

“Strengthening Electoral Management”

Final Report

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1. Acronyms

CNE: National Electoral Council

TCE: Electoral Disputes Tribunal

IDD: Institute for Democracy

PWD: Persons with Disabilities

CSO: Civil Society Organization

SEMP: Strengthening Electoral Management Project

2. Context and Background

In the first decade of this century, Ecuador experienced a great deal of instability. One manifestation of the situation was the people's dissatisfaction with its political representatives. Successive governments were even forced out of office. As a result, between 1996 and 2007 Ecuador had no fewer than seven presidents (Bucarám, Alarcón, Mahuad, Gutiérrez, Mendoza, Noboa and Palacio), none of whom completed their term of office.

Following President Rafael Correa's electoral victory in 2007, a Constitutional Assembly drafted a new constitution. Approved in September 2008, it led to a series of changes being introduced.

With this new constitutional framework, President Correa was reelected for a four-year term in 2009, and reelected again in 2013.

Under the new Constitution, a number of institutions were either created or revamped. The electoral branch was one of those affected. Until that time, all administrative and jurisdictional functions had been concentrated in the Superior Electoral Tribunal of Ecuador (TSE), with the makeup of its governing body reflecting the political parties represented in Congress, which was responsible for electing its members.

Under the 2008 constitution, two new institutions were created to handle all electoral duties, the National Electoral Council (CNE) and the Electoral Disputes Tribunal (TCE). The CNE deals with administrative matters, and the TCE with jurisdictional issues. New legislation was also enacted on electoral matters and political parties (Democracy Code, April 2009).

This new electoral framework was faced with problems immediately, given the context in which it was created and the legacy it inherited, with little public confidence due to the strong influence that the political parties exerted over its operations.

The new electoral framework was also affected by the mutual suspicions and frictions that existed between the electoral authorities from the outset. Whereas the CNE was the institutional successor to the TSE, the TCE was a totally new institution.

The lack of experience in carrying out electoral processes and the changes in the senior and middle-level professional and technical staff of the two electoral agencies was bound to have an impact on the institutions themselves. On top of that, the most senior officials were appointed only provisionally, and the uncertainty as to who would be appointed permanently had negative effects.

The provisional electoral authorities were tasked with implementing two complex electoral processes between April and June 2009. The work involved taught them major lessons with regard to organizational and technical matters, their performance and the definition of competencies.

3. Brief description of the project

This Executive Summary documents the main information of the “Strengthening Electoral Management Project,” (SEMP) implemented in Ecuador between January 2011 and January 2014, under a Cooperative Agreement signed between CAPEL and USAID. This Cooperative Agreement ran from December 2010 to January 2014. It should be noted that the SEMP project had to permanently adjust to address the changes that occurred after it was designed, and implementation was already under way, as the electoral organizations transitioned from a temporary status and leadership to permanent status and leadership, and thus their needs changed accordingly. It should be highlighted that when this project was conceived, it was based on the premise that no electoral processes would be taking place. It was, then, the right moment to undertake an institutional-building project without undue pressure. The changes in the senior management, while envisaged from the outset, led to the dates for the implementation of various activities being rethought and changes made.

The project was organized around three objectives: **Objective 1: Strengthen the capacity of the National Electoral Council (CNE) to manage elections and political processes effectively; Objective 2: Strengthen the capacity of the Electoral Disputes Tribunal (TCE) to enforce and administer electoral legislation; and, Objective 3: Enhance the legal regulatory framework for political and electoral processes.**

Objective 1 was especially important, inasmuch as the CNE is responsible for planning and implementing electoral processes in Ecuador. Therefore, the project focused on a review of internal processes and an evaluation of the institutional design, as well as guidance based on successful experiences with sensitive issues involved in the organization of large-scale electoral processes. Specifically, technical assistance was needed for: staff training; the development of the plan for the automation of internal processes; the sharing of experiences with counterparts in the region, with a view to instituting processes adapted to the institutional conditions of the CNE; and advice on priority issues for the electoral processes scheduled for February 2013 and 2014.

