



PRELIMINARY STATEMENT
5 February 2019

**Salvadorans break historic bipartisan politics
with credible, transparent, and peaceful elections**

This preliminary statement of the EU election observation mission (EOM) is delivered before the completion of the entire electoral process. Critical stages remain, including final results and the adjudication of petitions, which the EU EOM remains in the country to observe. The EU EOM is now only in a position to comment on observation undertaken to date, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers appropriate.

Summary

- The Supreme Electoral Court (TSE) delivered well-organised elections, despite a short timeframe to verify candidatures, a much-discussed decision on the design of the ballot paper and polling station results protocol, and criticism against the integrity of the institution. Polling and counting procedures were broadly followed, with sufficient transparency measures to guarantee credible results. In an inclusive process, the elections were scrutinised by the Electoral Oversight Board, political parties, the Attorney General’s Office, the Human Rights Ombudsperson’s Office, civil society, and international groups.
- The low-intensity campaigning was orderly, peaceful and calm, and with few incidents of violence. Most of the candidates, and especially Carlos Calleja, Hugo Martínez, and Josué Alvarado opted for conventional campaigning events such as door-to-door canvassing, while Nayib Bukele, presented as the outsider in the competition and political third force, campaigned mostly through TV and radio advertisements, and on social networks. Unsubstantiated and repeated accusations of fraud during the campaign were disruptive to the electoral process. The excessive presence of partisan activities in and around polling centres contravened the electoral silence period and as such did not contribute to a neutral voting environment.
- Vote-buying in cash or in kind is forbidden under the Penal Code, however, during campaigning political parties distributed household supplies and basic food staples without being sanctioned. Mixing office with party politics, mayors sometimes used town halls and municipal facilities for storing campaign materials, and public servants were observed to engage in campaign activities during work hours.
- The legal framework incorporates fundamental international principles for democratic elections, but continues to present voids and weaknesses. For example, there remains a need to calibrate administrative and penal sanctions for electoral infractions in order to achieve a more effective electoral justice. A newly-appointed Constitutional Chamber offers guarantees for the protection of fundamental political rights as it provides a review mechanism for appeals against TSE decisions.
- The TSE membership structure offered confidence to represented parties and uncertainty to others. Delayed TSE decisions regarding key stages in the electoral process introduced vulnerabilities by limiting transparency and stakeholder knowledge about the process, and therefore their confidence in the electoral authority. For example, agreement on a procedural manual for the final results tabulation, including procedures to deal with inconsistent results protocols and the recount of ballots, was taken only days before the election, limiting the

opportunity for its dissemination and familiarisation to stakeholders and the general public. Moreover, the TSE and political parties took several controversial decisions affecting the layout of the polling station results protocol and the ballot paper. The latter appeared to favour contending candidatures over the best interest of voters to make an informed choice.

- Polling preparations were adequate and professional. The TSE announced it trained a sufficient number of poll workers, even though this was only the second time it was in charge of training polling staff. In an outreach to stakeholders, the TSE also provided non-compulsory training to party agents, journalists, and police. EU observers reported that training on determining the validity of the ballot was unclear, and poll workers were given contradictory instructions from trainers. The TSE launched a nationwide voter education programme on radio and television to inform voters about their polling locations and voting procedures.
- Freedom of expression and freedom of the media were generally respected. Traditional outlets provided information regularly to citizens on the development of campaign activities and the electoral process. However, balanced reporting and impartial information were rare due to the polarisation of the media sector in El Salvador. Media electoral coverage was mostly biased, with state media openly favouring the ruling FMLN party. Nayib Bukele avoided media interviews and participation in public debates, and media hardly covered his campaign events. On internet, a high level of fake media, fake news, and smear campaigning was observed.
- Women continue to face gender-based violence and obstacles to the full enjoyment of political participation. Throughout the campaign both female vice-presidential candidates suffered verbal aggression with sexist remarks. The TSE took measures to improve conditions for participation of persons with disabilities, including braille templates for the visually impaired, and improved access to voting centres. The TSE made significant efforts to protect the political rights of the LGTBI community; fourteen LGTBI facilitators provided training to poll workers on inclusivity.
- Over 5,000 national and international observers scrutinised the elections, and they enjoyed an effective freedom to observe and report without restrictions on the elections. Since 2015, the TSE imposed complex accreditation procedures and the signature of a memorandum for national organisations that deploy more than 200 observers, which restricts their right to observe on equal terms as international observers.

