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REPORT OF THE OAS ELECTORAL OBSERVATION MISSION IN ECUADOR



Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États Américains
Organization of American States

17th and Constitution Ave., N.W. • Washington, D.C. 20006

July 28, 2005

Excellency:

I have the honor to address Your Excellency to request your kind assistance in having distributed to the members of the Permanent Council the attached report of the OAS Electoral Observation Mission in Ecuador.

The report reflects the activities undertaken by the Mission during the observation of the Local Elections in Ecuador held on October 17, 2004.

Accept, Excellency, the renewed assurances of my highest consideration.

Albert Ramdin
Assistant Secretary General
in charge of the General Secretariat

His Excellency
Roberto Álvarez
Ambassador, Permanent Representative of the Dominican Republic
Chairman of the Permanent Council of the
Organization of American States
Washington, D.C.

ORGANIZATION OF AMERICAN STATES

**REPORT OF THE
ELECTORAL OBSERVATION MISSION TO ECUADOR
2004 LOCAL ELECTIONS**

**Organization of American States
Department for Democratic and Political Affairs**

This version is subject to revision and will not be available to the public pending consideration, as the case may be, by the Permanent Council

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Abbreviations

AN:	National Alfarism Party
CAPEL:	Costa Rican Center for Election Advisory Assistance and Promotion
CFP:	Concentration of Popular Forces Party
DP:	People’s Democracy-Christian Democrat Union
DRC:	Data Reception Center
EOM:	Electoral Observation Mission
ID:	Democratic Left Party
IFES:	International Foundation for Electoral Systems
IGM:	Military Geographic Institute
JRV:	Voting Board
LOE:	Electoral Organic Law
MAJ:	Amauta Jatari Movement
MC:	Citizens’ Movement
MCNP:	Citizens’ Movement New Country
MIRE:	Ecuadorian Regional Integration Movement
MPD:	Democratic People’s Movement
MPS:	Patriotic Solidarity Movement
MTSI:	Independent Social Transformation Movement
MUPP:	Multinational Pachakutik United Movement – New Country
NDI:	National Democratic Institute
OAS:	Organization of American States
PL:	Liberty Party
PRE:	Ecuadorian Rodolsista Party
PRIAN:	National Action for Institutional Renewal Party
PSC:	Christian Social Party
PSFA:	Socialist Party – Broad Front
PSP:	January 21 Patriotic Society Party
QC:	Quick count
TEG:	Guayas Electoral Tribunal
TPE:	Provincial Electoral Tribunal
TSE:	Supreme Electoral Tribunal
UNO:	National Union Party
UPD:	Unit for the Promotion of Democracy
USAID:	United States Agency for International Development

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The Mission also expresses its thanks to the Ecuadorian Government and the authorities, technical staff, and officials of the Supreme Electoral Tribunal and the Provincial Electoral Tribunals for the support and cooperation provided during the course of these elections. Thanks are also due to the authorities and leaders of the political parties, the representatives of civil society organizations, the members of the press, security agencies, and the people of Ecuador, in general, for the warmth and positive attitude shown to the observers at all times. The Mission would also like to thank the United States Agency for International Development (USAID), the United States Embassy, and all volunteers for their selfless assistance.

Special thanks are due to the Brazilian and United States Governments for their contribution to the financing of this mission.

CHAPTER I: INTRODUCTION

The Organization of American States (OAS) has continuously and repeatedly demonstrated its interest and overriding desire to promote and defend democratic institutions and values in the American continent. Within this context, the General Assembly recommended, through Resolution AG/Res.991 (XIX-0/89), that the Secretary General “organize and send missions to Member States that, in exercise of their sovereignty, so request to observe the development, at all stages if possible, of each electoral process.”

The Office of the General Secretariat of the OAS organizes missions to observe electoral processes through the Department for Democratic and Political Affairs (DDPA) Office for the Promotion of Democracy (OPD), aimed at contributing to institutional strengthening and consolidating democratic processes in the Hemisphere. Its achievements include setting up approximately 80 Electoral Observation Missions (EOMs) in more than half of the OAS Member States in recent years.

On September 7, 2004, the Supreme Electoral Tribunal (TSE) of the Republic of Ecuador requested that the OAS Secretary General dispatch an electoral observation mission to provide assistance and observe the local elections to be held in Ecuador on October 17, 2004.

The Secretary General responded favorably to this request, with the proviso that setting up the mission would depend on the availability of external financing, and instructed the Department for Democratic and Political Affairs to start the relevant preparations and, at the same time, appointed Mr. Antonio Edgardo Reis, principal specialist with the Office for the Promotion of Democracy, as Head of Mission.

The Agreement on Observation Procedures for the local elections to be held on October 17, 2004 was signed in the Supreme Electoral Tribunal of the Republic of Ecuador headquarters on October 7, 2004. On the basis of the above, it was determined that the Mission would observe the electoral process, thus assisting Ecuadorian society and institutions in assuring the complete integrity, transparency, and credibility of the process, and the preparation, conducting, and results of this observation mission will be analyzed in this report.

The OAS has observed the conducting of elections in the Republic of Ecuador on previous occasions. The Secretary General of the OAS instructed that electoral observation missions be set up for the 1998 general elections and the general elections in 2002, in which Mr. Lucio Gutiérrez was elected as the current President of the Republic of Ecuador in the second round.

Consequently, within the framework of the Political Constitution and the electoral legislation currently in force, local elections were held in Ecuador on October 17, 2004, and the Ecuadorian people elected the following local government officials.

22	Provincial Prefects
91	Majority Provincial Councilors
219	Municipal Mayors
893	Majority Municipal Councilors
3,975	Members from 795 Rural Parish Councils

The voter registry format for these elections was as follows:

	Total	Male	%	Female	%
Voters	8,643,974	4,283,987	49.56	4,359,987	50.44
Voting Boards (JRVs)	34,618	17,088	49.36	17,530	50.64

Voter registration and voting were identified *in situ* and this was carried out in the traditional manner in all JRVs distributed over 22 provinces, 219 cantons, and 795 rural parishes. JRVs operated continuously from 7:00 am until 5:00 pm on October 17, 2004 and each JRV operated with a voter registry comprising 300 voters, except in Quito and Guayaquil cantons, which had voter registries comprising 200 voters.

In accordance with the schedule established by the TSE, the deadline for registering candidates was set at August 17, 2004. 27,438 candidates registered within this period, and 21 of these candidacies were nullified by the TSE for failure to comply with all the requirements stipulated by the current legislation in force in this regard.

As pointed out by the TSE, it should be highlighted that, after eight years, this election completes and regularizes electoral processes in Ecuador. This can be explained if the following events are taken into account: The President-elect in 1996, Dr. Abdalá Bucaram, did not complete his term of office and was replaced by National Congress President Dr. Fabián Alarcón who remained as head of government until 1998, when elections were held. The President elected in the second round of these elections, Dr. Jamil Mahuad, also failed to serve out his mandate and was succeeded by Vice President Dr. Gustavo Noboa, who governed until January 15, 2003. Furthermore, the 1998 Constitution changed the date for assuming the Presidency from August 10 to January 15 of the year following the election year and this made it necessary to implement two electoral law reforms extending the terms of office of officials elected by local bodies to regularize electoral dates and officeholders' terms. This situation has now been regularized for the candidates elected and due to take office on January 5, 2005.¹

A further highlight of these elections is the fact that the TSE ran a pilot project using electronic ballot boxes. This initiative was assisted by the Brazilian Supreme Electoral Tribunal and the OAS and, for this purpose, a technical cooperation agreement was signed between the Ecuadorian TSE and the OAS. The following Table presents details of the locations selected for this pilot plan and the total number of voters and JRVs involved.

¹ Electoral documents 15, Supreme Electoral Tribunal, pages 6 and 7.

Province	Canton	Parish	Area	Precinct	Total Voters	Total JRVs
Azuay	Cuenca	Totoracocha		Herlinda Toral College	12,724	43
Guayas	Guayaquil	Roca		San José La Salle College	18,483	93
Imbabura	Otavalo	Jordán	Jordán	31 de Octubre Kindergarden	3,600	12
Manabí	Portoviejo	Colón	Colón	Cristóbal Colón College	10,709	36
Pichincha	Quito	La Floresta		Salesiana Polytechnic University	17,265	87

It must also be pointed out that these elections see the completion of the first-term mandate of the Rural Parish Councils created in the 1998 Constitution and that the first members of these Councils were elected in 2000. These elections represent the first evaluation by the residents of these areas of the operation of these new local rural government authorities.

CHAPTER II: MISSION BACKGROUND, OBJECTIVES, AND ACTIVITIES

The 2002 Ecuador Electoral Observation Mission (EOM/OAS EC) was launched in Ecuador on October 6. The mission was conducted within the framework of the Agreement on Privileges and Immunities, the Regulations governing Electoral Observation for the October 17, 2004 Elections, and the TSE-OAS Agreement on Observation Procedures for the municipal elections held on October 17, 2004 (this document regulates access to information and observer movements and was signed by Dr. Nicanor Moscoso, President of the TSE, and Mr. Antonio Edgardo Reis, Head of the OAS observation mission).

A. MISSION OBJECTIVES

The OAS Member States signed the Inter-American Democratic Charter in Lima, Peru on September 11, 2001. This Charter identifies the holding of “periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people”² as one of the essential pillars of representative democracy and also stipulates that electoral observation missions be conducted “in an objective, impartial, and transparent manner and with the appropriate technical expertise.”³

In accordance with the above, the Mission’s purpose in observing the 2004 Ecuadorian local elections was to support a free and transparent electoral process and demonstrate the Inter-American community interest in efforts to consolidate the democratic process in Ecuador.

The broad objectives of the Mission were to:

- Observe the entire electoral process to verify compliance with the legal regulations currently in force in Ecuador;

² Inter-American Democratic Charter, Article 3.

³ Inter-American Democratic Charter, Article 24.

- Cooperate with Ecuadorian government, electoral, and party officials and the general population to ensure the transparency, impartiality, and integrity of the electoral process;
- Exert a dissuasive influence on any potential manipulation of the electoral process;
- Help ensure an atmosphere of public confidence and encourage citizen participation;
- Make itself available to those involved in the process to help ensure compliance with the procedures set forth in Ecuadorian legal regulations and guarantee that these regulations are applied in resolving conflicts;
- At the request of those participating in the electoral process, act as an informal channel for reaching agreements in the event of disputes or conflicts;
- Report the outcomes of the Mission to the OAS Secretary General, the Permanent Council, and the Ecuadorian authorities and population;
- Make suggestions and prepare recommendations to help improve the Ecuadorian electoral system.

B. FRAMEWORK PLAN OF ACTIVITIES

Over and above the actions undertaken by the Mission to achieve its stated objectives, the following specific activities were programmed to deal with some of the key aspects of these local elections:

1. Qualitative observation of the electoral process

The main tool used was an 11-question form that was completed by all 58 Mission electoral observers during their visits to the various voting precincts and JRVs throughout the country.

2. Electronic ballot boxes

Independently of the Technical Cooperation Agreement between the Ecuadorian TSE and the OAS relating to electronic voting and already mentioned above, one of the Mission's objectives was to assess the impact on voters of implementing this new technology, as the project launched by the TSE includes introducing electronic voting on a larger scale in the future, depending on the results of the pilot plan used in these local elections. In order to carry out this activity, voters were asked to take part in a poll consisting of several questions after using the electronic ballot box to exercise their right to vote in the five provinces in which the plan was implemented.

3. Quick count

The *quick count* (QC) is a statistical process to audit the official vote count in an election. The QC is implemented by taking a sample of JRVs in which OAS observers witness the counting of ballots, thus guaranteeing the results obtained at these polling stations, and statistical methods are used to project results from these JRVs to the entire universe of JRVs throughout the country.

This process has been used by the Organization of American States in other elections and on this occasion it was used to evaluate the mayoral election results in Quito Canton.

4. Computation centers

Other areas of interest for the Mission included activities carried out in computation centers with regard to official results and the immediate transmission and dissemination of preliminary election results (the TSE hired the services of the Spanish company Indra for this purpose). In order to gather information on the implementation of these activities, the Mission deployed computer experts to witness this aspect of the process at the Provincial Electoral Tribunal headquarters in seven provinces.

C. COMPOSITION AND DEPLOYMENT OF THE MISSION

The Mission set up its main headquarters in Quito on October 6, 2004. The basic Mission team (Head of Mission, Deputy Head of Mission, and management and logistics coordinators) were responsible for establishing contacts with government and electoral authorities, political parties, and national and international institutions connected with the electoral process to inform them of the mission's objectives, establish the respective cooperation and coordination mechanisms, and obtain information on the political environment and the conditions under which the elections would be held.

The Mission was composed of a group of 58 international observers (two from Spain and Japan and the remainder from the fifteen OAS Member States). This group included voluntary international observers resident in the country, some of whom are members of diplomatic missions stationed in Ecuador.

In order to cover the majority of the national territory, the Mission set up its headquarters in the capital (Quito) and nine regional sub-headquarters in Azuay, Cotopaxi, El Oro, Esmeraldas, Guayas, Imbabura, Manabí, Morona Santiago and Sucumbíos.

D. PRELIMINARY ACTIVITIES OF THE MISSION

Upon arriving in Ecuador, the Mission held meetings with representatives from various government bodies, members of the Supreme Electoral Tribunal, the Provincial Electoral Tribunals (TPEs), and members of the armed forces. Members of the Mission team also interviewed political party leaders, candidates for various official posts, and representatives from Ecuadorian non-governmental organizations, including Participación Ciudadana and the Q'ellkaj Foundation, which were authorized by the TSE to act as national observers for this electoral process.

These meetings enabled the Mission to obtain a broader perspective on the political environment prevailing in the electoral process, the organization of electoral activities, and the main issues affecting those involved in the process and the population.

E. PUBLIC COMMUNICATION STRATEGY

The Mission's public communication strategy was based on disseminating its activities via press releases and media interviews and, for this purpose, the Mission issued two press releases and gave interviews to various media sources.

In addition to informal interviews with observers conducted by reporters covering the voting process, the day following the elections, the Head of Mission held a press conference attended by the main Ecuadorian television and radio networks and the international media. At this conference, the Mission reported on the activities it carried out during the actual election period and the outcomes of the observation process. Mission press releases were also distributed to all the media, the electoral and government authorities, political parties, and member country embassies in Ecuador.

CHAPTER III: LEGAL-ELECTORAL FRAMEWORK

The legal framework for local elections is set forth in the Political Constitution of the Republic of Ecuador, the Electoral Organic Law (LOE), the Provincial Organic Law, the Municipal Organic Law, the Organic Law on Political Parties, and the Organic Law on Controlling Electoral Expenditure and Election Campaign Materials (each of which with its respective regulations) and, in particular, in the transitional provisions and regulatory standards approved by the TSE.

With regard to the established voting procedure, the law stipulates that voters must wait their turn at the polling station in order to vote. If their names are in the voter registry, they cast their vote after showing their identification cards and expired identity cards are also valid for this procedure. If a person's name does not appear in the JRV voter registry, that person is not permitted to vote, although he is given a certificate of attendance and polling station officials must record his personal data on the form for persons whose names do not appear in the voter registry. Illiterate persons record their vote with their right thumbprint.

Inclusion in the voter registry is automatic when a person reaches the age of 18 and voting is compulsory until a person becomes a senior citizen (i.e. reaches the age of 65), in which case voting becomes voluntary. The law establishes fines for persons who fail to vote and, in addition, after casting their ballot, voters are issued with a voting receipt, which is subsequently required to conduct bureaucratic procedures related to public utilities.

The elections are organized and supervised by the Supreme Electoral Tribunal, an independent body that is not part of the Executive Branch, is regulated by special laws, and has the final decision on electoral issues.

