



CONCEPT NOTE

The Inter-American Meetings of Electoral Management Bodies promote the exchange of knowledge, experiences, and successful practices on electoral administration in the region. In particular, these meetings facilitate horizontal cooperation to continuously strengthen electoral bodies' institutional capacities, and to further improve the way elections are conducted and judged in the Americas. This meeting – the only forum that brings together all the electoral authorities of the hemisphere – brings continuity to a forum in which authorities may identify and discuss common challenges.

To date, there have been nine Inter-American Meetings of Electoral Authorities. The most recent one was held in 2014 in Lima, Peru. During this meeting, authorities discussed how to improve electoral processes in the region, analyzing three main topics: government intervention in election processes, challenges to electoral institutions, and quality management in electoral processes.

This tenth meeting creates an opportunity for dialogue to enable representatives of the electoral bodies of the Americas to meet and evaluate different experiences regarding the following topics:

1. The implementation of electoral reforms: regional trends, and specific experiences
2. The use of social networks in electoral processes and campaigns
3. Political-electoral financing: how to ensure equity in the electoral process?

The meeting will have three plenary sessions, introduced by presentations made by experts in their respective fields. Participants will discuss achievements, concerns, and tendencies within each of the topics.

1. Electoral reforms: regional tendencies and specific experiences

The electoral system sets the guidelines of the political game, securing spaces and rules for political actors and their interaction.¹ Electoral reforms refer to changes in the elements of an electoral system. In the context of this meeting, even “minor” reforms that could have important implications for policy makers and the conditions of the process will be considered. Any modifications relating to the electoral competition and its implications for the functioning of the political system are also taken into consideration.²

There are typically two reasons that lead to electoral reforms: political and technical. In some cases, the current constitutional framework is no longer suited to the new realities, and in others the political system does not provide relevant solutions to the problems the state has to confront. No system is immune to electoral reforms, and these reforms must be adapted to the particular context of each country over time. Usually, they are part of larger democratic initiatives, seeking to optimize the electoral process.³

In order to be more effective, these reforms should be considered in the context of a multipart approach, where different political forces, electoral bodies, and civil society are represented and work together. The role of the electoral management bodies is essential in any process of reform or change to the system, since no other actor is in a better position to perform an analysis of the weaknesses and the aspects that can be enhanced, both in the previous stages, during elections, and in the post-election stage.

A successful example of this approach is the implementation of the National Commission on Electoral Reforms in Panama. This body, which has become a privileged dialogue space, has been the main source of significant improvements to the democratic process over several election cycles. Thus, the OAS’s Electoral Observation Mission deployed for the most recent general election called on the newly elected National Assembly to seriously consider incorporating the recommendations emanating from this dialogue process in order to continue improvements of the Panamanian electoral system.

¹SciELO, Carina Perelli & Associates “Reformas a los sistemas electorales: Algunas reflexiones desde la práctica”, 2006. Link: http://www.scielo.cl/scielo.php?script=sci_arttext&pid=S0718-090X2006000100013

²OEA, Flavia Freidenberg & Tomas Dosek, “Reformas Políticas en América Latina, Tendencias y Casos”, 2015.

³*ibidem*



In that context, it is important to keep the public informed, as well as to protect their right to vote. Similarly, to assess whether the reform was effective, it is useful to have a post-election monitoring, audits (if possible), and evaluations of the electoral process and its results.

The reformist pace in the world has been resistant to the hyperactivity of legislative and electoral reforms in general. In Latin America the context has been different. In some cases it has been slow and consistent with certain objectives and results. In others, the opposite. What should be sought is avoiding weakening institutions or, complicating the electorate.⁴

Sometimes, in Latin America, policymakers intended to solve political problems through reforms— and then reforms of the reforms, including in some cases recycled measures. Therefore, it should be noted that reforms are not “patches used whenever the political and social fabric of a country has a hole.”⁵

Legislative changes do not always solve problems arising from the political culture; in some cases it became evident that they were incompatible. There is no set of rules applicable to every case in order to guarantee trust, the lack of irregularities, and the intentions of some politicians of perpetuating their power.