The reason why the work with the TCE under **Objective 2** was so important was because this electoral institution was still in the early stages of development. Therefore, the project collaborated in the work of enhancing the efficiency of the TCE's internal units by means of staff training. The latter focused on legal reasoning, logic and the sharing of experiences with units of other institutions in the region, as well as issues related to the duties of the TCE, all of which contributed directly to the TCE's institutional objectives. Since the institution had only recently been created, priority was given to the activities aimed at strengthening its communications, including the creation of a Documentation Center and Virtual Library, to afford easy, direct access to jurisprudence, rulings and research in the area of electoral justice.

Objective 3 was intended to support legal reform initiatives proposed by the electoral organizations that would in turn have to be processed by Congress. Legal reform is a long and complex process, since electoral issues tend to enjoy a high profile and attract interest when an electoral process is approaching, but the interest tends to disappear once elections are over. During the first year of this project, it was possible to assist the electoral bodies formulate inputs for law proposals, together with those from CSOs and PWD organizations. The remainder of the work in this area was postponed until 2014, mainly considering the political context and timing.

4. Main activities and results

This section provides details of the main activities carried out under the project, with a brief description of the work performed under each component to achieve the results proposed at the outset.

a. Electronic Voting

The Electronic Voting activity was supported by the CAPEL project from the outset when the CNE expressed its decision to introduce automated voting. In 2012, CAPEL's consultant Amilcar Brunazo was asked to assess the probabilities of the CNE having a totally automated voting system in place by 2017. Based on the consultant's findings, the CNE took the decision to study the tool used in Salta (Argentina). As a result, the tool was implemented as a pilot project in the Azuay province, during the local elections of February, 2014. The technical support provided consisted mostly of the analysis and gathering of information, induction on the merits of the system and training in its use, workshops to present comparative experiences from Brazil, Argentina, Paraguay and Venezuela, the dissemination of information about the project with stakeholders and technical assistance during its implementation.

This activity was important not only as the technical support provided for the pilot project implemented in the the February 2014 elections, but also because the CNE endorsed the technical recommendation that a strategic unit be set up devoted entirely to the development of a tool that would make it possible to introduce partial automated voting in Ecuador in 2017, in the most heavily populated provinces, and then roll it out across the rest of the country. Thus, the proposed result *Strengthen the CNE's capacity to administer*

electoral processes in an effective and transparent manner was satisfactorily achieved through the activities designed for this purpose.

b. Ecuadorian Electoral Atlas

To preserve the historical memory and the national electoral heritage, the project supported the CNE initiative to create an Ecuadorian Electoral Atlas. A one-week consultancy was carried out that included training for 19 officials from different technical units involved in the implementation of the project at the CNE. José Luis Echevarría (National Elections Jury-JNE, Peru) provided technical assistance to establish the baseline for designing the “Ecuadorian Electoral Atlas” project based on the Peruvian National Electoral Jury (JNE) emblematic *Infogob* product. The CNE aims to implement this project in the medium term, and has already set up a technical committee chaired by Isaías Campaña, CNE’s official, to work closely with the projects that are to contribute coordinated information for the elaboration of the Atlas, such as the *Voto Transparente* project –also supported under the SEMP project-- the Institute for Democracy and the Information Center and Electoral Documentation (CIDE).

This activity was important because, as a result of the advisory services provided under the project, the CNE’s senior management has decided to call upon the services of the Peruvian expert again to support a second stage of this activity, which will be carried out after the elections in February 2014. The aim will be to complete the project and give the citizenry an emblematic information product that will be managed by the CNE’s statistics unit. As already mentioned, this activity will give citizens access to Ecuador’s electoral historical memory.