A. ELECTORAL AUTHORITIES

The electoral authorities are established by the Electoral Organic Law, have exclusive authority in this area and, pursuant to the provisions of this Law, are responsible for the proper and smooth functioning of the electoral process. For the purpose of the application of the aforementioned Law, the electoral authorities may request the assistance of law and order forces, and obtain the necessary personnel from the pertinent authority, as appropriate. Moreover, the electoral authorities must, *inter alia*, settle the claims filed by political parties and citizens and apply the sanctions set forth in the Electoral Organic Law.

In this regard, the following entities are vested with electoral authority: the Supreme Electoral Tribunal (TSE), the Provincial Electoral Tribunals (TPEs), and the JRVs.

1. Supreme Electoral Tribunal

The Supreme Electoral Tribunal is the highest electoral authority, is headquartered in Quito, and has jurisdiction throughout the Republic of Ecuador.

This entity is composed of seven regular members, with their respective alternates, represents politicians who have obtained the highest number of votes in the most recent nationwide multi-candidate elections and will provide the National Congress with the three-candidate lists from which the regular members and alternates will be elected.

As a public law entity with administrative, economic, and financial autonomy and independence, the TSE is responsible for organizing, overseeing, directing and guaranteeing the electoral process, preparing the voter registry, calling elections, performing the final electoral vote counts and announcing results, organizing the TPEs, supervising their operations and reorganizing them if deemed necessary, and ensuring that election campaign materials are in conformity with the law.

TSE regular members serve for a period of two years and may be reelected.

The president of the TSE represents the organization in a legal, judicial, and extrajudicial capacity and is elected by the members of this body at its inaugural meeting held within seven days after they are sworn in before the National Congress. This meeting is convened by the first-ranking member and the vice-president and members of the three advisory committees are also elected from among the regular members.

2. Provincial Electoral Tribunals

The Provincial Electoral Tribunals are composed of seven members appointed by the TSE, preferably from persons whose names appear on the three-candidate lists submitted by the political parties, and ensuring that the various political currents in Ecuador are represented. The TSE elects an alternate for every regular member and both serve for two years.

The specific responsibilities of the TPEs include:

- Managing and overseeing electoral activities within their jurisdiction and issuing the necessary instructions for the implementation of these activities in accordance with the instructions issued by the TSE;
- Conducting the vote counts in elections involving one or many candidates for each province and the provincial vote counts for presidential and vice-presidential elections and elections for representatives to the Andean Parliament, plebiscites, referendums, and popular consultations;

- Settling claims filed by political parties or citizens with regard to irregularities in the electoral process;
- Appointing polling station (JRV) officials.

3. Polling Stations

Polling stations are the entities responsible for receiving votes and for vote counting. Representatives from political parties may make observations or lodge complaints at polling stations and these will be settled immediately and the details formally recorded in the official tally sheet if requested.

For these elections, the TSE resolved that the JRVs would be composed of: one (1) secretary, five (5) regular members, and two (2) alternates. Members are appointed by the Provincial Electoral Tribunals from among citizens who have their electoral domicile in the jurisdiction in which the elections are held and, if a regular member is absent, this member is replaced by either of the alternates also appointed by the TPEs.

The JRVs open at 7:00 am on Election Day. If regular members or alternates fail to show up at that time, any regular TPE member or person designated by such member may establish the JRV and choose the number of persons needed to perform this function from among the voters. If the JRV is still having difficulty establishing the polling station at 8:00 am, the regular member(s) may appoint persons to replace the absentees from among the citizens waiting in line at the polling station.

The first-ranked regular member shall assume the role of chairman. In his absence, the chairmanship will be assumed by any of the other members according to their nomination rank. The TPE shall also appoint a secretary for each JRV and, in its absence, the JRV shall proceed to elect its own secretary who may come from any of the members should it prove difficult to elect said secretary from among the parish residents.

B. POLITICAL PARTIES

The Law on Political Parties regulates the method of constitution, activities, and dissolution of political parties and establishes guarantees for their free functioning. In this regard, the Law states that “parties are political/ideological organizations comprising persons who freely come together to participate in the affairs of the State”. Furthermore, this Law states that parties “... are a fundamental element of the democratic system, shall express and guide the political will of the people, promote active civic participation, train members to become involved in public life, and select the best persons to run the Government.”⁴

In terms of political funding, the Law on Political Parties states that “the assets of political parties shall be made up of the contributions of members, state subsidies, income from their investments, and assets donated or bequeathed by their supporters.”⁵ The implementing regulations to this Law also further state that parties, through the tax court, after obtaining optional auditing or

⁴ Organic Law on Political Parties, Title I, Article 3.

⁵ Organic Law on Political Parties, Title VII, Article 57.

accounting advice, shall prepare an annual analytical report on the handling of funds by the treasurer of the organization.

C. LAW ON QUOTAS FOR THE PARTICIPATION OF WOMEN

Female suffrage was recognized in Ecuador in 1929, and Ecuador thus became the first Latin American country to do so. This right was optional and exclusively for literate women. The current Political Constitution was issued in 1998 and Article 102 states that the Government shall guarantee the equitable participation of men and women as candidates in popular election processes. The Law on quotas was approved in 2000 and stipulates that “Candidate lists for multi-candidate elections must include at least thirty percent women among the regular candidates and thirty percent women as alternates, alternately and sequentially, and this percentage shall increase by a further five percent in each general election process until such time as equal representation is achieved”.

In the 2004 elections, the female quota in candidate lists for multi-candidate elections rose to 40 percent for both regular candidates and alternates.

D. OFFICIALS TO BE ELECTED IN THE CURRENT LOCAL ELECTIONS

Pursuant to the Provincial Organic Law,⁶ the composition of provincial councils shall be in direct proportion to population levels according to the following rules:

- Provinces with up to 200,000 residents shall have five provincial councilors;
- Provinces with 200,001-500,000 residents shall have seven provincial councilors;
- Provinces with 500,001-1,000,000 residents shall have nine provincial councilors; and
- Provinces with 1,000,000-2,000,000 residents shall have eleven provincial councilors and one additional provincial councilor for every additional 500,000 residents.

Furthermore, pursuant to the Municipal Organic Law,⁷ the composition of municipal councils shall be in direct proportion to population levels according to the following rules:

- Municipalities with more than 400,000 residents shall have fifteen councilors;
- Municipalities with more than 200,000 residents shall have thirteen councilors;
- Municipalities with more than 100,000 residents shall have eleven councilors;
- Municipalities whose capitals are also provincial capitals and all other municipalities (with the exception of the Ecuadorian Amazon Region and Galapagos Province) and all municipalities with more than 80,000 residents shall have nine councilors;

⁶ Provincial Organic Law, Article 2.

⁷ Municipal Organic Law, Article 26.

- All other municipalities, including the provincial capitals of the Ecuadorian Amazon Region and Galapagos Province, shall have seven councilors; and
- All other municipalities in the Ecuadorian Amazon Region and Galapagos Province shall have five councilors.

Article 27 A of the same Law establishes that, in its capacity as the capital of Ecuador, Quito Municipality shall have a mayor and fifteen councilors.

As indicated in the Law, both the provinces and the municipalities always have an odd number of councils composed of a minimum of five and a maximum of fifteen members.

Council members are replaced in two phases defined as “majority” and “minority” stages and the “majority” stage applies in these local elections. For example, if a council is composed of fifteen members, eight are replaced, and if a council has five members, three are replaced. The minority replacements will be carried out concurrently with the presidential elections scheduled for October 2006.

E. SEAT DISTRIBUTION METHOD

One of the most controversial aspects (if not *the* most controversial aspect) of these elections is related to the method selected for the distribution of seats. The discussion revolves around the fact that selecting one particular method favors the so-called “major” parties while selecting another method favors the smaller parties.

The Organic Law on Elections stipulates that: “The proportional representation formula known as D’Hont shall be applied for the distribution of seats in multi-candidate elections, and is a calculation procedure for converting votes into seats”.⁸ However, the Constitutional Court (the supreme arbiter of constitutional regulations in Ecuador) declared that Articles 105 and 106 of this Law, referring to the D’Hont method for distributing seats, are incompatible with constitutional rules and, consequently, these Articles were deleted from legislation on March 1, 2004.

In view of this situation, the National Congress was legally obligated to establish an alternative seat distribution method. Nevertheless, despite the fact that negotiations were held until Tuesday, October 12 prior to this election, the required majorities were not achieved and no consensus proposal was forthcoming. In order to fill this vacuum, on September 28, 2004, the TSE, exercising the powers bestowed upon it, and considering the fact that elections could not be conducted without a seat distribution system, decided to adopt a Resolution to apply the so-called “Imperiale” method for these local elections alone.⁹

The Table below presents an example of how seats are allocated using the “Imperiale” method.¹⁰

⁸ Organic Law on Elections, Articles 105 and 106.

⁹ Resolution RJE-PLE-TSE-1-28-9-2004.

¹⁰ This example was developed by the TSE International Relations unit.

Lists	Votes	Quotients to be applied			
		1	1.5	2	2.5
A	35,000	35,000	23,333	17,500	14,000
B	28,000	28,000	18,666	14,000	11,200
C	22,000	22,000	14,666	11,000	8,800
D	15,000	15,000	10,000	7,500	6,000
E	10,000	10,000	6,666	5,000	4,000
F	5,000	5,000	3,333	2,500	2,000

Assumptions:
6 lists
6 positions to be filled
Total valid ballots: 115,000

As can be seen in this example, the votes for each list are divided by 1; 1.5; 2; 2.5 and so on depending on the number of seats to be filled and seats are allocated according to the resulting quotients. On this basis, the following seats would be allocated under the given assumptions:

Quotients granting the right to representation: (in bold type in the previous Table)

35,000
28,000
23,333
22,000
18,666
17,500

Seats allocated

Lists	Seats allocated	Total seats per list
A	1, 3, 6	3
B	2, 5	2
B [sic]	4	1

“A” list seats would be allocated to candidates on the list who have obtained the highest number of votes and the same applies to candidates on the following lists.

According to its critics, this method would favor the lists with the highest number of votes and it has therefore been criticized by the smallest political organizations and it can also be assumed that those who feel disadvantaged by this method and would have benefited from the D’Hont method would file injunctions to prevent its use.

As indicated above, the TSE decided to apply this seat distribution method specifically and exclusively to this election and the National Congress will therefore have to define the method to be applied to all future multi-candidate elections.

F. ELECTORAL EXPENDITURE

The first Law on Controlling Electoral Expenditure [*Ley de Control de Gasto Electoral*] was published on March 22, 2000.¹¹ Upon approval of this Law, the TSE, through the Electoral Expenditure and Election Campaign Materials Control Unit [*Unidad de Control de Gasto y Propaganda Electoral*], carried out its responsibilities in terms of controlling electoral spending and election campaign materials and, in compliance with Article 12 of this Law, set the limit on election campaign and promotion expenditure for each authority to be elected.

The upper limit for electoral expenditure (in US\$) for the various official posts in these local elections was set by the TSE as follows:

	National Total
Provincial Prefects	302,625
Provincial Councilors	141,389
Municipal Mayors	302,625
Municipal Councilors	171,297

“The upper limit for authorized electoral expenditure shall be established by dividing total maximum electoral expenditure by the total number of voters at national level. This result corresponds to the unit value per voter and shall be multiplied by the number of voters in the respective electoral district” ...”The upper limit for authorized electoral expenditure in multi-candidate elections shall be divided by the total number of officials to be elected in order to obtain total electoral expenditure per candidate”.¹²

By way of example, the upper spending limit for mayoral candidates in Quito Canton was US\$51,589.

Various pronouncements indicate that the electoral expenditure limits stipulated in the Law are extremely low and thus insufficient to finance the actual cost of a political campaign. However, this aspect of the Law has not been amended by the National Congress.

CHAPTER IV: TECHNICAL OBSERVATION OF THE PROCESS

During its time in Ecuador, the Mission was able to directly verify the initiatives undertaken by the Supreme Electoral Tribunal and the Provincial Electoral Tribunals (TPEs) to ensure the appropriate preparation of the 2004 electoral process. Among other priorities, the TSE prepared a detailed regressive electoral schedule.

The following aspects of the activities observed by the Mission should be highlighted:

¹¹ Organic Law on Controlling Electoral Expenditure and Election Campaign Materials. Official Gazette Supplement. N° 41.

¹² Organic Law on Controlling Electoral Expenditure and Election Campaign Materials, Article 10.

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A. DESIGN, PREPARATION, AND DISTRIBUTION OF ELECTION MATERIALS

The MONTGAR corporation (a consortium of national companies) was awarded the competitive bidding contract to carry out this activity. The electoral ballots were designed and printed by the Military Geographic Institute (IGM) and the Army was responsible for distributing the materials.

1. Computer system

a. *Official Vote Count*

The computer system is distributed between the Provincial Tribunals and the TSE. Each Provincial Tribunal has its Specific Data Processing Center and a permanent local area network, and electoral authority data (including the official count) are entered into this system.

b. *Immediate Transmission and Dissemination of Election Results*

In view of its scope and importance, the entire electoral process made it necessary for the TSE to deploy human resources and technical personnel two months before Election Day. This pre-election phase involved carrying out activities aimed at guaranteeing the maximum speed, security, and reliability of the process, including developing applications, installing communication networks, selecting and training personnel, running tests, drafting instructions, and developing procedures.

The TSE hired the services of the Spanish company Indra to handle the immediate transmission and dissemination of the preliminary results of these elections.

Pursuant to the service contract signed between INDRA and the TSE, the transmission of results following the close of voting in the JRVs was based on the following program:

- 5:00 pm, close of voting
- 5:00 pm - 5:30 pm, preparation of materials
- 5:30 pm - 6:00 pm, prefectural vote count
- 6:00 pm - 6:30 pm, mayoral vote count
- 6:30 pm - 7:30 pm, provincial councilor vote count
- 7:30 pm - 8:30 pm, municipal councilor vote count

Consequently, telephone transmission times and times for transcription onto forms (in the Data Reception Centers – DRCs), transcription into computers, re-transcription, saving, transmission to server, and processing should be as follows:

- Provincial Prefects, maximum duration: 60 minutes
- Canton Mayors, maximum duration, 90 minutes
- Provincial Councilors, maximum duration, 4 hours
- Majority Municipal Councilors, maximum duration, 4 hours

At the close of polls on Election Day, the members of each JRV proceeded to count the votes and prepare the official tally sheet.

The procedure devised to ensure that Indra was provided with count data from each polling station involved handing over the fourth copy of the official tally sheets to police officers located at the 2,163 centers, 288 of which were equipped with a telephone line to transmit the data to the respective DRC.

The data were transmitted by telephone from each JRV to the six Data Reception Centers (DRCs) in Quito. Each DRC received the data transmitted by the JRVs and digitized this data twice to avoid possible digitization errors. On completion of these processes, the data were sent to the Indra Consolidation Center, which then proceeded to make them available to the Results Dissemination Center. In addition, Indra supplied the consolidated data from the immediate transmission and the preliminary election data on CD-ROM and also fed these data into the web page to avoid data loss.

The results were disseminated in real time via the Internet and multimedia systems and the TSE Intranet offered the same data as those available on the Internet to allow persons at the Dissemination Center to follow the count process.

The DRCs had 952 telephone lines to receive data and 1,650 officials to carry out activities including receiving data via telephone, completing a form (replica of the official tally sheet), transcription, second transcription, and data correction (quality control).

The DRCs shared a data server, a backup server, and communicated with the central computer located at the Swiss Hotel and also backed up by a supplementary server. All centers had back-up electric power and data redundancy (i.e. every item of data entered into the server was automatically entered into the back-up server).

In the days following election night, a verification process had to be implemented involving comparing data saved in the computer system with the fourth copy of the official tally sheet and two simulations of this process were run nationally prior to the election. In the first simulation run on October 2, 50 percent of the data were successfully transmitted and this figure rose to 98 percent in the second and final simulation run on October 11.

c. Extra-official Vote Tally, Election Day Activities, and Evaluation

The six DRCs were located in Quito at Indra's request, and the company informed that the location of transcription centers was immaterial once the data were telephoned in from the electoral precincts or their vicinity. All DRCs were visited by electoral observers at peak operating times.

