

RAUL PEÑARANDA & OSWALDO CANDIA

The Biometric Voter Registry, a feat of the Bolivian people

Editor:

fBDM

Design and lay out

Chanel Colque

Editing supervisor

Hernan Argandoña

Translator

Daniel Romano

Translation Edited by

Roxana Valero

Cover's Photograph

Wara Vargas

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PRESENTATION

Within the historical events of the last quarter of the century of our country, the National Electoral Court (National Electoral Court (CNE)) has been subject of major transformations in its effort to become an unbiased and impartial entity, able to oversee and guarantee the soundness of the votes casted by each Bolivian citizen within any of the electoral processes.

In the early 1990's, a political agreement provided the means for the so called "Court of the Nefarious ones", while enabling the required resources to recover the trust and credibility of Bolivian society in our institution, which came about, largely due to the obvious instrumental and excessive handling of the system by political parties, a matter that thus far had been all too familiar.

Later on, the presentation of the National Administration of Civil Registry, under the supervision of the Ministry of Government, under the close supervision of the National Electoral Court, triggered a new phase that enable the necessary resources for the electoral process to become ever more transparent, while preventing and fraudulent votes and limiting other practices which may some how distort the true will of the people.

In recent years, the National Electoral Court was unable to succumb to the existing political and social crisis, which shook our country. Regardless of whether the suspicions were unfounded or not, a shadow of doubt was casted over the electoral process, and the political upwelling at the time affected and steered its credibility.

Then, the creation of a new biometric voter registry emerged to offer a possible solution to this crisis. This is essence of how the National Electoral Court, with the support of all of the Bolivian people, made it possible to achieve such a goal, which in accordance to the believe of many national and international experts, seemed like an impossible task: to create a Biometric Voter Registry while enabling the completion of the national presidential elections, within six months.

A few months afterwards this very difficult mission was successfully completed, perhaps as a world record: 5.1 million voters registered in 75 days.

The Bolivian Foundation for the Multi-Political Parties Democracy (Fundación Boliviana para la Democracia Multipartidaria (fBDM)), has been created as an institution committed to democratic principles, and it has celebrated this enormous step forward of Bolivian democracy. For this reason, the publishing of this book has been intended to show to our citizens and to the world, how this process was developed.

The authors of this book are two well known journalists how have learned about the Court's work from the inside. Raul Peñaranda and Oswaldo Candia have also worked respectively as administrator and communications assistant in the biometric voter registry process.

Guido Riveros Franck, engineer
Executive Director fBDM

CHAPTER 1.- THE REASONS FOR THIS “FEAT”

The title of this book that you hold in your hands is: “The Biometric Voter Registry, a feat of the Bolivian people”, this is the title chosen by the writers, who consider that the biometric voter registry was precisely that, *a feat*.

There are several reasons, which would reinforce this concept. First of all, there is the overall background: the short amount of time provided by law to organize and carry out an array of tasks. Law No. 4021 which was approved on April, 2009, established that the national elections of December 2009 had to be done through the new biometric voter registry. The National Electoral Court would only have six months to do so, from April until October. Within this period of time a budget had to be secured, an international public bid had to be completed to acquire the necessary equipment, thousands of notaries had to be trained, as well as operators and various workers, all of the equipment would need to be distributed throughout the country, all of the field work would need to be completed and established, while creating an additional strategy that had to be applied for voter registry abroad, all of which was without precedent in the history of Bolivia.

The sum of so many responsibilities generated nothing but doubt among the leaders of the national opinion, political and social chiefs alike. The truth of the matter is that there were in fact too many tasks to be done, most of which were highly complex: the population had to be informed about the characteristics of the voter registry, while encouraging them to register themselves and this had to be done at record time, within 75 days. The mission simply seemed impossible. National and international specialists of this field were most concerned about the time constraints. Besides all of this, there was a previous plan that had been approved by the Electoral Organism with the support of the international cooperation, which established that the registry process would require a minimum term of two years to complete the whole process. A Canadian professional, Wayne Donovan, one of the for most important specialists in these matters, presented to the CNE a report from his consultancy work at the beginning of 2009, and he believed that it was not possible to complete the voter registry by December.

That was but one of the voices that claimed that this enormous tasks could not be done. Chapter 4 of this book mentions that the voices of descent and doubt who claimed that all of this could not be completed on time. Further more, the day in which the President of the Republic, Evo Morales Ayma, received his credential as a reelected president, he said: “I did not think that the biometric voter registry could be done on time. My advisors had told me that it could not be possible, nobody believed that this could be done”(1). This was the overall feeling within the government itself about the chances of completing this task. By July, 2009, before the voter registry was started, the President of the National Electoral Court, Antonio Costas, held an evaluation and assessment meeting with some of the highest authorities from the Executive Branch within the installations of the Government’s Presidential Palace. Once he completed his rather long presentation, the Vice-President of the Republic, Alvaro García Linera, said: “It would seem like we need a miracle”.

¹ Morales, Evo, President of the Republic, inauguration’s address of January 5, 2010, at the official public act of presentation of credentials to representatives and senators elected in December, 2009. In Bolivia, the CNE presents such credentials, which are also bestowed upon the President and Vice-President of the Republic.

Not only was the national government doubtful, the opposition was skeptical as well. It could be important to highlight that the opposition's leadership would have benefited if the voter registry would not have been completed successfully, because this would have delayed the electoral process. "If the voter registry would not be completed, we would have to delay the whole process", said in July, 2009 whom at the time was a leader of the opposition, Manfred Reyes Villa, and who later on became a presidential candidate, having positioned himself in second place in the electoral race with 28 percent of the votes, in comparison of 64 percent obtained by Morales.

But is Congress able to approve a law which was so widely opposed by the national government? The 4021 Law, which includes the issuing of the biometric voter registry, was vital for the interests of the national government, because it would include the presidential and parliament elections of December. Without said law, the government could not initiate the elections' process (which needed to be done as stipulated by the Political Constitution of the State) and the country would have been plunged into a juridical limbo of immeasurable consequences: the Constitution established that the first term of Morales shall be concluded by January, 2010 and that a law needed to be approved to establish the succession of the following elected president, and this was something that the opposition was unwilling to approve. The government had control of the majority of the chamber of delegates, but it did not control the senators and it was forced to negotiate. The opposition, which is a minority, sought to accept the approval of the law, but it demanded that the elections in December had to be done with the new biometric voter registry, perhaps in the hopes that it would fail, and it was simply claimed at the time that the previous system could no longer be relied upon. The government was therefore forced to approve such law, to secure the electoral process, and even though there was much reluctance, it was also believed that if the voter registry would fail, other means would be applied for the elections.

But, against all imaginable odds, to attest to a civic spirit and discipline, which would be envied by other nations, in 75 days, more than 5.2 million men and women of Bolivia were registered for the new elections, while using some of the latest technology of the world and setting a world record in this sort of work.

1.1.- The experience of other countries

The electoral systems of most countries in Latin America have proven to be reliable, even though many of their legislations and administrative systems had turned them into rather sluggish and outdated bureaucratic processes. Within the last few years, several nations have incorporated substantial changes to their existing norms while attempting to become more efficient, transparent and reliable before their own institutions and their own processes, in an attempt to try to satisfy an ever growing constituency, which demanded greater participation and equality.

One of the most complex elements of the electoral structure is the electoral voter registry, which is created through various means in accordance to each electoral culture of every given nation. In certain cases the registry is automatic, in other cases it is specific for every election; it may be voluntary or mandatory, it may be a responsibility of the Executive Branch, or the Judicial Branch or of the Electoral Institutions.

Certain countries have centered within a single institution the functions of the civil registry, identification and electoral registry; in other cases, the responsibilities have been divided, and they correspond to the civil registry itself, including the task to register all births, marriages and

deaths, another institution would work on the issuing of identification for the population and a different one would work on the electoral registry. Countries like Chile and Ecuador for example, have completed a process of partial concentration, and had entrusted to the same institution all civil registry and identification tasks, while keeping the electoral institution distant from any such systems. In Bolivia it had been decided to concentrate the entire civil and electoral registry within the National Electoral Court, but the task of identification would be under the supervision of the National Police Force.

This varied set of options for electoral registry among so many countries did not allow the means to create applicable strategies that would be applied for all cases to simplify the registry process itself. However, there has been a constant tendency to incorporate common mechanisms, to the new computerized technology, which have proven to be a constantly necessary and useful component. And within these computer-based solutions, the usage of biometric technology seemed like an attractive mechanism, mostly due to its cost effective characteristics, as well as a guaranteed security and limitless scope and reach. This situation has made the Bolivian success difficult to compare with other experiences.

In Latin America, the first country to have implemented a computerized voters' registry system with biometric technology was Mexico. After the electoral reform established in 1997, The Electoral-Federal Institute (Instituto Federal Electoral (IFE)) entrusted the design of a fully computerized and new voters' registry system, which would include certain principles for universality, union, permanence and quantification. In 2001 the system began to work in a more progressive manner among the 31 states and the Federal District, which form part of the entire Mexican territory. Most of the work was concluded in five years.

By the end of 2008, 78 million inhabitants of 106 million from the total population had been registered. At the federal elections in 2000 the partial registry of the biometric system was for the first time, and in 2004 all of the registered citizens that had already completed the process had their own biometric-electoral identification card. By August, 2007, the IFE established the renewal of the first identification cards as issued between 1992 and 1997, which meant a new massive mobilization that lasted for a whole year.

The Mexican biometric system includes fingerprints and a photograph of each registered voter and it is combined with various registry systems as well as digital comparison systems. At the beginning of the registry of the voters, a comparison needed to be done in comparison with the previous electoral registry, which had also included the registry of finger prints; this forced the IFE to compare over than 33 million registered voters.

The Mexican norm established that the voters' registry ought to be permanent and that it needed to be concluded within 90 days prior to any election to properly begin the sorting out process of eligible voters. The registry is fed by the information provided by the civil registry and by other institutions, which provide information about deaths, births, missing cases or new nationalities, etc.

Curiously enough, it has been the success of the biometric voter registry that served as the basis to project the massive issuing of identification cards too all of the population starting on 2010 and it has been planned that by 2012 –through biometric technology– the entire Mexican population would have been registered. Once the personal registry had been entered and registered within the whole country, the electoral registry will form part of the new system.

Another one of the nations that had incorporated a biometric voters' registry was Haiti, although there was one overriding variable. After the elections of 2009, to cast their vote, anyone above the age of 18 would need to have a new identification card that would substitute any previous identification that they may have had. Once the elections had been completed, such document will become their sole and mandatory form of identification for four million Haitians and this would be connected to government services and financial registry.

The new identification cards included certain biometric elements such as photographs and digitalized finger prints. This mobilization would be under the supervision of the Provisional Electoral Council and it relied on the support from the American States Organization, which helped to finance the registry equipment and the necessary technical assistance. The voting population came in massive records to the registry centers; this process was being done even when the initial major earthquake destroyed much of the capital of the country in January 2010.

A similar system to the one in Haiti started in 2009 in Dominican Republic, where it was decided to begin the registry of more than six million people through the use of biometric technology. It is estimated that by mid 2010 the whole process would be completed, which will include the issuing of an identification card that will be used as the voting identification as well. The system, which is administered by the Central-Electoral Summit (Junta Central Electoral), will register the signature, photograph and digital fingerprint of every person. The registry is mandatory.

Many nations have been planning to adopt similar systems, which includes combining the registry of every citizen with the electoral registry, which would help to create a single voter registry system with all of the applicable biometric features, a system that could be fed, updated and sorted out on a permanent basis. At the moment there are several similar projects that are being discussed in Colombia, Panama, Argentina and Chile, among others.

The case of Venezuela includes a variable, which due to its similarities; it was considered to be applied here. Even though this country has not implemented a biometric voter registry system, it had sought to include more advanced technology within the voting process itself. Starting with the electoral reforms of 1998, the Electoral National Council (Consejo Nacional Electoral (CNE)) had used a biometric system, while instructing for every citizen to register their finger print when they would complete the actual suffrage. This mechanism pretends to avoid the issuing of double votes and to provide the quantifiable information of each vote which is registered on a real-time basis by the system itself. The CNE had also incorporated the most advanced software system within the region in regards to the voting process, which including the sorting out and counting of the votes. The deep polarization of the political parties in Venezuela and the lack of information generated a great deal of susceptibility among the voting population in regards to the vulnerability of the secret vote itself.

Perhaps, an example of the most successful electronic voting system in the world would be Brazil, which since the elections of 2000; it has applied such system progressively. In the elections celebrated that year over 109 million people successfully voted through this system and it is estimated that for the elections of 2010 this number could be doubled. In contrast with Venezuela, the system of the Brazilian electronic vote has not had major oversights, mostly because it has been applied in such a progressive manner and due to the objectives proposed within its implementation: eliminating electoral fraud, reducing the sorting out time, while allowing illiterate people to cast their vote as well.

The debate about the technology applied to the electoral processes it is currently one of most urgent issues amongst all of the countries within the continent, which consider this to be an important mechanism to strengthen their institutions and to modernize their electoral system to insure their reliability, safety, transparency, independence and accuracy.

This tendency has forced the American States Organization to suggest its implementation among all of its member countries. By June 2008, it had approved a resolution which “highlighted the efforts made by the voting registry authorities within the member states, which were carrying forward the application of such system within the organization and administration of the voter registry, intended to increase the quality and transparency of the system itself, whilst including the incorporation of new electoral technology”.

1.2.- Structural reasons of this “feat”

We have emphasized so far that the time constraints imposed and the existing political problems, a matter that seemed to make the voter registry within Bolivia as unviable; we have also mentioned the characteristics of similar experiences within the region. We will now analyze the most important structural issues: how difficult is it for Bolivians to reach a unified consensus, to try to solve their conflicts through pacific means, to join forces for the common good.

Bolivia, which is embedded in the heart of South America, it has one third of its territory within the area of the Andes and the sub-valleys of the Andes and the remaining two-thirds span within the Amazon, it has been regarded by many as one of the most unstable countries within the region. Its history has been constantly marked by turmoil, coups, revolutions and confrontations. The country, where half of the population is indigenous (native Americans), including mostly Aymaras and Quechuas, and the remaining percentage of the population would be half-breeds (mestizos) and white people, all of them live now confronting the paradox of a reelected president who has one with an overwhelming 64 percent of votes and its political party, Movement Towards Socialism (Movimiento Al Socialismo (MAS)), which currently controls more than two thirds of the elected chambers in accordance to the elections of December 2009. Perhaps these may have been the greatest consensus that could have been reached. It is also possible, that would such an overwhelming victory, Bolivia, the poorest country in South America, may actually reach a period of stability and peace. In any case, these have not been the main traits and features of its troublesome history; it has been quite the contrary.

A recent study (2) poses the question: What produces conflicts in Bolivia? “Why does Bolivia suffer of this ailment in such a severe manner, to the brink of endangering its economic viability and in some of the worst cases, its own existence as a country?”

It points out that “in accordance to those authors who have analyzed this phenomenon within the last few decades and comparing similar manifestations among other countries, five structural causes of the conflict could be identified: the social horizontal inequalities, ethnic fragmentation, the concentration of certain circles of power, the State-nation weakness and the enormous

² Various authors, “Structural causes for the conflicts in Bolivia”, UNDEF and fBDM, La Paz, Bolivia, January 2010. Raul Peñaranda, was one of the authors of this book, and who participated in the study.

economic dependency to non-renewable natural resources. Bolivia suffers of all these problems at the same time”(3).

Said study explains that Bolivia has constantly suffered of certain “horizontal” inequality (which is limiting to those who have born in unfavorable groups simply because they belong to such groups) this has been more hindering than the “vertical” inequality, which is believed to be due to the individual differences of each person’s capacity and resources. Secondly, as it has been seen in an econometrics’ study specially prepared for this research, Bolivia has a high level of ethnic fragmentation (although in a positive sense, which means, that is not associated with the conflict, this situation could be interpreted based on the high ethnic density, but it limits the joint work of the whole society supporting one another, it has caused enormous polarization among the people and it is the main limitation that has prevented any open development and the effective execution of the same). On the other hand, we have a “weak” government, which is unable to guarantee the compliance of the law anywhere within the national territory and it has become as a viable target for certain groups that have aimed interests of varying kinds, many of such groups are within the civil sector, and they haunt the nation. And finally, we have an enormous dependency on non-renewable natural resources, which has yielded a certain degree of dependency and much conflict among various sectors, and especially among the population against the state, and the most common recourse has been to resort to violence to further their own causes.

The previously mentioned study indicates that each one of these realities would complement one another, and each one of them strengthen one another as well, which would explain to some accurate degree the conflicts spread throughout the country.

That is the structural reason, why we believe that the biometric voter registry has been a “feat”, the historical difficulties that the Bolivian people have suffered to join forces to reach a common goal has been difficult.

1.3.- The revolution of the registry

The president of the CNE has expressed that, in fact, with the successful voter registry, there has been a revolution of the electoral registry in general for Bolivia, thanks to the usage of innovative biometric technology. Hand-written books (ledgers) done by hired personal from the various courts of laws of the departments (cities) of Bolivia, it has been possible to move on to software registry, which include the photograph, fingerprint, and the signature of each registered voter, together with all applicable demographic data of all the population. It has also been possible to secure the election of December, 2009 which helped to dodge a major political crisis.

Further more, Costas had also expressed that another one of the impacts of importance of the voter registry, perhaps the most crucial, is the considerable increase of the number of people who have been registered in the National-Electoral Voter registry. The previous voter registry had 3.8 million people while the current one has 5.2 million. There have never been so many people registered in the history of the country, with the exception of the year in which the universal vote was adopted, had it been possible to have such an enormous increase in the total number of register voters.

³ Various authors, op cit. The paragraphs included herein were taken from the “Summary” of the previously mentioned book, UNDEF and fBDM, La Paz, Bolivia, January, 2010.

This registry also had a very favorable consequence in regards to the number of registered voters. During the elections of December, 2009 4.7 million people voted in our country and abroad, which means that 1.2 million people more had been registered for the referendum during the previous year. Therefore, thanks to the whole process, the participation in the elections has grown by almost one third, which is an unheard of number within the history of Bolivia's democracy.

CHAPTER 2.- HISTORICAL REVIEW OF SUFFRAGE PARTICIPATION IN BOLIVIA

2.1.- The importance of the voter registry

The laws of most nations around the world recognize the universal vote as a given right of the entire population without any limitations due to age, national origin or place of residence. It has been possible through the previous registry which is voluntary, individualized, secret and free of cost, that the Government has been able to easily provide only to those people who would registered within the process, whom would be required in turn to comply with certain requirements, and the actual completion of the registry process.

The voter registry or electoral process is an instrument used generally by most nations which are based on a representative-democratic process and it is mostly administered by the institutions that would be in charge of the electoral process as a whole. The creation of each registry process could be established for every given election, or it could be done in such a way that it could be permanently open allowing anyone to register at any time, while including the necessary means to do the necessary periodic updates.

From a more practical perspective, the voter registry would provide to main functions: firstly, it helps to establish a certain degree of order and it creates a system that would simplify the actual suffrage process, whilst having a clear number of the people whom may be participating in the elections, thus establishing the geographic means for the voting process to be completed; secondly, it reduces the possibility for any fraudulent acts by having a more individualized voting process and by reducing or limiting for any one to vote twice.

Based on this considerations, it had been established to find a voter registry system that would be reliable, universal, safe, convenient, free, public, inclusive and accessible, as to allow each citizen to have a system they could trust, a system that would protect this important right to freely choose without any restrictions their own government leaders and representatives. A voter registry system that would not comply with these requirements may become a mechanism that would in fact trample their very rights and in turn it would damage the whole system that had created it in the first place. In order to prevent this extreme effect, most of the countries entrust this process to autonomous or independent institutions from the other branches of the government, to warrant a more reliable and unbiased handling of the information and to prevent for the registered information to be used in any means which may not be strictly deemed to be within the electoral process.

In Bolivia the creation of the electoral voter registry has gone through various stages which include the selective vote as well as the creation of a permanent form of registry based on specific software systems, which have helped to provide remarkable all safety conditions and swiftness needed to elaborate and apply the information. The various changes and adaptations of the voter registry were done in response to each specific historical moment and to the permanent need to reach constantly greater levels of reliability and security which have helped in turn to provide greater strengthening of the democratic process and its effective application.

The voter registry process was initially known as the Civic Registry Process; which included the advanced registry of the voters at specific points of service where they could register in each

department and “it included a series of books or ledgers for all of the people who would qualify for suffrage, and the elaboration was under the supervision of Grading Registry Council”.⁴ As of 1939 a new registry stage was established to register all of the voters or to grade to qualify the citizens as one of the stages that need to be completed for the electoral process.

In 1924 the First Electoral Law was promulgated, during the presidency of Bautista Saavedra, who order for the renewal of the Civic Registry Process to be applied every 10 years and he entrusted the creation of this system to each judicial-notary public within every given section; while establishing a system to sort out the information and to allow the participation of supervisors from each political party who would oversee the filling out of information.⁵

In 1951 the system suffered some slight changes and the National registry was created, under the supervision of the “prefectures” (Local Prefect Office-Chief Administrative Officer), which would be in charge of registering births and naturalizations, as well as deaths or legal prohibitions which were used as means to sort out who would not be allowed to vote. The registry was used to secure the suffrage rights of all individuals and it would be renewed every four years. During the first few years, this sort of registry could be used in an arbitrary and fraudulent manner, because the Prefectures were free to register only those people who would be partial to their own political parties, while excluding the opposition. “In an attempt to limit these practices, the lists of registered voters were placed at public places and published on national newspapers every year to allow the people and the political parties to have their own control and follow up”⁶.

