

# **Report on Results of Election Observation of Deputies and Mayors January 18<sup>th</sup>, 2009**

Project  
Election Observation El Salvador 2009  
Instituto Universitario de Opinión Pública  
Universidad Centroamericana "Jose Simeon Cañas"

February 2009

## **Report on Results of the Electoral Observation 2009 Elections of Deputies and Mayors**

### **Introduction**

In early 2008, the National Democratic Institute for International Affairs (NDI), a pioneer organization in monitoring elections around the world, initiated dialogue with the University Public Opinion Institute (*Instituto Universitario de Opinión Pública*, IUDOP) of the Central American University "Jose Simeon Cañas" (*Universidad Centroamericana*, UCA), to explore the possibility of supporting the development of a national election monitoring project within the framework of the 2009 elections. The process involved IUDOP's adoption of the quick count method used by NDI, using a statistical sample of voting stations (*Juntas Receptoras de Votos*, JRV) to assess the quality of elections and election results in order to verify the official results. In this sense, an effort was initiated to conduct an independent systematic verification that contributes to promote greater transparency and credibility in the electoral process.

For such purposes, and considering the importance of observing a representative sample of JRVs at the national level, IUDOP launched a recruitment and selection process for 2,000 observers among the student community of the UCA and local organizations from different municipalities. Consecutively, coordination with the TSE was established to process the accreditation of the network of observers and to support IUDOP's observation work from the highest electoral body. In early December, the Supreme Electoral Tribunal (Tribunal Supremo Electoral, TSE), IUDOP and NDI signed an agreement that facilitated such accreditation. Concurrently, the TSE adopted the General Regulations for Election Observation in El Salvador, which establishes the regulatory framework for national and international observation and makes an explicit recognition of the work of the national non-partisan observers. In this regard, it is important to highlight TSE's willingness to facilitate the work of observers during the 2009 electoral process.

Because the adopted methodology consists of a systematic observation of the election, during which observers directly observe the JRV and record relevant information on the standardized forms regarding JRV installation and the opening and closing of polling stations. Members of the volunteer observation network are previously trained in election observation, the Electoral Code and the General Rules of Electoral Observation, among others aspects.

On the Election Day, observers were assigned to 385 voting centers, located in 238 municipalities. In this first observation experience, the network of IUDOP observers was present during the day in 1361 JRVs nationwide and in an additional 375 JRVs in the municipality of San Salvador, which represents as a whole 18.2 percent of the JRVs installed throughout the country. This percentage decreased to 17.6 percent due to the expulsion of observers during preliminary vote counting in some voting centers. It should be noted that attitudes of intolerance and suspicion toward citizens who monitor the elections persist among some members of the political parties that serve on the JRV and Municipal Electoral Boards, and even among accredited officials of the TSE, ignoring their important contribution to transparency and credibility of the electoral processes around the world.

Based on the results of the observation process of the latest Salvadorian elections, the following reports contain a qualitative assessment of the election day, the results of valid vote count in the municipality of San Salvador generated at midnight on January 18, and a series of recommendations aimed at improving the quality and transparency of the electoral process. Since most of the recommendations are related to logistics, organization and training of electoral staff, it would be possible to implement changes in the upcoming elections on March 15. We believe that the adequate attention and correction of identified weaknesses will contribute in a decisive manner to greater transparency and credibility of election results in March.

Eager to have the necessary conditions to perform the same observation practices during the upcoming elections on March 15, IUDOP expresses gratitude to the network of election observers, and the departmental and municipal coordinators for the civic engagement and enthusiasm shown in the past elections. IUDOP would also like to express gratitude to: the staff of the Central American University for their support and confidence to promote the initiative; the TSE for its openness and availability to support the monitoring efforts; the Attorney for the Defense of Rights Human (PDDH) for the support offered to the initiative; and the International Cooperation, diplomats and international observers including the European Union and the OAS observation missions for their important contributions to the promotion of electoral transparency in El Salvador.

**Instituto Universitario de Opinión Pública**

## Methodological Aspects

In order to execute the National Observation in a systematic method, the first step was to select, randomly, a statistical sample of the voting stations (JRVs) nationwide, which represents an accurate distribution of all JRVs, previously done by the Supreme Electoral Tribunal (TSE) for the Election of Deputies and Mayors in January 2009. A random selection of JRVs guarantees national representation, while its distribution, due to its random selection of sample points (JRVs), shows a distribution proportional to the number of ballot boxes across the country. Following these guidelines, within the framework of the Project "El Salvador Election Observation 2009", a national sample of 1500 JRVs was selected, to make inferences about the quality of the electoral process, with a margin of error of  $\pm 2.32\%$  and a confidence level of 95%.

Table 1 shows the distribution of voters for each department, the official distribution of JRVs at national level, as well as the distribution of the 1500 JRVs sample designed by IUDOP.

**Table 1. Distribution of voters at the department level, official distribution of JRVs nationwide, and distribution of the calculated sample (n=1500) for the Electoral Observation of January 2009**

Department	Distribution of voters at the department level		Official distribution of JRVs nationwide (TSE) (N=9,534)		Distribution of the sample of JRVs (n=1,500)	
Ahuachapán	213,177	5.09%	487	5.11%	76	5.07%
Santa Ana	388,146	9.27%	879	9.22%	138	9.20%
Sonsonate	303,209	7.24%	689	7.23%	108	7.20%
Chalatenango	140,040	3.34%	328	3.44%	52	3.47%
La Libertad	463,545	11.07%	1,045	10.96%	164	10.93%
San Salvador	1 220,178	29.14%	2,750	28.84%	433	28.87%
La Paz	204,713	4.89%	467	4.90%	73	4.87%
Cuscatlán	151,886	3.63%	374	3.92%	59	3.93%
San Vicente	111,881	2.67%	256	2.69%	40	2.67%
Cabañas	108,627	2.59%	246	2.58%	39	2.60%
San Miguel	328,148	7.84%	743	7.79%	117	7.80%
Usulután	240,896	5.75%	549	5.76%	87	5.80%
La Unión	188,586	4.50%	430	4.51%	68	4.53%
Morazán	123,984	2.97%	291	3.05%	46	3.07%
<b>Total</b>	<b>4 187,016*</b>	<b>100.00%</b>	<b>9,534*</b>	<b>100.00%</b>	<b>1,500</b>	<b>100.00%</b>

\* Including voters living abroad

Source: Calculations based on data from the Supreme Electoral Tribunal (2009) and the *Election Observation Project 2009* (IUDOP, 2009).

It can be seen that the number of JRVs of the sample (i.e. the approximate number of JRVs to be observed in each department) was almost identical to the official distribution of the TSE at national level.<sup>1</sup>

<sup>1</sup> The national sample was, in turn, stratified into three levels: the Metropolitan Area of San Salvador (AMSS), which includes all municipalities in the department of San Salvador, the head department of La Libertad (Santa Tecla) and Antiguo Cuscatlán (municipality in the department of La Libertad, characterized by its high level of urbanization). A second stratum was formed by all head departments of the remaining 12 departments (i.e., "urban areas of interior of the country", distinct from the urban areas of AMSS). The third stratum was composed of the other municipalities in the interior, characterized by having a more rural composition, and that for purposes of this analysis will be called "rural areas", so that most of its municipalities are not included in the two previous strata, which show higher levels of urbanization. Thus, in general terms, 31.9% of the national sample was comprised of the

The Network of IUDOP Observers was deployed on election day at various JRVs, selected from the calculated sample. Thus, we have specific information on the different sequential processes of the event:

- 1) *Information reported in the morning*: on the installation of the JRV and of the initiation of the voting;
- 2) *Information reported in the evening*: on the development of the voting, and about the closure of the voting and the vote count.

In this regard, as each of the previously observed processes took place throughout the day, the assignment of the observers was to report to the Center of Operations of IUDOP the complete information, as soon as they had finished collecting it, that is, when each of the processes observed had finalized.

Apart from the fact that the vast majority of the Network of Observers sent the required information to the Center of Operations, there was a small proportion in each department that did not report information for different reasons and constraints. Some of these constraints were related to difficulties faced by the observers to remain in the designated JRV, the expulsion of observers during the counting of the votes, and observer withdrawal from the election due to personal reasons.

Based on the abovementioned, neither the morning information (installation of JRV and initiation of voting), nor the evening information (development and closure of voting, and implementation and completion of the vote counting), of the originally selected (1500 JRVs) national sample was recovered completely, but the vast majority was. Table 2 shows, for each department, the distribution of the original sample, the sample recovered from the morning and the evening, as well as the number JRVs that could not be monitored for each of the observation moments described above.

**Table 2. Distribution of the original national sample (n=1500 JRVs), distribution of the sample recovered during the observation of the morning and of the evening, and number of JRVs not observed in each of the times of observation, according to each department.**

Department	Distribution of the original national sample (n=1,500)		Distribution of the sample recovered in the morning (n=1,361)		JRVs not observed (am)*	Distribution of the sample recovered in the evening (n=1,290)		JRVs not observed (pm)*
Ahuachapán	76	5.06%	70	5.14%	6	66	5.11%	10
Santa Ana	138	9.20%	115	8.45%	23	117	9.07%	21
Sonsonate	108	7.20%	103	7.57%	5	102	7.91%	6
Chalatenango	52	3.47%	47	3.45%	5	43	3.33%	9
La Libertad	164	10.93%	145	10.65%	19	131	10.16%	33
San Salvador	433	28.87%	414	30.42%	19	396	30.70%	37
La Paz	73	4.87%	61	4.48%	12	60	4.65%	13
Cuscatlán	59	3.93%	42	3.09%	17	39	3.02%	20
San Vicente	40	2.67%	37	2.72%	3	37	2.87%	3
Cabañas	39	2.60%	37	2.72%	2	34	2.64%	5

---

municipalities in the AMSS; 18.4% of head departments (urban areas of the interior); and the remaining 49.7%, of those municipalities with more rural characteristics, and to be understood as part of this stratum generically denoted "rural".

