Mesa were the subjects of most disinformation, with sporadic attacks on Luis Fernando Camacho (Creemos) and Chi Hyun Chung (FPV), as well as on Evo Morales. However, the number of hoaxes aimed at the former president also decreased after a La Paz Court confirmed the TSE’s rejection of his candidacy

as senator. The TSE and its president, Salvador Romero, were the target of false and misleading messages aimed at undermining trust in the electoral process, which increased as election day approached.

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

### **Impact of COVID-19 on the Election**

Between Feb. 21 and Oct. 18, 2020, at least 73 countries and territories across the globe postponed elections due to COVID-19. Bolivia is among them, as it had to postpone elections twice. The TSE prepared a comprehensive biosecurity protocol to safely hold elections, which is in line with — and contributes to — international best practice and experience.

### **National Election Observation**

After several years' hiatus, 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 have 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.

Both missions observed the election process from the early stages; Observa Bolivia has also contributed to fact-checking disinformation targeting the TSE in social media. Ruta de la Democracia, a leading member of OCD, has published regular newsletters publicizing and evaluating electoral preparations, and OCD launched a crowdsourcing platform ([yoreportobolivia.org](http://yoreportobolivia.org)) enabling citizens to upload observations and election results. Observa Bolivia deployed over 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-backed 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 and only conditions observers' rights to attend all stages of the election process on a commitment to noninterference, objectivity, and impartiality.

### **Women's Political Participation**

Bolivia has made significant progress in strengthening women's political participation. The 2009 Constitution establishes equitable political participation for women and men and is complemented by the 2010 Electoral Law. As a result, according to the Inter Parliamentary Union, Bolivia's outgoing National Assembly is the third parliament globally with the greatest proportion of women: 53% of seats are held by women in the lower house while 47% of seats are held by women in the Senate.

The Electoral Law states that gender parity and alternation should be applied in all candidate lists for all elected positions in the country. Lists should include first a principal female candidate, followed by a male candidate, an alternate male candidate and an alternate female candidate, in that order. As such, lists should contain at least 50% of women candidates. However, previous electoral processes have shown that not all political organizations have in fact followed this legal requirement. For the 2019 election, eight out of nine political organizations failed to meet these criteria. For this reason, from the beginning of the 2020 election

process, the TSE urged political organizations to comply with the requirements for gender parity and alternance and has provided technical support to that end. As a result, for the first time, all political organizations presented gender-balanced candidate lists, where women represented 52% of all lists for the National Assembly and supranational assemblies.

In 2012 Bolivia promulgated Law 243 prohibiting harassment and political violence against women. This law has enabled cases to be presented and has made harassment and violence more visible. Complaints on this matter can be presented through four main channels (administrative, criminal, constitutional, and electoral). The law states that the TSE body is only responsible for receiving complaints and for referring cases to the public prosecutor's office. The 2020 TSE regulation on electoral offenses and sanctions constitutes a positive development, as it includes a chapter addressing harassment and political violence, provides for such cases to be given priority, and establishes sanctions and protection measures.

### **Participation of Indigenous Peoples**

Bolivia has ratified the International Labor Organization'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, 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 (presidency, vice-presidencies, and secretaries) and leadership of key commissions. Second, 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), as rule by indigenous customs has sometimes meant that only elder men can act as representatives. The Carter Center considers it would be worthwhile to explore mechanisms to harmonize constitutional rights with indigenous community customs.

The Carter Center highlights the work of the Supreme Electoral Tribunal (TSE) to facilitate the participation of indigenous peoples in the current election. The TSE has developed printed and audiovisual materials in indigenous languages. The printed training material was produced in six languages — Quechua, Aymara, Guaraní, Bésiro, Tsimane, and Spanish — while the audiovisual material was produced in Spanish, Spanish sign language, Aymara, Quechua and Guaraní. A key development is that the TSE, for the first time, reached out directly to indigenous communities to explain biosecurity measures and voting procedures. By hiring 23 indigenous facilitators, recommended by their own communities and who speak the local language, the TSE improved the reach and effectiveness of the training and voter information.

### **People with Disabilities**

The Carter Center commends the measures taken to facilitate voting for 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 companion (or witness) may provide assistance. Moreover, the TSE has developed a protocol for assisted and preferential voting. Preference is given to senior citizens, people with disabilities, pregnant women, and people accompanied by infants under 1 year of age. Practical measures also include providing Braille templates to all polling stations for blind and partially sighted persons, posters with clear instructions on voting procedures for those with a hearing impairment, and facilitating voting materials and ballot boxes for persons with impaired mobility.

### **LGBTQI**

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 form of discrimination. However, 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 praises the promulgation in 2016 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.

## **CONCLUSION**

The findings of this report reflect the Carter Center Election Expert Team's conclusions that the 2020 general elections in Bolivia were pluralistic and administered in a transparent, impartial, and well-organized manner. Importantly, although the past year has been fraught with difficulties, the elections have enabled Bolivia to return to the constitutional framework.

Nonetheless, the electoral process also revealed certain technological weaknesses in the election administration's infrastructure, as well as elements of the electoral legislation that could be improved in order to fully align with international standards for democratic elections.

The Carter Center's final report, to be published in the next months, will include some recommendations for consideration before future electoral processes.