In 1956 the electoral body was extended and certain features were changed in regards to the norm itself to allow for the permanent registry along the cities and in the country side.

In 1965 a New Electoral law was passed which created the Electoral Registry to substitute the Civic Registry System, while establishing that it “included the free and mandatory registry of all the citizens and it will work permanently with the exception of the pre-electoral periods of time”.⁷

2.2.- Selective participation (1844-1952)

The practice of the direct vote was initiated in 1844⁸, only 19 years after the nation had become independent, it was at that time that Jose Ballivian, once he was named as Provisory President by the Congress of the Republic, summoned for public elections based on the constitution of 1843⁹. Up until then, all of the presidents were chosen by Congress.

During those initial elections, Ballivian presented himself as the sole candidate and he obtained 7,331 votes, which was enough to select him as the new political leader of the country. The

⁴ Chávez, Paredes, Velasco, Peralta and others, Konrad Adenauer Foundation, “Electoral Autonomy”, pages 734 and 735, La Paz, 2007.

⁵ Ibidem, page 735.

⁶ Ibidem, page 735.

⁷ Ibidem, page 735

⁸ Mesa Gisbert Carlos, “Presidents of Bolivia between the ballots and the rifles”, Page 147, Gisbert Pub. 2006.

⁹ In accordance to Chavez, Paredes, Zárata and others in the book: “Electoral Autonomy” (quoted page: 201), the first direct elections were carried out in 1840 and General Jose Miguel de Velasco was named President. Mesa (Mesa Carlos, page 146) explains that the elections of 1844 were the first direct elections, while including the fact that the elections of 1840 were done in accordance to the previous system, which means the Parrish Meetings, a sort of delegated election process done by representatives from the Catholic parish.

popular vote was a qualified vote that was only provided to certain men, who had to know how to read and write, and they had to have a certain amount of income in accordance to the census of 1835, and at that time there were 1,060,777 inhabitants¹⁰, more than 50,000 of them who were believed to live in the jungles of Santa Cruz and Beni. And so, only 0.7 percent of the population had actually voted¹¹.

The Political Constitution of the State of 1880, stated the conditions to acquire citizenship, while establishing that: “To become a citizen (to participate as a registered voter or to be chosen to become part of the national army or of any of the public institutions) the person would need to be: of Bolivian nationality; he/she must be of twenty-one years of age, if he/she is single, or eighteen if he/she is married; he/she must know how to read and write and he must have a property or an annual income, of two-hundred Bolivianos, which should not be from services provided for domestic work, and he/she must be included within the Civil Registry System” (CPE, 1880). Even though none of the constitutions had prohibited the participation of women, the requirement of owning property and having a set amount of income and social pension, would automatically exclude them from becoming citizens¹².

The last elections that were done in accordance to this format were in 1951. During that year there were six candidates for the presidency and the MNR, whose leader at the time was Víctor Paz Estenssoro, obtained 54,129 votes, and he was appointed as the nation’s President. During those elections there were 204,649 registered voters, from a total population of approximately 2,704,165 inhabitants¹³, which means that only 7.6% of the population was allowed to vote. However, this figure is ten times greater in comparison to the elections of President Ballivian, although not significant enough.

By July 21, 1952 the decree of the universal vote was approved, this provided the right to choose their own leaders “to every man and woman, regardless of their level of education, occupation or income”. Thanks to this measure, in 1956, 1,126,528¹⁴ people were able to register from a grand total of 3,139,453 inhabitants¹⁵, 1,503,740 were old enough to vote¹⁶. The “voter registry” had increased by 450% in comparison to the previous elections and it represented 35% of the total population of the country. The voter registry reached 75% of the citizens of the country who were permitted to vote¹⁷.

¹⁰ http://www.ine.gov.bo/PDF/PUBLICACIONES/Censo_2001/DistribucionPoblacion/Bolivia.pdf.

There is not any exact information of the total amount of the population who were 21 years old, which would allow to have a clearer understanding of the exact percentage of the population that may have been permitted to vote at that time.

¹² Source: Lazarte Rojas Jorge, “Between the specters of the past and the uncertainty of the future” p. 647, Plural Pub. La Paz, 2005.

¹³ National Institute of Statistics, 1950’s census.

¹⁴ International Institute of Governability, Joan Prats, “Development is possible, the institutions are necessary”, page 185. Plural Pub. La Paz, 2003.

¹⁵ Lazarte Rojas Jorge, “Between the specters of the past and the uncertainty of the future” p. 645, Plural Pub., La Paz, 2005.

¹⁶ International Institute of Governability, Joan Prats, “Development is possible, the institutions are necessary”, page 185 Plural Pub, La Paz, 2003.

¹⁷ Ibidem.

2.3.- From the universal vote to the crisis of “The Band of Four” (1956-1989)

The universal vote helped to modify the concept of citizenship and included within the political life of the country most of the population, while generating at the same time, great support from the majority of the country, especially among the rural area.

Regardless of the existing observations and oversights by historians and analysts, which largely connected major fraudulent practices in connection with each election process, the universal vote a great deal of progress without precedent in regards to the recognition of the right of every person to choose and to be chosen without being imposed any pre-requisites or conditions, while assuring to everyone their right to participate in the political life of the country, would help to secure the real and complete exercise of democracy.

Based on the new rules of the national democratic life, the electoral process had two significant components which were clearly expressed in the results, particularly in regards to the participation of the population. On the one hand, there has been a constantly growing participation among the general population, within the registry process itself prior to each voter registry before any given electoral process, with the participation of all the population who had the adequate age to vote, on the other hand there were constant irregularities within the registry process itself, and this would of course affect the voting process.

The extent of the norm and the mandatory nature of the vote motivated higher levels of participation even within a country where an enormous percentage of the population did not have the required identification documents, amongst a great percentage of its population, and sufficient and adequate roads, which limited certain communities from participating in the election process. This should also be taken into consideration with the fact that the necessary means of communications are largely inexistent and the overall access to information in rural areas and semi-urban areas is scarce and there is because of that a lack of information within those areas.

In regards to the political factors, the political parties already had the monopoly of all political representation, due to a norm issued in 1956, and they would take advantage of the flaws and obstacles of the existing electoral system, to establish a systematic method, to simplify the registry process along towns which may be affected, while excluding any towns which were regarded as potentially part of the opposition. At the same time, the fraudulent practices expressed within double and triple votes, the transference of voters, controlled votes, and other illicit methods were very common in several elections, an example of this would be the elections of 1978, which had a total number of valid votes which was greater than the actual number of votes casted by more than 67,000. It is important to take into consideration, that the time that we made reference to, was known by a certain degree of precarious institutionalization, which allowed the executive branch to control several components within the electoral process, including the naming of the electoral authorities and the registry process itself.

Between 1956 and 1989 there were in the country nine presidential elections and two parliament elections. It is also important to add, that the country endured at about this time several military coups, which had a direct impact against the free participation of the people, aside from all that, another factor that had affected the electoral behavior and performance, included the urbanization of the population, and the amount of population, which was constantly growing in the cities, this was of detrimental effect against the rural population.

The one thing of value that could be rescued from this time was the creation of a more democratic understanding of government by the population, which regardless of the limitations within the constitution itself; it provided greater pressure for the reestablishment of the constitutional rights and all legitimate rights thereof. It would not be careless to say that it was this time that settled a collective understanding to consolidate later on a real form of democracy, which would have as its main element the participation of the population.

Based on this analysis, we believe that the number of men and women registered within the various “voter registry” processes prior to any election, and the relationship of this fact with the percentage of the population who would have the lawful age to vote, is in direct proportion to the general population.

In the elections of 1956, the formula of the governing party, Hernan Siles-Ñuflo Chavez, had obtained 786,729 votes, more than 84% from the total. Even though this number seems to have been excessive in comparison to the current perspective, it is consistent if we take into consideration that in 1956 the rural population where the MNR had many followers, was largely greater than the urban population, and there was the greatest amount of support to the MNR. In fact, the census of 1950 established that the rural population was 1.99 million, in comparison to 708,568 who lived in the cities.

During the elections of 1960, the INE had a projected population of 3,428,092 inhabitants¹⁸, which included a registry of 1,300,000, from a total of 1,512,000 people who were legally allowed to vote, which means 86%. The number of participants had increased by 173,472 people, which means 2.1% in regards to the elections of 1956. The MNR had obtained 735,619 votes which included a final number of absentees of 25%. The Electoral Court at that time, provided estimated figures, and for that reason, these figures may not be completely accurate¹⁹.

By 1964, the President, Víctor Paz, had forced his own interpretation of the constitutional terms, and he was able to get his political majority to be re-elected. This anomaly caused a rupture within his own political party, and further more, among the members of the opposition, who protested by not participating in the elections. The estimated information that we have include the registry of 1,411,560 people, 86% of the population, who were legally old enough to vote, which added to 1,643,800. The population of the country was believed to be 3,753,077 at that time. In accordance to this information there was the participation of 111,560 people more, in comparison to the elections of 1960 and 258,032 more than those registered in 1956. The sole candidacy of the political party of the president, MNR, obtained 1,114,717 votes, which means 98%; the results were questioned even by leaders from his own political party.

The apparent electoral fraud, in combination with the divisions within the governing political party, which ultimately led to the fall of this regime after a coup led by its own Vice-President Rene Barrientos, whom tow years afterwards he summoned the country for a new election. In 1966, the official numbers show that of a total population which was believed to be 3,931,909 people, there was a total of 1,270,611 registered voters from the grand total of 1,643,850 potential voters, which means that 77% of the total population had registered. For the first time in

¹⁸ In Bolivia there was a census in 1976, and the population was estimated on statistic projections, while taking into consideration the population's growth rate as reported by this institution.

¹⁹ Mesa Gisbert Carlos, sited book, Page 158.

the history of Bolivia, since the universal vote had been adopted, the voter registry was reduced by 140,949 people, which could actually be a more realistic number, if we take into consideration the irregularities of the previous registry. The opposing and victorious party, which was led by Barrientos, obtained 667,805 votes, within a process that was characterized by constant government control. The abstinance was reduced to 14%. The low absenteeism within the registry process would be considered as an exception within this stage, which would normally present higher numbers.

After that year, the country seemed to have gone through an interruption in its democratic process by having a series of consecutive military governments of varying political views and all of whom limited the rights and the guarantees of the people, especially the rights related with their voting rights.

Twelve years afterwards, the De Facto president, Hugo Banzer, was pressured by social sectors from the country and by the international community, and he was forced to initiate a new electoral process, which allowed for the democratic process to be installed once again.

During the elections of 1978, there was a registry of 1,921,556 people, form a total of 2,386,800 eligible voters and 5,292,497 inhabitants. Two years prior, in 1976, the government had a national census of the population and of the homes which yielded a grand total of 4,613,486 inhabitants, 1,925,840 were within the urban area and 2,687,646 in the rural area. The total number of participants showed an increase of 650,945 registered voters, in comparison with the elections of 1964. In accordance to the official information, 80% of the potential voters had registered to vote. The registry may have been changed but the fraud was of scandalous proportions, because there were 67,000 more votes, than the total number of people registered, the fraud was so clearly proven that the Electoral Union, was forced to cancel the elections, but the candidate from the government's party who had won the elections, Juan Pereda, sought to impose his presidency through a coup.

One year later in 1979, there were new elections, and there were 1,871,070 registered voters, which is 76% of the total number of 2,452,050 eligible voters. The country already had at that time 5,433,412 inhabitants, as stated by the National Institute of Statistics (INE). The number of registered voters was lower by 50,486 people in comparison to the number registered one year before, and it represented 34% of the total population. The candidacy of the UDP, a political party formed by the MNRI and its allies, MIR and PC, obtained 528,696 votes, which represented 36% from the total, followed by the candidacy of the MNRA with a total number of 527,184 votes, with a minor difference of 1,512 votes. There was absenteeism close to 10%, one of the lowest within this period of time. These elections were particularly important, because they were used to approve for the first time, the use of the multi-colored ballot, which included all of the political parties' symbols as well. This practice provided the same rights to all of the political parties, up until that particular election, each party would have to bring to each of the facilities where the votes will be casted, their own ballots.

The elections of 79 showed a certain tendency that would be repeated even today, and which would be seen in the disperse quality of the votes themselves. In fact, not a single political party would obtain 50% approval, until 2005.

En 1979, as there seemed to be a political tie, Congress appointed a temporary President, Mr. Walter Guevara, who was immediately overthrown through a coup, and afterwards Mrs. Lidia

Gueiler was elected by the Legislative Branch as the Country's National Leader. Gueiler summoned elections once again, which were done in 1980, and even though there was much political instability, or perhaps because of that, there were 2,004,284 registered voters, from a total of 2,520,000, which is equal to 80% of the population. The total population was about 5,579,367 inhabitants at that time. There was an approximate percentage of absenteeism of 25%, which may be as a direct result of the population's distrust in the political institution and due to the instability that the country was going through. The UDP political party won the elections once again with 507,173 votes. The MNR, which was involved in a coup one year prior to these events, crumbled in this new electoral process.

The elections of 1980 were not respected either and a new coup prevented the observance of the will of the people. The last military governments were the ones that presented the power of the government to the newly and legally chosen president (Hernan Siles-Jaime Paz) on October 10, 1982. This must be considered up until now as a landmark of our history, which led the way for the beginning of the democratic process.

New elections were called for in 1985, at which time there were 2,108,458 registered citizens, which means 80% of the total potential number of voters of 2,652,750. At that time, the population of the country was 6,380,973 inhabitants and for the first time there were similar numbers within the urban and the rural areas. Hugo Banzer won such elections with 493,735 votes, even though the second candidate with the most votes was named by congress as the winner at the time. At this time, there was about 18% of absenteeism.

Once the democratic process was consolidated, even though the results seemed to be highly questionable, the population was summoned once again in 1989, at which time 2,136,560 registered for the elections, from a grand total of 3,086,880, which represents 70% from the potential number of voters. The population at that time was 7,122,483 inhabitants. At that time the chosen candidate was Gonzalo Sanchez de Lozada from MNR, with 363,113 votes, although the negotiators in congress managed to change the decision of the people once again, and they named the third chosen candidate in total number of votes and the second runner up was named as the Vice-President of the country.

Up until then the three main parties named three deputies or appointees at the National Electoral Court. The two most popular candidates would each assign their own deputies or appointees (ADN and MNR) and the third one (MIR) would appoint one. This form of selection created a great deal of uncertainty about the transparency of the elections in general. After the elections of 1989, and in accordance to the partnership of ADN and MIR, and the four appointees from those two political parties formed what would be historically known as "The Band of Four", who committed a number of irregularities. The mechanism used at the time was based on "votes recount" which was based on the electoral law that existed at the time. It was regarded almost as a circus like process, the electoral delegates gathered the millions of votes at the Sports Coliseum in La Paz and they would annul hundreds of voting tables or posts, wherever their respective parties would not have won the majority vote.

2.4.- The institutional consolidation (1991-2009)

The doubts in regards to the unbiased nature of the electoral system, added to the results of the selection process, which would limit access to the president by the rightful winners of the elections, caused great concern among the population, and the media, who pressured the political

sector to change the electoral system. In February of 1991 and July of 1992 the majority winners agreed to establish certain important reforms: the naming of four members from the electoral system, elected by the two thirds of the votes from Congress and an additional one from the President of the Republic. The rulings issued by the Court in regards to any electoral matters could not be appealed. The validation of the votes at the electoral posts (which eliminated the recounting and annulment votes, thanks to the “preclusion” of the matters established within any given table); and the financial and administrative autonomy of the National Electoral Court (CNE).

Another important decision that was adopted was the creation of a permanent voter registry system, which would not need to be elaborated for every given election process, as it had happened in the past. For this reason, the Civil Registry transfer was adopted, which was under the supervision of the Ministry of Interior, under the administration of the National Court, although the issuing of identification cards remained under the supervision of the National Police Force, which it failed to solve a problem that had been constantly left aside, the identification process.

The measures adopted between 1991 and 1992 marked the end of a phase within the history of the electoral process of the country that would have started in 1952 and a time which is known by the complete incorporation of the universal vote, to grant the people the right to cast their votes, and therefore, the creation of a collective understanding of each person’s rights and obligations. Even in certain cases of instability and profound institutional crisis, Bolivians registered in record numbers any time they were summoned to participate in the national elections. This sort of behavior confirms, among all Bolivian citizens, the internalization of the importance of the citizens’ rights.

As a sort of emergency response in regards to the political agreements of 1991-1992 a new political phase of the country was initiated, this included the institutionalization of the electoral system, which as a result of this process it was possible to consolidate it in a more stable manner. It was at that time, when it was decided to create a new and permanent voter registry system. For that purpose, the 1246 law of June 5, 1991 which included a particular section in regards to the creation, administration and sorting out of the votes. Article 58, of the law establishes the following: “To register in the (national voter registry) shall be deemed as mandatory and free. It will work on a permanent basis, and it shall be under the supervision of the National Electoral Court and the Courts of every Department, with the administrative support of the electoral process notaries, it shall be their obligation as well to retain, maintain and register the Public Registry Ledgers (books) and to send on a periodic basis, to the Electoral Courts of each one the Departments the listings of the registered voters,”.

The Court identified an essential need: to have a reliable registry of the citizens, and for that purpose, as it had been established before in the previous agreements, a computerized system was installed to work anywhere within the country: the computerized voter registry system. For that purpose, it was necessary to start from zero: this was started and carried out throughout the country, which included the general registry of the people, and then the registry included in the registry books was copied to the computerized data base.

The campaign was of great success and for the upcoming municipal elections (December, 1991), the registry was close to 1.7 million people, and as it has been reported by the Court, more than 80% of them participated in the elections.

Later on, once the municipal elections of 1991 were completed, the voter registry was subject to further revisions and sorting out of the registered voters, which helped to secure a more reliable registry”²⁰.

On the basis of the voter registry of 1961, the National Electoral Court was able to have 16 national and municipal elections as well as referendums, between 1961 and 2009. All such processes had high levels of security and they returned the trust in the electoral process itself, the voter registry continued to be valid over time, and it was subject to the sorting out of the voters and to the updating of the information prior to any election.

Sorting out of the people and exclusions

The 1246 electoral Law dated July 5, 1991, included a special chapter²¹, which instructed the sorting out of the voters, which would be interpreted as the exclusion of citizens listed as: **a)** Diseased individuals. **b)** People who are not citizens or whom may not be permitted to exercise certain civil rights, pursuant to Article 42 of the Political Constitution of the State; **c)** Citizens whom may have changed their address, at the behest of the bearer; **d)** Citizens whom may have been registered without a proper identification, or whose personal information were incomplete and **e)** Anyone whom may have been registered in violation to Article 60, Section f) of the Electoral Law.

Later on, on June 25, 1999, the 1984 Law was established - The Electoral Code, which largely modifies this component and it includes an article that is related to the updates of the voter registry, while establishing that: “The updating of the voter registry is permanent and it is intended to do the following: to include the information of the newly registered citizens and to secure that within the data base there is not more than one valid registry for each citizen. The updating will be done through the information, in regards to the changes of address from registered citizens, and due to the changes of existing registries”.

In regards to the exclusion, it has been established that this will include: “the citizens whom may not be able to vote, dead citizens, and those who had not voted during the previous elections, whether such elections had been national or municipal, and whom will be obligated to register once again”²².

The 1984 Electoral Law established the mandatory nature for every citizen who had not participated in the previous elections to register again. This was not applied up until the legal reform, of August 23, 2004, which included a series of reforms of the Electoral Code. This norm continues to impose the terms established by the 1984 Law, in regards to the sorting out process, while restating the actual terminology thereof. Article 70 of this law stated that: “The

www.cne.org.bo/

²¹ Electoral Law N° 1246, Articles 66 thru 70.

²² Law N° 1984 – Electoral Code of June 25, 1999, Art. 70.

citizens, who had not voted in the previous national or municipal elections, will not be permitted to vote by the National Electoral Court’.

The norm is intended to be applied as a taxing limitation in comparison to the previous one, and this yielded, as we will see later on, serious problems.

2.5.- The voter registry after the Law of 1991

In 1993 general elections were summoned once again²³ by using the new computerized voter registry, and on the basis of the laws applied to this particular process. This included the registry of 2,399,197²⁴ of people from a total of 2,968,932 who were above the age of 21, which means 80% of the people who were legally permitted 262,637 more people were registered in comparison to the previous elections. The total population of Bolivia was at that time, 6,597,627 inhabitants²⁵. The MNR-MRTKL partnership, which presented Gonzalo Sanchez de Lozada as their candidate to the Presidency, who won the elections with 585,890 votes, even though the absenteeism percentage was close to 667,888 people, the highest number registered up until that time, which would be added to the people that had not been registered within the voter registry, with a total of 1,237,623 people who were legally not permitted to vote, and who did not participate in the electoral process.

In 1997, the National Institute of Statistics had projected a total population of 7,300,441 inhabitants, 4,191,852 of them were able to vote. For the elections on that year there were 3,252,501 people registered, which means 77% of the potential voters. The voter registry had increased by 35% in comparison to the previous election, almost one million more people, and the greatest increase that could be accounted for during this stage, the explanation for the sudden surge, would be due to the reform to the Political Constitution of the State from 1994, which lowered the voting each from 21 to 18 years of age. The elections were won, by Hugo Banzer from ADN with 484,705 votes and there was an absenteeism percentage of 28%. The tendency between the participation and the dispersion of the votes, seemed to be a constant factor, as well as the absenteeism, even though the participation levels continued to increase.