Almost all countries in the region have adopted both electoral and political reforms. While similar objectives were sought in many cases, the mechanisms used to achieve them were different. Many of the reforms address the inclusion of gender quotas, measures on internal democracy within political parties, open list preference voting, and voting from abroad as a means to extend the rights of citizenship.

Electoral reforms can be used as means of inclusion for vulnerable or underrepresented groups in the electoral process. Those countries that made amendments to include a gender quota created conditions for more equitable competition, ensuring women’s access to a greater number of public offices as well as greater representation. In some countries, the performance of jurisdictional electoral authorities made it possible to increase the effectiveness of the quota. For instance, the decisions of Argentina’s National Electoral Court defined the number of women to be included in the lists as well as the places to be filled.

One often neglected issue when discussing electoral reforms is their timing. If carried out in a hurry or very close to an election, they might

⁴OEA, Flavia Freidenberg & Tomas Dosek, 2015.

⁵Scielo, 2006.

Concept note

generate suspicion, political tension, and even difficulties in organizing the process. It is also important that different actors internalize the changes and that political organizations adapt to the new rules of the competition. Adequate time is needed to carry out reforms, no matter how simple or complex the electoral system is.⁶

All things considered, four central themes for discussion and exchange of practices regarding the implementation of electoral reforms are proposed. First, how far in advance should electoral reforms be made? Second, what is the impact of judicial rulings from constitutional bodies in the reforms of electoral systems? Third, how does a change of rules impact the organization of an electoral process? And fourth, what is the use of the recommendations of electoral observation missions when considering electoral reforms?

2. The use of social media in electoral processes and campaigns

The development of new technological tools and digital infrastructure has shaken the traditional models of communication (transmission-receiver) and the way of doing politics. Citizens have ceased to be consumers to become content producers.⁷

Social media is characterized by its horizontality and bi-directionality, differentiating itself from the unidirectionality and verticality of traditional media, even in the first stages of the Internet.⁸ These digital tools bring people together, enabling real-time communications. They are low-cost and easily accessible platforms.

To contextualize the strength of this phenomenon, it is important to note that although the number of Internet users doubled in Latin America and the Caribbean between 2006 and 2013, this still only reaches a figure of 46.7% of the total population. It is important to consider disparities within the region, such as differences between urban and rural areas and among households with higher and lower incomes.⁹

⁶*Ibidem*

⁷Oxford University Press, Philip N. Howard & Muzammil M. Hussain, *Democracy's Fourth Wave?: Digital Media and the Arab Spring*, 2013.

⁸Universidad Complutense de Madrid: Revista Internacional de Investigaciones Publicitarias, David CaldeVilla Domínguez, *Democracia 2.0: La Política se introduce en las redes sociales, Pensar la Publicidad*, 2009.

⁹CEPAL, *Estado de la banda ancha en América Latina y el Caribe 2015*, 2015 Link: http://repositorio.cepal.org/bitstream/handle/11362/33605/S1500568_es.pdf?sequence=1



Currently, social media must be understood as part of the media system interacting alongside traditional media like television, radio, and printed media¹⁰, which continue to heavily influence the context of election campaigns and dissemination of institutional information. For instance, opinion makers have weekly columns in newspapers and at the same time have a large number of followers in social media.

This new dynamic of communication, which has rapidly developed over the last 10 years¹¹, allows citizens to more dynamically engage in the democratic life of their own countries and others, no matter where they are. Citizens, politicians, and institutions are less dependent on traditional media as they can receive direct information from its protagonists. This suppression of intermediaries may also affect the party's structures, as citizens are able to organize themselves beyond traditional political parties.¹²

Today, the way of doing politics is more personalized, especially in cities.¹³ Social media not only generates a direct and interactive communication with recipients but also provides information about the social profile of every user in order to adjust messages. Thus, voters are no longer anonymous supporters gathered in a square, but rather people with names, photos, jobs and educations, and other relevant information.

Political parties and presidential candidates have had to adapt their communication techniques to attract new followers and keep their supporters. Support from virtual platforms to certain candidates can also be unpredictable because this virtual population is sensitive to network changes (especially bad publicity). This support is in constant change affecting mostly the undecided vote.¹⁴

As political parties turn to social media, civil society has particularly benefited from the tools that allow them to actively participate in the political context of the country. The Internet, cell phones, and social media applications are more than a medium; they operate as systems of reference, ranking, file, discussion, and consultation, as well as social

¹⁰Queensland University of Technology Brisbane, Australia, "Impact of Social Media on Election Campaigns", 2012 Link: <https://www.qut.edu.au/research/research-projects/impact-of-social-media-on-election-campaigns>.

