



ELECTORAL OBSERVATION REPORT ON THE FIRST ROUND OF THE PRESIDENTIAL ELECTION IN COLOMBIA

May 27, 2018

Misión de Observación Electoral MOE

1. ASSESSMENT AND OBSERVATION OF THE FIRST ROUND OF THE PRESIDENTIAL ELECTION (May 27, 2018)

1.1 Electoral observers deployed by the MOE

MOE deployed a total of 3.894 observers from 341 organizations for the first round of the presidential election on the 27th of May, 2018. Out of the total number of observers, 3.524 were nationals and 370 were international (of 37 different nationalities).

MOE observers were present in 582 municipalities in Colombia and 26 cities abroad - covering more than the 86% of the electoral census. Also, we carried out observations in 145 of the 170 municipalities (85,3%) that participate in the Colombian Government's Territorial Development Programs (PDETs) and have been the ones most affected by the armed conflict.

1.2 Electoral Risk Map

The Observatory on Social and Political Violence of MOE has produced an Electoral Risk Map that shows where the risk of violence and electoral fraud combine in Colombia.

This tool was used to issue early warnings to authorities and other relevant actors throughout the country in the lead-up to the legislative election in March and the first round of the presidential election to prevent and mitigate risks of violence and electoral fraud or crime.

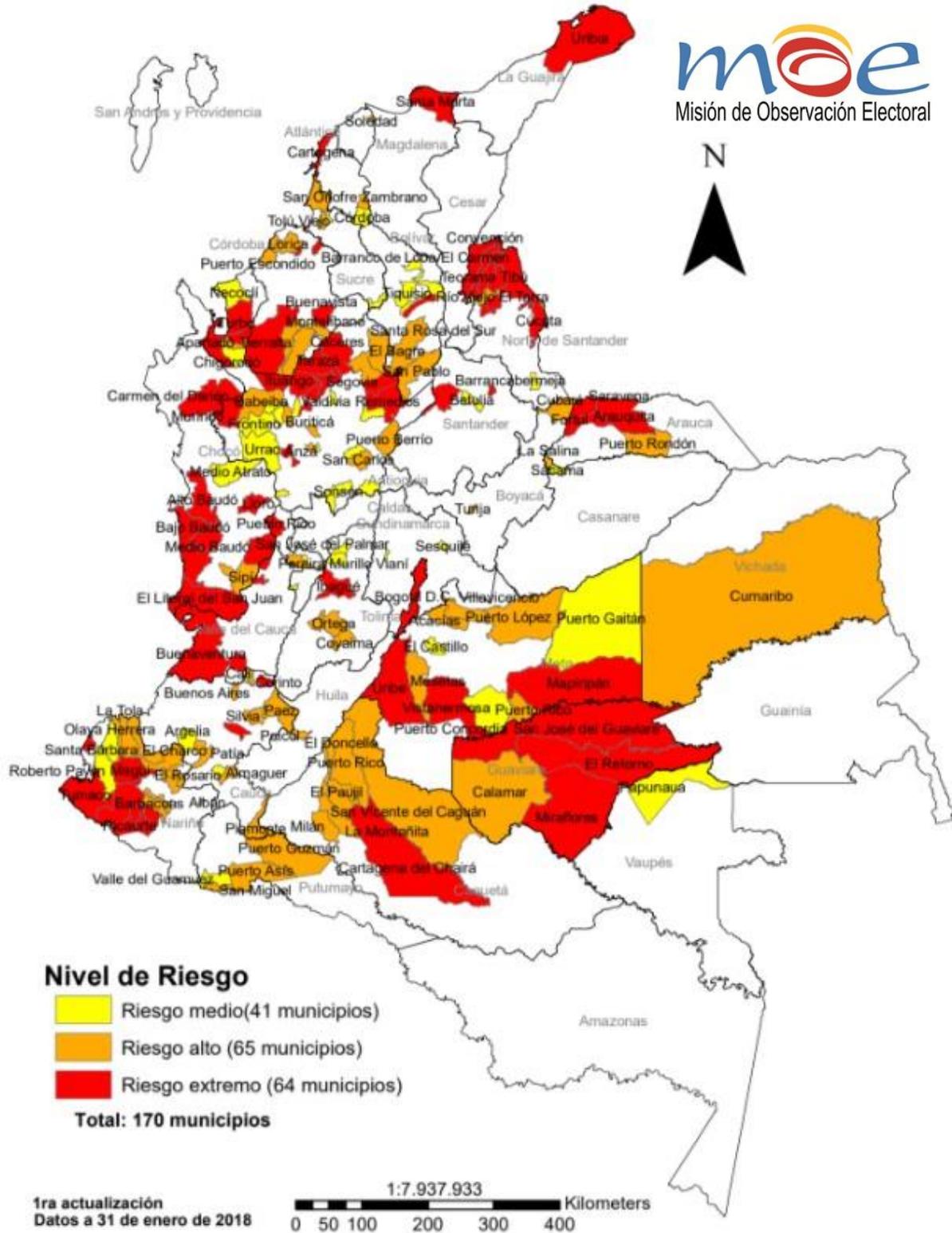
The Electoral Risk Map was referred to by MOE to prioritize the municipalities to observe during this first round of elections. In this sense, MOE observers were deployed in 71,4% of the municipalities with some level of risk of electoral fraud or crime and violence and in 74,6% of those categorized with extreme risk according to the Electoral Risk Map.

MOE highlights the fact that, during the day of the first round of presidential elections, there were no incidents that disrupted the public order and the electoral process. Also, observers noted a high presence of security forces at the polling stations. For instance, at the time of the vote count, police officials were present at 93% of the voting tables observed by MOE.

However, similar to what happened during the last congressional elections in March this year, the reports of alleged irregularities and electoral crimes increased and became more evident. The most frequent reports included those concerning the corruption of voters and the so-called "buying and selling of votes".



