

El Salvador's 2009 election process marked a new stage in the consolidation of Salvadoran democracy as the former guerrilla movement, the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional*, FMLN), won the presidency for the first time since the 1992 peace agreement that ended El Salvador's civil war. In electing Mauricio Funes as the country's president by a clear margin of 2.6%, voters embraced Funes' message of "safe change" (*Cambio Seguro*) and decided against providing a fifth consecutive presidential term to the Nationalist Republican Alliance party (*Alianza Republicana Nacionalista*, ARENA). While not without problems, the 2009 election process was generally peaceful and favorably assessed by both international and domestic election observers. Outgoing President Antonio Saca has promised to cooperate with newly-elected President Funes to ensure a smooth transition when Funes takes office June 1. While the FMLN won a slim plurality of deputies in legislative elections last January, the new president will need to reach out to other Salvadoran political parties, including ARENA, to construct a legislative majority to address El Salvador's significant economic and security challenges.

To help promote transparency in the elections and contribute to dialogue on electoral and political reforms, NDI has been helping impartial Salvadoran election observer groups implement systematic and coordinated initiatives to monitor pre-election and election day processes throughout the country. This bulletin provides an overview of the March 15 presidential election, future governance challenges and a summary of projects being carried out by NDI's Salvadoran partners.

### ***Presidential Election Process***

The victory of President-elect Funes of FMLN marks an unprecedented shift from nearly two decades of ARENA rule to a leftist government led by a party outsider. Despite widespread fears of violence erupting during this sharply polarized contest, there were fewer incidents of violence registered in March than during the January electoral process. Both parties accepted the outcome, helping to lower partisan tensions. In comparison to the last presidential election in 2004, the number of people voting in March was an increase of more than 350,000 people, although it reflected a decrease in percentage terms because of an increase in the number of voters registered this year. The FMLN saw a 66 percent vote increase from 2004 to 2009 and ARENA suffered a 2.5 percent loss over that same period.

	Voter Turnout		ARENA		FMLN	
	Total	%	Valid votes	% votes	Valid votes	% votes
2009 Legislative <sup>1</sup>	2,254,940	54%	854,166	37.1%	943,936	41.0%
2009 Presidential <sup>2</sup>	2,630,137	62%	1,280,995	48.7%	1,349,142	51.3%
2004 Presidential	2,317,981	67%	1,314,436	57.7%	812,519	35.7%

ARENA candidate Rodrigo Avila conceded on election night and vowed that his party would be a constructive opposition. In his victory speech, Funes underscored the need for national consensus, helping poor and marginalized citizens, and improving domestic security. Following the election, signaling his intent to pursue an independent foreign policy based on Salvadoran interests and to pursue strong relations with the Obama administrations, Funes met with a visiting U.S. government senior official before traveling to Brazil.

### ***International and National Election Observation***

More than 4,000 international and national observers helped to support transparent elections. Following the March 15 election, both international and national observers validated the process and noted improvements since the January elections. The University of Central America Institute of Public Opinion (IUDOP) fielded the largest delegation, with more than 2,500 domestic observers across a national random sample of polling stations (JRVs). IUDOP conducted a parallel vote tabulation, or “quick count,” to provide an estimate of results on election night based on a statistically-based projection drawn from official results reported by its observer network. IUDOP observer data showed significant improvements since the January elections, particularly in the timely opening of the voting centers and improved efficiency by poll officials. Continued irregularities were observed, however, shaping IUDOP’s recommendations for Salvadoran election authorities to do more to regulate the role of party pollwatchers, improve measures to confirm the legitimacy of the citizen ID document (*documento único de identidad*, DUI), conduct a thorough audit of the voter registry, and implement residential voting.<sup>3</sup> On election night, IUDOP publicly presented to the five Supreme Electoral Tribunal (*Tribunal Supremo Electoral*, TSE) magistrates sealed envelopes containing the findings of its “quick count” of the election results based on final JRV voting data, and announced publicly that this data coincided closely with the official preliminary results announced by the TSE that evening.

The 100-member Organization of American States (OAS) delegation also noted improvements since January and will present its verbal report to the OAS in the coming weeks. The European Union (EU) fielded 81 observers, and its preliminary report called for new legislation to regulate campaign finance and party access to the media, depoliticize and restructure the TSE, expand residential voting, and improve the quality of the voter registry.

### ***Governance Challenges and Electoral Reform***

<sup>1</sup> The 2009 legislative elections total votes by party were: ARENA 854,166; Democratic Change (CD) 46,971; FMLN 943,936; National Conciliation Party (PCN) 194,751; and Christian Democrat Party (PDC) 154,020.

<sup>2</sup> At the time of the bulletin release, the Supreme Electoral Tribunal (TSE) website could not be accessed. The 2009 data represent 99.38 percent of the results counted; 2004 data were compiled from the Electoral Oversight Board (*Junta de Vigilancia Electoral*, JVE) website.

