



European Union  
Reinforced Election Expert Mission

# **BOLIVIA 2020**

**Final Report**



## **General Elections**

18 October 2020

European Union  
Reinforced Election Expert Mission

**BOLIVIA 2020  
FINAL REPORT**

General Elections  
18 October 2020

*EU Election Expert Missions are independent from the institutions of the European Union.  
The views and opinions expressed in this report are those of the authors and do not  
necessarily reflect the official policy and position of the European Union.*

## TABLE OF CONTENTS

<b>1. ACRONYMS .....</b>	<b>3</b>
<b>2. SUMMARY.....</b>	<b>4</b>
<b>3. INTRODUCTION.....</b>	<b>7</b>
<b>4. POLITICAL CONTEXT.....</b>	<b>7</b>
<b>5. LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....</b>	<b>9</b>
<b>5.1 Electoral system.....</b>	<b>9</b>
<b>5.2 Legal framework.....</b>	<b>9</b>
<b>6. ELECTION ADMINISTRATION .....</b>	<b>11</b>
<b>6.1 Structure and composition .....</b>	<b>11</b>
<b>6.2 Transparency in decision-making .....</b>	<b>11</b>
<b>6.3 Operational aspects of the elections.....</b>	<b>12</b>
<b>6.4 Enforcement of election laws .....</b>	<b>14</b>
<b>7. VOTER REGISTRATION.....</b>	<b>14</b>
<b>7.1 The right to vote.....</b>	<b>14</b>
<b>7.2 Voter registration .....</b>	<b>15</b>
<b>8. REGISTRATION OF CANDIDATES.....</b>	<b>15</b>
<b>9. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT .....</b>	<b>18</b>
<b>9.1 Freedom to campaign.....</b>	<b>18</b>
<b>9.2 Electoral violence .....</b>	<b>18</b>
<b>9.3 Campaign messages .....</b>	<b>19</b>
<b>9.4 Use of state resources .....</b>	<b>19</b>
<b>9.5 Presidential debates.....</b>	<b>20</b>
<b>10. CAMPAIGN FINANCE .....</b>	<b>20</b>
<b>11. MEDIA .....</b>	<b>22</b>
<b>11.1 Media freedoms .....</b>	<b>22</b>
<b>11.2 Access to media during the election campaign.....</b>	<b>23</b>
<b>11.3 EU EEM media monitoring .....</b>	<b>24</b>
<b>12. DIGITAL COMMUNICATION AND SOCIAL MEDIA.....</b>	<b>26</b>
<b>12.1 Landscape .....</b>	<b>26</b>
<b>12.2 Legal framework.....</b>	<b>26</b>
<b>12.3 EU EEM social media monitoring.....</b>	<b>27</b>
<b>13. POLITICAL PARTICIPATION OF WOMEN .....</b>	<b>29</b>
<b>14. POLITICAL PARTICIPATION OF NATIONAL MINORITIES .....</b>	<b>30</b>

<b>15. POLITICAL PARTICIPATION OF VULNERABLE GROUPS .....</b>	<b>31</b>
<b>15.1 Political participation of persons with disabilities .....</b>	<b>31</b>
<b>15.2 Political participation of LGBTI groups .....</b>	<b>32</b>
<b>16. NATIONAL CIVIL SOCIETY AND INTERNATIONAL OBSERVATION.....</b>	<b>33</b>
<b>16.1 National Civil Society.....</b>	<b>33</b>
<b>16.2 International Observation .....</b>	<b>33</b>
<b>17. POLLING, COUNTING, AND TABULATION OF RESULTS .....</b>	<b>34</b>
<b>17.1 Voting .....</b>	<b>34</b>
<b>17.2 Counting.....</b>	<b>35</b>
<b>18. RESULTS AND POST-ELECTION ENVIRONMENT .....</b>	<b>35</b>
<b>18.1 Decision to cancel the preliminary results system (DIREPRE) .....</b>	<b>35</b>
<b>18.2 Quick Counts .....</b>	<b>36</b>
<b>18.3 Tabulation of results protocols and final results.....</b>	<b>36</b>
<b>18.4 Statistical anomalies and “voto comunitario” .....</b>	<b>37</b>
<b>18.5 Analysis of results.....</b>	<b>38</b>
<b>18.6 Post-election environment .....</b>	<b>38</b>
<b>19. IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS.....</b>	<b>39</b>
<b>20. RECOMMENDATIONS .....</b>	<b>41</b>
<b>21. ANNEX I – EU EEM MEDIA MONITORING RESULTS .....</b>	<b>54</b>
<b>22. ANNEX II – EU EEM SOCIAL MEDIA MONITORING RESULTS .....</b>	<b>64</b>
<b>23. ANNEX III – FINAL RESULTS .....</b>	<b>68</b>
<b>A. Valid, invalid votes and turnout .....</b>	<b>68</b>
<b>B. Number of votes and seats by party .....</b>	<b>68</b>
<b>C. Winning party by region .....</b>	<b>69</b>

## 1. ACRONYMS

---

ACHR – American Convention on Human Rights  
ADN – *Acción Democrática Nacionalista*  
ANPB – National Association of Bolivian Journalists  
APLP – Journalists Association of La Paz  
BOB – *Pesos Bolivianos*  
CC – *Comunidad Ciudadana*  
CEDAW – Convention on the Elimination of Discrimination Against Women  
COVID-19 – Corona Virus Disease 2019  
CRPD – Convention on the Rights of Persons with Disabilities  
DIREPRE – Preliminary Results System  
EU EEM – European Union Election Expert Mission  
EU EOM – European Union Election Observation Mission  
FELCC – Special Force on the Fight Against Crime  
FPV – *Frente para la Victoria*  
GDPR – European General Data Protection Regulation  
IBC – Bolivian Institute for the Blind  
ICCPR – International Covenant on Civil and Political Rights  
ICTs – Information and Communication Technologies  
ID – Identity Document  
IDEA – Institute for Democracy and Electoral Assistance  
ILO – International Labour Organization  
LGBTI – Lesbian, Gay, Bisexual, Transgender and Intersex  
LOP – Political Organisations Law  
MAS-IPSP – *Movimiento al Socialismo–Instrumento Político por la Soberanía de los Pueblos*  
MERCOSUR – Southern Common Market  
NGO – Non-governmental organization  
OAS – Organisation of American States  
OCV – Out-of-country voting  
OEP – Plurinational Electoral Body  
OHCHR – Office of the High Commissioner for Human Rights  
PAN-BOL – *Partido de Acción Nacional Boliviano*  
RTP – *Radio Televisión Popular*  
SERECI – Civil Registry Service  
SIPRUNPCD – National Registry of Persons with Disabilities  
SIFDE – *Servicio Intercultural de Fortalecimiento Democrático*  
TEDs – Departmental Electoral Tribunals  
TSE – Supreme Electoral Tribunal  
UK – United Kingdom  
UN – United Nations  
UNASUR – Union of South American Nations  
UNCAC – United Nations Convention against Corruption  
UNDP – United Nations Development Programme  
UNIORE – Inter-American Union of Electoral Organisations  
USA – United States of America  
UTF – Technical Oversight Unit

## 2. SUMMARY

---

The 18 October 2020 repeat general elections in Bolivia were credible and reflected the free will of the people. The elections granted a much-needed legitimacy to a new Government and Legislative Assembly. These were competitive elections in which contestants campaigned freely, despite violent incidents and restrictions related to the COVID-19 pandemic. The Supreme Electoral Tribunal (TSE) generally enjoyed stakeholder confidence and administered the elections with impartiality, professionalism, and efficiency. The TSE took, under political and time pressures, a number of complex and politically sensitive decisions regarding candidate registration, new regulations, and campaign rules. The annulled 2019 elections and the ensuing political crisis, social divisions, pandemic, economic instability, and almost complete institutional restructuring of the TSE, resulted in unfavourable conditions for the TSE to organise the 2020 polls. Notwithstanding, the TSE persevered and faced these challenges in an independent manner.

These polls determined the president and vice-president as well as the Legislative Assembly of 130 deputies, 36 senators, and nine members of supra-national parliaments for a five-year term. The TSE declared presidential candidate Luis Arce of *Movimiento al Socialismo–Instrumento Político por la Soberanía de los Pueblos* (MAS-IPSP), the winner with 55.11 per cent of the popular vote, which gave the party an absolute majority in the Senate and Chamber of Deputies. Despite President Jeanine Áñez and runner-up Carlos Mesa recognising the winning candidate, the post-election environment was characterised by protests against the results, and MAS-IPSP initiating legal processes against outgoing members of government and using its two-thirds majority to alter regulations in the Senate and Chamber of Deputies. *Comité pro Santa Cruz*, members of government, and youth groups led a call for an audit of the election results. The new president took office on 8 November. After residing in Argentina as a political exile following his resignation, former President Evo Morales returned to the country on 9 November.

By election day, only five of the original eight presidential candidates were still in the race – Luis Arce on the MAS-IPSP ticket, Carlos Mesa with *Comunidad Ciudadana* (CC), Chi Hyun Chung with *Frente para la Victoria* (FPV), Luis Fernando Camacho with *Creemos*, and Feliciano Mamani with *Partido de Acción Nacional Boliviano* (PAN-BOL). The TSE dissolved *Juntos* (an alliance of *Movimiento Demócrata Social*, *Sol.bo*, *Unir*, *Todos*, and *Unidad Nacional*) after its presidential candidate, Jeanine Áñez, and the rest of the alliance candidates, withdrew from the race. Other political contenders soon withdrew from the race. On 11 October, Jorge “Tuto” Quiroga, Bolivia’s former president and presidential candidate of *Libre 21*, announced withdrawal of his candidacy and the whole alliance list. *Acción Democrática Nacionalista* (ADN) also announced withdrawal of its list, however, its presidential candidate, María de la Cruz Bayá, publicly denounced that the party had not consulted her and she had no intention of withdrawing. At the time of writing, María de la Cruz Bayá was preparing to lodge formal harassment and political violence complaints with the TSE and the UN. *Juntos*, *Libre 21*, and ADN all withdrew after ballot papers had been printed.

In the months leading up to the polls, there were several legal attempts by opponents to disqualify MAS-IPSP and its candidates. The law annulling the 2019 polls prevented Evo Morales from running again for the presidency, he later tried to run for the Senate, but this was also disallowed by a court ruling which upheld the TSE decision to disqualify him. There was also a complaint against the MAS-IPSP presidential candidate, Luis Arce, for violating an opinion poll regulation, the sanction for which could have been the cancellation of the party’s legal status and disqualification of all its candidates. The Constitutional Court is currently reviewing the constitutionality of this envisaged sanction. The gender parity law was complied with, resulting in a milestone for women in terms of political participation, with women comprising 48 per cent of the lower chamber and 56 per cent of the upper chamber.

The Bolivian legal framework included some improvements in comparison to the 2019 elections. For example, the 2020 regulation on election observation overcame a shortcoming in the legal framework by allowing observers to carry out quick counts. The regulation on sanctions for electoral violations added new standards to achieve greater gender equality and protection in politics, including a dedicated chapter dealing with political violence and harassment. The possibility for indigenous peoples' organisations to run in the special constituencies was also incorporated. Issues relating to disproportionate and ineffective sanctions for violations of election legislation remain problematic.

Political parties and candidates were for the most part able to campaign freely and carry out their proselytising activities with some exceptions in the bastions of MAS-IPSP and *Creemos*. The campaign was visible, vibrant, and competitive, but strongly marked by a hard-line and confrontational discourse accompanied by multiple acts of violence. The interim government was observed to use state resources for campaign purposes, while some MAS-IPSP leaders continued messaging about the alleged past *coup d'état*. Hate speech was evidenced in the campaign, and the TSE was not seen to react to derogatory remarks aimed at women and the LGBTI community. The final days of the campaign were characterised by persistent calls for unity against MAS-IPSP. Carlos Mesa requested his opponents to unify behind CC and to vote tactically to defeat MAS-IPSP.

Freedom of the press was not always guaranteed or protected. There was a high degree of impunity for violence against journalists. The media reflected the confrontational and divisive discourse of the campaign. As election day approached, the anti-MAS-IPSP narrative adversely affected the tone of the campaign. Some sectors within MAS-IPSP, including presidential candidate Arce, claimed that they would not accept the results if these varied from opinion polls that gave MAS-IPSP a strong lead, as such results could only constitute fraud. The interim government reacted by declaring that any violent protests against results would be quashed. Preliminary media monitoring data revealed an unbalanced distribution of institutional advertising on private radio stations. Most cases of media campaign violations were in relation to institutional propaganda aired when interim President Áñez was running as a candidate.

A combination of the pandemic and a global move towards increased online campaigning resulted in an intensification of the presence of candidates and political parties in social media. At the same time, social media was also a source of disinformation in a digital campaign which clearly developed in a tense political environment. While the EU EEM observed hundreds of violations of the online campaign regulation, the effort of the TSE's Intercultural Service for Strengthening Democracy (SIFDE) to comply with legal provisions was jeopardised by insufficient technical and staff resources at its disposal. An extensive dissemination of content discrediting the election process and calls to protest via WhatsApp in the post-election period resulted in thousands of people publicly challenging the credibility of the TSE and the quick count results.

Election day was, in general, peaceful and orderly. The TSE was well-prepared with timely distribution of election material and opening of all polling stations with only minor delays. A novelty in these elections was the introduction of biosecurity measures which were mostly successfully implemented. Closing and counting proceeded well, this was facilitated by a short counting process, with only one ballot paper and one electoral results protocol to fill in. Electoral notaries were on hand to provide assistance and clarifications to poll workers.

Hours before the polls opened, the TSE unexpectedly announced that due to insurmountable technical difficulties it would not implement its preliminary results system. If, and as was expected, results had been close, this late decision could have exposed the electoral process to potential risk. On election night, stakeholders had to rely on two quick count results to get a picture of electoral outcomes. The official tabulation of results, carried out at the nine Departmental Electoral Tribunals (TEDs), proceeded well and without any major incident, although there was an uneven application of procedures for dealing with errors in results protocols. The Election Law makes no provision for a partial or total recount of the vote. The possibility of recounts would negate the need for repeat

elections in polling stations where results were annulled. National results were announced within the seven-day deadline. However, the TSE came under criticism as it had raised expectations that the majority of results would be announced within 24h of the close of polls.

The TSE simplified complex registration procedures and restrictive requirements which inhibited national observation since 2014, re-introducing a key transparency measure that was lacking over many electoral processes. The EU and Spain funded a 16-member NGO coalition, *Observa Bolivia*, which deployed 2,032 national observers. *Observacion Ciudadana de la Democracia* deployed 130 observers in Bolivia, and 50 in Brazil, Argentina, and Chile. Along with the six-member EU EEM, there were several international observer groups, including the Organisation of American States (OAS, 30 observers), Carter Center (2), the Inter-American Union of Electoral Organisations (UNIORE, 6), MERCOSUR (8), and 32 diplomats accredited in Bolivia. The OAS also observed out-of-country voting in Spain, the USA, and Argentina.

The legitimacy of the results was unquestionable, as confirmed by international and national observer groups, and they were accepted by most contestants. Between the election day and the presidential inauguration, arrest warrants were dropped against a number of high-ranking MAS-IPSP members, including Morales himself. The EU EEM identified shortcomings which merit attention to improve future election processes in Bolivia, including candidate list withdrawals that prejudiced individual political rights, non-reaction of TSE to hate speech and discriminatory language during the campaign, misuse of state resources, and non-implementation of a preliminary results system.

The following priority recommendations are equally applicable to subnational and general elections and are offered for consideration and action to the Government and the Legislative Assembly of Bolivia, the TSE, political parties, and civil society. A detailed table of recommendations can be found in the final chapter of this report.

1. Recalibrate sanctions through provision of an appropriate range of proportionate disciplinary actions for not complying with the parity and alternation requirements, for not passing the three per cent threshold, for violating financial restrictions or reporting requirements, and for infringing opinion poll regulations.
2. The legal deadlines and procedures for candidate withdrawals and substitutions (without *force majeure*), as well as for withdrawal of whole candidate lists, need to be brought forward and harmonised with the deadline for printing ballot papers.
3. Measures should be considered to address the significant presence of disinformation affecting the online campaign on social platforms, such as programmes promoting digital literacy of voters, voluntary commitments by political parties, and/or capacity building activities for civil society.
4. In order to guarantee the implementation of the electoral campaign regulation and allow an appropriate and timely legal response, the TSE and the TEDs should strengthen internal processes and capacities to conduct systematic media and social networks monitoring. They could demand more exhaustive results from the company contracted for media monitoring and this could also include social networks monitoring. An effort could be made to undertake constructive dialogue with international counterparts to exchange on good practices for media and social networks monitoring.
5. In line with election transparency and international and regional good practice, implement a preliminary results system that is made public from the close of polls. This would ideally include publication of results broken down by polling stations and with scanned images of original results protocols which would permit stakeholders to verify the underlying source data. To further



enhance transparency and social control, voters should be guaranteed the right to take a picture of results protocols after the counting and copies of polling station results protocols could be posted outside the polling stations.

6. Increase certainty in the results process by introducing the possibility for ballot recounts, in a limited number of situations and with predefined criteria, to determine the correctness of an initial count.
7. The TSE needs to establish procedures for dealing with errors in results protocols at the TED and TSE levels to specify who may make changes, and typify categories of mistakes and the relative solutions for each type of error.

### 3. INTRODUCTION

---

At the invitation of the Government of the Plurinational State of Bolivia, the European Union deployed a reinforced Election Expert Mission (EU EEM) to monitor the 2020 general elections. The mandate of the EU EEM was to assess the conduct of the electoral process in accordance with Bolivia's national and international commitments for democratic elections. The mission was composed of six election experts who arrived in La Paz on 16 September and remained in the country until 21 November to follow the completion of the electoral process. The EU observed the constitutional assembly elections in 2006, the constitutional referendum in 2009, the general elections in 2009, 2014, 2019, and deployed a follow up mission in 2013.

In line with its mandate, the EU EEM undertook a comprehensive assessment of the different stages of the electoral process, from voter and candidate registration through to the campaign period, election day, and the results tabulation. The mission's analysis was based on the team's own observations as well as reports from and meetings with other observer missions, civil society organisations, academics, the election administration, political parties, and the media. On election day, the team deployed to the Departments of La Paz and Santa Cruz and visited a number of polling stations.

This report presents a detailed assessment of the findings of the mission on the various stages of the electoral process, and includes a series of recommendations aimed at contributing to the improvement of future electoral processes.

### 4. POLITICAL CONTEXT

---

**The 2020 elections took place amidst political and social polarisation, but culminated peacefully mostly due to the clear and decisive verdict of Bolivian voters.**

These repeat elections were a result of the annulment of the 20 October 2019 general elections. Irregularities during the preliminary results transmission and the subsequent tabulation of results raised suspicions and led to an audit conducted by the Organisation of American States (OAS) which indicated intentional manipulations. At the same time, all members of the Supreme Electoral Tribunal (TSE) and the nine Departmental Electoral Tribunals (TEDs) were taken into police custody, one year later many of them remained in jail or under house arrest awaiting judgement. Release of the OAS report was immediately followed by the resignation of President Morales. Jeanine Áñez, who was in the line of succession, assumed the presidency on 12 November 2019 and formed an interim government.

*Movimiento al Socialismo–Instrumento Político por la Soberanía de los Pueblos (MAS-IPSP)* resumed its work in both chambers of the Legislative Assembly, with MAS-IPSP lawmaker Eva Copa assuming the Presidency of the Senate. Negotiations between all political actors, in particular the interim government and the MAS-IPSP-controlled Legislative Assembly, advanced to sealing

agreements, with the European Union, the United Nations, and the Bolivian Catholic Bishop's Conference acting as mediators. Major milestones could be achieved, including most significantly the adoption of a law annulling the 2019 elections and allowing for repeat elections, and a parliamentary regulation for the selection and appointment of TSE members according to broad political agreement reflected in an almost unanimous vote by the Legislative Assembly. These collective efforts led to a halt in civil unrest and the lifting of street blockades that had paralysed the country.

Áñez's government adopted several decisions, which according to international human rights watchdogs Amnesty International and Human Rights Watch, ran counter to fundamental human rights standards. These included claims of excessive use of force by law enforcement bodies connected to at least 20 casualties in the post-electoral conflicts and a number of allegedly arbitrary arrests. Moreover, through its Minister of Communication, Áñez's government announced it would prosecute journalists and former high-level authorities for sedition. In this vein, the Public Prosecutor's Office officially informed the UN High Commissioner for Human Rights that, between 12 November 2019 and 3 February 2020, it had opened criminal investigations against 159 individuals accused of terrorism, sedition or membership in a criminal organisation. In the lead up to the repeat polls, MAS-IPSP's adversaries repeatedly attempted to disqualify the party and its candidates from the upcoming elections (*see 8. Registration of candidates*). Closer to election day, the interim government intensified a smear campaign aimed at delegitimising MAS-IPSP.

Since the 2014 general elections, MAS-IPSP controlled a majority in both houses of the Legislative Assembly and remained the single largest political force in the country. Following the annulled 2019 elections, expressions of diverging opinions emerged within the party including a more moderate wing, embodied by Eva Copa and other MAS-IPSP representatives. However, Evo Morales remained a key player in politics and held a highly visible role as MAS-IPSP's campaign manager from his exile in Argentina. At the same time, party leaders and social organisations openly criticised that the final decision on the MAS-IPSP presidential ticket (Luis Arce and David Choquehuanca) was taken by Morales in exile, against the decision of the party's bases in Bolivia. Once the presidential ticket was chosen, MAS-IPSP proved itself to be one of the most disciplined political contenders.

The TSE approved eight presidential tickets for the 2019 elections. Former Minister of the Economy, Luis Arce, ran on the MAS-IPSP ticket. Opponents to MAS-IPSP remained fragmented, putting forth the remaining seven presidential candidacies. Two candidates who participated in the 2019 elections were nominated again: Carlos Mesa of *Comunidad Ciudadana* (CC), the centre-right former president who was Morales's main rival, and Chi Hyun Chung of *Frente para la Victoria* (FPV), an evangelical conservative who was third in the 2019 polls. Other candidates included Luis Fernando Camacho of *Creemos* (former president of the *Comité pro Santa Cruz*), interim President Jeanine Áñez, former Bolivian President Jorge "Tuto" Quiroga of *Libre 21*, María de la Cruz Bayá of *Acción Democrática Nacionalista* (ADN), and Feliciano Mamani of *Partido de Acción Nacional Boliviano* (PAN-BOL).

Áñez formed *Juntos*, an alliance of political forces from both the east and west of the country, which included wealthy *Unidad Nacional* leader Samuel Doria Medina, the governor of Santa Cruz and his *Movimiento Demócrata Social*, and the Mayor of La Paz. With the fall of her popularity, which dropped in opinion polls from 21 per cent in March to 10 per cent in early September, Áñez, in a declaration of unity against MAS-IPSP, withdrew her candidacy on 18 September, which subsequently resulted in the dissolution of the *Juntos* alliance.

On 11 October, Jorge "Tuto" Quiroga (with around 1.4 per cent support in opinion polls) announced he would withdraw his candidacy and the list of the *Libre 21* alliance to put his support behind the candidate with the highest chance of stopping MAS-IPSP's return to power. ADN (with 0.5 per cent support in opinion polls) announced that it would withdraw from the race (although its presidential candidate disagreed with the party's decision), but did not declare support for any other party. La Paz Mayor, Luis Revilla, publicly endorsed Mesa. Meanwhile, Camacho repeatedly claimed he would

not withdraw his candidacy, this may be explained by the fact that more than half of parliamentarians are elected based on the score obtained by the presidential ticket.

## **5. LEGAL FRAMEWORK AND ELECTORAL SYSTEM**

---

**The TSE overcame some legal shortcomings by amending a few excessively restrictive regulations; some legal sanctions proved to be disproportionate to the seriousness of the violation.**

### **5.1 Electoral system**

The general elections determined the president and vice-president as well as the Legislative Assembly of 130 deputies, 36 senators, and nine members of supra-national parliaments, including the Andean Parliament, UNASUR (Union of South American Nations) and MERCOSUR (Southern Common Market) for a five-year term. To avoid a power vacuum as the executive and legislative terms expired on 22 January 2020, the Legislative Assembly passed a law on 20 January 2020 to extend the mandates of the interim president and the legislative until the installation of the newly elected authorities for the 2020-2025 period.

For the presidential election, if no candidate achieved over 50 per cent of the vote, or over 40 per cent with a margin of victory of more than 10 percentage points, a second round would have been held between the two most-voted candidates. Of the 130 deputies, sixty-three seats were elected through majoritarian races in single member constituencies, and sixty were elected indirectly in one national constituency from closed party lists with seats awarded in proportion to the presidential vote. Seven seats were reserved for native indigenous peoples, elected by majority vote. Senators and members of the supra-national parliaments were elected indirectly in proportion to the presidential vote. This system for electing senators and deputies in multi-member constituencies provided a disincentive to alliances in the presidential race.

### **5.2 Legal framework**

The legal framework for the 2020 general elections derives primarily from the 2009 Bolivian Constitution, which guarantees basic rights and fundamental freedoms, the 2010 Election Law (*Ley de Régimen Electoral N.026*), the 2010 Plurinational Electoral Body Law (*Ley del Órgano Electoral Plurinacional N.018*), and the 2018 Law on Political Organisations (*Ley de Organizaciones Políticas N.1096*). Overall, the legal framework provides a sufficient basis for the conduct of democratic and competitive elections. Since the 2019 general elections, there were no significant amendments made to the electoral laws, and most deficiencies in the electoral laws identified by the 2019 EEM persisted. For example, those related to inadequate timelines and procedure for withdrawals and substitutions of candidates, disproportionate sanctions, insufficient legal powers of the Technical Oversight Unit to enforce the party financing requirements, and the requirement of pre-authorisation by the TSE before publishing an opinion poll.

Broad political compromise to move towards repeat elections was facilitated through the mediation efforts of the European Union, the United Nations, and the Bolivian Catholic Bishop's Conference. The law for the 2020 general elections (*Ley 1266 de Régimen Excepcional y Transitorio para la realización de elecciones generales*) entered into force on 24 November 2019. The law annulled the 2019 general elections and allowed for the holding of new elections within 120 days after the TSE issued the call for elections. It also provided for the appointment of a new TSE and TEDs. The law prohibited candidates who had been re-elected continuously in the last two constitutional terms from seeking re-election to the same position. This prevented former President Morales from registering as a presidential candidate.

The Regulation for the Selection and Appointment of TSE and TED members, adopted on 28 November 2019, mostly reflected the requirements and incompatibilities already established in the

legal framework. It also established a procedure based on wide political compromise select TSE and TED members based on qualification and merit. The novelty of the regulation lied in the prerequisite that candidates could no longer have political affiliation in the ten-year period preceding their application in order to safeguard their impartiality.