For the elections of 2002 the National Institute of Statistics had projected a total population of 8,501,041 inhabitants, 4,823,436 of whom were legally able to vote. 4,155,055 of people were registered, which means 86% of the population. There was a total number of 1,160,990 who were within the absenteeism percentage, once again the MNR and Gonzalo Sanchez de Lozada won the elections and he obtained 624,126 votes. During this electoral process, the tendency was confirmed in regards to the three variables: a progressive increase in the voter registry, an increase in absenteeism rates, and the dispersion of the vote. The MNR government and its allies, MIR and NFR succumbed very quickly to social pressure, and they surrendered their presidency to their Vice President, Carlos Mesa, who eventually resigned, and he was replaced by the President of the Supreme Court of Justice, Eduardo Rodriguez, who then summoned to elections.

²³ Given that that this chapter has been drafted to compare statistical data related to the application, the results are taken into consideration from the general national elections and the referendums.

²⁴ Mesa Gisbert Carlos, “President of Bolivia, between the ballots and the rifles”, Page 192, Gisbert & Co. Pub. La Paz, 2006.

²⁵ Mesa Gisbert Carlos, book quoted, Page 192, and CNE, Statistical Bulletin N° 2 August, 2008.

In 2005, and with an estimated population of 9,427,219, there was a new electoral process for national elections. The presidential candidate of MAS, Evo Morales, was chosen as a winner with 1,544,374 votes.

In these elections, where there were a total of 5,237,679 possible voters, only 3,671,152 people had registered, which means 70%. The voter registry had decreased by more than 19% in comparison to the number of people registered during the municipal elections of 2004, which had a total of 4,544,171. The voter registry had been reduced by 872,285 people. The sorting out of possible voters, as ordered by a law issued by Congress, caused a great deal of controversy between the newly elected president, Evo Morales and the CNE. We will analyze the importance of this issue in the following chapter.

After these elections were completed, there were three referendums that were done in Bolivia 2006, 2008 and 2009. The voter registry had a variable type of behavior, because it was increased during 2006 by 0.9% in comparison to the previous elections; in 2008 it increased by 9% and in 2009 it decreased by 4%, there were a total of 3,891,397 citizens registered by January of that year. For that year, the National Institute of Statistics projected a population of 5,851,060 of potential voters, which means more than two million in comparison to the previous registry.

By December, 2009, after two months of its creation, the Biometric Vote Registry was used for the first time. In comparison to a national registry of 10,227,299 inhabitants, that had been registered through the voter registry which totaled 5,139,554 from a grand total of 6,062,060 of registered voters²⁶, which means 50% of the total population and 85% of the legally eligible population. These data indicates in numbers and percentages, that this is the highest rate of participation registered within the history of the country and perhaps the most significant within the continent. From the total number of registered voters, 4,969,487 registered in the country and considering that 169,096 had registered in Argentina, Brazil, Spain and the United States.

With a total participation of 80% of the total number of registered voters, the MAS (Movement Towards Socialism) political party, obtained 2,943,209 votes, 64% of the total votes, which confirmed the reelection of President Evo Morales for a new term of his presidency. The percentage of votes in his favor, is the highest that a single candidate had received in the history of Bolivian Democracy, compared only perhaps to the elections won by the MNR in 1956 and 1964. The percentage of votes issued in comparison to the voter registry was also one of the highest along the electoral history of the country.

²⁶ The calculation includes 5,851,060 registered voters in the country and 211,000 Bolivian people who may register abroad, in accordance to the 4021 Law. Due to a lack of data from the total population of Bolivian residing abroad, it was necessary to impose this norm the data of the total population of the country remains without any additional changes.

Comparative Analysis

CHART 1
PARTICIPATION RECORDS AND VOTER REGISTRY IN BOLIVIA
GENERAL/PRESIDENTIAL ELECTIONS AND NATIONAL REFERENDUMS 1956-2009 (1)

Year	Voter Registry	Registered Voters	Population of the Country (2)	% of the voter registry registered voters	% of the voter registry in regards to the population	Number of registered voters	% of voters in comparison to registered voters
1956	1,126,528	1,503,740	3,139,453	75%	35%	958,016	64%
1960	1,300,000	1,512,000	3,428,092	86%	38%	987,730	65%
1964	1,411,560	1,643,800	3,753,077	86%	38%	1,297,319	79%
1966	1,270,611	1,643,850	3,931,909	77%	32%	1,099,994	67%
1978	1,921,556	2,386,800	5,292,497	80%	36%	1,971,968	83%
1979	1,871,070	2,452,050	5,433,412	76%	34%	1,693,233	69%
1980	2,004,284	2,520,000	5,579,367	80%	36%	1,489,484	59%
1985	2,108,458	2,652,750	6,380,973	80%	33%	1,728,365	65%
1989	2,136,560	3,086,880	7,122,483	70%	30%	1,573,790	51%
1993	2,399,197	2,968,932	6,597,627	80%	36%	1,731,309	58%
1997	3,252,501	4,191,852	7,300,441	77%	44%	2,321,117	55%
2002	4,155,055	4,823,436	8,501,041	86%	49%	2,994,065	62%
2004 (3)	4,458,293	5,123,870	8,857,870	87%	50%	2,669,267	52%
2005	3,679,886	5,237,679	9,427,219	70%	39%	3,102,417	59%
2006(3)	3,713,376	5,384,878	9,627,269	69%	38%	3,138,324	58%
2008(3)	4,047,706	5,692,203	10,027,643	71%	40%	3,370,980	59%
2009(3)	3,891,397	5,851,060	10,227,299	66%	38%	3,511,699	60%
2009 (4)	5,139,554	6,062,060	10,227,299	85%	50%	4,859,440	80%

(1) Source: Independent elaboration from the data base of INE, CNE, Mesa Gisbert Carlos, "President of Bolivia, between ballots and rifles", International institute of Governability, Joan Prats, "Possible development, the necessary institutions".

(2) Population projections. Source INE.

(3) The four processes of national referendums

(4) Source, Final Report of the national elections, 2009, CNE.

As a general rule, the registry and participation have had a mostly stable and coherent performance all along the electoral history of Bolivia since 1956. The average mathematical mean of registered people, in comparison to the total population able to vote has been of 77%; and those people who have not registered would be approximately 23.2%.

2.6.- The vote in other countries

As it could be seen in the following graph, Bolivia is in second place among the countries with the most registered votes. The numbers show the percentage of votes in regards to the percentage of the population who is still in school, not in comparison to those who have already registered. The National Institute of Statistics made a projection for 2009 of 5.8 million people in Bolivia who are over the age of 18, and able to vote. This amount, may not be completely correct, because the initial year of calculation is much too distant (2001, when the National Census of the Population and of the Homes was completed) and it does not take into considerations migrations abroad, nor does it include the population that already lives outside of Bolivia, and stipulated as an emergency case included within 4021 Law, for the people who are legally permitted to vote, however, it is the only official calculation of the Bolivian population eligible voters.

In January 2009, of the 3.5 million people who voted in the referendum to approve the New Constitution, which represented 60.3 percent of the population, one of the lowest within the

region. However, this percentage was increased in a significant manner in the elections of December, of that same year, by reaching to 80% of the total population, which places our country among the nations with the most participation in national elections in the world. While taking into consideration these data, including the numbers mentioned within the chart, Bolivia is among the countries with the most participation in the American continent (7 from 17)

Several studies, establish a pattern which relates economic and social development and the democratic indicators. The chart seems to show, in a very general manner, that the first countries that have electoral participation are within the Northern part of Europe, and they are among the most developed countries in the world as well.

Country	Votes/population ratio
Uruguay	91,7
Belgium	86
Iceland	84,6
Ecuador	84,1
Brazil	83,5
Netherlands	83,4
Denmark	83,2
Peru	83,2
Nicaragua	80,8
Sweden	80,5
Panama	80,3
Bolivia	80
Finland	77,5
Spain	77,1
Venezuela	76,3
Argentina	72,2
Portugal	69,2
Chile	66,4
Costa Rica	63,9
Mexico	63,6
Honduras	60,5
USA	58,3
Great Britain	58,3
Guatemala	57,2
Canada	53,5
Haiti	47,7
Paraguay	45,9
Colombia	39,4
Switzerland	39,8

Source: “Idea Internacional”. All of this data includes the information from the last few years. For Bolivia the data that was used included the information from December 2009, at which time the last presidential elections of the continent were carried out.

CHAPTER 3.- THE POLITICAL FIGHT OF THE NEW VOTER REGISTRY

3.1.- José Luis Exeni, the epicenter of polarization

José Luis Exeni was at the center of one of the most polemic struggles of the National Electoral Court, from its very institutionalization. This journalist and member of the national media, who has a master's degree and a doctorate from FLACSO, Mexico, was the focus of most of the political polarization that the country has lived in recent years.

Exeni was stigmatized immediately after having been appointed as a speaker of the CNE, dated January 8, 2008, by President Evo Morales. The criticism was caused initially due to the contents of a blog, which he had published in the internet and the claims that he had to defend certain actions taken by the government, while criticizing the opposition. As the months went by, the accusations against him began to build up, especially the attacks from the media, which were rather serious and they began to be excessive and often unfounded.

Exeni, also represented a second phase in connection to the discrimination within the electoral system. The initial impact was focused on Salvador Romero Ballivián, who was also appointed as a spokesperson by President Carlos Mesa. When Romero Ballivián was named, in January 2004, certain members of the press and political leaders; reminded the public that he had worked as an advisor to the former president of the republic, Jorge Quiroga, even though this would not legally limit him from occupying this position. After a polemic argument that lasted for several weeks, his term was free due to further criticism for almost two years, up until the elections of December, 2005.

The very night in which Evo Morales won by a sweeping difference, 53.7 of the national votes, the newly elected national president, voiced very strong and damaging statements against the electoral system. Most of this was based on the fact that thousands of people in Bolivia, were unable to vote, due to the exclusions imposed that limited a certain percentage of the population from participating in the electoral process, as we had explained in the previous chapter. For example, any one who had not participated in the previous elections were not permitted to vote, while the campaign of the CNE had not been very clear about this sort of limitations, this was a fact that had misled a lot people who in the end were unable to vote.

When the people went to participate in the suffrage process, and discovered that they were not permitted to do so, there was an enormous amount of protest; Evo Morales believed that this was a maneuver by the opposition to decrease the total poll of possible voters and to reduce his margins. The American States Organization established that 872,275 voters had been kept from participating, which represented an elevated 19% in comparison to the previous elections²⁷. This seemingly exaggerated measure was in response to the Electoral Code of 2004, as we had seen in section 1.4 of this document, and it had established that limiting certain citizens who had not participated in the previous elections of 2002 will not be applied, until the following elections,

²⁷ OEA, "Informe de la misión de observación electoral en Bolivia, elecciones presidenciales y de prefectos 2005", Washington, 8 de mayo de 2006.

which was during the elections of 2005²⁸. This fact meant an increase in regards to the normal number of registered voters for 2004 and, therefore, a surge in the total number of non-registered voters of 2005. However, this issue was not communicated effectively enough and generated serious reactions.

Although Evo Morales had just won by the greatest margin in our history and since the recovery of democracy, that night he verbally attacked the Court, by saying: “Instead of keeping the people of this country from voting, the people from this country should keep the members of the National Electoral Court from limiting their rights. If I were a member of the National Court, I would be ethical, and I would resign to the post, If I were the president of the Court, I would be writing my letter of resignation right about now”, as he spoke to his sympathizers at the 14 de Septiembre Village.

One month afterwards, Morales, during his presidential address, he said to Congress: “I would also like to tell you, that regardless of this unfair and illegal sorting out of the people, as it has been done by the National Electoral Court, you Honorable members of the National Electoral Court, shall not dare to extend your crime against our democracy. That will not happen. We are working on the strengthening of democracy, there are so many documents that are being provided to me, and I am receiving so much information about the illegality of your actions. But regardless of your actions, the people of Bolivia have demonstrated through democratic elections, to use democracy to change the current economic and social problems of our country”²⁹.

Romero, who was appointed as president of the CNE after four months, once the President of the Court Oscar Hassenteufel, had resigned to his post, he was the target of much attack by the government during 2006. Several high members of the presidency, starting with our president himself, Evo Morales, insisted in demanding his resignation, but he never did.

Prior to these critical episodes, the National Electoral Court and, in general, its presidents had remained at a distance from all critical attacks from the government, including all of their previous elected officials. The Court had become an institution that could be relied upon, with the exception with some candidates who had obtained lower results than anticipated. December of 2005, however had become an unfortunate period of time fed by enormous controversy and attacks by the Court, in an attempt to destroy its credibility. Initially, there was the government of MAS against Oscar Hassenteufel and Salvador Romero and then there was the opposition against Exeni.

Exeni performed his duties at a moment when there was the most political confrontation, especially since the recovery of the democracy: during this term the regional disputes had worsened as well, then the referendums for each of the departments of the country were organized, and the revocatory referendum was carried out, then there were the violent confrontations in Pando and along other departments of the country within the East and South of the nation, and the elections were organized to approve or reject the new Constitution.

²⁸ 2802 Law, dated August 23, 2004. FIRST TRANSITORY SOLUTIONS. The solution established in section f) of Article 70° of this Code, will be immediately applied once the Municipal Elections were completed in December, 2004.

²⁹ www.presidencia.gob.bo.

3.2.- The autonomy referendums without the authorization from the Court

Within the guidelines of the Prefectures of four departments, which were considered at that time as members of the opposition against the government, it was then decided to organize autonomy referendums. The constituent courts from each department accepted to manage the elections, regardless of the opposing position by the Grand Council of the National Electoral Court. This situation had never happened in the past, a sort of rebellion against the courts from the departments.

The Grand Council of the CNE imposed three conditions to properly complete this consultation process: initially there had to be a law approved by Congress, then there had to be a minimum amount of funds within each budget to properly organize this process and finally certain reasonable periods of time had to be established³⁰.

While ignoring the instructions of the CNE, on January 31, the Prefect of Santa Cruz, Ruben Costas, summoned to a de facto referendum in his Department, on May 4. He did this by gathering 103 thousand signatures for a special commission of the National Electoral Court of Santa Cruz. The civic leaders of the “Media Luna” (Crescent Moon) (which was the nickname given to the departments that formed the opposition against the government of Evo Morales) rejected the request issued by the CNE including the specific instructions to suspend the public consultation itself, while taking into consideration the 2769 Law for the summons of a referendum. They argued that they had collected signatures that represented more than eight percent of the voters, and that this in itself was sufficient legally.

However, the law is a lot more complex than that. This is the analysis produced by the CNE at that time:

Article 6, Paragraph III of the 2769 Law (Referendum Law), estates that if there is not a government within a given department chosen by popular vote, the referendum for the department shall be summoned by the National Court based on a voting majority of the present members. In that same regard, the First Article of the 3835 Law dated February 29, 2008, which is intended to interpret Article 6, Paragraph III of the 2769 Law, interprets that: “If there are not Department Governments, which are understood as governments formed by executive governments and deliberating entities chosen through popular vote, within the terms of the Department’s Autonomy, which shall be directly summoned by the National Congress”.

In accordance to the previously cited law, the prefects of each Department are not legally permitted to summon to a referendum within any department, if there are not within the Departments the necessary executive entities and other deliberating entities, created to deal with the proceedings of popular vote, in such cases it would be deem that there are not any “Department Governments” as it is the National Congress the only entity from the national government entitled to summon to a Department Referendum. In such regard, in reference to the previously mentioned for the Department Autonomy in Chuquisaca, the National

³⁰ Peñaranda, Raul, “From conflict to dialogue, Memoirs of the constitutional agreement”, Chapter “Chronics of the constituent process”, FBDM/FES-Ildis, La Paz, March, 2009.

Electoral Court had already issued a request to summon the Honorable National Congress through an official notice (oficio1) PRES–SC–0154/2008, dated March 14, 2008³¹.

Given the fact that there are not at the departments the necessary deliberating entities, chosen through popular vote, it was not possible to summon to a referendum, as it was stated by the National Electoral Court. Regardless of this order, from May 4th, the referendum was carried out in the Department of Santa Cruz. The “Yes” answer won overwhelmingly. Finally on June 22, the people from Tarija approved the autonomy decision, through a new referendum.

In contrast to all of the previous information, related to the term of Exeni, in relation to a possible lack of independence by the national government, two of the important decisions, were in direct contrast with the decisions issued by the executive branch. The first one was in March of 2008, when at that time, the referendum for autonomy in each department was rejected, and it was ordered as well the suspension of the referendum that the national government wanted to carry out to support and approve the new constitution. The Court stated that in order to summon the nation to that referendum, it will be necessary to have a law issued by Congress and a supreme decree would not be acceptable. The government complied with the request from the CNE.

The second one was issued in September of 2009, at which point the government had called through a supreme decree to have the annulment referendum and ratifying referendum of the new constitution of the state and the elections for Prefects for the Departments of La Paz and Cochabamba and Sub-Prefects and Councilors within every Department of the country. The National Electoral Court rejected this summons and it announced that it will not administer this process as long as there was not a specific law issued by Congress.³²

The resolution of Grand Council stated that: “It is ordered to suspend any organizational order and the execution of the national annulment-constituent referendum, in compliance with Article 398 of the Political Constitution of the State, and of the approving referendum, of the Political Constitution of the State, up until the date in which a summons law will be legally adopted and applied, in regards to the referendum processes pursuant to the constitutional requirements needed for the validity and application, of any given law, (...) if there were not any solutions reached to solve these legal issues, the National Electoral Court, will not be able to administer and execute, the electoral process and of ratifying referendums summoned through the Supreme Decree 29691”.

This decision forced the government to start a long process for negotiations with opposing members of parliament, syndical leaders and authorities from the prefecture, to approve the new terms of the Constitution, and by two-thirds of the votes of congress, it was possible for the terms to be approved by October of 2008, by parliament itself and in January, 2009, through a referendum, which was summoned through the issuance of a law, as it had been requested by the CNE four months prior.

The decisions issued by Exeni, which were the same as the ones issued by the government, were especially connected to the rejection to the autonomy referendum process, but as we had seen, this was done in strict compliance with the law that states that: “there should be deliberating

³¹ Erbol Agency, March 2007, Peñaranda, Raúl, op cit.

³² Fides virtual, web www.fmbolivia.com.bo.

entities” in each one of the departments. The criticism in regards to whether the previous voter registry had been “inflated” were also rendered null, as the results of the biometric voter registry of 2009 swept completely all existing doubt.

A juridical-basic analysis shows that the decisions issued by the CNE, in each of the previously sighted cases, would affect the intention of the government as well as that of the opposition, which complied strictly to the legal ordinance, including in those cases in which this was subject to diverse forms of interpretation. It is also important to note, that due to several resignations from its members, and to the incapacity of the legislative branch, to select their own members, the Constitutional Tribunal, which may have riled in this matter especially in regards to legal issues that were being debated was eventually dismissed.

Parallel to all of this, the opposition and certain political analysts had incorrectly used a statement that Exeni had issued to the Senate. At which point he accepted the possibility that a 30% of registered voters, who had their own mandatory military service card, would be allowed to register once again, simply by using their identification cards. The Senators from the opposition pointed out that Exeni had recognized that “30 percent of the voter registry had certain flaws”. The National Electoral Court sent press notes and had issued statements to clarify certain misunderstandings, but the analysts and the opposition simply ignored all such statements. The most noticeable of all these analysts, who shortly became a candidate to the presidency, was Jimena Costas. The Court was unable to avoid for the mistake to become, after some months had passed by, to seek for the “truth”. Jimena Costas continued to use the same argument, while even requesting for the elimination of 700 thousand registered voters, of the entire 2009 term. ‘El Mercurio’ a newspaper from Santiago, Chile published a statement to clarify this information³³:

“The National Electoral Court of Bolivia denied today that 30% of the voters’ registry had any problems, which would question the results of the national electoral process programmed for December 6.

“The Court had not indicated at any time that 30% of the voter registry had any problems at all, this is completely false”, this was the official statement provided by the President of the Court, José Luis Exeni. He declared that “there had been certain political handling” in regards to the explanations provided about the voter registry offered last week by Congress which the opposition had claimed that there was an enormous amount of irregularities.

Exeni claimed that he had explained to the members of parliament that 700,000 cases could be registered once again; as such cases did not constitute “irregularities or anomalies”. These cases correspond to people registered with a single form of identification, for example, a passport or mandatory military service card, or they may even be people who have “perfectly identical or homogeneous names”.

This is the opinion of Exeni: “It is not true that the CNE had “admitted” that there have been any irregularities within 30 percent of the voter registry, or worse, as 30 percent of the voter registry may be compromised or “contaminated”. This information was maliciously spread by a single delegate from the opposition and then it was reproduced through the media, without answering to

³³ www.emol.com/bb/detalle.asp?idnoticia=353242.

the responses provided by the CNE. As a direct result of the work meeting that the CNE had with mixed commission of the Congress the Law of the Transitory Electoral Administration Law was discussed. At that time, the opposition had developed its request to “re-register the voters”. Based on detailed information, it was possible to demonstrate that the technical and administrative terms were required, and for that reason the re-registry of the voters would not be possible, for the elections in December. It was also shown that it did not clarify the existing doubts which emerged in regards to the voter registry, (identification cards with repeated numbers, identical names, voters registered without adequate supporting information, within the civil registry, people registered with the mandatory military service card,). That was a sign of transparency and honesty, and it had been done in an attempt to simplify the process, and to come to an appropriate political agreement, to approve the Transitory Law, it was then decided to review all of the existing registry (close to 700,000) of registered voters whom may be considered to have a suspicious form of registry. But it was never assumed that such voters could have any problems, and it was not a matter of whether the registry was done in any irregular manner. An example was that, the registered citizens, who had presented their mandatory military service cards, which was legally permitted in accordance to the Electoral Code, may not be considered as “irregular citizens” or people whom may have a trouble registry³⁴”.

