

THE  
CARTER CENTER



*Waging Peace. Fighting Disease. Building Hope.*

**Final Report on Ecuador's  
Approbatory Constitutional Referendum  
of September 28, 2008**

**October 25, 2008**

The Carter Center  
One Copenhill  
453 Freedom Parkway  
Atlanta, GA 30307  
[www.cartercenter.org](http://www.cartercenter.org)

Oficina del Centro Carter en Ecuador  
Italia N32-10 y Mariana de Jesús,  
Ed. Mariana de Jesús, Piso 4, Of. 401  
Quito, Ecuador

# Contents

<b>Introducción .....</b>	<b>3</b>
<b>I. Political Context .....</b>	<b>4</b>
<b>II. Observation During the Campaign Period.....</b>	<b>4</b>
<b>III. The Day of the Referendum .....</b>	<b>7</b>
<b>IV. Overall Assessment and Recommendations .....</b>	<b>7</b>
<b>V. Results and Perspectives on Institutional Transformation .....</b>	<b>9</b>
<b>Appendices</b>	
Carter Center Electoral Observation Mission Delegation.....	11
Press Release: “The Carter Center to Observe Ecuador’s Constitutional Referendum, September 8, 2008” .....	12
Press Release: “Ecuador’s Constitutional Referendum: Preliminary Statement by The Carter Center, September 29, 2008” .....	14

## Introduction

The Carter Center led a small electoral observation mission for Ecuador's constitutional referendum on Sept. 28, 2008, to help promote a transparent and fair electoral process and accompany the country as it continues its political-institutional transformation. One of the major milestones in the process was the convening of the national constituent assembly (CA), which held session between November 2007 and July 2008. The CA's efforts culminated in the approval of a draft constitution, which was also approved by 63.93 percent of Ecuador voters during the Sept. 28, 2008, referendum.

The Carter Center has been following Ecuador's political transformation closely since the middle of 2007. In particular, it observed the elections for the assembly members in September 2007 and, afterward, issued biweekly reports and a final report in Spanish and English on the main events and decisions in the CA. Furthermore, The Carter Center helped to organize two workshops targeted at assembly members on lessons learned from other constituent processes, such as Bolivia's and Colombia's, that were held in early 2008.

In this context and in response to an invitation by Ecuador's Supreme Electoral Tribunal (*Tribunal Supremo Electoral*, or TSE), The Carter Center fielded during the referendum an international electoral observation team composed of experts on political and electoral issues. The observation mission was headed by Rodrigo Carazo, former president of Costa Rica and member of the Friends of the Inter-American Democratic Charter. The chief of the mission was Francisco Diez, the Carter Center's representative in Latin America. The Carter Center released a statement following the referendum but did not offer an extensive report due to the limited nature of the mission.

This report provides an account of the mission's chief activities, as well as its most important findings. In the first section, we describe the political context in which the referendum took place. In the second section, we report on the key activities and findings of the mission during the period leading up to the day of the referendum. The third section is dedicated to reporting the activities of the mission on the day of the vote. The next section offers a general assessment of the electoral process. In the final section, we include the results of the vote and outline different perspectives on the institutional transformation that has begun with the approval of what will be the new constitution; we also describe the main activities The Carter Center will conduct to continue following this process over the next several months.

## I. The Political Context

In 1997 Ecuador experienced the beginning of a cycle of popular protests that, at its height, led to the removal or overthrow of three of its presidents. In 1998, during the administration of Fabián Alarcón, the Ecuadorian people decided to initiate a constituent process in order to return the country to political stability. Its most immediate result was the country's 19th constitution ("the Constitution of '98," as it is popularly known). However, the new-found stability lasted a short while. Barely a year after the inception of the new constitution, and as a result of the discordance between the people's expectations and the present government's concrete policies, popular discontent returned to explosive levels. The years that followed bore witness to large popular marches, a successful *coup d'état*, and yet another presidential overthrow. In total, Ecuador saw eight presidents in a period of 10 years (1997–2007), and the majority of Ecuadorians developed a deep distrust of the foundational institutions of the state (Congress, judicial system, etc.) and the political parties. In this context, in early 2006, the presidential campaign of economist Rafael Correa surged in popularity due to his lack of affiliation with the traditional political parties. As his principal campaign issue he called for a new constituent assembly that would have full powers.