A subject of legal controversy in this electoral process was the postponements of the election date. On 23 July, the TSE approved a resolution (with the dissenting vote of two of its members) postponing for the third time the general elections scheduled for 6 September after the country suffered a spike in COVID-19 cases. Although this decision was welcomed by most political leaders, the MAS-IPSP social movements widely criticised the decision, arguing that it was taken outside parliament (previous postponements were done through the promulgation of parliamentary laws), and that it was politically-motivated. The TSE maintained that setting the election date was within its constitutional and legal mandate. Eventually, political forces achieved consensus and on 13 August the Plurinational Legislative Assembly adopted Law 1315 calling for the postponement of elections, with 18 October as the final possible date, which was confirmed by the TSE. With the various changes to the election date, the electoral calendar was updated several times, an aspect which particularly affected the time periods for campaigning.

The Bolivian legal framework included some improvements in comparison to the 2019 elections. The TSE, in line with the 2019 EU EEM recommendations, resolved to overcome some shortcomings in the legal framework by amending a few of the excessively restrictive regulations. For example, the 2020 regulation on election observation made the requirements for accreditation more flexible to facilitate the participation of national observers and to allow observers to carry out quick counts. The TSE also incorporated some novelties in the new regulations. The regulation on sanctions for electoral violations added new standards to achieve gender equality and protection in politics including a special chapter dealing with political violence and harassment. The regulation for candidate registration adopted by the TSE incorporated the possibility for indigenous peoples' organisations to run in the special constituencies. The 2020 regulation on opinion polls continued to demand a pre-registration and scrutiny of each survey by the TSE before its publication. In 2019, this amounted to an undue limitation on freedom of expression, notwithstanding the current TSE did not take advantage of this regulation to limit publication of opinion polls.

*Recommendation: The TSE could amend the regulation that requires pre-authorization before publication of an opinion poll.*

Issues relating to disproportionate and ineffective sanctions for some violations of election legislation remain problematic. The sanctions provided by the law often lacked an appropriate scale of disciplinary action and in some instances proved to be unbalanced in comparison to the seriousness of the violation. Consequently, the TSE sometimes limited itself to calling upon the candidates/lists to respect the legislation in order to avoid applying the established sanction. Disproportionate sanctions include disqualification of an entire candidate list for not complying with the parity and alternation requirements, and the cancellation of a party's legal status if it did not pass the three percent threshold, if it violated any of the financial restrictions or reporting requirements, or if it had infringed some aspects of an opinion poll regulation. The loss of the legal status of a party during an electoral process entails the disqualification of all its candidates. In addition, interlocutors commented on the lack of procedural guarantees in the application of these sanctions (e.g. no details on the right to defence, no right to appeal).

EU EEM interlocutors indicated that Bolivia witnessed a significant judicialisation of politics, in the sense that decision-making for certain matters, that were traditionally decided through political channels, were to be increasingly dependent on judicial decisions. This trend was already visible in the 2019 elections when the judiciary played a decisive role in the claims to the TSE to annul the Evo Morales-Álvaro Linera presidential ticket against the Constitutional Court ruling, or judicial cases to disqualify Mesa's candidacy. In this electoral process, several issues involving conflicting

interpretations of the Constitution and the electoral laws brought the judiciary to centre stage, often having to resolve disputes that had a significant impact on the electoral process. For example, court decisions in response to petitions seeking protection of candidates' constitutional rights or on the contrary seeking for the disqualification of candidates (see 8. *registration of candidates*).

*Recommendation: Recalibrate sanctions through provision of an appropriate range of proportionate disciplinary actions for not complying with the parity and alternation requirements, for not passing the three per cent threshold, for violating financial restrictions or reporting requirements, and for infringing opinion poll regulations.*

## **6. ELECTION ADMINISTRATION**

---

**The TSE performed impartially and delivered credible elections, despite numerous operational planning and logistical challenges and non-implementation of its preliminary results system.**

### **6.1 Structure and composition**

The Plurinational Electoral Body (OEP) is comprised of the Supreme Electoral Tribunal (TSE), nine Departmental Electoral Tribunals (TEDs), electoral judges, electoral notaries, and polling station staff. The TSE is a permanent body made up of seven members for a six-year term. Following annulment of the 2019 polls, interim President Áñez appointed Salvador Romero, an internationally experienced election expert, to the TSE. With the adoption of a new regulation for selection of TSE members, a parliamentary committee made a short-list of candidates based on merit and qualification, and the Legislative Assembly used this list to appoint the remaining six members.

Selection of the five-member TEDs followed the same process, although the selection of these members did not enjoy the same level of public confidence, allegedly due to political considerations. The lack of technical capacity within the TEDs may have been counteracted by provision of UNDP technical assistance which, financed by the EU, Sweden, the UK and Canada, was ongoing since January 2020.

From the beginning, the TSE took a number of complex and politically sensitive decisions regarding the election date, candidate registration, and new regulations. These decisions were taken under political and time pressures. There was growing consensus that the newly-appointed TSE had significantly more credibility than its predecessor. However, political tensions in the months leading up to the polls revolved around disagreement over settling on an election date; this exposed the TSE to public criticism, mostly by MAS-IPSP, *Creemos*, and FPV. Since that time these three parties continued to question the TSE's impartiality throughout the process.

While TEDs generally worked in a cohesive manner and adequately performed their duties, a few TED members indicated to the EU EEM that they suffered from some external pressures. For example, the TED Santa Cruz President publicly denounced that he was victim to continuous verbal aggressions and threats and that he and his family were put under police protection.

### **6.2 Transparency in decision-making**

The TSE exhibited greater communication efforts and an improved transparency in decision-making, distinguishing it from the TSE of 2019. For example, workshops on the integrity of the voter register allowed civil society and political party representatives to inspect the register under technical guidance of the Civil Registry Service (SERECI). At the TED-level, the electoral authority made some efforts to socialise its decisions with political parties. For example, TEDs shared details regarding the improved chain of custody of election material, and they promoted multi-party agreements aimed at rejecting political violence and emphasising the country's need for peaceful elections. A similar memorandum of understanding, which would have included acceptance of

election results, was promoted at national level by the TSE, but could not be finalised due the reticence of some contenders.

The TSE was less successful in explaining some key issues of greater political sensitivity to the public, including the preliminary results systems (DIREPRE) which, in the final days before the polls, was widely criticised by stakeholders for lacking important transparency measures. In a public statement a few hours before the election, the TSE announced it would not implement the preliminary results system. Moreover, with the late withdrawal of candidates, the TSE did not adequately inform voters, election staff and TEDs about the associated implications. These candidates appeared on the already printed ballots and results protocols, this sometimes resulted in incorrect allocation of votes and results protocols with errors or irregularities that were classified as “on hold” (*actas observadas*) during the tabulation process. The TSE hardly reacted to campaign violations, including members of government soliciting the vote during official activities.

There was limited public information available regarding the functioning of electoral justice. When the EU EEM enquired about cases the TSE had dealt with, some resolutions were accessible, but no systematic information was available nor was information about complaints available on the TSE website. This contrasted with the 2014 elections when the TSE published its resolutions on the official website. Furthermore, it was almost impossible to find information on cases sent to electoral judges or ordinary criminal judges or prosecutors. They did not publish details of cases online, nor did the TSE. The information flow between the judges involved in electoral cases and the TSE and TEDs was weak, and there were seemingly no efforts to maintain a comprehensive database of electoral jurisprudence.

### 6.3 Operational aspects of the elections

The organisation of the 2020 polls posed enormous challenges: a) the members of TSE and the TEDs were completely renewed and the election administration suffered a great loss of technical capacity; b) during the violent conflicts in the aftermath of the 2019 elections, infrastructure, equipment, and supporting documentation were seriously damaged in five of the nine departments (Chuquisaca, Santa Cruz, Potosí, Pando, and Beni); c) the public prosecutor’s office seized most of the equipment in TSE and SERECI offices for the purposes of the criminal proceedings related to the 2019 elections; d) resources were limited due to a 10 per cent budget reduction over the 2019 polls. In this overwhelming context, compounded by implementing elections during the COVID-19 pandemic, international support, including by the EU and some of its Member States, and UNDP technical assistance helped the TSE to mitigate challenges as they prepared for elections.

The election administration met most operational and technical deadlines. Ballots paper and other electoral material, including the additional items required for COVID-19 bio-security protocols, were successfully dispatched, although with minor delays. The overall chain of custody of the electoral material, which was problematic in 2019, was considerably strengthened. TEDs La Paz, Santa Cruz, and Cochabamba (which service 70 per cent of the electorate) signalled they lacked human resources, as they were assigned exactly the same number of administrative and technical staff as the smaller departments. In a minor oversight, while results protocols correctly included all competing parties and indigenous organisations, the TSE did not produce working tally sheets specific to the five special constituencies that had indigenous organisations presenting candidates. As a consequence, these organisations did not appear on working tally sheets and poll workers had to add them manually before the counting, prompting a complaint from an *Asamblea Pueblo Guarani* candidate.

The COVID-19 pandemic led the TSE to institute special measures, including mandatory mask-wearing, social distancing, hand-washing hygiene, increase in the number of polling centres,<sup>1</sup> extending polling operations from eight to nine hours, allocating specific non-mandatory time slots for voters in relation to the last digit in their ID, fixing the maximum age of polling staff at 50, limiting

---

<sup>1</sup> The overall number increased by 4.6 percent to 5,369 polling centres.

in-person poll worker training to 12 people at one time, and instituting a maximum of 220 voters per polling station. However, and as in past elections, polling stations were positioned in school corridors, while electors voted one by one inside classrooms. This resulted in overcrowded corridors where it was impossible to respect social distancing.

The TSE conducted a comprehensive media and social media campaign regarding the steps in the voting process. Spots were mostly placed on radio stations, followed by television channels and online versions of newspapers. In the context of the pandemic, the TSE's budget for voter education increased by five million bolivianos (EUR 610,000), although its overall budget was decreased.

#### *Poll workers and training*

Polling stations were allocated six poll workers, but could be established with a legal minimum of three. The 215,980 poll workers were randomly selected from voter lists five weeks before election day. Some did not receive notification of their selection, and others were hesitant to accept the position or to participate in the training due to the pandemic. There was in fact a slight increase in excuses and in last minute withdrawals, which manifested itself with staff shortages or late arrivals during the setting up of some polling stations on election day.<sup>2</sup>

In line with a 2019 EU EEM recommendation, selected poll workers received in person as well as virtual training;<sup>3</sup> the TSE subsidised this with informative television and radio spots about poll worker duties. National observers reported that training schedules were sometimes difficult to obtain and that the quality and duration of training was inconsistent across departments. While overall poll worker performance in filling out results protocols was adequate, also thanks to the supervision of electoral notaries, the lack of timely information on how to record the votes for parties that had withdrawn from the race resulted in mistakes which adversely impacted on the speed of the tabulation process.

#### *Out-of-country voting*

Out-of-country voting (OCV) was planned in 30 countries for the 301,631 Bolivians resident overseas.<sup>4</sup> The evolution of the COVID-19 pandemic in many countries, delays in receiving and conditioning electoral material in La Paz and delays in procurement of goods and services, and in particular transportation of electoral material, challenged the feasibility of polling in many of those countries until the very last minute. In the end, the TSE redoubled efforts to ensure that this significant pool of voters was not disenfranchised and the electoral material for out-of-country voting was finally shipped to all 30 countries. The pandemic caused voting cancellations in all of Panama and in Northern Chile, affecting respectively 142 and 28,449 voters.

#### *Preliminary results system (DIREPRE)*

Given the wide lack of confidence in the security controls of the 2019 preliminary results system, the TSE introduced a new system for 2020. An in-house software for the tabulation and transmission of preliminary results was developed, the DIREPRE, that should have provided preliminary results without interruption from around 18h00 onwards on election day. Initial tests of both DIREPRE and official results systems were conducted several days later than originally scheduled. The EU EEM followed the testing of DIREPRE, including two national simulation exercises, together with other observers and party delegates. The TSE indicated to the EU EEM that these system checks went well, but did not share reports on the simulation exercises with the mission. At the same time, the international audits of the system were not made public (see *18.1 Decision to cancel the preliminary results system*).

---

<sup>2</sup> A total of 10,712 poll workers were excused from duty, amounting to 20 per cent more than in the 2019 polls.

<sup>3</sup> According to official numbers communicated by SIFDE, 143,696 poll workers received in-person training, or 66.5 per cent of the total.

<sup>4</sup> Three less countries than 2019, due to the strained diplomatic relations with Nicaragua, Venezuela, and Iran.



Contrary to 2019, the preliminary results would be published by polling centres only and without scanned images of polling station results protocols. According to the TSE, this was consistent with the only objective of the DIREPRE, namely to provide the population with preliminary results on election night. Political party representatives, civil society organisations, and observers pointed to missing images of results protocols which would deprive them on election night of the ability to compare these with their own copies or photographs of results protocols.

*Recommendation: In line with election transparency and international and regional good practice, implement a preliminary results system that is made public from the close of polls. This would ideally include publication of results broken down by polling stations and with scanned images of original results protocols which would permit stakeholders to verify the underlying source data. To further enhance transparency and social control, voters should be guaranteed the right to take a picture of results protocols after the counting and copies of polling station results protocols could be posted outside the polling stations.*

#### **6.4 Enforcement of election laws**

The Election Law and TSE regulations regulate electoral publicity in the media during the campaign period and include prohibitions and sanctions. The legal framework envisages that campaign violations (*faltas*) are dealt with at first instance by an electoral judge. These decisions can be appealed to the TED and ultimately to the TSE. Sanctions for individuals include fines, and if a fine is unpaid, community service or detention. Sanctions for parties include fines, and in more serious cases the loss of legal status and suspension of the mandate for those holding elected office. The misuse of state resources is classified as a serious violation.

In previous elections, the TSE sent campaign violations to electoral judges. In line with a 2019 EU EEM recommendation, the new approach the TSE took to the enforcement of campaign rules for these elections was to deciding cases themselves. The TSE is responsible for monitoring electoral publicity in the national media and also has the responsibility, on its own initiative, for suspending the publication or broadcast of any publicity that violates the law. The TEDs have the same responsibility in relation to local media.

It is striking that despite several cases of campaign violations detected by EU EEM media monitoring, there was only one significant case when the TSE suspended a government spot (see *11.3 EU EEM media monitoring*).

Interlocutors highlighted the escalation of hate speech and discrimination in the context of the electoral process, in which various candidates and officials issued statements and opinions that reproduced racist, homophobic, and chauvinist stereotypes, thus violating Bolivian legislation.

*Recommendation: The TSE could act firmly to enforce the laws prohibiting campaign messages made by contenders that promote discrimination and intolerance.*

## **7. VOTER REGISTRATION**

---

**The TSE adopted multiple measures to ensure a reliable and inclusive voter register, and took some steps towards boosting stakeholder confidence.**

### **7.1 The right to vote**

Voting is mandatory in Bolivia for those over the age of 18, but is optional for those over 70 and for out-of-country voting (OCV). Penalties for not voting include fines and limitations from conducting bank transactions or from getting a passport. Due to the pandemic, the TSE organised with the banks the possibility for those over 60 to not be adversely affected. A voter's address is based on a self-declaration in Bolivia, an aspect which leaves the register open to possible political manipulation.



The 2019 EU EEM recommended that requests for change of electoral address should be accompanied by probative documents of effective residence.

## 7.2 Voter registration

There were 7,332,925 Bolivians registered to vote in the 2020 general elections, including overseas residents who were registered to vote in 30 countries with Bolivian diplomatic and consular representation.<sup>5</sup>

To increase public trust in the voter register, the Civil Register Service (SERECI) implemented over the last year various measures to enhance the voter register quality and reliability. SERECI is the operative unit of the TSE responsible for maintaining the biometric voter register as well as the civil registry. The 2020 voter register, announced on 15 September, represented a minimal 0.25 per cent increase over 2019, due to improved cleansing efforts. There were 7,031,294 (+0.81 per cent) in-country voters, and 301,631 (-11.54 per cent) out-of-country voters. The decrease in out-of-country voters mostly derived from the application, for the first time outside Bolivia, of the legal provision to purge the register of those who had not voted in the last two elections and were therefore presumed deceased. Some 50,634 citizens were purged from OCV voter lists, in addition to the 136,532 that were purged in country. Voters were allowed, with a simple notification in person or by mail, to be reintegrated on the voter register. According to some observers, that possibility was not publicised enough outside of Bolivia.<sup>6</sup>

Permanent registration was reinforced by two registration drives (18-26 January and 10-28 August) to enrol young voters and former Bolivian expatriates who had returned in Bolivia due to the COVID-19 pandemic. The TSE made efforts to purge the register of duplicated and deceased voters through an improved inter-institutional collaboration with public ministries, hospitals, cemeteries, and pension funds.<sup>7</sup> Citizens were for the first time allowed to directly notify SERECI, with a simple sworn declaration, of the death of a relative and have this name removed from the voter register. This led to 73,238 people being removed from the in-country voter register and 349 from the OCV register.

To ensure the transparency of the voter register the TSE organised multiple Multiparty Roundtables and three workshops at departmental level, open to civil society and political party representatives, allowing participants to better understand the register and to inspect it under the technical guidance of SERECI staff.

The EU EEM believed that the TSE undertook positive measures to update and cleanse an inclusive, reliable and credible voter register. The TSE could pursue initiatives to increase stakeholder confidence in the overall quality of the voter register.

## 8. REGISTRATION OF CANDIDATES

---

**Inadequate procedures for candidate withdrawals and substitutions persisted. Procedures applied for the withdrawal of whole candidate lists raises doubts. Application of the gender parity law resulted in a milestone for women in terms of political participation.**

The Election Law established appropriate procedures for candidate registration. Any person could appeal before the TSE to challenge the eligibility of a candidature. However, the law lacked adequate timelines for the possible disqualification of candidacies as appeals could be lodged until 15 days (and exceptionally 3 days) prior to election day. As a result, the final list of candidates was published only one day before the elections, by which time ballot papers were already printed. This introduced

---

<sup>5</sup> Out-of-country voters could vote only for the presidential election. Due to the cancellation of OCV in Panama and Northern Chile, the actual number of voters who could cast their ballot was 273,040.

<sup>6</sup> A total of 4,346 voters were reintegrated, including 245 on the OCV register.

<sup>7</sup> According to TSE, the number of duplicates in the system decreased from 48,759 (OAS Audit 2017) and 17,466 (2019 elections) to only 336.

a high level of uncertainty as to which candidates would contest the elections, and compromised the voter's ability to make an informed decision.

The TSE received 79 candidate challenges. The TSE rejected most of them, generally on the grounds that insufficient proof was presented, or that there was no violation of the candidate requirements. EU EEM interlocutors denounced the fact that in various cases the TSE took weeks to decide on appeals against candidate disqualifications. For example, in the case of the first senator on a list for El Alto, the TSE took more than four weeks to decide on the appeal. The candidate complained that she was substituted without even being notified that she had been disqualified. The TSE indicated that these delays were due to the unavoidable and inherent inconveniences of work interruptions in relation to the pandemic.

There were several attempts during the nomination period to disqualify MAS-IPSP and its candidates from the elections. In early January 2020, the TSE unanimously dismissed three requests for disqualification of MAS-IPSP in relation to fraud in the 20 October 2019 elections. The TSE decided that MAS-IPSP was entitled to participate in the 2020 general elections as the Election Law does not foresee the loss of legal status of a political party due to electoral crimes, as it considers the alleged offenses are individual.

On 20 July, several political parties and alliances filed a complaint before the TSE over an alleged violation of the Election Law by the MAS-IPSP presidential candidate, Luis Arce. According to the complaint, Arce shared details of an internal opinion poll which is prohibited by the law. According to Article 136 (3) of the Election Law, the alleged violation is immediately sanctioned with the cancelation of the legal status of the party and disqualification of all its candidates. The TSE informed the EU EEM that following this complaint, CC, *Creemos*, and the dissolved *Juntos* were also denounced for violating rules on opinion polls. In response to this complaint, the TSE brought an action before the Constitutional Court requesting the unconstitutionality of article 136 (3), on grounds that the sanction was disproportionate and violated the political rights of all other candidates in the list. At the time of this report, the Constitutional Court procedure on this matter, which suspended the application of the above-mentioned article, was ongoing.

Since the beginning of 2020, the controversy over Evo Morales' senatorial candidacy threatened to destabilise the electoral process. In September, the constitutional chamber of a La Paz court confirmed the TSE's February decision to disqualify Evo Morales and Diego Pary to run as candidates for the Senate in Cochabamba and Potosí, respectively. Both disqualifications were based on the failure to comply with the legal requirement of a permanent residence in the constituency where the candidate intends to run during the two-year period prior to elections. Morales stated that despite his disagreement, he would respect the court decision. These decisions were not appealed before the Constitutional Court, which brought an end to any doubts surrounding the legitimacy of their attempted candidacies.

By election day, only five of the original eight presidential candidates were still in the race. The TSE dissolved the *Juntos* alliance after its presidential candidate, Áñez, and the rest of the alliance candidates, withdrew from the electoral race. Other political parties soon withdrew from the race. On 10 October, Jorge "Tuto" Quiroga, Bolivia's former president and presidential candidate of *Libre 21*, announced withdrawal of his candidacy and the whole party list. ADN also announced the withdrawal of its list, however, its presidential candidate, María de la Cruz Bayá, publicly denounced that ADN's executive had not consulted her and that she did not intend to withdraw from the competition. At the same time, her vice-presidential candidate, Sergio Tarqui communicated to the TSE his withdrawal from the race. The opportunity to replace candidates ended on 3 September. María de la Cruz Bayá informed the EU EEM that during the campaign she received threats to withdraw her candidature, she was discriminated against by the media, and her candidature was withdrawn without discussion or notification. Bayá indicated that she was preparing to lodge formal harassment and political violence complaints with the TSE and the UN.

Some legal experts emphasised that there was no precedent for withdrawal of a whole candidate list in a general election, nor does the law foresee this eventuality. The Law on Political Organisations imposed intra-party democracy including to select candidates at all election levels. In fact, it required holding primary elections for nominating presidential and vice-presidential candidates. Given the short time until the elections, and in accordance with the law for the 2020 elections, no primaries were held in the 2020 election process. Political parties informed that the nomination process for these elections was conducted according to the internal rules and proceedings within each political organisation. It could be deduced that similar proceedings should have applied to a party's decision to withdraw an entire list. It remains unclear what procedures were followed by the parties who withdrew. The TSE indicated that they did not closely supervise internal democracy processes within the political organisations. TSE resolutions in relation to withdrawals included several dissenting votes.

*Recommendation: The legal deadlines and procedures for candidate withdrawals and substitutions (without force majeure), as well as for withdrawal of whole candidate lists, need to be brought forward and harmonised with the deadline for printing ballot papers.*

Of the five political parties who eventually competed in the elections only CC and MAS-IPSP ran candidates in all 63 constituencies. *Creemos* competed with candidates in 55 constituencies, and FPV and PAN-BOL in a significantly smaller number of constituencies. All five parties fielded candidates in each of the nine departments of Bolivia.

### ***Gender parity and alternation requirements***

Each list of candidates for the Legislative Assembly must comply with a gender parity and alternation requirement, consequently the new parliament comprises 49.7 per cent women. However, this resulted in a process that was not free from difficulties. The TSE designed a software program to reject lists that did not meet the parity and alternation requirements, even once substitutions had been made. Whilst the initial lists presented by parties met these requirements, the gender parity of the lists was subsequently skewed as a number of candidates were rejected. Gender parity requirements specify that reserve candidates for senators, deputies, and local councillors must be of the opposite sex from the main candidate. Elected women, particularly at local level, reported that their male reserve pressures them to resign so that he can take their seat. The TSE repeatedly reminded political parties that it was essential they met parity and alternation on their lists. Moreover, the TSE advised parties on how to comply with the numerous (59 in total) gender parity and alternation requirements.

Although the law provided for disqualification of all non-conforming lists submitted by a party, this would constitute a disproportionate sanction, and the TSE decided it would take a more lenient approach, disqualifying only those constituency lists which did not meet the parity and alternation requirements. With the publication of final candidate lists on 17 October, the TSE informed that all lists conformed with gender parity and alternation requirements.

The national organisation, *Coordinadora de la Mujer*, recognised the efforts and predisposition of the TSE and political parties and emphasised that there was an almost complete compliance with the parity and alternation requirements and that this brought about a fairer and more equitable political participation of women. According to *Coordinadora de la Mujer*, while CC, MAS-IPSP, and PAN-BOL complied 100 per cent with the parity and alternation requirements, *Creemos* and FPV came close, achieving 98.31 per cent and 94 per cent compliance, respectively. The *Coordinadora de la Mujer* based its analysis on the TSE's publication of final candidates lists. Subsequent to this report by the *Coordinadora de la Mujer*, the TSE issued a statement which explained there had been some errors in its original publication and that gender parity and alternation had in fact been achieved.

The software program designed by the TSE contributed substantively to the almost complete compliance with the gender parity and alternation requirements. However, the software did not automatically update with each data entry.

*Recommendation: To reinforce the gender parity requirement, the Election Law needs to be changed to specify that reserve candidates must be of the same sex as the main candidate. This should be undertaken in combination with enforcement of the regulation against harassment and political violence.*

## **9. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT**

---

**The campaign was vibrant and competitive, and contestants were generally free to campaign, but there were also acts of violence, verbal attacks, and misuse of state resources.**

The electoral laws contain provisions aimed at ensuring equal campaign opportunities for all contestants. Bolivian law sets two electoral campaign periods: one for public events, another for the campaign in the media. The public campaign commenced on 3 February, the same day as the deadline for candidate nomination. The media campaign started 30 days before the polls, and included a 72-hour silence period. All campaigning ended at midnight on 14 October. With the emergence of the COVID-19 pandemic, the campaign was paralysed and the main political actors decided collectively to suspend campaign activities until 7 September. In reality, the campaign period was ongoing with starts and stops throughout the year due to the pandemic and the ever-changing election date.

### **9.1 Freedom to campaign**

Political parties and candidates were for the most part able to campaign freely and carry out their proselytising activities. Although EU EEM interlocutors indicated that in some party strongholds, opposing candidates were not able to campaign freely and were often subjected to intimidations or attacks. This resulted in political parties halting their campaign activities in these areas. An example of this was the coca-growing region of El Chapare (Cochabamba), considered a bastion of MAS-IPSP support along with several other MAS-IPSP dominated areas where non-MAS-IPSP candidates had difficulty in conducting their campaign activities. Conversely, many MAS-IPSP candidates were hindered to campaign in several districts of Santa Cruz. On a number of occasions, the candidates were physically prevented from entering such districts or upon entering their campaign activities (such as caravans) were attacked by their opponents.

### **9.2 Electoral violence**

During the campaign period, and especially around a ten-day period in early August, there were blockades and clashes between opposing sides and armed groups, who were at odds over the election date; some wanted to proceed with the planned September polls, others wanted to postpone. As a consequence of the pandemic, the TSE wanted to push election date from September to October. These social conflicts continued until MAS-IPSP accepted the 18 October election date. Statements by the TSE as well as mediation efforts by the EU, UN, and the Bolivian Catholic Bishop's Conference called upon all participants of the electoral process to abstain from violence and provocation.