Preliminary findings

1. Background

On 3 February, Salvadorans went to the polls to elect a president and vice-president on a joint ticket for a five-year mandate. These were the sixth presidential elections since the 1992 Peace Accords. Three political parties (FMLN, GANA, *Vamos*)¹ and one coalition (ARENA, PCN, PDC, DS)² competed with presidential formulas. While the ideologically opposed FMLN and ARENA dominated the political space and managed to share governing the country over the past three decades, these elections were characterised by the participation of a third force that endeavoured to bring about an end to the country's established bipartisan political framework.

¹ Farabundo Martí National Liberation Front (FMLN), *Gran Alianza por la Unidad Nacional* (Grand Alliance for National Unity – GANA).

² Alianza Republicana Nacionalista (Nationalist Republican Alliance – ARENA), *Partido de Concertación Nacional* (Party of National Concertation – PCN), *Partido Demócrata Cristiano* (Christian Democratic Party – PDC), *Democracia Salvadoreña* (Salvadoran Democracy – DS).

On the coalition's presidential ticket, businessman Carlos Calleja and his running mate, economist Carmen Aída Lazo, were both new to politics. The FMLN ticket was headed by former Minister of Foreign Affairs, Hugo Martínez, with lawyer and Legislative Assembly Deputy, Karina Sosa, as his running mate. *Vamos* was founded a year ago by its now presidential candidate, Josué Alvarado. His vice-presidential candidate, Roberto Rivera, is known for his work with civil society organisations. The GANA presidential ticket was headed by Nayib Bukele, who was until last year the FMLN Mayor of San Salvador. His running mate was Felix Ulloa, a lawyer and former TSE magistrate. Bukele and Ulloa registered with GANA, but both candidates openly promoted themselves on a *Nuevas Ideas* ticket.

The President of El Salvador enjoys extensive powers, and is elected for a five-year term that can be repeated only after two further mandates have expired. A candidate is elected president if they secure an absolute majority of valid votes.

The European Union observed the 2018 legislative and municipal elections and at that time made a series of recommendations. The key recommendations offered by the EU EOM 2018 still hold and included the need to calibrate administrative and penal sanctions for electoral infractions in order to achieve a more effective electoral justice; to enhance the consistency of the final results tabulation process with clear criteria for the review of results protocols, correction of errors and recounts; to improve the TSE's capacity to fulfil its obligations to audit political financing and adopt adequate and proportional sanctions for non-compliance; to introduce appropriate laws regulating the media. A legal prohibition safeguards the electoral laws from being amended the year prior to elections. This provides legal certainty and is in line with international good practice. In conformity with this provision, no significant amendments were introduced in the interim period since the 2018 legislative and municipal elections.

2. Campaign Environment

Traditional rivals ARENA and FMLN ran conventional campaigns with a shared interest in consolidating the country's institutionality; Bukele ran an anti-corruption campaign with frequent fraud allegations.

The 120-day official campaign period started on 3 October, although pre-campaigning had been ongoing since late 2017, which according to interlocutors contributed to election fatigue. The TSE and the Electoral Prosecutor's Office do not dispose of the necessary resources to follow up on all violations of campaign regulations, including pre-campaign electoral propaganda.

Campaigning was orderly, peaceful and calm, hardly any violent incidents were reported, and fundamental freedoms of expression, movement, and assembly were generally respected. In contrast to the 2009 and 2014 presidential elections, there was a notable decrease in conventional campaign activities such as rallies. Door-to-door canvassing was the preferred strategy of most of the candidates, which also campaigned through mass media and advertising on billboards. Bukele ran his campaign mainly on TV, Radio, and social networks (Facebook, Twitter). He used social networks to criticise the integrity of the Supreme Electoral Tribunal (TSE) and repeatedly emphasised his suspicions of fraud. These suspicions were unsubstantiated, and no formal complaints were ever lodged. In reaction to one of his tweets, on 6 December a few hundred *Nuevas Ideas* militants blockaded and partly occupied the TSE headquarters.

