



## **Preliminary Report of the OAS Electoral Observation Mission (OAS/EOM) to Ecuador for the Sectional Elections, Citizen Participation and Societal Oversight Council (CPCCS) Elections, and Referendum and Local Plebiscite of February 5, 2023**

Quito, February 8, 2023

The Electoral Observation Mission of the Organization of American States (OAS/EOM), deployed in Ecuador for the sectional elections, the Citizen Participation and Societal Oversight Council (CPCCS) elections, and the referendum and local plebiscite of February 5, 2023, commends the Ecuadorian people on their high turnout (80.74 percent) during an election day that generally progressed in a calm manner. The Mission also congratulates the elected officials and political forces that took part, and recognizes the work of election workers, polling station officials, and representatives of the different political organizations.

Led by Uruguayan sociologist Juan Pablo Corlazzoli, the Mission was made up of 20 observers and specialists from nine countries, who were deployed in seven of Ecuador's 24 provinces. The Mission also conducted a substantive analysis of the various key aspects of the electoral process, including electoral organization and technology, campaign finance, electoral justice, direct democracy, and the political participation of women, indigenous peoples, and Afro-descendent populations.

The Mission was installed in the country on January 27. On February 2, it witnessed the wax-sealing of the Database and Repositories of the Computerized Vote Counting and Results System (SIER), as well as the sealing of the digital voting database. On Saturday, February 4, it observed the wax-sealing of the Foreign Database and on Sunday, February 5, the wax-sealing of the national database. From January 30 to February 4, the Mission met with various political actors, electoral and government officials, local and CPCCS candidates, representatives of the "Yes" and "No" campaigns for the referendum, and representatives of civil society, academia and international organizations.

### **PRE-ELECTORAL PHASE**

On February 5, 2022, the plenary of the National Electoral Council (CNE) announced the beginning of the electoral process for the sectional and CPCCS elections.<sup>1</sup> The date marked the start of intra-party processes, as well as those for which the CNE and other institutions involved were responsible, with a view to holding the regular elections within the legally prescribed timeframe. Nearly 10 months later, the President of the Republic issued Executive Decree No. 607 of November 29, 2022, convening a referendum to amend the Constitution and calling on the electorate to vote on eight questions. On December 6, 2022, the CNE approved the convocation of the referendum, to be held simultaneously with

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<sup>1</sup> CNE Resolution No. PLE-CNE-1-5-2-2022-EXT.



the sectional and CPCS elections.<sup>2</sup> The approving resolution also provided that the electoral campaign for the referendum would be run for 30 days, starting on January 3, 2023, as had already been established in the electoral calendar for the regular elections.

Although the convocation of the referendum was issued in accordance with the established constitutional and legal framework and allowed savings (by not having to organize a process for the plebiscite alone), in practice it had a considerable crosscutting impact on the electoral calendar activities that had been underway since February 2022. Consequently, it also impacted the transmission and announcement of results following election day. As will become clear, the convocation of the referendum a little more than two months before the election entailed adjusting processes and programs within a short period of time, including, for example, digital voting, printing of material, and the composition of polling station teams (polling stations). In some cases, it was even necessary to restart ongoing processes, such as training. The need to organize the referendum on short notice put additional pressure on the vote counting and return digitization phase, which resulted in a remarkably slow overall transmission of results. In addition to these organizational aspects, a number of actors all felt that the 30-day electoral campaign was too short for considered discussion and reflection on the proposals of local government and CPCS candidates, as well as the eight proposed constitutional reforms which, moreover, concerned very different issues.

Despite these shortcomings, the Mission considered it positive that for the first time local electoral authorities had organized debates between male and female candidates for prefectures and mayorships in all provinces in the country, in keeping with the 2020 reform of the Democracy Code.<sup>3</sup> The OAS/EOM agrees with several of the actors interviewed that initiatives of this nature enrich the democratic debate. In the same sense, the establishment of the “Know your candidate” platform by the CNE,<sup>4</sup> where citizens could look up the work plans of different candidates, was also a valuable tool for informed voting.

On January 20, 2023, prior to the deployment of the Mission, the CNE conducted a home voting simulation in all 24 provinces.<sup>5</sup> Then, on January 21, it carried out the first general simulation of the election, including voting abroad in both digital and in-person modalities.<sup>6</sup> The second national simulation was held on January 22. The CNE reported that in this simulation exercise, 100 percent of return digitization centers (CDAs) in each province were tested and recommendations were implemented to improve data processing times.<sup>7</sup> The OAS/EOM acknowledges the efforts of the CNE to adopt measures to streamline the process on election day, including by adding a fifth member to polling station teams (Juntas

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<sup>2</sup> CNE Resolution No. PLE-CNE-1-6-12-2022.

<sup>3</sup> Article 202.2 of the Organic Electoral and Political Organizations Law of the Republic of Ecuador (hereinafter “Democracy Code”).

<sup>4</sup> CNE. Available at <https://candidatos2023.cne.gob.ec/>

<sup>5</sup> CNE. Available at <https://www.cne.gob.ec/en-24-provincias-del-pais-se-ejecuto-simulacro-de-voto-en-casa/>

<sup>6</sup> CNE. Available at <https://www.cne.gob.ec/cne-realizo-el-simulacro-de-voto-en-el-externo-de-las-elecciones-2023/>

<sup>7</sup> CNE. Available at <https://www.cne.gob.ec/cne-pone-a-prueba-el-100-de-su-sistema-informatico-en-segundo-simulacro-de-elecciones-2023/>



Receptoras de Voto) and dividing the vote counting process into two groups for the simultaneous counting of the sectional and national elections (referendum and CPCCS).<sup>8</sup>

Finally, the OAS/EOM wishes to emphasize that one of the most troubling developments in this electoral process was the increase in political violence, with signs of the involvement of organized crime in the electoral contest. In the run-up to the election, the media reported on the murder of two candidates and two aspiring politicians.<sup>9</sup> One of the murders took place in the town of Puerto López on the eve of the elections. An associate of the assassinated candidate also lost his life in that incident.<sup>10</sup> In addition, there were more than a dozen attempts on political figures,<sup>11</sup> as well as attacks and threats<sup>12</sup> against candidates, their families, and campaign workers.<sup>13</sup> The National Police reported two attacks against candidates in the early morning of February 5, with no fatalities, in the towns of Palestina and El Carmen in Manabí. Through the CNE, the Mission requested official statistics on political violence since the elections were called in August 2022. However, at the time of publication of this report, that information had not been provided.

The Mission strongly condemns all acts of political violence. Beyond the very extreme ways in which it is expressed, violence affects the electoral process in other ways, for example, by intimidating citizens into not exercising their right to vote, curbing the campaign activities of candidates due to security concerns or compelling them to hire private security.

The Mission also reiterates that there is no place for violence in a democracy. For this reason, it underscores the importance of ensuring that acts of political violence of any kind are investigated by the competent authorities and not left unpunished.

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<sup>8</sup> CNE. Available at <https://www.cne.gob.ec/cne-actualiza-metodologia-de-escrutinio-y-dispone-incorporar-un-integrante-mas-en-cada-junta-receptora-del-voto/>

<sup>9</sup> The absence of official statistics makes it difficult to identify the characteristics of the victims with any certainty. It also makes it difficult to accurately identify and quantify the crimes committed.