According to DRC supervisors, the most common error was that data on voter numbers at each JRV were not transmitted by telephone (the police officer responsible for supplying data received from the JRVs did not have this information). This type of problem was not considered a hurdle to tallying the JRV vote count. However, performing this procedure had to be authorized by the TSE.

At 9:30 pm on October 17, an average of 40 percent of the data on the prefectural and mayoral elections were already available in the mass media and 91 percent had been received by 7:00 am on October 18. This availability of data made it possible to project results for the mayoral elections in the main national cantons and the prefectural elections in the provinces but it was not possible to review the current standings for provincial and municipal councilors.

d. Electronic Vote: Ecuadorian Electronic Voting Pilot Plan

As part of the process for the modernization and strengthening of democracy, the Supreme Electoral Tribunal (TSE) prepared a pilot plan to use electronic voting in the October 17, 2004 local elections.

This electronic voting pilot plan was designed for use in 0.8 percent of polling stations and JRVs nationwide. The machines were supplied by the Brazilian Electoral Justice Tribunal via a lease without charge as part of the continental horizontal cooperation initiative. The use of e-voting technology in Ecuador has been developed with cooperation from the Organization of American States (OAS) Office for the Promotion of Democracy Strengthening of Electoral Systems and Processes Unit (AFSPE) and this project aims to gradually introduce e-voting nationwide in all Ecuadorian elections.

e. Statistical Data

The Electronic Ballot Box Pilot Plan involving fully computerized systems (including electronic ballot boxes) was implemented in one precinct in each of the five provinces selected. The precincts had a combined voter list totaling 62,781 voters, spread over 247 JRVs and the TSE selection criterion was that these precincts represent indigenous populations, illiterate persons, and the middle class.

In order to ensure appropriate support for this process, approximately 25 Brazilian technical staff assisted their Ecuadorian counterparts, under the leadership of the head of the Supreme Electoral Tribunal computer section.

f. Implementation of the Electronic Voting Pilot Plan

With support from the electronic voting technology providers (the Brazilian TSE), the TSE implemented an historic and faultless electronic voting process. A complex voting process was successfully transformed into a simple electronic interface, while at the same time guaranteeing training for all voters involved in this pilot plan.

The electronic ballot box proved to be a piece of equipment that could be easily operated by technical staff, polling station staff, and voters. All operations were covered by a contingency plan that ensured smooth continuity in the voting process. The success of this pilot plan provided the electoral authorities with significant data to launch the full implementation of electronic voting in Ecuador.

g. Computer-related Conclusions

Electronic voting was successfully tested for the first time in these local elections. Similarly, although the services hired to ensure the “immediate transmission and dissemination” of results failed to produce the expected results, the fact that the TSE was able to publish extra-official election data can be highlighted as another significant achievement of these elections, as this guaranteed the reliability of the process, especially with regard to the highly symbolic prefectural and mayoral elections.

Over and above the fact that the TSE demonstrated its ability to organize electronic elections and implement these elections in every respect (voter training, transmission media, and appropriate support and infrastructure), a computer base has been installed in the Regional Tribunals, and this base can be configured in such a way as to provide results for “immediate transmission and dissemination” with a similar degree of security and speed (a task outsourced to an external company on this occasion).

The electronic voting system also featured positive aspects that could act as an incentive for pilot projects in other countries interested in this technology, such as training voters before they cast their ballot and introducing the multiple-screen voting format, which is particularly effective for illiterate voters. This project was implemented to satisfy local needs and characteristics, bearing in mind the potential challenges in launching this new voting system.

Dividing electoral precincts into JRVs with 300 and 200 voters turned out to be a simple but effective strategy to ensure swift and methodical voting. In addition, the Information Center set up for voters by the TSE received hundreds of calls per minute and clearly helped create the level of calm witnessed on Election Day.

The significant modifications in the manual count, such as the tallied votes registration sheet, numbered in such a way as to make it possible to display the number of votes for every candidate on the list at any given moment immediately should also be highlighted as a positive development.

The public count, unprecedented in Ecuador, guaranteed electoral transparency in terms of the vote count.

Ultimately, the combination of measures implemented by the TSE for these elections, including public scrutiny, rapid transmission, electronic voting, and the modification of the count format have helped boost public confidence in the electoral body.

OAS observers had access to every location using technological electoral components. These locations included the TSE official tally station, the Provincial Tribunal data input station, the vote count “immediate transmission” station, and the electronic ballot box counting station. In addition, the persons responsible for technical processes were interviewed by the observers and provided all the information needed to grasp this complex electoral process swiftly and objectively.

The calm on Election Day (apart from a few exceptions) and the high turnout by the population also substantiated the appropriate planning and implementation of the electoral process.

2. Training of electoral officers and voter education and guidance

The Mission was able to observe several training sessions held by the electoral tribunals in various regions throughout the country and confirmed the sound organization and quality of these sessions and the attendance and motivation of the officials who participated.

With regard to voter education and training, assisted by the Latin American Center for Electoral Advice and Promotion (CAPEL), the TSE launched an information campaign via a leaflet distributed through the written media and workshops held in various cities nationwide. The main aim

of this campaign, conducted in squares, parks, and remote communities, was to involve the population in the electoral process and reduce absenteeism and abstentionism ratios.

B. PARTICIPATION OF WOMEN

For these elections and pursuant to the Law, the TSE made the political organizations responsible for including a mandatory female quota of 40 percent in candidate lists. The female quota reached 42.6 percent, as can be seen in the Table below.

Municipal election candidates October 17, 2004		
Female	11,690	42.60%
Male	15,754	57.40%
TOTAL	27,444	100%

C. CONTROLLING ELECTORAL EXPENDITURE AND ELECTION CAMPAIGN MATERIALS

As indicated above, the ceilings on electoral expenditure have become more relevant in these elections, as the amounts allocated by law to candidates for the various official posts in local elections are very scant and this has been acknowledged by candidates, political parties, and the TSE itself.

A constant feature of the pre-election period was that the candidates expressed their disagreement with the low amounts allocated to the campaigns. This state of affairs disadvantages candidates unfamiliar to the public, while benefiting those standing for reelection, who, in addition, are able to use the Government apparatus to promote their activities.

CHAPTER V: PRE-ELECTION PHASES

These local elections were characterized by the restructuring of the political spectrum.

The current President, Mr. Lucio Gutiérrez was elected in the second round and obtained 54.79 percent of the vote. However, even before completing the second year of his mandate (January 2005), a sharp drop in support was apparent. Moreover, his main political ally in securing the Presidency, the indigenous Pachakutik party, withdrew from the Government. As a result, the main political backing for the Government is currently the Patriotic Society Party founded by the current President for the previous presidential campaign that brought him to power and these elections should reflect the restructuring of the political scenario in line with these new developments.

One issue that has stamped its mark on the political agenda for these elections is related to the fact that Ecuadorian law stipulates that one of the causes for the demise of a political party is “...failure to obtain the minimum percentage of five percent of total valid votes in two consecutive multi-candidate national elections”.¹³ In accordance with this measure, the governing party runs the risk of falling below the required five percent minimum and the same goes for other political parties such as the People’s Democracy (DP) party that brought the previous President, Dr. Jamil Mahuad, to

¹³ Political Parties Organic Law, Title V, Article 35(c).

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power. Dr. Mahuad was replaced by Vice-President, Dr. Gustavo Noboa, before completing his mandate.

A further cause for concern among those involved in the political process was the change in the method used for allocating seats and this issue was on the National Congress agenda up to a few days before the elections. Finally, pursuant to a TSE Resolution applicable exclusively to these elections, the so-called “Imperiale” method was used and, similarly, the limits on electoral expenditure was also a recurring issue on the agenda.

A. ELECTION CAMPAIGN

Pursuant to the Organic Law on Elections and the election schedule prepared by the TSE, the election campaign was set to begin on Tuesday, August 31 and lasted 45 days until October 14, 2004.

The campaign spending limits were a determining factor in terms of the moderate amounts spent by candidates and the campaign was broadly conducted in a spirit of respect and calm.

Despite the above, and for reasons still under investigation, unfortunately two candidates were assassinated (John Lamota (PRIAN) standing for election as councilor in El Oro Province and José del Pino (also PRIAN) standing for councilor in El Empalme Canton, Guayas Province and this clouded the peaceful and democratic atmosphere that usually characterizes Ecuadorian elections.

B. CONCERNS EXPRESSED BY POLITICAL PARTIES

As explained in section 2 of this report, as part of its observation duties, the Mission established contact with representatives from political organizations to obtain their view of the implementation of the electoral process and information on their concerns regarding this process.

Among other issues, those interviewed highlighted the seat distribution method, the implementation of the electronic vote, and potential interference with the transmission of election results by telephone as their main concerns. The limits on electoral expenditure and the potential use of Government resources to promote Government party candidates were frequently mentioned and reference was also made to the advantage candidates standing for reelection would have, as these candidates would be able to use the Government apparatus to promote their activities.

C. COMPLAINTS AND ELECTORAL INCIDENTS REPORTED

Several complaints and reports were filed with the Mission, the majority of which were processed accordingly by the electoral authorities with varying results.¹⁴

On October 20, the Mission received a report from the National Action for Institutional Renewal Party (PRIAN) on irregularities in the Guayas Province Isidro Ayora Canton mayoral election and the misappropriation of seven ballot boxes in the Los Ríos Province Buena Fe Canton mayoral election. The Mission notified the TSE and subsequently informed PRIAN of the action taken in both cases.

¹⁴ Some of the reports filed were not processed, as the basis to do so was insufficient.

On October 16, the Mission received a request from the Quito Action Movement to verify the systems in place for the transmission of results by telephone. The Mission sent an official notice to the TSE regarding this cause for concern and instructed its computer and communications expert observers to monitor the operation of these systems from late afternoon on Election Day onwards.

On October 11, a report was filed by the Chairman of the People's Democracy Party (PDP) en Manabí with regard to electronic voting, stating that training in this process was influencing voters to cast their ballots for a particular list. The Mission took due note of this complaint, informed the TSE, and instructed its observers in the five precincts selected for the Electronic Voting Pilot Plan to pay special attention to how voters were being trained to cast their ballots.

Due to the certain degree of uncertainty observed in those involved in the political process with regard to the method used for allocating seats, the Mission paid particular attention to the legal-electoral framework used in these elections.

D. MEDIA COVERAGE

In the weeks running up to the elections, the written, television, and radio media gave wide coverage to the electoral process. Most TV and radio channels broadcast special and regular programs to cover the most prominent campaign issues.

In general, the press and TV coverage of both rounds of the electoral campaign was characterized by items reflecting how this campaign intensified, especially among the prefectural and mayoral candidates.

The space available to the main political organizations was balanced in the major national newspapers and television broadcasters also attempted to make room for the most prominent candidates of various political leanings.

CHAPTER VI: ELECTION DAY

The Mission observed the course of the elections in fourteen provinces nationwide (Azuay, Cotopaxi, Chimborazo, El Oro, Esmeraldas, Guayas, Imbabura, Los Ríos, Manabí, Morona Santiago, Napo, Pichincha, Sucumbíos y Tungurahua) and visited over 300 voting precincts and looked in on more than 1,100 randomly selected JRVs. The observers verified both the organization of the elections by the TSE and TPEs and compliance with the regulations guaranteeing the right to vote.

In order to achieve appropriate coverage of the entire process on Election Day, the Mission based its opinions on the qualitative scrutiny of observers deployed throughout the country. These observers attended the opening of polling stations, proceedings throughout Election Day, and the closing of polling stations, including vote counts and the reception and transmission of data in the TPEs. In addition, the Mission provided support in using the forms for processing the data collected during the observation phase and also conducted voter surveys to assess the impact of using electronic ballot boxes. The Mission's computer and communications experts were deployed in the TSE, the TPEs, and DRCs throughout the day to evaluate effectiveness and security in transmitting vote counts and a quick count of votes was carried out for the mayoral election in Quito Canton at the close of the polls.

Events observed by the Mission indicate that the elections proceeded normally in an atmosphere of trust, calm, transparency, freedom, and security. Voter turnout at the polls was massive and voting took place freely and in secret, demonstrating exemplary patriotism and democratic spirit. Despite some isolated incidents reported in Guayas, Bolivar, and Los Ríos, these occurrences did not succeed in clouding elections that were conducted in a notably orderly and peaceful manner. Only a few minor irregularities were reported nationwide, the most frequent of which included logistical organization, providing insufficient information to voters in voting precincts, and delays in initiating the voting process.

Observers placed particular emphasis on the following areas:

A. THE ELECTION PROCESS THROUGHOUT THE DAY

1. Receipt of materials

Materials arrived on time and in full at over 91 percent of the polling stations observed and, if this was not the case, TPE staff swiftly rectified the situation.

2. Setting up and opening polling stations

The Mission confirmed that JRVs were set up and opened normally, despite shortcomings with regard to the physical condition of some polling stations. In 59 percent of the JRVs visited by the Mission, polling stations opened between 7:00 am and 7:15 am, reflecting a high degree of responsibility, participation, and training on the part of the polling station members selected by the TSE.

3. Voting secrecy

Shortcomings were detected in the installation of voting screens in some cases, as these screens failed to provide the necessary privacy to ensure voting secrecy. However, despite this situation, this inconvenience did not prevent all polling stations visited from respecting voting secrecy at the end of the day.

4. Polling station staff

Although not all regular members turned up to carry out their duties in some of the JRVs observed, this did not prevent polling stations being set up pursuant to the procedures stipulated by law.¹⁵ It should be emphasized that the large number of students working at the polling stations and the major training effort by the TSE led to polling station staff carrying out their duties with a high sense of responsibility and dedication and competently performing their assigned duties.

5. Party delegates

It was observed that delegates from the various political parties were not present at 63 percent of the precincts visited. However, in those precincts in which observers were able to assess work

¹⁵ Some of the reports filed were not processed, as the basis to do so was insufficient.

carried out by these delegates, it was perceived as having a positive effect in terms of validating the transparency of the electoral process.

6. Security personnel at voting centers

Mission observers confirmed the presence of security, army, and police personnel in all voting precincts visited. These individuals behaved discretely and often gave assistance in providing voters with information and guidance in voting precincts. However, as in the 2002 elections, the Mission found no justification for the conspicuous use of firearms by the security forces, as this could act as a form of intimidation.

7. Separating voting tables by gender

Mission observers confirmed that separating polling stations by gender was considered a positive development in 67 percent of all JRVs, mainly because this helped ensure a more methodical process.

8. Voter guidance

Polling stations provided voters with guidance via computers or lists that they could consult to find out where they had to cast their ballots but this system failed to operate properly. Mission observers were able to confirm that, although the computers were much more efficient when it came to identifying voters and providing them with information, they were not always operational. In addition, providing information via lists was slow and cumbersome and this resulted in long lines of persons waiting to obtain the information they needed.

9. Closing polls and counting votes

Pursuant to the Law, “At seventeen hundred hours (5:00 pm), the Voting Board (JRV) shall declare voting closed”.¹⁶ In 12 percent of polling stations visited by observers, voters were still queuing up to cast their ballots when the polls closed and, although these persons were unable to vote, they were issued with attendance certificates. It was also observed that the vote count proceeded smoothly in more than 85 percent of JRVs observed.

Public counts and displaying charts for recording vote counts after reading these results aloud are simple procedures and tools that considerably helped achieve a higher degree of transparency in the electoral process, as confirmed by observers.

B. ELECTRONIC VOTE

One aspect on which the Mission focused special attention, and in view of the TSE’s interest in progressively incorporating electronic voting into future Ecuadorian electoral processes, was the Electronic Voting Pilot Plan, as this was the first time this process had been implemented in Ecuador.