The electoral campaign was vibrant and competitive, but strongly marked by a hard-line and confrontational discourse accompanied by multiple acts of violence. The UN Office of the High Commissioner for Human Rights denounced 55 incidents of violence against CC, *Creemos*, FPV, and MAS-IPSP in the period 6 September to 18 October in Cochabamba, Chuquisaca, La Paz, Oruro, Potosi and Santa Cruz. These included 47 violent acts, three cases of discriminatory language, three incitements to violence, and two smear campaigns against candidates. Carlos Mesa denounced 16 attacks against his campaign activities, and MAS-IPSP reported over 20 cases of aggression in Chuquisaca, Potosi, and Santa Cruz, with most of these in the latter where they directly accused *Creemos* and youth groups of perpetrating the attacks. Incidents included stone-throwing and clashes between sympathisers, which in some cases became extremely violent.

Derogatory language against indigenous peoples and their symbols continued throughout the campaign, this created an adverse atmosphere for candidates and voters. Presidential candidate, Chi Hyun Chung, stirred division with pejorative remarks aimed at women and the LGBTI community. At the same time, EU EEM interlocutors pointed to an overall downtick in hate speech compared to the 2019 polls.

The last two weeks of the campaign witnessed fear campaigning carried out by both MAS-IPSP and their opponents. At a campaign rally in Oruro, MAS-IPSP leaders Andrónico Rodríguez and Orlando Gutiérrez warned that people would seize power on the streets in case fraud was orchestrated by the government. In response, members of the interim government, including President Áñez, Minister of the Interior Arturo Murillo, and Minister of Defence Fernando López, publicly declared that the security forces were standing ready to adequately respond to provocations similar to those which took place in November 2019 and August 2020. These declarations clearly indicated MAS-IPSP as the instigator of potential protests. Luis Arce publicly denounced that threats relating to use of military force by the interim government generated fear and posed a serious risk to the electoral process.

### 9.3 Campaign messages

Early campaign activities included public rallies and caravans of cars with loud-speakers, frequently with the participation of presidential candidates who distributed posters, leaflets, disposable face masks, calendars, and pens. Candidate platforms centred around economic, development, and social issues, but with few clear proposals and many mutual accusations.

The interim government took political advantage of legal cases against those in the previous MAS-IPSP government. On 8 October, the Deputy Minister of Transparency and the Fight Against Corruption announced an official accusation lodged at the Public Prosecutor's Office against Luis Arce and his wife for illicit enrichment. On the same day, the Special Force on the Fight Against Crime (FELCC) presented a report which named the alleged authors of the 2019 electoral irregularities. Among the accused were ministers and lower level officials in the Morales government, previous TSE and TED members, MAS-IPSP parliamentarians, and foreign software experts. The FELCC urged the Public Prosecutor's Office to indict those standing behind the irregularities. At the same time, MAS-IPSP continued messaging about the alleged past *coup d'état* and how the 2019 elections were stolen from them.

The final days of the campaign were characterised by persistent calls, mainly by Carlos Mesa and members of the interim government, for unity against MAS-IPSP. Mesa requested his opponents to unify their vote behind CC and to vote tactically to defeat MAS-IPSP. He put his coalition forth as the only alternative with a realistic chance of defeating Arce. Mesa may have been successful in this call for unity inasmuch as *Juntos*, *Libre 21*, and ADN dropped out of the race.

### 9.4 Use of state resources

The use of state resources for campaign purposes was a defining feature of the 2019 campaign period, even though it is strictly prohibited by the Constitution and the Election Law. On January 20, interim President Áñez issued a decree (Decreto Supremo N° 1270) prohibiting the use of images of senior officials in government advertising, including during the inauguration of public works; Ministers were allowed to participate in campaign activities, but outside working hours and without using government assets or facilities. The TSE made some efforts to enforce the law prohibiting government advertising in the one-month period ahead of elections. For example, during the period of her candidacy, Áñez was obliged by the TSE to withdraw a government spot. Although the candidacy of Jeanine Áñez and her alliance's list were withdrawn, the interim president and her ministers remained involved in the campaign and benefitted from the administrative resources of the state.

In defiance of the law, members of government made statements that amounted to promoting political parties or candidates during working hours and official activities. During a 10 October government activity in Beni, interim President Áñez called on Bolivians to prevent "the tyrant's return" by voting

for the candidate who had the highest chance of victory. On the same day in Santa Cruz, and in the course of an official meeting with the police corpse, Minister of the Interior, Arturo Murillo, urged the police to vote against “the return of the dictatorship.” Six days before the elections, the Ministry of the Presidency launched a media campaign in which Áñez called on Bolivians to vote for democracy, as opposed to MAS-IPSP violence, which had only brought the country blockages and civil war. This appeal was aired on radio stations and published on the Ministry of the Presidency’s official Facebook page.<sup>8</sup> These and other similar declarations were especially criticised by MAS-IPSP and *Creemos*.

*Recommendation: The Legislative Assembly could specify what is meant by government publicity (propaganda governmental), in order to better delineate prohibitions during the campaign period. The only authorised government publicity during the campaign period should be that set out in Art. 25 of the Regulation on the Electoral Campaign and Electoral Publicity, which includes information messages about health, public services, and emergency situations.*

## 9.5 Presidential debates

No presidential debates took place over the 18-year period prior to the 2020 polls in Bolivia. For these elections, two debates were organised back to back on 3 and 4 October. All seven candidates participated in the former event, which was formatted to share platforms regarding the economy, employment, and the social crisis, rather than an exchange between candidates. The later event, co-financed by the EU delegation and covered by more than 70 media outlets, was neither attended by Arce nor Camacho, the number one and three in opinion polls, respectively. The improved format allowed for contenders to disseminate their platforms on an equal basis. This debate covered a broader scope of subjects and compared to the first debate it allowed space for candidates to interact, but overall it did not live up to expectations as a debate among leading contestants. However, it was perceived as a respectful dialogue amongst contenders and possible good practice for future campaigns.

## 10. CAMPAIGN FINANCE

---

**Public financing for this electoral campaign was diverted to cover the costs of bio-security measures; campaign financing sources and expenditure were not contentious issues in these elections.**

Party and campaign financing were governed by the 2018 Political Organisations Law (LOP). The LOP introduced some improvements with a limited public financing scheme for media access during the campaign period. The only significant change in legislation for campaign finance was that introduced by the Legislative Assembly in July relating to the temporary suspension of financing to political parties. Taking into account the specific context of this campaign, amidst the COVID-19 pandemic and the subsequent economic crisis, all political forces agreed to temporarily refuse public financing for the electoral campaign, deciding instead to re-direct these funds (BOB 35,060,000 or EUR 4,280,000) to implementation of bio-security measures for the elections.

Campaigns were mostly financed with the parties and candidates’ private funds. The permitted sources of private financing included a party or candidate’s private resources, income from supporters, and donations. The law did not allow donations to be anonymous, from public bodies, from foreign entities, from religious groups or from people who were obliged by their employer to make donations. The only limit on donations was that each individual donation could not exceed ten per cent of the annual budget of the party or the campaign. The legal framework did not cover the political activities of social organisations and trade unions, although they are involved in campaign

---

<sup>8</sup> See the spot in this link.



activities. Some EU EEM interlocutors opined that the absence of any limit on total donations restricted campaign equity and favoured parties with greater resources.

Political party spending on media advertising had an upper limit of 35 per cent of the amount spent by the TSE on public financing for that party. However, as public financing was temporarily suspended for these elections, no political party was subject to that limit. As such, there were no campaign spending limits in relation to media advertising or campaign events. However, there were time and space limits in media coverage and spots that applied to all political parties, which effectively put a ceiling on campaign spending in the media.

Reporting requirements both, in an election year and in general, are very detailed and onerous. Parties must submit detailed annual budgets and reports on their finances to the TSE's Technical Oversight Unit (UTF). In an election year, campaign accounts should be included in the annual report. In addition, financial statements must be presented both before the campaign begins and two months after the elections. This rule remained valid despite the fact that the public financing of this electoral campaign was cancelled. None of this information, however, is made available to the public in any form, except for the TSE resolutions as to whether a party has complied with the financial reporting requirements. The LOP requires parties to publicise details of their finances but they have until the end of 2021 to adapt their internal procedures in order to comply with the law. This is a challenging task, particularly for smaller political parties. Sanctions for non-compliance with the reporting requirements include fines, suspension from party leadership, loss of elected office, as well as criminal sanctions.

The TSE's UTF does not have special autonomous status within the TSE, including in operational, managerial and budgetary terms. The UTF is an active unit and despite limited resources it carried out trainings across the country with political parties to explain the LOP's new financing regime. The UTF did not have a presence in the TEDs and thus was limited in its monitoring of parties' expenditure at local level. The UTF lacked the explicit investigatory powers it required to work effectively, including the power to attain information from other state bodies such as the tax authority and law enforcement.

Communication between the UTF and the TSE improved substantially over past elections, this was reflected in an upgraded functioning of the unit. However, the changes in technical staff following the 2019 crisis, combined with the difficult working conditions imposed by the pandemic, resulted in delays to auditing political party accounts. In fact, at the time of writing, the unit was still auditing the 2018 submissions and still investigating cases from 2019. Investigations were made difficult due to the Public Prosecutor's seizure of documents in relation to its ongoing investigation into the alleged 2019 electoral fraud.

There is a worryingly extensive power to cancel a party's legal status if it has violated any of the financing restrictions or reporting requirements.<sup>9</sup> Commentators noted the lack of due process in the application of these sanctions. This is in fact a major obstacle, as the sanctions are so disproportionate as to inhibit the TSE from applying sanctions.

Overall, the sources of campaign financing and spending was not a contentious issue in these elections. The UTF did not receive a single complaint on any wrongdoing related to this matter.

*Recommendation: The TSE's Technical Oversight Unit (UTF) could have special autonomous status within the TSE, including in operational, managerial and budgetary terms. The TSE could be provided with investigative powers to ensure compliance with all financial requirements, including the power to require information from other state bodies such as the tax authority and law*

---

<sup>9</sup> Article 58 (K) of the Law on Political Organisations.

enforcement agencies. The UTF needs greater resources and more staff in order to ensure that parties will have the necessary understanding to meet all of LOP's requirements by 2021.

## 11. MEDIA

---

**The media reflected the confrontational and divisive discourse of the campaign. Most campaign violations related to institutional propaganda aired when interim President Áñez was a candidate.**

The Bolivian legal framework provides an adequate basis for freedom of expression, opinion, information and the right to freely broadcast ideas without censorship. Notwithstanding, Bolivia still does not have a law on access to public information, which would give ordinary citizens the right to access public documents. During the last decade, media outlets complained about the obstacles to receiving information from government.

The Constitution prohibits media concentration, and the electronic frequency spectrum is distributed amongst public (33 per cent), private (33 per cent) community (17 per cent), and native indigenous peoples' television and radios (17 per cent). However, according to the Telecommunications and Transport Regulatory and Supervisory Authority (ATT), the private sector dominates the radio and television spectrum with nearly three-quarters of the 1,400 issued licences.

The media landscape is pluralist with a variety of media owners ranging from economic groups to families with a long tradition in the editorial business. Radio plays a predominant role nationwide, while print media remains relevant in the cities. Television is a prominent source of information in urban areas, with private channels leading in terms of audience.

Due to the lack of large advertising investors, Bolivian media remains dependent on state advertising. The COVID-19 pandemic severely impacted media outlets as the interim government applied a 95 per cent reduction of public investment in media publicity. Some media outlets aligned with MAS-IPSP declared being discriminated in the allocation of state advertising, as these media were allegedly not taken into account by audience rating surveys. EU EEM interlocutors claimed that these surveys were not reliable as they were financed by the larger media houses. Furthermore, there is no public information about the state advertising allocation criteria.

*Recommendation: The government should establish fair criteria and transparency in the use of public funds to purchase media advertisements.*

In the context of the pandemic, newspapers were the most adversely affected media. They were forced to reduce the number of pages, print on alternate days or migrate to the digital environment. Media interlocutors argued that they self-censored political commentary about the government in order not to lose state advertising. The ongoing financial crisis in the media sector was further aggravated by a transitory law passed by the Legislative Assembly, which reallocated public resources for political advertising in the media to the reinforcement of biosecurity measures for the elections.<sup>10</sup>

### 11.1 Media freedoms

Freedom of the press was not always guaranteed or protected. There was a high degree of impunity for violence against journalists. Bolivia placed 114 out of 180 countries in the 2020 Reporters Without Borders World Press Freedom Index, indicating that the media freedom situation is precarious. The TSE expressed worry about violent incidents against journalists covering electoral campaign activities, publishing a declaration in which it manifested its concerns. The TSE called on political organisations, candidates, and party leaders and activists to maintain a peaceful tone and to censure violence.

---

<sup>10</sup> Ley Transitoria de Reasignación de Presupuesto para el Fortalecimiento Público (Law No. 1314), 24 July 2020 reallocated 35 million bolivianos – € 4.328.125 million.



According to the National Association of Bolivian Journalists (ANPB), at least 42 attacks on journalists were reported in 2020, all of which went unpunished. During the election campaign, the ANPB and the Journalists Association of La Paz (APLP) requested an investigation into attacks on a journalist covering a sectoral dialogue for El Potosí newspaper. Furthermore, MAS-IPSP sympathisers were involved in two aggressions against journalists in Sucre and Chuquisaca, while workers of the TV channel *Abya Yala* (with an editorial line favourable to MAS-IPSP) were abruptly dispersed by police when demonstrating for the non-payment of official advertising. Finally, post-election political tensions in Santa Cruz crystallised into aggressions against three journalists from *Unitel* television when they were covering a press conference called by the *Creemos* presidential candidate to comment on election results. The Santa Cruz independent press association addressed a letter to Camacho demanding clarifications and security guarantees for media covering his activities. The letter went unanswered.

In this regard, the country office of the United Nations High Commissioner for Human Rights (OHCHR) condemned violence against journalists noting that these actions violated the freedom of expression and infringe on the right of citizens to receive information from various sources.<sup>11</sup>

*Recommendation: Ensure freedom of expression is duly protected by effectively prosecuting violence and pressure against journalists and media.*

During the campaign period and from Argentina, Morales accused Bolivian media of being his “number one enemy.” In a more conciliatory approach, Arce explained that MAS-IPSP needed journalists to “recover the nation” and committed himself to respect freedom of expression. Morales’ words were condemned by the ANPB, who called on all candidates to publicly declare respect for freedom of the press.

## **11.2 Access to media during the election campaign**

The electoral campaign in the media started on 18 September. Advertising was limited to 10 minutes daily per political party or alliance on radio and television and two pages in print media. Public media were bound to broadcast political spots according to equal TSE time spot criteria for all parties. In contrast to 2019, the 2020 regulation for electoral publicity and campaigning established diffusion times that all state media were obliged to provide to contenders. Although the Election Law prohibits government advertising in the media in the 30-day period before election day, exceptions are made for strictly informative messages, leaving a blurred line for interpretation.

The TSE’s Intercultural Service for Strengthening Democracy (SIFDE) supervised compliance with political advertising regulations in the media and could act *ex officio*. SIFDE used the services of a private company based in Santa Cruz to monitor electronic media compliance with electoral publicity rules, both at national and regional levels. SIFDE had an Analysis Commission which considered the results of the media monitoring and determined whether campaign rules were breached. According to the TSE, SIFDE’s media monitoring outsourcing effort was not entirely successful, as a number of violations were not picked up.

At the close of the election campaign, SIFDE submitted a report to the TSE with nine *ex officio* cases, three complaints, and two propaganda spots which were under investigation. Most cases were in relation to institutional propaganda aired when interim President Áñez was running as a candidate. According to the electoral campaign regulation, political advertising in the media ended 72 hours before election day (14 October at midnight). No media breach of the campaign silence was reported by the TSE or detected by EU EEM media monitoring. A proper media monitoring project by the TSE would have been able to provide the empirical data on imbalances in the campaign.

*Recommendation: In order to guarantee the implementation of the electoral campaign regulation and allow an appropriate and timely legal response, the TSE and the TEDs should strengthen internal*

---

<sup>11</sup> See OHCHR statement in this [link](#).

*processes and capacities to conduct systematic media and social networks monitoring. They could demand more exhaustive results from the company contracted for media monitoring and this could also include social networks monitoring. An effort could be made to undertake constructive dialogue with international counterparts to exchange on good practices for media and social networks monitoring.*

### **11.3 EU EEM media monitoring**

The EU EEM launched a qualitative and quantitative monitoring, during the official campaign period of 18 September – 14 October, of five television channels (public *Bolivia TV*; private *Unitel*, *Red Uno*, *Radio Televisión Popular* – RTP, and *Abya Yala*), five radio stations (public *Radio Illimani*; private *Panamericana*, *Erbol*, *Fides*, and *Radio San Gabriel*) and five private dailies – online and print editions – (*Página Siete*, *El Deber*, *Los Tiempos*, *La Razón*, and *El Correo del Sur*). Monitoring results revealed the confrontational and divisive discourse of the campaign (see *Annex I EU EEM media monitoring results*).

As election day approached, the anti-MAS-IPSP narrative affected the tone of the campaign, with news stories set on the axis of the 2019 electoral irregularities, new allegations of child abuse against Evo Morales, and the legal proceedings filed by the interim government against the MAS-IPSP presidential candidate, Luis Arce. On the other hand, some sectors within MAS-IPSP claimed that if irregularities were detected, it would respond by calling upon its supporters to take to the streets.

The core of the editorial content in the media focussed on the three political contenders leading in the opinion polls, MAS-IPSP (60 per cent in newspapers, 43 per cent in radios, and 38 per cent in television), CC (18 per cent in newspapers, 18 per cent in television, and 10 per cent in radios), and *Creemos* (14 per cent in newspapers and television, and 7.5 per cent in radios).<sup>12</sup> Moreover, the media gave significant space to political party programmes through daily air slots, and special sections in newspapers, where party representatives and candidates to the Legislative Assembly could compare their campaign platforms. The media also aired two televised debates with the presidential candidates, but these fell short of expectations as a debate among leading contestants (see section 9.5 *presidential debates*).

During the last week of the campaign, MAS-IPSP received extensive negative media coverage linked to the 2019 electoral fraud allegations and the ongoing criminal prosecutions against both Morales and Arce. State-owned *Bolivia TV* and *Radio Illimani*, private television channels *Unitel* and RTP, and private radios *Panamericana* and *Fides* provided the most coverage on these topics.<sup>13</sup> Although no regulation establishes a commitment from the media to ensure a balanced news coverage of political actors, state-owned media should aim at providing a level playing field in terms of coverage.

*Recommendation: Measures could be taken towards ensuring impartiality and independence from the government in public service media. This could include amending the public media statutes, training journalists on work ethics, etc.*

Political party advertising in private media concentrated on television spots on the channels with the highest ratings, *Unitel* and *Red Uno*. CC (40 per cent share of paid advertising), *Creemos* (35 per cent) and MAS-IPSP (20 per cent) were the political parties that spent the most on paid television advertising.<sup>14</sup> No electoral advertising appeared in newspapers; however, the online versions of Santa Cruz based *El Deber* and *Página Siete* ran MAS-IPSP, *Creemos* and *Libre 21* advertisements.

Media monitoring data showed an unbalanced distribution of institutional advertising in private radio and television stations. *Radio San Gabriel* (an Aymara radio station based in El Alto) and *Abya Yala* television channel – aligned with MAS-IPSP –, received 5.6 per cent and 2.6 per cent of institutional

---

<sup>12</sup> See Annex I – EU EEM 2020 media monitoring results, graphics 6, 7 and 10.

<sup>13</sup> See Annex I – EU EEM 2020 media monitoring results, graphics 1 to 4.

<sup>14</sup> See Annex I – EU EEM 2020 media monitoring results, graphic 11.

advertising respectively, against *Panamericana* radio station (42 per cent) and RTP television channel (51 per cent), which had the largest share of the paid state advertising in electronic media.<sup>15</sup> As mentioned above, media advertising revenues decreased substantially in the context of the COVID-19 pandemic, and this was compounded by the decrease in paid publicity by the interim government.

Although political parties generally met the gender parity and alternation requirements for candidate lists, male candidates were seven to eight times more present in the media than their female counterparts. Television was the media with the most unbalanced gender coverage: 81 per cent of coverage went to male candidates against 19 per cent for female candidates. Unbalanced coverage was also reflected in newspapers (76 per cent against 24 per cent) and radio stations (70 per cent against 30 per cent).<sup>16</sup>

The EU EEM media monitoring identified some campaign violations. EU EEM media monitoring confirmed SIFDE’s findings in relation to the election campaign period and identified two more institutional spots in violation of the propaganda regulation.

<b>Institutional propaganda – Election campaign violations</b>			
<b>Institution</b>	<b>Description</b>	<b>Violation</b>	<b>Number of broadcasts per media</b>
Legislative Assembly	Senate President, Eva Copa, promoted the fact that this legislature had approved several important laws.	Election Law 026; art. 119 – II.	TV channel <i>Abya Yala</i> :28; Radio Erbol: 8.
Ministry of the Presidency	Spot from the National Forest and Land Monitoring Authority (ANB) in which the former MAS-IPSP government is blamed for causing the burning and destruction of thousands of hectares of forest in Santa Cruz and Beni.	Election Law 026; art. 119 – II.	TV channels: Unitel: 3; Red Uno: 9.  Radio stations: Panamericana: 14; Erbol: 2.

The regulation on advertising and electoral campaign prohibits any civil servant from promoting political parties or candidates during working hours. Yet, the TSE hardly reacted to media campaign violations, including members of government soliciting the vote during official activities. For example, on 9 October, public channel *Bolivia TV* broadcasted President Áñez’s speech announcing her withdrawal from the presidential candidacy, in which she described Morales’ government as “14 years of bullying” and asked voters not to disperse their vote. During the campaign period, the TSE suspended one spot placed by the presidency as the spot was not simply governmental information, but rather a promotion of Áñez’s candidature.

<sup>15</sup> See Annex I – EU EEM 2020 media monitoring results, graphics 13 and 14.

<sup>16</sup> See Annex I – EU EEM 2020 media monitoring results, graphics 15 to 17.

## 12. DIGITAL COMMUNICATION AND SOCIAL MEDIA

---

**Limited resources hindered SIFDE's genuine effort to comply with legal provisions, in a digital campaign marked by widespread violations and disinformation.**

### 12.1 Landscape

Around 65 per cent of Bolivians have access to the internet, with significant variations depending on the area of residence and the type of network used.<sup>17</sup> Facebook is the most popular social network, followed by YouTube, Instagram and Twitter. Instant-messaging apps are also widespread, with WhatsApp largely leading in terms of penetration. Facebook is the main network politicians use to campaign. Twitter plays an important role as source of journalistic content, being very popular among politicians, opinion leaders, and media professionals. The use of YouTube, Instagram and Tik Tok to campaign was lower, with the last two gaining visibility as a campaign tool for the first time in these elections.

EU EEM interlocutors indicated that political campaigners used instant message apps to disseminate campaign messages and calls to action via multiple groups. WhatsApp was largely used by activists to spread information about party activities, organise and mobilise around common issues, as well as to spread disinformation about contenders and the election process in general.

### 12.2 Legal framework

The Constitution, the Penal Code, various sentences of the Constitutional Court, the Law on Telecommunications, Information, and Communication Technologies, and aspects of the Election Law regulate aspects of the online environment that are relevant to social networks, including defamation and discrimination.

The Law on Telecommunications, Information, and Communication Technologies establishes the general telecommunication/ICT regime, promoting as a matter of national priority the use of ICTs and aspects related to e-government and free software. In recent years there were unsuccessful attempts to regulate dissemination of content through social networks. Most Bolivian media experts opposed introducing regulation as they viewed it as a form of government control over opinions that may not be favourable to the government. At the beginning of the year, Áñez approved a regulation to combat the COVID-19 pandemic which carried heavy prison sentences for 'disinformation.' The decree was criticised harshly, both nationally and internationally, and it was finally waived. Eva Copa, who was herself victimised by the distribution of a defamatory video, also recently promoted the adoption of a law on sexual harassment against women. The law, which included lower prison sentences than Áñez's decree, was aimed at typifying, *inter alia*, crimes against a person's dignity and honour, and the alteration and trafficking of data. Copa's law was debated and passed in the Senate and at the time of writing was in the Chamber of Deputies.

In line with international obligations, Bolivian laws provide a broad constitutional right to privacy in personal communications. Yet, Bolivia lacks a comprehensive data protection framework, necessary to properly regulate consent and safeguard the collection and processing of personal information. International law requires States to take effective measures to ensure that individuals' personal data, including information about their private life and political preferences, is used lawfully and for authorised purposes with their consent, and that it does not reach the hands of persons who are not authorised by law to receive, process, and use it.<sup>18</sup> Data protection rules are in place to reduce the

---

<sup>17</sup> While the existing infrastructure provides for high-speed internet access to urban areas, more than 90 per cent of rural households have no Internet access. 91.99 per cent of the total number of internet connections of the first semester of 2020 were made via mobile devices. The number of people who can afford a good-quality pre-paid plan is limited. See the Bolivian Agency for *Electronic Government and Information and Communication Technologies* (available at this [link](#)), regional report of the global agency We Are Social (available at this [link](#)), and Statista (available at this [link](#)).

<sup>18</sup> ICCPR art. 17, and CCPR General Comment No. 16.

risks of improper use, of which the user is often unaware. Due to the role played by data in the digital environment, privacy and data protection have come to play a central role in the legal framework applicable to election processes. Social media can be used to encourage people to vote, to vote for a particular candidate, and to discourage them from voting altogether, at times through dissemination of targeted disinformation. Online manipulation is a complex problem: while no single arm of regulation is able to tackle it alone, data protection is part of the solution.

In a positive development, two draft laws on personal data protection endorsed by a citizens' initiative were introduced to parliament. While both proposals took inspiration from the European General Data Protection Regulation (GDPR) and Standards for Data Protection for the Ibero-American States,<sup>19</sup> the second was the product of a more inclusive process involving national and international stakeholders coordinated by the civil society organisation *Fundación Internet Bolivia*.

*Recommendation: Adopt a data protection law that establishes principles, definitions, rights, obligations of those responsible for the processing of personal data, procedures, deadlines, sanctions and a supervisory authority (a supervisory mechanism) ensuring its implementation, with a view to robustly protect citizens' right to privacy of their personal data, both online and offline.*

The Election Law and the 2020 regulation for electoral publicity and campaigning set the rules for online campaigning, including for government, state-owned companies, and companies with a public participation. For the first time, candidates and parties were required to abide by specific requirements, such as registering their official accounts, if they placed electoral advertisements on social networks. Campaign rules applying to traditional media were extended to the digital sphere, applying both to online media and social networks (see *11. Media*).

SIFDE conducted a random social media monitoring activity and reported that no significant violation was submitted to the attention of the TSE. In contrast, the EU EEM social media monitoring unit observed 1,293 cases of suspected violations of campaign rules on different social platforms (see *12.3 EU EEM social media monitoring*). SIFDE explained to the EU EEM that there was only one person dedicated to monitoring social media, and that this person did not receive sufficient training to undertake the task effectively.

