



XII INTER-AMERICAN MEETING OF ELECTORAL MANAGEMENT BODIES

CARTAGENA DE INDIAS - COLOMBIA
OCTOBER 26 - 27, 2017 HILTON CARTAGENA HOTEL

XII INTER-AMERICAN MEETING OF ELECTORAL MANAGEMENT BODIES CONCEPT NOTE

The Inter-American Meetings of Electoral Management Bodies promote the exchange of knowledge, experiences and successful practices in electoral administration within the region. In particular, these meetings facilitate horizontal cooperation in order to continuously strengthen the institutional capacities of electoral bodies and further improve the way elections are conducted in the Americas. The 12th RAE, the only forum that brings together all the authorities of the hemisphere, seeks to provide an established space in which those authorities can identify and discuss the challenges they face.

To date, eleven Inter-American Meetings of Electoral Management Bodies have been held, the most recent of which took place in Mexico in 2016. The purpose of that meeting was to discuss how electoral authorities in the region can improve processes by focusing on three important subjects: internal democracy in political parties, voting from abroad and districting.

The twelfth meeting offers, once again, an opportunity for the representatives of electoral management bodies to share and evaluate various experiences related to the following topics:

- I. Direct Democracy Mechanisms (DDM)
- II. Citizen Education and Electoral Training
- III. Political Parties: Internal Democracy and Affiliate registration.
- IV. Workshop: Use of Social Networks of Electoral Authorities.

Participants will be able to discuss achievements, trends and concerns in the above topics in three plenary sessions and a workshop, each of which will be preceded by an expert presentation.

I. Direct Democracy Mechanisms (DDM)

Democratic development in the hemisphere has resulted in the increasing use of direct democracy mechanisms. During the last decades, through referendums, plebiscites, mandate revocations and popular initiatives, citizens have taken part in key decisions concerning the future of their countries.

In recent years, both at the regional and global level, the use of direct democracy mechanisms (DDM) has increased significantly, allowing voters to express their views on



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crucial issues. 2016 is known as the year of direct democracy, with 26 countries¹ around the world celebrating this type of democratic exercise.

Implementing DDM is a complex task for electoral authorities. While it is true that electoral processes and direct democracy share some elements inherent in the actual voting process, there are fundamental differences between them.

A key challenge faced by electoral authorities in implementing DDM is the need to act in a quick and coordinated manner with the various institutions that are part of the process, while navigating a highly complex network of rules.

More than one state institution is involved in mobilizing and organizing DDMs, including elaboration of the question. In the Referendum on Constitutional Reform held in Grenada on November 21, 2016, for example, three different institutions worked together to deliver the vote. While basic ground rules were established by the Parliament through Decree No. 25, the organization of the process fell under the responsibility of the state electoral body (Office of the Supervisor of Elections). However, the content of and discussions on the consultation topic were handled by the Constitutional Review Advisory Committee (CRAC), an *ad hoc* body created for this particular process. In these scenarios of high inter-institutional complexity, reaching consensus becomes extraordinarily challenging.

One important difference between electoral processes and DDMs is that the former are carried out under pre-established rules. DDMs can be regulated by pre-established standards or through *ad hoc* regulation, or a combination of both. In this sense, it is also a challenge for the electoral authorities to harmonize new rules with pre-established ones, and to apply them on a tight schedule.

Ad hoc regulations involve certain risks: they can result in non-observance of the principles of fairness, certainty and legality in the processes – either due to a lack of time to ensure the rules are applied or because the regulation of key elements is split up. When activating DDMs, timely regulation of funding mechanisms, campaign content and media access, becomes crucial to ensure minimum equity principles

Regarding the consultation text, there is no agreement on what elements should be included in a DDM question. According to Altman, "it must be clear, short and neutral,

¹ IDEA International



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without surprises and without omissions." Altman also states, "...the question has the potential to tip the scales in certain scenarios, since it may subtly influence the voter."²

Returning once again to the Referendum held in Grenada last year, the design of the question for each of the seven topics consulted was similar: only a few changes were introduced to adapt the questions to the different subjects. For example: "Do you approve of the Bill to amend the Constitution of Grenada (Rights and Freedoms) 2016". In this case the wording of the question clearly did not reflect everything the consultation meant.

In this example, the consultation offered the opportunity to expand the fundamental rights of all Grenada citizens by promoting a law that would guarantee basic rights regardless of ability, language, ethnicity, place of birth, nationality and social origin, religion or social class. Despite the fact that the question aimed at extending rights, the amendment was rejected, and today the Constitution only contemplates race, political opinions and sex.