An important moment in the campaign was the televised debate between three of the four presidential candidates. The televised debate between three of the contenders amounted to a venue for sharing political platforms rather than a real dialogue between them. Bukele launched

his government plan in what was touted as a live transmission during the same timeslot as the debate. The candidate came under criticism when it was discovered the live event was in fact pre-recorded and that parts of his plan had been plagiarised from the current government's health plan, academic publications, and confidential police data relating to mapping of criminal gangs.

Traditional antagonists FMLN and ARENA were observed to engage in more friendly competition than hitherto, while publicly showing confidence in the TSE. Bukele's campaign promoted anti-establishment sentiment. His campaign centred around corruption scandals involving two recent presidents (ARENA's Antonio Saca and FMLN's Mauricio Funes) and the poor economic and security environment.

Compared to previous elections, there was little policy content presented in the campaign, and recurrent political platforms from previous elections were hardly visible. There was little reference to what were the main campaign issues just one year ago: security policies, the political influence of criminal gangs, migration and the revocation of Temporary Protection Status (TPS) for around 200,000 Salvadorans living in the USA.

Similar to past electoral processes, political parties were observed to hand out household supplies and basic food staples during campaigning. This practice goes totally unsanctioned, although the Penal Code schedules four to six year's imprisonment for whoever pays in cash or in kind or offers benefits to voters to cast their vote in favour of a given candidate or party. Likewise, observers reported that some parties and mayors appealed to voters by paying the USD 10 fee for renewal of expired national identity cards (DUIs).

Campaigning costs are covered by both private and public funding. The Electoral Law establishes that political parties receive public financing based on the vote share the party received in the previous elections. Candidates and political parties may receive unlimited private funding in cash or in kind, with certain legal limitations. The origin of private campaign funds, in difference to the recent legislative elections, was not a subject of public debate. While there is a legal obligation to reveal funding sources, the TSE lacks the capability to undertake their timely verification.

3. Legal Framework

The legal framework incorporates fundamental international principles for democratic elections, but continues to present voids and weaknesses.

El Salvador ratified the most significant international and regional treaties for the protection of human rights and democratic governance such as the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Racial Discrimination, the Conventions on the Political Rights of Women and on the Rights of Persons with Disabilities.³

Despite reforms prompted by Constitutional Chamber (CC) rulings, election laws continue to present voids and weaknesses. In addition to those addressed in the key recommendations offered by the EU EOM 2018, there is still a need for clearer criteria to define the validity of the ballot, a ban on campaign materials inside polling centres, cleansing of the voter register, and introduction of a press law.

³ Further regional commitments include the Charter of the Organisation of American States, the Inter-American Convention against Corruption, the American Convention on Human Rights, and the Inter-American Convention on the Granting of Political Rights to Women.

The legal framework governing elections remains unchanged since the last polls.⁴ The newly-appointed CC, with four out of five new magistrates, elected after a protracted four-month process, was operational since November 2018. A sitting CC offers guarantees for the protection of fundamental political rights by providing a review mechanism for appeals against TSE decisions.

4. Election Administration

The TSE membership structure offered confidence to represented parties and uncertainty to others; late decisions on key issues adversely affected stakeholder confidence in the electoral authority.

Delayed TSE decisions regarding key stages in the electoral process introduced vulnerabilities by limiting transparency and stakeholder knowledge about the process, and therefore their confidence in the electoral authority. The TSE was often challenged to take decisions that may have had a political implication. Agreement on a procedural manual for the final results tabulation, including procedures to deal with inconsistent results protocols and the recount of ballots, was only taken days before the election, limiting the opportunity for its dissemination and socialisation to stakeholders and the general public. The TSE was late to publish the distribution of free airtime on state radio and television for contenders, conveying their decision on the same day free airtime period began. The system for preliminary results may have suffered from late contracting of technical personnel.

The TSE membership structure, with nominees from political parties, influenced the way it communicated activities to the public and candidates, lacking a consistent and open communication strategy that would have instilled stakeholder confidence. For instance, there was poor communication on the conclusions of the testing of the system for the transmission of preliminary results, which had the consequence of fuelling mistrust and allegations of fraud. Moreover, TSE decisions were not readily available on its website or by other means, and TSE hearings were held behind closed doors, aspects which may not be completely in line with El Salvador's international and regional commitments.

