



Guatemala

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I. Structure of the EMB

The electoral authority of Guatemala (*Tribunal Supremo Electoral*, to be referred throughout this section as TSE) is an independent, permanent and all-powerful national commission. Besides polling operations, the TSE's responsibilities cover the civil registry, voter registration and last-instance adjudication authority over electoral complaints. This can be explained largely by the fact that the TSE was established in the midst of a constitutional crisis in 1983 and then enshrined in the special Electoral Law of 1985 after a new constitution had been approved earlier the same year. This was part of an effort to renew democracy after many years of civil conflict and human rights abuses. Other new institutions created during the same period were the Constitutional Court and the Human Rights Ombudsman. Up to this day, the TSE rates high in public prestige as a safeguard of popular suffrage. The more recent Peace Agreements of 1996 advocated for further electoral reform, which actually reinforced the role of the TSE, particularly in dealing with voter registries and decentralization of the polling operation in order to facilitate the votes of rural residents and indigenous communities.

The TSE is composed of magistrates (five in total, plus five in reserve) elected by Congress for a six-year period with the possibility of re-election. Election is secured with the support of two thirds of legislators; they select the magistrates from a list of 30 candidates, generally including members of the legal profession who were selected by a Nominating Committee formed of *ex officio* representatives of academic institutions and the legal profession. Membership in the TSE is non-partisan. The Civil Registry, a permanent administration, is included within the TSE. The TSE has 13 directors and several departments with experts who have been working for many years developing a good institutional memory. Lower-level electoral authorities (hereafter referred to in the Guatemala case study by their Spanish name, *juntas*) are temporary structures with three members appointed by the TSE who serve on a voluntary basis. These *juntas* begin to function three months prior to elections and remain formally constituted until after the swearing in of the newly elected authorities. There are also 8,885 polling stations across 1,245 polling centers. The national headquarters has a staff of 280; at the sub-national level, there are 375 permanent registrars, 42 of whom are at department offices or delegations, and the remaining 333 at 331 municipal sub-delegations around the country. On Election Day, a staff of around 50,000 is recruited, most of them on a voluntary basis. In addition to other temporary staff at *juntas* and polling stations, one coordinator is recruited for each polling center.

In the 2003 elections, international observers reported that polling station staff generally had a high education level, former experience and gender balance. A large

contrast in professionalism and resources was evident between urban and rural areas of the country. The pyramidal structure of responsibility of the electoral authorities allows for certain independence at the local level (e.g., selection of polling station staff, logistics and complaints resolution), which can sometimes lead to miscommunication but could be improved by enhancing the information flow from top to bottom. (EUEOM Report, February 2004)

II. Legal framework

According to article 223 of the Constitution of June 1985, "Everything related to the exercise of suffrage, political rights, political organizations, electoral authorities and electoral process shall be regulated by constitutional law." The Electoral Law of December 1985 established the TSE and also ruled on political parties. The main provisions on funding of elections are as follows:

- All funding-related provisions are included in the electoral law, which also covers the civil registry and political parties.
- The budget of ordinary operations in a non-election year represents only 0.5 percent of the national budget.

To fulfill the special needs of an election year, an electoral budget is prepared by the Finance Department of the TSE and submitted to the Parliamentary Committee. The budget is incorporated into the national consolidated budget (article 122 of the Electoral Law). In case approved funds are not enough to cover electoral operations, additional funds must be granted by the government, and the TSE is legally empowered to contract private loans or foreign aid subsidies (article 122 of Electoral Law). In general, funding and disbursement have not been problematic, and the TSE has never sought to seek funds from outside the government. (In 2003, for example, the TSE requested and received an additional 12 million quetzals (\$1.6 million) from the government to cover overruns for the second round of the presidential race.)

Management of the budget follows general procedures of the state administration and contracts, except for small expenses. Cash transactions are made for payment of *per diem* of polling station officers and related temporary staff. Moreover, some minor purchases are paid in cash as allowed by the Law on State Purchases and Contracts.

An inventory of used and unused supplies is made after every election, focusing particularly on long-lasting materials such as screens and ballot boxes, which are stored for the next election. The national electoral authorities keep a record of all inventories, which are then stored at the municipal government premises.

The National General Accounts Comptroller is entrusted to control and oversee the budget of the TSE. This is in addition to the internal audit at the TSE, which also controls public funding and expenses of political parties (articles 149-150 of Electoral Law).

Public financing of political parties is established by the law. Parties are entitled to free postal and telecommunications services from the time an election is announced until

one month after its conclusion. Moreover, political parties receive public funding in proportion to the number of votes obtained in the first round of the presidential election, at a rate of 2 quetzals per vote, if and only if a party receives at least 4 percent of total valid votes. Disbursement is made under the control of the TSE in four annual installments between elections. Political parties may use public funds for either ordinary operations or campaign expenses. The TSE has the responsibility for audit and control of party finances and expenses. Before each annual disbursement, parties must submit a detailed report of expenses. In the event that a political party does not abide by its accounting and reporting obligations, the TSE may bring the party before the courts in an effort to force compliance. Private financing is neither contemplated nor prohibited, and no limit on campaign expenses is established in the law.