The result achieved by this activity was the *Strengthening of the CNE’s capacity to meet the requirements of the new constitution, including the establishment and operation of a research institute and electoral training*, bearing in mind that the CNE’s Institute for Democracy (IDD) has played an active role in the implementation of this effort.

c. Strategic International Relations Unit

Another of the activities carried out with the CNE under this Project, was the continuous technical assistance and training support to the design and implementation of the CNE’s comprehensive strategic plan. In doing so, CAPEL identified the need for the international relations unit to assume responsibility for several thematic areas that are an important part of the interaction with other national and international institutions. Therefore, in close collaboration with the Federal Electoral Institute of Mexico, the CNE developed a cooperation plan for this area. Under the SEMP, the two electoral institutions worked in Quito and Mexico to include topics such as cooperation, the development of agreements, comparative research and management of inter-institutional relations. As a result, the CNE decided to transform the area of international relations into a Strategic Technical Unit in order to advance these areas and take them to a higher level.

This activity was important because the CNE realized it needed to achieve coordinated work processes, information sharing and the joint implementation of activities, based on best practices from its peer organizations in other countries. This activity contributed to the Project's result of *Key organizational procedures and internal regulations established to contribute to the proper functioning of the CNE.*

d. Gender Policy

Through technical assistance, training, and international consultants contracted under this Project, the TCE carried out a sustained, systematic process that led to its governing body approving a gender policy. The SEMP's support was provided to the TCE in two phases. The first phase consisting of an induction process, followed by a conceptualization exercise and, lastly, work with 100 selected members of the electoral staff who received training and were then involved in the development of the policy. Subsequently, the TCE approved the implementation of the gender policy, making this electoral institution the first of its kind in South America to operate a system of electoral justice with a gender perspective. The policy is being applied both internally and externally, respecting women's human rights not only in the rulings that it issues but also throughout the process, and adhering to strict parameters of inclusion in both the hiring of staff and the body's internal procedures. Once the policy was approved, the second phase consisted of a seminar to present and validate the policy. The event entitled "Electoral Justice Policies and Plans with a Gender Perspective," was instrumental to present the policy to electoral judges from 12 Latin American countries (Mexico, Guatemala, Bolivia, Colombia, Costa Rica, Venezuela, Uruguay, El Salvador, Nicaragua, Peru, Panama and Paraguay). The policy was so well received by participating representatives that they proposed the creation of a "Regional Observatory of Electoral Justice with a gender perspective" to be based in Ecuador.

This activity was important not only because of the national and international recognition the policy received as a major, ground-breaking development in the region, but also on the impact on the TCE's day-to-day work, with sustained, participatory training in this issue, being provided under this Project (SEMP). Thus, this activity contributed to achieving the Project's result of *"Strengthen the TCE's capacity to perform its duties of administering electoral justice in an effective and transparent manner."*

e. Development of the Library and Documentation Center

The TCE's library is the only one in the country specialized in electoral legislation. Therefore, the SEMP project placed major importance on this activity, not only supporting the purchase of donating 246 books, but also strengthening this Library and Documentation Center by developing a plan and providing technical assistance to help modernize it, connect it to other libraries in the region and expand its access to the TCE's staff and users in general. As part of this work, expert librarian Rosa Dorival (Peru) visited the library to conduct a situational analysis and establish the baseline for the creation of a Virtual Library and the Documentation Center. Atzimba Morales (Federal Electoral Institute, Mexico) then

provided technical assistance and hands-on support to help link the TCE's library to Mexican Electoral library which is one of the largest in the region.

The TCE has already allocated an initial budget of approximately \$8000 for the implementation of the virtual library in 2014.

This activity is important not only because it will give the TCE great visibility (the library is the only one in the country specialized in electoral legislation), but also as it will be possible to have a network for sharing the electoral jurisdictional information that the TCE generates. Thus, the activity achieved contributed to the Project's result of *Expand the TCE's capacity to reach a wider audience so that citizens understand their roles and functions.*

Summary of Activities – Quantitative Data

With the support of this Project, electoral officials from other countries made 10 visits to Ecuador; 17 specialized documents (information, research and proposals) were produced; 11 seminars and academic activities were held at which 1055 people (619 women and 436 men) were trained; and 25 specialized workshops took place lasting a total of 172 hours, at which 1775 people (1066 women/709 men) were trained. Ecuadorian officials made 35 trips as part of 19 experience-sharing missions to other Latin American countries.

