



**PLURINATIONAL STATE OF BOLIVIA
2020 BOLIVIAN GENERAL ELECTION**

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Garden Court International Election Observation Final Report¹

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A. INTRODUCTION

1. Having expressed an interest, we were invited to attend the 2020 Bolivian General Election as international observers by the Supreme Electoral Court of Bolivia (Tribunal Supremo Electoral de Bolivia – “TSE”). We are a small team of two independent international human rights lawyers based at Garden Court Chambers, London. Between us we have a significant amount of election observation experience for organisations including OSCE⁴ and the UK’s Foreign and Commonwealth Office across countries including Ukraine, Georgia, Turkey and Cambodia, as well as specific experience of Latin American human rights issues (including the rights of indigenous peoples). The views and observations expressed in this report are the views of the authors and not the views of Garden Court Chambers.

¹ The English version of this report is the only official document.

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2. Our contribution to this election observation mission was non-partisan. We are civil society actors who have a professional and technical interest in rule of law, human rights and civil liberties. We were concerned about the volatile context of recent Bolivian history. We hope that the observations and recommendations as summarised in this report will contribute to wider understanding of the election itself, and help readers to assess the integrity of the results.
3. Although our skills and experience mean that we can offer an important perspective, we feel that it is critical to highlight our limitations at the outset. We are a small team operating on a very limited budget who were only present in Bolivia on a short-term basis. Our observations encompassed a small geographical area which did not extend beyond urban La Paz and El Alto. We do not have the framework, personnel, or budget to undertake a deeper analysis of the more technical aspects of the election (e.g., tabulation, use of Information Technology, campaign finance, media environment, etc).
4. Our report is useful in providing a first-hand, primary observation of voting on the day of the election. However, we stress that our observations should not be viewed in isolation. They should be considered in their wider context alongside reports and commentary from other organisations.

B. SUMMARY OF OBSERVATIONS

5. The General Elections of Bolivia were held on 18 October 2020 following the annulment of elections held on 20 October 2019. The electorate were tasked with selecting a President, a Vice President, and a Legislative Assembly made up of 130 Deputies and 36 Senators.
6. Our overall impression of the election was positive. Voting itself appeared to pass without major incident. So far as we were able to observe, the physical integrity of polling itself was largely unimpeached. Electoral centres and electoral juries⁵ were generally well organised, had received appropriate training, and were aware of their duties and obligations. Individual voters were aware of the voting process, and most were able to participate in the elections without incident. We did not observe any intimidation or harassment during

⁵ Individuals selected from the electoral role to administer polling stations.

polling itself, apart from a relatively minor incident involving a contested spoilt ballot during closing.

7. Most of the key stakeholders appear to accept the result. To this end, we feel that it is important to commend the TSE for the work they have done in rebuilding trust across the political spectrum following the contested elections of 2019.

B1. Disqualification from Voting

8. We are concerned by the high number of individuals who appear to have been disqualified from voting. This was an issue which seemed to be particularly prevalent in areas of El Alto with high populations of indigenous people. We collated observations from multiple electoral centres and multiple stakeholders (including jurists, notaries and individual voters). A significant number of individuals (200+) claimed to have been unaware of the fact that they had been disqualified from voting until they turned up to vote. Many claimed that they were registered as living in the area, and had voted in the 2019 election in the same place without incident. They could not understand why they were disqualified from voting.
9. Voting is compulsory in Bolivia. Our understanding from Bolivian lawyers is that failing to vote results in sanctions for that individual. This can include a three month freeze on accessing a personal bank account, which means they cannot access government benefits. However, an individual can obtain a “*certificado de impedimento*” (Certificate of Impediment) if they have an acceptable reason for not voting (such as registration in a different area). This exempts them from sanctions. Consequently, many of the individuals we encountered who were unable to vote were trying to obtain a Certificate of Impediment. Not all were able to do so.
10. We do not possess the necessary statistics to conduct any meaningful quantitative analysis of the above phenomenon. However, this was a significant issue which we observed across a sufficiently large enough sample of electoral centres for us to be satisfied that we were not observing isolated incidents.