¹¹Facebook was launched in 2004 and Twitter in 2006.

¹²Universidad Complutense de Madrid: Revista Internacional de Investigaciones Publicitarias, 2009

¹³Stanford University, Howard Rheingold, "Using Participatory Media and Public Voice to Encourage Civil Engagement", 2008 Link: http://wiki.dbast.com/vimages/4/4b/Using_Participatory_Media_and_Public_Voice_to_Encourage.pdf.

¹⁴IDEA, Agora Democrática, "Comunicación política en campañas electorales", 2006 Link: <http://www.idea.int/es/publications/csp/loader.cfm?csmodule=security/getfile&pageid=17974>

Concept note

spaces.¹⁵ They are virtual spaces for public participation that allow people with similar ideas and expectations to organize themselves around common issues.

Due to their low cost and easy accessibility, social networks are valuable tools for underrepresented actors such as women and youth. They present an opportunity for these actors to express their ideas and interests that might not always be reflected in public debates transmitted by traditional media or newspaper articles. In addition, social networks and digital media have been useful in establishing an agenda on issues that otherwise would not be part of political discussions.

However, although social media is a plus for candidates and politicians in general, it does not yet lend itself to accurate projections of electoral results. The fact that a political party or candidate has a determined number of followers online does not mean they have the same number in the physical world. That is to say, the number of followers is not automatically converted into votes for a candidate.

For instance, a well-known case where “cyber-activism”¹⁶ did not turn to the polls occurred in Colombia during the 2010 presidential campaign. Former Mayor of Bogotá Antanas Mockus led the “green wave”, a virtual movement in support of his candidacy. This massive support in social networks and electronic media did not translate into votes, as he won only 27% of the vote in the runoff election.

To that effect, it is important to note that an online account is not always equivalent to an individual. Using specific programs, it is possible to change the contents of networks. For example, it is possible to alter the number of followers in certain pages of political parties or candidates, thus creating the perception that a candidate or political party has more followers than they actually have. This may therefore directly impact users’ appreciation of politicians’ popularity.

Another example of these practices is “web spammers”, which increase the number of user visits to certain pages, altering their popularity on search algorithms and showing them as more important or higher ranked in the search results. Thus, it should be acknowledged that not everything on social networks is a completely true reflection of the real distribution of societal preferences, and that this “reality” can be accommodated and altered.

¹⁵*Ibidem*.

¹⁶El País, Antoni Gutiérrez-Rubi, “El nacimiento del ciber activismo político”, 2008 Link: http://elpais.com/diario/2008/06/22/opinion/1214085613_850215.html



The use of social media poses opportunities and challenges to which electoral institutions must respond to in order to be part of the new logic of communication and interaction of society. Authorities must make efforts to be present in this medium and to reach a greater number of citizens, revealing both their institutions and activities to those involved. This is no longer an option, but a necessity.

These tools allow electoral institutions to receive valuable opinions and comments from the audience that is considered their main constituency. In many cases, this new form of communication poses challenges related to harnessing these resources and understanding the impact they have on the fulfillment of the institutional objectives.

At the same time, these tools may pose challenges to electoral authorities when issuing the election results. Many times there are pronouncements on social networks before the official presentation of results by the electoral body. Both data shared and claims manifested within social media generate additional pressure on authorities to make a statement, and at the same time, create greater tension in an already charged atmosphere.

In many countries, election authorities have the role of monitoring compliance with electoral advertising restriction rules in the traditional media. However, the electoral legislation of the countries in the region does not include rules governing the activities of parties and candidates in social networks. This presents a new challenge in terms of political communication in the electoral process.