<sup>10</sup> FUNDAMEDIOS. Available at

<https://twitter.com/FUNDAMEDIOS/status/1622345272004050946?cxt=HHwWhCwjb2b3YMtAAAA>

<sup>11</sup> El Telégrafo. Available at <https://www.eltelegrafo.com.ec/noticias/actualidad/44/policia-nacional-asesinato-zapata>

Primicias. Available at [https://www.primicias.ec/noticias/seccionales-2023/elecciones-jornada-votacion-ecuador/?utm\\_source=twitter&utm\\_medium=social](https://www.primicias.ec/noticias/seccionales-2023/elecciones-jornada-votacion-ecuador/?utm_source=twitter&utm_medium=social)

<sup>12</sup> Primicias. Available at [https://www.primicias.ec/noticias/sucesos/omarmenendez-candidato-asesinado-manabi-amenazas-extorsion/?utm\\_source=twitter&utm\\_medium=social](https://www.primicias.ec/noticias/sucesos/omarmenendez-candidato-asesinado-manabi-amenazas-extorsion/?utm_source=twitter&utm_medium=social)

<sup>13</sup> Radio Pichincha. Available at <https://www.radiopichincha.com/candidato-de-la-revolucion-ciudadana-a-la-alcaldia-de-puerto-lopez-fue-asesinado/>

<https://www.radiopichincha.com/las-elecciones-mas-violentas-en-la-historia-del-ecuador-se-han-contabilizado-al-menos-12-ataques-a-candidatos/>

France 24. Available at <https://www.france24.com/es/minuto-a-minuto/20230205-ecuador-vive-jornada-electoral-marcada-por-asesinatos-de-candidatos>

FUNDAMEDIOS. Available at

<https://twitter.com/FUNDAMEDIOS/status/1622323753941073920?cxt=HHwWgICwhfu204MtAAAA>

<https://twitter.com/FUNDAMEDIOS/status/1622312740772581383?cxt=HHwWjsC4xfS1zoMtAAAA>

<https://twitter.com/FUNDAMEDIOS/status/1618675244507729920?cxt=HHwWgMDQueGj2PYsAAAA>

Deutsche Welle. Available at <https://www.dw.com/es/ecuador-inicia-elecciones-marcadas-por-asesinatos-de-candidatos/a-64615993>



## ELECTION DAY

On February 5, 2023, OAS observers visited voting centers in six provinces in the country, and were present from the setting up and opening of polling stations, to the vote counting and transmission of the results. During its observation, the Mission noted delays in the opening of the polling stations visited. According to official information from the CNE, by the time the polls opened (7:00 a.m.), 47.83 percent of the polling stations were ready; by 7:30 a.m., 91.08 percent were in operation.<sup>14</sup> At a press conference held at 10:30 a.m., the president of the CNE announced that 100 percent of the polling stations were operational.<sup>15</sup>

The CNE also announced that more than three quarters of the polling stations had all the electoral material available, with minor percentages missing materials such as screens, presentation certificates, and plastic envelopes, among other items. Seven out of 10 polling station members were titular members, 24.4 percent were alternates, 3.2 percent were alternates from other polling stations, and less than 1.5 percent citizens drafted in from the line or polling place.<sup>16</sup> More than 71 percent of polling stations had delegates representing political organizations.<sup>17</sup> At the polling stations observed by the OAS/EOM at the time of installation, all electoral materials were available and delegates from political organizations were present.

The Mission observed long lines of voters in the morning, with waits of up to one hour, partly as a consequence of the delay in opening the polling stations, but very possibly also due to the length of time it took to vote, due to the number of simultaneous polls. According to the CNE, the average voting time was five minutes per voter,<sup>18</sup> which is approximately in line with the Mission's observations. At a polling place observed in the province of Azuay, a third polling station was added due to long lines. The number of people waiting in line to vote fell in the afternoon and by the time the polls closed there were no people waiting to vote.

In spite of political violence on the night of February 4 in some of the country's provinces, election day itself was generally calm. In the provinces observed, the OAS/EOM noted the presence of security forces at all polling stations. In the province of Guayas, the OAS/EOM received information from four polling places where counts had to be suspended for security reasons and the decision was taken to keep the material in military custody.

At the time of installation and as the voting progressed, with some exceptions, the Mission noted a lack of training among polling station officials at the stations it observed. The OAS/EOM team saw that the

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<sup>14</sup> CNE. Available at <https://twitter.com/DianaAtamaint/status/1622256716262809605?cxt=HHwWioChte34tIMtAAAA>

<sup>15</sup> CNE. Available at <https://twitter.com/DianaAtamaint/status/1622256716262809605?cxt=HHwWioChte34tIMtAAAA>

<sup>16</sup> CNE. Available at <https://twitter.com/DianaAtamaint/status/1622256716262809605?cxt=HHwWioChte34tIMtAAAA>

<sup>17</sup> CNE. Available at <https://twitter.com/DianaAtamaint/status/1622256716262809605?cxt=HHwWioChte34tIMtAAAA>

<sup>18</sup> CNE, Second Election Day Progress Report from 11:30 a.m. to 12:30 p.m., shared with the Mission.



efforts of polling station and precinct coordinators were key in making up for the lack of knowledge of most polling station members.

The polling stations observed closed at the scheduled time (5:00 p.m.) and then began the counting process, which took much longer than expected and at several polling stations did not adhere to the stipulations in the manuals. At all polling stations observed, the members began counting the votes by separating the ballots corresponding to the different posts and types of elections, which they deposited in only two ballot boxes. The stations observed took more than an hour in this sorting process alone. Once the sorting was done, some polling stations followed the instruction to separate into two counting groups, while others proceeded to count together. Deviations were also observed from the counting order prescribed in the manual.

Almost all polling stations observed proceeded to count the ballots and fill out all the draft returns before filling out clean returns for each post and election. At 9:00 p.m. Mission observers reported that polling station members were showing obvious signs of fatigue despite the fact that most of them had not yet begun the process of filling out about 14 returns per polling station, in triplicate. Once this process was completed, the material was transferred to the corresponding return digitization center (CDA) for processing. The Mission acknowledges the work carried out by the polling station members, most of whom were university students, and other officials and helpers during a long election day.

### ***Digital voting***

As indicated, the CNE enabled digital voting for the CPCCS poll and referendum at 52 of the 101 electoral zones abroad;<sup>19</sup> (voting was in person at the other 49 zones). Digital voting covered 97,100 voters, or 25 percent of the electoral roll abroad. The Mission was present at the Overseas Electoral Processing Center (CPE) where it was informed that the digital voting service was interrupted from approximately 8:00 a.m. to 9:30 a.m. Quito time. During that interruption, it was not possible to vote at any of the 52 electoral zones where digital voting was planned. According to information provided by the CNE technical team, the reason for the service interruption was a connectivity problem between the voting page available to the voter and the database (back-end connectivity). The registration page was not affected, and the voting service was restored at 10:00 a.m. The OAS/EOM noted that many Ecuadorians abroad expressed unease and uncertainty on social media about this incident. It also noted that the electoral authority did not issue an announcement addressing the interruption until the polls closed.<sup>20</sup> In spite of the above, 17,940 Ecuadorians living abroad voted using this method.<sup>21</sup>

### ***Processing and dissemination of results***

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<sup>19</sup> CNE Resolution No. PLE-CNE-2-6-7-2022. Available at <https://www.voto-telematico.cne.gob.ec/informacion>

<sup>20</sup> CNE. Available at <https://twitter.com/DianaAtamaint/status/1622362250987335680?cxt=HHwWgMDTseT35IMtAAAA>

<sup>21</sup> Equivalent to 77.18 percent of the 23,245 voters who registered to vote in this way, out of a universe of 97,100 registered voters in the 52 electoral zones with digital voting enabled.