11. We do not consider it our place to speculate on the reasons why individuals might have been disqualified from voting. However, many of the individuals disqualified from voting felt that this was a deliberate attempt at disenfranchisement. This was a sentiment which appeared to be shared by other stakeholders.
12. We call upon the TSE and/or other capable stakeholders to explore this observation in greater detail. We feel that it is important for this issue to be addressed if sections of the electorate are to continue to maintain confidence in the electoral system.

B2. Electoral Registration and Migrant Workers

13. Another significant class of individuals unable to vote were migrant workers. Many had been compelled to move relatively recently on account of a lack of work available in their home area during the Covid-19 pandemic. Most had been unable to reregister in their new electoral precinct. Individuals claimed that the process of reregistration needed to be completed four months before the election. Reregistration was also said to involve an onerous process which can require “*queuing until the early hours.*” The issue of registration in a different part of the country seemed to be more prevalent in La Paz, and was the main reason why people were seeking Certificates of Impediment. However, it was also an issue we observed in El Alto. This issue is compounded by the fact that there is no public transport on the day of the election, and no unregistered cars are allowed on the roads.
14. We assume that the decision to ban cars and public transport on the day of the election are beyond the control of the TSE. Nevertheless, it should be noted that this appeared to cause a number of voters to be denied access to voting.
15. We suggest that the issue of accessibility be looked at in greater detail. We have four preliminary suggestions:
 - a. The TSE could explore a means by which the voter registration system could be simplified, allowing people to re-register at a home address with less bureaucratic obstacles and with less rigid timeframes.
 - b. The electoral system allows for the issuing of Certificates of Impediment to people who are registered to vote in a different area to the one they are physically present

in on the day of the vote. This suggests that there might be a means by which a voter could be identified as being eligible to vote, before being able to cast their vote from a different electoral centre to the one in which they are registered. However, we appreciate that this is something which might be difficult to implement in practice if the integrity of the vote cannot be guaranteed.

- c. The system of facilitating international votes could be adapted for individuals residing outside the place in which they are registered.
- d. A limited public transport network could be provided so that individuals who need to travel on the day of the election are able to do so. This is also something which might help people with access issues to participate in the election (see below).

B3. Disability and Accessibility of Polling Stations

- 16. The majority of electoral centres we observed through the day were not accessible to people with physical disabilities. This was an issue which also affected elderly people.
- 17. Electoral centres usually had a significant number of individual polling stations. The majority of polling stations were located up multiple flights of stairs in buildings without lifts. Another issue affecting these groups of people was the ban on cars and absence of public transport. This acted as an additional barrier for certain groups in accessing the right to vote.
- 18. Throughout the day, we observed a number of pragmatic solutions to these problems. Some people were literally carried up flights of stairs. On a couple of occasions, we observed jurists leave the polling station to bring ballots down to people who could not navigate stairs. This caused problems at busier times, and is a security concern. The remaining materials were left with fewer jurists guarding them, an issue which could impact on the integrity of the overall result (although we had no reason to think it had in the instances we observed).
- 19. We observed at least one Certificate of Impediment being issued to the husband of a woman who was unable to vote in-person due to physical impairment. From this, we deduce that there are some people with mobility problems who are effectively

disenfranchised because of the practical difficulties presented by voting. This includes travel from home to the polling stations.

20. We suggest that the TSE could amend the voter registration system so that disabled people individuals are identified in advance and are allocated polling stations which are located in ground floor rooms. A similar scheme could be extended to elderly voters who self-identify as having mobility issues.

