



Written by [Kurt Hyde](#) on October 29, 2019

## Violence Continues in Aftermath of Disputed Bolivian Election

Bolivia's incumbent President Evo Morales of the MAS-IPSP (Movement for Socialism — Political Instrument for the Sovereignty of the Peoples) political party has claimed victory over former President Carlos Mesa. According to [Newsday.com](#), the final vote count shows Morales the winner with 47.08 percent and Mesa having 36.51 percent. Under Bolivian election law, the winner must get either a simple majority or get at least 40 percent of the vote and have at least a 10-percent spread over the second-place finisher. If not, the two top candidates would face each other in a runoff election. The current vote totals would indicate Morales has a 10.57 percent lead, enough to win outright. However, the election results have been disputed, and the disputes are being taken to the streets.



Part of the controversy began before the October 20 election. Since 2009, the Bolivian constitution has allowed the president to serve only two terms, as in the United States. Morales had been president since 2006, and the law was not retroactive, so in essence it allowed him to serve three terms. In 2016, Morales backed a proposed change to the Bolivian constitution that would have nullified the two-term limit. It narrowly failed. In November of 2017, Morales won a decision by the Plurinational Constitutional Tribunal that he had a human right to seek reelection to a fourth term.

A serious concern on the October 20 vote count was raised when Bolivia's Preliminary Electoral Results Transmission system (TREP) was shut down for approximately 23 hours during a critical phase of the election reporting. The Organization of American States (OAS) had an Electoral Observing Mission (OEM) monitoring the election and they documented this in their Preliminary OEM Report:

At 7:50 p.m., at a press conference, the TSE disseminated initial data from the Preliminary Electoral Results Transmission system, or TREP. According to the data transmitted, when 83.85% of the tally sheets had been checked, the MAS-IPSP ticket was in first place with 45.71% of the votes, versus 37.84% for Comunidad Ciudadana. The difference between first and second place was therefore 7.87%.

The report went on to say:

That night the preliminary results were not updated, even though the system had the capacity required to continue processing the tally sheets. At 10:30 p.m., after more than two hours with no further progress reported, the OAS publicly urged the Tribunal to explain why the process had been interrupted and requested that the computerized processing continue uninterrupted.



Subsequently, the President of the TSE announced that she had suspended transmission of preliminary results in order to avoid confusion, because the final count had already started. Another explanation was that the initial goal of the TREP had been met, which was 80% of the tally sheets counted, and therefore the TREP process could be deemed completed. On Monday, the Mission met with some members of the TSE, who then came up with another explanation, alleging technical issues. In the almost 24 hours during which the system was suspended, the TSE was unable to give citizens an accurate explanation.

The interruption of the TREP raised tensions on the streets. Mass marches began to the departmental tribunals. OEP personnel, international observers, and the security forces were attacked.

After 23 hours, at 6:30 p.m. on Monday 21, the TREP resumed. With 94.7% of the tally sheets checked, the new preliminary data assigned 46.42% of the votes to the MAS-IPSP and 37.06% to Comunidad Ciudadana, a gap of 9.36%.

Mesa reportedly urged his followers to conduct peaceful protests. Unfortunately, the peaceful demonstrations were soon marred by violence. Some people in the United States who have relatives and friends in Bolivia have forwarded photos and videos of the peaceful demonstrations turning violent when the pro-Morales demonstrators arrived on the scene, especially when the Ponchos Rojas (Red Ponchos) arrived.

The violence reportedly interfered with vote counting as well as the ability of election monitors to witness the process. The Preliminary OEM Report from the OAS monitoring team noted:

There were very serious incidents in the vicinity of the departmental tribunals of La Paz, Cochabamba, Chuquisaca, Potosí, Oruro, and Beni, which forced a suspension of the final counts in those departments.

In Potosí, Pando, and Tarija, the Departmental Electoral Tribunal (TED) infrastructure was burnt down, as were the installations pertaining to the Civic Register in Potosí and Chuquisaca. Under those circumstances, the Mission had to call in many of its observers for their own safety, which meant that the EOM could not be present when counting resumed.

Adding to doubts over the election's validity was the resignation of a member of Bolivia's Supreme Election Tribunal. On October 22, Antonio José Iván Costas Sitic, vice president of the Supreme Electoral Tribunal, resigned, citing the suspension of the reporting of the results via the TREP system, adding that such action raised doubts about the election results and led to serious political unrest.

At this point, it is unclear if the Bolivian election will stand or if the election will be audited by international observers. The OAS observers have by their own documentation noted that certain election offices have been burned down and some of the vote counts were not monitored because the observers were evacuated for their own safety.

### **Lessons for American Elections**

Most American elections have been settled in relative peace because they were held in the open. Anybody was allowed to walk into the polling place and watch. There was no need to apply for permission to be an election observer. The vote counts were required by law to be open to the public, and the results were public information immediately, at the precinct level on upward. In those states where there were voter registration lists, the lists were public information and the last day to register before an election gave ample time for verification. Absentee voting was either not allowed at all, or a



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valid reason for an absentee ballot was required. The final arbitration of a disputed election could be decided locally. Any suggestion that an international body should be the final authority of an American election would be ridiculous. The federal government was usually obedient to the U.S. Constitution and its prohibitions on interfering with the states' right to run their elections.

But American elections are changing. Virtually every statement in the preceding paragraph has been gutted in many states. In most states, it is now illegal for a citizen to just walk into a polling place and observe. In some states, the process to become an official observer has been made more difficult. The vote counts are typically done inside electronic equipment and, in many cases, there is no paper trail, and the necessary process for actually comparing the results to a paper trail are nonexistent or difficult and cost-prohibitive. Adding to that, rather than relying on immediate public disclosure of election results, technology is being used to encrypt the election results, supposedly for "security" purposes. People trying clean up voter registration lists in order to eliminate or prevent vote fraud frequently find themselves bogged down in lawsuits. And there are even suggestions that international "observers" should be placed in positions to pass final judgement on American elections. The federal government, acting through the federal courts, is increasingly interfering with American elections and the U.S. Congress, passing such unconstitutional legislation as Motor Voter, HAVA, and the MOVE Act, is also contributing to the downhill slide of American elections.

And while American elections are generally free of mass protests and/or violence, a few American elections have erupted into violent protests in the past. Most notable was the territorial election in Kansas on March 30, 1855 where the question of slavery was on the ballot and the results were disputed, which led to a precursor to the American Civil War known as Bleeding Kansas.

What is happening in Bolivia right now is horrible. We must repeal many bad election laws and reverse bad court decisions or we'll see the same thing happening here.

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