At 5:30 p.m., the CNE announced the close of the polls in the country on national TV, reporting a turnout of 80.74 percent.<sup>22</sup> From that moment on, different media outlets published a series of exit polls and tracking information on results that did not ultimately match the official tallies, as described below. The Mission observed that at 7:20 p.m. results began to appear on the CNE announcement page (<https://elecciones2023.cne.gob.ec/>), as well as on the CNE mobile application, CNE App.

Although there were some problems with the website and application, the public was kept informed by the media. The OAS/EOM found that the announcement page and the mobile application worked slowly and/or intermittently following their launch. The Mission found that there were moments in the course of the night when results were not accessible on any of the platforms, which provided an intermittent service. However, OAS observers were present at the CNE command center—where the media and political forces were also present—and were able to verify that the transmission of voting returns at the CNE continued throughout the night without the interruptions observed on the dissemination platforms.

At 9:00 p.m., four hours after the polls closed, only 1 percent (5,881 of 579,633) of the total number of voting returns had been processed, but the processing went much more smoothly once the returns arrived at the return digitization centers. Shortly before 11:00 p.m., Quito mayoral candidate Jorge Yunda acknowledged his defeat and congratulated Mr. Pabel Muñoz for his victory in the capital mayoral race.<sup>23</sup> For her part, the candidate standing for re-election to the Guayaquil mayoralty, Cynthia Viteri, conceded the election at noon on February 6, also congratulating the winning candidate, Aquiles Álvarez.<sup>24</sup> Although some political figures expressed discontent with the slow processing of returns, the results were generally recognized. At 8:00 p.m. on February 6, President Guillermo Lasso delivered an address to the nation in which he interpreted the victory of the “no” vote in the referendum as “a message to the government from the people,” and, in a conciliatory tone, called for a national consensus.<sup>25</sup>

Although the most newsworthy mayoral and prefecture races were decided in the course of the night, as was the result of the referendum, in the early hours of February 6, the Mission observed that there was no progress in the level of processing votes in the prefecture and mayoral races in six provinces: Cañar, Loja, Morona Santiago, Napo, Santa Elena, and Zamora Chinchipe. The Mission learned in the morning that the problem had been due to inconsistencies in how the ballots were printed, specifically the order of the candidacies in the draft returns, voting returns, and voting returns for public disclosure and summary of results in those provinces.<sup>26</sup> Therefore, it was decided to perform a recount of the mayoral

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<sup>22</sup> CNE. Available at <https://twitter.com/cnegobec/status/1622417986337345539?s=20&t=eWEp9Q-zzMj3ZacHbVV3gA>

It is important to emphasize that voting is compulsory for Ecuadorians between 18 and 65 years of age. On this occasion, anyone who failed to vote without a valid reason was fined 10 percent of the minimum wage (Salario Básico Unificado (SBU)), equivalent to US\$45. Voting is optional for people over 65 years old, those between 16 and 18 years old, members of the armed and security forces, and citizens residing abroad.

<sup>23</sup> See <https://twitter.com/lorohomero/status/1622440703207899136?s=24>

<sup>24</sup> See [https://twitter.com/CynthiaViteri6/status/1622654132480876553?s=20&t=GJ0Ow3afuQUnyj5x9lh\\_2g](https://twitter.com/CynthiaViteri6/status/1622654132480876553?s=20&t=GJ0Ow3afuQUnyj5x9lh_2g)

<sup>25</sup> Office of the President of the Republic of Ecuador. Available at <https://www.youtube.com/watch?v=LWxrmjt6-mU>

<sup>26</sup> Memorandum No. CNE-DNL-2023-0151-M of February 2023.



and prefectural votes at the Provincial Electoral Boards of those districts, starting on February 6. The Mission is observing the recount in the provinces of Loja, Morona Santiago, and Napo.

Lastly, at 8:05 p.m. on February 7, with 67.74 percent of the ballots counted, the “yes” option for the creation of the canton of Sevilla don Bosco in the province of Morona Santiago registered an 83.57 level of support.

## FINDINGS AND RECOMMENDATIONS

### I. Electoral Institutions

Two previous OAS observation missions (2019 and 2021) observed tension in the interactions between members of the CNE, as well as the practice of making individual announcements, which sometimes contradicted the positions adopted by the plenary of the CNE. In this electoral process there were also instances where members of the public saw a dysfunctional collegiate body with distrust among its members. However, on this occasion the Mission noted less tension in these relationships.

On February 1, 2023, the Mission received a note from CNE member Elena Nájera in which she described various behaviors towards her on the part of other members of the Council that, in her opinion, were unbecoming to her office and position as an equal in a collegiate body. In a later meeting with the Mission, Council member Najera elaborated on her claims and indicated her intention to take her case to the Electoral Disputes Court (TCE), once the elections were over.

### II. Electoral Organization

#### *Training*

As mentioned earlier, on December 29, 2022, the CNE decided to add one member to each polling station team, in order to form two counting groups: one composed of the president and a member, who would count the ballots contained in the white ballot box (sectional elections), and a second group composed of the secretary and two members, who would count the ballots contained in the brown ballot box (referendum and CPCS elections).<sup>27</sup> That decision altered the original training programs. According to information provided to the OAS/EOM by the CNE Training Directorate, as of February 1, 2023, 83.18 percent of the polling station members had been trained. Training was even made available on election day.

The Mission learned that the approval of the referendum and the simultaneous vote counting process made it necessary to adapt the training programs that were already underway, with a little more than 30 days to go before the election. In addition, the hiring of polling station and polling place coordinators took

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<sup>27</sup> CNE Resolution No. PLE-CNE-26-29-12-2022.



place on January 17, 2023, further limiting the time available to train them. All of the above may have had an impact on the generally poor levels of training observed by Mission members in the field.

The OAS/EOM offers the following recommendation:

- Considering the possibility of hiring election staff earlier, in order to increase the days and hours of training provided, thus ensuring their complete understanding of the process and familiarity with the procedures on election day.

The training programs were carried out through designated counterparts at each of the Provincial Electoral Boards (PEB). These counterparts were temporary staff who change with each process, with an attendant loss of experience and expertise after each election. The OAS/EOM offers the following recommendation:

- Considering the possibility of having permanent training staff at each of the provincial offices of the National Electoral Council (CNE).

### ***Voting, Polling Station Closing, and Count***

As mentioned earlier, two ballot boxes were used for these elections: one for the national election (four ballot papers) and the other for the sectional elections (up to four ballot papers).<sup>28</sup> At several polling places observed, there was confusion among voters when it came to depositing ballots, as well as a lack of clarity as to whether or not the polling station members could say which was the correct ballot box. At the close of the polls, this logistical arrangement meant that the polling station members had to sort the ballots for each post, as well as those corresponding to CPCS elections (three) and the referendum. After the polls closed the sorting of ballots alone took about an hour before the vote counting began. In addition, the Mission observed that the signs indicating which ballot box corresponded to which ballots were not clear to voters, and several cases were even observed in which polling station members used handmade signs to distinguish the ballot boxes.

As recommended by the 2019 OAS/EOM, the Mission suggests:

- At the sectional level, returning to the system of one ballot box for each post, so that the voters themselves do the sorting when they cast their votes. This would avoid confusion among voters and alleviate the workload of polling stations.
- Implementing a color-matching system, so that the ballot box and the corresponding ballot are the same color, in order to make the depositing of ballots more intuitive and reduce the involvement of polling station members at this stage.