5. Main project impacts

Three major Project impacts are highlighted in this report, based not only on their visibility but also future sustainability:

- CNE:
 - Successful e-voting pilot project. Technical assistance provided to the e-voting project in Azuay with nearly 600,000 voters, tested the tool for the first time, with all the electoral results being declared two hours after the polling stations closed.

- TCE:
 - Development and implementation of a gender policy for electoral justice. The institution became the first of its kind in South America to do so, and its efforts were acknowledged and endorsed by judges from more than ten countries in the hemisphere who attended the official launch of the policy in Quito in June 2013.
 - Development and implementation of the Virtual Library and Documentation Center, enabling both national and international users to access information from the country's only library specialized in electoral legislation.

6. Lessons learned

Below is a brief description of the lessons learned on the main activities developed under the SEMP project. It should be noted that, based on the analysis of the lessons learned, some specific recommendations were submitted to the two electoral institutions. These recommendations are included in the narrative of this Final Report.

Electronic Voting

The automation of the voting process managed by the CNE is a top priority, given the need to speed up the tabulation and reporting of election results. This, and transparency, are the things that the citizenry and political organizations are keenest to see happen. Hence, they constitute the two key aspects of the automation process.

Voto Transparente

The *Voto Transparente* activity was promoted by the CNE and got under way in 2012 with the 2013 general elections in mind. This activity was also supported by the SEMP Project through technical assistance, training, and exchanges in the region. The aim of the *Voto Transparente* initiative is to foster and create ways of disseminating and affording access to information from political organizations and candidates, to enable voters to make the best decisions when electing their representatives, thereby improving citizen participation in public issues and empowering the citizenry. The main lesson learned in this regard is related to the need to ensure ample access to the information that is generated, making it available to the largest possible number of users.

Sensitive electoral issues: planning, operations and logistics, training and communication

After the general elections in 2013, and given the need to fine-tune the preparations for the local elections in 2014, the biggest lesson learned for the CNE was the importance of identifying sensitive topics or issues that could even trigger a “crisis,” in order to assess them and prepare to confront these issues. It was for that reason that support was provided after one of the electoral processes, to pinpoint the lessons learned in the areas of planning, operations and logistics, training and communication.

Inclusion and political participation of persons with disabilities

With regard to the political participation of persons with disabilities, the main lesson learned was that when addressing this area, two main aspects need to be considered: legal reforms, and definition of specific policies that would ensure access of this population not only to voting but also to the exercise of their rights to political participation in general.

Institute for Democracy

The activities carried out with the IDD mainly helped to strengthen its academic role. As a result, the main lesson learned had to do with the separation of its roles (research, training and promotion with an academic focus), in order to avoid duplicating the work of the CNE

in those areas. Interaction with political organizations, through education and training, was also of vital importance to the successful launch of this institution.

Electoral Justice with inclusion: the gender and cross-cultural perspectives

The work in this area was very fruitful. The main lesson learned concerns to the need of first empowering the electoral staff on these innovative policies, to ensure they make a strong, achieve contribution, and then to undertake activities to sensitize external audiences on the issues.

Dissemination of the roles and functions of the TCE: Strengthening of the TCE's Library and development of the Virtual Library and Documentation Center

The need to disseminate the role of an electoral institution like the TCE was the main lesson learned. It is necessary to make communication and the provision of constant information part of every stage of the work carried out by the TCE, particularly as the institution is still regarded as new.

Electoral Reform

Since the so-called "electoral lock" --legal provision that impedes the approval of legal reforms within one year prior to an election-- applies in Ecuador, the main lesson learned in this regard concerns the generation of a favorable political environment and relationship among the two electoral institutions, so that they engage in the productive discussion and analysis required to achieve progress in this area.

Training for the staff of the CNE - IDD –TCE

Thanks to the support of peer electoral organizations in the region, and the approach of horizontal cooperation, several Ecuadorian electoral officials had the opportunity to travel to other countries for exchanges and training, and to observe different aspects of electoral management work. The main lesson learned in this regard is the need to program visits abroad, linked to the activities being carried out under the project, in order to strengthen the project results with the international experience of the staff involved.