### **12.3 EU EEM social media monitoring**

A combination of the pandemic and a global move towards increased online campaigning resulted in an intensification of the presence of candidates and political parties in social media. Contesting political parties used social media to varying degrees as a campaign tool. MAS-IPSP and CC were the most active, with a large presence on Facebook through party, candidates, support groups, and regional Facebook pages and public groups. Both had a solid presence on Twitter, and CC achieved a higher visibility on Instagram through multiple unofficial accounts spreading its campaign messages. In addition, Carlos Mesa was personally active on Facebook, Instagram, Twitter, YouTube, and Tik Tok (see *Annex II EU EEM social media monitoring results*).

The *Creemos* online campaign was mainly conducted through Camacho's personal social network accounts on Facebook, Twitter, Instagram, YouTube, and Tik Tok, as well as supporting Facebook groups and Instagram and Tik Tok profiles. *Libre21*, FPV, ADN and PAN-BOL showed little online presence. However, presidential candidates Jorge "Tuto" Quiroga (*Libre21*) and Chi Hyun Chung (FPV) campaigned through their social network profiles.

According to data accessible through the Facebook transparency tool Ad Library, CC, *Creemos*, MAS-IPSP, *Juntos*, and *Libre 21* benefitted from the largest number of paid advertisements placed

---

<sup>19</sup> The Ibero-American Data Protection Network approved standards that constitute a set of guidelines that may contribute to the issuance of regulatory initiatives for the protection of personal data in the Ibero-American region, which encompasses those countries that do not have these regulations yet; or, if it were the case, they may serve as reference for the modernisation and updating of existing legislation.

through supporting groups and candidate fan pages, with 995, 505, 407, 281, and 249, respectively. Carlos Mesa, Jorge “Tuto” Quiroga, Luis Fernando Camacho, Chi Hyun Chung, and María de la Cruz Bayá placed advertisements on Facebook during the official campaign period, targeting mainly the departments of Santa Cruz, La Paz, Cochabamba, and Beni. The advertising investment of the remaining parties on Facebook appeared low. The diversified strategy by MAS-IPSP, using YouTube, Google Search, mobile apps, webpages, and Gmail increased its chances to reach target audiences.

EU EEM social media monitoring detected animated political discussions circulating online throughout the campaign period. However, the tone turned increasingly negative as elections approached. The rhetoric of fraud clearly marked the political discourse online between the announcement of the quick count results on election night and the announcement of official results on 23 October. This rhetoric continued into the following two weeks. On the one hand, numerous messages referred to the MAS-IPSP success as evidence of a 2019 ‘fraud’ and ‘*coup d’état*,’ on the other, *Creemos* sympathisers questioned the integrity of the TSE, claiming that a fraud was in process. Disinformation on the integrity of the elections circulated widely on Facebook, Twitter, and through WhatsApp political groups and thousands of people responded to social network calls on the evening of 20 October in Santa Cruz, Cochabamba, La Paz, Sucre, Chuquisaca, and Oruro for public protests to challenge the credibility of the TSE and the quick count results.

The EU EEM also noted declarations by prominent members of government through their personal social network profiles and institutional Facebook pages aimed at fuelling animosity towards MAS-IPSP.<sup>20</sup> These aggressive positions contributed to incite a divisive rhetoric online during the final two weeks before elections.<sup>21</sup> Personal data from four Spanish observers, including their names and pictures taken by the Bolivian Migration Department at the airport upon their arrival, were provided to national and international media and used to denounce an alleged intention to destabilise the country.<sup>22</sup>

Following Spanish journalist Alejandro Entrambasaguas (*Ok Diario*) August 2020 disclosure of Evo Morales’ alleged relationship with a minor, accusations of child abuse against Evo Morales circulated widely in the digital sphere.<sup>23</sup> The anti-MAS-IPSP narrative shifted more and more towards a thorny reminder of this political figure, turning him into the target of a smear campaign characterised by accusations, insults, and false reports.<sup>24</sup> Although not a candidate, Morales was active on Twitter and Facebook, showing a mainly moderate tone during the campaign period.

There was a general widespread use of disinformation as a campaign tool on social media by candidates, political parties, sympathisers, and ordinary users. The systematic fact-checking activity of local organisations, *Bolivia Verifica* and *Chequea Bolivia*, was useful and worthwhile, but it did not prevent or contain the extensive spreading of inaccurate information on social networks and WhatsApp during the campaign period. Increasing manipulation of the political discourse through falsification of graphic and audio-visual content, dissemination of false opinion polls, and widespread messages aimed at discrediting the election process and the role of the TSE were the most common subjects circulating online, especially in partisan Facebook pages and public groups. Out of 227 news items debunked by *Bolivia Verifica* and *Chequea Bolivia*, between 6 September and 18 October 2020, the EU EEM Social Media Monitoring Unit identified 112 instances of content-manipulation, 30 cases of false opinion polls, and 22 attempts to discredit the TSE’s credibility.

*Recommendation: Measures should be considered to address the significant presence of disinformation affecting the online campaign on social platforms, such as programmes promoting*

---

<sup>20</sup> Minister of the Interior, Arturo Murillo; Minister of Justice, Alvaro Coimbra; *Migration Director*, Marcel Rivas; *Minister of Defense*, Fernando López; and *Deputy Minister of Science and Technology*, Christian Tejada.

<sup>21</sup> <https://bit.ly/3jlnMmF>, <https://bit.ly/3dUiRbo>, <https://bit.ly/3jqbjOT>.

<sup>22</sup> <https://bit.ly/31RbD2X>, <https://bit.ly/3eguc5X>

<sup>23</sup> Ministry of Interior Arturo Murillo’s tweets on this subject matter: <https://bit.ly/2SKndYU> and <https://bit.ly/30RV9Y7>.

<sup>24</sup> <https://bit.ly/3jtLc9A>, <https://bit.ly/3okXGEb>, <https://bit.ly/2J2dWtB>.



*digital literacy of voters, voluntary commitments by political parties, and/or capacity building activities for civil society.*

The EU EEM observed instances of seemingly misleading human and automated behaviour during the campaign. In August, Facebook removed a network of Facebook and Instagram accounts linked to US-based strategic communication firm, CLS Strategies, which was suspected of seeking to mislead users in Bolivia, for violation of its policy against foreign interference.<sup>25</sup> The interim government subsequently confirmed having hired the company to “undertake lobbying to back Bolivian democracy after fraudulent elections and support the holding of repeat general elections.” Following the publication by a controversial Spanish journalist of a tweet discrediting Evo Morales, the EU EEM identified indications of a suspicious automated behaviour, possibly generated through a software application that runs automated tasks over the internet (bots) that resulted in this tweet being shared thousands of times.<sup>26</sup> After the elections, civil society groups and a citizens observation exercise, *CuidaTuVoto*, denounced a proliferation of fake social network accounts aimed at usurping identities to spread disinformation promoting the false claim of a widespread fraud. The Bolivian cybercrime police opened an investigation into the matter.

The campaign rules prohibited dissemination of political advertisements on social networks before 18 September and during the campaign silence period. However, the EU EEM social media monitoring unit observed 684 instances of paid political advertisements on Facebook placed before the official start of the campaign period in the media, 407 during the campaign silence period, and 83 on election day (1,174 in total).<sup>27</sup> In addition, 119 cases of suspected violations of other campaign rules were identified on different social platforms (74 on Facebook, 8 on Twitter, 16 on Instagram, and 21 on Tik Tok). Suspected violations were in relation to the prohibitions for public servants to campaign during work hours, use of religious symbols to campaign, indirect use of children’s image to campaign, and dissemination of institutional propaganda during the 30 days prior to elections.

### **13. POLITICAL PARTICIPATION OF WOMEN**

---

#### **Harassment and political violence are still the main obstacles to women’s political participation.**

Bolivia ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Political Rights of Women, and the Inter-American Convention on the granting of Political Rights to Women. Bolivia holds third place in the world ranking of women in national parliaments. The 2020 elections marked a milestone for women in terms of political participation: 62 women out of 130 deputies, which represents 48 per cent of the lower chamber, and 20 women out of 36 senators, which represents 56 per cent of the upper chamber. The parity law was complied with in these elections (*see 8. Registration of candidates*).

In positions without quotas, women are less well-represented in political life. There are no women governors; women make up only eight per cent of mayors; and while the former interim President was a woman, only 4 of her 17 cabinet ministers were women. There is no gender and alternation

---

<sup>25</sup> August 2020 Coordinated Inauthentic Behavior Report, Facebook, 1 September 2020 (available at this [link](#)).

<sup>26</sup> The mission downloaded data from 6,797 Twitter accounts that had retweeted the message, and examined closely a sample of 264 accounts that appeared to be either automated accounts (bots) or anonymous accounts used to amplify certain political messages. All the accounts examined showed an average activity of six tweets per hour over the 72 hours following the publication of the tweet studied (144/day), all but one were registered abroad (Argentina, Venezuela, España, Colombia, Brasil, Chile, Paraguay, Cuba, Guatemala, and USA) and were only engaged in retweeting activity of almost exclusively political content in favor of *Pinochetism*, Macrismo, Bolsonaro, Trump, Vox, Uribe, as well as against socialism and its regional political leaders. None of these accounts showed a certification of authenticity, and 142 lacked identification signs, such as profile pictures and descriptions or the use of a numerical nickname. Fifty-eight were created in 2019 or 2020 and one was suspended by Twitter before verification was conducted.

<sup>27</sup> At the beginning of August Facebook activated its Ads Library in Bolivia. This is a transparency tool that offers a database storing advertisements that are running across Facebook products. After the promotional period expires, advertisements remain stored in the Library for seven years.

requirement for the presidential ticket. There were two female presidential candidates, Jeanine Áñez (*Juntos*) and María de la Cruz Bayá (ADN), and two vice-presidential candidates Jasmine Barrientos (FPV) and Tomasa Yarhui (*Libre 21*). However, the withdrawal of *Juntos*, ADN and *Libre 21* resulted in Jasmine Barrientos being the only woman contesting the 2020 presidential elections.

Harassment and political violence are still the main obstacles to women's political participation. During the last decade, Bolivian institutions took positive steps to promote women's political participation or to combat gender-based violence, including the adoption of a number of laws and regulations. However, there has also been an inadequacy of the mechanisms and resources for the implementation of those legal provisions. On a positive note, the regulation on sanctions for electoral violations adopted by the TSE in May 2020 provided the electoral judges the authority to deal with cases of harassment and political violence against women candidates. It also established measures for protection and remedies, as well as severe sanctions against political parties that violated women's political rights.

According to UN Women, during the electoral campaign there was an increase in cases of harassment and political violence against female councillors, mayors, departmental assembly members, and national assembly members. This included threats to the lives of women candidates, threats to kidnap their children or relatives, verbal attacks, and intimate disclosures about their personal lives. The Association of Town Councilwomen (Acobol) reported that between January and October 2020 there were 133 reported cases of harassment and political violence against elected female authorities, most of these comprised pressure for them to resign. This represents an increase in cases over 2019 (127) and 2018 (117). Moreover, this electoral process witnessed an increase in political violence and harassment against women on social media networks.

Organisations working with women also indicated that there were many cases of women who faced difficulties in securing their presence on candidate lists, in many instances this was due to their political party not submitting the requisite documentation. It is likely that in some cases this was done intentionally to ensure the TSE did not allow the candidature. There were also cases of women who had been included on lists without their knowledge in order to comply with the gender parity and alternation requirements.

The TSE reminded electoral stakeholders of the importance of women's political rights and of conducting the election campaign in a violence-free environment. The electoral authority also warned stakeholders that physical, psychological and/or sexual aggressions against women candidates were considered acts of political violence in accordance with the Law on Harassment and Political Violence against Women. There are no data regarding cases lodged with electoral judges, or how such cases were resolved, despite the fact that electoral judges ought to have informed TEDs about cases. The TSE had an Observatory for Democratic Parity that could have compiled this data. Publication of TSE interventions would have given an indication of the impact of the regulation against harassment and political violence.

#### **14. POLITICAL PARTICIPATION OF NATIONAL MINORITIES**

---

**For the first time indigenous peoples' organisations could run in the special constituencies; although this was considered a major step, the indigenous candidates presented by MAS-IPSP won in all seven special constituencies.**

Bolivia ratified the 1966 Convention on the Elimination of All Forms of Racial Discrimination as well as the 1989 ILO Indigenous and Tribal Peoples Convention 169. Bolivia has been an active promoter of the United Nations Declaration on the Rights of Indigenous People adopted by the General Assembly on 13 September 2007, and was the first country to ratify the declaration. The



changes in the legal framework over the past decade substantially improved the status of indigenous peoples in Bolivia, who have suffered a long history of racism and marginalisation.

In terms of political participation, there are seven seats (special constituencies) reserved for minority indigenous groups in the Chamber of Deputies. There are special seats in seven of the nine departments (excluding Chuquisaca and Potosí), where voters are able to elect either a uninominal or a special indigenous candidate.<sup>28</sup> The 2020 polls introduced for the first time the possibility for indigenous peoples' organisations to run in the special constituencies, even though this was already provided for in the Constitution and Election Law. Local organisations considered this a major step towards the real exercise of the political rights of indigenous peoples. Six indigenous peoples' organisations participated in the elections in the departments of Santa Cruz, Beni, Cochabamba, Tarija, and Pando. No indigenous organisation won in any of the special constituencies, rather the MAS-IPSP indigenous candidates won in all of them. In Santa Cruz there were complaints from Chiquitana and Guaraní indigenous organisations that the special constituency ballot papers were not available at a few polling stations.

Voters could identify themselves as belonging to a native nation or people while registering in the voter register. The importance of self-identification is that it provides improved data regarding indigenous communities, which can help to redefine the objectives and design of special constituencies. The total number of people who choose to self-identity as one of the 42 cultural options in the voter register increased slightly since the judicial elections in 2017 (from 1,783,569 in 2017 to 1,983,854 in 2020). The voter register includes 994,057 people who self-identify as Aymara, 917,101 as Quechuas, 22,664 as Guaranies, 24 as Pacawara, and 16 as Toromona. Some interlocutors indicated that the number of self-identified is under-captured as the question regarding self-identification is not made in a consistent manner.

The social conflict and the pandemic resulted in an increased use of ethnic and racist stereotypes and stigmatisation, that many thought had been overcome.

## 15. POLITICAL PARTICIPATION OF VULNERABLE GROUPS

---

**The procedures for voting by persons with disabilities needs improvement; the TSE did not enforce campaign rules prohibiting discrimination and intolerance against the LGBTI community.**

### 15.1 Political participation of persons with disabilities

Bolivia is a State Party to the Convention on the Rights of Persons with Disabilities (CRPD) and the Constitution provides for affirmative action measures to ensure the effective integration of persons with disabilities into political life. According to the national registry of persons with disabilities (SIPRUNPCD) and the Bolivian Institute for the Blind (IBC), there are 95,884 persons with disabilities in Bolivia. Of these, 15 per cent have a very serious disability, 51 per cent a serious disability, 28 per cent a moderate disability, and 6 per cent a slight disability.

Despite some proactive steps taken during the past years to ensure that voters with disabilities can exercise their political rights on equal terms with other voters, including accessibility of voting centres, the procedures for voting by voters with disabilities needs improvement. The 2014 Regulation on Assisted Voting allows voters with a disability to make a note on the voter register of their needs. However, this is limited to those holding an official disability card. Moreover, for blind

---

<sup>28</sup> The seven special constituencies amounted to a total of 835 polling stations. In 648 of them, all voters were given special constituency ballots instead of uninominal ballots. In the remaining 187 polling stations, which were located in mixed indigenous and non-indigenous areas, voters were given the choice of a uninominal or a special ballot.

persons who are literate, there is the possibility to vote using a Braille option. For voters who need assistance in marking their ballot paper, the procedure is that they can be assisted by a person of their own choice. But the law specifies that they must be accompanied in the voting booth by the president of the polling station staff, which compromises their right to secrecy and is not in line with International Covenant on Civil and Political Rights. On a positive note, for these elections persons with disabilities had the possibility of assistance from electoral guides inside polling centres. However, representatives of disabilities associations complained that greater coordination with the TSE was required in order to improve information and accessibility, and to protect the secrecy of the vote.

Voting is physically challenging for many persons with disabilities and often requires assistance from family members. Over the past year, and during the context of the pandemic, representatives of some disabilities associations requested that the vote not be mandatory for them. The EU EEM considers that it would be easy to exempt persons with disabilities from the duty to vote and in this way avoid giving them and their families what is sometimes an onerous task to fulfil. However, this measure would imply exonerating the state from its duty to provide persons with disabilities the necessary conditions and guarantees to vote. Alternatively, and in the same way that was done for those over 60 years of age, persons with disabilities could be exempted from the fine and administrative impediments associated with not voting.

## **15.2 Political participation of LGBTI groups**

Exclusion and intolerance towards the LGBTI community prevail in Bolivia. The outgoing government introduced various progressive laws and initiatives to promote equality and inclusion for LGBTI groups. For example, the Gender Identity Law of 2016 allowed a person to change their sex, name, and photograph at the civil registry and to have their new gender identity reflected on their birth certificate, ID card, and all official and private documents. In line with a recommendation of the EU EEM 2019, the voter register could be automatically updated to reflect all the details of a person's change of gender identity.

The discriminatory culture prevailing in Bolivia was evident during the campaign period. Political parties avoided the issue of sexual diversity and none of them took into consideration the LGBTI community or their demands. Moreover, and in contrast to 2019, there was not a single openly LGBTI candidate. One of the reasons put forth by LGBTI collectives was that amongst candidate requirements for men was the presentation of proof of completion of the mandatory military service. The Bolivian armed forces do not officially permit LGBTI persons to serve openly.

However, the main reason for this discrimination was the relapse in homophobia experienced in Bolivia over the past year. LGTBI representatives indicated that since the beginning of the 2019 crisis, there was a far-reaching conservative reaction in Bolivia that, in some instances, manifested itself in discriminatory and hateful speech. The Election Law prohibits campaign messages that promote discrimination and intolerance. As in the 2019 elections, presidential candidate Chi Hyun Chung made derogatory remarks aimed at women and the LGBTI community during the campaign period.<sup>29</sup> Despite a formal complaint lodged with the TSE, Chi's behaviour was not sanctioned. At the time of writing, an LGBTI organisation was preparing a criminal charge against the candidate. The EU EEM considered that in not providing a clear and unambiguous response to hate speech, even though the Election Law expressly forbids campaign messages that promote discrimination and intolerance, the TSE abandoned its responsibility.

---

<sup>29</sup> In September, Chi Hyun Chung declared on television that LGBTI people suffered from "psychological problems" and that 90 per cent of them were prostitutes.

## 16. NATIONAL CIVIL SOCIETY AND INTERNATIONAL OBSERVATION

---

Relaxed requirements on election observation facilitated a strong participation of national observers, reintroducing a key transparency measure that was lacking over many electoral processes.

### 16.1 National Civil Society

The TSE simplified complex registration procedures and restrictive requirements which inhibited national observation since 2014, re-introducing a key transparency measure that was lacking over many electoral processes. The most significant national observer umbrella was the EU and Spain-funded (coordinated by International IDEA) 16-member NGO coalition, *Observa Bolivia*, which deployed 2,032 national observers. Of the 16 NGOs in the coalition, 14 deployed observers across the country on election day in 1,133 polling stations chosen as representative samples of both urban (45 per cent) and rural (55 per cent) areas.

Two NGOs from *Observa Bolivia* carried out thematic analysis in the pre-election period. *Fundación Construir* observed poll worker training in three cities (La Paz, El Alto, Cochabamba) and monitored human rights violations during different phases of the electoral process, with a specific focus on three vulnerable groups: persons with disabilities, indigenous people, and the LGBTI community. *Coordinadora de la Mujer* analysed the electoral process from a gender perspective, paying specific attention to women's political participation, gender-based violence, and media coverage of gender and women's issues.

*Observacion Ciudadana de la Democracia*, a national observation initiative, was comprised of four members (*Ruta de la Democracia* – comprised of 10 NGOs – *Asociación Nacional de Periodistas Bolivianos*, *Fundación Jubileo*, and *Transparencia Electoral Argentina*). The initiative monitored TSE/TED activities and media coverage of the elections since the beginning of 2020 and produced 14 Newsletters on Electoral Integrity on a variety of topics related to the electoral process. The initiative deployed 130 observers in Bolivia, and 50 in Brasil, Argentina and Chile, observing 1,300 polling stations in Bolivia and 460 out-of-country.

*Observa Bolivia* and *Observacion Ciudadana de la Democracia* issued positive preliminary reports, highlighting that election day occurred without incidents or major irregularities. According to *Observa Bolivia*, 98.2 per cent of polling stations allowed national observers to perform their duties without difficulties and 97.5 per cent guaranteed the secrecy of the vote. *Observacion Ciudadana de la Democracia* observers noted the presence of political party representatives in 86 per cent of visited polling stations during voting and 99 per cent during counting. They also observed that 95 per cent of results protocols were reviewed by electoral notaries, and in 15 per cent of these mistakes were spotted and corrected.

In addition to official national observer missions, other citizen initiatives were launched. These built on similar experiences from the period 2014 – 2019, when restrictive regulations made it extremely difficult to obtain formal observer accreditation. Among these initiatives were *YoReportoBolivia* and *CuidaTuVoto*, which invited citizens to help build a database of results protocols.<sup>30</sup>

### 16.2 International Observation

Along with the six-member EU EEM, there were several international observer groups, including the Organisation of American States (OAS, 30 observers), Carter Center (2), the Inter-American Union of Electoral Organisations (UNIORE, 6), MERCOSUR (8), and 32 diplomats accredited in Bolivia. The OAS observed out-of-country voting in Spain, the USA, and Argentina, and the Carter Center in Italy, Spain, and Mexico.

---

<sup>30</sup> The founder of *Tu Voto Cuenta* reported having received around 1,800 images of results protocols.

The OAS preliminary report praised TSE transparency and impartiality, the integrity of the voter register, and performance of poll workers on election day. The report recommended improvements relating to preliminary results and rules on campaign financing. The Carter Centre commended TSE institutionalisation and overall performance, while taking note that cancellation of the preliminary results system delayed the availability of results from an official source.

Minister of the Interior, Arturo Murillo, was strongly criticised in national and international media when on the eve of the elections he threatened to deport or jail any international observer who incited violence. The TSE clarified that the process was open to all invited international observers and those invited by the Legislative Assembly to accompany the process.

## **17. POLLING, COUNTING, AND TABULATION OF RESULTS**

---

**Election day was generally peaceful and the polling and counting well-organised by the TSE.**

### **17.1 Voting**

Election day was both unexpectedly peaceful and participatory. The TSE and its nine TEDs were well-prepared, with timely distribution of election materials to the 34,538 polling stations in-country and overseas. While all polling stations eventually opened, in some locations poll workers did not turn up on time or at all and in accordance with the law voters from the queue were incorporated as polling staff. In La Paz and Santa Cruz, the EU EEM noted a strong presence of party agents from MAS-IPSP, CC, and *Creemos*, but national observers noted that parties did not have sufficient numbers of agents to cover all polling stations in the country.

Biosecurity measures were successfully implemented, although there was some confusion on election day with the introduction of new polling stations as some voters went initially to the wrong polling station, and other voters were unduly turned away as they came at a different time than that allocated for their national identity card number.

According to national observers, poll workers generally demonstrated a good knowledge of voting procedures and TSE officials were on hand to resolve difficulties. The relatively small number of voters, a maximum of 220 per polling station, and the adequate training of polling staff facilitated the voting process. Many polling stations were positioned in school corridors, while the classrooms were used as polling booths. This layout ensured the secrecy of the vote, but it resulted in unnecessary overcrowding (in a time of pandemic). The polling stations were generally not accessible to persons with reduced mobility due to flights of stairs. The voting procedure for such people was to bring the polling station materials down to them including the ballot box. This did not seem to work well in practice, as polling station staff were often busy and kept the disabled voter waiting. It also raised security risks, as some sensitive material remained upstairs with only one member of the polling station staff while other sensitive material was downstairs. The 2014 Regulation on Assisted Voting allowed voters with a disability to make a note on the voter register of their needs. However, this was limited to those holding an official disability card.

*Recommendation: The TSE and the civil registry (SERECI) could allow a voter to self-certify in advance of elections that they need an accessible polling station. This would also help the elderly and disabled people without an official disability card. Accessible polling stations could then be arranged on the ground floor of each polling centre.*

Although voting was conducted in a calm and organised manner, a few incidents were reported, including the temporary disappearance of election material in four polling stations in La Paz, local communities preventing police escort of materials in locations in Cochabamba and Potosi (where voting took place without police presence), and bussing of voters (Department of Tarija, and Argentina). In the special constituency in Santa Cruz, nine mixed polling stations could not open at

08h00 as they were missing the special ballot papers. While the TED reacted quickly to dispatch the missing ballots to six of these, three polling stations in a polling centre in the municipality of Gutierrez, proceeded to polling without them, effectively denying voters the right to choose their preferred ballot and forcing them to take a ballot for the uninominal constituency.

Misleading information circulated widely on election day via WhatsApp and the most popular social media networks, especially Facebook. False stories included the withdrawal of candidates Mesa and Camacho, preliminary results of out-of-country voting endorsed by the United Nations and TSE, allegations of fraud following the TSE's decision to suppress the DIREPRE, false claims over Evo Morales' intention to travel to Bolivia through the Southern border of the country, and alarming messages suggesting the government's intention to misuse military forces.<sup>31</sup> Also, a number of users across social networks shared photos of their marked ballot.

## 17.2 Counting

Polling stations closed at 17h00, except for those that had opened late or those where there were still voters in the queue. In line with good international practice, these voters were allowed to cast their ballot. Counting at polling stations took place in the presence of party agents, civil society representatives, and members of the public. The count was open to any citizen, which is a positive transparency measure. Counting was facilitated by a short counting process, with only one ballot paper including both the presidential candidates and the uninominal candidates. There was only one electoral results protocol to fill in, and electoral notaries were on hand to provide assistance and clarifications to poll workers.

Citizens were able to report incidents and complaints informally to the civil society organisation *Ruta de la Democracia*, through its *YoReportoBolivia* app.<sup>32</sup> They could also send photos of polling station results protocols through this app as well as that of *CuidaTuVoto*, for their subsequent scrutiny by these national organisations. Few formal challenges were brought to the electoral authorities on election day and during the counting process. The law does not allow re-counts, so when faced with a problem with a results protocol, the only option was to annul the results and repeat the election.

According to national observers, poll workers experienced some difficulties in filling in results protocols. For example, instead of considering votes for *Libre 21* and ADN as invalid, they sometimes counted these as valid votes in the results protocols (see 18.3 tabulation of results protocols and final results). The counting was public in the almost totality of polling stations, but observers were occasionally prevented from taking photographs of the results protocols.