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<sup>28</sup> Prefecture, mayoralty, city councils and parish council members. In the case of the town of Sevilla Don Bosco in the province of Morona Santiago, they also received ballot papers for the plebiscite.



## ***Chain of Custody***

The OAS/EOM observed the assembly of packages and part of their deployment, noting that military forces accompanied the material at all times and that there was GPS technology for tracking and monitoring during that transfer to the provincial electoral boards (PEBs). Although the system was adequate, the OAS/EOM was informed of steps taken to add greater traceability and control of packages during their return, as well as their safekeeping, and custody, using RFID technology. The OAS/EOM recommends:

- Continuing to pursue the adoption of security and traceability measures for electoral materials, including the incorporation of RFID technology that allows the precise geolocation of packages and further strengthens the chain of custody.

## ***Printing and Control of Key Election Materials***

As mentioned in the section on election day, in the early morning of February 6, a problem was detected in processing the voting returns in six provinces (Cañar, Loja, Morona Santiago, Napo, Santa Elena and Zamora Chinchipe) in the prefecture and mayoral races. The Mission was advised that this problem was due to inconsistencies in how the ballots were printed, specifically the order of the candidacies in the draft returns, voting returns, and voting returns for public disclosure and summary of results in those provinces.<sup>29</sup> Although the CNE performs quality control on the documents before they are printed at the Military Geographic Institute, there is no re-verification of the printed materials. In this regard, the Mission offers the following recommendation:

- The CNE should enhance quality control on all electoral materials during the various stages of the production and distribution process.

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<sup>29</sup> Memorandum No. CNE-DNL-2023-0151-M of February 2023.



### III. Election Technology

The OAS/EOM notes with satisfaction the investments made by the CNE in modernizing and enhancing its technological equipment for these elections. It also appreciates the continual use and development of technological applications both in the pre-election stage and on election day itself.

The Mission noted that the inclusion of the referendum as part of the electoral process after the convocation of sectional and CPCCS elections put additional pressure on all technology systems and processes (logistics, training, storage, scanning, and transmission). Before the referendum was called, the system was designed to process approximately 280,000 returns for the sectional and CPCCS elections. The referendum added approximately 320,000 returns to that amount, for a total of approximately 600,000; that is, more than twice the number of returns envisaged in the first calendar. This happened without any changes in the amount of equipment, digitization centers (CDAs), or personnel responsible for scanning and digitizing returns. In that regard, in the months leading up to the elections, the CNE had to work intensively to adapt the SIER and enable the storage infrastructure to support the increased demand.

At the close of the polls on election day, Mission observers at the CNE headquarters noted that the transmission of results, which began at 6:00 p.m., was slow and unstable, if uninterrupted (except for some races for elected posts in the provinces mentioned above, where there was an interruption in the transmission of results). The slow pace was due to delays both in the counting and tallying stage at polling stations—as pointed out in the section on electoral organization—and in the digitization and identification of signatures on voting returns. Although slower than expected by the CNE, the scanning process was stable and uninterrupted.

However, as mentioned above, there were lags where the results were not updated on the CNE's announcement portal and mobile application. In addition, a discrepancy was observed between the information presented on these platforms and that transmitted in the CNE's press room, which was more up to date. By approximately 9:00 p.m. the discrepancy had grown and was not resolved until 1:00 a.m. on February 6. The Mission was informed that this was due to a problem in synchronizing the SIER with the dissemination site in the cloud.

By 4:08 a.m. on February 6, 79.03 percent of the mayoral election returns had been processed, while progress with the returns for some referendum questions was at less than 4 percent. There was also the situation regarding the interruption in the transmission of returns from the six provinces that recorded inconsistencies in printed materials.

The OAS/EOM therefore recommends:

- Substantially increasing efforts in the areas of investment, modernization and maintenance of technological equipment and systems between election periods, in order to avoid the problems that arose during these elections.



- Ensuring contingency plans to increase the response capacity of human resources and the processing capacity of technological equipment and systems, in the event of changes in the electoral process, such as the convocation of a referendum or any other unforeseen event.

## **Digital Voting**

After using digital voting in a pilot plan in one electoral zone in the 2021 national elections, it was expanded in these elections to the CPCCS and referendum polls in 52 of the 101 electoral zones abroad.<sup>30</sup> In the other 49 zones, voting took place in person. Thus, 97,100 voters, almost 25 percent of the voter roll abroad, could register to vote digitally (as the only option). The Mission acknowledges the joint efforts of the CNE and the Ministry of Foreign Affairs and Human Mobility to inform citizens residing abroad about this voting method by means of various web-based platforms, by telephone, and in person at consulates. Instructional videos were also produced and virtual training sessions were scheduled.<sup>31</sup>

Voting on election day took place from 9:00 a.m. to 7:00 p.m., according to the time zone in each electoral zone. Once a vote was cast, the system issued a digital voting certificate. The use of this technology, which allowed registered Ecuadorians to vote online from any smartphone, computer, or tablet, reduced electoral organization costs, as well as transportation and accommodation expenses for voters, in addition to facilitating voting. The Mission highlights the expansion of this voting method to more electoral zones, as well as the fact that registered voters were able to register to vote via this method, even on election day. In total, 17,940 Ecuadorians living abroad were able to vote using this method, equivalent to 77.18 percent of the 23,245 registered voters.<sup>32</sup>

As mentioned in the section on election day, the digital voting service was interrupted for approximately two hours (from 8:00 a.m. to 10:00 a.m. Quito time), during which it was not possible to vote in any of the 52 electoral zones using digital voting. Although the interruption caused unease and uncertainty among Ecuadorians abroad, the electoral authority did not issue an announcement addressing the interruption until the polls closed.<sup>33</sup>

The OAS/EOM noted that on January 21, 2023, the CNE conducted a simulation to test digital voting and that tests were conducted on that voting method on January 27 and 28, 2023. However, it was not possible to learn more about the results beyond the public information provided in CNE press releases.

The Mission highlights the advances in the use of digital voting in these elections, but notes that this technology is still far from being in a position to be used nationwide.

For future elections in which digital voting is used, the Mission offers the following recommendations:

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<sup>30</sup> CNE Resolution No. PLE-CNE-2-6-7-2022. Available at <https://www.voto-telematico.cne.gob.ec/informacion>

<sup>31</sup> CNE. Available at <https://www.voto-telematico.cne.gob.ec/>

<sup>32</sup> A total of 23,245 of a possible 97,100 registered voters were registered in the 52 electoral zones with digital voting.

<sup>33</sup> CNE. Available at <https://twitter.com/DianaAtamaint/status/1622362250987335680?xt=HHwWgMDTseT35IMtAAAA>



- Conducting all necessary stress and connectivity tests to ensure that the digital voting system does not suffer interruptions on election day, and thoroughly analyze any incidents that occur with a view to taking corrective measures for the future.
- In the event of incidents occurring during the day, the electoral authority should provide periodic reports to the public about what happened, in order to avoid speculation.

#### IV. Electoral Justice

##### *Registration of Candidacies*

The implementation of technologies for the registration of candidates is an important step forward in the modernization and transparency of electoral processes. The Mission recognizes the efforts made by the CNE to implement a unique computer system, the use of which was mandatory for the first time. The previous training and technical support provided to the political organizations on the use of the system are also notably positive developments.