San Miguel	117	7.80%	110	8.08%	7	103	7.98%	14
Usulután	87	5.80%	76	5.58%	11	75	5.81%	12
La Unión	68	4.53%	61	4.48%	7	55	4.26%	13
Morazán	46	3.07%	43	3.16%	3	32	2.48%	14
<b>Total</b>	<b>1,500</b>	<b>100.00%</b>	<b>1,361</b>	<b>100.0%</b>	<b>139 (9.3% of the total sample)</b>	<b>1,290</b>	<b>100.00%</b>	<b>210 (14% of the total sample)</b>

\*With respect to the sample share for each department

Source: Calculations based on the *Election Observation Project 2009* (IUDOP, 2009).

Furthermore, in order to monitor the electoral behavior of the citizens of San Salvador, it was decided to over-sample 350 JRVs in that municipality. These JRVs of San Salvador (hereinafter, denoted San Salvador over-sample) were selected after the selection of the national sample. Despite the fact that the vast majority of observers reported the required information, there were also certain items of information from the over-sample that could not be reported due to the reasons outlined above (see Table 3).

**Table 3. Share of the national sample of the municipality of San Salvador (n=103 JRVs) and of the oversample (n=350 JRVs), distribution of the sample recovered during the morning and of the evening, and number of JRVs not observed in the municipality.**

Municipality of San Salvador	JRVs to be observed		JRVs recovered in the morning		JRVs not observed (am)	JRVs recovered in the evening		JRVs not observed (pm)
Cuota nacional*	103	22.7%	100	26.7%	3	99	25.6%	4
Sobremuestra	350	77.3%	275	73.3%	75	288	74.4%	62
<b>Total</b>	<b>453</b>	<b>100.0%</b>	<b>375</b>	<b>100.0%</b>	<b>78 (17.2%)</b>	<b>387</b>	<b>100.0%</b>	<b>66 (14.6%)</b>

\*Quantity of JRVs that correspond to the municipality of San Salvador within the national sample of 1500 JRVs

Source: Calculations based on the *Election Observation Project 2009* (IUDOP, 2009).

Nevertheless, points from the over-sample that could be reported, along with their correspondent quota to the municipality of San Salvador as part of the national sample (100 JRVs recovered from the morning and 99 from the evening), would allow for reporting on the behavior of voters from San Salvador, within the established margin of error (see Table 4).

Finally, Table 4 shows a summary of the information from national and San Salvador samples at all times during Election Day. From a total of 9534 JRVs nationwide, a national sample of 1500 JRVs was taken. It was possible to recover 90.7% of the observation data from the morning.<sup>2</sup> In the case of the afternoon, it was possible to recover 85.8% of the national sample <sup>3</sup>(see rows 2 and 3 of Table 4).

**Table 4. Universe of JRVs nationwide and of the municipality of San Salvador, the original sample and samples recovered at the national level and in the municipality of San Salvador, margins of errors and the actual work samples, for the observations in the morning and the evening.**

	Universe (JRVs)	Original Sample	Recovered Sample	Error (IC=95%)	Work Sample
<b>National</b>					

<sup>2</sup> This sample size makes generalizations about such information with a margin of error of +/-2.5% and a confidence level of 95%.

<sup>3</sup> The recovered sample makes assertions about the development of voting and polling, at national level, with a margin of error of +/-2.5%

Observation of the morning	9,534	1,500	1, 361	2.5%	90.7%
Observation of the evening	9,534	1,500	1, 290	2.5%	85.8%
<b>San Salvador Oversample</b>					
Observation of the morning	657	453	375	3.3%	82.8%
Observation of the evening	657	453	387	3.2%	85.4%

Source: Election Observation Project 2009 (IUDOP, 2009).

In the case of the San Salvador over-sample, it was based on a universe of 657 JRVs, the number of voting centers designated by the TSE. From this number, an over-sample of 350 JRVs was selected, and when combined with the municipal quota of 103 JRVs of San Salvador in the national sample, the sample increased to 453 JRVs. Of the 453 JRVs, the proportion of recovered samples during the morning observation was 82.8% and 85.4% from the afternoon observation.<sup>4</sup>

The network of IUDOP observers was present in 285 voting centers, in 238 municipalities throughout the country. Although in the case of the national sample, the total sample points originally established were not recovered, the amount of information from the recovered JRVs is similar to that of the national distribution (see Table 2).

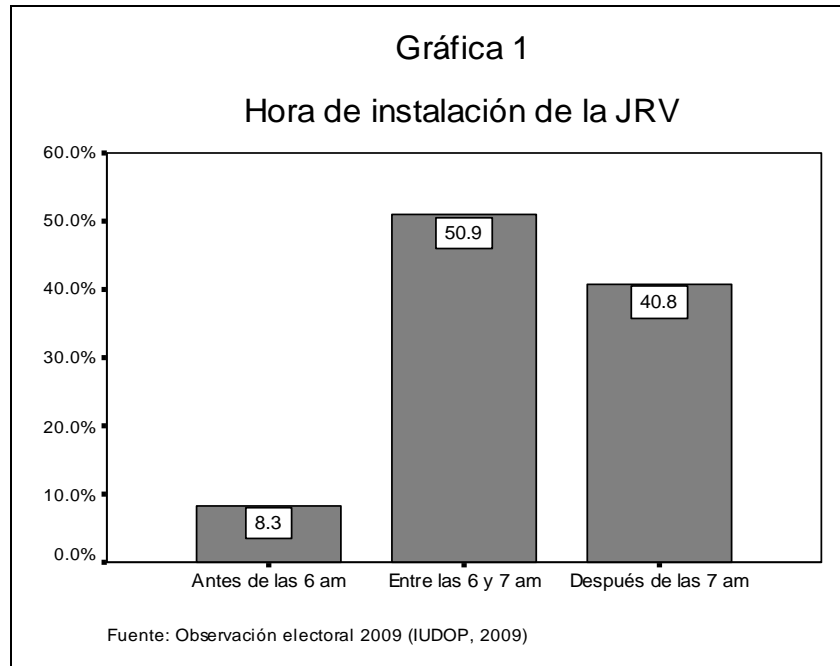
## **I. Qualitative Morning Observation: The Installment of Polling Stations (*Juntas Receptoras de Votos*, JRV's) and Initial Voting**

### **1.1 Installment and Opening of JRVs and Voting Initiation**

With regards to the installment of the JRV's, the results indicate that 8.3% of these were installed before 6:00 a.m. Practically half of the JRV's (50.9%) were installed between 6:00 and 7:00 a.m., and 40.8% were installed after 7 a.m. (See Graph 1). These graphs include both types of samples (national and San Salvador<sup>5</sup>). We did not find variations in statistical significance with respect to the time the JRV's were installed in San Salvador compared to the times they were installed in the rest of the country.

<sup>4</sup> This permits inferences about the electoral process in the capital city, with margins of error of +/- 3.3% for the observation of the morning, and +/- 3.2% for the observation of the afternoon.

<sup>5</sup> The overall information of the whole country is taken into account together with data from the over-sample from San Salvador. When making comparisons, they are made from segregation of information on two levels: first, taking into account the information only from San Salvador, contrasting it with the rest of the country ", i.e. without the sample data from the capital



This last graph, which shows that at least four of every ten JRV's on the national level were installed after 7 a.m., reveals delays in the installment process of a considerable number of ballot boxes that led to delays in the initial hour of voting. This is important to note in particular if one considers that TSE regulations, stipulated in Article 23 of the Electoral Code<sup>6</sup>, indicate that JRVs should be installed at 6 a.m., so as to ensure that voting beings promptly at 7 a.m.

On the other hand, only 0.1% of JRV's were not installed. Among the reasons found for this were the following: existing pressures and/or violence from representatives or observers from political parties<sup>7</sup>.

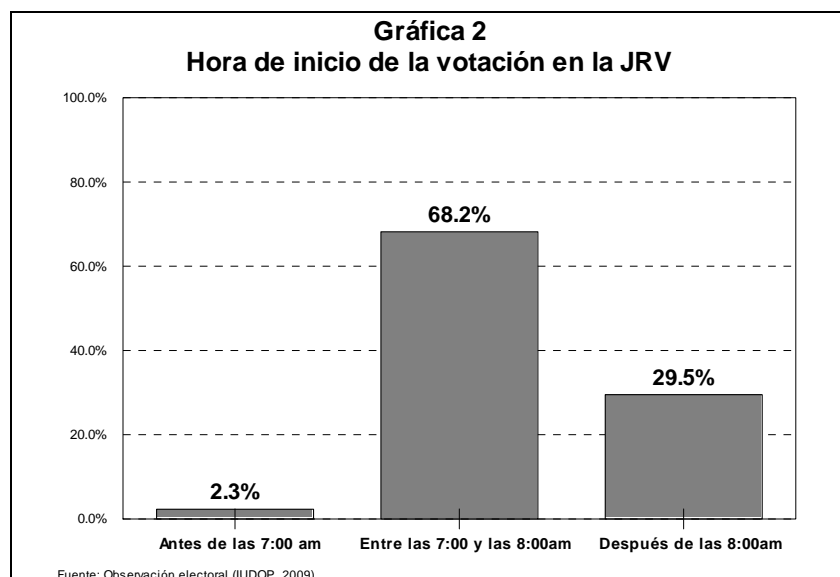
With respect to the initial voting hour, nationally, 68.2% of JRV's began voting between 7:00 a.m. and 8:00 a.m., and even 2.3% of JRV's started before 7:00 a.m. Practically three out of every ten JRVs at the national level opened after 8:00 a.m. (see Graph 2). At the national level, 0.1% of JRVs did not open for voting<sup>8</sup>.