## 18. RESULTS AND POST-ELECTION ENVIRONMENT

---

**In the absence of preliminary results from the TSE, stakeholders had to rely on quick count results on election night; tabulation of official results was public, credible, and completed within the legal deadline; MAS-IPSP had a resounding victory in these polls.**

### 18.1 Decision to cancel the preliminary results system (DIREPRE)

On the eve of elections, the TSE announced that due to insurmountable technical difficulties, the electoral authority would not be implementing its preliminary results system. Considering that the TSE did not have confidence in the system, this was the appropriate and responsible decision to take, although the precise reasons for the decision were not immediately made clear.<sup>33</sup> The news was

---

<sup>31</sup> <https://bit.ly/3nXBUWZ>, <https://bit.ly/2T7VqBH>, <https://bit.ly/2T9tc9C>.

<sup>32</sup> *Ruta de la Democracia Yo Reporto* received 445 reports. This number is lower than that of similar initiatives in previous elections. This was mainly attributed to the peaceful conduct on election day.

<sup>33</sup> It later emerged that many electoral notaries, especially in rural areas, had not participated in the simulation exercises or could not log into the dedicated app, sometimes because their cell phone was not compatible with the app.

received with support from CC, but with severe criticism from MAS-IPSP, *Creemos*, FPV, and former presidential candidate Jorge “Tuto” Quiroga. If, and as was expected, results had been close, this late decision could have exposed the electoral process to potential risk.

## 18.2 Quick Counts

In the absence of announcement of preliminary results from the TSE, election night was filled with hours of tense expectation as stakeholder’s awaited the publication of the previously announced release of two quick counts. The national civil society organisation, *Fundación Jubileo*, was to release its quick count results at 20h00. In collaboration with pollster *Ciesmori*, national television station, *Unitel*, was to share results from its quick count at the same time. By midnight, neither had made public the results of their projections. Media outlets reported that the delay in publication of the quick counts was due to them waiting for TSE permission. The TSE clarified that this was not accurate and that the electoral authority had in no way prevented publication of the quick counts.

Just after midnight, *Ciesmori* shared results from its quick count which gave the MAS-IPSP presidential candidate, Luis Arce, 52.4 per cent of the popular vote, followed by runner-up CC presidential candidate, Carlos Mesa, with 31.5 per cent. Some hours later, *Fundación Jubileo* published similar results, projecting 53 per cent for the MAS-IPSP candidate and 30.8 per cent for the CC candidate. Neither of the quick counts included statistics for out-of-country voting (OCV). Projections based on these unofficial results predicted there would not be a second round, they also predicted that MAS-IPSP would have a clear majority in the Legislative Assembly. These early projections were a valuable tool, especially as official results were not available until days later.

President Jeanine Áñez was the first to congratulate MAS-IPSP based on the quick count results. Minister of the Interior, Arturo Murillo, conceded he would accept the result if confirmed. The runner up, Carlos Mesa (CC), accepted his defeat and indicated that his party would work hard on the opposition bench. All the remaining presidential candidates, except for Luis Fernando Camacho (*Creemos*), recognised MAS-IPSP’s victory.

## 18.3 Tabulation of results protocols and final results

The TSE raised stakeholder expectations ahead of election day by indicating that the vast majority of results would be available on the evening after elections, although the legal deadline was seven days. The tabulation process was followed by party agents and observers and was open to the public. The process was relatively smooth but significantly slower than the TSE had announced. By 23h30, national official results only reached 2.5 per cent, and twenty-four hours after polls closed just over 30 percent of official results had been tabulated. This progress in tabulation was similar to 2019, evidencing that expectations of early results had been raised unjustifiably.

The official tabulation of results was conducted at the TED level, except for the tabulation of OCV results which was conducted by the TSE. The TSE published the official results progressively as they were processed by the TEDs, and in line with good practice included images of original results protocols. In case corrections of arithmetical mistakes had to be made, in accordance with the law, the corresponding TED decision was also published. The Election Law makes no provision for a partial or total recount of the vote. The possibility of recounts would negate the need for repeat elections in polling stations where results were annulled.

*Recommendations: Increase certainty in the results process by introducing the possibility for ballot recounts, in a limited number of situations and with predefined criteria, to determine the correctness of an initial count.*

The results tabulation system was subject to international audits before, during, and after election day. While audits are a good practice and can serve for timely identification of system shortcomings, the results of these audits were not made public. The TSE experienced transmission failures from over half of polling stations abroad due mainly to synchronisation difficulties with digital signature



validation, but also device incompatibility. In line with legal provisions, the TSE sent the results from these polling stations via email.

On the second day of tabulation, the TSE announced that due to excessive traffic, the website that published partial results experienced slow-downs. To address this issue, the TSE increased the website's capacity and the system returned to normal functioning. These system shortfalls should have been detected ahead of the polls. The TSE President publicly stated that the institution still needed to improve the balance between electoral process security and timely publication of results.

The main reason of the slow progress of the tabulation was the amount of results protocols that had incorrectly transcribed votes for ADN and *Libre 21* instead of counting these as invalid. The TSE's instruction to this effect came after most poll workers had been trained. As a result, TEDs were confronted with hundreds of protocols<sup>34</sup> that required the absolutely legitimate one by one correction of these minor errors. The TSE instructed that these protocols had to be re-evaluated by TEDs. This occasioned fluctuations in votes as tabulated protocols were removed, corrected, and re-posted to the official results system.<sup>35</sup> The overall consequence of these corrections was minor and in no way would have changed the overwhelming MAS-IPSP victory. Other minor differences in correcting (or not) arithmetical mistakes were observed or reported to the EU EEM.<sup>36</sup>

Five days after the polls closed, all official results were tabulated. No polling station results protocol was annulled (see *Annex III Final results*).

*Recommendation: The TSE needs to establish procedures for dealing with errors in results protocols at the TED and TSE levels to specify who may make changes, and typify categories of mistakes and the relative solutions for each type of error.*

#### **18.4 Statistical anomalies and “voto comunitario”**

Previous EU reports highlighted the existence of a *voto comunitario*, where all members of a community were pressured to vote in accordance with their community's preference. This amounted to a form of community control that infringed on individual choice. Despite some efforts made at the TED level to eradicate this practice, it apparently occurred again in a few locations as evidenced by the combination of high turnouts, unusually low numbers of invalid and blanks ballots, and near 100 per cent vote for a single party. Unless election results had been close, an irregularity of this nature in the observed magnitude would not have affected the overall result.

For example, the EU EEM identified 247 polling stations<sup>37</sup> where one party obtained 100 per cent of valid votes; in 227 of these the turnout was higher than the national average. The EU EEM also identified 120 polling stations with an unusual 100 per cent turnout and where one party obtained more than 90 per cent of the vote (61 cases) and more than 98 per cent (11 cases). Seven of these 11 polling stations were in Cochabamba, and in 5 of these 7 cases, both the turnout and the valid votes for one party equalled 100 per cent.

Local populations did not allow security forces to accompany electoral material into the municipalities of Independencia and Villa Tunari in the province of Chapare, Cochabamba. The cumulative results of the six polling stations there showed low abstention (3.2 per cent), blank votes

---

<sup>34</sup> Between 12 per cent and 20 per cent of total protocols, according to unofficial figures provided to the EEM by some TEDs.

<sup>35</sup> This anomaly was spotted, among others, by the founder of *CuidaTuVoto* who asked for an official audit of the tabulation process.

<sup>36</sup> When confronted with different totals of votes for presidential elections and parliamentary elections, some TEDs ordered the working tally sheet to be checked and the total updated, while others did not. Two TED presidents contacted by the EU EEM seemed unsure whether they could correct parties results if working tally sheets showed an error.

<sup>37</sup> Only those with more than 100 voters on the list have been taken into consideration for statistical purposes.

(0.18 per cent), invalid votes (0.27 per cent),<sup>38</sup> and 99.64 per cent of valid votes for a single party.<sup>39</sup> In Tocopilla (again in Villa Tunari, Chapare, Cochabamba), all three polling station protocols showed 99.8 per cent of valid votes for one party and appeared to have been filled in by the same person (likely the TSE-appointed notary).

*Recommendation: The TSE, political organisations, civil society, and other stakeholders could undertake voter education efforts on-line and off-line to remind all voters that their vote is their own individual choice and right.*

## **18.5 Analysis of results**

Luis Arce and David Choqueanca won the Presidency and Vice-presidency obtaining 55.11 per cent of the votes which gave MAS-IPSP an absolute majority in the Senate and Chamber of Deputies with 21 senators (out of 36) and 75 deputies (out of 130), respectively 4 and 13 less than in the outgoing parliament. MAS-IPSP won in six out of the nine departments (La Paz, Cochabamba, Oruro, Potosi, Pando, and Chuquisaca), and won all seven special constituencies. Carlos Mesa and Gustavo Pedraza of CC followed with 28.83 per cent of the votes, giving them 11 senators and 39 deputies. CC won in two of the nine departments (Beni and Tarija). Luis Fernando Camacho and Marco Antonio Pumari led the *Creemos* alliance to a victory in Santa Cruz, obtaining 14 per cent of the votes, which gave them four senators and 16 deputies.

MAS-IPSP obtained 1,618,099 more votes than the runner up, CC. Moreover, MAS-IPSP obtained 8.03 per cent more votes (504,693 votes) than in the 2019 annulled elections. CC lost 7.68 per cent of its votes (464,967 votes) as compared to the 2019 elections.

The turnout of 88.42 per cent was normal for Bolivia, and was slightly higher than last year's 88.31 per cent. The universe of blank and null votes was similar to previous processes. Women make up 47.7 per cent of lawmakers in the lower chamber and 55.5 per cent in the upper chamber.

Andrónico Rodríguez was elected President of the Chamber of Senators and Freddy Mamani was appointed Speaker of the Legislative Chamber. The first session of the Legislative Assembly took place on 3 November, and the inauguration of the president and vice-president took place on 8 November.

## **18.6 Post-election environment**

### *Protests*

On the evening of 20 October and over the ensuing days, thousands of people responded to social network calls in Santa Cruz, Cochabamba, La Paz, Sucre, Chuquisaca, Tarija, and Oruro for public protests to challenge the credibility of the TSE and the quick count results. These gatherings were spontaneously organised by various civil activist groups, and in the case of Chuquisaca also included CC militants who accused the TED of rigging the elections as all the opinion polls prior to election day gave CC a clear victory in the department. Protesters in Santa Cruz called for a general strike in the region starting on 24 October, but this was later recalled due to lack of broad support. The *Comité pro Santa Cruz* urged the TSE to halt the tabulation of results pending inquiry into whether electoral fraud could be ruled out.

The protests calmed down one week after elections but broke out again during 28-30 October in Sucre, La Paz, Cochabamba, Santa Cruz, Trinidad, and Potosi after the outgoing parliament modified regulations in the Legislative Assembly. Protesters also called for an audit of the elections. In Sucre and Santa Cruz demonstrators gathered in front of military headquarters urging the army to take power. A civil strike took place in Santa Cruz on 5-6 November.

---

<sup>38</sup> These data are respectively 3.5, 8 and 13 times lower than the national average.

<sup>39</sup> Similar results could be seen in other areas of Chapare or in the northern areas Potosi, where opposition to security forces escorting electoral materials was reported.



To assuage protesters concerns, Minister of Public Works, Iván Arias, called for an international audit of the election results. The chairman of the Bolivian Bishops Conference, Ricardo Cantellas, joined the call, claiming that an audit would remove any doubts relating to the legitimacy of the results. The Conference subsequently back-tracked on this statement, and acknowledged that the results were legitimate. In a 5 November letter addressed to the Secretary General of the OAS, one of the TSE members questioned the integrity of the voter register and called for an audit. This was followed by a second letter in which the TSE member clarified that she was not questioning the electoral results.

#### *Last decisions of the outgoing parliament*

On 27 October, the outgoing MAS-IPSP legislators used their two-thirds majority to modify 11 regulations in the Senate and 10 regulations in the Chamber of Deputies. The modifications lowered the requirement from a two-thirds majority to an absolute majority for, *inter alia*, the nomination of ambassadors and appointments of army and police generals. Moreover, the absolute majority will be sufficient to change the Senate's daily agenda, establish special investigative committees, and define some procedural issues.

In their last session, MAS-IPSP lawmakers used their two-thirds majority to recommend launching legal proceedings against interim President Áñez, her ministers, and high-ranking army, police and customs officials. This move was perceived as punishing those who co-signed or implemented Supreme Decree 4078, which allowed the military to re-establish public order in the wake of the November 2019 provocations and exempted them from any penal responsibility. According to special investigative committee report, this resulted in the Senkata and Sacaba massacres. The Decree, criticised by several human rights organisations, was eventually revoked in late November 2019. Genocide, assassinations, and disappearance of protesters were among the crimes attributed to interim President Áñez and her alleged collaborators.

#### *Return of Evo Morales*

Between the election day and the presidential inauguration, there were numerous political signals of a broad amnesty towards Morales' collaborators (imprisoned or exiled). Arrest warrants were dropped against a number of high-ranking MAS-IPSP members, including Morales himself.

Evo Morales returned to Bolivia on 9 November, one year after his departure. He publicly denied he would take any post within the new administration.

## **19. IMPLEMENTATION OF PREVIOUS EU EOM RECOMMENDATIONS**

---

**Many electoral reforms prior to 2019 were in line with previous EU mission recommendations. Some of the 2019 recommendations have been implemented, but most have not as they require legislative amendments.**

The EU EEM 2019 identified a number of shortcomings in the electoral process and offered 25 recommendations. Three of the recommendations offered by the EU EEM 2019 were fully implemented by the TSE, including the need to strengthen efforts to ensure TSE and TED members were selected in compliance with established criteria of qualifications and merits, to issue a detailed regulation setting out the gender parity requirements for each race in each department and make efforts to explain these requirements to political parties, and to amend the regulation on observation to reduce the registration requirements for national observers in order to facilitate their participation.

Four recommendations were partially implemented, including the need to improve the TSE's communication strategy to share its decisions with the public, improved training of poll workers and clearer instructions on determining the validity of the vote, updating the voter register in line with the civil registry to reflect all the details of a person's changed gender identity, carry out media

monitoring of political publicity in the media. There is ongoing activity in relation to a recommendation to improve procedures for dealing with errors in results protocols.

Most of the seventeen recommendations that were not implemented required amendments to primary legislation. It is international good practice, and a support to legal certainty, to not undertake changes to the election laws during a one-year period prior to elections. In addition to the short time period between the annulled 2019 polls and the repeat 2020 polls, the country also faced a political crisis stoked by social divisions and the emerging COVID-19 pandemic.

At the same time, there were unimplemented recommendations that merely required TSE action rather than legislative changes, including efforts to address the *voto comunitario* which is still practiced without prejudice in some locations, measures to address disinformation affecting the online campaign on social platforms, enforcement of the laws prohibiting campaign messages that promote discrimination and intolerance, and ensuring a transparent preliminary results system.

Many electoral reforms prior to 2019 were in line with previous EU mission recommendations. The majority of the 2006 and 2009 recommendations were implemented in the new electoral legislation adopted in 2010. The EEM 2014 identified a number of shortcomings and offered 18 recommendations. Some of the 2014 mission's recommendations were fully or partially implemented, including the re-introduction of public funding for political organisations participating in elections, an audit of the voter register, implementation of a mechanism to inspect and make corrections in the voter register, improved public information regarding the political party platforms, and publication of voter education materials in various of the official languages.

No significant legal amendments were introduced between the annulled 2019 general elections and the repeat 2020 general elections. The recommendations offered in this report, in addition to those made by previous EU and other international and national election observation missions, can contribute to stakeholder debate. The ideal period for undertaking electoral legal reform is after the Spring 2021 subnational polls, however, some recommendations can be implemented for the subnational elections as they require no legislative changes.

## **20. RECOMMENDATIONS**

---

The EU EEM 2020 offers eighteen recommendations to improve future electoral processes. These recommendations include four new recommendations and fourteen recommendations made by previous missions but not yet implemented. The EU EEM updated these non-implemented recommendations in line with current circumstances. Eight recommendations require amendments to laws, the responsibility of the Legislative Assembly. Three require amendments to regulations, and the remaining seven recommendations could be addressed through operational changes without the need for any legal amendments.

These recommendations are equally applicable to subnational and general elections and are offered for consideration and action to the Government of the Plurinational State of Bolivia, the Legislative Assembly, the TSE, political parties, and civil society. Discussions on implementation of the following recommendations should be considered as early as possible in order to address in a timely manner the shortcomings identified in the 2020 general elections.

**Table of Recommendations (priority recommendations in bold)**

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
<b>LEGAL FRAMEWORK AND ELECTORAL SYSTEM</b>					
1	<p><i>“The sanctions provided by the law often lacked an appropriate scale of disciplinary action and in some instances proved to be unbalanced in comparison to the seriousness of the violation. Consequently, the TSE sometimes limited itself to calling upon the candidates/lists to respect the legislation in order to avoid applying the established sanction. Disproportionate sanctions include disqualification of an entire candidate list for not complying with the parity and alternation requirements, and the cancellation of a party’s legal status if it did not pass the three percent threshold, if it violated any of the financial restrictions or reporting requirements, or if it had infringed some aspects of an opinion poll regulation. The loss of the legal status of a party during an electoral process entails the disqualification of all its candidates.”</i></p> <p><i>(Final report, page 10)</i></p>	<p><b>Recalibrate sanctions through provision of an appropriate range of proportionate disciplinary actions for not complying with the parity and alternation requirements, for not passing the three per cent threshold, for violating financial restrictions or reporting requirements, and for infringing opinion poll regulations.</b></p>	<p>Amendments to the Election Law No. 026, and Law No. 1096 on Political Organisations.</p>	<p>Legislative Assembly</p>	<p><i>Right and opportunity to participate in public affairs and hold office</i></p> <p><i>ICCPR. Art. 25: “Every citizen shall have the right and the opportunity, without any distinction [...] and without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives.”</i></p> <p><i>Right to an effective remedy</i></p> <p><i>ICCPR. Art 2 (3)(a): “All persons whose rights or freedoms are violated shall have an effective remedy, including in circumstances where the violation has been committed by persons acting in an official capacity.”</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
2	<p><i>“Members of government made statements that amounted to promoting political parties or candidates during working hours and official activities... Three days before the electoral silence period, the Ministry of the Presidency launched a media campaign in which Añez called on Bolivians to vote for democracy, as opposed to MAS-IPSP violence, which had only brought the country blockages and civil war. This appeal was aired on radio stations and published on the Ministry of the Presidency’s official Facebook page.”</i></p> <p><i>(Final report, page 19)</i></p>	<p>The Legislative Assembly could specify what is meant by government publicity (<i>propaganda governmental</i>), in order to better delineate prohibitions during the campaign period. The only authorised government publicity during the campaign period should be that set out in Art. 25 of the Regulation on the Electoral Campaign and Electoral Publicity, which includes information messages about health, public services, and emergency situations.</p>	<p>Amendments to the Election Law No. 026.</p>	<p>Legislative Assembly</p>	<p><i>Prevention of corruption/Fairness of the electoral campaign</i></p> <p><i>ICCPR, article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections [...] guaranteeing the free expression of the will of the electors.”</i></p> <p><i>UN HRC Special Rapporteur on the rights to freedom of peaceful assembly and of association, (2012), Georgia, p. 90: “(d) increase efforts to ensure that all political parties, including opposition parties, have genuine, equitable and adequate access to state resources for election campaigning. It is especially crucial that the line between the ruling party and the state be clearly defined in order to create a level playing field.”</i></p>
3	<p><i>“The 2020 regulation on opinion polls continued to demand a pre-registration and scrutiny of each survey by the TSE before its publication. In 2019, this amounted to an undue limitation on freedom of expression, notwithstanding the current TSE did not take advantage of this regulation to limit publication of opinion polls.”</i></p> <p><i>(Final report, page 10)</i></p>	<p>The TSE could amend the regulation that requires pre-authorisation before publication of an opinion poll.</p>	<p>Amendment to the Regulation on Elaboration and Publication of Opinion Polls in Electoral Processes, TSE-RSP-ADM Resolution No. 285/2020.</p>	<p>TSE</p>	<p><i>Freedom of opinion and expression</i></p> <p><i>ICCPR article 19 (2): “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds.”</i></p> <p><i>ACHR Art. 13 (1): “Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds.”</i></p>
<b>ELECTION ADMINISTRATION</b>					
4	<p><i>“The voto comunitario amounted to a form of community control that infringed on individual choice. Despite some efforts made at the</i></p>	<p>The TSE, political organisations, civil society, and other stakeholders could undertake voter education efforts on-line</p>	<p>None.</p>	<p>TSE Political Parties</p>	<p><i>Right and opportunity to vote; Transparency and access to information</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
	<p><i>TED level to eradicate this practice, it apparently occurred in a few locations as evidenced by the combination of high turnouts, unusually low numbers of invalid and blanks ballots, and near 100 per cent vote for a single party.</i></p> <p><i>(Final report, page 37).</i></p>	<p>and off-line to remind all voters that their vote is their own individual choice and right.</p>		<p>Civil Society</p>	<p><i>ICCPR Art. 19(2): “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds“.</i></p> <p><i>CCPR GC 25 para 11: “Voter education [...] is necessary to ensure the effective exercise [...]by an informed community”.</i></p> <p><i>CCPR GC25 para 19 and 20: “Persons entitled to vote must be free to vote for any candidate for election [...] without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will” [...] voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process.”</i></p> <p><i>ACHR Art. 13 (1): “Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds.”</i></p>
<p>5</p>	<p><i>“Interlocutors highlighted the escalation of hate speech and discrimination in the context of the electoral process, in which various candidates and officials issued statements and opinions that reproduced racist, homophobic, and chauvinist stereotypes, thus violating Bolivian legislation.”</i></p> <p><i>(Final report, page 14)</i></p> <p><i>“As in the 2019 elections, candidates made derogatory remarks aimed at women and the LGBTI community during the campaign period. Despite a formal</i></p>	<p>The TSE could act firmly to enforce the laws prohibiting campaign messages made by contenders that promote discrimination and intolerance.</p>	<p>None.</p>	<p>TSE</p>	<p><i>Freedom from discrimination</i></p> <p><i>ICCPR Art. 26: “[...] the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</i></p> <p><i>ICCPR Art.9(1): “Everyone has the right to liberty and security of person.”</i></p> <p><i>CCPR GC 34 para 21: “[Regarding Art 19(3)] the exercise of the right to freedom of expression carries with it special duties and responsibilities. For this reason two limitative areas of restrictions on the right are permitted,</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
	<p><i>complaint lodged with the TSE, this behaviour was not sanctioned.”</i></p> <p><i>(Final report, page 32)</i></p>				<p><i>which may relate either to respect of the rights or reputations of others [...].”</i></p>
<b>CANDIDATE REGISTRATION</b>					
6	<p><i>“The Election Law established appropriate procedures for candidate registration. Any person may appeal before the TSE to challenge the eligibility of a candidature. However, the law lacks adequate timelines for the possible disqualification of candidacies as appeals can be lodged until 15 days (and exceptionally 3 days) prior to election day. As a result, the final list of candidates was published only one day before the elections, by which time ballot papers are already printed. This introduces a high level of uncertainty as to which candidates would contest the elections, and compromises the voter’s ability to make an informed decision.”</i></p> <p><i>(Final report, page 15)</i></p>	<p><b>The legal deadlines and procedures for candidate withdrawals and substitutions (without force majeure), as well as for withdrawal of whole candidate lists, need to be brought forward and harmonised with the deadline for printing ballot papers.</b></p>	<p>Amendments to the Election Law No. 026.</p>	<p>Legislative Assembly</p>	<p><i>Right and opportunity to participate in public affairs and hold office</i></p> <p><i>ICCPR, article 25 “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections ... guaranteeing the free expression of the will of the electors.”</i></p> <p><i>CCPR GC 25 para 16: “Conditions relating to nomination dates [...] should be reasonable and not discriminatory.”</i></p>