Once President Rafael Correa assumed office on Jan. 15, 2007, his first act was to call for a popular referendum by decree to decide whether to hold the assembly (Decree No. 2). On April 15, 2007, the referendum took place with 81.72 percent voting in favor of the constituent assembly.<sup>1</sup> A few months later, on Sept. 30, 2007, the assembly members were elected. Ecuador selected 24 national assembly members; 100 provincial assembly members; and six representatives of migrants living outside the country (two for Latin America, two for the United States and Canada, and two for Europe). The results of the election were strongly favorable for the president's political movement. The *Patria Altiva y Soberana* (PAIS) coalition won 80 of the 130 seats in the assembly.

The CA held session from Nov. 29, 2007, to July 24, 2008, the day the draft constitution was approved.<sup>2</sup> As described in Article 23 of the Convocatory Statute, as well as Article 69 of the Rules of Operation of the CA, after the CA approved the draft constitution, the TSE called for the approbatory referendum.

Thus, on Aug. 7, 2008, the TSE released the Convocation of the Approbatory Referendum, with the following question:<sup>3</sup> "Do you approve the text of the new political constitution of the republic written by the constituent assembly?," to which Ecuador voters could respond in two ways: "Yes" or "No." The electoral campaign began after that day.

## II. Observation During the Campaign Period

Before the electoral mission was installed, Jennifer McCoy, director of the Carter Center Americas Program, and Francisco Diez, chief of the mission, conducted two pre-electoral assessment visits to Ecuador. A series of activities took place during these visits, including meetings, logistics preparations, and so forth, that were implemented by the members of the Carter Center's field office in Ecuador, with the participation of the general mission coordinator, Andrea Durango. This series of activities held in September, allowed The Carter Center not only to gain a closer understanding of the electoral process but also the pre-electoral visits laid the groundwork for the rest of the

---

<sup>1</sup> Supreme Electoral Tribunal, "Referendum Results 2007." Online: <http://www.tse.gov.ec/Resultados2007/>

<sup>2</sup> For a summary of the work of the constituent assembly, see the Carter Center's final report on the assembly, located on its Web site. Online: <http://www.cartercenter.org/countries/ecuador.html>

<sup>3</sup> Supreme Electoral Tribunal, Convocation of the Approbatory Referendum, Aug. 7, 2008. Online: <http://www.tse.gov.ec/>

observers on the day of the referendum. The following is a list of some of the main activities conducted by The Carter Center in advance of the referendum day observation mission:

- meetings with TSE authorities
- meetings with representatives of other international electoral observation organizations (particularly with the Organization of American States and the European Union)
- meetings with representatives from the local electoral observation organization *Participación Ciudadana*
- observation of the vote-counting practice runs in the TSE and the Provincial Electoral Tribunal of Pichincha (TPEP)
- interviews with political actors who favored and opposed the draft constitution
- interviews with the key actors involved in the controversy over the alleged modifications to the draft constitution (see below)<sup>4</sup>
- monitoring of the mass media's reports on the electoral process
- monitoring of the polls on voters' intentions
- review of the existing legal framework for this electoral process and the international standards related to constitutional referendums
- interviews with representatives from the country's media outlets

The principal results of these activities included the following:

- On Aug. 29, 2008, the TSE and The Carter Center signed an agreement granting permission for the electoral observation mission to take place.
- The meetings with the other missions fostered an exchange of perspectives on the electoral process in general, as well as on the complaint presented by León Roldós and the use of public funds during the electoral campaign (discussed below).
- The observation of the practice drills run by the TSE and the TPEP allowed The Carter Center to evaluate the new efficient system of scanning and digitization that was implemented at the national scale for the first time and contributed to the strengthening of transparency in handling and processing the ballots.
- The interviews with key actors involved in the complaint brought by assembly member León Roldós allowed the Carter Center's mission delegation to clarify the main issues in the controversy and ultimately determine that, aside from the textual changes made to the draft constitutional text between July 19 and 24, 2008,<sup>5</sup> the approbatory referendum had a secure legal foundation from which to proceed, given that the text ultimately approved by the assembly was the same as the text voted on by the citizens.
- The monitoring of the media's coverage of the electoral process, as well as working meetings with the *Participación Ciudadana* organization, offered the opportunity to gain an overview of the campaign's general tone, as well as an understanding of the key players who were campaigning for one outcome or the other.