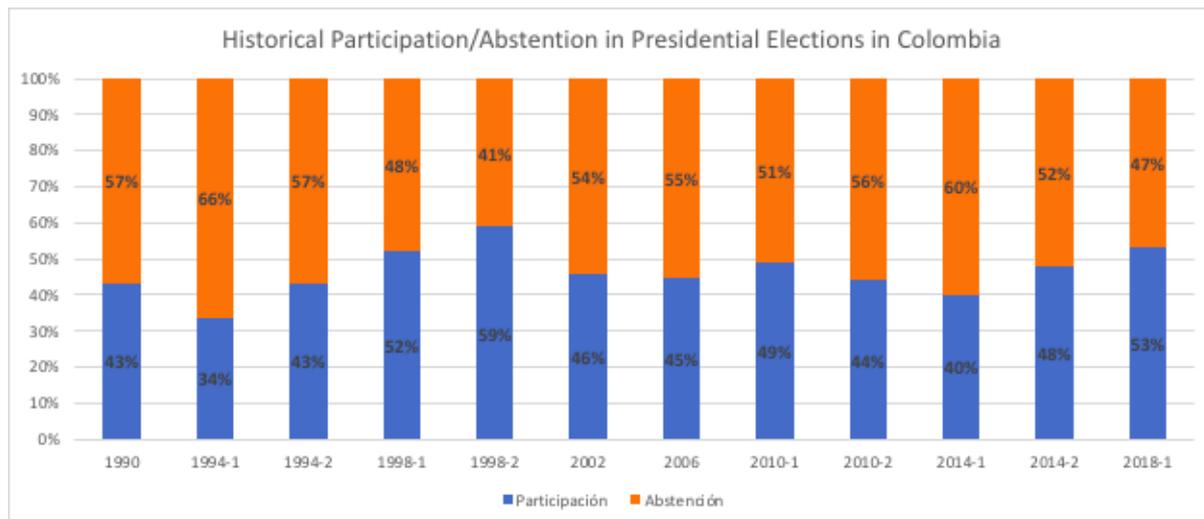
Electoral Risk Map (April 2018)





1.3 Voter Turnout

The first round of the presidential election had a voter turnout of 53.38%, making it one with the highest recorded electoral participation since the 1991 Constitution – second only to the presidential electoral round of 1998 between Pastrana and Serpa that reached a 58%. Given that the electoral participation for the congressional elections of March was also characteristically high for Colombia (49%), there has been a trend of consistent increase in voter turnout for the year 2018.



Historically and for this first round of presidential elections, electoral participation concentrated mainly on the center of Colombia and was comparatively lower in the peripheral regions.

1.4 Electoral Irregularities

On the day of the election, the MOE received a total of 830 reports of possible irregularities and electoral crimes in 147 municipalities in 23 Departments and Bogotá D.C between 12:01 am and 6:00 pm. Most of these reports concerned the following:

- **Buying and selling of votes**

The MOE received a total of 213 reports regarding the mobilization of voters in cars, buses, and taxis to the polling stations as well as the handing out of money in cash and goods in markets close to the election sites. These cases were reported in 92 different municipalities in Colombia with the highest number of reports having come from Barranquilla, Cartagena, Bogotá, Cali, Bucaramanga, Medellín, Agustín Codazzi (Cesar), Cúcuta, Pereira, and Valledupar.

- **Illegal political propaganda**

Despite the prohibition to advertise political campaigns on the day of the election and in the polling stations, the MOE has received a total of 221 reports of such incidents that on the 27th of May. These included reports on the presence of electoral advertising (posters, pamphlets, banners, etc.) around the polling stations, the installation of information posts nearby the voting areas, and the presence of vehicles with political propaganda at the entrance of the electoral sites. Most of these reports came from Bogotá (28), Bucaramanga (25), Ibagué (23) and Cartagena (9).



- **Voter identification and impersonation and irregularities on the electoral census**

During the day of the elections, the MOE received 64 reports of voter impersonation. A total of 28 municipalities of 16 departments reported this type of irregularities. The places from which the highest number of these type of reports came from have been Bogotá (16), Soacha (7), and Cartagena (5). The National Civil Registry put in place biometric identification controls for voters in only 15 municipalities of Colombia - all located in the Caribbean Coast. Observers reported that all of these stations were being used and working properly throughout the day of the election. The MOE calls on the authorities to make the necessary arrangements and provide for biometric identification of voters for the whole of the electorate to prevent voter impersonation.

- **Irregularities on the electoral census**

The MOE has received a total of 34 reports of irregularities on the electoral census on the day of the first round of presidential elections. Most of these made reference to cases in which voters who had consulted their corresponding voting station through official channels found that their ID appeared to be registered in a different polling station than that one where they had previously voted in the congressional elections in March 2018 and/or they were meant to vote in a distant place when they arrived at the election site— effectively preventing them from exercising their right to vote. These situations have been reported in Bogotá, Medellín, Cartagena, Santa Marta, Pereira, Acacias, amongst others. Also, there were reports of a few isolated cases in which the access and presentation of voter information in the National Registry website were difficult and limited due to the congestion resulting from many people trying to access it at the same time.

- **Electoral Material**

On the election day, 21 incidents of irregularities with regards to the electoral material were reported. The most frequent reports (11) concerned polling cards that had previously been marked either by the electoral authorities or by members of political parties. For instance, the municipality of Itagüí, Antioquia, prosecutors confiscated electoral material because they found 41 polling cards that had already been marked in one voting table.

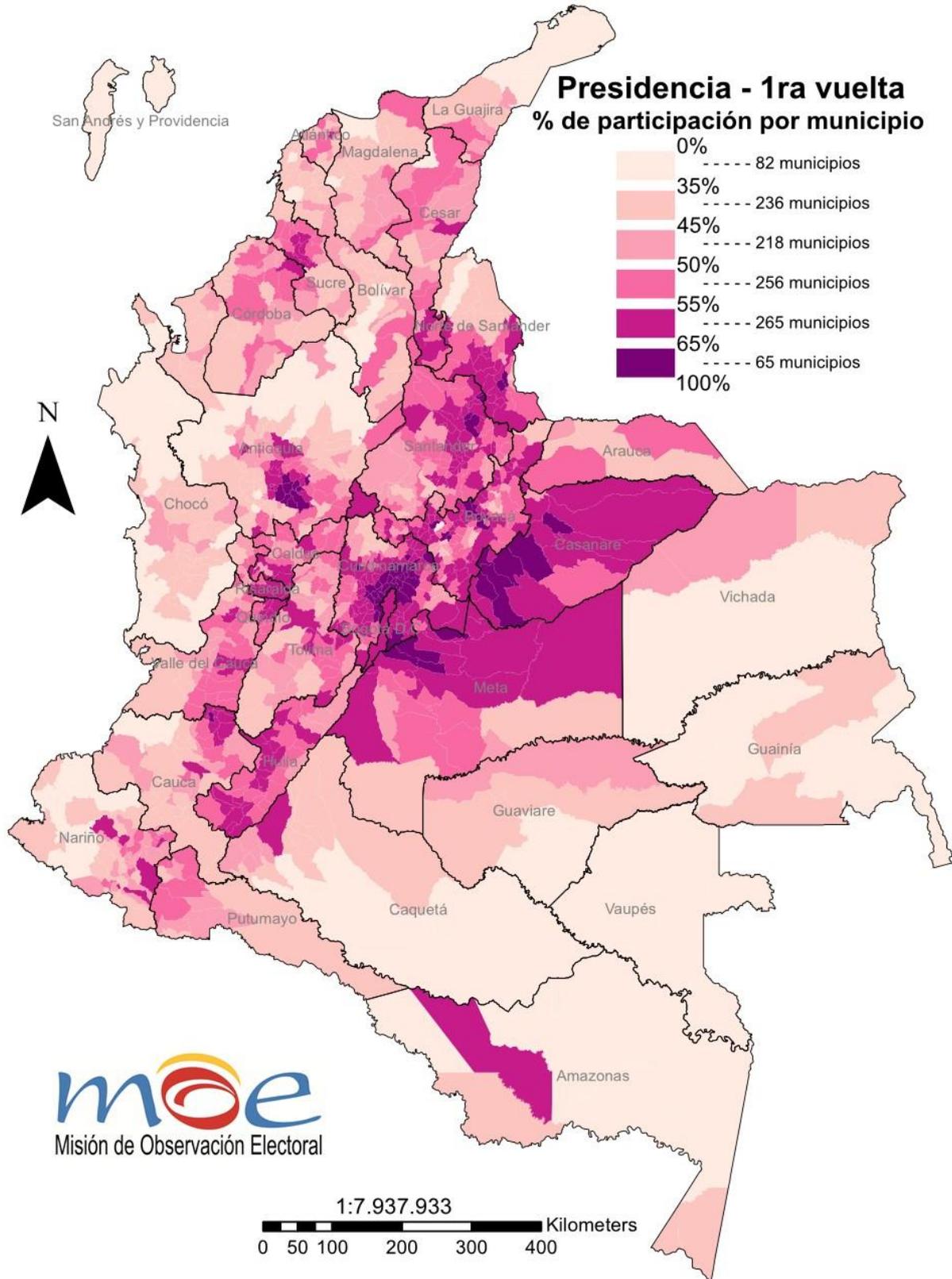
Other reports included ballot boxes that had not been sealed or that had not been sealed properly, problems with the voter registry and issues with the information stands of the National Civil Registry. The cities with the highest number of these reported irregularities included Bogotá (35), Cartagena de Indias (18), Medellín (7) and Valledupar (7).