Jimena Costas and everyone who had attempted to take some political advantage due to the 30% of voters who had been regarded as “contaminated”, did not take into consideration, that at the beginning of the voter registry, in 1991, there was the same percentage of people who had been sited and whose identification had not been duly issued by the Civil Registry service. But strong criticism arose and claims that these irregularities had started within the administration of Exeni.

Whatever the case may be, the administration of Exeni has been considered as one of the polemic by a president of the CNE. Without a doubt, it will be remembered by one of the administrations that had been the center of much controversy by the media as well which deeply affected its credibility. His administration was further weakened until he was forced to resign on April, 2009. Further on we will analyze details about his resignation.

3.3.- The last days of the old voter registry system

During the 18 years in which the voter registry was valid, 16 electoral processes or elections were completed: five municipal lections (1991-1993-1995-1999-2004), four general elections (1993-1997-2002-2005) and prefects’ elections in 2005. There were also four linked referendums: July 18, 2004, about policies related to energy resources; July 2, 2006, about the departments’ autonomy; August 10, 2008, Revocatory Mandate; and on January 25, 2009, the annulment referendum and the approval of the final version of the Constitution. The voter registry was also done for the election of the members of the Constituent Assembly, on July 2, 2006, and the election of the Prefect from the Department of Chuquisaca, on June 29, 2008³⁵. While this was not free of criticism, and doubt, the voter registry was well regarded and it was considered as a reliable system, during most of its history, partly due to the prudent and responsible performance of the National Electoral Court which had considered the voter registry as one of its most important administrative instruments within any electoral process.

³⁴ Exeni, José Luis, interview through a written survey. November 2009.

³⁵ www.cambio.bo/noticia.php?fecha=2009-08-31&idn=6676.

However, the voter registry still had certain internal flaws, which were not corrected on time, and they were related to the errors that had occurred during the identification process, at the hands of the National Police.

The observations and the initial criticism against the voter registry

In 2003, a study called: “Possible Development, the necessary institutions” sponsored by the United Nations and coordinated by Joan Prats about the institutional development in Bolivia, and it included in its diagnosis certain elements related to the mechanism of the voter registry when referring to the electoral system of Bolivia:

“There are still pending certain issues which must be confronted in effort to improve the quality and credibility of the electoral system... it is specially important to mention three issues which are still pending: i) a significant amount of abstinence even though the vote is regarded as mandatory; ii) irregularities within the national identification and the voter registry systems and iii) weaknesses within the control and administration of political propaganda.

A significant sector portion of the Bolivian population has not been identified within the civil registry system, nor have they been included in the voter registry system, which limits their right to participate in the elections. Even though we may not have exact numbers, the estimates that haven shuffled range at about 10% amongst all of the Bolivian population, these would be people who do not have proper identification, and who have not been included in the voter registry system. The main explanation that could be offered about these identification problems could be based on the following two facts:

- Even though the law establishes that the identification service should work in combination with the voter registry, under the supervision of the National Electoral Court, the national identification service is still a responsibility of the Police Department, which is unwilling to resign to this function, as it economically relies on the enormous amount of money generated by this activity. In such regard the administration of the civil registry and of the voter registry, are being entrusted to two separate institutions, which hinders the actual control and follow up of the identification work.
- Secondly, the software system used by the National Electoral Court is, in the opinion of one of the interviewed subjects, ineffective in regards to the processing and control of identification data of each citizen. It is not unusual (...) that a recent mission from the American States Organization had proposed to have the need to clean up the voter registry system, while introducing a more accurate computerized system”.³⁶

This analysis coincides with the fact that the former voting member of the National Electoral Court, Jorge Lazarte, who was mentioned in the diagnosis provided by the CNE in regards to this particular problem, who pointed out that:

“The problem is basically that the data included within the voter registry does not match the data included within much of the identification of the people. All of it is closely related with the cleaning up of the voter registry and its overall reliability. There are several problems in this regard which involve various areas, which produce a final distortion of all the facts”³⁷.

³⁶ International Institute of Governability, PNUD, Generalitat de Catalunya, Joan Prats, Director of Diagnosis, “Possible development, the necessary institutions”, Pages 183 – 184, Edit. Plural, La Paz, 2003).

³⁷ Lazarte Rojas, Jorge, “Between the issues of the past and the uncertainties of the future”, Pages 252 thru 259, Ildis, Edit. Plural, La Paz, 2005.

- Errors committed by the notaries within the registry.³⁸
- Mistakes in the information itself
- Flaws within the sorting out process.³⁹
- Mistakes within the Civil Registry.⁴⁰
- Duplicates of the identification documents.
- Mistakes within the registry of identification documents.⁴¹
- Lack of articulation among the various institutions who issue the identification.⁴²
- Negligence by the voters
- An over-scaled voter registry system.⁴³
- Changed addresses which have not been included.
- Prohibiting the movement of vehicles, trips over large geographical areas, excessive distances and insufficient information.⁴⁴

These and other flaws which did not have a very effective solution, mostly due to the crisis of the system, which in turn it had also affected the voter registry system, all of these problems have been building up over time, especially in recent years, including the constantly growing criticism by the political sector and the leaders of national media, who were keened to slowly but consistently attack the soundness of the system itself. By destroying the trust in the system, what they were actually accomplishing was a reduction in the credibility of the public in the results of the elections and the total number of votes obtained by MAS since 2005.

3.4.- Free identification

On March 6, 2006, the government issued the Supreme Decree N° 28626, which was intended to create the "Free Identification Program for all Bolivian Citizens " and its objective was to "assure that every Bolivian man and woman along the country side or in the cities to obtain their own identification card to be able to be included in the Voter Registry⁴⁵, to comply with all of the obligations established by law"⁴⁶.

The juridical instrument had also declared that the program "of public interest and national priority" and it directly instructed these facts to the Ministry of Government. Without relying on any regulating norm, it establishes that "the issuing of the identification card will be done by simply verifying the Civil Registry data base, without any further need to present a birth certificate or any other form of identification". The decree included in several of its

³⁸ Lazarte considers this issue to be erroneous in comparison to the information included in the documents used to register each citizen due to negligence or defaulted education of the notaries, while stating the fact that many times they would transfer the registry work of relatives and employees. It pointed out flaws within the process to select such employees as a more damaging element.

³⁹ He pointed out that the sorting out process is combined; it is partly done by hand and partly automatic. The latter is more likely to have mistakes because it could directly eliminate a considerable group of people in a single instant, which seems to indicate that the software system is not the most adequate and modern.

⁴⁰ In regards to a report from the American States Organization, Lazarte antions the mistakes detected and he attributes this to the Civil Registry and they add up to 30% from the total number of people registered in the Murillo Court of Law, although he clarifies that this problem started at the time in which the institution was not under the supervision of the CNE.

⁴¹ Aside from these publications, there were flows in the manual registry of data which was included in the identification documents, which were regarded as problems caused by the National Police Force.

⁴² He mentions the existence of three organizations of data registry: the police, the CNE and the Civil Registry system, which do not articulate the work properly enough, therefore these three sources of information which would be processed by a single person.

⁴³ Mainly due to the lack of the updating of information of dead people

⁴⁴ This is actually related to the votes, even if the voter registry system would be recovered, because the people who do not execute this right they may not be included within the voter registry in the following elections, which would generate absenteeism or the sorting out of the people.

⁴⁵ The identification card is the main source of information required for the electoral voter registry, although people may register by presenting their military-mandatory card or their passport.

⁴⁶http://www.cne.org.bo/RegistroCivil/documentos/compendio_normativo/DECRETOSUPREMO28626_6-3-2006.pdf.

considerations, that its objective was mainly to improve the voter registry system, while including at the same time that the Civil Registry was unable to register people who lived in rural areas and Native American communities. Based on this norm, the government started a process for the massive issuing of identification cards, especially in rural areas, where there is not any control or coordination with the Civil Registry service.

There is not a unified consensus about the exact number of identification cards presented through this program. The person who is in charge said that 173,000 cards had been presented, but the Electoral Observation Mission from the European Union, said that there were 400,000 cards that had been presented, including children. By March, 2009, said Mission presented a report to the CNE about the annulment referendum, which stated: “that the program of “free identifications” was independent to the electoral administration and it was administered by the Ministry of Government. Its modus operandi lacked the necessary transparency in regards to the processing of all of the gathered information and the methods applied to the filing of the same. The “Free Identifications” program started at a very slow pace in 2006, but as the referendums approached, they had quickened their pace, and within a very short period of time they presented 400,000 identification cards to the people, including children”⁴⁷.

Regardless of these numbers, and without any logical basis in regards to the total number of people included through the voter registry (because it had been considered that it would not be correct for all of the identifications cards to be presented in an irregular manner), the free identification program suddenly became one of the main arguments used by the opposition to disqualify the voter registry by indicating that the government was presenting the identification cards in a very indiscriminate manner, in an effort to create a fraudulent process. The claims and possible evidence of these actions were insufficient to initiate an investigation, but they did generate enough doubt about the general transparency of the program and this was the main argument used to claim that the high number of votes from MAS had been attained through various fraudulent methods. The free identification programs continues to be carried out, although it is done in a more discrete manner.

3.5.- Referendum of 2008 and the voter registry audits

On May 12, 2008, Congress approved the 3850 Law, to summon to a mandate rejecting referendum, which included for the popular vote for the president to retain or to resign to his position as President, which included the Vice-President and eight department prefects (the prefects from 8 departments except Chuquisaca, whom had just been elected). This was perceived as a political maneuver to elude a conflict, which, in the long run, was a very advantageous action by the government, which had been cornered by a fierce opposition.

The referendum was done on August 10, 2008 and it yielded with the re-election of the President and the Vice-President, by a sweeping 67% of votes in their favor, the highest electoral victory for Morales during his first term. At the same time, two prefects from the opposition were revoked.

Regardless of the reports from various international entities about the overall reliability of the voter registry, the National Electoral Court had been subject to a political tie due to several

⁴⁷ <http://www.scribd.com/doc/13672355/INFORME-FINAL-Referendum-Nacional-Constituyente-2009>.

irregularities that had been publicly claimed, including votes casted by dead people, replacing of votes, selecting certain people while they would ‘sorting them out’ within regions where the opposition had greater presence and registry without the supporting information from the Civil Registry. Even though the number of cases was not significant and it did not affect the general and final results of the elections, these claims had enormous impact through the media.

The situation became more complicated during the months after the elections, when certain presidents and voting members from the department courts and even the vice-president from the electoral system, Jerónimo Pinheiro, questioned the means applied to sort out certain voters prior to the elections. .

“This is a dirty voter registry, and it must be cleansed”, said Pinheiro.

As we have seen, since 1991, close to one third of the voter registry has had the registry of people who lack the necessary support from the Civil Registry. In Santa Cruz, the President of the Court, Mario Orlando Parada, informed that there are 156,151 registered people within the voter registry, who had not been found in the national data base of registered voters of the Civil Registry Service. This meant that they had an identification card, or mandatory military service card, but they did not have a birth certificate.

Zulema Gutiérrez, from the Court of the Department of Beni, requested a meeting with the national administrator of the court to deal with the matter of the voter registry. She explained that in Beni a total of 148,780 people who had been included within the last process, 51,550 people had not been included in the data base of the Civil Registry.

Tania Alvarez, voting member de Chuquisaca within the area of Citizens’ Education, agreed with the idea that the voter registry needed to be audited. “The voter registry has been contaminated by external agents who are not related at all with the electoral organism such as the Ministry of Government, who are in charge of identification issuance”, said the educator⁴⁸.

The answer from the Court was to accept a technical audit of the voter registry, which was something that was constantly requested by the opposition as a condition to accept the annulling referendum of 2009. The audit established that: “The level of reliability that we have found within the Bolivian voter registry system is above the overall reliability that exists in similar international systems and it is close to 95% accurate. While bearing all of the responsibility and based on all of the statistical background we can confirm that the Bolivian voter registry system, is reliable, there are not any statistical doubts, nor any sample questioning, or mathematical errors, which would indicate otherwise”, this was the testimony of the Director of Electoral Issues of the American States Organization, Pablo Gutiérrez⁴⁹. Some time before the audit, a team of presidents of electoral organizations within the continent, members of the Council of Electoral Experts of Latin America (CEELA) had arrived to similar conclusions, and it had qualified the system as “the most reliable in Latin America”, with a reliability percentage of 97.66%⁵⁰.

3.6.- Constitutional referendum and the dismissal of the voter registry

⁴⁸ El Nuevo Día Newspaper, October 7, 2008.

⁴⁹ La Prensa, December 10, 2008.

⁵⁰ ERBOL, digital newspaper, www.erbol.com.bo, August 4, 2008

Amidst an increasingly conflictive scenario which threatened to destroy the electoral system, on October 21, 2008, National Congress sanctioned the Law for the Summons of the Annuling Referendum and the Ratifying Referendum intended to adopt or reject the new Constitution.

The electoral system was going through an institutional crisis which was expressed in the protest against several presidents of the Departments' court, as well as the inaccuracies of the Grand Council and the ever growing resistance against certain political and civic sectors who were against the administration of José Luis Exeni.

The Court executed the phases to include the registry once again and to sort out the voters within the voter registry, which was used during the previous referendum a few months prior for mandate revocatory referendum and it included a total registry of 4,047,706 people. The Electoral Court informed that such people were permitted to vote, by January, 2009, a total of 3,891,397 citizens. The process included the registry of people who were already 18 years old prior to January 25, the new registry of those who had been sorted out and not permitted to vote, including people who had changed their addresses and those who had not registered, and dead people as well as any one who had not voted in the previous elections in 2006.

After the referendum, 61.4% of the voters approved the new Constitution and once against much protest from the opposition emerged about certain accusations related to fraud. The complaints were mostly the same, as those of the previous process, while including the increase within the voter registry along the departments who were regarded as sympathizers of the MAS, while there was a decrease of registered voters among the departments who were against it.

3.7.- The Euler project

Parallel to all of the political debate about the new voter registry system, the National Court was working on something called the Euler project. The former president of the electoral institution, José Luis Exeni, regarded it as a “fundamental base” which would be necessary to construct the new voter registry process following the approval of the 4021 Law⁵¹. The design was at the hands of a software engineer, Marcelo Villegas⁵².

But the Euler project had certain terms which were not in compliance with some of the existing and urgent political problems of Bolivia. While the opposition was struggling to obtain a biometric voter registry system as soon as possible, even if this would delay the up coming elections, if necessary (or perhaps enticing for a delay), the electoral system was working to complete the registry by 2011.

By September, 2008 there was a project and during the month of March of the following year the second phase was announced. It included as one of its prime objectives, the photograph of every voter included in the voter registry and to use this very system in any country where there were

⁵¹ Exeni José Luis, interview through a questionnaire by the authors of this book, November 2009.

⁵² Even though Exeni regards the Euler project as a “fundamental base” for the future biometric voter registry, the national director, Luis Pereira, completed a logistics plan without taking into consideration its characteristics. The Euler Project was very important Costas said, in regards to the understanding of biometric technology. He said: “We had a developed platform, a development reached within the organizational sector, as well as within the theory of Euler. This is a work done by emeritus technicians, young people who developed all of this, but it is time to take a decision, once the law could be changed, we would have to change the whole theory” (interview during the news program “At sight”, hosted by Juan Carlos Arana Channel A. the interview had the participation of Mario Cañipa. The program was broadcasted on October 10, 2009).

Bolivian people currently residing. Within the proposed plan, it was announced that the safety and control measures will be applied with the voter registry system by applying a process that would be regarded as “the intelligent use of technology”. The statement presented to the press by the CNE indicated that it was seeking to “bring to all of the people the absolute certainty in regards to reliability and availability of this system in an effort to include all eligible potential voters”. It also added, in contrast to the protest from the opposition, that “the concentration of this project shall comply with the deadlines and technical procedures established for this particular procedure”⁵³. It was, at that time, prior to the voter registry process that the project itself seemed to be much too ambitious in regards to the amount of technological resources that the CNE would need to face, since the recovery of the democratic process in 1982.

The work itself would be done in six phases distributed between 2009 and 2011, and in accordance to the following description: one, transmitting the basic concepts, strategy and logistics; two, preparation; three, voter registry within the new electoral-voter registry system; four, massive issuance and distribution of voter-registry identification cards; five, operation of the transitional process of the new voter registry system; six, regular operations, or the official start of the new voter registry system.

The Euler project included the reengineering of the national voter registry system, as well as the implementation of a new generation of computerized forms which would work in support of the new of the voter registry system, the inclusion of biometric information which would include the signature, photograph and finger print of each registered voter, including the modernization and standardization of certain concepts and processes associated to the electoral process, and the application of the vote abroad.

The plan was based on certain principals aimed towards the universality of the system, which would enable all legally eligible voters to participate in the process, but the process had to be accepted by the citizens themselves, the political parties and the candidates who had to believe that this voter registry was legitimate and safe, and it had to be properly guaranteed in all of its working stages: gathering of the information, administration, management and filing of the information; and the reliability in the voter registry system, must be considered as sound, accessible and reliable⁵⁴.

The actual operation of the voter registry in accordance to the plan was based on technical concepts: the voter registry system will be running on a permanent basis, the voters will be presented with their voter’s registry card, it will have sound and complete security and the registry itself will include demographic and biometric information of every voter.

The registry process would be carried out in three areas: urban, rural and abroad.

The urban registry will be done at various spaced dates which would be determined alphabetically by the first surname of the people, which meant, that each citizen, in accordance too the plan, needed to register in accordance to a established schedule divided through an alphabet based listing. This operation would also need to be done by various officers from the Voter registry service, whom would be hired on a timely basis. This idea was eventually

⁵³ CNE, bulletins section of the web page: www.cne.org.bo.

⁵⁴ Press note.

discarded to apply a new strategy, but the strategy initially drafted for the rural areas continued to be applied, as follows: registry brigades will be in charge of the registry through previously approved scheduled visits. This work will include the support of central farmer association and general administrative units.

The average time for the registry of each citizen ranged at about eight to ten minutes per person, within urban areas and 15 to 20 minutes in rural areas.

The Euler project was placed, for the rural area, to be completed within 370 days, with the participation of 300 Civil Registry officers, who would register 8,700 people per day.

3.8.- Methods used within the Voter Registry System

The Euler project, and the project that was eventually started, included the following: finger print, signature and photograph. We could analyze each one: finger prints are probably the most significant and widely method used to identify any individual within biometric systems and it is a method that retains a great deal of specific data. Given its simplicity and proven security and its overall acceptance by the public, it s one of the most common methods amongst most countries. This was a method that had been used before our system became a computer based service. The finger print scanners worked basically on a series of laser beams that would bounce back from each finger and register the information, and then this information is registered through a computer with a registry of the information. This allows the reader to create an image of the finger, which would be transmitted through a biometric software program. The process changes the lines into algorithms, which the system compares and then it eventually matches any possible duplicates.

The signature is also a biometric trade, including the surface in which it is signed as well as the pen that may be used, which may include various specific traits, the sensors of the system would measure certain characteristics which go beyond the shape or overall appearance of the signature: it would also measure the pressure over the surface of the paper, the angle at which the pen may have been held, etc.

The photograph, the identification system based on the faces of individuals, is perhaps the easiest to comprehend, because it is the most direct manner to identify any person. The methods used to recognize faces, go beyond simple visual recognition and contrast. In fact, the system would help to measure the distance between the eyes, and in regards to the nose, lips, etc, it forms “triangles” which then are changed into algorithms and whenever they are compared, it finds the appropriate matches.

Biometrics' background history

Two decades ago an international debate started, although it is still a matter of much dispute, especially the issues of biometrics as a security system. What seemed to be an initiative that would revolutionize all systems of identification and it would provide security systems, to prevent fraud and illegal replacement of information, it met enormous criticism that claimed that biometrics could not be applied to identification registry, and it classified as a dangerous methods to identify and control people.

In any case, the overall safety that may be attained was more attractive and there are many countries that have already implemented the process of biometric methods for identification, including the civil registry of the population, while overseeing the legal use of this method and the proper handling of the information.

The most important example perhaps is India, which in June of this year, it had announced the implementation of biometric-universal identification cards, which until 2011, will include the registry 1,200 million citizens.

In Europe, there is much debate of the application of this technology to be included in passports and the registry of immigrants, to prevent the replacing of information and as a preventive measure when facing issues related to terrorism. This idea is being developed at then moment in the United States of America.

Among many African countries, there are processes currently in place to distribute biometric-identification cards, to various towns, although this has shown varying results. Several countries within this continent have used the biometric identification cards for their electoral processes.

Mexico is also applying an identification card which includes several biometric methods, even though the biometric voter registry within this country has been fully completed, after a process that lasted for five years. In Chile, in 2002, a centralized identification system was implemented, which is which is regarded as a biometric method. And in general, most of the developed countries use a biometric system for most, if not all, elements that need to be included in the registry of citizens.

Biometrics and the electoral process

The usage of biometric technology within the electoral processes is relatively new in the world and there are a few countries that have incorporated this method in a direct manner within their political processes. This matter is closely related with the registry system established in accordance to the administration of several countries and it is connected to debate associated to the privacy and the usage of the information and the overall identification of the people.

In countries such as Argentina, Ecuador, Costa Rica or Panama, the registry system is automatic, which means that it is not necessary to have a previous process to register voters, prior to any electoral process, and in such regard the voter registries closely linked with the voter registry. But in nations such as Bolivia, Brazil, Chile or Peru, the voter registry system works separately from the registry of the people, and this is the reason why it is necessary to have specific methods for the registry of the people at every separate instance.

In America, only Mexico and Haiti have biometric-electoral voter registry methods, while Dominican Republic and Brazil, are slowly implementing this system. Political authorities from Argentina and Chile, based on the Bolivian experience, have expressed their intent to develop a project that would include the biometric voter registry system.