The TSE and political parties took several controversial decisions affecting the layout of the polling station results protocol and the ballot paper. The latter appeared to favour contending candidatures over the best interest of voters to make an informed choice. The four political parties in the coalition decided that each would participate with its own logo, resulting in the TSE approving a ballot paper with seven logos, even though there were only four presidential candidates. In line with the ballot design, the polling station results protocol included fields for the seven contesting parties and an additional field to attribute votes for the coalition.

⁴ Laws applicable to the 2019 election include the 1998 Constitution, the 2013 Electoral Code, the 2013 Political Party Law and its Regulation, the 2013 Special Law for Out-of-Country Voting, the 2014 Regulation on Domestic and International Observation, National Registry of Natural Persons Law and its Regulation 1995, the 2001 Law on the Issuing of the Identity Document, the 2005 Rules for the Residential Vote, and the 2014 Regulation of Election Observation. The Penal Code regulates in article 295 nine criteria of electoral fraud.

5. Election Preparations

Polling preparations were adequate and professional; the TSE managed successfully to train a sufficient number of poll workers.

Election preparations were adequate and generally on time. EU observers reported that departmental and municipal electoral boards (JEDs and JEMs) functioned well, although their involvement was limited to managing polling staff proposals and offering logistical support to the TSE. Reportedly most JED and JEM decisions were taken by consensus, indicating that members worked in a constructive and cooperative manner despite their different political allegiances.

Since members of temporary electoral bodies are prohibited to hold partisan affiliation, polling staff are now trained by the TSE instead of political parties. The TSE announced it trained a sufficient number of poll workers, even though this was only the second time it was in charge of such training. In an outreach to stakeholders, the TSE provided non-compulsory training to party agents, journalists, and police. EU observers reported that training on determining the validity of the ballot was unclear, and poll workers were given contradictory instructions from trainers.

The Electoral Law is explicit in that no public office holder may make use of that office for party politics. However, EU observers reported that mayors sometimes used town halls and municipal facilities for storing campaign materials and that public servants have been seen to engage in campaign activities during work hours.

The TSE launched a nationwide voter education programme on radio and television to inform voters about their polling locations and voting procedures. On 10 January, and with technical assistance from the International Republican Institute (IRI), the TSE started its *Votabús* project consisting in a bus travelling the country to provide information on the elections.

6. Voter Registration

Stakeholders reported confidence in the voter register.

There were 5,268,411 registered voters for these presidential polls. Salvadorans are included in the voter register when they reach the age of majority (18) and are issued a national identity card (DUI). The first DUI is free, and subsequent renewals cost USD 10. A valid DUI is the only accepted document for voter identification at the polling station. The National Civil Registry (RNPN) informed that only 4,911,000 DUIs are currently valid, as such some 350,000 registered voters were ineligible to vote. This number includes around 300,000 citizens who never requested a renewal since introduction of the DUI in 2001. Some efforts were made to encourage citizens to renew their DUIs. The Legislative Assembly allocated USD 2 million, which allowed around 200,000 DUIs to be issued free of charge. While stakeholders did not express concern about the reliability of the voter register, issues identified by previous EU missions remained, such as the inclusion of a number of deceased and emigrated voters.

Salvadorans living abroad are eligible to vote in presidential elections through an absentee postal ballot. Only 5,468 of the 350,638 eligible out-of-country voters registered. In order to facilitate registration, the TSE implemented an internet application, through which voters could submit their address and scanned DUI in order to receive an absentee ballot. Low registration rates might be linked to the lack of a valid DUI, poor internet literacy or access, or voter fears about possible consequences to their foreign residency status. The TSE received over 3,000 absentee postal ballots.

7. Internal Party Primaries and Candidate Registration

The EU EOM noted improved internal party democracy; petitions against all four presidential candidatures were made to the TSE and the Constitutional Chamber.

These were the first presidential elections preceded by mandatory internal party primaries. The Political Parties Law obliges each political party to determine its candidates through internal primary elections, which are not supervised by the TSE. All registered party members can participate. No female candidate ran for the presidency, while the vice-presidential candidates for the coalition and FMLN were women.

Following the TSE verification of documentation and other legal criteria, the four presidential and vice-presidential joint tickets were registered during the period of 15-26 October. The TSE decided on the acceptance of candidacies and proceeded with their registration within a short three-day deadline. The TSE accepts sworn declarations presented by candidates without conducting further confirmation into presented documentation.