- **Permits and Pressures to Voters by Private Enterprises**

The MOE received 70 reports of incidents of entrepreneurs having pressured their employees to influence their vote between the day after the congressional elections (March 12) to the day before the first round of presidential elections (May 26). Additionally, reports have been received of employers denying their employees the necessary permit or leave to attend the polling stations to fulfill their right to vote on the day of the election.



Electoral Participation for the first round of the presidential election in Colombia (2018)





- **Vote count (E-14 forms)**

On the days following the first round of presidential elections, a series of reports and publications on social media about alleged fraud during the vote count caused a public outrage in Colombia. The controversy involved the modifications and alterations present in the voting results registration forms (E-14) that were publicly available on the National Civil Registry website.

The E-14 forms register the results of the vote in each table that are later aggregated to calculate the final result of the election. The E-14 has three sections: one for the Delegados of the National Civil Registry that is made public on their website, one for the Claveros which is the only legally binding one, and one for authorities to immediately transmit to produce the results bulletins on the day of the election.

To address the public concern, the MOE analysed both the public version of the E-14 form for the Delegados made public on the National Civil Registry website (and which were at the centre of the controversy) and the legally binding version of the E-14 form of the Claveros that was disclosed after we officially submitted a request to the authorities.

The MOE undertook a review of a representative sample of 13% E-14 forms (13.251) of the Claveros out of a total of 97.663. The sample covered more than 13.000 voting tables, 771 polling sites, 172 municipalities, and 27 Departments. The following were the findings:

- Out of a sample of 13.251 E-14 forms analysed, the MOE identified 420 cases of inexplicable anomalies - equivalent to 3,2% of the examined sample.
 - 69 E-14 forms did not record the total number of citizens that had cast their vote in the voting table nor the number of votes found in the ballot box.
 - 351 E-14 forms had deletions or modifications that could have potentially altered the number of votes awarded to each candidate in the voting table.
- These anomalies represent a variation of 12.224 of the 3.502.714 votes recorded in the sample of E-14 forms analysed - equivalent to 0,35% of the votes.
 - From these variations, 796 consisted in the apparent reduction of votes and 11.726 in an increase.
 - These variations favoured and disfavoured all of the candidates that participated the first round of the presidential election.
- If the analysed sample is considered a representative one, then the study indicates that there have been anomalies in 70.000 of the 19,6 million cast.
- These findings suggest that there has been a 0,35% of margin of error in the vote count - indicating that there has not been massive and systematic fraud in the counting of the votes on the E-14 forms for the first round of presidential elections.



E-14 Vote Registration Forms

FORMULARIO E14 ACTA DE ESCRUTINIO DE LOS JURADOS ELECCIONES DEL 30 DE OCTUBRE DE 2011 E-14 DELEGADOS ASAMBLEA	FORMULARIO E14 ACTA DE ESCRUTINIO DE LOS JURADOS ELECCIONES DEL 30 DE OCTUBRE DE 2011 E-14 CLAVEROS ASAMBLEA	FORMULARIO E14 ACTA DE ESCRUTINIO DE LOS JURADOS ELECCIONES DEL 30 DE OCTUBRE DE 2011 TRANSMISION ASAMBLEA
<p>REGISTRADURIA</p> <p>DEPARTAMENTO: ANTIOQUIA MUNICIPIO: MEDELLIN LUGAR: ZONA: PUESTO: MESA: DISTRITO:</p> <p>X 2 - 83 - 00 - 18 X</p> <p>NIVELACIÓN DE LA MESA</p> <p>Se realizó la lotería se procedió a la distribución de las urnas electorales... (text truncated)</p> <p>SE INSCRIBIERON _____ VOTOS EXCEPTOS DEPOSITADOS EN LA URNA</p> <p>VOTOS EN BLANCO</p> <p>VOTOS NULOS</p> <p>VOTOS NO MARCADOS</p> <p>TOTAL VOTOS DESPUES DE NIVELACION DE LA MESA</p> <p>HUBO RECIENTOS DE VOTOS SI NO SOLICITADO POR:</p> <p>EN REPRESENTACIÓN DE:</p> <p>Se contaron los votos por cada candidato y los resultados se anotaron en esta acta.</p> <p>OTRAS CONSTANCIAS JURADOS DE VOTACIÓN</p> <p>FIRMAS JURADOS</p> <p>JURADO 1: JURADO 2: JURADO 3: JURADO 4: JURADO 5: JURADO 6:</p> <p>PAGINA 03 DE 03</p>	<p>REGISTRADURIA</p> <p>DEPARTAMENTO: ANTIOQUIA MUNICIPIO: MEDELLIN LUGAR: ZONA: PUESTO: MESA: DISTRITO:</p> <p>X 2 - 83 - 00 - 18 X</p> <p>NIVELACIÓN DE LA MESA</p> <p>Se realizó la lotería se procedió a la distribución de las urnas electorales... (text truncated)</p> <p>SE INSCRIBIERON _____ VOTOS EXCEPTOS DEPOSITADOS EN LA URNA</p> <p>VOTOS EN BLANCO</p> <p>VOTOS NULOS</p> <p>VOTOS NO MARCADOS</p> <p>TOTAL VOTOS DESPUES DE NIVELACION DE LA MESA</p> <p>HUBO RECIENTOS DE VOTOS SI NO SOLICITADO POR:</p> <p>EN REPRESENTACIÓN DE:</p> <p>Se contaron los votos por cada candidato y los resultados se anotaron en esta acta.</p> <p>OTRAS CONSTANCIAS JURADOS DE VOTACIÓN</p> <p>FIRMAS JURADOS</p> <p>JURADO 1: JURADO 2: JURADO 3: JURADO 4: JURADO 5: JURADO 6:</p> <p>PAGINA 03 DE 03</p>	<p>REGISTRADURIA</p> <p>DEPARTAMENTO: ANTIOQUIA MUNICIPIO: MEDELLIN LUGAR: ZONA: PUESTO: MESA: DISTRITO:</p> <p>X 2 - 83 - 00 - 18 X</p> <p>NIVELACIÓN DE LA MESA</p> <p>Se realizó la lotería se procedió a la distribución de las urnas electorales... (text truncated)</p> <p>SE INSCRIBIERON _____ VOTOS EXCEPTOS DEPOSITADOS EN LA URNA</p> <p>VOTOS EN BLANCO</p> <p>VOTOS NULOS</p> <p>VOTOS NO MARCADOS</p> <p>TOTAL VOTOS DESPUES DE NIVELACION DE LA MESA</p> <p>HUBO RECIENTOS DE VOTOS SI NO SOLICITADO POR:</p> <p>EN REPRESENTACIÓN DE:</p> <p>Se contaron los votos por cada candidato y los resultados se anotaron en esta acta.</p> <p>OTRAS CONSTANCIAS JURADOS DE VOTACIÓN</p> <p>FIRMAS JURADOS</p> <p>JURADO 1: JURADO 2: JURADO 3: JURADO 4: JURADO 5: JURADO 6:</p> <p>PAGINA 03 DE 03</p>

