

Juan Ignacio Garcia, Director of the Electoral Service:

**"The Service Has been
Characterized by a
Technical, and Not
Political, Nature".**

First of all, let me thank all of you for this opportunity to tell you about some of the more important aspects of the Chilean electoral system and what we, as the Electoral Service, are doing for the upcoming plebiscite.

Let me warn you that I am not a politician. And I will make no political affirmations of any type because my present status is that of a technical employee who acts according to the law and in the interest of all.

Basically, the Electoral Service, which presently I have the honor to direct, is an autonomous service and the continuation of the former Direccion de Registro Electoral which existed in Chile for sixty three years. Prior to my directorship only three people have held this position throughout its entire history. This clearly shows that the service has been characterized by a technical, and not political, nature.

Presently the Electoral Service is concentrating its efforts in three different areas:

1. Electoral registration of Chileans and aliens, which I will refer to later in more detail.

2. Registration of political parties

3. Organization of plebiscite, or of any other popular electoral act held in the country.

I would like to briefly describe each of these areas, and in order not to tire you with details I will be glad to answer

questions on any of the aspects that I will be touching on. with the requirements mentioned above. This is very important for us, and let me point out that there are very few countries in the world

Electoral registration is an expeditious system in which any Chilean over 18 years of age, even if he or she is illiterate or blind, can register at a "Junta inscriptora" (registration site) that corresponds to his address by simply presenting his identification card, address, profession, etc. Aliens over eighteen, who comply with the requirement of residency in the country for over five years, can do the same. Residency certification is available to aliens in the respective Intendencia or Gobernacion prior to having obtained a report from the Departamento de Extranjeria (Immigration Office) of the Ministry of the Interior. It is a certificate that can be obtained in less than thirty days. Over 8000 aliens have already carried out this procedure.

Chilean and aliens, I repeat, manually register in two identical books by filling in their complete name, address, etc. This is an extraordinarily positive figure for the country at this moment.

Why two books?

One of these books remains in the local electoral file at the provincial level of the "Juntas electorales" (electoral boards) that are composed of judicial employees. On the day of the plebiscite this book will be in front of you on the voting table. One of its advantages is the fact that it will be available at both a regional and local level prior to the election. But on the day of the election it will be on the table where the votes will actually be received.

The second book, which is identical to the other one, and which also has the fingerprints and signature of the citizen will be in the office of the Electoral Service. We have a head office in Santiago and five regional ones throughout the country. At all six levels registration data pertaining to all aliens and Chileans registered in the country is computerized. Also, let me remind you that both Chileans and aliens are enrolled in the same register, not in separate ones as in the past. Remember that in the past aliens enrolled in a different register from the Chileans, and only voted in municipal elections. For the first time in our history aliens will have the same rights as Chileans and can participate in any type of

election, plebiscite or presidential, when they comply with the requirements mentioned above. This is very important for us, and let me point out that there are very few countries in the world that grant this benefit to aliens.

If we surpass the 6.3 million mark it will be the highest registration in the history of Chile. The processing of data carried out in Santiago and provinces allows us to quickly detect any double or false registration or a mistake in the form of a false or erroneous document if that be the case. It is a fast efficient system designed by UNISYS and which has allowed us to do the job properly.

Acceptance

When asked *registration* just how the electoral population is divided, in very general terms I can tell you that present I think the electoral system is being accepted. When it started, no one made a big deal about the number of people registered in a year. But now, after a year, and as of April 30, 1988, we have registered over five and half million people. This is an extraordinarily positive figure for the country at this moment; but we have not yet reached the optimum limit.

But what is that limit? Let's analyze some figures. We have a potential population of over eighteen, according to the Instituto Nacional de Estadísticas, of 8,073,000. Now of course, it would indeed be extraordinary if the entire Chilean electoral population over eighteen years of age would register. Historically 20% of the Chilean electoral population has not registered during all elections. For example, let me remind you of a concrete figure in order to make this comparison, in 1973 during the congressional elections there was an electorate potential of 5.5 million people. Nonetheless only 4.5 million registered for that congressional election; one million Chileans did not. However, it was a critical time in the history of our country, and of those 4.5 million that registered only 3.6 million voted. If you make a simple mathematical calculation you will prove to yourself that a high percentage of the Chilean population did not go to the polls nor register. Importance of civic education at a school level. Civic education amongst young people today needs to be strengthened.