B4. Other Observations

21. As previously mentioned, we feel that the TSE should be commended for successfully planning and implementing a General Election in very difficult circumstances. We note the lengths that the TSE has gone to build trust across the Bolivian political spectrum. The situation prior to the election was exceptionally tense and highly volatile. Given the context of the 2019 election and the complicating factor of the Covid-19 pandemic, credit should be given for an election day which took place without major incident, and for a result which seems to be universally accepted.
22. To this end, we believe that the decision of the TSE to abandon its intention to use the preliminary count system (DIREPRE) was wise. We acknowledge the potential benefits of the system in providing an early preliminary indication of the outcome. However, there are some very obvious dangers in facilitating speed over certainty. We view this decision as evidence of the TSE engaging in a constant effort to assess and re-evaluate its role which continued right up to the evening of the election.
23. The political climate before the election was tense, and remained so throughout the day. We do not have the means to conduct a full media analysis, but we feel that some of the rhetoric was excessive and concerning, and made us concerned for our safety in conducting our job.
24. We are grateful to the TSE for providing a pre-election conference with an informative programme of eminent speakers who helped international observers to better understand the socio-political context of the election. We are also very grateful to the TSE for the ad-hoc practical support they provided once we arrived in Bolivia. Nevertheless, we did find

it difficult to acquire maps and/or lists to electoral centres to visit, and eventually had to resort to third party sources to acquire the information we needed to undertake our observation mission.

25. We further note that although accredited by the TSE, our positions were not funded. We did not have on-the-ground support such as translators or drivers. We had to source the funding required for the mission ourselves. We also had to secure accreditation for our driver to be able to operate on the day of the election. This was not confirmed until the evening before the vote.
26. We were led to believe that our observation expenses would be funded by the TSE. We opted to continue with the mission despite a lack of funding on account of the importance which we felt was attached to it. Nevertheless, the fact that expected funding was not provided did adversely impact on the quality of the observation we could provide. We do feel that international observers play an important role, and that at least some contribution towards funding should be provided to accredited international observers. This would help the TSE to attract a greater pool of expertise.
27. Lastly, we were aware that in order to lower the number of people at voting stations at any one time, to enforce social distancing, people had been designated particular voting windows according to their cedula (identification document). We were concerned that this measure might disproportionately affect indigenous individuals, especially women in rural areas, who would be forced to travel to polling stations alone on foot. This is particularly so given that one of the speakers at the pre-election conference organised by the TSE stated that femicides, harassment and violence towards women were particularly prevalent during the election process. We were not able to ascertain whether the measure had been consulted with indigenous and women's rights representatives before it was implemented.

C. NARRATIVE REPORT

28. What follows is a narrative report of the election day itself. Our observation team consisted of two international observers (one of whom is fluent in Spanish), one Bolivian national observer (who has completed her own independent report), and a local driver.

29. On polling day itself we observed approximately 10 stations across La Paz and El Alto. We do not name the exact stations we attended in order to preserve the privacy of the people we spoke to, many of whom spoke to us on condition of anonymity.
30. We adopted a uniform methodology at each electoral centre we visited:
- a. Outside: We would begin by observing the general situation. In particular we sought to confirm that the electoral centre was easily identifiable, that information was readily available to voters, and crowds were well-managed. We also sought to identify any signs of intimidation or conflict.
 - b. Inside: We would observe the general layout and demeanour of the centre. This included observing – at a discrete distance – the entire voting process. In particular, we were looking to ensure that jurists were following protocol, that people were able to vote privately, and that the ballot boxes were sealed and intact. We also sought to observe how busy Electoral Centres were, and how the flow of individuals was managed. We also looked for evidence of electoral fraud such as ballot stuffing. We would speak to individual jurists, notaries, police officers, and voters where appropriate. We were careful to explain our independent role, and asked non-leading questions to gain a deeper insight into how the day was unfolding.

C1. Opening of the Election and first Electoral Centre – El Alto – (07.10 – 08.45)

31. We observed the opening at an electoral centre in El Alto. It had around 18 individual polling stations and was located in a school. The entrance gave way to a small courtyard surrounded on two sides by a two storey building containing numerous polling stations. Another building four storeys tall housed more. Election materials had been delivered the evening before and were locked in a sealed room overnight. We arrived after the seal had been broken. However, we clearly observed evidence of the seal on the door, and confirmed that the room was otherwise secure. There was consensus among people we spoke to that the room had been properly guarded overnight.