Regarding media access, political parties are entitled to free access to state-owned radio and TV for 30 minutes per week in order to voice their programs, in a manner that is regulated by the TSE bylaws (article 221 of the Electoral Law). As for private media, the rule is that political parties cannot be charged more than ordinary commercial rates (article 222). These legal provisions reflect international standards on media access. The actual practice is somewhat different, partly because publicly owned media are actually non-existent, and partly because the government sometimes has a strong hand over private media. This is how the European Union (EU) observer mission assessed the situation in 2004:

Although there is a legal framework protecting freedom of speech, a conjunction of factors keep preventing a truly free, independent and professional flow of ideas in Guatemala. Some of those factors appeared during the electoral campaign: endemic violence hurting the life and security of media professionals, the disturbing intervention of the executive branch in media matters, ranking from the unfair use of cadenas nacionales (free governmental simultaneous use of all broadcasts in passing a given message or program) to the irregular granting of radio and TV licenses; or the fact that some media companies had crossed the borderline of what is professionally acceptable when reflecting their political preferences. This was particularly obvious in the case of some print media. (EUEOM election final report, February 2004)

III. Electoral costs

In Guatemala all elections are held on the same day: presidential, legislative, local, municipal and Central American Parliament elections. Therefore, the election budget covers four different elections for which five different ballots are used (two different ballots are required for parliament, one for national lists and the other for provincial constituencies).

The cost of the TSE's **ordinary operations** during 2003 was 71 million quetzals (\$8.8 million). The cost of the **polling operations** in the 2003 elections was 113 million quetzals. This was the TSE official budget covered by the National General Budget. The actual, if not formal, budget was generously funded by international assistance up to \$9 million (not including international observation missions), with assistance provided mainly by Canada, Japan, Norway, Sweden, Switzerland and the United States. Of the \$9 million, \$3.5 million flowed through the Organization of American

States (OAS) for technical assistance on voter lists, and the remaining \$5.5 million was provided directly to the national electoral agency. The distribution of this aid by item was approximately as follows: voter registration, \$2.5 million; voter education, \$2.5 million; purchasing of equipment, \$2 million; and training for poll workers, \$2 million. To a lesser extent, external aid was provided to civil society organizations monitoring the elections. All in all, electoral expenditures amounted to around \$23 million, which is equivalent to \$4.6 per register voter. There were also several large international observer missions, including particularly extensive ones from OAS and EU, with an average cost of around \$1 million each.

Case Study 6 - Table 1. Summary of budget line items for the 2003 elections (gross estimates)

Salaries and per diem	30%
Election operation (printing, supplies, and transport)	28%
Voter registration	20%
Voter education (facilities, IT, communications)	10%
Training	10%
Other	2%

More detailed information about electoral cost structures in Guatemala follow below.

a) Foreign aid

The 2003 election budget was more than twice that of previous elections after including foreign aid, but still around the average for Latin America. A pattern observed in Guatemala at the time of these elections had been seen previously in elections in Nicaragua in 2001 and Ecuador in 2002. All three were third-generation elections, taking place after acute social conflicts, and each poll turned out to be more expensive and more poorly organized than the previous national election. Given that a substantial part of Guatemala's electoral budget was funded through foreign aid, this finding should be taken as a warning to the international community.

b) Salaries and per diem

Second, the most expensive items in Guatemala were salaries and per diem given to temporarily hired staff and polling station workers, although this cost has remained relatively constant over the last five years at 125 quetzals (\$15) for polling station officers—an amount that many poll workers did not consider equitable. This expenditure was followed closely by the cost for voter list updates, although it should be noted that updating of voter lists and rearrangement of the polling stations accordingly was basically covered by external aid. Cost increases in the official national electoral

budget basically involved larger expenses for voter education and an increase in the number of polling stations to 8,885. Over a five-year period, voter information and education had the largest real growth in costs, most of which stemmed from an effort to reach rural and indigenous populations in their own languages (half of the Guatemalan population is of Mayan descent and does not speak Spanish). There is no single item for which a cost decrease has been recorded.

c) Voter registration

Voter registration costs amounted to 20 percent of the total electoral budget in 2003. The rising cost was due to a particularly complicated method of updating voter lists by which the voter lists and polling stations were split into two sections: updated and non-updated. The process of updating the voter register by allowing people to vote closer to their residence resulted in a split register—non-updated voters and updated voters. This made the entire operation not only costly, but also created much confusion among the electorate. A technical problem while processing updated voter information produced an unknown number of legally registered voters who could not be found on the updated register but were still on the non-updated list; the problem stemmed from the fact that the electoral law states that citizens must vote in the municipality where they are registered. The assessment by the European Union Observer Mission concluded that a main liability of the electoral process was the failure of organizing voter lists when allocating voters to polling stations in accordance with the identification records previously given to the almost two million voters who had updated their registration or registered for the first time.