Given the growing use of the Internet and social networks, introducing restrictions on the use of these tools in election campaigns to establish limits and the respect of electoral ban seeks to create conditions of greater equity in campaigns. A case recently observed by the OAS Mission of Foreign Visitors in Mexico is the decision of the Commission of Complaints and Reports of the National Electoral Institute during the legislative elections of 2015 in which celebrities and the Green Party were requested to refrain from sending messages through social networks during the election day.¹⁷

Regulating contents or behavior in social media becomes complex as it includes scenarios that cannot always be encoded, such as the physical location of the person who is responsible, and what the cost of publishing is. When establishing regulations, it is important to consider that international standards on freedom of expression apply to Internet

¹⁷Instituto Nacional Electoral, Coordinación Nacional de Comunicación Social, Comunicado de Prensa N242 Link: <http://www2.ine.mx/archivos3/portal/historico/contenido/comunicados/2015/06/20150606-1.html>

usage in the same way they apply to all media. In other words, the restrictions are acceptable as long as they meet international standards. It is important that any regulation occurring is the result of a dialogue among different actors. It should maintain the basic characteristics of the media, promoting its democratizing effect and universal access.¹⁸

The use of social networks and the Internet have come to revolutionize reality. The full participation of citizens in government and politics, in all its forms, is the basis of democratic governance: information today is by all and for all.

Considering what has been described in the preceding paragraphs, three central themes for discussion and exchange of practices regarding the use of social networks are proposed. First, is social media a tool that generates more electoral democracy? Second, how can electoral authorities maximize the use of social networks? Third, how should the government regulate the use of social media campaigns?

3. Political - electoral financing: how to ensure equity in the electoral process?

An equitable political financing system is one that, through the regulation of campaign resources, seeks to guarantee equal conditions in terms of the right to elect and to be elected.¹⁹ When campaign financing is disproportionately uneven, it is reflected in the competition among political groups and candidates. Even though there is no indisputable positive relationship between resources and votes, the difference in the amount of resources among candidates generates barriers to entry the political contest for certain groups.²⁰

Financing of parties and campaigns with public resources is associated with measures to generate greater equity in the process, since it allows the inclusion of groups that would otherwise be at a disadvantage. In addition, it is assumed these are unbiased resources given that there is no particular interest behind the contribution.

However, misusing state resources might be a distorting factor in favor of those who hold positions within the state at any level, either for themselves or for their party. Candidates who do not hold official

¹⁸ OEA, CIDH, *Relatoría Especial para la Libertad de Expresión: Comisión Interamericana de Derechos Humanos*, 2013. Link: http://www.oas.org/es/cidh/expresion/docs/informes/2014_04_08_Internet_web.pdf

¹⁹ OEA, *Observando los Sistemas de Financiamiento Político-Electoral: Un Manual para las Misiones de Observación Electoral de la OEA*, 2012, P.13. Link: https://www.oas.org/es/sap/decopubs/manuales/MOE_Manual_s.PDF

²⁰ Tribunal Electoral de Panamá, Kevin Casas Zarrora y Daniel Zovatto, *Para Llegar a Tiempo: Apuntes sobre la regulación del financiamiento político en América Latina*, 2015.



positions and do not have access to those state resources are at a disadvantage in the process.

The support of private interests, given its nature, generally entails aspiration to influence a particular option. In countries where there is a high concentration of wealth and evidence of high socioeconomic inequality, private financing might increase the disparity in electoral competition. In this context, it is problematic when structural asymmetries shift to electoral processes.²¹

Restricting direct or indirect private financing resources involves reducing private sources that are used for campaigning. This measure aims to decrease distortions in equity and to prevent the influence of economic groups when their candidate holds a position of power. In order to reduce this type of influence, there should be an assessment on taking measures such as prohibiting direct and indirect anonymous contributions, foreign contributions, and those coming from contractors and legal entities, including the media. Also, ceilings for individual contributions should be considered.²²

Public financing is not intended to completely replace the private one. It is important to note that without private financing, the interest of politicians to be linked to individuals or groups seeking representation is reduced. In other words, the promotion of a mixed financing contribution under certain regulations can be considered positive. This is the most popular model in Latin America, and indirect public funding is the most used type of subsidy.²³

The right to access political power, being elected under equal conditions, is distorted from the moment funding allows or encourages candidates with more resources (or those who raise more money) to increase their chances to be elected in comparison to their competitors. Thus, access to power is difficult for those without resources. In some cases this situation is coupled with socio-economic and cultural structures of exclusion, exercising a disproportionately negative effect on minority groups or women.