<sup>6</sup> "...the Voting Stations will be installed at the place designated by the Court, at six hours of the Election Day, so that the voting begins at seven hours." (Supreme Electoral Tribunal, 2008, p. 118)

<sup>7</sup> This was true of the municipality of Nuevo Edén de San Juan, department of San Miguel. The network observers reported, to the Emergency of the Center of Operations of IUDOP that around noon on Election Day, the voting in question was still closed, blocking the access of voters. It was argued that foreigners wanted to vote; there were riots between militants and the PDC and the FMLN, and there was involvement of members of the Unit Maintenance of Order (UMO) of the PNC

<sup>8</sup> At the time of the recording of information, this was about JRV's in the municipalities of Acajutla and San Pedro Perulapán of the departments of Sonsonate and Cuscatlán, respectively. Situations were registered related to violence acts of representatives of political parties, disorderly conduct and interference by security forces.



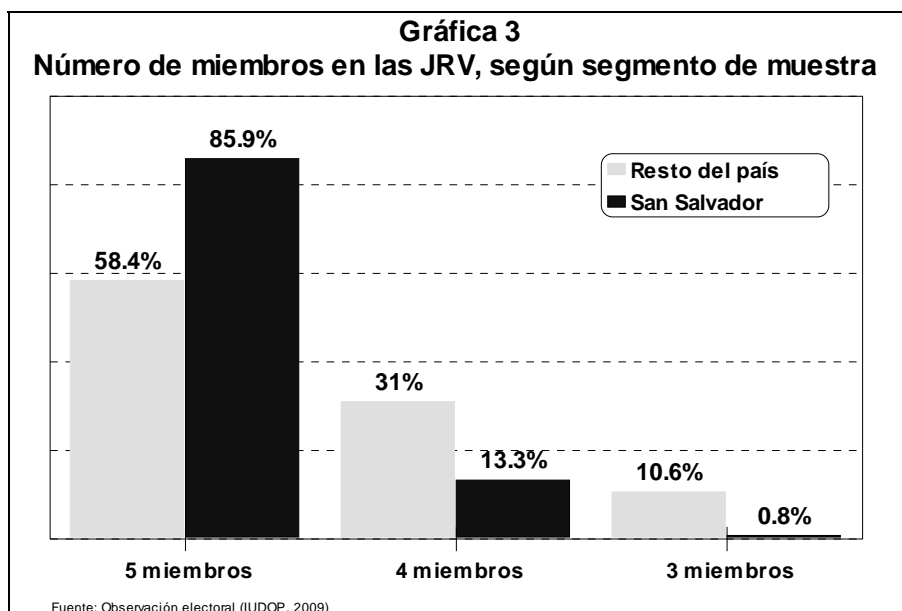


No statistically significant variations were found in Graph 2 with respect to the graphs obtained for the municipality of San Salvador. However, there were variations between the different areas of the country. This data was used to establish a sample of the nation: In 65% of the JRVs of the San Salvador metro area (*Área Metropolitana de San Salvador*, AMSS), voting began between 7:00 and 8:00 a.m.; in 0.7%, it began before 7:00 a.m.; and in more than a third (34.3%), voting began after 8:00 a.m. In other urban centers of the country, voting began earlier: in 84.8% of JRVs, between 7:00 a.m. and 8:00 a.m.; in 5.1%, earlier than 7:00 a.m.; and only in 10.1% did the voting begin after 8:00 a.m. The rural zones maintained similar tendencies to those displayed in Graph 2 (in 2.9% of JRVs, voting began before 7:00 a.m.; in 65.4%, between 7:00 and 8:00 a.m., and in 31.6% of cases, before 8:00 a.m.).

## 1.2 Composition of the Polling Stations (*Juntas Receptoras de Votos*, JRVs)

Each JRV opened with the required number of members present at opening: 8.3% opened with 3 members, 26.9% opened with 4 members, and 64.7% opened with five members (either owners or substitutes). However, these general tendencies substantially changed when the data was divided by location. Graph 3 shows that, even though the majority of JRVs opened with 5 members, 85.9% of the JRVs in San Salvador needed 5 members, but only 58.4% of the JRVs in the rest of the country<sup>9</sup>. Outside San Salvador, fewer members were usually required: 31% of JRVs outside San Salvador opened with 4 members and 10.6% with 3. On the other hand, in San Salvador, the JRVs that opened with 4 and 3 members dropped to 13.3% and 0.8% respectively.

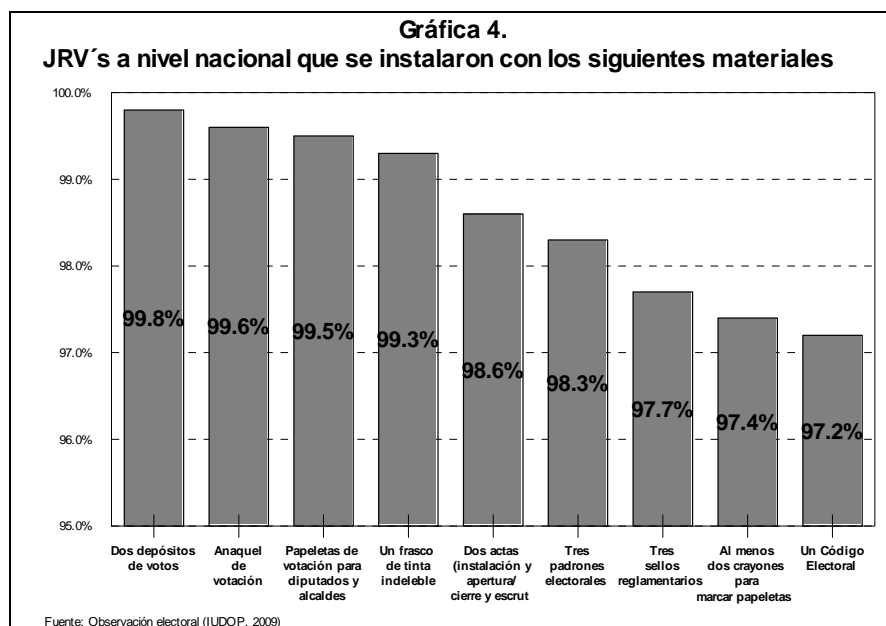
<sup>9</sup> Here, the comparison is only between the capital and the rest of the country in general, independent of the various strata in which the national sample is segmented.



In fact, the results of this analysis indicate that JRVs with 5 members were most necessary in the San Salvador metro area (72% JRVs), whereas in the urban areas in the interior of the country only 52.5% of the JRVs needed 5 members and in rural zones, 61.5%. The urban areas in the interior of the country<sup>10</sup> had the most JRVs that opened with a minimum three members. 17.5% of the JRVs in all of the regions in the country opened with 3 members, and this was the case in only 5.9% of the JRVs in the AMSS and 7.4% of the JRVs in rural zones. It is worth noting the urban areas in the interior were able to open voting centers on time with the minimum number of members.

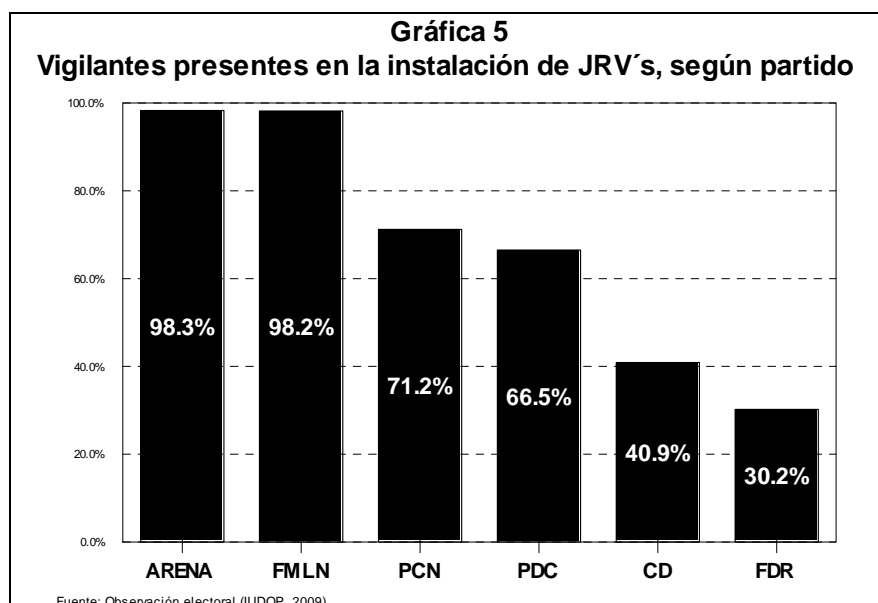
At the national level, more than 97% of JRVs opened with the necessary materials to begin voting. The network of IUDOP observers sought to identify 9 specific materials necessary for the installation of a JRV. For example, each JRV needs three electoral registers, two ballot boxes, a voting shelf, ballots for both elections, a jar of permanent ink, regulation seals, and other items (See Graph 4). These materials were available to the members of the JRV as soon as the stations opened.