Although the nature of this report does not allow for a detailed exploration of each of the aforementioned points, two of the most controversial issues are discussed next.

---

<sup>4</sup> The key actors in this controversy were León Roldós, who filed the complaint; the Director's Commission of the CA and the Special Editing Commission, which were directly implicated; the attorney general, who was the public authority that processed the complaint; and TSE and the analysts contracted by the Konrad Adenauer Foundation, who were indirectly involved.

<sup>5</sup> These changes were singled out in a formal complaint that is currently being reviewed by the Ecuador attorney general.

## **The Complaint by León Roldós**

On Aug. 26, 2008, assembly member León Roldós (of the party *Red Ética y Democrática*, RED) presented the attorney general of Ecuador with allegations about ideological modifications to the draft constitution approved by the majority of the CA on July 24, 2008.

The complaint brought by Roldós focused on two central points:

- the alleged textual changes between the first version presented by the Special Editing Commission on July 19 and the second version the Commission presented which was voted on and approved on July 24
- the last-minute inclusion of the transitional regime as an integral part of the draft constitution that would be put for consideration before the citizens; according to Roldós, this regime never formed an integral part of the draft constitution

Roldós' complaint was received by the attorney general, Washington Pesantez, who called for a public meeting with the president of the CA in recess, Fernando Cordero, to hear his version of the events. The attorney general also requested that the president of the TSE send him a certified copy of the text received by the CA. On Sept. 8, 2008, Fernando Cordero testified before the attorney general. Cordero turned in 17,000 pages of the assembly's acts and 800 hours of video and audio as evidence. He also mentioned that Roldós allegedly missed the assembly's sessions between July 18 and 25, in violation of the CA's rules of operation.

Meanwhile, officials from the TSE clarified that the investigation previously started by the attorney general could not interrupt the electoral process nor suspend the referendum. As of the release of this report and once the new constitution is approved and in effect, the process underway in the attorney general's office will continue in a preinvestigatory stage that, according to Ecuador law, could last as long as one to two years.

## **Electoral Spending and Use of Public Funds During the Campaign**

Another controversy during the campaign had to do with electoral spending. While there was a comparable balance in spending by political organizations registered in the TSE to campaign for both sides, according to reports released by *Participación Ciudadana*, which monitored electoral expenditures, The Carter Center believed that the strong presence of the central government and certain sectional governments in the mass media and their promotion of public works projects created an imbalance in the campaign. Government publicity was not always limited to impartial promotion of the content of the constitutional draft, as the law requires. Instead, it occasionally tended to promote a "Yes" vote when conducted by the national government and some sectional governments or to promote a "No" vote when conducted by the mayor's office of Guayaquil. As stated by Francisco Diaz, the Carter Center's mission chief, "From the standpoint of observing the election, there is a clear imbalance; the president and his cabinet are campaigning. In the earlier process [to elect the national assembly members in 2007], the government exercised self-control; now the president is campaigning, it's perfectly clear."<sup>6</sup> In addition, the call for an end to campaigning during the days immediately prior to the referendum was not strictly observed, nor was the campaign spending limit. (One of the political organizations campaigning for "No" exceeded it.)<sup>7</sup> All of these issues could be resolved with clearer, more relevant legislation for future processes (see General Assessment of the Process and Recommendations).

---

<sup>6</sup> Ela Zambrano, "Interview with Francisco Diez, Representative of the Carter Center." *El Telégrafo*, Sept. 28, 2008. Online: [http://www.telegrafo.com.ec/actualidad/noticia/archive/actualidad/2008/09/25/\\_1C20\\_Si-pierde\\_2C00\\_-Correa-va-a-quedar-muy-debilitado\\_1D20\\_.aspx](http://www.telegrafo.com.ec/actualidad/noticia/archive/actualidad/2008/09/25/_1C20_Si-pierde_2C00_-Correa-va-a-quedar-muy-debilitado_1D20_.aspx)

<sup>7</sup> According to *Participación Ciudadana*, an organization that monitored electoral spending, the *Evolución y Construcción Nacional* movement was the only political group that exceeded the limit by a little more than \$21,000.