Notwithstanding the above, the OAS/EOM received information regarding difficulties experienced by different political organizations at the time of registering their candidacies. Specifically, it was mentioned that the computer system made it difficult and—in their view—in many cases prevented the timely completion of the candidate registration process, given the high demand for its use at the end of the registration period. The Mission noted that the system automatically graded some requirements, such as gender parity, sequencing, and women and youth at the top of the ticket, the omission of which was considered irremediable, preventing the registration from continuing or, in some cases, terminating the session. Political organizations also stated that it was difficult for them to prove to electoral and judicial authorities that they had indeed accessed the registration system and completed some steps before the system slowed down or closed the session. In other words, the computer system did not produce proof of progress or a report on the activities completed by users in the registration process, so that there was no documentary evidence of having initiated the process in order then to take the matter up with the TCE.

Along with the above, in 2020, the residential requirement for the registration of candidates was amended to include the added requirement of having voted in the last election in the constituency for which the candidate wished to stand.<sup>34</sup> Different political organizations said that they were unable to register candidates due to nonfulfillment of this new requirement. They also said that there was a lack of uniformity of criteria among Provincial Electoral Boards as to the assumptions under which the above-mentioned requirements were deemed met or not.

Although the Mission supports the digitalization of these processes and the rigorous application of affirmative-action rules, it also notes the need to distinguish between registration processes—in which

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<sup>34</sup> Article 95 of the Democracy Code.



technology plays a valuable role—and candidate qualification processes, in which the involvement of the competent electoral bodies is also necessary to ensure the right to political participation. For the latter, it is also necessary that the denial of registration of candidacies clearly and precisely identifies the reason or reasons for the denial.

The OAS/EOM recommends:

- Strengthening measures for ensuring that the computer system for registering candidacies functions properly at all times, especially close to the registration deadline.
- Applying uniform and precise but flexible criteria on the use of alternative ways to register candidacies.
- Ensuring that the computer system generates reports on the steps taken by political organizations to register candidacies.
- That the electoral authority should advise precisely why one or more candidacies were classified as invalid.
- Providing the greatest possible clarity during training processes for political organizations as to which requirements may or may not be remedied, based on uniform criteria, and which are the appropriate administrative and/or jurisdictional channels for presenting their claims, as applicable.

### ***Candidacy Finalization and Informed Voting***

The Mission observed a climate of uncertainty surrounding some candidacies that, despite being formally registered and appearing on the electoral ballots, were also part of ongoing judicial processes that could result in the candidates not being able to take office if elected. The OAS/EOM considers that the lack of certainty surrounding these candidacies undermined the exercise of an informed vote by citizens. Of particular note in that regard, was the candidacy of Mr. Jorge Yunda for mayor of Quito for the party Juntos por la Gente, as well as the candidacies of five council members for reelection to the CPCCS, which were dismissed days before the elections by a resolution of the Constitutional Court.

For context, Mr. Yunda was recalled as mayor by the Quito Metropolitan Council in June 2021. The TCE determined<sup>35</sup> that his recall satisfied the formal requirements and procedures set forth in the law.<sup>36</sup> After a series of decisions in different proceedings in the constitutional jurisdiction, he was sued for electoral offenses arising from non-compliance with the TCE decision that found no defects in his recall. The plenary

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<sup>35</sup> In accordance with Article 268 (5) of the Democracy Code.

<sup>36</sup> Case No. 274-2021-TCE, Judgment of July 1, 2021. Available at:

[https://apps.tce.gob.ec/jml/bajar/Sentencias/79173e\\_SENTENCIA-274-21-01072021.pdf](https://apps.tce.gob.ec/jml/bajar/Sentencias/79173e_SENTENCIA-274-21-01072021.pdf)



of the TCE suspended his right to participate in government for a period of two years and imposed a fine.<sup>37</sup> Mr. Yunda filed a motion for clarification and elaboration against this judgment, which at the time of the election could not be resolved by the plenary of TCE, due to a decision by a judge who made the draft judgment contingent on an ongoing investigation by the prosecutor's office into alleged irregularities in the ruling that suspended Mr. Yunda's rights. Thus, Mr. Yunda was able to participate as a mayoral candidate, despite the uncertainty about the legal viability of his assuming and staying in office. The foregoing evidences a dysfunction within the electoral tribunal that must be resolved given its negative impact on electoral processes.

The second case concerns the Citizen Participation and Societal Oversight Council (CPCCS). In September 2022, the Constitutional Court ordered the CPCCS to fulfill its constitutional duty to select and appoint a lead member of the Judiciary Council.<sup>38</sup> Finding that there had been a "systematic and deliberate" omission in the appointment, in January 2023, the Constitutional Court ordered the removal from office of the CPCCS councilors,<sup>39</sup> five of whom were standing for reelection. The Mission received several legal opinions on the possible impact of this dismissal on the electoral process, should the dismissed councilors be elected.

Although in neither case were the disputed candidates elected, the Mission reaffirms the importance of full certainty about the legal status of those running for elected office, both during the electoral process and in the event of their taking office, and offers the following recommendations:

- Designing and implementing electoral judicial processes that ensure the political rights of candidates, that are expeditious, and that strive for certainty, in order to avoid any possible doubt among citizens and create the conditions for the exercise of a fully informed vote.
- Issuing clear provisions on the competence of the various judicial authorities that can hear matters with an impact on the electoral process, in order to avoid overlapping jurisdictions and the possibility of contradictory rulings.
- The competent electoral authority should make a timely pronouncement on registered candidates embroiled in ongoing legal proceedings, even if only to confirm that such candidates are still in the race and may validly receive votes by the electorate.

## V. Violence and Electoral Security

The sectional elections, the CPCCS elections, and the 2023 referendum were held against a backdrop of criminal and political violence that was unprecedented for Ecuador. This was apparent not only from press

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<sup>37</sup> Judgment of August 19 (FFJJ 112-120). The fine was equivalent to 30 times the minimum wage (US\$12,750). Case No. 631-2021-TCE, available at: [https://apps.tce.gob.ec/jml/bajar/Sentencias/6c3bbd\\_SENTENCIA-631-21-200822-1.pdf](https://apps.tce.gob.ec/jml/bajar/Sentencias/6c3bbd_SENTENCIA-631-21-200822-1.pdf)

<sup>38</sup> Judgment No.1219-22- EP/22.

<sup>39</sup> Order for verification of judgment No. 1219-22-EP/23 of 23 January 2023.



coverage<sup>40</sup> and official statements,<sup>41</sup> but also from interviews with various people with whom the Mission met. Although this context is not exclusive to Ecuador, and its causes and consequences go beyond electoral matters, it had a clear impact on the quality of the elections. Political violence undermines the foundations of democracy and inhibits the free and full exercise of citizens' rights.

The Mission considers electoral violence to be any form of intimidation or physical violence directed at stakeholders in the electoral process, the interruption of the electoral process, or damage to electoral materials, and which affects the free and transparent conduct of the electoral process and/or influences its results. This type of violence cannot be separated from the broader context of criminal violence affecting Ecuador.

The OAS/EOM considers that in order to properly address this problem it is necessary first to understand it. For that reason, the Mission recommends:

- Conducting rigorous studies on the origin and impact of violence on the democratic process and its differential effects on national and local government authorities, political organizations, candidates, and the public in general.

## VI. Direct Democracy

The OAS/EOM notes with satisfaction that the Constitutional Court issued express pronouncements on the constitutionality of the questions submitted to a plebiscite,<sup>42</sup> as suggested by the 2018 Mission. It also wishes to highlight the good practice demonstrated by the regulation in Ecuadorian legislation that establishes a series of parameters for such constitutionality control,<sup>43</sup> which, in turn, can guide the framing of the questions.