<sup>10</sup> The remaining 12 departments, with the exception of San Salvador and Santa Tecla, which belong to the region of the AMSS.



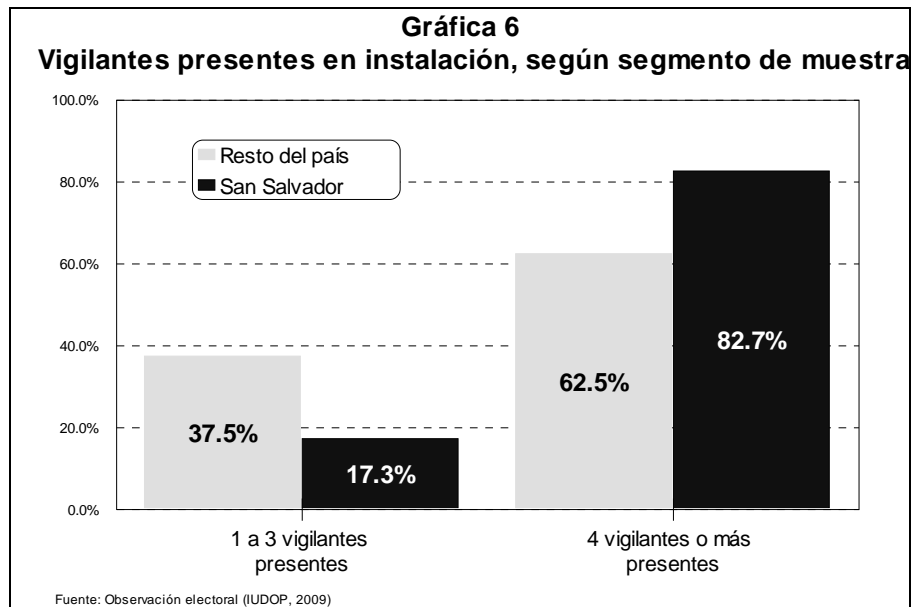
According to adjusted calculations based on this data, 90.5% of JRVs in the country had all of the materials necessary; 7.7 % had at least 8 or the 9 required materials; 1.8% had 7 or fewer materials of the 9; and only 0.1% of the JRVs observed lacked all of the materials included in the observation checklist<sup>11</sup>.

Furthermore, during the JRV installation period, almost 98% of JRVs included observers from at least two of the six political parties running (see Graph 5). Note that in at least 98% of JRVs at the national level, observers from ARENA and FMLN were present.



<sup>11</sup> The case of a JRV at San José school, in the municipality of San José Las Fuentes, of the La Unión department.

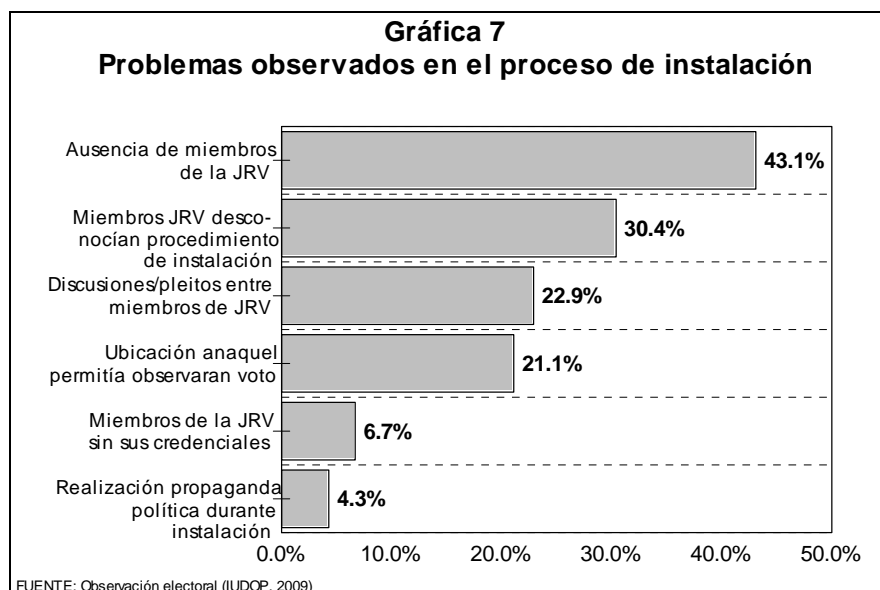
According to the data from the JRVs observed, the majority included observers from different political parties: 32.9% of stations had one to three observers from political parties from the opening of the booths and 67.1% had four or more political party observers present at the opening of the station. However, there are significant variations in the number of political party observers present across different locations. For example, the proportion of JRVs that had four or more observers at the time they opened was notably higher in San Salvador (82.7% of JRVs) than in the rest of the country (see Graph 6).



Additionally, in the regions of the AMSS, the proportion of JRVs with four or more observers at the time they opened was 64%. In contrast, only a little more than half of urban areas in the interior (54.7%) had the same number of political party observers when they opened. In other words, 45.3% of JRVs located in different regions opened with fewer than 4 political party observers (1 to 3). Finally, in rural areas, 75.7% of JRVs opened with 4 observers or more.

### 1.3 Irregularities during Installment

Generally, the installment and initial voting took place in accordance with the processes and guidelines established in the Electoral Code, however, some installment problems with the JRV's were still identified. These are illustrated in Graph 7.



First, in 43.1% of the JRV's, observers noted the absence of a member of the voting table during this phase. These figures are concurrent with previous reports of voting tables installed without all JRV members present. It was also confirmed that this type of situation occurred more frequently in the JRV's in the urban areas of the country (54.9%) and but was less frequent in AMSS (38%). This situation was less frequent in the municipality of San Salvador (29.6%) than the rest of the country (47.2%).

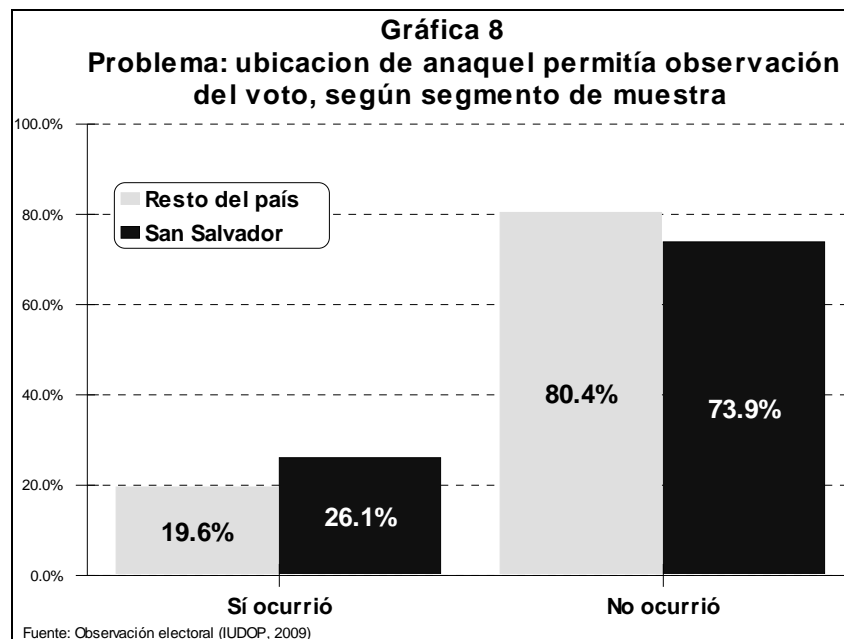
Another difficulty observed by the IUDOP network was the lack of knowledge on behalf of members of the JRVs concerning the installment procedure for the voting tables: this occurred in three out of every ten JRVs (see Graph 7). This challenge was observed in more than a third of the JRVs on the AMSS level (34.6%) but to a lesser degree in other zones in the country (30% in urban areas and 25.7% in rural areas). In some of these cases, members of the voting tables did not know the placement order of the voting table members, how the installment should proceed or the proper places for the shelves, among other things.

In terms of the lack of knowledge about the installment process, no variation was found between the JRV's observed in the metropolitan area or in the rest of the country. In other words, a similar level of lack of knowledge about procedures concerning the installment of voting tables by its members is shared in the national level as well as in the metropolitan area.

Another challenge observed during the installment of the voting tables and initial voting were the disagreements, discussions and arguments between members of the JRVs (reported in 22.9% of the observed voting tables.) This was more pronounced in the AMSS (26.9%) compared to other areas of the country (17.1% in urban areas and 20.7% in rural areas). It was also more pronounced in San Salvador (29.6%) than in the rest of the country (21%).

In more than a fifth of observed JRVs (21.1%) the placement of voting shelves allowed third parties to observe votes being placed. Contrasting data ruled out any variation in the statistical significance in which this irregularity was observed. In other words, in the AMSS and urban and rural areas of the country, the percentage of JRVs where this was

observed remains constant. Nevertheless, when analyzing the JRVs of San Salvador with respect to those located around the country, this irregularity was found in more than a fourth of the JRVs in the Capital (26.1%) compared to the rest of the country (19.6%) (See Graph 8).