### III. The Day of the Referendum

Two days prior to the referendum, Carter Center observers participated in preparatory sessions for referendum day. Experts on political and electoral issues participated in these sessions, as did representatives from other observation missions and representatives of the TSE. On the day of the referendum, Sept. 28, The Carter Center dispatched two groups of observers in Guayaquil and three in Quito, due to the strategic electoral importance of the largest urban areas in Ecuador.<sup>8</sup> The observers started their work at 6:30 a.m. by attending the setup of the polling places (called *juntas receptoras del voto*, or JRV) in the different electoral precincts of the two cities. The observers visited numerous voting districts in both cities and at the close of the day, they stayed at some polling sites until after 6 p.m. to observe the poll workers as they counted the votes and certified the ballots. Afterward, the observers monitored the counting process in their respective provincial tribunals, which started at 9 p.m.

The Carter Center's observers relied on a form to relay important information about the development of the election. While the results of this method could not be considered in any way representative due to its limited application, they do facilitate a comparison of some important characteristics of election day in the different JRVs observed. From these direct observations it was clear that the referendum took place in normal and peaceful conditions. While there were no irregularities significant enough to alter the outcome of the vote, the observers noted several aspects that could be improved for future elections, including the following:

- Some polling sites functioned with only two to three officials and a secretary at certain times, instead of the minimum of three representatives and a secretary.
- There were delays in opening the polling sites.
- At some polling sites, there were no electoral materials.
- There was a lack of precise information on the locations of the polling sites.
- Some polling site workers lacked experience in dealing with voters with disabilities.

Ultimately, to finalize the observation of the polling sites, the Carter Center's mission chief visited the call center organized by *Participación Ciudadana*, where he observed the first results of the quick count system the organization put together in more than 1,500 JRVs, throughout all provinces in the country. This was the only public quick count attempted in the country. Its results were released very close to the results of the TSE.

### IV. General Assessment and Recommendations

The day following the referendum, The Carter Center held a press conference where it announced its principal findings.

First, the Center commended the professionalism shown by the officials of the TSE, who actively participated not only on the day of the referendum but throughout the electoral process. In particular, the Center recognized the TSE's praiseworthy effort to extend the period for updating the voter registry as well as to implement a new system for ballot scanning and digitization on the national scale to increase transparency in the results as well as its important effort to provide

---

See *Participación Ciudadana*, Press Bulletin No. 038, Sept. 24, 2008. Online: <http://www.participacionciudadana.org/contenidos.php?menu=6&submenu1=18&submenu2=9&idiom=1>

<sup>8</sup> An appendix to this report is a list of the observers in each city.

electoral materials specially designed to facilitate voting for persons with disabilities. The TSE also made an outstanding effort to include the votes of the Ecuadorians living outside the country.

Similarly, The Carter Center recognized the work of the Ecuador armed forces who provided outstanding assistance for the preparation, order, and safety of the civic event. It also noted the participation of women, working professionals, and young people who served as the majority of poll workers with great civic enthusiasm.

Additionally, the mission recognized the important role played by observers from national and international organizations, especially the contributions of the *Participación Ciudadana* organization, the Organization of American States, the European Union, the Center for Electoral Assistance and Promotion, and the other observer delegations from various countries.

At the press conference following the referendum, Rodrigo Carazo, presented the Center's general assessment of the process and offered a few recommendations:

Despite a few minor problems observed during the day, the Carter Center's overall assessment was that the process was transparent, peaceful, and well-organized.

The Carter Center recommends that Ecuador institutions and society increase their efforts to:

- reduce the discretion used by poll workers in their determination of null votes so that the will of the voter is not altered and so as to avoid the possibility of conflict related to the vote count
- prioritize a better distribution of space in the polling stations to guarantee the efficiency of the process
- respect the limits and time periods established by the law related to electoral propaganda<sup>9</sup>

In addition, The Carter Center recommended that the electoral authorities continue their efforts to strengthen the regulatory laws on electoral spending and use of public funds during the campaign. This should further limit the possibility of discretionary use of public resources by authorities at all levels of government—national, provincial and municipal—to promote certain electoral outcomes as well as foster an environment for stronger control over electoral spending by electoral authorities. Along these lines, the Center recognizes that Article 115 of the newly approved constitution and Articles 14 and 15 of the transitional regime constitute important steps for regulating electoral financing and prohibiting state propaganda during a campaign. These steps should be developed further by future electoral laws approved by the Legislation and Oversight Commission (*Comisión Legislativa y de Fiscalización*, or CLF).