The Mission appointed a group of observers to concentrate exclusively on becoming familiar with and evaluating this new process. To the same end, the Mission set itself the task of ascertaining

¹⁶ Organic Law on Elections, Title II, Chapter IV, Article 32.

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the impact of this new technology on voters and, for this purpose, prepared a survey that was conducted on Election Day in the five provinces in which electronic ballot boxes had been installed.

To conduct these interviews, one-hour periods for nine of the ten hours during which JRVs had to remain open were established and, in this way, the universe selected for the sample was made up of nine hours for each of the 271 JRVs (i.e. 2,439 JRV-hours). Of this total, fifteen units were selected to interview all voters in the one-hour periods selected for the sample and polling station managers were also interviewed in these JRVs.

A *simple random sample* format was used to select the interview sample.

The percentage of YES and NO answers and unanswered questions (DON'T KNOW or NO RESPONSE) and the respective confidence intervals with a confidence coefficient of 95.0 percent were estimated for opinions expressed by polling station managers and voters.

The questions were as follows:

- Was it easy to use the voting machine?
- Do you trust electronic voting?
- For future elections, would you agree with replacing the manual vote (ballot paper) with the electronic voting system you have just used?

The questions for the polling station managers interviewed were as follows:

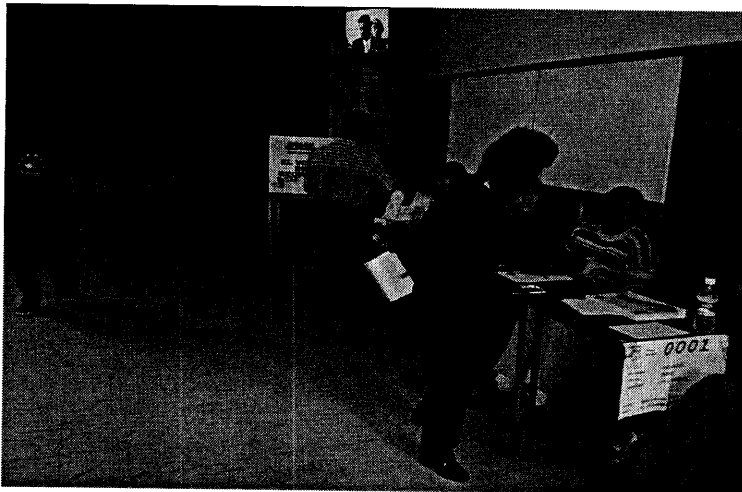
- Is this your first time as polling station manager?
- In your opinion, has using new technology improved the organization and/or implementation of the electoral process?

The results of this survey indicated that 85 percent of voters thought it was easy to use the electronic ballot boxes and 82 percent agreed with replacing the conventional voting system (ballot papers) with electronic voting. Polling station managers with previous election experience replied that using electronic voting and new technology definitely modernized and strengthened the organization and implementation of electoral processes.

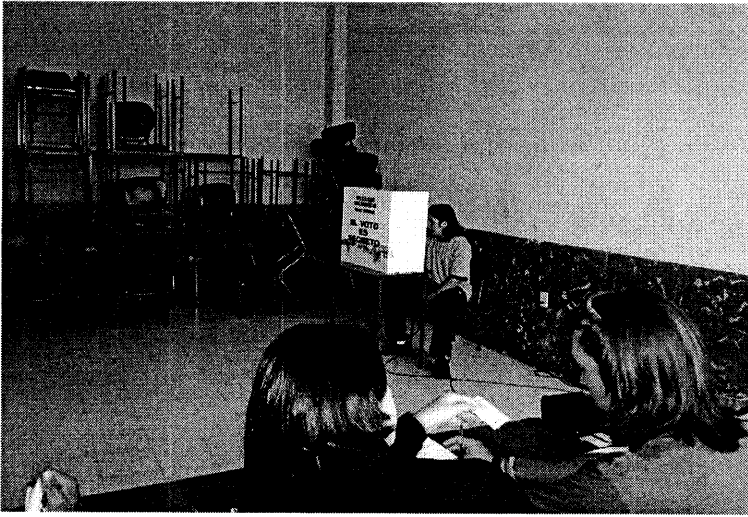
TSE officials provided voters with pre-voting training on Election Day, as can be seen in the picture below:



The newly trained voters then immediately proceeded to cast their ballots:



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Votes for all elections held (prefects, provincial councilors, mayors, and municipal councilors) were tallied at 5:00 pm using the computer system installed in the electronic ballot boxes and the reviewed vote tallies were sent to the TSE counting center.

At 6:00 pm, election data from locations equipped with “electronic JRVs” were available to Ecuadorians and the world at large via the Internet.

The Mission evaluation of the electronic voting system has been broadly positive, given that voters and polling station members were successfully trained in electronic voting, efficient technical support was available to change equipment, removable media guaranteed that voting progressed smoothly and without delay, votes were reviewed and tallied swiftly and securely, and a simple voting interface was available for a complex voting process involving several simultaneous elections in a multi-candidate election format.

C. MEDIA COVERAGE

Apart from some minor aspects, Election Day media coverage was positive, optimistic, and characterized by an emphasis on the significant voter turnout in these elections.

At the close of polls, attention focused on the television channels, which directed their efforts at disseminating the early results issued by the TSE. Observers noted the care taken by television broadcasters and the written press to emphasize that these results were preliminary and based on the quick count conducted by “Comicios Ecuador” (a Colombian-Ecuadorian partnership). Candidates in both rounds demonstrated responsible and democratic behavior in patiently waiting for the election results.

D. VOTE COUNT

In accordance with election law, in order to conduct the vote count, the Provincial Tribunals must install themselves at 9:00 pm on Election Day and remain until the vote count is complete. This

process may not exceed ten days as from the day following Election Day¹⁷ and the deadline for these elections was Wednesday, October 27, 2004.

The Mission observed that, in general, the TPE vote count was carried out in accordance with the law, in an orderly manner, and was attended by the delegates from the parties taking part in this election contest.

E. COMPLAINTS AND INCIDENTS REPORTED

On Election Day, Mission observers received complaints and reports of various types, the majority of which were related to late opening of JRVs, failure of JRV members to show up in full, materials missing in election kits, crowding of JRVs in small polling locations, and lack of information for voters at polling stations. It should be pointed out that these queries neither affected the elections nor clouded the exemplary election conducted on October 17.

F. QUICK COUNT BY THE EOM¹⁸

The *quick count* (QC) is a technique used to verify elections and, *inter alia*, is aimed at confirming accuracy and transparency in transmitting and processing election results. The QC is a statistical process used to audit the official vote count in an election and, for these elections, this involved using a sample of JRVs at which the vote count was attended by OAS observers in order to guarantee the results obtained at these JRVs. Statistical methods are employed to project results from these JRVs for the entire universe of JRVs in the area selected. The official election results are then compared with the results of the QC projection and any discrepancy in the figures (within a certain margin of error) is an indication of problems or irregularities in the official count. In view of this fact, it is important to point out that the QC is not designed to predict the winner of the election (although this could be valuable additional information) but rather to indicate the presence of any deviations in the official count, as mentioned above.

In these Ecuadorian municipal elections, the QC was only used to evaluate votes in the Quito Canton mayoral election.

For the QC, it was decided to use a sample of 20 JRVs selected using a *simple random sample* of the 6,590 polling stations in Quito Canton. Due to the small number of observers available to the Mission, two samples (each comprising ten JRVs) were selected. The first sample was denominated *primary sample* and the second *secondary sample*. An observer was present at the vote count for the JRVs included in the primary sample and, once these data were obtained and transmitted to the computing center, the same observer collected the respective data from the secondary sample.

Vote percentages, blank vote and invalid vote percentages, and participation (i.e. the percentage of eligible voters who actually voted in the Quito mayoral election) were estimated for each candidate. In addition, the margin of error for each estimation with a confidence coefficient of

¹⁷ Organic Law on Elections, Title IV, Chapter II, Article 85.

¹⁸ Bibliography: 1) Cochran, W.G. (1977): *Sampling Techniques*, third edition, John Wiley & Sons Inc., New York, NY. 2) Sukhatme, P.V. and Sukhatme, B.V. (1970): 3) *Sampling Theory of Surveys With Applications*, Second, Revised Edition, Iowa State University Press, Ames, IO.

95.0 percent was also estimated and statistical tests were conducted to compare data from primary and secondary samples before combining these data to calculate projections.

The calculations were carried out in a microcomputer using SAS® version 8.2 and Windows XP and the calculation programs used were tested on computer-simulated populations.

The results will now be presented below. It is worth noting that the reliability of results is valid for each separate estimation (i.e. for individual results) and is not universally valid for all estimations at the same time. There is no evidence of significant statistical differences between results for primary and secondary samples.

Percentages of votes cast for candidates, blank votes, invalid votes, and participation percentages, and percentages for each response are presented below.

Projected Vote Percentages Confidence 95%			
Candidates, Vote Categories, and Participation	%	Lower Limit	Upper Limit
PACO MONCAYO GALLEGOS	52.96	48.74	57.18
RODRIGO PAZ DELGADO	37.62	34.51	40.72
MARCELO EDUARDO CRUZ UTRERAS	3.27	1.91	4.63
ERMEL GUILLERMO FIALLO GRUNAGUER	2.81	1.24	4.38
GUSTAVO ALBERTO BURGOS CABEZAS	2.54	1.29	3.78
NESTOR EDUARDO DE LA CADENA FLORES	0.81	0.41	1.21
BLANK	2.05	0.56	3.54
INVALID	7.58	5.93	9.23
PARTICIPATION	71.93	67.22	76.63

Percentages for candidates are calculated on the basis of total valid votes. Abstention and invalid vote percentages are calculated on the basis of total votes per polling station.

CHAPTER VII: POST-ELECTION PHASES

The post-election period passed peacefully in terms of election results, with the exception of one contested ballot that has to be resolved by the TSE.

On Sunday 24, the elections that had been suspended were completed in the respective precincts and the TPEs are currently counting the votes. As already indicated, the deadline for this process is Wednesday, October 27. However, the Guayas Electoral Tribunal requested a few more days to process the vote in some precincts for which the tally sheets had been misplaced and votes had to be counted manually.

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One aspect that had created a certain degree of uncertainty with regard to using the “Imperiale” method selected by the TSE to allocate seats is in the process of being resolved, as the Executive Branch has rejected initiatives to prevent its application.

On completion of this report, the TSE had neither announced the official results nor was there any indication of which political parties had failed to achieve five percent of the vote in two consecutive multi-candidate elections and would consequently be removed from the political party register.

A. DISSEMINATION OF ELECTION RESULTS

Although the TSE hired the services of the Spanish company Indra to handle the immediate transmission of preliminary election results, the expected outcome was not forthcoming, as the deadlines set for Indra to report results were substantially exceeded. This problem was rooted in the fact that transmission of results by telephone took longer than projected. In addition, there were not enough DRC telephone lines to cope with the volume of calls from voting precincts.

Despite the above, more than 90 percent of data on the most symbolic election results (prefectoral and mayor elections) had been received by 9:00 am on October 18. In general, election results have been coming in gradually since Election Day and will be in place within the legally stipulated deadlines with the exception of the Guayas results.

Preliminary Results as at November 8, 2004

Party	Parties and	List	Actual	%	%	%
Acronym	Movements	Number	Votes	Municipal Councilors	Provincial Councilors	National
CFP	Concentration of Popular Forces Party	4	136,807.30	2.9	4.34	3.62
DP-UDC	People's Democracy-Christian Democrat Union	5	219,533.91	4.65	6.68	5.67
ID	Democratic Left Party	12	466,389.21	9.89	9.53	9.71
MPD	Democratic People's Movement	15	256,043.48	5.43	5.58	5.5
MPS	Patriotic Solidarity Movement	24	87,272.33	1.85	1.02	1.43
MUPP-NP	Multinational Pachakutik United Movement New Country	18	378,276.96	8.02	8.34	8.18
PRE	Ecuadorian Roldosista Party	10	442,287.27	9.38	7.94	8.66
PRIAN	National Action for Institutional Renewal Party	7	542,171.00	11.49	12.45	11.97
PSC	Social Christian Party	6	1,308,756.44	27.74	24.9	26.32
PS-FA	Socialist Party-Broad Front	17	225,713.62	4.78	6.72	5.75
PSP	Patriotic Society Party	3	284,976.73	6.04	7.25	6.65
TOTAL			4,348,228.25			
BLANK VOTES			520,931.00			
INVALID VOTES			632,376.00			
GRAND TOTAL			5,501,535.25			

This version is subject to revision and will not be available to the public pending consideration, as the case may be, by the Permanent Council

B. OBSERVATION OF SUSPENDED ELECTIONS

As a result of various drawbacks, elections were not completed on October 17 in the following electoral precincts: (1) The urban area of Pajar Canton, Manabí Province, (2) Montalvo Canton, Los Ríos Province, (3) El Empalme Canton, Guayas Province, (4) Simón Bolívar Canton, Guayas Province, (5) Valle de la Virgen Parish in Pedro Carbo Canton, Guayas Province, (6) Salvias Parish in Zaruma Canton, El Oro Province, (7) Paquisha Parish in Paquisha Canton, Zamora Chinchipe Province.

The TSE instructed that these elections be held on Sunday, October 24. The Mission was not able to observe these elections due to a lack of human resources and funding. However, the TSE supplied the necessary means and communications media to confirm that these elections proceeded normally and that the public exercised its right to vote freely and in secret.

CHAPTER VIII: CONCLUSIONS AND RECOMMENDATIONS

The Mission succeeded in obtaining a comprehensive, detailed, and in-depth view of the October 17 electoral process and is of the opinion that the elections were peaceful, free, and transparent. The elections were well organized and managed satisfactorily despite minor difficulties and isolated occurrences that led to the suspension of voting in some locations nationwide without affecting the overall process.

The Ecuadorian people once again demonstrated their civic maturity with a massive turnout at the polls in an overall climate of calm, trust, and healthy democratic coexistence. This attitude provides the international community with clear evidence of Ecuadorians' commitment to and interest in democracy and the values enshrined in the Inter-American Democratic Charter.

The OAS Mission congratulates the Ecuadorian people on their civic spirit and their orderly, enthusiastic, and peaceful participation and the candidates and political parties are to be equally congratulated on holding a contest predominantly marked by mutual tolerance and respect.

In turn, the Ecuadorian electoral institutions demonstrated their ability and efficiency in their transparent and sincere handling of the elections, thus strengthening their institutional role and consolidating the credibility of the electoral system as a whole.

The incorporation of new procedures aimed at rendering the vote count more transparent and the introduction of new technologies (especially electronic voting) represent significant progress indicating Ecuadorians' renewed interest in improving mechanisms that help foster democracy in Ecuador.

Lastly, the Mission expresses its most sincere thanks to the Ecuadorian people for the generous and cordial welcome extended to the international observers and equal thanks to the electoral authorities, the armed forces, the police, and all JRV members for their cooperation in helping the Mission carry out its activities.

SUGGESTIONS AND RECOMMENDATIONS

The Mission is committed to increasingly improving electoral processes in Ecuador, including improving the technical and logistical aspects of these processes. While observing the various stages of the current elections, observers became aware of a number of aspects that could be improved and these aspects are presented below. The following suggestions and recommendations aim to assist the efforts of the TSE and all other actors involved in electoral processes to improve Ecuadorian democratic mechanisms.

Seat allocation method. Although the TSE decided the method to be applied in this election, the Mission recommends that said TSE consider the option of entering into a dialog with the political parties, Government institutions, and civil society organizations to design a system to replace the D'Hont method and ensure the necessary representative balances for majorities and minorities alike without contravening constitutional provisions. (A short explanation of the reason for this could be added.)

Immediate transmission of results. The Mission recommends that work continue on improving procedures for the immediate transmission of data and, at the same time, recommends that the TSE explore the possibility of dispensing with external services for this part of the election process and, with assistance from the international organizations that work together with it, strengthen its own ability to transmit results immediately via the media it has at its disposal.