Indicators seem to be showing that this could happen again on this occasion. And even if history does not repeat itself the figures could be very close to those I just mentioned. If we

calculate those 8 million people that can register, historically, in order to compare with the 4.5 million registered in 1973 we will reach a figure of 6.3 million people. This is more or less the highest figure that has ever been registered. If we surpass the 6.3 million mark it will be the highest registration in the history of Chile. However we think that we are going to reach, if you take into consideration that we are at the figure of 5.5 million, based on the tendency we have observed, then registration figures can be much higher.

Divisions

Another often asked question is just how the electoral population is divided. In very general terms I can tell you that presently the number of women, who were a bit lazy when registration opened, has almost reached that of men. At the start the figures were 60% men and 40% women. Today they are 50% and 50%. Why do the women take their time in registering? I think that in general, women are more cautious when it comes to political decisions, but when they take them they are good ones. The female population in Chile is higher than the male, especially in electoral terms. So in the future we will probably have a larger feminine vote.

If you divide the groups registered to date by age we come across a very curious situation. Practically 70% to 80% of the group over fifty are registered. This is not the case with the sub 30 group, which to the date is the slowest and most reluctant to register. For example, if we consider the group between 18 and 24 we will find that only 55% have registered. In spite of the fact that it is the strongest electoral group in the country, it is the one with the less number of people registered. What explanation does this have? There are many, but none are natural. Young people have always been slow in registering for elections in this country. This is nothing new. Young people tend to be indifferent as far as the formality of the voting process is concerned. And herein lies the importance of civic education at a school level. Civic education amongst young people today needs to be strengthened.

In general terms, the registration process is being carried out with no great inconveniences. If you analyze the process after

a year or so, with 5.5 million people registered you will see that we have had no major problems nor complaints in respect to the process itself. The system has shown its efficiency and timeliness. Maybe the criticism most often heard is that registration should take place during a schedule more convenient for workers. This suggestion was accepted and we now have approximately 560 juntas inscriptoras (registration sites) that function throughout the country from Monday to Saturday from 9am to 2pm. In other words, there is no corner of Chile where a "Junta inscriptora" (registration site) is not available. We have the capacity to register 50 thousand people a day. And the peak figure we reached has been between 25 to 26 thousand. So our capacity has responded.

This is the primary task of the electoral service. The system has been accepted. Enrollment has been significant and we expect it to continue. The primary objective of the service has been adequately met.

Party Registration

The second task is the registration of political parties, which is not new to the system either. Don't forget that in our former electoral law political parties had to register also. In other words the system is not a new one. What is new is the increase in the number of signatures in order for the party to be officially recognized.

A short description. A political party is formed very simply in Chile. For example, 100 people, who must be enrolled in the electoral registers, get together. They must then produce a public document in which are stated the principles and statutes of the party being formed. The statutes are then sent to the electoral service which has a certain amount of time to analyze whether they comply with the Political Party Law. Once the Electoral Service accepts the application it is published in the Diario Oficial "Official Gazette" and the party from that date (of registration) has 210 days (7 months) to collect a certain number of signatures according to the number of regions in which it wants to operate.

For example, a political party that wants to operate at a national level will need 33,500 signatures. If the party only wants

to participate in some regions the number of signatures will be smaller. A party that only wants to participate in the South of the country will only need 3,000 signatures. However, let me repeat, this is nothing new to the system. In 1962 6,000 signatures were needed to form a party and before that date 3,000. Although this has been permanently criticized, it has definitely been accepted by the parties and now 15 parties are formed, or are in the process of doing so. Of the 15 practically 7, or more, are enrolled in the political party register.

When is a party officially registered? Once the party, with the number of signatures reaches the Electoral Service they are checked by computer to make sure nobody has signed for two parties. From the date of registration the party enjoys certain important rights in the electoral life of the country such as having "apoderados" in the "Juntas inscriptoras", at the voting tables (polls) and in the vote counting colleges in the provinces. Also the party will have access to free propaganda in the future and the right to present candidates in the upcoming parliamentary elections. Another important aspect of this process is the defining of territory in view of the fact that the party can only present candidates from those regions where it is registered; not from those where it is not.