N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
<b>CAMPAIGN FINANCE</b>					
7	<p><i>“Reporting requirements ... are very detailed and onerous. Parties must submit detailed annual budgets and reports on their finances to the TSE’s Technical Oversight Unit (UTF)... The TSE’s Technical Oversight Unit (UTF) does not have special autonomous status within the TSE, including in operational, managerial and budgetary terms. The UTF is an active unit and despite limited resources it carried out trainings across the country with political parties to explain the LOP’s new financing regime... The UTF lacked the explicit investigatory powers it required to work effectively, including the power to attain information from other state bodies such as the tax authority and law enforcement.”</i></p> <p><i>(Final report, page 21)</i></p>	<p>The TSE’s Technical Oversight Unit (UTF) could have special autonomous status within the TSE, including in operational, managerial and budgetary terms.</p> <p>The TSE could be provided with investigative powers to ensure compliance with all financial requirements, including the power to require information from other state bodies such as the tax authority and law enforcement agencies.</p> <p>The UTF needs greater resources and more staff in order to ensure that parties will have the necessary understanding to meet all of LOP’s requirements by 2021.</p>	<p>Amendments to the Election Law No. 026, and Law No. 1096 on Political Organisations.</p>	<p>Legislative Assembly  TSE  Government (for the budget)</p>	<p><i>Fairness in the electoral campaign; State must take necessary steps to give effect to rights</i></p> <p><i>UNCAC Art.5(1): “Each State Party shall, [...], develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.”</i></p> <p><i>UNCAC Art.5(2): “Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.”</i></p>
<b>MEDIA</b>					
8	<p><i>“Some media outlets aligned with MAS-IPSP declared being discriminated in the allocation of state advertising, as these media were allegedly not taken into account by audience rating surveys.”</i></p> <p><i>(Final report, page 22)</i></p>	<p>The government should establish fair criteria and transparency in the use of public funds to purchase media advertisements.</p>	<p>None.</p>	<p>Government</p>	<p><i>Freedom of opinion and expression; freedom from discrimination</i></p> <p><i>UNCAC article 10: “Taking into account the need to combat corruption, each State Party shall [...] take such measures as may be necessary to enhance transparency in its public administration.”</i></p> <p><i>CCPR GC 34 para 19: “To give effect to the right of access to information, States parties should proactively</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
					<i>put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.</i>
9	<p><i>“There was a high degree of impunity for violence against journalists... According to the National Association of Bolivian Journalists, at least 42 attacks on journalists were reported in 2020, all of which went unpunished... the country office of the United Nations High Commissioner for Human Rights condemned violence against journalists noting that these actions violated the freedom of expression and infringe on the right of citizens to receive information from various sources.”</i></p> <p><i>(Final report, page 22)</i></p>	<p>Ensure freedom of expression is duly protected by effectively prosecuting violence and pressure against journalists and media.</p>	None.	<p>Bolivian Police Public Prosecutor’s Office Judiciary</p>	<p><i>Freedom of opinion and expression</i></p> <p><i>ICCPR Art. 19 “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas...”</i></p> <p><i>ACHR Art. 13, 14 “...right to freedom of thought...”</i></p> <p><i>Declaration of Principles on Freedom of Expression - ACHR Arts. 5 “Every person has the right to person liberty and security...”</i></p> <p><i>Bolivian Print Law, Art. 1: “Every man has the right to publish his thoughts in the press [...]”.</i></p>
10	<p><i>“The TSE’s media monitoring outsourcing effort was not entirely successful, as a number of violations were not picked up... The TSE claimed that the scope of the task was large and they had insufficient staff... This impeded SIFDE’s capacity to fully supervise election campaign violations in the media.”</i></p> <p><i>(Final report, page 23)</i></p> <p><i>“SIFDE... reported that no significant violation was submitted</i></p>	<p>In order to guarantee the implementation of the electoral campaign regulation and allow an appropriate and timely legal response, the TSE and the TEDs should strengthen internal processes and capacities to conduct systematic media and social networks monitoring. They could demand more exhaustive results from the company contracted for media monitoring and this could also include social networks monitoring. An effort could be made to undertake constructive dialogue with international counterparts to exchange on good practices for media and social</p>	None.	<p>TSE TEDs SIFDE</p>	<p><i>Fairness in the election campaign</i></p> <p><i>ICCPR, GC 25, para. 20: An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.</i></p> <p><i>Law 018 of the Electoral Administration, art. 82, number 7 and 10: “SIFDE must conduct monitoring of electoral propaganda and opinion polls with electoral effect in the media”.</i></p> <p><i>Election Law 026, art. 123: “SIFDE will carry out daily monitoring of [...] the contents of the electoral propaganda disseminated in the media, private and state,</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
	<p><i>to the attention of the TSE. In contrast, the EU EEM social media monitoring unit observed 1,293 cases of suspected violations of campaign rules on different social platforms. SIFDE explained to the EU EEM that there was only one person dedicated to monitoring social media, and that this person did not receive sufficient training to undertake the task effectively.</i></p> <p><i>(Final report, page 27)</i></p>	<p>networks monitoring.</p>			<p><i>to verify compliance with the prohibitions on electoral propaganda set forth in this Law.</i></p>
11	<p><i>“During the last week of the campaign, MAS-IPSP received extensive negative media coverage linked to the 2019 electoral fraud allegations and the ongoing criminal prosecutions against both Morales and Arce. State-owned Bolivia TV and Radio Illimani, private television channels Unitel and RTP, and private radios Panamericana and Fides provided the most coverage on these topics.”</i></p> <p><i>(Final report, page 24)</i></p>	<p>Measures could be taken towards ensuring impartiality and independence from the government in public service media. This could include amending the public media statutes, training journalists on work ethics, etc.</p>	<p>Incorporation of new clauses in the public media statutes.</p>	<p>Government Public Media Journalists</p>	<p><i>Freedom of opinion and expression; fairness in the election campaign</i></p> <p><i>UN, OSCE, OAS and ACHPR 2017 Joint Declaration on Freedom of Expression and Fake News, Disinformation and Propaganda Art. 3-c, “States should ensure presence of strong, independent and adequately resourced public service media, which operate under a clear mandate to serve the overall public interest and to set and maintain high standards of journalism.”</i></p> <p><i>ACHR Art 13.3, “The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.”</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
<b>ONLINE CAMPAIGN</b>					
12	<p><i>“There was a general widespread use of disinformation as a campaign tool on social media by candidates, political parties, sympathisers, and ordinary users. The systematic fact-checking activity of local organisations, Bolivia Verifica and Chequea Bolivia, was useful and worthwhile, but it did not prevent or contain the extensive spreading of inaccurate information on social networks and WhatsApp during the campaign period.</i></p> <p><i>(Final Report, page 28)</i></p>	<p><b>Measures should be considered to address the significant presence of disinformation affecting the online campaign on social platforms, such as programmes promoting digital literacy of voters, voluntary commitments by political parties, and/or capacity building activities for civil society.</b></p>	None.	Government, TSE, Political Parties, Media, Tech companies, and Civil society	<p><i>Genuine elections that reflect the free expression of the will of voters</i></p> <p><i>ICCPR article 19 (2): “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds.”</i></p> <p><i>ACHR Art. 13 (1): “Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds.”</i></p> <p><i>CCPR GC25 p 19: “Voters should be able to form opinions independently, free of [...] manipulative interference of any kind.”</i></p>
13	<p><i>“Bolivia lacks a comprehensive data protection framework, necessary to properly regulate consent and safeguard the collection and processing of personal information. International law requires States to take effective measures to ensure that individuals’ personal data, including information about their private life and political preferences, is used lawfully and for authorised purposes with their consent, and that it does not reach the hands of persons who are not authorised by law to receive, process, and use it. Data protection rules are in place to reduce the risks of improper use, of which the user</i></p>	<p>Adopt a data protection law that establishes principles, definitions, rights, obligations of those responsible for the processing of personal data, procedures, deadlines, sanctions and a supervisory authority (a supervisory mechanism) ensuring its implementation, with a view to robustly protect citizens’ right to privacy of their personal data, both online and offline.</p>	Introduce a data protection law.	Legislative Assembly	<p><i>State must take the necessary steps to give effects to rights</i></p> <p><i>ICCPR, article 17 “No one shall be subjected to arbitrary or unlawful interference with his privacy [...] Everyone has the right to the protection of the law against such interference or attacks.”</i></p> <p><i>ICCPR, HRC, GC 16, para. 10 “The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law.”</i></p> <p><i>Constitution, Article 21 (2): “Bolivians have the following rights: [...] 2. To privacy, intimacy, honor, their self image and dignity”</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
	<p><i>is often unaware. Due to the role played by data in the digital environment, privacy and data protection have come to play a central role in the legal framework applicable to election processes.</i></p> <p><i>(Final Report, page 26)</i></p>				
<i>PARTICIPATION OF WOMEN</i>					
14	<p><i>“Gender parity requirements specify that reserve candidates for senators, deputies, and local councillors must be of the opposite sex from the main candidate. Elected women, particularly at local level, reported that their male reserve pressures them to resign so that he can take their seat...”</i></p> <p><i>(Final report, page 17)</i></p> <p><i>“The Association of Town Councilwomen (Acobol) reported that between January and October 2020 there were 133 reported cases of harassment and political violence against elected female authorities, most of these comprised pressure for them to resign... this electoral process witnessed an increase in political violence and harassment against women on social media networks.”</i></p> <p><i>(Final report, page 30)</i></p>	<p>To reinforce the gender parity requirement, the Election Law needs to be changed to specify that reserve candidates must be of the same sex as the main candidate. This should be undertaken in combination with enforcement of the regulation against harassment and political violence.</p>	<p>Amendment to Election Law No. 026.</p>	<p>Legislative Assembly TSE</p>	<p><i>Women’s participation in public affairs; State must take necessary steps to give effect to rights</i></p> <p><i>CEDAW Art. 7: “State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country [...]”.</i></p> <p><i>ICCPR art.3: “The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant”.</i></p> <p><i>ICCPR Art.2(1): “[...] Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”</i></p>

N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
<i>PARTICIPATION OF VULNERABLE GROUPS</i>					
15	<p><i>“The polling stations were generally not accessible to persons with reduced mobility due to flights of stairs... The 2014 Regulation on Assisted Voting allowed voters with a disability to make a note on the voter register of their needs. However, this was limited to those holding an official disability card.”</i></p> <p><i>(Final report, page 34)</i></p>	<p>The TSE and the civil registry (SERECI) could allow a voter to self-certify in advance of elections that they need an accessible polling station. This would also help the elderly and disabled people without an official disability card. Accessible polling stations could then be arranged on the ground floor of each polling centre.</p>	<p>Amendment to the Regulation for Updating the Biometric Voter Registration.</p>	<p>TSE</p>	<p><i>Freedom from discrimination; State must take necessary steps to give effect to rights</i></p> <p><i>CRPD Art. 29(a)(i): “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others [...] (a) [...] by (i) ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”.</i></p> <p><i>ICCPR Art.2(1): “[...] Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.</i></p> <p><i>CCPR GC 25 para 12: “positive measures should be taken to overcome specific difficulties [...] which prevent persons entitled to vote from exercising their rights effectively.</i></p>



N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
<i>RESULTS AND POST-ELECTION ENVIRONMENT</i>					
16	<p><i>“On the eve of elections, the TSE announced that due to insurmountable technical difficulties, the electoral authority would not be implementing its preliminary results system... In the absence of preliminary results on election night, stakeholders had to rely on two quick count results to get a picture of electoral outcomes.”</i></p> <p><i>(Final report, page 35)</i></p> <p><i>“The counting was public in the almost totality of polling stations, but observers were occasionally prevented from taking photographs of the results protocols.”</i></p> <p><i>(Final report, page 35)</i></p> <p><i>“...national observers noted that political parties do not have sufficient numbers of agents to cover all polling stations in the country, as such they do not attain copies of results protocols at this level.”</i></p> <p><i>(Final Report, page 34)</i></p>	<p><b>In line with election transparency and international and regional good practice, implement a preliminary results system that is made public from the close of polls. This would ideally include publication of results broken down by polling stations and with scanned images of original results protocols which would permit stakeholders to verify the underlying source data. To further enhance transparency and social control, voters should be guaranteed the right to take a picture of results protocols after the counting and copies of polling station results protocols could be posted outside the polling stations.</b></p>	None.	TSE	<p><i>Transparency and access to information</i></p> <p><i>ICCPR article 19 (2): “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds”.</i></p> <p><i>CCPR, GC 34, p. 18: Article 19 [of the ICCPR], paragraph 2 embraces a right of access to information held by public bodies. Such information includes records held by a public body [...] “To give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information.”</i></p>



N.	CONTEXT (Including reference to the relevant page of the FR)	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL/REGIONAL PRINCIPLE/COMMITMENT/ NATIONAL LEGISLATION (Including text quoted)
17	<p><i>“The Election Law makes no provision for a partial or total recount of the vote. The possibility of recounts would negate the need for repeat elections in polling stations were results were annulled.”</i></p> <p><i>(Final report, page 36)</i></p>	<p><b>Increase certainty in the results process by introducing the possibility for ballot recounts, in a limited number of situations and with predefined criteria, to determine the correctness of an initial count.</b></p>	<p>Amendment to Election Law No. 026.</p>	<p>Legislative Assembly</p>	<p><i>Genuine elections that reflect the free expression of the will of voters</i></p> <p><i>ICCPR, article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections [...] guaranteeing the free expression of the will of the electors.”</i></p> <p><i>CCPR GC 25 p 20 “There should be independent scrutiny of the voting and counting process [...]so that electors have confidence in the security of the ballot and the counting of the votes.”</i></p>
18	<p><i>“The main reason of the slow progress of the tabulation was the amount of results protocols that had incorrectly attributed votes to ADN and Libre 21 instead of counting these as invalid. The TSE’s instruction to this effect came after most poll workers had been trained. As a result, TEDS were confronted with hundreds of protocols that required the absolutely legitimate one by one correction of these minor errors.”</i></p> <p><i>(Final report, page 37)</i></p>	<p><b>The TSE needs to establish procedures for dealing with errors in results protocols at the TED and TSE levels to specify who may make changes, and typify categories of mistakes and the relative solutions for each type of error.</b></p>	<p>Introduce a more detailed regulation on tabulation of results.</p>	<p>TSE</p>	<p><i>Genuine elections that reflect the free expression of the will of voters</i></p> <p><i>ICCPR, article 25: “Every citizen shall have the right and the opportunity [...] to vote and to be elected at genuine periodic elections [...] guaranteeing the free expression of the will of the electors.”</i></p> <p><i>CCPR GC 25 p 20 “There should be independent scrutiny of the voting and counting process [...]so that electors have confidence in the security of the ballot and the counting of the votes.”</i></p>

American Convention on Human Rights (ACHR)  
Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)  
Convention on the Rights of Persons with Disabilities (CPRD)  
International Covenant on Civil and Political Rights (ICCPR)  
The United Nations Convention against Corruption (UNCAC)

## 21. ANNEX I – EU EEM MEDIA MONITORING RESULTS

---

The EU EEM conducted a qualitative and quantitative monitoring exercise of the election campaign in the media, from 18 September to 14 October 2020. The media monitoring unit coded the time and measured the space allocated to political actors, including candidates and political parties, as well as the tone of the editorial content. Paid advertising – both from political parties and governmental institutions –, and gender balance in editorial content was also monitored. The sample provides a selection of private and public media outlets from different geographical areas. Electronic media were monitored from 20 September to 14 October, except on Saturdays. Radio stations, from 7:00 to 13:00 hours and television channels, from 19:00 to 24:00 hours.

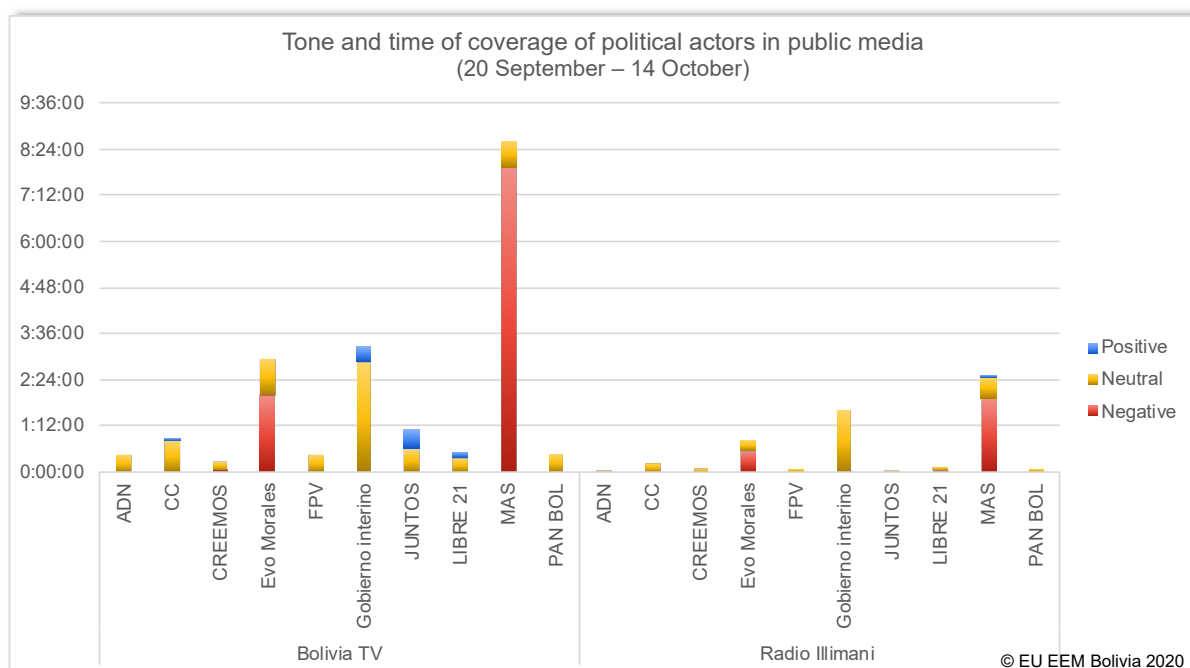
The sample included:

- Five television channels: public *Bolivia TV*; private *Unitel*, *Red Uno*, RTP and *Abya Yala*; The total time coded was 110 hours;
- Five radio stations: public *Radio Illimani*; private *Panamericana*, *Erbol*, *Fides* and *Radio San Gabriel*. The total time coded was 132 hours;
- Five private dailies – online and print editions –: *Página Siete*, *El Deber*, *Los Tiempos*, *La Razón* and *Correo del Sur*, with a total of 1,127 online pages and 2,544 paper pages monitored.

Main findings were:

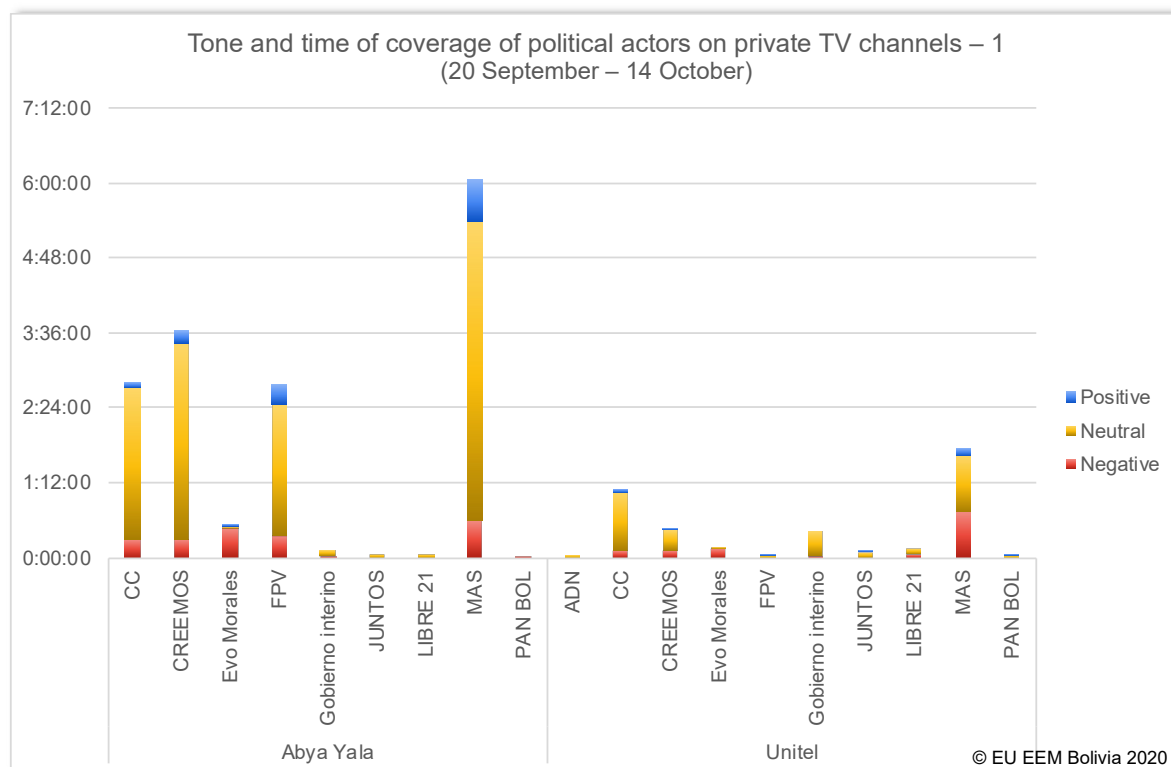
- The core of the editorial content focused on the three political contenders leading in the opinion polls, MAS-IPSP (60 per cent in newspapers, 43 per cent in radios and 38 per cent in TV), *Comunidad Ciudadana* (18 per cent in newspapers, 18 per cent in television and 10 per cent in radios) and *Creemos* (14 per cent in newspapers and television; 7,5 per cent in radios);
- Significant space was given to political party programmes through two televised debates with the presidential candidates, daily air slots, and special sections in newspapers, where party representatives and candidates could compare their campaign platforms;
- MAS-IPSP received extensive negative media coverage linked to the 2019 electoral fraud allegations and the ongoing criminal prosecutions against both Morales and Arce. State-owned *Bolivia TV* and *Radio Illimani*; private television channels *Unitel* and RTP and private radios *Panamericana* and *Fides* provided the largest coverage on these topics;
- Political party advertising in private media concentrated on television spots on the channels with the highest ratings, *Unitel* and *Red Uno*. *Comunidad Ciudadana* (40 per cent), *Creemos* (35 per cent) and MAS-IPSP (20 per cent) spent the most on paid television advertising;
- There was an unbalanced distribution of institutional advertising in private electronic media. *Radio San Gabriel* (Aymara radio station based in El Alto) and *Abya Yala* television channel – in line with MAS-IPSP –, received 5,6 per cent and 2,6 per cent of institutional advertising respectively, against *Panamericana* radio station (42 per cent) and RTP television channel (51 per cent), both with the biggest share of the paid state advertising in electronic media;
- Male candidates were seven to eight times more present in the media than their female counterparts. Television was the media with the most unbalanced gender coverage: 81 per cent of male against 19 per cent of female candidates. This was followed by newspapers (76 per cent against 24 per cent) and radio stations (70 per cent against 30 per cent).

**Graphic 1: Tone and time allocated to editorial content of political actors in public media**



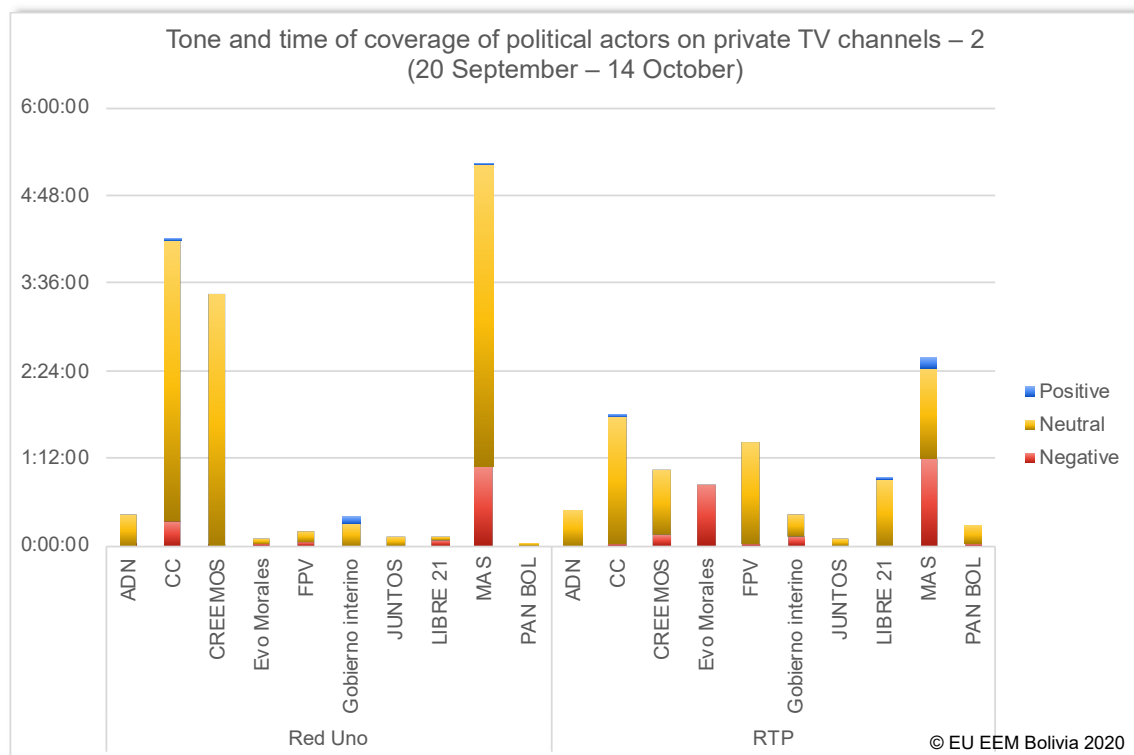
	Bolivia TV	Radio Illimani
Total time devoted to political actors	18h 54m	5h 30m

**Graphic 2: Tone and time allocated to editorial content of political actors on private television channels *Abya Yala* and *Unitel***



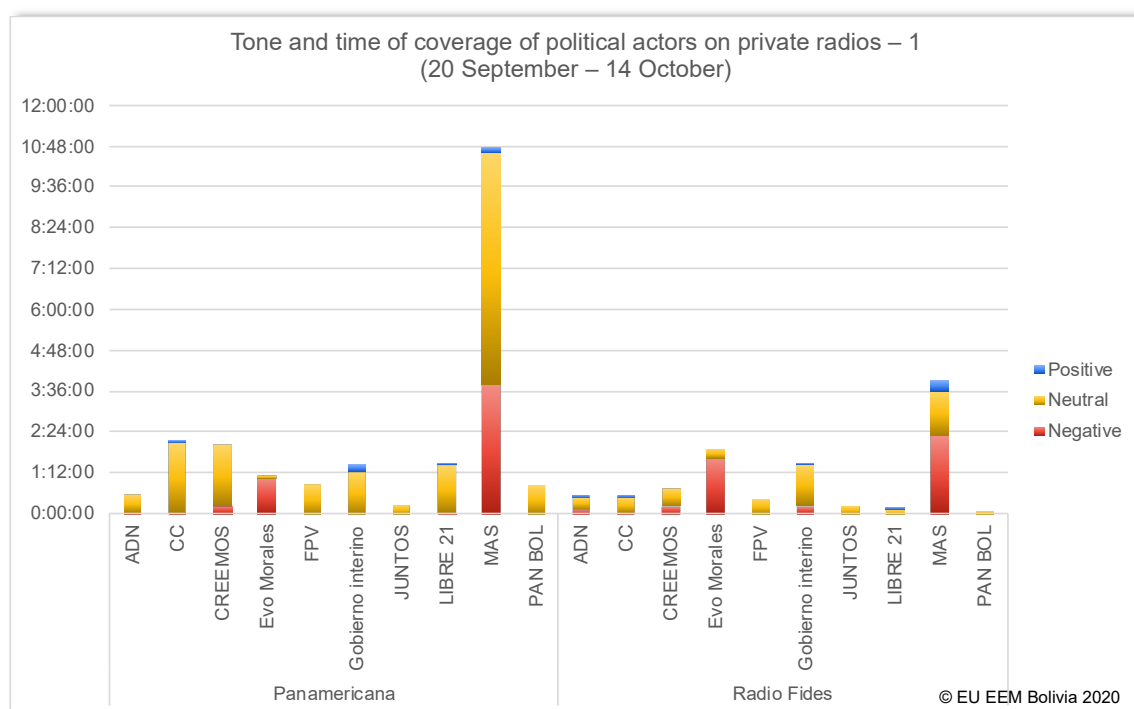
	<i>Abya Yala</i>	<i>Unitel</i>
Total time devoted to political actors	16h 06m	4h 17m

**Graphic 3: Tone and time allocated to editorial content of political actors on private television channels *Red Uno* and *RTP***