Biometrics in Bolivia

For over 80 years, the National Police Force has been using the manual biometric system to register people, and to issue their identification cards. This system which has proven to be

obsolete and permeability is still in place in our country, even though the national administrator of identification of said institution had recently declared that this year the unified method of biometric identification⁵⁵. The registry would also include finger prints, photograph and a digitalized signature.

In the last few years, certain financial institutions had already included the biometric system, to service their customers, and there are tens of small companies which have been using this method for personnel control and to allow access for their companies, this happens due to the production and commercialization of biometric equipment at a low cost which allow companies to have access to this sort of technology without having to invest much.

At the beginning of the year 2000, the government through a law, it started the system for national identification registry, (Registro de Identidad Nacional (RIN)), which sought to provide identification cards to the people of Bolivia, while taking this responsibility away from the National Police Department. The project was suspended during its planning stage due to much pressure by the authorities who administer the Police, whom did not want to loose control of the identification process.

⁵⁵ http://www.la-razon.com/Versiones/20090506_006719/nota_247_806917.htm.

CHAPTER 4.- CONGRESS DEBATES OVER A TRANSITORY LAW

4.1.- Parliament caught at a gridlock due to the biometric voter registry system

Jose Luis Exeni had permanently sustained that the Biometric Voter registry could not be included in less than two years. The following facts were argued: in general, they claim that this process had taken a very long time in other countries. Exeni had received some technical counseling and assistance from the Canadian expert, Wayne Donovan, one of the for most experts in this field, who had also arrived to the conclusion that this task could not be done by the elections of December. Based on those facts, Exeni wanted to complete the process in two years, as established by the Euler Project. However, the former voting member Antonio Costas had a opposite opinion: the voter registry could be completed prior to the elections and furthermore, it could even be done by the electoral institution.

Parallel to this issue, the intense and crucial debate of the electoral law was stuck in Congress. It was clear that there was a clear interest by the national government and the opposition would not be easily appeased:

The main issues were in accordance to the following chart⁵⁶:

ISSUES	NATIONAL GOVERNMENT	OPPOSITION	APPROVED OR COMPLETED PROCESSES
CNE Quorum	To prevent the CNE to be left out without quorum, it had ordered within an article the extension of the term of the voting members, if Congress would not elects its members.	It does not specify anything about the extension of the term of the voting members.	The proposal of the government was approved.
Voter registry system	It sustains the issues established within the existing Electoral Code and it does not include the new registry of the voters prior to the elections of December, 2009 or April, 2010.	It includes the creation of a new biometric voter registry system, through the registry and filing of the citizens for future elections.	The proposal from the opposition was finally approved.
Indigenous Circumscriptions	To provide 14 benches to representatives of the indigenous communities within parliament, and such representations would be taken from the total number of representatives of the	It defines for these benches to be taken from benches that have a single nomination and for the CNE to define such in regards to the population itself.	A third way was finally accepted: the indigenous circumscriptions would be taken from the pluri-national nominations, but only seven will be chosen.

⁵⁶ Chart elaborated on the basis of the article published in the newspaper: La Razón March 31, 2009.

	new Pluri-national Government.		
Votes casted abroad	It orders the CNE for the manual registry of Bolivians who live abroad (in the countries and cities established by the electoral system) to grant access to them on the elections of December, 2009.	It orders the CNE for the biometric registry of Bolivians living abroad (in the countries and cities established by the electoral system) to grant access to them on the elections of December, 2009.	The proposal from the opposition was finally approved.
Referendums	It proposes for the automatic consultation within five departments which had rejected this process previously.	It does not foresee the automatic electoral process to be effective enough.	The proposal of the government was approved.
Assigning of benches	Accumulated votes that had been obtained (...) will be divided between the natural dividers: 1, 2, 3, 4, 5, 6, 7, 8, 9, etc. in a correlative, continued and mandatory manner (this system is the same of the 1999 Law and it favors the majorities).	Accumulated votes that had been obtained (...) will be divided between the natural dividers: 1, 3, 5, 7, 9, etc. in a correlative, continued and mandatory manner (this system would favor minorities).	The proposal of the government was approved.

In regards to the debating issues, the main topic was in regards to the biometric voter registry. The national government believed that it was impossible to face a project of such enormous scope in such little time; they believed it would be impossible to complete all of the work by December 6 and therefore the existing requirements would be unacceptable.

Without a further agreement about this law, there presidential elections would not be held, and the government project would suffer an unstoppable failure. Besides these facts, nobody seems to be able to find a solution while facing an unprecedented situation such as this: the New Constitution established December 6, as the date for the elections, and it was also predicted that the law required for the procedure would not be approved. As it has usually been true, about the work done by parliament in recent years, the Chamber of Delegates, would control the decision from the government, and it would approve the bill for the law as proposed by the government, but the Senate, under the control of the opposition, did not participate in the approval.

A session from Congress was then summoned, which included the participation of both chambers. Even though the national government retained majority control, which was one of the requirements to approve the law, the regulations of the debates established that both chambers must have the necessary quorum to begin the meetings. In such regard, the absence of two or three senators from the opposition was enough for the bill of the law to fail. It is at his moment in which the opposition used the biometric voter registry as a means to reach a settlement, if the government wanted to have the elections by December; the electoral process would have to be done through the biometric system. Very few people thought that this would be possible. There was much disbelief, initially by the government itself and then by many members of the opposition within Congress.

Regardless of all of this, and faced with the delay of the approval of the law, President Evo Morales, acted in a way which was not very common within Bolivian history, on April 9, he declared subject himself to a hunger strike, to pressure the opposing front within Congress. His decision was immediately imitated by various leaders and authority figures within his political party, all along the nation. Parallel to all this, the social movements started a march of protest headed towards La Paz city, for the very same purpose.

Exeni, at the behest of Congress, initially declared that the biometric voter registry could not possibly be done in such a short period of time. But the voting member Costas said that it would be possible. Exeni seemed to be trapped by these circumstances: on the one hand, he thought that, during his last term, the voter registry could not be done on time; but on the other hand, if he would succumb to such demands under this tremendous pressure, seemed to be the only way to solve this tremendous political crisis and to allow the country to have its elections in December, 2009. If they would not be organized this would cause an institutional risk of immeasurable consequences. The events of August and September of the previous year, were still quite fresh in the minds of too many people, the unfolding of violent actions which resulted in the over fifteen casualties in Pando and massive lootings, destruction of property, attempt to attack gas stations, the seizing of the airports and confrontations between protestors from the eastern and southern parts of the country.

Finally, the exasperation of the government due to the idleness of the law forced the acceptance to the demands' of the opposition. In this scenario, Exeni did not have another choice but to give in to the pressure from the government and the opposition and approve the reform.

So, on April 14, the law was finally approved, based on the following:

The elections of December 6, 2009 would be done under a new biometric voter registry system, which would have three specific features: fingerprints, photograph and signature; there will be referendums in five departments which had rejected the departments' autonomy in 2006; the province of Gran Chaco in Tarija would complete a referendum about the conversion to the regional autonomy; this would include the selecting of indigenous representatives which should be equal to the number of indigenous delegates; the votes of Bolivian citizens will be guaranteed anywhere abroad, up until a percentage equal to 6% of the voter registry poll; the voter registry abroad should also be biometric.

Once the law had been approved, Exeni held a meeting with his closest assistants. Most of them told him that to accept the biometric voter registry for the elections of December of 2009 was a serious mistake. After a few days, the consultancy services provided by the Canadian Wayne Donovan yielded the following criterion: accepting the voter registry to be completed in such a short period of time would be a very irresponsible action.

This was an opinion that was shared by several analysts and specialists. The national media, however, believed that this task could be done and most of them, including those who share the views from the national government and those who favored the opposition, completely supported this objective.

And together with much skepticism by various analysts and specialists, the enormous criticism by the opposition against the administration of Exeni, which increased the already existing polemic.

4.2.- The resignation of Exeni

On April 14, the day in which the law was approved, several leaders from the opposition announced the beginning of the campaign to force the resignation of the President of the Court. "Today, we must start a systematic campaign to force the resignation of Exeni, *he must go home*. We're going to analyze everything that he has done, we are going to do what ever it takes to get him out of here", was the statement pronounced by the representative of 'Podemos' Oscar Urenda. Another Representative of 'Podemos', the main political party along the opposition against the government, Ninoska Lazarte, qualified Exeni as "a liability against the national vote". On that same day the prefects from the opposition Ernesto Suarez, from Beni, and Ruben Costas, from Santa Cruz, issued certain inflammatory statements: "I have every right to doubt Mister Exeni (...) I think he's just a clown ", said Suarez. Costas explained that: "one of the decisions that we had taken that there should be nonbiased courts of law within each department and an independent National Court, and Exeni is simply someone who could not be trusted to do any of this ".⁵⁷

To make matters even worse, a voting member from the Department's Electoral Court of Santa Cruz, announced that during the next meeting in La Paz, he would be present as well, simply to request the resignation of Exeni "he is simply not trustworthy". Certain things seemed to repeat once again, although everything seemed to be more serious, in comparison to the criticism that started in 2008.

After having spoken with some of the people who were closely linked to this matter, Exeni arrived to the conclusion that his own resignation would be the best solution for everyone: for himself as a person, and for the CNE, as an institution. He presented his public resignation on May 1, before a press conference, even though his letter of resignation was issued one day prior. He simply declared "personal reasons" for his resignation.

The resignation increased the skepticism about the possibility of completing the Biometric Voter Registry on time, and some other events that happened shortly afterwards did not help to dissipate any of the doubts, and matters seemed to worsen...

4.3.- Crisis and the renewal of the CNE

As we have seen, April and May, were months of profound change of the National Electoral Court. Initially, on April 14, the Transitory Electoral 4021 Law was approved, which established that by the elections of December, 2009 the biometric voter registry would need to be ready.

The registry would not have two years to complete the previous project, called the Euler project, the whole registry would need to be completed in six months instead and this meant that the voter registry of the people will need to be completed in 75 days. This was the initial

⁵⁷ /www.redbolivia.com/politica/politica/1698-bolivia-ahora-la-oposicion-quiere-la-salida-de-exeni-de-la-cne.html.

change, later on; there was the resignation of Exeni as President of the Electoral Court, on May 1. Then on that same day the Executive Branch appointed Roxana Ybarnegaray as the new voting member and the elections, approved by the vote of the Grand Council, on May 3, with Antonio Costas as the new president.

The new Grand Council gathered at an emergency meeting and adopted immediate decisions; first, to comply within the terms of the law, which meant to take all of the necessary steps to organize the elections by December while applying the new biometric voter registry system; second, to evaluate the technical team which was in charge of this task, whose foremost supervising authority would be Carlos Portocarrero, appointed a few days prior by Exeni; third, to confirm the terms for the international public bid which was ready to be applied and it was intended to hire a company under the model of a “key on hand” contract “llave en mano”. The opening of the envelopes with bids would be opened on May 25.

The evaluation of the work by Portocarrero was positive and the Grand Council requested for him to administer the vote polls abroad. Portocarrero, however, regarded this as a sign of mistrust by the Grand Council and he presented his resignation on May 22. The Grand Council immediately contacted Luis Pereira, who had directed the Population and Housing’s Census of 2001, to appoint him as a National Director of the voter registry. Alberto Navia was named as the administrator of logistics as well (he had held a similar position during the Census of 2001) and Raul Peñaranda, as Communications manager.

On May 25 the envelopes were open and the technical commission, named by the personnel of the CNE, began its work. Of the 34 companies that had received the bid’s specific terms, only four of them presented their proposals: Insertec Ltda, Cogent Systems, Smartmatic Corporation and Vicstar Machinery.

The following day, the commission announced, to everyone’s astonishment, that: the public bid had not been properly answered. The following reason were sighted: Insertec was disqualified because it did not have any prior experience in biometric voter registry and because the guarantee statement, which expressed the seriousness of the company, had certain mistakes; Cogent was discarded as well, because there were certain mistakes in its guarantee statement; Smartmatic did not present the necessary documents to certify its experience in three similar projects; and Vicstar Machinery had omitted the presentation of the guarantee statement. The voter registry would be forced back to zero. The doubts about ever completing this enormous task began to increase once again.

Once the decision from the evaluating commission were presented, on May 26 at night, president Costas summoned to a meeting called extended Grand Council, which included three voting members and the officers who were working more closely with the voter registry project. At the meeting, explained the situation, and then he allowed Pereira to speak. He proposed for the voter registry to be done by the National Court and the courts within each department, which would dismiss the system called “key on hand”. The strategy and the planning would be done by the National Court and all of the operational work would be done by the departments’ courts. An international company would be contracted to attain the equipment needed and AFIS, a storage and digital registry software, would be used. This proposal generated much debate. One of the officers indicated that the Court would not be able to do all of the work in such a short period of time, and that the work needed to be passed on to an international company (“llave en mano”). Costas argued the work could be done by

the court, but in order to accomplish this goal, it would be of great importance to have the support of the departments' courts, shortly afterwards a meeting was organized to gather all of the presidents from each court. Pereira and Navia would have to prepare a profile of the voter registry plan itself. He had three days to present this plan. The previous team had months to prepare the Euler project. These were the last observations that concluded the meeting.

Pereira and Navia proposed a new strategy for the voter registry, which included printing three million notices and 1.1 million stickers to be placed at every domicile, it would also be necessary to have 529 mobile units who would visit 2,300 locations, at towns and areas where there would often be less than 1,000 people who would be eligible for the registry itself. They presented a draft plan to the Grand Council, which approved this immediately while including various changes and adjustments, the plan would need to be presented to the Departments' Courts. On May 29, the presidents of all the courts held a meeting in La Paz. The plan was presented, but during the debate, officers from the court continued to intervene, who did not believe that this task could be done. One of them said that the courts from each department were not capable to face such a challenge.

“After a meeting that has lasted for two days, (with the departments' courts) and I can still remember the explanation by the technicians. One of the voting members stated that: ‘please tell me, which is the vision? Do you believe that this project with the courts could be moved forward?’ And a technician responded: ‘no, because there are many problems’, and he provided some detailed information about completely valid observations, which made everyone think. But regardless of all this, we decided to face the task.”

Thanks, on the one hand, when confronted with the position by Costas and, on the other hand, the desire to deal with the task, the presidents from the courts approved the new strategy.

Once the long meeting had ended, a resolution was approved which stated that the court would continue to move forwards with the voter registry: “Within the compliance with the 4201 Law of April 14, 2009, for the creation and implementation of the biometric voter registry, which would be carried out by the National Electoral Court and the nine Departments Courts, all of which was considered to be within their own obligations. The National Electoral Court based on the existing juridical ordinance, would hire a company that would provide: equipment, biometric-technical solutions, technical support through trainers, technical support in general and other specific requirements”, which was the most important element of the resolution⁵⁸.

This would be a voter registry made by Bolivians, for Bolivians completed by Bolivians. “if we cannot trust in our own possibilities, no one will”, said Costas at the end of the meeting.

⁵⁸ Tomado de www.cne.org.bo.

CHAPTER 5.- THE LEADERSHIP OF THE GRAND COUNCIL

5.1.- Antonio Costas, a pioneer of the biometric system

On December 2008, by the end of their term, voting members Jerónimo Pinheiro, systems' engineer Antonio Costas, knew that the moment had arrived. Jeronimo Pinheiro completed his term by December 16, and one the voting member would be available. Costas had tried at no avail to be appointed as a voting member of the National Electoral Court.

One of the decisions was precisely to create a biometric voter registry. In 1999, for example, Costas worked as software director in the court of Tarija, he spoke at great lengths with the President of the Court, who was at that time, Ivan Guzman de Rojas, about the possibility: "I think that the voter registry should have been adjusted in 1999. I was an officer of the Electoral Court in Tarija, and we had proposed that very thing (to create a biometric voter registry), this matter was discussed with the President of the Electoral Court, Engineer Ivan Guzman de Rojas, and of course, there were very good ideas, but the issue of continuity of certain institutional policies, prevented from completing his goal", he said⁵⁹.

His persistence became clear a few years afterwards: during his first candidacy as voting member in 2004, Costas presented before congress a project which included the biometric voter registry, and it also pointed out, that this work could be done in eight months, he even requested a meeting with the President of Congress who was at that time, Hormando Vaca Diez, to explain to hi his plan.

"In 2003, I completed my term at the Court of Tarija and in 2004, I presented myself before Congress (as a candidate during a previous election for voting member) through a project that I had presented. At that time the President of Congress was Hormando Vaca Diez. I expressed to him: 'give me eight months and I will organize the biometric voter registry'. Of course, at that time he thought that I was crazy. On the other hand, the country was going through a transitional period, I am not sure if that was a convenient moment to present my proposal, but by then there was the necessary technological resource to complete the voter registry", he expressed⁶⁰.

By December 2008, Costas presented his candidacy. Congress would have to have an emergency meeting, to vote on the re-election of the former voting member or his replacement by another candidate. This was a decision of outmost importance. If none of these options could be applied, the National Electoral Court would not have enough quorum and, therefore, without the possibility to move forward the constitutional referendum of during the month of January during the following year, only two months away from this conflict. Without the referendum it would not be possible to approve the new Constitution. That was the importance of the Congress meeting at that time.

The national government's opinion included the re-election of Pinheiro for a new term, while taking into consideration that this may be the easiest way to solve the issue, and at the same time, it was clearly acknowledged which challenges had Congress had including the appointing of such posts, including the court voting members, who would need to thirds of the tota votes at least. To extend the term of Pinheiro, a simple minority vote would be needed.

⁵⁹ Arana, Juan Carlos and Cañipa, Mario, interview.

⁶⁰ Arana, Juan Carlos y Cañipa, Mario, interview

The government's proposal to re-elect Pinheiro was approved by the Chamber of Delegates, but it was rejected by the Senate. Therefore, the government would be trapped in an effort to try to solve this issue, through a summons to a general meeting of Congress, or to try to obtain two thirds of the votes in Congress while completing a naming a new candidate. In the end, this last option was accepted. The terms of the law, were considered as the last alternative if the elections would fail by two thirds.

Three main candidates were competing at the time: the former voting member Roxana Ybarnegaray, the juridical director of the National Court, José Uría, and Costas himself.

The session was held on December 20, at the end of the parliamentary recess. In Tarija, where the results of the votes were expected, Costas told his wife Julia that he was certain that he will be elected. "I believe so", she said. Costas had presented his candidacy to posts as voting member at the National Electoral Court and he was always amongst the top candidates, but the post had always been elusive.

The debate in Parliament lasted for over eight hours. The nation's vice-president, Alvaro García Linera, explained that he had received two reports in regards to the issue of new appointments. One, which had been elaborated by the Combined Commission of the Constitution, the Senator from 'Podemos' Luis Vasquez, and on the other hand the delegate from MAS Rene Martinez⁶¹.

The difference between each report as presented by delegate Martínez and senator Vásquez, was that the one done by the latter included a merit-based grading of each candidate, while the other proposal did not. However, both reports had the same names, 30 speakers were present for the debate. The opposition centered its opposition in two issues: the illegality of the extended term of Pinheiro and the need to deal certain proposals which did not have the adequate leadership, not only by the CNE, which included appointing the members of the Constitutional Tribunal, the Supreme Court and others.

By 4:30 the speakers meeting ended and García Linera started the voter registry to select a voting member for the CNE. The elections lasted for nearly five hours, mostly because each vote would be read one by one, all 136 votes, of 114 delegates and 22 senators.

Of the 40 candidates, only three of them were of note: Costas, Ybarnegaray and Uria. But the only one that obtained more than 91 votes, equal t two thirds of the total votes, was the nomination by Costas, who had attained 92 votes. Uría and Ybarnegaray were fairly close, with 88 and 85 votes, respectively. The remaining 37 had almost no support at all.

On December 21, Costas traveled immediately to La Paz, to be named on December 23 and to have his first work meeting on the 24th. This was a great day for an active Catholic believer.

Surprise

The Naming of Costas caused enormous surprise among the media and political experts. Even though this engineer has been widely recognized in Sucre and Tarija, where he had live a

⁶¹ Version extracted from: www.diariocritico.com.

considerable portion of his life, in La Paz he was not a fairly well recognized individual. Nobody had imagined at that time, not even Costas that he would become one of the central political figures in recent years. One year afterwards, several surveys named him as one of the reliable persons within the country.

As he had usually answered, in a very posed and calm manner, he said when he was contacted in La Paz: “(My appointment) was a pleasant surprise, as I had been a candidate in the past, even though I had never been elected. I humbly accept this post and it is my wish to serve my country”.

Costas, whose family is from Chuquisaca, even though he was born in Santa Cruz, in 1957, had study up until high school in Sucre; he had obtained his high school diploma there from the Don Bosco school in that city.

When he completed his studies he initially thought about studying engineering, which he did for three years. But he found his calling in the field of electronics, which he studied in the Military School of Engineering in La Paz and he distinguished himself as one of the best students. After a few years, while living in Tarija, where he got married with Julia Sedano, he completed a Master’s Degree in Date Base, Multimedia and Networks Management, at the Juan Misael Saracho University, and he had a minor degree in Safety, Control and Auditing of Software Systems, at the Catholic-Bolivian University. It seemed like he had been preparing himself his whole life to face the challenge the a few years later on, he would have to face: the biometric voter registry of five million people.

Costas performed various tasks related to his profession, as chief of Electronics Engineering at AASANA in Santa Cruz or Telecommunications Chief of AASANA – National Office, but his most important position was as the software technology administrator of the Electoral Court of Tarija, between 1996 and 2003. There he applied, among many other tasks, an innovative system to transcribe and digitalize birth certificates.