This case proves that the content of the question becomes a defining element. It must conform to the legal framework governing the process and its content must be neutral and clearly reflect the impact of one option versus another.

Finally, regarding the effects or consequences of the results of direct democracy processes, there are three key aspects to consider: if the result is binding and for whom, and the period of time for which the result is valid. On this last point, there has not been sufficient discussion on how much time must elapse before citizens are consulted once more on the same issue.

In this regard, "mechanisms for direct consultation of citizens were established as instruments endorsed by different actors to resolve conflicts through institutional channels. This new scenario opened up opportunities for democracy and created a demand for fair and equitable consultations based on high quality information."³

DDMs are tools that coexist with those established in representative democracies, and serve specific needs. In that sense, the main questions that we face in the region and that we wish to discuss during the XII Inter-American Meeting of Electoral Management Bodies include:

- In relation to the effectiveness of the result:

² Altman, David (2016). Cinco consideraciones sobre la pregunta del plebiscito en Colombia del 2 de octubre de 2016.

Available at: <https://www.academia.edu>

³ Welp, Yanina, (2016) Electoral Observation Report: Referendum in Bolivia, February 21st, 2016, OAS documents.



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- How much time must elapse before attempting to reverse the popular will expressed in these DDMs?
- Through what mechanism should this change be sought?
- Does implementing DDMs rule out other ways of reaching the goal pursued through the referendum?
- How can electoral authorities guarantee minimum conditions of equity when implementing DDMs?
- How can electoral authorities help inform citizens about the potential impact of different referendum results?

II. Civic Education and Electoral Training

Latin America and the Caribbean are making significant progress in consolidating democracy. In general terms, our region has reached a consensus on the basic principles of peaceful competition for power: free, fair and clean elections.⁴ However, while the electoral system is a fundamental element, democracy is not just about elections.

Democracy is a form of organizing power that implies the existence and good functioning of the State, as well as the exercise of full citizenship: that is, political, civil and social citizenship.⁵ A democracy "requires efficiency, transparency and equity in public institutions, as well as a culture that accepts the legitimacy of the political opposition and recognizes and advocates for the rights of all."⁶ The quality of democracies is directly linked to its capacity to guarantee and expand citizenship.

In this context, we understand citizenship as a "precept of basic equality associated with belonging to a community," that is, the exercise of rights and obligations as individuals that are part of a Nation.⁷

Obstacles to the full exercise of citizenship have a variety of causes in addition to normative or institutional design problems. Our region still faces high levels of economic and social inequality, which often results in lack of opportunity and misinformation. These challenges

⁴ Cox, C., Jaramillo, R., Reimers, F. 2005. Educar para la Ciudadanía y la Democracia en las Américas: Una Agenda para la Acción. Interamerican Development Bank.

⁵ Nuestra Democracia. PNUD and OAS. 2010

⁶ La Democracia en América Latina. *Hacia una democracia de ciudadanas y ciudadanos*. PNUD. 2004.

⁷ Nuestra Democracia. PNUD and OAS. 2010



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constitute one of the most important barriers for citizens to participate and express themselves fully and equally in the political arena.

In Latin America and the Caribbean, levels of abstract support for democracy are superior to the orientations and values that citizens practice regarding "support for the system" and "political tolerance."⁸ That is, citizens support democracy but, in practice, their attitudes are not entirely consistent with democratic principles. Apathy, lack of commitment to democracy and political disenchantment are particularly serious among young people.⁹

This data correlates to the decline of electoral participation, a recent phenomenon in this region. In a period of twenty years, the average participation rate in presidential elections in the Americas fell by about 5 percentage points, from about 75 percent to just under 70 percent. This drop was even more noticeable in legislative elections, where the regional average went from the same 75 percent to less than 65 percent, a fall of 10 percentage points.¹⁰

Participation in a democracy requires enthusiasm and active participation inspired by a collective desire to achieve the common good. These habits and inclinations must be instilled from an early age, which means that civic and electoral education take on particular importance.¹¹ Properly articulating both becomes essential to holding free and fair elections as well as to support the democratic system and its institutions.

Civic education allows citizens to understand theoretical concepts of politics and law, how institutions function and the rules of the democracy. In this way, it strengthens respect for national values and allows each individual to understand and assume his role as a citizen. In addition, voter education ensures that citizens will understand and exercise their electoral, civil and political rights.

The educational system of a country is one of the most important resources available to civic and electoral educators. Unfortunately, a reality observed in many countries in the region is that civic education and electoral training are not explicitly included in formal

⁸ Seligson, A. M., A. E. Smith y E. Zechmeister. 2013. La cultura política de la democracia en las Américas, 2012: Hacia la igualdad de oportunidades. USAID, LAPOP (Proyecto de Opinión Pública de América Latina) and Vanderbilt University.