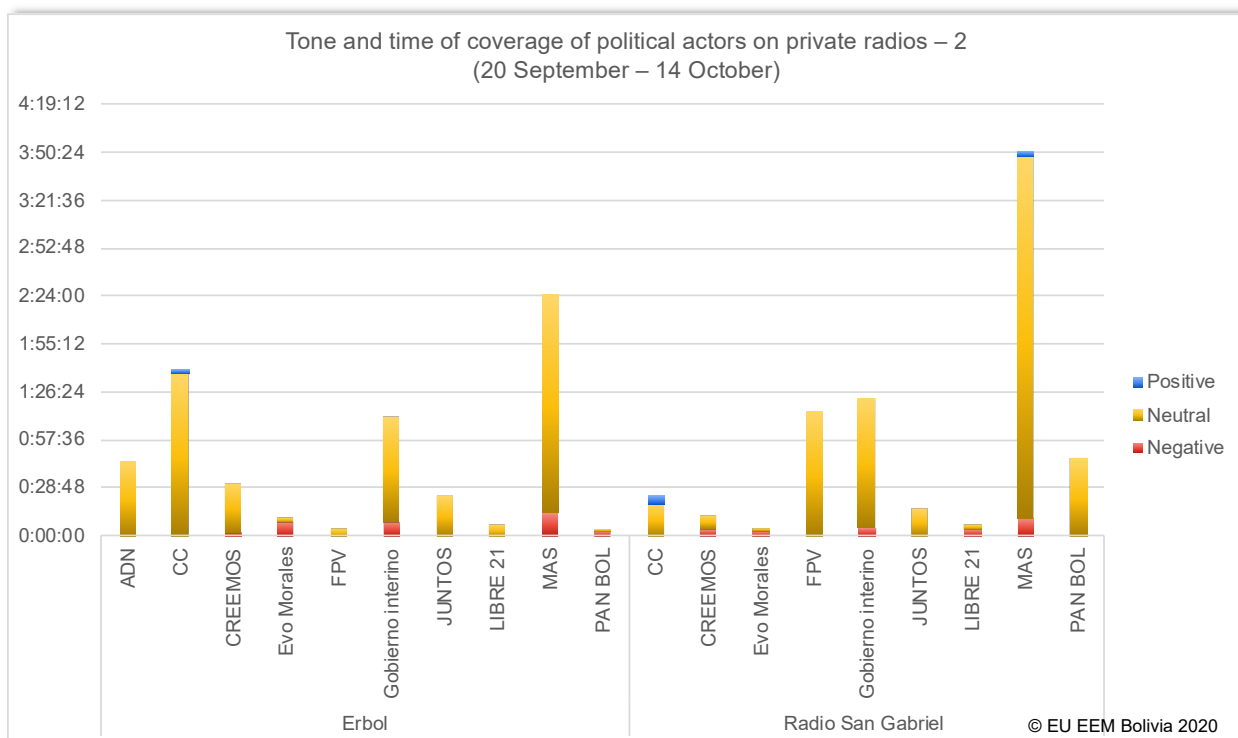
	<i>Red Uno</i>	<i>RTP</i>
Total time devoted to political actors	14h 17m	9h 53m

**Graphic 4: Tone and time allocated to editorial content of political actors on private radios *Panamericana* and *Radio Fides***



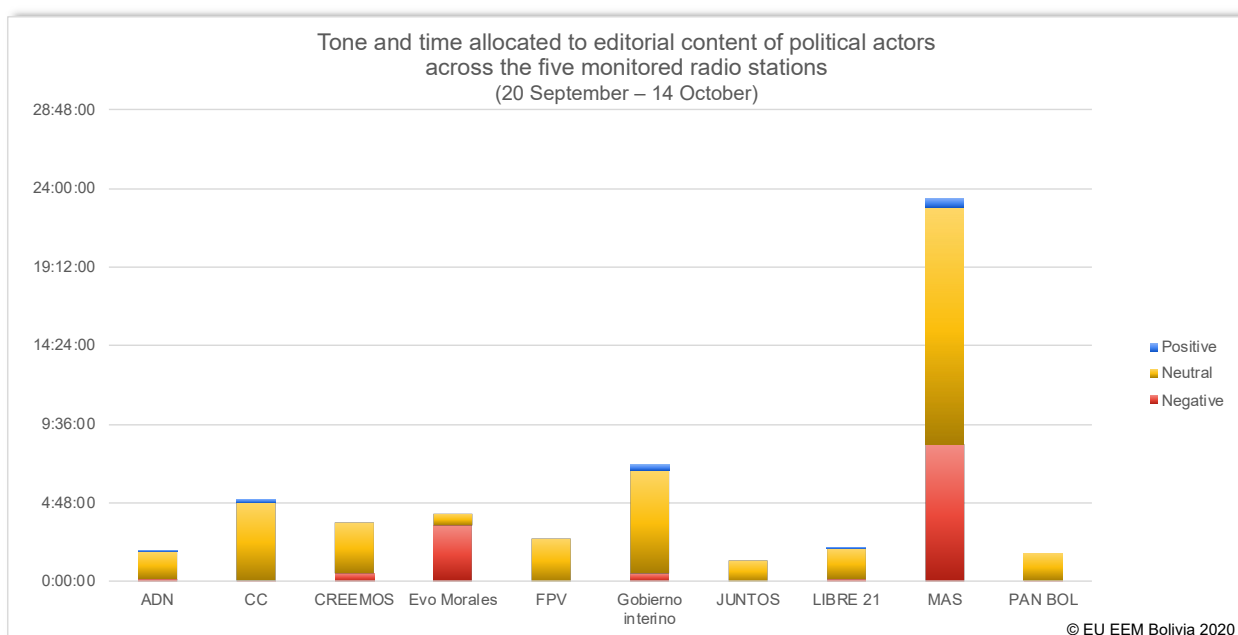
	<i>Panamericana</i>	<i>Radio Fides</i>
Total time devoted to political actors	21h 30m	9h 58m

**Graphic 5: Tone and time allocated to editorial content of political actors on private radios *San Gabriel* and *Erbol***



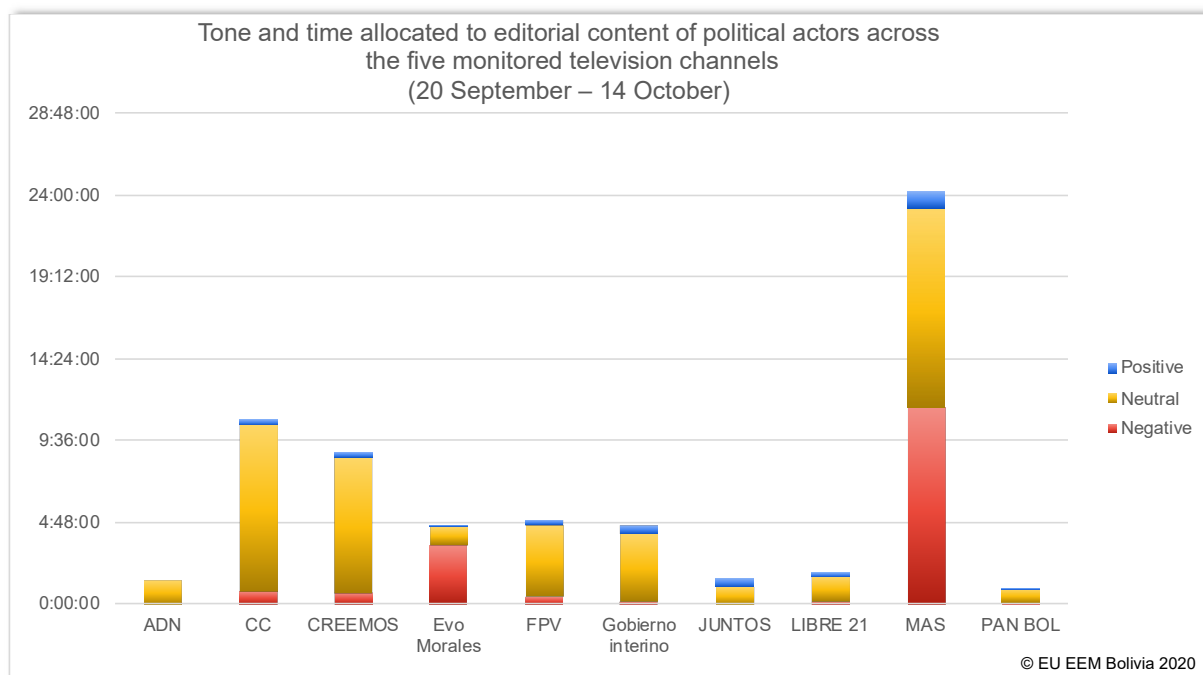
	<i>Radio San Gabriel</i>	<i>Erbol</i>
Total time devoted to political actors	8h 21m	7h 23m

**Graphic 6: Tone and time allocated to editorial content of political actors across the five monitored radio stations**



	Across all five radio stations
Total time devoted to political actors	52h 46m

**Graphic 7: Tone and time allocated to editorial content of political actors across the five monitored television channels**

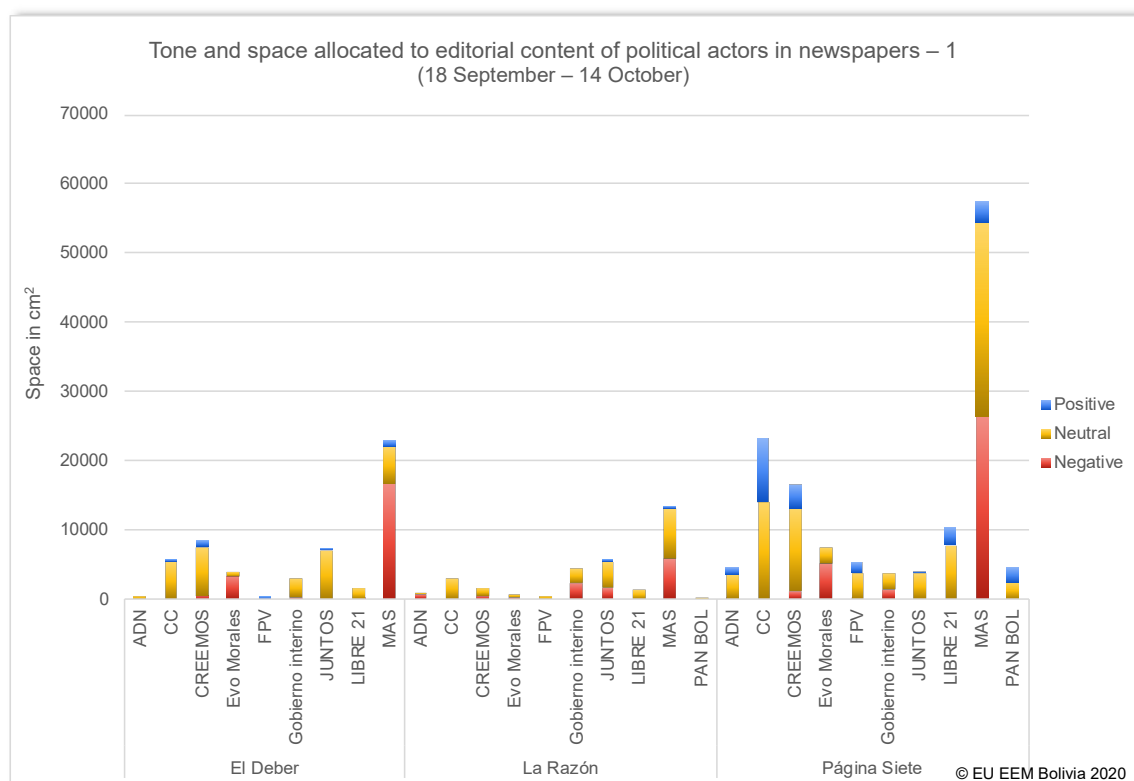


Across the five monitored television channels

Total time devoted to political actors

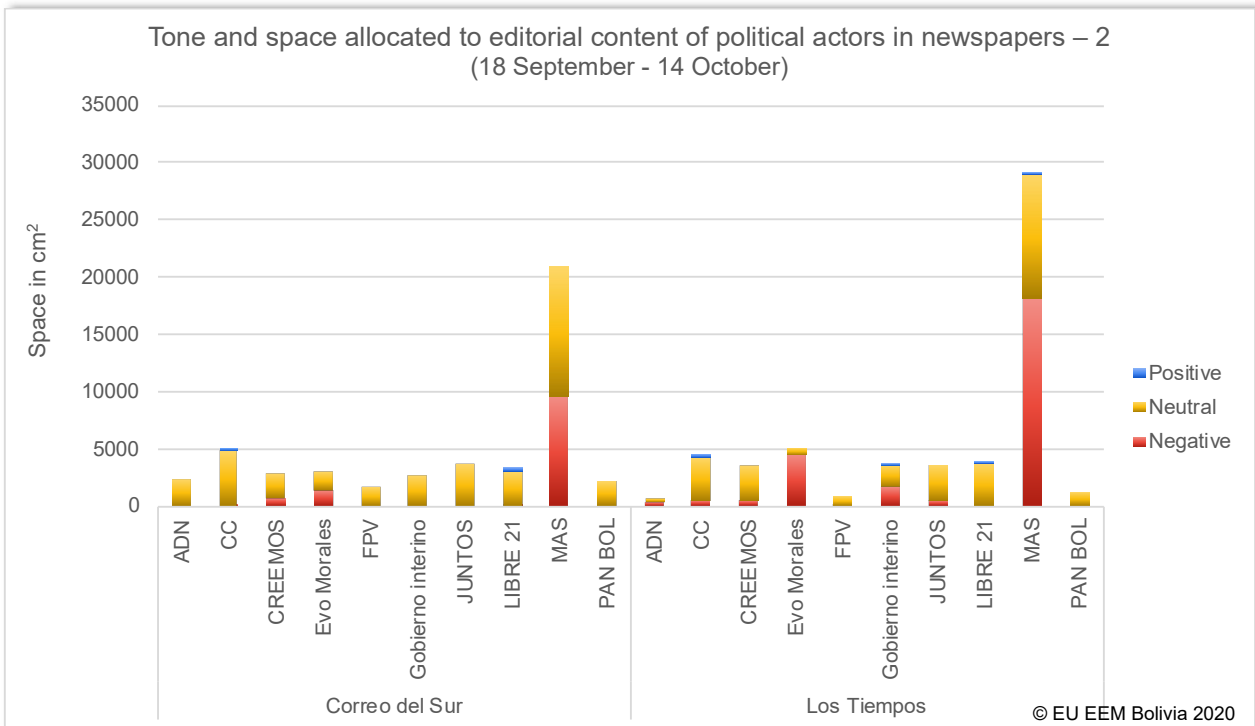
60h 34m

**Graphic 8: Tone and space allocated to editorial content of political actors in *El Deber*, *La Razón* and *Página 7* newspapers**

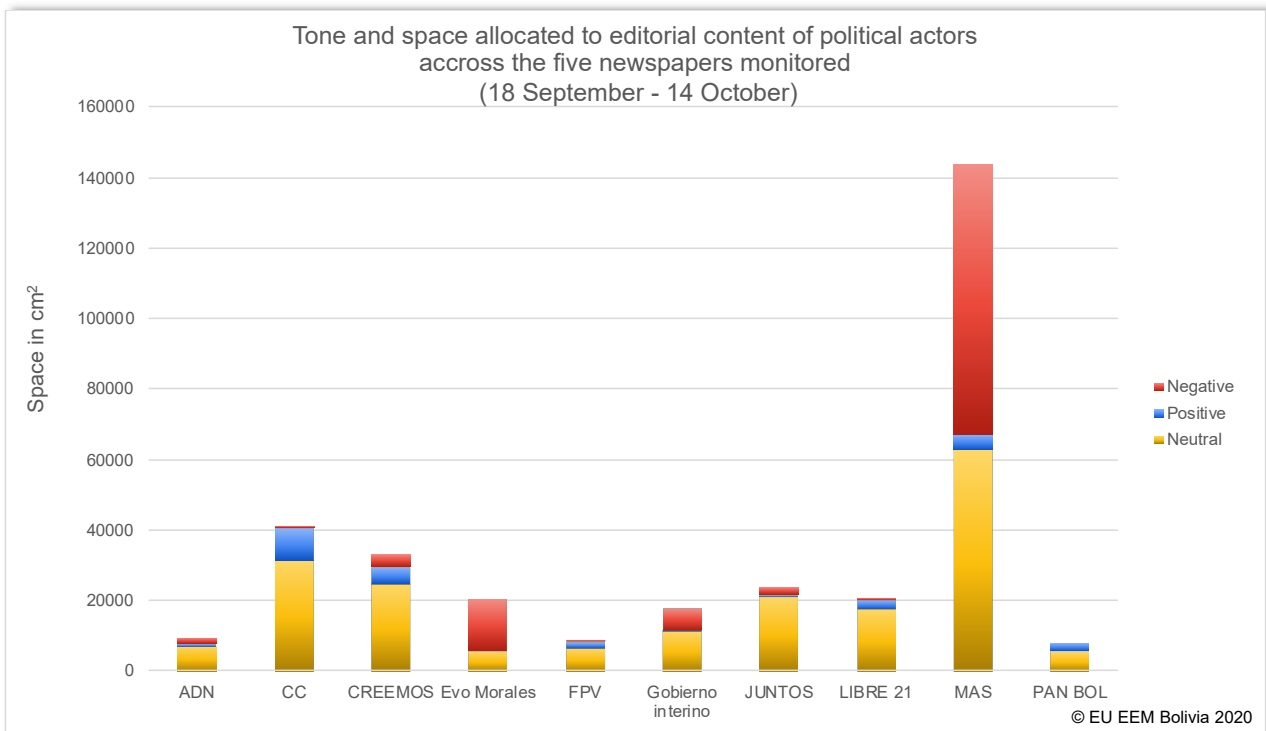


For information, a newspaper page measures around 1.000 cm<sup>2</sup>.

**Graphic 9: Tone and space allocated to editorial content of political actors in *Correo del Sur* and *Los Tiempos* newspapers**

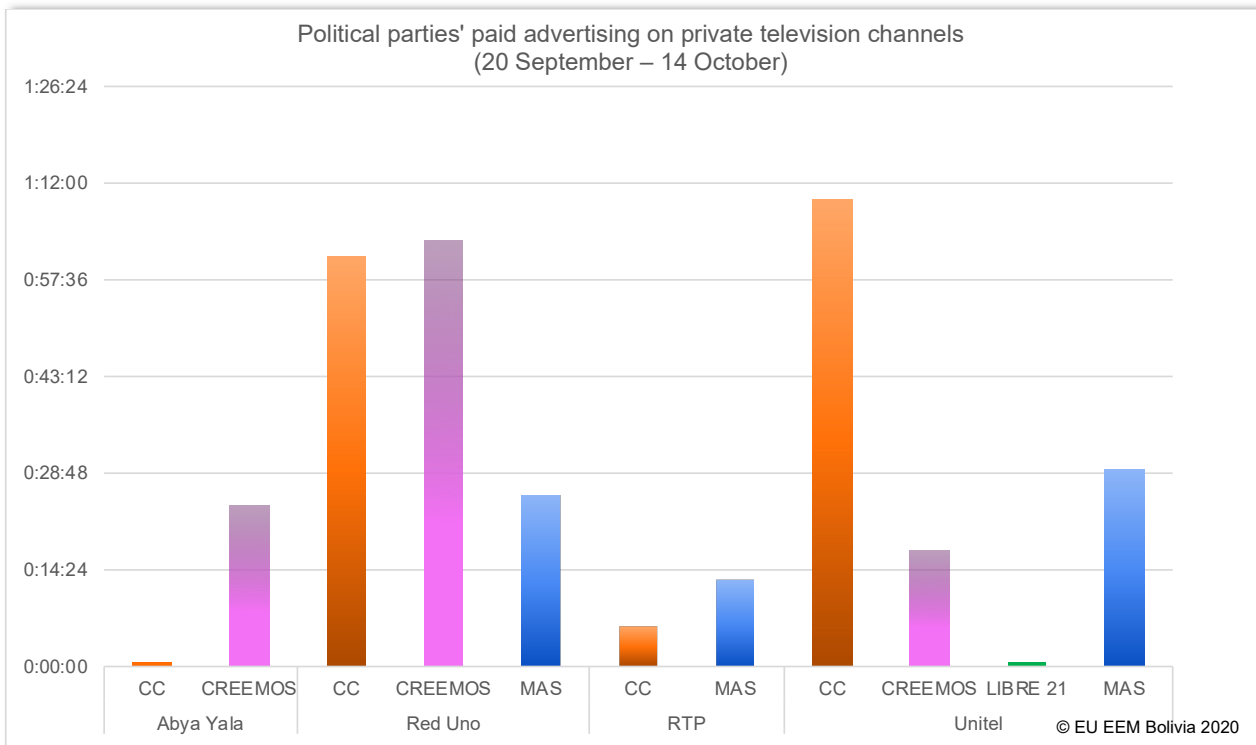


**Graphic 10: Tone and space allocated to editorial content of political actors across the five newspapers monitored**

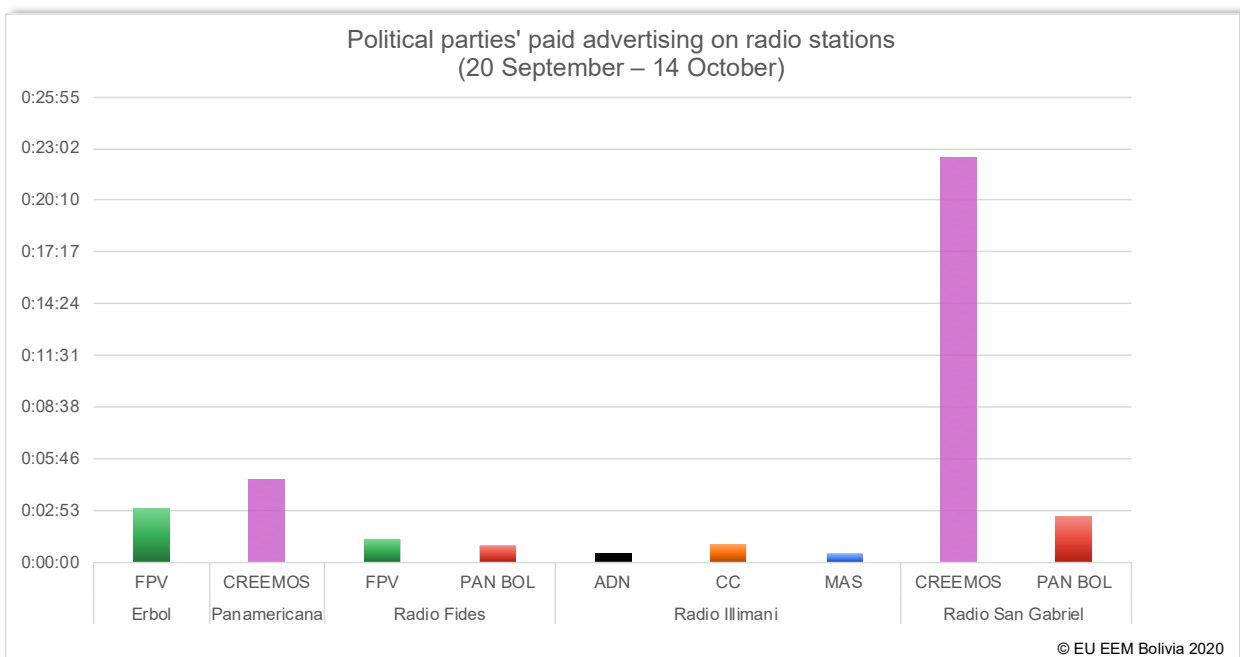




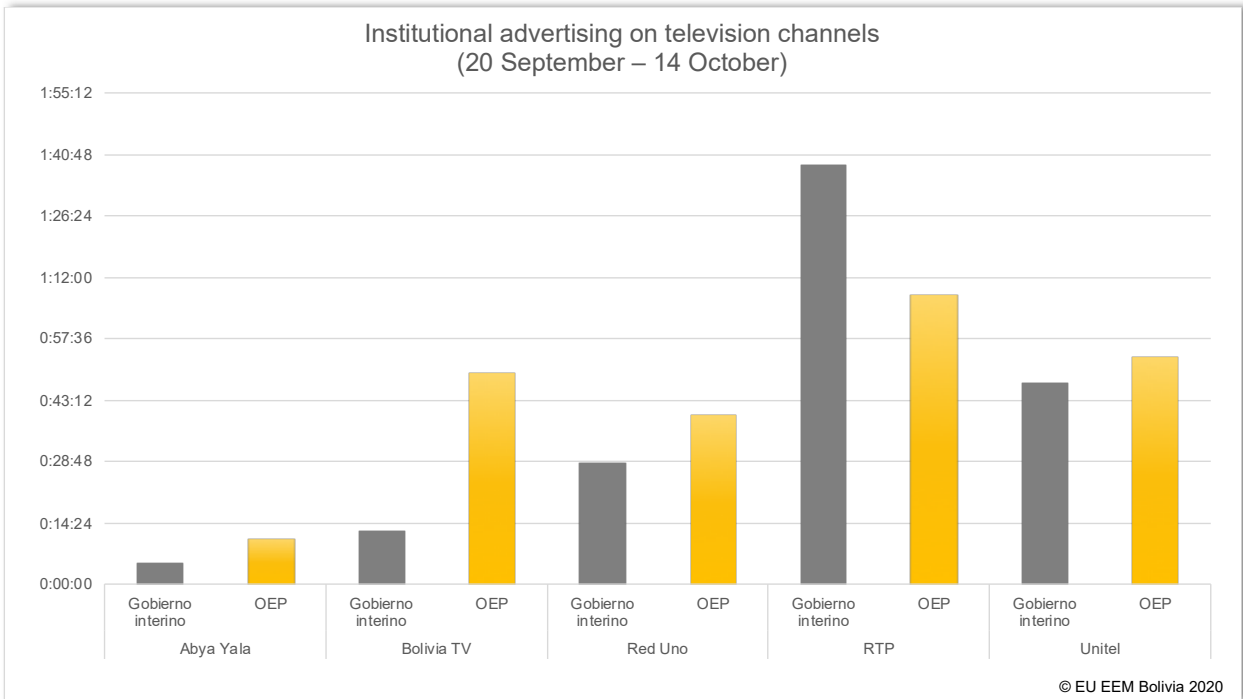
**Graphic 11: Political parties' paid advertising spots on private television channels**



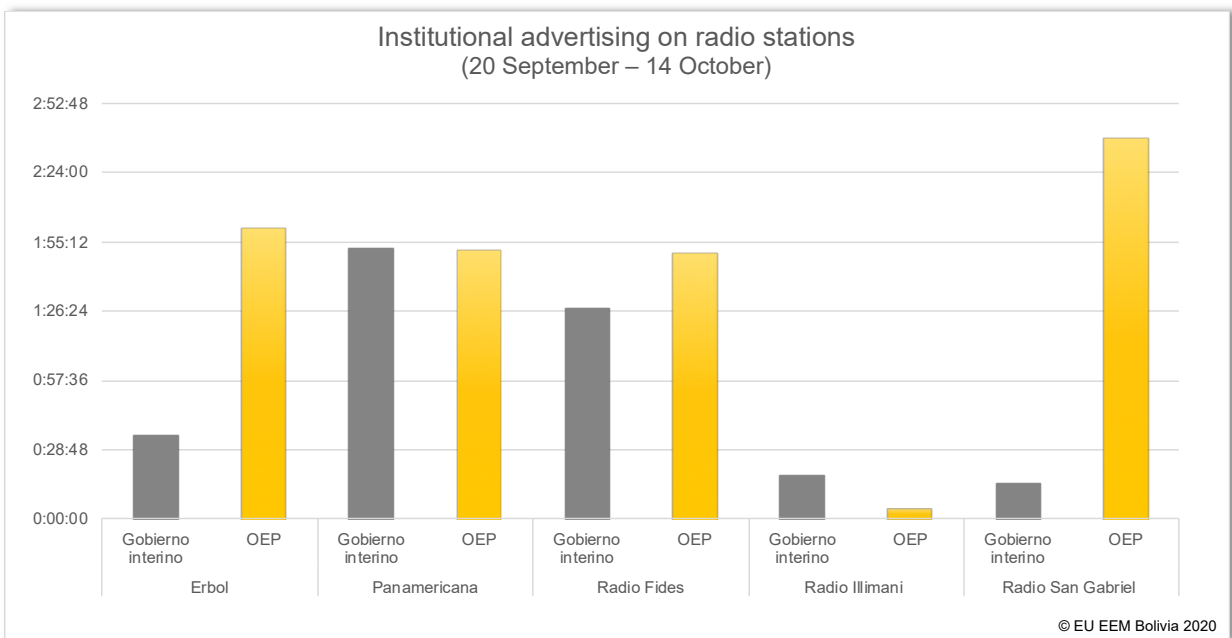
**Graphic 12: Political parties' paid advertising spots on radio stations**