He also designed and elaborated a prototype to be installed in the data base of the offices of the Civil Registry for the department of Tarija and he implemented networks within the departments of Cochabamba and Chuquisaca. His solid experience working with networks, data bases and digitalization of documents would be decisive elements that would help him tackle the voter registry.

5.2.- Amalia Oporto and Roxana Ybarnegaray, the leadership of the Grand Council

The two people who complemented the Grand Council were, first of all, Amalia Oporto, Attorney, who was the Vice-President and the Sociologist Roxana Ybarnegaray. Costas had mentioned on several occasions that they were the true engine of the electoral institution, whose tenacity had helped to achieve a great deal of the recent success.

Amalia Oporto

Oporto has extensive experience working for the National Electoral Court. She has a degree in Juridical Sciences, Politics and Social Issues and she worked as the lawyer of the Technical University of Oruro, Oporto started to work at the Court in 1995, at which time she was appointed through a public summons as the Chamber’s Secretary. She held that position for ten

years and she worked very closely with the Grand Council from the electoral system as it was during that whole time. As Secretary of the Chamber she participated and provided her counseling to the Grand Council, so she had in depth knowledge of the institution, of its decisions and its internal reasoning. In 2005 she was chosen as of the National Electoral Court by the National Congress.

She has a special advanced degree in Electoral Administration and Law from the Andina Simon Bolívar University, a post-degree in Administrative Management from the Catholic-Bolivian University; she had also participated in Colombia, Mexico and Peru in various international courses such as: processes for the reform of government electoral systems, and the effects of the systems of political parties and democracy and elections. In Mexico, Venezuela and Paraguay she participated in Civil Registry seminars.

Prior to his work with the Court, Oporto worked as an Instructing Preliminary Judge in the Eduardo Abaroa province in the Department of Oruro and electoral judge of the Sebastian Pagador province in her department.

She was declared Chamber Secretary from the Civil Court of Law within the Supreme Court of Law of the District of Oruro. This experience helped her for several years, and then she performed the same work at the Court. Later on, she was appointed as Second Civil Instructing Preliminary Judge Supreme Court of Law of the District of Oruro and Electoral Judge for Oruro. She had also worked as a legal advisor at several institutions, including COSSMIL and the National Electoral Court itself. She was appointed as Vice-President of the electoral institution in 2006.

As a voting member she was in charge of the juridical area of the National Electoral Court, including the resolutions, rulings and other documents which were presented for her direct analysis and approval. Oporto supervises a group of lawyers which analyses the various accusations from political parties within electoral procedures, as well as resolutions related to polemic and sensitive issues, and all legal documentation (contracts, resolutions, voting issues abroad, etc.).

In addition to this, all of the legal or constitutional analysis starts in her office and then they are analyzed by the Grand Council, once she has supervised the applicable projects. Among other activities, there is the work done to prepare the proposal of the New Legal Code of the Electoral Institution, which would be presented to the Pluri-National Assembly.

There is also the issues related to Civil Registry; from the beginning of her term she had applied certain systematic processes to modernize the system, by widening its coverage of service and in an effort to make its procedures more transparent. The reforms that have been introduced had permitted to the Bolivian society, to move forward in a more qualitative manner in their own right to have proper identifications issued. She supported the digitalization of the documents of the Civil Registry service; this was a task that was initially done by the Department's constituent Court in La Paz. This activity would allow the electoral institution to have a digital format to register all births, marriages and deaths and to be linked within the data base of the Civil Registry, while having accessed to captured images of this information, which provided an easy computerized solution to this issue. Her decision within the Grand Council was essential to move forward, the creation of the Biometric Voter Registry, within the country and abroad. During the month of July, she traveled to Spain to take a close look at the registry system in that country.

Roxana Ybarnegaray Ponce

Roxana Ybarnegaray was selected as voting member of the CNE in 2001 by two-thirds of the votes from the National Congress, and she completed her term in 2005. In December, 2008 she obtained 85 votes for her re-election as voting member, six less than the total amount needed to comply with the required two-thirds. In both cases she had the support of the members of parliament and of the opposition. On May 1, she was officially named by the President, Evo Morales, as a representative of the Executive Branch, upon the resignation of Jose Luis Exeni.

Ybarnegaray, who is a Sociologist from the Mayor de San Andres University and who has a master's degree in social sciences from the Latin American Department of Social Sciences, (FLACSO), in Mexico, helped to strengthen the education of the people, during her first term as voting member. During this time, that unit was small, a reduced staff and budget and it did not include the departments' courts; her arrival provided a strong push forward, and it helps to change the awareness of civics education and the concepts of citizenship by placing them at the same level of importance of all of the areas of the electoral institution. Ybarnegaray was able to obtain the support from the international community to establish a more ambitious system of citizens' education.

When she came back to the Court to complete her second term, she was also appointed to be in charge of the area of citizens' education, which would include all of the information campaigns, as well as communications, education and research applicable to all of the electrical process issues. A few weeks prior to her official positioning, the Grand Council entrusted a second task on to her: to organize the voter registry and the vote of the Bolivians living abroad. As a result of this motion, Ybarnegaray had to spend several weeks working abroad, visiting the four countries where Bolivians were allowed to register: Spain, Argentina, USA and Brazil. She completed the contracts, to design a plan and supervised the necessary tasks, which yielded the total registry of 170,000 Bolivian men and women living abroad, which is yet another landmark in our democratic history.

Prior to her term, Ybarnegaray worked, between 2008 and 2009, as President of the Board of Directors of the Financial Fund of Bolivia aimed towards the development of the Basin of La Plata (FONPLATA) and in 2007 she was in charge of the Project: "Democratic Dialogue and the Construction of the Consensus of the Constituent Assembly" from the PNUD and 'Idea Internacional'. Once her first term as voting member had ended, the Inter-American Institute of Human Rights/Counseling Center and Electoral Promotion (IIDH-CAPEL) hired her as an international consultant of the electoral organisms of Ecuador and Guatemala.

During the 90's she was, among other things, the executive coordinator of the Rural Secretariat of Peru and Bolivia and of the Cooperation Agencies of the North, which gathered more than 50 NGOs within the area of the Andes in support of sustainable rural development and she was the chief of the Regional Development Unit and she was the director of Planning of the Ministry of Agriculture and Farming Affairs.

Ybarnegaray was named on May 1. On Sunday, May 3, she held a meeting with her colleagues Oporto and Costas and, the three of them, chose her as President and Oporto was elected once again as Vice-President.

CHAPTER 6.- THE ADVENTURE OF THE BIOMETRIC VOTER REGISTRY

6.1.- Strategy based on four pillars

To begin this plan, the new strategy proposed by Luis Pereira and Alberto Navia included four pillars: first, a demographic identification of the voter registry, which would help to establish the areas of greater or lesser density and the locations scattered through very disperse areas; second, defining the performance expected of each registry unit, to help establish certain goals per notary public and per Voter Registry Center and to create a method to distribute the equipment; third, defining the precise functions of the staff who would deal with the operative work, while placing the inspector as the axis of the process; fourth, to establish the specific tasks to approach the population in a more adequate manner, especially through notices to be placed at the homes along all of the cities and mobile units that would work along several scattered locations. The total budget that would be required, included the acquisition of equipment and the votes to be casted abroad, it totaled Bs. 309,120,005, equivalent to 43.7 million dollars.

Let's analyze the strategy, step by step⁶².

1) Demographic identification

The defined strategy included the registry of every person in less than 10 minutes within urban areas and 15 minutes in rural areas (which is explained with greater detail in the following chapter).

The plan divided the population of Bolivia into three sectors: areas of denser population (capital cities, city of high population and towns close to large cities, which generally create semi urban concentrations near large cities); lower density areas (towns with more than 1,000 eligible inhabitants) and dispersed areas (towns with less than 1,000 inhabitants). To simplify the risk of the citizens, permanent Voter Registry Centers will be established for the first two categories. For the third category (towns with less than 1,000 inhabitants) it was established that there will not be permanent voter registry centers, there would be instead 529 mobile units. They would visit 2,300 communities throughout the country and they will remain there for the necessary amount of days to register all of the population over the age of 18, the visitation schedules would be decided by the departments' courts.

The strategy had foreseen that due to fact that certain people would not be able to be at their electoral seats, during the days in which the mobile units would complete the visits, there would also be permanent registry units, at the capital cities within each municipality, even in areas where there would be less than 1,000 eligible voters, to allow such people to register there.

In regards to the areas of greater and lower density rates within their population, the only difference between them; is the way in which the inspector would complete his/her inspections. During the first visits the inspector would have to supervise the work of 10 notary public officers. During the second visits, he/she would have to visit between two and five electoral areas.

⁶² The information within this section and the following sections were taken from the instructions that were sent to the departments courts through the office of the president from the Electoral Institution.

Establishing the voter registry centers

In the areas of greater density, the voter registry centers would be located as to provide assistance to three different zones. If possible they would have to be located in main avenues, on a ground level, it would have to have all of the basic services, as well as chairs and access to the internet. In these areas, each Voter Registry Centers should have at least two units for voter registry working on a permanent basis. The assistance to the public should be done from Tuesday to Sunday for 10 hours every day.

Within the areas of lower density, each voter registry center would only have a single registry unit. The other characteristics would be the same as above.

The mobile units used for voter registry which would visit some of the most remote areas, they would need to stay in any home or dwelling that would fit for their work as well, and this would be arranged by the authorities within each community (schools, health pots, etc.).

2) Defining the performance of each voter registry unit

To establish the performance of each voter registry unit would be of paramount importance to the strategy. This would be the basis to determine how many pieces of equipment would be need per community, town and department and how many of registered voters should each one of them have every day.

The National Court had done a mockup test of the voter registry with the first pieces of equipment that were provided by the Argentinean company, NEC, and it was established that the average time to register each person would be nine minutes. At the same time, the test was also used to determine that such amount of time could be reduced to six minutes. The reports from the voter registry tests indicated that this could be improved, by applying certain adjustments to the work itself, as it was done by the notary public and the operator.

However, for the distribution of equipment, the plan included a less optimistic figure, of 40 registered voters on a daily basis within urban areas, (permanent voter registry centers) and 30 registered voters within urban areas (mobile units). This number will be enough to reach the goal of 3.8 million people registered in the whole country.

While taking this number in consideration, certain goals were established and the voter registry work that would be done by more than 4,000 notary public officers in the country. They knew about the target that they need to reach everyday and the total number of people that they needed to register.

The plan established that it would be necessary to acquire 3,000 registry units each one of them would have a computer, photographic camera, a ledger to register all the signatures, a finger print scanner and a documents scanner. 1,700 of these units would be permanent and 1,300 units would be mobile.

From the total of 2,351 units distributed among all of the departments' courts, in regards to the performance and the estimate number of registered voters.

Other units, about 103, would have to work would be distributed between the departments' courts for the special registry units (prisons, hospitals, barracks, retirement homes, etc.) and among the new indigenous communities.

150 additional units were sent to the centers located abroad. 396 pieces of equipment would be used as spare equipment and for emergencies.

The Court established a goal between 3.5 and 3.8 million people who would be registered. These numbers corresponded, respectively, to the people who voted in the referendum of January, 2009 and the total number of people who had actually registered.

Department	Voters in January, 2009	Registered voters in January, 2009
Chuquisaca	188,289	211,706
La Paz	1,184,359	1,278,082
Cochabamba	650,879	705,195
Oruro	184,735	200,982
Potosí	253,729	289,604
Tarija	154,929	177,306
Santa Cruz	766,157	868,332
Beni	108,896	128,479
Pando	26,250	31,711
Total	3,518,223	3,891,397

3) Defining the precise functions of the staff, while placing the inspector as the axis of the process

The inspector, who is part of the electoral code, although within reduced tasks, was included within the strategy as the most important agent within the voter registry process. He/she would be instructed with the coordination of the work that needed to be done with the various units of the Electoral Department Courts.

The other agents would have to respond directly to the inspector: notary public agents, operators, communicators, center assistants and drivers.

The objective included providing to the inspector the necessary human resources, registry units and other material resources needed to organize and execute the voter registry.

The inspector would have to, among other things, supervise and support the functions of the notary public agents and of the operators under his/her supervision; to recognize the distribution of notices; to implement the necessary actions intended to encourage people to come to the voter registry centers in a timely and orderly fashion; to guarantee that the voter registry centers under his/her supervision would have the necessary material for the development of the voter registry itself; to report as soon as possible any possible technical flaws that may occur within each registry unit; to prevent daily reports in regards to the number of registered voters of each unit.

The other agents who would work in the voter registry as previously mentioned (notary public agents, operators, communicators, center assistants and drivers) had also received their instructions about their own specific functions.

It is also important to mention, that in accordance to the Electoral Code, it would be established that the notary public agents will be the ones who would the registry of every person. The notary public would attest to the accuracy of each registered individual, but, due to the technical problems of the process, he/she would have an operator who would work with him/her. This was a rather important consideration. The previous strategy, in accordance to the “key on hand” system, the voter registry would have been done by the operators, who would have been hired by the company, and the notary public agents would not be a direct part of the process, in contradiction to the specific instructions of the law in this regard.

4) Approaching the population

The work strategy proposed by the national administration and the administration of the logistic resources was based on providing to the population and to every citizen the means to register easily at the centers near them. The idea was to overcome the “passive” demeanor of that had characterized the Court in the past, and to have a more “pro-active” attitude. Prior to the biometric voter registry, the electoral registry would be started shortly before the elections and only those people who were over the age of 18 would register or any one who had changed his/her address. The *passive* attitude was acceptable for such circumstances.

But when faced with the registry of most of the population, and in such a short period of time, if the Court would not approach the people with a more active pro-attitude, this endeavor would have failed. As the first days went by, and the logistics work began to be done, the ideas became clearer to have the necessary “approach”. Finally, this had two axes: within the more disperse areas, the work would be conceived through the mobile registry units, as they had been previously mentioned; within the cities, the objective was to visit all of the homes and domiciles to present a “notice”.

In this case, three million notices were printed, which were presented at 1.1 million homes. There had never been a government institution in our history that had completed such a tremendous task of providing so much information to so many Bolivian homes. The success of the voter registry in general is greatly due to this strategically applied decision.

The presentation of notices had two objectives: the initial one which was already mentioned, to approach every citizen, and an additional one, which was more operative in nature: to encourage the population to register right away and not to leave this for the least minute. It was hoped that by presenting the notices, there would be homogenous groups of people who would approach each voter registry center on a daily basis, while trying to prevent a massive number of people coming on the last few days prior to the elections.

The Court issued specific instructions to be included in the notices. The communicators of each voter registry center must complete this initial task of presenting the notices, under the supervision of the inspector. To simplify the control process itself, a sticker would be placed at the door or entrance of every home where the notices had already been handed out. The sticker would also help to inform all of the neighbors about the date in which they could register.

The communicator who would be in charge of handing out the notices would receive a map from the inspector which would have the “highlighted” zones where they needed to go, this would help to guide them and it would also help to monitor their every day tasks. They would have to present 400 notices every day distributed among 130 homes.

The instructions for the communicators included what to do in cases in which there may have been several makeshift domiciles within a single given space, apartment buildings and other forms of living quarters where there were several homes.

6.2.- Second international public bid

The norm would require a second international public bid, to hire the company that would supply the equipment needed to collect the biometric information, as well as the finger print registry and the parameters for the necessary training of the staff.

On June 4, the information-technological development and communications team of the CNE presented a technical report to select the companies, which established three main parameters to evaluate the specific company that would be hired: they would have to have a worldwide certification, they would have to provide a report issued by foreign entities, which should have experience in the completion of similar projects and they should have a favorable technical report issued by foreign organizations about grading standards, such as the NIST from the USA.

The team from the CNE suggested inviting the following companies: Sagen, Cogent, NEC, Indra, Oti, Dermalog and L1 Identity Solutions.

On June 13, the Offers Evaluating Committee of the CNE opened the envelopes of the companies that had presented their proposals: NEC, Cogent Systems and Indra. At that time, the “Accompanying Commission” had already been formed by that time, which was led by the systems engineer, and former president of the National Electoral Court, Iván Guzmán de Rojas. That commission had been presented one day prior and it was formed by the directors of the departments of software engineering from various universities in La Paz, Cochabamba and Santa Cruz, as well as a representative from the National Academy of Sciences of Bolivia.

"Today is a day of enormous importance for us ", said Costas during the act in which the envelopes were opened, in the presence of authority figures and special guests. Costas informed that by June 17 at the latest, the Evaluation Committee would have evaluated its report.

In regards to Accompanying Committee, Costas said that: "it will support the work that would be done by the Proposal Evaluation Committee, while supplying technical means as they may be required; this will guarantee for the evaluation process to have a high technical degree of precision which would allow to have the selection of the company that would have the best offer to the electoral institution".

On June 16, the Proposal Evaluation Committee issued a report which included the score reached by each one of the companies that participated in the bidding. The Argentinean branch from the Japanese company, NEC had won the process.

	Cogent Systems	NEC Argentina	Indra	Envelope
Technical Proposal	46,500	48,000	40,000	50
Deadline terms	31,327	35,000	26,804	35

Economic Proposal	14,996	15,000	14,816	15
TOTAL POINTS	92,823	98,000	81,620	100

The differences between the three proposals were not considerable, although NEC had a particular advantage. In regards to the prices, they were all very similar, all of which were close to 21 million dollars.

The Grand Council complied with the resolution of the Committee and it accepted to provide the contract to NEC, through a resolution issued on June 17. It was at that time, when a complex negotiation process started with the company, to sign the contract itself.

The communications campaign

The communications campaign developed once focus groups had been established all throughout the country, which helped to detect the information requirements and the wishes of the population, the focus groups, the maps of the key actors and the risk matrixes provided the means to establish the base line of the strategy.

The company would be very complete, which meant that this would be done through the radio, television, press, internet, street banners and printed materials, second it would serve to the various regional and ethnic awareness of every community anywhere within the country, as the point of view from the central sector of the country would be focused on everything that may be done by the government; third, the campaign would be done in a very festive and optimistic manner, to confront the polarization that surrounded this process and the country; fourth, it would seek to become a symbolic site which would help the people of Bolivia to have a dialogue and to find a unified consensus; fifth, it would reflect, through certain characters and actors, all of the cultural, geographic and regional diversity of the country.

Two propelling concepts of the communications campaign⁶³ included: first, to link in a clear and specific manner the voter registry with the elections of December, as it had been detected through the focus groups the interest by the people to participate in the suffrage process. This yielded the campaign slogan: "your finger print, your vote". Second, to establish that without the participation of the people this task would not be possible. This helped to create the closing phrase used in every television and radio ad: "the biometric voter registry will be possible because we are going to do it all of us together".

While taking into consideration the short amount of time available at the time to inform the public about the voter registry, the campaign had these characteristics: it was direct, with was very realistic, it favored the "efficiency" of the process, and it was flexible, it was linked to the existing situation. It followed, step by step the phases and characteristics of the logistics strategy.

6.3.- The complex contract

After the bid was already accepted, the following day, the negotiation of the contract started, nobody had imagined that this would last for 21 days, which almost seemed like an eternity. When NEC's proposal was accepted, it was believed that the contract would be signed in four

⁶³ Peñaranda, Raúl, Cátedra Konrad Adenauer, presentation of the strategies of communications of the voter registry process, Catholic-Bolivian University, La Paz, Bolivia, September 2009.

days, but it lasted for 21 days. Each new day without the signature of the contract, was a painful struggle for the team that was in charge of trying to move the whole process forward, because this meant that there would be one day less of field work and one more day in which the registry units would arrive.

The Attorney, Edwin Beyer, National Juridical Director of the CNE, led the negotiations with the lawyers from NEC. On July 9, Costas as President of the Court, and the President, Carlos Martinangeli and the Administrative Director, Hernan Daniel Blasco, who represented NEC Argentina, undersigned the contract.

These were the most important elements of the contract.⁶⁴

Equipment transference schedule

Date	Fixed stations	Mobile stations
07/25/09	54	
07/31/09	600	
08/02/09	350	
08/04/09		529
08/08/09	450	
08/12/09	246	
08/14/09		200
08/20/09		571
Total	1,700	1,300

Date to install the Data Center

08/03/09: Installation of a contingency Data Center, which includes the transmission stations as well as station for the experts in digital recognition.

17/08/09: Installation of the main Data Center.

Total mount of the contract

The total amount of the contract is: Bs. 153,307,294 equivalent to \$US 21,684,200.

First Payment

Once the contract would be signed, at the express behest of the company, the CNE will present a first payment of 20 percent of the total amount, equivalent to Bs. 30,661,458 or \$US. 4,336,840.

Guarantees fro the compliance of the contract

The company, NEC, shall guarantee the compliance of all of its obligations as included within the contract, which includes the protocol with the Government Notary from the Prefecture of the Department of La Paz, as well as the banking security note for a total value of \$US 2,168,420, equivalent to 10 percent of the total value of the contract.

Contract's applicable laws

The contract shall be subject to Bolivian Law in regards to all of its actions, emergencies and consequences and to the undersigning, execution, compliance and cancellation of the contract.

Payment method

The CNE would provide the payments in American dollars through a money transference to be done by the Central Bank of Bolivia.

Property of the buyer

⁶⁴ Bulletin of the press unit of the CNE. www.cne.org.bo/información pública.

From the moment in which the equipment is transferred, the CNE shall be the sole proprietor of all the transferred assets, as well as all of the technological resources, patents, licenses and software programs thereof, and including all the inherent and applicable rights here as.

Privacy and exclusivity of the information

All of the biometric information from the registered voters, as well as the documents and the information produced during the execution of the contract shall be regarded as private and exclusive, and the company, NEC, may not transmit or use any such information in any manner. If NEC would not comply with these terms, it shall be subject to penal or civil processes.