Cases in which JRV members did not have proper credentials occurred in 6.7% of the observed voting tables at the national level. This situation did not vary in at the national, regional or metropolitan level. Persons promoting political propaganda during the installment of the voting tables were observed in 4.3% of cases. There were no variations with respect to this, which indicates a general practice in different areas of the country.

#### 1.4 Observation Difficulties

It is important to note that in general the procedures for the installment of JRVs and initial voting occurred with an accepted level of normalcy. However, IUDOP observers reported that in 10.3% of cases, they encountered difficulties observing the initial phases of this electoral process. These cases are widely rejected by government officials and political party members. Volunteer network observers reported: being kicked out of the JRV to which they were assigned by its members (1.8% of cases), being threatened by JRV members that claimed that they were interrupting the voting process (1.2% of cases), being expelled from a JRV to which they were assigned by political party members or members of the TSE (1.2% of cases); being threatened by political party members or members of the TSE with being thrown out of the voting center (5.9%) and, finally, in 1.2% of cases they reported having these same actors complain to the National Civil Police about their presence.

It is important to note that in many of these cases, JRV members or JEM members delegitimized credentials given by the TSE to observe the process, claiming that they did not know about the agreement established by the TSE in which national observation was authorized. JRV and JEM members also did not know about the General Electoral Observation regulations that was recently approved by the TSE. This led to observers

being told that they would be kicked out of the voting centers as soon as they opened, which in some cases, actually occurred (See summary of indices from the morning, Tables 6 and 7 Annexed).

## II. AFTERNOON QUALITATIVE AND QUANTITATIVE OBSERVATION: THE VOTING PROCESS AND BALLOT RESULTS IN SAN SALVADOR

### 2.1. On the voting process

Table 5 shows various problems and difficulties encountered on election day, depending on the sample type (national or San Salvador over-sample). In almost 45% of JRVs nationwide, voters were subject to third-party observation, when casting their votes (as was also noted during morning procedures). While the percentage of JRVs where this occurred does not differ statistically between the national sample (44.6%) and the San Salvador over-sample (46.1%), it is important to note that in over 40% of the JRVs installed, people could be observed at the time of voting.

**Table 5. Problems in the development of the voting, according to the sample type (national and oversample)**

Problems in the development of voting	National sample (n=1578)	San Salvador oversample (n=387)	Rest of the country (n=1191)
Voters that cast their ballots while being observed by third-parties (without motive)	44.6%	46.1%	44.1%
People doing proselytism/influencing the voters	30.0%	33.9%	28.7%
Voters that did not cast their ballots because they were not on the electoral registry of the observed JRV	21.9%	11.9%	<b>25.1%</b>
Problems with the DUI	17.3%	<b>23.5%</b>	15.3%
People that voted without inking their fingers	7.5%	4.4%	<b>8.6%</b>
Voting stopped even though there were people who wanted to vote	7.2%	5.9%	7.6%
Members of the JRV who voted after regular citizens voting started	7.0%	5.2%	7.6%
Voting ballot (s) without signature and/or seal of the secretary	4.1%	4.7%	3.9%
Voters that wanted to vote and someone had already done it in their place	3.7%	2.3%	4.2%
Armed voters in the polling center who were allowed to cast their ballots	1.6%	1.0%	1.8%

Source: Calculated from data on the *Election Observation Project 2009* (IUDOP, 2009).

It was observed that in three out of ten JRVs people were influencing voter preference through the delivery of leaflets and propaganda materials inside the voting center and orally influencing the voters to favor a particular party.

The numerical differences between the national sample (30%) and the one of San Salvador (33.9%) are not statistically significant as to assert that this situation was more frequent in the capital. It should be noted that there must be greater regulation of the role of observers and of members of the parties present in the voting centers, due to people seeking to influence voters.

A third difficulty was observed in cases where a voter did not vote because he did not appear in the voter registry of his JRV, which was the case in over a fifth of JRVs nationwide (21.9%). This difficulty was significantly less frequent in the municipality of San Salvador, appearing in 11.9% of the JRVs. However, the difficulty appeared in at least one out of four JRVs of the rest of the country (see Table 4). In fact, while comparing regions, we found that this situation was significantly more frequent in both, head departments (29.4%) and rural municipalities in the interior (27.9%), if compared with the AMSS (14.1%).

17.3% of JRV irregularities were related to the DUI: inconsistencies between the electoral voter registry and the DUI photo, or instances of voters who voted with a damaged DUI. Such situations occurred in almost 24% of the JRVs of San Salvador, a high proportion when compared to the rest of the country. Nonetheless, it does not seem to be a common problem in the municipality of San Salvador, and when compared regionally, the data indicates that there were problems with a DUI in 20.2% of JRVs in the AMSS, in contrast to 13.7% of the JRVs of the head departments, and 15.3% of rural municipalities in the interior.

Another of situation observed in 7.5% of JRVs nationwide, is that voters did not ink their finger after casting their votes. This situation that shows the neglect of members of the JRV in carrying out their work, was less frequent in San Salvador (4.4% of the JRV in the capital), if compared with the rest the country. Furthermore, it was a significantly less frequent irregularity in the AMSS (5.4% of JRVs) and at the head departments (6.5%), when compared with rural areas, where this situation occurred in at least one out of ten JRVs observed (10.5%).

In 7.2% of JRVs, nationwide, the voting process was halted temporarily, despite the fact that there were people who wanted to vote. The results of this indicator remained unchanged in the over-sample, and at the level of different regions. Similarly, in 7.0% of the JRVs observed nationally, members of the voting table casted their ballots after citizen voting initiated. Statistically significant changes were not found at the San Salvador over-sample and in other regions of the country.

In 4.1% of the tables observed, there were voting ballots without a signature and/or the seal of the secretary of the JRV. No differences or variations were found in the San Salvador over-sample, or in other regions. Of that 4.1%, 50% had three or fewer ballots unsigned and/or unsealed by the secretary.

In 3.7% of JRVs, there were voters who wanted to vote, and someone had already voted under their name. In the data of the San Salvador over-sample no related variations appeared. However, this situation occurred in 5.4% of the JRVs in rural areas, in contrast to 2.4% in urban areas and 2.8% of the JRVs of the AMSS. In this sense, this irregularity, although generally uncommon, was more frequent in rural municipalities.

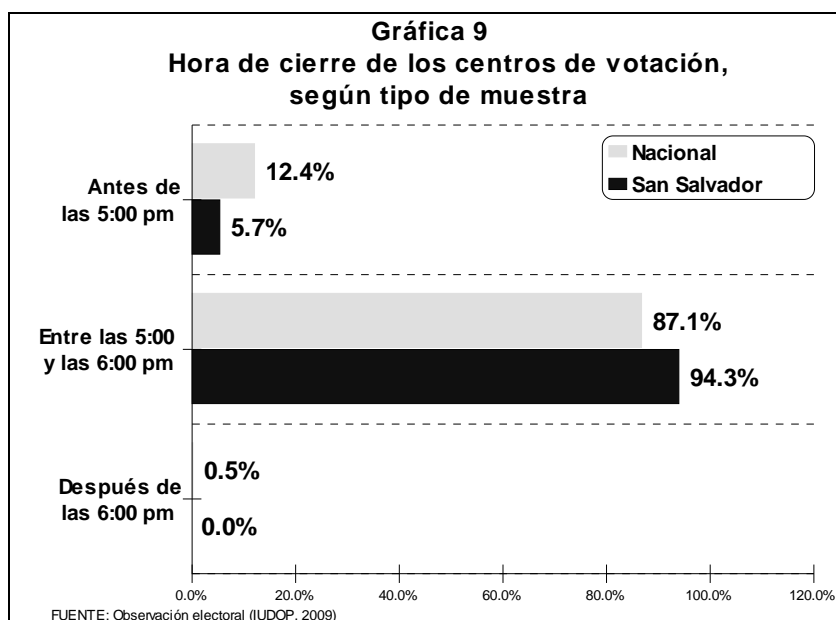
Finally, in 1.6% of the voting stations nationwide, armed voters were allowed to vote.



These results also did not vary in the tables from the San Salvador over-sample or in other areas of the country either.

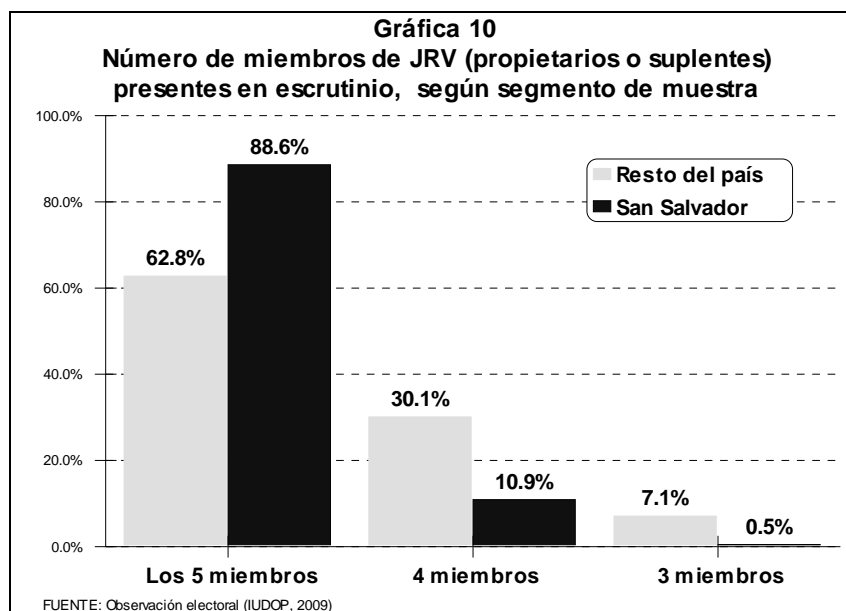
## 2.2. On the closure of the voting and vote count process

87.1% of the voting centers nationwide, closed between 5:00 and 6:00 pm; a 12.4% of polling stations closed before 5:00 pm and only 0.5% of the centers closed after 6:00 pm. As seen in a Graph 9, in San Salvador, no center closed after 6:00 pm, and the vast majority did so within an acceptable time period.



