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Final Report on
Ecuador's September 30, 2007,
Constituent Assembly Elections

Introduction

The Carter Center conducted a targeted observation mission of Ecuador's September 30, 2007, elections for 130 members of the Constituent Assembly with the goal of demonstrating the Center's interest and support for Ecuador's constitutional reform and political transition process. The Carter Center assessed the political and electoral environment prior to the Constituent Assembly elections and the transparency of the process.

The Carter Center received an invitation to observe the elections from the Supreme Electoral Council (TSE) on June 12, 2007. A Carter Center representative was present for the second-round of the presidential elections in November 2007 and the inauguration of President Correa in January 2008. The government of Ecuador, all major political parties and movements, the local domestic observation group, Citizen's Participation/Participación Ciudadana and the international community welcomed the Center's observation mission for the Constituent Assembly election.

The Carter Center's small mission included the establishment of a field office with a Carter Center representative, regular visits by the Chief of Mission and the deployment of short-term observers. The mission met frequently with representatives from the Supreme Electoral Council, the government of Ecuador, political parties and movements across the political spectrum, e

Ambassador Jaime Aparicio of Bolivia. The delegation met with President Rafael Correa, Vice President Lenin Moreno, Foreign Minister María Fernanda Espinosa, President of the Congress Jorge Galindo, political candidates and leaders from across the political spectrum and the heads of OAS, EU and local domestic observation missions.

On October 1, 2007, former President Toledo delivered the Carter Center's statement on the elections, which was well-received by local stakeholders and the international community alike.

The Carter Center's decision to field a small-scale electoral mission complemented its other projects in Ecuador. In September 2007, Carter Center launched two conflict resolution related projects supported by the United Nations Development Program (UNDP). These projects include a conflict and development analysis of Ecuador's Northern Border (Frontera Norte) with Colombia, and a Dialogue process between opinion-makers from Colombia and Ecuador which is designed to improve bilateral relations and cooperation between the two countries.

In 2008, the Carter Center continued these projects and began initiatives to support the Constituent Assembly. The Center monitored and reported on the work of the Constituent Assembly, producing a 5-page weekly report and a monthly in-depth analytical report. At the request of the President of the Constituent Assembly, and in collaboration with other members of the international community, the Carter Center organized two seminars on the recent Constituent Assembly processes in Bolivia and Colombia.

Political Context

Over the past decade, Ecuador has experienced a severe collapse of its political system and institutions. Political instability has been the norm, with eight Presidents serving since 1996. Economist Rafael Correa was elected with 57% of the popular vote in second-round elections in November 2006. Carrying with the backing of the political movement Alianza País (Country Alliance), he promised broad political, social and economic changes to address poverty, inequality and corruption. A new institutional framework to support these changes and political stability would be developed in a new Constitution.

Following his election, President Correa's highest priority was to convoke a Constituent Assembly to draft the new Constitution. On January 15, 2007, he signed an executive decree asking the TSE to organize a referendum on whether to hold a Constituent Assembly to write a new Constitution, the 20th in Ecuador's history.

Confrontations between the President, Congress, the Constitutional Court and the TSE over the referendum occurred over the next several months. President Correa's executive decree gave the Constituent Assembly broad and full powers, including the power to dissolve Congress and other organs of control. When the TSE called for the referendum, the Congress dismissed the president of the TSE. He responded by dismissing 57 (out of 100) members of Congress who opposed the terms of the , and by resigning 57 (

dismissed from Congress were not reinstated and their political rights were suspended for a year.

The referendum to convene a Constituent

No mention of statistical analysis of Lucho Quiroga or the electoral system report by Fabrice Lehoucq.

Election Day Activities

The Carter Center teams observed voting processes in some 50 polling stations. At each polling site, observers consulted with officials presiding over the voting site, with presiding members of the voting tables or JRVs (receptoras de votos), voters, accredited members of political parties and movements, and other domestic and international observers.

The Carter Center's observers reported that voting sites were fairly well-organized, calm and experienced minor problems. Teams began and ended their observation work at the same voting site and also observed the counting of ballots there. The Carter Center's observers gathered results on several JRVs late into the night on behalf of the OAS and its quick-count.

Election Findings

Pre-electoral observations

There were several important advances in this election in extending representation and rights to all Ecuadorians, and there were several issues of concern to the Carter Center.

The Carter Center notes the following advances:

- x The law of quotas for women candidates was fully implemented for the first time, as the TSE required candidates be ordered alternatively by gender on the ballot. This allowed for greater female representation in the electoral process and subsequently in the Constituent Assembly, where 34% of the members are female.
- x The TSE's new public financing arrangement for advertising for radio, TV and printed communications (called franjas publicitarias, or publicity spots) was a positive step designed to level the playing field among candidates by offering them equal access to political advertising. Given that the system was criticized by some for not being implemented fairly for prohibiting privately financed political advertising, it may be worth revising and improving before the next elections.
- x The extension of the right to vote for many Ecuadorians living abroad was a positive step in extending voting rights for all citizens.