Organic Law on Controlling Electoral Expenditure and Election Campaign Materials. Along the same lines as the Mission's recommendation for the seat allocation method, the TSE should initiate a dialog with the political parties, Government institutions, and civil society organizations to ensure that electoral spending ceilings more accurately reflect election campaign costs for the various public offices being contested. The Mission also recommends amending the Law to include the necessary restraining elements to guarantee its effectiveness when upper spending limits are exceeded.

Electronic voting. Based on the success achieved in developing the Electronic Voting Pilot Plan implemented by the TSE in these elections, the Mission suggests using this technology on a wider scale. For this purpose, the TSE should plan sufficiently in advance, drawing on the experience gained and assisted by the international organizations working with it in this area.

In order to ensure that the electronic ballot box becomes increasingly accepted by voters, the TSE should focus its training initiatives on population sectors with the least training in the use of this technology and should also ensure that training be conducted without including the actual names of candidates and political parties, as this could result in allegations of inducing the vote. In addition, using black and white screens could overcome the potential problem of voters identifying with the colors of the political parties they support.

Precinct selection. The Mission recommends improving TSE logistical management in terms of selecting electoral precincts, as some of these precincts fail to meet requirements for the optimal operation of JRVs, especially with regard to ensuring that all JRVs are sheltered from rain and wind.

Electoral information. The use of computers to supply information to voters in some voting precincts proved highly efficient. The TSE should ensure that computer equipment used in elections

functions appropriately and has back-up batteries in the event of power outages. Similarly, the TSE should find a mechanism(s) (such as leasing, etc.) to provide computer equipment in all voting precincts that, due to their size or location, require an appropriate and efficient system to supply voters with information.

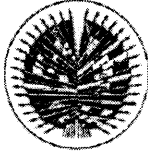
The media. The Mission recommends that civil society and political parties deepen the discussion on media access, the cost of election campaign materials, and other issues relating to the role of the media in elections. Various sectors informed the Mission that these issues were causes for concern and an effort should be made to create a more equitable system and, in particular, establish a formula to ensure that all parties are granted reasonable media access during election campaigns.

Voter registry. The TSE must continue its efforts to eliminate errors from the voter registry and keep this list updated on an ongoing basis, as this will help to provide information on actual voter participation in elections. In view of the high level of migration that has taken place in Ecuador in recent years, the Mission suggests finding a mechanism to assess the impact of this trend on the electoral list.

Role of the military. The Mission's assessment of military involvement was broadly positive. However, the use of shoulder arms should be restricted as far as possible to ensure that the military presence contributes to achieving the desired climate of order and control, without exerting an intimidating influence inside polling precincts.

Indelible ink. The Mission recommends eliminating the use of indelible ink, as alternative mechanisms are available to prevent double voting. In addition, the Mission was able to confirm that no checks are run in JRVs to determine if voters have ink stains on their fingers and that voters only marked their finger very lightly to prevent the marking from being visible if another attempt was made to vote.

CHAPTER IX: FINANCIAL REPORT



Organización de los Estados Americanos
 Organização dos Estados Americanos
 Organisation des États américains
 Organization of American States

June 2, 2005
 OBFS/FR/258-05

To: Mr. John Biehl, Director, Department for Democratic and Political Affairs
From: Alfonso Munevar, Director, Office of Budgetary and Financial Services
Subject: Financial Statement

In response to the request of Ms. Victoria Figueroa from your office, enclosed please find the Statement of Changes in Fund Balance for the contribution from the Government of the United States to the project Electoral Observation Mission Ecuador 2004, from inception (October 1, 2004) to May 26, 2005.

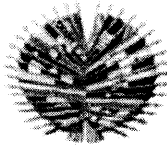
As per your request, we are currently in the process of transferring the unused funds of this activity and will inform you when the transaction is completed.

Enclosure

cc.: Mr. Frank Almaguer, Director, Department for Administration and Finance
 Ms. Jacqueline Deslauries, Director, Office for the Promotion of Democracy

Organization of American States
 17th & Constitution Ave. N.W.
 Washington, D.C. 20006

**ORGANIZATION OF AMERICAN STATES
OFFICE FOR THE PROMOTION OF DEMOCRACY**



**CONTRIBUTION FROM THE GOVERNMENT OF THE UNITED STATES
Electoral Observation Mission Ecuador 2004**

**STATEMENT OF CHANGES IN FUND BALANCE
From Inception (October 1, 2004) to May 26, 2005**

Increases

<i>Contribution</i>		\$ 65,000
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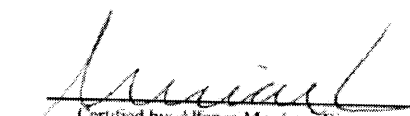
Decreases

<i>Expenditures</i>		
Travel	\$ 29,571	
Equipment, Supplies and Maintenance	9,093	
Building and Maintenance	300	
Performance Contracts	19,403	
Other Expenses	4,071	
Total Decreases		62,438

Net change during period		2,562
--------------------------	--	-------

Unliquidated Obligations		2,506
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Fund balance at end of period		\$ <u>56</u>
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 Certified by: Alfonso Munévar, Director
 Office of Budgetary and Financial Services

Project UPD-EOM030
 Award USDEP04/20
 Preparer LRYON

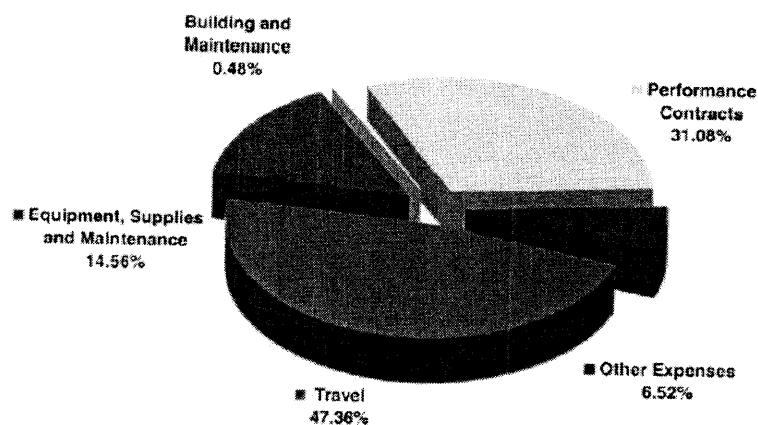
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ORGANIZATION OF AMERICAN STATES
OFFICE FOR THE PROMOTION OF DEMOCRACY



CONTRIBUTION FROM THE GOVERNMENT OF THE UNITED STATES
Electoral Observation Mission Ecuador 2004
From Inception (October 1, 2004) to May 26, 2005

Expenditure Composition by Object of Expense



DESCRIPTION OF OBJECTS OF EXPENDITURE

National and International Travel - This category includes expenditures related to travel and per diem expenses for international supervision, control administration, as well as local travel and contracted personnel for internal program administration.

Equipment, Supplies and Maintenance - This category includes: a) fuel, lubricant, insurance, and vehicle maintenance; b) helicopter services related costs; c) field equipment, and supplies.

Building & Maintenance - Includes repairs and maintenance for fixed installations of the office, as well as rent and service payments such as water, electricity and communication costs.

Performance Contracts - This category includes: a) local contracts for administrative, security, drivers personnel, and translation services; b) international contracts in the field and at headquarters-OAS; c) life and health insurance for both international and national personnel.

Other Expenses - Shipping costs, customs fees, petty cash, advances, exchange rate difference and miscellaneous expenses.

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APPENDIX I

LETTER OF INVITATION FROM THE TSE TO THE OAS

This version is subject to revision and will not be available to the public pending consideration, as the case may be, by the Permanent Council



O.K. Atte
Luisa Elena Tola.

PRESIDENCIA

Oficio No. 265-P-NMP-TSE-2004
Quito, Septiembre 7 de 2004


Señora Licenciada
ELIZABETH SPEHAR
Coordinadora Ejecutiva de la UPD/OEA
Washington D.C.


De mi mayor consideración:

La Organización de los Estados Americanos (OEA), para los sucesivos eventos electorales de Ecuador, nos ha asistido con una MISIÓN DE OBSERVACIÓN ELECTORAL; y su presencia ha sido saludable y en algún momento definitiva, para la vida democrática del país.

Independientemente de la invitación y pedido que el señor Ministro de Relaciones Exteriores le formulará al señor Secretario General de la Organización, quiero adelantarle este pedido de un Monitoreo técnico político para el proceso, a fin de que, en el ámbito operativo, se sirva, Usted, de ser posible, adelantar el asunto. El doctor Carlos María Ocampo, Representante de la OEA en Quito, le habrá anticipado algo al respecto.

Expresándole el agradecimiento del Tribunal Supremo Electoral, le renuevo mi más distinguida consideración y le saludo muy atentamente.


Dco. NICANOR ESCOBEDO LEZO
Presidente Tribunal Supremo Electoral



/osb

APPENDIX II

AGREEMENT ON THE PRIVILEGES AND IMMUNITIES OF THE OBSERVERS

This version is subject to revision and will not be available to the public pending consideration, as the case may be, by the Permanent Council

**ACUERDO ENTRE LA SECRETARÍA GENERAL
DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
Y EL GOBIERNO DE LA REPÚBLICA DEL ECUADOR
RELATIVO A LOS PRIVILEGIOS E INMUNIDADES DE LOS
OBSERVADORES DE LAS ELECCIONES SECCIONALES DEL 17 DE
OCTUBRE DE 2004**

Las partes de este Acuerdo, la Secretaría General de la Organización de los Estados Americanos (la Secretaría General de la OEA), y el Gobierno de la República del Ecuador,

CONSIDERANDO:

Que el Gobierno de la República del Ecuador por medio de una comunicación dirigida al Secretario General de la OEA, con fecha 15 de septiembre de 2004 solicitó la asistencia de una Misión de Observación de la OEA para las elecciones municipales del 17 de octubre de 2004;

Que mediante nota del 29 de septiembre de 2004, la Secretaría General de la OEA aceptó la invitación y ha conformado un Grupo de Observadores de la OEA para realizar una Misión de Observación en Ecuador (en adelante la Misión);

Que el Grupo de Observadores de la OEA está integrado por funcionarios de la Secretaría General de la OEA y observadores internacionales contratados por la Secretaría General de la OEA para participar en la Misión;

Que el artículo 133 de la Carta de la OEA dispone: "la Organización de los Estados Americanos gozará en el territorio de cada uno de sus miembros de la capacidad jurídica, privilegios e inmunidades que sean necesarios para el ejercicio de sus funciones y la realización de sus propósitos"; y

Que los privilegios e inmunidades reconocidos a la OEA, a la Secretaría General de la OEA, a su personal y a sus bienes en la República del Ecuador, además de lo previsto en la Carta de la OEA, están establecidos en el Acuerdo sobre Privilegios e Inmunidades de la OEA, adoptado el 15 de mayo de 1949, del cual es parte la República del Ecuador al depositar el gobierno su instrumento de ratificación el 5 de junio de 1951; en el Acuerdo entre la Secretaría General de la Organización de los Estados Americanos y el Gobierno de la República del Ecuador sobre el funcionamiento en Quito de la Oficina de la OEA en Ecuador, suscrito el 30 de mayo de 1975.

- 2 -

ACUERDAN LO SIGUIENTE:

CAPÍTULO 1

PRIVILEGIOS E INMUNIDADES DEL GRUPO DE OBSERVADORES DE LA OEA

ARTÍCULO 1

Los privilegios e inmunidades del Grupo de Observadores de la OEA en las elecciones municipales del 17 de octubre de 2004 de la República del Ecuador serán aquellos que se otorgan a la OEA, a los Órganos de la OEA, y al personal de los mismos.

ARTÍCULO 2

Los bienes y haberes del Grupo de Observadores de la OEA en cualquier lugar del territorio de la República del Ecuador y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra todo procedimiento judicial, a excepción de los casos particulares en que se renuncie expresamente a esa inmunidad. Se entiende, sin embargo, que esa renuncia de inmunidad no tendrá el efecto de sujetar dichos bienes y haberes a ninguna medida de ejecución.

ARTÍCULO 3

Los locales que ocupe el Grupo de Observadores de la OEA serán inviolables. Asimismo, sus haberes y bienes, en cualquier lugar del territorio de la República del Ecuador y en poder de cualquier persona en que se encuentren, gozarán de inmunidad contra allanamiento, requisición, confiscación, expropiación y contra toda otra forma de intervención, ya sea de carácter ejecutivo, administrativo, judicial o legislativo. Dichos locales no podrán ser usados como lugar de asilo por personas que traten de evitar ser arrestadas en cumplimiento de una orden judicial emanada de un tribunal competente de la República del Ecuador, o que estén requeridas por el Gobierno de la República del Ecuador, o traten de sustraerse a una citación judicial.

- 3 -

ARTÍCULO 4

Los archivos del Grupo de Observadores de la OEA y todos los documentos que le pertenezcan o que se hallen en su posesión, serán inviolables dondequiera que se encuentren.

ARTÍCULO 5

El Grupo de Observadores de la OEA estará: a) exento del pago de todo tributo interno entendiéndose, sin embargo, que no podrán reclamar exención alguna por concepto de tributos que de hecho constituyan una remuneración por servicios públicos; b) exentos del pago de toda tributación aduanera, y de prohibiciones y restricciones respecto a artículos y publicaciones que importen o exporten para su uso oficial. Se entiende, sin embargo, que los artículos que se importen libres de derechos, sólo se venderán en el país conforme a las condiciones que se acuerden con el Gobierno de la República del Ecuador; y c) exento de afectación por ordenanzas fiscales, reglamentos o moratorias de cualquier naturaleza. Además podrán tener divisas corrientes de cualquier clase, llevar sus cuentas en cualquier divisa y transferir sus fondos en divisas.

CAPÍTULO II**DE LOS MIEMBROS DEL GRUPO DE OBSERVADORES DE LA OEA****ARTÍCULO 6**

Serán miembros del Grupo de Observadores de la OEA (en adelante los Observadores) aquellas personas que hayan sido debidamente designadas y acreditadas ante el Tribunal Supremo Electoral (TSE) de la República del Ecuador por el Secretario General de la OEA.

ARTÍCULO 7

Los Observadores gozarán durante el período en que ejerzan sus funciones y durante sus viajes de ida y regreso a la República del Ecuador de los privilegios e inmunidades siguientes:

- 4 -

- a) Inmunidad contra detención o arresto personal e inmunidad contra todo procedimiento judicial respecto a todos sus actos ejecutados y expresiones emitidas, ya sean orales o escritas en el desempeño de sus funciones;
- b) Inviolabilidad de todo papel y documento;
- c) El derecho de comunicarse con la Secretaría General de la OEA por medio de radio, teléfono, vía satélite u otros medios y recibir documentos y correspondencia por mensajeros o en valijas selladas, gozando al efecto de los mismos privilegios e inmunidades que los concedidos a correos, mensajeros o valijas diplomáticas;
- d) El derecho de utilizar para su movilización cualquier medio de transporte, tanto aéreo como marítimo o terrestre en todo el territorio nacional;
- e) Excepción, respecto de sí mismo y de sus cónyuges e hijos, de toda restricción de inmigración y registro de extranjeros y de todo servicio de carácter nacional en la República del Ecuador;
- f) La más amplia libertad para el traspaso de fondos y para la negociación en cualquier lugar y forma de divisas, cheques, metálicos, monedas o billetes extranjeros, que reciban como retribuciones y beneficios por sus servicios, no estando sujeto a las limitaciones, restricciones, o medidas de fiscalización o control que se establezcan sobre la materia;
- g) Las mismas inmunidades y franquicias respecto de sus equipajes personales, acordadas a los enviados diplomáticos; y también,
- h) Aquellos otros privilegios, inmunidades y facilidades compatibles con lo antes dicho, de los cuales gozan los enviados diplomáticos, salvo exención de derechos aduaneros sobre mercaderías importadas (que no sean parte de su equipaje personal) o de impuestos de ventas y derechos de consumo.