The Mission heard concerns from various stakeholders about the complexity and diversity of the questions, both in terms of their number and wording, as well as the inclusion of lengthy annexes in very small print, which could have impaired the public's understanding of them. The 2018 OAS/EOM also expressed its opinion on the inclusion of multiple issues on a single ballot, the length and legibility of annexes, and the amount of information presented to the voter.<sup>44</sup>

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<sup>40</sup> El Universo. Available at <https://www.eluniverso.com/noticias/seguridad/muertes-violentas-crecieron-92-en-primeros-dias-del-2023-frente-al-mismo-lapso-del-ano-pasado-nota/>

El País. Available at <https://elpais.com/internacional/2023-01-22/12-atentados-contra-politicos-marcan-las-elecciones-mas-violentas-de-ecuador.html>

Primicias. Available at <https://www.primicias.ec/noticias/seccionales-2023/casos-violencia-crimen-elecciones-seccionales/>

<sup>41</sup> Statements by President Guillermo Lasso. Available at

<https://twitter.com/LassoGuillermo/status/1621699573818212352?cxt=HHwWgICy3fLk4EtAAAA>

<sup>42</sup> Case No. 4-22-RC (opinion and judgment), Case No. 6-22-RC (opinion and judgment) and Case No. 7-22-RC (opinion).

<sup>43</sup> Articles 104 and 105 of the Organic Law of Jurisdictional Guarantees and Constitutional Control.

<sup>44</sup> Preliminary Report on the Referendum in Ecuador by the Electoral Experts Mission of the Organization of American States, February 5, 2018. Available at <https://www.oas.org/EOMDatabase/GetFileA.aspx?id=398-1056-37-0>, p.12.

This was compounded by the fact that the referendum was held in conjunction with other electoral processes and that the 30-day electoral campaign was considered by some stakeholders as insufficient for an in-depth debate on the import of the referendum questions.

During the meetings held, several people also expressed their discontent with what they perceived as stigmatizing messages issued from high levels of government to discredit the “no” campaign,<sup>45</sup> which conflicts with the conditions for a respectful and balanced debate among those advocating for the different options presented to the public. For its part, the OAS/EOM noted that the “no” proponents also framed the rejection of the eight questions as a rejection of the government and, in particular, of the President of the Republic. For the above reasons, the Mission considers that there was no in-depth debate on the questions presented to the citizenry and on the tools needed to deal with very significant challenges for Ecuadorian society, regardless of the option ultimately adopted.

With an eye to future referendums, the Mission recommends:

- Adjusting the electoral calendar to take into account the complexity of the referendum in order to allow sufficient time for the different options to be debated and for citizens to cast an informed vote.
- Promoting a respectful and balanced debate on the different options presented to the public and avoiding the use of stigmatizing or reductionist discourse by any side in the referendum.

## VII. Campaigns and Freedom of Expression

### *Referendum Campaign*

The OAS/EOM received complaints from multiple actors about the role of the executive branch in promoting the “yes” vote in the referendum, with misgivings over whether the government was funding a strong social media platform (<https://consultaciudadanaec.com/>) whose advertising featured officials from the Office of the President of the Republic. According to research by journalists,<sup>46</sup> that platform was among the biggest spenders on social media advertising during the elections. The Mission noted that this platform described itself as the “official account” of the plebiscite. Likewise, the OAS/EOM found that this organization was not among the organizations registered to promote the “yes” or “no” vote.<sup>47</sup> Without prejudice to what the Final Report of the OAS/EOM might say regarding control and oversight of campaign spending on social media, the Mission offers the following recommendation:

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<sup>45</sup> See, for example, Cadena Nacional sobre la #ConsultaCiudadanaEc, presentation by the President of the Republic, Guillermo Lasso, December 6, 2022. Available at

[https://twitter.com/ComunicacionEc/status/1600320245818068992?s=20&t=LxMT\\_TcEuHd6gm5L7AAVoA](https://twitter.com/ComunicacionEc/status/1600320245818068992?s=20&t=LxMT_TcEuHd6gm5L7AAVoA)

<sup>46</sup> See <https://www.ecuavisa.com/elecciones-2023/elecciones-2023-los-candidatos-que-mas-han-pautado-en-facebook-e-instagram-la-primera-semana-de-campana-CC4150271>

<sup>47</sup> CNE. Available at <https://www.cne.gob.ec/cne-califico-a-seis-organizaciones-que-participaran-en-la-campana-del-referendum-2023/>.



- Clearly and specifically stating in the electoral regulations the scope of the role that the executive branch can play in the framework of a referendum, particularly with regard to economic allocations and especially when it is a proponent.

### ***Exit Polls and Other Polls***

The 2017 OAS/EOM expressed its concern about the dynamics of exit polls in Ecuadorian elections, noting that “the political use of exit polls and unofficial quick counts creates uncertainty about the results and generates mistrust on the part of the contenders”; and also that “exit polls may respond to the interests of media outlets and/or political parties.” Although Ecuadorian law establishes certain requirements to be met by polling companies conducting such polls, the Mission heard concerns from different stakeholders that certain companies systematically favored certain political tendencies. On election day, the OAS/EOM noted the publication and wide dissemination of exit polls and other polls that not only showed very different results from those eventually recorded after the votes were counted, generating public expectations that could have given rise to unfounded suspicions, but also bordered on proselytism and disinformation.

The OAS/EOM reiterates its recommendation from 2017 and urges the Ecuadorian system to:

- Publish in a transparent and accessible manner the working methodology used in such polls and reinforce the warnings that they are not official results.

### ***Specific Aspects of the CPCCS Election***

The Organic Law of the Citizen Participation and Societal Oversight Council establishes that “no political party or movement, social organization, public official, candidate, or citizen may engage in acts of political proselytism in favor of or against any candidate for member of the Citizen Participation and Societal Oversight Council; any such act will be considered an electoral offense.”<sup>48</sup> In view of this prohibition and in order to guarantee the non-partisan nature of the Council, the promotion of CPCCS candidacies depends exclusively on the CNE and candidates are prohibited from receiving or using private financing of any kind.<sup>49</sup>

As was the case in 2019, the CPCCS candidates interviewed by the Mission expressed dissatisfaction with the method of promoting and disseminating their candidacies, which they did not believe was adequate to present a minimum amount of information to the general public, that would allow them to form an opinion regarding their proposals. According to the information provided, the campaign was limited to broadcasting 20-second spots, in which they could deliver a message of around 180 characters. The CNE,

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<sup>48</sup> Third unnumbered article after Article 35 of the Organic Law of the Citizen Participation and Societal Oversight Council.

<sup>49</sup> Third unnumbered article after Article 35 of the Organic Law of the Citizen Participation and Societal Oversight Council.



through the company hired for this purpose, did not give them the opportunity to select photographs of their choosing or approve the spots produced. In addition, they said that they were not told what time their spots would be aired, but only the media outlets and the audience scope. The CNE paid directly for the contracting of advertising, without the candidates having the opportunity to develop a communication strategy to serve their political objectives by focusing on certain schedules, media outlets or audiences. The Mission considers that, in an election in which 45 candidates competed, the conditions for promoting CPCCS candidacies were insufficient for casting an informed vote.