Prior to Election Day, the Carter Center expressed its concern about severe matters, including:

- x The serious complaints about the use of state resources (from the national government, mayoral offices and prefects) and the President's actions and presence in favor of certain political movements or candidates, which raised questions regarding the fairness of the playing field.

- x The presence of incidents of personal insults among candidates and the presentation of unrealistic campaigns proposals that were not relevant to the new Constitution.
- x The TSE's inconsistency regarding its rules (e.g. the use of exit polls and quick counts) and electoral calendar.

Election Day

The Carter Center targeted assessment of the September 2007 elections finds them to be free, fair and transparent under Ecuadorian law and international standards. The problems that occurred on Election Day did not affect the rights of citizens to exercise their vote or the final outcome.

The Carter Center mission identified the following problems:

- x There was inadequate information given to voters within the voting sites about exactly where to vote.
- x The absence of poll workers caused delays starting the process at some voting sites.
- x There was a poor distribution of spaces and JRVs in some voting sites.
- x The TSE coordinators seemed poorly prepared to resolve organizational and procedural problems in some voting sites.
- x Some candidates showed disrespect for electoral law by campaigning inside and nearby the voting sites on Election Day.
- x There were isolated incidents of violence, such as the one which occurred in Cabo de San Francisco in Muisne.

These problems did not tarnish the civic process on September 30th. However, they are issues that should be addressed by the TSE to improve the administration of future elections.

The Carter Center also noted the constructive role played by the armed forces and police during the electoral process. They provided security and logistical support on Election Day to the TSE and offered information and orientation to voters at voting sites. Their presence was considered neutral and welcomed by local stakeholders.

Post- Election

The Carter Center's targeted mission did not monitor the electoral process through the announcement of the final, official results. The complexity of the counting, tabulation and assignment of Constituent Assembly seats caused widespread confusion, large number of recounts and a long delay- some six weeks- in announcing the final results of the election. However, the counting and tabulation process took place in a climate of calm and the official results were widely accepted. No doubt this climate of calm was aided by the early release of the results of a reliable quick-count by the domestic observation group Citizens Participation.

Towards the Future

The Carter Center believes that the Constitu

further develop representative democracy, guarantee the rule of law and the independence of all branches of government and accountability mechanisms, and to guarantee the fundamental rights of Ecuadorians.

The Carter Center also believes that the Constituent Assembly is a common space to define a new social pact through dialogue and compromise, which will generate the conditions for an effective fight against poverty, inequality and exclusion, and within a framework of democratic participation where the common good takes precedence.

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The Carter Center to Observe

Carter Center Observes Democratic Consolidation
in Ecuador

1 October 2007

FOR IMMEDIATE RELEASE

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Yesterday, Sept. 30, the Ecuadorian people demonstrated their profound democratic vocation by voting peacefully for representatives to the constituent assembly.

Summary of Key Findings

The Carter Center congratulates the Ecuadorian people for their civic commitment. We would like to particularly recognize the role of the poll workers, who were mostly young people. Their creativity, honesty, and close attention to the law made the election successful, despite the complexity of the vote count.

The Carter Center also congratulates the Supreme Electoral Tribunal and its corresponding provincial bodies for the proper organization of the elections in accordance with Ecuadorian law. We recognize the constructive role of the armed forces and the police, who provided security on Election Day, and offered information and orientation to voters at the voting sites.

The Center recognizes the importance of the work of Participación Ciudadana in performing the quick count and in sharing results, both of which are essential elements for the transparency of the electoral process.

According to reports from Carter Center observers, who worked in close collaboration with the missions of the Organization of American States (OAS) and the European Union (EU), the problems that occurred during the election did not affect the exercise of the rights of the citizens. These problems included:

There was inadequate information within the voting sites about where exactly to vote.

The absence of poll workers caused delays in starting the process at some voting sites.

There was a poor distribution of space in some voting centers.

The Supreme Electoral Tribunal's coordinators seemed poorly prepared to resolve organizational and procedural problems in some voting sites.

Some candidates showed disrespect for the electoral law by campaigning inside and nearby the voting sites on Election Day.

There were isolated incidents of violence such as the one which occurred in Cabo de San Francisco in Muisne.

These circumstances did not tarnish the civic process on Sunday, Sept. 30. However, they are issues that should be considered and improved to enhance the electoral system of the country.

The Carter Center stresses the maturity shown by the authorities and political leaders upon the release of the first partial official election results. However, the Center insists that the only official results are those to be released by the Supreme Electoral Tribunal, in the time established by law.

The Campaign

During the campaign, Carter Center representatives met with the president and vice president of the Republic, the president of congress, dignitaries of the national and provincial governments, political leaders, candidates, members of civil society, and the media. The Center expresses its gratitude for their trust and their openness to the Center's observations about the process.

Former U.S. President Jimmy Carter Sends Congratulatory Message to Ecuador's

