

THE SUPREME ELECTORAL TRIBUNAL:

CONSIDERING:

1. That by order of Article 208 of the Constitution and Article 55 of the Electoral Code, the Supreme Electoral Tribunal is the highest authority on this subject;
2. That Article 80 a) Number 9 of the Electoral Code recognizes the Supreme Electoral Tribunal, the regulatory authority for the promulgation of the rules necessary to facilitate the application of said Code;
3. That conformity to Article 79 Number 2 of the Electoral Code is the obligation of the Supreme Electoral Tribunal, as Arbitrating Body, to convene, organize, direct and proctor the electoral processes;
4. That the observers' experience of participation in our electoral processes has been favorable for the strengthening of democracy, and with the purpose of improving said observation, it is necessary to enact norms and to regulate the proceedings stemming from the guiding body of the elections, with the aim of stating clear and precise guidelines that contribute to the transparency of the electoral observation.

THEREFORE,

in use of legal and constitutional authority, DECLARES the following:

GENERAL REGULATIONS FOR ELECTORAL OBSERVATION IN EL SALVADOR

CHAPTER I OBJECTIVE AND DEFINITIONS

Art. 1 – The present regulations have as their ordinary objective the procedure for the execution of electoral observation in El Salvador. Likewise, they determine the rights and obligations of the accredited as electoral observers.

It is also an objective of these regulations to determine the requirements and procedures that must be completed in order to obtain the corresponding accreditations as electoral observers.

Art. 2 – For the purposes of this regulation, Electoral Observation is understood as the intentional compilation of information relative to an electoral process with the purpose of formulating well founded judgments about the conduct of this processes from facts gathered by people who are not authorized to intervene in the process and whose participation must not disturb those primarily responsible for observation.

Electoral Observation may begin from the communication of accreditation as an observer, and will officially conclude with the finalization of the evaluation of the observed electoral process.

CHAPTER II FUNDAMENTAL PRINCIPLES OF ELECTORAL OBSERVATION

Art. 3 – For the execution of the purposes documented in this regulation, electoral observation must be based in the following principles:

- a) Recognition and respect on the part of the observers of the sovereignty of the State of El Salvador, its democratic values and principles.
- b) No interference by the observers, in the completion of their functions, in matters that, in conformity to the Constitution, the law, the rules and regulations, are the exclusive authority of the Supreme Electoral Tribunal, hereafter TSE, or of its Electoral Bodies.
- c) Impartiality of the observers in the broadcast of their judgment regarding the electoral process.
- d) Neutrality of the observers in their behavior during the electoral process.
- e) Objectivity, rigor and discretion in the treatment, analysis and evaluation of the collected information.

CHAPTER III ON THE CLASSIFICATION OF ELECTORAL OBSERVERS

Art. 4 – Electoral observers, who in the present regulation will be designated observers, are classified in the following manner:

- a) International Observers; and
- b) National Observers;

Art. 5 – For the purposes of the present regulation, the International Observers will be classified in the following categories:

1. Official International Observers. Those people or entities that have been invited by the TSE or by the Government of El Salvador to observe the electoral process will have this title.
2. Visiting International Observers. Understood as those people or entities that hold a nationality other than Salvadoran, and that in the exercise of their functions apply for permission from the TSE, or are invited by the TSE expressly under this category, to observe the electoral process.
3. International Observers Invited by Political Parties. Understood as those citizens that hold a nationality other than Salvadoran and that in the exercise of their functions are invited by contending Political Parties of Coalitions.

Art. 6 – For the purpose of the present regulation, National Observers are understood as all the Salvadoran citizens, settled in the country or not, that at the proposal of educational institutions, corporate persons or institutions with experience in electoral matters, confirm that they have the capacity to monitor, analyze and evaluate the electoral day from the installation of the Vote Receiving Board to the Close and Count of the votes; and as long as observation is requested with academic, scientific or investigative ends.

CHAPTER IV ON ACCREDITATION

Art. 7 – To be able to hold the title of Electoral Observer in any electoral process and enjoy the rights and facilities of said granted title, it is essential to be duly accredited in this sense.

Art. 8 – The accreditation application will be made in writing, by means of an official document issued by the institution, body or entity to which the observer who intends to accredit pertains, and must be promptly directed to the Arbitrating Body of the Supreme Electoral Tribunal.

Art. 9 – The accreditation application must contain as basic information the following:

- a) The object and the motivating reasons;
- b) The plan by which the observation being applied for will be carried out;
- c) The accreditation of the financial source of the observation;
- d) The declaration by which the observer expresses its promise of respect and subjection to this regulation and all the current laws of the Republic;
- e) The salary of the people applying for accreditation.

To the application must be attached the registration form, which will be provided by the TSE, duly completed by each of the people who appear in aforementioned list; as well as documents that accredit the title of representative or delegate of the institution, corporate person or body that endorses the application.

Art. 10 – The Supreme Electoral Tribunal, after having evaluated the aforementioned application and attached documents, will pronounce decision or agreement authorizing or dismissing the accreditation, of which the applicant will be notified.

The TSE upon authorizing the application, will determine the category, the number of observers to whom accreditation is authorized; and it will be ordered that the respective license be issued.

Art. 11 – The license that the TSE issues to each observer will contain the following data:

- a) First and last name of the observer;
- b) Institution or organization which the observer represents or to which the observer belongs;
- c) Country of origin;
- d) Number and class of personal identity document;
- e) Photograph of the bearer;
- f) Observer category;
- g) Signature and seal of the President of the TSE;

Each observer must exhibit the issued license in a visible place at all times during his/her activities.