Some examples of the modifications found on the E-14 Delegados forms:

192
1/3
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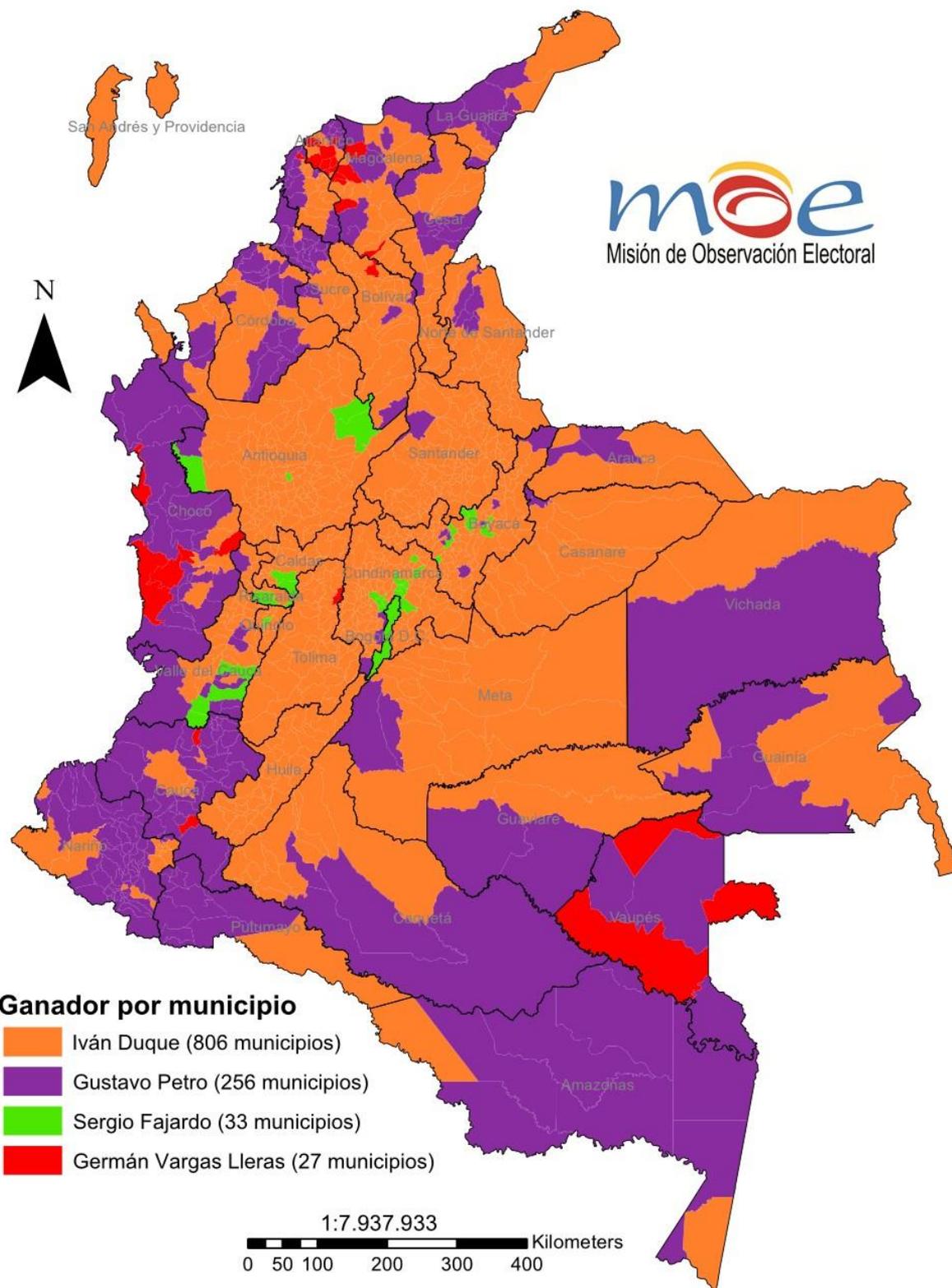
149
- - -
- 27