The Carter Center's assessment overlapped with the analysis conducted by *Participación Ciudadana*, which was released on the same day as the referendum. In its press release, *Participación Ciudadana* noted the following: 38.7 percent of the polling sites opened on time and 32.9 percent of the polling sites were accompanied by delegates from political parties and national, international, and citizen observers as they formally opened. *Participación Ciudadana* also stated that there were no substantive complaints about infringements on the right to vote in secret nor about any electoral propaganda taking place at voting sites on election day.<sup>10</sup>

---

<sup>9</sup> The Carter Center, "Ecuador Constitutional Referendum: Preliminary Statement by The Carter Center" (Press Release), Sept. 29, 2008.

<sup>10</sup> *Participación Ciudadana*, "Observación de la apertura del proceso electoral", Sept. 28, 2008. Online: [http://www.siel.org.ec/conteo\\_siel/fj1.html](http://www.siel.org.ec/conteo_siel/fj1.html)



## V. Results and Perspectives on Institutional Transformation

On Oct. 13, 2008, the TSE finished tabulating all ballots. After waiting two days for any contest to the results, the TSE on Oct. 16 proclaimed the official results: “Yes” obtained 63.93 percent of all votes, and “No” received 28.1 percent; null votes were 7.23 percent and blank votes were 0.75 percent. In the Guayas province, “Yes” won with 51.02 percent of the votes, while “No” obtained 41.21 percent. However, in the canton of Guayaquil, “No” won with 46.97 percent, while “Yes” achieved 45.68 percent. The only province to vote “No” with a majority was Napo, where “No” received 55.43 percent, while “Yes” received 38.79 percent. The rest of the provinces voted in favor of the new constitution.<sup>11</sup>

### Transitional Regime

As described in the transitional regime of the constitution approved by the Ecuadorian people, the CA was reinstated five days after the official proclamation of the referendum results (Oct. 22) to name the members of the temporary electoral authorities and the CLF, which will carry out legislation and oversight activities until the future members of the national assembly are elected. The assembly’s 98th session began on Oct. 22 and ended on Oct. 25. On the Oct. 24, the CA named the temporary members of the National Electoral Council (CNE) and the Litigious Electoral Tribunal (TCE). Once fully formed, the temporary CNE will organize a lottery to elect the 21 judges for the new national Court of Justice (CNJ). The CLF will operate until the new national assembly members are sworn in (after their election within the first six months of next year). Meanwhile, once the new constitution entered into effect on Oct. 20, the terms of the congressional deputies elected in October 2006 were concluded and put into recess by the CA. The CLF, in addition to the responsibilities described above, “in a maximum period of one hundred twenty days from the day this Constitution enters into effect will approve a law developing the regime on food sovereignty, the electoral law, the law regulating the Judicial Branch, the law on the Judiciary Council and the law that regulates the Council on Citizen Participation and Social Control”.<sup>12</sup>

The last issue in the 98th session was the selection of the members of the CLF in accordance with Article 17 of the transitional regime, which requires that the CLF reflect the proportionality of the different political parties that made up the CA. The CLF was ultimately composed in the following manner: PAIS: 46 assembly members; *Sociedad Patriótica*: 10; PRIAN: 4; PSC: 3; *Pachakutik*: 3; RED: 2; MPD: 2; MHN: 1; MPC: 1; Movimiento UNO: 1; Futuro Ya: 1; ID: 1, for a total of 76 members.

Once the electoral authorities are named and sworn in, the CNE will have a maximum of 30 days to call elections for the following popularly elected authorities: the president and vice president, Andean Parliament members, national assembly members, prefects and vice prefects, municipal mayors, councilors and representatives of rural parochial tribunals. For these elections, the political organizations and alliances that participated in the election for assembly members will be able to participate, in addition to other organizations that must demonstrate signatures from 1 percent of the citizens in the corresponding jurisdiction the electoral registry.