To date this is the status of some of the political parties: Partido Renovacion Nacional and the Partido Democracia Cristiana in the entire country, Partido Humanista (in a few regions), Partido Nacional, Partido por la Democracia, Partido Avanzada Nacional, the process has not been completed. Even though the applications of the Partido por la Democracia and the Partido Avanzada Nacional have been accompanied with signatures from all of the regions. Partido Democracia Radical in three regions, Partido Radical de Chile in eight regions, Partido del Sur with signatures from three regions, a faction of the Socialist party, headed by Juan Carlos Moraga, also in three regions and others that I cannot recall. Also there are a few with no signatures and which are just starting the enrollment process such as the Partido Liberal, el Partido de los Verdes, and the Partido Democracia Nacional. This political scenario ranges from the left to the right with registered political parties covering the entire political spectrum of the country. The Communist Party, as such, is not registered according to Article

Eight of the Constitution.

The fact that the Law on Political Parties forced the parties into a regional internal structure has been criticized. For example, this law makes parties hold internal councils and democratic elections at a regional level in order for authorities to be elected by all members. To some extent this was criticized when the law was first enacted in view of the fact that the traditional structure of Chilean political parties was fundamentally based on central boards of directors in Santiago. Now political parties, for good or bad, must have regional structures and regional internal elections in order for authorities to be more representative. This, national and regional party elections, is an important change (in the) in the political structure of the country. Of course this has resulted in competitive elections within parties which has caused a certain degree of internal division, which in the past did not occur very often.

The third task, and perhaps the most complex, is the organization of the plebiscite, or any other electoral act held in the country. Until last month we did not have a legal instrument with which to carry it out. On (falta fecha) Law of Votes and Counting of Votes was published in the "Diario Oficial" (Official Gazette). For those of you that are familiar with our electoral service the law enacted reflects the Chilean electoral tradition. To those of you who have voted in Chile, the system is much like the previous one: in fact it is almost an exact copy. If you compare the text of one with the other you will find that they are identical.

popular

May 6,

What are the bases of this law? The guarantees it furnishes? First of all let's look at the ballot. In Chile it is called "cedula unica" and is prepared by the Electoral Service, according to a system that uses a type of non-transparent paper so that the choice made cannot be seen through it. It is also folded and the edges glued together. It offers maximum guarantees to all voters.

The ballot, as designed for the forthcoming plebiscite, is also very simple. On the top it will read, "Plebiscite. President of the Republic". Below the name proposed by the Commanders in Chiefs

of the Armed Forces the words "Si o No". Under the "Si" a line and under the "No", another one.

The Question

Many people are asking what is the question of the vote? There is no question. The question at hand is simply the name of the person. That is all. This is the ballot that will be used in the plebiscite.

How does one vote? One goes to a vote receiving table (poll) according to his or her voter registration which determines where a person will vote with one's identification card (for aliens or Chileans), which is the only document required to vote. When that identification card is accepted the voter signs, or fingerprints, if he does not know how to write, a book of signatures. When the ballot is given to the voter the president of the table writes down the number of the ballot stub. The ballot has a stub with a detachable number in series. The ballot is given to the voter with the stub for reasons that I will explain later. The person then goes into a booth, votes, folds his vote, leaves the booth, and gives it to the President. At that moment the President detaches the numbered stub. Why? In order that the person who took the ballot to the Chamber return with the same ballot to the table. This is to avoid a practice, the changing of votes in the booth, which took place in the past. This system that will be used in the plebiscite allows the voter to return with the same ballot. But this does not mean that the ballot is numbered because many people consider this to be cheating. The vote is not numbered. The stub is, in order to prove what I have just pointed out. The stub is kept in a special envelope and the ballot is returned to the voter and he or she deposits it in a ballot box with the side facing the voter transparent. Why? To allow the elector when depositing the ballot to actually see that in fact it is entering the box and not in another one, or one with a double bottom. After depositing the ballot the voter goes back to the electoral table and picks up his identification card that is on the table. But before withdrawing it, for more security and peace of mind that there was no "double voting" the voter will place ^{his} ~~his~~ index finger in a jar of indelible ink.