— 16
— 1
139
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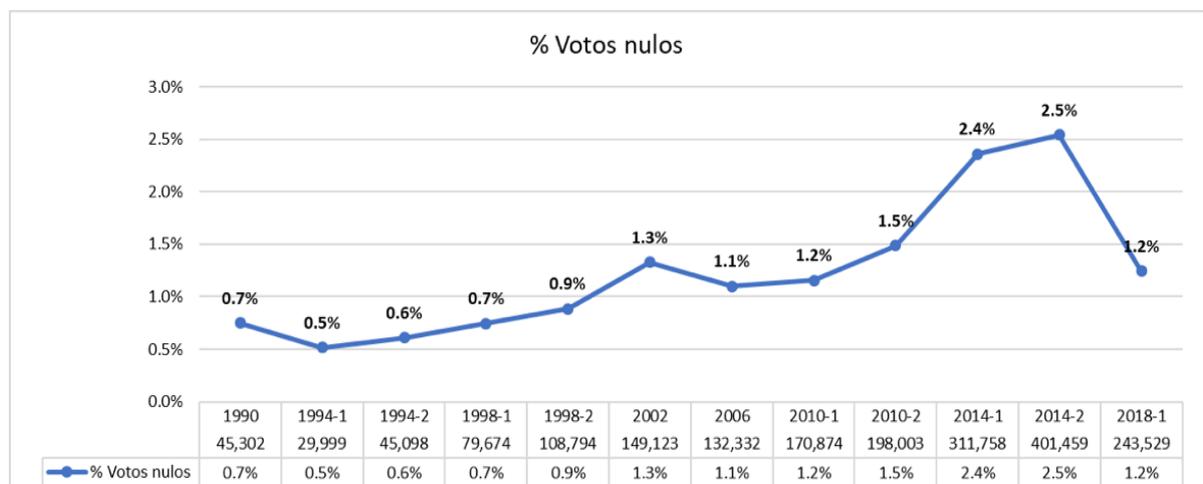
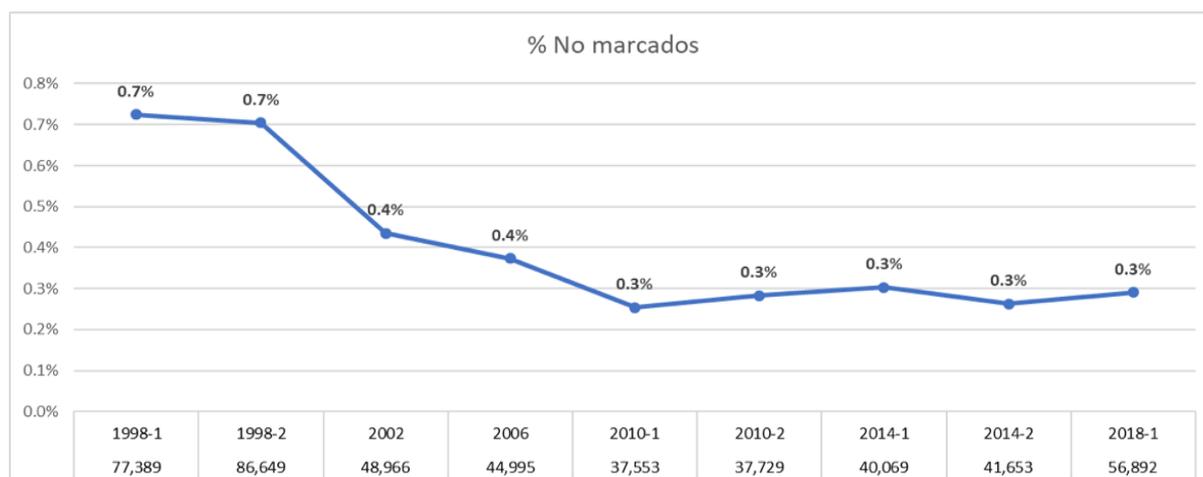
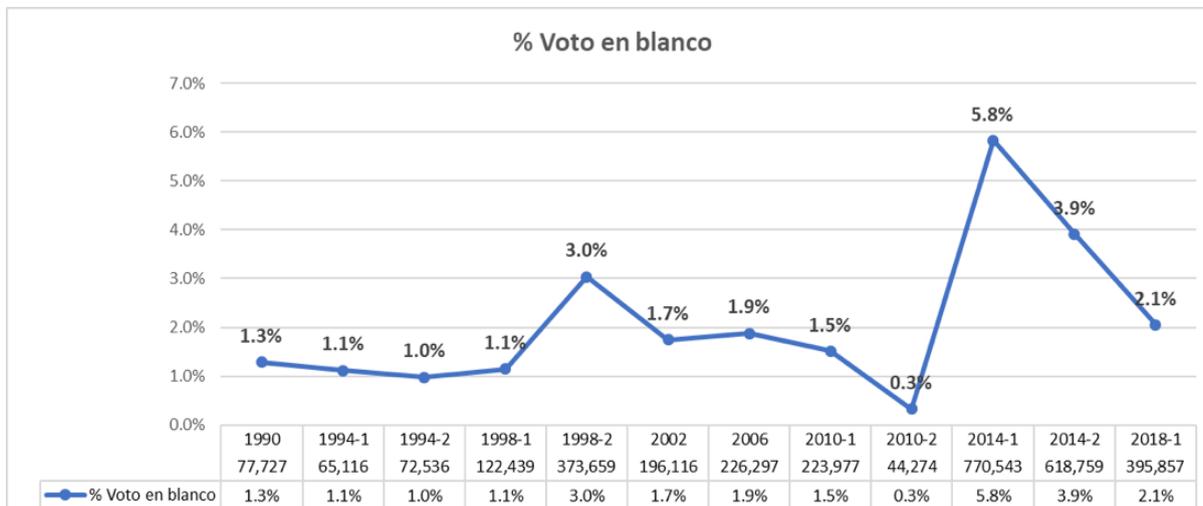
2. RESULTS OF THE FIRST ROUND OF THE PRESIDENTIAL ELECTION