<sup>3</sup> Only Cuscatlán department had residential voting in 2009, where voters were assigned to the polling center closest to their address. All other voters are grouped alphabetically among voting centers in their municipality of residence.

Although the FMLN won the presidency and a congressional plurality, the split in National Assembly seats (FMLN-35, ARENA-32, PCN-11, PDC-5, CD-1) will force political negotiation and consensus to pass legislation. ARENA will likely go through a post-election internal reflection as it transitions to the role of an opposition party. Many analysts speculate about the potential challenges between party-outsider Funes, a former television journalist, and the internal dynamics of the FMLN. The third largest party, the PCN, could be sidelined if the FMLN and ARENA work together. Several upcoming decisions will test these governance challenges.

Pending with the current Assembly, which remains in office until May, are the nominations of the prosecutor general (*fiscal general*) and five Supreme Court justices, including the court president. These decisions are likely to be pushed to the newly-elected incoming Assembly, which will face a thorny set of political challenges in determining how to fill the Assembly leadership positions. Although a distant third in number of legislative deputies, the PCN has held the Assembly presidency for last nine consecutive years, based on a party-to-party agreement with ARENA. President-elect Funes has already called for an end to the more than 20-year PCN control of the Court of Accounts (*Corte de Cuentas*).<sup>4</sup> The make-up of the next TSE will entail changes, some fairly clear, others pending negotiations. The constitution stipulates that the top three parties in the presidential election nominate three of the five TSE magistrates, and the Supreme Court names the other two. The fact that only two parties fielded candidates in the March election will likely require further adjustments to the TSE.

Before the 2012 municipal elections, there will be an opportunity to advance several electoral reforms. Municipal elections are decided by a plurality and the winning party takes all council seats and the mayoralty. As of 2006, 70 percent of municipalities were minority governments elected with 50 percent or less of the vote.<sup>5</sup> TSE President Walter Araujo and others have called for the TSE's administrative and juridical functions to be separated, and for residential voting to be expanded nationally. As noted by international and national observers, a thorough and independent audit of the voter registry would serve to increase citizen confidence in electoral processes and could inform the process of converting to residential voting.

### ***National Democratic Institute-El Salvador***

NDI's El Salvador program is supported by funding from the U.S. Agency for International Development (USAID) and Denmark. With support from USAID, NDI has provided technical and other assistance for impartial Salvadoran civil society organizations to monitor the pre-election and election day processes.

- A. **Media Monitoring** – Salvadoran partner: Social Initiative for Democracy (ISD). ISD monitored the tone and quality of media coverage during the presidential campaign. Findings from the period January 14 to February 13 included:
- Most negative media treatment was directed against the FMLN (21.8%) and Mauricio Funes (7.5%), compared to ARENA (18.3%) and Rodrigo Avila (3%).

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<sup>4</sup> The *Corte de Cuentas* is a government body that audits the national treasury and federal budget.  
<http://www.cortedecuentas.gob.sv/>

<sup>5</sup> *El comportamiento electoral en las elecciones municipales: El Salvador 1994-2006*, by Nayelly Loya Marín, Fundación Guillermo Manuel Ungo (FUNDAUNGO), 2008.

- The two issues that led the list of voters' concerns received only limited media coverage: the economy (13.2%, down from 20% [when?]) and security (2.9%, down from 4.5%).

- B. Campaign Publicity Spending – Salvadoran partner: National Foundation of Development (FUNDE). Salvadoran electoral law does not regulate campaign expenditures or require reporting or other disclosure of non-public campaign financing. FUNDE is monitoring parties' campaign advertising expenses and conducting a comparative study of campaign finance regulations to propose reforms to encourage greater campaign transparency.
- C. Systematic Election Observation – Salvadoran partner: Central American University Institute of Public Opinion (IUDOP). IUDOP conducted a parallel vote tabulation (PVT or “quick count”) of the January San Salvador mayoral race and the March presidential election, which both coincided with the official results. The PVT – a proven methodology using a statistically random sample of actual polling station results – and the qualitative data collected can help to generate citizen confidence in the electoral process by an independent check on the quality of the process and on election results. March findings include:
- Voting started on time at nearly 100% of the JRVs observed (70% of JRVs in January).
  - Poll officials were more informed of their responsibilities: officials were familiar with procedures at 80.8% of JRVs in March (only 69.6% of the JRVs in January).
  - Party pollwatchers made efforts to influence voters' decisions at 20.4% of the JRVs observed, suggesting need for better regulation by electoral authorities.
  - At 10.3% of the JRVs observed, there was at least one case of someone already having voted in another person's place, suggesting problems with the voter registry and the need for a thorough audit of the voter registry and improved measures to check the legitimacy of identity documents.