Tampian

As you can see the voting process meets the requirements of publicity and secrecy. Why publicity? Because this process will be carried out before five "vocales" and "apoderados" of the parties that are enrolled in the region. If there are 15 parties we would have fifteen apoderados plus 5000- vocales of the tables where the votes will be received. In other words the act will take place before a large group of people.

poll
watchers
polling
officers

Now, all political parties are not going to have the opportunity of having "apoderados" at the tables but we could perfectly well have 4 or 5. Who are the 5 "vocales"? And here lies a doubt that needs to be cleared up immediately. The law has established a system of "vocal" designation similar to that which has existed always in Chile. Each registration book where voters are enrolled consists of 350 names. Of these 350 names, the electoral board selects 15. The members of the electoral board are the conservador de bienes y raices (real estate curator) of the province, the Judge of the Court, and the public defendant, three judicial employees. These three people select 5 names each from the 350 and the 15 names chosen are placed in a bag from which 5 are selected. This is the system that has traditionally worked in Chile. Many people would have preferred that the 5 names be drawn from the total of 350 but that would have called for a long list of people. For example, the illiterates, armed forces, electoral and judicial employees. It would have been a long and drawn out process to select people from this list that do not qualify to be "vocales". The system of drawing of lots in a certain manner is directed because the electoral board will have to select the fifteen names at its discretion. And here appears a problem of confidence in the system. This electoral board has had this job since the beginning of the Chilean electoral system. It has always been this way. But that the system has worked, it has worked.

polling
officers

If we briefly analyze the people who make up the electoral boards: el conservador de bienes y raices (real estate curator) who is a public notary, a trustworthy person, a traditional minister of faith in our Chilean system. This person is not going to make an arbitray or fraudulent assignation, nor the other judicial employees. Many ask whether these judicial employees are independent. Of course they are. All of you know perfectly well that the Chilean system has a judicial system in which judicial

designations done according to suggestions made by the judicial power itself. The executive power does not designate judges nor court ministers; but must propose the names to the judicial structure. In other words a list of three or five people to the Supreme Court. But the designations themselves emanate from the judicial power. Although the decree actually naming them is endorsed by the executive all of the process prior to this is derived from a decision made by the judicial power. So it is not right to say that these judicial employees are designated by the government. Now if we mistrust this particular aspect of our judicial system we are doubting in our own institutional structure based on the separation of public powers. In this sense the designation of "vocales", analyzed from this point of view, offers no doubt as to whether it is correct or not.

Returning to the subject at hand, these five vocales receive the votes and of course they can be members of political parties. There is nothing wrong with this. Theoretically speaking, the case could arise where the five vocales could belong to the same political party. This is a problem that needs to be pointed out ahead of time and if it does occur measures can be taken to rectify it. The "apoderados" are in charge of this and they will have to take special care so that everything functions properly at their table. This is the Chilean system.

Now, in reference to the question of publicity: how is the counting of the ballots carried out? The counting is public. Once the process, which lasts between 9 to 10 hours, is over the voting table is closed. Each table corresponds to a register book. That is, each table is going to have between 300 to 320 voters. Once the voting is over, around 6 or 7, in the afternoon the table closes and the ballots are counted. The ballot box is opened the ballots are separated and publicly counted as "si" or "no". Publicly. Immediately. ~~They are counted three times.~~ The result is handwritten by one of the vocales in the register in which we have all enrolled. There is a blank sheet at the end of each book to write down the first counting of the table. The second count is sent to the Electoral Service, and the third is taken by the President of the table to the Provincial Ballot Counting College where a recount and analysis of all of the tables under its respective jurisdiction.

years. It is hard to commit fraud in a Chilean election. Why?

Because During these countings any "apoderado" of a political party can make observations in respect to the vote regarding rejection or annulment. In this aspect the system is transparent. Also at the Counting College a political party can also make observations. And finally on top of all of this there is third counting stage carried out by the Terminal Calificador de Elecciones, the superior Chilean electoral organism in Santiago that is composed of three ministers of the Supreme Court and a lawyer also designated by that court. This tribunal is the one that carries out the final recount and also analyzes all of the electoral claims made throughout the country. This is an open system to complain and it is due to this that they are many claims made. If the claim is made before a local court it reviews the proof but does not pass sentence. The dossier is then sent to the "tribunal calificador" in Santiago which will decide if the votes need to be counted again. Political parties can also participate at all levels of the vote counting process. They are the natural control (fiscalizador) of the system. This "tribunal calificador" is also my superior as far as any decision I take regarding administrative issues is concerned. For example all of you saw in the newspapers that the decision of the Electoral Service in respect to the Partido Radical was contended to the Tribunal Calificador de Tribunales, which today is functioning. In other words the Tribunal Calificador ~~de~~ Tribunales is not an abstract legal organism but an existent, effective, and functioning organism.

Qualifying
Court
if election

not

From the point of view of the electoral system in Chile, I think that the voting system is based on the traditional principles of publicity and equality for all. Publicity because the entire system is public. And equality for all sectors because they are all entitled to participate. When analyzing any electoral system in the world one must look for publicity and equality. These two essential elements are clearly established in our system, and it is because of this that objective people who have analyzed our system have not made any substantial criticism.