2.1 Results of the first round of the Presidential Election by municipalities



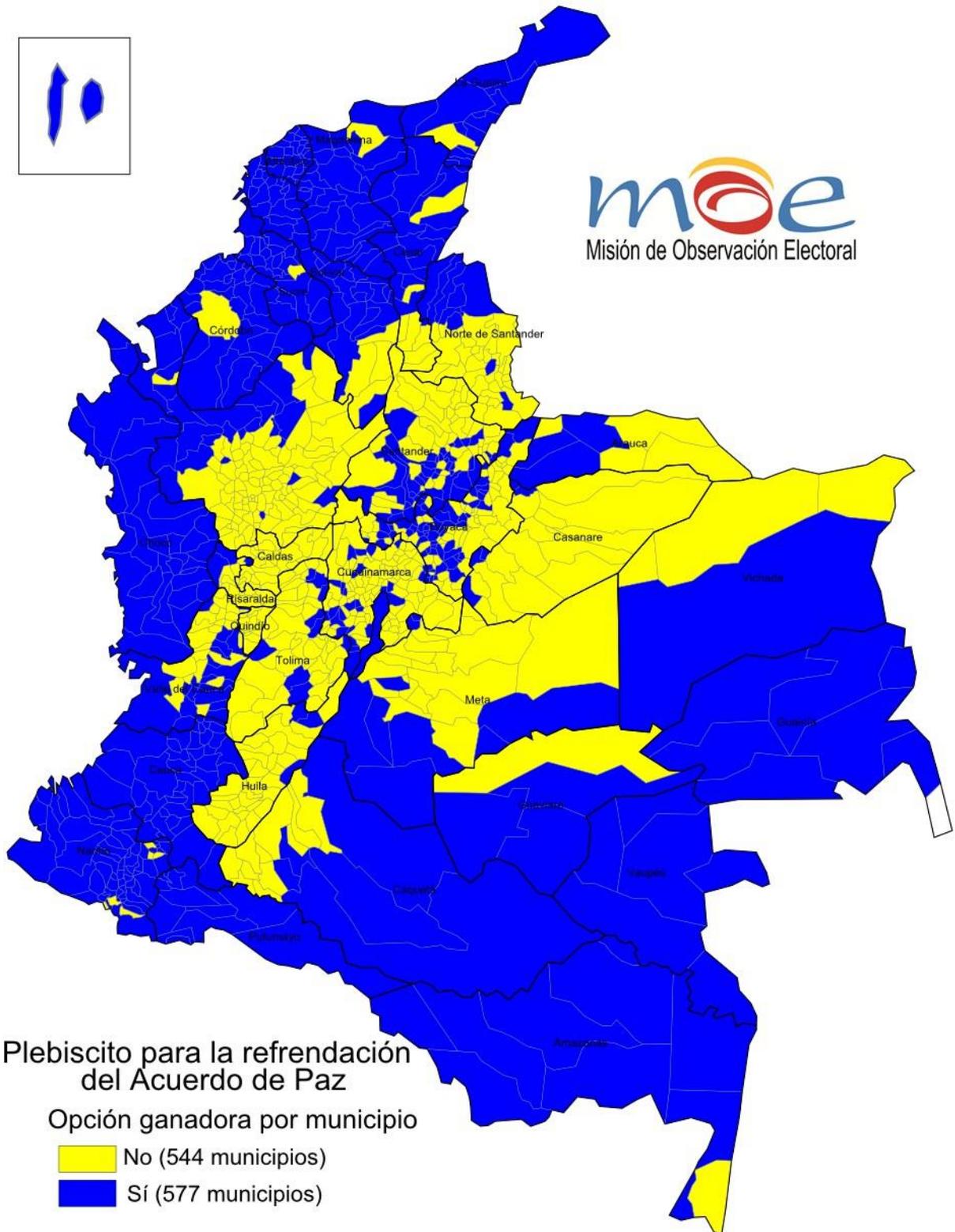
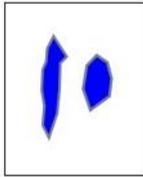


2.2 Evolution of the blank, null and unmarked votes in presidential elections in Colombia





2.3 Results of the plebiscite





3. MOE'S MAIN CONCERNS FOR THE SECOND ROUND OF THE PRESIDENTIAL ELECTION

- **Absence of political debate between the two candidates of the second round of the presidential election**

In the lead up to the first round of the presidential election, the contending candidates had a total of 37 debates. This allowed for the direct communication between the candidates and the electorate and for the display and exchange of proposals and opinions that strengthened the transparency and quality of the democratic process.

However, there has not been a single presidential debate between the two remaining candidates for the second round of the election. This has resulted in right of citizens to have quality and contrasted information about the candidate's proposals to be undermined. The absence of direct common scenarios for them to transmit and compare their ideas has given way to disinformation, the distortion of messages and fake news.

MOE believes that Colombia needs to make progress in the regulation and coordination of presidential elections to guarantee that candidates have to assist to at least one public debate compulsorily and that the media, unions and civil society can participate and contribute in the organization of these events to increase their impact.

- **Disruptions to polling stations due to events of force majeure**

MOE calls on the electoral authorities to make the necessary plans for the relocation of polling stations to avoid events of force majeure from preventing citizens from voting. We also urge them to inform the population about these changes in a timely way and sufficient manner so that they can make the proper arrangements to vote at the polls.

For the first round of the presidential election, voting stations were relocated promptly and effectively in response to worsening climatic conditions and the risk of imminent collapse of the Ituango dam. For this next round of the election, authorities need to make sure that voting stations are in places where they are not at risk of disruption and that the citizenry is duly and timely notified of any relocations.