⁹ Cox, C., Jaramillo, R., Reimers, F. 2005. Educar para la Ciudadanía y la Democracia en las Américas: Una Agenda para la Acción. Interamerican Development Bank.

¹⁰ Payne, J. Mark, Daniel Zovatto & G. Mercedes Mateo Díaz. 2007. Democracies in Development: Politics and Reform in Latin America.

¹¹ Dahl, Robert. 2004. La Democracia. Available at: https://issuu.com/hernandezcortez/docs/la_democracia_robert_dahl



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education curricula. Therefore, electoral authorities must assume a leading role in these areas.

Without prejudice to the quality of the school curriculum, several electoral authorities in the region currently support education and civic-electoral participation, as well as the training of youth and political parties. In an ideal scenario, the functions of each institution are complementary. Educators cultivate democratic values and continuously encourage (not just during electoral periods) civic participation. As a result, electoral authorities have a community eager to learn the rules of the game and willing to get actively involved when elections come around.

On the other hand, civic and electoral education should not be the exclusive responsibility of the educational system. It is important to note that in Latin America and the Caribbean the average high school graduation rate in 2010¹² was only 53.3%, according to a 2015 UNESCO report. This percentage, though improved in the last decade, still indicates that a large number of young people, usually poor, who live in rural areas or belong to an ethnic group - who are sometimes of voting age - do not have the opportunity to complete formal higher education.¹³ Therefore it is imperative that the various institutions that make up the democratic system take a comprehensive approach to civic and electoral education, coordinating actions between them.

The interest of electoral authorities in this issue is explained by the fact that they depend on the active, mature and committed participation of citizens during the various stages of the electoral cycle. An informed citizen will go to register or change his address, allowing the authority to have an updated list. A committed citizen will respond to the call for volunteers to serve as a counting officer on Election Day. Likewise, a mature and civic-minded citizen will act responsibly when assuming functions as a party representative.

In short, electoral authorities can no longer focus solely on their daily and central tasks, such as counting votes and communicating results. They need to work in a coordinated and articulated fashion with other actors who play a role in civic education and electoral training, in order to educate a society that is becoming increasingly apathetic and disillusioned with political-electoral processes and even with democracy.

¹² De jóvenes que en 2010 tenían entre 20 y 24 años.

¹³ Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura. América Latina y el Caribe: Revisión Regional 2015 de la Educación para todos. Available at: <http://unesdoc.unesco.org/images/0023/002327/232701s.pdf>



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Taking the above into account, we can engage and exchange experiences on the following topics:

- What are the main challenges faced by the electoral authorities when dealing with a citizenry that is apathetic, uninformed or unconcerned about democracy?
- How can electoral authorities improve collaboration with institutions that specialize in civic education?
- How can electoral authorities leverage their inter-institutional relationships to promote civic and electoral education, especially among groups outside the formal education system?
- What initiatives have been successfully utilized to ensure proper training for citizens working at polling stations and to guarantee they turn up on Election Day?
- How to provide voters, national observers, political parties and polling station workers with the electoral information they need in a simple and concrete manner that ensures all stakeholders understand the rules of the game?

III. Political Parties: Internal Democracy and Member Registration.

Within a polyarchy, where free and equal competition for power prevails as a result of rules known and internalized by the majority through periodic electoral processes, institutionalization, intermediation and professionalization are essential. These processes have been employed by political parties, creating a stable bond between citizens and the political regime. Regardless of the party model, the functions of articulation and aggregation of interests, legitimation, socialization, representation, participation, and the establishment of ruling elites, to a greater or lesser extent, remain vital for the political system.¹⁴

Parties are permanent institutions that reflect political pluralism, promote and guide citizen participation and help shape and express the people's will, in order to gain power, electoral representation and influence over the Nation's political and democratic decisions.¹⁵

These political groups are organized in a free and voluntary fashion, in order to pursue and defend the interests and ideals of citizens. They are governed by such principles as freedom of association and withdrawal, autonomy and internal democracy - which are characteristics

¹⁴ Alcántara Sáez, Manuel. "LOS PARTIDOS POLÍTICOS EN AMÉRICA LATINA". Ediciones Universidad de Salamanca. 2001.

¹⁵ Ley 130 de 1994, Colombia. *Por la cual se dicta el Estatuto Básico de los partidos y movimientos políticos, se dictan normas sobre su financiación y la de las campañas electorales y se dictan otras disposiciones.*



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of Constitutional States. However, we often find internal tensions within political parties between the aforementioned principles of autonomy and democracy.