This shortcoming was recognized as a major issue a few weeks prior to Election Day, but the problem could not be properly addressed by the national election commission. As a consequence, many voters were unable to exercise their right to vote even after the commission decided to allow for a tendered ballot in the first round for those duly-registered voters whose names did not appear on the voter list of the corresponding polling station (EU EOM Report, February 2004). Despite recent efforts to improve the rate of voter registration, accounts continue to be received of actual, if not legal, disenfranchisement of certain populations (primarily rural residents and indigenous people). (López-Pintor and Gratschew, 2002, 37).

d) Civic education

Civic education is an important cost component of the electoral budget and is a primary responsibility of the TSE. But the entire cost of civic education is still higher than expressed in the TSE budget since this is a shared responsibility with other actors, mostly domestic NGOs, which tend to be internationally subsidized. International aid for civic education related to the 2003 elections was provided by USAID some European bilateral donors.

e) Training

Training of polling station staff also consumed a sizable part of the 2003 budget. Training was organized by the TSE and varied in quality and effectiveness from urban

to rural areas; in indigenous parts of the country, sufficient attention was not paid to training in local languages. Taking into account the difficult five-ballot election that November, better voter education and more assistance in indigenous languages should have been provided at polling stations. Despite fairly good attendance at training sessions by polling station staff, the first round of elections revealed that there was much room for improvement. The application of indelible ink, the secrecy of the vote and—above all—the general lack of information on where to vote deserved more attention. For the second round, the TSE training efforts concentrated on the management of the voter register (EU EOM Report 2004).

f) Free-of-charge services

Cost management by the TSE includes the use of services from other public and private agencies, sometimes free of charge and sometimes paid services. Free-of-charge services include the use of school facilities, both public and private, as polling stations; the civil registry, which is a part of the ordinary functioning of the TSE itself; and police services. The TSE pays for its permanent officials to use office space of the local government and the services of the Post Office and the Telecommunication TEL-GUA, both of which are private companies. Regarding the use of media, all radio and TV are private in Guatemala; therefore, the TSE must pay for their services, except for some public communications by national authorities which are, by law, free of charge.

g) Boundary delimitation and external voting

There are no costs associated with constituency boundary delimitation in Guatemala, nor is this considered a particularly problematic area. As in most of Latin America, electoral districts (departments and municipalities) have been determined by law since the 1880s. Moreover, although more than one million citizens are counted as living abroad, mostly as migrant labor in the United States, external voting is not allowed in Guatemala and therefore is not a cost.

h) Election technology

Office management and voter registries are computerized. In addition, quick vote counting and transmission of preliminary results are subcontracted with a private firm. There are no plans to introduce other new technologies in the electoral process.

IV. Overall assessment

An overall assessment of current and most recent practice at election budgeting, funding and cost handling indicates that election costs have consistently increased overall and for almost every single item. It is difficult to imagine significant decreases in the near future. Considering the management capacity of the TSE, an effort must be undertaken, with financial and technical assistance from the international community, to improve the quality of voter lists by removing deceased voters and double registers. Reforms should also be made to improve voting procedures by introducing the use of indelible ink and providing better training of polling station officers. Equally important are ongoing efforts to implement voter information programs in the differ-

ent languages of Guatemala. It should be noted that despite some lack of organization at the TSE's national level, well-prepared election technicians such as the director of elections and officials at the Secretariat have much experience and are part of the backbone of the institution. Until recently, the TSE was considered one of the most prestigious public institutions in the country. It has lost some voter confidence over the past few years, however, mostly because of ineffective communication with departmental electoral authorities, parties and citizens; the untimely arise and ineffective handling of problems with the voter lists; and the failure to distribute the lists to political parties, among other shortcomings (EU EOM Report 2004).

Case Study 6 - Attachment I. Summary budgets for the 2003 general elections	
Case Study 6 - Table 1. Summary budget of income for the 2003 general elections	
	Quetzals (rounded)
Ordinary transfers	96.6 million
Patrimonial increases	4.73 million
Total income	102.3 million (\$13.5 million)

Case Study 6 - Attachment I. Summary budgets for the 2003 general elections	
Case Study 6 - Table 2. Summary budget of income for the 2003 general elections	
	Quetzals (rounded)
Personnel Services (wages, salaries, per diem and primes)	37.8 million
Non Personnel Services (electricity, telecommunications, rentals, transport, maintenance and repair, security, protocol)	36.5 million
Materials and Procurement (food, stationery, lubricants, ink	9 million
Office Equipment and Intangibles	9.8 million
Ordinary Transfers (indemnities, paid vacations)	905,750
Unanticipated Expenses (special expenses in Central District)	7.3 million
Total expenses	102.3 million (\$13.5 million)

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Web site of the electoral authority (Tribunal Supremo Electoral), <http://www.tse.org.gt>.

About the author

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