- 5 -

ARTÍCULO 8

Las disposiciones contenidas en el artículo 7 de este Acuerdo no son aplicables a los nacionales acreditados, salvo respecto de los actos oficiales ejecutados o expresiones emitidas en el ejercicio de sus funciones.

ARTÍCULO 9

La Misión podrá establecer y operar en el territorio de Ecuador un sistema de radio-comunicaciones autónomo destinado a proveer enlace permanente entre los Observadores y los vehículos que utilice la Misión con las oficinas y sedes regionales, como de éstas con la sede central en Quito y de ésta con la sede de la Secretaría General de la OEA en Washington, D.C., para cuyo logro el Gobierno de la República del Ecuador prestará toda la colaboración técnica y administrativa que se considere necesaria.

CAPÍTULO III**COOPERACIÓN CON LAS AUTORIDADES****ARTÍCULO 10**

Los Observadores colaborarán con las autoridades competentes de la República del Ecuador para evitar que ocurran abusos en relación con los privilegios e inmunidades concedidos. Asimismo, las autoridades competentes de la República del Ecuador harán todo lo posible para facilitar la colaboración que les sea solicitada por los Observadores.

ARTÍCULO 11

Sin perjuicio de los privilegios e inmunidades otorgados, los Observadores respetarán las leyes y reglamentos vigentes en la República del Ecuador.

ARTÍCULO 12

El Gobierno de la República del Ecuador y el Secretario General tomarán las medidas que sean necesarias para procurar un arreglo amistoso para la solución adecuada de:

- 6 -

- a) las controversias que se originen en contratos u otras cuestiones de derecho privado; y
- b) las controversias en que sea parte cualquiera de los Observadores respecto de materias en que gocen inmunidad.

CAPÍTULO IV

CARÁCTER DE LOS PRIVILEGIOS E INMUNIDADES

ARTÍCULO 13

Los privilegios e inmunidades se otorgan a los Observadores para salvaguardar su independencia en el ejercicio de sus funciones de observación de las elecciones municipales del 17 de octubre de 2004 en la República del Ecuador y no para beneficio personal, ni para realizar actividades de naturaleza política en territorio Ecuatoriano.

Por consiguiente el Secretario General de la OEA renunciará a los privilegios e inmunidades de éstos en caso de que, según su criterio, el ejercicio de ellos impida el curso de la justicia y cuando dicha renuncia pueda hacerse sin que se perjudiquen los intereses de la OEA.

CAPÍTULO V

IDENTIFICACIÓN

ARTÍCULO 14

El Tribunal Supremo Electoral de la República del Ecuador proveerá a cada uno de los Observadores de un documento de identidad, el cual contendrá el nombre completo, el cargo o rango y una fotografía. Los Observadores no estarán obligados a entregar dicho documento sino a presentarlo cuando así lo requieran las autoridades de la República del Ecuador.

- 7 -

CAPÍTULO VI**DISPOSICIONES GENERALES****ARTÍCULO 15**

El Gobierno de la República del Ecuador reconoce el “documento oficial de viaje” expedido por la Secretaría General de la OEA como documento válido y suficiente para los viajes de los Observadores. Dicho documento requiere visado oficial para que los Observadores ingresen en el país y permanezcan en él hasta el término de su Misión Oficial.

ARTÍCULO 16

Las partes resolverán mediante negociaciones directas cualquier controversia relativa a la interpretación o ejecución de este Acuerdo

ARTÍCULO 17

Ninguna de las disposiciones contenidas en este Acuerdo se entenderá como una renuncia de los Privilegios e Inmunidades de los que gozan las Organización de los Estados Americanos, sus órganos y su personal.

ARTÍCULO 18

Este Acuerdo podrá ser modificado por mutuo consentimiento del Gobierno de la República del Ecuador y de la Secretaría General de la OEA.

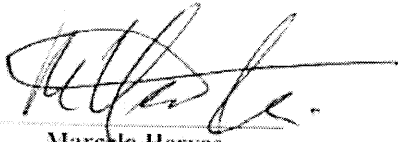
ARTÍCULO 19

Este Acuerdo entrará en vigor en la fecha de su firma.

- 8 -

EN FE DE LO CUAL, los infrascritos firman el presente Acuerdo en dos ejemplares de un mismo tenor, en la ciudad de Washington DC a los 15 días del mes de octubre del año dos mil cuatro.

**POR EL GOBIERNO DE LA
REPÚBLICA DEL ECUADOR**

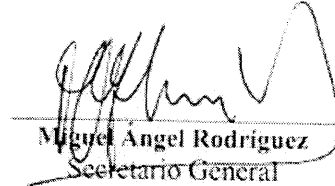


Marcelo Hervas

Embajador

Representante Permanente de
Ecuador ante la Organización
de los Estados Americanos

**POR LA SECRETARÍA GENERAL
ORGANIZACIÓN DE LOS
ESTADOS AMERICANOS**



Miguel Angel Rodriguez

Secretario General

APPENDIX III
PRESS RELEASES

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Organización de los Estados Americanos
Organização dos Estados Americanos
Organisation des États américains
Organization of American States

**MISIÓN DE OBSERVACIÓN
Elecciones Municipales – Ecuador 2004**

Contacto: Gabriela Chauvin
Tel.: 255-5353 / 255-5354 / 098207584
233-3447 / 098113525
E-mail: gabychauvin@hotmail.com

15 de Octubre de 2004

**LOS OBSERVADORES DE LA OEA SE ENCUENTRAN
EN DISTINTAS PROVINCIAS DEL PAÍS**

En el marco de las elecciones seccionales en el Ecuador, 2004, la Misión de Observación Electoral (MOE) de la Organización de los Estados Americanos (OEA) se encuentra realizando sus actividades de observación a lo largo del territorio ecuatoriano.

Un total de 58 observadores, entre ellos, expertos en temas relacionados con la organización electoral, legislación, informática y capacitación, se encuentran en el Ecuador llevando a cabo las tareas de observación del proceso electoral.

Integran la Misión, observadores provenientes de 15 países miembros de la Organización: Argentina, Bolivia, Brasil, Canadá, Chile, Colombia, Costa Rica, Estados Unidos, Guatemala, Honduras, Nicaragua, Paraguay, Perú, Uruguay y Venezuela; así como observadores de España y Japón.

Actualmente, los observadores se encuentran en las provincias de Azuay, Cañar, Chimborazo, Cotopaxi, El Oro, Esmeraldas, Guayas, Imbabura, Loja, Los Ríos, Manabí, Morona Santiago, Pichincha, Sucumbios y Tungurahua, contactándose con las correspondientes autoridades electorales y gubernamentales, los candidatos y representantes de los partidos políticos, los medios de comunicación y la población en general.

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con el propósito de intercambiar opiniones y de recibir, de manera directa, sus apreciaciones e inquietudes respecto del ambiente político-electoral.

La Misión se encuentra acompañando la distribución y entrega del material electoral, además, atenderá la observación el día domingo, desde cuatro aspectos: el cualitativo, referido a la organización electoral; la incorporación de nuevas tecnologías, específicamente la utilización de las urnas electrónicas y su impacto en el electorado; el papel de los Centros de Cómputo, en los procesos de totalización y transmisión de resultados; y el cuantitativo, que implica la posibilidad de realizar proyecciones de los resultados electorales.

Igualmente, la Misión emprenderá esfuerzos para coordinar sus actividades de observación con la iniciativa de observación nacional ‘Participación Ciudadana’.

La Misión emitirá un comunicado sobre el desarrollo de los comicios del próximo 17 de octubre y, posteriormente, la Secretaría General de la OEA presentará un informe final al Gobierno y al Tribunal Supremo Electoral (TSE), así como a los Estados miembros.



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MISIÓN DE OBSERVACIÓN ELECCIONES SECCIONALES ECUADOR - OCTUBRE 2004

JORNADA ELECTORAL NOTICIAS PRE COMICIOS

Quito, 17 de octubre del 2004

Observadores desestiman denuncias de fraude en elecciones.- *Quito, EFE* La misión de observadores internacionales de la Organización de Estados Americanos (OEA), que vigila las elecciones provinciales y municipales en el país, desestimó hoy la posibilidad de fraude. El subjeefe de la misión de la OEA, Moisés Buenamor, aseguró que el proceso electoral se desarrolla con absoluta normalidad en Ecuador y restó importancia a los comentarios de varios grupos políticos que habían advertido de la posibilidad de fraude. Aunque no dijo quiénes lanzaron esa acusación, Buenamor destacó la limpieza del proceso, así como la actitud de los votantes que han acudido masivamente a las urnas. Buenamor aseguró que la jornada electoral se desarrolla con "absoluta normalidad", pese a que admitió algunas dificultades en los cantones de Paján y El Empalme. Indicó que existe "mucho libertad", aunque también admitió que el proceso sufrió un ligero retraso al comienzo de la jornada, que ya se ha solucionado. Buenamor dijo que se mantiene contacto permanente con los más de 50 observadores de la OEA por todo el país con el fin de tener una información precisa sobre el avance del proceso. Por su parte, el vocal del Tribunal Supremo Electoral (TSE), Carlos Aguinaga, dijo que la votación en el cantón El Empalme, en la provincia de Guayas, se mantiene suspendida. Aguinaga, señaló que en esa jurisdicción el proceso se detuvo cuando simpatizantes de un candidato descalificado reclamaban su inclusión en la papeleta. El funcionario puntualizó que varios simpatizantes del candidato descalificado, que no conocían la disposición, protagonizaron varios disturbios, por lo que se suspendió el proceso. Además, comentó que en el cantón Paján, en la provincia costera de Manabí, el proceso se reanudó, tras solucionarse un altercado entre militantes de dos grupos políticos rivales. (El Comercio)

Observadores de la OEA piden a ecuatorianos que acudan a las urnas.- *Quito, EFE* Los observadores de la Organización de Estados Americanos (OEA) pidieron hoy a los ecuatorianos que acudan a las urnas mañana para elegir a sus representantes municipales y provinciales. La misión de la OEA sigue de cerca las actividades que se llevan a cabo con miras al día de los comicios y ultima mecanismos de observación para atender procedimientos como la instalación de mesas, apertura de la votación, utilización del voto electrónico, cierre, escrutinio, cuenta de votos y transmisión de resultados. La misión considera, por lo observado hasta el momento, "que una vez más los actores políticos actuarán con respeto, tolerancia y civismo, durante el ejercicio de su tan importante labor", dice un comunicado de los observadores. En las elecciones de mañana se aplicará por primera vez en la historia de este país un plan piloto para el voto electrónico, con el asesoramiento de Brasil. El presidente del Tribunal Supremo Electoral (TSE), Nicanor Moscoso, dijo hoy en rueda de prensa que todo se encuentra listo para la aplicación del nuevo método y excluyó cualquier posibilidad de fraude tecnológico. La empresa española Indra, contratada para realizar el escrutinio de las elecciones, tiene "todo listo" para el proceso y espera poder dar los resultados dos horas después del cierre de las urnas. No obstante, representantes de Indra aclararon hoy que todo depende del ritmo con el que se desarrolle el escrutinio en las distintas provincias. Indra usará para su trabajo en Ecuador 962 líneas telefónicas, 2 000 computadoras y seis Centros de Recepción de Información (CRI). Los ecuatorianos están convocados a las urnas, de manera obligatoria, para elegir a 22 prefectos provinciales, 219 alcaldes, 91 consejeros de las provincias, 893 concejales y 3.970 miembros de las juntas parroquiales rurales. (El Comercio)

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Ocho observadores para Guayas



José Alvarado / EL UNIVERSO

Luc Lapointe (i) y Gerardo Martínez (d), de la OEA, visitaron ayer el centro de cómputo del TEG. Walter Avilés, presidente del organismo, los atendió.

Ocho representantes de la Organización de Estados Americanos (OEA) observarán el proceso electoral hoy en diferentes recintos de Guayas y Los Ríos. Las novedades que se registren durante el desarrollo de los comicios seccionales se reportarán a Edgardo Reis, jefe de la delegación de observadores, que estará en Quito. A más de Guayaquil, cantones como Yaguachi y Milagro, en Guayas, formarán parte de la vigilancia que efectuará la OEA. A las 11h00 de ayer, Luc Lapointe y Gerardo Martínez, de la OEA, se reunieron con Walter Avilés, presidente del Tribunal Electoral del Guayas (TEG), para realizar diversas consultas del proceso. Ellos preguntaron sobre los sitios en los que se pueden presentar complicaciones. Yaguachi y Milagro fueron mencionadas, pero Avilés dijo que son mínimas las probabilidades de problemas. Los personeros de la OEA visitaron, además, las instalaciones del centro de cómputo del TEG, cuya operación está a cargo de un interventor designado por el Tribunal Supremo Electoral, luego de que durante el proceso de conformación de las Juntas Receptoras del Voto (JRV) se detectaron irregularidades. Pasado el mediodía fueron a la parroquia Roca, donde funcionará el plan piloto del voto electrónico. Hoy 18.484 electores sufragarán por primera vez en 93 urnas electrónicas. Mientras que ayer la telefónica Pacifictel dejó habilitado el sistema para el funcionamiento de 830 líneas telefónicas digitales que en Guayas servirán para la transmisión de los resultados desde los diferentes recintos electorales. Esta tarea la harán miembros de la Policía una vez que terminen los escrutinios en las JRV. La empresa española Indra, que tendrá su centro operativo en Quito, receptorá los resultados. (El Universo)

AUSENTISMO

El 35% del electorado registrado no vota.- En Galápagos, el 72,7% de los empadronados acuden a sufragar.- Aunque el voto es obligatorio para los ciudadanos mayores de 18 años, la abstención en las últimas elecciones llegó al 35%, en promedio. Galápagos fue la provincia donde hubo más civismo en los comicios de 2002, pues el 72,7% de la población empadronada acudió a las urnas. En ese porcentaje constan los votos válidos, nulos y blancos. Le siguen en vocación democrática las provincias de Carchi y Napo, con el 72,1% de asistencia a las urnas, cada una. Luego, vienen Tungurahua, con el 70,2%; Cotopaxi, con el 69,8%, y Pichincha, con el 69% de concurrencia. En el grupo intermedio, se encuentran las provincias de Orellana, con el 68%; Imbabura, con el 67%; Guayas, con el 66,4%; Sucumbíos, con el 66,2%; Chimborazo, con el 64%; Los Ríos, con el 63,9%; El Oro, con el 62,7%; Manabí, con el 61,4%, y Azuay, con el 61,2% de asistencia al sufragio. Entre las provincias con menor interés por las elecciones están Bolívar, con el 59,9% de asistencia; Zamora Chinchipe, con el 59,8%; Pastaza, con el 58,6%; Esmeraldas, con el 56,3%; Loja, con el 56,1%; Morona Santiago, con el 55,5%, y Cañar se convierte en la provincia que tiene el mayor ausentismo en las elecciones, con apenas el 51% de los votantes. Las cifras llaman a la reflexión, pues de los 8 154 425 electores que constaban en el padrón electoral para las últimas elecciones, solo 5 298 581 ciudadanos (65%) acudieron a las urnas, unos para apoyar a algún candidato, y otros para anular o votar en blanco. En este grupo están muchos ecuatorianos, pues del total de votos, el 9,1% fueron nulos y el 4,6% blancos. Esta tendencia se mantiene desde las elecciones seccionales de mayo de 2000, pues en las capitales de Pichincha, Guayas y Azuay se registró un ausentismo promedio del 35%, según datos del Tribunal Supremo Electoral (TSE). En Pichincha hubo 1 483 319 electores. En Quito debían sufragar 1 161 244 personas, pero únicamente cumplieron con este derecho 811

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473. Esto representa el 70% de la población. En Guayaquil, de 1 276 044 habitantes, solo 849 663 acudieron a votar, es decir el 66%. En Cuenca, lo hizo el 65% de la gente, y en Latacunga, capital de Cotopaxi, el 74%. (MRCH-MA). (Diario Hoy)