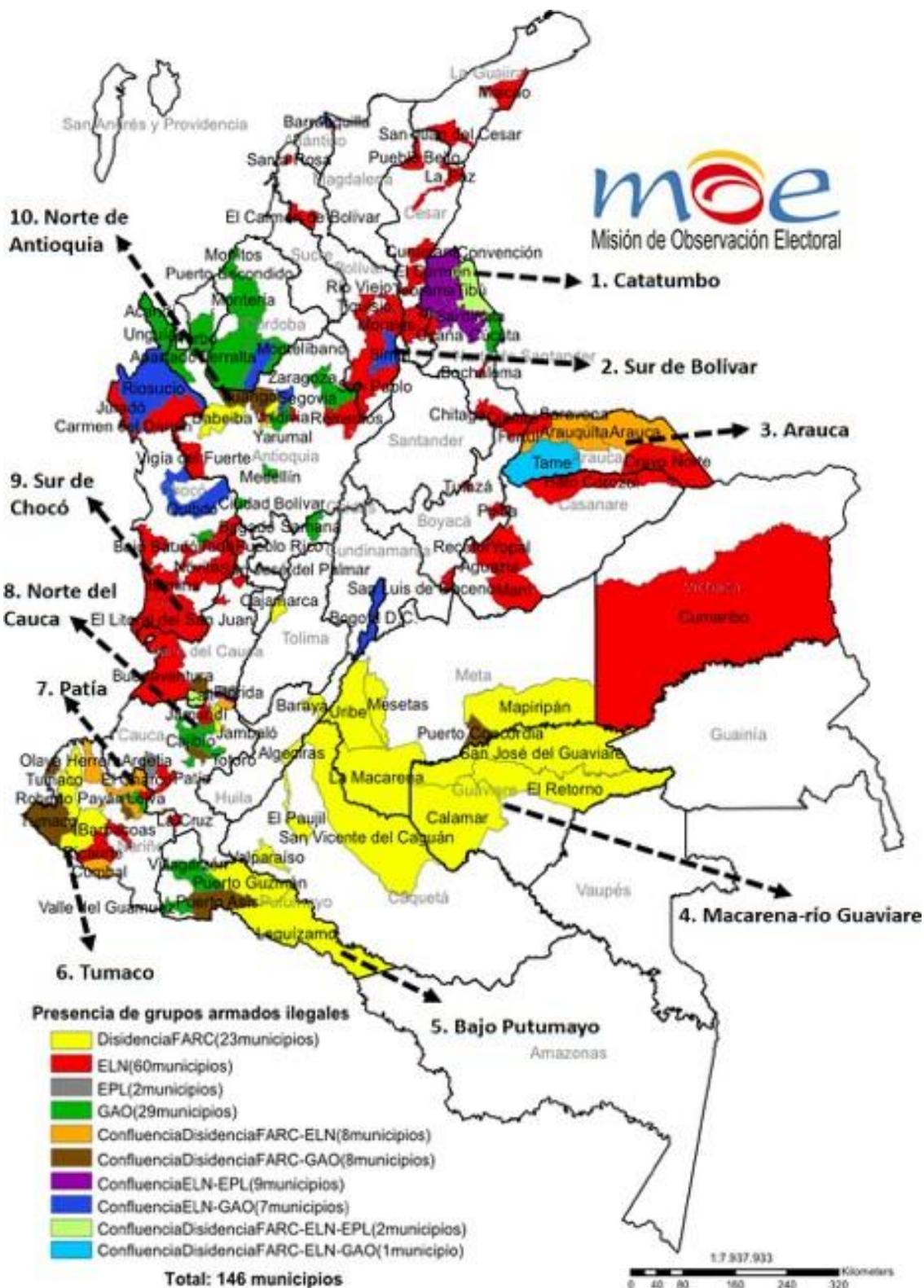
- **Armed groups' activity**

MOE's Political and Social Violence Observatory recorded 23 actions by armed groups in Colombia since the first round of the presidential election up until the 12th of June. These have been reported in 18 municipalities and 11 Departments of the country. These actions included 5 acts of intimidation and 18 belligerent actions.

Illegal armed group	Number of municipalities where there were belligerent actions	Number of municipalities where there were acts of intimidation
ELN	5	1
EPL/Pelusos	3	0
GAO	2	1
FARC Dissidents	7	3
National total	15	4



Map of the Presence of Illegal Armed Groups





MOE calls on authorities to pay special attention to the municipalities of Medio Baudó, Istmina and Condoto in the Department of Chocó from which we have received reports that the ELN and the Clan del Golfo have been exerting pressures to the local population with regards to the electoral process.

Additionally, MOE urges that close monitoring be made of the activities of ELN given that the Western War Front of this guerrilla group affected the elections in Chocó for the last presidential election of 2014 despite having agreed to a similar cease of military actions that the one they have acceded to for the present one (between the 15th and 19th of June, 2018). The municipalities at risk are Istmina, Alto Baudó, Medio San Juan, Sipí, Novita, Tadó, Lloró y Bagadó in the center and south of Chocó.

Another municipality to pay special attention to is Policarpa, to the east of the Department of Nariño, where the local authorities decreed a curfew between the 5th and 13th of June due to clashes between FARC dissidents and the ELN. According to the information reported to the MOE, the situation has stabilized since the curfew period ended.

Lastly, fighting persist between the ELN and the EPL (Banda de los Pelusos) as well as between these groups and the National Army in the Catatumbo. In light of this events, MOE asks for special precautions be taken in this region for the development of the electoral process.

- **Differences between the vote pre-count vs. the final scrutiny**

Taking note of the findings from the study comparing the results of the E-14 forms of the pre-count and Claveros and the declaration of the official results of the past 8th of June, MOE draws attention to the differences between the pre-count of votes and that of the final scrutiny.

The following table compares the data from the pre-count published by the National Civil Registry with 100% of the tables accounted for with the official results of the scrutiny posted by the National Electoral Council (1413 Resolution). On the table you will find that the arithmetic difference between the pre-count and the final scrutiny is only of 6.961 votes. However, the analysis of the variation for each candidate shows that - in absolute terms - the results differ in 130.540 votes.

MOE calls on electoral authorities to give appropriate and sufficient explanations for these variations to improve the transparency and accountability of the democratic process.

Preconteo vs Escrutinio - Presidencia 1ra vuelta 2018

Candidato/votación	Preconteo 100% (RNEC)	Porcentaje Preconteo/ Válidos	Escrutinio (CNE 1413)	Porcentaje Escrutinio/ Válidos	Diferencia	Diferencia porcentual	Diferencia en valor absoluto	Peso % de diferencia en valor absoluto
Iván Duque	7.569.693	39,15%	7.616.857	39,36%	47.164	0,6%	47.164	36%
Gustavo Petro	4.851.254	25,09%	4.855.069	25,09%	3.815	0,1%	3.815	3%
Sergio Fajardo	4.589.696	23,74%	4.602.916	23,78%	13.220	0,3%	13.220	10%
Germán Vargas Lleras	1.407.840	7,28%	1.412.392	7,30%	4.552	0,3%	4.552	3%
Humberto de la Calle	399.180	2,06%	396.151	2,05%	-3.029	-0,8%	3.029	2%
Jorge Antonio Trujillo	75.614	0,39%	65.767	0,34%	-9.847	-13,0%	9.847	8%
Comité voto en Blanco	60.312	0,31%	30.128	0,16%	-30.184	-50,0%	30.184	23%
Viviane Morales	41.458	0,21%	36.138	0,19%	-5.320	-12,8%	5.320	4%
Blanco	341.087	1,76%	338.581	1,75%	-2.506	-0,7%	2.506	2%
Votos válidos	19.336.134	100%	19.353.999	100%	17.865	0,1%	119.637	-
Nulos	243.645		242.002		-1.643	-0,7%	1.643	1%
No marcados	56.935		47.675		-9.260	-16,3%	9.260	7%
Total Votos	19.636.714		19.643.676		6.962	0,035%	130.540	100%

Margen de error: los 130.540 votos de variación absoluta representa el 0,66% del total de votos (19.643.676).



4. CHALLENGES AHEAD

4.1 Anti-corruption consultation

The next 26th of August, an Anti-corruption consultation will be held in Colombia for citizens to vote on 7 specific questions regarding measures to be implemented to promote more transparency and accountability in the elected bodies of government.

MOE will participate actively to involve and engage the citizenry in the process and to advocate for policies that will improve democratic governance in Colombia.

4.2 Territorial Development Programs (PDETs)

The Territorial Development Programs (PDETs) are a participatory planning instrument for local administrations to define the priorities and projects of their period of government through the involvement of the members of their community in municipalities that have been specially affected by the armed conflict.

The PDETs were created as a mechanism to facilitate the implementation of the Integral Rural Reform (Point 1 of the Peace Agreement) in territories that have been the most struck by violence and poverty historically, where the illegal economy is more developed and where institutional weakness is of pressing concern. They were created as a means to rebuild the social fabric of local communities and promote sustainable development through dialogue and the peaceful resolution of disputes.

PDETs are being developed in 170 municipalities grouped in 16 subregions that will formulate their own Action Plan for Regional Transformation (PATR) in a participatory, broad and pluralist manner in the prioritized areas of Colombia.