32. Outside the electoral centre, there was a list of names in alphabetical order which listed the specific polling station each person should go to together with a map. We visited a number of individual polling stations prior to opening:
- a. Station A: We were told that two presidents and a secretary, within a team of 6 in total, opened the ballot papers and counted them. They had agreed among themselves to arrive at 06:00.
 - b. Station B: At 07:25, the physical ballot box was sealed. At this time they were waiting for the third jurist to arrive to count the ballots. They had not yet opened any other materials.
 - c. Station C: The jurists collected their unsealed papers at 07.30. They appeared to be running late compared to other stations in the building and seemed quite anxious. Ballots were unsealed quickly but not initially counted.
 - d. Station D: At 07.35, the secretary was making sure all the materials were present. She was sealing boxes. A local party councillor approached us and raised concerns about the layout of the room and privacy when voting. The set-up of the room did not appear to confirm to the specifications mandated by the TSE. However, it was physically impossible to set the room up in a compliant manner given the dimensions of the room and its proximity to other polling stations.
33. Ballot boxes were made of cardboard with a transparent front. They were sealed with Sellotape. Although people told us they'd had training there did not appear to be a uniform method of sealing the ballot boxes. Some had a signed slip about the polling station underneath the tape seal (which would prevent tampering). Others did not. As the day went on, we did observe some ballot boxes with tape seals which had come away, meaning that they were not in fact sealed.
34. The electoral centre opened slightly late, at 08.14. There was a long queue of people outside. They were peaceful and patient but slightly agitated. One was heard to shout "*you open late but then don't close late!*" However, we did not observe any aggression, harassment or intimidation.

35. Police controlling the entrance allowed 30 people to enter at a time, at seemingly random intervals. We did not see any way for the police to be able to tell how many people had collected at each station (e.g. walkie talkie or runner) so this did not necessarily mean any a station would not be overcrowded at any one time. Within 20-30 mins, some polling stations were overwhelmed, while others were empty. Social distancing was impossible given the need to queue and the close proximity of polling stations to one another.
36. The electoral centre contained an information desk where people unable to vote could obtain a “*certificado de impedimento*” (Certificate of Impediment).
- a. The system was originally not connecting to printers to print. This appeared to have been solved shortly after the vote opened.
 - b. There was a queue at the desk. People were claiming that they had registered to vote but their name was not on the list. They were not aware of being disqualified and did not know why they could not vote. The individuals at the information desk appeared to be working hard to resolve this issue. One or two of these people were eventually referred to the correct station to vote. We left before establishing what had happened to others.
37. Accessibility for disabled persons, the elderly, or people of reduced mobility was a concern. There were a number of accessibility issues:
- a. The majority of polling stations were upstairs. Sometimes as much as three or four storeys. There were no lifts. This presented problems for the elderly. We observed some individuals who had difficulty navigating stairs being physically assisted by other voters.
 - b. There did not appear to be a system for identifying disabled persons prior to voting. We observed one person in a wheelchair on the bottom floor of the centre for an ‘assisted vote’. This means that the ballot and box were physically brought to him by the president and secretary of his designated station so he could cast his vote. This does not appear to be a standardised practice; it was an improvised

means of allowing this person to vote. Another wheelchair user described this practice of voting as a “*custom*”, i.e. it was something informal.

- c. Both of the wheelchair users we encountered were assisted by family members (nephew / grandson) (“carers”) who were not registered to vote at this centre. They had been allowed to enter the electoral centre, but both had to travel a significant distance afterwards to alternative centres in different precincts to vote.
- d. Some steps had been taken to improvise solutions. For example, chairs had been put out at socially distanced spots to allow people queuing to sit down.

38. Overall, our impression of opening was that it was well-organised. Most jurists seemed well trained and they were aware of their duties and obligations. Most stations completed the opening process without incident. The electoral centre opened late – and some individual polling stations were still not ready – but overall, the process passed off without incident. Our two main observations were that the flow of people was not as well managed as it could be. The proximity of polling stations in enclosed buildings meant that queues crossed each other. Social distancing was impossible.