Conaie denuncia supuestas amenazas.- El dirigente y su familia habrían sido intimidados.- El presidente de la Conaie, Leonidas Iza, recibió el apoyo del Consejo de Gobierno de la Conaie, las bases del movimiento indígena y los movimientos sociales, frente a una presunta persecución y amenazas de muerte que habría recibido. Iza y una delegación de movimientos sociales que recogen firmas en contra del TLC presentaron en la Fiscalía una demanda en contra del movimiento "Manos Limpias", que habría realizado acusaciones los días previos al levantamiento de junio. Se denunció, además, "la política de persecución que ha reiniciado el Gobierno en contra de Leonidas Iza, su familia y la Conaie". En un comunicado de prensa, la Conaie denunció el robo de computadoras de su sede. (Diario Hoy)

Presidente insiste en cambiar el método imperial.- A 353 de triunfar en las elecciones del 24 de noviembre del 2002, el presidente de la República, coronel Lucio Gutiérrez, se acercó a sufragar en la junta 137 del colegio Técnico Don Bosco, de Quito. Luego de ejercer su derecho al voto, el primer mandatario se mostró "optimista" por los resultados que obtendrá su partido político, Sociedad Patriótica, en estas elecciones municipales y provinciales. SP llega a estos comicios amenazado con ser borrado del padrón electoral si no logra el cinco por ciento de los votos. En la misma situación están Democracia Popular y el Partido Socialista-Frente Amplio. "Para el caso de Lucio Gutiérrez y la Sociedad Patriótica hay una sola posibilidad, que es ganar, porque el día de hoy hemos de ganar alcaldías en la serranía, costa, Amazonía y Galápagos", dijo el Jefe de Estado a las cámaras de los medios de comunicación tanto nacionales como internacionales. Gutiérrez aseguró que en sus recorridos por el país ha constatado el apoyo del pueblo e insistió en que no reconoce las encuestas en las que le dan una popularidad de alrededor del siete por ciento. Además, dijo que no cree en estas, ya que cuando fue candidato no anunciaron su triunfo como gobernador del Ecuador. "Vamos a derrotar a las encuestas que, a veces, se manipulan", anotó el gobernante. Al ser cuestionado sobre el método imperial, reiteró su posición. Insistió que si el Congreso Nacional no legisla, él, con la facultad legislativa que tiene como Presidente, reglamentará uno nuevo. (El Universo)

JORNADA ELECTORAL NOTICIAS POS COMICIOS

Quito, 18 de octubre del 2004

EN LA JORNADA ELECTORAL NO SE PRESENTARON MAYORES PROBLEMAS. LOS OBSERVADORES NACIONALES FUERON 3100.- Según Participación Ciudadana la jornada se desarrolló sin mayores problemas.- En una primera evaluación de la jornada electoral de este 17 de octubre, Participación Ciudadana (PC) no registró mayores inconvenientes, según la información reportada por los 3 100 observadores que se repartieron en las 22 provincias del país, en 898 recintos (42%) del total asignados en el Ecuador. Según PC, en un 14,8% de recintos de la muestra se registraron actos de campaña electoral dentro del recinto y en un 58,4% se presentaron quejas por parte de los votantes que no encontraron su lugar para sufragar. Un 97% de los observadores reportó a PC que sí encontraron a los miembros de la Policía y de las FFAA resguardando las juntas receptoras del voto, pero, en un 18,7% de recintos, los miembros de la Fuerza Pública impidieron a los delegados u observadores acreditados permanecer en el lugar, señaló Cornelio Marchán, de Participación Ciudadana. La agrupación también recibió el reporte de que en Cotacachi circularon papeletas impresas que daban a los ciudadanos ideas de cómo votar; esa propaganda fue inmediatamente retirada, indicó Valeria Merino del CLD. César Montúfar, miembro de PC dio a conocer que la agrupación estará presente en el conteo de votos para hacer una proyección de los resultados en las Alcaldías de Quito y Cuenca y en la Prefectura de Guayas. En cuanto al voto electrónico, PC tiene 60 representantes en Quito y Guayaquil que recogen la impresión de 300 votantes sobre este plan piloto. (Diario Hoy)

Una jornada normal pero con polémica.- Balance. Problemas puntuales en algunos cantones. Las críticas al método Imperiali opacaron la elección.- A excepción de casos específicos, como la suspensión de las elecciones en Paján (Manabí), y otros contratiempos menores en El Empalme, la jornada electoral se desarrolló sin muchos altibajos. Los esfuerzos de la función electoral por impulsar esta contienda, relativamente organizada, sin duda contrastan con la sombra de la inestabilidad jurídica generada por los partidos políticos, sobre la repartición de escaños. La mayoría PSC-ID-Pachakutik ha hecho caso omiso de las críticas de los grupos minoritarios, y del propio Gobierno, que piden al Congreso legislar una Ley y en que no sea el Tribunal Supremo Electoral el que regule un método. (El Comercio)

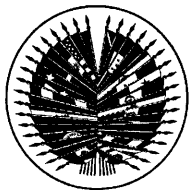
Un candidato del PSP fue abaleado en Mocache

Proceso. Pascual Bustamante murió en Los Ríos. En Esmeraldas hubo tres heridos. 915 personas fueron detenidas por violar la Ley Seca. El asesinato del candidato a primer concejal de Mocache, en Los Ríos, Pascual Bustamante, del PSP, empañó el proceso electoral. La Policía informó que el crimen ocurrió a las 19:00 de ayer, en las afueras de la Escuela Vicente Rocafuerte, uno de los recintos electorales del cantón. Según sus familiares, un guardaespaldas de la alcaldesa de Mocache, María Cristina de Andrade, del PSC, le disparó a Bustamante, que tenía buenas posibilidades para ganar un escaño en representación del Partido de Gobierno. En el incidente también fue herido el teniente coronel de la Policía, Edwin Echeverría. Durante la jornada electoral también se registraron incidentes en El Empalme, en Paján y en El Lagarto. En el primero, ubicado en la provincia de Guayas, se produjo un enfrentamiento generado por la inconformidad de los partidarios de los candidatos de la lista 55, que no fueron calificados por el Tribunal Supremo, dijo la Policía. Carlos Aguinaga, vocal del TSE, ratificó que se suspendió la votación en ese cantón. En tanto, en Paján, Manabí, las votaciones se postergaron por una gresca entre simpatizantes del Partido Roldosista Ecuatoriano (PRE) y del Partido Social Cristiano (PSC).

Pero el enfrentamiento más grave ocurrió en el recinto esmeraldeño de El Lagarto. Los partidarios de dos partidos pelearon y tres personas resultaron heridas. "Ellas fueron llevadas al hospital de Esmeraldas", aseguró el general de la Policía, Rodrigo Hinojosa, quien estaba al frente del operativo por las elecciones. Hinojosa aseveró que en el resto del país las 10 horas de sufragio transcurrieron sin mayores problemas. Para el oficial, los 25 322 policías que fueron enviados a todo el país para cuidar la seguridad del proceso cumplieron su labor. (El Comercio)

Gutiérrez atiza más la polémica por el reparto.- Escaños. Espera que otros partidos apoyen su idea de reglamentar el tema. Su esposa, la oposición y el TSE rechazan su tesis.-

Aunque el presidente Lucio Gutiérrez dice que su intención no es abonar el caos, su pronunciamiento de ayer sembró más dudas sobre la forma en la cual se repartirán los puestos de las dignidades pluripersonales electas en los comicios. Luego de votar, el Mandatario reiteró que sigue analizando la posibilidad de reglamentar el tema, pues cree que el método Imperiali, que fue escogido por el Tribunal Supremo Electoral (TSE), fue inconstitucionalmente designado, con una resolución. Por ello, Gutiérrez dijo que el Congreso puede dictar una ley que fije un nuevo mecanismo para la asignación de puestos hasta antes del 5 de enero del 2005, día en las que se posesionarán las nuevas autoridades locales. De lo contrario, reiteró que pudiera emitir una reglamento a la Ley de Elecciones para normar el reparto de cargos. En ese sentido, Gutiérrez dijo que hay algunos partidos que coinciden con esa posición, aunque no precisó cuáles. "Estamos esperando que haya un apoyo mayoritario de los bloque, de los partidos políticos para que este reglamento tenga más sustento". No obstante, la intención de Gutiérrez de reglamentar el reparto tiene como principal dificultad a la Constitución y su art. 142, segundo numeral. Esa norma establece que el régimen de partidos, el ejercicio de los derechos políticos y el sistema electoral, debe ser reglamentado a través de una ley orgánica. Y no dice que se lo haga con una resolución o reglamento, como lo hizo el TSE o como lo pretende Gutiérrez, respectivamente. Además, la mayoría de sectores políticos y juristas sostiene que el Presidente no puede reglamentar si no existe una Ley. Ese es el caso del reparto de escaños, ya que los art. 105 y 106 que regían el tema fueron eliminados por el Tribunal Constitucional (TC). A esto se suma que los propios coidearios de Gutiérrez no lo apoyan. Su esposa y diputada, Ximena Bohórquez, dijo que él no está facultado para reglamentar el tema. Mientras tanto, el diputado líder León Febres Cordero señaló que la intención del Presidente es "caotizar el proceso electoral para anular su legitimidad". A su vez, Jorge Valdospinos (ID), vocal del TSE, enfatizó que el Tribunal "no permitirá que ninguna autoridad ni organismo del Estado, por más alto cargo que ostente, interfiera en el desarrollo del proceso electoral". Las expresiones de Gutiérrez también han causado rechazo porque su reglamento sería expedido una vez que se conozcan los resultados oficiales. (Diario Hoy)



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MISIÓN DE OBSERVACIÓN
Elecciones Municipales – Ecuador 2004

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7 de Octubre de 2004

**OEA Y ECUADOR FIRMAN
ACUERDO DE OBSERVACIÓN ELECTORAL**

Hoy, en la sede del Tribunal Supremo Electoral (TSE) de la Republica del Ecuador, se firmó el Acuerdo sobre el Procedimiento de Observación de las elecciones municipales que se realizarán el próximo 17 de octubre. El documento, que reglamenta el acceso a la información y movimiento de los observadores, fue firmado por el Dr. Nicanor Mosco, presidente del TSE, y por Antonio Edgardo (Tony) Reis, jefe de la misión de observación de la OEA.

La Misión de la Organización de los Estados Americanos (OEA) iniciará sus actividades de observación este fin de semana con la llegada al país de un equipo de observadores y técnicos en sistemas de computación electoral. Cerca de 30 observadores, nacionales de 15 países miembros y observadores de la OEA (Argentina, Bolivia, Brasil, Canadá, Chile, Colombia, Costa Rica, Estados Unidos, Guatemala, Honduras, Nicaragua, Paraguay, Perú, Uruguay, y España), se desplazarán durante los próximos días para cubrir la mayoría de las 22 provincias del país.

Las actividades pre-comiciales de los observadores incluyen contactos con las autoridades electorales y gubernamentales, candidatos y representantes de los partidos políticos, los medios de comunicación y el público en general. Acompañarán, además, la distribución y entrega del material electoral. Las denuncias serán reportadas a las autoridades electorales y se realizará un monitoreo del tratamiento y de las acciones que de las mismas hagan las autoridades competentes.

La Misión dará especial atención a las actividades de cómputo y tendrá la presencia de técnicos y expertos en transmisión de resultados electorales en las provincias de El Oro, Esmeraldas, Guayas, Manabí, Morona Santiago y Sucumbios. Además, se acompañará la votación en las Juntas Receptoras del Voto (JRVs) donde se utilizarán urnas electrónicas.

El día de las elecciones, los observadores estarán presentes en la instalación de las juntas receptoras del voto, observarán la votación durante el día, visitando el máximo posible de JRVs y harán el monitoreo del cierre de votación, conteo de votos y transmisión de resultados.

La Misión emitirá comunicados sobre sus actividades pre-comiciales y del día de las elecciones, y sobre la pulcritud y transparencia del proceso electoral en general. Al término de la presencia de la misión en el país, el Secretario General de la OEA, Miguel Ángel Rodríguez, presentará un

informe final al Gobierno y al Tribunal Supremo Electoral (TSE) del Ecuador, y a los Estados miembros.

La OEA ha observado varias elecciones en el Ecuador, y estuvo presente en más de 80 procesos electorales en casi dos tercios de sus 35 países miembros, durante los últimos catorce años. Más informaciones sobre las actividades de la OEA y de la Misión de Observación Electoral en el Ecuador pueden ser obtenidas visitando www.upd.oas.org .

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APPENDIX IV
OFFICIALS TO BE ELECTED

DIGNIDADES A ELEGIRSE

AZUAY	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
AZUAY	1	5	0	0
CUENCA			1	8
GUALACEO			1	4
GIRON			1	4
PAUTE			1	4
SIGSIG			1	4
SANTA ISABEL			1	4
OÑA			1	4
SANFERNANDO			1	4
NABON			1	4
CHORDELEG			1	4
SEVILLA DE ORO			1	4
EL PAN			1	4
GUACHAPALA			1	4
CAMILO PONCE			1	4
BOLIVAR	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
BOLIVAR	1	3	0	0
GUARANDA			1	5
CHIMBO			1	4
SAN MIGUEL			1	4
CHILLANES			1	4
ECHEANDIA			1	4
CALUMA			1	4
LAS NAVES			1	4
CAÑAR	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
CAÑAR	1	4		
AZOGUES			1	5
CAÑAR			1	4
SUSCAL			1	4
BIBLIAN			1	4
LA TRONCAL			1	4
TAMBO			1	4
DELEG			1	4
CARCHI	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
CARCHI	1	3		
TULCAN			1	5
MONTUFAR			1	4
ESPEJO			1	4
MIRAS			1	4
BOLIVAR			1	4
SAN PEDRO DE HUACA			1	4

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COTOPAXI	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
COTOPAXI	1	4		
LATACUNGA			1	6
PUJILI			1	4
SALCEDO			1	4
SIQUISILI			1	4
PANGUA			1	4
LA MANA			1	4
SIGCHOS			1	4
CHIMBORAZO	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
CHIMBORAZO	1	4		
RIOBAMBA			1	6
ALAUSI			1	4
CHUNCHI			1	4
PENIPE			1	4
PALLATANGA			1	4
CUMANDA			1	4
CHAMBO			1	4
GUANO			1	4
COLTA			1	4
GUAMOTE			1	4
EL ORO	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
EL ORO	1	5		
MACHALA			1	7
SANTA ROSA			1	4
ZARUMA			1	4
PASAJE			1	4
PIÑAS			1	4
ARENILLAS			1	4
EL GUABO			1	4
CHILLA			1	4
PORTOVELO			1	4
HUAQUILLAS			1	4
ATAHUALPA			1	4
LAS LAJAS			1	4
MARCABELI			1	4
BALSAS			1	4
ESMERALDAS	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
ESMERALDAS	1	4		
ESMERALDAS			1	6
RIO VERDE			1	4
ELOY ALFARO			1	4
MUISNE			1	4
SAN LORENZO			1	4
ATACAMES			1	4

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GALAPAGOS	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
GALAPAGOS	1	3		
SAN CRISTOBAL			1	4
SANTA CRUZ			1	3
ISABELA			1	3
GUAYAS	PREFECTO	CONSEJEROS	ALCALDES	CONSEJALES
GUAYAS	1	8		
GUAYAQUIL			1	8
SANTA ELENA			1	6
MILAGRO			1	6
DURAN			1	6
MAULE			1	5
BALAO			1	4
COLIMES			1	4
EL EMPALME			1	4
YAGUACHI			1	4
SALINAS			1	4
BALZAR			1	4
SAMBORONDON			1	4
SALITRE			1	4
NARANJAL			1	4
EL TRIUNFO			1	4
NARANJITO			1	4
PALESTINA			1	4
PEDRO CARBO+			1	4
PLAYAS			1	4
SIMON BOLIVAR			1	4
ALFREDO BAQUERIZO MORENO			1	4
SANTA LUCIA			1	4
CORONEL MARCELINO MARIDUEÑA			1	4
LOMAS DE SARGENTILLO			1	4
NOBOL			1	4
LA LIBERTAD			1	4
GENERAL ANTONIO ELIZALDE			1	4
ISIDRO AYORA			1	4
IMBABURA	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
IMBABURA	1	4		
IBARRA			1	6
OTAVALO			1	5
COTACACHI			1	4
ANTONIO ANTE			1	4
PIMAMPIRO			1	4
URCUQUI			1	4