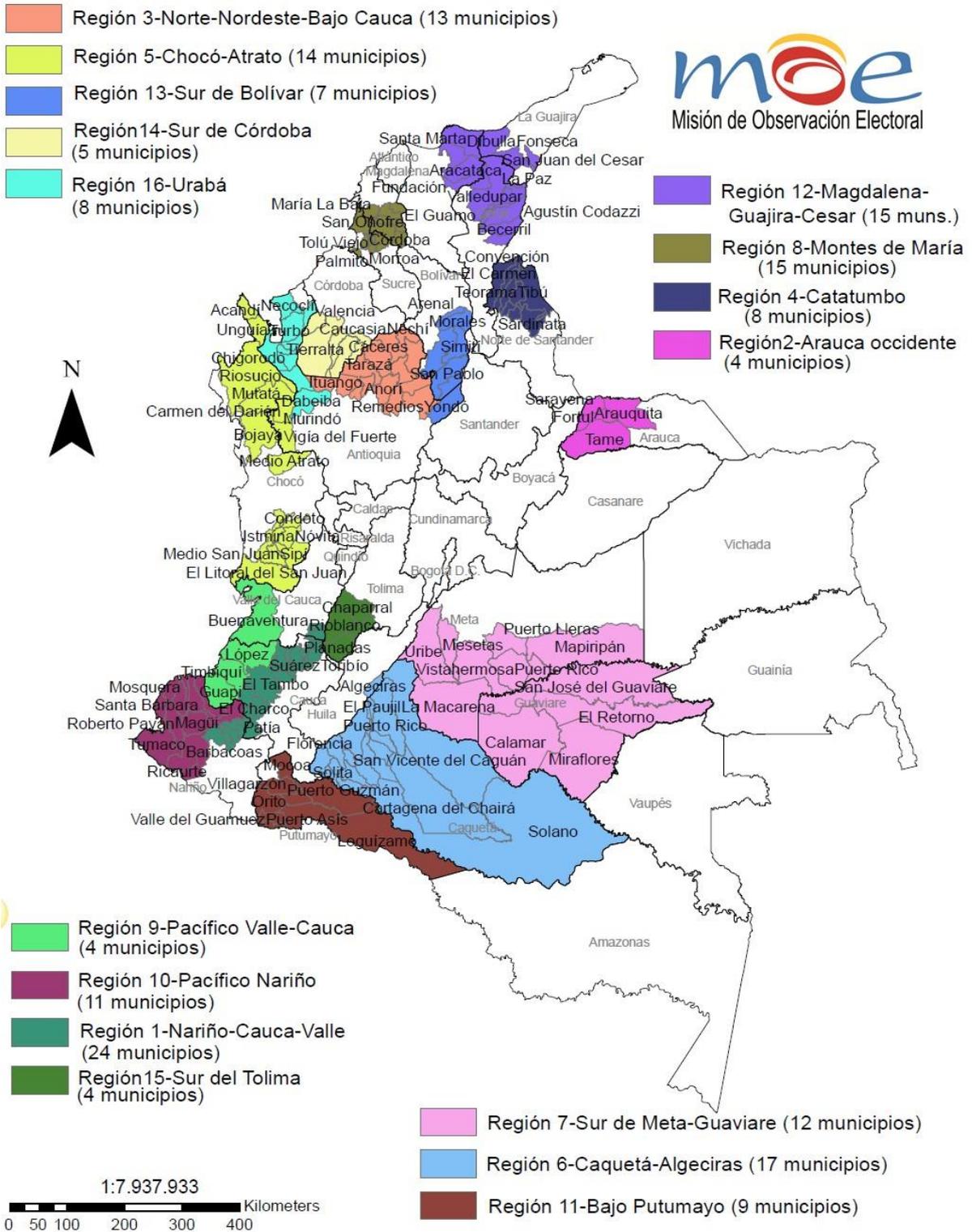
The construction of the PATRs is being conducted in three stages at a district, municipal and regional level. The first stage of the formulation - at the district level - was done between the 19th of September and 13th of December of 2017. MOE has supported these processes through the observation and documentation of these participatory processes in 12 different districts of Colombia.

The second stage of the formulation of the PATRs - at the municipal level - was meant to start during the first half of 2018. However, due to uncertainties concerning the future of the implementation of the Peace Agreement, this next phase has not been scheduled yet.

MOE firmly believes that the continuation of the PDETs is vital for peacebuilding efforts to overcome the armed conflict in Colombia. We hope we will be able to continue supporting the implementation of this instrument through our observation of the participatory formulation of the PATRs to strengthen democratic governance in the most vulnerable and affected regions of the country.



Municipalities in the Territorial Development Programs (PDETs)





4.2 Local elections of 2019

The observation of the legislative and presidential elections of 2018 has allowed MOE to identify risks, vulnerabilities and shortcomings in the Colombian electoral system. These have posed serious and significant problems and hindrances in both electoral processes. However, our concern is that they will deepen and become further exacerbated for the upcoming local elections of next year - in October 2019.

Local elections are, by nature, more complex and vulnerable to the risks, vulnerabilities and shortcomings identified. This means that the possible occurrence of violence and fraud or crime may aggravate, and the situation could escalate if the proper measures and controls are not put in place.

MOE attests to the fact that risk is higher for Departmental and municipal elections because the outcome of those processes is more decisive for territorial control - particularly in areas of conflict where power is being contested by a multiplicity of actors (some of them illegal and/or armed).

Furthermore, the number of simultaneous elections that will take place will also make the process more complex and potentially more vulnerable. In October 2019, Colombian citizens will elect the Governors of the different Departments, the Departmental legislative chambers, municipal mayors, municipal counsellors and the local administrative boards. This sums up to a total of 5 elections taking place at the same time that will define the whole territorial configuration of power for the next 4 years.

Lastly, the scramble for power will be heightened in the local elections. MOE estimates that more than 130.000 candidates will be campaigning to become elected representatives in smaller municipal constituencies. In these types of elections, the difference in the number of votes for each candidate will become much narrower and a margin of error between the pre-count of the votes and the final scrutiny can result in serious tensions if the citizenry distrusts the outcome.

MOE will officially begin its observation of the local election in October 2017 - a year before - to monitor the whole process from the inscription of the candidates, the campaigning, the development of the election day and its aftermath. We call on the international community to pay special attention to this process and support us in our mission to improve democracy in Colombia for this upcoming electoral period.



5. WHAT YOU NEED TO KNOW ABOUT PRESIDENTIAL ELECTIONS IN COLOMBIA

- Colombia has a presidential system. Citizens elect their President and Vice President directly in a single constituency.
- Candidates are chosen through the endorsement of one or more political parties or independent citizen movements.
- The President and Vice president are chosen by an absolute majority of the votes cast.
- If none of the presidential candidates obtain more than 51% of the votes in the first round of elections, then a second round is called between the two frontrunners.
- The candidates that come at the second place during the elections - whether in the first or second round - will be granted the right to have presence in the House of Representatives and the Senate.
- A distinct characteristic of the Colombian electoral system is that if the absolute majority of the votes cast in the first round of presidential elections are blank, then new elections has to be called and new candidates have to presented (this rule also applies to all types of elections). However, the exception is the case of the second round of elections where the blank vote only has a symbolic significance and no binding effect on the process.
- Colombian law does not allow Presidential re-election. Presidents are chosen for a period of 4 years after which they cannot be re-elected again (neither in consecutive or non-consecutive elections).



Map of the Regions of Colombia