In accordance with the principle of autonomy, political parties establish the rules governing their organization and functioning. On the other hand, the principle of internal democracy implies opening the party to all its members, so that they may actively participate in the definition of the programs and the ideals of their community.

Electoral authorities have been called upon to settle disputes within political parties. Decisions on how parties should register citizens to participate in elections; the allocation, distribution and execution of parties' budgets; the selection of party leaders; the composition and ranking of candidate lists for public corporations, the creation of coalitions or conclusion of political agreements, among others, reflect the conflict between the principles of organizational and functional autonomy and the principle of internal democracy.

Mechanisms such as assemblies, conventions, internal consultations and referendums are instruments that promote the strengthening of the democratic principle, yet constrain the internal autonomy of parties. Some of them are not mandatory however, depending on the applicable laws in each country. As a result, it is the political community who decides whether or not to use them.

In this regard, each State's domestic legislation may adopt a broad or narrow approach to the application of the aforementioned principles of autonomy and democracy in the organization of political parties, or it may establish a certain order of importance among them.

With respect to the registration of members of political parties, it is also a tool for inspection, oversight and control, both by political groups and by electoral authorities.

On the one hand, member registration is essential for the discipline and strengthening of political parties, since it provides reliable and updated information about the members of each group. This, in quantitative and qualitative terms, is particularly important, depending on the rules established by each State.

On the other hand, it is essential for parties to have reliable and up-to-date records. It is also important that these records are available to the electoral authorities, so that the authorities can exercise due control and punish any transgression of the prohibition on dual membership.



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In this context, control over candidates registered by political parties through administrative procedures, participation in consultations and the right to participate in internal democracy mechanisms, among other matters, require that electoral authorities have access to the membership register of political parties.

These records are, in principle, private or internal to political parties, which must respect the rights of habeas data. For this reason, the referral of all membership information to the electoral authorities is still a subject of debate and controversy in some countries of the region.

Taking the above into account, the host country proposes the following key topics for discussion and exchange of best practices among participants in the XII Inter-American Meeting of Electoral Management Bodies:

- What is the role of electoral authorities in establishing rules on the principles of autonomy and internal democracy in parties?
- Should there be normative provisions expressly indicating how decisions should be taken within political parties regarding, for example, the selection of candidates? Or, on the contrary, should the principle of autonomy prevail?
- Should member registration be carried out by political parties, administrative authorities (government), or electoral authorities? Who should be responsible? Should it be considered a public record?
- What are the control mechanisms that the electoral authorities have to verify the authenticity of the data and information that appears in the membership register of political parties?
- What are the dispute mechanisms available to citizens in addressing membership registration issues with the electoral authorities?
- In accordance with State's domestic legislation, does the number of party members have any significance?



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IV. Workshop: Communication in social networks of the electoral authorities: Diagnosis of Electoral Management Bodies on Twitter

We are living in the Digital Revolution, an era of acceleration and disruptive changes comparable to the Agricultural and Industrial Revolutions. The volume, variety and speed of shared information is overwhelming with major political implications.

It is estimated that on a daily basis, more than 500 million tweets are published on Twitter, over a billion hours of videos are viewed on YouTube, and more than 300 million photos are added to Facebook. According to *The Atlantic*, the number of Facebook users in the last quarter of 2016 was one thousand nine hundred million, equivalent to half the world's internet population and greater than the combined population of Mexico, China and the United States.

Social media has irreversibly changed politics, especially during electoral periods. Voters and candidates have an alternative medium to express themselves. Traditional channels such as television, radio and print media are insufficient.

Democracies, and particularly political institutions such as electoral authorities, face the challenge of understanding and adapting to technological advances. How to navigate a new, fast moving, world order, where the real and regulated overlaps with the virtual and unregulated, is a relevant question for political actors.

In an attempt to meet this challenge with data, a quantitative and comparative diagnosis will be presented on the current Twitter presence of electoral authorities. First, we will summarize the descriptive variables of electoral authorities with active Twitter accounts and analyze more advanced variables such as communication dynamics (one way, non-interactive messages, or two-way, interactive messages), communication density and the key language of the messages. The workshop aims to spark a debate around the following ideas:

- What should be the response of electoral authorities, if any, to the dissemination of false news and / or hate speech via social networks, especially during electoral campaigns?
- Is there a model code of ethics for campaigning on social networks?
- Is it possible to regulate electoral campaigns on social networks given the potential conflict with the right to free speech?



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- What can be done to increase the installed capacity of Electoral Authorities to monitor and analyze information on social media during the elections?