C2. Second Electoral Centre – El Alto – (09.00 – 09.25)

39. This also appeared to be a school, but with a much larger courtyard. This meant that there was less of an issue with social distancing and crowd management. Voting appeared to be calm and orderly and our enquiries suggested that the centre opened without incident.

40. We observed a significant number of people queuing for a Certificate of Impediment. We enquired as to the reasons. Some said it was because they could not reach their area of registration. Others said they have been disqualified from voting but did not know why. The secretary at the information desk said she was expecting 100+ people to attend for a Certificate of Impediment. There were around 30-40 individuals queuing up when we left at 09.25.

C3. Third Electoral Centre – El Alto (south) – 09:35 – 10:00

41. We did not observe any issues with voting or social distancing, and enquiries suggested that opening had been completed without incident.
42. Before we left, an individual approached us to complain that she had always been registered to vote in that area, and that she had lived there her entire life. She had turned up to vote today and been told she was “*inhabilitada*” (disqualified) and needed to get a Certificate of Impediment. She said she has not moved and had never needed to re-register. She could not understand why she was not allowed to vote.

C4. Fourth Electoral Centre – El Alto (south) – 10:30 – 11:00

43. We did not identify any issues with voting, social distancing or opening. However, at one polling station, a jurist told us – while being asked non-leading questions – that lots of people who lived in the precinct and had always voted here and were registered as living there, but they had been disqualified without explanation. Others around him agreed.
44. Later, we encountered a lone Aymara woman with a baby on her back. She told us that she lived in a neighbouring area and had always voted at a particular electoral centre. She had gone there this morning and been told she was not registered there. She was told to travel to this centre instead. She had travelled a considerable distance on foot. At this centre she had been told that she could not vote there and that they could not get her Certificate of Impediment here because she had not been disqualified for an “*acceptable reason*” (i.e. registration in a different area). She was told she needed to go to the TSE in the centre of La Paz for help if she wanted to vote (around a 2.5 hour walk away).
45. The queue for Certificates of Impediment at this centre was long. We spoke with workers involved with issuing Certificates of Impediment to glean an insight into their experiences. We were provided with the following information:
 - a. Most people seeking a Certificate of Impediment were people who were registered in other areas, and were in this area at the moment for work or because they were in transit. A lot of workers were registered as living in La Paz, but they were in El Alto because there was little work for them in La Paz following Covid-19.

- b. On the question of disqualification, we were told that *“approximately 100 people have turned up so far to find out they are disqualified from voting even though they are registered here, and don’t know why. We don’t know why. We have told them to go to the TSE to make a complaint or appeal. We can’t help them. We can’t give them a Certificate of Impediment.”* Behind the desk the electoral centre staff had created and put up a poster advertising a *“free phoneline”* to the TSE in case of problems.
- c. We were told that election day is not the only day an individual can get a Certificate of Impediment. They can get one in the coming days from the TSE, but the queues would be much longer.

C5. Fifth Electoral Centre – La Paz (south) – approximately 13:30

- 46. We did not observe any issues of note. We spoke to the information desk. The secretary explained that 200+ people had turned up for a Certificate of Impediment so far. The majority of these people were migrant workers who lived in La Paz but were registered in another part of the country. Only approximately 15 people had turned up expecting to vote here per usual and had not been able to because they were disqualified.

C6. Sixth Electoral Centre – La Paz (central) – approximately 14.00

- 47. We did not observe any issues of note.

C7. Seventh Electoral Centre – La Paz (Central) – approximately 15.00

- 48. Nothing of note to report in relation to voting.
- 49. The information desk told us that approximately 200+ people had sought a Certificate of Impediment here. Approximately 30 had turned up due to disqualification for an *“invalid reason”*. There was a queue of around 200 people waiting to obtain a Certificate of Impediment. This queue snaked around a narrow covered courtyard, making social distancing impossible and impeding other voters.