In 100% of JRVs, where observation was carried out during the evening, the vote tabulation took place<sup>12</sup>. In most cases, this was done in the presence of the five board members (officials or substitutes), both in San Salvador and in the rest of the country (see Graph 10). In the capital, in almost 89% of observed JRVs the 5 officers were present at vote tabulation.

<sup>12</sup> In the case of the municipality of San Isidro, Cabañas department, where there were also points of observation, voting was suspended at 9:30 am, a situation that was transmitted immediately by the observers of the Emergency Section from Center of Operations of UDOP.



Consistent with the findings of the morning observation on JRVs' installation, depending on the region, variations in the number of members in some tables during this stage were found. Thus, in three out of every four voting stations installed in the AMSS municipalities (75.6%) the five members were present. This is a significantly higher proportion than the one observed nationwide, although lower than those seen in San Salvador. In 20.7% of the tables in the metropolitan area, the tabulation began with 4 members, and only in 3.7% of cases, with the presence of 3 members.

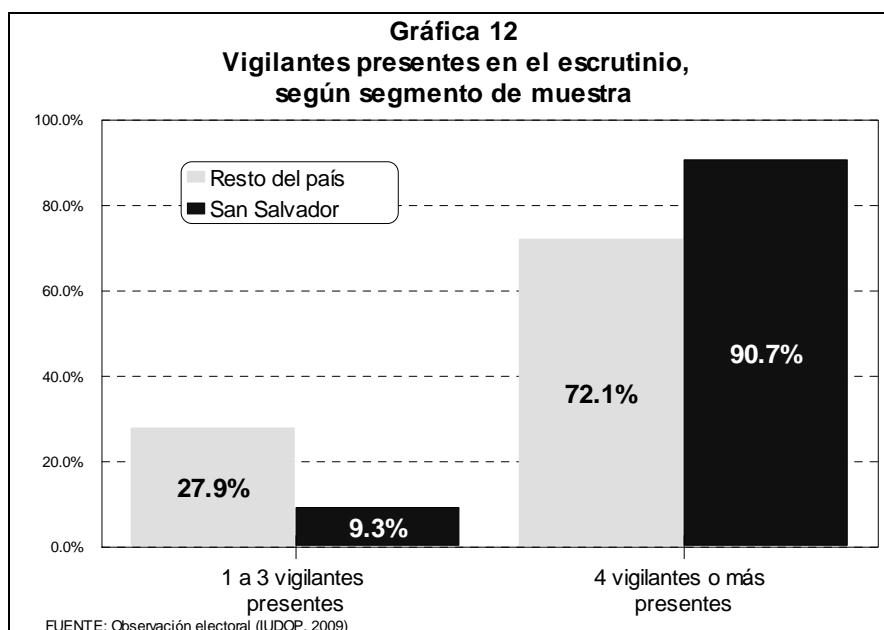
On the contrary, in both head departments (58.1%), and rural areas (66.0%), the proportion of voting stations which had their 5 members during tabulation was lower. Strangely enough, in the case of urban areas (the headers), while in 29.8% 4 members were present, there was a 12.1% in which the tabulation was carried out in the presence of only 3 members. A proportion significantly higher than the national percentage of tables scrutinized with 3 members. In the case of municipalities in rural areas, 66% of JRVs conducted the tabulation with 5 members, 29.2% with 4 and 4.8%, with 3 members.

From data provided by the Network of IUDOP Observers, it can be established that the majority of JRVs had the presence of regulators from different parties. Nevertheless, as seen in Graph 11, in almost all national JRVs, the ARENA (99.5%) and the FMLN (99.7%) observers were present during the tabulation. In the case of San Salvador, the observers of the large political parties were present in 100% of voting stations.

This massive presence of monitors from political parties during the election was less for the case of small political parties: in more than 75% of tables nationwide observers from the PCN and PDC were present during the tabulation; 44.5% from the CD, and almost a third of voting stations with observers from the FDR nationwide. In the case of these last two parties, the presence of their observers was more abundant in San Salvador (see Graph 11).



Broadly speaking, in over three-quarters of voting stations at the national level (76.7%) at least 4 observers (or even more) were present, during the vote count process. While in 23.3% of JRVs, 3 or less observers were present during the process. In contrast, Graph 12 shows that in the case of San Salvador, nearly 9 out of 10 voting stations had at least 4 observers present, and only 9.3% of the voting tables in the capital had 3 observers or less during the vote count. These trends contrast with those found in the rest of the country, where almost 28% of the tables had 3 or less observers.

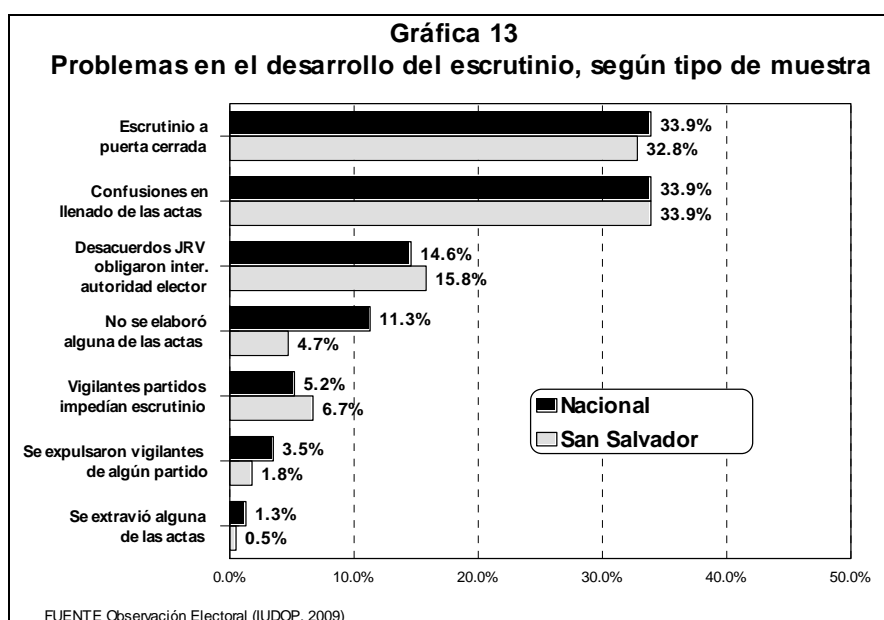


Furthermore, when comparing this information to the country's other areas, it was found that in the case of the AMSS, the trends are very similar to those found at the national level (74.6% of voting stations with 4 or more observers present, and 25.4% with 3 or less

observers). However, in 28.2% of voting stations of head departments, 3 or less observers were present during the scrutiny; a proportion significantly higher than the one of nationwide. This would indicate that there were 71.8% of tables with 4 or more observers. In the case of rural areas, 4 or more observers were present in 81.1% of voting tables.

### 2.3. Irregularities and difficulties during the vote count

The Network of IUDOP Observers sought to establish the extent to which the different situations that occurred could have generated some level of conflict in the observed JRVs. Thus, Graph 13 shows the different situations and difficulties observed both nationwide and in San Salvador. It is important to denote that, with the exception of rare cases, the presence of these types of situations during the vote tabulation was virtually the same in San Salvador, if compared with the irregularities in the rest of the country.



Nationwide, in one third of voting stations, the vote count was done behind closed doors<sup>13</sup>. This was a major obstacle that hindered – and in some cases prevented – the functioning of the Network of Observers of IUDOP. Although as shown in Graph 13, there were no statistically significant differences between the behavior of San Salvador and the national sample in this respect, the data indicate that the tabulation behind closed doors was more frequent in those municipalities in the interior of the country. Thus, 33.4% of voting stations of the AMSS counted behind closed doors, 23.8% of the head departments did it in a similar manner; a situation which occurred in 38.6% of voting stations in the rural municipalities<sup>14</sup>.

Another anomaly repeatedly observed was the confusion when filling out the actas: a

<sup>13</sup> Although no section of the Election Code refers specifically to public scrutiny, there is no provision that refers to do so behind closed doors.

<sup>14</sup> In fact, the area Emergency Area of the Center of Operations of IUDOP received direct reports from their observers, deployed in the municipalities of Huizucar (department of La Libertad) of Nahuizalco (dept. Sonsonate) of Tacuba (dept. of Ahuachapán) and Tonacatepeque (dept. of San Salvador) to name a few, where members of the JRV and the Electoral Municipal Boards (JEM) did not authorized their presence during the scrutiny.

situation that occurred in 33.9% of the observed JRV nationwide and at the San Salvador level. Such difficulties prevailed in a similar manner in other areas of the country, which indicates gaps in knowledge of the procedure for filling out the actas by members of the JRV.

In 14.6% of the observed voting stations nationwide, there were disagreements between the officers, forcing the intervention of an electoral authority. In case of San Salvador, this situation occurred in 15.8% of JRVs, although this data is statistically different from the national results. In the rest of the country, trends are also similar.