All presidential candidatures were formally challenged, either in regard to the conduct of party primaries in the case of ARENA, GANA and FMLN, or questioning the registration of candidates by the TSE, as was the case for ARENA and GANA. These petitions were rejected by the TSE on procedural grounds. An appeal requesting the de-registration of the *Vamos* presidential candidate is currently pending at the Constitutional Chamber.

8. Media

Media coverage of the electoral process was abundant but generally biased; smear campaigning on internet and social media seriously undermined a peaceful campaign environment.

Freedom of expression and freedom of the media were generally respected. Traditional outlets provided information regularly to citizens on the development of campaign activities and the electoral process. However, balanced reporting and impartial information were rare due to the polarisation of the media sector in El Salvador. On internet, a high level of fake media, fake news, and smear campaigning was observed.

The legal framework for the media provides for fundamental rights. Nevertheless, there are no legal regulations in El Salvador on objective and impartial coverage of the electoral campaign by the media. Newspapers, TV channels, and radio stations offered voters election related news and programmes, including interviews and debates with candidates. Most of these initiatives, however, lacked information on the GANA candidate, as Nayib Bukele avoided media interviews and participation in public debates.

Media electoral coverage was mostly biased. Findings from EU EOM media monitoring reflect that state media *Televisión de El Salvador* (TVES) and *Radio Nacional de El Salvador* (RNES) openly favoured Hugo Martínez and the ruling party by allocating 53.4% and 56.4%, respectively, of their news and election-related programmes to FMLN, against an average of 18.5%, 18.9%, and 7.6% to the ARENA-led coalition, GANA and VAMOS, respectively.⁵ FMLN also benefited

⁵ From 3 January to 3 February, the EU EOM monitored a total of 10 media with national coverage, including TVES, RNES, Canal 6, Canal 19, Canal 29 Gentevé, Radio Maya Visión, Radio YSKL, *La Prensa Gráfica*, *El Diario de Hoy* y *Diario Co Latino*. TV broadcasts were monitored from 18:00 to 02:00. Radio broadcasts were monitored from 06:00 to 12:00.

from extensive additional coverage in state media through news on governmental works and projects. During the monitoring period, Nayib Bukele received the largest amount of negative coverage on RNES (61.9% of the total airtime allocated to the candidate), TVES (37.9%), Canal 6 (46.1%), Canal 19 (19.7%), Radio YSKL (35%), and *Diario Co Latino* (69.6%). *La Prensa Gráfica* and *El Diario de Hoy* favoured Carlos Calleja by allocating 43.4% and 47.4%, respectively, of their election-related news to the candidate. Following provisions in articles 60 and 61 of the Political Parties Law, state media TVES and RNES afforded free airtime programmes to the different electoral contestants during the last five days of the campaign.

Smear campaigning was present on internet, social media, and traditional media. Some materials disseminated on internet questioned the moral integrity or private life of particular candidates. Notwithstanding, only one official complaint in relation to smear campaigning was lodged. A TSE decision on the complaint is pending. Six days before the end of the campaign period, the TSE suspended the broadcasting of eight spots for violation of the prohibition for political parties to use national symbols, logos/flags of other political parties, or images of other candidates in their electoral propaganda. The suspended spots were paid for by ARENA (four), GANA (three) and FMLN (one).

The campaign silence period was violated by most of the candidates and party representatives through live TV interviews and press conferences broadcast on election day. Some news and opinion articles in print media (*La Prensa Gráfica* and *El Diario de Hoy*) had the clear intention to influence voters. On internet and social media, numerous proselytising messages by all four candidates circulated during the three days prior to elections and on the election day.

9. Citizens' Groups and Observation

Citizen and international organisations enjoyed freedom to observe, although complex procedures and slow TSE decisions somewhat hindered national observer accreditation.

The TSE accredited over 5,000 national and international observers for these elections. The Salvadoran legislation broadly allows for citizen and international observation of the elections, although since 2015, the TSE imposes complex accreditation procedures and the signature of a memorandum for national organisations that deploy more than 200 observers, which restricts their right to observe on equal terms as the international observers.

More than 1,800 national civil society observers were accredited for these elections. Most observed under umbrella organisations such as *Fundaungo* (800) or *Consortio Observador Electoral* (850). The latter, supported by the National Democratic Institute (NDI), was comprised of the University of El Salvador (UES), the El Salvador Association of Private Universities (AUPRIDES), and Social Initiative for Democracy (ISD). The Human Rights Ombudsperson also deployed 750 observers to monitor elections.