Women face difficulties in accessing resources in order to fund their campaigns. While the Organization of American States' (OAS) Electoral Observation Mission (EOM) has detected this problem, it is not the only

²¹OEA, 2012.

²²Ibidem.

²³The first countries to adopt this finance method were Uruguay (1928), Costa Rica (1956) and Argentina (1961). Later, during the 1970s, Brazil, Venezuela, Nicaragua, Mexico and Ecuador joined. Finally, during the 1980s and even in the 2000s, the rest of the countries in the region followed this direction. The last countries to adopt a direct public funding system were Peru and Chile, in 2008.

Concept note

one. It is important to consider the financial needs they have within the previous stages of the campaign to shape their image, to gain space in the media, and ultimately, to perform as candidates.²⁴ The inequality women face is not only financial but also social and cultural, attributable to personal finances and family issues, among others.²⁵

Transparency in contributions to political parties, especially during the electoral period, contributes to an informed vote and helps maintain confidence in the entire process, supporting the essence of democracy itself. It should also be a holistic state approach, including parties' and candidates' accountability, support of the tax authority, exceptions to banking secrecy, and public scrutiny.²⁶

Society must keep abreast of occurrences with the political class; it must know how their candidates and leaders are financed, and what their interests are. The more informed citizens are, the more their electoral choice may represent their true preferences. If a country does not have clear financing systems and it does not allow the right to access information in electoral processes, then tracking incomes and expenses of candidates or political groups is difficult. This situation might create suspicion and confusion to voters, who are, ultimately the ones who finance the campaigns. Thus, it is necessary to promote an equitable and transparent system to strengthen competitiveness in the election process.

One of the risks political-electoral processes might be exposed to, nationally and locally, is funding from organized crime and drug trafficking. Thus, the mechanisms addressed to clarify campaign spending and penalizing illicit activities contribute to reducing the risks entailed.

Although Latin America's tendency to regulate the financing of election campaigns is evident, there is still a gap between what is established in the law and what is actually happening. Legislation by itself does not ensure the funding's adequate destination. Regardless, having a solid legal framework is a necessary first step to regulate the situation.

Politics is supported by many actors who interact in it, and it is no stranger to irregularities or illegal conducts. Almost all countries

²⁴PNUD, Delia Ferreria Rubio, "Financiamiento Político, Género y Equidad en la Competencia Electoral", 2013. Link: <http://www.deliaferreira.com.ar/pdf/at-partidos-politicos/Financiamiento%20y%20G%C3%A9nero%20-%20PNUD%20ANDAMOS%20-%20Junio%202013.pdf>

²⁵Ibidem.

²⁶OEA, "Financiamiento de los Partidos Políticos en América Latina", 2011 Link: https://www.oas.org/es/sap/docs/deco/Financiamiento_partidos_s.pdf



in the region seek to control to regulate this situation. For instance, maintaining an accountability system with clear procedures of form and content, disclosure, and dissemination, is necessary to avoid misuse of state resources by the involvement of organized crime in elections.

Electoral officials are usually those who must implement control mechanisms for financing. Accordingly, it is their responsibility to review, verify, and audit the information received from political parties, obtaining information from the flow of available resources, thus supporting system legitimacy. Therefore, a system of effective and efficient sanction application may lead to the promotion of best practices and as a deterrent in case of any breaching of the rules.

In a complementary manner, it is important that society fulfills the role of indirect controller over such activities. This behavior is in addition to the state's role in ensuring the integrity of the electoral process, ensuring the fair, efficient, and coordinated functioning of the institutions, so they work together: prosecutors, courts, and electoral institutions.

Financing a campaign or being financed as a candidate or political group is an extension of the right to elect and be elected.²⁷ Investing financing in political campaigns or party structures is inherent to democratic competition.

Considering the above facts, three central themes for discussion and exchange of practices in electoral financing are proposed: first, what are the standards and practices that have generated greater equity in the electoral contest? Second, is it effective to promote political participation of historically underrepresented groups by providing financing directed to these sectors? And third, what challenges do electoral authorities face in controlling and monitoring campaign spending?

²⁷OEA, 2012.