---

<sup>11</sup> Supreme Electoral Tribunal. Online: <http://app.tse.gov.ec/resultadosrefe2008/>

<sup>12</sup> Constituent Assembly, Transitional Regime of the Draft Constitution (first disposition). Online: [http://www.tse.gov.ec/index.php?option=com\\_content&view=article&id=76:texto-nueva-constituyente](http://www.tse.gov.ec/index.php?option=com_content&view=article&id=76:texto-nueva-constituyente)

## **The Carter Center's Perspective in Ecuador**

Due to this new legal-political framework, The Carter Center has decided to continue following the country's process of institutional transition by monitoring the work of the CLF during the next two months of 2008 and through early 2009. Specifically, The Carter Center plans to closely monitor the process of selecting and naming the members of the temporary authorities of the CNE and TCE, as well as the temporary members of the Council on Citizen Participation and Social Control (CPCCS). To this end, The Carter Center will publish monthly reports on the activities of the CLF and issue two other specific reports: one on the selection process for the temporary members of the CNE and TCE and another on the selection process for the temporary members of the CPCCS. Similarly, if invited by the new electoral authorities, The Carter Center would be willing to participate as an international observer for the elections in 2009, from which will emerge the new elected authorities who will lead the process of political-institutional transformation over the next few years.

# **Carter Center Electoral Observation Mission Delegation**

## **Observers in Quito**

Rodrigo Carazo (former president of Costa Rica), leader of the Mission  
Francisco Diez, (Argentina) Chief of the Mission  
Sarah King (United States)  
Carmen Sánchez-Miranda (Spain)  
Sandra Edwards (United States)  
Natalia Mantilla (Colombia)  
Miguel Ruiz (Mexico)

## **Observers in Guayaquil**

Florencia Ruiz (Argentina)  
Cécile Mouly (France)  
Jessica Eby (United States)  
Antonio González (Venezuela)

## **Coordination and Logistical Support**

Andrea Durango  
Verónica Guzmán



## The Carter Center to Observe Ecuador's Constitutional Referendum

8 September 2008

### FOR IMMEDIATE RELEASE

#### Contacts:

**Deborah Hakes, [dhakes@emory.edu](mailto:dhakes@emory.edu) or +1- 404-420-5124**

**Francisco Diez, [diez.centrocarter@gmail.com](mailto:diez.centrocarter@gmail.com) or +54-911-5932-2922**

The Carter Center will field an electoral observation mission during Ecuador's constitutional referendum to be held on Sept. 28, 2008, in response to an invitation by Ecuador's Supreme Electoral Tribunal (*Tribunal Supremo Electoral*). The mission will be composed of electoral experts and political leaders and led by Rodrigo Carazo, former president of Costa Rica, and member of the Friends of the Inter-American Democratic Charter. The chief of the electoral mission is Francisco Diez, Carter Center representative in Latin America.

"This will be a small mission that completes the monitoring of the constitutional process in Ecuador we have been carrying out since last year," said Jennifer McCoy, director of the Carter Center's Americas Program, who is currently in Ecuador to initiate the mission. "The referendum is an important opportunity for the Ecuadorian people to express their intent regarding the proposed new constitution peacefully and through the democratic process."

The Carter Center also observed Ecuador's September 2007 constituent assembly election and has remained in-country to monitor the process of drafting a constitution, as well as pursue other initiatives such as the facilitation of a dialogue process between key civil society actors from Colombia and Ecuador to improve bilateral relations and carrying out an analysis for the determination of public policies on development in the northern border region.

The electoral mission will coordinate with those of the European Union, the Organization of American States, and *Participación Ciudadana*, and will issue a statement following the election, but will not offer a comprehensive report of the campaign and election administration due to its limited nature.

McCoy will meet with the president of the Supreme Electoral Tribunal and representatives of civil society and the international community. Over the course of their mission, the

Carter Center's delegation will meet with representatives of the Supreme Electoral Tribunal, governmental authorities at both national and regional levels, and Ecuadorian civil society and political party representatives in Quito and Guayaquil.

The Carter Center recognizes that this referendum is a process by Ecuadorian citizens and institutions and will fully cooperate with domestic observers and institutions to carry out the tasks for which it was invited in a professional, impartial, and objective manner in accordance with national rules and standard international practice.

The Carter Center conducts its election observation in accordance with the Declaration of Principles and Code of Conduct for International Election Observation adopted at the United Nations in 2005. As such, our interest is in the integrity of the process and not in the outcome of the referendum.