Over 900 international observers were accredited, including the European Union (82), the Organisation of American States (84), Inter-American Union of Electoral Bodies (40), and United States of America Embassy (60), as well as guests of contending political parties such as ARENA and FMLN.

10. Political Participation of Women

Women continue to face gender-based violence and obstacles to the full enjoyment of political participation.

Women comprise 53.3% of registered voters, yet continue to be underrepresented in the majority of elected office, in government, and in decision-making positions. In the electoral administration, only three of the nine serving TSE magistrates are women, while in the temporary electoral bodies only 25% of departmental electoral board (JED) members and 30% of municipal electoral board (JEM) members are women. At the lowest level of election administration, women comprised 54% of poll worker trainees.

None of the four presidential tickets championed a female candidate. Both female vice-presidential candidates conducted visible campaign activities and participated in the 9 January debate. Verbal aggression with sexist remarks, especially on social media, against female candidates was recurrent and widespread throughout the campaign. Despite public acknowledgement of gender-based violence against the vice-presidential candidates, these were not denounced at the Electoral Prosecutor's Office.

11. Political Participation of Persons with Disabilities and the LGBTI Community

The TSE took measures to improve conditions for participation of persons with disabilities, and made significant efforts to protect the political rights of the LGTBI community.

As in previous elections, the TSE signed a cooperation agreement with the Council for Comprehensive Attention to Persons with Disabilities (CONAIPD), outlining measures to enhance the participation of persons with disabilities. For instance, there were braille templates in polling stations to allow visually impaired voters to vote without assistance. The TSE worked to reduce physical barriers in voting centres for voters with reduced mobility. With UNDP support, CONAIPD developed materials and organised training for TSE staff on facilitating the vote of special needs voters. The polling station staff manual included a chapter on how poll workers can facilitate the vote of persons with disabilities. Following the 2018 legislative assembly elections, two candidates with reduced mobility were elected.

Fourteen LGTBI facilitators provided training to poll workers on inclusivity. They were trained to accept the identification of transgender voters, even when the picture on their national identity card (DUI) did not match their physical features or acquired gender. The polling staff manual also included a specific section on the matter. Salvadoran legislation does not allow name changes based on a person's acquired gender orientation. Therefore, transgender voters must identify themselves at the polling stations with their original names and not with their chosen ones.

12. Polling, Counting and Transmission of Results

Procedures for voting, counting, and transmission of results were well-implemented, in a transparent process that offered sufficient guarantees.

Election Day

The EU EOM's 82 observers visited 375 polling stations throughout the day in the country's 14 departments; opening was observed in 37 of these polling stations and closing and counting in 35. Observers submitted 36 reports on the transmission of results from polling centres across the country. The EU EOM consolidated information from 372 observation reports.

Opening

EU observers reported that 21 of the 37 observed polling stations opened within the first 20 minutes of the official opening time of 07:00 am. In five of them, opening was delayed up to 90 minutes due to no-show of poll workers or late arrival of election materials. The TSE informed it had established all polling stations within two hours of the official opening time. On a positive note, all poll workers had been previously trained and the TSE did not have to resort to appointing untrained polling staff. Overall, EU observers assessed opening procedures as good or very good in 33 of the 37 observed polling stations and described the process as quiet, orderly and straightforward.

Polling

The presence of FMLN, Coalition, and GANA party agents in 93% of the observed polling stations contributed to the transparency of the process, although partisan activities in and around polling centres contravened the electoral silence period and as such did not contribute to a neutral voting environment.

A well-organised election day progressed calmly throughout the day, although with a slight decline in voter participation compared to the 2014 presidential polls. The EU EOM assessed the overall conduct of polling operations as good or very good in 99% of observed polling stations and described the process as calm and orderly. Polling staff were observed to perform their duties with impartiality. Polling procedures were adhered to, with only minor exceptions. The layout in 92% of observed polling stations ensured the secrecy of the vote. Around 69% of observed polling stations were accessible for persons with disabilities.