C8. Eighth Electoral Centre – La Paz (North) – approximately 15.30

50. Nothing to note.

C9. Ninth Electoral Centre – La Paz (north) – approximately 16.00 – 16.30

51. This was a large centre with over 20 individual stations. Some were housed in classrooms, others under temporary gazebos in long rows immediately adjacent to each other. They were small, and their proximity to one another left little space for people to cast their ballots in privacy. Some people voted behind cloth hung from the ceiling. Others voted at a table in the corner of the gazebo (i.e., right next to the adjacent gazebo) with just a piece of cardboard for privacy.

52. Outside, the electoral centre was busy. However, the inflow of people was well managed, and there was enough space for them to move around without otherwise impacting on each other. Despite the issues outlined above, there did not appear to be any specific issues with voting itself.

C10. Tenth Electoral Centre and close – La Paz (north) – approximately 17.00 – 19.30

53. We observed closing in an electoral centre housed in a school gymnasium with around eight individual polling stations located around the perimeter. Voting closed on time and without incident. There was a police presence but they did not interfere with any processes.

54. There were a lot of people present to observe the count of the vote. There were also a lot of party members with armbands identifying themselves. One party in particular was heavily represented.

55. We did not observe any major issues with closing. Before the process of counting began, we observed all unused ballots get counted and annulled by the teams of jurists. Ballot boxes were opened and individual ballots placed neatly on the tables. Each ballot paper was held up individually for the public to see before the president declared who the vote was for. The results were recorded on an electoral minute, a large chart on the wall, and, in some instances, independently by various party members. Once all votes were counted,

the jurists confirmed that all ballot papers (used and unused) were accounted for before confirming a winner. The process was then repeated.

56. We saw a number of annulled or blank votes. These generally passed without incident. However, we observed one incident where a voter had put an “X” next to the photograph of the candidate, rather than in the box under their name. This had been declared a valid vote. A large crowd of individuals from the opposing party to that vote gathered around the table demanding that it be annulled. The crowd became quite aggressive, drawing more people who all demanded that the decision be changed. The notary asked whether we (the observers) could assist but we reminded her that we could not get involved, and would only write down what we saw was happening. The decision was not changed.
57. We observed a number of electoral minutes and accompanying paperwork as they were photographed and sealed together with other paperwork to be transported for tabulation.

D. CONCLUSION

58. We feel honoured and privileged to have been accredited to observe this election. Our overall impression of voting at electoral centres and polling stations was positive. Opening and closing procedures were largely followed by jurists and notaries who were trained and aware of their duties. Volumes of voters occasionally overwhelmed some polling stations which adversely impacted on social distancing, but overall, there were few clearly observable issues. We did not directly observe any major incidents of intimidation or violence, nor did we hear any examples of such incidents from people we spoke to.
59. We remain concerned about the high level of voter disqualification we observed, particularly in El Alto. There was a perception among people we spoke to that this was a deliberate attempt at disenfranchisement. We do not possess the knowledge or expertise to confirm whether there is a statistically significant problem – or what the root causes might be – but this perception undermines confidence in the electoral process among certain section of the community. In order to preserve integrity and trust in future elections, we suggest that this should be looked at in greater detail to determine (a) whether there is an issue which needs to be investigated, and (b) to confirm what that issue is, and

(c) to determine what – if anything – can be done to remedy it, including appropriate channels of communication and information.

60. Another significant issue preventing people from voting was residence in an area different from that in which a voter was registered. This was a particular issue for migrant workers impacted by Covid-19. We offer a few suggestions as to how this might be addressed, but appreciate that maintaining trust in the integrity of the result might present issues with this.
61. There are significant obstacles which prevent disabled people from properly participating in the election. This is also an issue which affects older voters, who can struggle with multiple flights of stairs. We suggest a system whereby people with physical disabilities or elderly people who have issues with mobility can identify themselves in advance to the TSE, so that they can be allocated a polling station which is accessible.
62. We also had concerns that staggering voters according to their ID document numbers in order to achieve social distancing may disproportionately affect vulnerable groups, particularly indigenous women in rural areas, who might be forced to travel to voting stations alone. We hope that such measures will be adequately consulted with representatives of the affected groups in the future, bearing in mind that the United Nations Declaration on the Rights of Indigenous Peoples has been incorporated into the Bolivian Constitution.

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