####

*"Waging Peace. Fighting Disease. Building Hope."*

*The Carter Center is celebrating its 25th anniversary this year. It is a non-governmental and non-profit organization that has helped to improve life for people in more than 70 countries by resolving conflicts, and advancing democracy, human rights and economic opportunity. The Carter Center was founded by former U. S. President Jimmy Carter and his wife, Rosalynn Carter, in partnership with Emory University with the purpose of promoting peace around the globe. To learn more about The Carter Center, please visit our website at: [www.cartercenter.org](http://www.cartercenter.org).*



**Ecuador Constitutional Referendum:  
Preliminary Statement by The Carter Center**

**Sept. 29, 2008**

**FOR IMMEDIATE RELEASE**

**Contacts:**

**Deborah Hakes, dhakes@emory.edu or +1 404-420-5124**

**Francisco Diez, diez.centrocarter@gmail.com or +54-911-5932-2922**

The Carter Center congratulates the Ecuadorian people for their democratic participation in the Sept. 28 constitutional referendum, which expressed their civic and peaceful will in a transparent manner.

The Carter Center fielded an international electoral observation mission during the referendum in response to an invitation by Ecuador's Supreme Electoral Tribunal (*Tribunal Supremo Electoral*). The mission, led by Rodrigo Carazo, former president of Costa Rica and member of the Friends of the Inter-American Democratic Charter, was composed of electoral and political experts. The chief of the electoral mission was Francisco Diez, Carter Center representative in Latin America. This mission complemented the monitoring of the constitution-making process in Ecuador conducted by The Carter Center since September 2007.

The Carter Center emphasizes the following key observations of the referendum process:

**Election Day**

We highlight the professionalism of the Supreme Electoral Tribunal employees, who were active not only on the day of the referendum, but also during the entire electoral process. The efforts to extend the registration period; implement the new scanning and digitalization system, used for the first time on a national scale to guarantee transparency; and install handicap accessible polling stations and find other solutions to facilitate voters with disabilities were all noteworthy. Also, there was a significant effort to allow Ecuadorians living abroad the opportunity to vote.

The Carter Center recognizes the work of the Ecuadorian Armed Forces, who were of great help in the preparation, order, and security of the civic process.

The Center also stresses the significant participation of poll workers, the majority of whom were young people, women, and professionals, who served with a great civic enthusiasm.

The Carter Center acknowledges the important function of national and international electoral observers, in particular the contributions of *Participación Ciudadana*, the Organization of American States, the European Union, *El Centro de Asesoría y Promoción Electoral* (CAPEL), and the delegations of observers from various countries that collaborated in the process.

Despite a few minor problems observed during the day, the Carter Center's overall assessment was that the process was transparent, peaceful, and well-organized.

The Carter Center recommends that the Ecuadorian institutions and society increase their efforts to:

- Reduce the discretion used by poll workers in their determination of null votes so that the will of the voter is not altered and so as to avoid the possibility of conflict related to the vote count.
- Prioritize a better distribution of space in the polling stations to guarantee the efficiency of the process.
- Respect the limits and time periods established by the law related to electoral propaganda.

### **The Pre-Election Process**

The Carter Center recommends that the complaint of alleged text alteration of the proposed constitution should be processed in a timely and transparent manner by the appropriate local institutions. The Center believes that the text approved by the Constituent Assembly members on July 24 is the same as that published in the Constituent Assembly Gazette and submitted to the Supreme Electoral Tribunal, which distributed it widely to the public. Therefore, for the purposes of electoral observation, there was legal certainty regarding the text submitted to referendum.

Additionally, The Carter Center followed the controversy generated by the role of different government actors during campaigning and believes that the improvement of legal norms regulating the control of campaign finance and the use of public resources during the campaign should be an ongoing democratic endeavor.

### **Looking Toward the Future**

The Carter Center would like to emphasize the generous and positive attitudes of most of the country's political and social leaders, who have expressed their respect for the official results published to date.

Inclusive dialogue is an essential element for the strengthening of Ecuadorian democracy, which needs national agreements to fight poverty, inequality, and social exclusion. Building strong democratic institutions and a just and harmonious society requires not only a normative framework, but also the continuous and decisive will of all sectors of society.

The new institutions outlined in the approved constitution will have as much legitimacy and relevance as bestowed upon them by the main social and political actors. The Carter Center stands ready to continue accompanying Ecuadorian people in this democratic process.

####

*The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. The Center has observed 70 elections in 28 countries. To learn more about The Carter Center, please visit: [www.cartercenter.org](http://www.cartercenter.org).*

*The Carter Center conducts its election observation in accordance with the Declaration of Principles and Code of Conduct for International Election Observation adopted at the United Nations in 2005.*