The OAS/EOM also received complaints from various actors regarding the promotion of CPCCS candidacies by two political parties, although this occurred much more frequently and explicitly in the case of one of them. The OAS/EOM observed the systematic promotion on social media of seven candidacies by the Revolución Ciudadana party<sup>50</sup> and its leading figures,<sup>51</sup> as well as by the candidates themselves who associated themselves with that party and made their sympathies plain.<sup>52</sup>

The OAS/EOM reiterates its recommendations from 2019:

- Revising the current legislation that prevents CPCCS candidates from campaigning and promoting their ideas in the context of the election, in order to avoid restricting freedom of expression and to foster an open debate of ideas and proposals. This would also help citizens to cast an informed vote.
- Take the appropriate steps to enforce the mandate that such candidacies have no political affiliation.

## VIII. Campaign Finance

In these elections, the reformed campaign financing rules adopted in 2020 were applied for the first time at the sectional level, which, among other things, altered the auditing and monitoring of campaign spending, created a political finance accounting system, regulated native digital media in the area of electoral promotion, and required political organizations to report their expenses on a bi-weekly basis during the campaign period, among other changes. Since 2021, the OAS/EOM has stressed the importance of these modifications, many of which were introduced in response to recommendations made by previous missions.

On this occasion, the Mission received from multiple candidates, political organizations, and civil society representatives, expressions of concern with the breach of prohibitions regarding early campaigning, public spending in electoral periods by officials seeking reelection, gifts, lack of transparency, violation of

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<sup>50</sup> See <https://twitter.com/RC5Oficial/status/1621620555374903305?s=20&t=Su0uxBHD5H-9sAuUZ5mfxw>.

<sup>51</sup> See <https://twitter.com/MashiRafael/status/1621220166930501639?s=20&t=Su0uxBHD5H-9sAuUZ5mfxw>.

<sup>52</sup> See [https://twitter.com/Lozada\\_Jeanneth/status/1621252174092144642?s=20&t=Su0uxBHD5H-9sAuUZ5mfxw](https://twitter.com/Lozada_Jeanneth/status/1621252174092144642?s=20&t=Su0uxBHD5H-9sAuUZ5mfxw) and <https://twitter.com/HugoEspan/status/1621582367251992576?s=20&t=Su0uxBHD5H-9sAuUZ5mfxw>.



obligations to report expenditures, and electoral spending by third parties, among other things. At the same time, the Vice President of the CNE lamented in the media that the campaign had overflowed with “almost shameless” irregularities.<sup>53</sup>

As of January 2, 2023, the day before the start of the campaign, the CNE reported advance campaign spending in excess of US\$1.4 million, with the largest amounts registered in the provinces of Los Ríos and Guayas.<sup>54</sup> Likewise, the Mission was informed by the CNE that not all the required parties had submitted bi-weekly expenditure reports,<sup>55</sup> including almost all the social and political organizations registered to promote the “yes” or “no” vote in the referendum.<sup>56</sup> Monitoring carried out by civil society organizations revealed, among other things, an increase in social media spending by prefectures seeking reelection.<sup>57</sup>

The CNE told the Mission that it lacks sufficient tools to effectively monitor political financing since, for example, there was no legal penalty for political organizations that failed to submit biweekly expenditure reports. For its part, the TCE informed the Mission that in the 2023 electoral process, as of election day, no penalties had been imposed for breach of campaign finance rules, since such penalties are normally imposed as a result of an audit performed by the CNE after the elections. It should be recalled that the law grants candidates 90 days to submit a consolidated balance sheet of campaign income and expenditures to the CNE, including a list of contributors and the supporting documents required by law.<sup>58</sup>

In analyzing electoral campaign accounts, the CNE has up to two years to issue its opinion on the campaign reports after the presentation of the balance sheet.<sup>59</sup> The 2019 OAS/EOM noted the excessive length of such a time frame, which reduces the impact of oversight and monitoring as an element in the political-electoral context.

Along with the above, and as noted by the 2021 mission, the CNE webpage contains very limited and low quality information regarding spending by candidates and political and social organizations. Furthermore the information is difficult to read because it is handwritten or scanned at low resolution. The Mission

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<sup>53</sup> Primicias. Available at <https://www.primicias.ec/noticias/seccionales-2023/campana-electoral-problemas-control-cne/>.

Other statements by Vice President Pita were made on:

Radio Pichincha. Available at <https://www.radiopichincha.com/enrique-pita-admite-que-el-cne-no-puede-controlar-la-precampana-ni-el-financiamiento-ilegal/>.

Notimundo. Available at <https://notimundo.com.ec/vicepresidente-del-cne-preocupado-por-uso-de-fondos-publicos-en-la-campana-electoral-y-politizacion-del-cpccs/>

<sup>54</sup> Directorate of Audit and Control of Electoral Expenditure of the National Electoral Council (CNE). Evidence Report as of January 2, 2023. Information submitted to the Mission on February 5, 2023.

<sup>55</sup> Article 211 (1) of the Democracy Code.

<sup>56</sup> The Mission determined that, prior to the election, only the bi-weekly expense reports of one political organization in favor of the “no” vote (Partido Unidad Popular) were available on the CNE website. Tracking of Reporting by Political and Social Organizations. Accessed on January 16, 2023. Available at <https://www.cne.gob.ec/reportes-quincenales-referendum-2023/>

<sup>57</sup> Fundación Ciudadanía y Desarrollo. Available at <https://www.ciudadaniaydesarrollo.org/projects/gastos-de-comunicacion-social-en-las-prefecturas-se-preparan-los-prefectos-para-su-reeleccion/>.

<sup>58</sup> Article 230 of the Democracy Code.

<sup>59</sup> Article 57 of the Electoral Spending Control and Audit Regulations. Available at [https://www.cne.gob.ec/wp-content/uploads/2020/12/RESOLUCION\\_PLE-CNE-1-27-11-2020.pdf](https://www.cne.gob.ec/wp-content/uploads/2020/12/RESOLUCION_PLE-CNE-1-27-11-2020.pdf)



considers that the current transparency and accountability system limits monitoring by the electoral authority, other state agencies, and the public.

Several actors interviewed by the Mission focused their concern on this issue against the backdrop of an increased presence of organized crime and drug trafficking in the election. The Mission understands that the penetration of organized crime and drug trafficking is not confined solely to the electoral framework; however, it has direct repercussions on the democratic process and must be addressed with the utmost urgency and seriousness by all public institutions, including—where appropriate—by the electoral authority.

The OAS/EOM considers that, despite the reforms introduced in 2020, the electoral spending oversight and monitoring system and the system of penalties for political finance violations is insufficient in practice, particularly given the critical importance that security has acquired in electoral processes. In that regard, the OAS/EOM recommends:

- Conducting a comprehensive review of the electoral spending oversight and monitoring system and ensuring that the CNE and the TCE are accorded robust and timely powers to exercise their monitoring, oversight, and punitive authority in political and electoral matters recognized in the Constitution and laws. To maximize its effectiveness, monitoring should be carried out before, during and after the electoral process.
- Significantly strengthening the financial, technical, and human resources of both institutions in the area of political and electoral financing and providing the CNE with inspection and monitoring capabilities that allow it to effectively compare reported expenses with observations on the behavior of campaigns and political organizations, in order to transfer solid cases to the TCE for effective penalization.
- Developing a mechanism for imposing administrative and criminal penalties sufficiently effective to deter political organizations from accepting any kind of support from organized crime and forcefully punishing those that receive it.
- Consolidating a fully coordinated system of cooperation and joint action among the different public agencies with powers relating to the detection of illicit money, including criminal prosecution agencies, the tax authority, banks, and the electoral agencies themselves.
- Adopting legislation incorporating clear penalties for failure to submit bi-weekly expense reports.
- Improving the quality and amount of political finance information published on the CNE web page and making the data open, so that the media, civil society, academia, and other actors in the process can access and analyze it.