These licenses are of personal character, for exclusive use of the observers to whom they were issued, and as such they are not exchangeable and only protect their legitimate bearer.

Art. 12 – Only until they have obtained their respective accreditation, the observers will have the right to be recognized by this title, in the corresponding category that this regulation recognizes, and will enjoy the facilities, rights, and prerogatives established in this regulation.

Art. 13 – Salvadoran citizens who are not in full enjoyment of their civil and political rights or who are active militants in any Political Party or Contending Coalition will not obtain observer accreditation.

Art. 14 – Foreigners who apply for accreditation as observers must previously complete the requirements and immigration procedures required by the laws of the Republic of El Salvador, if not they will not be accredited.

CHAPTER V
ON THE RIGHTS, FACILITIES AND DUTIES
OF ELECTORAL OR INVITED OBSERVERS

SECTION A
ON THE RIGHTS AND FACILITIES

Art. 15 – The Official International Observers invited by the TSE, notwithstanding the rights and facilities established in the following article, will have right of access to all electoral facilities, premises or bodies, related to the organization and execution of the electoral process, such as:

- a) Electoral Organization Board;
- b) National Center of Electoral Results Processing;
- c) Electoral Registry Board;
- d) Final Count.

Art. 16 – Electoral Observers will have the following rights and facilities:

- a) They will be assigned a license, which accredits them as an observer;
- b) Observation of the distinct phases of the electoral processes, according to the pertinent;
- c) Access of communication with all contending Political Parties or Coalitions;
- d) Access to the information of the election results issued by the Supreme Electoral Tribunal, in the terms that the law establishes, in the facilities of the Electoral Results Disclosure Center;
- e) Access to the Voting Centers and to the Vote Receiving Boards in order to observe the electoral day, from the installation the same until the count carried out by the Boards.

- f) Access to the official information issued by the Supreme Electoral Tribunal regarding the electoral process to observe;
- g) To receive reports or complaints from any citizen, entity, political parties or contending coalitions;

Art. 17 – National observers at the moment of issuing their vote, they will do it in the place that corresponds to them by law. Their condition as observer does not entitle them to any privilege as an elector.

SECTION B ON THE RIGHTS OF ELECTORAL OBSERVERS

Art. 18 – In addition to the duties of impartiality, neutrality and objectivity in the treatment of information that are expected of electoral observers, they must:

- a) Respect the Constitution of the Republic and the laws, just as the regulations, accords and rules of the Supreme Electoral Tribunal.
- b) Bear the identification given by the TSE at all times, which is the only authorization to enter Voting Centers and observe the process in the assigned location .
- c) Not prosthelytize in any way, in favor of Political Parties, contending Coalitions of any candidate.
- d) Not induce the vote of the electors, making demonstrations, in favor of or against any of the Political Parties of contending Coalitions.
- e) Abstain from acting in any form that is incompatible with their condition as an observer, such as: offend, defame or slander the institutions, electoral authorities, political parties and/or candidates.
- f) Present any anomaly or complaint that they receive or detect during the electoral day in writing to the Supreme Electoral Tribunal.
- g) Not replace or hamper the electoral authorities in the exercise of their functions, nor take actions that directly or indirectly constitute interference in the development of the electoral day.

- h) Not declare the victory of any candidate or political party nor offer results be they preliminary or definitive, partial or total, or projections of the voting, nor to spread them publicly before the Supreme Electoral Tribunal has decided to that respect.
- i) Maintain their objectivity, equanimity and professionalism in the demonstrations of their conclusions and in formulating their recommendations.
- j) Abstain from participating in situations of conflicts of interest.
- k) Not try to mediate, resolve, order, comment on, or discuss situations that could disturb the order of the Vote Receiving Boards and/or Voting Centers.
- l) Not intervene nor interrupt the installation, formation and work of the Vote Receiving Boards.
- m) Submit a report on the exercise of the observation carried out, which must be presented to the Arbitrating Body of the Supreme Electoral Tribunal.

CHAPTER VI.

GENERAL REGULATIONS

Art. 19 – The Supreme Electoral Tribunal will cancel the accreditation of electoral observers who make inappropriate use of their accreditation or any infringement of their obligations or prohibitions established in the Constitution, the Electoral code, and the present regulations, just as the accords of the Arbitrating Body; upon a ruling stating grounds, the observer whose accreditation is cancelled and the organization or institution he/she represents will be notified.

Art. 20 – The accredited diplomats in the country, in the exercise of their functions as electoral observers, are governed by both the stipulations in the Vienna Convention on Diplomatic Relations and the stipulations in the present regulations.

Art. 21 – Observers who represent the Organization of American States (OAS) and the European Union (EU) are governed by the accords written between the State

of El Salvador and these bodies and by the laws of the Republic and the present regulations in regards to privileges and immunities.

Art. 22 – National Observers are subject, in addition to the present regulations, to the accords or framework agreements, if they have been signed, with the TSE.

Art. 23 – The TSE will endorse the Ombudsman for the Defense of Human Rights a framework agreement to facilitate the exercise of its constitutional and legal functions during the electoral days.

Art. 24 – The present Regulations expressly repeals any other regulation issued regarding electoral observation.

Art. 25 – The present Regulation will come into effect with its publication in the Official Diary.