The delay to sign the contract had also caused a delay in the arrival of the equipment, which affected the logistics plan as well, as we will see in the following section.

6.5.- The skeptics

Prior to starting the voter registry process, and when the CNE was a hub of tension and when certain activities were at their busiest, several politicians and specialists, provided their very skeptic opinions, about the possibility of ever completing this task. Two people that were very persistent about their opinions included the former voting members of the CNE Jorge Lazarte and the senator Carlos Bórth.

Lazarte expressed that “it is impossible to reach this goal, even if you would hire thousands of people to work on this and all the biometric equipment imaginable (...) especially considering that most people in Bolivia are used to waiting until the very last minute to register, this is just too complicated”.

Carlos Bórth, who strangely enough had been a member of Parliament and he had been among the members who signed the law that would in turn help to commence the biometric voter registry process prior to the month of December, he insisted time and time again that this task could not be done and that it would be necessary to have a sort “combined voter registry” system. “There are only two possibilities: the elections will have to be delayed, which is not a possible option in accordance to the new Political Constitution of the State and the political issues which surround this endeavor are much too complicated, and they will prevent this event from occurring, or they will force certain amendments to the Law of Electoral Administration which would help us consider a combined or mixed method for the voter registry”, he claimed⁶⁵. The “combined voter registry”, which was precisely the same option offered by the president’s own political party, included to have the elections by including two methods of voter registry: the previous method and the new one, and the second one would only be applied in just a few areas, wherever it may be possible to reach. Bórth, added as well: “It is not possible anymore to complete the biometric voter registry by 100% for the elections of December”.

The delegate of the MNR Marisol Abán added: “Not even Mandrake the magician could do this voter registry, and especially by using the biometric system, in a country like ours with such a complex geography”⁶⁶.

“If it would be for certain specific reasons, the Corte would need to comply with the constitutional mandate (through a mixed voter registry), or we would have to imprison the leaders of the Electoral Court”, Gustavo Torrico a delegate from MAS said .

⁶⁵ El Diario newspaper of La Paz, taken from its web page de <http://www.fmbolivia.com.bo/noticia11558>

⁶⁶ <http://www.la-epoca.com/modules.php?name=News&file=article&sid=965>.

The leaders of the opposition, who had fought for the approval of the biometric voter registry as well, defended the fact that it could be completed. But they wanted to demonstrate that they did not believe that it could be done on time, while insisting that the elections of December ought to be delayed until the Biometric voter registry system would be fully complete.

In July, the Vice President of the country, García Linera and the President of the CNE, Antonio Costas, had their first meeting at the Presidential Palace, the first of four meetings that were needed. Alberto Navia presented the logistics plan. The Vice-President provided a series of detailed questions. Finally he said: “We’re going to need a miracle”.

6.6.- The operations are started

The original plan established that it would be necessary to start the voter registry throughout the whole country on August 1. On this date the voter registry would need to start in more than 400 places, where there would be permanent voter registry centers, while there would be 529 mobile units which would begin to travel everywhere throughout the country to slowly but surely arrive to more than 2,300 communities which would have fewer than 1,000 eligible voters.

But as we have seen, the delay to sign the contract with the NEC, caused a delay in the arrival of the equipment needed for the registry, which changed the original plan. Luis Pereira and Alberto Navia had decided to adjust it as needed: the voter registry would not start on August 1, at the capital cities and El Alto. The equipment would only reach the 400 permanent centers in communities where there were more than 1,000 inhabitants. And on August 5, the long journey of the 529 mobile units would commence.

Then there was an additional change. In July, the equipment arrived to the country, but only a small percentage of the equipment came, and it was not possible to work in all 400 locations, but instead, the work started only in seven places.

By the end of July the first 54 voter registry units arrived. It was necessary first to assemble every unit, which included a computer, the finger print scanners and a documents scanner, the digital signature pad, the photographic camera and the printer. All of this equipment would be coming from different places around the world and from different suppliers. Then there was the need to teach each worker to properly use all of the equipment, this would include installing the various programs to scan finger prints and to install other additional software which would protect the information as well.

The process proved to be a lot slower than imagined. The safety supervisor who had the duty of overseeing the biometric information, systems engineer Luis Cusicanqui, was named as the main supervisor who would be in charge of having the first 54 units in working order, which would help to start the voter registry in certain rural locations on August 1. One of them was the town of ‘Villa 14 de Septiembre’, in Chapare (Cochabamba), where President Morales was the first one to register. In a shed in El Alto, without any heating, Cusicanqui had to work for several nights and mornings, non-stop, supervising the assembly of the equipment. The tension was at its highest, among those who supervised the process: a task that seemed to be easy was becoming constantly more complex. It was even doubted that by August 1, the equipment would actually be ready Cusicanqui and the technicians from NEC seemed to be working out one problem to find another one.

In the early hours of July 31, 30 hours prior to the official act of Morales to commence the voter registry process, Cusicanqui was able to sigh in relief, he was able to prove that the first 54 pieces of equipment started to work as intended, and that they would all recognize the finger print and they would save the information in the computers. Cusicanqui left at three in the morning in a vehicle headed towards Chapare. Of the 54 computers, he brought 13 units, which were supposed to be used solely within that area, and just in case an electricity generator powered by gasoline, to make sure that nothing would fail to register the President, he arrived at ten at night on July 31.

Parallel to all of this, a team designed to deal with the media, with the participation of the journalist, Ronny Garcia, had already arrived on the 31 in the middle of the afternoon at the community of 'Villa 14 de Septiembre', and he began to prepare the installations where the voter registry which would include the President would be done and to organize the work with the media. President Costas, arrived in a vehicle from the Court that same afternoon, there he was informed that Morales, was inviting him to have breakfast the following morning at 7:00, before starting the registry at the market of 'Villa 14 de Septiembre'. Costas accepted the invitation.

The registry of Morales was a complete success, from every point of view. First of all, it attracted the attention from the media; second, it provided a clear signal to those who supported the national government: everyone should register; third, it provided the *real* beginning of the voter registry. The registry itself took only six minutes, which demonstrated that the technology was efficient, and that the personnel were properly trained.

In addition to Villa 14, the voter registry started on August 1, in the towns of La Guardia, in Santa Cruz; Calamarca, in La Paz; Paria, in Oruro; Yotala, in Chuquisaca; Puerto Ballivian, in Beni, and Betanzos, in Potosi. In August second and third the registry started in Pando and Tarija. During the following days, 400 pieces of equipment were sent to departments' courts to provide assistance to smaller towns located between each city, to begin working during the first week of August. On August 4, 529 registry units were presented to the departments' courts to be used by the mobile units.

6.7.- The "miracle" happened

However, many problems did happen on August 1 and during the following days. In the scarce locations in which the registry had started, the work was tedious and complicated. The training of the operators was too short. Many of the operators and Notary Public Agents were barely learning how to do the registry. Other problems included as well the fact that the computers would often "freeze up" and the digital scanners used for finger prints did not seem to work properly, especially along the Andes where the climate is much too dry. But the personnel all over the country started to slowly improve the work and to expedite the process as they became more skilled in the use of the equipment. The work was being done in remote areas, away from the reach of the media, which was also advantageous.

As the weeks went by, the operators of the voter registry system realized that the accidental delay in the large capital cities which did not start on August 15, had worked out in their benefit. Costas expressed: "And (NEC) had told us that: 'we cannot have all of the equipment until August 1, we have to review the schedule to transfer the equipment'; and that is when a silver lining seemed to change everything: we had decided to delay the process by 15 days, only at the capital cities and other large cities because the number of computers was so great, that it would not be possible for

all of the work to be started everywhere at once. Then we said, let's begin by working on intermediate cities and remote areas. And that was the key of our success, because our electoral courts, which were adopting the technology at a fantastic speed, were able to work without so much pressure. This way, the courts were able to do the work (the registry), in a gradual manner, while figuring out certain problems within the system, and enabling everyone involved to become a lot more comfortable with the equipment and the software⁶⁷.

That is why, when the process actually began in the cities, the courts and their personnel already had the expertise needed to work more swiftly than before. On August 15, the National Electoral Court completed an act in the gardens of the Abaroa square, which invited to the registry, the vice-president himself, Alvaro García Linera.

Pereira presented a report which stated that by August 13, 143,499 people had been registered. That number responded to the people living in remote areas and intermediate cities. García Linera heard the number and then he said his speech. He congratulated the Court but he added that at least 60,000 people would need to be registered every day, if they wanted to meet their goal of reaching 3.8 million registered voters. "143,000 people is not enough considering that you had started the work on August 1", he said. Up until that day, to register 60,000 people per day seemed to be very difficult, due to the sluggish progress so far, in intermediate cities and rural areas. But on that day, which was Saturday, the process would commence in the larger cities and capital cities. This was the true test of the whole work; this would be the test to see if everything would work out. Then, what García Linera had called a "miracle" happened: the voter registry centers in the cities began to have thousands of men and women registering in record numbers, all of whom were quickly enabled to be ready to vote. The following day, this effect began to spread everywhere with greater emphasis.

There were long lines in every major city of the country and the media began to show the interest of the people to participate. The response by the people was astonishing.

But, together with the massive registry of the people at the voter registry centers, much protest emerged as well. There are too many people, and not enough operators, in many cases many of these operators are not experienced enough and they are not very certain about the schedules and the times, in which they should work, they have caused much chaos and a sense of inefficiency. Regardless of all that, quickly after August 15, thousands of people have been registered on a daily basis. Three days after the operations had started that over 350,000 had registered throughout the country. This information did not include the registry done by the mobile units.

Later on, the figures would show noticeable growth. In a single day on August 26, 165,985 people were registered, the highest within the period so far. The estimate of the vice-president of 60,000 people registered every day to reach the goal, was being surpassed at a fast pace. And the average was initially 60,000 then 70,000 and even 80,000 people per day, in the first few weeks. Nothing and no one could stop the civic duty of the people, the desire to participate, the willingness to support the democratic process, as it was shown by millions of people. Regardless of all of the obstacles on the way, Bolivia showed an example of discipline, effort, and of patience that very few countries are able to show. (Raul, in accordance to our latest research, in Togo 3.5 million people were registered in a single month) "these are the things that make my

⁶⁷ "At Sight", Juan Carlos Arana and Mario Cañipa, interview.

own pride of being Bolivian, to be increased even more", said Costas in a meeting held with representatives from the international cooperation.

Towards the end of August, the notices had already been distributed to half of the 1.2 millions homes that had been initially targeted. It became increasingly more difficult to present these notices in La Paz and Santa Cruz, mostly because of the size of the cities. But the innovative idea, to send notices to all eligible citizens to their own homes in every city, town or community within Bolivia, was already showing great results and it was being done in a very accurate and effective manner, even though so many people thought that not even this step could be effectively accomplished. However, the objective of the notices changed completely. When this idea was initially conceived, by the end of May, the original plan was to entice homogenous groups of people to approach on a daily basis the voter registry centers, to avoid having large numbers of people trying to register during *the last few days* prior to the elections. By the end of August, the objective had changed completely: the notices were intended to organize the voter registry to prevent also everyone from registering during *the first few days*. But the notices intend was changed by the various Bolivian institutions who were working on this, it simply became a means to approach the people. Studies that had been done afterwards showed that many people felt committed to participate, once they had been able to see the effort that the Court had done, especially by coming to everyone's homes and by inviting everyone to vote.

By the end of August the operations proved to be a success: on August 24, the invisible ceiling of the first million had been surpassed, by August 27, one million and a half. By September 2, 1.7 million people had been registered, half of the 3.5 million people that had been initially desired. On September 5, there were already 2 million people who had been registered, almost 60 percent of the total. On the eleventh day of that month, eight locations had surpassed 100 percent of the goal, which meant that they already had the same or a greater number than those registered in January for the last referendum. By September 12, the registry was close to 2.9 million people. Three days later, 67.1 percent of locations had surpassed 80 percent of the previous registry.

By then, there was the polemic of which should be the true goals of the voter registry. When the process had been started, the Court had established a goal ranging between 3.5 and 3.8 million people, which were based on the number of people who had voted in the referendum of January, 2009 and the number of people who were actually registered to do so.

President Morales, however, pointed out that these were perhaps very modest goals. "I think that five million should be registered ", he said.

The Court continued to have a very steady and uniform position in regards to this issue: the goal was between 3.5 and 3.8 million people, but everything that is possible applicable will be done to increase these numbers. On September 21, the target number was reached 3.5 million people. On the 25th 3.8 million people had registered and on the 29th four million. It was at this time, when the Court stopped showing publicly its results. Two weeks later it would be officially known to everyone, that 4.9 million people had registered, with an additional 170,660 people registered abroad, which meant a resounding and transcendental success. Lazarte, Bórth or any of the other critics were able to voice a single word about this issue. They did not even say any congratulating words for the success itself, nor did they express the Bolivian people for this tremendous feat.

6.8.- The registry abroad

The delay in the shipping of the equipment which had initially affected the voter registry within Bolivia, had also affected the proper development of the voter registry outside its borders, which was under the supervision of the voting member Roxana Ybarnegaray. This was not started on August 15, as it was originally intended, it actually began on September 1, while everyone waited for the 150 pieces of equipment that needed to arrive. Then the process itself would begin on the 15th of that month.

Prior to this, within the planning phase, the first challenge occurred that halted the electoral institution, which was in connection with the scarce information about the exact number of people living in every foreign city. In any case, it clearly understood that the countries that had the largest number of Bolivian immigrants were Argentina, Spain, USA and Brazil. For that reason, the National Electoral Court had established that the voter registry should be done in those four countries⁶⁸.

The cities that were chosen were, in Argentina: Buenos Aires, Jujuy and Mendoza; in the USA New York and the Tristate Area of Washington D.C. which included Maryland and Virginia; in Spain, Madrid, Barcelona and Valencia; and in Brazil Sao Paulo. The planning took into consideration the law article that indicated that it could be permitted to register only 6% abroad of the total National Voter Registry and that it would not be permitted for any given city to have 50% of the total registry.

As the National Voter Registry was considered at that time to 3.5 million people who had voted in the referendum of January, 2009, 6% of that amount would be 211,093 people, which was the maximum number of people who could register abroad. From that total, none of the previously mentioned countries could have more than 105,546 registered voters.

The shipping of the equipment to the nine cities took a lot longer than initially conceived. The electoral institution relied on the assistance of the Chancellorship to send the equipment by traditional methods such as the "diplomatic suitcase", which would simplify the transportation of everything that was needed to various countries and the procedures at customs. But by the end of August, just a few days before this could be started, the National Chancellor, Choquehuanca issued a statement which surprised everyone at the Court: there will not be any cooperation provided by the government to ship this equipment. The position from Choquehuanca was contradictory to the decisions from other authorities of various ministries, which was mostly to cooperate to all of the tasks of the biometric system. The Executive branch had guaranteed the transfer of the national government's resources, by helping to move this equipment very quickly through customs in Bolivia, to transport all of the equipment in airplanes from the National Air Force, etc. But the Chancellorship and the embassies located abroad, especially in de Argentina, were acting in a very non-cooperative manner. "The law dictates that the diplomatic suitcase should be used to transport abroad the voting-suffrage acts ", said the chancellor, and by that he concluded his participation. It is true that the 4021 Transitory Law establishes the very words that he had said, but it does not prohibit for the diplomatic suitcase to be used for other objectives.

Faced with this new situation, the Grand Council decided to act immediately. It was decided to hire private companies to ship the equipment to the USA, Spain Argentina and Brazil. But this delayed all operations by 15 days.

⁶⁸ Ybarnegaray, Roxana, Report-speech about the registry of Bolivian citizens abroad, IDEA International Seminar, La Paz, Bolivia, July 2009

On September 14, Franklin Castro Pocoaca and Concepcion Pocoaca were the first Bolivian citizens who lived abroad ever to be registered abroad in our history.

The growth of the registry curve abroad had a similar performance as in Bolivia. At the beginning the process was very slow and at times it seemed like it would be impossible to surpass 100,000 register voters. But as the days went by, the massive campaigns to transmit the information in these four countries began to yield positive results.

At the end, the number of 169,000 Bolivians was surpassed abroad. If everything had started on September 1, as it had been initially conceived, with the assistance from the Chancellorship, it would have been possible to reach 211,000 registered voters as it was stated as the goal of the 4021 Law.

6.9.- Voter registry results

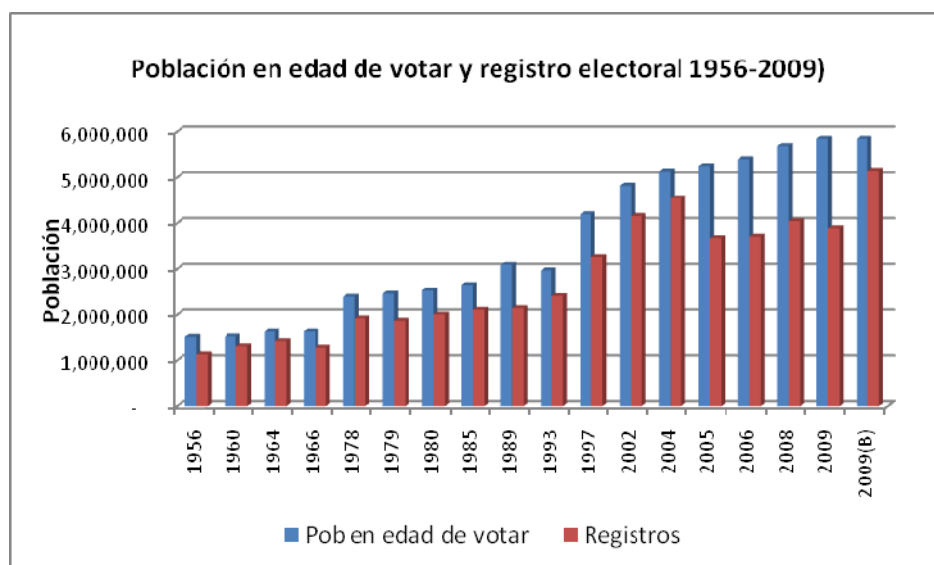
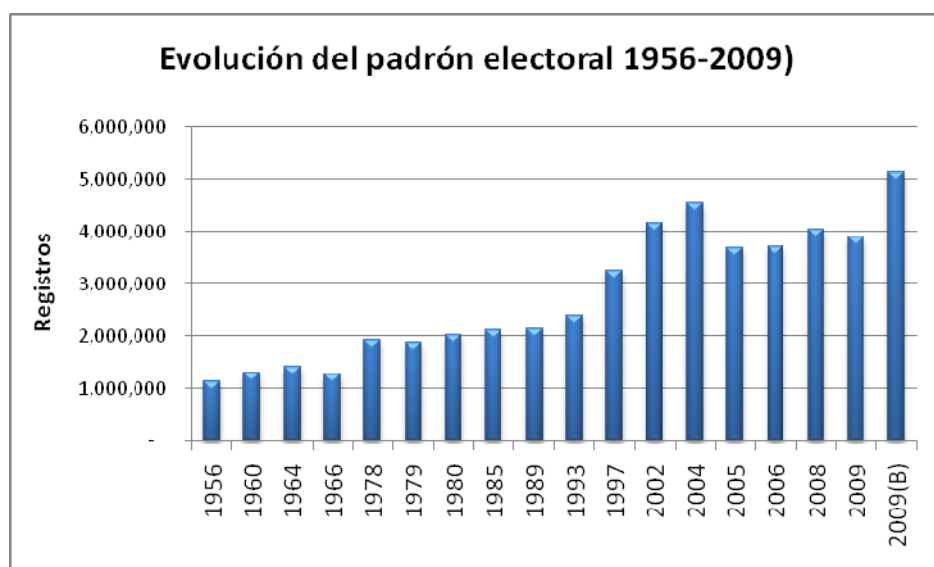
The results of the process of the biometric voter registry could be measured from the qualitative perspective as well as from the quantitative perspective. In regards to this last one, we could mention some of the most important results.

- Recovery of the trust on the electoral act as means to better administer the differences of Bolivian society
- Decreasing the political tension which threaten to become worse due to the decisions of the Executive Branch to summon to elections without the issuance of a law from Congress.
- Including the most segregated sectors of the population who had not been included in the past, especially among indigenous and farming communities
- The creating of a highly reliable and accurate registry system
- Modernization of the voter registry process by acquiring a system which is more reliable than the ones from many neighboring nations
- Effective social mobilization towards a common objective
- Repositioning of the National Electoral Court in regards to the collective understanding of the process as sound, effective and impartial.

However, the qualitative results, which are just as important or of greater importance, lose their impact when compared with the quantitative results, which had a much greater success than anticipated.

The Biometric Voter Registry registered in 75 days⁶⁹, a total of 5,138,583 people and 4,969,487 of them were registered within the country and 169,096 were registered abroad.

This is the highest number ever registered in the history of Bolivia and the most important percentage since the application of the universal vote in the country. The voter registry had increased by 1,247,186 people, in comparison to the last registry in January of the same year. In regards to the total population, the total number attained meant close to 50.2% and in comparison to the population over the age of 18, the biometric voter registry had reached 85% of the population, the highest in the history of the country.