Closing and Counting

EU EOM observers assessed the counting process as good or very good in all 35 of the observed polling stations. In 32 of them, EU observers described the process as transparent, well-organised and orderly and reported that poll workers performed professionally. Procedures were followed properly in the vast majority of the observed polling stations. The presence of party agents and their good performance ensured the transparency of the process. As party agents received a copy of the polling station results protocol, they were able to verify these against official results at the national level. There were few complaints submitted on polling day.

Transmission of Preliminary Results

EU observers followed the scanning and transmission of results from the 14 departments and assessed the process as good or very good in 30 out of 31 observed polling centres. At the national level, the EU EOM followed the reception and digital entry and aggregation of results protocols.

For the first time, the TSE implemented an in-house electronic system for transmission and tabulation of preliminary results. Developed by TSE experts, the system used scanning equipment donated by the Association of World Election Bodies (A-WEB) for the 2018 polls. The TSE made significant efforts to develop and adjust this in-house system and achieved good results. However, at odds with industry standards and international good practices, the TSE did not generate documentation encompassing all components of the transmission system and its internal processes. This did not prevent the successful implementation of the in-house system for preliminary results.

Following the counting at polling stations, protocols from the 1,596 voting centres were scanned and transmitted to a National Election Results Processing Centre (CNPRE) located in San

Salvador, where data entry clerks processed data through a double-blind entry system. By 23:00 pm on election day, the TSE had already received over 90% of all protocols which allowed them to provide a reliable projection of results as planned. By 05:30 am the TSE had processed 99.94% of all protocols. Nonetheless, last moment modifications of the network traffic management system did not permit time for proper testing and adjustments. As a result, the TSE did not manage to publish preliminary results in real time on a designated website, and the public did not have access to copies of original results protocols.

13. Complaints and Electoral Offences

Pre-election period with few formal disputes, persistent limited TSE capacity to investigate infractions, and non-dissuasive sanctions.

The TSE combines administrative and jurisdictional functions and has the authority to decide on electoral complaints filed by parties or citizens with a legitimate interest. It may also initiate *ex officio* investigations into violations of election rules. Affected parties had the opportunity to lodge complaints, appeal TSE decisions on candidate nomination, and file petitions on electoral administrative infractions. Administrative infractions generally remain unsanctioned due to insufficient TSE capacity to verify infractions and conduct timely investigations. Some sanctions for administrative infractions remain disproportional and are not dissuasive. There is currently a pending petition requesting the de-registration of the coalition's presidential candidate, Carlos Calleja.

The TSE registered some 30 infractions, the majority initiated *ex officio* and in connection with alleged violation of campaign rules by ARENA, GANA, FMLN, and *Nuevas Ideas*. The TSE dismissed four cases and issued eight provisional measures to media outlets to stop airing spots.

Prior to election, EU EOM observers in the field reported only a small number of election complaints. In Cabañas, municipal electoral board (JEM) members from Cinquera municipality complained they could not follow testing of the preliminary results transmission system, as they had not received their JEM credentials. The San Miguel departmental electoral board (JED) received a petition regarding a dispute between JED and JEM party representatives, which exposed the alleged trading of vacant positions in the JEMs. The case is pending a TSE decision.

The Constitutional Chamber reviews appeals for the protection of constitutional political rights. In the appeal for the de-registration of *Vamos'* presidential candidate, the petitioner's request for a provisional measure to suspend the candidate from campaigning was denied.

No formal protest claiming election fraud was presented with the Electoral Prosecutor prior to election day.

The European Union was invited by the Government of El Salvador and the Supreme Electoral Court to observe the 2019 presidential elections. The EU EOM is led by Carlos Iturgaiz, a Member of the European Parliament from Spain. The mission comprises a core team of nine analysts who have been in El Salvador since 26 December, 28 Long Term Observers (LTOs) who have been present since 2 January, and 28 Short Term Observers (STOs) who have been present since 27 January. In addition, the mission was joined by Short Term Observers from the EU member states diplomatic community resident in El Salvador. Observers were drawn from 25 EU member States and Norway.

The EU EOM assesses the whole electoral process against international obligations and commitments for democratic elections as well as the laws of El Salvador. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2015.

The English language version of the EU EOM preliminary statement is the only official version

*For media enquiries, please contact Alessandro Gori, EU EOM Press Officer
Tel. +503 7192 8987 / Email: alessandro.gori@moeue-elsalvador.eu*