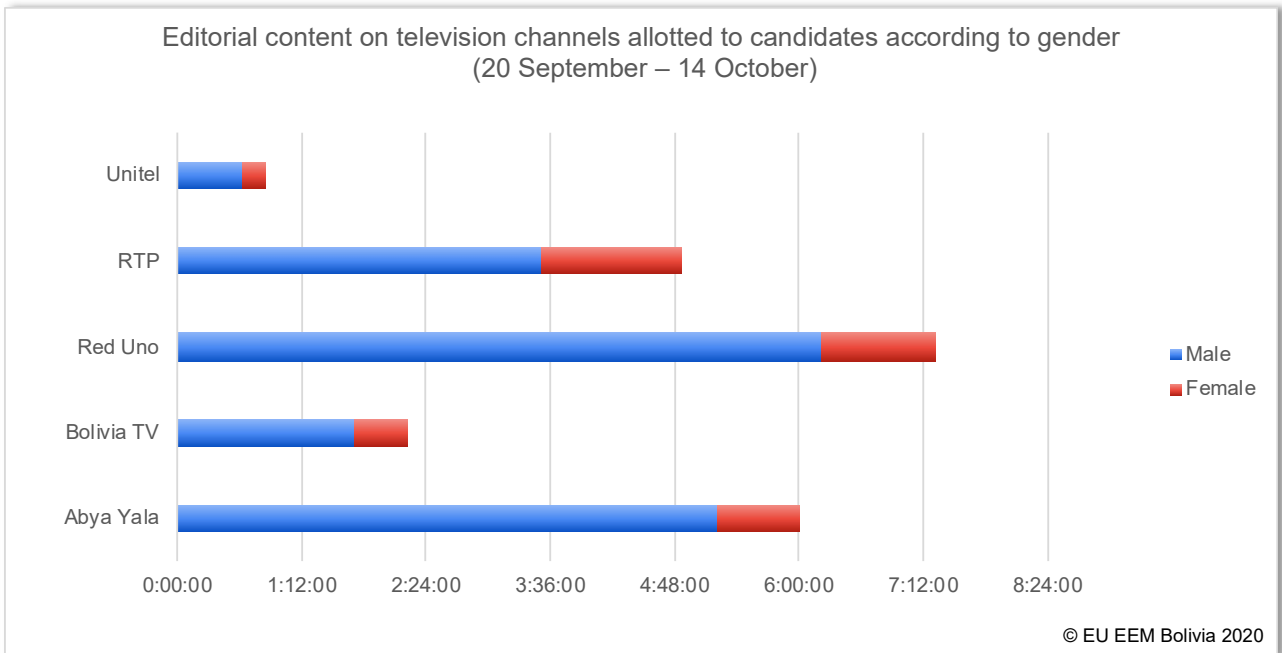
**Graphic 13: Institutional advertising on television channels**



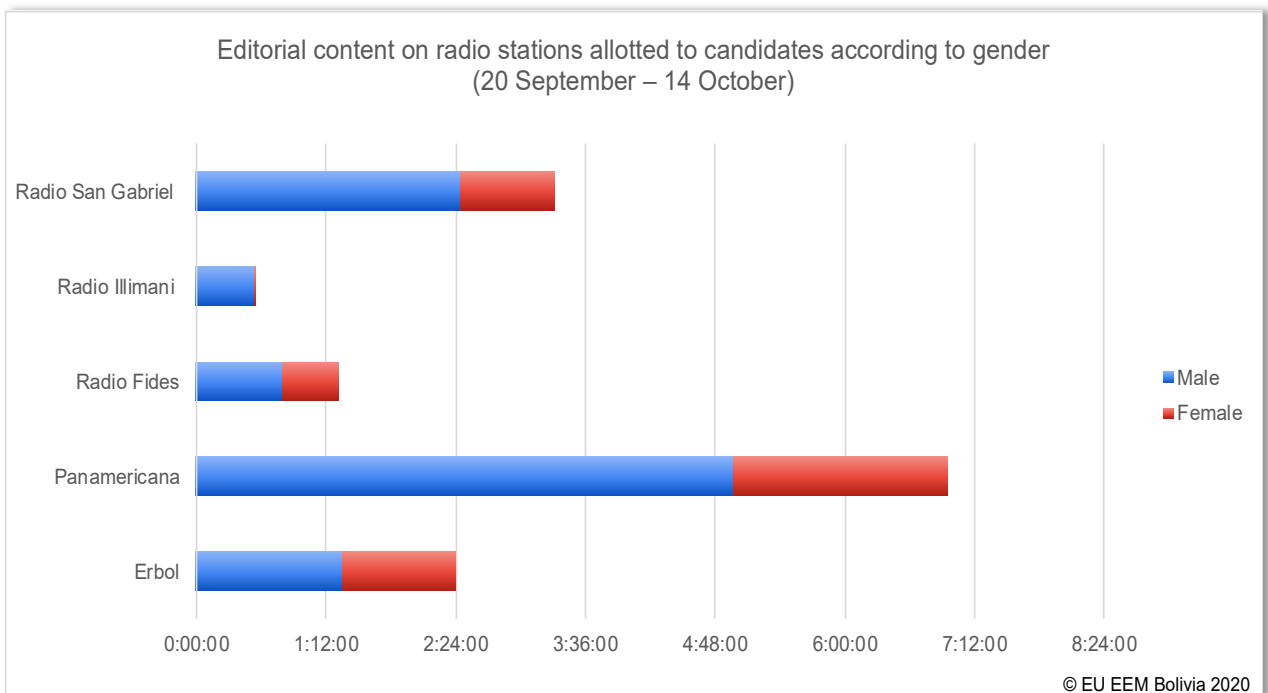
**Graphic 14: Institutional advertising on radio stations**



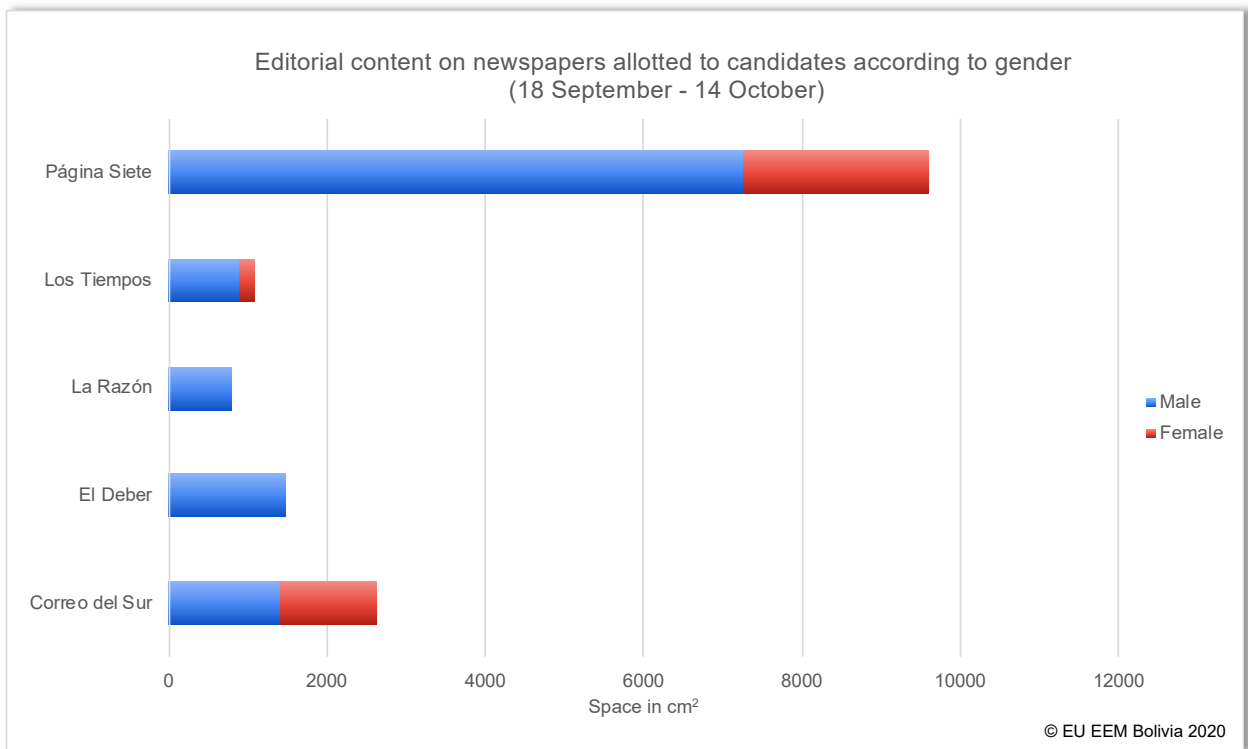
**Graphic 15: Editorial content on television channels allotted to candidates according to gender**



**Graphic 16: Editorial content on radio stations allotted to candidates according to gender**

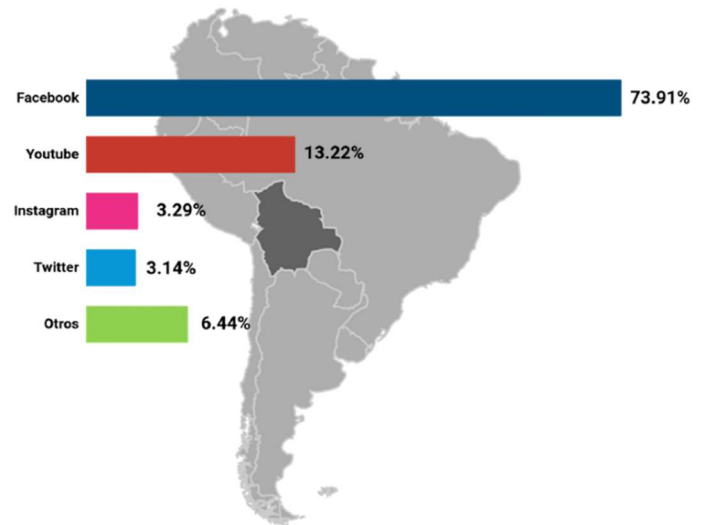


**Graphic 17: Editorial content on newspapers allotted to candidates according to gender**



## 22. ANNEX II – EU EEM SOCIAL MEDIA MONITORING RESULTS

Facebook is the most popular social media platform in Bolivia, followed by YouTube, Instagram, Twitter and Tik Tok.<sup>40</sup> The use of YouTube, Instagram and Tik Tok for campaign purposes was marginal, therefore the social media unit focused its quantitative analysis on Facebook and Twitter. The EU EEM monitored a sample of 395 Facebook pages and 40 public groups with a nationwide and regional relevance. Twitter was monitored on a case-by-case basis. Different monitoring projects were designed. The selection was made according to multiple analytical purposes, later reflected in different internal reports. The final sample included:

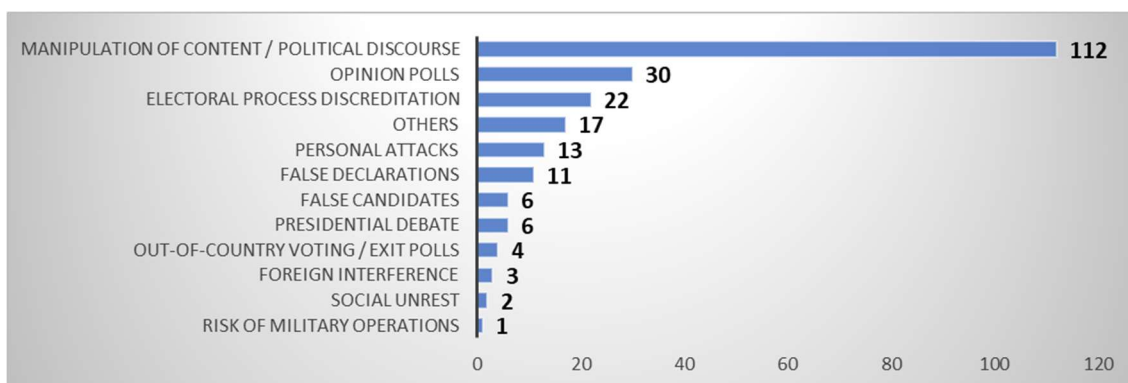


- 26 Facebook pages associated with the seven contesting parties, comprising the official pages and 24 Facebook public groups;
- 235 candidates' Facebook pages, 57 candidates' Twitter accounts used for campaign purposes, and 23 public servants' Twitter accounts;
- 104 Facebook pages and 16 public groups diffusing campaign-related content;
- 30 pages disseminating false or misleading information through political memes, false opinion polls, and manipulated videos (from 562 to 215,136 followers).

Social media monitoring tools used to conduct quantitative analysis:

- CrowdTangle for Facebook data scraping;<sup>41</sup>
- A tailor-made software written with Python to access the Twitter API for data scraping;
- Facebook Ads Library for paid advertisement.

### Disinformation during the official campaign period, election silence, and election day<sup>42</sup>



<sup>40</sup> Most popular social media platforms in Bolivia in July 2020, based on share of visits. Source: [online portal Statista](#).

<sup>41</sup> Data from [CrowdTangle](#), a public insights tool owned and operated by Facebook.

<sup>42</sup> News items debunked by local organisations *Bolivia Verifica* and *Chequea Bolivia* between 6 September and 18 October 2020, classified according to a list of topics identified by the EU EEM social media monitoring unit.

### Parties' presence on social networks VS Community of followers<sup>43</sup>

<b>Candidate<sup>44</sup></b> <b>Platform</b>	<b>Facebook</b>	<b>Twitter</b>	<b>Instagram</b>	<b>YouTube</b>	<b>Tik Tok</b>
<b>Lucho Arce</b>	217,199	9,5352	2,4831	2,240	773
<b>Carlos Mesa</b>	300,331	638,635	77,344	16,600	953
<b>Luis Fernando Camacho</b>	486,836	216,965	156,198	1,710	13,900
<b>Chi Hyun Chung</b>	31,257	4,494	183	215	35,400
<b>Feliciano Mamani</b>	713	n/a	n/a	n/a	n/a
<b>Jeanine Añez</b>	338,568	352,676	172,150	1,950	462
<b>Jorge Tuto Quiroga</b>	96,053	189,504	6,810	1,000	n/a
<b>María de la Cruz Bayá<sup>45</sup></b>	n/a	n/a	n/a	29	n/a

### Candidates' presence on social networks VS Community of followers

<b>Candidate</b> <b>Platform</b>	<b>Facebook</b>	<b>Twitter</b>	<b>Instagram</b>	<b>YouTube</b>	<b>Tik Tok</b>
<b>MAS</b>	73,523	19,641	3,204	612	8,850
<b>Comunidad Ciudadana</b>	41,849	9,885	1,998	n/a	4,245
<b>Creemos</b>	28,535	1,396	1,642	124	4,114
<b>FVP</b>	455	n/a	n/a	8	n/a
<b>PAN-BOL</b>	3,227	67	n/a	n/a	n/a
<b>Juntos</b>	5,203	506	846	10	0
<b>Libre21</b>	1,074	32	n/a	n/a	n/a
<b>ADN</b>	1,360	9	n/a	n/a	n/a

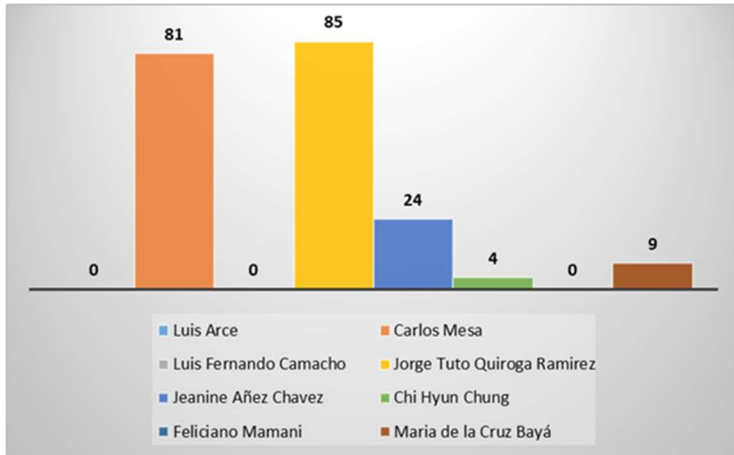
<sup>43</sup> As of 26 October 2020.

<sup>44</sup> The candidatures of Jeanine Añez, Jorge "Tuto" Quiroga (Libre 21), and María de la Cruz Bayá (ADN) were withdrawn before election day.

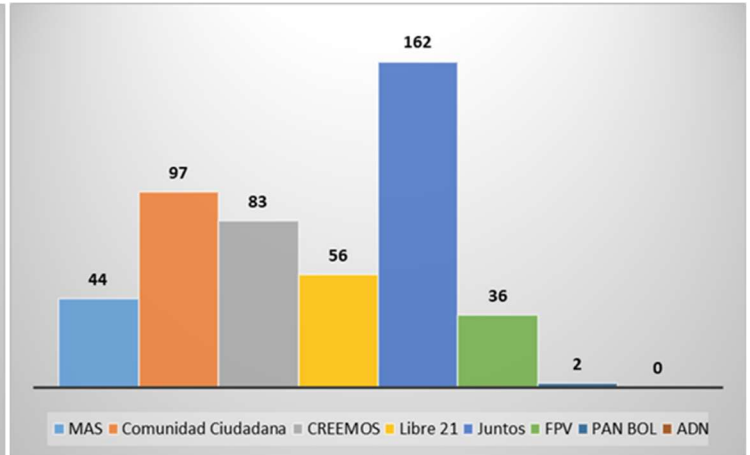
<sup>45</sup> After the decision of the candidate's party to withdraw from the competition, the name of María de la Cruz Bayá's YouTube account was modified.

**Paid political advertising on Facebook during the pre-campaign period**  
(4 August – 17 September)

PRESIDENTIAL CANDIDATES

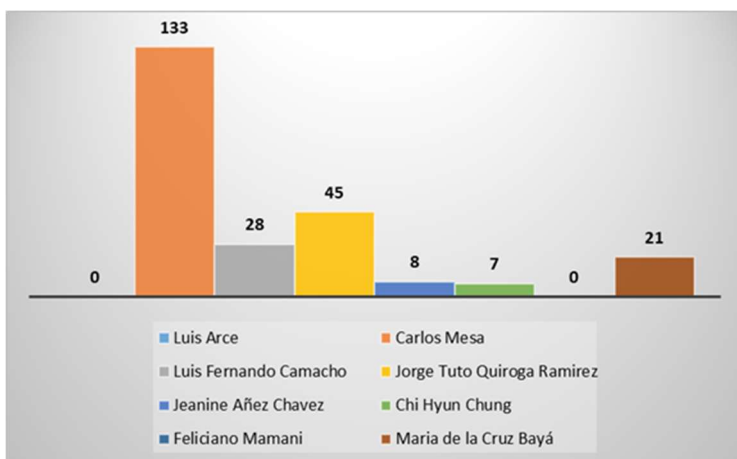


PARTIES AND OTHER CANDIDATES

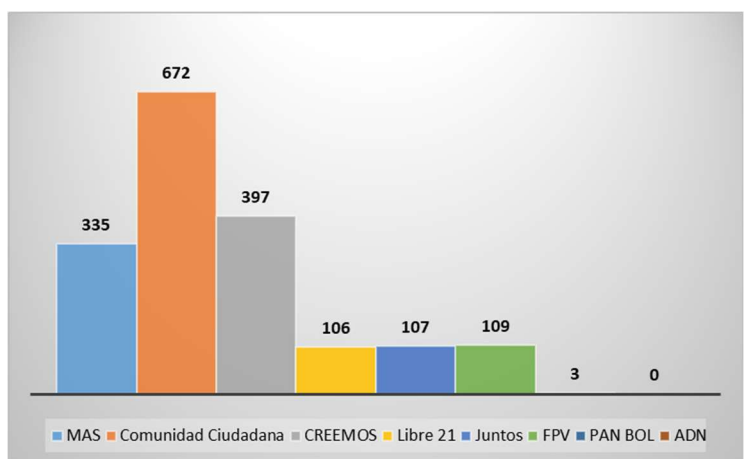


**Paid political advertising on Facebook during the official campaign period**  
(18 September – 14 October)

PRESIDENTIAL CANDIDATES



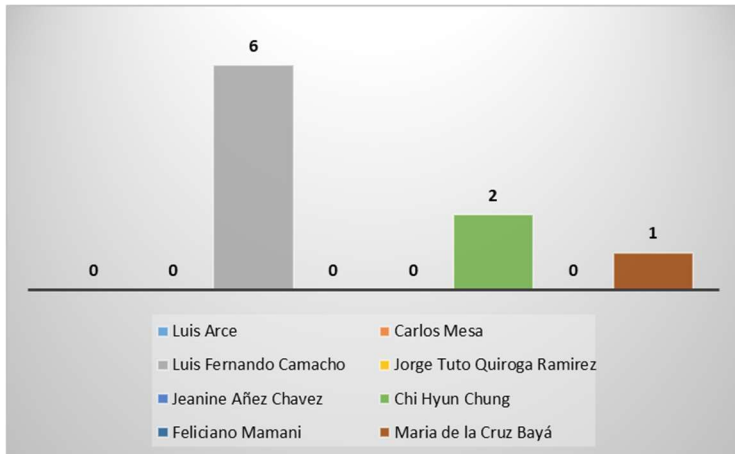
PARTIES AND OTHER CANDIDATES



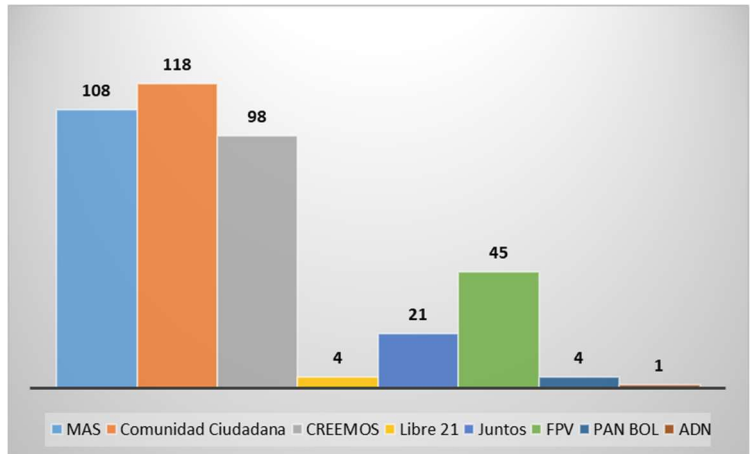


## Paid political advertising on Facebook during the campaign silence period (15 October – 17 October)

### PRESIDENTIAL CANDIDATES

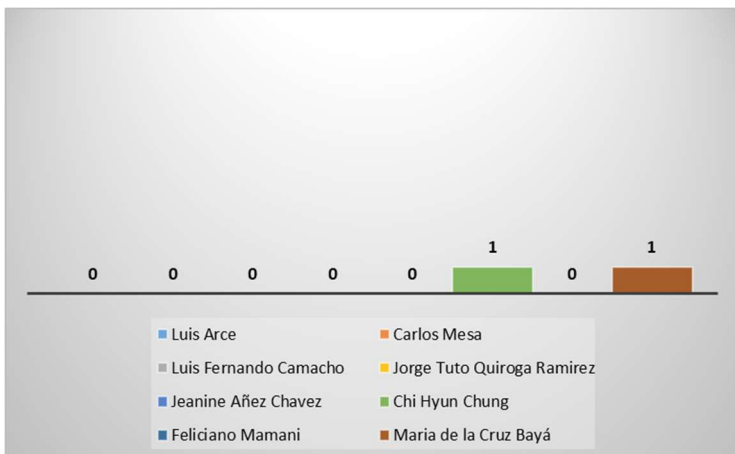


### PARTIES AND OTHER CANDIDATES

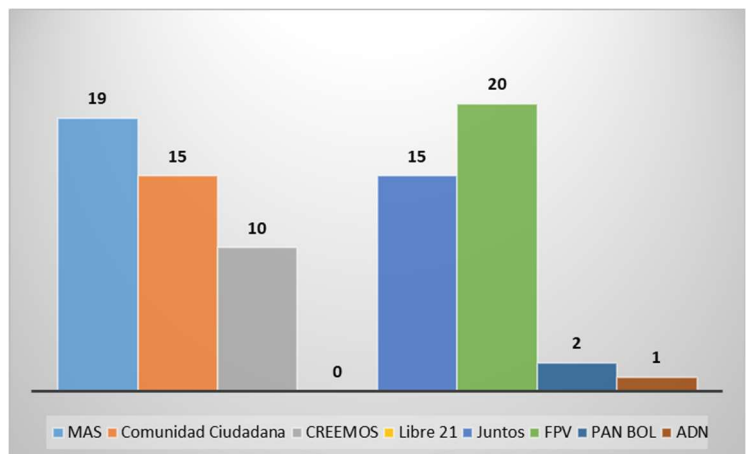


## Paid political advertising on Facebook on election day

### PRESIDENTIAL CANDIDATES



### PARTIES AND OTHER CANDIDATES



## 23. ANNEX III – FINAL RESULTS

---

### A. Valid, invalid votes and turnout

<b>VALID VOTES</b>	<b>6,159,211</b>	<b>94.99%</b>
BLANK VOTES	91,419	1.41%
NULL VOTES	233,378	3.60%
<b>TOTAL NULL AND BLANK VOTES</b>	<b>324,797</b>	<b>5.01%</b>
TOTAL VOTES CAST	6,484,008	
<b>TURNOUT</b>		<b>88.42%</b>

---

### B. Number of votes and seats by party

<b>POLITICAL PARTY</b>	<b>VALID VOTES</b>	<b>%</b>	<b>SEATS SENATE</b>	<b>SEATS CHAMBER OF DEPUTIES</b>
MOVIMIENTO AL SOCIALISMO-INSTRUMENTO POLÍTICO POR LA SOBERANÍA DE LOS PUEBLOS (MAS – IPSP)	3,394,052	55.11%	21	75
COMUNIDAD CIUDADANA (CC)	1,775,953	28.83%	11	39
CREEMOS	862,186	14.00%	4	16
FRENTE PARA LA VICTORIA (FPV)	95,255	1.55%	0	0
PARTIDO DE ACCION NACIONAL BOLIVIANO (PAN-BOL)	31,785	0.52%	0	0

---

### C. Winning party by region