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LOJA	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
LOJA	1	4		
LOJA			1	6
CATAMAYO			1	4
ZAPOTILLO			1	4
SARAGURO			1	4
PALTAS			1	4
OLMEDO			1	4
CELICA			1	4
CALVAS			1	4
MACARA			1	4
PUYANGO			1	4
GONZANAMA			1	4
ESPINDOLA			1	4
SOZORANGA			1	4
PINDAL			1	4
QUILANGA			1	4
CHAGUARPAMBA			1	4

LOS RIOS	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
LOS RIOS	1	5		
BABAHOYO			1	6
QUEVEDO			1	6
VALENCIA			1	4
BABAHOYO			1	4
VINCES			1	4
PUEBLO VIEJO			1	4
URDANETA			1	4
VENTANAS			1	4
MONTALVO			1	4
PALENQUE			1	4
BUENA FE			1	4
MOCACHE			1	4

MANABI	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
MANABI	1	6		
PORTOVIEJO			1	7
MANTA			1	6
CHONE			1	4
JIPIJAPA			1	4
EL CARMEN			1	4
FLAVIO ALFARO			1	4
MONTECRISTI			1	4
JARAMIJO			1	4
24 DE MAYO			1	4
ROCAFUERTE			1	4
SANTA ANA			1	4
SUCRE			1	4
JAMA			1	4
BOLIVAR			1	4

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JUNIN	1	4
PAJAN	1	4
TOSAGUA	1	4
PICHINCHA	1	4
PEDERNALES	1	4
OLMEDO	1	4
PUERTO LOPEZ	1	4
SAN VICENTE	1	4

MORONA SANTIAGO	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
MORONA SANTIAGO	1	3		
MORONA SANTIAGO			1	4
GUALAQUIZA			1	3
LIMON INDANZA			1	3
SANTIAGO			1	3
SUCUA			1	3
LOGROÑO			1	3
PALORA			1	3
HUAMBOYA			1	3
SAN JUAN BOSCO			1	3
TAISHA			1	3
PABLO SEXTO			1	3
TIWINTZA			1	3

NAPO	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
NAPO	1	3		
TENA			1	4
CHACO			1	3
CARLOS JULIO			1	3
AROSEMENA				
QUIJOS			1	3
ARCHIDONA			1	3
			1	

ORELLANA	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
ORELLANA	1	3		
FCO. DE ORELLANA			1	4
AGUARICO			1	3
JOYA DE LOS SACHAS			1	3
LORETO			1	3

PASTAZA	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
PASTAZA	1	3		
PASTAZA			1	4
MERA			1	3
SANTA CLARA			1	3
ARAJUNO			1	3

PICHINCHA	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
PICHINCHA	1	7		
QUITO			1	8

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SANTO DOMINGO	1	7
CAYAMBE	1	4
MEJIA	1	4
PEDRO MONCAYO	1	4
RUMINAHUI	1	4
SAN MIGUEL DE LOS BANCOS	1	4
PEDRO VICENTE MALDONADO	1	4
PUERTO QUITO	1	4

SUCUMBIOS	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
SUCUMBIOS	1	3		
LAGO AGRIO			1	4
CUYABENO			1	3
SUCUMBIOS			1	3
PUTUMAYO			1	3
SHUSHUFINDI			1	3
CASCALES			1	3
GONZALO PIZARRO			1	3

TUNGURAGUA	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
TUNGURAGUA	1	4		
AMBATO			1	7
PELILEO			1	4
PILLARO			1	4
BAÑOS			1	4
PATATE			1	4
QUERO			1	4
CEVALLOS			1	4
MOCHA			1	4
TISALEO			1	4

ZAMORA CHINCHIPE	PREFECTO	CONSEJEROS	ALCALDES	CONCEJALES
ZAMORA CHINCHIPE	1	3		
ZAMORA			1	4
CHINCHIPE			1	3
PALANDA			1	3
YACUAMBI			1	3
YANZATZA			1	3
PANGUI			1	3
NANGARITZA			1	3
CENTINELA DEL CONDOR			1	3
PAQUISHA			1	3

TOTAL

22

PREFECTOS

91

CONSEJEROS

219

ALCALDES MUNICIPALES

893

CONSEJALES

794

PARROQUIAS RURALES, 5 MIEMBROS DE CADA JUNTA

3,970

MIEMBROS DE JUNTAS PARROQUIALES RURALES

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APPENDIX V
LIST OF OBSERVERS

MOE Ecuador 2004
Lista de Observadores por tipo de observación

	Nombre	País	Provincia	Observación
1	A. Edgardo C. Reis	Estados Unidos	Pinchicha (Quito)	Jefe de misión
2	Moisés Benamor	Venezuela	Pinchicha (Quito)	Sub jefe de misión / Q.Count
3	Antonio Amarante	Brasil	Pinchicha (Quito)	Estadística
4	Celio Santos	Brasil	Pinchicha (Quito)	Informática / Q. Count
5	Adriana Parcerisa	Paraguay	Pinchicha (Quito)	Informática / Q. Count
6	Dante Escobar	Nicaragua	Pinchicha (Quito)	Logística
7	Rosamaría Castillo Godoy	Guatemala	Pinchicha (Quito)	Organización Ob. / Manuales / Q.C.
8	Victoria Figueroa	Argentina	Pinchicha (Quito)	Observador / Q.Count
9	Jacqueline Deslauriers	Canadá	Pinchicha (Quito)	Observador / Q.Count
10	Ryu Murasawa	Japón	Pinchicha (Quito)	Observador / Q.Count
11	Guido Rada	Chile	Pinchicha (Quito)	Coordinador / Q.Count
12	Ricardo Cohen	Argentina	Azuay / Cañar	Coordinador
13	Sergio Robles	España	Cotopaxi / Tungurahua / Chinborazo	Coordinador
14	Luc Lapointe	Canadá	Guayas	Coordinador / Centro de Computo / Cualitativa
15	Walter Gaimarini	Uruguay	Esmeralda	Coordinador / Centro de Computo / Cualitativa
16	Jorge Zambrana	Bolivia	Manabí	Coordinador / Centro de Computo / Cualitativa
17	Javier Saikeld Villa	Perú	Sucumbios	Coordinador / Centro de Computo / Cualitativa
18	Yamileth Bermúdez	Costa Rica	El Oro	Coordinadora / Centro de Computo / Cualitativa
19	Claudio E. Valencia	Colombia	Morona Santiago	Centro de Computo / Cualitativa
20	Miguel Serrano López	Bolivia	Los Ríos	Centro de Computo / Cualitativa
21	Humberto de Jesús Fonnegra	Colombia	Azuay	Voto electrónico / Encuesta
22	Patricia Chacón	Costa Rica	Manabí	Voto electrónico / Encuesta
23	Gerardo Martínez	Honduras	Guayas	Voto electrónico / Encuesta
24	Judith Lobos	Chile	Pinchicha (Quito)	Voto electrónico / Encuesta
25	Pamela Grosso	Argentina	Imbabura	Voto electrónico / Encuesta

Lista de Observadores de Tribunales Electorales

	Nombre	País	Región	Cargo
1	Erasmus Henríquez	Honduras	Pichincha (Quito)	Observador
2	Esteban Melendez Cruz	Honduras	Pichincha (Quito)	Observador
3	Orlando Solano Marín	Costa Rica	Pichincha (Quito)	Observador
4	Héctor Fernández	Costa Rica	Pichincha (Quito)	Observador
5	Elizabeth Quirós Meza	Costa Rica	Pichincha (Quito)	Observador

Lista de Observadores Voluntarios en Guayaquil

	Nombre	País	Región	Cargo
1	Kevin Herbert	Estados Unidos	Guayaquil / Equipo No. 1	Observador
2	Jill Johnson	Estados Unidos	Guayaquil / Equipo No. 1	Observador
3	Mitzi Gray	Estados Unidos	Guayaquil / Equipo No. 2	Observador
4	Gabriela Serrado	Estados Unidos	Guayaquil / Equipo No. 2	Observador
5	Damon Coppola	Estados Unidos	Babahoyo	Observador
6	Mary - Gardner Coppola	Estados Unidos	Babahoyo	Observador
7	Brittany Pool	Estados Unidos	Machala	Observador
8	Ryan Pool	Estados Unidos	Machala	Observador

Lista de Observadores Voluntarios en Pichincha (Quito)

	Nombre	País	Región	Cargo
9	Kristie Kenney	Estados Unidos	Pichincha (Quito)	TSE / Participación Ciudadana / OEA
10	Erik Hall	Estados Unidos	Pichincha (Quito)	Embassy (Reporting)
11	Raymond Waldron	Estados Unidos	Pichincha (Quito)	OEA (US Teams)
12	Lars Klassen	Estados Unidos	Pichincha (Quito)	Equipo No. 1 Quick Count
13	Ron Perkel	Estados Unidos	Pichincha (Quito)	Equipo No. 1 Quick Count

14	Glenn Warren	Estados Unidos	Pichincha (Quito)	Equipo No. 2 Quick Count
15	Randee Warren	Estados Unidos	Pichincha (Quito)	Equipo No. 2 Quick Count
16	Scott Warren	Estados Unidos	Pichincha (Quito)	Equipo No. 2 Quick Count
17	Greg Macris	Estados Unidos	Pichincha (Quito)	Equipo No. 3 Quick Count
18	Daisy Chasi	Estados Unidos	Pichincha (Quito)	Equipo No. 3 Quick Count
19	Arnold Chacón	Estados Unidos	Pichincha (Quito)	Observador / Equipo No. 1
20	Aida Chacón	Estados Unidos	Pichincha (Quito)	Observador / Equipo No. 1
21	Rosemary R. Macray	Estados Unidos	Cuenca	Observador / Equipo No. 2
22	Jeff Ogren	Estados Unidos	Cuenca	Observador / Equipo No. 2
23	Alex De Lorey	Estados Unidos	Otavalo	Observador / Equipo No. 3
24	Leonor Rivera	Estados Unidos	Otavalo	Observador / Equipo No. 3
25	Thomas Moore	Estados Unidos	Esmeraldas	Observador / Equipo No. 4
26	Inge Steinmetz	Estados Unidos	Esmeraldas	Observador / Equipo No. 4
27	Mary-Elizabeth Knapp	Estados Unidos	Manta	Observador / Equipo No. 5
28	María del Rosario Beck	Estados Unidos	Manta	Observador / Equipo No. 5
29	Vanessa Schulz	Estados Unidos	Tena	Observador / Equipo No. 6
30	Lilian Zimmerman	Estados Unidos	Tena	Observador / Equipo No. 6

APPENDIX VI

LIMIT OF ELECTORAL EXPENDITURE

LIMITE MÁXIMO DEL MONTO DEL GASTO ELECTORAL
PARA PREFECTOS PROVINCIALES Y CONSEJEROS
PROVINCIALES

US\$	PREFECTOS	CONSEJEROS
PROVINCIA	LIMITE DE GASTO	LIMITE DE GASTO
AZUAY	13,081	7,031
BOLIVAR	12,366	3,500
CAÑAR	5,179	2,638
CARCHI	10,655	3,016
COTOPAXI	7,771	3,959
CHIMBORAZO	9,699	4,941
EL ORO	11,530	5,874
ESMERALDAS	8,138	4,146
GUAYAS	69,213	35,260
IBABURA	7,793	3,970
LOJA	9,244	4,709
LOS RIOS	14,052	7,159
MANABI	28,209	14,371
MORONA SANTIAGO	6,684	1,892
NAPO	4,460	1,262
PASTAZA	3,582	1,014
PICHINCHA	51,589	26,281
TUGURAHUA	10,483	5,340
ZAMORA CHINCHIPE	4,595	1,300
GALAPAGOS	2,061	467
SUCUMBIOS	7,204	2,039
ORELLANA	4,315	1,221
Total País	302,625	141,389

LIMITE MÁXIMO DEL MONTO DEL GASTO ELECTORAL
PARA ALCADES MUNICIPALES Y CONCEJALES MUNICIPALES

US\$	ALCALDES	CONSEJALES
PROVINCIA	LIMITE DE GASTO	LIMITE DE GASTO
AZUAY	13,081	7,812
BOLIVAR	12,366	7,000
CAÑAR	5,179	2,931
CARCHI	10,655	6,031
COTOPAXI	7,771	4,399
CHIMBORAZO	9,699	5,490
EL ORO	11,530	6,526
ESMERALDAS	8,138	4,607

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GUAYAS	69,213	39,177
IBABURA	7,793	4,411
LOJA	9,244	5,232
LOS RIOS	14,052	7,954
MANABI	28,209	15,967
MORONA SANTIAGO	6,684	3,783
NAPO	4,460	2,525
PASTAZA	3,582	2,028
PICHINCHA	51,589	29,201
TUGURAHUA	10,483	5,934
ZAMORA CHINCHIPE	4,595	2,601
GALAPAGOS	2,061	1,167
SUCUMBIOS	7,204	4,078
ORELLANA	4,315	2,442
Total País	302,625	171,297

APPENDIX VII
THE ELECTIONS OF OCTOBER 17

TRIBUNAL SUPREMO ELECTORAL
ELECCIONES DEL 17 DE OCTUBRE DEL 2004
DIGNIDADES POR PARTIDO POLÍTICO

LISTA	NOMBRE PARTIDO	SIGLAS	PREFECTOS			ALCALDES			CONSEJEROS			CONCEJALES			JUNTAS PARROQUIALES RURALES		
			PART.	ALIA.	TOTAL	PART.	ALIA.	TOTAL	PART.	ALIA.	TOTAL	PART.	ALIA.	TOTAL	PART.	ALIA.	TOTAL
			3	2	5	56	12	68	17	10	27	239	46	285	675	226	901
6	PARTIDO SOCIAL CRISTIANO	PSC	2	1	3	21	12	33	6	6	12	105	44	149	382	181	563
10	PARTIDO ROLDOSISTA	PRE															
	ECUATORIANO		2	4	6	13	16	29	7	15	22	56	64	120	461	149	610
12	PARTIDO IZQUIERDA	ID															
	DEMOCRATICA		2	0	2	5	6	11	2	0	2	16	16	32	141	53	194
15	PARTIDO MOVIMIENTO	MPD	2	0	2												
	POPULAR DEMOCRATICO		1	2	3	10	11	21	1	11	12	38	51	89	174	237	411
5	PARTIDO DEMOCRACIA	DP-UDC															
	POPULAR - UNION DEMOCRATA																
	CRISTIANA		1	0	1	19	0	19	6	0	6	76	0	76	266	0	266
7	PARTIDO RENOVADOR	PRIAN															
	INSTITUCIONAL ACCION																
	NACIONAL		0	1	1	9	22	31	2	6	8	45	49	94	344	257	601
3	PARTIDO SOCIEDAD	PSP															
	PATRIOTICA 21 DE ENERO		0	2	2	0	6	6	0	5	5	6	20	26	12	91	103
4	PARTIDO CONCENTRACION DE	CFP															
	FUERZAS POPULARES		0	3	3	2	8	10	0	13	13	7	39	46	37	127	164
17	PARTIDO SOCIALISTA - FRENTE	PS-FA															
	AMPLIO																

APPENDIX VIII
THE ELECTIONS OF OCTOBER 24