## IX. Women's Political Participation

Ecuador was a regional pioneer in recognizing women's right to vote, as well as one of the first Latin American countries to adopt a quota system. The legal framework governing women's political participation has been evolving and is currently among the most advanced in the region, with constitutional and legal norms designed to promote political equity.

In this election, the reforms adopted in 2020, applied for the first time at the sectional level, included the horizontal parity requirement, which the law requires to be implemented incrementally. In the 2021 election, 15 percent of multi-candidate tickets had to be headed by women; the level was increased to 30 percent for this election, with the aim that it reaches 50 percent in 2025.

Likewise, for this process, legislation recognizing gender-based political violence and punishing it as a very serious electoral offense was already at the jurisprudential development stage.<sup>60</sup> The legislation grants the TCE the competence to deal with such complaints. Other reforms that came into effect for the first time at the sectional level included the registration of blocked and closed tickets and the incorporation of earmarked resources in the party fund, the requirement now being that 20 percent of the amounts allocated for training must be reserved for priority groups, including women.

### *Participation in Tickets*

According to data submitted to the Mission by the CNE, women represented 46.9 percent of the main candidates registered, compared to 53.1 percent for men. Women accounted for 51.8 percent of alternate candidates. The Office of the National Technical Coordinator for Political Participation and the Directorate for Political Organizations of the CNE informed the Mission that all registered tickets complied with the gender regulations as this was a requirement incorporated into the computerized registration system. Thus, it was impossible for a political organization to register lists of candidates that did not comply with the provisions regarding parity, alternates, and sequencing.<sup>61</sup>

The Mission welcomes the implementation of programs to promote the political participation of women and young people, such as the "Without you there is no Democracy" crusade carried out jointly by the CNE, the United Nations Development Programme (UNDP) for Ecuador, and UN Women, with cooperation from various international donors. Also noteworthy is the Women's Political Training School that the CNE implemented in conjunction with civil society organizations and international cooperation funding.<sup>62</sup> Although the number of women beneficiaries is still limited compared to the number of female candidates registered in the process, initiatives of this nature contribute to the formation of cadres and the empowerment of female leaders, from the local to the national level.

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<sup>60</sup> Article 279 (14) of the Democracy Code.

<sup>61</sup> Article 105 (2) of the Democracy Code.

<sup>62</sup> CNE. Available at <https://www.cne.gob.ec/cne-impulsa-escuela-de-formacion-politica-para-mujeres/>.



Regarding women's political participation, the OAS/EOM reiterates and reaffirms the recommendations of the 2021 Mission:

- Designating a unit within the CNE responsible for designing and implementing a gender policy and ensuring gender mainstreaming throughout the institution and its decentralized bodies. This unit should be assigned the tasks of observing political organizations' compliance with gender rules, including those on parity, the position of women at the top of tickets, and the use of earmarked funds.
- Deepening and expanding vote-promotion and training strategies for female candidates.
- Producing and publishing in advance of election day systematized data on women's participation in tickets, grouped by constituency, political organization, and election level. These data should be provided to the public in processable formats to facilitate analysis and study.

Along with the above, the OAS/EOM offers the following recommendations:

- Increasing work with the leadership of political organizations and within party structures with a view to providing training on gender awareness and compliance with regulatory provisions that go beyond the composition of tickets.
- Establishing a unit in the Electoral Disputes Court in charge of setting policy for the administration of justice with a gender perspective.

### ***Gender-based Political Violence***

The OAS/EOM welcomes the incipient development of case law by the TCE on gender-based political violence and considers it a major stride that the first penalties have been registered for such offenses, including against a government secretary, as well as the removal of a mayor. The Mission also highlights the launching of the "Violeta sí, violencia no," campaign, in which a group of civil society organizations joined forces to promote a commitment on the part of political organizations to combat gender-based political violence within their ranks.

The Mission noted a need to provide better support to people who decide to report such conduct, as several processes initiated had challenges in areas such as the standard of proof and some formal litigation requirements in the TCE. The OAS/EOM was also informed that the centralization of gender-based political violence proceedings in the TCE, which is based in Quito, may present a considerable barrier in terms of access to justice for the defense of victims' rights.

In addition to the recommendation to redouble work with political parties and organizations noted above, the Mission recommends:



- Evaluating mechanisms to make the institutional framework for preventing, addressing, and punishing gender-based political violence more accessible to women in politics outside the capital, so that it is easier for them to file complaints and follow up on their cases from different parts of the country.

## **X. Political Participation of Indigenous, Afro-Ecuadorian, and Montubio Peoples and Nationalities**

Ecuador has advanced legislation recognizing the existence of indigenous nations and peoples, the Afro-Ecuadorian people, and the Montubio people, as well as their collective rights. However, as has been pointed out in previous Mission reports, there are still institutional shortcomings that hinder the implementation of such legislation and the full exercise of their political rights.

According to the information sent to the Mission by the CNE, 83.5 percent of the candidates registered in this election process identified as “mixed race” (51,654), 7.7 percent as “indigenous” (4,745), 4.6 percent as “Montubio” (2,860) and 1.9 percent as “Afro-Ecuadorian” (1,186). All categories generally reflected gender parity, with the proportion of female to male candidates ranging from 48.3 percent to 53.8 percent.

There is no unit within the CNE in charge of promoting the inclusion and political participation of people belonging to peoples and nations in a crosscutting and permanent manner. This has implications for the design and implementation of policies and programs aimed at producing robust statistics on those groups; increasing the levels of voter ID; increasing and bringing voting centers closer to remote regions where most of these people live; and implementing training and information dissemination programs, especially in native languages. Likewise, given the existence of a specialized body, there is limited capacity on the part of the CNE to establish dialogues to promote community democracy practices and to design and adopt affirmative-action measures for the participation of these peoples and nationalities, such as allocating resources for the training and political education of their leaders.

Although the peoples and nationalities participate actively in politics in Ecuador, various actors interviewed by the OAS/EOM felt that holding three simultaneous electoral processes—and four in one province—made it difficult to exercise an informed vote. Another factor is the limited information that individuals belonging to the different peoples and nationalities received in their native languages, especially in rural and remote areas of the country. The Mission was informed that some information materials on the sectional elections were translated into the Kichwa and Shuar languages, official languages for intercultural relations, but not the electoral materials themselves (in the case of written languages); the same was true of information material related to the CPCCS election and the referendum.

The Mission takes a positive view of the fact that for these elections, twice as many indigenous, Afro-Ecuadorian and Montubio candidates registered for the CPCCS than in the 2019 elections. However, it also noted that the third ballot of the CPCCS election (which included representatives of the different



peoples and nationalities, as well as Ecuadorians abroad), did not specify to which of those two groups the candidate belonged.

The Mission offers the following recommendations to strengthen the inclusion of indigenous and Afro-Ecuadorian peoples:

- Creating a unit within the CNE to promote the political participation of indigenous peoples and nationalities, Afro-Ecuadorians and Montubios in a crosscutting and permanent manner.
- Increasing and strengthening citizen information and training campaigns on the electoral process for members of the various peoples and nations, incorporating an intercultural perspective and the use of native languages from the pre-electoral stage onward.

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