Parties who have asked for it. I don't think that many countries can say they do this.

Fraud

The data on a computer screen is also available to the public.

In Chile, traditionally, voting has been correct, not fraudulent. I have a lot of experience in this matter, as you can see from my curriculum, and I have seen many elections over the

years. It is hard to commit fraud in a Chilean election. Why? Because of the amount of people that participate, approximately 300,000. And to commit fraud they would all have to be in agreement. This is difficult.

The fraud of 1973 is a different case. How did it happen? This fraud took place during the enrollment phase-not the actual voting. One of the reasons for the fraud was that in that time registration was carried out by means of an identification card that is different from the one used today. Today's identification card technically offers more guarantees than the one in use in 1973. The photograph is printed on it and it has other characteristics which make it difficult to tamper with. The previous identification card had a photo attached to it which was easy to adulterate. Also it was issued locally, so a person could obtain more than one card depending on the circumstances. Now I am not saying that it was a generalized fraud only that the previous identification card was easier to adulterate than the one now in use. Also in the previous electoral registration was carried out before a public employee, a civil official, who also issued the identification cards. How has this system been corrected today? The electoral board is made up of everyday citizens, ~~just like us~~, not public employees or subject to Electoral Service control.

Computers

Many experts in this particular field have found the Chilean electoral process to be one of the best in the world. Over three hundred people including journalists, congressmen, etc. of all nationalities have studied it here in Chile, and sincerely no one has had a critical view of our system. Also the use of computers in the system makes it transparent because a computerized list of the voters registered is available to any one who wishes to analyze or investigate it. To the date hundreds of lists have been sold, at cost, to many citizens and political parties who have asked for it. I don't think that many countries can say they do this.

The data on a computer screen is also available to the public and the parties for further cross checking. This guarantee given by computers in the form of access to information is another reason why I think that the system is fraud proof.

Segunda Parte

When one begins to distribute electoral information people tend to ask for more and more. And some people have even asked us for a diskette with the lists of voters registered. This is a problem of an excess of information. I think that a public service should only provide what the law establishes that it should, and not an excess of information that could affect the privacy of people. Just think that registration information includes date of birth, address, profession, and other personal data. To what extent can information continue to be given away? This is a point that must be thoroughly analyzed and a final solution arrived at. But what is important in this case is the fact that the electoral service is carrying what the law has established: providing a list of voters registered to whoever asks for it.

In general terms this is what the Electoral Service does. I'm sure I have left many things out. For example, what is the last date for a person to register? A person can register to vote up to the day the President of the Republic publishes in the "Diario Oficial" a decree convoking the plebiscite. On that day voter registration will close in Chile. That very same day. The day that decree is published in the "Diario Oficial" registration will cease. This is a special regulation for this plebiscite. In the case of a regular election registration ceases four months prior to actual voting.

What will happen in the case of absent "vocales" on the day of the election?

Rolling officials

Vocales that do not show up, unless they have a valid excuse, can be punished by law. Of course there are valid excuses such as sickness or being more than 200kms of distance from the polls, or work (suppose a "vocal" is a doctor working in a hospital). The law also says that if a table cannot be constituted, and the law stipulates that it must be eight to ten days prior to election day, then on the same day of the plebiscite it can be by the delegate of the electoral board who must appoint the registered voter who arrives first. That person must assume the responsibility of "filling in" for the absent "vocal". This system is regulated by the law, with the best interests of the country in mind; but these cases

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will be rare. And probably political parties will make sure that their "vocales" show up.

How many hours after the polls are closed will the vote be disclosed and how?

How are the results of the vote made public? The law establishes that for the disclosure of official results the receiving table (poll?) must keep a record, then send the minutes (by means of a special form) to the information office of each poll?. That information, which is also public, is then sent to the governor of the province, and the provincial Vote Counting College, and the Tribunal Calificador de Elecciones. Legally, the results are disclosed the following month due to the claim analysis procedure carried out by Tribunal Calificador de Elecciones.

However, according to Chilean tradition non-official information is processed the day of the plebiscite or election. How is this done? The Governor passes on the information to the Governor, the Governor to the Intendente, the Intendente to the Ministry of the Interior. The Governor has a non-official report that very same day at about 8 or 10pm. Both the Government and the opposition will have access to computerized non-official information.