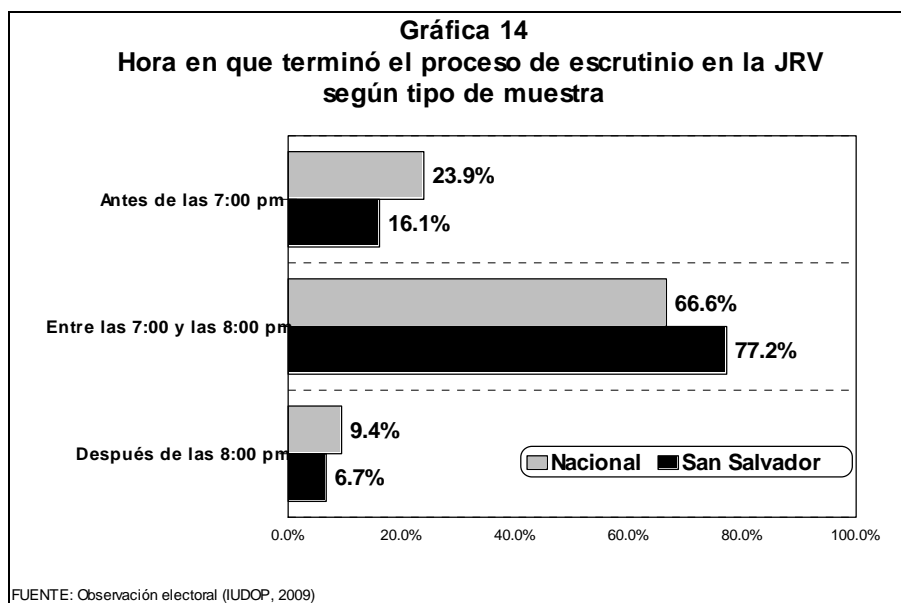
Countrywide, in 11.3% of the tables reported, the Acts of Closure and Scrutiny were not filled out (either for Deputies or Municipal Councils). In this case, there are differences between what happened at the national level and what happened in the capital. This situation was much less frequent in San Salvador: only 4.7% of their voting stations, while occurring in 13.4% of JRVs elsewhere in the country. At the level of regions, this irregularity was observed with a frequency significantly lower in municipalities of the metropolitan area (6.1%), if compared to urban areas in the interior (13.7%), and, especially, to the JRVs in rural areas, where this situation could be observed in 16.4% of tables.

In 5.2% of the voting tables nationwide, and in a similar proportion in San Salvador (6.7%), observers from political parties prevented the vote count. These types of irregularities also occurred in other regions of the country, in very similar proportions. It should be noted as a relatively common problem, the inference of some of the observers from political parties in the decisions of the JRV.

Moreover, at national level, 3.5% of voting stations expelled some observers from a political party during the vote count process. This situation occurred in less frequently in the municipality of San Salvador (1.8% of JRVs), when compared to the 4.1% of tables in the rest of the country. Meanwhile, the situation showed no changes in trends in other regions.

Finally, 1.3% of the network of observers reported that, at the tables they had been assigned to monitor, some of the Acts of Closure and Scrutiny (for Deputies or municipal Council) were lost. This situation showed no changes in the rest of regions of the country, and was almost unnoticeable in the case of San Salvador (0.5%).

At national level, the scrutiny ended before 7:00 pm on 23.9% of the tables observed; in 66.6% of them it ended between 7:00 and 8:00 pm, and 9.4%, after 8:00 pm (see Graph 14). In San Salvador, the data indicate that over 75% of tables closed between 7:00 and 8:00 pm, although a significantly lowest proportion ended before 7:00 pm, if compared to what happened nationally.



In the case of other regions where the sample was stratified, the results indicate that there were variations. In the case of the metropolitan area, a very similar trend to the one found in San Salvador appeared, as 74.6% of JRVs finished the scrutiny between 7:00 and 8:00 pm; 16.7% completed it before 7:00 pm, and 8.8% did so after 8:00 pm. Meanwhile, in urban areas of the interior, data show that the scrutiny ended earlier: 42.3% of the tables finished the process before 7:00 pm, 54% between 7:00 and 8:00 pm, and only 3.6% did after 8:00 pm. The case of rural areas was different, because only 25% completed the process before 7:00 pm, 62.4% between 7:00 and 8:00 pm, and in 12.6% of cases it ended after 8:00 pm.

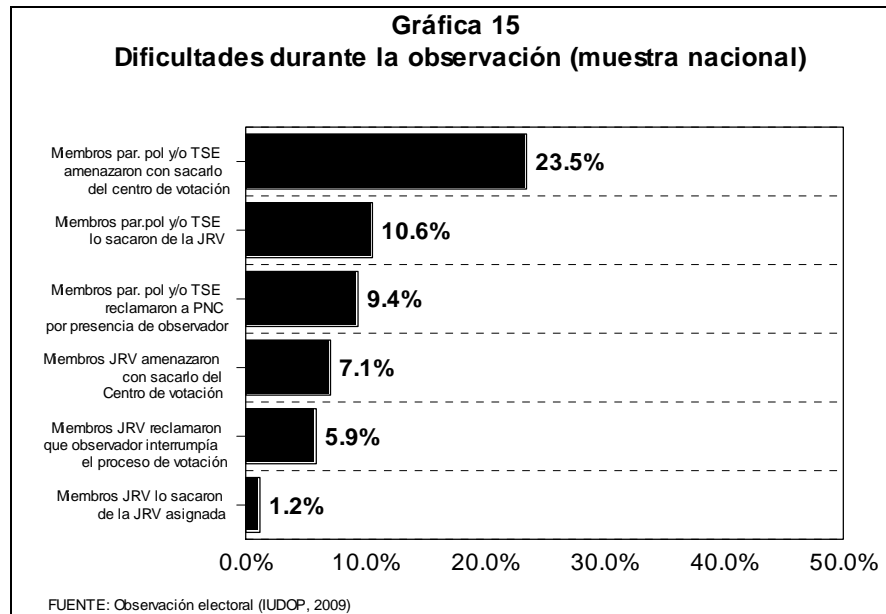
#### **2.4. Difficulties in observing**

It is important to indicate that despite the agreement signed between the Supreme Electoral Tribunal (TSE), the IUDOP, and the National Democratic Institute for International Affairs (NDI), enabling the network of IUDOP observers to monitor the entire electoral process, some of the participants faced difficulties in carrying out their work, especially during the tabulation process because of obstruction by members of the JRVs, or some Municipal Electoral Boards (JEM). These situations were mentioned in both press releases issued by IUDOP and the TSE was also informed.

The information collected by observers throughout the afternoon and part of the night, indicates that, nationwide, 5.4% of them reported having difficulties to do their work. In the case of the San Salvador, the percentage of observers who reported problems of various kinds is 6.2%. This percentage did not change significantly in other areas of the country.

At national level, the problems frequently faced by most observers are presented in Graph 15. As can be observed, nearly one out of four observers (23.5%) reported that members of political parties and/or the TSE threatened to remove them from the voting center. At least one out of ten observers noted that, in fact, members of political parties had removed them from their assigned JRV. A slightly lower percentage (9.4%) of

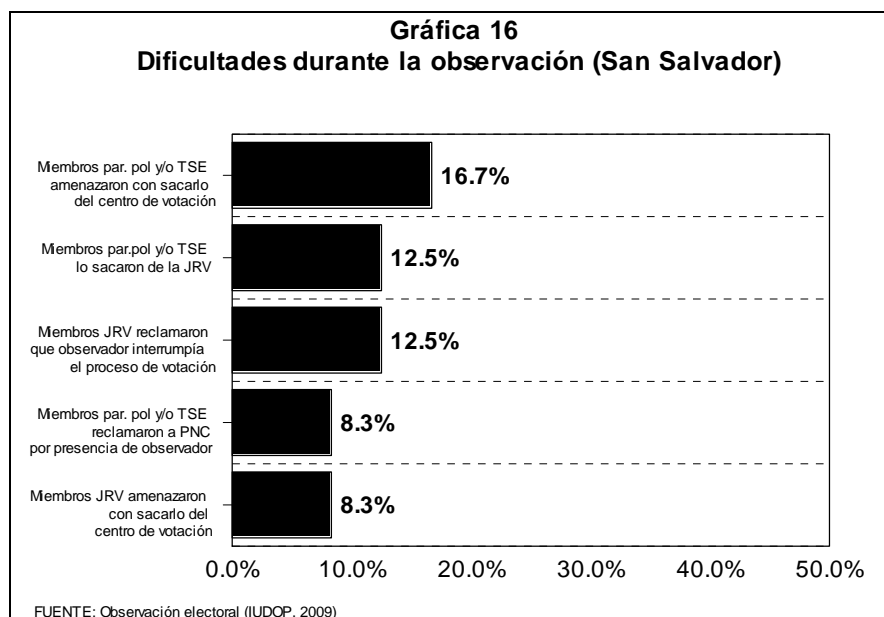
observers noted that party members and/or the TSE had even questioned agents of the National Civil Police for their presence as observers.



7.1% of observers countrywide said that members of the JRV had threatened to remove them from the voting centers; while a 1.2% was effectively removed from the JRV by the members who composed it. A 5.9% of observers indicated that officers had claimed that they were interrupting the voting process. The most serious case occurred in the municipality of Mercedes Umaña, department of Usulután, where an observer was subject to persecution by members of the FMLN upon exiting the voting center.<sup>15</sup>

In the case of the San Salvador over-sample, although there were a smaller number of observers, it is noteworthy that they also reported difficulties in performing their work, which are presented in Graph 16.