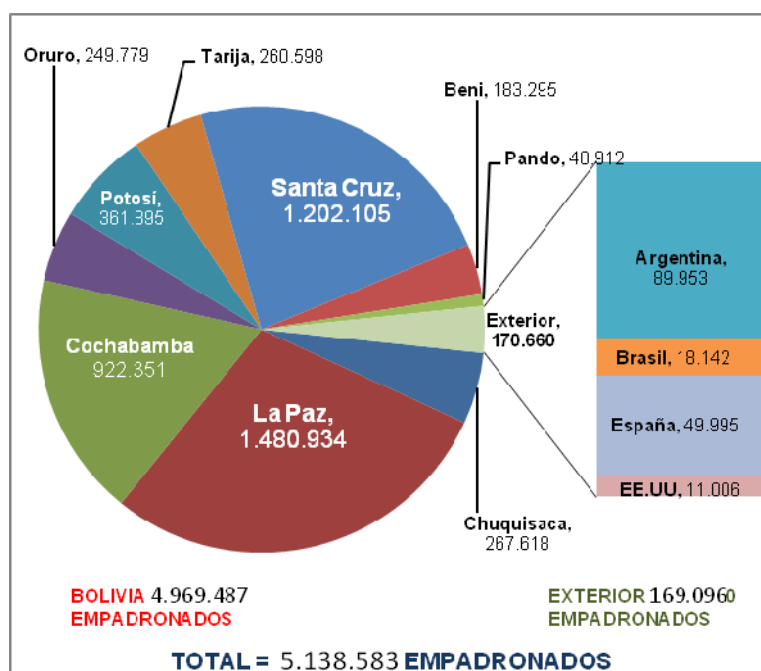


⁶⁹ For the analysis of the results, this study would present the final number presented by the CNE once the sorting out process would be completed, based on its significant numbers (50,807) which is not included as a relevant number. These are synonyms in this case, the number of registered voters, continuance or eligible voters.

In regards to the distribution of the voter registry by department or country, La Paz shows the highest percentage of registered people and the number of men and women registered in USA would be the lowest number of all of them.

Department/Country	Registered Voters	% National registry
La Paz	1,480,934	28.82
Santa Cruz	1,202,105	23.39
Cochabamba	922,351	17.95
Potosí	361,895	7.04
Chuquisaca	267,618	5.21
Tarija	260,598	5.07
Oruro	249,779	4.86
Beni	183,295	3.57
Argentina	89,953	1.75
Spain	49,995	0.97
Pando	40,912	0.80
Brazil	18,142	0.35
USA	11,006	0.21
	5,138,583	100.00

The departments of La Paz, Santa Cruz and Cochabamba concentrated most of the Voter Registry with 3,605,390, which meant 70.2% of the total, while the departments of Oruro, Beni and Pando added in total to 9.2% of the total.



The Biometric Voter Registry, within the country, registered 1,078,090 people more than what had been registered in the previous voter registry which was used to change the Political Constitution of the State in January of 2009, this meant a 28% increase. In total percentages, while taking into consideration the registry abroad, the final number was increased by 32%.

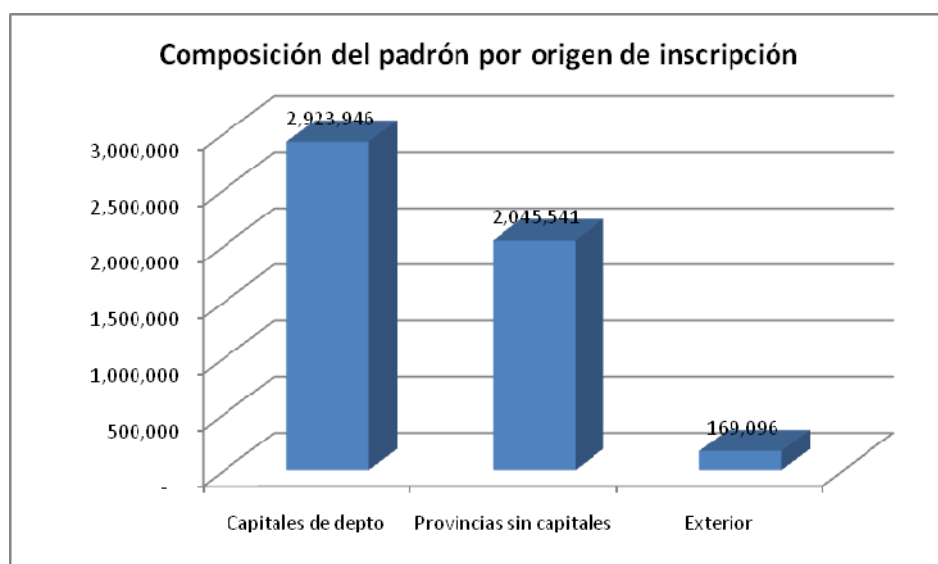
Growth of the voter registry by departments

Department	January 2009	Biometric – October 2009	Registry increase	% variation
Tarija	177,306	260,598	83,292	46.97%
Beni	128,479	183,295	54,816	42.66%
Pando	31,711	40,912	9,201	29.01%
Santa Cruz	868,332	1,202,105	333,773	38.43%
Oruro	200,982	249,779	48,797	24.27%
Cochabamba	705,195	922,351	217,156	30.79%
Chuquisaca	211,706	267,618	55,912	26.41%
Potosí	289,604	361,895	72,291	24.96%
La Paz	1,278,082	1,480,934	202,852	15.87%

Total	3,891,397	4,969,487	1,078,090	27.70%
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The department that had shown the greatest increase of people was Santa Cruz with 333,773 of registered voters, although the percentages shown for Tarija and Beni show proportionately similar increases close to half of the eligible population, in comparison to the previous voter registry. The department that had shown the slightest increase was La Paz with only 15.8%, while the average growth of all the departments was of 31%.

From the total number of registered voters, 2,923,946 were registered in the provinces where the capitals are located, while 2,045,541 people registered in rural areas and 169,096 people were registered in countries where the voter registry had been included. This means that 56.9% of the registered voters are within the capital cities and certain surrounding towns, while 32.9% are in rural areas and 3.2% abroad.



Consolidated results

The voter registry was increased in every single province of the country. The provinces that have shown the greatest increase include Gran Chaco in Tarija (68%). Vaca Díez in Beni (64%), German Busch (63%), Angel Sandoval (57%), Chiquitos (51%) in Santa Cruz and Abel Iturralde (54%) in La Paz. The average growth of the 112 provinces was 27%. While taking into consideration the absolute figures, the provinces of Andres Ibañez in Santa Cruz, Murillo in La Paz and Cercado in Cochabamba had an increase of 220,755, 141,556 and 92,584 respectively. The increase in number at these three provinces reached 454,895 people, which is greater than the individual registry of the six departments and greater than the voter registry of Tarija, Beni and Pando combined.

Only 12 provinces showed a variant lower than 10% in their net numbers: Bautista Saavedra, Camacho, Pacajes, Gualberto Villarroel, Loayza and Jose Manuel Pando in La Paz, Enrique Baldivieso in Potosi and Bolivar and Arque in Cochabamba.

The provinces with the greatest number of registered voters were in Murillo in La Paz (1,062,907), Andrés Ibañez in Santa Cruz (821,945), Cercado in Cochabamba (375,869), Cercado in Oruro (172,660), Quillacollo in Cochabamba (174,835), Oropeza in Chuquisaca (161,608), Chapare in Cochabamba (127,147), Cercado in Tarija (122,421) and Tomas Frias in Potosi (119,340). All of them combined totaled more than 100,000 registered voters. The total number of the registered voters of these provinces was 3,138,732 people, which meant 63% of the national registry and 61% of the total registry, included those who had registered abroad.

The provinces that had shown the lowest number of registered voters were Sajama, Poopo, Sud Carangas, Saucarí, Nor Carangas, Ladislao Cabrera, Sabaya, Litoral, Tomas Barron, San Pedro de Totora and Mejillones in Oruro; Gral.B.Bilbao, Daniel Campos, Sud Lipez and Enrique Baldivieso de Potosi; Azurduy in Chuquisaca; Gualberto Villarroel, Bautista Saavedra and Jose Manuel Pando in La Paz; Arque and Bolívar en Cochabamba and Federico Roman and Abuna en Pando, all of them showed numbers below 1,000.

CHAPTER 7.- CONCLUSIONS

The word that was repeated the most when the results of the biometric voter registry were being analyzed was “incredible”. It is simply because the process was nothing short from *incredible*. When so many people had thought that it would be impossible to register all of the eligible population, in such a short period of time, the results were truly amazing, by exceeding all expectations by one million in regards to the previous voter registry.

The voter registry was a success from its conception, because the people did not go to the voter registry centers as it is normal among most people, during the last few days allotted for the registry, they went during the first few days instead. Why did this happen? Let’s analyze certain reasons:

a.- Very little trust on the previous voter registry

With or without the necessary basis, the media had discredited the previous voter registry system, even through it had worked well enough to carry out 16 elections in the past. It was no longer trusted –at times without valid justification- during the term of the Court’s former President, Jose Luis Exeni, by associating him directly with the government.

Therefore, most of the Bolivian people who lived within the cities, believed that the idea of having a new voter registry system, was something favorable and positive. It was considered, that having completed such a thorough and persistent ad campaign that the new voter registry system was the solution to all of the trust issues that had overshadow the work of the CNE. Therefore the population wanted to be a part of this mobilization.

b.- Agreement between the government and the opposition

Even though the creation of the voter registry system would have been one of the main requests by the political parties of the opposition during the last few months, its approval emerged on the basis of an agreement with the government. Although the agreement may have been difficult to complete, and even if it would be complemented by a series of additional agreements, and short term estimates, within both ends of the political spectrum, it translated into an agreement between the government and the opposition.

In such regard, the sector of the population that were in support of the process, including those who were part of the political opposition and those who were part of the government felt as part of this massive mobilization, because their leaders had solved the issues that way.

c.- The support from the media

Due to the same previous reason, mostly because this measure was part of a political agreement, the sector of the media which seemed to support the government the most, and of course the sector of the media which seemed to support the opposition, tried to provide their support to the process. There was not any member of the national press, with the exception of perhaps some news programs, which would criticize the biometric voter registry system.

d.- The independence of the Grand Council

We have already analyzed at great lengths the role of Jose Luis Exeni in the process. In the case of Costas, he was perceived from the beginning as an independent person, due to several reasons, first of all, he had not issued publicly political statements in the past, as Exeni had, which were shown in the national press and in a blog on the internet; second, his career had been mostly as a

technical engineer, and he was well respected as a professional systems engineer, while the career of Exeni was associated with the analysis of the surrounding events and the political environment, which he did by exacting a very clear vision, in favor of the political changes, which started in 2000; third, Costas had been chosen by two-thirds of the votes from Congress, while Exeni was appointed by the Executive Branch.

That real independence –but adopted by the media– made the term of Costas easier, as he did not find much rejection from the media, most of which is more likely to support the opposition. The media which support the government were not right to create a greater polemic through him. The independence of the voting members Oporto and Ybarnegaray added greater strength to the idea.

e- The support from the government

The support from the Executive Branch was not any less in support to the voter registry tasks. This included the timely delivery of financial resources, as well as the operative support offered by the Ministries of Defense and Government, and the importation without any tax payments of the equipment required for the registry, which was the last measure by the government to support the voter registry.

The president Evo Morales and the vice-president Alvaro García Linera accepted to participate to widely publicized events, and they were the first citizens to register, the first one in a rural area, and the second one within an urban area in a capital city.

President Morales made a tour through a series of communities within the Chapare and in other regions of the country after August 1, while insisting that “all of us must be registered” and that the registry process “is very easy”. The influence of President Morales among his supporters was also very obvious.

Parallel to all of this, it is true that the national government threatened to approve a law which would authorize the usage of a “combined voter registry” system, but this of course never happened. In general we could say that the government provided its support the biometric voter registry process, more so than slowing it down.

f.- The desire to participate by the population

In Bolivia the population is highly motivated, from the political point of view. Within every sector –which may reject or support the government– there is a spirit and willingness to participate to have their voices be heard. The population in general, wanted to define the destiny of the country through their vote, and to do so there would be no other way, but to register through the new voter registry system.

This desire is also connected with the need to find a pacific solution to the existing conflicts. Bolivia between 2007 and 2008 went through extremely tense moments of political and social unrest, which included violent confrontations and the death of more than fifteen people only in the events that unfolded in Pando. It is possible that the population may have assumed the voter registry system, and the elections, as a way to send a message in support of peace and in the hopes of reaching an agreement.

g.- News about the process

A factor of importance may have been that the technology that would be used was so innovative, that it may have caused great impact among much of the population, and this have generated greater interest in the registry system. The focus groups formed by the CNE, had also detected that the usage of the technology had among the population a great deal of trust, and this technology was regarded as a means to prevent any of the fraudulent acts from the past.

h.- Response to the work of the Court

It is unusual for the public Bolivian entities, to approach each citizen, to simplify any task, which may be considered as a duty of the population. In Bolivia, in general, the public administration does not make a great effort to ease this sort of process, this was a rare exception. The Court made an effort to approach each citizen, through two key actions: one, by presenting notices at homes in large and intermediate cities; two, the arrival of mobile units to 2,300 locations in remote areas. This sort of thing had never been done, particularly for an electoral process. Further on we have included some of the results taken from the focus group in connection with these two points.

i.- Chain reaction, mutual influence

It could be considered as an additional point, a sort of “contagious reaction”, in a positive sort of sense, among various regions, cities and social sectors of the country. When a particular city or town would see that there had been a positive reaction at another location, this may have propelled every given area to support the process; this would in turn cause for another region or social sector to respond in the same positive manner.

7.1.- Research studies

Two consultancy studies requested by the National Electoral Court sought to analyze as well the results of the voter registry and to gauge the image of the electoral institution⁷⁰.

a.- In-depth interviews

The first study included a series of in depth interviews to 24 analysts and renowned journalists within the four main cities of the country, which included the following:

All of the people interviewed agreed in expressing in a spontaneous and general manner that the image of the CNE “had been recovered” during the last few months and it could now be regarded as an excellent institution. It now had a favorable image founded on a very adequate combination of institutional strength and the appointing of a new and better able president, in addition, to other important factors, there was the success obtained on the registry of the people through the Biometric Voter Registry. In such regard, it is regarded as an additional strength, the idea that several institutions had cooperated to work together and the coordination of the work which was done in an effort to respect the courts within each department and the strengthening of the structures as well.

That favorable image does not have, however, a direct connection with the issues of trust, reliance, transparency and credibility surrounding the CNE, which are fundamental concepts for an institution of this nature⁷¹. In regards to these concepts, the interviewed subjects pointed out to the recovery of the Court’s image, although many of them personally believed that certain actions would need to be developed to consolidate each concept on their own (and collectively as well) as supporting elements of the image of the institution.

⁷⁰ The research was financed by ‘IDEA internacional’. The interviews were done by Mario Cañipa and the focus groups were done by the company: Diagnosis.

⁷¹ The complete sections have been copied here from the chapter of conclusions presented by Mario Cañipa, op cit.

As an immediate step, the consolidation of these attributes would be subjected to quick actions by the CNE such as: a) to show the transparency of the process applied to sort out the eligible voters included through the biometric voter registry as well as abundant and detailed information about the process; and b) to maintain and consolidate the perception of independence in regards to the government which the Court had tried to convey during the last few weeks which have enabled for all of its decisions to be executed.

The interviewed people pointed out as an immediate institutional need of the CNE to utilize all of its resources until it is able to accomplish for its resolutions to be carried out within society as dispositions or orders of the highest Bolivian Electoral Tribunal and as a power of the State established by the Political Constitution of the State. These resolutions should not be centered on specific individuals, or candidates, and they should be issued from the electoral institution, in a general manner.

The CNE has been able to consolidate the attributes related to “efficiency”, “capacity” and “courage” based on the success reached by the institution within the registry of Bolivian citizens, through the biometric system, and its development has demonstrated a well recognized technical capacity, these attributes, could be a solid basis for the total recovery of other elements that could be considered even more important, for an institution such as the court, this would include trust, reliability, credibility and transparency.

Aside from the interests by the media, to retain its image or to increase it, the CNE should evaluate its exposure to the media of its own authorities in the immediate future, in particular that of its President, Antonio Costas, whose public image must be consolidated in regards to the objectives of the institution.

b.- Focus groups

Eight focus groups were organized with the participation of people ranging between 27 and 47 years of age, from mid class strata, low middle class, and from lower classes in La Paz, Cochabamba, Santa Cruz and Tarija.

All of the participants within the focus groups were aware of the characteristics of the biometric voter registry even before the registry process had even started. They had heard about the biometric system through the national media, mostly through television⁷².

The information related to the biometric system, was obtained from two main sources:

- Television and radio news programs: We must remember that prior to the beginning of the voter registry; the biometric system was one of the main and most heated topics of most news programs. Mainly due to this reason, the awareness of the people about this issue was relatively high, even before the registry had even started⁷³.

- Through the advertising done by the CNE and the Departments' Courts: the subjects remembered certain elements of the campaign.

⁷² Focus Groups organized by the Company: Diagnosis, October 2009.

⁷³ Some of the conclusions from Diagnosis have been transferred here, op cit.

These two elements that were most important within the information process prior to the registry itself:

First, the presentation of written notices which included the day and the exact hour to be registered. This element was of great importance especially for people within middle class and lower middle class.

To receive this notice it also conveyed two ideas: a) first, the CNE is moving forwards in a very serious and professional manner, and its planning is impressive:

“I was really admired. This is the first time that I had received a notice of this kind at my home. You can see that the Court is well organized this time around” (Roger, 41 years old, middle class, Santa Cruz)

Second, to see through the media how the people working the voter registry were at rural places in really remote areas where they even had to go by boat, or riding on donkeys, on foot, etc. These images showed that the CNE was doing an efficient type of work, and that it was doing whatever was needed to include even the most remote rural areas:

“I have seen how the National Electoral Court has been going everywhere. They were going on boat to totally remote, out-of-reach areas. I feel that it is great what is being done” (Remberto, 38 years old, lower middle class, Cochabamba).

This issue was not only very familiar, but there was also the fact that the technological process was moving along fine and it seemed to be more reliable than the previous system.

In addition to all of this, it is also important to add that several people from outmost poor areas, of La Paz, El Alto and Cochabamba, would now have the opportunity to participate and to register through the Biometric Voter Registry system, which was associated to an additional motivation: to cast their vote in favor of Evo Morales.

Based in this previous attitude, the people interviewed went to quickly register at the voter registry centers. Many of them were anxiously waiting for the day to receive their notice so they could register.

Within the focus groups, the people interviewed mentioned that the biometric voter registry in connection with the national general elections of December of this year. The general understanding is that this voter registry is a guarantee for the “fraud factor to be lowered”.

The general conviction is that the biometric voter registry does not completely eliminate the possibility for fraud, but it does reduce the odds. In general, the possibility of fraud is associated with the steps taken by the government; this would include the current government as well as the previous ones. The overall perception about fraud, however, is that it is not as great as to distort the results of the elections. So the presence of this possible element of irregularities would not cause substantial changes, in the will of the people at the polls.

Most of the people who were interviewed believed that the biometric voter registry was a success because of the following reasons:

- The people feels motivated to vote.
- The biometric voter registry was regarded as a mandatory requirement

- The organization and effort of the National Electoral Court and the Departments' Courts. The success of the Biometric voter registry had the following impact in regards to the image of the National Electoral Court and among the departments' courts:
 - It confirm the professional image and skills of the members of the Courts.
 - It allowed for the CNE to be considered, although in a very marginal way, as a key actor to be considered in a positive manner as part of the electoral process, in contrast with the previous study in which this institution hardly had any real importance.
 - It created an opportunity to consolidate the image of the CNE not only as a professionally capable organization but also as a politically independent institution and as a guarantee of the transparency of the process, these issues have not been mentioned yet by the people interviewed, but it is mentioned any time the proctors of the interviews would bring up the issue.

(BACK COVER - CONTRATAPA)

More than 10,000 voter registry gents, including notary public officers, operators and visitors, dispersed themselves throughout every corner of the country, to complete this gargantuan task and to secure its success: the biometric voter registry.

The National Electoral Court was in charge of the operative and field work together with the nine courts from all of the departments of the country. The whole task, from its planning stage up until the execution of the whole process, was done by Bolivian professionals and technicians and it is an example which must be analyzed by other countries.

When Congress approved, on April 2009, the law that would authorize the biometric voter registry prior to the elections of December, very a few people believed that this would be possible within such a short period of time. Specialists, analysts and political leaders within every related field believed that this mandate would be impossible to complete. *But they were wrong.*

The Biometric Voter registry has helped to modernize democracy, by preventing the duplication of votes and increasing extensively the number of people who would be considered as eligible voters. This is a triumph, accomplished by Bolivians for Bolivians. This book expresses some of the details of how all of this regional objective happened.

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THE AUTHORS

RAUL PEÑARANDA UNDURRAGA (1966) has a degree in social communications from the Bolivian-Catholic University and he has a post degree in journalism from the Andes University. He is the first Bolivian who has obtained the Nieman Scholarship for journalists, which allowed him to study for two semesters at the University of Harvard (2007-2008), where most of his studies were centered on "Democracy and Development". He was the founding director of the weekly publications: 'Nueva Economía' and 'La Época'. He has worked as an editor assistant and later on as chief editor of economics issues in the national newspaper: 'La Razon', he was also a writing supervisor of another national newspaper: 'Ultima Hora' and a correspondent of the ANSA and AP news agencies, among others. He was the author of several books related to communications and politics. www.raul-penaranda.net.

OSWALDO CANDIA MANSILLA (1968) has a degree in social communications from the Mayor de San Andres University. He studied journalism at the NUR University of Santa Cruz and he is currently completing a mater's degree in Political Science. He was the founder and administrator of several communications companies and he worked in the area of strategic marketing for several companies and national institutions. Within his public service, there was his position as National Director and Sub-Secretary of the Ministry of Social Communications and Director of Information in the Vice-Presidency of the Republic. In 2003 he was appointed Information Director of the Presidency of the Republic, spokesperson (Public relations Secretary)

of the Presidency and member of the president's consultancy office. At the moment he is a university professor, consultant and assistant of strategic communications.