<sup>15</sup> This situation was identified in the second Press Release, elaborated by IUDOP.



## 2.5. Ballot results: the case of San Salvador's municipality

Based on the over-sample of JRVs, randomly selected within the universe of tables of the municipality of San Salvador, an estimate of the election results of Municipal Councils was obtained. Table 6 presents such results, subject to, given the size of the sample from which the estimates are drawn from, a margin of error of  $\pm 3.2\%$ .

**Table 6. Results of the valid ballots in the municipality of San Salvador (n=386)**

	Party	Results
Valid ballots	ARENA	49.8%
	FMLN	46.5%
	FDR	1.2%
	PDC	1.5%
	CD	0.1%
	PCN	1.0%
Other ballots	Refuted	0.0%
	Voids	0.8%
	Abstentions	1.4%
Margin of error: $\pm 3.2\%$		

## III. Recommendations

The qualitative information systematically gathered by 2000 IUDOP observers of UCA on January 18<sup>th</sup>, 2009, results in a series of recommendations that could potentially improve the electoral conditions in El Salvador. Since most recommendations are measures that do not involve major changes, they could be implemented for the presidential elections on March 15, 2009. Others require permanent attention. Overall, the recommendations have the potential to increase citizens' confidence in institutions that represent them, encourage citizen participation and inspire greater transparency in Salvadorian electoral processes. Below are listed some



measures that could be implemented in the short term and others that should be worked on the medium term, for the forthcoming legislative and municipal elections of 2012.

**Short term:**

*1. Conformation of the members of the JRV*

The Electoral Code and the instructions for JRV members, determine that at least three members and their alternates must be selected, and they must be installed in their designated voting center at 6:00 am, so that voting starts at 7:00 am. A significant percentage of JRVs (43.1%) reported the absence of a member during the deployment phase, especially in urban areas of the country.

Based on the former statement, it is recommended that the JEM exercises greater oversight of the JRV during their configuration and before the voting, and increased vigilance on its functioning as it established in the Article 116 of the Electoral Code.

*2. Training of members of the JRV*

Many of the difficulties encountered during the January 18 elections, were related to the insufficient knowledge of JRV members on procedures of administrating the voting process. A significant proportion of observers (30.4%) reported that JRV members were unaware of the installation process. Some of these difficulties included the incorrect location of the JRV members, the improper placement of the voting shelves, problems in filling out the installation act, and other cases where JRV members voted after the voting started, or people voting without stamping their finger with ink, etc. This lack of knowledge of the electoral process also resulted in difficulties when casting votes and in problems during the vote count, such as confusion regarding filling out the acts. It is reasonable for citizens to expect that their election officials know their responsibilities and execute them impartially, but it is imperative they first know the proper procedure for administering the process in order to reduce irregularities that call into risk the will of the voters.

The previous statements points out the need for the TSE to strengthen training efforts of JRVs staffs and members of the Departmental and Municipal Boards of Elections, agencies responsible for ensuring the proper functioning of the JRV.

*3. Protecting ballot secrecy*

In about half of the JRVs observed (44.6%), voters could be observed by a third party when casting their ballots. This is because the minimum conditions for a confidential vote were not always guaranteed. To vote secretly is a right which plays an important part of the democratic process. It is not difficult or complicated to address this element of the electoral practice by ensuring the correct location of the voting shelf and taking appropriate measures to prevent third-parties from inappropriate observation practices. This is related to inadequate training, and issues regarding logistics and organization of spaces inside the voting centers. It is then recommended that the TSE and the JEM oversight is improved, to ensure that the location of the booths guarantees the voter's privacy.

*4. Written propaganda and party members influencing voters*

As in most democratic countries of the region, El Salvador law prohibits political parties' propaganda inside the voting centers on Election Day. However, it appears that the parties choose to ignore this law with impunity. In the Municipal and Legislative elections of January 18, 30.0% of the observed JRVs, registered the existence of proselytizing propaganda inside voting stations or some JRV members were trying to verbally induce others to vote for their party. According to information from the network of observers, this activity is done mostly by the observers and logistics staff of the parties that are present at the voting centers.

It is recommended that the Tribunal makes efforts to remind the political parties that this activity is illegal and develops a serious effort to monitor and control the compliance to these provisions. It is also important to clearly establish the duties, rights and faculties of the parties' surveillance personnel and other support staff who are present at the voting centers, to avoid having them exceed their functions.

#### *5. Voter participation and civic education*

Although the country reported an increase in the levels of voters' participation since the legislative and municipal elections of 2006, the low turnout of voters remains a significant problem in El Salvador. Similar to other countries, a variety of factors contribute to the low voter turnout, some are motivational in nature and others institutional. In the case of El Salvador, the qualitative data received by IUDOP suggest that the level of abstention is linked to institutional barriers. This problem is evident in at least 1 in 5 JRV's (21.9%) nationwide, where there were citizens who could not vote because they did not find their names in the electoral voter registry. Observers in about 1 out of 6 JRV's (17.3%) reported problems with their DUI, including inconsistencies between information on the DUI and the voter registry, as well as deterioration, discoloration and alteration of the DUI. The TSE has made a major effort to inform citizens about their voting centers; nevertheless this institution has the capacity and mandate to address such barriers to participation.

In this regard, it is important that the TSE multiplies their efforts to provide information and guidance to citizens regarding the location of their JRV, and solve the DUI identification problems that prevent citizens from exercising their right to vote. In some cases, the problems exist in the electoral register, which needs to be updated. This aspect is further detailed in the medium-term recommendations.

#### *6. Presence of election observers*

The presence of election observers in the JRVs during the voting and tabulation process is essential to promote greater transparency in the electoral process. The TSE should be congratulated for their efforts to increase the transparency of the process by signing a memorandum of understanding with the IUDOP to issue 2,000 credentials, providing IUDOP with the conditions to observe the entire electoral process. Nonetheless, this practice has not been fully accepted by all members of electoral bodies in the country. The IUDOP observers were harassed and removed from the voting stations in 5.4% of the JRVs. Other evidence shows interference with the standard practices of observation. It is important to state that one out of ten IUDOP observers was taken from his JRV; and many others (23.5%) whose presence was questioned and/or were threatened with being expelled from the voting center. With the information received on the day of elections,

the IUDOP has documented cases in which national and international observers were taken out of voting centers, such as the one in the "José Martí" school in Tacuba, Ahuachapán in which all the JRV tabulations were done behind closed doors. It must be noted, as was mentioned earlier, that the harassment and hostility toward IUDOP observers, came from members of parties accredited in the JRV, the JEM, surveillance personnel, representatives of the TSE, and the PNC.

The evidence presented above demonstrates the need for a widespread agreement among the TSE/IUDOP/NDI on the General Rules for Election Observation in El Salvador, members of political parties and the Municipal Boards of Elections. And, moreover, it shows party members little tolerance to citizen monitoring of electoral processes. In this regard, it is important to denote that no article in the Electoral Code prohibits citizens from observing the electoral process, provided that this does not interfere or hinder the process.

Based on the abovementioned, it is recommended that the TSE reiterates to the members of the different electoral bodies, and its own staff, that the presence of national and international observers at the voting centers during the voting, including the vote count, is an international standard practice. The TSE should give guidelines to all its officers to enable domestic and international observers to monitor all phases of the electoral process.

### **Medium term:**

#### *1. Electoral Registration*

The requirement that citizens must vote when on the electoral register, is reasonable, as is the expectation that citizens have a duty to vote.

This is a key element in functioning democracies; this is how the elected leadership are accountable to the citizens they serve. But it is also part of the election officials' competence, and the responsibility of political leaders, to allow the citizens easy access to the registry. Citizens have the right to be in the registry and it should not be difficult for them to include their names on it. A problem found is that a substantial portion of citizens indicated that they could not vote because their names were not found in the voter registry of the JRV— this type of problem occurred in the 21.9% of JRV's. It is TSE's responsibility to take all reasonable steps to guarantee a fair, efficient and inclusive voter registry to facilitate the location of the JRV.

In this regard, it is necessary for the TSE to support an integral and transparent review/audit of the electoral register, and if such audit reveals significant inconsistencies, the TSE must immediately and publicly take steps to resolve these inconsistencies.

#### *2. Civic Education*

An important aspect, common to all functioning democracies, is that citizens are aware of, and involved in the political and social life of their country. To promote greater citizen involvement in electoral processes is not only a duty of electoral institutions, but also an obligation of all actors in the social, economic and political scopes. Salvadorans, when

compared with regional standards, seem to be less involved in electoral processes and be less concerned than other countries in the region.<sup>16</sup>

In this regard, it is recommended that political leaders support a public dialogue on the problem and efforts to develop a clear response and practice for this important public policy issue.

---

<sup>16</sup> When comparing levels of participation in legislative elections, El Salvador has levels of participation below those reported in the region. Other countries in the region have higher levels of participation in Legislative elections: Nicaragua 2006 (67%), Guatemala 2007 (60.5%), Panama 2004 (76.3%) and Costa Rica 2006 (65.1%).  
[http://www.idea.int/vt/regional\\_graph\\_view.cfm?region=centralamerica](http://www.idea.int/vt/regional_graph_view.cfm?region=centralamerica)